MONDAY, 22ND NOVEMBER, 1897.

Mr. Patrick Sheridan made a statement, and was examined: I am Native Land Purchase Officer. I think it is a pity that the Piripiri case was brought forward in this investigation, because it is already before the Supreme Court. It has been referred to that Court by the Native Appellate Court, and the Crown Solicitor is quite satisfied that no remedial legislation is required as far as that block is concerned. The deeds are invalid on other grounds, on which there will be no difficulty in setting them aside. Piripiri is nevertheless the first case which drew serious attention to clause 13 of the Act of 1895, and that is why I mentioned it to the Hon. Mr. Carroll. Confirmation under the Act of 1894 was merely intended to take the place of the old Trust Commissioner's certificate, which simply involved an inquiry as to whether the dealings between the parties had been honest and straightforward. The deed might be invalid on grounds entirely outside the scope of the Trust Commissioner's inquiry. I do not think we should make much reference to the Piripiri case, because it is as I have already stated before the Supreme Court. At all events, if the Committee requires much information with regard to it, the Crown Solicitor who has the case in hand should be heard. One case of particular hardship in the Thames District came before the Native Affairs Committee the other day: that is the case of Mr. Tizard. Relying evidently on this clause, he neglected to take the case into the Validation Court. He took it first before the Native Land Court, and there got it confirmed; but when he presented the deed to the District Land Registrar that officer refused to register, and told him that he must go into the Validation Court, but through the Act of 1896 he was in the meantime completely shut out from bringing the matter before that Court. I think, consequentially upon passing this clause, another clause should be added opening the Validation Court to certain people who are in the same position as Mr Tizard.

The Chairman: I think it would be more convenient if Mr. Sheridan would confine himself to facts—that is, to saying how it comes about that there is a necessity for clause 2 of the Bill which we have before us, and which is the subject of our inquiry at present.

Mr. Sheridan: The Government had very little to do with the section of the Act which it is sought to repeal. It was put in in one of the final stages of the Bill when it was before Parliament. It was not in the original Bill as introduced. If the records are referred to it will be seen that it was not put in until the last moment. I am referring to clause 13 of "The Native Land Laws Amendment Act, 1895." The reason why it should be repealed is that it is a monstrous clause; under it any Judge might confirm transactions, no matter how bad or involved they might be. It gives the Judge complete power. The District Land Registrar of Auckland has in Mr. Tizard's case declined to register notwithstanding confirmation, but other Registrars may not take the same view of similar cases. As long as that clause remains upon the statute-book, if it has the meaning which some persons assign to it, there is no necessity for a Validation Court.

Hon. J. Carroll: Does it give the Native Land Court powers exceeding those given to the Trust Commissioner?—No; I do not think it does. It gives the Court power to confirm.

The Trust Commissioner cannot give a title?—No.

But this gives a title?—Yes; that I believe is the contention.

The Chairman: I understand you to say that the power of confirmation is so great that the persons who are aimed at by section 2 of this Bill will have a valid title. If you read section 2 of the Bill now before us you will see that section 13 of the Act of 1895 is repealed. Would the passing of that clause do away with the titles which accrued under the Act of 1895? It says, "from the passing thereof"; would not the same effect be produced if it were after the passing of this Bill?—No.

Why is that?—There is no doubt that the presence of that clause has led to much litigation already, and so long as it is there it will continue so to do.

That is to say, rights have arisen, and are likely to be arising?—I cannot say; but the clause should go out, so as to prevent any more money being spent on useless litigation.

Hon. J. Carroll: When did the Piripiri Block pass through the Native Land Court?—In 1870.

Under what Act was the title given?—Under "The Native Land Act, 1865."

How many Natives were in it?—There were ten; by mistake two names were left out of the title.

That is to say, in the official manufacturing of the title, two names were omitted—that is to say, when the Crown grant or certificate was made out?—Yes; it occurred in this way: the order was written on the bottom of the page, and two of the names were on the top of the next page. The clerk in making out the certificate accidently omitted those last two names.

Was that accidental omission rectified afterwards?—Yes, it was. In the meantime the land was dealt with, and Guy and Rathbone got a lease of it, for twenty-one years, from the eight Natives whose names appeared in the certificate. The two Natives whose names were left out dissented. It was in 1886 that Guy and Rathbone got the lease for twenty-one years from the eight Natives; and when the two other Natives whose names did not appear in the certificate dissented, the case was taken into the Supreme Court. The Supreme Court made a decree declaring, in effect, that the two Natives who had never signed the deed were bound by the lease.

The omission which occurred in the first instance in the title was rectified afterwards by the acknowledgment of the rights of the two Natives whose names had been omitted?—Yes, when the land was dealt with under "The Native Equitable Owners Act, 1886"—that is, in 1892, when the Court changed the ownership from ten to 120, including the two omitted from the first order.

In making the new order, did the Native Land Court reserve all existing rights, whether by way of lease or otherwise?—All leases are protected by "The Native Equitable Owners Act, 1886"; an order of the Court for that purpose was therefore unnecessary.

The order of the Court did not affect the position of the lessees, but it altered the ownership?—Yes, from ten to 120.