

*Hon. Dr. Grace* : The contention is that the decision of the Judges of the Native Land Court was an illegal decision?—Yes, that is the contention.

As the law stands at present, is it held that there is no appeal from a decision of that Court validating a transaction which is held to be illegal?—There is now no appeal, the time for appeal having long since expired. When another batch of signatures came before the Native Land Court, the Crown opposed their confirmation. The Court refused to confirm the second batch. The lessees have appealed to the Native Appellate Court against this refusal, and that Court stated a case for the Supreme Court, which is now under consideration.

Your argument is that, as this case is pending, there should be no repealing legislation in this respect—in fact, that there is no necessity for this clause. You say that there is no appeal from the decision of the Native Land Court, and yet it appears that there is an appeal in this case to the Supreme Court?—What I said was, that, as the time had been allowed to elapse with regard to the first batch of signatures, there was now no right of appeal. The first lease, of 1886, is not called in question.

*Hon. T. Kelly* : Are there any other blocks concerned under this 13th section of "The Native Land Act, 1895"?—I have mentioned the case of Mr. Tizard. He has lost his chance of going into the Validation Court.

Will any other persons be injuriously affected by that clause besides Mr. Tizard?—I am not aware of any other cases.

Then there is no reason why that clause should not be repealed?—Not as far as Piripiri is concerned, but the clause is a very dangerous one.

*Hon. J. Carroll* : How did that clause get into the Act?—I have already explained that it was put into the Bill in one of its final stages in the very last days of the session.

*Hon. T. Kelly* : It escaped the notice of the Government?—No; I cannot say that. It did not escape notice altogether, but its effect was not clearly understood.

It gives a title which was never intended?—It gives a power to the Native Land Court which was never intended.

*Hon. Dr. Grace* : Will you kindly tell me this: The Native Lands Frauds Prevention Act is administered by a Judge of the Native Land Court; this clause merely leaves the power to a Judge of the Native Land Court, and if a Judge of the Native Land Court, acting as Native Lands Frauds Commissioner, is competent to administer the Act in that capacity, why should he not be competent to do so as Judge of the Native Land Court?—The effect of a Trust Commissioner's certificate was much more limited in its scope than a confirmation order under the now existing state of the law.

*Hon. T. Kelly* : It is found that the second lease was illegal under "The Native Lands Frauds Prevention Act, 1888," and yet, notwithstanding that, a Judge of the Native Land Court confirmed the signatures?—Yes; I presume in ignorance of the law.

*Hon. J. Rigg* : Has the department received any communications objecting to this provision?—No.

*Hon. J. Carroll* : With regard to clause 3 of this Bill, do you know anything about the Kawakawa, Te Kopi No. 2, and Matakitaiki Blocks? The Kawakawa Block was granted under "The Native Land Act, 1865." The date of the grant is the 4th November, 1872, and it antevests the title to the 16th May, 1870. Is that so?—The latter would be the date on which the title was investigated by the Native Land Court.

Can you give any information to the Committee about these blocks?—I have not looked into the transactions, and do not know anything about them.

*Hon. T. Kelly* : Can you not give the names of the ten persons to whom the grant was made?—No.

These are the only persons who have a beneficial interest?

*Hon. J. Carroll* : And their successors.

*Mr. Sheridan* : Probably these persons are only trustees.

*Hon. T. Kelly* : That is just what we want to know. Surely there are some owners other than these ten?—I should say they are trustees.

What I want to know is whether the beneficial owners of this land have been ascertained?—No.

And yet the land has been dealt with by way of mortgage?—That is so.

*Hon. J. Carroll* : Under the Act of 1865 could the Native grantees mortgage their interests in the land?—I do not think so.

*Hon. Dr. Grace* : Why not, if the grant was issued? The position is that these Natives hold a Crown grant.—I am not aware of any power which then existed to mortgage.

*Hon. J. Carroll* : Prior to the Act of 1873?—Yes, prior to 1873.

Surely the Native Lands Investigation Commission, which sat in 1872 or 1873 to investigate into Native-land transactions in Hawke's Bay, dealt with mortgages?—I am not clear upon the point. The Act of 1873 simply stated that no right of foreclosure under mortgage would be valid. Section 4 of "The Native Land Act Amendment Act, 1878" (No. 2), took away the power to mortgage altogether.

Then, by implication, these lands could have been mortgaged before 1878?—Apparently so.

Do you know at what date after 1878 the power to mortgage crept into the Native-land laws?—Under "The Native Land Court Act, 1886," it comes in indirectly, if not directly.

Do you remember the section?—No.

*Hon. T. Kelly* : Then it is not specifically stated that no mortgage should be made; but some of the sections imply it?—That, I think, is so.

Will you tell us how many persons are absolute owners in respect to these three blocks?—Of Kawakawa, 10; of Te Kopi No. 2, 4; and of Matakitaiki, 10.