

Hon. WILLIAM HERBERT HERRIES, Native Minister, sworn and examined. (No. 14.)

1. *Mr. Jones.*] I think, Mr. Herries, you spoke on this matter in the House on the 27th October, 1911?—Which matter?

2. The Mokau-Mohakatino case. Here is *Hansard* of the 27th October, 1911. You state that you wanted to put the history of the case before the House and to deal with the question as to why there is no report with reference to me, and then you go on to say that “Mr. Jones was in no way a principal, and we adopted the line that in any evidence he gave he was not to trespass from the questions submitted to the Committee, and not to give evidence as to how these leases got into the position in which we as a Committee found them when we commenced our inquiry. So Mr. Joshua Jones has no reason to object to the treatment he received at the Committee. If Mr. Jones thinks he has a grievance—and no doubt he has a grievance—and if he wishes that grievance inquired into, it is his business to petition this House and appear as a principal. But before this Committee he was merely in the position of a witness.” I am at the present moment in the position you kindly suggested I should get into. Later on in your speech you say, “The first issue to be considered is whether the Government themselves should have bought” (that is, the property), “and my opinion is that there was a time when the Government could have bought, and bought well. Whether they should have done so is another question. I believe it would have paid the Dominion to have done so. Before the Royal Commission sat, when £15,000 was offered, I believe the Government could have got both the leases and the Natives’ property for very much less than they were sold subsequently for.” Then you state, referring to the Order in Council, “if the Government had not moved neither he nor Mr. Lewis would have made anything. . . . They could not have dealt with it but for the Order in Council”?—That is so.

3. I ask you whether, in your opinion, the issue of the Order in Council did not destroy or weaken the claim I had to the leases: it placed me in an unfair position as one man without money against a large company?—I think you were entirely out of it at that time. The leases had been sold by the trustees of Wickham Flower, and your legal claims were entirely extinct. I do not think the Order in Council, as far as I understand, had any effect on your claim; it only affected the Natives.

4. The Order in Council is held, sir, not to the world nor to me, but to Herrman Lewis only, the leaseholder. I ask you to kindly look at that, sir [Order in Council]?—The Order in Council only enabled the Natives to sell—it does not state to whom. It was only issued in consequence of a section in the Land Act preventing people from acquiring more than a certain area.

5. But it is issued to an individual—kindly look?—I do not see that. It may be there.

6. Lewis’s name is mentioned—it must be there?—I think you are alluding to the notice of the assembled owners.

7. The Order in Council was issued before the owners assembled. It was issued upon the application of Herrman Lewis’s solicitors?—I believe that was brought out in evidence.

8. And the Order in Council was not open to the world?—As far as the Order in Council is concerned, it enabled anybody to purchase the property if the assembled owners agreed to sell it to them.

9. You were in Parliament in 1908?—Yes.

10. And you may be aware that the Legislative Council Committee recommended the Government to set up an inquiry by a competent tribunal and in the meantime to hold the land from further dealings?—I am not aware of it personally, but I believe there was such a recommendation.

11. There was no such inquiry set up?—Not that I know of. I do not know of what nature the Commission recommended was.

12. A Royal Commission?—There was no Royal Commission so far as I know, unless they call the Commission of Sir Robert Stout and Mr. Jackson Palmer a Royal Commission.

13. No, that was not. You know that there was such a Commission set up as the Stout-Palmer Commission?—I am not aware of that. The original Commission was the Stout-Ngata Commission. They were instructed to inquire into the whole question of Native lands. Subsequently Mr. Ngata resigned and Chief Judge Jackson Palmer was appointed in his place.

14. A fresh Commission?—I was not aware that there was a fresh Commission.

15. I will put it to you that the Stout-Palmer inquiry was held unknown to me and behind my back?—I do not know anything about that.

16. Are you aware that in 1910 the A to L Committee of the Lower House inquired into this matter?—I believe so. I was not a member of that Committee.

17. There were six paragraphs in their report. I will read you the two last: “(5.) That, in order to settle the long-standing dispute in connection with the Mokau-Mohakatino Block, the Government be recommended to assist in bringing about an amicable understanding between the parties concerned, with the view of settling the land. (6.) That, in view of the fact that the petitioner believed his original lease from the Natives to be legally sound, and taking into consideration the treatment meted out to him by solicitors in England, whereby he lost his legal interest in the estate, the Committee recommends that in any such mutual understanding the petitioner’s claims to equitable consideration should be clearly defined.” Perhaps you remember that report?—No, I have no personal recollection of it. It was no doubt reported to the House. I presume you are reading it correctly.

18. You are aware that, when you spoke in the House in 1911, no attention had been paid to that recommendation?—I do not think anything was done.

19. Are you aware—we will assume that you are not particularly well versed in this—that instead of carrying out that recommendation the Government issued an Order in Council?—I know that the Government did issue an Order in Council.