

in pursuance and in exercise of the authority vested in me by "The London and Whitaker Claims Act, 1871," and reposing great confidence in your knowledge and ability, have appointed and by these presents do appoint you, the said Alexander James Johnston, Esquire, as such Judge of the Supreme Court of New Zealand as aforesaid, to be the Commissioner under the said Act, for the purposes and with the powers therein particularly set forth. And you are hereby required, so soon as conveniently may be after the receipt by you of these presents, to proceed in the matter of the said inquiry in the manner and form by the said Act prescribed, and that upon the termination or other disposal of such inquiry you do forward to me a written certificate of your decision of the award (if any) made by you under the powers in the said Act contained.

[L.S.] Given under the hand of His Excellency Sir George Ferguson Bowen, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at Wellington, this fifth day of January, in the year of our Lord one thousand eight hundred and seventy-two.

W. GISBORNE.

No. 6.

His Honor Mr. Justice JOHNSTON to the Hon. W. GISBORNE.

SIR,—

Judge's Chambers, Wellington, 8th January, 1872.

I have the honor to acknowledge the receipt of the Commission, under the hand of His Excellency and the public seal of the Colony, appointing me the Commissioner under "The London and Whitaker Claims Act, 1871," and your letter, with which it was enclosed.

I have to thank you for your information as to the communications between myself and the parties interested, and your promise to give me early intimation as to the steps which have been taken for bringing the subject matter of the Commission before me for decision.

I have, &c.,

The Hon. the Colonial Secretary (Judicial Branch).

ALEXANDER J. JOHNSTON.

No. 7.

His Honor Mr. Justice JOHNSTON to His Excellency Sir G. F. BOWEN.

To His Excellency Sir George Ferguson Bowen, Knight Grand Cross of the most distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same.

I, *Alexander James Johnston*, a Judge of the Supreme Court of New Zealand, the Commissioner appointed, by Commission, under your Excellency's hand and the seal of the Colony, dated the 5th day of January, 1872, by virtue of the provisions of "The London and Whitaker Claims Act, 1871," for the purposes and with the powers in the said Act mentioned, do respectfully report and certify as follows:—That I have inquired, in the manner and form prescribed in the said Act, into the question whether John Lundon and Frederick Alexander Whitaker, in the said Act and Commission mentioned, possessed any rights, at law or in equity, in respect of certain lands situate at Grahamstown, in the Province of Auckland, which had been improperly or unconstitutionally affected by the passing of "The Native Lands Act, 1869," or by proceedings taken in the Native Lands Court in pursuance of the said last-mentioned Act. That, by agreement between your Excellency on the one part, and the said John Lundon and Frederick Alexander Whitaker on the other, the question so referred to me as such Commissioner was submitted to me in the form of a special case. That, after hearing arguments on the part of your Excellency and of the said claimants upon the said case, I did, on the 15th day of April, 1872, decide and determine upon the said special case, that the said claimants, John Lundon and Frederick Alexander Whitaker, had not any such rights, at law or in equity, as in the said first-mentioned Act and Commission mentioned, and I gave reasons for such decision, of which a correct report is transmitted herewith, marked A. That the said claimants being dissatisfied with my said decision, the said question was submitted, upon the said case, to the Court of Appeal, at its next sitting thereafter, which commenced on the 13th day of May, 1872, for its opinion thereon. That the said Court of Appeal, after hearing arguments of Counsel on behalf of your Excellency and of the said claimants, did, on the 14th day of June, 1872, decide that the said claimants did not possess any right, at law or in equity, in respect of the lands above mentioned, which had been taken away or affected, as in the said first-mentioned Act and Commission mentioned, of which decision of the said Court of Appeal the document transmitted herewith, marked B, is a certificate. That a correct report of the reasons given by the Court of Appeal for such decision is transmitted herewith, marked C. All which I respectfully report and certify pursuant to the tenor of the said Act and Commission.

Given under my hand and seal, this 17th day } (L.S.)
of June, 1872.

ALEXANDER J. JOHNSTON,
Commissioner.