

MINUTES OF EVIDENCE.

WEDNESDAY, 25TH SEPTEMBER, 1878.

Robert COOPER, being in attendance, was examined.

1. *The Chairman.*] Mr. Cooper, you state that in the month of January, 1877, you completed a purchase from the Natives?—Yes.

2. Have you documentary evidence to prove that?—Yes, I have.

3. Will you produce it?—Mr. Carlile has it. He will be examined. I may state that the land was not proclaimed until after I had purchased it. It was after I completed my purchase that the land was proclaimed; and when I sold to this company there was no caveat or anything else lodged against this land. I sold it to Graham and Co., as agents for Potter, Wilson and Co., of Glasgow.

4. Before going into the sale, we had better go into the purchase.

It was therefore determined that Mr. Carlile's evidence should first be taken.

Mr. CARLILE being in attendance was examined.

5. *The Chairman.*] The petitioner informed us that you have documentary evidence of the truth of the allegations contained in the petition?—I have not seen the petition yet, but I have a considerable quantity of documentary evidence relating to the matter. [Petition read by witness.] Yes, I have got certified copies under the hand of the Registrar at Napier of the order which is registered there declaring that the freehold tenure of the land should be vested in Mr. Cooper.

6. Have you the deed by which the land was purchased by Mr. Cooper?—I have not got the deed itself with me. The order under "The Native Lands Act, 1873," really vests the freehold tenure in Mr. Cooper. I have got a copy of the conveyance of Waingaromia No. 3, but not of Waingaromia No. 2.

7. The petitioner states that in the month of January, 1877, he completed the purchase from the Maoris of certain blocks. Have you these deeds?—I have got the order of the Native Land Court Judge, declaring that he was satisfied with the purchase, and that the land should vest in Robert Cooper in freehold tenure from that date. I have not got the deed with me. I could give you the dates of the deed and everything that happened.

8. Where is the deed which was made between the Native sellers and Mr. Cooper?—It is in Napier? I could have got it if I had known it would have been wanted. Here is a copy of Waingaromia No. 3, but I thought there was a copy of Waingaromia No. 2 in Wellington.

9. *Mr. Ormond.*] Is this one produced the same as the other?—It is in similar terms.

10. *The Chairman.*] It is stated in the third paragraph of the petition "that the survey of the said blocks of land were throughout conducted with the consent of the then Government Commissioner for the district. Have you any evidence of that?—No; I have no evidence of that.

11. *Hon. Mr. Fox.*] Do you know who the Commissioner was who is mentioned there?—I don't even know that. I have acted throughout, I may tell you, as solicitor to the purchasers from Cooper, and I had merely to advise whether a good title was shown in Cooper. I advised that the order of the Native Land Court Judge, and the fact that there was no proclamation against the land at the time of purchase, was a sufficient root of title in Cooper, seeing that at that time there was no caveat against the purchase or any proclamation over the land in question.

12. *The Chairman.*] The petitioner goes on to say that he sold to a company the said blocks of land?—That is so. The evidence I can give of rent is, that I acted as solicitor for Potter, Wilson and Co., who purchased the land through Graham and Co., of Gisborne, as their agents; and I received instructions from Graham and Co. to see whether Cooper could make out a good title, and if he could I was merely to prepare an agreement, because they were not quite sure of the actual names of the company for whom the land was being bought. I advised that the best way was for Graham and Co., to take an agreement in their own names for the purchase of this land, and afterwards, when I ascertained the names of the purchasers, to have proper transfers under the Land Transfer Act completed. This was done, and the agreement was signed by Cooper, and £15,000 credited to Cooper on account of it. Two or three months afterwards, before the actual transfer was completed, a caveat was lodged in December, 1877. It did not state on the face of the caveat that the land had been proclaimed, but that money had been paid by the Government on account of the land. At the time the agreement was entered into between Cooper and Graham and Kinross, I was asked to find out whether Waingaromia No. 2 was included in any proclamation under the Public Works Act. I made every search, and found it was not. As to these three other blocks—named Ngatawakawaka, Puremengahua, and Matatuotonga—I told them that