

certain deed, he agreed to the reserve?—I think it would be a very absurd transaction, and one not at all likely to take place to guarantee 350 acres for nothing. I have explained that I wrote that paper before the deed was signed, but it was not handed to Paora until he had signed it.

Mr. Sutton.
25th Nov., 1879.

1267. I want to know the reason?—I have explained it; as a business man, I cannot put it more distinctly.

1268. The wording of this paper is, "In consideration of Paora Nonoi having executed a conveyance of Awa-o-te-Atua Block, I agree to a reserve of 350 acres being made.—F. Sutton. 31st August, 1870.—George Davie."* The paper states that the deed has been already "executed?"—It is impossible for me to make a further explanation than I have made.

1269. Now, when was the balance of the two hundred and fifty pounds paid?—I could not say.

1270. Do I understand that you said that Natives sometimes never asked for their accounts to be rendered to them?—Yes. Some never asked for their accounts.

1271. Is it not a fact that Natives have sued you in order to get their accounts rendered to them?—I met the action, and won it.

1272. Is it not a fact that you have been sued to give accounts to Natives?—Yes; on a bogus action that was brought.

1273. Is it not a fact, then, that the Natives did sue you for their accounts, and have not yet got them?—I am not sure that it was for accounts. It was in connection with the reconveyance of a mortgage deed. I was sued for the reconveyance of a security and statement of accounts. I won the case, but was ordered to render accounts upon payment of my costs in that action. As they have not paid those costs, I have not rendered accounts. If the order of the Court had been obeyed you would have got them.

1274. Have you ever had a final settlement with any Native of his accounts?—Yes; a good many.

1275. Will you mention one?—I cannot; I have had final settlements with so many. Very few of the Natives owe me any money. One or two, perhaps, or perhaps a half a dozen. I never had any disputes with the Natives until they were worked up to it.

1276. Did you know when you went to Paora that the Native Lands Frauds Prevention Act had passed its second reading?—I did not know anything of the sort at the time. Some two days afterwards, at Waipawa, I saw a telegram stating that it had passed the second reading.

1277. You will not state that it had not passed the second reading at the time you went to Paora's?—I will not state positively. I think if you refer to the records of the House it will be found that the Bill passed the second reading two days afterwards. I had no knowledge of the nature of the Bill at the time.

1278. Why was there not an indorsement put upon the deed that you promised Paora the 350 acres?—I never heard of such a thing being done.

1279. I want to know why it was not done?—I might repeat the question, and ask, Why did not the persons who sold to Watt put on an indorsement?

1280. Why, I ask, upon this deed—by which the Native conveyed his property to you, and in consideration of him so doing you promised him a reserve of 350 acres—why was there not some note of that promise entered on the deed?—Because it is a most unusual thing to do. The deed was engrossed at the time Paora signed, and it was impossible for me to alter it.

1281. Why was there not some indorsement?—I do not know; I never heard of such a thing. The lawyers know that it interferes too much with the title.

1282. Was that the reason—because it would interfere with the title?—That is the reason you people do not put it on. I never heard of a case in which it was done.

The Chairman: That is not an answer to the question.

Mr. Rees: I should like to have an answer to my question.—Will you put your question again?

1283. Why was there no indorsement or some note put on the deed showing that you had promised the 350 acres to Paora, that it might appear on the registry?—I do not know. It has never been usual. I have seen hundreds of deeds, but I have never seen one—and I can point to many deeds in Hawke's Bay, some of which were made in your office, passing reserves without any mention being made on the face of the deed.

1284. Will you name one?—This one of Watt's; I believe you are interested in it.

Mr. Rees: I was not interested in that sale.

Witness: In the Ohikikarewa Block, Mr. Hislop's property. You drew up the deed yourself.

Mr. Rees: The reserves are set out in Mr. Hislop's deed.

1285. Did you say, Mr. Sutton, that it was not customary, when reserves were made, to put them upon the deed?—In a great majority of cases, certainly.

1286. Nor that they should be put upon the deed?—Perhaps I should say, in explanation, that the Trust Commissioner in Hawke's Bay passed a deed of Mr. Coleman's for the block adjoining Te Awa-o-te-Atua Block—in which case there was an agreement for a large reserve, but the reserve was not mentioned in the deed—with the knowledge and consent of the Frauds Commissioner.

1287. But another deed was put upon the registry?—No; there was not. There was an agreement.

1288. Did you say you knew of many cases in which the reservation made was not put in the deed?—Yes.

1289. In which you were concerned?—No.

1290. Was there any other reason why the reserve was not shown on the deed?—The purchase was not complete. It was impossible for Mr. Coleman to confirm Paora's legal right to 350 acres in any particular portion of the block until the title was complete.

1291. Where is Fountain now?—In England, I believe.

1292. And the other gentleman you mentioned?—Mr. Morrison. He is in Sydney. He passed through Wellington in the "Wakatipu," on her last trip.

1293. At the time I was giving evidence, and read from the petition—"In consideration of Paora Nonoi having executed a conveyance of Awa-o-te-Atua Block, I agree to a reserve of 350 acres being made.—F. Sutton. 31st August, 1870.—GEORGE DAVIE"—what did you mean by asking me if you had put your name to such a document?—I did not ask you such a question as that.

* The words "George Davie" were written across the document.