

101. Do you think it reasonable that, after a matter has been specially tried in the Supreme Court and judgment given in form, that the party obtaining the advantage of that judgment should waive his claims in deference to private impressions?—It is a matter of opinion that, entirely. It depends entirely upon what the view of the person concerned was, and what is his position.

*Mr. Sutton* (to Chairman): I was here during the whole of the evidence the last time the petition was here, and I am prepared to say there was no evidence before the Committee as to the justice of any mutual concession.

*Witness*: I may say that I did not give any expression to any such opinions as *Mr. Sutton* has obliged me to express now, before the Committee on the last occasion.

102. *Mr. Sutton*.] How did you think the Government could have stayed the action of the Supreme Court?—My opinion is this: that when Government took up the case, and took into their hands the dealing with it, as I understood and believed, on the basis of the decision of the Committee of this House, they were fully justified in taking the course I say I should have taken if I had been them.

103. Is there any law in this country authorizing such interference by the Government with the Supreme Court?—I believe it has been the practice of more Governments than one to give instructions to judicial officers in cases where it was thought necessary in the public interests to interfere. In reference to this very case, there was that instruction given to take certain action, when *Mr. Tylee* went with a force. Again, at Waipawa, I think, similar action was taken—that is, the officers had instructions to take a particular course. I understood that was the case formerly at Oamaru. I should like to say, about Waipawa, that I do not know for certain about that recent action there. That is my belief, but I may be wrong about it. I may be allowed, in explanation of what I said as to instructing the officers as to the Waipawa case, to say this, that the local history given of it was something like this: that the police were there, as it was understood, with instructions to prevent a breach of the peace, if any such was likely to take place.

104. But you are certain, upon the first occasion of the attempt to serve a writ upon Oamaru, that the officers of the Court were directed by Government?—I believe Government gave instructions. I will not say they did, but I believe it was so. That is my recollection of it.

105. And that the Sheriff was instructed not to execute the warrant if there was the least show of resistance?—I did not say that. I should not like to say anything direct of that kind. My belief is the Sheriff had instructions, which in reality directed the course he took.

106. *Sir G. Grey*.] I think I understood you to say you agreed with the report of the Committee in this case?—Yes. It was agreed to unanimously.

107. Were you the person who drew up the resolution which embodied the thing?—No. I think the resolution was drawn up by yourself.

108. Therefore your action was independent?—Yes. My opinion was based upon what I knew of the case. I cannot say what the general opinion of the Committee was based upon.

109. But I mean you voted for that resolution on thoroughly independent grounds?—Yes.

MONDAY, 15TH AUGUST, 1881.

*Mr. SHEEHAN, M.H.R., examined.*

110. *The Chairman*.] Will you state, *Mr. Sheehan*, what you are able to in reference to this case?—I only desire to show the Committee, from the facts of the trial in Hawke's Bay—to put that before the Committee, in so far as it may help to show there is some equitable right on the part of these people to this land.

111. Were you present?—Yes, I was present; the papers should show that. The land had been put through the Court, and dealt with, I think, before my arrival in Hawke's Bay to attend the Commission; and I believe that it forms part of the block at the end named Oamaru or Moteo, which was dealt with by the Commissioners—which came before the Commissioners. But I acted for the Natives afterwards in the Supreme Court proceedings, and at the trial of the case a number of issues were found to some extent in favour of one of the Native plaintiffs called Rewi Haukoro. As the whole of these proceedings have been reduced into writing, I think it would be better, perhaps, if the Committee had the best evidence on it. I can procure the record of the case, showing what took place, and what the findings on the issues were. The burden of it is this: On some of the issues the jury found this man Rewi Haukoro did not understand that, in the sale of the large block—of which the piece now in dispute forms a part—he was leasing, or selling, or mortgaging his interest.

112. *Captain Russell*.] The people who signed this petition, I believe, are not the people to whom the land was Crown granted. Is that the case?—Yes, they are not the persons to whom the grant was issued. [After referring to petition.]

113. Is it not then probable that the grantees may have behaved improperly. Looking at these signatures, should you not imagine many of the men signing the petition are really not interested at all?—I cannot say. Probably some would have a claim. I think Hohaia Te Hoate would have a claim.

114. Should you imagine it possible or probable that the grantees defrauded the claimants?—Well, I should imagine that would hold good in the case of Paora Torotoro. As I understood at the time, the land was being surveyed for putting through the Native Land Court. There was a separate survey made of this particular piece, which was shown on the Crown grant, if I remember right, and also on other documents of title. The jury found, in the case of Paora Torotoro, that he was leasing, selling, and mortgaging this particular piece; and, in that case, I should say Paora Torotoro was defrauding in reference to this particular piece.

115. That is, he sold the land without consulting the residents upon it?—Yes.

116. And that, in fact, the residents did not sell that, by not being consulted?—Yes. Of course I can only refer to it indistinctly at this lapse of time, but there was evidence as to what took place in the Native Land Court, which came out in the trial. It appeared the Natives wished to have two grants instead of one—that is, a separate grant for Oamaru and for Ngatihira. It was held by the