

forgotten before. In looking over Mr Bryce's evidence, I see Mr. Bryce said that at the meeting in Napier he stated he had authority to carry out the wish of Parliament. I wish to put in evidence that, as far as I know as a member of Parliament, Parliament had expressed no wish in the matter. This Committee had sent in a report, but the report was not supported by any resolution of the House. Of course, if the Ministers had said they were acting upon the request of the Native Affairs Committee, that would be perfectly correct. I remember Mr. Bryce making the assertion, and I see he mentioned it in his evidence.

282. *The Chairman.*] You wish simply to record your view upon it?—Yes.

TUESDAY, 13TH SEPTEMBER, 1881.

Mr. SUTTON, M.H.R., further examined.

Witness: I have read the declaration made, I think, in January, 1874. When that declaration was made, it was true in every respect. I was advised by my solicitor that "tenant-at-will" simply meant a person in occupation without any authority. I had no reason to believe that the persons on the land claimed any interest in the land. That belief was justified by proceedings which I afterwards took in the Supreme Court against those Natives, to which there was no defence; and, if my memory does not altogether deceive me, the solicitor for the defence withdrew his defence in Court, and judgment was given in my behalf: and I should like to say that the declaration, as the Committee will see, was made some months before any suit was commenced—some four or five months, I think. That declaration was made in January, 1874. The first suit was commenced against me in August, 1874, apparently, by this.

283. *Sir G. Grey.*] At the time you made the declaration, did you know that any person had any claim on the estate or interest in the said land, in law or equity, in possession or in expectancy?—Certainly not.

284. Did you believe that there was no person in possession or occupation of the said land adversely to your estate or interest therein?—Not in legal or equitable occupation. I knew these persons were squatting there—I stated so in the declaration. I then believed, and still believe, they had no right there.

285. Did you believe that the Natives who were there were, in fact, tenants-at-will?—As I understand the term tenants-at-will to mean. They were on the ground without any title.

286. You believed they were there in that way? Yes; without any title. I am not quite certain as to the exact legal meaning of the term tenant-at-will. That (the declaration) was advised by a solicitor, and the Registrar himself was a solicitor, and was perfectly cognizant of the circumstances of the case. I should like to add that, so far as my recollection goes, the writ was issued a shorter time after that declaration than those proceedings seem to show. I have a very strong impression that the writ was issued within a couple of months at most: that is my impression. That paper says that the writ was issued in August, 1874.

287. *The Chairman.*] Were you examined on this point at the time of the trial—about this declaration under the Land Transfer Act?—I am not quite certain. I know that the whole of the documents were produced before the Court, and I was examined on them; but as to that particular point I am not quite certain. The Registrar was subpoenaed to produce all the documents in his possession, and he produced them in Court.

APPENDIX I.

Papers relative to the Petition of Paora Kaiwhata and Others No. 61, 1881.

QUESTION asked by COLONIAL SECRETARY at request of NATIVE AFFAIRS COMMITTEE, and OPINION of LAW OFFICERS on same.

COPY of resolution passed by Native Affairs Committee, 22nd August, 1881: "That the opinion of the Law Officers of the Crown be obtained as to whether the question of the issue of the Crown grant for the Oamaru Block can be raised by *scire facias* or otherwise, and whether the conveyance of the land in question to Mr. Sutton can be revised by any legal tribunal."

REFERRED to the Solicitor-General.—THOMAS DICK. 31st August, 1881.

HON. COLONIAL SECRETARY.—The above questions are rather too vague to enable me to answer them satisfactorily at present. Of course Mr. Sutton's title, if disputed by some one who alleged that he held a better title in law, could easily be tested in a Court of law. But if the question means whether the Natives who say that they were beneficially interested under the grant to the persons from whom Mr. Sutton derived title can dispute Mr. Sutton's title in a Court of law, I can reply at once that I do not think they could do so successfully, unless the legality of the grant had first been settled. So long as the grant remains in force, and Mr. Sutton has a complete title from all persons legally interested under the grant, his title is, in my opinion, unassailable in a Court of law. *Prima facie* I should say that the legality of this grant could be tested by proceedings by *scire facias*; but I could not answer this question definitely without seeing a copy of the grant, and being informed of any circumstances connected with its issue which would throw light on the subject of its validity.—W. MILLER LEWIS, Assistant Law Officer. Crown Law Office, 3rd September, 1881.

The DISTRICT LAND REGISTRAR, Napier, to the SECRETARY for STAMPS, Wellington.

Copy of Declaration.

SECRETARY for STAMPS, Wellington.—I, Frederick Sutton, of Napier, storekeeper, do declare that I am seised of an estate of freehold of fee-simple in all that piece of land situated in the Puketapu District, portion of the Oamaru Block, numbered 3N, marked B, containing 163 acres, be the same a little more or less [here follows description in full], which piece of land is of the value of £1,200 and no more, and is portion of the Oamaru Block, marked B, originally granted to Paora Torotoro and Rewi Haokore by grant dated the 14th day of July, 1866, numbered 2515 in the plan of the Puketapu District, as delineated on the public maps of the province deposited in the office of the Chief Provincial Surveyor. And I do further declare that I am not aware of any mortgage, incumbrance, or claim affecting the said land, or that any person hath any claim, estate, or interest in the said land at law or in equity in possession or in expectancy, other than is set forth and stated as follows, that is to say, *nil*. And I do further declare that there is no person in possession or occupation of the said lands adversely to my estate or interest therein, and that the said land is now occupied by Hohaia and others, aboriginal natives, whose names I do not know, being tenants at will; and that the land is bounded by the property of