

one hundred and sixty-three acres, be the same a little more or less, with frontage to other portion of Omaranui Block, Section A, 250 links, 4060 links, 1350 links, rounding Te Mingi and running along boundary of Omaranui Section A, 2650 links and 2755 links, to where that block joins Omaranui No. 2, following the boundary of that block 1000 links, 50 links, 1900 links, running to Tutaekuri River, and continuing along that river till it arrives at the starting point, as the same is shown and delineated in the plan thereof drawn hereon, and edged red: which piece of land is of the value of one thousand two hundred pounds and no more, and is the portion of the Omaranui Block marked B, originally granted to Paora Torotoro and Kewi Haokore by grant dated the 14th day of July, one thousand eight hundred and sixty-six, 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 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 other aboriginal natives whose names I do not know, being tenants at will, and that the land is bounded by the property of J. B. Braithwaite on one side, John Bennett on another, and the Tutaekuri River on the other side; and that there are no deeds or instruments of title affecting such land in my possession or under my control, other than those enumerated in the Schedule hereto or at the foot hereof. And I make this solemn declaration conscientiously believing the same to be true. Dated at Napier this 18th day of January, 1874.—F. SUTTON. Made and subscribed by the above-named Frederick Sutton this 15th day of January, 1874, in the presence of me—Hanson Turton, D.L.R.

I, Frederick Sutton, the above declarant, do hereby apply to have the piece of land described in the above declaration brought under the provisions of the Act. Dated at Napier this 15th day of January, 1874.—(Signature of applicant) F. SUTTON. Witness to signature—Hanson Turton.

SCHEDULE REFERRED TO.—*Nil*. This property is included in a deed of conveyance from the Native grantees to F. Sutton, No. 3796, 16th March, 1869, and is excluded from the conveyance, Sutton to Braithwaite. (Here follows plan.)

I hereby certify that the foregoing is a correct copy of an application registered here under No. 340. Dated at Napier this 9th day of September, 1881.—J. M. BATHAM, District Land Registrar.

This application is correct for the purposes of the Land Transfer Act.—F. SUTTON.

APPENDIX II.

Report on Petitions No. 294 of 1878, and No. 29 of Session I., 1879, from Frederick Sutton, together with Minutes of Evidence, &c.

THE petitioner states that he is the owner of a piece of land in the District of Hawke's Bay, known as Omaranui; that he gained a suit brought against his title by certain Natives in the Supreme Court and Court of Appeal, but that nevertheless the said Natives and others took possession of the land, and resisted the efforts of the Sheriff of the district to eject them by due process of law, declaring that they would never give up possession of the land while they retained life; that the Sheriff, in his return of the writ, has stated that he could not have enforced it without causing a breach of the peace, and that he had not sufficient means at his disposal to overcome the resistance which would have been offered; that, the Supreme Court having accepted these reasons as a sufficient excuse for the non-execution of the writ, petitioner has received no benefit from the judgment of the Court, but has incurred costs to the amount of several hundreds of pounds. He therefore prays that means may be devised for enforcing the judgments, decrees, and writs of the Supreme Court of New Zealand.

I am directed to report as follows:—

That the petitioner, as holder of the Crown grant, appears to have a legal title to the estate, but that it seems probable that the issue of the Crown grant did a wrong to the Natives, who for a long time inhabited 163 acres included in the grant. The Committee therefore recommend the Government to inquire into the case, and effect such a settlement as may appear fair, considering all the circumstances.

11th December, 1879.

SESSION I., 1879,

THURSDAY, 24TH JULY, 1879.

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

1. *The Chairman.*] I understand you are desirous of giving evidence on this petition?—Yes.

2. I suppose your evidence will be to the effect of sustaining the allegations contained in the petition?—I think so.

3. Perhaps you will proceed to make your statement?—Will you allow me to have the petition, so as to give my evidence according to the different headings as laid down in the petition. I purchased from the Native owners the block of land in question about the year 1869. It was a large block of about 3,500 acres, this portion—163 acres—being part of it. I am not quite certain whether it was in 1869 or 1870 that I purchased. However, it was somewhere about that period. In 1874 the question was raised as to whether this portion—the 163 acres—was included in the conveyance. At the time I purchased it the other portion was under lease to Mr. Braithwaite. This small portion was excluded from his lease, and then unoccupied, I believe. The Natives brought an action against me in August, 1874, to set aside the deed of conveyance so far as regarded this portion—the 163 acres—on the ground that it had been improperly included in the conveyance. The question was never raised before to my knowledge. It was tried in the Supreme Court, and the principal charge in the action was that this piece had been included by fraud on my part, and that it had not been intended by the Natives to sell this part. The Court decided in my favour, with costs. That decision was appealed against on behalf of one of the plaintiffs, Rewi. The appeal was dismissed with cost. Just before the first trial came on the Land Transfer Department had issued a Land Transfer certificate for this land—the 163 acres—which I now hold. The appeal against the action in Napier was argued in Wellington, and was also dismissed with costs. Finding I could not get possession, I was compelled to institute a new suit against those persons whom I found in occupation, who are not the original grantees, nor, so far as I know, intimately related to them. There was really no defence to the action. I have been put to the very greatest possible expense that the solicitors on the other side could put me to. The defence was virtually withdrawn, and again judgment was entered for me, with costs. Shortly afterwards the Supreme Court issued a writ directing the Sheriff to enter and take possession of the land for me, and recover from the chattels of the