

considered that the wonderful piece of machinery called "the Native question" is likely to be affected. I do not say they have always acted legally, but that such interference has been the practice is undoubted. I have, as you are no doubt aware, a Land Transfer certificate in my favour. I have established my claim to the land at very heavy costs in the highest Courts in the colony, and I shall, I have no doubt, before very long obtain possession of the land, and satisfaction for the time I have been kept out of the results of these actions. Aware as I am that the Sheriff has only acted on instructions, I make no official complaint against him; but I do hold that it is the duty of the Government to see that the orders of the Supreme Court in districts like these should be respected. It is possible that, as you wrote from Dunedin, you may not have seen the papers in reference to this matter. If you had I do not think you would have referred to the matter as one in which the Government do not interfere. The Supreme Court has stated that it has no further power in the matter, and cannot either compel the Sheriff to execute the writ, or attach him for non-compliance with the order of the Court in the matter. I have therefore no other redress than an application to the Government, and, in case justice is still refused, to bring the matter before the House.—I have, &c., F. SUTTON. Royston, 25th March, 1879. The Hon. the Attorney-General. That closed the correspondence. So far as I know, the position is exactly the same now as it was then. I may state that within the last few months, in common with the rest of the inhabitants of the colony, I have received notice from the Land-Tax Department, and I find—I have the notice in my pocket—there is the notice I received from the office collecting the land-tax, whereby I am taxed at the net value of £3,000.

4. Does that include the whole of the piece?—That is for the 163 acres. I sold the land for £3,000 very shortly after the issue of the certificate, which would be somewhere about five years ago. I sold the land conditionally upon giving possession in six months, when the bargain would be settled.

5. It should have been settled within that time?—Yes. Of course that fell through.

6. Was this land part of the whole block?—It was. I think the original acreage was 3,570 acres.

7. And what is the quantity of the piece in question?—163 acres. The other portion was sold to Mr. Braithwaite.

8. What is the character of the larger block?—The larger block is very valuable indeed. Some of it is hill. At present, I think, it is the property of the Bank of Australasia, and if I am rightly informed the land is worth from £18 to £20 an acre.

9. What is the character of the 163 acres?—All flat, and best of agricultural land, being all ploughable.

10. Apart from the special value of the land, had the Maoris any reason for attaching importance to it?—Not that I am aware of.

11. Are there any old pas or anything of that kind?—No. The only buildings that have been put on the land have been since these proceedings. They had a pa in the vicinity where the celebrated Oamaru battle was fought. Years ago there was an old pa about half a mile from it.

12. What price did you pay for the land?—I forget now. It was either £2,500 or £3,000. I sold shortly afterwards the major portion for £500 more than I had given for the block. I am under the impression that I gave £2,500, selling in a fortnight afterwards for £3,000.

13. What was the nature of the alleged impropriety in including this land?—The Natives said that they had bargained with me for the sale of the "whenua of Braithwaite," and not the land included in the grant. It was all included in the grant.

14. Do they support that allegation in evidence?—They produced a certain amount of evidence on that point, but the evidence on the other side was overwhelming, and decided the jury.

15. You say that those persons who were occupying at the time you got that writ of ejectment are not the original owners?—None of the original owners were living there.

16. What claim did they put up?—Force, I think. They were instructed by a learned gentleman; they took the land, occupied it, and simply refused to go. I may mention that during the last month they forcibly resisted the making of the road in the district, and told the men who were sent that if they came back again they would thrash them.

17. You say in the last letter to the Attorney-General that the Sheriff had got further instructions. How did you become aware of that?—The instructions were from the Government. I derived my information from some papers in the Supreme Court.

18. I wish to know how you became aware of it that the Sheriff was acting on instructions from the Government?—From documents I saw in the Supreme Court.

19. Those were instructions from the Government?—They were instruction by implication. I do not think that there is any actual official correspondence on the subject.

20. Do you remember the terms of the instructions?—I do not remember. It was some eight or nine months ago.

21. *Mr. Ormond*] Are those documents come-at-able?—(No reply recorded.)

22. *Mr. Carrington*.] Did you purchase from the original grantees of the land?—Yes.

23. Was there a marginal plan?—Yes. The 163 acres were included, and the whole thing was explained to the Natives. The plan is for 3,570 acres, the area in the grant. There is a subdivision line running through the plan showing the 163 acres. I believe the reason of that is that when this land went through the Land Court it was in the occupation of Mr. Braithwaite, and the line showed the boundary fence.

24. Was it shown in the deed that the sections A and B were purchased?—No. I bought the land comprised in the grant. It is marked on the plan 3,570 acres, and in the small piece there are 163 acres, leaving 3,410 acres on one side and the balance on the other.

25. Do you not think it would have been desirable to have stated that in the deed, and saved all trouble?—I am quite certain that we had seen the Crown grant at the time of the present action. I knew that this piece was outside of Braithwaite's.

*Mr. Carrington*: I think it was a pity it was not inserted in the deed.

26. *Sir William Fox*.] I presume, Mr. Sutton, that when this case was before the Court any discrepancy between the Crown grant and the deed was explained?—Yes. All documents were before the Court, and subsequent to that the jury gave a verdict in my favour after having a full knowledge of all the circumstances. I should not like to say how much I am out of pocket—over £500, I believe, for which I have got judgment.