been parted with. I will not say that there was fraud connected with the transaction, but it may have been included by some secret survey

115. Which is the new burial-ground and which is the old one?—The one at Ngatahira is the old one, as I have already stated.

SESSION II., 1879.

FRIDAY, 14TH NOVEMBER, 1879.

Mr. H. A. CORNFORD examined.

116. *The Chairman.*] Have you seen the petition?—Yes, I have.

117 Can you give the Committee any information upon the subject of this petition?—I am only acquainted with the facts of the law case in which I was engaged when I held a brief. I think the Committee would get a good deal of evidence from the original record, handed to me by the Registrar of the Supreme Court, which I now hand in. This is the original record of the case, in which an appeal was granted and heard. The case was decided in the month of December, 1875. Both sides agreed to the case as stated for the Appeal Court. Further than what is stated in that record, and correspondence between Mr. Sutton and the Minister of Justice, I cannot say that I know anything about the dispute as between the Natives and Mr. Sutton.

118. To which case are you alluding?—I am alluding to the Omaranui case. That is the special case in which counsel on both sides agreed to the statement of argument as to the pleadings and the findings of the jury

119. Do you wish to make any statement?—I will answer any questions the Committee may desire to put to me; but I do not think that I can make any statement adding to what was agreed to by counsel on both sides.

120. *Mr. Wakefield.*] Was the case in which a mistake was said to have been made in the Omaranui deed respecting a reserve of 163 acres?—Yes. The finding of the jury was that there was no mutual mistake; that there was no evidence to prove that Rewi Haokore understood the deed, and *per contra* there was no evidence to show that he did not understand it. The man was not an idiot, and was presumed to understand his own language when it was spoken to him. Possibly, after honorable gentlemen have read the record, they might wish to ask me some questions about it. It is rather a lengthy document to peruse. [Record read.] I might add, after the decision in this case, another action had to be brought to evict the Natives from the ground. There was no real defence set up. The writ of possession issued under the seal of the Court, but the Sheriff was not able to give possession. That was after the first case. The petition, if I think rightly, specifies the action of the Sheriff in respect to the writ, and the futile result.

121. *Sir G. Grey.*] Can the record be left with the Committee for the purpose of allowing them to read the judgment given by the Chief Justice?—The Registrar of the Supreme Court instructed me to place it in the hands of the Chairman.

122. *The Chairman.*] Is this a true record of the state of the case in regard to the writ of ejectment?—Yes. To the best of all the information I have, the petition is a correct statement of all the occurrences after the first judgment of the Court.

123. *Colonel Trimble.*] Has Mr. Sutton any legal remedy from any Court?—None whatever. He has exhausted his legal remedies, and the Sheriff of the district is unable to hand him the fruits of the judgment of the Court of Appeal. The *posse comitatus* could not be called out in New Zealand as in the Old Country In England the Sheriff is empowered to summon all the able-bodied men of the bailiwick to his assistance to give effect to a writ of ejectment. In this country that cannot be done. Mr. Sutton has exhausted all the legal remedies at his command.

124. I understand that his legal position as owner of this land has been absolutely established by the Supreme Court?—Yes.

125. And the only reason that Mr. Sutton cannot get possession is that the Sheriff was unable to carry out the instructions of the Court?—That is so.

126. *Mr. Wakefield.*] You said just now that the Sheriff could not carry out the order of the Court?—I have read the Sheriff's affidavit on the subject, and I think the terms used were sufficiently strong to justify me in saying that he could not carry out the order of the Court.

*Mr. Rees:* I should like to ask Mr. Cornford if in the years 1869 and 1870 it was not contrary to the statute law to sell or give spirits to the Natives?

127 *The Chairman.*] Can you answer that question?—I cannot say I would be very sorry to give an opinion without reference to the statutes. I do not profess to have them all in my memory

The Hon. Dr. POLLEN, M.L.C., examined.

128. *The Chairman.*] Can you give the Committee any information on the subject-matter of Mr. Sutton's petition?—I should like to see the papers in the Native Office on the matter. The circumstances are very much out of my recollection. There is a particular point, I remember, upon which the case turns.

129. Then you would prefer postponing your evidence to enable you to have access to the papers in the Native Office relating to the subject?—Yes. I am aware of the facts of the case being in dispute, also my going to Napier one day and having a meeting with the Natives, when I was on the point, as I hoped, of effecting a satisfactory settlement.

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

*Witness:* I have read the evidence given by Mr. Henare Tomoana, in which he refers to a letter said to have been written by the surveyor, denying that he had included this portion of land in the survey. The letter to which he referred was published in a newspaper in Napier called the *Wananga;* and, although the Maori translation did convey that impression, I was informed immediately by several Native experts that the translation was a very poor and incorrect one. Mr. Ellison, the surveyor himself, addressed a letter to one of the local papers denying that he had written the letter in the terms as published in the *Wananga.* At the trial of the first case in Napier Mr. Ellison produced his field-