

253. *Mr. Rees.*] I would like to suggest one or two questions through you, Mr. Chairman. Will Mr. Sutton state positively that less than 20 per cent. of the presumed purchase-money was for spirits?—Certainly; beyond all doubt.

254. Will you state that it was less than 10 per cent.?—I have stated what is a matter of public record. Any gentleman can ascertain the fact by searching the documents in the library.

255. Will Mr. Sutton state that less than 10 per cent. of the consideration-money, he gave to the Natives consisted of spirits?—I believe so.

256. Is Mr. Sutton certain? Will he state absolutely that less than 10 per cent. of what he gave to the Natives was for spirits?—I certainly believe so.

257. Will Mr. Sutton state how much money he paid the Natives?—I cannot say how much money I paid to the Natives for a thing bought ten years ago.

258. Will Mr. Sutton state whether he asked Paora Torotoro or Rewi Haokore or any of the other Natives whether the 163 acres were included in what was mortgaged to him?—I do not think it at all likely I dealt with them for the block. I did not deal with them for the 163 acres. The whole negotiation was for the whole block as it stood.

259. Will Mr. Sutton answer in the same way with regard to the sale?—Yes. I had no negotiation for any particular portion of the block.

260. Was Mr. Sutton aware that on the plan of the Crown grant a line was run dividing the 163 acres from the other part of the block?—Yes; I am perfectly aware of that. The line was, I think, put in by Mr. Braithwaite's suggestion for the purpose of completing his title, or making it more clear in reference to the lease; and that line corresponds with the lease by Mr. Braithwaite. That was one of his boundaries.

261. Does Mr. Sutton know that it was illegal to give or sell spirits to the Natives at the time he negotiated for this land—that it was contrary to a statute of the colony?—I have understood that every honorable member of this House breaks the law whenever he goes into Bellamy's to have a liquor—that you can neither sell, give, nor allow them to take it. Every honorable member breaks it when he has a glass of liquor in Bellamy's.

262. Is Mr. Sutton aware that he was breaking the law in giving or selling liquors to these Natives at the time he did so—in 1869 or 1870?—It is the same law now as then.

263. I am not asking that, Mr. Chairman. I am asking if Mr. Sutton is aware that in 1869 or 1870 it was illegal to sell or give any spirits to Natives?—I am aware that that is a law in dispute. There is a Proclamation issued some thirty years ago, and as to the validity of that Proclamation there are serious doubts.

264. Are you aware of an Act—the Sale of Liquor Ordinance of 1847?—It is not an Act, as far as I am aware, passed by Parliament.

265. Does Mr. Sutton know that there was no Parliament in 1847?—I was not here in 1847.

266. How much of the £2,500, the alleged purchase-money, did Paora Torotoro owe Mr. Sutton?—I cannot say from memory exactly.

267. How much did Rewi?—I could not say that either.

268. Has Mr. Sutton learned that many other Natives claim to be interested in these 163 acres besides these two?—I do not think any Natives claim to be interested in it. I never heard of any claim until long after the sale, when the Natives were put up to the action.

269. Does Mr. Sutton state that he never heard that any other Natives claimed this land until the action commenced?—Not until about that time.

270. Is Mr. Sutton aware of the nature of the action brought by Rewi Haokore and Paora Torotoro against himself?—Yes; fully.

271. Is he aware that it was an action brought to rectify a mistake?—It was an action brought alleging fraud by wrongfully including the 163 acres.

272. And that it was held that, in order to rectify that mistake, there must be error on all sides?—It was held that there was no mistake proved. That was the finding of the jury.

273. Is Mr. Sutton aware that, to support an action on the ground of mistake, it must be first proved that all parties were mistaken?—I have had a good deal of experience, but I am not a lawyer.

274. Does Mr. Sutton say that, when he signed the mortgage, he had no knowledge that the Natives were ignorant that they were mortgaging the 163 acres?—I state positively that the Natives were not ignorant.

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THURSDAY, 11TH DECEMBER, 1879.

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

275. *The Chairman.*] Can you give the Committee any further information on the subject-matter of this petition?—I am sorry to say that since I was last here I have not been able to get the information I hoped to get from the inspection of papers in the case. I said when I was here last that I would endeavour to get the papers relating to the matter from the Native Office. But the particular papers, I find, relating to this case have disappeared from the records. I have therefore no further information to offer to the Committee beyond what I gave on a former occasion. I said then that immediately after I had taken office as Native Minister I went to Napier for the purpose of effecting a settlement of this dispute. There was a large meeting of the Natives held; and, in fact, I had almost completely come to an agreement about the settlement, and that the question should be placed in my hands—that was the Natives' expression—"the land should be placed in my hands." I had then an intimate acquaintance with the grievance of the case, and, from my general recollection of the matter now, think that the Natives have substantial grounds for claiming redress. That is all I remember about the history of the case. It has gone out of my recollection. Just as the meeting was about to break up, and understood to have come to an agreement, it was suggested to the late member Karaitiana by Mr. Grace, agent for the Repudiation Party, that there was something wrong in the agreement, as far as I recollect. He meant to obstruct the settlement that was come to with the Natives, and the meeting