

the Hon. E. Maclean, in which it appears to him that the Government would be bound to have the restrictions taken off.

24. *Mr. Ormond.*] Is there any recommendation by Mr. Sheehan?—No; there is a telegram in which he inquires whether the Governor had ever been advised to assent to the alienation of Native shares.

25. *The Chairman.*] The only question was whether the removal of the restriction would affect the Natives?

26. *Mr. Ormond.*] Was this case referred to Mr. Barton?—The papers were forwarded to him; but it was afterwards considered that it was not within his province to inquire into it, as no grant had ever been made. As I have already stated, many of the letters read were written under the impression that the grant had actually issued. At the time the letter referred to by the Chairman was written there was no grant.

*Sir G. Grey:* I think the Committee must overthrow this letter altogether. No Minister has a right to tell what advice he has given to the Crown. That would be a very wrong transaction. Sir James Fergusson ought never to rely on that.

*Major Jackson:* It is not Sir James Fergusson; it is Mr. R. Fergusson.

*Sir G. Grey:* He is in this petition. Sir James Fergusson was Governor at the time—in 1874. No Minister can tell what he will advise the Governor to do. It is absolutely an unconstitutional thing to do, and a matter which this Committee has not any right to recognise at all. It is absolutely, as far as I know, unparalleled in British history. It is inconceivable that a Governor, who is trustee for the Natives, should assume that advice would be given, and that he should take that advice without discretion. I think this was a very unconstitutional proceeding.

*The Chairman:* I think that the Natives have not suffered in any way—

*Sir G. Grey:* I am going on this letter, and I say that it ought not to be taken into consideration.

27. *The Chairman.*] The land was awarded in 1872, Mr. Lewis?—No; it was before the Court in 1871. The first correspondence on the subject with the Native Department took place in 1873.

28. *Mr. Graham.*] Can you tell us now why the Crown grant is not issued?—Yes.

29. *Sir G. Grey.*] Is it because of the illegality of this letter, or is it because the Natives were wronged in any way?—It is withheld at the present moment on the application of the Europeans who are interested in the land.

30. *Mr. Monk.*] Has it not been held in abeyance in view of the possibility of the whole of the Natives, in the course of time, wishing the grant to issue without any restriction whatever? Was not that the idea?—I do not think that was the idea.

31. Is it not usual to delay as long as some of the Natives hold out?—In following the practice under this Act there has never been any departure from the recommendation of the Court. All the restrictions that have been removed in the manner stated in Mr. Clarke's letter are in the grant itself.

32. If their titles were individualized that would have the effect of removing the restriction as to alienation, only it would disengage them from the claims of the Europeans?—New grants could be ordered without restrictions.

33. *Mr. Taipua.*] How many of these Natives have not sold, and do you know their names?—I only know what is stated in one of the letters that I have read—namely, that nearly the whole of the grantees sold in one case, and seven in the other case. I have no knowledge myself who has sold or who has not sold.

34. Do you think that the two or three non-sellers have not sold since?—I do not know what is the position of the title.

35. Were these titles under the Act of 1865?—Yes. Some other Acts are mentioned in the certificates, but the Act of 1865 is the important one.

36. Does the Act provide that, if the whole of the grantees sell to any person, the sale should be legal, and that it should be confirmed?—I believe the grantees have power to sell under that Act.

37. *Mr. Graham.*] If the restriction were removed the purchaser would only have to stand on his conveyances, whatever they were?—He could only get what they gave him.

38. *Mr. Taipua.*] Does not the Act of 1865 provide that if any one of the ten persons refuse to sell no conveyance can be made?—I do not remember that clause. What I think is that there is no power to prevent them selling; but, in the event of a less number than the whole selling, there was formerly no power of subdivision.

39. Before the Europeans commenced to purchase, had restrictions been proposed?—When the certificate of title was issued by the Native Land Court a recommendation was made that restrictions should be imposed when the Crown grant was issued.

40. Then, have the two or three non-sellers in one block ever applied to the Government not to withdraw the restrictions?—I do not know who are non-sellers; but I have already stated that some Natives have applied for the restrictions to be removed. There are others against it; but I think, in the latter case, outside the grantees.

41. Why does the Government keep this matter in abeyance all these years? Why not agree to request the Natives interested to withdraw the disability from this land?—About the time this correspondence ensued there was trouble in the district. Sullivan was killed. A surveyor named Todd was killed in another part of the district. These circumstances made the Government cautious what they did in this matter.

42. Then the three Natives who have not sold, their shares are intact?—I do not know who have sold. But any who have not sold, of course they still have their interest in the land.

43. *Sir G. Grey.*] I think, Mr. Lewis, you said that some Natives were in favour of this prohi-