

107. Who are "they"?—The Government, apparently.

108. *The Chairman.*] I understand that with respect to one block the whole of the ten names required appear, but not so in the other?—Here are the certificates.

109. Are the names the same in each?—I think one or two are the same; they are not all the same.

110. *Mr. Hutchison.*] Does this require the certificate of the Trust Commissioner?—It will have to go through all that yet.

111. Then it is not complete?—No; it could not be proceeded with because the parties could not get in all the Natives to sign a conveyance.

112. I think it is necessary that all the documents referred to by Sir Frederick Whitaker should be produced and recorded, as I understand that they cannot be left with the Committee. Perhaps Sir Frederick Whitaker would produce them?—Yes; you have already the telegrams and letter referring to the recommendation of the Court, and stating that His Excellency the Governor would be advised to remove the restrictions; you have next the conveyances from the Natives interested in each block to the Macleans (the conveyances for Maungatautari Nos. 1 and 2); then there is the agreement between Messrs. Maclean and R. H. D. Fergusson. I should like to have them in order: First in order are the certificates of title [produced], then the telegram [produced], next the copy of the certificate under the Act of 1865 for Maungatautari No. 1, dated 18th April, 1871, with the names filled in: Waati Tahī, Parakaia, Tuterangi Pouri, Piripi Whanatanga, Tamati Touru, Te Raihi, Teni Ponui, Peripi Matewha, Matene Pototo, Rapata Mohi.

113. What is the acreage?—3,185 acres.

113A. It would be as well to have the terms of the certificate recorded?—Terms of certificate: That the whole of the block be made by the Crown grant inalienable by sale, gift, or mortgage, or by lease for a longer period than twenty-one years.—A. H. MONRO, Judge.

114. Now for Block No. 2: What is the acreage of that?—2,330 acres.

*Mr. Hutchison.* The terms of the certificate are the same. The Chairman would perhaps allow the names of the Natives in this block to be taken down.

*The Chairman.* Yes; Te Hakiriwhi, Ihaia te Ori Ori, Keoni Tawari, Nepia Marino, Tana te Wahara, Hote Tamihana, Harete Tamihana, Rihia te Kanee, Tiriki te Huru, Eruera te Ngahue.

115. *Mr. Hutchison.*] You produce the deed of the 31st December, 1873, from Pirihi and six others in respect of No. 1 Block?—Yes. [Produced.]

116. And a deed from Tana te Wahara, of the same date, for No. 2?—Yes. [Produced.]

117. Are there not deeds connecting Maclean's title with Fergusson's?—I will produce them if you like.

118. There are four deeds; we have two of them?—There is a deed, undated, but executed by Ihaia te Ori Ori in respect to No. 2 Block; there is a deed dated the 23rd May, 1876, executed by Erena Waata in respect to No. 1 Block.

119. The next thing mentioned is an agreement between Maclean and Fergusson?—An agreement from Macleans to Robert Henry Duncan Fergusson, dated the 21st June, 1875, for the sale of land.

120. Does that agreement refer to leasehold land?—No.

121. Has the lease been certified?—Yes.

122. And registered?—I could not say; the lands were leased prior to the purchase. I have not the leases here.

123. The petition does not refer to leasehold land at all?—No, only to freehold.

124. Have you any more documents connected with the cases?—Yes; there is a conveyance from Macleans to Fergusson, based on the agreement which has been read, and dated the 1st March, 1879.

125. It is unstamped and unregistered?—The whole thing stood still; it was not completed, because they had to get the whole ten grantees in each block before they could do anything with it. Then there is a conveyance from R. H. D. Fergusson to the New Zealand Loan and Mercantile Company, in trust for Sir James Fergusson. The reason was that Sir James Fergusson was in Bombay at the time, and he had employed the New Zealand Loan and Mercantile Agency Company as his agent; they made a declaration of trust.

126. *The Chairman.*] Are these all the papers?—Yes.

127. *Mr. Hutchison.*] None of these Native deeds, I understand, have been certified to by the Trust Commissioner?—None; before they could be used the whole ten Natives would have to be got; they were therefore incomplete.

128. *Sir G. Grey.*] I am told you say that the Court had no power to put on this prohibition of alienation?—Not under the Act of 1865; they could only recommend, and leave to the discretion of the Governor what he pleased to do.

129. But they had power to recommend?—Yes; they had power to recommend. I find there has been a general impression that the Native Land Court could put on restrictions under the Act of 1865. That was thought to be applicable to this case; but, on looking into it, it was found to be nothing of the kind. All they could do was to recommend, and the Governor had the discretion whether he would act on that recommendation or not; he could do so or not, as he pleased.

130. Is it the usual rule that another Court sits to review such recommendation—that, say, the Judicial Committee of the Privy Council would make a report to the Crown upon such recommendation?—I am not aware whether that is so.

131. Have you ever known an instance to the contrary?—No; from here we have had only three or four appeals altogether. I have, of course, read a good deal on the subject.

132. Then have you ever found that the Queen disallowed a recommendation?—No. I have never found that.

133. *Mr. Hutchison.*] Does not Mr. Justice Richmond say, in his judgment in *Seymour versus*