1888.

NEW ZEALAND.

CASE OF MR. JOSHUA JONES.

(LETTER FROM CHIEF JUDGE, NATIVE LAND COURT, IN REFERENCE TO CERTAIN ALLEGATIONS IN SPEECH REPORTED IN *HANSARD*, 15TH JUNE, 1888.)

Presented to both Houses of the General Assembly by Command of His Excellency.

The CHIEF JUDGE, Native Land Court, to the Hon. the NATIVE MINISTER.

SIR,— . . . Wellington, 29th June, 1888.

There is reported in *Hansard* (No. 11, p. 119) a speech by Mr. Hamlin, M.H.R., containing allegations reflecting upon me as a Judge of the Native Land Court.

I have now the honour to call your attention to the following quotations from such speech, together with observations by myself, upon allegations in the matter quoted :—

1. "The Chief Judge of the Native Land Court had chosen, upon his own authority as a legal luminary, to set aside altogether an Act of the Legislature, and had simply said, 'this Act overrides the other.'"

The Acts referred to are, I assume, the three following: (1) "The Native Land Alienation Restriction Act, 1884," which prohibits dealings with any Native land within a prescribed district. (2) "The Special Powers and Contracts Act, 1885," item 17, which provides that a specific area of land shall be deemed not to be subject to the operation of the first-mentioned Act, but so only that Joshua Jones may be entitled to complete negotiations for a lease. (3) "The Native Land Administration Act, 1886," which prohibits all dealings with Native land in New Zealand, except by persons provided with a certificate as therein provided.

No question under any of these Acts affecting, or having relation to, the Mr. Jones mentioned by Mr. Hamlin, has at any time come before or been dealt with by me judicially, nor have I said or done anything in relation to such question, save in the two instances following: First instance—In June, 1887, I was waited on at my hotel in New Plymouth by Mr. Standish, as solicitor for Mr. Jones, and by another solicitor, who appeared in "the interest of the public," to see what could be done for Mr. Jones in relation to an incomplete lease of Mokau-Mohakatino No. 1. We discussed the position, and then I asked how Mr. Jones was to get over sections 32 and 33, "Native Land Administration Act, 1886." Mr. Standish expressed an opinion that "The Special Powers and Contracts Act, 1885," exempted Mr. Jones from the Administration Act. I expressed a different opinion. I understood the other solicitor present agreed with me, and that between us we converted Mr. Standish to the same view, but whether our gossip had that termination is immaterial.

Some time afterwards I received and sent two telegrams, in the order and words set out in the appendix hereto.

Afterwards, during the last session of Parliament, the position of Mr. Jones under the Administration Act was mentioned in conversation between Sir Frederick Whitaker and myself. Sir Frederick asked if there was anything in a Bill then before the House that would get Mr. Jones out of the difficulty consequent upon his (Mr. Jones) having failed to apply for a certificate under section 24 of the Administration Act. I said there was a clause with that effect. Afterwards Sir F. Whitaker expressed a doubt whether by reason of "The Special Powers and Contracts Act, 1885," the Administration Act applied to Mr. Jones in relation to Mokau-Mohakatino No. 1, and on hearing Sir Frederick, I certainly shared, and still share, his doubts.

Mr. Jones was informed of these doubts, and afterwards, by writing, Mr. Jones demanded that I should inform the Natives of them; and I sent for Wetere te Rerenga, and did so inform him.

This I did verbally at Cambridge, through Mr. Grace, an interpreter, whom I instructed to say that Sir Frederick had expressed the doubts aforesaid, that I shared them, and that he, Wetere, must get his own lawyer to advise him.

2. "That same gentleman had admitted at Cambridge that even the Attorney-General of the colony had told him (*i.e.*, myself) that he had exceeded his duty, that his law was wrong, and that he had violated an Act of Parliament in acting as he had done."

I know of nothing upon which this allegation can be founded, save what I have mentioned as having been said between myself and Sir Frederick Whitaker, and myself and Wetere. Certainly, I never made any such admission as that alleged, and Sir Frederick Whitaker never made to me any such observations as those I am stated to have admitted he had made.