

2. So far as the said Joshua Jones has failed to complete his title under the clause in the Special Powers and Contracts Act enabling him in that behalf, such failure has, in our opinion, resulted from the unwillingness of the outstanding Natives to sign the lease, or from other causes beyond the proper control of the Government or of the Legislature. So far as the law is concerned, there appears to be no reason at the present time why the said Natives should not sign the lease if they were willing to do so. We say this on the assumption that "The Native Land Administration Act, 1886," does not supersede the clause in the Special Powers and Contracts Act; but if there is really any doubt on this point it should be removed.

3. Until the signatures of all the Native owners have been obtained, or until partition of the land has been effected by the Native Land Court, the said Joshua Jones cannot obtain a title to any specific portion of the block. The difficulty in the way of a partition hitherto has been the want of a survey. This want has now been supplied, and the matter thereby brought a stage nearer to completion; but there are still many obstacles in the way of the settlement of the title, as to some of which, at all events (*e. g.*, the power to apply for a partition), the assistance of the Legislature might legitimately be invoked.

4. There is a consensus of evidence that a survey would have been effected in the latter part of 1882, or thereabouts, had it not been for the action of the then Minister for Native Affairs (Hon. Mr. Bryce) in stopping the same. Also, that such survey might at that time have been effected peaceably, and without opposition from the Natives.

5. If we were able to agree that a survey of the eastern boundary-line could at any given time or times other than in 1882, or thereabout, have been made without endangering the peace of the district we should be in a position to say to what extent the action of the Survey Department, as apart from that of the Native Minister, had contributed to the delay in the completion of the title. We cannot, however agree that such a survey could, until recently, have been made, or that it would have been prudent to have attempted it. Neither do we think that the opposition of the Natives was the result of any action of the Survey Department. The proceedings in 1885-86, to which Mr. Jones particularly objects, may have given emphasis to the opposition, but was not, in our opinion, the cause of it.

6. Except as aforesaid, and except as to any unascertained effect which the telegram of Chief Judge Macdonald to Wetere te Rerenga may have produced on the minds of the Natives, we cannot identify any act of the Legislature or of the Government, or any improper action, mistake, or neglect of any officer thereof, as having prevented, or materially hindered, the said Joshua Jones from completing his title. In so saying, it must be understood that we do not assume to review judicial acts or decisions of the Native Land Court. Neither do we regard Captain Messenger as an officer of the Government in respect of his connection with this business, seeing that he acted at the request of the parties themselves, in his capacity as a Justice of the Peace, and was in no way properly concerned therewith in his capacity as a Government officer.

7. Considering the exceptional nature and circumstances of the case, the said Joshua Jones is, in our opinion, entitled to any assistance which the Legislature can accord, having regard to the just rights and interests of the Natives. Nor has there been any such dilatoriness on the part of the said Joshua Jones in prosecuting his negotiations as to disentitle him, and those claiming through him, to such assistance. But, on account of the difficulty of the case, we consider that any suggestion as to the specific form which such assistance should take must proceed from Mr. Jones himself or his legal advisers. We need hardly say, however, that any suggestion having for its object to supersede the functions of the Trust Commissioner, or the provisions of the law in force at the time of the signing of the lease with regard to dealings by minors, should be regarded with great jealousy; also, that the effect of Captain Messenger's evidence would have to be carefully considered.

8. It may, no doubt, with some force be objected that the introduction of intoxicating drink into a Native settlement in connection with a land-transaction is in itself an action that should disqualify for assistance or sympathy from the Legislature. We do not defend what was done in that respect. We do not believe, however, that the beer was intended to be used for any improper purpose in the way of obtaining signatures to the deed. It must be remembered, moreover, that Mr. Jones's dealings on this occasion have already received recognition from the Legislature, and that at least one person states that he has acquired interest therein in reliance upon such recognition. (See evidence of Mr. William Bayley.)

9. The said Joshua Jones has undoubtedly sustained serious loss and injury through inability to make good his title; but we are unable to form any pecuniary estimate thereof.

10. With regard to the question propounded in the Commission, as to whether the said Joshua Jones is entitled to any "redress" from the Government of New Zealand, it is not clear to us whether the question refers to the legal or to the purely equitable aspect of the matter. If the former, it is a question for the Law Officers of the Government; if the latter, we do not well see how the equitable view of the case can be discussed until the legal position has been defined, and until it has been ascertained whether Mr. Jones has any, and, if so, what, legal rights in the matter. The term "redress," we presume, includes compensation. With regard to suggestions for special legislation, we recommend that, before any such are accepted, the evidence of Captain Messenger should be submitted for legal opinion as to its probable effect upon the transaction in point of law.

11. As regards any question of compensation which may arise out of the matters aforesaid, it is, of course, essential that the Government should be fully informed as to the considerations which influenced the stoppage of the survey in 1882. We regret that, owing to the absence from home of the Hon. Mr. Bryce, we were unable to obtain his evidence at the time we endeavoured to do so. The time at our disposal since then has been very fully occupied; nor could we, until a recent stage of the inquiry, form an estimate of the bearing and possible importance or otherwise of his evidence.