

knowledge of the Native language. The document now produced [Exhibit No. 27] contains the original notes taken by me of the evidence given on that occasion. Finally, I decided that the application was not properly before me; and the papers, together with the lease, were then forwarded by Mr. Standish to the Registrar at Wanganui, in order that they might be forwarded to me in the regular manner. About three or four weeks after I received them from the Registrar, together with a statement as to the ownership of the land, a report of which will be found on the Trust Commission records of the Native Land Court, Wanganui. On receiving that report I considered the legal position of the matter, and decided that the applicants had no *locus standi* before me as Trust Commissioner, the case not being sufficiently ripe for decision. I based my decision upon the fact that the land dealt with in the lease was a "parcel of land" within the meaning of the interpretation clause of "The Native Land Court Act, 1886," and of section 4 of the same Act, and that until partition had been made it could not be said that the title to that particular land had been ascertained. I should explain that the lease purported to be for a part only of the Mokau-Mohakaitino No. 1 Block as defined in the interlocutory order of the Court. Mr. Standish thereupon gave notice of appeal, but subsequently withdrew the notice. The document produced [Exhibit No. 28] is a copy of my decision. The deed has not since come before me as Trust Commissioner. For the reasons I have already stated, the case has never been gone into on its merits under the Native Land Frauds Prevention Act. I may say that, had the deed purported to deal with "the interest of any" of the Natives who were parties to it, I should have allowed the case to proceed. Had the matter been in a position to proceed at that time it would have been my duty to notify as many as possible of the owners in the Form C of the Regulations under the Native Land Frauds Prevention Act.

I certainly should not have passed it on the evidence of the two Natives who came before me. I would have taken special precautions in this case, because I was aware of the report which Captain Messenger had made to the Government, which report had been forwarded to me officially by the Under-Secretary for Native Affairs. The report in question was forwarded to me with other papers in connection with an application made on behalf of Jones for an Order in Council under clause 51 of "The Native Land Court Act, 1886."

About April, 1887, having been informed by Mr. Standish that it was intended, instead of prosecuting an appeal, to apply for a partition of the land, I wired to Mr. Standish, reminding him that a survey would be necessary. In the telegram I quoted section 79 of "The Native Land Court Act, 1886." In October, 1887, I held a Native Land Court at Waitara, and an application was brought forward in the name of Te Aria, one of the owners, for a partition of the land. This application had been set down for hearing some three years previously, but no person had ever attended to prosecute it. On inquiry it turned out that Te Aria had been some time dead, but on the suggestion of the Chief Judge a successor was appointed to Te Aria for the purpose of carrying on the application.

This course was adopted to assist Jones, because no application had been lodged by any Native in his interest; and, as lessee, he was not in a position to lodge one on his own account, and also because it was too late to lodge a new application for hearing at that Court. The case for partition came on for hearing upon Te Aria's application. Mr. Standish appeared on behalf of Wetere and Mr. Hughes for a Native named Huia. Major Brown appeared for Natives who had not signed Jones's lease. A day or two before the application came on for hearing, I had received from Mr. Humphries, the Chief Surveyor at New Plymouth, a map which purported to be a topographical map of the Mokau-Mohakaitino No. 1 Block. It was clear, on the face of the map, that it was not a map made on actual survey. When I received the map I did not consider it a satisfactory one, and had an interview with Mr. Humphries about it and asked him why they had sent me a plan that was not made on survey. I also asked him what was the technical meaning of a "topographical map." He said he had received written instructions from Wellington to forward it to me and that a topographical map meant a map showing the contour of the country, but was not a survey plan.

When the application came on for hearing it was contended on the part of the applicant that the plan was a sufficient one. After some argument the Court reserved decision, and ultimately gave the written decision, a copy of which is now produced. [Exhibit No. 29.] Major Brown appeared for Hirawano and others, who were opposed to Jones's lease. The notes of the evidence taken at the hearing will be found in the minute-book of the Court at Wanganui. I consider that the Survey Department, in certifying that plan, placed the Court in a false position. After the decision had been given Mr. Jones had an interview with me, in which he accused me of having, as Trust Commissioner, given a decision in favour of Mr. Nevil Walker for land on the other side of the river in ten minutes, while I had refused him the certificate, notwithstanding that he had been so many years trying to get his title settled. I explained to Mr. Jones the difference between his case and Mr. Walker's—namely, that in his deed a portion of the owners purported to alienate absolutely a portion of the land of which no partition had been made, whilst in Walker's case the adult owners conveyed the whole of their interest in the block, so that no partition was necessary. That was the Mangapapa Block.

JAMES MCKERROW, having been sworn, gave evidence as follows:—

I am Surveyor-General for the colony. The plan produced is the plan of the Mokau-Mohakaitino Block, which has just been completed by the Survey Department for the Native Land Court. [Exhibit No. 1.]

I believe the cause of delay in former years in the survey has been Native obstruction, but I have no personal knowledge. The Chief Surveyor in New Plymouth would be the person to give information on that point.

The plan now produced is a plan approved by the Chief Surveyor at New Plymouth, as an