

Mr. J. E. MACDONALD, Chief Judge, Native Land Court, examined

387. *Mr. Gray.*] Can you produce to the Committee the agreement or agreements from any owner or owners of the blocks known as Mangoirā and Mangapapa, upon which you granted a certificate under the Native Lands Administration Act at New Plymouth in June, 1887?—No; because on that day I posted it back to Auckland, and I have not seen it since.

388. To whom?—To Mr. James Russell, who sent it to me.

389. They are probably in his possession now?—I have not the remotest idea.

390. *Mr. Hutchison.*] Copies are in in the Mokau Coal Company's case?—I could not say; in all probability they are. I have no doubt the document before me was the original, of which this was a copy. The document of 1881 is the one I am speaking about.

391. Can you produce the notification made prior to the certificates being granted?—The Chairman has it.

392. Can you produce a copy of the certificate?—The Chairman has it.

393. Have you any original applications by Natives for a rehearing with respect to granting certificates?—Yes, they can be produced.

394. And your reply to that application or applications?—I could get them.

395. Can you produce the decisions of Trust Commissioner Wilson?—No; they are not in my custody, nor are they under my control.

396. Are they under the control of the Under-Secretary, Native Office?—I do not know what is under his control, I am sure,

397. Do you not know what is the practice?—I do not know the practice; I know nothing about it.

398. You have nothing to do with applications for Trust Commissioners' certificates?—I am a Trust Commissioner myself. I have nothing to do with any applications to any other Trust Commissioner.

399. The same remark would apply to an application for the objections laid before Trust Commissioner Wilson and Trust Commissioner Rawson?—Yes.

400. Can you produce the telegram of Mr. James Russell to yourself which has been referred to?—I have stated that there never was such a telegram. The telegram I produced to Mr. Standish I produced to the Committee, and is already in evidence. The only telegram I ever showed to Mr. Standish is the one I gave to the Chairman of the Committee.

401. I understand there was no telegram from Mr. Russell to yourself?—No.

402. Was the telegram shown by you to Mr. Standish shown by you in confidence?—I told him not to mention what it contained to any one else. I did not want to be bothered with Walker. The telegram stated, "Certificate granted to Walker; but legality of procedure very doubtful."

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TUESDAY, 3RD JULY, 1888.

Mr. J. E. MACDONALD, Chief Judge, Native Land Court, further examined.

*Witness:* In compliance with a letter from Mr. Gray, of the 26th June, I wired to the Registrars of the Native Land Court at Wanganui and Auckland to send me the papers referred to in Mr. Gray's letter. From the Registrar in Auckland I received a pile of papers, which I have not read, and do not know what is in them, but I hand it to the Chairman. I also received from the Registrar at Wanganui a document which is no doubt the original agreement of Stockman with the Natives dated in 1881, which has been spoken of throughout the proceedings. In handing that to the Chairman, I may remark that I am aware that I am doing what I have no right or authority for doing. The document is a muniment of title, and I know of no authority to compel its production without the assent of the person to whom it belongs. Certainly the Supreme Court cannot do so. As the deed has accidentally come to my hands, in my official capacity, I think it better that it should be produced, and, therefore, take the responsibility of handing it in. I also, for the progress of the business, sent several other telegrams—one to James Russell and one to Inspector Pardy at New Plymouth—which I hand in with the replies.

403. *Mr. Gray.*] Before the Committee last year you stated that you had sent a telegram to Auckland which you showed to Mr. Standish?—Yes.

404. Was that telegram in reply to a telegram from Mr. Russell?—Certainly not.

405. May I ask why did you send the telegram?—Because Mr. Russell was concerned for Mr. Walker, as I knew. Mr. Russell did not appear personally for Mr. Walker. I decided to give Mr. Walker a certificate instead of giving it to Mr. Owen or Mr. Richmond, as they both desired. But as I had doubts as to the validity of my procedure—the validity of the certificate, to put Mr. Russell on his guard I wrote a telegram immediately upon the close of the proceedings before the parties dispersed. That telegram was to Mr. Russell, and it is the telegram which I put in in evidence to the Chairman. Immediately upon writing it, as it had relation to the case, I showed it to Mr. Owen's counsel.

406. Did any counsel appear before you for Walker at New Plymouth?—No.

407. Were you asked by any one to communicate with Mr. Russell?—No.

408. Was there any reason for urgency why you telegraphed?—In the first place, I did it so that there should be no mistake about it; that I should not forget it, and to get rid of the matter. There was another reason which might have actuated me—I do not know that it did, but it is an obvious reason—and it is this: That this took place on the 15th June; the land was through the Court; there was only from the 15th to the 30th during which signatures could be obtained lawfully to the lease under the certificate; and, therefore, it was obvious that whatever was done on the strength of the certificate would be done speedily. Hence the necessity for expressing my opinion as to the certificate by telegram instead of by letter.