

1888.
NEW ZEALAND.

CASE OF MR. JOSHUA JONES

(PAPERS RELATIVE TO).

Laid on the Table by the Hon. Mr. Mitchelson and Dr. Hodgkinson, with Leave of the House.

No. 1.

The Hon. Mr. MITCHELSON to Mr. J. JONES.

SIR,—

Native Office, Wellington, 13th June, 1888.
I have the honour to inform you that it is intended to appoint a Royal Commission to inquire into your land claim, and to request you will be good enough to instruct your solicitor to submit a draft commission for the approval of the Government.

Joshua Jones, Esq., Wellington.

I have, &c.,

EDWIN MITCHELSON.

No. 2.

Mr. J. JONES to the Hon. Mr. MITCHELSON.

SIR,—

Wellington, 15th June, 1888.

After waiting several weeks in Wellington seeking inquiry into my case at the hands of Parliament, I receive a letter from you on the 13th, marked "Immediate," informing me that the Government had determined upon appointing a Royal Commission to inquire into my land claims, and requesting that my solicitor should submit a draft commission for the approval of Government.

In reply, I would state that I came to Parliament in the hope of obtaining immediate relief for the wrongs done me by the unintentional passing of laws that have injured me, and by the action of the Government and its Judges, who have prevented me completing my titles. The appointment of a Commission is not of my seeking or that of my friends. The Premier at first consented in the House to a Committee of Parliament, but other influence was brought to bear, and a Commission—which, I fear, means delay and danger—is substituted.

It is more painful to me to be told by the Native Minister that he did not consider I had any right to appeal to Parliament; that, had a Parliamentary Committee reported, the Government would not have taken any notice of the report of the Committee; and that, so long as he was in the office, no law should be passed to afford me relief: and it was not very encouraging to hear the Premier, Sir H. A. Atkinson, inform a deputation of some twenty members of Parliament that "Mr. Jones relied upon Parliament to redress his grievance," in a tone indicating that I was committing a crime in asking for a hearing. The present Government endeavoured to assist me last session, and why they should reverse their policy now I do not know.

As the troubles have arisen mainly through legislation and the errors of officials, I might have hoped that some reference would be made to me, or to those gentlemen in Parliament who are anxious to see justice done me, relative to the nomination of the Commission.

I would have it placed upon record that other persons—namely, Messrs. Morrin and Russell, of Auckland—have, with the aid of the Native Land Court Judges, acquired titles to lands at Mokau in a most illegal and unrighteous manner very recently that other persons were better entitled to, and I have seen clauses in Bills to give validity to such transactions; and the agents of these same persons are creating some of my difficulties in the hope of acquiring my lands by a similar unrighteous process. I could have submitted ample proof of this to a Parliamentary Committee, and I have no doubt I shall see these same agents opposing my interests before the Royal Commission, who would not dare show their faces to the daylight of a Parliamentary Committee. These people can obtain a title in a few minutes in a hotel parlour, without the expenditure of a shilling of money, to lands that had not passed the Court when the agreements were made, and had never been surveyed. Whereas I have been over twelve years with large expenditure, anxiety, and trouble, and every time I approach the Land Courts (four times last year) these same Judges reject mine or the Natives' applications.

It is neither my duty nor desire to attempt to cavil at the doings of Government, but, as there appears to be never any end or finality to the negotiations, it is my duty to my family, or those of

them who may be spared on earth to contest the matter, to have placed on record what my feelings are at this stage of the opposition that is being fostered to prevent a completion of the negotiations being effected.

The Minister informed me yesterday that any communication from me would have no effect upon the Government. Might I hope that he will think better of it, and endeavour to obtain me a hearing by a Parliamentary Committee, where the opponents could be heard also. It will be less costly and more satisfactory to all parties than a Royal Commission.

Let me impress upon the Minister that the financial position of the concern is such that a Royal Commission can scarce be of avail to me. My interests may fall into other hands unless the matter be dealt with immediately by Parliament.

I have submitted your communication to my solicitor, and he, with every respect to the Government, advises me that a Commission cannot be of assistance upon the face of the facts already in existence. The matter is so well understood that an immediate remedy by Parliament is requested.

I have just seen the names of two gentlemen for the proposed Commission, who I understand are Civil servants, or in some way dependent on Government. I must respectfully protest against the Crown appointing their own servants to judge between itself and a subject complaining.

I have, &c.,

The Hon. Edwin Mitchelson, M.H.R., Native Minister.

JOSHUA JONES.

No. 3.

Mr. J. JONES to the Hon. Mr. MITCHELSON.

SIR,—

Wellington, 19th June, 1888.

I am in receipt of your letter of yesterday, informing me that the Government intended to advise His Excellency the Governor to appoint a Commission of certain gentlemen named to inquire into my case, &c.

I would ask what is the object of this Commission? I sought an independent Parliamentary Committee, who could have inquired into the actions of officials of higher standing than that of the Commissioners themselves, and placed the whole facts before the Legislature. This Committee is refused me, and a Commission created by the Ministry is suggested. The Minister told me in plain language that no effect would be given to the recommendations of a Parliamentary Committee, even if I had succeeded in getting one, and that as long as he was in office no law should be passed to afford me relief. What am I to infer from this? If the Ministry pay no respect to a Parliamentary Committee of ten independent gentlemen, am I not entitled to fear that the Commission is appointed for some purpose other than was intended to be obtained through the Parliamentary Committee.

The Minister says no law shall be passed to afford me relief. Let me ask how it is that clauses have been placed in the Bills of last year, and this year in a Bill introduced by the Hon. E. Mitchelson himself, protecting the titles obtained by Messrs. Morrin and Russell, of Auckland, in a very peculiar manner at Mokau.

I again desire it to be placed on record that this Commission is not appointed at my request, but in defiance of my protest.

I have, &c.,

The Hon. E. Mitchelson, M.H.R., Native Minister.

JOSHUA JONES.

No. 4.

COMMISSION issued by HIS EXCELLENCY.

WM. F. DRUMMOND JERVOIS, Governor.

To all to whom these presents shall come, and to GEORGE BOUTFLOWER DAVY, Registrar-General of Lands and Deeds, JOHN MACKINTOSH ROBERTS, Lieutenant-Colonel, New Zealand Militia, and HAMUERA MAHUPUKU, Assessor of the Native Land Court: Greeting.

WHEREAS by an Act of the General Assembly of New Zealand intituled "The Special Powers and Contracts Act, 1885," it was, among other things, enacted that the Governor might, for the reasons set out in the Schedule to the said Act No. 17, by notice in the *Gazette*, declare that a parcel of land bounded on the north by the Mokau River, on the south by the Mohakatino River, on the west by the sea, and on the eastward by a line drawn from the mineral spring at Totoro, on the Mokau River, due south to the Mohakatino River, should be, and be deemed to have been, excluded from the Schedule to "The Native Lands Alienation Restriction Act, 1884," but so only that the said Joshua Jones should be entitled to complete the negotiations entered into by him with the Native owners of the said land for a lease thereof for the term of fifty-six years, and that the said lease should or might be validly made for the said longer term: And whereas it has been alleged by the said Joshua Jones that he has been prevented from pursuing and completing his negotiations by reason of the provisions of "The Native Lands Administration Act, 1886," and also by reason of certain actions of the Government of New Zealand; and it has, on the other hand, been alleged that the said Joshua Jones has not taken reasonable steps to enable advantage to be taken by him of enactment: And whereas it is considered expedient to ascertain whether the said Joshua Jones has been prevented by any action of the Legislature of New Zealand, or the Government thereof, or any of its officers, from acquiring the leasehold title to the aforesaid land, and also whether the said Joshua Jones has suffered any wrong through any of the matters aforesaid; and, further, whether the said Joshua Jones is entitled to obtain any redress from the Government or Legislature of New Zealand, and, if so, of what nature and to what extent; and, further, whether the non-com-

pletion of the title of the said Joshua Jones to the lease aforesaid has not arisen from his own dilatoriness, or the unwillingness of the Native owners to complete the same, or from any other cause beyond the proper control of the Government: And whereas it is expedient that all the circumstances connected with the proceedings of the said Joshua Jones in reference to the said lease, and also of such other persons, whether officers of the Government or otherwise, who have been engaged or concerned in transactions in relation thereto, should be fully inquired into and reported on:

Now, therefore, know ye that I, Sir William Francis Drummond Jervois, Governor of the Colony of New Zealand, by and with the advice and consent of the Executive Council of the said colony, having confidence in your knowledge, ability, and integrity, and in pursuance and exercise of the power and authority conferred upon me, do hereby appoint you, the said

GEORGE BOUTFLOWER DAVY,
JOHN MACKINTOSH ROBERTS, and
HAMUERA MAHUPUKU,

to be Commissioners for the aforementioned purposes, and generally in the premises to make all such inquiries and investigations as may be necessary to give full effect to the object and intent of this Commission; and for the purposes of this Commission you are hereby empowered to call before you and examine all papers or any person or persons, by oath or otherwise, as you may think able to afford you any information in relation to the premises; and you are hereby required to report your opinion on the same. And I do hereby, by and with the advice and consent aforesaid, require you within two months after the date of this Commission, or as much sooner as the same can conveniently be done, using all diligence, certify to me, under your hand and seal, your several proceedings, and your opinion touching the premises: and, with the like advice and consent, I do hereby declare that this Commission shall continue in full force and virtue, and that you, the said Commissioners, shall and may from time to time proceed in the execution thereof, although the same be not continued from time to time by adjournment.

Given under the hand of His Excellency Sir William Francis Drummond Jervois, Lieutenant-General in Her Majesty's Army, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at the Government House, at Wellington, this twentieth day of June, in the year of our Lord one thousand eight hundred and eighty-eight.

[*Approximate Cost of Paper.*—Preparation, nil; printing (1,375 copies,) £2 1s.]

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1888.

