

Native Land (Validation of Titles) Act, 1893," which refers to the jurisdiction of the Court, reads as follows:—

7. The Court shall have jurisdiction,—

- (1.) To hear and determine the right, title, and interest of every person claiming the freehold, or any lesser estate or interest in land, or undivided shares in land, then in dispute before it, and may bar and destroy the right, title, and interest of every person considered by the Court to be not entitled:
- (2.) For the purpose of determining all questions in dispute before it, and to call before it all persons claiming the other undivided shares and interest in said land, and may, if the Judge shall deem it necessary or advisable, make partition of the said land in order that the lands claimed before the Court, and to be dealt with by the Court, may be separated and defined from the lands of persons not interested in the matters in contest before the Court:
- (3.) To hear, settle, and determine the right to the use and occupation of the said lands or shares in lands claimed before the Court, whether as to past, present, or future use and occupation, and whether under purchase, lease, or agreement for lease:
- (4.) To hear, settle, and determine all claims and demands for rents and other moneys arising out of the use and occupation of lands, and for unpaid purchase-money, or for liens (including liens for survey and survey-charges), debts, mortgage claims, claims for interest, or claims for damages in the nature of a debt or money-demand, whether such claims or demands be upon or by any Maori or half-caste Maori, or upon or by any corporation or banking company, or other company or co-partnership: and
- (5.) To hear, settle, and determine all claims and demands whatsoever, whether based upon contract or otherwise, which, in the opinion of the said Court, ought to form part of the settlement of the conflicting interests of the parties before it, or arising between any of them respecting said lands, or the use and occupation thereof.

This cuts both ways, and operates both for the European and the Maori.

Mr. Monk: You have not come to the point. It seems to me that the action of the company was altogether illegal, and, I may say, wicked. It entered into a transaction in connection with this land, and never submitted the transaction to the Trust Commissioner, who might have advised that the whole thing was illegal, and that which has ended so disastrously to the Natives might have been prevented. I do not know if the Validation Court has recognised this, and thrown the case out because of that illegality—that serious illegality.

Mr. Heke: No authority will dispute that fact.

Mr. Monk: I am surprised at it.

Mr. Heke: The intention of the Validation Court was to validate all titles.

Mr. Monk: These titles were not in conformity with the requirements of the Act.

Hon. Mr. Carroll: You describe them in a general way, and insinuate that everything was not in accordance with the law. Thousands and thousands of pounds were paid in stamp duties and other matters required by the law. I want to remove the impression that the general character of the transactions of the Land Company was in contravention of the law. Of course, when the Judge gives his evidence he will be able to reply to you on any legal point better than I can. I cannot answer questions of law. I shall conclude by saying that I, with my co-trustee, Mr. Wi Pere, have no desire whatever to claim the majority of the blocks to which this petition refers. I have already marked off the blocks in the office that are to be abandoned by us. Any worth going on with—

Mr. Heke: The petitioners do not know.

Hon. Mr. Carroll: I have informed them of that. That has been, in a measure, why this petition has come to the House. Another party interested in these lands, and with a voice in the matter, is the Estates Company, and its lawyer has not agreed to the scheme of absolute abandonment; but I am certain that the ultimate end will be as the trustees have determined. Still, a certain amount of unnecessary alarm has been caused. The person in charge of the petition, who came here with it, and who represents these people, came to me before the petition was presented and told me about the whole thing. I advised him to let the petition go on, and we would have an explanation. He said that he himself was quite confident on the question of our abandonment, but some of his people were doubtful. His people were afraid that the company would insist upon the inclusion of all their lands, and thus give them unnecessary worry, trouble, and expense.

12. *Mr. Monk*.] Have you gone through all the accounts—all the expenses—of this East Coast Company?—Yes.

13. Are you satisfied that the money was lost unavoidably?—That is so.

14. Did not this company go in for a kind of reckless prodigality, spending money amounting to enormous sums?—That may be so, but, on the whole, the scheme was a good one if properly carried out.

The Chairman: I do not think it advisable for us to go into the details of this land company from the beginning. We have to deal only with matters brought up by the petitioners.

Hon. Mr. Carroll: This matter was of such great public concern that I got Messrs. Mitchelson and G. F. Richardson, who were Ministers at the time, to inspect this land, with a view of getting the Government to take it over—

Mr. Monk: I remember that.

Hon. Mr. Carroll: To cut up the land and manage it in the same manner as was adopted in regard to the lands on the West Coast. Nothing, however, was done. The present Government has since been approached in the same way, but they have great reluctance in tackling such a big thing. We therefore made the arrangement referred to for the extension of five years. The company might have foreclosed to-morrow had not the new arrangement been made.

15. *Mr. Monk*.] Is interest running on still?—Oh, yes; still bearing $6\frac{1}{2}$ per cent., but we have got them to advance money to improve a lot of the land, and the revenue is now increasing. The revenue is about £4,000.

16. What is the revenue as against the interest at the present time?—The revenue is slightly under the interest at present—only a little though. The company will be satisfied with any good arrangement by which this terrible expense will be got rid of. If advances were made towards the improvement of these lands, and the working of them, the revenue in a short time would be