

ADDITIONAL MINUTES OF EVIDENCE.

THURSDAY, 3RD NOVEMBER, 1898.—(Mr. J. JOYCE, Chairman.)

Mr. Gray : I have been requested by Mr. Baldwin, who has been obliged to leave town, to appear for him this evening.

The Chairman : The Committee yesterday resolved that Sir Walter Buller should be asked to be present this evening in order that some members of the Committee might have an opportunity of putting some questions to him. Before doing so I have a suggestion to offer to both you, Mr. Bell, and to Mr. Gray. The suggestion arose in my mind from seeing a report of a case which was before the Native Appellate Court yesterday. Also, remembering that, in all probability, the session will close to-morrow night or during the early hours of Saturday, I thought I would make the suggestion, firstly, that we should lay the evidence which we have taken upon the table of the House and allow the rest of the business to be held over until next session. That is one aspect of the matter. The other is—it may be incorrect on my part, but the thought occurred to my mind—that there were questions suggested in the argument before the Appellate Court yesterday which may go to the root of the whole thing, and, therefore, to the proceedings we have before us at the present time. If the main question is involved in the case which was before the Court yesterday, then surely the matters ought to be settled by the Courts of law before Parliament should decide what shall be done. However, these are thoughts which have occurred to me, and I would ask you both whether it would not be advisable that the evidence we have taken so far should be laid on the table, and the matter be left over until next year. If that is not done, and we take evidence now, that will have to be revised, and the Committee will have to meet again. In that case there would be no chance of any report this session. I merely point that out to you gentlemen who represent your clients. The Committee will be guided by suggestions you may have to make.

Mr. Bell : May I ask the Hon. Mr. Hall-Jones when the supplementary estimates are to come down?

Hon. W. Hall-Jones : To-morrow night, probably. We hope to have them down to-morrow night.

Mr. Bell : I quite understand the effect of that. I gather, Sir, from what you have said that you are of opinion that the Committee could not report to-morrow upon this petition.

The Chairman : That is what occurs to my mind.

Mr. Bell : Is that your opinion?

The Chairman : Well, I put it to you that, if we take evidence, that evidence will have to be revised, and the Committee will have to meet to-morrow. Of course, it could be done; but I am only making a suggestion to you.

Mr. Bell : I would like to make this statement, and then relegate the matter to the Committee: We presented this petition in the early days of the session, and nobody, I think, can suggest that the matter has in any way been delayed by us. In the absence of Mr. Baldwin, I do not want to say a single word which would lead the Committee to think that I suggest that the matter has been unduly delayed by the Government solicitor; but it is only fair to say this: that the engagements of the solicitor for the Crown did involve a considerable delay in the presentation of the case before this Committee. The result has been, therefore, through no fault of ours, that we have been sent for in the last days of the session. I would like to put it to the Committee that it is very exceptional, where a petition is presented so early in the session, dealing with a matter which, after all, is very simple to determine, to have further evidence taken at so late a period of the session. I would like also to say that the proceedings in the Native Appellate Court have nothing to do with the Horowhenua Block Act. They are proceedings quite apart from that Act, which have been taken under the Native Land Court Act for the purpose of attacking the title of the Native owner. It has already been decided by the Supreme Court that in the *mandamus* to issue a title to Sir Walter Buller that no question can now be raised as to his title. In so far as the petitioner is concerned, he is not in the slightest degree affected; nor do these proceedings purport to affect him, and the proof of that is in the fact that the Native Appellate Court has no jurisdiction in a matter which affects a European. It is a curious proceeding which is authorised by the Act of 1884 in the nature of *certiorari* between Maoris, and is a special case. I should not state any point here which is in question in Mr. Baldwin's absence, but *locus standi* has been denied to the petitioner in the Native Court on the ground that the European title is not affected; so that anything taking place in the Native Appellate Court could not affect the proceedings before you. It is impossible for me to do more than leave the matter in the hands of the Committee at this stage, because if the Committee really think that it is fair and just at this stage of the proceedings to require further evidence to be taken upon a petition which, as I say, has certainly not been delayed by us, and if the Committee think that the taking of that evidence will necessarily delay them so much that they could not report to-morrow, it is idle for me to ask the Committee to take any other course than that which seems to them to be necessary. But I think I am entitled to put it to you, Sir, and the Committee that it is very unusual, after all the evidence has been taken on both sides, at the end of a session like this, to delay the report upon a question of ordinary justice—I am not saying on which side the justice is—by going into further extraneous matter. The evidence is extraneous to the question. All that the Committee is asked to determine is whether the House intended that Sir Walter Buller was to defend this action at his own cost. A great deal of extraneous evidence has been brought in which—I say it quite respectfully—was solely matter of prejudice, and I submit it is a very exceptional thing at this stage of the session—