

I entertain no doubt that the claims made in paragraphs 3 to 8 of the petition are included in the terms of the Act and are included in the settlement thereby made, and as to those matters I recommend the petition be dismissed.

As to paragraphs 1 and 2 of the petition, I endeavoured to hear these claims. After much delay the petitioner has now withdrawn the claims as he says he has insufficient funds to present them to the Court.

The first difficulty was to discover what these paragraphs of the petition were about, and for the information of the Court and the Church Mission Society the petitioner was invited to set out with proper particularity what the claims were. He endeavoured to do this, but it only resulted in the restatement of the petition without adding greatly to the information already given.

I held a further sitting at Ngaruawahia in February last, but the petitioner was not ready to go on. He was, in fact, not able either to state the grounds of his petition properly, or to urge what was relevant to support his claims. Counsel for the Church authorities were present and ready to answer the petition. As the petitioner could not proceed counsel asked for leave to state briefly the grounds relied on in answer to what appeared to be the claim—viz., that the Church authorities had not properly administered the funds from the lands given to it.

It was pointed out that a Royal Commission sat in 1905 to consider the same question and that its report appeared as a parliamentary paper G-5 in 1905. There the whole history of these lands was given. Since then the trusts have been well and properly administered as theretofore. The Royal Commission's report will be found in Appendix to Journals, G-5, 1905.

In support of counsel's statement evidence was given by Mr. H. A. Swarbrick of Te Awamutu, Mr. A. B. Whyte, Registrar and Secretary of Waikato Diocesan Board, and Mr. J. E. Barton, Registrar of the Diocese of Auckland.

These gentlemen gave the history of the administration of the trusts relating to the lands referred to in the petition before and after the report of the Royal Commission in 1905. They were not cross-examined.

Now that the petitioner finds himself unable to proceed the Court is not able to hear the matter further. The petitioner has made no case, but the Church authorities have furnished information that makes it appear doubtful at least that a case can be made out in any event.

I can only recommend that the petition be dismissed.

In the matter of petitions, generally, referred to the Court for investigation, I would suggest that before any petition is so referred, the claim of the petition should be fully and fairly set out and all persons affected thereby given an opportunity of appearing on the petition before the parliamentary Committee. In the present case the Court's time has been wasted and the respondents put to much trouble and expense unnecessarily. If the Court had power to award costs against a petitioner who fails to make out a case on his petition, it would have the effect of reducing the number of petitions sent to the Court for hearing, to those that at least appear to have some merit.

E. W. BEECHEY, Judge.

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