

TUESDAY, 18TH OCTOBER, 1910.

EDWIN BAMFORD examined. (No. 4.)

1. *The Chairman.*] What is your position?—Registrar-General of Lands, Wellington.
2. *Mr. Hindmarsh.*] Do you know anything about a caveat which was put on the land at Mokau?—Do you mean a caveat lodged by the Registrar?
3. How many caveats have been lodged, and have you any notice in your papers as to what was done with regard to the caveats?—With regard to one caveat—that is all.
4. Who lodged that caveat?—The Assistant Registrar at New Plymouth.
5. When?—On the 18th February, 1909.
6. When was it removed?—I think it was about the 2nd May.
7. In what year?—1910.
8. Did you go to New Plymouth on the matter at all?—I did not.
9. Do you know what documents were registered about the time of its removal?—I have seen that two mortgages were registered.
10. Was the transfer registered?—No.
11. What were the mortgages?—There was one from Mr. Macarthy. I do not know anything about the mortgages. I was told of them.
12. What were you told?—I suppose it is correct to ask you what you were told?—I was simply told that two mortgages were registered.
13. Was it on the day the caveat was removed?—That I cannot say.
14. To whom were the mortgages registered, and what were the amounts—do you know?—No, I have not the least idea.
15. You do not know anything about any other caveats?—I know in a general way that there were other caveats.
16. Do you know if any caveat was lodged in April, 1908?—No, I do not.
17. That is all the knowledge you have about it?—That is all.
18. Have you got a letter from Mr. Jones?—Yes, there is a letter.
19. Have you got it here?—Yes.
20. Will you read that to the Committee?—“Mokau, Taranaki, 19th December, 1909.—The District Land Transfer Registrar, New Plymouth.—Mokau-Mohakatino Lands.—SIR,—My solicitor, Mr. R. C. Hughes, informs me that you have, at the suggestion of the Chief Judge, Native Land Court, lodged caveat against further dealings with these lands by Hermann Lewis, the alleged purchaser (from Flower's executors), whose name appeared on the Provisional Register as owner of the same. Will you be pleased to warn me of any attempt that may be made to order or direct you to remove such caveat, in order that I may be examined in the matter. I make the request on the following grounds: (1.) That I was arbitrarily prevented from entering an action for redemption, &c., of these lands by the Dominion Court of Appeal on the 20th July, 1908, that the English Chancery Court held (and made an order) to be maintainable, wherein I could have proven that Lewis was only a *dummy*—not a *bona fide* purchaser. (2.) That I was refused leave by the Court to appeal to the Privy Council from its decision. (3.) That Flower's executors, who executed the transfer of the property to Lewis, were at the time trustees for me personally, in addition to and irrespective of being mortgagees of the property—which fact was known to Lewis; therefore their transfer of the property was an act done in fraud of me, and which I was not permitted by the Court to have investigated. (4.) That the matter of this alleged sale and transfer was investigated by a Select Committee of the Legislative Council on Petition No. 50 of 1908, presented by me subsequent to the decision of the Court of Appeal that refused me leave to prove the facts; and this Committee reported unanimously as follows: ‘The Committee has given the subject-matter of the petition much consideration, and has taken a considerable amount of evidence thereon. The Committee recommends that the Government should refer the case to a Royal Commission or other competent tribunal for inquiry into its merits, and that pending the investigation by that body steps should be taken at once to prevent further dealings with the land in question.’ (5.) That Hermann Lewis in person, and the said executors by their legal representatives, were heard before the said Committee. (6.) That Lewis admitted at the inquiry that his only claim to ownership of the property was the registration, that no money had been paid on the purchase, but that some money was available for payment as a deposit by other people when a good title could be obtained: he in effect admitted the dummyism. (7.) That the inquiry as recommended by the Legislative Council Committee has not been held, consequently giving me no opportunity of stating the facts. (8.) That Lewis has repeatedly offered me large sums of money to stand aside and allow a quiet title to be obtained, an unnecessary proceeding for an honest purchaser to adopt. Note 1: It may doubtless be contended in support of motion to compel the removal of caveat (as it was in the Court of Appeal) that I had in July, 1904, by a compromise in an action against Wickham Flower and others in the High Court in London, and by subsequent acts in 1906 ratifying that compromise, released the executors (Flower died in September, 1904, immediately after the compromise), who stood in Flower's shoes, from the trusteeship; but these executors and their solicitors dishonestly and intentionally violated the compromise of July, 1904, and the subsequent compact of 1906, thereby preventing me from carrying out my obligation, and this fact the Dominion Appeal Court prevented me producing evidence to prove. The caveat should not be removed until I have had the opportunity of being examined, either at the instance of the L.T. Registrar or by the competent tribunal recommended by the Legislative Council Committee. Note 2: A form of inquiry was made by the Stout Native Land Commission, but the law did not empower that Commission to inquire into such case. Again, Sir R. Stout could not be considered a ‘competent tribunal,’ for the reason that he was President of the Appeal Court from whose decision I was compelled to petition Parliament. Furthermore, I knew nothing of this so-called inquiry until two months after it