

G. V PEARCE sworn and examined. (No. 5.)

1. *Mr Myers* ] You are a member of Parliament?—Yes.
- 2 Where do you live?—Patea.
- 3 You were one of the west coast lessees, Mr Pearce?—Yes.
4. It has been suggested during this inquiry that Mr Symes brought an action in connection with the leases, and it cost him an amount of money do you know anything about that action?—Yes. The confirmed leaseholders met, and arranged for a committee to act for them. I was one of that committee to handle the matter for them, and they agreed to make a levy of so-much per £100 according to the rateable value of the whole of the leases. The case that upset the original awards was the case of the *Maoris v Turner*. That was the case on which the whole thing was decided. The whole of the costs were paid by levy according to the rateable value over the whole of the leaseholders—both the costs of this action and the cost in connection with putting the claims before the Committee of the House prior to that. The costs amounted in all to about £3,000, speaking from memory—not that particular case, but the whole of the expenses.
5. Not paid by Mr Symes personally?—He would pay proportionately. He was a leaseholder.
6. He was a petitioner, and before the House in 1905 or 1906, but are we to understand from what you say that he was in the same position as other petitioners, and that if they were entitled to consideration from the Government so was he?—He had sold out his lease. He was a leaseholder at the time, but sold subsequently.
- 7 Mr Skerrett tells me they were petitioners?—I was not aware. The petitions were taken round, and any one who had a claim signed.
8. Do you know Mr George Johnston?—There are a lot of Johnstons about Waverley.
9. Was George Johnston one of the confirmed leaseholders?—I believe there is a father and son both called George Johnston. I know them all.
10. Do you know whether either the father or son was appointed as a manager or agent for the various lessees in connection with these claims against the Government?—Not to my knowledge.
- 11 *Mr Skerrett*.] I understand that you are referring to the action by the Natives against the Public Trustee and Mr Turner, which went before the Court for examination?—Yes.
12. Mr G. Hutchison and Mr H D Bell acted for the lessees?—I know that Mr. Bell was employed.
- 13 The case was determined in 1891?—I do not remember the date, but probably that is correct.
14. The case is reported in Vol. x, New Zealand Law Reports. Do you remember that Mr Bell acted as counsel on the hearing of the petition before the House?—I know he was appointed as counsel for the lessees before this Committee. I think he was employed right through.
15. I am not referring to the petitions now before the Committee, but to petitions anterior to those?—I understood he was employed during the whole of the time.
16. You know nothing of the litigation which ensued between the Public Trustee on the one hand and Mr Symes and his brother on the other?—Nothing whatever—never heard of it.
- 17 Your information is confined to the main litigation, which unfortunately resulted in the awards being declared *ultra vires*?—I was a member of the lessees' committee the whole time, and if anything occurred I think I should have heard of it.
18. Will you kindly look at the petition of 1905, and you will see that the firm of W and H. Symes does appear among the signatories to the petition [produced]?—Yes.
- 19 *Right Hon. Sir J G Ward*.] What was the date, Mr Pearce, when the difficulties arose that caused the levy to be made in the action brought by the Maoris against Turner?—I do not remember the exact year. We did get an Act passed a long time prior to that. Then the awards were upset.
20. Do you know of your own knowledge when the trouble arose between the lessees and the Maoris?—No.
- Mr Skerrett*. The awards were made under the Act of 1889. We heard in evidence previously that the payments under the awards were made in the year 1889. The litigation was in 1891.
- 21 *Right Hon. Sir J G Ward*. That £3,000-odd that the leaseholders who were endeavouring to obtain valid leases for was incurred in connection with the litigation of 1891?—Not the whole. The representations before the Committee were prior to the first legislation.
22. Was that amount, £3,000 in round figures, the accumulated expenses from 1889 right on?—Yes, I think so—from 1887 onwards.
23. *Hon. Mr Millar* ] Who dealt with that fund?—This committee of the leaseholders. Mr Lysaght, sen., was chairman, and Mr Percival Wilson was secretary.
24. *Right Hon. Sir J G Ward*.] Did that committee suggest at any time that any pressure should be brought upon the Government of the day?—Only by way of appearing before the Committee.
25. *The Chairman*.] By petition?—I am not aware that they did, prior to this petition.
- Mr Myers*. I desire to put in some letters written by Mr Symes to Mr Gower, who was one of the witnesses I asked the Committee to summon, but he is away from his home and is unable to attend. Mr Gower was one of these leaseholders: 'S Gower, Esq, Whenuakura, Patea.—DEAR GOWER,—I am just sending this as a reminder, feeling assured that it has escaped your memory, that the cheque you promised me has not yet come to hand.—With kind regards, believe me, yours sincerely, WALTER SYMES.—Stratford, 26th June, 1908.' Then it is admitted by Mr Skerrett that on the 3rd July Mr Gower sent Mr Symes a cheque for £5. That is about a week after the letter. On the 8th August, 1906, Mr Symes writes, "Mr A. Gower, Whenuakura.—DEAR SIR,—I am just in receipt of yours of the 6th instant. May I ask, were A. and S. Gower paid their claim if so, they do not require any further information. The information