

as to the carrying-out of the proposals. I am returning the copy of the agreement you forwarded me, and if the matter is completed it would be advisable that a copy of each agreement be sent to this office for record. When I sent you the telegram on the 20th the file was with the Solicitor-General, who, I understood, saw no objection to Mokau-Mohakatino proposal. I note the opinion on the file since returned reads, 'I see no objection to the appointment of Mr. Bowler as trustee.' I will place the position before the Minister on the first opportunity. No doubt you will take the necessary action to see that you are fully indemnified in case litigation should follow in connection herewith.—THOS. W. FISHER, Under-Secretary."

19. *Mr. Herries.*] What was the telegram there referred to?—"Glad receive your opinion *re* Mokau agreement." That was from Mr. Bowler. I replied, "Minister referred to Solicitor-General, who sees no objection to proposal." That led to my letter to the Minister dated the 27th, as follows: "Native Department, Wellington, April 27, 1911.—Memorandum for the Hon. the Native Minister.—Referring to my memo. of the 7th instant, which you minuted to be referred to the Solicitor-General for opinion: He has now had the papers before him, and Mr. Dalziel, solicitor for the company, has also interviewed him. The file has now been returned with minute, 'I see no objection to the appointment of Mr. Bowler as trustee.' I have intimated the position to Mr. Bowler, but have pointed out that the work that will have to be entered upon is certainly worth some remuneration, which one might assess at from £75 to £100 per annum, as fees, all direct outgoing expenditures, travelling-expenses, &c., being, of course, charged to the block. I presume the company will, through its secretary or solicitor, arrange for all expenses of surveying, roading, &c., and satisfy the Board as to providing necessary funds on completion of the work. The main thing, I presume, Mr. Bowler will have to secure himself upon will be indemnity in case litigation is sought by any parties who may claim to be injured.—THOS. W. FISHER, Under-Secretary." The Minister minuted it back to me on the following day, "Board take action accordingly," and I sent advice to the Board.

20. *The Chairman.*] Speaking generally on the question of public officials acting as trustees for companies such as this, is that generally done in the public service, do you know?—No, I cannot say that it is.

21. Do you know of any other case where a public official acts as trustee and receives payment?—I know of none in my Department. I would point out here, however, that the money does not go into Mr. Bowler's pocket.

22. *Mr. Massey.*] Where does it go?—Into the Public Account.

23. You mean the fee that he receives?—Under the Civil Service Regulations he has to pay any fees that he receives in this way into the Public Account.

24. *Mr. Dive.*] Then you pay the money to him?—No. That is a matter for Cabinet to decide. As this case was going on, I did not move further in the matter. But for it I should have reported in the ordinary way to the Minister, who probably would have dealt with the question.

25. *Hon. Mr. Ngata.*] As to Orders in Council issued under this section 203, setting aside the provisions under Part XII of the Native Land Act, is this the only case you know of where an Order in Council has been issued to permit of alienation?—No; we have had several.

26. In other districts?—Yes.

27. You have advised the Government from time to time as to the advisability of issuing Orders in Council: can you tell the Committee what class of transaction such Orders have usually been granted for—to permit of what class of alienation?—We had two or three large transactions for such land as Rangitoto, at D'Urville Island (the transfer of a lease), and Orongorongo, a block across the Wellington Harbour.

28. Have there been cases where the Order in Council has permitted alienation to a man already owning a large area of land?—Yes, that is so.

29. There are cases, for instance, where the surrounding land is European freehold?—Several cases have been dealt with where, being isolated blocks, of perhaps 300 or 500 acres, miles away from any thoroughfare, and to which it is impossible to get a road, and in order to settle the difficulty and get the land occupied, advantage has been taken of this section (203) to permit the person owning the land adjoining to acquire.

30. There is no other case of the same kind as the Mokau Block?—No, not in this way.

31. Was the question of Mr. Bowler's appointment as trustee submitted to Cabinet? In his evidence Mr. Bowler said he understood it was so submitted?—He has evidently confused it with the matter of remuneration. That was the question that had to go to Cabinet—as to what he should receive of the amount charged to the company.

32. The question of his appointment as trustee was not submitted?—The Native Minister was satisfied after the Solicitor-General had given his opinion. The matter was then referred to me to take action.

33. *Mr. Dive.*] I understood you to say in your opening remarks that certain restrictions had to be removed to allow the Natives to sell. Will you kindly explain what those restrictions were?—The restriction was the limitation of area. The Cabinet minute is, "Restrictions to be removed." Perhaps it should have said "that, if the evidence submitted to the Board was satisfactory, the Order in Council was to issue." That is really what it means. There was no other restriction except the limitation of area.

34. That being the case, do you think that the last Native Land Act has been exceeded in that respect?—I can only refer you to the Koputauaki No. 2 case, which was recently before the Supreme Court. There the Solicitor-General argued that this section was intended for that particular class of case. Two of the Judges, I see, did not agree with him exactly, but the Chief Justice did. It is a case where the Registrar refused to register transfer of leasehold interest in land. Now the Solicitor-General is appealing, and the case is to come before the Court of Appeal. Therefore I do not think I should express an opinion upon it.