

No. 100.

Wellington, 21st August, 1911.

To Mr. W. T. Jennings, M.P., Chairman, Native Affairs Committee, Wellington.

*(Memorandum.)*

I HAVE received a notice from you requiring my attendance at Committee-room F on Tuesday, the 22nd, to testify what I shall know concerning the matter of the Mokau-Mohakatino Block dealt with in Paper G.-1.

I had not intended paying attention to your summons without further direction from the House, but I have been advised that my refusal to attend might probably prejudice parties concerned in the proceedings. I therefore, out of respect to Parliament, present myself—but under protest—to answer any questions that may be put to me. I presume that I shall not be permitted to testify “what I shall know”: such would require more time and space than the Committee might be inclined to devote to the subject-matter, and may be reserved for another occasion.

As I claim to be interested in the property, as well as in the proceedings, I consider it necessary to warn you of the objections I hold, and also as to the measures already adopted by the Government to the prejudice of full and fair inquiry into this matter.

Item 1: I consider your presence as Chairman of the Committee—or in any capacity—to be most improper, as well as a menace to fair inquiry, for the reason that you have already wantonly prejudiced the case by making many statements pertinent to the issue in the House, as well as broadcast over the country, that you knew, or should have known, were absolutely untrue, and that in your “evidence” before the Committee of 1910—evidence, remember, not asked for, but tendered at your persevering solicitation—you had not one word to say as to the facts of the case itself, but that you considered the proceedings—i.e., my petitioning Parliament—were “very irregular,” and that a “great mistake” had been made: that is to say, you set your own opinion up as against Committee reports from both Houses, to damage me without reason or cause excepting the heinous crime of my petitioning Parliament. Whether this attitude was in allegiance to the promise you had previously informed me the Premier had given you that you should receive the portfolio of Minister for Lands I cannot say: certain it is that you had no grounds, as far as my conduct has been concerned, to make an attack upon my claim; and it may be noted that you are the only member of the House that has done so, although many honourable gentlemen know the merits of decades past much better than yourself. You surely have not forgotten that you took me to the Prime Minister in 1908, after the decision of the Supreme Court, which was contrary to that of the English Chancery Court, had been given, and right of trial and leave to appeal to the Privy Council both refused me, and the Right Hon. Minister advised me to petition Parliament with the view of obtaining a recommendation upon which Government might request Parliament to grant relief. However, laying these items aside, the fact of your being or having been the local agent, as you state, of the people who the members of the 1910 Committee allege in the House had defrauded me should of itself disqualify you from having anything to do with inquiry into the case. I do not believe that a tithe of honourable members in the House would permit you to be connected with the matter if they knew the present circumstances as I know them. Indeed, the incident is fresh in my memory of a member being expelled from a colonial Parliament for simply stating what was true concerning parties who were present to defend themselves, much less stating what was not true with respect to a person who was not present and had not the opportunity to defend himself, as you have done. You have seen fit to say in Parliament that you had done all you could to assist me, but I think you have done a little more to assist Dr. Findlay by refusing to move for the open inquiry that was recommended by the Committee in 1908, and which would have opened up the whole transaction that Findlay took such pains to conceal and has so eminently succeeded hitherto in doing.

Item 2: I do not consider it proper or just that Sir James Carroll should be seated on the Committee in this case. It is proven that his colleague, Dr. Findlay, has an interest in this business notwithstanding his denials, and the action of Sir James Carroll himself in advising His Excellency the Governor to sign an Order in Council to carry out a transaction not authorized or contemplated by the statute in such case will necessarily come under review by Parliament and the constituencies, to whom it may not appear prudent that he should judge his own case. His admission that the proceeding was sanctioned by the Cabinet on the 5th December last, when the Prime Minister and Dr. Findlay were present, increases rather than mitigates the illegality of the transaction, although it sheds responsibility hitherto concealed over other members of the Cabinet.

I also question the propriety of Mr. Macdonald, the Government Whip, sitting on this Committee. He has already adjudicated on the matter; he was on the A to L Committee of 1910, when he was permitted—improperly, I allege—to contradict a most important statement of fact put forward by me in evidence—with a statement that was incorrect—and there is this important fact, that Mr. Macdonald with other Committeemen of 1910 voted with the Government (that flouted their recommendation) to send this case to the Native Affairs Committee, instead of to independent tribunals as proposed by Mr. Massey and suggested by Mr. Fisher and Mr. McLaren. Bearing in mind that my own interests may be involved in this Native Affairs inquiry—although in my opinion it is in no sense a Native question—and that Mr. Macdonald is on the Committee, I would remind the members that the evidence given before the A to L Committee was not taken upon oath—which was great disadvantage to me, inasmuch as the statements of the principal witnesses were, in the main, untrue—and, worse still, much that was stated was only “half the truth.” The document known as the Stout-Palmer report of March, 1909, made use of continually by the Government and that Committee to my detriment, was, as I warned the Committee, an illegal and improperly obtained report. There was no legal power to justify any inquiry being made by the Stout-Palmer Commission into the Mokau lands, neither was such intended