

125. Will you state the substance of it?—It combines the substance of Mr. Richmond's amendment with my amendment. *Mr. Howorth.*

The Chairman read the new amendment, clause 8. (*Proceedings, pages 5-9.*)

20th August, 1869.

Hon. Mr. Fenton further examined.

126. *The Chairman.*] You have heard the discussion which has taken place concerning Mr. Howorth's amendment?—Yes. *Hon. Mr. Fenton.*

20th August, 1869.

127. Have you any observation to add?—When I, as Chief Judge of this Court, prepared a Bill with amendments, which I told the House and the Committee were in my judgment absolutely necessary, I feel that the passage of that Bill through the House ought not to be endangered by the insertion of clauses, no doubt involving great principles, but founded on the desire to set up private rights. I cannot avoid thinking that there is really no dilemma about this business; and, although honorable members entertain different opinions, that these difficulties have arisen because the true course has not been taken, and that is to introduce a separate Bill. If the Committee, being aware beforehand of the difficulties that will be thrown in the way of passing this Bill by the Government (as they have been distinctly told), think fit to insert a clause in the Bill, of course it cannot be helped; but it does seem to me that the danger to this Bill would be avoided, and the object of it would be equally carried out, if they would simply direct the preparation of a separate Bill.

128. *Mr. Howorth.*] Whether this clause be inserted in the present Bill, or whether it forms the subject of a new Bill, do you approve of the principle of it?—That is a question I consistently decline to answer.

129. *Mr. Dillon Bell.*] Have you any objection to say whether, after what has taken place, you would recommend the Government to withdraw their opposition to this clause?—I feel a difficulty in answering that question, for this reason, that I shall have to sit upon this case hereafter. I cannot see how I can answer any of these questions without indicating an opinion.

Mr. Buchanan recalled.

130. *The Chairman.*] I am informed that you wish to correct a portion of your evidence?—It is my wish to do so. *Mr. T. Buchanan.*

20th August, 1869.

131. Will you intimate your correction?—With reference to the question put by Mr. Richmond as to the original dealing by Mulligan with the Natives, I find that it was alleged that Judge Munro had stated that the certificate should issue bearing date June, 1868. Then our solicitor says, "Had this been the fact, the Bank and others who dealt with the land would have been protected," clearly implying that the original title we held was a title which would be valid. I wish to correct the statement I made, that I was under the impression it was prior to June, 1868, that Mulligan dealt with the Natives. It must have been subsequent to that date.

132. *The Chairman.*] That is all you wish to say?—Yes.

Witness was discharged from further attendance.

APPENDICES.

APPENDIX A.

I, *Hugh Hart Lusk*, of the City of Auckland, in the Province of Auckland, in the Colony of New Zealand, solicitor, do solemnly and sincerely declare,—

1. That I was present at Shortland on the first day of October, one thousand eight hundred and sixty-eight, when a Sitting in Chambers of the Native Lands Court was being held before the Chief Judge.

2. That part of the business transacted at the said sitting was the adjustment of the boundary line between allotment E., number five, and allotment number twenty-three, Kauaeranga.

3. That, immediately after the adjustment of the same, William Macgregor Hay, of Auckland, solicitor, made application to have the certificate for allotment number twenty-three issued as from the date of the hearing of the case, which the Chief Judge assured him would be done.

4. That the said William Macgregor Hay then applied to have his application put upon the notes, and was informed that it was quite unnecessary, as the certificate must issue as from the date of hearing of the case at Shortland.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand, intituled "The Justices of the Peace Act, 1866."

HUGH H. LUSK.

Declared at Auckland aforesaid, this twenty-second day of July, 1869, before me,

LAURENCE D. NATHAN,

A Justice of the Peace in and for the Colony of New Zealand.

APPENDIX B.

I, *William Macgregor Hay*, of the City of Auckland, in the Colony of New Zealand, solicitor, do solemnly and sincerely declare,—

1. That I was present at a Sitting in Chambers of the Native Lands Court, at Shortland, on the first day of October, one thousand eight hundred and sixty-eight.

2. That part of the business of the said sitting was the adjustment of the boundary line between allotment E., number five, and allotment number twenty-three, Kauaeranga.

3. That I appeared at the said sitting as solicitor for Aperahama Te Reiroa, Tanameha Te Moananui, and Hirawa, being employed by James Horne, who was interested in allotment number twenty-three aforesaid.