

THURSDAY, 2ND AUGUST, 1888.

EUGENE MCCARTHY, having been duly sworn, gave evidence as follows:—

In 1882 I was master of the steamer "Motorua," which belonged to the New Plymouth Harbour Board. In July of that year, by instructions of the Chairman of the Board, I placed the steamer at the disposal of the Natives for the purpose of returning from Waitara to Mokau after the sitting of the Land Court. I took down about eight or ten Natives, also some provisions, and two thirty-six-gallon casks of beer. I do not know who ordered the beer to be put on board. The beer was landed at the Native settlement, at the mouth of the Mokau, and was placed in charge of a man named Thomas Poole, who kept a store there. I remained at Mokau for about twelve days, during which time the terms of the lease were being discussed between Jones and the Natives. I remember the day when a number of them signed the deed. There had been no drinking previous to that day. The beer had not been opened previous to that day. Jones and his party had gone overland, and were at Mokau when we arrived. I think it was the day after I arrived that the deed was signed. I heard Te Oro ask Poole for some beer before the deed was signed, but he refused. He said he would not let them have any beer until all business was concluded, and that then he might have a drink of beer if he liked. I can say positively that the beer was not opened until the afternoon of the day of the signing of the deed. I was present when the first cask was tapped. I saw Natives drinking, but I saw no drunkenness. I do not consider there was enough amongst so many of them to make them drunk. Some of the Europeans "went" for the beer more than the Natives. I believe some of it went up the river to the Totoro Natives. I cannot say whether all the Natives signed on the one day.

WEDNESDAY, 27TH JUNE, 1888.

JOHN EDWIN MACDONALD, having been duly sworn, gave evidence as follows:

I am Chief Judge of the Native Land Court.

The plan produced [Exhibit No. 1] is a plan of the Mokau-Mohakatino No. 1 Block, which was furnished to me as Chief Judge. It came into my custody yesterday. The title to the land was investigated by the Native Land Court in the year 1882. The papers I now produce are the records of the Native Land Court in reference to the said land. From this it appears that the title to the land was investigated by the Native Land Court in the year 1882. Such investigation was made upon a sketch-plan, and an order was made for a certificate to issue in pursuance of the Act of 1880, when a sufficient plan and description is deposited in Court and approved as provided by sections 25 and 27 of "The Native Land Court Act, 1880." Under the 27th section the Court required the survey to be made. I believe that various attempts have been made to effect the survey, but it was only yesterday that the Survey Department supplied the plan already produced, which is approved as being a proper plan of the land under "The Native Land Court Act, 1886." The document produced [Exhibit No. 2] is the original order for certificate of title to issue under sections 25 and 32 of "The Native Land Court Act, 1880," in the names of Wetere te Rerenga and ninety-nine others. The Natives named in that order, or their successors, are the present owners of the land, subject to determination by survey of the boundaries of the block. The boundaries are not yet finally determined. I propose to have them determined in terms of sections 28 to 32 of "The Native Land Court Act, 1880." Until yesterday I have not been in a position to proceed under those clauses. On the 15th of October, 1883, an application was made to the Court by Te Aria, on behalf of himself and others, for a division of the block. This application was dismissed.

In April, 1887, two applications were made for partition of said block, one by Mr. Joshua Jones, dated the 13th April, 1887, and the other by Wetere te Rerenga and others. These applications were heard at a sitting of the Court to be held at New Plymouth on the 1st June, 1887. I presided at that sitting of the Court. Mr. Jones's application was heard first. Mr. Standish, of New Plymouth, appeared as counsel for Mr. Jones. It appeared that Mr. Jones's claim to partition was based upon a lease only, purporting to be a lease from some Native owners of the block. I then held that a lessee had no right to compel partition by his landlords. I understood counsel for Mr. Jones to concur in that view, and Mr. Jones's application was thereupon dismissed. A claim for partition by the Natives was then called. Mr. Standish appeared for the claimants. The application is on the record-file now produced [Exhibit No. 3]. It was stated that Wetere te Rerenga was one of those who had signed Mr. Jones's lease. Wetere te Rerenga was present in person, but was represented by Mr. Standish as counsel.

It was claimed for Wetere that the land should be divided into two pieces, one piece to be given to those who had signed Mr. Jones's lease, and the other piece to those who had not; and further, that the land given to those who had signed the lease to Mr. Jones should be the seaward-side of the block, which was supposed to contain the coal deposit.

I stated that the Court could not make a division between the parties, simply because of Jones's lease; that in making partition between the owners of the land I could not regard in any way the fact of the lease; and that even if I divided the land among those who had signed the lease and those who had not, it would not follow that I should give the seaward-side of the block to those who had signed the lease, because they had signed it. I further explained that the Court was not in a position to make a partition of the land at all, because the land had never been surveyed, and therefore was really an unknown quantity. I offered to Mr. Standish to proceed with the case if he could point out anything that I could do which would have any legal efficacy: thereon the claim was dismissed. I believe Mr. Jones's lease professed to be of the whole block, as the block was then thought to be. The block again came before the Court for a partition at a sitting held at Waitara in October, 1887, before Judge Wilson, but no partition was made. I do not know of my own