would be too straightforward a course for Native legislation), but by annexing an insurmountable impediment.

Having, so far as this Court is concerned, settled the rights of the parties, I have now to enter upon another matter which, if left without full explanation, might greatly prejudice Mr. Tiffen's interests when they go elsewhere.

When at the beginning of this inquiry I overruled Mr. Rees's arguments against the jurisdiction of the Court, I did so in error. I held that the omission from this Act of words applicable to cases like Mr. Tiffen's must have been accidental, and being fully impressed with that belief I acted upon it, although in doing so, I was obliged to stretch the rules of statutory construction to their extremest verge, and I urged that, even if my decision was erroneous, that error could not inflict harm on any one, inasmuch as Parliament still held the full control over the ultimate fate of the case; while if I dismissed the case without inquiry, my judgment, if erroneous, would be productive of great injury not only to Mr. Tiffen, but to the innumerable persons throughout the country who are anxiously awaiting relief.

I have now within the last few days seen for the first time the debates in Parliament on this statute. I find that not only was I wrong in supposing that the words in the repealed Act of 1889, fitting such cases as Mr. Tiffen's were omitted accidentally, but that the very contrary was the case; and I further find that the Government gave an undertaking in both Houses that if the Bill were allowed to pass it should not be used in the Native Land Court to validate purchases illegal in their inception. The Hon. the Native Minister expressly stated (*Hansard*, 29th September, 1892) in the Lower House that the Court should only deal with purchases by persons who in so purchasing "had broken no law," but had their estates withheld from them by reason of technicalities or irregularities, or through some change in the law intervening between the commencement and the completion of their transactions, and, he added, "There is no doubt many have broken the law openly and knowingly, trusting their influence or some change of Government would put the matter right. This Bill proposes to give no relief to this class of people."

Afterwards, on the 6th of October, 1892, the Hon. the Attorney-General when introducing the Bill into the Upper House on the day before the prorogation, and asking them to pass it notwithstanding the very late stage of the session, and the impossibility of considering its provisions, gave the Council a distinct pledge. He said (*Hansard*, 6th October, 1892): "We propose to repeal all the provisions dealing with the Commission under the Act of 1889, and to enable the Native Land Court Judges to be appointed specially for the purpose of a Commission to inquire into titles in dispute, with full power to report on all those cases where there has been no breach of the law, . . . but where through some irregularity registration has been refused." He then, doubtless with the view of assuring the Council that the Government had no intention to intrust work so important as the validation of purchases made in spite of statutory prohibition to such a Court as the Native Land Court, proceeded to disparage that Court, and to express his disapproval of the whole existing Native-land system. He said, "The condition of our Native-land legislation is simply disgraceful, and year after year we have nothing but scenes in our Courts of gross fraud. Justice is done to neither European nor Maori, and there is no finality. It is almost impossible for any one, however clever he may be, to fully understand the Native land-laws."

It was in ignorance of these pledges that I construed this Act as intended to confer jurisdiction over the cases which the Government undertook should not be dealt with, nor was I aware that the Lower House had carefully eliminated from the Bill every word deemed capable of being construed as an authority to the Judges of the Native Land Court to recommend the validation of such cases. I then believed their omission to be purely accidental, and I felt it to be my duty, for strong public reasons, to give the Act the widest construction possible, and so prevent the collapse of this the first case in the first Validation Court under this Act. I felt that if the miscarriage of the Edwards's Validation Court under the Act of 1889 was followed by a similar miscarriage in this Court, such second miscarriage would greatly dishearten, if not exasperate, the public, who look only to results and seldom make any allowance for lack of means to produce results. I therefore acted boldly, and held this inquiry, throwing upon the Legislature the responsibility of settling finally what should be done with such cases as the one which I am now sending up to them for their consideration.

Had Mr. Rees disclosed to me in his argument the pledges given by the Government, it would have completely answered my suggestion that the omission to re-enact the fitting words of the statute of 1889 must have been accidental, for they would have shown to me that that omission was of set purpose. Probably Mr. Rees abstained from such disclosure, because it is a rule of the Courts not to allow their judgments as to the proper construction of statutes to be warped by anything said in debate in Parliament. But this was not matter of debate, and it would have been perfectly legitimate for Mr. Rees to have drawn my attention to what had taken place. Then I should have seen that the purchases of Mr. Tiffen were not purchases within the pledge given by the Hon. the Native Minister, *i.e.*, purchases by a person who in purchasing "*had broken no law.*" Nor were they within the pledge of the Attorney-General, *i.e.*, "cases where there had been *no breach of the law*, but where through some irregularity registration had been refused." But at this stage I cannot, in common justice to Mr. Tiffen, stop these proceedings, or hesitate for one moment to send on the case to Parliament for its consideration. Both Mr. Tiffen and the non-selling Natives have, through my erroneous decision and as a consequence of the passing of this worthless and useless statute, been plunged into these proceedings, and it is now too late for them to retrace their steps, abolish the partition, and rescind the settlement of the rights of all persons interested, and stand again where they stood before any step had been taken. The thing is impossible, and I think Mr. Tiffen has a right to expect that the Legislature will give effect to the agreement made between the non-selling Natives and himself with the approval of this Court. It appears to