

minor blocks. I believe I pointed out to him this would be desirable, that each of the blocks should, if possible, have equal frontage to the road. This subdivision was not carried out. I have since laid off a number of 400-acre sections on paper, and defined two boundaries on the ground—namely, one that cuts off six 400-acre blocks (western boundary); the second boundary (eastern) six 400-acre blocks. Mr. Worgan informed me he did not think it would be necessary to define the whole of the subdivisions upon the ground. I believe I said I was glad of this, as otherwise the survey would be very expensive, owing to the broken and wooded land. I have since completed the traverse of the Waitotara River, and am now able to define the back boundary, and the work is now going on. Owing to the river turning so much further than I expected to the eastward, the back boundary will come nearer to the head than was at first anticipated (I produce a sketch map, and show approximately the position of the back boundary), at a point exactly half a mile north of the Momahake Stream, and running due east until it meets other lines enclosing the desired area, about 8,300 acres.

294. *Mr. Worgan.*] Can you remember any conversation or arrangement that occurred when you accompanied Major Turner with myself to see this particular block?—I believe that Major Turner understood that the 3,200 acres was to go back to the back boundary wherever that might fall.

295. Is there any difference in the value of land between the Native award and the sea side of the Railway Reserve, and which is the more valuable?—The land in the Native award I consider is the more valuable. I consider the Native award to be worth at least £2 per acre; that on the sea side about 30s. per acre.

296. Do you consider the plan adopted of dealing with Native awards as a scheme on paper has effected a considerable saving, as between that method and performing in such cases an actual survey?—Most unquestionably.

297. *The Court.*] Why was not the back boundary carried on to meet the river, as appears to have been the original intention?—Partly because the river tended so far to the eastward, partly also on account of a boundary having been gazetted by the Provincial Government which the Commissioner of Confiscated Lands thought should not be interfered with.

298. Was Major Turner given to understand that the back boundary of the land comprised in his lease would run back further than it has since been placed?—Yes; he was told it would go back four miles by me, for the reason already given.

299. Are you aware has the land comprised within that lease since been defined on the ground?—I cannot say.

300. Are you dealing with the land as a surveyor?—Yes.

301. Could it have been defined without your knowledge?—No, it could not.

302. What blocks have been defined within that block?—I submitted a scheme to Mr. Worgan of a subdivision of Native awards into 400-acre blocks and 16-acre blocks.

303. Was this scheme approved?—Yes.

304. What has been completed up to this time?—The line which had been already cut to mark off the military settlers' land so far as the Momahake Stream has been extended forty chains; a parallel line running due north has also been cut; the back boundary I have every reason to suppose is nearly completed.

305. Has there been any subdivision?—There has been no subdivision within these lines.

306. *Mr. Worgan.*] Did I ever give you instructions to define the land included in Turner's lease?—No.

CHARLES H. BORLASE deposed on oath as follows:

307. *Mr. Booth.*] Do you remember paying into the Bank of New Zealand at Wanganui, to the credit of Mr. Worgan, a sum of money which was paid by Mr. Nicholson for land?—Yes; I think it was on the 16th March, 1872.

308. Do you know the amount of money that was paid in to Mr. Worgan's credit?—£1,000.

309. Do you know from whom the land was purchased by Mr. Nicholson?—It was purchased from Erueti Te Pewha and Mere Awatea.

310. *Mr. Perham.*] Was this money paid into a special account or Mr. Worgan's private account?—It was paid into the Bank of New Zealand to an account which I myself opened for him. I received a telegram from Mr. Worgan, who was then at Patea [Telegram produced, marked 1]: "C. H. Borlase, Wanganui. Nicholson must leave a cheque with you for £1,000, to be handed over when business complete. (Signed) WORGAN." I also produce a letter dated March 14th, 1872 (marked 2), as follows:—

"MY DEAR SIR,—*Re* Nicholson,—I send you herewith tracing of the award purchased by Mr. Nicholson. As to title, I shall endeavour to get grant issued direct, if possible; meantime you can have certificate from Commissioner of Confiscated Lands and myself as Native Commissioner, which is all you need. The money, however, must be deposited (£1,000). About this there must be no mistake or misunderstanding, as any delay would cause the matter to lapse to the Government.—Yours faithfully, G. B. WORGAN."

The letter is of prior date to the telegram, but I received them both on the 15th March, 1872. In pursuance of these communications, and taking into consideration the circumstance of Mr. Nicholson holding nothing in writing by which he could compel a conveyance to himself of the land, and hearing that others were endeavouring to obtain the said land, I thought it best to pay the money in the way above stated. We did not know who were the parties that were selling the land, and paid the money into the bank in order to get an equitable right to obtain a conveyance. A conveyance was executed by the Natives Erueti Te Pewha and Mere Awatea, on the 19th March, 1872, of the 800 acres to James Nicholson. Colonel McDonnell acted as interpreter; and I was present at the time of the execution of the deed. When I first put myself in communication with Mr. Worgan relative to this purchase, he informed me that the Wirihana held a power of attorney from these two Natives, from which he could sell the land and execute a conveyance, but I told Mr. Worgan that I should prefer the deed to be executed by the parties themselves. This power of attorney, for some reason which I now