

Mr. Mackay.
18th Aug., 1875.

would have saved you from taking such a step. There are various ways of doing things. I consider you did me a great wrong and injustice without giving me any chance of defending myself.

137. How could I have got the information?—I was instructed to give it to you, and you refused to take it.

138. Had you published offensive letters in the papers before that?—I wrote one in my own defence. One does not like to be jumped upon, especially when his hands are tied by the Civil Service Regulations. But I do not know that there was anything offensive in the letter. You made much more offensive remarks about me at Grahamstown, which were duly published and commented on by the papers.

139. Did you state yesterday that you were in no way under the provincial authorities, and would not recognize them?—I said that I had nothing to do with them. My duty is to communicate with the General Government. Whenever I have gone to you, you must say that I have given you all the information in my power. I have been quite willing to give you any information you ask for.

140. Were you the proper channel of communication with the Superintendent, or had he the right to go to the General Government?—I presume that the proper channel was with the General Government; but if I was instructed to give you any information I was the proper person to apply to, which would have saved trouble and unnecessary reference.

141. *Mr. Rolleston.*] Is there any document from you to Mr. Guilding, expressing any opinion respecting his proceedings with reference to the Tairua reserve?—No, I saw him shortly after. I said that I was vexed that he had taken it; that he ought not to have done so. I thought he ought to have asked me, as it had caused me a great deal of trouble, and had caused a writ to be issued against me. Mr. Guilding said that he had a right to take the lease. I said I wished he had first asked me whether I thought it was right for him to do it.

142. *Mr. O'Neill.*] You state that you have no lease of timber at Tairua or Ohinemuri, of your own?—None.

143. *The Chairman.*] Are you engaged in completing any purchase for Mr. Russell in the Upper Thames?—I am engaged in buying land for the Government, a portion of which is, I believe, to go to Mr. Russell. I think that is mentioned in a report of mine, C. 3.

144. What I want to know is, you are engaged in completing that for him?—I am buying in one block, and a portion is to go to him.

145. *Mr. Rolleston.*] Have you been instructed to make one purchase?—Yes, the money would be apportioned, I assume, between Mr. Russell and the Government, according to the area he got and the Government got. He was buying the whole block, and I suggested that he should take one-half and that the Government should get the other. I wanted to get the whole Aroha range for the public, as it is likely to be auriferous.

146. It was proclaimed under the Public Works Act?—It has been proclaimed since (October, 1874).

147. Was this one of the arrangements you were previously engaged in for Mr. Russell?—I never was Mr. Russell's agent in the matter at all.

148. This was not a block which you were previously negotiating for Mr. Russell?—Not at all.

149. Was it your suggestion that Mr. Russell should be allowed to prosecute some portion of this purchase with the Government?—It was.

150. Do you consider that these lands are bought for the Government at a cheaper rate than private individuals have to give?—The circumstances of private and Government purchase are not the same. The Government buys good and bad, taking a large block, and calculates the average rate. A private individual will pick the eyes out (that is, take the choice pieces), and give more for it than the Government average rate. He may take only 500 acres or 1,000 acres of the best.

151. Could not the Government, when they entered into treaty for the land, have at once issued a Proclamation excluding Mr. Russell?—Mr. Russell was there before the Government; they could have stopped him.

152. There was none of this negotiation done by you previously?—Mr. Russell asked me, but I declined to buy it, and he employed Preece and Graham.

153. The facts are that, notwithstanding a Proclamation securing the purchase to the Government, the Government entered into a kind of partnership purchase for the land?—Mr. Russell was negotiating for the land before the Government ever thought of purchasing it. He was buying both sides of the Thames River. I thought that one side should come to the Government, and I told Mr. Russell that if he did not agree to that I should oppose his purchase. That is how the matter came to be talked about. He said, "Would you let me go on with the west side?" I said, "You had better apply to the Government about it."

154. *The Chairman.*] Would it have been possible for you to have purchased the whole block without consideration of Mr. Russell's claim?—If I had been instructed to do so, I dare say I could have purchased it, the same as now. It is a difficult block to purchase.

155. Then if the purchase had been made, could Mr. Russell's rights have been considered in open Court, and compensation made for any rights which might have been?—No doubt that could have been done.

156. *Mr. Rolleston.*] Do you think he would have any rights?—The same as any other person under the Native Lands Act. Persons buying Native lands generally gave a deposit, and agreed to pay the expenses of survey. All Native lands are bought in that way.

157. Has not the law, as it now stands, practically done away with the operation of the Native Land Court till after purchase by the Government? When the Government issued its Proclamation, would the Court have recognized any claim of an inchoate kind on an agreement with the Natives?—I expect they would not, except in the case of flax or timber; I do not think they would about the land. They would recognize a lien that a person had got for survey. Any agreement before the issue of a certificate of title or memorial of ownership would be illegal; but it has been the custom of the country to set this aside. Native lands were usually bought in the manner I have described. That was the common process.