

MINUTES OF EVIDENCE.

TUESDAY, 5TH OCTOBER, 1875.

The Hon. Dr. POLLEN, being in attendance, was examined as follows:—

Hon. Dr. Pollen,
5th Oct., 1875.

1. *The Chairman.*] At what time was the proposal to purchase the Piako Swamp made by Mr. Thomas Russell?—In February, 1873.
2. You were at that time Agent for the General Government at Auckland?—Yes.
3. Will you describe the nature of the proposal, and the arrangements entered into?—There was a very large extent of swamp country in the Waikato which had remained unoccupied, and indeed unexplored, from the time of confiscation, and a proposal was made by Mr. Thomas Russell, of Auckland, to purchase this swamp, and to take the whole of it, with a view to carrying on reclamation on a very large scale. After negotiations with Ministers, the particulars of which I was not cognizant of, an arrangement was finally come to for the sale to Mr. Thomas Russell of this swamp, which was estimated to contain about 80,000 acres of land, at a price of 5s. per acre, the undertaking on his side being that a road should be made from the Waikato side of it to the head waters of the navigation of the Piako. The particulars of the road, &c., were afterwards set out in the plans and specifications. For making this road, the Government agreed to allow Mr. Russell off his purchase a sum not exceeding half-a-crown per acre. It was further stipulated, in case that the expenditure on this road did not amount to the sum of half-a-crown per acre, that Mr. Russell should pay the difference between the expenditure and the cost price of 5s., in cash. That arrangement was modified by some subsequent arrangements as to the road, and the addition of some portions of land which were necessary for the drainage works to be carried on.
4. What effect has been given to the arrangement since?—None; it merely stands in the nature of a formal agreement to do certain things on one side, when certain things were accomplished on the other; that is to say, when the works are completed, as it was originally intended they should be, the Government propose to exercise the authority which it has by law to validate the sale.
5. What effect has been given to it by Mr. Thomas Russell?—A large expenditure has, I understand, been incurred there. The road which it is proposed to make has been in active progress for a long time; and throughout the whole of this winter from eighty to one hundred men have been constantly employed there.
6. You have stated that Mr. Russell had been allowed two years to make payment. Has that time expired?—The time has expired.
7. Has he made payment?—He has not, for the reason that there was an element of uncertainty with respect to the survey, arising from the confused position of the confiscated boundary on the eastern side of it. It has long been in dispute, and is not settled yet. A settlement of it is contingent upon the settlement of some Native claims.
8. Will you describe to the Committee the nature of the regulations which enabled the Government to enter into the transaction?—Authority is given to the Governor by the second clause of "The New Zealand Settlements Act, 1866."
9. And that clause enabled the Government to enter into this agreement with Mr. Russell?—In so far as entering into such an agreement as a matter of public policy, required to effect the settlement of the Waikato country.
10. Did you consider at the time this arrangement was entered into that a sufficient price was paid for the land?—It will be seen that I expressed some opinions on the subject in the correspondence that passed. I was not clear that in fairness to both parties a fair price had been satisfactorily fixed, inasmuch as I thought it would have been better if the survey had been taken, so as to have ascertained the possibility of draining the lands.
11. Did you at that time believe that the land had a greater value than 5s. per acre?—I certainly did not.
12. *Mr. Rolleston.*] Are you aware that "The New Zealand Settlements Act, 1866," says that lands sold or disposed of under that Act shall be sold or disposed of under regulations made by the Governor in Council, which regulations shall be published in the *Gazette*?—I am.
13. Do you not think that certainly presumes that the issue of regulations shall be precedent to any sales being effected?—No sales have been effected.
14. I should like a direct answer to my question. Do you not think the Act presumes that the issue of regulations shall be precedent to any sales taking place?—Certainly.
15. Do you not think that the whole spirit of both the Act and of the Regulations hitherto issued has been that the public should be capable of purchasing upon equal terms after due notification of such terms in the *Gazette*?—Yes.
16. Then was not this arrangement made with Mr. Russell of a character inconsistent with the spirit of the Act and of the Regulations?—So far as non-publication, certainly.
17. Had you any conversations at the time with Ministers in Auckland as to the inexpediency of selling without further information as to the value of the land than was then in the possession of Ministers?—I rather think not; certainly I cannot charge my memory with any conversation of the kind. The official memoranda attached to the correspondence show pretty clearly the view I had on the subject.
18. Did you not consider, then, that it was not fair that this land should be sold without full