

1876.
NEW ZEALAND.

ALLEGED IMPROPER SALE OF LAND NORTH OF AUCKLAND,

(FURTHER PAPERS RELATING TO).

(*In continuation of Papers published under C.—6.*)

Return to an Order of the House of Representatives, No. 62, dated 21st September, 1876.

“That the letter addressed by Joseph Augustus Tole, Solicitor, to the Hon. the Native and Defence Minister, dated 21st August, 1876, or a copy thereof, relating to papers in connection with ‘alleged improper sale of lands north of Auckland,’ recently presented to this House, be laid before the House and printed.”—(*Mr. Stout.*)

No. 1.

Mr. J. A. TOLE, M.H.R., to the Hon. the NATIVE MINISTER.

SIR,—

Wellington, 21st August, 1876.

I have the honor to inform you that I have perused the printed papers relating to “alleged improper sale of land north of Auckland,” which you recently laid on the table of the House of Representatives, and beg to express the great surprise and regret of the Superintendent of Auckland (I have his authority for saying so), and myself, that you should have taken so unusual and wrong a course—without giving us any previous notice—as to present those papers to the House, whilst the inquiry remained incomplete and imperfect, by reason of my unavoidable personal absence caused by my attendance at Parliament, and also by reason of the absence of that evidence, of the intention to afford which I gave Mr. Barstow express notice.

Moreover, I observe that a very important and significant signature, and other matters, are omitted from these papers; a fact which, besides destroying confidence in the remainder of the printed matter, points to the necessity, in all courtesy, of furnishing his Honor the Superintendent or myself, and thus other parties concerned, with copies of the papers and reports returned by the inquiring officer, so as to permit of comment before they should have been laid on the table of the House. I also desire to draw your attention to the circumstance that, whilst you simply requested Mr. Barstow to “investigate the matter referred to and report” to you, he has wilfully supplemented his reports with certain statements and with a letter, in which he makes charges and statements, and imputes motives to myself, all of which I declare are absolutely untrue, and are most insultingly and maliciously made by him, I believe, to convey dishonorable impressions of me personally, professionally, and also as a member of the House of Representatives.

I shall not here pretend to analyze Mr. Barstow’s malicious statements beyond saying that they are untruthful in the extreme, and disclose a prejudice which, before the inquiry was begun, I could not help being seriously impressed with, and which I am sure renders him, in my opinion, as a ministerial officer, incapable of impartially conducting an important inquiry of this kind.

In conclusion, I wish to state that I regard the inquiry as imperfect and incomplete for the reasons already assigned, and respectfully request that, in justice to the case, you will be pleased to lay this letter, or a copy of it, on the table of the House, and that it may be attached to the other papers relating to the same subject.

I have, &c.,

JOSEPH AUGUSTUS TOLE,
Solicitor.

The Hon. the Native and Defence Minister, Wellington.

No. 2.

The Hon. the NATIVE MINISTER to Mr. J. A. TOLE, M.H.R.

SIR,—

Native and Defence Office, Wellington, 24th August, 1876.

I have the honor to acknowledge the receipt of your letter of yesterday’s date, having reference to papers laid by me on the table of the House of Representatives respecting alleged grievances connected with the purchase of certain Native lands north of Auckland.

An inquiry into the alleged grievances was held at the request of his Honor the Superintendent of Auckland, and the result of such inquiry laid in due course on the table of the House of Representatives.

I cannot concur in the opinion which you express, that that course was unusual and wrong.

Referring to your request that I should lay a copy of your letter also on the table with the papers already furnished, I must decline to do so.

It appears to me that the opinion given by Mr. Barstow—"that the tactics pursued by you in protracting the examination of Paora and Mr. Nelson were adopted for the purpose of preventing his holding the whole inquiry in your presence"—is sustained by circumstances, and confirmed by the character of the sworn testimony obtained during the inquiry; and I feel that I should be doing a great wrong to a gentleman of high character, holding an important judicial position, if I willingly permitted charges such as you have ventured to make—couched in such terms, unsupported by any evidence—to be placed on the records of the House of Representatives.

J. A. Tole, Esq., M.H.R.

I have, &c.,
DONALD McLEAN.

No. 3.

The UNDER SECRETARY for NATIVE AFFAIRS to Mr. R. C. BARSTOW, R.M., Auckland.

SIR,— Native Office, Wellington, 15th September, 1876.

I have the honor, by direction of the Hon. the Native Minister, to forward herewith copies of a letter from Mr. Tole, M.H.R., and reply thereto, on the subject of your inquiry and report upon the "alleged improper sale of land north of Auckland."

A notice of motion for the production of Mr. Tole's letter having been given, Sir Donald McLean considers that you should have an opportunity, should you think fit, of furnishing any remarks you may wish to make thereon for presentation to the House at the same time.

I have, &c.,

H. T. CLARKE,
Under Secretary.

R. C. Barstow, Esq., R.M., Auckland.

No. 4.

Mr. R. C. BARSTOW to the Hon. the NATIVE MINISTER.

SIR,— Resident Magistrate's Court, Auckland, 22nd September, 1876.

I have the honor of acknowledging receipt of your letter of the 15th September, covering copy of a letter from Mr. J. A. Tole, Member of the House of Representatives, to the Hon. the Native Minister, and of the reply thereto, concerning an inquiry held before me as to certain charges brought against officers of the Government in connection with land purchases at the North, and my report thereon.

I forwarded to Wellington all the original papers. I have heard that these have been printed and laid on the table of the House; but as I have not seen the publication, I do not know whether the entire evidence and all the letters have been printed, or merely a selection from these.

Mr. Tole complains that his own evidence was not taken at the inquiry. Mr. Tole was not present at any of the land sales into which I was directed to inquire. He took upon himself the office of prosecutor, and must have known of his approaching departure for Wellington, and, instead of suggesting that Paora Tuhaere's and next Mr. Nelson's evidence should be taken, might have asked that anything he himself wished to say might be heard. I had no idea until just before his leaving that he had any testimony to offer; he had every opportunity of giving it had he desired to do so.

Mr. Tole writes that my "statements disclose a prejudice which, before the inquiry was begun, I could not help being seriously impressed with."

My relation to the parties concerned are these:—Mr. Nelson or Mr. Preece I never saw, to my knowledge, till after I was asked to hold this inquiry. Mr. Tole himself I first met last December, when he was proposed as a candidate for a seat in the House of Representatives for the Eden District, of which I was Returning Officer. Messrs. Kemp, Symonds, and Clendon I had known, officially only, for years.

If any personal motives could sway me, I should naturally be prone to lean towards an influential member of the House of Representatives sitting for the district in which I live. Indeed, Mr. Commissioner Kemp during the inquiry remonstrated strongly against the favour I showed Mr. Tole throughout, more than once expressing his intention of withdrawing from the investigation on that account; but I had resolved that every facility should be granted him for proving the statements which he had made.

I have no objection whatever to urge against Mr. Tole's letter being printed and appended to the papers; but surely that gentleman, on reperusing the terms used in it, will, for his own credit's sake, desire to repress it. This shows that I am actuated by no malicious motives towards Mr. Tole. Could a person desire a sweeter revenge upon an enemy than the publication by him of such a letter as his is? If collateral evidence was needed to demonstrate that I have not erred in my report or letter by putting too strong a case, would not the perusal of such a letter as the one now under discussion carry conviction to any unbiassed mind that the writer thereof was addicted to making reckless charges?

I do not wish to qualify or retract a single expression in my letter or report, and have only now to tender you my thanks for that expression of your favourable opinion of my character which your long acquaintance with me makes of greater value.

I have, &c.,

R. C. BARSTOW, R.M.

The Hon. the Native Minister, Wellington.