

1876.  
NEW ZEALAND.

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SARTORIS, DOWNE, AND OTHERS COMMITTEE,  
(REPORT OF).

*Report brought up 4th October, 1876, and ordered to be printed.*

ORDERS OF REFERENCE.

*Extract from the Journals of the House of Representatives.*

THURSDAY, THE 17TH DAY OF AUGUST, 1876.

*Ordered,* That certain land orders bearing date 19th February, 1875, having been issued under the hand of His Excellency the Governor, in fulfilment of the award of a Commissioner appointed under the authority of "The Taranaki New Zealand Company's Land Claims Act, 1872," by which land orders Edward John Sartoris, and the estate of Edwin Henry Downe and others, were declared entitled to select land in the Province of Taranaki to the value of £17,060, and that on the presentation of the said land orders at the Crown Lands Office, Taranaki, the Commissioner made a note thereon to the effect that there was "No land available for the purpose" out of which a selection could be made, this House, therefore, is of opinion that a Select Committee should be appointed to consider the question, with a view to recommend what course should be taken to satisfy the said land orders. The Committee to have power to call for persons and papers, and to report in a fortnight. The Committee to consist of the Hon. Mr. Stafford, Mr. Lusk, Mr. Harper, Mr. Larnach, Mr. D. Reid, Mr. Fitzroy, Mr. Richmond, Mr. Ballance, Mr. Seymour, Captain Russell; five to be a quorum.—*(Mr. Carrington.)*

WEDNESDAY, THE 6TH DAY OF SEPTEMBER, 1876.

*Ordered,* That the Sartoris and Downe Committee have leave to postpone the bringing up of their report for a fortnight.—*(Hon. Mr. Stafford.)*

REPORT.

THE Committee appointed to consider the question of the position of certain holders of land orders issued by the Governor, under "The Taranaki New Zealand Company's Land Claims Act, 1872," and to recommend what course should be taken to satisfy the said land orders, have the honor to report as follows:—

In the opinion of the Committee, the claims on account of which the land orders in question were issued, could be best satisfied by paying to the holders of these land orders the several amounts awarded to them by Mr. Commissioner Hamilton, either in Cash, Treasury Bills, or Colonial Debentures (at the option of the Government); any sums so paid to be charged against the balance of the fund appropriated by "The Public Debts Apportionment Act, 1858," to the purchase of Native lands in the Province of Taranaki; or, if not satisfied in that manner, then by grants of land equivalent to the several awards, such land to be selected within the Province of Taranaki, out of any lands in the possession of the Government, whether acquired under the New Zealand Settlements Acts, Public Works and Immigration Acts, or otherwise; the cost of acquiring which lands to be charged against the fund appropriated by the Act of 1858 before referred to.

E. W. STAFFORD,  
Chairman.

4th October, 1876.

## MINUTES OF PROCEEDINGS.

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TUESDAY, 29TH AUGUST, 1876.

The Committee met, pursuant to order, at 11 o'clock a.m.

PRESENT :

<p>Mr. Fitzroy, Mr. Harper, Mr. Lusk, Mr. Reid,</p>		<p>Captain Russell, Mr. Seymour, Hon. Mr. Stafford.</p>
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The order of reference was read.

On motion of Mr. Seymour, the Hon. Mr. Stafford was appointed Chairman.

On motion of Mr. Harper, *Resolved*, That Captain Borrer, by himself or his agent, be requested to attend before the Committee on Thursday next, the 31st instant, at noon, to give evidence on the matter referred to them by the House of Representatives.

The Committee then adjourned till Thursday next at 11 o'clock a.m.

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THURSDAY, 31ST AUGUST, 1876.

The Committee met, pursuant to adjournment, at 11 o'clock a.m.

Present :

Hon. Mr. Stafford in the Chair.

<p>Mr. Fitzroy, Mr. Harper, Mr. Lusk,</p>		<p>Mr. Reid, Captain Russell.</p>
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Minutes of preceding meeting read and confirmed.

The Committee adjourned till 12 o'clock.

The Committee again met at noon.

A shorthand reporter was present.

Captain Borrer attended, as requested, when his evidence was taken, and he retired.

Mr. Carrington attended and stated the case in full, and read correspondence between the Hon. the Colonial Secretary, the Hon. Major Atkinson, Secretary for Crown Lands, and himself as Superintendent of Taranaki, having reference to the issue of the land orders, which he then produced.

Captain Borrer was recalled, and read copies of two letters he had addressed to the Hon. Major Atkinson, and his reply thereto.

The Committee then adjourned until the attendance of the Hon. Major Atkinson could be obtained, to give further evidence.

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THURSDAY, 7TH SEPTEMBER, 1876.

The Committee met, pursuant to adjournment, at 12 o'clock noon.

PRESENT :

Hon. Mr. Stafford in the Chair.

<p>Mr. Fitzroy, Mr. Harper,</p>		<p>Mr. Reid, Captain Russell.</p>
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Minutes of preceding meeting read and confirmed.

The Hon. Major Atkinson attended and gave evidence, which was taken down by the reporter present. He then withdrew.

The Chairman stated to the Committee that he had applied for and obtained leave of the House for an extension of the time in which to bring up their report, for a fortnight.

Order of reference read.

The Committee then adjourned.

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WEDNESDAY, 27TH SEPTEMBER, 1876.

The Committee met, pursuant to notice, at 12 o'clock.

PRESENT :

Hon. Mr. Stafford in the Chair.

<p>Mr. Ballance, Mr. Fitzroy, Mr. Harper,</p>		<p>Mr. Larnach, Mr. D. Reid, Mr. Seymour.</p>
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Minutes of preceding meeting read and confirmed.

The Chairman read a letter from Captain Russell, which, on the motion of Mr. Harper, seconded by Mr. Fitzroy, was ordered to be entered on the minutes.

“SIR,—

“Wellington, 23rd September, 1876.

“Having been present on every occasion on which the Committee has assembled, and as I shall be unable to attend at the preparation of the report, I venture to address you on the subject. It appeared to me that the award of Mr. Commissioner Hamilton was not in excess of the just claims of the petitioner, but that, as the Commissioner was appointed by the Ministry then in office to carry out the provisions of ‘The Taranaki New Zealand Company’s Land Claims Act, 1872, it is not necessary to inquire into any circumstances which may have happened prior to the date of that award, and that the issuing of land orders in satisfaction of the Commissioner’s award was a virtual admission of the justice of that award. Taking these facts into consideration, I am of opinion that we should report in favour of granting the petitioner’s land to the value of the land order issued under Mr. Commissioner Hamilton’s award, and interest on the value of land from the date of the presentation of the original land order until the issuing of a new one.

“The Chairman, Sartoris and Downe Committee.”

“I have, &c.,  
“W. R. RUSSELL.

The Hon. Major Atkinson attended and stated that he had consulted with his colleagues and with the Provincial Government of Taranaki, and submitted a plan of part of that province, showing land that would be available for purchase by the claimants to the amount of their respective land orders, and said that such a suggestion from the Committee would receive favourable consideration from the Government.

*Resolved*, That Mr. Batkin, Mr. T. Kelly, and Sir Julius Vogel be requested to attend for the purpose of giving evidence.

The Committee then adjourned till Friday, the 29th instant, at 11 o’clock.

FRIDAY, 29TH SEPTEMBER, 1876.

The Committee met, pursuant to notice, at 11 o’clock a.m.

PRESENT :

Mr. Fitzroy,  
Mr. Harper,  
Mr. Larnach,

Mr. D. Reid,  
Mr. Seymour.

In the absence of the Hon. Mr. Stafford, Mr. Harper took the Chair.

A reporter attended.

Sir Julius Vogel, Mr. Batkin, and Mr. Kelly attended and gave evidence (see minutes).

The Committee then adjourned till Tuesday next, 3rd October, at 11 o’clock a.m.

TUESDAY, 3RD OCTOBER, 1876.

The Committee met, pursuant to adjournment, at 11 o’clock a.m.

PRESENT :

Hon. Mr. Stafford in the Chair.

Mr. Fitzroy,  
Mr. Harper,  
Mr. Larnach,

Mr. Reid,  
Mr. Seymour,

Minutes of last meeting read and confirmed.

The Chairman read a letter from Sir Julius Vogel, handed in by Mr. Harper, asking that part of the evidence given by him before the Committee should be expunged, and enclosing a written statement of what he wished to say before the Committee.

Sir Julius Vogel subsequently attended in person and preferred his request.

The Committee decided that the letter of Sir Julius Vogel be inserted in the minutes, in correction of the evidence given by him.

The Committee, having deliberated upon the evidence, Mr. Seymour moved the following report for adoption by the Committee:—

The Committee appointed to consider the question of the position of certain holders of land orders issued by the Governor under “The Taranaki New Zealand Company’s Land Claims Act, 1872,” and to recommend what course should be taken to satisfy the said land orders, have the honor to report,—

That, in the opinion of the Committee, the claims, on account of which the land orders in question were issued, could be most satisfactorily satisfied by paying (at the option of the Government) to the holders of these land orders the several amounts awarded to them by Mr. Commissioner Hamilton, either in cash, Treasury bills, or Colonial debentures; any sums so paid to be charged against the balance of the fund appropriated by “The Public Debts Apportionment Act, 1858,” to the purchase of Native lands in the Province of Taranaki; and if not satisfied in that manner, then by grants of land equivalent to the several awards; such land to be selected within the Province of Taranaki out of any lands in the possession of the Government, whether acquired under the New Zealand Settlements Acts, Public Works Acts, or otherwise. The cost of acquiring which to be charged against the fund appropriated by the Act of 1858, before referred to.

After some discussion, the Committee postponed the consideration of the report until next sitting day.

The Committee then adjourned until Wednesday, 4th October instant, at 12 o’clock.

WEDNESDAY, 4TH OCTOBER, 1876.

The Committee met, pursuant to adjournment, at 12 o'clock.

PRESENT :

Hon. Mr. Stafford in the Chair.

Mr. Ballance,  
Mr. Fitzroy,  
Mr. Harper,

Mr. Larnach,  
Mr. Reid,  
Mr. Seymour.

Minutes of previous meeting read and confirmed.

The draft report, moved by Mr. Seymour, having been considered,

It was moved by Mr. Harper, That after the words "Mr. Commissioner Hamilton," the words "together with interest at the rate of 5 per cent. from the time of presentation," be inserted.

On which amendment the Committee divided as follows:—

AYES, 2.

Mr. Fitzroy,  
Mr. Harper.

NOES, 4.

Mr. Ballance,  
Mr. Larnach,  
Mr. Reid,  
Mr. Seymour.

The amendment was therefore lost, and the draft report, with verbal amendments, adopted.

## MINUTES OF EVIDENCE.

THURSDAY, 31st AUGUST, 1876.

Captain BORRER examined.

1. *The Chairman.*] The Committee desire to know what evidence you can give upon this matter—the claim preferred under "The Taranaki New Zealand Company's Land Claims Act, 1872." Would you be good enough to explain to the Committee how you come to be interested?—I claim, Sir, on behalf of my wife, Alice Downe, who is heiress-at-law to Edwin Henry Downe, her brother, who died intestate at Colombo.

2. Have you any evidence to support that statement?—Mr. Carrington has the papers which were sent to him from England together with a copy of my marriage settlement, and other documents, including a certificate from Mrs. Aldridge, my mother-in-law.

3. Is Mrs. Aldridge your wife's mother?—Yes.

4. There was a second marriage, then?—Yes; a third. The first husband was Mr. Downe.

5. Assuming that these papers, which you state are in Mr. Carrington's possession, will support the statement you have made that you are the proper representative of Henry Downe, heir-at-law, will you state how you come into the position of claimant under the Act?—I received a power of attorney from the trustees under the marriage settlement, entitling me to do whatever I thought necessary. I may state that Mr. Carrington has a power of attorney, and has acted under it.

6. You will put in these papers for the information of the Committee?—Yes. [Papers put in.] I have not taken any action under the power of attorney, because I was quite satisfied that Mr. Carrington's conduct, as my agent, has been all that could be desired, although I am empowered by one of the last clauses of my power of attorney to override Mr. Carrington's acts.

7. But you do not take that to refer to acts of his done previously to your arrival here. Supposing he had got what he believed to be a satisfactory settlement of the claims, you do not mean to say you could override his acceptance of it?—Oh, no; of course I could not affect, anything done by him previously to my giving him notice in writing of my appointment.

8. That is the qualification I wanted to bring out?—Yes; quite so.

9. Perhaps Mr. Carrington will place those papers which have been referred to before the Committee?—Mr. Carrington placed the papers upon the table, and said:—When I received these papers I submitted them to Mr. Prendergast, then the Attorney-General, now Chief Justice, and asked if he would look over them and see if everything was in them necessary to establish the claim to have the award carried out. He was kind enough to take them in hand, and, after a few days, returned them to me and said they were perfectly correct. You will find everything here—certificate of death of John Eames Downe, the father, and Edwin Henry Downe, his son, whose heiress-at-law is Alice, wife of Captain Borrer, and other necessary certificates. In addition to the Attorney-General, I may mention that Mr. Brandon has looked over the documents, and has expressed the opinion that they are complete and sufficient.

10. Then what is your position, Captain Borrer?—My claim arises out of an unsatisfied land order. The land order was granted under the Act of 1872. It was presented before the time of its expiry, as provided for in the Act; but Mr. Carrington, who presented it, was told that there was no land available for the purpose of selection. I produce a copy of the land order, the original of which will be put in by Mr. Carrington.

[It was suggested that, as Mr. Carrington seemed to know more about the matter, so far as action in the colony was concerned, than witness did, Mr. Carrington should be called before witness's examination proceeded further. This was agreed to, and Mr. Carrington's evidence was taken.]

Mr. CARRINGTON, being in attendance, was called and examined.

11. *The Chairman.*] Perhaps, Mr. Carrington, you had better make a short statement as to the position of the claim, starting from the passing of the Act of 1872, and telling us exactly what has been done in the matter up to the present time?—Very well. First I will commence with this letter of 23rd August, 1873, forwarded to me by the Colonial Secretary, enclosing a copy of the report of Mr. Hamilton, Commissioner under "The Taranaki New Zealand Company's Land Claims Act, 1872." [Letter put in. See Appendix.] A copy of the report will be found H. 8., Appendix to Journals of House of Representatives, 1873.

12. I do not see the amount of the award mentioned here?—It is at the end of the report.

13. Nor do I see the name of Downe here?—No; he purchased in 1850 from the persons whose names are down here. Here is the report of the Commissioner of Crown Lands, Mr. Stephenson Smith, showing the various claims. In all, Downe's claim comes to £9,275, made up by John Wells's four sections, Charles Thomas Parker's one section, Edmund Marshall's two sections, Joseph Morgan's two sections, Harry Hughling's one section, Edward Rose Tunno's one section; in all eleven sections, valued at £9,275.

14. You received a letter forwarding to you Mr. Hamilton's award?—Yes.

15. What is the date of it?—23rd August, 1873.

16. I should like to know how that letter was addressed to you. I observe that you were at this time Superintendent of Taranaki. Did you go into this matter in a double capacity—both as Superintendent of the province and attorney for certain claimants?—Yes; I may say that when I was in Wellington just previous to this time, I asked the then Attorney-General what I should do in this matter because of my official position, and whether there was any objection to my acting. He said there was no objection whatever, as it was well known I was Superintendent.

17. Well, what was done next?—On 28th January, 1874, I wrote this letter [letter read and put in—see Appendix], and subsequently I came to Wellington and had an interview with Sir Julius Vogel, and then for the first time I was told, what I had never understood before, that if land was to be purchased to satisfy these awards, it must be purchased out of the Immigration and Public Works money. I had a long conversation with Mr. Vogel at that time, contending that inasmuch as there was £32,000 available for the express purpose of buying land under the Act of 1856, I could not see what the Immigration and Public Works money had to do with the matter, and why we should be prevented from selecting.

18. You are going faster than I can follow you. You talk of land, but have not specified or explained to what land you refer?—I refer to land in Taranaki.

19. Then I presume this interview was sought with the object of ascertaining for a fact what lands within the Province of Taranaki were available for you to exercise your right of selection upon?—I was thoroughly conversant with what lands we had, being Superintendent of the province. I was aware we had no land; but the Government was then closing bargains for a large extent of country from the Natives, and I wished to know what land we should get for selection when the purchases were completed. Sir Julius Vogel then said that the lands were to be purchased with the Immigration and Public Works money.

20. You have referred to another fund out of which, in your opinion, these purchasers or a portion of them might have been made from the Natives. What fund was that?—There is about £32,000 balance out of the £56,000 which was awarded to the Province of Taranaki for the purpose of extinguishing the Native title under the provisions of the Act of 1856.

21. 1858 you mean?—Yes, 1858.

22. Was there at the time you speak of still £32,000 of that money unexpended?—Yes, about that amount.

23. I can only say that does not accord with my recollection?—It is from my knowledge I speak.

24. Do you mean to say that only £4,000 was spent between 1858 and 1873 in Taranaki?—I wish to say that, as far as my knowledge goes, only £4,000 has been spent for the purpose of extinguishing the Native title in the Province of Taranaki. £31,000 or £32,000 of the money has gone into the consolidated account.

25. Have you been paid interest on it?—We are being paid interest on it.

26. If you refer to the annual vote of £2,200, that is a different thing. That was granted on a different basis; that was a guarantee that the land revenue should not be less than £2,200?—But Sir Julius Vogel replied to that. I said, "What has become of the balance of that money?" He shook his head, and touched a bell and called Mr. Batkin up and asked him. Neither could he answer. I said, so far as I can recollect, that "it has gone into the consolidated account." Sir Julius Vogel said, "You are getting the interest on the money, are you not?"

27. What do you mean by the Consolidated Fund?—It went for revenue.

28. Was it not drawn out again?—No; the colony had it. We had interest only. It was forthcoming.

29. That is a contradiction of terms. If the colony had it and spent it, it could not be forthcoming. I want to know whether you derived the impression from Sir Julius Vogel and Mr. Batkin that the money was available to be spent if required?—He did not go so far as that.

30. There was no definite or satisfactory result to that conversation?—No; letters were subsequently sent to the Government on the subject.

31. When did the interview with Sir Julius Vogel take place?—On or about the 4th February, 1874.

32. When did you write to the Government?—On the following day, 5th February.

33. Have you a copy of that letter?—Yes. [Letter of 5th February, 1874, put in and read. See Appendix.] This was written in consequence of the conversation with Sir Julius Vogel.

34. The letter, I see, does not refer to the conversation?—No; it does not. Here is another letter from Sir Julius Vogel, which I should have read before that of 5th February. [See Appendix.]

This is dated 4th February, and was sent on the afternoon of the day upon which the conversation took place.

35. It seems a rather curious correspondence. I observe there is no mention in this letter of the interview. The matter stands in this peculiar position: You have an interview with Mr. Vogel on a certain day, and subsequently on the same day receive a letter from the Colonial Secretary's Office, making no reference to the subject of the interview, but telling you that a certain block of land is subject to the extinction of Native title, and calling your attention to the fact that, under the 6th section of "The Immigration and Public Works Act, 1873," "none of the lands" purchased and proclaimed under its provisions shall be sold at less than £1 per acre, and so on. And then next day you send a letter to the Colonial Secretary without referring to the interview, but merely placing on record your position in reference to Captain Borrer?—Yes.

36. These documents do not show that the Government has refused to satisfy that claim?—No; but I will read further on directly. I will first say that I was down at Wellington on this occasion, principally on provincial matters. I had a large number of works on hand, as well as other matters pressing for settlement, and I came down to consult the Government, and while here, saw Sir Julius Vogel. I will read this letter. [Letter from witness to Colonial Secretary, dated 6th February, 1874, put in and read. See Appendix.]

37. I notice that you say if these lands are acquired under "The Immigration and Public Works Act, 1873," no scrip or claim for compensation can be satisfied by them, and, therefore, you go on to say the award made by Mr. Hamilton can only be satisfied by a money vote. Why were you led to the conclusion that a money vote only could satisfy the claim?—Because Sir Julius Vogel told me all the land would be acquired under the Public Works Act.

38. Your letter does not say so? Your letter says —?—I would observe I only say "if this be the case."

39. That is not the point. You further go on to say that the claims can only be satisfied by a money vote. You say "if the lands above referred to were purchased out of the moneys authorized under that Act, it is clear," &c. Now, assume that that is quite correct, that these lands could not satisfy the claims, could the claims not be satisfied with other lands?—The lands were all purchased out of the Immigration and Public Works money.

40. They were at that time. But suppose lands were purchased with the balance you have spoken of?—Then, of course, the claims could be satisfied out of land so bought.

41. Well, what was the next step taken?—I wrote again on 6th August, 1874 [letter put in and read—see Appendix], and received the following answer, 17th August, 1874 [letter put in and read—see Appendix], enclosing a copy of letter dated 6th March, which apparently had been sent to me in answer to mine of 6th February. Strange to say, however, this had never come to hand, and I knew nothing of it until it was enclosed in this reply, 17th August, 1874. I call your attention especially to the clause in this letter of 6th March, 1874, which is marked in red ink. Then I wrote this letter, dated 21st August, 1874. [Put in and read. See Appendix.] I received no answer to that, so I again wrote on 17th February, 1875 [put in and read], and on the 24th February I got the following reply [put in and read—see Appendix], enclosing these land orders. [Put in.]

42. Is this indorsement on the land orders Mr. Whitcombe's original indorsement?—Yes; I got the land orders two or three weeks before their expiry.

43. I see you presented the land orders on 15th March, 1875?—Yes.

44. Has any further action been subsequently taken by you?—No; nothing further than what appears in *Hansard*.

45. No further correspondence, nor further interviews?—No, further than this: that Major Atkinson incidentally said, the other day, "I have fought against you in this matter, but now the land orders are issued, that puts a different aspect on the thing altogether."

46. There is no further evidence that you can give, then?—No.

47. *Mr. Harper.*] Have you made any further application to the Government since Captain Borrer came out?—No.

48. Has any application been made by Captain Borrer?—Yes; I may state that Captain Borrer put this before me. [Letter dated June, 1876. See Appendix.] I gave the original to Major Atkinson—this is merely a copy—and left it with him. I do not know whether Captain Borrer has had any reply. As you will see, the letter is merely dated "June, 1876," but I have put a memorandum upon it to the effect I received the original from Captain Borrer on 26th June, 1876.

49. *The Chairman.*] That was handed to Major Atkinson by you?—Yes.

50. You have received no answer to it?—No.

Captain BORRER recalled.

51. *The Chairman.*] There is a letter here of yours dated June, 1876. That has been put in, and it is desirable, in order to prevent confusion, that the date upon which it was written should be put upon it. Mr. Carrington has attached a memorandum to it stating that he received it upon the 26th June. Is that the date upon which it was written?—As far as I recollect that is the day.

52. Have you had any communication from Major Atkinson?—Yes; I have had one answer, but I think Mr. Harper has the letter in his possession. I have not received an answer to the letter addressed to Mr. Carrington, but I have received an answer to letters I sent to Major Atkinson.

53. Very well. From the evidence given us by Mr. Carrington, it seems that all the steps required by law to be taken have been taken up to 1875. The land order was then obtained and presented, and by the Commissioner at Taranaki indorsed to the effect that there was no land available for selection. Since that time, Mr. Carrington has not taken any very active steps in the matter. Although he has had a casual conversation with Major Atkinson, he has done very little towards pressing a settlement, except in his speech in the House of Representatives last session. Perhaps you will now tell us what you have done in the matter since you came out?—I have this answer from the Hon. Major Atkinson. First, I may say I wrote to that gentleman on 10th July, 1876, as follows:—

"SIR,—

"Molesworth Street, 10th July, 1876.

"With reference to my conversation with you relative to Mr. Hamilton's award in the case of Downe, I have the honor to request that you will inform me at your earliest convenience what course the Government will adopt, with a view to a satisfaction of my claim.

"I have come out from England at considerable personal inconvenience and expense, and have but a short leave of absence. As it is of the utmost importance to me that the matter should be settled during my stay here, I trust that the Government will be pleased to give the case their serious consideration as soon as possible.

"I beg to add that I am prepared to accept Government debentures to the amount of the award, £9,275, or a settlement upon the same terms as were accorded to Mr. Carrington, whose claims were of a precisely similar nature to those of Downe.

"I have, &c.,

"CARY BORRER.

"The Hon. Major Atkinson."

"Captain and Adjutant, Inns of Court R.V.

To that I got no answer. On the 1st August, 1876, I again wrote as follows:—

"SIR,—

"Molesworth Street, 1st August, 1876.

"Having received no answer to my letter to you of the 10th July, I have again to request that you will inform me what course the Government intend to adopt for the satisfaction of the award made by Mr. Commissioner Hamilton in the case of Downe. I beg to repeat that I am prepared to accept Government debentures to the amount of the award, £9,275, with interest from 15th March, 1875, or a settlement in land upon the same terms as were accorded to Mr. Carrington, whose claims were of a precisely similar nature to those of Downe.

"I request the favour of an immediate answer, as the time at my disposal is limited, and any further delay would be productive of great personal inconvenience to me.

"I have, &c.,

"CARY BORRER,

"The Hon Major Atkinson."

"Captain and Adjutant, Inns of Court R.V.

To that I received the following answer, dated 1st August, 1876:—

"SIR,—

"Wellington, 1st August, 1876.

"I have the honor to acknowledge the receipt of your letter to the Hon. Major Atkinson of 10th ult., and by direction of the Government to say, in reply, that the award of Mr. Hamilton being against land, the proceeds of which belong to the Province of Taranaki, the Government are not prepared to agree to the course proposed by you.

"The Government consider that your complaint being apparently against the law as it stands, the only course open to you will be to petition the House, should you believe yourself to have good grounds for doing so.

"I have, &c.,

"C. E. HAUGHTON.

"Captain Cary Borrer, Wellington."

54. What action have you taken since?—I asked Mr. Carrington to move for a Select Committee.

55. You have not petitioned the House?—No.

56. Have you any further evidence to give upon the matter?—No; but I will ask the Committee to remember how long a time has elapsed since this Act was passed, and to take into consideration the fact that our claim still remains unsettled.

THURSDAY, 7TH SEPTEMBER, 1876.

Major ATKINSON called and examined.

57. *The Chairman.*] When the Committee last met, Major Atkinson, they had arrived at this point: that correspondence had been put in and evidence given by Mr. Carrington, acting as agent for several claimants, including representatives of the late John Eames Downe and Mr. Sartoris; and Captain Borrer as representing one of those claims; which evidence satisfied the Committee that application had been made for leave to select lands under land orders issued by the Government pursuant to the award of the Arbitrator, Mr. J. W. Hamilton, who had been appointed by the Government, under the provisions of "The Taranaki New Zealand Company's Land Claims Act, 1872." Upon that order an indorsement of the local Commissioner of Crown Lands was written, to the effect that no lands were available. Subsequent to that, action appears to have been taken both by Mr. Carrington, as attorney for the parties, and Captain Borrer, by addressing the Government to know how they proposed to satisfy the terms of Mr. Hamilton's award. The only evidence before the Committee, on the Government side, was a sort of dry reference to the law of the case, which was obtained in answer to a proposition made by Captain Borrer. It appeared to the Committee that it was due to the Government, and in the interest of the case, that we should ascertain from some member of the Government what their view of the subject was. At the time we last met, you were Secretary for Crown Lands; you have since that day ceased to hold that office, as the Committee understand; but that will not mar your memory as to any such transactions, or your knowledge of any instructions that have passed between the Secretary for Crown Lands and the Commissioner of Crown Lands, and the Committee desire to receive from you any opinion you can offer on the subject?—The view that the Government took in the matter was that the House had passed an Act giving the old land claimants certain rights, and that the duty of the Government was simply to carry out the law so far as it concerned them; that the law as it now stands makes a charge, one as I think exceedingly unfair, but that is another point. The Government, in the interests of the public, had no right to go outside the law, but simply to administer it; and that is what we did. If a claimant considers himself aggrieved, he should go to the Assembly for relief. I am speaking now as a member of the Government, without any reference

to the justice or injustice of the case, when I say that the Government consider they have nothing to do with the matter, because at the time the Act was passed there were no lands in the province to give.

58. Is that not a statement which would be disputed by some members of the Assembly at that time? I was a member of the House then, and therefore cognizant of the passing of that Act, and I am unable to charge my memory with the knowledge that at the time there were no lands for disposal in the province?—It was your duty to have known, on the assumption that everybody should know, what the law is; but, I suppose, we could not give a man anything without possessing something to give him.

59. I must say that I have no recollection of having heard before, that at the time that Act was passed, there was no land with which to satisfy it?—I can only assume that members of the Assembly knew what was going on. A sum of £2,200 was granted as a land fund.

60. I do not understand that interpretation of the vote. I know that a sum of £2,200 was granted, but it does not follow that because people did not come forward to buy land, that therefore no land existed. You will not say, for instance, that there was no land in Taranaki, because people were not buying?—It does not follow absolutely or logically, but it follows as a matter of fact.

61. Then, were not the Government of 1872 descending to what had very much the appearance of fraud, or deceit at all events, in allowing an Act to pass to satisfy claims by a means which did not really exist?—I think it was exceedingly unjust altogether as against the public.

62. But there was an Act passed in the previous year, in which certain claims of an analogous character were to be satisfied out of lands in the province?—Out of confiscated land, and was a charge upon the general land of the province. That is a still more unfair Act, in my opinion, as against the public.

63. Since the Act of 1872 was passed, there have been lands acquired under the Public Works and Immigration Act?—Yes.

64. Is there any provision in the Act barring these lands to be acquired from all claims?—Yes, of that description.

65. What is the title of the Act?—It is the Immigration and Public Works Act of 1872 or 1873. If you have the Act here, I can show you the clause.

66. Then you say there never has been land to satisfy claims under the Act of 1872?—Never. I believe there was a certain amount of land that could have been selected—there is now—but it has never been surveyed. The land is just round the mountain, and was never quite cleared, whether valuable or not; and the Commissioner, on the advice of the Superintendent, declared it not open.

67. Had the Commissioner no instruction from the Secretary for Crown Lands?—No.

68. Had he never, in anticipation of the presentation of any of these land orders, received instructions how to deal with them?—No; speaking from memory, I should say not. I issued the land orders myself.

69. Perhaps you will be good enough to cause inquiry to be made, and inform the Committee of the facts?—I will do so.

70. It appears that certain claimants have been led to believe that by getting land orders and presenting them, they would get certain pieces of land?—That is the position.

71. And this you regard as unsatisfactory?—Yes; I think the House did a great injustice to claimants who would be forced to go in under the Acts passed by the Assembly. Those men who held on, and refused every fair offer, now come in and reap the benefit of thus holding on. The House took upon itself to do that which was a great injustice to the original claimants who were forced to come in, and at the same time the House had got into great difficulty because it recognized their claims.

72. What do you mean by the benefits obtained by those who held on; do you admit that they have got anything?—I mean if the awards are carried out.

73. The same position was given to the original land purchasers?—Oh, yes; and those, too, who have come in. All the original holders had a right to choose, but they refused to do so.

74. But negligence in that respect was condoned by the Act of 1872?—That is the difficulty.

75. By the Act of 1872 authority was given to issue these land orders, and the Acts of 1873–74 excluded certain lands from its operation; but the award having been made before the passing of these Acts, they ought not to have taken away from the claimants the right to select the land. Between the period of the award and the time the land order was granted, two Acts were passed which excluded applicants from acquiring land under the award in Taranaki?—Those were Native lands at the time. The Assembly provided us with so much money to get an estate.

76. Was not that in direct contradiction of the Act of 1858, which declares that the right of selection shall entitle such holder to select out of any land over which the Native title has been extinguished. There is an express exception made in the Acts of 1856 and 1858 with regard to New Plymouth; and I fancy, from my own knowledge of the circumstances connected with the land there, that this exception was made from the known fact of the reluctance of Natives to sell their land, which had limited the land available in New Plymouth to a very small strip, and enabled these land orders to be satisfied with lands hereafter purchased. It seems to me that these conditions were put in as a breach of faith with reference to the positive conditions expressed in the Acts of 1856 and 1858. I do not know how it presents itself to the minds of the Committee, but it seems to me that we are not justified in going behind the Act of 1872. That Act was passed, but whether properly or not, has not been referred to this Committee. It has been referred to us to determine why action should be stopped which was authorized to be taken under that Act. I should like to ascertain from you, as a member of the Government, and as far as you consider yourself authorized to express an opinion, if the matter were brought favourably before the Government, whether there is any mode in which these land claims can be satisfied?—That is my great difficulty. I always opposed the passing of the Act. I knew that a great injustice was going to be done to the *bonâ fide* settlers who had been forced into accepting what compensation they could get.

77. *Captain Russell.*] I do not see why any injustice should be done by satisfying these people subsequently?—These men said they would have the original land, and no other. Then all the original



land was confiscated, because part of the Natives who owned it remained friendly, while some went away with the rebels; and the object of the Government was to lay out Waitara, and give land to the Natives who would be loyal. These men had their opportunity of selecting in the township of Waitara, according to the order of choice, but they still refused. Then all this land was sold as confiscated land, the proceeds going into the colonial revenue. Then the Superintendent, who was agent for these people at the same time, came down and got the House to pass this Act, which makes the compensation payable by the province, and no provision whatever was made for those other persons who had come in. The great difficulty I have is that the claim has, to a certain extent, been indorsed by the Assembly under a misapprehension; therefore our honor is, to a certain extent, at stake. By that Act we have only given a partial remedy, and the question is this, whether, if we give these claimants further relief, shall we not have to give relief to all these other people.

78. These other people have taken up land, have they not?—Yes.

79. Have they given a discharge?—I should think so.

80. *Mr. Fitzroy.*] On what grounds did the Government consider the award excessive. I am led to understand that such is the case?—Of course it is quite certain that there was no land in the province available, and the Government had none.

81. But the Government appointed a Commissioner to make the award and value the land?—That is the difficulty now; but I know that a great injustice has been done. The Commissioner went on what I consider entirely wrong grounds. He merely went down and valued the land at what he called its present value.

82. I suppose the Government felt themselves bound to abide by the course which the Commissioner chose to adopt?—That seems to me the difficulty in the case; there can be no doubt about it that we have got into a difficulty in respect to these claims.

83. Having appointed your agent, you intended to indorse what he recommended?—If the Commissioner actually did wrong, it would have been the duty of the Government of the day to set it aside.

84. But the Government has so far recognized the apparent propriety of the award as to issue writs in exact accordance with the terms of the award; that is to say, it has virtually adopted the award by so doing?—When I came into office, I found that scrip had been issued, and no steps having been taken, it appeared to me that I had no other course open to me than to re-issue.

85. *The Chairman.*] Is not that inconsistent with the previous statement made by you in regard to the duty of the Government as affecting the action of the Commissioner, no steps having been taken to set aside the award made by that gentleman. Would it not have been your duty, holding these opinions, to have taken steps on coming into office to set aside the award?—No; because the Government had acceded to it. As it was, I carefully considered the matter, and it appeared to me that too long a time had elapsed, and that I could not in justice then interfere with it.

86. You have allowed it to be inferred that the award was excessive in consideration of the original purchase money. You are, I presume, aware that the purchase money was paid some thirty years ago, and at the rate of £1 per acre. In looking over the award, the Committee find that in some instances only £2 per acre was given as the award; that is to say, that a man having thirty years ago paid £50, is awarded only £100, which is very considerably less than the English rate of interest. Surely, therefore, you do not consider that an excessive recognition of the claim?—Yes, I do. I do not consider that goes into the question at all.

87. You neither recognize the present value nor accumulated interest. Upon what basis would you recognize a fair award?—I should recognize none at all. What I understood the Commissioner would have done was to take evidence as to whether these men were entitled to anything at all.

88. Who was the Commissioner?—Mr. Hamilton.

89. No steps were taken by the Government to set aside the award, you say?—Yes, I said so, and that is where the great difficulty arises. I felt directly this Act was passed that it was an acknowledgment of the claim. Then we started and gave them something in exchange for the claim; that something turns out to be valueless, and therefore it appears to me that we have a right to reconsider the whole question. My idea is that these claims should have been referred to arbitration, the arbitrators to be two Judges of the Supreme Court.

90. *Captain Russell.*] The idea in view was that if land was to be purchased, it should be purchased out of Public Works and Immigration money, Sir Julius Vogel having said that it was to be so acquired. £32,000 was available for the express purpose of buying land, and if the money set apart had been so laid out, there would have been land available under this Act?—If that £32,000 had been so applied, of course there would have been land available, but by the Appropriation Act of 1870 that £32,000 was swamped in the consolidated revenue.

91. Then practically the colony has had the benefit of the £32,000, which was intended originally to have been laid out for the purpose of satisfying these land claims under "The Taranaki New Zealand Company's Land Claims Act, 1872"?—Oh, no: it was part of the compact of 1856.

92. *Mr. Harper.*] If you had had money, these claims would have been satisfied, I suppose?—Yes.

93. Supposing this £32,000 had still to be carried to the Taranaki Province, and supposing the Government had to pay the award which was made by Mr. Hamilton, amounting to £9,275, would they charge the latter amount as against that sum?—No.

94. What I desire to know is this: Assuming that the House satisfies this award, would the amount thereof be charged as against the £32,000, before that money was paid over to the Taranaki Province?—No.

95. You cannot mix it up?—No.

96. Then if the award had been satisfied at first, the money would have been taken out of the £32,000; that is, before it was sunk in the consolidated revenue?—Yes.

97. *The Chairman.*] Do not you think you are making a very fine distinction, when you believe in the liability of the colony to find £32,000 for the purpose of extinguishing the Native title in Taranaki; and, while the colony finds under another Act a fund to extinguish the Native title in that province, you will not allow claims to be satisfied out of land, the Native title whereof has been extinguished

under one Act, although there is a law to purchase land under another Act?—If you ask me whether I personally should have made such a distinction, I may tell you that I should not have done so. The object of the House was to enable us to carry on settlement effectively.

98. Do you admit that the £32,000 may be used in competition with the other fund, in acquiring Native land?—It ought to be so used, no doubt.

99. You admit that, by the Public Works and Immigration Act, the Commissioner should be empowered to purchase land?—Yes.

100. And that simultaneously the Commissioner might be using the £32,000 also?—Yes. What I contend is that the claim is not against the province at all, the Government having taken over the land, and having sold it to the Natives. It was taken over, as I think, unfortunately; and the fact of the Superintendent of Taranaki being agent for these people promoted it.

101. *Mr. Fitzroy.*] Are you aware whether the Government have ever made overtures to Mr. Carrington as agent for these people; that is, are they compromised in regard to this matter?—No; not that I know of. I have talked to Mr. Carrington about it a good deal, because I felt that the honor of the colony was concerned, and I have been endeavouring to see if we could get the matter settled in any way. I should be glad to give the claimants an opportunity of selecting land, which I think should be purchased out of the Immigration and Public Works money.

102. I suppose you admit they should have an amount of land equal in value to the award?—I do not know that we ought to go so far as that. They have got scrip which is not valuable, and therefore it seems to me that you may treat them as you have treated all scrip-holders, making it a matter of compromise.

103. Is not giving scrip like giving a man a cheque?—I think not; because scrip is always sold at less than its value. The only possible compromise that I saw could be effected was in this way: that somebody might enter into negotiations with these people, agreeing as to what would be a fair compensation. Let them take it out of land now open for sale under the Immigration and Public Works Act, or that which will shortly be open, at the current rates. I think it would be eminently satisfactory to repeal the whole Act, and refer the matter to an impartial tribunal. But supposing we say that they should have money to the extent of half the award, then they should be allowed to buy land at the current rates to that amount.

*The Chairman* remarked that, bearing out the witness's view of the case, the claimants would be entitled to claim the full award.

104. *Mr. Fitzroy.*] It was some three years after the award was made that the Government said it was excessive?—I do not know that the Government did say so; but I myself was horrified at it.

105. The objection should have been taken at the time the award was made?—I think so.

106. *The Chairman.*] You have stated that you think the honor of the country is implicated in this matter, which you are anxious should be settled, and that accordingly you have spoken to the agent of some of these people with a view to having a settlement, but have not yet arrived at one. Would you, holding the office you now do in the Ministry of the country, be prepared to make some proposition whereby the honor of the country would be upheld in the matter. Up to the present time the Committee had no evidence at all that the Government had considered the matter at all?—The matter has never been brought before the present Government. It was brought before the late Government, and Captain Borrer was communicated with. He took action in the House, and so of course we did not consider it as a question relating to us at all.

107. Have you ascertained from this Committee that they desire the Government should make an equitable settlement in regard to those claims. Would you advise that the Government should take such action?—I should hardly like to do it myself without consulting my colleagues.

FRIDAY, 29TH SEPTEMBER, 1876.

MR. C. T. BATKIN, being in attendance, was examined.

108. *The Chairman.*] The evidence the Committee wish to get from you is with reference to what has become of a sum of money which, under the Public Debt Apportionment Act of 1858, was apportioned to the Province of Taranaki for the extinction of Native title. There was a sum of £36,000 set apart for the Province of Taranaki, but, as far as the evidence already given before the Committee goes, it appears that only £4,000 has up to the present time been expended.—That is the case. It was a little over £4,000.

109. Then the Committee wish to know if you can inform them what has become of the balance of £31,000 or £32,000?—It was transferred to the consolidated revenue in 1870.

110. Has the Province of Taranaki received interest on that amount since 1870-71?—No.

111. Then the province has received no benefit from that sum of £36,000 beyond the £4,000 which had been expended prior to 1870, or at any rate prior to the Act of 1872?—None whatever. I may remark the province has not paid interest.

112. But has the sum of £31,000 been kept for any special purpose for Taranaki?—No; it was put into the consolidated revenue, and expended as part of that revenue.

113. *Mr. Reid.*] Do you know whether, at the time that that was done, any corresponding advantage was conferred upon Taranaki under the Act which took in this unexpended balance as consolidated revenue?—None whatever.

114. Was there nothing in the Immigration and Public Works scheme giving something towards purchasing lands for the province?—Not at that time, certainly.\*

\* I should have stated, in reply to this question, that the Public Works scheme, so far as developed in 1870, made no special provision for a grant to Taranaki in lieu of the £31,000 odd transferred to revenue. Provision was made by "The Immigration and Public Works Act, 1870," for the expenditure of £200,000 on "Land Purchases in the North Island;" but the Act contained no indication as to whether any or what part of that sum was to be applied to land purchases in Taranaki.—C. T. BATKIN.—Treasury, 2nd October, 1876.

115. Does it not appear singular that a balance should be swept away, without the province being compensated?—Yes; but it was done.

116. *Mr. Larnach.*] By whose authority?—By the authority of the Appropriation Act of 1870 or 1871, I am not quite clear about the date. [Witness examines the Statute Book of 1870, and continues:] I find it was in 1870 the change was made.

117. Did the authorities of the Province of Taranaki ever make any application for a portion of the money so taken from the province, or did they ever remonstrate?—I do not know of the question having been raised when the Act was passed; but I believe the representatives of the province have since asked for special consideration on account of this matter.

118. *Mr. Kelly, M.H.R.*, by permission of the Committee, asked:] Are you aware of any legislation or action taking place on this matter previous to the passing of the Appropriation Act of 1870?—No, I am not aware of it.

119. The first thing that occurred in regard to the matter was the passing of the Appropriation Act?—I think Sir Julius Vogel, in his Financial Statement, announced his intention of making the change.

120. But he spoke of balances generally, and did not refer specially to this balance, did he?—No.

121. There was simply a Treasury direction that this balance should be included in the Appropriation Act?—Yes.

122. The question was never raised in the House?—Not at the time.

Mr. KELLY, being in attendance, was examined.

123. *The Chairman.*] Are you prepared to give evidence generally in this matter?—Yes; I can give any evidence you want.

124. With reference to the account between Taranaki and the General Government, you have heard what Mr. Batkin has said, and I suppose, as a representative of the Province of Taranaki, you are aware that this sum of £32,000 has been passed into the consolidated revenue?—Yes, I am aware of it; but I was not aware of it until after the Act authorizing it had passed; in fact, it was not until after the end of the Session that I looked at the Appropriation Act and discovered what had been done.

125. A proposal was made the other day by Major Atkinson. He thought the Committee should recommend the Governor to set aside a certain portion of land marked upon this map (which had been obtained for the province under "The Public Works and Immigration Act") to satisfy these claimants. He said this might be done with your consent and that of the other Taranaki representatives. Perhaps you will tell us whether you have any objection to land in the Manganui Block being set aside for this purpose?—It is simply this: the province objects to have to settle this claim, because it is considered the province has been unfairly dealt with by the Legislature of the colony, by passing the Act of 1872. Under the Land Orders and Scrip Act of 1858, the law in existence before this Act of 1872 was passed, the province was liable for the satisfaction of these claims, but the extent of land required under that law to satisfy the claims would have been 4,215 acres. The Act of 1858 provided for the exercise of unexercised land orders of the New Zealand Company, and set forth that for each acre of land held under the land orders, the holders were entitled to receive one and a half acre. The number of acres in respect of which land orders had not been exercised was 2,850, and as under the Act of 1858 they were entitled to an additional half acre for each acre the province was liable to the extent of 4,275 acres. But under the Act of 1872, which was passed under protest by the representatives of the Province of Taranaki, the amount of land required to satisfy these claims—taking the price of land at the average price realized during the past two years—will be 11,372 acres, making a difference between what the province was formerly liable to, and what it is now liable to, of 7,000 acres of land. That 7,000 acres of land the province will resist paying. We have no objection whatever to pay all we were liable to pay under the Act of 1858, although that was more properly a colonial liability than a provincial liability.

126. You say it will take 11,372 acres?—Yes; taking the land at the average price, which has been 30s. per acre, it will require 11,372 acres to settle the claim. Major Atkinson spoke to me on the subject, and I told him I did not see why the province should be called upon to pay this large amount. I suggested, as a compromise, that the block of land referred to, extending from the mountain road to the Waitara River, between the Mangamawheti and the Manganui Rivers, should be set aside, in order to extinguish these claims; and that in consideration of the province giving up this land, the colony should pay to the province the value of the difference between 4,000 and 11,000 acres of land, estimated at £8,000.

127. In point of fact, the province will give up the land purchased for settlement purposes, under the Public Works Act, by the Provincial Government, if a sum of £8,000 is paid over by the General Government as its share of the liability?—Yes; because if these claims are to be met by the province, it will simply extinguish our land revenue for a year or two, and we shall not be able to carry on settlement.

128. Do you think that it is desirable that these lands, purchased and set aside for another purpose altogether, should be taken to settle these claims at all?—That taking these lands would interfere with settlement I have not the slightest doubt. The lands would not be taken up for settlement purposes, but held for speculative purposes.

129. *Mr. Seymour.*] How comes it that there is so great a difference between the claim under the Act of 1858 and the claim under the Act of 1872?—Under the Act of 1858, all claimants were treated alike. A number of persons held land orders issued by the New Zealand Land Company, and all their unexercised land orders were considered to be of the same value, irrespective of the position of the original selections, except as to priority of choice of land under the Act of 1858. These selections had been made in the first instance at the Waitara, as rural land; but the selectors were dispossessed by the Natives; and then the Government declared these lands to be lands the Native title over which had never been extinguished, and, consequently, the land reverted to the Natives. Subsequent to that, an Act was passed enabling those persons who had selected to select in other parts of the province. A

large number did so select, and others accepted compensation for their claims; but others, again, would neither accept compensation nor take land elsewhere, as they hoped eventually to get the land they had originally selected. The Act of 1858, however, declared that all these land orders be treated as unexercised land orders, and took away the right of selecting the original allotments, but entitled to select an acre and a half for every acre originally granted. A great many accepted these terms, but some did not, still retaining the hope that they would get the land originally selected under land orders. When the confiscation policy was brought in, the Native title to these lands was extinguished by confiscation, and the Government then laid out this very land as a township. These persons immediately tried to get their old selection on these lands confirmed, but it was refused at first; however, in 1872 there was a sufficient force in the House to get an Act passed, under which the Government appointed a Commissioner to inquire into the matter, by valuing the original selection and reporting thereon. The Provincial Government—the parties interested—were not called on to appear before the Commissioner. If the Provincial Government had been allowed to deal with the matter, these people would not have been dealt with under the Act of 1858.

130. I understand distinctly that these persons, in common with others, had the opportunity of selecting other land, but refused to avail themselves of it?—Yes.

131. *Mr. Larnach.*] These claimants—Sartoris and Downe—had the opportunity of selecting, and refused to select?—Yes. All claimants have had opportunities of selecting land from time to time; but they did not select, I believe, because they did not consider the land open for selection equal in value to the original selections.

Sir JULIUS VOGEL, being in attendance, was examined.

The nature of the evidence given by Mr. Batkin having been explained to Sir Julius Vogel,—

132. *The Chairman* said the Committee had thought the balance of £31,000 might have been resorted to to supply means for meeting petitioners, provided it was considered proved, and asked whether witness could give the Committee any information respecting the balance?—I did not prepare to answer questions upon this subject; I have prepared evidence upon a different point. I should like to see a copy of Mr. Batkin's evidence, and to have some time to look the whole matter up. At present I remember very little about it, but it will be found that the clause was introduced into the Appropriation Act in consequence of some proposals made in the Financial Statement, and which had been agreed to.

133. Can you give us any information as to the merits of this claim?—I have to depend upon my memory for much of what I may say. My recollection is that in 1871 a claim was made by Mr. Carrington—a claim which was in some respects allied to those now under consideration—and it was settled by an Act of the General Assembly, which provided that Mr. Carrington should be dealt with in a particular manner. I am under the impression that there was at this time a strong feeling in the House that Mr. Carrington had not been fortunate in the way in which his early services to the colony had been treated. He had come out here, giving up a good appointment at Home, and did a considerable amount of good service to the colony; and whilst he was on a visit Home, the land of which he had possession passed to the Natives, and it was resolved to pass this Act so as to place him in a position to get compensation in respect of his claim. Other claims, I think, were to have been dealt with separately, but the Bill dealing with them was thrown out. The Sartoris Downe Bill was introduced the following year, during the time Mr. Stafford held office, and was carried through after Mr. Stafford left office and Mr. Waterhouse became Premier. This Bill simply proposed the appointment of a Commissioner, who should make an award, which award was to be accepted as binding upon all parties—to be satisfied within two years by the Government, and the land awarded to be taken up by the parties under the laws and regulations then prevailing in the province. The question as to what basis the award was to be made upon was never satisfactorily explained, for I find that Major Atkinson, when the Bill was being finally passed through, protested against it as a fair settlement, and said more would be heard of it. This is what he said: "He must warn the House that this would not be a final settlement of the question. It was not dealing the same measure of justice to these claimants as had been awarded to a member of the House. The honorable member for Grey and Bell had got more compensation than the other claimants for whom he acted as agent." Then Mr. Kelly was very prophetic, for he foresaw exactly what did take place, and urged that special instructions should be given to the Commissioner. Whilst the Bill was passing through the Upper House, a very important declaration was made, which to my mind very much affects this case. Mr. Sewell, speaking on the second reading of the Bill, said: "The Carrington claims were adjusted at a fixed sum, and at that value certain land was assigned to him out of the confiscated lands. It was not proposed to satisfy the present claims out of the confiscated lands, but out of land open for sale in Taranaki, and unless his honorable friend could assure him to the contrary, he thought it was perfectly an illusory and shadowy mode of compensation; however, he would be glad to learn it was otherwise." In reply, Mr. Waterhouse, who was Premier of the colony, made a very important declaration on the part of the Government. He said: "In reference to the remarks of the Hon. Mr. Sewell as to the visionary character of the compensation proposed to be granted under the Bill, the honorable gentleman laboured under a misapprehension as to the quantity of land available for purchase in Taranaki. A considerable tract of land had been acquired by the Government, and negotiations were pending for other tracts, the whole of which would be available for the purposes of this Bill. He thought, therefore, it would be found, if the Bill passed into law, there would at any rate be plenty of land to select from by the time for selecting it expired, and opportunities would be afforded for issuing land orders in a way that would be satisfactory to the claimants themselves." I was not aware of this declaration of Mr. Waterhouse's till now; had I been aware of it, I should have hesitated to propose in the Bill which authorized the purchase of Native lands, that these lands should be excluded from the operation of this Act. It is noticeable that there was a division in Committee on the question whether or not confiscated lands should be included in the Bill, and the proposed amendment was lost. I take it that, as far as the history of the Bill goes, it is clear that lands purchased from the Natives should be available, but not

lands obtained under the New Zealand Settlements Act. That seems to be how the matter stands. I am of opinion that the award made was a monstrous award, and never intended or contemplated by the Act; but Mr. Hamilton thought he was doing right, on the ground that as in the recital to the Act was named Mr. Carrington's claim, he was bound to decide the matter on the same footing as Mr. Carrington's claim had been settled, and I do not see how you are to traverse his decision. If he had awarded less than the claimants were entitled to, they would have been bound by the decision. No doubt it was a very unfortunate decision, because it places these claims on a better footing than the others. With respect to the question whether the colony should pay, it seems to me that the thing is narrowed down to this: There was no land open for selection, and selection therefore must be made out of lands acquired for the province by purchase from the Natives, or otherwise effect cannot be given to the award. So much land was purchased for each province in the North Island, and if you take part of that land away from the province and give it to these claimants, you deprive the province of so much of the benefits intended to be secured to it by the Act. My own opinion is this: Whatever amount may be fairly estimated to represent the cost of the land which these claimants select, should be added to the amount available for the purchase of land in Taranaki. Supposing they make a selection which represents £5,000 or £10,000 expenditure in purchasing Native lands in the province, that amount should be added to the sum available for purchasing Native lands in the province. This I should think the best course, unless the whole matter could be arranged by a money payment. A great deal of land scrip has been taken up at 10s. in the pound.

134. *Mr. Larnach.*] Presuming the Committee admit the justice of the claim, would it not simplify matters very much if the claim were settled by a cash payment, or by debentures?—I do not think land scrip would be worth 20s. in the pound. The fact that it is scrip demonstrates that.

135. My question was this: Do you not think, presuming the Committee admit the justice of the claim, it would simplify matters very much if it were settled by a cash payment or by debentures?—It would simplify matters for the claimants very much no doubt; but perhaps not for the Treasurer. I think it is a matter for negotiation.

136. *The Chairman.*] Do you think, under the circumstances—the province losing all benefit of the £31,000—that if the claim, in the opinion of the Committee, be proved, it should be paid by the General Government rather than by the Provincial Government?—I should like to have a little time to look up the question with reference to the £31,000 or £32,000. I think it is capable of satisfactory explanation. I do not wish to detract from the value of the evidence given by Mr. Batkin, but he was originally a New Plymouth officer, and his sympathies have led him, I think, to take an extreme view of the case. When I effected the transfer, I considered I was doing justice both to the colony and the province; although I have a recollection that Mr. Batkin disapproved of the course which was taken. However, I considered I was doing right, and so did the House. The colony, I consider, has always been very liberal to Taranaki, in various ways, for a long series of years. For instance, when £700,000 was set apart for purchasing Native lands in the North Island, Taranaki received as much of it as did Hawke's Bay, though there was a great difference in the population and territory.

137. I think the province might have been credited with £36,000, and any assistance rendered by the colony debited against the £36,000?—That may be so. But we have assisted Taranaki in many ways; and I am sure the province is perfectly satisfied with the treatment it has received. I know this, that the General Government has not pleased some of the other provinces by its treatment of Taranaki. The members for Taranaki have never been slow in looking after the interests of their province; and if there had been any injustice done, the members would have complained.

138. *Mr. Kelly, M.H.R.,* by permission of the Committee.] Was it known to the House, until the Appropriation Act was brought down, that it was the intention of the Government to absorb this sum of £32,000 in the general revenue?—Yes; but I must have time if I am to give evidence in detail on the matter.

139. Was not the virtual absorption of this sum a breach of the sacred compact of 1856, as regards the Province of Taranaki?—My impression is that the consideration for the sum was that the Government guaranteed a land revenue to Taranaki of £2,000 per annum. This balance, with others, was swept away, because it was considered undesirable to have the accounts showing these fictitious balances.

140. Do you think if the proposition had been made openly, before the Appropriation Act, it would have been agreed to?—If Mr. Kelly means to insinuate that I smuggled the proposal through the Assembly, I give it a distinct denial. I have not the facts before me, but I am quite sure of this: substantial justice was done; and, so far as I know, neither the Superintendent of Taranaki, nor the members—of whom Mr. Kelly is one—ever made the least complaint against what had been done.

141. If I assure you that I had not the slightest knowledge of what had been done during the Session of 1871 respecting this matter until after the close of the Session, and that no other member from the province knew of it, do you not think it is probable the Taranaki members would not have agreed to it if they had known?—If Mr. Kelly assures me he and the other Taranaki members had no knowledge, I believe him; but I will say this: neither he nor they ever complained of what had been done; and they generally look after Taranaki interests pretty well. Did you not know of it until this morning?

*Mr. Kelly:* Not until after the Session.

142. *The Chairman* to witness.] Practically, the colony has had the benefit of the £32,000?—No; it was part of the compact of 1856. In place of paying the money, we guaranteed Taranaki a land revenue of £2,000 a year; and when we came to divide the £700,000, the £35,000 was taken into consideration, and the large sum of £150,000, I think, was paid to Taranaki.

*Mr. Kelly:* No; £50,000.

*Sir Julius Vogel:* I am under the impression it was more; and to clear up the whole matter, I should like to give evidence after recollecting the facts.

143. *Mr. Kelly,* by permission.] When this Act of 1872 was passed, was it not understood that the Commissioner was to make proper inquiry into the matter, and that the province was to be repre-

mented at the inquiry?—The inquiry was instigated by the head of the province, who, I think, looked after the interests of the province as well as he possibly could.

144. Seeing that a change was likely to fall upon the governing body of the province, was it not only fair that that body should be represented at the inquiry?—The Provincial Government was represented, because the first thing Mr. Hamilton did was to consult the Superintendent. The only difficulty was that the Superintendent was there in a dual capacity.

145. Were confiscated lands to be exempt from these claims?—I intended it so, certainly.

146. Clause 6 of the Act of 1872 contemplates that?—Yes.

147. Are you aware of any lands having been acquired by the Province of Taranaki since that time except confiscated lands?—I am not aware. I think some have been purchased.

148. The lands said to be purchased are confiscated lands. As a matter of fact all the lands acquired by the Province are lands from which the confiscation has never been taken. Assuming this to be the case, would these lands be liable even under the Act of 1872?—I consider the claimants have no claim to any particular land.

*Letter from Sir Julius Vogel to L. Harper Esq., M.H.R.*

“DEAR MR. HARPER,—

Friday afternoon.

“I would like all of my evidence relating to the £30,000 expunged, and I will give fresh evidence concerning it. I have looked the matter up, and my impression is that the clause in the Appropriation Act was not meant to affect the case one way or the other—it simply allowed a balance to be written off which was not represented by a cash balance.—I have, &c.,

“JULIUS VOGEL.

“P.S.—I will attend whenever you like, excepting Monday from 11 o'clock to 12.30, when I am engaged. If, however, you are contented with written evidence I subjoin that which I would like to say on the subject. In any case, I would like my evidence on the subject and the meaning expunged. Concerning the £32,000 balance under ‘The Loan Act, 1856,’ which was written off by the 7th clause of ‘The Appropriation Act, 1870,’ my recollection is that the provision was made to get rid of unnecessary complications in the accounts. The balance was only partly represented by cash. It principally or partly was represented by advances, and, together with other outstanding balances, created unnecessary complications. I do not consider that Taranaki’s position was meant to be affected one way or the other, nor do I think it should be. I cannot find that any provision beyond the maintenance of the Land Fund to £2,000 has been made in lieu of the amount for Native land purchases which it was proposed to make on behalf of Taranaki out of the 1856 loan. In 1872, provision was made to compensate Auckland for a short purchase under the 1856 Act. I can discover nothing of the kind in respect to Taranaki, and I am certainly of opinion that the 7th clause of ‘The Appropriation Act 1870,’ should not prejudice the case one way or the other.

“J. V.”

[See Nos. 135 to 141 inclusive.]

## APPENDICES.

The Hon. the COLONIAL SECRETARY to His Honor F. A. CARRINGTON.

SIR,—

Colonial Secretary’s Office, Wellington, 23rd August, 1873.

I have the honor to transmit, for your Honor’s information, a copy of the report by Mr. Hamilton, the Commissioner appointed under “The Taranaki New Zealand Company’s Land Claims Act, 1872,” which was recently presented to Parliament by command of His Excellency.

I have, &c.,

His Honor the Superintendent of Taranaki.

DANIEL POLLEN.

His Honor F. A. CARRINGTON to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent’s Office, New Plymouth, 28th January, 1874.

I have the honor to request that, in conformity with the Schedule of “The Taranaki New Zealand Company’s Land Claims Act, 1872,” His Excellency the Governor be asked to issue land orders, in the form set forth in the Schedule of the above-named Act, authorizing me, Frederic Alonzo Carrington, of New Plymouth, the attorney and agent of Edward John Sartoris and Edwin Henry Downe, to purchase land for them, on the terms stated in the said Act, to the amount named in the “Report by Mr. Hamilton, the Commissioner,” which was forwarded to me, “the Superintendent of Taranaki,” together with the Hon. the Colonial Secretary’s letter of the 23rd August, 1873, No. 229.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

FRED. A. CARRINGTON.

His Honor F. A. CARRINGTON to the Hon. the COLONIAL SECRETARY.

*In re Downe’s Waitara Land and the Award made by Mr. Hamilton, the Commissioner.*

SIR,—

Wellington, 5th February, 1874.

Referring to my letter of the 28th January, 1874, in the matter of Sartoris and Downe, I do myself the honor of forwarding the following list, showing the numbers of the land orders, the numbers of the sections, and the award made by Mr. Hamilton, the Commissioner appointed “under the hand

of His Excellency the Governor in Council and the Seal of the Colony," as authorized by "The Taranaki New Zealand Company's Land Claims Act, 1872:"—

Number of Land Order	Number of Section.	Amount awarded.	To whom awarded.	The now Holder of the Land Orders, <i>i.e.</i> the party entitled to the Award which is made.
36	330	£350	Edmund Marshall.	Gerald Surman, Charles William Matthews, William Egerton Hubbard, in trust for Cary Hampton Borrer and Alice Borrer, his wife.
37	333			
99	312	225	Edward Rose Tunno.	
124	337	700	John Wells.	
125	338			
126	342			
127	341			
84	315	8,000	Chas. Thos. Parker.	
130	316		Joseph Morgan.	
131	317		Joseph Morgan.	
55	321		Henry Hughlings.	
		£9,275		

In forwarding this letter, I beg leave to state that I negotiated the purchase of all the above-named land orders and sections of land for the late John Eames Downe; that the said John Eames Downe died intestate, in London, on the 3rd February, 1851, leaving two children only, viz. Edwin Henry Downe, and Alice Downe; that the said Edwin Henry Downe died at the age of twenty-one years and one month, intestate, in Colombo, in the Island of Ceylon, and was buried there on the 1st March, 1870, leaving his sister, the said Alice Downe, his heiress-at-law; that the said Alice Downe, on the 22nd June, 1871, married Cary Hampton Borrer, J.P.; that on the 17th day of June, 1871, five days before the above-named marriage took place, the said Alice Downe, then a spinster, conveyed the whole of the above-named land orders and sections of land to Gerald Surman, Charles William Matthews, and William Egerton Hubbard, in trust for herself until the said marriage, and after the marriage upon trust for herself and husband; that I hold a power of attorney from the said Gerald Surman, Charles William Matthews, and William Egerton Hubbard, authorizing me to do all that is required in law and equity for the settlement or sale of the above-named land orders, sections of land, or award; and I further state that I also hold full and written authority from the said Cary Hampton Borrer and Alice, his wife, to sell and do all that is lawful and right in this matter; and I declare that I hold the necessary documents to prove what I have now written.

With this letter, I also enclose a certificate from J. Stephenson Smith, Esq., Commissioner of Crown Lands, New Plymouth, showing that the land orders referred to in this letter are in the Land Office, New Plymouth; and I declare that I deposited them there as requested and required in this matter.

I likewise enclose a declaration showing that I am the true and lawful attorney and person authorized to act in this estate.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,

FRED. A. CARRINGTON.

The Hon. the COLONIAL SECRETARY to His Honor F. A. CARRINGTON.

SIR,—

Colonial Secretary's Office, Wellington, 4th February, 1874.

I enclose herewith a tracing showing the position of the under-mentioned blocks of land in the Province of Taranaki which have been acquired by the Government under the provisions of "The Immigration and Public Works Act, 1873," viz.—

Te Moa ...	...	...	...	...	32,530 acres.
Waitara Taramouku	...	...	...	...	12,800 "
Kopua	...	...	...	...	3,140 "

Amounting in all to an area of about ... 48,470 acres.

Your Honor will perceive that in the Te Moa Block there are 300 acres to be reserved for the Natives, which have not yet been definitely fixed upon.

With this exception, the Native title to these lands has been extinguished, and it is the intention of the Government to hand them over to your Honor, for provincial administration, as soon as the necessary Proclamation can be prepared and signed by His Excellency the Governor.

I think it right to draw your Honor's attention to the 6th section of "The Immigration and Public Works Act, 1873," which provides that "none of the lands" purchased and proclaimed under its provisions "shall, if sold otherwise than at auction, be sold at a less price than £1 per acre, or, if sold at auction, be put up for sale or sold at auction at a less price than 10s. per acre; nor shall any of such land be open for selection under any scrip, or be awarded or granted as compensation on any account whatever."

His Honor the Superintendent,  
Taranaki.

I have, &c.,  
WILLIAM H. REYNOLDS,  
(in the absence of the Colonial Secretary).

His Honor F. A. CARRINGTON to the Hon. the COLONIAL SECRETARY.

SIR,—

Wellington, 6th February, 1874.

I have the honor to acknowledge the receipt of letter No. 22, 74-284, 4th February, 1874, together with a tracing showing the position of certain blocks of land which have been acquired by the Government under the provisions of "The Immigration and Public Works Act, 1873," amounting in

all to an area of about 48,470 acres, subject to a reserve of 300 acres for the Natives in the Te Moa Block. I am also informed that it is the intention of the Government to hand these lands over for provincial administration as soon as the necessary Proclamation can be prepared and signed by His Excellency the Governor. My attention is likewise requested to the 6th section of "The Immigration and Public Works Act, 1873."

In reply, I beg leave to say that I have much pleasure in learning that the Government have resumed the purchasing of the Taranaki land, and, although the blocks at present acquired are but small in proportion to our requirements, I trust that large and extensive tracts will shortly be obtained, as I learn, from reliable quarters, that the feeling of the Natives generally throughout Taranaki is for the disposal and utilizing of the land. I therefore trust that the Government will take advantage of the present favourable opportunity for acquiring territory.

When the lands are handed over for provincial administration, the reserve of 300 acres for the Natives will be strictly observed.

As regards the 6th section of "The Immigration and Public Works Act, 1873," I have carefully perused it, and I beg leave to say that if the lands above referred to in this letter were purchased out of the moneys authorized under that Act, it is clear that none of these said lands will "be open for selection under any scrip," neither can it "be awarded or granted as compensation on any account whatever." If this be the case, the award made by Mr. Hamilton, the Commissioner appointed "under the hand of His Excellency the Governor in Council and the Seal of the Colony," as authorized by "The Taranaki New Zealand Company's Land Claims Act, 1872," can only be settled by a money vote of Parliament.

I have, &c.,

FRED. A. CARRINGTON,  
Superintendent of Taranaki.

P.S.—I beg leave to ask, for the information of the Provincial Council, if the handing over of the blocks of land referred to in this letter for provincial administration will in any way affect our present guaranteed land fund of £2,200 a year, less the salary of the Commissioner of Crown Lands.

FRED. A. CARRINGTON,  
Superintendent of Taranaki.

The Hon. the COLONIAL SECRETARY to His Honor F. A. CARRINGTON.

SIR,—

Colonial Secretary's Office, Wellington, 6th March, 1874.

I have the honor to acknowledge the receipt of your letter of the 6th ult. in reply to mine of the 4th, in which I informed your Honor that the Colonial Government had acquired, under the provisions of "The Immigration and Public Works Loan Act, 1873," certain blocks of land, amounting in all to an area of about 48,470 acres, which the Government intended immediately to hand over to your Honor for provincial administration.

Your Honor states your gratification in learning that the Government has been able to resume the purchase of lands in Taranaki, and that the Natives evince a disposition to sell; and you express a hope that the Government will take advantage of the present favourable opportunity of acquiring territory.

You further express your opinion that, as by the sixth section of "The Immigration and Public Works Loan Act, 1873," the lands thus purchased cannot be made available to satisfy the awards made by Mr. Commissioner Hamilton under "The Taranaki New Zealand Company's Land Claims Act, 1872," those awards can only be settled by a money vote of Parliament. And in a postscript you ask, for the information of the Provincial Council, if the handing over of the blocks of land referred to in your letter for provincial administration will in any way affect your present Guaranteed Land Fund of £2,200 a year, less the salary of the Commissioner of Crown Lands.

In reply, I desire to inform your Honor that it will be the pleasure, as it is the duty, of the Native Minister, and of the officers acting under him, to avail themselves of every opportunity that may offer of taking advantage of the present apparent desire of the Taranaki Natives to dispose of and utilize their land for the purposes of settlement.

The question of the means by which the awards of the Commissioner appointed under "The Taranaki New Zealand Company's Land Claims Act, 1872," should be satisfied, is one on which it would be obviously improper that the Executive Government should offer any opinion, seeing that it has been already settled by law.

With respect to the effect of these purchases upon the amount of £2,200 guaranteed as the annual land revenue of the Province of Taranaki, I beg to assure your Honor that it is the opinion of the Government the colony is bound to pay to the Treasury of the province any sum in any year which may be required, in excess of the amount realized under the land laws of the province from the sale, letting, or occupation of Crown lands, to make up the guaranteed land revenue of £2,200 per annum.

The Government hope, however, that under present circumstances the time is not far distant when payments under this guarantee from the consolidated revenue to the provincial exchequer will cease to be required.

I have, &c.,

WILLIAM H. REYNOLDS.

His Honor F. A. CARRINGTON to the Hon. the COLONIAL SECRETARY.

SIR,—

Wellington, 6th August, 1874.

Referring to my letter of the 6th February, 1874, in answer to yours, No. 22, 74-284, 4th February, 1874, in reference to certain blocks of land which have been acquired by the Government under the provisions of "The Immigration and Public Works Act, 1873," and the award made by Mr. Hamilton, the Commissioner appointed under the hand of His Excellency the Governor in Council



and the Seal of the Colony, as authorized by "The Taranaki New Zealand Company's Land Claims Act, 1872," I have the honor to state that as I have not yet been favoured with a reply to the above-named letter, and as the time limited and specified by the Act above named will shortly expire, I have to request that the Government will be so good as to inform me what their intentions are on this matter. I may say that I have looked over the Estimates, but do not see any sum placed there to meet Mr. Hamilton's award. I therefore trust that the Government will be pleased to authorize land to be selected to the amount of the award, or that the sum named by the Commissioner be placed on the Supplementary Estimates.

Before closing this letter, I think it right to state that it is now nearly thirty-four years since the New Zealand Company received the purchase money for the land for which the award herein referred to was made.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,  
FRED. A. CARRINGTON.

The Hon. the COLONIAL SECRETARY to His Honor F. A. CARRINGTON.

SIR,—

Colonial Secretary's Office, Wellington, 17th August, 1874.

I have the honor to acknowledge the receipt of your letter of the 6th instant, referring to your Honor's former communication of the 6th February, in reply to mine of the 4th of that month, upon the subject of certain blocks of land which have been purchased by the Government under the provisions of "The Immigration and Public Works Act, 1873," and the award made by Mr. Hamilton, as Commissioner under "The Taranaki New Zealand Company's Land Claims Act, 1872."

As your Honor informs me that you have not yet received a reply to your letter of the 6th February, I enclose the copy of a letter addressed to you by Mr. Reynolds, in my absence, on the 6th of March last; and I would invite your Honor's attention to the paragraph in that letter which I have marked with a red-ink line, and which points out to your Honor that the means by which the Commissioner's awards should be satisfied have already been settled by law.

His Honor the Superintendent of Taranaki.

I have, &c.,  
DANIEL POLLEN.

His Honor F. A. CARRINGTON to the Hon. the COLONIAL SECRETARY.

*In re Downe's Waitara Land, and the Award made by Mr. Hamilton, the Commissioner.*

SIR,—

Wellington, 21st August, 1874.

Referring to my letter of the 5th February, 1874, and its enclosures, I have the honor to request that, in conformity with "The Taranaki New Zealand Company's Land Claims Act, 1872," His Excellency the Governor be asked to issue a land order, in the form set forth in the Schedule of the above-named Act, authorizing me, Frederic Alonzo Carrington, of New Plymouth, in the Province of Taranaki, the attorney and agent of Gerald Surman, Charles William Matthews, and William Eger-ton Hubbard, trustees of the above-named estate, to purchase land for them, on the terms stated in the said Act, to the amount stated in the report by Mr. Hamilton, the Commissioner, a printed copy of which was forwarded to me, Frederic Alonzo Carrington, "the Superintendent of Taranaki," together with the Hon. the Colonial Secretary's letter of the 23rd August, 1873, No. 229.

The sum total of the award made by the Commissioner, Mr. Hamilton, in Downe's estate, is £9,275, the particulars of which are set forth in the said report, and shown in my letter of the 5th February, 1874, above referred to.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,  
FRED. A. CARRINGTON.

P.S.—Also wrote same day, for Sartoris, a like-worded letter, to Colonial Secretary.—21st August, 1874.

F. A. C.

His Honor F. A. CARRINGTON to the Hon. the COLONIAL SECRETARY.

*Re Sartoris and Downe's Waitara Land, and the Award made by Mr. Hamilton, the Commissioner appointed under an Act of the Legislature and the hand of His Excellency the Governor in Council and the Seal of the Colony. The Report is dated 24th March, 1873.*

SIR,—

New Plymouth, 17th February, 1875.

I beg leave to call your attention to my letters of the 21st August, 1874, and the letters therein referred to, which I did myself the honor of addressing to you for the purpose of obtaining the land orders authorized to be issued under "The Taranaki New Zealand Company's Land Claims Act, 1872," for the purpose of enabling me to select land for E. J. Sartoris, Esq., and the trustees of the estate of the late Edwin Henry Downe.

As I have not yet obtained these said land orders, or received any reply to my two letters of the 21st August, 1874, I think it right to remind the Government that the Act above referred to requires that the land in question be selected within two years after the award be made.

The award was made on the 24th March, 1873, therefore the time appointed by law will expire in about five weeks from this date; and, as I have done all in my power, and used my best endeavours to obtain the land orders, which I now again ask for, and without which I cannot select the land awarded, is it not advisable that the Government should take some immediate step to satisfy or maintain the award which has been made, and thereby obviate the difficulties that may arise by the resumption of

the claims to the very lands originally selected at Waitara, and in lieu of which very land the award was given?

I have, &c.,

FRED. A. CARRINGTON,  
Attorney and Agent for E. J. Sartoris, and for the trustees of  
the estate of the late Edwin Henry Downe.

The Hon. the Colonial Secretary, Wellington.

P.S.—I beg leave to observe, for the information of the Government, that in December last the Provincial Government of Taranaki leased one acre of Downe's land (being part of that valued by the Commissioner), for twenty-one years, at £36 a year.

Also, the Provincial Government leased for twenty-one years another acre of Downe's land, being part of that valued by the Commissioner, in January last, for £107 10s. per annum.

FRED. A. CARRINGTON,  
Superintendent of Taranaki.

The SECRETARY for CROWN LANDS to His HONOR F. A. CARRINGTON.

SIR,—

General Crown Lands Office, Wellington, 24th February, 1875.

Referring to your letter of the 17th instant, addressed to the Hon. the Colonial Secretary, and to previous correspondence relative to Sartoris and Downe's Waitara land, and the award made by Mr. Commissioner Hamilton, I have the honor to inform you that, at the date of your last letter reaching me, the land orders issued in accordance with the said award had been executed by His Excellency the Governor, and I now enclose them to you herewith.

H. A. ATKINSON,  
Secretary for Crown Lands.

His Honor F. A. Carrington, Esq.,  
Agent for E. J. Sartoris and E. H. Downe, New Plymouth.

NORMANBY, Governor.

In exercise of the powers in me vested by "The Taranaki New Zealand Company's Land Claims Act, 1872," I hereby authorize Frederick Alonzo Carrington (as attorney and agent of Gerald Surman, Charles William Matthews, and William Egerton Hubbard, trustees of the estate of Edwin Henry Downe), of New Plymouth, in the Province of Taranaki, to purchase to the amount of nine thousand two hundred and seventy-five pounds (£9,275) any of the lands\* of the Crown, in the Province of Taranaki, open for sale or selection, without payment in cash therefor, subject however to the provisions in the said Act contained.

Dated the nineteenth day of February, 1875.

PRESENTED for selection or purchase, 15th March, 1875. No land available for purpose.

C. D. WHITCOMBE,  
Commissioner of Crown Lands.

NORMANBY, Governor.

In exercise of the powers in me vested by "The Taranaki New Zealand Company's Land Claims Act, 1872," I hereby authorize Frederick Alonzo Carrington (as Attorney and agent of Edward John Sartoris), of New Plymouth, in the Province of Taranaki, to purchase to the amount of three thousand one hundred and twenty-five pounds (£3,125) any of the lands\* of the Crown, in the Province of Taranaki, open for sale or selection, without payment in cash therefor, subject however to the provisions in the said Act contained.

Dated the nineteenth day of February, 1875.

PRESENTED for selection or purchase, 15th March, 1875. No land available for purpose.

C. D. WHITCOMBE,  
Commissioner of Crown Lands.

Mr. BORRER to His HONOR F. A. CARRINGTON.

DEAR MR. CARRINGTON,—

Wellington, June, 1876.

With reference to our land claims, which still remain unsatisfied, I consulted, (just before I left England), my brother-in-law, William Freshfield, solicitor to the Bank of England, Messrs. Derrett and Co., my own solicitor, and Gerald Surman, one of my trustees, all of them clever lawyers, and they assured me that we are distinctly entitled to interest at colonial rate on the amount of our award, £9,275, from the 15th March, 1875, on which date the Government acknowledged their inability to satisfy our land order, the Commissioner of Crown Lands, Mr. C. D. Whitcombe, having indorsed it with the words, "No land available for purpose."

\* Attention is directed to the provisions of the sixth section of "The Immigration and Public Works Act, 1873," and of the fifth section of "The Taranaki Waste Lands Act, 1874," and of the sixth section of "The (Taranaki) New Zealand Company's Land Claims Act, 1872," whereby this land order is unavailable in the purchase either of lands acquired under the Immigration and Public Works Acts, or of Confiscated Lands.

As it would be most unjust that we should continue to be deprived of our property for an indefinite or for any further period whatever, I would suggest, as a fair settlement of the award made by Mr. Hamilton upwards of three years ago, either a vote of money to the amount of our award, £9,275, with interest thereon at colonial rate from 15th March, 1875, when the Government failed to fulfil their contract; or the issue of a fresh land order, entitling us to select land to the amount of the award in some other part of the colony, where an immediate selection may be made; or that the Government should pay the interest on the award from the 15th March, 1875, and until such time as land may become available for selection under our land order in the Province of Taranaki, a period of two years, or other reasonable time being allowed us for selection after any land may come into the possession of the Government, and be open to selection.

I submit these suggestions for your consideration, and consider them fair and reasonable for the settlement of our claims. Seeing that for a period of between twenty and thirty years we have been deprived of both principal and interest of our property, it is not unreasonable to ask for a settlement without further delay.

Yours very truly,  
CARY BOBBE.

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By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1876.

Price 1s.]

