

1877.
NEW ZEALAND.

WAITOA LAND TRANSACTIONS COMMITTEE,

(REPORT OF, TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE.)

Brought up and ordered to be printed, 27th November, 1877.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 20TH DAY OF SEPTEMBER, 1877.

Ordered, That a Committee be appointed to inquire into certain land transactions in connection with the purchase of the Puninga Blocks 1, 2, 3, and 4, and other lands in the Waitoa District, by Mr. F. Whitaker, jun., and by Mr. James Mackay, Government Land Purchase Commissioner, in the purchase or other negotiation in connection with these or other lands in the Waitoa District; and also any proposed exchanges between Government and Mr. Whitaker, sen., and any alleged sales to one Fraser; and also to inquire into and report upon the claims of Mr. F. Whitaker to compensation for breach of an agreement made between him and the Government on the 22nd September, 1874, in reference to the land referred to. Such Committee to consist of Mr. Ballance, Sir George Grey, Hon. Mr. Reynolds, Hon. Mr. Stafford, Mr. Wakefield, and the Mover; three to be a quorum; and to report within one month.—(*Mr. Murray.*)

TUESDAY, THE 25TH DAY OF SEPTEMBER, 1877.

Ordered, That the names of Mr. Swanson and Mr. Stevens be added to the Waitoa Land Transactions Inquiry Committee.—(*Mr. Murray.*)

THURSDAY, THE 18TH DAY OF OCTOBER, 1877.

Ordered, That the time for bringing up the report of the Waitoa Land Transactions Inquiry Committee be extended for fourteen days.—(*Mr. Murray.*)

FRIDAY, THE 2ND DAY OF NOVEMBER, 1877.

Ordered, That the time for bringing up the report of the Waitoa Land Transactions Inquiry Committee be extended for fourteen days.—(*Mr. Murray.*)

THURSDAY, THE 22ND DAY OF NOVEMBER, 1877.

Ordered, That the time for bringing up the report of the Waitoa Land Transactions Committee be extended until to-morrow.—(*Mr. Murray.*)

REPORT.

THE Select Committee appointed to inquire into certain land transactions in connection with the purchase of the Puninga Blocks 1, 2, 3, and 4, and other lands in the Waitoa District, by Mr. Whitaker and by Mr. James Mackay, and also any proposed exchanges between Government and Mr. Whitaker; and, further, to inquire into and report upon the claim of Mr. Whitaker to compensation for breach of an agreement made between him and the Government on the 22nd September, 1874, in reference to the land referred to, have the honor to report,—

That the exchange of the lands at Puninga, proposed to be given to Mr. Whitaker for his claims to the land mentioned in his evidence under the head "Piako Purchases," appears to have been a judicious transaction on the part of the Government, and should be completed without loss of time.

That, in consequence of the failure of the Government to complete their undertaking to provide a good title to the lands proposed to be given to Mr. Whitaker by way of exchange, Mr. Whitaker has been subjected to loss; and that the Government should take immediate steps to ascertain and settle such loss.

Your Committee have not had the means of examining the Natives interested, but have taken all available evidence, copy of which, together with the minutes of their proceedings, is attached, and they recommend that the same be printed.

27th November, 1877.

1—I. 15.

W. A. MURRAY,
Chairman.

MINUTES OF PROCEEDINGS.

MONDAY, 24TH SEPTEMBER, 1877.

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

PRESENT :

Sir George Grey, Mr. Murray,		Hon. Mr. Reynolds, Hon. Mr. Stafford.
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The order of reference dated 20th September was read.

Resolved, on motion of the Hon. Mr. Stafford, That Mr. Murray be appointed Chairman of this Committee.

Resolved, on motion of Hon. Mr. Stafford, That the Chairman do move the House to request the attendance of the Hon. Dr. Pollen, a member of the Legislative Council, to give evidence before this Committee.

Resolved, on motion of Hon. Mr. Stafford, That Mr. H. T. Clarke, Under Secretary for Native Affairs; Dr. Giles, Under Secretary for Crown Lands; and Mr. James Mackay, be summoned to attend at the next meeting of the Committee.

The Committee then adjourned until Friday, 28th September, at 10 o'clock a.m.

FRIDAY, 28TH SEPTEMBER, 1877.

The Committee met, pursuant to adjournment, at 10 o'clock a.m.

PRESENT :

Mr. Murray in the chair.

Sir George Grey, Hon. Mr. Reynolds, Mr. Stevens,		Mr. Swanson, Mr. Wakefield.
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The minutes of the previous meeting were read and confirmed.

The order of reference dated 25th September was read.

Dr. Giles, Mr. H. T. Clarke, and Mr. James Mackay attended, and were examined, their evidence being taken down by the reporter present.

Resolved, on motion of Mr. Stevens, That the evidence taken before this Committee be printed day by day.

The Chairman read the following telegram he had received from Captain George Beadon :—

“Auckland, 24th September, 1877.

“Examine Heale, Whitaker's partner, in Mokoro, for true history thereof.

“GEORGE BEADON.”

Resolved, on motion of the Chairman, That the Hon. Dr. Pollen, M.L.C., the Hon. Mr. Whitaker, M.H.R., and Mr. Rees, M.H.R., be asked to attend at the next meeting of the Committee.

The Committee then adjourned until Monday, 1st October, at 10.15 o'clock a.m.

MONDAY, 1ST OCTOBER, 1877.

The Committee met, pursuant to adjournment, at 10.15 o'clock a.m.

PRESENT :

Mr. Murray in the chair.

Sir George Grey, Hon. Mr. Reynolds,		Mr. Stevens, Mr. Swanson.
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The minutes of the previous meeting were read and confirmed.

Resolved, on motion of the Chairman, That Mr. James McKerrow, Assistant Surveyor-General, and Mr. W. H. Grace, be summoned to attend at the next meeting of the Committee.

The Committee then adjourned until Tuesday, 2nd October, at 10 o'clock a.m.

TUESDAY, 2ND OCTOBER, 1877.

The Committee met, pursuant to adjournment, at 10 o'clock a.m.

PRESENT :

Mr. Murray in the chair.

Sir George Grey, Hon. Mr. Reynolds,		Mr. Swanson.
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The minutes of the previous meeting were read and confirmed.

Mr. James McKerrow and Mr. W. H. Grace attended, and were examined, their evidence being taken down by the reporter present.

The Committee then adjourned.

MONDAY, 8TH OCTOBER, 1877.

The Committee met, pursuant to notice, at 10 o'clock a.m.

PRESENT:

Mr. Murray in the chair.

Hon. Mr. Reynolds,

Mr. Swanson.

Mr. Stevens,

The minutes of the previous meeting were read and confirmed.

The Hon. Dr. Pollen, M.L.C., being in attendance, was examined, his evidence being taken down by the reporter present.

Resolved, on motion of Mr. Swanson, That all papers, telegrams, and correspondence in possession of the Government Departments relating to purchases, sales, or exchanges of lands in the Waitoa-Piako District; also the Assistant Surveyor-General's instructions respecting lands in the Waitoa-Piako District, and his report thereon, be laid before this Committee with as little delay as possible.

That the Hon. the Colonial Secretary be requested to obtain the information required by the Committee.

The Committee then adjourned.

THURSDAY, 11TH OCTOBER, 1877.

The Committee met, pursuant to notice, at 10 o'clock a.m.

PRESENT:

Mr. Murray in the chair.

Hon. Mr. Reynolds,

Mr. Wakefield.

Mr. Swanson,

The minutes of the previous meeting were read and confirmed.

The Hon. Mr. Whitaker, M.H.R., being in attendance, was examined, his evidence being taken down by the reporter present.

The Committee then adjourned until Friday, 12th October, at 10 o'clock.

FRIDAY, 12TH OCTOBER, 1877.

The Committee met, pursuant to adjournment, at 10 o'clock a.m.

PRESENT:

Mr. Murray,

Hon. Mr. Reynolds.

There being no quorum present the meeting lapsed.

WEDNESDAY, 14TH NOVEMBER, 1877.

The Committee met, pursuant to notice, at 10 o'clock a.m.

PRESENT:

Mr. Murray in the chair.

Hon. Mr. Reynolds,

Mr. Swanson.

Mr. Stevens,

The minutes of the previous meeting were read and confirmed.

The orders of reference dated 18th October and 2nd November were read.

Letter from Mr. H. T. Clarke to the Chairman was laid upon the table. (See Appendix B.)

The Hon. Mr. Whitaker, M.H.R., produced the papers relating to Waitoa land purchases, and stated that Sir F. Dillon Bell, M.L.C., would attend the Committee to make a statement respecting the grants in Piako and Waitoa Districts.

The Hon. Sir F. Dillon Bell, M.L.C., being present, was examined, his evidence being taken down by the reporter present.

The Committee then adjourned.

WEDNESDAY, 21ST NOVEMBER, 1877.

The Committee met, pursuant to notice, at 10 o'clock a.m.

PRESENT:

Mr. Murray in the chair.

Hon. Mr. Reynolds,

Mr. Swanson.

Mr. Stevens,

The minutes of the previous meeting were read and confirmed.

The Hon. Mr. Whitaker, M.H.R., attended the Committee, and stated that his wish was that the Committee might refer his claim for compensation to the Government for consideration.

The Chairman read telegrams which had been received from Mr. W. G. Nicholls and Captain G. Beadon, as follows:—

Telegram to W. A. Murray, Esq., M.H.R.

"Grahamstown, 15/11/77.

"Government could have acquired Te Punga and Piako lands instead of Whitaker and Company if Government agent would have purchased. No knowledge of Maukoro claim. Natives got money.

"W. G. NICHOLLS."

Telegram to J. A. Tole, Esq., M.H.B.

"Auckland, 4/10/77.

"W. desires my land, or compensation, in exchange for a rotten mortgage. No grant issued; urge this on Murray's Committee.

"GEORGE BEADON."

Also a letter which had been addressed to him by Mr. James Mackay, dated 19th November. (See Appendix C.)

The Committee deliberated.

Resolved, on motion of Mr. Stevens,—

(1.) That the exchange of the lands at Puninga, proposed to be given to Mr. Whitaker for his claims to the land mentioned in his evidence under the head "Piako Purchases," appears to have been a judicious transaction on the part of the Government, and should be completed without loss of time.

(2.) That, in consequence of the failure of the Government to complete their undertaking to provide a good title to the lands proposed to be given to Mr. Whitaker by way of exchange, Mr. Whitaker has been subjected to loss; and that the Government should take immediate steps to ascertain and settle such loss.

The Committee then adjourned.

MONDAY, 26TH NOVEMBER, 1877.

The Committee met, pursuant to notice, at 10 o'clock p.m.

PRESENT :

Mr. Murray in the chair.

Hon. Mr. Reynolds,
Mr. Stevens,

Mr. Swanson.

The minutes of the previous meeting were read and confirmed.

The order of reference dated 22nd November was read.

Resolved, on motion of Mr. Stevens, That the Committee have not had the means of examining the Natives interested, but have taken all available evidence, copy of which, together with the minutes of their proceedings, they attach, and recommend that the same be printed.

Resolved, on motion of Mr. Swanson, That the above resolution, together with the resolutions adopted by the Committee at the last meeting, be brought up to the House as the report of this Committee.

Read and confirmed.

APPENDICES.

APPENDIX A.

CROWN GRANTS FOR LANDS BETWEEN THE PIAKO AND WAITOA RIVERS.

Block.	No. of Section.	Area.	Granted, &c.
		Acres.	
Waiharakiki Te Awaiti ...	3010	895	Grant, dated 23rd October, 1874.
Ngakuriaruru ...	...	1,292	No information.
Waihongi ...	2742	1,234	Grant, dated 10th September, 1874.
Maungatapu ...	639N	10,166	Grant, dated 9th May, 1870.
Kahutoponoa ...	471N	1,079	Grant, dated 3rd May, 1869.
Matakirae ...	279N	1,256	Grant, dated 2nd April, 1867.
Waikaukau ...	1105	317	Grant, dated 23rd November, 1871.
Pakarau ...	470N	644	Grant, dated 3rd May, 1869.
Pakarau Pa ...	767	1,846	Grant, dated 9th May, 1870.
Kirihone ...	593N	1,811	Grant, dated 21st January, 1870.
Te Awapikopiko ...	1509	101	Grant, dated 9th May, 1870.
Te Whakahongi ...	1534	1,530	Grant, dated 9th May, 1870.
Pourewa ...	592N	1,176	Grant, dated 29th June, 1870.
Te Karamu ...	2976	240	Memorial of ownership, dated 13th May, 1876.
Te Kahia ...	2239	2,039	Grant, dated 2nd October, 1871.

There are no applications for grants now pending.

The Chairman of the Waitoa Lands Committee.

J. GILES.
1st October, 1877.

APPENDIX B.

SIR,—

Native Office, Wellington, 11th October, 1877.

Referring to your letter of the 8th instant, calling for papers relating to Waitoa land transactions, I have the honor to inform you that the Native Office file of papers was forwarded to the Crown Lands Office on the 25th September, and, upon inquiring for them, it appears they were transmitted to the Surveyor-General, with Crown Lands Office records on the subject, and by him forwarded, a few days ago, to the Chief Surveyor, Auckland.

W. A. Murray, Esq., M.H.R.,
Chairman, Waitoa Land Transactions.

I have, &c.,
H. T. CLARKE,
Under Secretary.

APPENDIX C.

SIR,—

Wellington, 19th November, 1877.

My attention having been drawn to a statement in Mr. William H. Grace's evidence before the Waitoa Land Transactions Committee that I had sold land on the opposite side of the Waitoa River to that exchanged with Mr. Whitaker for £7 per acre, I have the honor to inform you that such statement is incorrect. My land is dry fern land, requiring no draining. Out of 4,000 acres I can plough 2,800 at once, and Mr. Whitaker could not plough 1,000 without draining. I sold the half of 4,000 acres, that is, an undivided moiety, for £7,000. This land was in a very different state to Mr. Whitaker's block. It was worth twice as much as his land. The whole 4,000 acres were securely fenced. Three hundred and fifty acres were in grass. Three paddocks fenced. There was also included in the sale for £7,000, 100 head of cattle, and a number of farming implements—threshing machine, mowing machine, drays, two teams of horses and one team bullocks, &c., with grass seed, hay, and corn. I consider that the stock, implements, and other articles on the place were worth at least £1,000. Consequently the 2,000 acres I sold brought exactly £3 per acre, and not £7 as stated by Mr. Grace. As far as I am concerned, I simply say that I would not exchange the 4,000 acres within my fence for the whole of Mr. Whitaker's claim, mine being land available for immediate cultivation, and acknowledged to be the most eligible in the whole district; and that Mr. Whitaker owns requiring a large outlay before it can be put into grass or any other crops, and then the worst piece in my block is as good as the best piece in his. I have taken the liberty of writing this to you, with the view of contradicting a very gross misstatement calculated to mislead the Committee.

The Chairman, Waitoa Land Transactions Committee.

I have, &c.,
JAMES MACKAY.

MINUTES OF EVIDENCE.

FRIDAY, 28TH SEPTEMBER, 1877.

Dr. GILES examined.

1. *The Chairman.*] I believe you are the Under Secretary for Crown Lands?—Yes.
2. Have any land-purchase transactions in the Waitoa District come under your notice?—No; only incidentally. On a question being put in the House, I inquired, thinking it had something to do with our office. I found it belonged to the Land Claims Records Department.
3. Have you any maps or information in your office connected with these transactions?—No, we have not. I made inquiries about maps. I sent to different departments to see if there were any. I have a small tracing here. I inquired what conveyances to the Crown had been made between the Piako and Waitoa Rivers, and they are marked on the plan produced; but there is no other information that I can find.
4. Can you tell the Committee where they are likely to get that information?—I do not know. I cannot find out any maps showing the blocks in that district.
5. Do not the Crown grants pass through your department in any way?—Yes.
6. Then, can you give us any information as to Crown grants issued for the Waitoa District?—They are all probably Crown grants to Natives.
7. I should like if you could give us a list of the Crown grants that have been issued or applied for in this district. Perhaps you would send it up for the information of the Committee?—I shall send up a list of all granted or applied for. The Native Office would supply additional information, but as to actual Crown grants, we shall, of course, have a record of them.

Mr. H. T. CLARKE examined.

8. *The Chairman.*] You are the Under Secretary for Native Affairs?—Yes.
9. Do you know anything about any land transactions in the Waitoa District by the Government, or any private individual?—In the Piako-Waitoa District I do know something about transactions on the part of the Government, and of private individuals.
10. You have seen the order of reference?—I have.
11. Can you give us any information that would enable the Committee to come to a decision?—I know little personally. All the information I got is from the public documents, and what I have heard of the matter.
12. *Hon. Mr. Reynolds.*] Who can give definite information?—The documents in the old Native Claims Office.
13. Who is the officer in charge of that department?—Mr. Fannin.
14. *The Chairman.*] We want some information with regard to more recent purchases. Do you know the Te Puningā Block?—No; I do not know much about it.
15. Have you brought with you any maps of this Waitoa District?—No; I have not.
16. Have you got any maps showing the land which the Government were in negotiation about?—No. There were purchases made by Captain Drummond Hay in the days of old. We have been endeavouring lately to get surveys made. We understand from Mr. Puckey at the Thames that no survey has been made.
17. Where will we get a general map of this district?—The only place I know is the Crown Lands Office.
18. We have just asked Dr. Giles, and he says he thought in your department?—No; that is the only place I know. The Native Department has got no maps.
19. Then you do not know anything personally of this district?—No.
20. You know nothing, apparently, about the Government land transactions in it either?—I do not.
21. *Hon. Mr. Reynolds.*] Would Mr. Masters be able to supply the information?—No; he would not. I am positive there is no plan in existence of these old land claims. The only person who could give any information on the subject is Mr. Mackay himself.

Mr. JAMES MACKAY examined.

22. *The Chairman.*] What is your occupation?—I am a land agent and commission agent.
23. And you are Land Purchase Commissioner for the Government?—I hold no position under the Government.
24. What position do you hold then?—I purchase for them on commission, but hold no appointment under the Colonial Government.
25. On what terms do you purchase?—At 4d. per acre for all land I acquire for the Government.

26. When did your appointment with the Government cease?—I left the Government service in 1869. I commenced to purchase land for them in 1872. There was some trouble at the time of Sullivan's murder, and they asked me to act as agent for the General Government in Waikato. I did so from May, 1873, until June, 1874. I then returned to land purchasing as a commission agent, with the exception of acting as their agent for a short time at Ohinemuri in 1875.

27. I think you stated in one of your reports that your business is chiefly with the Government?—Yes, in a letter to a newspaper.

28. And you do not do very much for private parties?—Not much. Occasionally I do work for private parties.

29. Have you got any maps of the Thames and Waitoa Districts?—No; I came down on business connected with land purchases, and did not bring any documents, not knowing I would have to give evidence in this matter.

30. Can you give the Committee any information as to where it is possible in Wellington to get maps connected with these districts?—I presume Mr. Whitaker has got a tracing of the blocks of land there. I have none. I know the country well, and can tell by that skeleton plan where these blocks are situated.

31. Do you know the Te Pungia Block?—Yes.

32. And Blocks 1, 2, 3, and 4?—Yes, all of them.

33. Is this land in the possession of the Natives?—Some portions of it belonged to the Ngatipaoa tribe, and some to the Ngatitamatera tribe. They were not actually living on it; they own so much land that they cannot reside on it all.

34. Do they own it still?—It has been exchanged with Mr. Whitaker for other land.

35. What is the extent of Blocks 1, 2, and 3?—I think the first three blocks contain something like 8,000 acres.

36. In Block 4 how much?—I think it is something above 1,900 acres, or 2,000 acres.

37. Was none of this land bought for the Provincial Government years ago?—Major Drummond Hay, an officer of the General Government, bought some of it with funds provided by the Provincial Government.

38. Were you negotiating for any portion of the Taupiri Block?—Some financial arrangement was come to between the General and Provincial Government. The land was purchased many years ago by Captain Drummond Hay. The General Government refunded the money to the province.

39. Who owns these blocks now?—The General Government. They were purchased for the province, but the province could not get possession on account of the Native difficulties. The province complained that it had been for years out of its money, and the General Government refunded the money and kept the land.

40. *Mr. Stevens.*] Under what Act was the land acquired by the General Government?—It was bought, I think, from 1852 to 1854, by Captain Drummond Hay, General Government Land Purchase Commissioner; the General Government purchased these lands. Hay was a General Government officer, and he purchased with moneys provided by the province. The province afterwards made some bother about the thing, because they could not take possession of the land, and the General Government said "We will give you the money and take the land." The money was refunded, I think, about 1867, during the time I was Civil Commissioner for the Government.

41. *The Chairman.*] Was any part of the land forming Pungia Nos. 1, 2, 3, and 4 Blocks included in the negotiations which you were carrying on on behalf of the General Government with the Natives?—Yes.

42. Will you state whether this Pungia Block was included?—It was included within the boundaries of a block of 200,000 acres for which I was in negotiation with the Natives. There was a special arrangement concerning it. In this neighbourhood (Drummond Hay's Piako Block) Mr. Whitaker was entitled to select in six blocks within something like 24,000 acres, 12,855 acres, or, with the allowances for survey, 14,783 acres, in not more than six blocks within that area, it being a large land claim generally known as Webster's old claim. That was in the Piako Block. Perhaps we had better call it Drummond Hay's Piako Block.

43. *Mr. Stevens.*] When was that right of selection acquired by Mr. Whitaker?—I do not exactly know. This is how the thing stands: There were five or six persons who bought land from the Natives. The land they claimed was some 80,000 acres. The Court made awards of 5,000 acres to Webster, and lesser areas to five other persons. Messrs. Whitaker and Heale purchased these awards from the parties, thus acquiring the right to select 12,855 acres altogether for these six blocks. That is the position of it. The document (copy of Mr. Bell's award) says that Mr. Whitaker could select up to this quantity of land (12,855 acres).

44. *Mr. Wakefield.*] Under what Act was that award made?—Under "The Land Claims Settlements Act, 1854," I think. The award was made by Sir Dillon Bell, then Land Claims Commissioner.

45. *The Chairman.*] Were the selections made?—They were not.

46. Why?—Because the Natives lived on the land, and they would not allow Mr. Whitaker to take possession. Captain Heale went up on several occasions when I was Civil Commissioner of the Thames District, and tried to survey the land, but he could not manage it. The Natives would not allow him.

47. Why not?—Because their ancestors and chiefs of the tribe were buried there, and they did not wish to give it up. Besides, the Governor had fixed the boundary of the Waikato confiscated lands, and they maintained that it was to be the boundary of the lands acquired by Europeans or the Government.

48. Did the Natives objecting to possession being taken by Mr. Whitaker represent those who sold it?—A great many of the original settlers were dead. It is often found now that the young fellows of the present day repudiate all the acts of those who are gone. When I commenced to negotiate for this land, Tarapipipi, the principal chief of the Ngatipaoa tribe residing in this district, made a stipulation that there should be a rectification of the eastern boundary line of the confiscated lands in

Waikato District, and that he should also be allowed to make the exchange with Mr. Whitaker of the Waitoa lands for those in Hay's Piako block, which Mr. Whitaker had the right to select. The price I agreed to give varied from 6d. to 3s. an acre, and a stipulation was made that a portion of the Waitoa land was to be given to Mr. Whitaker in exchange. They wanted to get Mr. Whitaker out of the Piako (Hay's block) land and retain it themselves, and give him other land in exchange, and allow him to select his quantity at Te Pungia, Waitoa. I called on Mr. Whitaker about it. He did not seem at first inclined to do it. I saw Dr. Pollen, and Mr. Whitaker subsequently called on him, and an agreement was come to between Dr. Pollen, on behalf of the Government, and Mr. Whitaker, that this exchange should be allowed. The Native chief proposed that Mr. Whitaker should select his land in the Te Pungia Block.

49. *Mr. Stevens.*] Will you state at what time that arrangement was come to?—About September, 1874. At this time the Ngatipaoa tribe claimed all the Pungia Block, extending from the east bank of Piako to the Waitoa River.

50. *The Chairman.*] Then the land lying between the Waitoa River and the line A B, did that land belong to the Natives of the Ngatipaoa tribe?—It did, and it did not. It is a very curious title. The claimants were intermixed. Some part belonged to the Ngatipaoa only, and some to the Ngatipaoa and Ngatitamatera tribes, intermixed. I could best illustrate the position of matters by saying that if my father had land at Home I would claim it as a Scotchman, and if my mother had any I would claim it as an Englishman.

51. *Mr. Stevens.*] How did Mr. Whitaker acquire the rights you said he had here (in Hay's Piako block)?—The lands were originally purchased in the early days of the colony, probably in 1839 or 1840, by Mr. Webster and others from the Natives. There were Commissioners appointed to inquire into these things. The first Commissioners were Colonel Godfrey and Major Richmond; after that, Sir Dillon Bell was Commissioner; after that, Mr. Domett. These Commissioners made inquiries from the Natives as to the sales to claimants. The Commissioners investigated the case, and made an award to the parties they found entitled to the land. Awards were made to Mr. Webster and others by the Land Claims Court. Mr. Whitaker and others bought these awards.

52. Then, I understand that inasmuch as the Natives declined to allow this land to be surveyed, to satisfy this claim of Mr. Whitaker and Captain Heale, they subsequently allowed the selection to be made down in the Pungia Blocks, between the Piako and Waitoa Rivers?—The Natives wished to retain those lands in Hay's Piako block, and proposed this exchange.

53. It went beyond that?—Yes. It was agreed upon, and there was an agreement signed between Mr. Whitaker and Dr. Pollen, who was Agent for the Government or Resident Minister at the time; I forget which office he held.

54. If the Ngatipaoa tribe chose to change a piece of land for another, both pieces belonging to them, what had the Government to do with them?—I was acting as land purchaser for the Government. I never bought any block without going to Dr. Pollen; or if, since he joined the Ministry, Mr. Whitaker has been in Auckland, I have gone to him and consulted him on the subject.

55. You were instructed to purchase Te Pungia, then, and it was understood there were to be 14,000 acres left out that you would not buy?—I was instructed to purchase 200,000 acres, subject to reserves, and the exchange for this claim of Mr. Whitaker. It was also previously stipulated by the principal chief, Tarapipipi, that there should be a rectification of the eastern boundary of confiscated lands, Waikato District.

56. *The Chairman.*] Where were the 200,000 acres situated that you negotiated for the Government?—[Witness made a rough sketch of the land on the skeleton map which had been furnished by Dr. Giles.]

57. The land included within the red line shows the 200,000 acres?—Yes; that was the area which I was operating on, claimed by the Ngatipaoa tribe.

58. You stated that Mr. Whitaker claims 14,000 acres of land out of 19,000 in the Piako Block?—No; out of 24,000 acres, because he was allowed to select out of the Mohonui, Huia, Nge, and Piako Blocks (Drummond Hay's Piako Block).

59. All lying on the west bank of the Piako River?—Yes.

60. Are you aware of the nature of that country?—Some of it is good, some swampy, and some clay hills.

61. Is there any kauri gum through it?—There is kauri gum and coal in the hill.

62. Is this swampy land available for settlement?—There is sufficient fall on the land lying between the hills and the river to drain it. It is not so low-lying as the land on the eastern side of the Piako, opposite to it.

63. Do you suppose that is the land which Mr. Rowe stated in Parliament he sailed over in boats?—No. I suppose he referred to the Whitikahu Swamp, and not the Piako Swamp. It is erroneously called the Piako Swamp. His sailing, as I understand it, was on the other side of the range of hills, at Mangawhara. Canoes never go on the western side of the Piako River, but on the eastern side. A great deal of this is fine land, in the centre of Webster's original purchase.

64. Was this land of any use to Mr. Whitaker?—He could not take possession of it.

65. Was it not rather an advantage to him to give up this piece of land that is flooded and a great part of it inferior, and exchange it for land which had no such disadvantages?—There is not much of that land subject to floods. Some of it is wet and swampy from surface water, the rest good fern land and bush.

66. *Mr. Wakefield.*] What sort of land is the Pungia Block?—On the immediate bank of the river it is generally rather sandy fern land. Then when you get in a little distance it is all swamp right across to Waitoa. All the centre is swamp and rushes about three or four feet high. It took Mr. Clark and Mr. Turner, the railway engineers, and myself a day to go across it in summer, although only five miles. It was tolerably dry at that time. It was a very dry season indeed.

67. *The Chairman.*] Then it was the lowest part of this Te Pungia Block you went across?—We went right across the centre of the Te Pungia Block. There was a great thickness of vegetation,

and we got into holes very nearly up to our knees. It is covered with surface water in the winter time. There is a large quantity of dead kauri timber lying on it—large logs two and three feet thick—which would make it difficult to drain.

68. What advantage was it to the Government that this exchange should be made with Mr. Whitaker?—These Natives had been very troublesome and hostile to the Government. They were always dealing with the King Natives, and any Natives who were guilty of offences elsewhere went there for protection, and lived with the disaffected Natives. There are Natives squatted on confiscated land at Moerangi, near Tarapipipi's settlements, in spite of the Government. They prevented the Government running this confiscated boundary. I arranged it, and after doing that went in for this purchase. One of their chiefs died, and they wanted money in order to hold a *tangi*. They asked me if I would purchase the land, and I said I would, and negotiated for it.

69. *Mr. Wakefield.*] Has Mr. Whitaker selected the 14,000 acres?—He has got conveyances of the Puninga Blocks Nos. 1, 2, 3, and 4. The Natives have conveyed those to him.

70. *Mr. Stevens.*] Has Mr. Whitaker received the full amount of land—I mean a good title—he was entitled to?—I do not think he has got the full amount conveyed.

71. Can you state what deficiency there is?—I cannot.

72. I want to know whether there is anything which prevents Mr. Whitaker from getting a complete title to the remainder of the land which he agreed to take in exchange?—I am not aware there is.

73. Can you tell me this: When that exchange was agreed upon, was the exchange an engagement on the part of the Government to provide Mr. Whitaker with a proper title in satisfaction of that claim on Drummond Hay's block, or was it that there was to be handed over to the Native proprietors the right of negotiating primarily with this gentleman or not?—First of all, the agreement was made between Dr. Pollen and Mr. Whitaker that this exchange should be allowed. I was present when it was signed. I think that was in September, 1874.

74. What was the nature of the engagement on the part of the Government? Was it simply a permission on their part?—First of all, this arrangement was made with Dr. Pollen. It was afterwards deemed necessary to legislate in the matter, but the Bill was thrown out on the third reading in the Legislative Council. The Maoris, hearing this, then stopped the surveyors. I then went to Dr. Pollen, and said, "What am I to do? The exchange with Mr. Whitaker has not been carried out." He said, "What do you suggest?" I replied, "At the time the agreement was made, the Natives were to get certain reserves. We did not carry out the agreement. The only thing I see to be done is to reserve the land and allow the exchange with Mr. Whitaker, according to the desire of the Natives." Dr. Pollen said, "You had better let that be done." It was left to Mr. Whitaker to make his own exchange, and he employed his own agent to do it.

75. Was it merely an engagement on the part of the Government to allow Mr. Whitaker to negotiate with the Natives in exchange for his absolute rights there?—Yes.

76. If Mr. Whitaker had failed in obtaining any of this land, notwithstanding that failure, would his rights have been satisfied as regards this transaction (as regarded his claim within Hay's Piako block)?—He would still have had his rights in Hay's Piako block, of course, having an award for that.

77. *Mr. Wakefield.*] When Mr. Whitaker has completed his title here, and got this 14,000 acres conveyed absolutely to him, it will then be for him to get a Crown grant for this 14,000 acres in the Piako Block, and afterwards to convey it to the Ngatipaoa tribe?—Yes, the Natives have arranged to whom it is to be conveyed.

78. Under what Act can a Crown grant be now issued?—Under "The Land Claims Settlements Act, 1854;" I think that is the Act.

79. *Mr. Stevens.*] I should like to know if you can tell us how that Puninga land came to be Crown-granted absolutely to Mr. Whitaker without a corresponding grant there of Hay's Piako Block to the Natives?—The Puninga Blocks are not granted. They have been through the Land Court, and Mr. Whitaker has got a conveyance from the Natives.

80. It is tantamount to a Crown grant?—The Natives receive a memorial of ownership from the Native Land Court. That can be transferred. The Judge indorses on it that he is satisfied it has been conveyed to Mr. Whitaker, and the Crown grant would then issue in Mr. Whitaker's name.

81. I want to know how Mr. Whitaker got what was convertible into a good title prior to his conveying anything to the Natives?—Both parties signed an agreement that they would exchange the land. I have seen the agreement.

82. Can Mr. Whitaker get a title to that particular piece without the intervention of the Natives?—I am not certain whether his deeds do not show on the face of them that it is an exchange for part of Hay's Piako Block, for which he holds the award. The land Mr. Whitaker was entitled to select in Hay's Piako Block has been surveyed within the last month with a view to Mr. Whitaker conveying it to the Natives.

83. *Sir G. Grey.*] What was the extent of the block you were ordered to purchase?—I was told to purchase the Ngatipaoa lands, which I estimate at something like 200,000 acres.

84. What was the date of those orders?—I think at various times in 1873 and 1874.

85. Was it one order or several orders?—I either telegraph or write to the Government here that I am offered a certain block of land, and ask whether I am to take it.

86. What was the date of the order to you?—No particular date. I had several conversations with Dr. Pollen about it in 1873, 1874, and 1875, and up to the present time.

87. Was that land proclaimed under the Immigration and Public Works Act?—Yes, from 22nd October, 1874.

88. Then, after that, no Europeans could purchase land there?—Just so; no European had any right to purchase that land, only this arrangement had been made before the Proclamation was published.

89. But no other European would have gone in and bought?—Europeans might have bought, but it would not have been a legal title. No persons can legally buy for two years from the date of the Proclamation.

90. You say these 14,000 acres, claimed by Mr. Whitaker, on the Piako, were claimed by the Ngatipaoa tribe?—Yes; they were very troublesome.

91. They are still there?—Yes.

92. It was no object of the Government to keep Natives of that kind there?—They have their lands there; they cannot live elsewhere.

93. That is not my question. It was no object of the Government to keep turbulent Natives in the vicinity of other settlements?—No. The desire of the Government was to make the Natives peaceable and well affected towards them.

94. What would have prevented the Government from purchasing this (Piako) piece of land from Mr. Whitaker?—I know of nothing. Perhaps Mr. Whitaker would not have sold.

95. You know the Government can by law take land for public purposes at a valuation?—Yes, European land; but they would find it difficult if they attempted to take land from Natives at a valuation.

96. I did not ask you that. You did not know that the Government had full power to do what they liked?—No. I knew they had power to take land from Europeans at a valuation, but understood that only applied to lands required for railways or military purposes.

97. Is this good land that has been lately acquired?—The greater proportion of it requires drainage.

98. Do you know whether Mr. Whitaker had sold any portion of the Puninga Block to a European named Fraser before he acquired a title?—Mr. Fraser told me that Mr. Whitaker agreed to sell him about 3,000 acres. Mr. Fraser then settled somewhere about here, in the Taupiri Block [pointing to map]. He had some cattle on it, but lately he sold the cattle.

99. Who ultimately completed the purchase of the land which Mr. Whitaker has recently acquired?—It was principally done by his own agent, George T. Wilkinson. I assisted him, because I wanted to get the thing done, in order to complete my own purchase for the Government.

100. You were the Government agent?—No; I was merely a commission agent. I have no appointment under the Colonial Government.

101. Were you present when the sale was completed?—I saw some of the deeds signed.

102. What o'clock at night was that?—I do not now know. Some I saw signed in the day-time; some at night.

103. You do not know whether that (Puninga No. 1 deed) was done at night?—It may have been. I have Natives at the office till late, sometimes.

104. You were not present at night when the sale was completed?—I was there when the sale was completed. I cannot say whether it was day or night. Some deeds are done in the day-time, and some at night. I do not recollect.

105. You do not recollect that it was done at night?—It is possible; a great many deeds are signed at night. I had a great deal of land business at that time; and worked a great many nights to 1 or 2 in the morning, with the Natives there.

106. Had you made arrangements for acquiring this land for the Government?—No. I was to get all the land except reserves. The stipulation was made by Tarapipipi and the Ngatipaoa tribe that Mr. Whitaker was to get that land there in lieu of this.

107. What was the date of that arrangement between Tarapipipi and Mr. Whitaker?—The first time that Tarapipipi spoke of this land to the Government was about 1870 or 1871. He came to Shortland to see Dr. Pollen, and he asked me to go with him and see whether this confiscated line could not be altered in some way; and also to see what could be done with Mr. Whitaker's claims. That was the first time I recollect of anything being done. It was the time we tried to get the telegraph line from the Miranda Redoubt to the Thames. After the telegraph line was through, and I was General Government Agent in the Waikato, Tarapipipi again brought up the question about the confiscated boundary. After a great deal of trouble, I got the confiscated line agreed to. When I commenced to purchase the 200,000 acres of land, Tarapipipi said he would not let Mr. Whitaker have the land in Hay's Piako Block. I said to Mr. Whitaker, when I went to see him, "Mr. Whitaker, would you exchange that land on the Piako for land between Piako and Waitoa?" He said "No." After that, I spoke to Dr. Pollen, who was Agent for the General Government in 1874, and it ended in Mr. Whitaker going to see Dr. Pollen. Dr. Pollen and Mr. Whitaker made an agreement that the exchange should be done; and I was told, as the Land Purchase Agent, that this exchange was to be carried out. That is all.

108. Do you mean that if the Natives had the land Mr. Whitaker was entitled to in Hay's Piako Block given to them by the Government, they would not have been satisfied?—If the Government could have given it to them, I should say they would be very glad to get it.

109. Then, if that had been done, and this land had been purchased in the ordinary way, would this land have been available for European settlers?—It would, if it was drained.

110. It would have been available for purchase?—Yes.

111. *The Chairman.*] What right had the Ngatipaoa tribe to give land belonging to the Ngatitamatera tribe in exchange to Mr. Whitaker for land which Mr. Whitaker owned down at Piako?—For this reason—that some of the Ngatipaoa Natives were the sole owners of Puninga Nos. 1 and 2 Blocks, and had also joint claims with Ngatitamatera over the other Puninga Blocks.

112. What was paid for this land between A B and the Waitoa River?—I do not know the total amount. I think at the rate of 5s. an acre.

113. Who paid for it?—The money was paid through Mr. Frederick Alexander Whitaker.

114. Who furnished the funds?—Mr. Whitaker, sen. (F. Whitaker), I presume. But Mr. Whitaker, jun., was the man who paid the money to the Natives.

115. And did he pay it to the grantees declared by the Court to be owners?—Yes; but he was to make some arrangement for the repayment of this money. Tarapipipi said, "That is the land I will give in exchange" (meaning the Puninga Blocks). On going to Court he failed in carrying out part of his agreement, and Mr. Whitaker had to pay the outside claimants.

116. Was it not as open to the Government to buy this as to Mr. Whitaker?—No, because the Natives would not have sold it unless under this arrangement.

117. Could the Government not have bought out these Natives?—I suppose they might, but they were consenting parties that Mr. Whitaker should get this land in exchange.

118. Was it open to any Europeans to buy this land?—They might have bought it, but would have had to take their chance of getting a title to it.

119. When the Government were negotiating for this land, was it possible for any European to buy it?—Yes, it is possible. It is done every day in the week, but it is not right.

120. Why not right. Is it lawful?—Under the Immigration and Public Works Act it says that no purchases of land proclaimed under that Act, which are made by anybody but the Crown, are lawful. That land was not subject to that Proclamation when Mr. Whitaker required it. It lapsed on the 22nd October, 1876, and this land has been purchased since that.

121. Then why was this allowed to lapse when you were negotiating for this land?—Because the Government told me this land was to go to Mr. Whitaker. I could not upset Dr. Pollen's agreement. That section of the Immigration and Public Works Act was repealed, and no fresh Proclamation could be made.

122. You say the Proclamation expired on the 22nd October, 1876?—Yes.

123. Then until that expired no private persons had a right to buy this land?—Certainly not.

124. It is since that date Mr. Whitaker has been allowed to acquire this land?—His agreement was in 1874, prior to the Proclamation. I always understood that he acquired the right to exchange from the commencement. I was not told to buy that land. Dr. Pollen said, "You can let Mr. Whitaker carry out that exchange."

125. Were you not told to buy the whole block in order that the Government might exchange with Mr. Whitaker?—I was to buy the Ngatipaoa lands, and I asked Tarapipipi the boundary. He described them; but he said, "I want to give Mr. Whitaker this piece (Puninga). At that time the Government would have acquired the whole, and given Mr. Whitaker the piece in exchange; but when the Bill was thrown out by the Legislative Council, Dr. Pollen said, "You can exclude that from your purchase."

126. Then did not the Proclamation prevent Mr. Whitaker negotiating for the land?—That was during the time the Proclamation was in force that Dr. Pollen told me to exclude that piece.

127. So soon as the Proclamation lapsed, Mr. Whitaker was allowed to complete the purchase?—He purchased in May or June, 1877. I think it would be June.

128. You stated that in this Lower Piako Block the Natives were very turbulent, and that it was a place for criminals to go to, and that those people had no right to be there, with the exception of 700 acres of a reserve?—Yes.

129. Then do you think that it was right to give those people 14,000 acres as a permanent reserve there, on which no one would have a right to interfere with them?—I think the whole arrangement was a very good one. These Natives have ceased to go backwards and forwards to the King country. They have now allowed us to cut the eastern boundary of the confiscated lands, Waikato District, and to settle questions which we formerly could not, in consequence of their obstruction.

130. Do you not think the improvement of the Natives is due to their intercourse with the Europeans now settled in the neighbourhood?—Not by any means. There were various things done that gradually made the Natives give way. I got them to give way to the telegraph to Shortland, and the question of the confiscated boundary was settled. But as long as this old land question remained, the thing would never have been completed, nor this purchase of 200,000 acres made.

131. What is the nature of the land between A. B and the Waitoa River?—All swamp, except a little, narrow fringe near the Waitoa River. This is dry fern land mostly; but the whole of this, the centre [points to map] is swamp the whole way between the two rivers—nothing but swamp.

132. Will you point out the 3,000 acres which Mr. Whitaker had sold to Mr. Fraser before he acquired it himself?—Mr. Fraser told me that he sold here [points to map].

133. What was the nature of Fraser's 3,000 acres?—About 1,000 acres very good land, and the other 2,000 swampy. The reason I know is that Mr. Fraser once said that he found a great deal more swamp on it than he originally thought.

134. Is Fraser's block at the lower end of the Te Puninga Block?—Yes; it would be on the north-east side of the Puninga Block. Fraser's was the piece between the Ohaine Stream and the Waitoa River.

135. Do you know what Fraser was to pay for this 3,000 acres?—I think £3,000; I am not quite certain.

136. Are you aware that Fraser was offered a profit of 30s. an acre upon it?—I am not.

137. *Mr. Stevens.*] I want to ascertain from you whether Mr. Whitaker, under existing arrangements, is to have an acreage in excess of his claim of 14,000 acres?—I do not know what the arrangement now is. I believe he has to get more land from Tarapipipi on account of the money he had to pay to Ngatitamatera for their claims.

138. As far as the Government are concerned, I want to get it clearly ascertained whether he is to have more land here—acre per acre—in consideration of that 5s. an acre, or on any other grounds?—I believe his agent has been to Tarapipipi about it. Tarapipipi is either to pay the money or to give Mr. Whitaker a clear title, or to give him more land on account of what he has paid.

139. Assuming that Mr. Whitaker proceeds in virtue of this exchange, will he get more land, as far as you know, than he held in Drummond Hay's block?—I believe he will.

140. Will you tell me what you believe to be the excess of acreage?—I should think he would have to get probably, instead of 14,000 acres, perhaps 16,000 or 18,000 acres; 18,000 acres I should think.

141. In consideration of what?—His having to buy these Ngatitamatera claims out in the Puninga Nos. 4 and 5 Blocks.

142. Is it correct to say that Mr. Whitaker is to be compensated by Tarapipipi, in land or in money, at the rate of 5s. an acre, in consideration of his having settled with these Natives for the Puninga Nos. 4 and 5 Blocks?—Just so.

143. How much money has Mr. Whitaker paid or advanced in order to extinguish the rights of these people?—I do not know.

144. Is the excess of acreage that Mr. Whitaker has to get over his claim on Hay's Block represented by 2,000 or 4,000 acres?—Something like 4,000 acres.

145. Which he will obtain at a price of _____?—I do not know.

146. Is he not going to get that excess of acreage in consideration of having paid 5s. an acre for extinguishing the title?—Yes. He will get it for carrying out Tarapipipi's exchange with the Ngatitamatera.

147. *Mr. Wakefield.*] You said that Mr. Whitaker did not complete the transaction with Fraser?—I know he did not, because Fraser told me.

148. Mr. Whitaker paid back the money that had been paid him?—Fraser told me he had.

149. Why did he not complete the transaction?—Because he could not get a title himself. Fraser told me that Whitaker was to give him a title by a certain time. He went to America, I think, and when he came back he found that Whitaker could not carry the arrangement out, and then they came to some arrangement between them, by which Fraser was repaid the money. Fraser and Whitaker have told me so.

150. This piece between Ohaine Creek and the river still belongs to the Natives?—Part of it belongs to the Government and part to the Natives.

151. Am I to understand that, owing to the transaction between Whitaker and Fraser not being carried out, the Government have acquired a title over part of the 3,000 acres?—No. This was acquired by Drummond Hay in 1854, or thereabouts.

152. Did the Government agree to give that old purchase to Whitaker as part of the exchange, acre for acre, for the 14,000 acres?—Yes; I understood so at the time the agreement was made by Dr. Pollen.

153. *Sir G. Grey.*] Is there any law to sanction that?—Under the Land Claims Settlements Act it is provided that the Government may exchange rural land for other rural land in order to meet such a case as this.

154. What is the date of that Act?—1854, I think.

155. *Mr. Wakefield.*] Was it to be acre for acre, or a valuation?—Acre for acre, I think.

156. *The Chairman.*] Will you point out the land which Morrin Brothers acquired?—It was not included in my purchase.

157. Will you state the reason why it was specially excepted?—Because the Natives did not choose to sell it to me. The Natives would not sell.

158. Why do you think the Natives would not sell it to you?—Simply because they did not offer it. I never asked them for it, nor they me to buy it.

159. How do you know they would not sell?—They told me the boundary was to go there [points to tracing]; consequently it was never in my block. They said, "We will keep this piece."

160. Do you know what Morrin Brothers paid for this land?—I do not know whether 3s. or 5s. an acre—something like 5s. an acre, I think.

161. Was the block Morrin purchased included in the Proclamation under the Immigration and Public Works Act?—It was excluded from the Proclamation. [Government Gazette, 1874, produced. Witness showed it was not included.]

162. Will you point out where Captain Beadon's land comes to?—[Witness points to tracing.]

163. Do you not think that allowing Mr. Whitaker to acquire this land will complicate matters for Mr. Beadon?—My opinion is, that Captain Beadon's claim is not worth twopence.

164. *Sir G. Grey.*] Would allowing Mr. Whitaker to acquire this land interfere with the settlement of Captain Beadon's claim, if ever he established it?—Certainly it would, and the Government purchase would be just the same.

165. *The Chairman.*] You have transacted business for Mr. Whitaker?—I have assisted his interpreter to do it, to get my own purchase clear. My commission is £3,000 on the 200,000-acre purchase; and I am keeping myself out of my money if I do not assist. I am not Mr. Whitaker's agent. I have made no charge, and am to receive nothing from him for anything I have done in the matter.

166. You have been in the habit of doing business for Mr. Whitaker, and Whitaker and Russell?—No, excuse me. Mr. Russell has hundreds of transactions with which Mr. Whitaker has nothing to do. I have done business for Mr. Russell, but none for Mr. Whitaker, except assisting in this matter.

167. That is Whitaker and Russell?—Yes; Russell, of Whitaker and Russell.

168. Taking this 18,000 acres and this 14,000 acres out of that 200,000 acres, do you consider the remainder of the land is not seriously impaired in value by 32,000 acres of the best land being taken out?—If the Government never had that 32,000 acres it cannot impair what they never had. If the Natives will not sell it to them, it cannot impair the value of the remainder.

169. Are you not aware that the Government might have become the purchasers?—If they had not agreed that it was to be cut out of my purchase it might have been acquired by the Government. My own idea of the matter is this: that if we had not made that arrangement we never would have got any land, if I had not made this arrangement about the exchange.

170. *Mr. Stevens.*] Are we to understand that the Government have left the matter entirely to be settled as a matter of ordinary business between Mr. Whitaker and Tarapipipi?—Yes.

171. From what date?—From after the Act was thrown out of the Legislative Council in 1875.

TUESDAY, 2ND OCTOBER, 1877.

Mr. WILLIAM HENRY GRACE examined.

172. *The Chairman.*] What is your occupation, Mr. Grace?—I am a licensed Native interpreter.
173. In what district?—In Napier.
174. Have you any knowledge of the Thames District?—Yes, I know the Thames District very well.
175. Do you know the Waitoa District?—Yes.
176. Do you know the land claimed by Mr. Whitaker on the Lower Piako?—Yes.
177. Extending to about 14,000 acres?—I should say quite that.
178. Are there no Natives residing on that land just now?—There are on some parts of it on the Piako side.
179. Had Mr. Whitaker any difficulty in occupying this land?—I believe it must have been only within quite lately that he got a proper title. I know that until within twelve months ago the title was not complete.
180. Do you know the reason of that?—The land, I believe, was not passed through the Court. The Maoris say Europeans have got it. I suppose they mean Mr. Whitaker and others.
181. Have the Natives an attachment for that Maukoro Block?—Yes, because I have heard them say they want to exchange another block for that.
182. Have you heard whether any exchange has been made by Mr. Whitaker with those Natives?—It has been talked about. I am not positive whether it has been carried out. There are some Natives at Shortland who claim the piece of land. They have offered to exchange Te Pungina with Mr. Whitaker. That block was passed through the Court lately, and, through some cause, one or two Natives who ought to be in the Crown grant are left out. They have applied for a rehearing, and the other Natives are trying to prevent that, because they think that if they got into the grant there would be a difficulty in making the exchange. They consider the other block better than the Pungina Block, because it is nearer their old settlements.
183. Are you aware that the Natives made it a condition of selling any land to the Government, that Mr. Whitaker should surrender this Maukoro Block in exchange for the Pungina?—I never heard.
184. From your knowledge of the Natives, do you think it possible for the Government to have bought land from the Natives without making it a condition to get a certain portion in exchange?—I think the sound of that kind of thing appears more to come from the Europeans than the Maoris.
185. Do you think there would have been any difficulty in the Government acquiring this land, if they had not agreed to give the Natives this block in exchange for the Pungina?—No difficulty. From my experience in the Thames District, I notice that private individuals seem always to get the pick of the land, and the Government is palmed off with the bad land. Mr. Whitaker is high up in the interior, and the Government are buying all the land flooded by the rivers.
186. Do you know any dry land on that block which the Government are trying to acquire?—Only a little. I wrote some letters which I published in the *Thames Advertiser* about this subject. I inquired what the quality of the land was, and what the Government were paying for it, saying that this country was a sea and perfectly useless for anything. There must be ten or twelve feet of water over it in the winter time.
187. This adjoins the old claim of Mr. Whitaker's, which has been returned to the Natives?—Yes.
188. And you state that the land which Mr. Whitaker has to get on Te Pungina is good land?—A great deal of it is good flat land.
189. Mr. Mackay stated in evidence that the eastern half of this Pungina Block belonged to different tribes, and therefore it was not in the power of the Natives to give that in exchange?—The Ngatitamatera tribe claim a portion of it, and I should think the Te Aroha Natives might have a claim.
190. Then is this part that the Ngatitamatera own the best land in the Pungina Block. The Ngatitamatera land is all good land. You get out of wet country and get on to dry at Te Pungina.
191. Do you think the Government could have bought this Pungina Block without making any exchange with Mr. Whitaker?—Well, I suppose that if the Government chose to go about buying it, they could have.
192. Are you aware whether this country was proclaimed under the Immigration and Public Works Act?—All this country was proclaimed under that Act, and private individuals were precluded from buying. That is what the land agents and Natives complained about. I do not quite recollect how the boundaries go at this part.
193. I should like your opinion as to the dry land of this 200,000-acre block. Is it of any value?—When you get down there [points to map], it is hilly country. The land gets inferior as you get there. It is a yellow clay underneath. Directly you get on the hilly country it is not good land. I should imagine it is kauri gum land, but I have only looked at it from a distance. A steamer used to go up here [points to map].
194. From your knowledge of the country, what would you estimate the comparative value between the Pungina land and the balance of this 200,000 acres?—I would not take a lot of that Government land at a gift.
195. What would you sell Pungina for now, if you were selling to Europeans?—When Mr. Mackay sold his land I believe he got £7 and £8 an acre for it. That is the current report. Mackay's land is just on the opposite side of the river. I should consider all the land about here is worth at least £1 an acre.
196. And you think it is available for settlement?—Yes.
197. And this other land not?—Most of it is not; it is not drainable. Then the dry land is inferior.
198. I should like to ask you about the block bought by Morrin Brothers?—That is good land.
199. Would it not have been possible for the Government to have bought that?—Most of that land could have been bought by the Government, because these people have only come in within the last few years.

200. Would this land which has been bought by Morrin Brothers be available for settlement?—
Yes.

201. And the land which the Government bought is inferior?—Very little of it is good. A little of that part adjoining Morrin's might be made good, but the whole of the other part is not worth anything. I do not suppose the Government have been able to get this part, Ngatimaru's piece opposite Kerepehi [points to map], because the Maoris will not sell it. Mr. Mackay tried to survey it, and the Maoris pulled up all the pegs.

202. Why did the Natives then prefer this Drummond Hay's Block (Mr. Whitaker's old land claim) to the Puninga Block?—There are no Natives residing on the Puninga Block. One or two of them used to come over and cultivate a small piece near Mr. Mackay's farm. You know how Natives like to keep together. They do not like to be isolated. If they are getting the part of the land next to Morrin's, they are getting the best of Drummond Hay's Block.

203. The Natives getting this Maukoro and Mr. Whitaker getting Puninga, would take all the valuable land out of the block?—Yes.

204. Have you heard of Mr. Whitaker's buying out all the claim to the other piece of land?—The restriction being removed, everybody who has got means will be able to buy it.

205. There will be no difficulty in getting this Puninga end also, buying out the obstruction of the Natives to his own original claim?—I believe he could do it.

206. *Mr. Stevens.*] Supposing this piece of land was affected by the claim of Mr. Whitaker, would not that have to be respected?—Of course the Natives would very likely respect that, but that would not deter them from dealing with it.

207. Would they have had to have respected Whitaker's claim to 14,000 acres in Drummond Hay's block?—Very likely. Supposing a certain number of Natives owned this [points to map], and a certain number of Natives owned that [points to map], supposing the Government were to go in and buy this block of land, the Natives would say to Government they would like to have some reserves. I believe there would be no difficulty in buying this, quite independently of Mr. Whitaker's claim.

208. Do you know whether the Natives were anxious to have Mr. Whitaker's claim to 14,000 acres on Drummond Hay's Block removed?—Yes, I heard them say the sale of the land was done in such a way that not all the Natives were parties to it, and there was more land being disposed of than they thought was right.

209. Are you or are you not aware whether the Natives interested in Drummond Hay's Block wished Mr. Whitaker's claim to be transferred from that block to Te Puninga?—I have heard that some of the Natives who owned land here [points to map], and have disposed of it here [points to map], are now desirous of getting land given to them here in exchange for land there [points to map].

210. I want to know whether you know or do not know that the chief Tarapipipi wished and still wishes this claim of Mr. Whitaker's to be transferred to the Puninga?—No, I have not heard that Tarapipipi did wish that.

211. Have you heard that it was the wish of the Natives?—I have heard it was the wish of the Natives, but I consider these proposals more likely to come from Europeans than Natives.

212. Are you in a position to say whether you know there have been any proposals either from Natives or Europeans about this exchange, not as a matter of likelihood, but as a matter of fact?—No, I do not know it, because I have been away from that district twelve months. I have been back once during that time.

213. *Mr. Swanson.*] This piece that Mr. Whitaker had a title to was known as Webster's claim?—It is difficult to say whose claim. Some say it is Captain Beadon's claim. He states he bought land from the Natives here thirty-six years ago, and made Mr. Whitaker his attorney.

214. There was a Native burying-ground and settlement upon this land?—Yes.

215. Is it true or not true that the Natives would not sell this Te Puninga Block unless they got that block of Whitaker's back?—It is not at all unlikely, because it is their settlement, and you know how Natives stick to their settlements. For all that, I consider that if any one wished to buy this Puninga Block there would have been no difficulty in buying, because they have been selling right and left lately.

216. You do not think they would insist on the exchange?—It looks to me too much like a European proposal.

217. *Sir G. Grey.*] How many Natives are there at the Native settlement you speak of?—Not very many now. They come backwards and forwards. They live there sometimes, and up in the King country at others. They are a very restless lot of people.

218. How many do you think there are?—Eighty or ninety, taking them altogether.

219. You were not at the Thames when this purchase was made?—No. I know pretty well how Native lands have been acquired in the Thames District as a whole.

220. *The Chairman.*] Would it not have been possible to have satisfied Mr. Whitaker's claim, and at the same time have left a sufficient margin to provide for the wants of the Natives?—Yes. They wanted 700 acres. The Natives were saying they would not complete this purchase unless they had this reserve of 700 acres where Tarapipipi lives, and where their ancestors are buried. They said to me then that the sale of this land was not completed.

221. *Mr. Stevens.*] Do you think it would have been unnecessary, for the purpose of satisfying this claim, to obtain the concurrence of the Natives to have that claim transferred to Puninga or anywhere else?—Quite unnecessary, I think.

222. Do you know anything of the transaction?—I have no direct knowledge; only what I have heard from the Natives themselves.

223. *The Chairman.*] I believe these are turbulent Natives?—They are very dissipated Natives, and altogether neither Queenites nor exactly Kingites. They lean both ways, whichever they think more suitable at the time. For that reason they have been restless, and selling their land without thinking very much what they are doing.

Mr. JAMES MCKERROW examined.

224. *The Chairman.*] What position do you occupy in the Government service?—Assistant Surveyor-General.

225. Have you any maps?—I have brought a tracing of the map of the Thames country.

226. Do you know anything of this country personally?—Yes. I have been down the Waitoa River as far as the lower end of the block known as Te Taupiri, and have been down on the Piako as far as the junction of the Waitoa and Piako Rivers.

227. How did you happen to go there?—I was down on departmental business.

228. Did you go by instructions of the Government?—Yes.

229. What was the instruction you got to go there?—My duties require me to visit the country in advance of the standard surveyors, so as to be able to direct them where to go in selection of stations and so forth, and I do so without any special instructions.

230. By whose direction were you sent to that particular district?—The Minister of Lands.

231. What were your instructions?—I could inform you, but I do not know whether you should ask that question exactly. But as there is nothing requiring to be hid, I can inform you. The business I was upon in this particular part of the country had no immediate direction from the department. It was confidential so far as the portion was concerned from the Minister of Lands. The nature of it was simply to inform him as to the nature of the country, its natural capabilities, and relative values.

232. Was there anything said about Mr. Whitaker's claim?—No; he was never mentioned to me at all, but I knew at the same time that had something to do with it.

233. Would you tell us what you saw here?—I saw all the country to which you refer as Drummond Hay's block, known also as Piako Block and Maukoro Block. I was reporting on it. From the point of a spur near its extreme north end I got a complete view of the great swamp which stretches right away to the Hauraki Gulf, between the Piako River on the one side and the base of the hills on the other. I was also down at Terapipipi's, on the Mangawara Stream, and stayed there all night; also round by Major George's, and down the Waitoa River, as already mentioned.

234. Do you think it would be suitable for settlement?—I do not think so. It is land very much like what is known as the Henley Estate in Otago. With a comprehensive system of drainage it might be valuable at some time.

235. Is there any dry land adjoining it?—None but the hills, which are miserably poor. Just along the river there is a fringe of good land, but its extent is small.

236. Can you tell us what Mr. Whitaker's claim is like?—It consists of a series of spurs, running down from an elevation of about 1,000 feet to the Piako River. These spurs consist principally of clay; it is very inferior soil. It has been apparently the site of an old kauri forest. There are gum diggings on it, and I picked up some pieces of kauri gum. It is very inferior land. The vegetation upon it consists of fern, stunted manuka scrub, a little tutu, with bush in the gullies; there are no natural grasses.

237. Then what about the low land?—There is a margin of a few chains along the Piako River of very fertile land, but it is very limited in extent.

238. Do you know the 700 acres of Maukoro Reserve which the Natives claim?—Yes.

239. What is the nature of that?—It consists of that narrow margin of fertile ground along the river; the spurs are very poor. There is also fringing the river, or running parallel to it, at a distance of a few chains, a considerable amount of kahikatea growing out of the stream.

240. *Sir G. Grey.*] Is that of value there?—No.

241. *The Chairman.*] Did you see many Natives located there when you were on that land?—I think I saw five.

242. Did they seem to desire to get this land in exchange for the Te Punga Block?—I had no conversation with them on the subject. I rather tried to be unknown. I was informed by the guide who was with me, that it would be rather dangerous if I was known to be a Government surveyor.

243. Who was the gentleman with you?—Mr. Crawford, the hotelkeeper. He could talk Maori. That was in June. Tarapipipi has apparently abandoned that settlement [points to map], and has shifted down here to near where the Mangawara issues from the Piako Bush.

244. Then he is outside of Whitaker's boundary altogether?—Yes.

245. He has abandoned Whitaker's Block, and is now located on the Mangawara?—He has abandoned his settlement on the Piako River, and is now settled on the Mangawara, which is six miles from the Piako. He has got a dray track right down to the Piako River, and I was told receives his goods and ships his produce here [points to map].

246. Could you tell us anything about the nature of the Punga Block?—There is a margin of several chains of dry land along the Piako on one side and the Waitoa on the other. The intermediate land is swampy, but apparently could be easily drained. There is a considerable fall.

247. Is the soil good on the banks of the river?—Yes, very fair; a sort of sandy soil.

248. Would it be available for settlement?—I think so. There is only a very small extent of ground immediately available, but the rest would require a large capital in order to drain it.

249. Can you tell me about the value of the Punga land?—Taking it all right over, I should say 12s. 6d. an acre. If you were to allow persons to select along the river, I should say £1. I value 2,500 acres at £1 an acre?

250. What is the value of the land down towards the Gulf?—It is worth nothing at all, in one sense, until you expend several pounds per acre. It is only of value to capitalists. It would ruin a poor man. Up here, at Te Punga, there is a considerable fall, but when you get near the sea you have not the same outfall. Since you desire me to state a price, I would say 12s. 6d. for land up to Te Punga, and 7s. 6d. down here.

251. What would you value Drummond Hay's (Whitaker's) claim at?—7s. 6d. Some of it I would not have at a gift. I would not go and settle on it. I would not advise any friend of mine to

go there. I would say, "If you have bought it, drop it; the first loss is the best. Rather go to Canterbury, and pay £5 an acre, and get a good piece of limestone under your feet."

252. Are you aware that the railway is being surveyed through a portion of this Puninga Block?—Yes, I was told so when in the district.

253. And that the main road passes through it?—Yes; it is surveyed to go through the upper part of it.

MONDAY, 8TH OCTOBER, 1877.

HON. D. POLLEN examined.

254. *The Chairman.*] Dr. Pollen, you have seen the order of reference appointing this Committee to inquire into certain land transactions in the Piako District. We wish to know with regard to this exchange between the Government and Mr. Frederick Whitaker, sen. Can you give the Committee any information about that?—The only information I have is contained in the Parliamentary records. I endeavoured to get a Bill passed in the session of 1875, to sanction a proposed exchange of land with Mr. Whitaker in the Piako, but the Act was not passed.

255. What was your object in trying to get this Bill passed?—My object was to facilitate the purchase of a large block of land in the Piako District, by enabling us to give to the Natives certain lands in the Piako Block, to which Mr. Whitaker was entitled.

256. Was there no other way of arranging in order to acquire this land?—I believe there was none. At that time Tarapipipi was the principal owner, and the granting of this land to him was the condition on which the Government could acquire the block they were purchasing.

257. How did you become aware of Tarapipipi's opinion?—Personally, and by reports from Mr. Mackay.

258. Was it not tried in any other way to negotiate with the Natives? Could it not have been done in the usual way without making this exchange?—It was quite clear to me at the time that there was no other way of getting a satisfactory arrangement made than that I pointed out when the Bill was before the Legislature.

259. I understand from Mr. Mackay that this land was being all bought by the Government, and it was intended to give Mr. Whitaker this Te Puninga Block in exchange, acre for acre, for 14,000 acres in the old Piako Block; but subsequently, we are informed, the Bill was thrown out, as you have already stated, and the Government appear then to have allowed the Proclamation to lapse over this Te Puninga Block, and to have allowed Mr. Whitaker to carry on negotiations with the Natives themselves?—I am not aware that the Government allowed the Proclamation to lapse.

260. It lapsed on the 22nd October last?—There were no means of renewing it.

261. We have also evidence that the Government could have bought this Te Puninga Block apart altogether from this claim of Mr. Whitaker's, and that the most valuable half of the block belongs to other Natives than those Ngatipoas?—I have no knowledge of that, nor do I know that any member of the Government has.

262. Do you think it was right to introduce a Bill or take such an important step in a matter in which the Government had not concerned themselves?—You are speaking of a later time. After the Bill was rejected, then with respect to this block I do not know that I or any member of the Government concerned ourselves about it.

263. They did not concern themselves with the view of buying this Te Puninga Block?—That is more than I can tell you. If you wanted me to give evidence respecting the facts, I will give it, but I will not submit to be cross-examined in this way. I have not the papers before me. If you tell me what you want to know, I will give you the information. I have no desire to conceal anything.

264. I would like to know what object there was between Mr. Whitaker and the Government for the exchange?—It is on record, and I myself made that contract with the perfect assurance that it was necessary to make it in order to accomplish a work which the Government had in hand then—the acquisition of this large block.

265. Where is that record to be found?—It is in the office. Do you mean the contract with Mr. Whitaker?

All the contracts with Mr. Whitaker in respect of these lands.

266. *Hon. Mr. Reynolds.*] We have tried to get all the information from all the departments, and nobody seems to know anything about it?—About what?

267. *The Chairman.*] The transaction with Mr. Whitaker?—It is as clear as daylight. It is on record. You have only to ask for it.

268. Do you know anything of this land personally?—I do not.

269. Then you cannot speak as to the respective value of the land which Mr. Whitaker is to acquire, and that which is claimed by him in Drummond Hay's Block?—I do not know. I know he has a legal claim to a large piece of land in the Piako Block.

270. After taking this 18,000 acres (Te Puninga) and Drummond Hay's Block (14,000 acres) from the large block which Mr. Mackay was acquiring, do you know anything of the balance?—No, except from the reports of Mr. Mackay. The variation in quality of the whole may be judged from the fact that the price we undertook to give varied from 6d. to 2s. 6d. an acre.

271. Did the Government think it desirable to acquire this block of land, which witnesses say is probably worthless, and to give up this Te Puninga Block, part of which we are told was sold at £1 an acre, by Mr. Whitaker, before he acquired it?—That is a question you can hardly expect me to answer. I think it is exceedingly undesirable that, as Chairman, you should put such a question to me. I expect courtesy, at least, and not to be accused of dishonesty. My hands are infinitely cleaner of Native land dealings than yours are.

272. My honor, as a gentleman, in dealing with Native lands, has never been impugned. What actuated the Government in making this exchange with Mr. Whitaker? Why was it neces-

sary? What were the objects which justified this exchange to Mr. Whitaker, seeing that some of the land was only worth sixpence an acre? Why should they have given up this 18,000 acres, which were immediately available for settlement, in exchange for lands which were of no value?—They have not made any exchange with Mr. Whitaker.

273. And then the Proclamation was allowed to lapse. You say the Government did not take any steps about it after the Bill was thrown out?—Government took no further steps about the exchange of land.

274. Mr. Whitaker claimed 14,000 acres out of Drummond Hay's block of 24,000 acres. The Natives, we are informed, declined to give up this land to Mr. Whitaker; but we are told that they will give certain other land (Te Puninga) in exchange, acre for acre. We are also informed that Mr. Whitaker has been allowed to acquire 4,000 acres more, thus reducing Mr. Mackay's purchase by 4,000 acres. We want to know by what authority Mr. Whitaker has been allowed to acquire this 4,000 acres, out of the 200,000 acres, in addition to the 14,000 acres he was to get from the Natives?—I cannot say.

275. You have already stated that it was impossible to make any arrangement with the Natives for acquiring this block without that exchange being made?—I said so two years ago.

276. Knowing the circumstances under which the arrangement was made with Mr. Whitaker, what compensation do you think he is entitled to receive from the Government for any breach or alleged breach of contract?—I am really a bad judge as to compensation. I am opposed to compensation on principle myself. But I think that Mr. Whitaker has reason to complain that the agreement made with him by me, on the part of the Government, has not been carried out.

THURSDAY, 11TH OCTOBER, 1877.

Hon. Mr. WHITAKER examined.

277. *The Chairman.*] Have you any written agreement with the Government respecting a proposed exchange between yourself and the Government of land in the Piako District?—Yes, there was an agreement?

278. Could you produce that agreement?—Agreement dated 22nd September, 1874, produced, and read as follows:—

“Auckland, 22nd September, 1874.

“Memorandum of an agreement made between the Hon. Dr. Pollen, on behalf of the Government of New Zealand, of the one part, and Frederick Whitaker, of the other part, as follows:—

“The said Frederick Whitaker to surrender to the Government all his right, title, and interest in the Piako land, awarded by the Land Claims Court to F. Whitaker and T. Heale, and transferred to F. Whitaker by T. Heale, and in consideration thereof to receive a Crown grant for an equal number of acres situate between the Piako and Waitoa Rivers.

“The Government to furnish F. Whitaker with a plan of the land, and he to have a right to select the land he will take in one or two blocks; but, if taken in two blocks, the selection to be taken in such way as not to be injurious to the remaining Government land. Any question on that point to be determined by the Inspector of Survey. The quantity to which the said F. Whitaker is entitled being 14,783 acres and 1 rood. On the selection being made out of the land, of which the plan is to be furnished him as above mentioned, he is to have the survey for the Crown grant made at his own expense.

“DANIEL POLLEN.”

279. I think you stated very fully, in giving evidence before the Committee in 1875, which was investigating the petition of Mr. Theophilus Heale, the circumstances under which you had acquired this 14,000 acres of land?—It was not on Captain Heale's petition. It was in reference to a Bill brought in to the Legislative Council by Dr. Pollen to carry out that agreement.

280. You acquired a claim to 14,000 acres of land in the Maukoro or what is called Drummond Hay's Block?—Yes. [Witness produced statement showing his purchases.]

PIAKO PURCHASES.—Cost to 1st JUNE, 1876.

Date.	Purchasers.	Acres.	Price.	Date to 1876.		Simple Interest, at 10 per cent.		Compound Interest, at 10 per cent.	
				June 1 ...	Yrs. Days.	£ s. d.	£ s. d.		
1854.			£						
November 15	Abercrombie*	5,000	2,000	June 1 ...	21 199	6,309 0 10	15,609 7 10		
1855.									
April 13	Russell	640	200	„ 1 ...	21 49	622 13 9	1,499 18 2		
„ 13	Downing	320	112	„ 1 ...	21 49	348 14 1	839 18 11		
1860.									
January 14	Johnson	1,280	453	„ 1 ...	16 139	1,194 6 7	2,161 16 0		
„ 14	Webster	1,219	600	„ 1 ...	16 139	1,582 17 0	2,861 18 10		
„ 16	Mathew	2,560	1,024	„ 1 ...	16 137	2,700 9 8	4,881 16 7		
		11,019	4,389	...	...	£12,758 1 11†	£27,854 16 4†		
	If Abercrombie's purchase calculated at average price of others, off* ... ..	...	16	„ 1 ...	...	33 18 3	133 18 8		
		11,019	4,373			£12,724 3 8†	£27,720 17 8†		

* Abercrombie's was bought from the Bank of Australasia, with other land, for £6,000. The proportion was considered at £2,000; reckoned at the same price as the average of the other land purchased from Russell and others, it would be £1,984.

† If interest calculated at 8 per cent. per annum, £11,084 5s. 7d., simple; £23,161 13s. 1d., compound.

‡ If interest calculated at 8 per cent. per annum, £11,053 18s. 11d., simple; £23,051 6s. 2d., compound.

281. Are these prices mentioned in the second column the price you paid?—Yes.

282. Was it yourself who paid this money, or yourself and Captain Heale?—Captain Heale and myself were in partnership.

283. You subsequently bought Captain Heale out?—We were partners in a great many things, especially mining. This did not turn out well, and required a great deal of money. He fell short of money before I did, and when we came to balance accounts he owed me about £3,000. We had a correspondence on the subject. He wanted me to take the land, and give him a release. I did not agree for some time, but at last I agreed to take the land and gave him a release. I have all that correspondence, if you wish to see it.

284. Have you any idea what was paid to Captain Heale as a consideration for his interest in this land?—Rather more than £3,000.

285. Was this land surveyed?—No. It has been surveyed within the last six weeks. It never could be surveyed before.

286. There were 24,000 acres in that block altogether, and you are entitled to select 14,000 acres?—14,800 odd acres in six different portions. I had six different claims, purchased from six different people.

287. Was there any right on the part of the Natives to have any land reserved out of this of yours?—A particular place called Maukoro was reserved; but under the award of the Land Claims Commissioners, or when the Native title should be extinguished, I was entitled to select.

288. Can you give us the area of that?—I am not absolutely certain, but it was about 700 acres.

289. And were the Natives residing upon this reserve?—Yes.

290. And upon any other part of the 14,000 acres?—No. There was a small settlement at a place called Kerepehi, on the Piako, but the principal settlement of that *hapu* of the Ngatipaoa tribe was Maukoro. It was their ancient residence.

291. Why was the land not previously surveyed?—I bought the first claim in 1854. There were then questions about the boundaries of the different adjacent claims interlacing with each other. There was a difficulty about that, and I bought out the others to get rid of the difficulty about boundaries. The Natives always wanted this land back again.

292. Did the Natives object to your occupying this land?—Yes.

293. What reason did they assign for that latterly?—Their last objection was that, as the confiscated boundary had been marked off, all the land on one side of that line was the Governor's, and all the land on the other side belonged to them. Hence their objection; and this objection they raised several years ago.

294. *Hon. Mr. Reynolds.*] Did not Drummond Hay buy this land for the Government?—No. Drummond Hay paid something to extinguish certain claims. It was sold originally by the chiefs of two *hapus*—viz., Hori Tipa and Tarapipipi's father. Then Tarapipipi's people turned Hauhaus and King people. Hori Tipa's people were always on good terms with the Government, and rendered good service in time of war; but the other people were always supplying people to go to the war. You could not go into their district; it was in a state of rebellion.

295. *The Chairman.*] You never made your selection of the 14,000 acres?—I never could until within four years ago. The Natives then began to be more friendly. I applied to Sir Donald McLean a dozen times with reference to getting my land. In the beginning of 1874 Tarapipipi proposed that some arrangement should be made about it; and shortly after that Mr. Mackay came to me and asked if I would give up the land in exchange for other land. I said at first, "No," as I desired to keep the land myself. He came two or three times and asked me to see Dr. Pollen; and after two or three interviews with Dr. Pollen I consented, and the agreement was signed in the presence of Mr. Mackay, Dr. Pollen, and myself.

296. Did Mr. Mackay come as accredited agent of the Government?—Yes.

297. Did Dr. Pollen come to see you, or you to see him?—I went to the Survey Office to see him, because the plans were there. The plans were produced so far as they were plans, but there had been no proper survey.

298. The result of that interview was this agreement which you have produced?—Yes.

299. Then what were the reasons which the Government urged upon you for making this exchange?—That they wanted to buy the Waitoa lands, and the lands extending towards the Thames, and the Natives refused to deal with them unless they got Maukoro back again.

300. Would the Natives not have been satisfied with the 700 acres?—Certainly they would not. They always wanted to get all the Maukoro land back. What the Natives want and are anxious to do is not to be in the neighbourhood of Europeans. They want to be isolated, to be by themselves on the west side of the Piako River.

301. Did they not recently sell a block near to that to Morrin Brothers, on the Maungawarra?—That is miles and miles away.

302. Are these Natives now residing on the Maukoro Block?—They are residing on the boundary of this (Maungawarra) [points to map]. I am inclined to think that some of their cultivations extend into this block [points to map].

303. The Government made the proposal to you, and not you to the Government?—I did not want to make any proposal to them. I was prepared to make arrangements with the Natives themselves, without the interference of the Government.

304. Was it settled where you were to exercise your right of selection on the 200,000-acre block?—I had a right to survey and take two different allotments in any place I pleased between the Piako and Waitoa Rivers.

305. Under what arrangement were these 200,000 acres acquired by the Government?—I do not know at all. All I know is what I have told you: that they were wanting to make an arrangement with the Natives, and the Natives were willing to give up one side of the River Piako, provided they got the other. They desired to obtain this land of mine in exchange.

306. It appears to me somewhat inconsistent with that desire that they have recently sold to Morrin Brothers 6,000 acres adjoining Maukoro, fronting on to the Piako River?—I do not know anything about that.

307. Are you aware whether this Te Puninga Block was included in the Proclamation of the 22nd October, 1874?—My arrangement about the Te Puninga Block was before the Proclamation altogether. That agreement was signed in September, and the Proclamation was in October.

308. What object had the Government in making this Proclamation afterwards?—The Proclamation was a bad one, for this reason: it included from 1,000,000 to 2,000,000 of acres. It included a block probably near 100 miles in length, and they had no authority to make such a Proclamation. Their authority to issue a Proclamation was confined entirely to blocks of land required for gold mining, for settlement, and public works. It should have been confined to any particular land they wanted to buy; but they proclaimed a territory, which they had no authority whatever to do.

309. In the face of the invalidity of this Government Proclamation, was this land equally open to the general public to buy as for you to buy?—I suppose so.

310. What is the area which Tarapipipi claims?—Tarapipipi has established his claim to about 8,000 acres at Puninga.

311. How would it have been possible for the Government to have given you the Te Puninga and Ngatitamatera Blocks in exchange for this Maukoro Block unless they acquire them?—If they acquired them, they could under "The Land Claims Settlement Act, 1856;" but Dr. Pollen brought in a Bill which was thrown out, and there the whole thing ended. I have had no arrangement with the Government since.

312. This Bill contemplated that the Government should acquire this piece of land (Te Puninga)?—Yes; and on acquiring a title to that, they should then make an exchange with me. They were to obtain the Maukoro Block from me, and then arrange to give it to the Natives.

313. How did you manage to acquire the other block from the Ngatitamatera?—I have not a title to any as yet. The different blocks interlace each other. As soon as I found they were interlaced, I set to and dealt with some of them, and I am to get the title in six months from the time of the land passing through the Court.

314. What price did you pay to the Ngatitamatera?—5s. an acre.

315. What acreage was there?—About 4,000 acres.

316. Will you be able to get the 14,000 acres out of this and Puninga Block?—No; I shall be deficient.

STATEMENT NO. 1, HANDED IN BY THE HON. FREDERICK WHITAKER *re* PUNINGA.

PRIOR to the agreement made between myself and Dr. Pollen for the exchange of Maukoro for Puninga, I had frequently applied personally to Sir Donald McLean to get my Piako claim settled, and he as often promised to do so. I also negotiated with Hori Tipa, the principal chief of the friendly portion of the Ngatipaoa tribe, who, with Terapipipi's father, was the original seller of Maukoro to Webster in 1839. He also promised to make an arrangement, but from time to time put me off by saying wait a little, as the Hauhaus, Terapipipi's section of the tribe, would soon be all right. On two occasions I arranged for making a survey of Maukoro, but postponed doing so at the urgent request of both Sir Donald McLean and Hori Tipa, as they feared that my persisting would create a "Native difficulty." In 1874 my negotiations with Terapipipi were promising to come to a favourable conclusion, when about July in that year Mr. Mackay came to me and asked if I would part with Maukoro. I declined, and he again applied to me saying that if I would let the Natives have Maukoro he would get me an equal quantity of land elsewhere. Mr. Mackay said he was anxious, as the Ngatipaoa Natives would agree to sell to the Government 200,000 acres of land if they could get Maukoro back. After two or three interviews with him he asked me to see Dr. Pollen on the subject. I consented to do so, and I offered to make an exchange provided that I was allowed to select the land to be given me in exchange in six separate blocks, that being the number of selections I was entitled to make at Maukoro. This he refused, and ultimately it was agreed that I should select in two blocks. An agreement was signed, dated 22nd September, 1874. The land I was to get was called Puninga, and Mr. Mackay was at once to make the purchase, as the Natives were willing to sell provided they got Maukoro returned to them. My understanding was that the matter was to be completed at once, and the exchange of Maukoro for Puninga carried out under the 3rd section of "The Land Claims Settlement Extension Act, 1858." Subsequently Dr. Pollen, under the advice, I believe, of the Solicitor-General, declined to act on the section referred to, as the purchase-money for Puninga would have to be paid out of the loan raised under the Immigration and Public Works Acts for the purchase of Native lands, and section 6 of "The Immigration and Public Works Act, 1873," enacted that land purchased out of the money appropriated by that Act for the purchase of Native land should not be open for selection under any scrip, or be awarded or granted as compensation on any account whatever. I urged that a *bonâ fide* exchange did not come within the terms of the enactment, but Dr. Pollen was firm, and I was obliged to submit. The Piako Land Exchange Bill No 1, in order to enable the Government to carry out Dr. Pollen's agreement, was then brought into the Legislative Council and was referred to a Committee, who reported in its favour. On the third reading it was rejected by the casting vote of the Speaker. This was brought about by the active exertions of some members who acted in the interest of Mr. Heale, who had petitioned the House of Representatives on the subject. In this matter there was a misunderstanding. Mr. Heale had not a shadow of a claim, as can be seen by the correspondence between him and myself.

After the rejection of the Bill, I, being in Wellington at the time, applied to Sir Donald McLean to know what the Government intended to do; I also applied to Dr. Pollen, strongly urging that I had been badly treated, but I could get no satisfactory answer. On my return to Auckland, I reopened negotiations with Terapipipi, and after the dilatory proceedings which always attend Maori negotiations, we came to an arrangement by which I was to give him Maukoro with a Crown title, and he was to

give me the same quantity of land at Puninga with a Crown title. In pursuance of this, he brought his Puninga title before the Native Land Court, but failed to establish a right to more than about 8,000 acres; claimants from other tribes establishing their claim to the remainder. I objected to going on with the arrangement, as the Puninga Block No. 1 (Terapipipi's) was quite useless without the remainder, as the drainage could not be effected, the land being so intermixed, and with exception of a fringe on the Piako River, Puninga No. 1 being all swamp. He then negotiated with the other Natives, and agreed to give them 5s. an acre, which they accepted. But the next difficulty was the money; Terapipipi declaring he had none, and urged me to pay it, and he would repay. I advanced about £2,000 for expenses of survey fees, and to buy up the outstanding claims, which was done. The title to Puninga cannot be completed till December next, which is the earliest time a Crown title can be obtained under "The Native Land Act, 1873." In the meantime Terapipipi has made a selection at Maukoro, and I have had it surveyed, so that I am in position to obtain a Crown grant on application; but I do not do so because Terapipipi wishes the grant to be made in his name, which I cannot agree to till my title to Puninga is made good. Thus the matter stands at present.

As to Fraser's matter, I made an agreement with him to allow him to pick 3,000 acres out of the block I was to get from the Government, at 22s. 6d. per acre. He paid a deposit of £1,000. In consequence of the breach of their agreement with me by the Government, I could not carry out my agreement with Fraser, and I had to return him his money with interest and damages. A receipt for £1,210 is indorsed on his cancelled agreement.

My claim for compensation I will set out on a separate paper.

I have thought it best to make this statement in writing, but I shall be glad to attend the Committee at any time, and be personally examined.

Wellington, 12th October, 1877.

FREDERICK WHITAKER.

STATEMENT NO. 2, HANDED IN BY THE HON. F. WHITAKER.

I CLAIM compensation from the Government on the following grounds:—

1. For several years I abstained from pressing a survey of my land at Maukoro, at the urgent request of Sir Donald McLean, Native Minister, and of Hore Tipa, the principal chief of the friendly portion of the Ngatipaoa tribe, in order to avoid causing a Native difficulty with Terapipipi and his *hapu*, the Hauhau section of that tribe.

2. That when I was on the point, in 1874, of making arrangements with Terapipipi for the settlement of my claim, I was induced by Dr. Pollen, acting on behalf of the Native Minister, and by Mr. Mackay, Government Agent, to enter into an agreement to give up my land at Maukoro, and to take in exchange, other land at Puninga, to be purchased by the Government from Terapipipi and his *hapu*; the object being to enable the Government to acquire a block of 200,000 acres, which the Natives would only sell on getting back Maukoro.

3. That it was a distinct understanding that effect should be given to the agreement without delay, which I believed could be done under "The Land Claims Settlement Extension Act, 1858."

4. That, relying on the assurances of Dr. Pollen and Mr. Mackay that there would be no delay or obstacle in carrying out the agreement, I was led into making an advantageous agreement to sell to Mr. Frazer a portion of the land to be given me in exchange.

5. That instead of carrying out his agreement under the Act of 1858, Dr. Pollen introduced a Bill into the Legislative Council, authorizing the Government to give effect to it. The Bill was rejected on the third reading.

6. That the Government, on the rejection of the Bill, refused to take any further step to fulfil the agreement made between Dr. Pollen, on behalf of the Government, and myself.

7. That, in consequence of this breach of agreement on the part of the Government, I was compelled to return Mr. Frazer the deposit he had paid, and also to pay him interest and damages; and I have lost a purchaser at a high price—a price which I am not likely to realize again.

8. That under section 3 of "The Land Claims Settlement Extension Act, 1858," there is power to grant compensation in land scrip, and I am willing to accept a reasonable amount in that form.

Wellington, 15th October, 1877.

FREDERICK WHITAKER.

WEDNESDAY, 14TH NOVEMBER, 1877.

Hon. Sir FRANCIS DILLON BELL, M.L.C., being present, was examined.

317. *The Chairman.*] The Committee, Sir Francis Dillon Bell, would like you to furnish them with any remarks you may wish to offer respecting the award *re* Waitoa and Piako lands, made by you as Land Claims Commissioner in 1861?—It will be necessary for me, in order that the Committee may clearly understand the position of Mr. Whitaker's claim, derived from Webster, to refer to one point which governs the whole case. I understand the Committee do not propose to inquire into the circumstances of Webster's original claim in respect whereof grants were originally issued in 1844-45; but the Committee will perhaps allow me to point out, that the action which was taken in Parliament in 1856 for the appointment of a Commission to settle the old land claims, was, in fact, made necessary for this reason: that, under an Ordinance of the old Province of New Ulster, known as the Quieting of Titles Ordinance, numerous grants which had been issued by Governor Fitzroy in the case of the old land claims, and which had been so issued by Governor Fitzroy without authority of law and against the provisions of the then existing Land Claims Acts—issued, indeed, for political reasons—were validated, and a status given to them which it was very doubtful they would otherwise have possessed. As the Committee wish it, I will give a short statement of how that Quieting Titles Ordinance came to be passed. There had been steps taken, when Sir George Grey assumed the government of the colony, to test the

validity of the grants which had been issued by Governor Fitzroy in the case of such claims; and in the case of one of these, which case became famous because it was carried to the highest tribunals, the validity of Governor Fitzroy's grants had been upset. This caused much commotion, tending as it did to unsettle a great number of claims and rights to property; and Sir George Grey passed the Quieting Titles Ordinance with the object and intention, as expressed in the Ordinance itself, of setting at rest all the questions and disputes which had arisen, and of validating the grants which had been so issued by Governor Fitzroy. The leading principle of that Ordinance was this: It recited that certain grants under these old land claims had been submitted to the judgment of the Courts, and that it was essential to the prosperity of the colony that all doubts arising out of such grants should be removed without delay; and therefore, for the removal of such doubts and quieting of all titles, the Ordinance declared that every grant of land made before 1849 should be deemed and taken to be a good and effectual grant of the land purported to be conveyed, and of the estate and interest of Her Majesty; it provided that compensation should be given where the Native title had not been fully extinguished; it settled how rights of selection by grantees should be exercised; and it provided that, in cases where the persons entitled to the right of selection under the grants met with any serious obstruction in the exercise of that right from any Native claimant, the Governor might grant to the persons entitled to such right, other land of equal value, not being town land. The effect of the Ordinance thus was to confer a validity upon the grants issued by Governor Fitzroy, which they certainly had not before. When the Land Claims Settlement Act was passed, the main provisions of the Ordinance were virtually repeated; and the Commissioners appointed under the Land Claims Settlement Act were enjoined by the Act to recognize the validity which had been so conferred on the Fitzroy grants by the Ordinance of 1849. I am anxious the Committee should understand this, because it has been supposed, I find, that the award which was made in the Land Claims Court under the Land Claims Settlement Acts of 1856 and 1858, in Mr. Whitaker's case, as well as many other cases, were awards which were made by my sole discretion; and I wish the Committee to know that, in the case of the particular grants which they are dealing with here, there was no discretion vested in the Commissioner at all; he was obliged to call in the grants which were supposed to be defective, and to issue new grants preserving to the grantees all the rights which the Ordinance of 1849 had conferred upon them. Among the holders of grants in the class to which I am referring, were the derivative claimants from Mr. Webster, whose rights by a long series of deviations had devolved upon Whitaker and Heale. Now when I took office under the Land Claims Settlement Act, I called in the grants of Whitaker and Heale as well as other grants concerned—I think in 1857—upon a notification duly brought before me by Captain Heale, who was managing the concern on behalf of himself and Mr. Whitaker; and, according to the rules laid down for the Commissioners by the Act, the grants were repealed, whereupon Whitaker and Heale became entitled to demand the issue of new grants in exchange for those acquired by them between 1849 and 1857. In the meantime, the Government of the day had been engaged in transactions for the acquisition of the Native title over certain lands belonging to the tribes in the neighbourhood of Piako and the Waitoa; and Mr. Drummond Hay, then Land Purchase Commissioner for the Government, made certain purchases, one of which included the claim which had originally been made by Webster, and the land covered by the grants which I had repealed. I may as well here say that the grants which had been issued by Governor Fitzroy in Webster's claim, and to which validity had been given by the Ordinance of 1849, amounted to 12,674 acres. I very early saw there were considerable difficulties connected with the claim, and I repeatedly urged Whitaker and Heale to take advantage of the powers which were vested in the Commissioners under the Act, and exchange the land to which they were entitled for other land. I made several visits to the Natives concerned, but was always satisfied there would be trouble in clearing off the difficulties existing in the way of quiet possession being given; meantime, however, the fact that the Crown had extinguished the Native title under Drummond Hay's purchase, had put Whitaker and Heale in the position of almost certainty of ultimately getting the land if they only chose to wait. Mr. Whitaker was then in the Executive Government: and between 1857 and 1860—when the war broke out—I repeatedly recommended both Whitaker and Heale to give up the claim and to take other land in exchange. But they appeared to have an opinion of the value of the property included in their grants, which prevented them from listening for a long time to any proposal of the sort from me. However, ultimately they did consent to make an exchange, and they offered to make an arrangement I shall presently mention, when, in 1860, all the conflicting titles and interests which had formerly existed, became settled by the concentration of title under the circumstances detailed in my Report on the claim. I wish to give the Committee the reasons why I pressed Whitaker and Heale to make the exchange at that time, and why I desired to retain the particular land in question for the Crown. The claim was situated in a position which seemed to me to be very desirable to reserve as a site for a settlement. Accessible by water from Auckland for small vessels, it lay immediately adjacent to the low country which (through a break in the Parawhao and Hangawera ranges) communicated down the valley of the Mangawara with the great Waikato District. This low country was in fact a Native portage, the Mangawara being navigable for canoes to within about two miles of the back boundary of the block ceded to the Crown, and within about seven miles of the Piako River itself. Besides its important relation to the Matamata and Upper Thames District, it was the commanding point of the East Coast water communication between Waikato and Auckland, and presented advantages for a township which it appeared to me ought not to be in the hands of private persons if the land could be secured for the province; especially when it might fairly be expected that the establishment of a settlement there, would be the first step towards opening a country which had been shut up against colonization, and be the foundation of more extended purchases from the Natives. In March, 1861, Whitaker and Heale made a proposal to accept scrip at the rate of 10s. an acre for the claim, provided their offer were agreed to at once. I then submitted a proposal to the Superintendent of Auckland, in a communication in which I reviewed the advantages which it seemed to me would accrue to the province by exchanging Whitaker and Heale's claim in that way, and the disadvantages which to some extent might result if the province agreed to the proposal. The pro-

posal was very favourably entertained by Mr. Williamson, who was then Superintendent of Auckland; but at that time the country was in a state of war, and there appeared to be no prospect of peaceful settlement, even if the province acquired the tract as I proposed; on the contrary, this particular piece of ground was the hotbed of disaffection, and the rendezvous of some of the most violent Natives in arms against the Crown. It will be in the recollection of the Committee that the Taranaki war broke out in 1860, and that between the time when the first hostilities took place at Taranaki and the renewal of the war in 1863, there had been an interregnum, not peace, but an armed truce, during which the Government were really paralyzed in anything involving the occupation of land in disturbed districts. The condition by Whitaker and Heale that, if the exchange which I was urging upon the Superintendent (as I thought in the interests of the province) were made at all, it should be made at once, was imperative; and it was only the unsettled state of the country, and the impossibility at that time of dealing with such questions, that prevented Mr. Williamson and myself bringing the arrangement to a conclusion early in 1861. In consequence of the delay which took place in the arrangement, Whitaker and Heale withdrew from the proposal they made: I thought at the time that they withdrew not to their own advantage; because to hold on to the tract appeared to me an unwise proceeding on their part, only to be accounted for by the great idea they had always had of the value of the place. All through this time Whitaker and Heale might undoubtedly have received other land in exchange, or scrip, according to the quantities which were distinctly laid down in the Land Claims Settlement Acts, and under rules as to which the Commissioners had no discretion; and Mr. Whitaker, Mr. Heale, myself, and Mr. Williamson were willing to have a settlement of the claim made in that way. When I found, however, that the war made it impossible to get the claim settled as I wanted, and when Whitaker and Heale withdrew from the proposal which, at my instance, they had been willing to accept for the exchange of their land, I could no longer keep the claim open, or delay my adjudication: and it thereupon became my duty to determine, under the provisions of the Acts of 1856 and 1858, the title of the several parties, and to order the issue of grants in accordance with the limitations and rights which the Land Claims Settlement Acts had fixed. The order giving 12,855 acres to Whitaker and Heale, within the boundaries included in the purchase of the Piako Block made by Government in 1857 (what is called Drummond Hay's purchase), was for the quantity I was bound to give under the provisions of the Land Claims Settlement Acts in the case of the Webster grants. Whitaker and Heale had other claims to which I am not making any reference now, but in this case the grants were obliged to be issued in the way which is pointed out in my report; for in the orders I made, the provisions of the Act were strictly fulfilled. I judged it necessary, in consideration of the state of the country at that time, to relieve Whitaker and Heale from the immediate necessity of making the selection I had ordered to be made under the Act, because it was simply impossible for any one to go to that particular part of the country, notwithstanding the fact that the Native title had been extinguished. But, seeing that it would be unreasonable to maintain for an indefinite time their right to make such selection and survey, I reserved to the Crown the right to fix, at some future time, the period within which their selection in the block should be made. By the first order which I made, Whitaker and Heale were entitled to select the land in question, on condition of repaying to the Government the cost of extinguishing the Native title under Drummond Hay's purchase (which had amounted to some £443). Afterwards I made a further order to the effect that they might make their selection within certain boundaries, excepting two pieces of land respectively called Maukoro and Angaponga; and I directed that, if the Native title should be finally extinguished there, and they repaid to the Crown the cost of the extinction of title, they might select there as part of the selection they were to make under the first order. This, so far as I can shortly state it, is the exact history of the case. It must be clearly understood that the title which Whitaker and Heale had acquired to the acreage was a title which had been acquired before the passing of the Land Claims Settlement Act, and validated by the Quieting Titles Ordinance; and that the amount they were entitled to receive was fixed by the Land Claims Settlement Acts themselves. I should add, if the Committee will allow me to do so, that Mr. Whitaker himself—I am not speaking of Mr. Heale, because I was not aware till lately of what had taken place between them as to their joint ownership, but of Mr. Whitaker as a member of the Executive Government between 1856 and 1861—not only never pressed for a settlement of the claim in any way, nor ever took any advantage he might have taken under the Land Claims Settlement Acts if he had exercised or tried to exercise any Government influence; but on the contrary, in a way I constantly, I might say incessantly, objected to as quixotic, refused to take any part whatever, or do any act, which could be construed in any way or at any future time as exercising any Government influence to the advantage of himself or his partner in the matter. And if Whitaker and Heale had been disposed at that time to press their claims to the extent which the Land Claims Settlement Acts gave power to press them, and to demand the full amount of land or scrip in exchange, I am quite certain they would have been placed in a very much better position than the Government or anybody else can place them in now.

318. *The Chairman.*] Would this land claim of Whitaker and Heale's interfere with the claim made by one Captain Beadon?—No; not in any way whatever. Captain Beadon had nothing to do with that side of the country.

319. I believe you decided as to Beadon's claim to certain land in the Waitoa?—I could not answer that question off hand. I may have done so.

320. I thought there had been a limit of 2,560 acres fixed for land claims previous to New Zealand becoming a British colony?—So there was. The original limit of quantity to be granted in respect of all land claims in New Zealand under Native titles before 1840, was fixed by an Act of the New South Wales Legislature brought in by Governor Sir George Gipps, at 2,560 acres; and, although the claimants from New Zealand were ably represented by Mr. Wentworth, himself a very large claimant, the views of Governor Gipps were ultimately carried, and 2,560 acres was fixed as the limit that could be given in respect of any one claim. That limitation of 2,560 acres was repeated in the first Land Claims Ordinance of New Zealand, and the restrictions imposed by the Act of New South Wales were again enforced. I would call the attention of the Committee to the fact that I was

referring to those limitations when I said that Governor Fitzroy had issued grants in spite of the existing limitations of the law: Governor Fitzroy, although the limitation had been fixed at 2,560 acres, issued grants largely in excess, under a second reference of the cases to a new Commissioner: those grants having been the subject of the disputes and troubles which I have referred to, it was the object of the Quieting Titles Ordinance to put an end to uncertainty as to the validity of this granting in excess; and the effect of the Ordinance was, as I said, to clothe the grants of Governor Fitzroy with a validity they would not otherwise have possessed.

321. Then the Quieting Titles Ordinance validated grants in excess of 2,560 acres?—Yes.

322. And under this Act you authorized Whitaker and Heale to receive 12,065 acres?—Yes; being the quantity which, under the Land Claims Settlement Acts, I was obliged to grant, because the validation with which these grants had been clothed was repeated and enforced by the Land Claims Settlement Acts themselves.

323. You state that Drummond Hay bought the whole of this 19,000 acres, in which was included Whitaker and Heale's claim, for £443. Are you aware whether there was any dispute of the title of the Natives selling this land, and that other Natives claimed to be the rightful owners?—I am aware that other Natives came forward and advanced claims upon this block, but, so far as my recollection carries me, that was done after the completion of the purchase made by Hay, and in consequence of the troubles which broke out at the time of the war. The papers of the Land Purchase Department will, however, show what really took place on that point.

324. You are not aware whether it was the rightful owners who sold to Hay or not?—I have no doubt they were the rightful owners.

325. From that you would suppose that the title of the Crown was a good one?—I never had any reason to doubt that it was good.

326. You state with regard to that Maukoro Block that, in the event of Whitaker and Heale returning certain moneys paid by Hay, their right of selection would include the Maukoro and Angaponga Blocks?—Yes; not necessarily by Hay, but by any one extinguishing the title for the Crown.

327. If that money was not repaid, would Whitaker and Heale have had the right of selecting over those blocks?—Not under the order I made. It obliged them, if the title was extinguished, to repay to the Crown the cost of extinguishing the Native title in the event of their making the selection there.

328. What was the time given to make that selection?—I did not fix a time myself, but I reserved a right to the Crown to fix a time afterwards: I will read an extract from the report on that point. [Extract read.]

329. Are you aware a time was fixed?—Not to my knowledge.

330. You are not aware whether Whitaker and Heale made the selection?—I am not: I have only spoken of what happened in my time.

By Authority: GEORGE DIDSBUXY, Government Printer, Wellington.—1877.

