

1877.

NEW ZEALAND.

## DISQUALIFICATION COMMITTEE.

## HON. FREDERICK WHITAKER'S CASE

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

*Report brought up and ordered to be printed, 18th October 1877.*

## ORDERS OF REFERENCE.

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

THURSDAY, THE 20TH DAY OF SEPTEMBER, 1877.

*Ordered*, That a Select Committee be appointed to inquire into and report upon the alleged disqualification to sit in this House of Martin Kennedy, the Member for Grey Valley, and J. T. Fisher, the Member for Heathcote. The Committee to consist of Hon. Mr. Bowen, Hon. Mr. Gisborne, Mr. Stout, Mr. Macandrew, Hon. Mr. Stafford, Mr. Harper, Mr. Rees, and the Mover: five to be a quorum; to have power to call for persons and papers, and to report in a fortnight. (*Hon. Mr. Whitaker.*)

MONDAY, THE 1ST DAY OF OCTOBER, 1877.

*Ordered*, That the case of the Hon. Mr. Whitaker be referred to the Disqualification Committee, and that the case of that gentleman be first taken after Mr. Kennedy's be disposed of, and for that purpose that the name of Mr. Button be inserted in that Committee in lieu of that of the Hon. Mr. Whitaker. But that the name of the Hon. Mr. Whitaker be not discharged from the Committee until after the case of Mr. Kennedy has been disposed of.—(*Hon. Major Atkinson.*)

MONDAY, THE 8TH DAY OF OCTOBER, 1877.

*Ordered*, That the name of the Hon. Mr. Stafford be discharged from the Disqualification Committee, and the name of the Hon. Mr. Fox substituted in lieu thereof.—(*Mr. Rees.*)

## REPORT.

THE Select Committee appointed to inquire into the alleged disqualification to sit in the House, of the Hon. Frederick Whitaker, the member for Waikato, have the honor to report:—

That the Hon. Frederick Whitaker's connection with the purchase of the Piako Swamp does not, in the opinion of the Committee, bring him under the operation of the Disqualification Acts.

18th October, 1877.

W. L. REES,  
Chairman.

## MINUTES OF PROCEEDINGS.

THURSDAY, 4TH OCTOBER, 1877.

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

## PRESENT:

Hon. Mr. Bowen,  
Mr. Button,  
Hon. Mr. Gisborne,  
Mr. Harper,Mr. Rees,  
Hon. Mr. Stafford,  
Mr. Stout.

The minutes of the previous meeting were read and confirmed.

The order of reference of 1st October was read.

*Resolved*, on motion of Hon. Mr. Stafford, That Mr. Rees do take the chair.

*Resolved*, on motion of Mr. Stout, That the Hon. Mr. Whitaker be requested to attend the Committee at 11 o'clock to-morrow, and to bring with him all papers referring to the matters mentioned in Mr. Rees's letter of 2nd October to the Hon. Mr. Whitaker. (*Vide* Appendix A.)

The Committee then adjourned until Friday, 5th October, at 11 o'clock a.m.

---

FRIDAY, 5TH OCTOBER, 1877.

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

PRESENT :

Mr. Rees in the Chair.

|                    |                    |
|--------------------|--------------------|
| Hon. Mr. Bowen,    | Mr. Macandrew,     |
| Mr. Button,        | Hon. Mr. Stafford, |
| Hon. Mr. Gisborne, | Mr. Stout.         |
| Mr. Harper,        |                    |

The minutes of the previous meeting were read and confirmed.

*Resolved*, on motion of the Hon. Mr. Stafford, That the Chairman, at whose instance the charges were made against Mr. Whitaker, should first state to the Committee the character of the charges and all facts connected therewith which he desires the Committee should investigate.

The Chairman accordingly made a statement, which was taken down by the reporter present. (Appendix A.)

The Hon. F. Whitaker, being in attendance, was examined, his evidence being taken down by the reporter present.

The Committee then adjourned until Monday, 8th October, at 11.30 o'clock a.m.

---

MONDAY, 8TH OCTOBER, 1877.

The Committee met pursuant to adjournment at 11.30 o'clock a.m.

PRESENT :

Mr. Rees in the Chair.

|                    |                |
|--------------------|----------------|
| Hon. Mr. Bowen,    | Mr. Harper,    |
| Mr. Button,        | Mr. Macandrew, |
| Hon. Mr. Gisborne, | Mr. Stout.     |

The minutes of the previous meeting were read and confirmed.

*Resolved*, on motion of Mr. Stout, That Dr. Giles, the Under Secretary for Crown Lands, be requested to reply to the following questions:—

1. Was any agreement entered into between the Secretary of Crown Lands and any person under or in pursuance of the regulations published on 12th June, 1876, page 406, in *New Zealand Gazette*?

2. Has any Crown grant been issued, and, if so, when?

3. When was purchase-money paid?

*Resolved*, on motion of Mr. Stout, That the opinion of Mr. B. C. Haggitt be taken on three questions to be submitted to him by telegram, as follows:—

Your opinion is immediately requested on these questions. Please let the answers be as full as you consider necessary. Reply by telegram.

1. Would a contract or agreement for the purchase of waste lands not in conformity with law, vitiate an election under "The Disqualification Act, 1870," or "The Disqualification Act, 1876"?

2. Suppose a person, disqualified at time of election under "Disqualification Act, 1870," be returned as elected, and the Act be repealed by Act of 1876, can a Committee or the House now, in 1877, say that person is disqualified and his election void?

3. Would a contract under Order in Council in *New Zealand Gazette*, dated 12th June, 1876, page 403, work a disqualification under "The Disqualification Act, 1870," or "The Disqualification Act, 1876"?

*Resolved*, on motion of Mr. Macandrew, That, in the absence of the Hon. Mr. Stafford from Wellington, the Chairman do move the House to discharge the Hon. Mr. Stafford from attendance at the Committee, and that another member be appointed to serve in his stead; and that, pending such appointment, the Committee do now adjourn. Further, that the Chairman be requested to make a *précis* of the various papers in possession of the Committee, with a view to enabling the Committee to examine Hon. Mr. Whitaker upon the various points at issue.

The Committee then adjourned until Wednesday, at 11 o'clock a.m.

---

WEDNESDAY, 10TH OCTOBER, 1877.

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

PRESENT :

Mr. Rees in the Chair.

|                    |                |
|--------------------|----------------|
| Hon. Mr. Bowen,    | Mr. Harper,    |
| Mr. Button,        | Mr. Macandrew, |
| Hon. Mr. Gisborne, | Mr. Stout.     |

The minutes of the previous meeting were read and confirmed.  
 The order of reference, dated 8th October, was read.  
 The replies made by Dr. Giles to questions proposed by Mr. Stout were read. (Appendix B.)  
 The Chairman read a telegram he had received from Mr. B. C. Haggitt. (Appendix C.)  
 After deliberation, the Committee adjourned until Wednesday, 17th October, at 11 o'clock a.m.

---

WEDNESDAY, 17TH OCTOBER, 1877.

There being no quorum present, the meeting lapsed.

---

THURSDAY, 18TH OCTOBER, 1877.

The Committee met pursuant to notice at 11.30 o'clock a.m.

PRESENT:

Mr. Rees in the Chair.

Hon. Mr. Bowen,  
 Mr. Button,  
 Hon. Mr. Fox,

Hon. Mr. Gisborne,  
 Mr. Harper,  
 Mr. Stout.

The minutes of the previous meeting were read and confirmed.

The Chairman stated to the Committee that a *précis* of the papers relating to the Hon. Mr. Whitaker's connection with the matter of the Piako Swamp purchase had been prepared. (Appendix D.)

*Resolved*, on motion of Mr. Harper, That the Hon. Mr. Whitaker's connection with the purchase of the Piako Swamp does not, in the opinion of the Committee, bring him under the operation of the Disqualification Acts.

*Resolved*, on motion of Mr. Harper, That the above resolution be reported to the House.

The Chairman desired to express his opinion that the Hon. Mr. Whitaker was disqualified under the Act of 1870, and that whether the Piako Swamp contract or agreement was illegal or legal made no difference.

Read and confirmed, Monday, 22nd October.

---

## APPENDICES.

### APPENDIX A.

5TH OCTOBER, 1877.

LETTER from Mr. Rees to the Hon. Mr. Whitaker, read as follows:—

"DEAR SIR,—

"2nd October, 1877.

"*Re* Disqualification Committee. The principal point on which I asked for an inquiry in relation to your seat is the Piako Swamp purchase. I also desire to ascertain whether the exchange of Waitoa lands is such a contract as would come under the Act.

"I dare say that you are aware of the existence of public rumours connecting your name with some contract for sleepers with Mr. John Lundon.

"This last I mention simply to give an opportunity of explanation.

"I am, yours faithfully,

"Hon. F. Whitaker, Attorney-General."

"W. L. REES.

---

### MR. REES'S STATEMENT.

#### *Piako Swamp Purchase.*

THE first charge is in relation to Mr. Whitaker's connection with the purchase of the Piako Swamp.

That purchase was made, I believe, in 1875. It may have been in 1874, I will not be sure about the date. A memorandum of agreement was entered into between Mr. Whitaker as purchaser on the one hand, and Dr. Pollen as representing the Government on the other. The terms were never finally agreed to by the parties till about the time of the House meeting last year. The memorandum was to this effect: Mr. Whitaker was to be allowed to purchase a large block of land, known as the Piako Swamp, of 70,000 or 80,000 acres, at a certain sum per acre, a portion of which was to be returned to Mr. Whitaker and the other purchasers for making roads. They were to make a road through the swamp, in consideration of which they were to receive back a portion of the purchase-money for every mile of road constructed, or so much per yard for the making of this road. If the contract went on through 1874, it extended to 1875 and 1876. It was incomplete, and absolutely not finally settled until after the House met last year. I myself have seen a memorandum, in the handwriting of Mr. Whitaker, upon the subject of Mr. Whitaker agreeing on behalf of purchasers to take a smaller area than was agreed on before. I believe money was paid upon the purchase in the month of June last year, about the time the House was sitting. The negotiations were not completed at that time, or at the time Mr. Whitaker entered into the arrangements before he was elected.

If that be so, then Mr. Whitaker was never elected a member of the House at all. This is my own impression of the matter. Possibly I may be mistaken. If this can be maintained, then Mr. Whitaker was a contractor for the purchase of the public lands not in accordance with the laws of the colony.

If so, his election under the former Act is void. He contracted for the purchase of waste lands, and this was clearly irregular at the time. He was acting outside the law, and not in accordance with the regulations that existed. The lands which he contracted for were lands confiscated by the Crown. By the Act, rules and regulations were laid down for the purchase of those lands; but Mr. Whitaker's transactions were not in accordance with them.

In fact, honorable members will recollect that special regulations were made to fit the facts in the agreement, and those facts transpired afterwards. This arrangement was made *ex post facto*. At the time, therefore, that Mr. Whitaker was elected, he was engaged in this contract to purchase, and by the law, if that were so, Mr. Whitaker's election was void, and he never was a member of the House. I think Mr. Stafford will remember that I started this last year, but I could not then get a Committee to inquire into the matter.

The Committee will therefore see that there are two points: That the sale of the land was not in accordance with the rules and regulations; and if the sale had been within the law, the payment of part of the money back for road-making was a Government contract, and a matter rendering Mr. Whitaker entitled to disqualification. I only allege the facts that seem to me to bear out the statement made in the House when this Committee was called for. At the time Mr. Whitaker was elected he was not capable of being elected; therefore the election is void, and no repeal of the law afterwards would legalize that election, the contract having been incomplete at the time of his election. Supposing that point failed, the next one would be that Mr. Whitaker's contract was not finished until he actually took his seat in the House. He was sitting in the House when the final amount of money was settled upon for the road-making and the purchase of the Crown land. The contract was open, unfulfilled, and something remained to be done, not only at the time of that election, but at the time Mr. Whitaker took his seat in the House. And as the Act disqualifies after an election, therefore the election has become void. No repeal of the law will rectify the point.

1. *Hon. Mr. Gisborne.*] When did the contract commence?—In 1874; a long time before the election. There had been a great deal of talk about it in 1873. This agreement was made between Dr. Pollen and Mr. Whitaker; was entered into in 1874. The matter was not finally arranged until 1876. Just before the House sat in 1876, an Order in Council was made, on the 12th of June, empowering the Governor to sell this land. That was six months after Mr. Whitaker was declared to be elected. All that time the original contract with the Government was going on. The Order in Council was necessary to make the thing legal. In my opinion that would work an absolute disqualification, otherwise I should not have taken the matter up at all. I am not at all prepared to say that, upon going into the evidence, other matters will not come out. I know that the papers laid upon the table in 1875 could not include the greater part of these particulars, as the Piako Swamp transaction was not then concluded. Certain alterations had to be made in the boundaries, and these took place in July.

These are the main facts of the Piako Swamp charges. I make those charges, believing in my own mind that they will work a disqualification. I may say that I did not think it necessary to state this matter fully in the House, and, in apologizing for not having done so, I would say that it was with no desire on my part not to make this statement there that I neglected to do so. Even if the election were good, Mr. Whitaker was disqualified when he took his seat after the House sat.

#### *Waitoa Exchange.*

The other point is in connection with this exchange. Mr. Whitaker has given me a memorandum on the subject. I think it may be understood that the Government was to withdraw from certain preliminary negotiations it had entered into in respect to certain Native lands, and that Mr. Whitaker was allowed to deal with the Natives in the matter. These lands were waste lands that Mr. Whitaker was dealing for. The Supreme Court has decided that Native lands are waste lands of the Crown. If Mr. Whitaker had entered into this arrangement with the Government, his seat should be forfeited.

2. *Hon. Mr. Gisborne.*] What was the supposed arrangement he made with the Government?—I do not know. I am taking Mr. Whitaker's agreement. I can only state the general facts. I never knew that the agreement between the Government and Mr. Whitaker in connection with this block was overthrown.

3. What was the arrangement?—I will read this memorandum. [Memorandum read as follows.]

“Memorandum of an agreement made between the Honorable 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.

“Auckland, 22nd September, 1874.

(Signed) DANIEL POLLEN.”

Mr. Whitaker now says that this arrangement has been done away with, and that he is now purchasing from the Natives himself. But I suggest that there is still an arrangement between Mr. Whitaker and the Government. The Government have given permission illegally to Mr. Whitaker to purchase land.

4. *Hon. Mr. Bowen.*] What is the contract?—The contract is this, as stated in this written agreement between Mr. Whitaker and the Government.

5. I know all that?—What then do you want to know.

6. I want to understand the charge. I want to know what contract you say there is between Mr. Whitaker and the Government; is it a continuing contract?—I say that the Government have entered into some arrangement whereby Mr. Whitaker is allowed to deal with Natives himself for lands that the General Government were purchasing. The actual terms of the agreement I do not know.

7. In relation to these lands?—Yes; in relation to these very lands.

8. Is the Committee to understand from that, that Mr. Whitaker was allowed to compete with the Government?—I believe so. I believe they made an arrangement with him. I do not know the whole of the facts.

9. *Hon. Mr. Stafford.*] I am not aware at this moment of any law that says you cannot make an offer for these lands if you want to buy them, unless they are brought under a Proclamation. If you are not prepared to bid, it seems idle to say whether Mr. Whitaker's agents, or the Government agents, were negotiating for the land. There is nothing in the law to prevent me bidding, unless the Government have brought the land under a Proclamation existing at the time. If you are not prepared to say that that land was so excepted from private purchase, it appears to me that the Committee need not go into the matter?—There is the Waitoa Committee already sitting, and going on with this matter. It was Mr. Whitaker's own statement in the House that I go upon.

10. *Hon. Mr. Bowen.*] His complaint was that the contract was not carried out?—The Bill that was brought in in the Upper House to deal with the Waitoa land was thrown out. Then, as far as I know anything about the matter, the arrangement was come to. The Bill was thrown out, and an arrangement entered into with Mr. Whitaker. Under that arrangement I understand that Mr. Whitaker was allowed to purchase. I must not be understood as making statements. I do not wish to be pinned down to what I am saying, as I shall be very likely called upon by the Government to answer these.

*Hon. Mr. Stafford:* Mr. Rees has all through qualified his statement by saying that he requires further information on the matter.

#### *Contract for Sleepers.*

The third allegation is in reference to a contract.

I mention in my letter to Mr. Whitaker that he must know of a contractor named Lundon, who had the contract for the supply of railway sleepers. I should like to hear Mr. Whitaker's own statement as to whether he was interested in this contract, and, if so, in what way. Mr. Whitaker's name was very freely mentioned over this matter in public for this contract. I mentioned this in my note in order that Mr. Whitaker might make a statement, and, if interested in the contract, say to what extent. I did not ask for the Committee to sit for the purpose of dealing with the third point. I mentioned it in my letter to Mr. Whitaker as an act of courtesy.

11. *Mr. Stout.*] The point you wish to make, Mr. Rees, is that the seat, being void *ab initio*, still remains void?—Yes.

12. Under what Act is it to be considered?—Under the repealed Act.

#### The Hon. Mr. WHITAKER examined.

13. *The Chairman.*] Do you know a person named John Lundon?—Yes.

14. Are you aware of Lundon having entered into a contract with the Government for the supply of sleepers and other timber?—Yes.

15. When?—I think in 1874.

16. In what part of 1874?—I think it was in the early part. I can, however, get the date.

17. Were you in any way concerned in the contract, either on behalf of Lundon or not?—No; except that I lent him some money.

18. Were you a surety for him?—I simply lent him money. Lundon took the contract. He came to me, and represented that he had no money to carry it on. He borrowed money from me that I never got back again. That was all I had to do with it. He owes me a large sum of money now.

19. Then, with the exception of lending him money, you had nothing to do with it?—I was not concerned in it in any way beyond that. If he made a good profit out of the contract, I should have got my own money back.

20. You did not share in the contract?—No.

21. Then, for the amount of money you lent, you would not, if he made a large profit out of it, get beyond what you lent?—No; unless he chose to pay me previous debts. All that contract was, I think, ended before I was elected, nearly two years ago.

22. The contract was not in the form of Whitaker and Lundon?—It was taken without my knowing anything about it. He tendered for the contract and got it. I had been in the habit of lending him money. I lent him the money for the purpose of carrying out this contract, and he failed to give it to me back.

#### APPENDIX B.

##### *Questions required to be answered under Mr. Stout's Resolution of 8th October, 1877, together with replies.*

1. Was any agreement entered into between the Secretary of Crown Lands and any person under or in pursuance of the regulations published on 12th June, 1876, page 406, in *New Zealand Gazette*?—Whatever contract there was seems to have been made prior to the regulations above quoted. There is no record of any formally-drawn contract, but the terms were agreed upon by means of correspondence, and are set out in various papers and memoranda.

2. Has any Crown grant been issued, and, if so, when?—Crown grant to the New Zealand Loan

and Mercantile Agency Company (Limited). Area 86,502 acres, Banks County. Date, 20th July, 1876; antevesting date, 14th June, 1876.

3. When was purchase money paid?—Purchase money £13,152 3s. 9d. paid 14th June, 1876. It was tendered a few days before, but not accepted, because the Order in Council was not made.

8th October, 1877.

J. GILES.

#### APPENDIX C.

*Copy of Questions put to Mr. B. C. Haggitt by Telegraph, together with his replies.*

1. Would a contract or agreement for the purchase of waste lands not in conformity with law vitiate an election under "The Disqualification Act, 1870," or "The Disqualification Act, 1876"?—Not necessarily a contract for the sale and purchase of any waste lands not in accordance with the land regulations. The disposal of those particular lands would be void, and the Crown grant could be repealed on *scire facias*, but the illegal contract might not amount to the lands being "given" within the meaning of the Act 1876, nor "given for any service, work, matter, or thing" within the meaning of the Act of 1870. If the transaction virtually amounted to the lands being "given," it would no doubt disqualify the person engaged in it.

2. Suppose a person, disqualified at time of election under "Disqualification Act, 1870," be returned as elected, and the Act be repealed by Act of 1876, can a Committee of the House now, in 1877, say that person is disqualified and his election void?—The repeal of the Act of 1870 would not validate the election, which is declared null and void by section 10; the person was therefore never elected. Unless some rule of the House prevents action being now taken, I know of nothing in the law to prevent it.

3. Would a contract under Order in Council in *New Zealand Gazette* dated 12th June, 1876, page 403, work a disqualification under "The Disqualification Act, 1870," or "The Disqualification Act, 1876"?—The Order in Council is *ex facie* legal, so far as appears, to any person purchasing under the order, who would be purchasing the land in accordance with the law for the time being in force, and the transaction would therefore be excepted from the operation of both Disqualification Acts.

B. C. HAGGIT.

#### APPENDIX D.

*Précis of Documents.*

- 28/2/73.—T. Russell to Dr. Pollen. Forwarding his letter to Sir D. McLean.  
 28/2/73.—T. Russell to Native Minister. Letter *re* great swamp and construction of road, &c.  
 5/3/73.—Dr. Pollen to Native Minister. Forwarding Mr. Heale's plan of land.  
 17/3/73.—Native Minister to Dr. Pollen. Asking for information and suggestions from Dr. Pollen to Mr. Heale.  
 22/3/73.—Dr. Pollen. Suggestions and information as requested.  
 8/4/73.—Dr. Pollen to Native Minister. Proposal not accepted by Russell; he requires allowance of 2s. 6d. per acre for making road.  
 10/4/73.—Native Minister to Dr. Pollen. Russell's proposal quite fair; objections in regulations can be met by Order in Council.  
 10/4/73.—Dr. Pollen to Native Minister. My proposals to Russell. Terms of sale.  
 15/4/73.—T. Russell to Native Minister. Your terms too hard; will compromise by paying in two years instead of three.  
 15/4/73.—Native Minister to Dr. Pollen. Russell telegraphs again, says proposals too hard, will agree if that is only obstacle.  
 15/4/73.—Native Minister to T. Russell. Have told Pollen I agree to twelve months to pay 2s. 6d.; considered matter settled.  
 15/4/73.—T. Russell to Native Minister. My heavy expenditure is sufficient guarantee.  
 16/4/73.—Native Minister to T. Russell. I agree to accept 2s. 6d. per acre within two years.  
 16/4/73.—Native Minister to Dr. Pollen. Have agreed to accept Russell's terms.  
 16/4/73.—Dr. Pollen to Native Minister. Return Russell's letters, plan, &c., in order to close arrangements.  
 17/4/73.—Dr. Pollen to T. Russell. Accepting terms of sale, &c.  
 18/4/73.—Under Secretary, Native Office, to Dr. Pollen. Forwarding correspondence and plans as requested.  
 4/3/74.—Dr. Pollen to Inspector of Surveys. Allotments in margin of swamp may be included in boundary, as they are required for drainage.  
 4/3/74.—T. Heale. Boundary to be adopted.  
 19/4/74.—D. Simpson to F. Whitaker. Report of work completed, &c., on swamp.  
 30/4/74.—T. Heale. Memo. *re* Mr. Simpson's plan. Schedule of allotments on margin of swamp.  
 1/5/74.—Dr. Pollen to Mr. Whitaker. All information *re* allotments in above. Order in Council *re* swamp land. Schedule of regulations of sale.  
 4/7/74.—Mr. Haughton to Mr. O'Rorke. This draft should be submitted to Law Officer.  
 9/7/74.—Law Officer to Under Secretary, Crown Lands. Are all the terms set forth in draft?  
 11/7/74.—C. E. Haughton to Dr. Pollen. Please instruct me.  
 11/7/74.—Dr. Pollen to Secretary, Crown Lands. Instructions as requested; recite facts without mention of names.  
 14/8/74.—Memo. to Mr. Haughton. 1. Has road been approved of? 2. Are surveys made? 3. What done to acquire swamp beyond confiscated boundary? H. T. Clarke: Reply to 3. Mr. Mackay or Mr. Preece are negotiating. H. Masters: Reply to 1. Not yet settled. 2. Not yet surveyed.  
 20/8/74.—Mr. O'Rorke to Under Secretary, Crown Lands. Regulations to be completed by Mr. Masters and revised by Mr. Reid. Mr. Masters' draft with Mr. Reid's amendments. Fair copy of regulations.  
 23/7/74.—Mr. Mackay to Dr. Pollen. Suggesting line of road.  
 13/8/74.—H. T. Clarke. Mr. Mackay's proposals seem reasonable.  
 7/8/74.—T. Heale to Commissioner, Confiscated Lands. Suggestions *re* roads, &c.  
 13/8/74.—C. Haughton to Assistant Law Officer. Draft regulations submitted.  
 20/8/74.—W. S. Reid to Under Secretary, Crown Lands. Furnish me with synopsis of actual agreement.  
 20/8/74.—Colonel St. John. Agreement between Sir D. McLean and Mr. T. Russell.  
 24/8/74.—Native Minister. Get regulations printed. Captain Heale should decide line of road.  
 20/8/74.—C. E. Haughton to Native Minister. No definite agreement between Government and Mr. Russell; the question *re* road is unsettled.  
 9/10/74.—W. S. Reid to Mr. Haughton. Revised regulations.  
 15/10/74.—C. E. Haughton to Colonel St. John. Draft regulations for approval of Native Minister.  
 17/11/74.—D. Simpson. Extract from specifications.  
 1/75.—T. Heale. This will never be serviceable.

- 27/2/75.—F. Whitaker. Memoranda of arrangements. Schedule.  
 27/2/75.—Dr. Pollen. Memoranda of arrangements. Schedule.  
 27/2/75.—A. Sinclair to Inspector of Surveys. Mr. Whitaker has accepted thirteen allotments.  
 17/8/75.—J. Mackay. Lines of road suggested.  
 16/8/75.—Major Green. Forwarding copies of records *re* swamp negotiations.  
 17/3/77.—Native Minister to Dr. Pollen. Asking for information as to value of land, &c.  
 22/3/73.—Dr. Pollen to Native Minister. Impossible to make estimate at present.  
 28/3/73.—Dr. Pollen to Colonial Secretary. General opinion *re* swamp, &c.  
 18/5/76.—H. T. Clarke to Native Minister. Recommending that land as shown in tracing be given to company.  
 18/5/76.—Native Minister. Minute concurring.  
 2/6/76.—T. Heale to Native Minister. The road was the great object in making sale of swamp to company.  
 13/6/76.—Dr. Pollen to Major Green (telegram). Authority to receive £13,132 3s. 9d. for 83,325 a. 2 r. 20 p.  
 14/6/76.—E. L. Green to Dr. Pollen (telegram). Money received this day.  
 23/6/76.—T. Heale to Native Minister. Forwarding plan of north boundary of Piako Swamp Block, as admitted by Natives. Area reduced by 823 acres.  
 11/7/76.—C. E. Haughton to Commissioner, Confiscated Lands (telegram). Asking for Piako grant to be sent for execution.  
 12/7/76.—A. Sinclair to C. E. Haughton (telegram). Piako grant will be sent. Area now 86,502 acres.  
 13/7/76.—A. Sinclair to C. E. Haughton (telegram). Further as to area of grant.  
 13/7/76.—D. A. Tole to Secretary, Crown Lands. Forwarding draft of Crown grant for Governor's signature.  
 No date.—Memo. by Major Atkinson to Solicitor-General. Asking if Governor has power to grant a less area than set forth in Order in Council.  
 18/7/76.—Solicitor-General to Secretary, Crown Lands.—Opinion that purchaser must take less area at price named in Order in Council for the larger area.  
 19/7/76.—Mr. F. Whitaker. Memo. agreeing thereto.  
 19/7/76.—C. E. Haughton to Solicitor-General. Asking if *Gazette* notice is necessary, the area of block appearing in *Gazette* as 83,000 instead of 87,000.  
 19/7/76.—Solicitor-General to Secretary, Crown Lands. Is of opinion that Order in Council is not invalid.  
 20/7/76.—Mr. G. Fannin to Mr. Haughton. Asking if Order in Council should be re-issued, owing to area being less by 823 acres than original grant.  
 10/3/77.—Dr. Giles to Secretary, Public Works. As to balance due to company on account of road-making in Piako.

Mr. T. RUSSELL to the Hon. Dr. POLLEN.

DEAR POLLEN,—

I send you my letter to McLean *re* the great swamp undertaking. Will you bring it before him in such a form as will lead to action for or against the undertaking at once?

28th February, 1873.

I have, &c.,

T. RUSSELL.

The Hon. Dr. Pollen.

Mr. T. RUSSELL to the Hon. D. McLEAN.

(Enclosure.)

SIR,—

Auckland, 28th February, 1873.

During the conversation I had with you a few days ago in reference to making a road across the great swamp, from the neighbourhood of Hamilton, on the Waikato, to the head of the navigation, on the Piako River, you suggested to me to put my statement in writing for your consideration, and I now have the honor, on behalf of a number of capitalists, to make the following proposals:—

1. That a road between the points mentioned, sufficient for use as a common road, as also for a railway or tramroad, shall be made by the undertakers at their own risk and costs, according to a plan and at a cost to be approved of by the Government.

2. That it shall be commenced as soon as the necessary surveys are made, and carried on with all reasonable expedition until completed.

3. That the cost of making the road shall be paid by the Government to the undertakers in land, to be selected from the swamp at a fixed rate per acre.

4. And that the undertakers shall have the right to take the whole or any portion of the remainder of the swamp at a fixed rate per acre, to be paid in cash.

I submit to you that this proposed undertaking is one of great public utility, and deserves the sanction and support of the Government.

It is obvious that this great swamp is now worthless, and can only be made available by a very large expenditure of money. It would be useless to attempt to drain it piecemeal, as it can only be drained to advantage, if at all, by one large and comprehensive scheme. All the land on its borders at all available for cultivation has been parted with, and that only which is quite valueless in its present state left in the hands of the Government. Indeed a good deal of land on the borders of the swamp, which would be useful, if it is not even necessary, in order to be able to carry out an advantageous system of drainage, has been alienated. It is important, at all events, that no more should be parted with in lots, even if purchasers could be found, as the result would be that the bulk of the swamp would be left in the hands of the Government, without the necessary outlets for drainage, except by paying compensation to the border owners.

It is hardly necessary for me to point out to you, who are so well acquainted with the locality, the great advantages to the public which would result from the successful completion of the proposed undertaking.

Upwards of 120,000 acres of available land would probably be added to the Waikato District, and a short and convenient line of communication opened between the Upper Waikato and Thames Gold Fields, to the great advantage of both districts; and this not only without cost, but, in all probability, with a substantial addition to the confiscated land revenue.

I have to add that, as the boundary line of the confiscated land runs in a direction that cuts off several thousand acres of the swamp, it will be necessary to purchase these from the Natives, and the undertakers rely upon the assistance of the Government, if necessary, to accomplish this object.

I have, &c.,

T. RUSSELL.

The Hon. the Minister for Native Affairs, Auckland.

The Hon Dr. POLLEN to the Hon. D. McLEAN.

5th March, 1873.

I HAVE obtained from Mr. Heale a plan showing the land, which is submitted herewith for your information.

DANIEL POLLEN.

The Hon. D. McLEAN to the Hon. Dr. POLLEN.

Auckland, 17th March, 1873.

WITH reference to the accompanying proposal, I shall be glad if Captain Heale and you will inform me as to the following points:—

- (1.) What is the average value per acre of the block?
- (2.) What would be a fair estimate of the cost of making the proposed road, so that it shall be fit for wheeled carriages.
- (3.) Generally, any suggestions you may think desirable to give on the subject.

DONALD McLEAN.

MEMORANDUM by the Hon. Dr. POLLEN.

22nd March, 1873.

THE making this road involves the main drainage works of the great swamp, since it is only by the effectual un-watering of it that the road would be practicable, the side drains of the road being probably a leasing part of the system of drainage. It is impossible to make any reliable estimate of the cost of such works, or even to assert their practicability, without some explorations, and the taking of flying levels over the whole swamp. Upon the information thus derived, and the conclusions as to its drainability to be deduced therefrom, a fair estimate of the value of the land itself can only be made. These are Mr. Heale's views, and have my complete concurrence.

D. POLLEN,  
General Government Agent.

The Hon. Dr. POLLEN to the Hon. D. McLEAN.

Auckland, 8th April, 1873.

(Telegram.)

No. 83. *Re* great swamp, I proposed that price of land be 5s. per acre. Purchase-money to stand over for year. That application should be made in course prescribed in regulations for aid in making roads, and that scrip should be agreed to be given for one-half of actual cost of works. Such scrip to be received as part payment of purchase-money. Balance in cash. Russell will not accept this. He agrees to price of land. Requires an allowance of 2s. 6d. per acre for making road, but consents to render amount of expenditure, and to refund if actual cost of road is less than amount of allowance. He presses for an answer. Will send the papers by mail.

The Hon. D. McLean, Wellington.

DANIEL POLLEN.

The Hon. D. McLEAN to the Hon. Dr. POLLEN.

(Telegram.)

Government Buildings, 10th April, 1873.

I CONSIDER Russell's proposals quite fair and reasonable, but I see no reason why the half of the purchase-money—*i.e.*, 2s. 6d. per acre—should not be paid at once. The road should be sufficiently wide and available for wheeled traffic. The objections in the regulations to this arrangement can be met by an Order in Council.

Dr. Pollen, Auckland.

DONALD McLEAN.

The Hon. Dr. POLLEN to the Hon. the NATIVE MINISTER.

(No. 278.)

SIR,—

General Government Office, Auckland, 10th April, 1873.

I have the honor to return herewith the letter of Mr. Thomas Russell, relative to the construction of a road across the great swamp from Hamilton to the head of the navigation on the Piako River, and to the purchase of the adjacent lands.

In compliance with the instructions conveyed to me in your note of the 31st March—namely, that I should reply to Mr. Russell's application, I have proposed to him the following terms, with the understanding that if accepted I would recommend that the necessary legal steps should be taken to give them effect in those points in which they exceed the power of dealing with the confiscated lands deferred by the existing regulations:

1. That the upset price of the land (about 80,000 acres) shall be 5s. per acre.
2. That the purchase-money shall be paid in — years (say two), or on the earlier completion of the road.

3. That, upon the purchase being effected, application shall be made by the purchaser, in terms of section 20 of the Land Regulations, for aid in making a road from Hamilton or Ngaruawahia to the head of the navigation on the Piako River, and that land scrip shall be issued in payment of one-half of the actual cost of that work, to an amount which shall not exceed a moiety of the whole purchase-money. This scrip to be received at its nominal value in payment for the land at the time fixed. The balance to be paid in cash.

Mr. Russell declines to accept these terms, and has made in writing a new proposal, which is annexed. The difference between us is that Mr. Russell, believing that a contribution at the rate of 2s. 6d. per acre will cover the whole cost of making the road, requires a remission in the price of the land to that extent absolutely, or with the modification that any difference between the actual expenditure on the work and the amount of the allowance shall be paid by him as a refund. Upon the plan proposed by me one-half only of the cost of the road would be paid by the public. If Mr. Russell be right in his conjecture, that an expenditure at the rate of 2s. 6d. per acre will



suffice to make the road and the main drain on both sides of it, then it will appear that the difficulty of reclaiming the swamp is much less than was supposed, and this is the element of uncertainty which Mr. Heale and myself (see memo. 73/164) desired to eliminate from the transaction by means of the preliminary survey which we recommended to be made. If the land can be drained easily, the upset price, 5s., which I have named, would not, in my opinion, be sufficient. In the absence, however, of specific information, upon which an estimate of the value of the land measured by its drainability can be based, I think that the proposition made by me to Mr. Russell is fair to the projectors and to the public.

I have, &c.,

The Hon. the Native Minister, Wellington.

DANIEL POLLEN.

The Government to sell the swamp on the following terms:—

1. The boundaries of the land to be those defined by the accompanying tracing.
2. The price to be 5s. per acre.
3. The purchasers to construct a main line of road over the land defined, in the best direction, to form part of a road to connect Hamilton or Ngaruawahia, or both those places, at his option, with the head of the navigation of the Piako River.
4. The road to be at least 66 feet wide, and to be formed with earth, to be taken from two large deep drains, one on either side, thrown up between them.
5. The road to be properly formed and levelled, and left suitable for laying down thereon a line of iron rails when required.
6. On the completion of the road, or the expiration of three years, the purchase-money to be due, and on payment thereof the purchaser to be entitled to a grant of the land.
7. As a contribution by the Government towards the cost of the road, and the necessary surveys, drains, and works connected therewith, an allowance to be made out of the purchase-money.
8. Such an allowance not to exceed 2s. 6d. per acre, proof of expenditure to be made to the Government; and if the works cost less than 2s. 6d. per acre the purchasers are to pay the Government the difference in cash.
9. After the above allowance, the balance of the purchase-money to be paid in cash on the issue of the Crown grant.

Mr. T. RUSSELL to the Hon. Sir D. McLEAN.

(Telegram.)

Auckland, 15th April, 1873.

YOUR terms are too hard. Our heavy expenditure on roads and drains, probably £20,000, will come on within twelve months. We cannot use the land for two years, or even then. Will compromise by paying for it within two years instead of three. Reply prompt.

The Hon. Sir D. McLean, Wellington.

T. RUSSELL.

The Hon. D. McLEAN to the Hon. Dr. POLLEN.

(Telegram.)

Government Buildings, 15th April, 1873.

RUSSELL telegraphs again about swamp; says his heavy immediate expenditure is sufficient guarantee for completion of bargains. I thought matter was all settled, but will now agree, if that is only obstacle, to your proposal of giving twelve months to pay half-a-crown an acre, and to other proposals you make.

T. Russell, Esq., Auckland.

D. McLEAN.

The Hon. D. McLEAN to Mr. T. RUSSELL.

(Telegram.)

Government Buildings, 15th April, 1873.

HAVE told Pollen I agree to twelve months to pay half-a-crown an acre, and to his other proposals. Considered matter settled days ago.

T. Russell, Esq., Auckland.

D. McLEAN.

Mr. T. RUSSELL to the Hon. D. McLEAN.

(Telegram.)

Auckland, 15th April, 1873.

SWAMP.—Pollen waits reply to his telegram to you. I will not pay down 2s. 6d. per acre; my heavy immediate expenditure is sufficient guarantee for completion of bargain.

The Hon. D. McLean, Wellington.

T. RUSSELL.

The Hon. D. McLEAN to Mr. T. RUSSELL.

(Telegram.)

Wellington, 16th April, 1873.

CONSIDERING the heavy outlay you will have to make in roads and drains, I agree to accept the payment of the 2s. 6d. per acre within two years.

T. Russell, Esq., Auckland.

D. McLEAN.

The Hon. D. McLEAN to the Hon. Dr. POLLEN.

(Telegram.)

Wellington, 16th April, 1873.

T. RUSSELL considers my terms too hard. As it is probable a heavy expenditure of £20,000 will have to be made on roads and drains, I therefore agree to accept the payment of 2s. 6d. per acre within two years, and have telegraphed to him to that effect.

The Hon. D. Pollen, Auckland.

D. McLEAN.

The Hon. Dr. POLLEN to the Hon. the NATIVE MINISTER.

(Telegram.)

Auckland, 4.40 p.m., 16th April, 1873.

No. 93.—Please to direct that Russell's letters, or copies of them, and the plan sent with my letter

No. 278, of date 10th April instant, may be returned to me in order to the formal closing of the arrangement for the purpose of the swamp.

The Hon. the Native Minister, Wellington.

D. POLLEN.

The Hon. Dr. POLLEN to Mr. T. RUSSELL.

SIR,—

General Government Offices, Auckland, 17th April, 1873.

With reference to your proposals to purchase the swamp land between Hamilton and Piako within the eastern boundary of the confiscated lands, and to make a road from Hamilton to the head of the navigation on the Piako River, I have been directed by the Hon. the Native Minister to inform you that the price offered by you for the land—namely, 5s. per acre—will be accepted; that an allowance will be made to you for such amount of money not exceeding one-half of the whole purchase-money as shall have been shown to have been expended on the making of the road, and that the purchase will be required to be completed within two years from this date. The papers not being in my hands at this moment, I am not able to do more than give the basis of this agreement, leaving details for future settlement.

I have, &c.,

D. POLLEN,

General Government Agent.

Thomas Russell, Esq., Auckland.

SINCE receipt of this letter I saw Dr. Pollen; he has not embraced in this letter the conditions of my memorandum handed to him. Dr. Pollen informed me he could not do so because my memorandum was at Wellington, and he had no copy; but he would do so, and that the arrangement was concluded upon the terms contained in my memorandum, except that the time for payment of purchase money is fixed for two years, instead of three, as I proposed.

18th April, 1873.

I have, &c.,

T. RUSSELL.

THIS, as I understand it, is the proposal accepted by the Government.

18th April, 1873.

D. POLLEN, Agent.

It is understood that no land affected by this engagement is to be taken for sale by the Government if (or?) for other purposes than to satisfy engagements made for the settlement of Native claims within the block between Tamahere and the hills marked A on plan.

18th April, 1873.

D. POLLEN.

The UNDER SECRETARY, Native Office, to the Hon. Dr. POLLEN.

SIR,—

Native Office, Wellington, 18th April, 1873.

I have the honor to forward herewith, for your information, copies of correspondence and plan requested by you relating to the proposal of Mr. Thomas Russell to construct a road across the great swamp in Waikato, and to purchase the adjacent lands from the Government.

I have, &c.,

H. T. CLARKE,

Under Secretary.

The Hon. Dr. Pollen, Auckland.

#### MEMORANDUM FOR INSPECTOR OF SURVEYS.

(Enclosures.)

THE surveyed allotments on the margin of the swamp near Hamilton are clearly not included within the limits of the purchase made by Mr. Thomas Russell and his friends.

But the land is required by them for drainage purposes, and it is right that they should have at least the privilege of pre-emption.

In laying out the boundaries of the block, therefore, these allotments may be included; the price to be paid for them being left for settlement before the Crown title is given.

4th March, 1874.

D. POLLEN.

IN personal interview, Hon. Dr. Pollen confirmed my directions to the surveyor to adopt as the southern boundary the lines cut by Simpson 63° by compass from Runciman's south-east boundary, then by that boundary to the surveyed road, then by that road as surveyed, and by the production of it near the edge of the swamp till it meets the confiscated boundary.

4th March, 1874.

T. HEALE.

Mr. D. SIMPSON to Hon. F. WHITAKER.

*Drainage Works, Waikato and Piako Swamp.*

SIR,—

Hamilton, 19th April, 1874.

I forward you the plan showing the extent of drainage works laid out to date.

The drains are marked by blue lines. Nos. 1 and 2 are complete (2½ miles); Nos. 3, 4, 5, 6, 7, 8, 9 and 10 are in operation (13 miles); Nos. 11, 12, 13, 14, 15, and 16 will be let on 24th instant (11 miles). The proposed road towards the Piako has been laid out 3½ miles, and we are proceeding with the work now. If there is any point on the Piako you would prefer for a terminus let me know, and, if favourable, it can be adopted. Another main road, which would be of advantage to you, is one leading in a direct line from Hamilton towards Te Au, Waikato, which would follow the line of the Thames and Waikato Railway marked on plan.

These would be the main roads through your purchase; the other roads required to give access to farms, &c., &c., shall have my attention as the work progresses.

As soon as possible you should have your boundary defined by the Government, as a great many

lots marked on the plans are in the swamp, and will be useless for farms until drained by your works. These should for the benefit of all parties be included in your purchase. As a rule, all the allotments not taken up round the swamp are either all swamp, or not accessible until drains are cut.

The dotted portion of the confiscated line is only approximate, as alterations are taking place in the vicinity of Tawhai. It would have been much better for all parties if the line had remained as originally cut, and given the Tawhai Natives a reserve inside.

The total length of drains laid out to date is  $53\frac{1}{2}$  miles. When you can spare the plan, return it, and I will mark the works as they progress. The plan would have been sooner ready for you, only I had the misfortune to get a heavy fall, breaking two of my ribs, and it was fortunate I had the light work to do. I am now all right again, and Captain Steele has got me a horse, which will be an advantage to all parties.

Fredk. Whitaker, Esq., Auckland.

I have, &c.,

DAN. SIMPSON.

P.S.—Your boundary so far as yet decided is bordered with yellow; the lots spotted yellow ought to be included in your block.

#### MEMORANDUM.

THE sections marked with a yellow dot on Mr. Simpson's tracing seem to include all the lots lying near Mr. Russell's purchase which it would be convenient to include with it in a ring fence.

A great number of them are granted to military settlers or to purchasers. Only eleven or twelve seem to be required for drains, and pass through any part of them, or to be likely to have their value increased by the drainage operations, beyond what must always arise from extensive neighbouring improvements.

30th April, 1874.

T. HEALE.

The Hon. Dr. POLLEN to Hon. F. WHITAKER.

Mr. Whitaker,—You will find in this memorandum all the information available about the surveyed allotments adjoining the swamp. There are none of these in possession of the Government now in the market for sale.

1st May, 1874.

DANIEL POLLEN.

#### LIST OF SECTIONS.

| No.    | Schedule. | Area. |    |    | Price. | Parish.     | Remarks.   |
|--------|-----------|-------|----|----|--------|-------------|--|
|        |           | A.    | R. | P. |        |             |  |
| 167    | ...       | 50    | 0  | 0  | ...    | Taupiri ... | Granted.   |
| 141    | 2         | 200   | 0  | 0  | ...    | "           | Not improved by drainage.  |
| 144    |           |       |    |    |        |             | "  |
| 145    |           |       |    |    |        |             | "  |
| 147    |           |       |    |    |        |             | "  |
| 174    | ...       | 50    | 0  | 0  | ...    | " ...       | Awarded to ex-rebels.  |
| 116 to | 2         | 1,242 | 1  | 0  | ...    | "           | These form a compact block on the north side of the Tahua Stream, apparently not at all affected by the drainage operations. |
| 140    |           |       |    |    |        |             |  |
| 98     | 2         | 100   | 0  | 0  | ...    | "           | Military grant.  |
| 99     |           |       |    |    |        |             | "  |
| 100    |           |       |    |    |        |             | "  |
| 102    |           |       |    |    |        |             | "  |
| 104    |           |       |    |    |        |             | "  |
| 107    |           |       |    |    |        |             | "  |
| 108    |           |       |    |    |        |             | "  |
| 112    |           |       |    |    |        |             | "  |
| 101    |           |       |    |    |        |             | "  |
| 103    |           |       |    |    |        |             | "  |
| 105    | 2         | 289   | 2  | 0  | ...    | "           | Apparently dry.  |
| 106    |           |       |    |    |        |             | Not improved by drainage.  |
| 109    | 2         | 289   | 2  | 0  | ...    | "           | "  |
| 110    |           |       |    |    |        |             | "  |
| 111    |           |       |    |    |        |             | "  |
| 113    |           |       |    |    |        |             | "  |
| 82A    | 2         | 22    | 0  | 0  | ...    | " ...       | Apparently dry.  |
| 81     | ...       | 80    | 0  | 0  | ...    | "           | Military grant.  |
| 82     |           |       |    |    |        |             | Wood's purchase.   |
| 83     |           |       |    |    |        |             | Not required for drains.   |
| 83A    |           |       |    |    |        |             | "  |
| 84     | ...       | 350   | 0  | 0  | ...    | "           | Perhaps improved by drainage—swamp.  |
| 87     |           |       |    |    |        |             | "  |
| 88     |           |       |    |    |        |             | "  |
| 89     |           |       |    |    |        |             | "  |
| 90     |           |       |    |    |        |             | "  |
| 86     |           |       |    |    |        |             | 1  |
| 92     | "         |       |    |    |        |             |  |
| 93     | "         |       |    |    |        |             |  |
| 97     | ...       | 100   | 0  | 0  | ...    | "           | "  |
| 68 to  | ...       | 150   | 0  | 0  | ...    | "           | "  |
| 70     |           |       |    |    |        |             | "  |
| 175    | ...       | 38    | 0  | 0  | ...    | "           | "  |
| 176    | ...       | 11    | 0  | 0  | ...    | "           | "  |

| No.    | Schedule.                    | Area. |    |    | Price. |         |    | Parish.                             | Remarks. |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
|--------|------------------------------|-------|----|----|--------|---------|----|-------------------------------------|----------|---|---|-----|-----------|-----------------|---------------------------------------|-----|---|---|-----|---|-----------------------|
|        |                              | A.    | R. | P. | £      | s.      | d. |                                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 157    | }                            | 350   | 0  | 0  | ...    | Taupiri | }  | Perhaps improved by drainage—swamp. |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 158    |                              |       |    |    |        |         |    | Required " for drains. "            |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 164    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 170    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 171    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 172    |                              |       |    |    |        |         |    | Military grant.                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 173    |                              |       |    |    |        |         |    | Not improved by drainage.           |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 153    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 154    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 160    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 161    | }                            | 164   | 0  | 0  | ...    | "       | }  | Military grant.                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 165    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 166    |                              |       |    |    |        |         |    | Granted.                            |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 169    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 104    |                              |       |    |    |        |         |    | ...                                 | 50       | 0 | 0 | ... | Kirikiroa | Military grant. |                                       |     |   |   |     |   |                       |
| 105    |                              |       |    |    |        |         |    | ...                                 | 50       | 0 | 0 | ... | "         | "               |                                       |     |   |   |     |   |                       |
| 106    |                              |       |    |    |        |         |    | }                                   | 100      | 0 | 0 | ... | "         | }               | "                                     |     |   |   |     |   |                       |
| 107    |                              |       |    |    |        |         |    |                                     |          |   |   |     |           |                 | "                                     |     |   |   |     |   |                       |
| 108    |                              |       |    |    |        |         |    |                                     |          |   |   |     |           |                 | "                                     |     |   |   |     |   |                       |
| 109    |                              |       |    |    |        |         |    |                                     |          |   |   |     |           |                 | "                                     |     |   |   |     |   |                       |
| 109A   | "                            |       |    |    |        |         |    |                                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 110    | "                            |       |    |    |        |         |    |                                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 111    | "                            |       |    |    |        |         |    |                                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 112    | Probably wanted for a drain. |       |    |    |        |         |    |                                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 113    | "                            |       |    |    |        |         |    |                                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 115    | }                            | 960   | 0  | 0  | ...    | "       | }  |                                     |          |   |   |     |           |                 | Military grant.                       |     |   |   |     |   |                       |
| 116    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 117    |                              |       |    |    |        |         |    | Awarded to ex-rebels.               |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 118    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 119    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 120    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 121    |                              |       |    |    |        |         |    | Military grants.                    |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 124    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 125    |                              |       |    |    |        |         |    | "                                   |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 114    |                              |       |    |    |        |         |    | }                                   | 150      | 0 | 0 | ... | "         | }               | "                                     |     |   |   |     |   |                       |
| 122    | "                            |       |    |    |        |         |    |                                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 123    | "                            |       |    |    |        |         |    |                                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 202    | ...                          | 50    | 0  | 0  | ...    | "       | "  |                                     |          |   |   |     |           |                 |                                       |     |   |   |     |   |                       |
| 203 to | }                            | 300   | 0  | 0  | ...    | "       | }  |                                     |          |   |   |     |           |                 | Not required or improved by drainage. |     |   |   |     |   |                       |
| 208    |                              |       |    |    |        |         |    |                                     |          |   |   |     |           |                 | "                                     |     |   |   |     |   |                       |
| 193    |                              |       |    |    |        |         |    |                                     |          |   |   |     |           |                 | "                                     |     |   |   |     |   |                       |
| 197A   |                              |       |    |    |        |         |    |                                     |          |   |   |     |           |                 | 2                                     | 73  | 3 | 0 | ... | " | "                     |
| 194    |                              |       |    |    |        |         |    |                                     |          |   |   |     |           |                 | "                                     | 100 | 0 | 0 | ... | " | "                     |
| 197    |                              |       |    |    |        |         |    |                                     |          |   |   |     |           |                 | ...                                   | 50  | 0 | 0 | ... | " | Awarded to ex-rebels. |
| 195    |                              |       |    |    |        |         |    | ...                                 | 50       | 0 | 0 | ... | "         | "               |                                       |     |   |   |     |   |                       |
| 200    |                              |       |    |    |        |         |    | "                                   | "        | " | " | "   | "         | "               |                                       |     |   |   |     |   |                       |
| 199    |                              |       |    |    |        |         |    | }                                   | 144      | 0 | 0 | ... | "         | }               | "                                     |     |   |   |     |   |                       |
| 198    |                              |       |    |    |        |         |    |                                     |          |   |   |     |           |                 | "                                     |     |   |   |     |   |                       |

SCHEDULE.  
REGULATIONS.

1. These regulations shall come into operation on

2. The Commissioner of Confiscated Lands in the Province of Auckland shall and may sell to Thomas Russell, Esq., of Auckland, in the Province of Auckland, solicitor, the block of land specified in this Schedule, at the rate of 5s. per acre, and that the provisions of the 9th section of the regulations made by the Order in Council of the 11th May, 1871, shall not apply to the said land.

3. All that parcel of land in the Province of Auckland, containing about eighty thousand (80,000) acres, situated in the Parishes of Taupiri, Komakorau, and Kirikiriroa, Banks County, and known as the "Great Swamp," the boundaries whereof are more particularly delineated upon the plan thereof deposited in the office of the Secretary for Crown Lands, and authenticated by the signature of the Honorable the Secretary for Crown Lands.

Mr. G. M. O'Rorke,—This draft should be submitted to the Assistant Law Officer for settlement.

—C. E. HAUGHTON.—4th July, 1874.

Accordingly.—G. M. O'RORKE.—7th July, 1874.

The Under Secretary for Crown Lands,—Please inform me whether all the terms of the proposed regulations are set forth in the draft herewith.—W. S. REID.—9th July, 1874.

Hon. Dr. Pollen,—Will you please instruct me in this?—C. E. HAUGHTON.—11th July, 1874.

Hon. Secretary for Crown Lands,—What is required, I think, is only authority to sell the swamp without preliminary putting up to auction.

The facts may be recited without mention of names.

"Whereas it is desirable that the particular land should be disposed of, &c., &c."

11th July, 1874.

DANIEL POLLEN.

Mr. Haughton,—Has the road referred to in section 1 of Mr. Russell's letter of 28th February, 1873, been approved of? 2. Are the surveys made? 3. Has anything been done to acquire from the Natives the swamp beyond the confiscated boundary line?

Reply to 3.—I believe that the swamp land is being negotiated for, if not by Mr. Mackay, by Mr. Preece, on behalf of Mr. T. Russell. H. T. CLARKE.

Reply to 1.—Neither the direction of the road nor its description seems yet to have been settled.

Reply to 2.—Not yet surveyed. The regulations provide for the land to be sold without previous survey.

14th August, 1874.

H. MASTERS.

The Under Secretary for Crown Lands,—The proposed regulations do not seem to cover the arrangements for the disposal of the 80,000-acre swamp to Mr. Russell. Mr. Russell, for the 80,000 acres, offers 5s. per acre on condition that he is allowed to deduct 2s. 6d. per acre from the purchase money for the construction of a road from the Waikato to the Piako—*i.e.*, practically, he will give £10,000 for the 80,000 acres, or 2s. 6d. per acre.

The other £10,000 to be expended on the construction of the road must materially benefit the estate, as well as confer advantages on the colony in opening a connection between the Thames and Waikato.

I am not aware whether the plan of the road has been approved by Government, as proposed, or whether Mr. Russell accepted the terms offered by Government. I think the terms, or rather the regulations composing the Schedule, should be explicit on these three points:—

1. Plan of road to be approved by Government.

2. Amount of purchase money that would be allowed to be expended in improvement of estate by means of the proposed public road.

3. What amount (if any) of cash is to be paid down.

I think Mr. Masters, by carefully perusing the papers, could sketch the additional regulations that I suggest, and that they should be then submitted for Mr. Reid's revision.

I further think that advantage should be taken of Mr. Russell's proposed visit to Wellington to have this matter definitely settled.

10th August, 1874.

G. M. O'ROKKE.

Mr. J. MACKAY to the Hon. Dr. POLLEN.

SIR,—

Auckland, 23rd July, 1874.

I have the honor to inform you that Mr. Thomas Russell showed me, a few days ago, a plan of the swamp land sold to himself and others between the Waikato River and the eastern boundary of confiscated lands. I observed carefully the position of the line of road which the company have agreed to construct from Hamilton to Piako.

The line of road as drawn on the plan would be of advantage to the Hamilton settlers only, and not to those lower down the country. I would propose two lines to the Piako, and one from the Tamahere Reserve to the Mangawara Stream, in lieu thereof. The first mentioned commencing at Hamilton and going towards Te Au-o-Waikato, on the river Piako—this would be the main line from Waikato to the head of the navigation of the River Thames or Waihou. The second from Hukanui, near the Komakorau Stream, to Rauhei, and thence to the head of the navigation of the River Piako. The third commencing at a main road leading from Cambridge to Tamahere, thence northwards to the lines first and secondly described, and thence to Mangawara.

I spoke to Messrs. Russell and Steele on this subject, and they concur in my views; and as the lines proposed by me suit the drainage of the swamp better than the line contemplated by the Government, I do not anticipate any difficulty in arranging for the substitution of the three lines indicated herein for that first agreed on with the Government. I will, in my report on the Waikato district, enter more fully into this question, and on the sketch map accompanying it will show the various lines of road herein alluded to.

The occupation and drainage of this hitherto impracticable and dangerous swamp, and its intersection by roads, will render the settlers on the eastern frontier of Waikato secure, and will effectually prevent the Piako Natives from again joining the King party. It has been for years a weak point and not defensible, and one from which the Natives could at any time approach unseen the settlements at Ngaruawahia, Hamilton, and Cambridge.

I have, &c.,

JAMES MACKAY,

General Government Agent, Waikato.

The Hon. Dr. Pollen, Wellington.

For consideration of the Hon. the Native Minister,—Mr. Mackay's proposal seems to be reasonable, but would it not be advisable to ascertain the Hon. Dr. Pollen's views on the subject?—H. T. CLARKE.—13th August, 1874.

Mr. T. HEALE to the Hon. the COMMISSIONER of CONFISCATED LANDS.

SIR,—

Inspector of Surveys' Office, 7th August, 1874.

A number of roads were laid off in parts of the Komakorau Swamp merely for the purpose of giving access to the 50-acre sections intended for the military, but which were not allotted.

Now that the whole swamp with the sections has been sold to one proprietor, these lines are not only useless but mischievous, as they lead nowhere, and obstruct the proper through lines both of roads and drains.

If it can legally be done, it will be much better for the public if the Crown grant can be made out without the road lines, but with the ordinary road clause, allowing roads to be taken hereafter, as the necessity for these is developed.

I have, &c.,

T. HEALE,

The Hon. the Commissioner for Confiscated Lands.

The Assistant Law Officer,—Draft regulations herein submitted to you, in accordance with the Hon. Mr. O'Rorke's instructions.—C. E. HAUGHTON.—13th August, 1874.

Under Secretary for Crown Lands,—May I ask you to say whether I am to revise these draft regulations as are submitted? If they do not embrace all that is required to be inserted in them, perhaps you will kindly furnish me with a synopsis of the actual agreement between Mr. Russell and the Government.—W. S. REID.—20th August, 1874.

TERMS agreed on between Sir D. McLEAN and Mr. RUSSELL.

THE price to be 5s. per acre.

The purchaser to construct a main road, to form part of a road connecting Hamilton or Ngaruawahia, or both those places, at his option, with the head of the Piako.

Road to be at least 66 feet wide, and to be formed with earth to be taken from two large deep drains, one on either side, thrown up between them.

The road to be properly formed and levelled, and left suitable for laying down thereon a line of iron rails when required.

(10th April, 1873.—*Sir D. McLean telegraphs to Dr. Pollen that road should be sufficiently wide, and available for wheeled traffic.*)

On the completion of the road, or at the expiration of two years, the purchase money to be due; and on the payment thereof, the purchaser to be entitled to a grant of the land—*i.e.*, £10,000 to be paid within two years (*vide telegram 16th April, 1873*).

As a contribution by the Government towards the cost of the road and the necessary surveys, drains, &c., an allowance to be made out of the purchase money.

Such allowance not to exceed 2s. 6d. per acre; proof of expenditure to be made to Government; and if the works cost less than 2s. 6d. per acre, the purchasers are to pay the Government the difference in cash.

The agreement is thus settled between the Hon. Sir D. McLean and Mr. Russell. But the regulations to allow of its being carried out are not yet published; neither has any agreement been made which is binding in law.

Regulations are herewith, which have not been drafted in accordance with the terms come to between Sir D. McLean and Mr. Russell. Remarks are made opposite the clauses.

One question remains to be decided. Is the Government or is Mr. Russell to decide the line of road? Mr. Russell's proposal is that the line shall run from Hamilton or Ngaruawahia, or both places, at his option, and no demur has been yet made to this. Mr. James Mackay now proposes a new line. Once the above-asked question is decided, there is no further objection to publishing of the regulations.

20th August, 1874.

J. H. ST. JOHN.

Get regulations printed. Captain Heale should decide the best direction for the line of road.—D. McLEAN.—24th August, 1874.

Mr. C. E. Haughton to the Hon. the Native Minister,—There does not appear to be any *definite agreement* between the Government and Mr. Russell.

The heads of this should be settled. Mr. Reid points out the difficulty under the present circumstances of drafting regulations.

The communications between Mr. Russell and the Government are confined rather to a series of suggestions and modifications of suggestions.

The question of the character of the road, *e.g.*, is left unsettled.

20th August, 1874.

C. E. HAUGHTON.

Mr. Reid to Mr. Haughton,—I have revised draft of the regulations for the sale of the block of confiscated lands at the Komakorau Swamp to Mr. Thomas Russell.

The regulations are intended to be special, and only applicable to this particular block of land.

A fair copy of these should be made, and, if approved by the Government, I presume a copy of them will be sent to Mr. Russell.

There are many minor points which will require to be settled, such as the plan and its approval, &c., &c.

I have assumed that Mr. Russell is to survey the land at his own cost.

9th October, 1874.

W. S. REID.

Mr. C. E. Haughton to Colonel St. John,—Draft regulations herewith for approval of the Native Minister.—C. E. HAUGHTON.—15th October, 1874.

[Mr. Masters's draft in roman character, and amendments by Mr. Reid in italic and erasure.]

1. These regulations shall come into operation, *and they shall apply only to the block of land herein-after more particularly mentioned, that is to say,*

2. ~~These regulations shall apply to a block~~ *All that block* of confiscated land in the Province of Auckland containing about 80,000 acres, situated in the Parishes of Taupiri, Komakorau, and Kirikiriroa, Banks County, and known as the "Great Swamp," the boundaries whereof are more particularly delineated upon the plan thereof deposited in the office of the Secretary for Crown Lands, and authenticated by the signature of the Honorable the Secretary for Crown Lands.

2. *The said land shall, before the same is granted under the authority of these regulations, be accurately surveyed by and at the expense of the purchaser.*

2a. ~~The 9th section of the Confiscated Land Regulations of the 11th of May, 1871, shall not apply to this land.~~

3. The Commissioner for Confiscated Lands in the Province of Auckland may sell the said land to Thomas Russell, of the City of Auckland, Esquire, &c., hereinafter called the "purchaser," by private contract, at the price hereinafter mentioned, such sale being made on condition that the purchaser shall construct a road across the said land from \_\_\_\_\_ to \_\_\_\_\_ according to a the plan and specification which of which shall be submitted by the purchaser to Government for the approval of the Secretary for Crown Lands.

~~The period for the making of the road shall be.~~

~~The price for the making of the road shall be at~~

~~The price to be paid for the land shall be 5s. per acre, and such price shall be paid on completion of the said road in manner aforesaid, and if the road be not so completed at the expiration of a period of two years from the date fixed for the coming into operation of these regulations the rate of 2s. 6d. per acre and shall be then the said price shall be paid at the expiration of the said period. made in~~

4a. ~~payments of~~ The purchase money shall be paid to the Receiver of Land Revenue of the said Province, or such officer as the Secretary for Crown Lands shall appoint for the purpose, and the Provided that the said road shall be made and completed as hereinbefore provided, then it shall be lawful for such Receiver of ~~period for payment shall extend to~~ Land Revenue or other officer as aforesaid (but only with the approval of the Secretary for Crown Lands) to allow a deduction to be made ~~two years from from the said~~ purchase money at the rate of 2s. 6d. per acre, such deduction to be allowed in consideration of the expense of surveying the said land, the cost of making and constructing the said road, and other incidental expenses of carrying out the terms of these regulations: Provided also that the deduction thereby authorized shall be subject to the terms of the next succeeding regulation.

5. The purchaser shall from time to time render to the Secretary for Crown Lands an account of the expenditure ~~on the~~ incurred in the survey of the said land and of making and constructing ~~of the said road at in manner herein provided;~~ and on completion thereof, if it shall be found that the total cost is less than a sum equivalent to 2s. 6d. per acre, ~~the purchase money then such deduction shall only be allowed in respect the purchaser shall refund to of the amount of such total cost. the Government the amount of the difference.~~

6. The said road shall be of the width of sixty-six feet at the least, and shall be formed and completed in the manner and in accordance with ~~as shown~~ the plan and specifications thereof deposited in the office of the Secretary for Crown Lands at Wellington.

7. When the road is completed it shall be examined by a competent person to be appointed by the ~~Commissioner~~ Secretary for Crown Lands, and if such person shall report that the same is constructed in accordance with the said plans and specifications, and the report is approved by the Secretary of Crown Lands, a Crown grant of the said land ~~in favour of the purchaser shall be issued to the purchaser made.~~

8. ~~Provided that~~ The said grant shall contain a provision that the Governor may take lines of road, &c., at a rate of five acres in every one hundred acres, &c. (usual clause as in former regulations, with addition that "road" shall include a railway or tramway.) (See Gazette of 1874, page 188.) ~~Anything contained in the regulations of the 19th February, 1874, to the contrary notwithstanding.~~

Mr. Haughton.—Fair copy of regulations herewith.—O. W.—15th October, 1874.

1. These regulations shall come into operation, and they shall apply only to the block of land hereinafter more particularly mentioned—that is to say, all that block of confiscated land in the Province of Auckland, containing about 80,000 acres, situated in the parishes of Taupiri, Komakorau, and Kirikiriroa, Banks County, and known as the "Great Swamp," the boundaries whereof are more particularly delineated upon the plan thereof deposited in the office of the Secretary for Crown Lands, and authenticated by the signature of the Hon. the Secretary for Crown Lands.

2. The said land shall, before the same is granted under the authority of these regulations, be accurately surveyed by and at the expense of the purchaser.

3. The Commissioner for confiscated lands in the Province of Auckland may sell the said land to Thomas Russell, of the City of Auckland, Esquire (hereinafter called the purchaser), by private contract, at the price hereinafter mentioned; such sale being made on condition that the purchaser shall construct a road across the said land from \_\_\_\_\_ to \_\_\_\_\_, according to a plan and specification which shall be submitted by the purchaser to Government for the approval of the Secretary for Crown Lands.

4. The price to be paid for the said land shall be 5s. per acre, and such price shall be paid on completion of the said road in manner aforesaid; and if the said road be not completed at the expiration of a period of two years from the date fixed for the coming into operation of these regulations, then the said price shall be paid at the expiration of the said period.

4a. The purchase money shall be paid to the Receiver of Land Revenue in the said province, or such other officer as the Secretary for Crown Lands shall appoint for that purpose: Provided that if the said road shall be made and completed as hereinbefore provided, then it shall be lawful for such Receiver of Land Revenue, or other officer as aforesaid (but only with the approval of the Secretary for Crown Lands), to allow a deduction to be made from the same purchase money at the rate of 2s. 6d. per acre; such deduction to be allowed in consideration of the expense of surveying the said land, the cost of making and constructing the said road, and other incidental expenses of carrying out the terms of these regulations: Provided also that the deduction hereby authorized shall be subject to the terms of the next-succeeding regulation.

5. The purchaser shall from time to time render to the Secretary for Crown Lands an account of the expenditure incurred in the survey of the said land, and of making and constructing the said road in manner herein provided, and on completion thereof, if it shall be found that the total cost is less

than a sum equivalent to 2s. 6d. per acre, then such deduction shall only be allowed in respect of the amount of such total cost.

6. The said road shall be of the width of 66 feet at the least, and shall be formed and completed in the manner in accordance with the plan and specification thereof deposited in the office of the Secretary for Crown Lands at Wellington.

7. When the road is completed it shall be examined by a competent person appointed by the Secretary for Crown Lands, and if such person shall report that the same is constructed in accordance with the said plan and specification, and the report is approved by the Secretary for Crown Lands, a Crown grant of the said land shall be issued to the purchaser.

8. The said grant shall contain a provision that there shall be reserved to the Governor, on behalf of Her Majesty the Queen, her heirs and successors, the right at any time within ten years from the date of the grant to take and lay off for public purposes one or more line or lines of road through the lands comprised therein, but so that the total quantity of land which may be taken for such line or lines of road shall not be more than after the rate of five acres for every one hundred acres :

Provided that the term "road" shall extend to and include any land required by the Governor on behalf of Her Majesty the Queen, her heirs and successors, for a railway, tramway, bridge, or other public work of a like nature :

Provided also that it shall be lawful for the Governor at any time, by indorsement on the grant, or on a subsequent instrument of disposition, or by separate deed, to release any such right, and to discharge the land comprised therein from the said liability ; and nothing herein contained shall authorize the taking of any lands which shall be occupied by any buildings, gardens, orchards, plantations, or ornamental grounds.

#### PIAKO AND WAIKATO SWAMP.

##### *Extract from Specifications.*

THE whole of the roadway between the drains shall be cleared, and any ti-tree or scrub shall be placed crossways on the centre of the roadway, and covered.

The whole of the material taken out of both drains shall be spread, 30 feet wide, on the centre of the roadway, to be 6 inches deep at the sides, and as deep as the material will allow in the centre.

Where the material taken out of the drains is clay, gravel, sand, or earth, it shall be spread on the top of the roadway 14 feet wide in the position shown on plan.

17th November, 1874.

DANIEL SIMPSON,  
Engineer.

This will never be serviceable as a road until thoroughly fascined, the fascines well covered with peat, and that topped up with 9 inches of gravel. No doubt it will be easier and better to do this after the drains are cut and the light formation made as proposed. In any case, the drains will require to be re-cut, as they are certain to close both in width and depth. There is no ti-tree in the middle of the swamp.

The road shown by double lines appeared to me wholly unsatisfactory both for the purchasers and the public. I urged verbally the oblique line shown in double dotted lines. Ultimately I understand that Mr. Whitaker consents to make a road nearly as shown by the red line (drawn by him).

January, 1875.

T. HEALE.

#### MEMORANDA OF ARRANGEMENTS as to WAIKATO SWAMP.

THE whole of the land comprised within the red lines to be granted according to the terms of the original agreement, except such portions as may be required for a reserve for the Natives at Tauhei.

In exchange for their reserve, the intended grantees to be granted land of equal value, or a remission of purchase of that value.

All the allotments in the First Schedule to be granted to the intended grantees, for which they are to be charged after the rate of 5s. an acre.

All the allotments in the Second Schedule to be granted to the intended grantees, for which they are to be charged at the rate of 10s. an acre.

So much of the land marked AA, and bordered yellow on the plan furnished by the Inspector of Surveys, to be granted to the grantees (subject to the original agreements), as is now the property of the Government, unaffected by any engagements made by the Government with the Natives, and so much of the land affected by those engagements as the Natives are willing to give up for a reasonable money consideration.

The grant to be made by the Government as soon as they can complete a plan sufficient for the Crown grant.

If there be any of the allotments mentioned in either the First or Second Schedule already disposed of by the Government, such allotments to be omitted ; and if there be any adjoining lots not included in those Schedules not disposed of by the Government, those allotments to be added to one or other Schedule, as the case may be.

The Natives of Tauhei, having permission from the Government to occupy the Tauhei reserves, the same shall be granted to the grantees in lieu of the land in exchange, or remission of purchase money, if arrangements can be made to give the Natives other land in exchange, or the said Natives are willing to accept a reasonable money consideration.

Auckland, 27th February, 1875.

FREDK. WHITAKER.

#### FIRST SCHEDULE.

Komakorau, Lots No. 86, 92, 174.

Kirikiriroa, Lots No. 108, 109, 109a, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 124, 125, 114, 122, 123.

FREDK. WHITAKER.



## SECOND SCHEDULE.

Komakorau, Lots No. 68, 69, 70, 71, 175, 176, 153, 154, 160, 161, 165, 166, 169, 141, 144, 145, 147, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 101, 105, 106, 109, 110, 111, 113.

Kirikiri-roa, Lots No. 106, 107, 203, 204, 205, 206, 207, 208, 193, 195, 197A.

FREDK. WHITAKER.

## COPY of LAST AGREEMENT about GREAT SWAMP, Waikato.

*Memorandum of Arrangements as to Waikato Swamp.*

THE whole of the land comprised within the red lines to be granted according to the terms of the original agreement, except such portions as may be required for a reserve for the Natives at Tauhei.

In exchange for their reserve the intended grantees to be granted land of equal value, or a remission of purchase of that value.

All the allotments in the First Schedule to be granted to the intended grantees, for which they are charged after the rate of five shillings an acre.

All the allotments in the Second Schedule to be granted to the intended grantees, for which they are to be charged at the rate of ten shillings an acre.

So much of the land marked AA, and bordered yellow on the plan furnished by the Inspector of Surveys, to be granted to the grantees (subject to the original agreements), as is now the property of the Government, unaffected by any engagements made by the Government with the Natives, and so much of the land affected by those engagements as the Natives are willing to give up for a reasonable money consideration.

The grants to be made by the Government as soon as they can complete a plan sufficient for the Crown grant.

If there be any of the allotments mentioned in either the First or Second Schedule already disposed of by the Government, such allotments to be omitted; and if there are any adjoining lots not included in those schedules not disposed of by the Government, those allotments to be added to one or other Schedule, as the case may be.

The Natives of Tauhei having permission from the Government to occupy the Tauhei Reserves, the same shall be granted to the grantees in lieu of the land in exchange or remission of purchase money, if arrangements can be made to give the Natives other land in exchange, or the said Natives are willing to accept a reasonable money consideration.

Auckland, 27th February, 1875.

DANIEL POLLEN.

## FIRST SCHEDULE.

Komakorau, Lots Nos. 86, 92, and 174.

Kirikiri-roa, Lots Nos. 108, 109, 109A, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 124, 125, 114, 122, and 123.

DANIEL POLLEN.

## SECOND SCHEDULE.

Komakorau, Lots Nos. 68, 69, 70, 71, 175, 176, 153, 154, 160, 161, 165, 166, 169, 141, 144, 145, 147, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 101, 105, 106, 109, 110, 111, and 113.

Kirikiri-roa, Lots Nos. 106, 107, 203, 204, 205, 206, 207, 208, 193, 195, and 197A.

DANIEL POLLEN.

Lots adjoining the swamp purchase not included in Schedules 1 and 2, and not disposed of by the Government:—

Parish of Taupiri: Lot 71, 50 acres; Lot 142, 50 acres; Lot 143, 50 acres; Lot 152, 20 acres 2 roods 20 perches; Lot 155, 14 acres 3 roods; Lot 156, 9 acres 3 roods; Lot 159, 9 acres; Lot 162, 11 acres 3 roods; Lot 163, 19 acres; Lot 174A, 4 acres; Lot 337, 71 acres 2 roods; Lot 338, 17 acres; Lot 339, 20 acres 2 roods.

Memo. for the Inspector of Surveys.—Mr. Whitaker has reported acceptance of the 13 allotments mentioned in your Schedule of yesterday's date.

A. SINCLAIR.

MEMO.—Subsequently to my letter of the 23rd of July, 1874, Mr. Russell was requested by the Hon. Dr. Pollen to confer with the Inspector of Surveys and myself. We accordingly met in Mr. Heale's office. It was then finally arranged that two lines of road should be made instead of one. First of these to commence at Hamilton, and run to confiscated boundary on the main line of communication from Waikato to the head of the Thames River navigation. Second to commence near Hukanui, thence *via* Tauhei settlement to the head of the Piako navigation at Maukoro. This should be borne in mind in drafting the regulations. A third road joining the two first-mentioned has now been laid off by the surveyor.

17th August, 1875.

JAMES MACKAY.

Major GREEN to the Hon. Sir DONALD McLEAN.

SIR,— General Government Offices, Auckland, 16th August, 1875.

In compliance of telegram of this morning from Hon. Dr. Pollen, I have the honor herewith to forward copies of the only entries in the books of this office on the subject of Mr. Russell's purchase of the great swamps, and also records from the Inspector of Survey's department as follows:—

1. Simpson's letter of 19th April, 1874, to Whitaker, demanding certain sections.
2. Schedule of above, showing that many are granted and others not necessary.
3. Tracings to accompany memo. on roads.
4. Tracing from Simpson of proposed road formation with description.

5. Memo. of agreement, original, signed by Whitaker to take sections in Schedules 1 and 2 at 10s. and 5s.  
 6. List of 13 sections to be added to Schedules with areas.  
 7. Copy of tracings of swamp.

I have, &amp;c.,

E. L. GREEN,

For General Government Agent.

The Hon. Sir Donald McLean, K.C.M.G.

MEMORANDUM from the HON. NATIVE MINISTER to HON. DR. POLLEN.

*Forwarding proposals from Mr. T. Russell relative to construction of a road across the great swamp from Hamilton to head of Piako River.*

General Government Agent's Office, Auckland, 17th March, 1873.

WITH reference to the accompanying proposals, I shall be glad if Captain Heale and you will inform me as to the following points:—

1. What is the average value per acre of the block?
2. What would be a fair estimate of the cost of making the proposed road, so that it shall be fit for wheeled carriages?
3. Generally any suggestions you may think desirable to give on the subject.

DONALD MCLEAN.

Auckland, 22nd March, 1873.

THE making this road involves the main drainage works of the great swamp, since it is only by the effectual un-watering of it that the road would be practicable, the side drains of the road being probably a leading part of the system of drainage.

It is impossible to make any reliable estimate of the cost of such works, or even to assert their practicability, without some explanation, and the taking of flying levels over the whole swamp. Upon the information thus derived, and the conclusion as to its drainability to be deduced therefrom, a fair estimate of the value of the land itself can only be made. These are Mr. Heale's views, and have my complete concurrence.

DANIEL POLLEN,  
General Government Agent.

MEMORANDUM for the Hon. Mr. VOGEL.

MR. HEALE says that the exploration of the great swamp and the taking of flying levels over it will occupy one month at least. Mr. Russell, I understand, presses for an immediate answer to his proposal. It is to be regretted, I think, that the necessary information is not available upon which to make a fair valuation of the land, so that on the one hand the enterprise of the projectors might receive due encouragement, and the interest of the public at the same time cared for.

Under the circumstances, however, I think the land might be offered at 5s. per acre, with the understanding that the Government will contribute at the rate of 2s. 6d. per acre towards the cost of making a road or a light railway from Hamilton to the head of the navigation on the Piako, a distance of about twenty-five miles, over an apparently level country.

This line of communication is of very great importance; it may indeed be regarded as the certain outlet of the Waikato country, and the best approach to the Thames and Auckland.

DANIEL POLLEN,  
General Government Agent.

28th March, 1873.

Mr. H. T. CLARKE to the HON. the NATIVE MINISTER.

MR. WHITAKER has called at this office several times with a view to come to some definite settlement in regard to the block of swamp land agreed to be sold under the arrangement of the 27th February, 1875, made by the representatives of the company with the Hon. Dr. Pollen.

I have consulted with Mr. Marshall on the subject, and we are both agreed that it would not be advisable to hand over any of the land south of the red line indicated thus - - - on the tracing hereto attached. It is quite possible that the land to the south of that line may not be required by the Natives, but the Government should not be placed in the false position of not having land should it be applied for by the Natives. I therefore recommend that the land north of the line above mentioned be handed over to the company.

18th May, 1876.

H. T. CLARKE.

I concur.—DONALD MCLEAN.

Mr. HEALE to the HON. the NATIVE MINISTER.

SIR,—

Inspector of Surveys' Office, 2nd June, 1876.

The map of Hungahunga claim was sent to the Native Land Court for adjudication at Cambridge, and has not yet been returned.

It had on it a number of subdivisions which the Court has largely altered, and they have now to be marked on the ground and delineated on the map. I am this day completing the map of the Piako Swamp, purchased by Mr. Russell and others. The roads, the necessity of which for the public convenience was the great object to be looked for in making the sale of this land, are, as I now understand from Mr. Sinclair, in a state of completion, and the advantage to the whole Waikato District to be derived from these is certainly a full compensation for the price of this deep and hitherto impassable swamp, which has not only intercepted communication between Central Waikato and the Upper Thames country, but which for years made even the making a survey line across it impracticable.

The drainage operations prove that the conviction previously entertained, that they could only be undertaken as a whole, and by extensive works, was perfectly well founded; and had the engineering

survey at one time proposed been made, no new facts whatever would have been brought to light, nor anything to vary the conclusions come to.

The Hon. the Native Minister.

I have, &c.,  
T. HEALE.

The Hon. Dr. POLLEN to Major GREEN.

(Telegram.)

Government Buildings, 13th June, 1876.

PLEASE receive thirteen thousand one hundred and thirty-two pounds three shillings and ninepence from Mr. Thos. Russell, per New Zealand Loan and Mercantile Agency Company (Limited), on account of Piako Swamp Block, containing 83,325 acres 2 roods 20 perches. Telegraph when received.  
Major Green, Receiver of Land Revenue, Auckland.

DANIEL POLLEN.

Major GREEN to the Hon. Dr. POLLEN.

(Telegram.)

Auckland, 14th June, 1876.

MONEY paid to Public Account this day.

EDWARD L. GREEN,  
For General Government Agent.

The Hon. Dr. Pollen, Wellington.

Mr. HEALE to the Hon. the NATIVE MINISTER.

SIR,—

Inspector of Surveys' Office, 23rd June 1876.

I have the honor to enclose a plan of the north boundary of the Piako Swamp Block, as now surveyed and admitted by the Natives.

It will be seen that this reduces the area of the block by 823 acres, leaving the net area 86,502 acres.

I have, &c.,

The Hon. the Native Minister, Wellington.

THOS. HEALE.

Mr. C. E. HAUGHTON to the COMMISSIONER of CONFISCATED LANDS.

(Telegram.)

Government Buildings, 11th July, 1876.

PIAKO grant urgently required. Hon. Secretary for Crown Lands wishes to know when it will be sent to this office for execution. It must be sent through the Commissioner for Crown Lands.

The Commissioner for Confiscated Lands, Auckland.

C. E. HAUGHTON.

Mr. SINCLAIR to Mr. C. E. HAUGHTON.

(Telegram.)

Auckland, 12th July, 1876.

PIAKO grant in quadruplicate will be ready to-morrow morning. I shall see Mr. Tole, and have it sent by mail on Friday morning. The area is now reduced to 86,502 acres. The area mentioned in *Gazette* of 12th June last is 83,325 acres 2 roods 30 perches, 4,000 acres less than the original area.

The Under Secretary for Crown Lands, Wellington.

A. SINCLAIR.

Mr. C. E. HAUGHTON to Mr. SINCLAIR.

(Telegram.)

Government Buildings, 12th July, 1876.

I do not understand latter part of your telegram *re* Piako grant. Please repeat from the words "the area," giving the numbers in words instead of figures.

The Commissioner of Confiscated Lands, Auckland.

C. E. HAUGHTON.

Mr. SINCLAIR to Mr. C. E. HAUGHTON.

(Telegram.)

Auckland, 13th July, 1876.

THE area sold is eighty-seven thousand three hundred and twenty-five acres two roods and twenty perches. The area on plan now furnished by Inspector of Surveys for grant gives only eighty-six thousand five hundred and two acres. The area in *Gazette* is eighty-three thousand three hundred and twenty five acres two roods and twenty perches.

The Under Secretary for Crown Lands, Wellington.

A. SINCLAIR.

Mr. D. A. TOLE to Mr. SINCLAIR.

SIR,—

Crown Lands Office, Auckland, 13th July, 1876.

I have the honor to forward herewith, for the signature of His Excellency the Governor, a draft Crown grant, in favour of the New Zealand Loan and Mercantile Agency Company (Limited), of the Swamp Block, Waikato, Banks County.

I have, &c.,

D. A. TOLE,

The Under Secretary for Crown Lands, Wellington.

Commissioner of Crown Lands.

MEMORANDUM for the SOLICITOR-GENERAL.

UNDER the Order in Council of 12th June, 1876, providing for the sale of the Piako Swamp, will it be competent to the Governor to grant to the purchasers a less area than that described in the Order in Council?

H. A. ATKINSON.

MEMORANDUM for the Hon. the SECRETARY for CROWN LANDS.

If the purchaser is willing to take less area than that mentioned in the Order in Council, I see no objection to the grant being made accordingly; but, as the price fixed by the Order in Council is a stated lump sum, I do not think that a proportionate reduction in price can be made. Indeed, the purchaser must distinctly consent to take the lesser area in lieu of the whole area mentioned in the Order in Council, and should give an undertaking that he will not call upon the Crown to fulfil the contract in respect of the difference in area.

18th July, 1876.

W. S. REID.

On behalf of the purchaser, I agree to the above terms, and undertake accordingly.

19th July, 1876.

FRED. WHITAKER.

MEMORANDUM for the SOLICITOR-GENERAL *re* Piako Swamp Grant.

Secretary for Crown Lands' Office, 19th July, 1876.

HON. MAJOR ATKINSON requests your opinion upon the following circumstance in connection with the Order in Council authorizing the sale of the land:—In the printed copy of the order submitted to His Excellency a literal error occurred, the area of the block appearing as 83,000 acres odd, instead of 87,000 acres; this His Excellency corrected before initialing the Schedule, but in the *Gazette* notice published the error was not corrected. Is a *Gazette* notice making the correction necessary?

C. E. HAUGHTON.

## MEMORANDUM for the UNDER SECRETARY for CROWN LANDS.

THE Order in Council should have been correctly published, and, if so desired, a notice correcting the error can be inserted in the *Gazette*. At the same time the original Order in Council is not invalidated by reason of the error contained in the published notice, and such a notice would be sufficient to make it clear.

19th July, 1876.

W. S. REID.

MEMORANDUM for Mr. HAUGHTON *re* Piako Swamp Grant.

Secretary for Crown Lands' Office, 20th July, 1876.

I HAVE examined the Piako Swamp grant, comparing plan with plan, and description with plan, and have made it correct. I have also compared the Schedule to the Order in Council with the grant, and find that they agree, with the exception of a few minor discrepancies in the former, and the alteration in boundaries caused by the taking out a block of 823 acres for the Natives.

I would draw your attention to the circumstance that the terms of the original Order in Council make it imperative on the Secretary for Crown Lands to sell the land described in the Schedule thereto, the precise area of which is stated—viz., 87,325 acres; but the area of the grant about to be issued is less by 823 acres. Is it then necessary, in order to avoid any possible future claim, that the Order in Council should be re-issued, corrected to agree with grant?

GEO. FANNIN.

## MEMORANDUM for the UNDER SECRETARY for PUBLIC WORKS.

Secretary for Crown Lands' Office, 10th March, 1877.

AFTER looking over the papers in this office connected with the Piako Swamp, I think I can now explain to you how the matter stands so far as relates to the requisition made by the Chairman of the Waikato County Council for £1,000. This sum is wanted for the purpose of making approaches to the two ends of the road already made by the Piako Swamp Company. The sum of £1,100 appears to have been appropriated as a provincial liability on account of the unexpended balance remaining upon the whole amount to which the company was entitled upon account of its road-making operations, under its agreement with the Government. But it does not seem certain that this sum is available for the purpose, and it appears to be more than is due to the company under their agreement. They were to have the land at 5s. an acre, out of which 2s. 6d. an acre was to be remitted to them for road-making, if done to that amount.

Mr. Sinclair's statement shows that the amount which was to be allowed the company for road-making was £10,310 8s. 5d., and after deducting from this the sum which they were estimated to have spent in road-making at the time of the Order in Council granting them the land—viz., £9,377 2s. 7d.—an unexpended balance remains of £933 5s. 10d. But there is a mistake in the Order in Council which ought to be noticed. The purchase money being £22,529 6s. 4d., out of which an allowance is made for road-making of £9,377 2s. 7d., the balance to be paid in cash was £13,152 3s. 9d., as stated in the *Gazette*. I find a telegram from the Hon. Dr. Pollen, of 13th June, 1876, authorizing the Receiver of Land Revenue, Auckland, to receive the smaller sum, and a reply from that officer that the money had been paid.

If, therefore, the amount paid in cash on the purchase was less by £20 than it ought to have been, that amount should be added to the sum already allowed them for road-making, thus reducing the unexpended balance from £933 5s. 10d. to £913 5s. 10d.

Information as to the amount actually paid could be obtained from the Treasury. If the sum paid was £13,152 3s. 9d., then the balance now available for road-making is £933 5s. 10d.; if £13,132 3s. 9d., the balance is £913 5s. 10d.

I cannot say how far the fact of £1,100 being scheduled as a provincial liability would justify the view that that sum is actually available, but it seems to be in excess of what is authorized by the merits of the case.

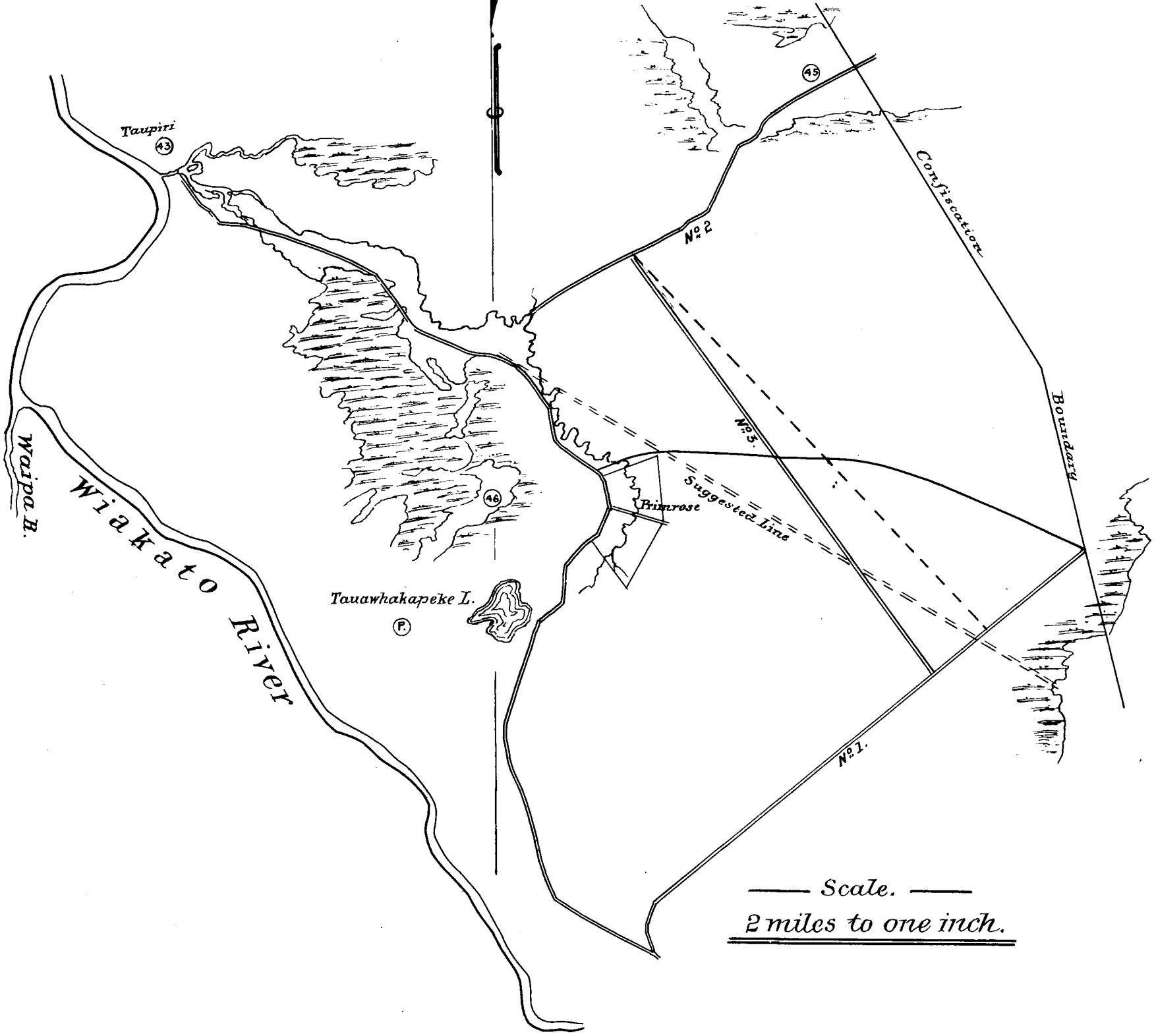
I assume you only want data to go upon, and that it belongs to your office to deal with the requisition for money for road-making.

I hope what I have supplied will be sufficient for your purpose.

J. GILES.

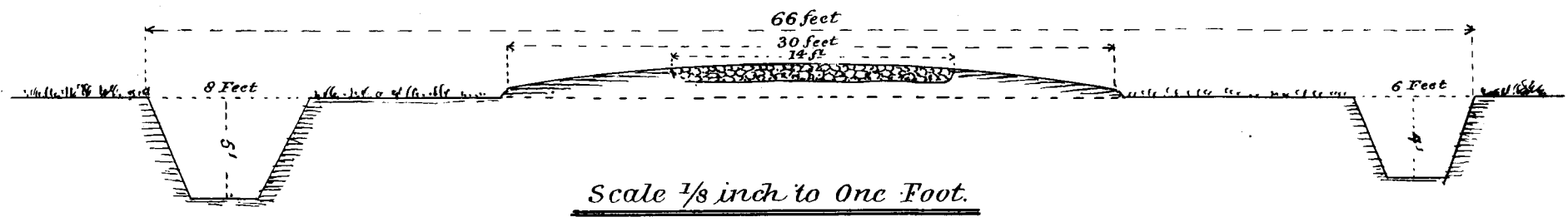
| <i>The Piako Swamp Purchase.</i>        |     |             |     |             |
|---|-----|-------------|-----|-------------|
| To amount of purchase money             | ... | ...         | ... | £22,529 6 4 |
| By Cash paid to Public Account          | ... | ...         | ... | £13,152 3 9 |
| By Allowance for Roads as per agreement | ... | £10,310 8 5 | ... |             |
| Less paid to Waikato County Council     | ... | 933 5 10    | ... |             |
| Amount expended on road by purchasers   |     |             |     | 9,377 2 7   |
|   |     |             |     | £22,529 6 4 |

# PLAN OF ROADS THROUGH PIAKO & WAIKATO SWAMP.



Scale.  
2 miles to one inch.

## SECTION AS FORMED



Scale  $\frac{1}{8}$  inch to One Foot.

