

carefully searched, but they are entirely silent upon the subject. It is hardly credible that, if such a promise had been made by the Native Minister, involving remuneration of many times greater value than the specified salary attached to the office, there should be absolutely not a single word in any official document to show it.

Major Brown has, however, adduced letters from several persons (some of them in the employment of the Government), in which they state that they had heard that such a promise had been made to Major Brown. But in every case (except one, and that one of no weight, *see* Mr. Sherwood's letter appended, and note thereon) the witnesses heard of the fact only from Major Brown's own mouth, and not from that of Sir Donald McLean, or of any person who had any official or personal knowledge of it. These letters, which are of the loosest possible hearsay character, are appended.

But supposing that this testimony were of any intrinsic value, which it certainly is not, it proves too much for Major Brown's case. His own assertion is that Sir D. McLean's promise to give him the 1,000 acres was conditional, "on the peaceful completion of his work, that is to say, the survey of the Waimate Plains." He told Major Stapp that it was contingent "on his succeeding in acquiring the Waimate Plains in a peaceable manner, *i.e.*, without causing war." Mr. Duthie says, that Major Brown told him that Sir D. McLean had "promised him some land on the Waimate Plains on the acquiring of those plains." Mr. Whitecombe's statement is, that Major Brown told him that he had the promise of Sir D. McLean that "in the event of his (Major Brown) acquiring the Waimate Plains a claim of his would be recognized, the Minister promising him a block of land there."

This condition, on which even according to Major Brown's own showing the promise depended, was never fulfilled by him. He never did complete the surveys, nor peaceably or otherwise acquire the Plains. On the contrary, the West Coast Commissioners appointed in 1879, in their second report (G.-2, 1880: Second Report, Section VI., p. xxix.), declare their conviction that the failure to survey the Plains and to obtain peaceable possession of them was caused mainly, if not entirely, by a grave error on Major Brown's part in neglecting to make reserves for the Natives, which resulted in the stoppage of the surveys, and the necessity of their being completed, not by Major Brown, but under the protection of an armed force of many hundred men, maintained on the Plains at a great cost for more than two years. Major Brown, in his evidence before the Commissioners (G.-2, 1880. Evidence: Qs. 679, 681-684), as officer in charge of Native Affairs for the district, admits the fact that the non-arrangement of the reserves by himself was the cause of the surveyors being ejected. Nor can the fact be left out of sight that, during his attempt to obtain the Plains, he threw away the sum of £8,800 of public money, without receiving, according to his own admission, the smallest advantage by it. (Evidence: Qs. 1068-1076.) A great part of this expenditure appears to have been entirely unjustified by the instructions held by Major Brown from the Native Minister;* and the manner in which some portions of it were manipulated in the financial accounts of his department on his personal recommendation to the Native Minister, Mr. Sheehan, was such as certainly to disentitle him to any favourable consideration at the hands of the Government.

On the grounds, then, that if any promises were made by the Natives, they were void *ab initio*; that there is no evidence whatever of such promises being recognized or confirmed by the Native Minister beyond Major Brown's own assertion: and that if such recognition or confirmation was given, it was conditional, and the conditions were never fulfilled, I arrive at the conclusion that the Government cannot be recommended to admit the claim made by Major Brown.

WILLIAM FOX,

West Coast Commissioner.

West Coast Commission Office, Hawera, 22nd April, 1881.

Sub-Enclosure 1 to Enclosure in No. 4.

LETTER from Major BROWN to Hon. J SHEEHAN, Native Minister.

SIR,—

Hawera, 21st August, 1878.

The time now appears approaching when my work will be completed—namely, the survey of the Waimate Plains. It is now nearly ten years since I placed my services in Native matters unofficially at the service of the Government, as will be seen by the enclosed note from the late Sir D. McLean, accepting them, and stating what has ever since been the understanding, that "I should express my own views without committing the Government," until you determined it by assuming the responsibility, on behalf of the Government, of the course that I have been pursuing.

About the year 1873 or 1874, Sir D. McLean informed me that he would recognize my claim, that was admitted by the Natives, to about 1,000 acres of land on the Waimate Plains, if I would assist Mr. Parris, the then Civil Commissioner, in settling the confiscation question there. I offered my services to Mr. Parris, but his reply was that the time had not arrived for dealing successfully with the question.

In 1875, Sir D. McLean sent for me to Wellington, and offered me the appointment of Civil Commissioner, just resigned by Mr. Parris. This I accepted conditionally, that I should do the work in my own way (without committing the Government), and that my claim to 1,000 acres on the Plains should be given effect to on the peaceful completion of my work—that is to say, the survey of the Waimate Plains. The limit of compensation that I was not to exceed, for confiscated land, being fixed at 2s. 6d. an acre, which was afterwards raised to 5s. an acre in respect of the Waimate Plains (letter of Sir D. McLean, dated 12th April, 1876), an amount which I do not think it will be necessary to give.

My object, since my appointment, has naturally been to settle peacefully the question of the survey

* NOTE.—The payment of *takoha* was authorized by Sir D. McLean to be made to the Natives in sums proportioned to ascertained quantities of land "relinquished by them." (*Vide* instructions of 12th April, 1876). Major Brown used it as mere black-mail in arbitrary payments to some of the chiefs, proportioned to nothing but their appetites for *utu*, and, in return for which, they did not "relinquish" a single acre of land. And he admits that the black mail was absolutely thrown away, and did not even keep the mailers quiet. (G.-2, 1880. Evidence: Qs. 1075, 1076).