

1881.
NEW ZEALAND.

NGATIKAUWHATA CLAIMS COMMISSION

(CORRESPONDENCE RELATING TO THE).

[In continuation of G.-2A., 1881.]

Laid upon the Table by the Hon. Mr. Rolleston, with leave of the House.

No. 1.

Mr. A. McDONALD to the UNDER-SECRETARY, Native Office.

SIR,—

Awahuri, 21st May, 1881.

I did not receive your letter of the 14th April, covering copy of extract from the report of the Royal Commissioners on the claims of Ngatikauwhata in Waikato, until yesterday, on my return from Auckland. As regards the opinion expressed in this extract, it seems to me to be based upon anything rather than upon the evidence given before the Commission. So far as my notes of the evidence go, they seem to be conclusive that the petitioners are, "according to Maori custom," entitled to an interest in the land in question. And I have the assurance of the chiefs and tribes of Waikato, that in their view they (the petitioners) are so entitled. But, unless I am permitted to see or hear the argument by which the Royal Commissioners connect their opinion with the evidence, upon which I presume it is supposed to be based, I would not, I think, be justified in saying that I regard the opinion itself as worthless. I do, however, ask the Government to pause before it accepts the expressed opinion of the Commissioners as conclusive, and I also ask to be supplied with a copy of the report. I feel sure I may say that, if upon a perusal of the report the opinion expressed therein seems to be based upon the evidence, and not merely upon preconceived ideas, my clients will frankly accept the decision, and say no more about it. But now, I must observe that the extract supplied to me, besides expressing an opinion, makes what purports to be a statement of fact—viz., that Ngatikauwhata "were properly represented by an authorized agent in that Court" (of 1868). I say, and I desire to be distinctly understood to say, that the Royal Commissioners have here made a statement which is not true,—which is emphatically untrue. I fear that what I have just written may be considered improper, or even shocking to the official mind; but it is necessary that I should speak plainly, and I use the best form of words I know. I do not wish to be offensive; I suppose the Commissioners believed they were stating the truth; but they have not done so, they have stated as a fact that which is not a fact, and I am bound to inform the Government that such is the case.

I think that even the Native Department must know that the statement of the Commissioners is erroneous. The records of the Native Office will show that, from 1867 to the present time, Ngatikauwhata have done no act, great or small, in reference to their land, except through me as their agent; and that, at the date in question (1868), the hapu was personally present in the Native Lands Court at Rangitikei, and engaged through me in a voluminous correspondence with the Government of that time. It cannot therefore be true that the hapu was at the same time properly represented elsewhere by an authorized agent, unless I have deliberately and habitually misrepresented facts to the Government during all these years.

Moreover, I, and the chiefs of the hapu, made direct oath before the Royal Commission, that no one had been authorized to represent them in that Court of 1868. The Commissioners, therefore, in stating what they have done, really charge me and the other witnesses with perjury. I do not retort by calling them bad names, but I do say that they are two very foolish men. The Government have now before them a distinct issue—viz.: "Were these Maoris entitled, in 1868, according to Maori custom, to an interest in this land?" To this question the Royal Commissioners have answered "No;" all the chiefs and tribes in Waikato have answered "Yes;" and I say that any public meeting of Maoris, in any part of New Zealand, would unhesitatingly answer "Yes;" and I hope the Government will also distinctly answer "Yes," or "No."

T. W. Lewis, Esq., Under-Secretary

I have, &c.,

A. McDONALD.

No. 2.

Mr. A. McDONALD to the Hon. the NATIVE MINISTER.

SIR,—

Wellington, 8th July, 1881.

I have the honor to acknowledge the receipt of a copy of the report and evidence in the claims of Ngatikauwhata in Waikato.

The report intimates, 1st. That the witnesses gave false evidence in consequence of a statement made to them by me.