

as a favour but as a right, to certain friendly Natives, from whom it had been taken by confiscation. That they were entitled to Crown grants for it, and to deal with it as they liked.

That Major Kemp withdrew a claim upon the assurance that this right would be recognized and carried out in good faith. That there were forty applicants (Europeans, I presume) competing for this land at a higher price than Mr. Worgan thought it wise to give, but by withholding allotment a large quantity fell into his hands at 10s. an acre, the price he had determined not to exceed, if possible; and thus the land of our friendlies was extorted from them by the Government agent at half the price he was authorized to give, and at one-sixth of the price which some of it is stated in evidence to have been worth.

The documents I have alluded to are amongst the most remarkable State Papers which have fallen under my notice, and are scarcely less so from the extraordinary want of perception of the difference between right and wrong, and of the meaning of the words "good faith" and "freedom of action," &c., in the mind of the writer, than from the fact that they seemed to have escaped the notice of three successive Governments, and both the Houses of Legislature before which they were laid.

My own attention as Commissioner was called to these facts by a remarkable reply from Hata Rio (the principal claimant in the 8,000-acre block) to a question from me as to where his own land was situated. It was "on the end of the Governor's tongue." Upon being asked for explanation, he stated the great wrong (as I conceive) which has been done to them, and added that their land was in fact anywhere that the Governor chose to place it.

Yet this man, I am told, is brother to the chief Rio who was shot by the rebels because he adhered to us; and two of Rio's children are claimants in the block in question.

It will be seen in evidence that the portion of this land belonging to Hata Rio (and which have been obtained not by the Government but by H. S. Taylor) was valued by that gentleman at from £3 to £4 per acre, whilst Hata Rio obtained but £1 per acre for his interest in it, half paid in cash and half promised in two years, upon a very questionable document, the sale being negotiated by Mr. Worgan for Mr. Taylor.

In every case which was inquired into, this wrong, which they naturally impute to Government, or, as they term it, "the Governor," was alluded to, and I respectfully submit it is due to those Natives, even if the law does not (as I imagine it does) require it, that every purchase or lease, whether made for the Government or by private individuals, should be brought before the Commissioners under the Native Lands Frauds Prevention Act, and that some gentleman of known probity and honor should be appointed to watch the interests of the Natives during such inquiry, and prepare their case for the Commissioner's decision.

I have no hesitation in saying that I believe in no one case which came under my notice would the transaction be found valid.

In conclusion, I have the honor to bring under your Excellency's notice the cordial and valuable assistance which I received in the conduct of a very difficult and protracted inquiry from Mr. J. Booth, Resident Magistrate, without whose aid I could scarcely have accomplished the service intrusted to me.

Which is humbly submitted for your Excellency's consideration.

Wellington, 22nd November, 1872.

A. H. RUSSELL,
Commissioner.

MEMORANDUM for the ATTORNEY-GENERAL.

THE Attorney-General is requested to furnish his opinion generally on the allegations contained in the accompanying papers, and on the evidence brought forward before the Commission of Inquiry on Mr. Worgan's conduct in reference to land transactions on the West Coast.

January 3, 1873.

DONALD McLEAN.

MEMORANDUM for the Hon. the NATIVE MINISTER.

I HAVE read and considered the papers and the evidence taken in this matter. I am of opinion that the evidence was such as to make it necessary that Mr. Worgan should give a satisfactory explanation of the various transactions; and I am further of opinion that Mr. Worgan has failed to give any satisfactory explanation of the various matters alleged against him.

I proceed to note shortly what is alleged and proved against Mr. Worgan, and what is his defence or explanation:—

First, with regard to Nicholson's purchase of 800 acres of land—

The owners and vendors were Erueti Te Pewa and Mere Awatea. It appears that on February 22, 1872, Wirihana Puna obtained from these persons a power of attorney to deal with this land as he thought fit. The claims were for two lots of 400 acres each in the compensation award lands. At this time, and before and since, this Wirihana Puna was acting as Interpreter and Assistant to Mr. Worgan. On the 26th February, 1872, Mr. Worgan wrote to the Under Secretary, Native Department (72-352), that he had purchased for Government these claims amongst others, and accounted for the expenditure of £746 in the purchase of these and other lands. Of some purchases the moneys had been paid in full, and of others sums had been paid on account. He says the purchases were made publicly, and plain receipts taken.

He mentions twenty-four claims as having been purchased, including the two now in question. He says he has receipts, and will forward them. Subsequently he forwards all documents and receipts connected with his employment, and amongst these receipts are found receipts for all the twenty-four excepting these two. There is no letter or report explaining this; there is no reference to the sale not having been completed. On the 26th February he states to Government that he had acquired the