

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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