

and we got into holes very nearly up to our knees. It is covered with surface water in the winter time. There is a large quantity of dead kauri timber lying on it—large logs two and three feet thick—which would make it difficult to drain.

68. What advantage was it to the Government that this exchange should be made with Mr. Whitaker?—These Natives had been very troublesome and hostile to the Government. They were always dealing with the King Natives, and any Natives who were guilty of offences elsewhere went there for protection, and lived with the disaffected Natives. There are Natives squatted on confiscated land at Moerangi, near Tarapipipi's settlements, in spite of the Government. They prevented the Government running this confiscated boundary. I arranged it, and after doing that went in for this purchase. One of their chiefs died, and they wanted money in order to hold a *tangi*. They asked me if I would purchase the land, and I said I would, and negotiated for it.

69. *Mr. Wakefield.*] Has Mr. Whitaker selected the 14,000 acres?—He has got conveyances of the Punga Blocks Nos. 1, 2, 3, and 4. The Natives have conveyed those to him.

70. *Mr. Stevens.*] Has Mr. Whitaker received the full amount of land—I mean a good title—he was entitled to?—I do not think he has got the full amount conveyed.

71. Can you state what deficiency there is?—I cannot.

72. I want to know whether there is anything which prevents Mr. Whitaker from getting a complete title to the remainder of the land which he agreed to take in exchange?—I am not aware there is.

73. Can you tell me this: When that exchange was agreed upon, was the exchange an engagement on the part of the Government to provide Mr. Whitaker with a proper title in satisfaction of that claim on Drummond Hay's block, or was it that there was to be handed over to the Native proprietors the right of negotiating primarily with this gentleman or not?—First of all, the agreement was made between Dr. Pollen and Mr. Whitaker that this exchange should be allowed. I was present when it was signed. I think that was in September, 1874.

74. What was the nature of the engagement on the part of the Government? Was it simply a permission on their part?—First of all, this arrangement was made with Dr. Pollen. It was afterwards deemed necessary to legislate in the matter, but the Bill was thrown out on the third reading in the Legislative Council. The Maoris, hearing this, then stopped the surveyors. I then went to Dr. Pollen, and said, "What am I to do? The exchange with Mr. Whitaker has not been carried out." He said, "What do you suggest?" I replied, "At the time the agreement was made, the Natives were to get certain reserves. We did not carry out the agreement. The only thing I see to be done is to reserve the land and allow the exchange with Mr. Whitaker, according to the desire of the Natives." Dr. Pollen said, "You had better let that be done." It was left to Mr. Whitaker to make his own exchange, and he employed his own agent to do it.

75. Was it merely an engagement on the part of the Government to allow Mr. Whitaker to negotiate with the Natives in exchange for his absolute rights there?—Yes.

76. If Mr. Whitaker had failed in obtaining any of this land, notwithstanding that failure, would his rights have been satisfied as regards this transaction (as regarded his claim within Hay's Piako block)?—He would still have had his rights in Hay's Piako block, of course, having an award for that.

77. *Mr. Wakefield.*] When Mr. Whitaker has completed his title here, and got this 14,000 acres conveyed absolutely to him, it will then be for him to get a Crown grant for this 14,000 acres in the Piako Block, and afterwards to convey it to the Ngatipaoa tribe?—Yes, the Natives have arranged to whom it is to be conveyed.

78. Under what Act can a Crown grant be now issued?—Under "The Land Claims Settlements Act, 1854;" I think that is the Act.

79. *Mr. Stevens.*] I should like to know if you can tell us how that Punga land came to be Crown-granted absolutely to Mr. Whitaker without a corresponding grant there of Hay's Piako Block to the Natives?—The Punga Blocks are not granted. They have been through the Land Court, and Mr. Whitaker has got a conveyance from the Natives.

80. It is tantamount to a Crown grant?—The Natives receive a memorial of ownership from the Native Land Court. That can be transferred. The Judge indorses on it that he is satisfied it has been conveyed to Mr. Whitaker, and the Crown grant would then issue in Mr. Whitaker's name.

81. I want to know how Mr. Whitaker got what was convertible into a good title prior to his conveying anything to the Natives?—Both parties signed an agreement that they would exchange the land. I have seen the agreement.

82. Can Mr. Whitaker get a title to that particular piece without the intervention of the Natives?—I am not certain whether his deeds do not show on the face of them that it is an exchange for part of Hay's Piako Block, for which he holds the award. The land Mr. Whitaker was entitled to select in Hay's Piako Block has been surveyed within the last month with a view to Mr. Whitaker conveying it to the Natives.

83. *Sir G. Grey.*] What was the extent of the block you were ordered to purchase?—I was told to purchase the Ngatipaoa lands, which I estimate at something like 200,000 acres.

84. What was the date of those orders?—I think at various times in 1873 and 1874.

85. Was it one order or several orders?—I either telegraph or write to the Government here that I am offered a certain block of land, and ask whether I am to take it.

86. What was the date of the order to you?—No particular date. I had several conversations with Dr. Pollen about it in 1873, 1874, and 1875, and up to the present time.

87. Was that land proclaimed under the Immigration and Public Works Act?—Yes, from 22nd October, 1874.

88. Then, after that, no Europeans could purchase land there?—Just so; no European had any right to purchase that land, only this arrangement had been made before the Proclamation was published.

89. But no other European would have gone in and bought?—Europeans might have bought, but it would not have been a legal title. No persons can legally buy for two years from the date of the Proclamation.