

116. Was it not as open to the Government to buy this as to Mr. Whitaker?—No, because the Natives would not have sold it unless under this arrangement.

117. Could the Government not have bought out these Natives?—I suppose they might, but they were consenting parties that Mr. Whitaker should get this land in exchange.

118. Was it open to any Europeans to buy this land?—They might have bought it, but would have had to take their chance of getting a title to it.

119. When the Government were negotiating for this land, was it possible for any European to buy it?—Yes, it is possible. It is done every day in the week, but it is not right.

120. Why not right. Is it lawful?—Under the Immigration and Public Works Act it says that no purchases of land proclaimed under that Act, which are made by anybody but the Crown, are lawful. That land was not subject to that Proclamation when Mr. Whitaker required it. It lapsed on the 22nd October, 1876, and this land has been purchased since that.

121. Then why was this allowed to lapse when you were negotiating for this land?—Because the Government told me this land was to go to Mr. Whitaker. I could not upset Dr. Pollen's agreement. That section of the Immigration and Public Works Act was repealed, and no fresh Proclamation could be made.

122. You say the Proclamation expired on the 22nd October, 1876?—Yes.

123. Then until that expired no private persons had a right to buy this land?—Certainly not.

124. It is since that date Mr. Whitaker has been allowed to acquire this land?—His agreement was in 1874, prior to the Proclamation. I always understood that he acquired the right to exchange from the commencement. I was not told to buy that land. Dr. Pollen said, "You can let Mr. Whitaker carry out that exchange."

125. Were you not told to buy the whole block in order that the Government might exchange with Mr. Whitaker?—I was to buy the Ngatipaoa lands, and I asked Tarapipipi the boundary. He described them; but he said, "I want to give Mr. Whitaker this piece (Puninga). At that time the Government would have acquired the whole, and given Mr. Whitaker the piece in exchange; but when the Bill was thrown out by the Legislative Council, Dr. Pollen said, "You can exclude that from your purchase."

126. Then did not the Proclamation prevent Mr. Whitaker negotiating for the land?—That was during the time the Proclamation was in force that Dr. Pollen told me to exclude that piece.

127. So soon as the Proclamation lapsed, Mr. Whitaker was allowed to complete the purchase?—He purchased in May or June, 1877. I think it would be June.

128. You stated that in this Lower Piako Block the Natives were very turbulent, and that it was a place for criminals to go to, and that those people had no right to be there, with the exception of 700 acres of a reserve?—Yes.

129. Then do you think that it was right to give those people 14,000 acres as a permanent reserve there, on which no one would have a right to interfere with them?—I think the whole arrangement was a very good one. These Natives have ceased to go backwards and forwards to the King country. They have now allowed us to cut the eastern boundary of the confiscated lands, Waikato District, and to settle questions which we formerly could not, in consequence of their obstruction.

130. Do you not think the improvement of the Natives is due to their intercourse with the Europeans now settled in the neighbourhood?—Not by any means. There were various things done that gradually made the Natives give way. I got them to give way to the telegraph to Shortland, and the question of the confiscated boundary was settled. But as long as this old land question remained, the thing would never have been completed, nor this purchase of 200,000 acres made.

131. What is the nature of the land between A. B and the Waitoa River?—All swamp, except a little, narrow fringe near the Waitoa River. This is dry fern land mostly; but the whole of this, the centre [points to map] is swamp the whole way between the two rivers—nothing but swamp.

132. Will you point out the 3,000 acres which Mr. Whitaker had sold to Mr. Fraser before he acquired it himself?—Mr. Fraser told me that he sold here [points to map].

133. What was the nature of Fraser's 3,000 acres?—About 1,000 acres very good land, and the other 2,000 swampy. The reason I know is that Mr. Fraser once said that he found a great deal more swamp on it than he originally thought.

134. Is Fraser's block at the lower end of the Te Puninga Block?—Yes; it would be on the north-east side of the Puninga Block. Fraser's was the piece between the Ohaine Stream and the Waitoa River.

135. Do you know what Fraser was to pay for this 3,000 acres?—I think £3,000; I am not quite certain.

136. Are you aware that Fraser was offered a profit of 30s. an acre upon it?—I am not.

137. *Mr. Stevens.*] I want to ascertain from you whether Mr. Whitaker, under existing arrangements, is to have an acreage in excess of his claim of 14,000 acres?—I do not know what the arrangement now is. I believe he has to get more land from Tarapipipi on account of the money he had to pay to Ngatitamatera for their claims.

138. As far as the Government are concerned, I want to get it clearly ascertained whether he is to have more land here—acre per acre—in consideration of that 5s. an acre, or on any other grounds?—I believe his agent has been to Tarapipipi about it. Tarapipipi is either to pay the money or to give Mr. Whitaker a clear title, or to give him more land on account of what he has paid.

139. Assuming that Mr. Whitaker proceeds in virtue of this exchange, will he get more land, as far as you know, than he held in Drummond Hay's block?—I believe he will.

140. Will you tell me what you believe to be the excess of acreage?—I should think he would have to get probably, instead of 14,000 acres, perhaps 16,000 or 18,000 acres; 18,000 acres I should think.

141. In consideration of what?—His having to buy these Ngatitamatera claims out in the Puninga Nos. 4 and 5 Blocks.