

give me the same quantity of land at Puninga with a Crown title. In pursuance of this, he brought his Puninga title before the Native Land Court, but failed to establish a right to more than about 8,000 acres; claimants from other tribes establishing their claim to the remainder. I objected to going on with the arrangement, as the Puninga Block No. 1 (Terapipipi's) was quite useless without the remainder, as the drainage could not be effected, the land being so intermixed, and with exception of a fringe on the Piako River, Puninga No. 1 being all swamp. He then negotiated with the other Natives, and agreed to give them 5s. an acre, which they accepted. But the next difficulty was the money; Terapipipi declaring he had none, and urged me to pay it, and he would repay. I advanced about £2,000 for expenses of survey fees, and to buy up the outstanding claims, which was done. The title to Puninga cannot be completed till December next, which is the earliest time a Crown title can be obtained under "The Native Land Act, 1873." In the meantime Terapipipi has made a selection at Maukoro, and I have had it surveyed, so that I am in position to obtain a Crown grant on application; but I do not do so because Terapipipi wishes the grant to be made in his name, which I cannot agree to till my title to Puninga is made good. Thus the matter stands at present.

As to Fraser's matter, I made an agreement with him to allow him to pick 3,000 acres out of the block I was to get from the Government, at 22s. 6d. per acre. He paid a deposit of £1,000. In consequence of the breach of their agreement with me by the Government, I could not carry out my agreement with Fraser, and I had to return him his money with interest and damages. A receipt for £1,210 is indorsed on his cancelled agreement.

My claim for compensation I will set out on a separate paper.

I have thought it best to make this statement in writing, but I shall be glad to attend the Committee at any time, and be personally examined.

Wellington, 12th October, 1877.

FREDERICK WHITAKER.

STATEMENT NO. 2, HANDED IN BY THE HON. F. WHITAKER.

I CLAIM compensation from the Government on the following grounds:—

1. For several years I abstained from pressing a survey of my land at Maukoro, at the urgent request of Sir Donald McLean, Native Minister, and of Hore Tipa, the principal chief of the friendly portion of the Ngatipaoa tribe, in order to avoid causing a Native difficulty with Terapipipi and his *hapu*, the Hauhau section of that tribe.

2. That when I was on the point, in 1874, of making arrangements with Terapipipi for the settlement of my claim, I was induced by Dr. Pollen, acting on behalf of the Native Minister, and by Mr. Mackay, Government Agent, to enter into an agreement to give up my land at Maukoro, and to take in exchange, other land at Puninga, to be purchased by the Government from Terapipipi and his *hapu*; the object being to enable the Government to acquire a block of 200,000 acres, which the Natives would only sell on getting back Maukoro.

3. That it was a distinct understanding that effect should be given to the agreement without delay, which I believed could be done under "The Land Claims Settlement Extension Act, 1858."

4. That, relying on the assurances of Dr. Pollen and Mr. Mackay that there would be no delay or obstacle in carrying out the agreement, I was led into making an advantageous agreement to sell to a Mr. Frazer a portion of the land to be given me in exchange.

5. That instead of carrying out his agreement under the Act of 1858, Dr. Pollen introduced a Bill into the Legislative Council, authorizing the Government to give effect to it. The Bill was rejected on the third reading.

6. That the Government, on the rejection of the Bill, refused to take any further step to fulfil the agreement made between Dr. Pollen, on behalf of the Government, and myself.

7. That, in consequence of this breach of agreement on the part of the Government, I was compelled to return Mr. Frazer the deposit he had paid, and also to pay him interest and damages; and I have lost a purchaser at a high price—a price which I am not likely to realize again.

8. That under section 3 of "The Land Claims Settlement Extension Act, 1858," there is power to grant compensation in land scrip, and I am willing to accept a reasonable amount in that form.

Wellington, 15th October, 1877.

FREDERICK WHITAKER.

WEDNESDAY, 14TH NOVEMBER, 1877.

Hon. Sir FRANCIS DILLON BELL, M.L.C., being present, was examined.

317. *The Chairman.*] The Committee, Sir Francis Dillon Bell, would like you to furnish them with any remarks you may wish to offer respecting the award *re* Waitoa and Piako lands, made by you as Land Claims Commissioner in 1861?—It will be necessary for me, in order that the Committee may clearly understand the position of Mr. Whitaker's claim, derived from Webster, to refer to one point which governs the whole case. I understand the Committee do not propose to inquire into the circumstances of Webster's original claim in respect whereof grants were originally issued in 1844–45; but the Committee will perhaps allow me to point out, that the action which was taken in Parliament in 1856 for the appointment of a Commission to settle the old land claims, was, in fact, made necessary for this reason: that, under an Ordinance of the old Province of New Ulster, known as the Quieting of Titles Ordinance, numerous grants which had been issued by Governor Fitzroy in the case of the old land claims, and which had been so issued by Governor Fitzroy without authority of law and against the provisions of the then existing Land Claims Acts—issued, indeed, for political reasons—were validated, and a status given to them which it was very doubtful they would otherwise have possessed. As the Committee wish it, I will give a short statement of how that Quieting Titles Ordinance came to be passed. There had been steps taken, when Sir George Grey assumed the government of the colony, to test the