

posal was very favourably entertained by Mr. Williamson, who was then Superintendent of Auckland; but at that time the country was in a state of war, and there appeared to be no prospect of peaceful settlement, even if the province acquired the tract as I proposed; on the contrary, this particular piece of ground was the hotbed of disaffection, and the rendezvous of some of the most violent Natives in arms against the Crown. It will be in the recollection of the Committee that the Taranaki war broke out in 1860, and that between the time when the first hostilities took place at Taranaki and the renewal of the war in 1863, there had been an interregnum, not peace, but an armed truce, during which the Government were really paralyzed in anything involving the occupation of land in disturbed districts. The condition by Whitaker and Heale that, if the exchange which I was urging upon the Superintendent (as I thought in the interests of the province) were made at all, it should be made at once, was imperative; and it was only the unsettled state of the country, and the impossibility at that time of dealing with such questions, that prevented Mr. Williamson and myself bringing the arrangement to a conclusion early in 1861. In consequence of the delay which took place in the arrangement, Whitaker and Heale withdrew from the proposal they made: I thought at the time that they withdrew not to their own advantage; because to hold on to the tract appeared to me an unwise proceeding on their part, only to be accounted for by the great idea they had always had of the value of the place. All through this time Whitaker and Heale might undoubtedly have received other land in exchange, or scrip, according to the quantities which were distinctly laid down in the Land Claims Settlement Acts, and under rules as to which the Commissioners had no discretion; and Mr. Whitaker, Mr. Heale, myself, and Mr. Williamson were willing to have a settlement of the claim made in that way. When I found, however, that the war made it impossible to get the claim settled as I wanted, and when Whitaker and Heale withdrew from the proposal which, at my instance, they had been willing to accept for the exchange of their land, I could no longer keep the claim open, or delay my adjudication: and it thereupon became my duty to determine, under the provisions of the Acts of 1856 and 1858, the title of the several parties, and to order the issue of grants in accordance with the limitations and rights which the Land Claims Settlement Acts had fixed. The order giving 12,855 acres to Whitaker and Heale, within the boundaries included in the purchase of the Piako Block made by Government in 1857 (what is called Drummond Hay's purchase), was for the quantity I was bound to give under the provisions of the Land Claims Settlement Acts in the case of the Webster grants. Whitaker and Heale had other claims to which I am not making any reference now, but in this case the grants were obliged to be issued in the way which is pointed out in my report; for in the orders I made, the provisions of the Act were strictly fulfilled. I judged it necessary, in consideration of the state of the country at that time, to relieve Whitaker and Heale from the immediate necessity of making the selection I had ordered to be made under the Act, because it was simply impossible for any one to go to that particular part of the country, notwithstanding the fact that the Native title had been extinguished. But, seeing that it would be unreasonable to maintain for an indefinite time their right to make such selection and survey, I reserved to the Crown the right to fix, at some future time, the period within which their selection in the block should be made. By the first order which I made, Whitaker and Heale were entitled to select the land in question, on condition of repaying to the Government the cost of extinguishing the Native title under Drummond Hay's purchase (which had amounted to some £443). Afterwards I made a further order to the effect that they might make their selection within certain boundaries, excepting two pieces of land respectively called Maukoro and Angaponga; and I directed that, if the Native title should be finally extinguished there, and they repaid to the Crown the cost of the extinction of title, they might select there as part of the selection they were to make under the first order. This, so far as I can shortly state it, is the exact history of the case. It must be clearly understood that the title which Whitaker and Heale had acquired to the acreage was a title which had been acquired before the passing of the Land Claims Settlement Act, and validated by the Quieting Titles Ordinance; and that the amount they were entitled to receive was fixed by the Land Claims Settlement Acts themselves. I should add, if the Committee will allow me to do so, that Mr. Whitaker himself—I am not speaking of Mr. Heale, because I was not aware till lately of what had taken place between them as to their joint ownership, but of Mr. Whitaker as a member of the Executive Government between 1856 and 1861—not only never pressed for a settlement of the claim in any way, nor ever took any advantage he might have taken under the Land Claims Settlement Acts if he had exercised or tried to exercise any Government influence; but on the contrary, in a way I constantly, I might say incessantly, objected to as quixotic, refused to take any part whatever, or do any act, which could be construed in any way or at any future time as exercising any Government influence to the advantage of himself or his partner in the matter. And if Whitaker and Heale had been disposed at that time to press their claims to the extent which the Land Claims Settlement Acts gave power to press them, and to demand the full amount of land or scrip in exchange, I am quite certain they would have been placed in a very much better position than the Government or anybody else can place them in now.

318. *The Chairman.*] Would this land claim of Whitaker and Heale's interfere with the claim made by one Captain Beadon?—No; not in any way whatever. Captain Beadon had nothing to do with that side of the country.

319. I believe you decided as to Beadon's claim to certain land in the Waitoa?—I could not answer that question off hand. I may have done so.

320. I thought there had been a limit of 2,560 acres fixed for land claims previous to New Zealand becoming a British colony?—So there was. The original limit of quantity to be granted in respect of all land claims in New Zealand under Native titles before 1840, was fixed by an Act of the New South Wales Legislature brought in by Governor Sir George Gipps, at 2,560 acres; and, although the claimants from New Zealand were ably represented by Mr. Wentworth, himself a very large claimant, the views of Governor Gipps were ultimately carried, and 2,560 acres was fixed as the limit that could be given in respect of any one claim. That limitation of 2,560 acres was repeated in the first Land Claims Ordinance of New Zealand, and the restrictions imposed by the Act of New South Wales were again enforced. I would call the attention of the Committee to the fact that I was