

referring to those limitations when I said that Governor Fitzroy had issued grants in spite of the existing limitations of the law: Governor Fitzroy, although the limitation had been fixed at 2,560 acres, issued grants largely in excess, under a second reference of the cases to a new Commissioner: those grants having been the subject of the disputes and troubles which I have referred to, it was the object of the Quieting Titles Ordinance to put an end to uncertainty as to the validity of this granting in excess; and the effect of the Ordinance was, as I said, to clothe the grants of Governor Fitzroy with a validity they would not otherwise have possessed.

321. Then the Quieting Titles Ordinance validated grants in excess of 2,560 acres?—Yes.

322. And under this Act you authorized Whitaker and Heale to receive 12,065 acres?—Yes; being the quantity which, under the Land Claims Settlement Acts, I was obliged to grant, because the validation with which these grants had been clothed was repeated and enforced by the Land Claims Settlement Acts themselves.

323. You state that Drummond Hay bought the whole of this 19,000 acres, in which was included Whitaker and Heale's claim, for £443. Are you aware whether there was any dispute of the title of the Natives selling this land, and that other Natives claimed to be the rightful owners?—I am aware that other Natives came forward and advanced claims upon this block, but, so far as my recollection carries me, that was done after the completion of the purchase made by Hay, and in consequence of the troubles which broke out at the time of the war. The papers of the Land Purchase Department will, however, show what really took place on that point.

324. You are not aware whether it was the rightful owners who sold to Hay or not?—I have no doubt they were the rightful owners.

325. From that you would suppose that the title of the Crown was a good one?—I never had any reason to doubt that it was good.

326. You state with regard to that Maukoro Block that, in the event of Whitaker and Heale returning certain moneys paid by Hay, their right of selection would include the Maukoro and Angaponga Blocks?—Yes; not necessarily by Hay, but by any one extinguishing the title for the Crown.

327. If that money was not repaid, would Whitaker and Heale have had the right of selecting over those blocks?—Not under the order I made. It obliged them, if the title was extinguished, to repay to the Crown the cost of extinguishing the Native title in the event of their making the selection there.

328. What was the time given to make that selection?—I did not fix a time myself, but I reserved a right to the Crown to fix a time afterwards: I will read an extract from the report on that point. [Extract read.]

329. Are you aware a time was fixed?—Not to my knowledge.

330. You are not aware whether Whitaker and Heale made the selection?—I am not: I have only spoken of what happened in my time.

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