

4. *Major Jackson.*] As a matter of fact, the Crown grant has not been issued?—No.

5. Only the certificate of title?—Only the certificate of title.

6. At present there is no restriction upon the land?—There is no grant issued.

7. But there is no restriction to remove?—Not in the ordinary sense. I would submit to the Committee that the explanation I have just given is important, because all the early correspondence on this subject proceeds under the assumption that the grant had issued with the usual restrictions, and that the restrictions were to be removed in the usual way. Upon Mr. Maclean's letter Mr. Clarke minuted that he did not see how the Governor could be advised to take off the restrictions, as it would be seen by the slip attached—an extract from a report of Mr. James Mackay—that the land belonged to the tribe; and the application was ordered to stand over. In September, 1873, Major Wilson wrote to the Native Minister as follows:—

Wellington, 9th September, 1873.

SIR,—I have herewith the honour to bring under your notice the state of the Maungatautari Block in Waikato. At a Court held at Hamilton there were ordered two Crown grants, numbered respectively one and two, in each of which were ten grantees. These all signed a lease, which subsequently became the property of Messrs. E. and R. Maclean of Howick. Many of these grantees wished to sell their interests in the blocks to these gentlemen, but found they were unable to do so in consequence of a clause in the Crown grants making them inalienable by purchase or otherwise unless with the approval of the Governor. The Natives then drew up a petition to the Governor, requesting this clause to be altered, that those who wished to sell might be enabled to sell. In the No. 1, the larger, block all the grantees signed the petition, and in the smaller block seven out of the ten signed. The other three were absent and could not be seen in time; I have no doubt, however, but that they also would have signed the petition, as they all consider it a hardship to be bound by the clause mentioned. The tenure upon which these Natives held the land was by right of conquest—"Te rauo te patu," as they expressed it—and not by descent—"Te tupuna." They are, therefore, all equal in point of ownership. I am negotiating with the Natives for the purchase of these blocks for the Messrs. Maclean, and I cannot well move further in the matter until the restrictions be withdrawn, in terms of the petitions. I have therefore the honour respectfully to request that they may obtain your favourable consideration.—I have, &c., JOHN WILSON. The Hon. D. McLean, Native and Defence Minister.

8. *Major Jackson.*] Does he say what were the sizes of the respective blocks?—No; but I can give you that information presently.

9. *Mr. Graham.*] He was acting as agent for Maclean, was he not?—Yes; and he, like Mr. Maclean, writes upon the assumption that the grants had issued, and contained ordinary restrictions removable by the Governor. Upon this application Mr. Clarke placed the following minute:—

The Hon. the Native Minister.—As I stated in a former paper, these lands referred to are claimed by others beside those in the grant. They are two of the cases mentioned by Mr. Mackay in his report. I cannot recommend anything being done in the matter at present.—H. T. CLARKE. 15th September, 1873.

10. *Major Jackson.*] What is the date of that minute?—The 15th September, 1873. There is a subsequent minute of Mr. Clarke of the 31st December, 1873. It is as follows:—

The Hon. the Native Minister.—Mr. Mackay has been communicated with; he sees no objection to the alienation. The proper course, therefore, would be to have the conveyances from the Natives drawn up and, before they are executed by the Natives, send them to this office to have the Governor's certificate indorsed. The certificate should be drawn up and engrossed by Mr. Maclean's solicitor.—H. T. CLARKE. 31st December, 1873. That minute is approved by Mr. McLean, and the letter quoted in the petition, dated the 5th January, 1874, was written in consequence of that approval.

11. He had been opposed to removing them except on inquiry?—Mr. Clarke apparently based his objection upon Mr. Mackay's report, but Mr. Mackay subsequently stated that there was no objection to the removal of the restrictions, and the letter quoted in the petition was written accordingly. The next thing in the correspondence is a telegram from Major Te Wheoro to the effect that many of the Natives were annoyed at Mr. Every Maclean's cattle running upon the land. Is it the wish of the Committee that I should read the correspondence?

*The Chairman.*] You had better read all the correspondence relating to the land the subject of the petition.

Translation of telegram from Major Te Wheoro read as follows:—

The Maungatautari people are angry on account of the European's cattle which are running there; they belong to Mr. Every Maclean. The land has been sold by the people whose names were in the grant, those outside the grant were opposed to selling the land. They are at present living there, together with some of the Hauhaus. They are displeased on account of the sale of that land, because it is disputed and causes trouble. Hakiriwhi, Te Rahi, and others whose names were in the grant sold the land. I am annoyed at the haste with which the assessors passed this block through the Court, and permitting it to be sold, knowing at the same time that it would cause trouble. I spoke to them myself on the subject, and advised them to let it remain in abeyance for the present, but they were very persistent. It will be said hereafter that this trouble arose through the action of those connected with the Government.—Major TE WHEORO. 15th January, 1874.

12. *Mr. Graham.*] What is the date of that?—January, 1874. A translation of that telegram was sent to the Hon. Mr. E. Maclean. Next comes a long letter from Hori Kukutai and others to the effect that the grantees had sold this land without the knowledge of the tribe. Upon this Mr. Clarke said he almost regretted that the alienation of the land had been approved, and was afraid there would be some trouble about it.

13. What is the date of that minute?—3rd February, 1874. Sir Donald McLean directed that a reply should be sent to Kukutai and others, and that a copy of the letter should be furnished to Mr. E. Maclean. Mr. Clarke also appears to have telegraphed it to Mr. James Mackay. I will read the translation, as requested:—

The Hon. D. McLean, Native Minister.—Greeting to you. This is a word from the tribe, hapu, and all the people who were not included in the Crown grants of Weraateatua No. 1, Owhareture No. 2, and Maungatautari. Those lands were made inalienable by the Court for the benefit of the tribe, and they have now been sold, by those persons whose names were inserted in the Crown grant, without the knowledge of the tribe, who knew nothing of their work; also of their writing an application for the restriction to be removed. It is only now within this month that it has been discovered. The said proceedings were not at the instigation of the tribe, but at their own—the said grantees—in order to secure the money for themselves; for some of those who are included in the grant do not live on the land, and that is why they are so anxious that trouble should come upon those who are living permanently on the land, and all those also who have claim to it. It is not as though the land belonged to one hapu, or ten persons, but to the tribe in general, according to the claims of each respective hapu. Now trouble has fallen on those whose names do not appear in the grant. We have no land anywhere else, and that was why the Court made it inalienable, for the maintenance of the tribe. Now that this trouble has befallen us in consequence of the said land being sold, we request you not to grant the removal of the said restrictions placed on that land by the Court. Do not let the sale