

should have purchased this property with the assurance that he would be able to get a proper title; that he had spent a great deal of money on it, and that he was put to serious loss through his title being imperfect. I mentioned the matter to my colleague Mr. Ballance, and he placed all the papers before me, and, in addition, told me that if I wanted any information I could obtain it from the Chief Judge of the Native Land Court (Mr. Macdonald). I went through these papers, an enormous heap of them, and spent several days in doing so. I understand that you wish me to give you the impressions I have formed in consequence of the knowledge which I have obtained through my study of these papers. I may state that I had no personal interference with this matter. I should like to remove any impression that when the Government gave assurance through the Native Minister with regard to removing these restrictions there was any knowledge that Sir James Fergusson entertained the idea of purchasing. If I may be allowed to express an opinion, Sir James Fergusson, at that time, had no idea of making a purchase, and the purchase he made was made by him in 1875; but at what part of the year I cannot say, and whether it was before he left New Zealand I do not know. But the assurance as to removing the restrictions was given.

*The Chairman:* I think it was in 1874; there is a letter here which appears to indicate that as the date.

*Sir J. Vogel:* On the 5th January, 1874, the assurance was given by the Native Minister, in his capacity of Native Minister, by letter, and the month previously it was given by telegraph. I feel perfectly certain that at that time Sir James Fergusson was not in any way in treaty for this property, and had not proposed to buy it. That is my conviction, although I am not able to adduce any proof. Having said so much, I may say, further, that, if Sir Donald McLean gave an assurance that the Governor would remove these restrictions, Sir James Fergusson being Governor, and intending to purchase the property, that would be an obvious impropriety. My impression is that Sir James Fergusson did not become the purchaser until he was about to leave the colony, in 1875, or had left it. I presume that the Committee has power to call for persons and papers, and therefore that I am justified in giving to them a *précis* of the documents relating to the case. I have a *précis* of the correspondence, which I will read to you: On the 9th September, 1873, Captain Wilson asked for the removal of the restrictions. On the 31st December, 1873, a telegram was sent to Mr. Every Maclean to the following effect: "Inquiry has been made respecting the Maungatautari lands. No objections to alienation; the Governor will be recommended to remove restrictions at once.—Signed by order. H. T. CLARK." This was followed by a letter written on the 5th January, 1874, to Mr. Maclean, saying that the Governor would remove the restriction by signing the certificate engrossed on the deed of conveyance before the Natives signed. On the 20th January, 1874, a telegram came from Te Wheoro to the Hon. Mr. McLean, objecting to the sale of the land. On the 3rd February, 1874, Mr. Clarke minutes the memorial signed by Kukutai and others, saying, "I almost regret the alienation of this land was approved. I am afraid that there will be some trouble about it." Sir Donald McLean minutes, underneath, "Send reply, and furnish copy of this to Mr. Every Maclean." On the 11th February, 1874, Mr. Clarke answers the Natives and says, "Copy of your letter sent to Mr. Maclean, who may have something to say on the subject." On the 24th February Judge Fenton writes, "Application from T. Hill for a copy of the orders of the Court." Judge Fenton says he is prepared to withhold them, if the Government give their sanction. I wish to bring out the extraordinary way in which the Land Court appears to have been acting in subservience to the Government. On the 11th March, 1874, a telegram is sent to Mr. James Mackay, junior, asking him if he holds to the opinion that no harm would ensue from the alienation. Mr. Mackay replies on the 12th March that he still holds to that opinion. This is followed by a reply to the Chief Judge of the Native Land Court (Mr. Fenton), merely sending him a copy of the telegram to and from Mackay. On the 2nd April Chief Judge Fenton calls attention to his previous letter, and asks that the Government should give him their own views on the subject. Dr. Pollen minutes, "That requests from claimants in person, whose title was recognised, for copies of certificates should be complied with, but not the requests of agents." Then there is a letter from Judge Fenton, dated the 12th September, 1874, enclosing a copy of a letter from Hori Wirihana complaining of the removal of restrictions. Judge Fenton suggests that the writer should be asked to state specifically what had been done. A letter is sent in reply to Fenton on the 19th September, 1874, saying that his suggestion has been complied with. Hori Wirihana replies, asking for the names of the Crown grantees, and saying that he would then be able to inform them (the Government) of the wrongs that have been done. On the 1st June, 1875, Messrs. Whitaker and Russell acknowledge the receipt of a letter of the 26th May from Judge Fenton, written in the foregoing sense; and they ask, on behalf of Mr. R. H. D. Fergusson, who holds leases from all the Native owners, and conveyances from nearly all of them, for copies of the Native Land Court orders. Mr. Fenton, on the 9th June, asks the Government to give him instructions. To this the Government replied—21st June, 1875—and directs him to see letter of the 8th May, 1874, for the decision of the Government on a parallel case. Then comes a telegram from Major Mair—13th August, 1875—advising that the restrictions should not be removed; he says that the Natives named in the orders do not represent half of the owners. On the 13th March, 1878, Mr. Sheehan, who was then Native Minister, asks, by telegram, "Has the Governor ever been advised to assent to alienation of freehold shares of Native owners?" On the 8th May, 1881, Mr. Robert Fergusson appeals to Mr. Rolleston for certificates; and on the 17th May, 1881, Mr. Lewis minutes that there are no restrictions ordered, and that Crown grants will follow certificates. Then, on the 23rd May, 1881, Mr. Rolleston writes that he is examining into the matter, and that as far as he can see the case is one of many, and will require to be dealt with on some general principle prescribed by the Legislature. In a later telegram—9th August, 1881—to Fergusson it is stated that in the certificates it is recommended by the Court that the grants contain restrictions making the land inalienable. On the 2nd March, 1882, Mr. Fergusson