

16. *Mr. Graham.*] Do you know whether Toha was in rebellion?—No; he was pilot at the Wairoa at that time. He was a man constantly engaged by the Government, and on very friendly terms.

*Mr. Graham:* Is he the sole petitioner?

*Mr. Carroll:* No; on behalf of others.

*The Chairman:* He is the only one before the Committee.

*Mr. Carroll:* His petition raises the whole question.

17. *Mr. Monk.*] You say you gave back the same quantity of land?—I think Mr. Lewis will be able to produce the papers, and better qualified to give you information. Mr. Locke and Sir Donald McLean were parties to the whole thing. I was merely an officer who took charge for the Government in Napier.

18. *Mr. Carroll.*] The whole thing was intrusted to Mr. Locke?—Yes; he reported from time to time.

19. To Wellington?—He reported to me; all these matters went through the Government Agent at that time.

20. Were not names supplied to the Government here to be inserted in the certificates for these various blocks taken from Mr. Locke's book, in which he had written down the names and the result of his investigation?—Mr. Locke came to agreement with, so far as was known, all parties concerned, and they signed the agreement.

21. Then, if there be any difference between the original list of owners and the people who now are on the lists on the certificates, would you not say that that should be rectified?—I told you before that there was a sum of money for the purpose of settling Toha's claim. I should think the papers would tell you all about it; at the time I knew well enough all about it.

[There is a portion of the evidence I gave which is not included here or after the statement I made.—J. D. O.]

Mr. T. W. LEWIS, Under-Secretary of the Native Department, in attendance and examined.

22. *The Chairman.*] What do the papers say?—It will perhaps be convenient to the Committee that I should take up the history of this case from the commencement of the correspondence. The first letter bears date 18th November, 1869:—

Auckland, 18th November, 1869.—Sir,—I have the honour to request that you will carry out the settlement of the Waikare-Mohaka Block. The Government do not expect, or indeed desire, to reap any pecuniary or other advantage from the confiscation of the block, or to incur any loss in connection therewith; but it is most desirable that all questions connected with it should be finally adjusted and disposed of. You will therefore endeavour to effect as equitable a settlement with the Natives as possible, taking care that large reserves are made for their own use. The Chief Tareha, who is becoming dispossessed of most of his landed property, should have reserves secured upon him within the block. I need not supply you with more detailed instructions, as you are already acquainted with the history of this block; and I feel satisfied that you are fully competent to deal with it in such a just and equitable manner as will meet with the requirements of the case. You will, of course, in this, as in all other cases, confer with his Honour Mr. Ormond, who represents the General Government at Hawke's Bay, and act in accordance with his views in the carrying-out of these instructions.—I have, &c., DONALD McLEAN.—S. Locke, Esq., R.M., Napier, Hawke's Bay.

On the 4th July Mr. Ormond writes to the Native Minister, enclosing copy of agreement with Tareha and the Natives, also enclosing plan of the Waikari Block, and showing the portions retained by the Government and the different subdivisions:—

Wellington, 4th July, 1870.—Sir,—On the 18th November, 1869, you instructed Mr. Locke, in conjunction with myself, to effect a settlement in respect to the Waikare-Mohaka Confiscated Block with those loyal Natives who had claims there. In those instructions it was stated that the Government did not expect or desire to reap any pecuniary or other advantage from the confiscation of the block, or incur any loss in connection therewith, but expressed a desire that the question should be finally disposed of, and that, in the settlement, care should be taken to secure to the Chief Tareha and his people land for their future wants, as it was understood they were rapidly alienating their property near Napier. Acting upon the above instructions, Mr. Locke and myself opened communication with the Natives concerned, and I have now the honour to enclose the copy of a memorandum of agreement with Tareha and the other Natives having claims in the said block. Under this arrangement lands which are specified are retained by the Government, and the remainder is subdivided into blocks, as described in the schedule herewith enclosed, and for the benefit of the Natives named therein. All these arrangements have received the assent of the Natives interested, and they understand that it is the intention of the Government to make the lands so returned to them inalienable. There is also enclosed herewith a plan of the Waikare Block, showing the portions retained by the Government, and the different subdivisions as apportioned to the Natives and described in the schedule. There are two points in connection with this question which have yet to be settled: the one is a claim by Tareha for a small money-payment, which he advances for abandoning such interest as he and the other loyal Natives may have in the blocks retained by the Government. I am not of opinion that this claim is a reasonable one; but he has insisted upon its being considered, and to obtain a settlement of the question I agreed to refer the matter for your decision at Wellington. The other point is that there is a considerable sum due to surveyors who surveyed portions of the Waikare Block before it was confiscated, and who, under the Native Land Act, have a claim upon the lands surveyed. If it is decided to make these lands inalienable it will be necessary to settle in what way the surveyors' charge is to be defrayed. I think I have pointed out all the circumstances connected with the settlement of the Waikare question which require to be brought under your notice; and it is right that I should state Mr. Locke has taken much pains to make the settlement a satisfactory and clear one, and that the negotiations have been conducted by him. Before closing my report I would point out that legislative action will probably be requisite to give effect to what has been done.—I have, &c., J. D. ORMOND.—The Hon. the Native Minister, Wellington.

Following that, a Bill was introduced to give legislative sanction to what had been done; it was introduced by the Hon. Donald McLean, and passed as "The Mohaka and Waikari District Act, 1870."

23. *Mr. Carroll.*] For giving effect to the agreement?—Yes, to give effect to the agreement. I have already read the agreement, which, I presume, may be taken as read now; but if any question arises on this point I can produce it if necessary. Then, in connection with the amount of £400 referred to by Mr. Ormond, Mr. McLean authorised on the 19th October, 1870, £400 to be advanced. This sum may have been expended in settling some of the unsatisfied claims if there were such. But it appears to have been advanced to Mr. Ormond to carry out his recommendation of a payment to Tareha and his people.