

*Mr. Ormond* : See if Toha had any connection with it.

24. *Mr. Carroll.*] Before you leave it, try if you can find the receipt to show into whose hands the money was paid?—That is not here; it will come out in my evidence as to the unsatisfied claim. I may mention to the Committee that I will read whatever is pertinent to the case. There are things here that have no bearing whatever upon it. I will glance through them to see that nothing is omitted. In a letter from Mr. Ormond of the 25th November, 1870, the following appears: "In drafting that agreement I was under the impression that it was intended the Native lands held under the trust were to be made inalienable and should not be leased for more than three years, but I see that in respect of the Waikari land a twenty-one years' lease can be entered into." There is a telegram from Mr. Ormond which bears on the £400, and dated the 10th February, 1871, and is addressed to the Under-Secretary, to the effect that Mr. McLean had authorised £400 to be paid to Tareha and other Natives in consideration of a settlement, and requesting that the money be forwarded at once to complete the transaction. There is a further telegram, which intimates that a large number of Natives had assembled in connection with that money. I read this to show that there were more Natives than Tareha concerned. The money was sent to Mr. Ormond, as an imprest, on the 13th February, 1871. On the 18th February, 1871, Mr. Locke writes as follows to Mr. Ormond:—

Napier, 18th February, 1871.—Sir,—I beg to draw your attention to the fact of Toha's name having been omitted in the schedule of names to be inserted in the grants or certificates for the following blocks of land contained in the Mohaka-Waikare Block to be returned to the Natives—namely, the Waikare, the Kuta, the Awa-o-Totara, and the Heru-o-Turei Blocks; and to suggest, if certificates or grants be not made out, that this omission be rectified. I have also the honour to request that a tracing of the plan sent to Wellington, with the original documents connected with the Mohaka-Waikare Block, be sent here, to enable the draughtsman to record it on the maps in the Provincial Survey Office.—I have, &c., S. LOCKE, R.M.—His Honour J. D. Ormond, General Government Agent, Napier.

Mr. Ormond forwarded that letter to the Native Minister, with a covering letter, recommending Mr. Locke's suggestion to favourable consideration. Mr. Halse, Assistant Under-Secretary of the Native Department, asked Mr. Sewell, who appeared to be acting as Native Minister, whether he could insert Toha's name in the schedule for the blocks named, and this was approved by Mr. Sewell. Mr. Young was instructed to insert Toha's name in the schedule for the blocks named. Mr. Young accordingly inserted Toha's name in the copy of the schedule as attached.

25. *Mr. Monk.*] What schedule?—The schedule of names I have read over to the Committee. I find that Toha's name is in Mr. Young's handwriting.

26. *Mr. Carroll.*] That was after the schedule was confirmed by the Act of 1870. It must be according to the date?—Yes, according to the date.

27. *The Chairman.*] Was Toha's name admitted to it?—Yes, it was admitted. Mr. Halse instructed Mr. Young to put it in. The grant had not been issued then. On the 10th March, 1871, Mr. Ormond sent the following telegram to Mr. Halse:—

Napier, 10th March, 1871.—To Halse, Esq., Wellington.—No other name but Toha's omitted, so Mr. Locke informs me. Toha's name should have been included in the following blocks: Waikare Block, the Awa-o-Totara Block, the Kuta Block, and the Heru-o-Turei Block.—ORMOND.

At that time inquiry had been made, and it was found that no other name than Toha's had been omitted.

28. What was the date of that telegram?—10th March, 1871. Mr. Turton, the Trust Commissioner, writes in 1871 asking whether the Crown grant for one of the blocks had been issued, and requesting to be furnished with the date of grant and the names of the grantees. In December, 1879, there is a petition from Tareha and eleven others, praying that the grants under the Act might be issued. The Committee reported on the 5th December, 1879, that if such a promise was made the Committee would recommend that Parliament should give effect to the prayer of the petition and that a Crown grant should be issued. The surveys of these blocks were afterwards completed, and notice was issued by the Minister of Lands to that effect. The notice was published in the *Gazette* on the 27th July, 1880. In 1881 the Native Land Court Act contained the following clauses. [Clauses 7 and 8 cited.] This Act was necessary, because the Mohaka-Waikari District, before the grants were issued, had been included in a number of repealed Acts. In 1881, after the passing of the Native Land Act, and in pursuance of it, application was made by the Hon. Mr. Rolleston, Native Minister, to the Native Land Court "to inquire and determine" who were the persons entitled to portions of these lands mentioned in the agreement. The Court was appointed to sit at Wairoa on the 1st May, 1882, to complete adjudication. Mr. Brookfield was the presiding Judge. Captain Preece attended the Court as Crown Agent. There is an important telegram from the Judge *re* Mohaka-Waikari lands addressed to the Native Minister, and dated the 6th July:—

Napier, 6th July, 1882.—Hon. Native Minister, Wellington.—*Re* Mohaka Waikare: Natives refuse to take part in investigation unless original agreement is ignored and fresh inquiry made as to parties entitled, and have left Court. Such inquiry is contrary to Act. Under these circumstances, do you wish inquiry to proceed? Court adjourned pending reply.—F. BROOKFIELD, Judge Native Land Court.

Mr. Bryce, who was at the time Native Minister, minuted upon this telegram: "The course which the Court should adopt is prescribed by law, and I do not feel at liberty to interfere with its action." The next document, stating the action taken by the Court, is a letter from the Judge to the Native Minister, dated the 15th July, 1882:—

Native Land Court Office, Wairoa, 15th July, 1882.—Sir,—I have the honour to forward you the following report of the proceedings of the Native Land Court, which was held in reference to the Mohaka-Waikare District inquiry on the 6th, 7th, and 10th day of July instant, and I am induced to do so in view of the action which I am informed the Natives are advised to take in the matter. On the opening of the Court on the 6th July the chief Manaena, who is largely interested in the district, asked whether any Natives, other than those mentioned as loyal Natives in the agreement of the 13th June, 1870, would be allowed to bring forward claims to the land, stating as his reason that in the schedule attached to that agreement would be found the names of many persons who, at the time of the confiscation of the block, were known to be in open rebellion, while the names of others who had always been loyal to the Government were, for some reason or other, omitted. I informed him, in reply, that that agreement was