

accruing to the Natives was therefore very small. Pressure had been brought on the Government through the member for the district to purchase the freehold and also through Mr. Taiwhanga, Maori Member of the House of Representatives, and Mr. Howarth (solicitor) who, on behalf of the Natives, approached the Government to purchase the township block.

Acting upon instructions the Under-Secretary had met the Natives and explained that the Government had been urged both by Europeans and Natives to buy out the interests of the Rotorua owners, it being felt that the then position of the township was unsatisfactory to all concerned and extremely unprofitable to the Natives. "I pointed out," he says, "that although the Government had spent large sums of public money in the development of the township, indeed many thousands on the erection of the Sanatorium buildings, laying out the grounds, the construction of public buildings in the new township, bringing a magnificent supply of water into the place and in other directions, yet as a township it was a failure and the rents accruing from the leases under the present arrangement when divided among the owners amounted to merely a nominal sum. It therefore appeared to be a question for the owners to consider whether it would be to their advantage to accept a lump sum for all their interest in the township, including the leases and rents, rather than allow matters to remain in their present position. The question of back rents which they considered due to them was fully gone into and indeed every conceivable phase of the subject was argued out and met."

It is quite evident that the Under-Secretary could not have fully explained the position as to the rents that should have been collected as that was a matter within the scope of another Department, and there is intrinsic evidence in the report that he was not fully conversant with the facts. He knew, however, that the Natives had made claims regarding alleged improper administration, and hence an assignment of rents was included in the conveyance.

The Natives appointed a committee of some fifteen or sixteen chiefs to go into the matter, who met day after day. The Under-Secretary states that they evidently considered that they were dealing with a matter of the greatest importance. After one or two meetings it is stated they seemed unanimous in their desire to sell, but wished to obtain very much more in payment than the Government was prepared to give.

He eventually arranged with the Natives to buy out the whole of their interests at £7 10s. per share, according to Mr. Clarke's apportionment. These shares were fixed at 1,100 and the total consideration mentioned in the deed was £8,250, while the area of land was stated to be 3,020 acres. There is no explanation why shares were taken as a basis for the purchase-price instead of the area of the land. In his report, the Under-Secretary says, "I might perhaps mention that a large number of the Natives expressed great dissatisfaction at Mr. Clarke's allotment of shares, but I pointed out that it would be impossible to re-open or in any way to reconsider the decision at which he had arrived, and eventually this statement was accepted."

The question of these shares is one of the present grievances of the Natives. The conveyance recites that on the 29th day of February, 1888, Henry Tacy Clarke, Judge of the Native Land Court, had determined the relative interests of the persons certified to be owners. But no such determination by the Court can be found nor is there any order drawn up to that effect. Judge Clarke did attempt to determine the relative interests of the parties. According to the records he was appointed a Judge for that purpose. Being without experience in that direction he first attempted to arrive at the matter by a series of subdivisions of the land into small parcels and purported to make orders accordingly. On 22nd April, 1884, the Court delivered judgment indicating that the six hapus mentioned in the judgment were not equally entitled. The approximate area of the block was 2,766 acres, and for the sake of convenience the Court divided the block into 250 shares awarding to the respective hapus thirty shares or 332 acres, and so on, till the whole 250 shares and 2,766 acres were absorbed. Later the Court passed the lists of names of the persons belonging to the respective hapus, but nothing further was done.

The list of relative interests was enclosed in a letter written to the Under-Secretary, and is referred to as a report in that letter and in subsequent official correspondence. There is intrinsic evidence that the list or report was prepared at Mr. Clarke's home at Waimate, and the Registrar at Rotorua states that Judge Clarke held no sitting in the Rotorua district in the year 1888. Instead of being based on 250 shares mentioned in the decision of the Court, the list is based on 1,100 shares. It is evident that it was intended for use in the allocation of rents rather than as defining the landed interests of the Natives. Even if it were an actual determination of the Court there is little blame in expressing dissatisfaction with the shares as found. However, the parties bought and sold on that list of shares, and it cannot now be altered, but it shows that the Natives were not, as should have been done, told the full facts and put upon their guard, but were led to believe the finding as to the shares was unassailable.

Coming now to the price paid by the Crown, the only evidence that the Court can find of an attempt to ascertain the selling value of the land was that made by the Surveyor-General on 3rd November, 1888, a year before the purchase was undertaken when he stated that "the quality of the land is very inferior and intrinsically is of very little value for pastoral or agricultural purposes. In naming a value for purchase, regard must be had to the hot springs and other attractions in the vicinity which give a prospective value to the block in expectation that it will become of great resort in the future and so create a possible value as the ground is required for residential purposes. On these considerations I should say it would be worth while the Government giving from 30s. to 40s. per acre."

If this is correct it becomes difficult to understand why such high upset rentals were placed on 1,230 acres of it put up for lease in 1882, six years previously.