

made improvements upon it, and that he had been recently informed that the Governor had taken the land for Government purposes, and he prayed therefore for compensation. This memorial was evidently presented towards the end of 1847, and I beg your attention to the minutes upon it, as plainly showing that some portion of the land claimed as belonging to Meurant's wife had been taken by the Government, and that Meurant was fully cognizant of it and assenting. The minutes are by the Colonial Secretary, in these words: "Mr. Meurant to be sent for." "Mr. M. promises to arrange the matter with the memorialist." "The memorialist informed that the matter being a private arrangement, His Excellency regrets he cannot interfere in it, and the memorialist is referred to Mr. Meurant on the subject.—A. S., December 6th, 1847." Apparently, Mr. Meurant did arrange the matter with the memorialist, for he does not appear again; neither is anything said by Meurant about land having been wrongfully taken by the Government (this is not advanced in any shape until 28th August, 1849, when Meurant made his petition to the Governor and Legislative Council of the colony, nearly a year after the issue of the grant). The next document I beg to refer you to is the letter of 29th July, 1848, by Meurant to the Colonial Secretary, enclosing, "for the information of His Excellency the Governor-in-Chief, copies of the Native deeds conveying two pieces of land on the north side and on the south side of the Tamaki Road to me in trust for my wife and children, so that His Excellency will be pleased to direct the deeds of grant may issue to me for the same," to use his own words. One deed is dated 27th May, 1844, and is a conveyance from Te Rangia Tahua (known as Jabez Bunting), and Te Hara (known as William Walker), chief of the Ngatetimaho, a tribe resident at Waikato, to Meurant and his heirs, in consideration of the price of £13 13s. of the land containing 13 acres 3 roods 10 perches on the south side of the Tamaki Road (being the same land mentioned in Meurant's letter of 28th May, 1844, and instead of their being any provision in it for the benefit of his wife, the Native woman, Kenehuru, there is an express declaration against dower).

The other deed is dated 6th April, 1847, and is a conveyance by Te Tawa (better known as Apehai Te Kawau), Te Hira (Apehai's son), and Te Keene, described as aboriginal native chiefs, of the tribe Ngatewhatua, residing near Auckland, to Kenehuru, an aboriginal native woman, now Eliza Meurant, for good consideration only, and the land to be held "by the said Kenehuru and her heirs to her and their only proper use and behoof." It will be observed that this is the first time Meurant mentions two pieces of land, and that neither of these deeds conveys any land to Meurant in trust for his wife and children, as he states in his letter accompanying them. This fact could hardly have escaped the notice of the Government, but I think it is a matter beyond doubt that neither the Governor, nor the Attorney-General, nor any officer of the Government, considered the form of these deeds as having any bearing on the question whether the grant applied for could be made, but all relied solely on Meurant's statement that these lands had been given to his wife. No reference apparently to Meurant's first letter, dated 28th May, 1844. I beg particularly to ask your attention to the minutes upon and documents attached to this letter of the 20th July, 1848. The first minute is by Governor Grey, 22nd July, 1848, in which he asks "Mr. Swainson,—Do you think that the Governor has the power to convey the land to Meurant in trust for his wife and children. I think this is one of those cases in which it would be desirable, if possible, to secure the rights of half-caste children." Then follows a minute of the opinion of the Attorney-General, dated 25th July, 1848:—"I think that at present, and under the existing instructions, the Governor has not the power to make a valid grant of this land to meet cases of a like nature; it would be very desirable that a special authority should be granted to the Governor by Royal instructions." Then there is a minute, dated 31st July, 1848, by Governor Grey: "Dr. Sinclair,—The land can at once be granted to Meurant in trust for his wife and children, in such form as the Attorney-General may suggest. I will then refer Home for a confirmation of these grants, and for a general authority on the subject." Then it is referred to the Attorney-General to prepare the form of grant, and attached is the draft of the Crown grant which was afterwards issued in Mr. Swainson's handwriting, and signed by him, and dated 8th August, 1848; and then minutes showing that this draft was sent to the Surveyor-General with instructions for the preparation of the necessary plan of the piece of land which was to be granted, which it was then admitted by counsel engaged in the inquiry, was then defined to be the piece of land mentioned in Meurant's letter of the 28th May, 1844, on the south side of the Tamaki Road, which, upon survey, was found to contain 14 acres 1 rood 10 perches, instead of 13 acres 3 roods 10 perches, as stated by Meurant, and a piece of 10 acres 2 roods 8 perches on the north side of the Tamaki Road, being part only of the piece containing 30 acres 2 roods 8 perches, said to be a gift to Kenehuru, Meurant's wife.

It was then proposed to give evidence to show that the Government after this claimed the remaining portion of this land as Government land, and subsequently dealt with it as such, and that there was no authority from Kenehuru so to deal with the land. I contended it was clear that Meurant was a consenting party to the whole arrangement, and his acts would bind his wife in the circumstances of the case—that she had accepted the grant, neither she nor any person on her behalf had ever repudiated it in any way, and that she and all represented by her had the full benefit of the grant, and still claimed to retain it, and as they obtained this benefit through the agency of Meurant, neither the widow nor the children could be heard to say that they were not bound by any arrangement made by him on their behalf. After this I did not consider it necessary to call as a witness a person formerly in the Survey Office of the colony, who actually prepared the Crown grant which was subsequently issued, and who could have proved that only 10 acres 2 roods 8 perches, as before mentioned, were by directions of the Government to be included in the grant. In order to show the reason of Meurant's conduct in representing a portion of this land to have been a gift, when it was not a gift but an illegal purchase, in respect of which he could not have obtained a certificate of the waiver of pre-emption, which was necessary to obtain a grant of the land, I beg to refer you to the Proclamation of Governor Fitzroy of 26th March, 1844, published in the *Government Gazette* of that date, and again in the *Gazette* of 24th June, 1844, particularly regulations 1, 7, and 12, and the construction put upon this Proclamation by the promulgator himself in the recital of the Proclamation by Governor Fitzroy of 10th October, 1844, published in the *Gazette* of that date, where he says the conditions of that Proclamation have been disregarded "by persons making purchases of land from the Natives without first applying for and obtaining the Governor's consent to waive the right of pre-emption."