

"SIR,—

"Molesworth Street, 10th July, 1876.

"With reference to my conversation with you relative to Mr. Hamilton's award in the case of Downe, I have the honor to request that you will inform me at your earliest convenience what course the Government will adopt, with a view to a satisfaction of my claim.

"I have come out from England at considerable personal inconvenience and expense, and have but a short leave of absence. As it is of the utmost importance to me that the matter should be settled during my stay here, I trust that the Government will be pleased to give the case their serious consideration as soon as possible.

"I beg to add that I am prepared to accept Government debentures to the amount of the award, £9,275, or a settlement upon the same terms as were accorded to Mr. Carrington, whose claims were of a precisely similar nature to those of Downe.

"I have, &c.,

"CARY BORRER.

"The Hon. Major Atkinson."

"Captain and Adjutant, Inns of Court R.V.

To that I got no answer. On the 1st August, 1876, I again wrote as follows:—

"SIR,—

"Molesworth Street, 1st August, 1876.

"Having received no answer to my letter to you of the 10th July, I have again to request that you will inform me what course the Government intend to adopt for the satisfaction of the award made by Mr. Commissioner Hamilton in the case of Downe. I beg to repeat that I am prepared to accept Government debentures to the amount of the award, £9,275, with interest from 15th March, 1875, or a settlement in land upon the same terms as were accorded to Mr. Carrington, whose claims were of a precisely similar nature to those of Downe.

"I request the favour of an immediate answer, as the time at my disposal is limited, and any further delay would be productive of great personal inconvenience to me.

"I have, &c.,

"CARY BORRER,

"The Hon Major Atkinson."

"Captain and Adjutant, Inns of Court R.V.

To that I received the following answer, dated 1st August, 1876:—

"SIR,—

"Wellington, 1st August, 1876.

"I have the honor to acknowledge the receipt of your letter to the Hon. Major Atkinson of 10th ult., and by direction of the Government to say, in reply, that the award of Mr. Hamilton being against land, the proceeds of which belong to the Province of Taranaki, the Government are not prepared to agree to the course proposed by you.

"The Government consider that your complaint being apparently against the law as it stands, the only course open to you will be to petition the House, should you believe yourself to have good grounds for doing so.

"I have, &c.,

"C. E. HAUGHTON.

"Captain Cary Borrer, Wellington."

54. What action have you taken since?—I asked Mr. Carrington to move for a Select Committee.

55. You have not petitioned the House?—No.

56. Have you any further evidence to give upon the matter?—No; but I will ask the Committee to remember how long a time has elapsed since this Act was passed, and to take into consideration the fact that our claim still remains unsettled.

THURSDAY, 7TH SEPTEMBER, 1876.

Major ATKINSON called and examined.

57. *The Chairman.*] When the Committee last met, Major Atkinson, they had arrived at this point: that correspondence had been put in and evidence given by Mr. Carrington, acting as agent for several claimants, including representatives of the late John Eames Downe and Mr. Sartoris; and Captain Borrer as representing one of those claims; which evidence satisfied the Committee that application had been made for leave to select lands under land orders issued by the Government pursuant to the award of the Arbitrator, Mr. J. W. Hamilton, who had been appointed by the Government, under the provisions of "The Taranaki New Zealand Company's Land Claims Act, 1872." Upon that order an indorsement of the local Commissioner of Crown Lands was written, to the effect that no lands were available. Subsequent to that, action appears to have been taken both by Mr. Carrington, as attorney for the parties, and Captain Borrer, by addressing the Government to know how they proposed to satisfy the terms of Mr. Hamilton's award. The only evidence before the Committee, on the Government side, was a sort of dry reference to the law of the case, which was obtained in answer to a proposition made by Captain Borrer. It appeared to the Committee that it was due to the Government, and in the interest of the case, that we should ascertain from some member of the Government what their view of the subject was. At the time we last met, you were Secretary for Crown Lands; you have since that day ceased to hold that office, as the Committee understand; but that will not mar your memory as to any such transactions, or your knowledge of any instructions that have passed between the Secretary for Crown Lands and the Commissioner of Crown Lands, and the Committee desire to receive from you any opinion you can offer on the subject?—The view that the Government took in the matter was that the House had passed an Act giving the old land claimants certain rights, and that the duty of the Government was simply to carry out the law so far as it concerned them; that the law as it now stands makes a charge, one as I think exceedingly unfair, but that is another point. The Government, in the interests of the public, had no right to go outside the law, but simply to administer it; and that is what we did. If a claimant considers himself aggrieved, he should go to the Assembly for relief. I am speaking now as a member of the Government, without any reference