

large number did so select, and others accepted compensation for their claims; but others, again, would neither accept compensation nor take land elsewhere, as they hoped eventually to get the land they had originally selected. The Act of 1858, however, declared that all these land orders be treated as unexercised land orders, and took away the right of selecting the original allotments, but entitled to select an acre and a half for every acre originally granted. A great many accepted these terms, but some did not, still retaining the hope that they would get the land originally selected under land orders. When the confiscation policy was brought in, the Native title to these lands was extinguished by confiscation, and the Government then laid out this very land as a township. These persons immediately tried to get their old selection on these lands confirmed, but it was refused at first; however, in 1872 there was a sufficient force in the House to get an Act passed, under which the Government appointed a Commissioner to inquire into the matter, by valuing the original selection and reporting thereon. The Provincial Government—the parties interested—were not called on to appear before the Commissioner. If the Provincial Government had been allowed to deal with the matter, these people would not have been dealt with under the Act of 1858.

130. I understand distinctly that these persons, in common with others, had the opportunity of selecting other land, but refused to avail themselves of it?—Yes.

131. *Mr. Larnach.*] These claimants—Sartoris and Downe—had the opportunity of selecting, and refused to select?—Yes. All claimants have had opportunities of selecting land from time to time; but they did not select, I believe, because they did not consider the land open for selection equal in value to the original selections.

Sir JULIUS VOGEL, being in attendance, was examined.

The nature of the evidence given by Mr. Batkin having been explained to Sir Julius Vogel,—

132. *The Chairman* said the Committee had thought the balance of £31,000 might have been resorted to to supply means for meeting petitioners, provided it was considered proved, and asked whether witness could give the Committee any information respecting the balance?—I did not prepare to answer questions upon this subject; I have prepared evidence upon a different point. I should like to see a copy of Mr. Batkin's evidence, and to have some time to look the whole matter up. At present I remember very little about it, but it will be found that the clause was introduced into the Appropriation Act in consequence of some proposals made in the Financial Statement, and which had been agreed to.

133. Can you give us any information as to the merits of this claim?—I have to depend upon my memory for much of what I may say. My recollection is that in 1871 a claim was made by Mr. Carrington—a claim which was in some respects allied to those now under consideration—and it was settled by an Act of the General Assembly, which provided that Mr. Carrington should be dealt with in a particular manner. I am under the impression that there was at this time a strong feeling in the House that Mr. Carrington had not been fortunate in the way in which his early services to the colony had been treated. He had come out here, giving up a good appointment at Home, and did a considerable amount of good service to the colony; and whilst he was on a visit Home, the land of which he had possession passed to the Natives, and it was resolved to pass this Act so as to place him in a position to get compensation in respect of his claim. Other claims, I think, were to have been dealt with separately, but the Bill dealing with them was thrown out. The Sartoris Downe Bill was introduced the following year, during the time Mr. Stafford held office, and was carried through after Mr. Stafford left office and Mr. Waterhouse became Premier. This Bill simply proposed the appointment of a Commissioner, who should make an award, which award was to be accepted as binding upon all parties—to be satisfied within two years by the Government, and the land awarded to be taken up by the parties under the laws and regulations then prevailing in the province. The question as to what basis the award was to be made upon was never satisfactorily explained, for I find that Major Atkinson, when the Bill was being finally passed through, protested against it as a fair settlement, and said more would be heard of it. This is what he said: "He must warn the House that this would not be a final settlement of the question. It was not dealing the same measure of justice to these claimants as had been awarded to a member of the House. The honorable member for Grey and Bell had got more compensation than the other claimants for whom he acted as agent." Then Mr. Kelly was very prophetic, for he foresaw exactly what did take place, and urged that special instructions should be given to the Commissioner. Whilst the Bill was passing through the Upper House, a very important declaration was made, which to my mind very much affects this case. Mr. Sewell, speaking on the second reading of the Bill, said: "The Carrington claims were adjusted at a fixed sum, and at that value certain land was assigned to him out of the confiscated lands. It was not proposed to satisfy the present claims out of the confiscated lands, but out of land open for sale in Taranaki, and unless his honorable friend could assure him to the contrary, he thought it was perfectly an illusory and shadowy mode of compensation; however, he would be glad to learn it was otherwise." In reply, Mr. Waterhouse, who was Premier of the colony, made a very important declaration on the part of the Government. He said: "In reference to the remarks of the Hon. Mr. Sewell as to the visionary character of the compensation proposed to be granted under the Bill, the honorable gentleman laboured under a misapprehension as to the quantity of land available for purchase in Taranaki. A considerable tract of land had been acquired by the Government, and negotiations were pending for other tracts, the whole of which would be available for the purposes of this Bill. He thought, therefore, it would be found, if the Bill passed into law, there would at any rate be plenty of land to select from by the time for selecting it expired, and opportunities would be afforded for issuing land orders in a way that would be satisfactory to the claimants themselves." I was not aware of this declaration of Mr. Waterhouse's till now; had I been aware of it, I should have hesitated to propose in the Bill which authorized the purchase of Native lands, that these lands should be excluded from the operation of this Act. It is noticeable that there was a division in Committee on the question whether or not confiscated lands should be included in the Bill, and the proposed amendment was lost. I take it that, as far as the history of the Bill goes, it is clear that lands purchased from the Natives should be available, but not