

I at once wrote to the Government (see enclosures), pointing out that Europeans were, by the Governor's Proclamation, prohibited from purchasing land in that district from the Natives, and that there was also the greatest and most urgent want of land for the public in the same district, on which to locate intending settlers from the Thames.

I asked that the Government would be so kind as to furnish me, or direct Mr. Mackay to furnish me, with copies of all papers relating to such transaction, and of the instructions given to Mr. Mackay regarding it.

On the 6th May, 1875, the Government informed me, in reply, that Mr. Mackay was instructed to respect all existing agreements between Natives and Europeans, whether for land or timber, within proclaimed blocks of land; that Mr. Russell was buying land at Waiharakeke and Hungahunga before the Government, and previous to the Proclamation under the Immigration and Public Works Act; that the purchase of Waiharakeke included both the east and west side of the River Waihou.

The Government further stated that as Mr. Mackay considered it highly desirable that the Government should have the east side of the river south of the Aroha Block, he proposed to Mr. Russell that he should give up the land on the eastward of the river, and retain that on the western bank; that the Government afterwards sanctioned the arrangement; and that Mr. Mackay had reported that the greater part of the land which Mr. Russell was to have was swamp, and unfit for the location of small settlers, as it would require a large expenditure of capital in draining it before it would be fit for occupation.

The Government made this statement to me; but they would not furnish me with copies of the papers relating to this subject for which I had asked, nor would they furnish me with copies of papers relating to some of their agreements permitting private persons to take or exchange lands in the Hauraki, Thames, or Piako districts; and they have up to the present date refrained from furnishing copies of these papers to the Superintendent of this province, as I believe, in violation of the law.

I am now informed, and believe, that an agent of Messrs. Whitaker and Russell is, with the sanction of the Government, completing the purchase of the Waiharakeke and Hungahunga Blocks of land, if he has not already completed the transaction.

I venture to suggest to your Excellency that these proceedings are unlawful, and in breach of the rights of the European and Native inhabitants of this province. The Government were not, I am convinced, justified in speaking of the dealings of Mr. Russell with the Natives regarding these blocks of land as of a purchase made, or which could have lawfully been made. I am advised that no lawful right whatever has been or could have been acquired in them.

To compel the Natives, on the grounds of public expediency, to sacrifice their private rights to the public good, they being the lawful owners of the whole block, and to protect in the same block alleged inchoate interests, unknown to the law, of European subjects of the Queen, is, in my belief, a great injustice, and one which ought not to be permitted. The Natives are required to sacrifice their rights, and to lose much. To the European are secured rights which he never lawfully possessed, and to which an immense additional value was given by the land having passed into the hands of the Government, and being certain to receive those improvements and that expenditure which necessarily follow the opening up of a Native district to European occupation. A great injustice is also done to the public at large. They are deprived of lands to which I believe them, under the arrangements made by the Governor's Proclamation, to have been entitled, and which are absolutely necessary for the progress of this province and the welfare of its people. The value of the property of the small settlers would be considerably decreased by one great block in the centre of their respective properties being placed in the hands of a single individual; and their labour and the public funds expended in the district will probably go to give a greatly augmented value to the lands of a large absentee proprietor.

Again, the safety of a European population placed in a Native district depends in a great degree upon its density and organization. To place a number of small farmers in such a district, round a great property reserved for one man, is to weaken them, and imperil their safety, yet at the same time to give a great value to the property so reserved, by placing, as it were, a cordon of men around it. A single individual is thus greatly benefited at the cost of the many.

With great respect I would also venture to point out that, in truth, if this arrangement is carried out, the Governor's Proclamation, under which he compels the Natives to dispose of their property to the Government alone, recites that which is not correct. For if, in proclaiming this block of land as being subject to the Crown's right of pre-emption, it was intended at the time to take from it two large and valuable properties for a private person, and to compel the Natives to dispose of these blocks to him, it never can be alleged that the rights assumed by the Crown over these Native lands were so assumed solely for any one or all of the three objects named in the Proclamation as those for the promotion of which this act was performed. The Proclamation was alike deceptive to the Natives and to the Europeans. The land was not taken from the Natives for the purposes alleged in the Proclamation, and it was not to be given to the European population for the purposes specified in the Proclamation.

In the issue of that Proclamation a great act of arbitrary power had been exercised, to the injury of some of the Native race, but with a view to the benefit of the public at large. Its justification could alone be the righteous application, for the benefit of all, of that which had been taken from the few. The moment that principle was violated, it became, in my belief, an act of unjustifiable oppression.

Again, the European population, by the proceedings about to be taken, will be greatly wronged in another respect, from the Government assuming to themselves the right of determining whether or not a tract of land is fit for the location of small settlers, and whether, therefore, it is to be given to a reputed capitalist because it would require a large expenditure of capital in draining it before it would be fit for occupation.

Neither law nor public morals justify a Government in coming to a decision of this kind, and in acting upon it. To do so is to subvert and trample upon the rights of the public at large—to assume a power unlawful in itself, and certain to become a precedent pregnant with corruption. Your Excellency will, I feel assured, admit that the Crown's authority should not be used for such a purpose.