

Crown Lands (Mr. Domett) inquiring under what regulations the selection could be made, the Under-Secretary replied that under the regulations of 1863 there was no claim legally, but that the Defence Minister had allowed Captain Hamerton to have the land as an officer of military settlers, "the case being precisely a parallel one to Major Brown's." Mr. Domett then asked how much, if Captain Hamerton was illegally to get 300 acres, should be awarded to a certain other officer. The matter was laid aside for a time, Mr. Domett refusing to prepare the grant unless it could be shown "under what regulations or Act of the Legislature the claimant was entitled to the land." But the year after, Mr. Domett minuted that, although the legal title of Captain Hamerton to the land had not been established, his equitable title seemed undoubted, and had been recognized by the then present and preceding Ministries. So the grant was made out: but in sending it in, Mr. Domett called the Attorney-General's attention to it as follows: "This is a grant I could find no legal authority for: ordered by Sir D. McLean: I suppose it should come into the schedule of any Validating Act to be passed." The Attorney-General was then requested to prepare a Bill to validate it. There is, however, no Act validating either of the grants to Major Brown or Captain Hamerton.

1866.

Secretary, Crown Lands; Minute, 8th March 1870.

Under-Secretary, 9th March 1870.

Minute, Secretary Crown Lands; 10th March 1870.

Minute, Secretary Crown Lands; 25th May 1870.

Minute, Secretary Crown Lands; 25th October 1870.

Minute, Secretary Crown Lands; 8th January 1871.

There were a few cases of other smaller grants at Opunake to flax-companies and settlers, at the time that the flax industry seemed to promise success. These however are not of sufficient importance to describe here. The sales were all made under special Orders in Council issued for the purpose.

Orders in Council, 11th May 1871, 17th July 1872, 31st July 1872.

XIII.—THE SYSTEM OF "TAKOHA."

We have already said to Your Excellency that the extinguishment of claims by *takoha* did not deceive the Natives as to what was really meant by paying money under this new name. It was simply make-believe. Their contempt for the pretence that it made any difference, could not be better put than in the language of Mr. Mackay's report to Mr. Sheehan: "Although the term *takoha* (gratuity) is well understood by the Maoris, it is absurd to think for a moment that they do not look on any *takoha* payment made to them as being consideration for their lands." The change of method from deeds of cession to the gift of *takoha* made no change whatever in the thing itself; but the principle on which the new method was applied is, in our opinion, radically wrong. As described by the Civil Commissioner in his evidence, it was nothing but secret bribery. "I awarded the *takoha*," he says, "in two shapes. One was to cover the former tribal rights, which was publicly paid to the Natives interested: and the other to cover the *mana* of the chiefs, which was privately paid, only Europeans being present. The reason for the latter was this: The chiefs said they must oppose my action if all the money was paid publicly, because they would then be obliged to hand it over to the tribe, and they would lose their land without getting anything for it." But it was a mistake to suppose that such a secret could ever be kept. The records we have examined teem with evidence that the tribe knew money was being secretly received by their chiefs; but they did not know, and were not allowed to know, what sums were really paid. One of the reasons why Titokowaru kept away so long from Parihaka was, that he could not go there without reproaches for taking money secretly from the Government; and at our own meeting with him we taxed him with it before all his people, to their high glee and his confusion. The system had three great evils: it demoralized the Natives; it gave vast personal power to the Commissioner; and at the Waimate Plains it has ended in pure waste. There does not seem to have been the smallest control over the way in which the money was to be spent. The Commissioner could choose at will who should be the recipients of his bounty: he could divide the money as he pleased among the tribe, or withhold it from any but the chiefs. We can find no trace of any principle laid down to guide him, of any safeguard against transactions being repudiated by the tribe, of the commonest precaution that at least the Government should know what was being done. An example of what the system led to is given in what happened on the Plains.

Mackay, Report, 14th April 1879. P. P. 1879, C.—4, p. 7.

Brown, Evidence, Q. 1041, et seq.