

Had my engagements permitted, I would have come down to-morrow to assist at some settlement, which is most desirable, on account of Mr. Harding's violence and threats to burn down the houses, which I myself heard him use, though not to the Natives. You had better send for Mr. Wilson, and also refer to the report of the Council in Heta Tiki's petition, which you will find in the Journals in the Library. Nipia will explain the matter fully from the Native point of view.

Mr. Harding's proceedings, in taking down a boundary fence which he and I erected many years ago, and paid for jointly, without any notice to me whatever, or to the Natives, was most provocative; and had I not impressed on the Natives not to offer the slightest violence, but merely to sit down on the line of fence, I have no doubt a breach of the peace would have ensued. The Natives say that Harding threatened them with soldiers and guns, and also threatened to go and lock up their houses.

The Natives say they want an independent interpreter, not Hamlin; perhaps Mr. Grindell had better be sent for to interpret for them.

T. W. Lewis, Esq., Under-Secretary, Native Department.

I have, &c.,

H. RUSSELL.

P.S.—If no arrangement is come to, the Natives say they will again petition Parliament. Meantime, Mr. Harding should be warned not to persevere in altering the fence or to use threats.

Mr. H. RUSSELL to the UNDER-SECRETARY, Native Department.

DEAR SIR,—

Mount Herbert, 7th March, 1880.

Since writing you this afternoon about Harding's case, I have looked through *Hansard*, and beg to refer you to Volume No. 25, page 455; heading: Hawke's Bay Lands, 13th September, 1877. Also, to Volume No. 26, page 457; heading: H. Tiki, 25th October, 1877. You will see a considerable debate took place, and that Mr. Cooper's evidence was taken. So far as I recollect, no further debate after the 25th October took place; but when the evidence was taken, and before the Council, the resolution referred to in the debate of the 25th October was simply put and carried without discussion. You will see the report of the evidence, of course, in the Journals of the Council for 1877.

I have, &c.,

H. RUSSELL.

T. W. Lewis, Esq., Under Secretary.

#### STATEMENT and EVIDENCE of Mr. JOHN HARDING, *re* certain LANDS at WAIPUKURAU.

STATEMENT of JOHN HARDING, of Mount Vernon, near Waipukurau, in the Provincial District of Hawke's Bay, made in the presence of JOHN BRYCE, a member of Her Majesty's Government of New Zealand, at the Supreme Court Buildings, Napier, this sixth day of March, in the year of our Lord one thousand eight hundred and eighty, in the matter of a dispute with the Natives about certain lands at Waipukurau.

I BOUGHT this land from Mr. Riddiford, of Wellington, twelve years ago last June. Shortly after I was going to England, and I arranged with Mr. Henry Russell to put up the dividing fence. The land had then very recently been surveyed on behalf of the Natives by Mr. Ellison.

*Hon. J. Bryce*: Do you mean that Mr. Ellison had privately surveyed it?—He surveyed it to enable the Natives to get their Crown grants. On returning from England I found a portion of the fence had been erected in the wrong place. Mr. Russell stated that it was not wrong, it was in the right place. I took no further notice until a Native called Heta Tiki commenced to build a house on my land. I then came to Napier and saw the late Sir Donald McLean, who was then acting as Agent for the General Government at Napier. I told him this Native had commenced to build on my land, and, as I had known in Wellington and other places a great deal of trouble arising from allowing such to be done, I felt it my duty to inform him immediately that it might be stopped. I never heard that Mr. McLean took any notice of that further, and the house was finished. From that time up to the present the Natives have continued to build on the land. On each occasion when I have seen them commencing a new house I have told them that if they built the house it would be mine, as the land was mine. I frequently applied to Sir Donald McLean, but could get no satisfaction. Frequently letters remained unanswered. At last I received a letter from him informing me that he would send a surveyor to show the Natives their boundary, which he did. As soon as the surveyors had gone, the Maoris pulled up the pegs. Mr. McLean then informed me that I should take the case to the Supreme Court. This was in 1875. I took proceedings in the Supreme Court against one Heta Tiki, for selling timber off the land, and also for the trespass, to obtain possession. By this time Mr. Sheehan was acting as their solicitor. Mr. Sheehan came to me and said that the Natives had no case; that he should not defend it in the Court, and asked me to stop proceedings, and he gave me a written guarantee that within two months the Natives should leave, and he would see my costs to that date paid. You have a copy of that agreement—I think so—I sent one the other day to Mr. Hamlin.

No, I have not.—Here is the original [handing it to the Hon. Mr. Bryce for perusal]. The man Bennett referred to is the person to whom Heta Tiki sold the timber.

I have not seen that before.—I sent it to Mr. Hamlin. It was on a sheet of blue foolscap, and with a copy of Mr. Lascelles' letter. Just upon my making the agreement with Mr. Sheehan I again went to England, and on my return I found the Natives still in possession. Mr. Sheehan was now Native Minister. I went to Wellington and saw him about it, and I could get nothing satisfactory from him, but that I must wait; and so, as I could get nothing satisfactory, I again commenced proceedings in the Supreme Court. The action was again undefended, and I obtained judgment for £20 damages for trespass and £100 for the timber removed, and a writ of ejectment was issued by the Supreme Court. Since then I have done all in my power, by corresponding with the Native Minister, to get possession of my land, and at last, some three weeks since, my solicitor advised me to put the fence along the boundary line. The fence was commenced on Thursday fortnight. The Maoris interfered and stopped my men. I applied to the police to come over and see that my men were not stopped, and the sergeant telegraphed to Mr. Scully, who came up. Mr. Scully requested me to give the Maoris three clear days that they might obtain legal advice, which I did. On the following Tuesday my men went on with the fencing, but were again stopped by the Maoris. I think that is all I have to say.