

possession of the land. In these circumstances Mr. Sutton petitioned the House, and the resolution which has been read, and which I desire to embody in my evidence, was the resolution arrived at by the Native Affairs Committee: "The petitioner states that he is the owner of a piece of land in the district of Hawke's Bay, known as Omaranui; that he gained a suit brought against his title by certain Natives in the Supreme Court and Court of Appeal, but that, nevertheless, the said Natives and others took possession of the land, and resisted the efforts of the Sheriff of the district to eject them by due process of law, declaring that they would never give up possession of the land while they retained life; that the Sheriff, in his return of the writ, has stated that he could not have enforced it without causing a breach of the peace, and that he had not sufficient means at his disposal to overcome the resistance which would have been offered; that the Supreme Court having accepted these reasons as a sufficient excuse for the non-execution of the writ, petitioner has received no benefit from the judgment of the Court, but has incurred costs to the amount of several hundreds of pounds. He therefore prays that means may be devised for enforcing the judgments, decrees, and writs of the Supreme Court of New Zealand. I am directed to report as follows: That the petitioner, as holder of the Crown grant, appears to have a legal title to the estate, but that it seems probable that the issue of the Crown grant did a wrong to the Natives, who for a long time inhabited 163 acres included in the grant. The Committee therefore recommend the Government to inquire into the case, and effect such a settlement as may appear fair, considering all the circumstances.—11th December, 1879." Government acted upon that resolution, and endeavoured to arrive at a settlement which, in terms of the resolution, should be fair. But no doubt they were moved by another consideration, and that is a desire to settle a difficulty which had existed for a long time, and which at one time looked as if it might produce bloodshed and serious disagreement between the races. Accordingly, Mr. Rolleston and myself took advantage of a visit we paid to Napier to have a meeting with the Natives interested in this piece of land and others. At that meeting Mr. Sutton was present. What took place is fairly reproduced in the report already read to the Committee. The principle, if I may call it so, which we laid down for our guidance in the attempt at a settlement of this case was this: that some concession should be made by all parties; that the Natives should yield something; that Mr. Sutton should yield something; and that the Government—although, in my opinion, the Government had not been to blame—in the interest of peace and settlement, should be prepared to pay something for it. But I was careful on that occasion—as I have been on every other occasion in speaking with the Maoris on the subject, whether in public or private—to point out to them the legal right to the land vested in Mr. Sutton, and that it was not in the power of the Government to disturb that right. I then asked them what they would yield, what they proposed to do by way of concession? Several proposals were made, but it came to this at last: they offered 1,000 acres of land, which I valued at about £500, by way of concession on their part. I may state here, by way of parenthesis, though not strictly in my own knowledge, that I understand that offer has since been increased to 2,000 acres of the same kind of land. I said to them when I had received their offer, "Very well, I will receive your offer; Government are exceedingly anxious to have this matter settled, and I will try what arrangement can be made with Mr. Sutton." Accordingly I met Mr. Sutton, immediately after the meeting, and I asked him what he would do? Mr. Sutton expressed great dissatisfaction at the whole tone of the meeting as far as I was concerned. The position he took up was this: that the land was absolutely his—which I could not deny—and that therefore he had a right to its full value, and that it was the duty of the Government to place him in possession of his legal rights. I explained to Mr. Sutton I only felt at liberty to attempt a settlement providing a compromise could be effected, and that I did not feel at liberty to buy out his legal rights at the full value of the land. Of course, I ought to state to the Committee by way of explanation, in these offers I proposed to make, I could only go as far as I had power to go. It had to be confirmed by the Assembly for two reasons—first, that money would have had to be voted; second, that something had to be done to prevent Mr. Sutton being disqualified by the receipt of the money, under the Disqualification Act. Keeping that explanation in mind, I offered Mr. Sutton, as a contribution on the part of the Government towards the settlement of the case, £1,500, provided he would hand over his rights to the Government. I said, "If you want more, Mr. Sutton, say so; if it is only a little more I will consult my colleagues, but if you want much more I will drop the thing, as far as we are concerned—I shall not think it necessary to consult them. Mr. Sutton said, "The land is worth £28 an acre, and I do not see why I should take anything less than its value. I consider your offer of £1,500 is absurd." 163 acres is the quantity of the land. The negotiations stopped at that stage. I considered I had failed. I considered the Government had failed to effect a compromise. I left Napier then. Other negotiations took place afterwards between Mr. Sutton and the Government, and there was a proposal made that the Maoris should convey their title to another piece of land—a valuable piece—receiving whatever balance might be found to be due to them. But Mr. Sutton never departed from the position at first—namely, that the land was his, and that he was entitled to the full value of it; and that it was the duty of the Government to see he got his legal right. The attempts—the endeavours—to effect a compromise passed then from my hands altogether. I found I had failed, and they passed into the hands of other members of the Government. I do not know that I can say anything more. I have brought it up to the point at which I ceased to have an active connection with the matter.

THURSDAY, 7TH JULY, 1881.

Mr. BRYCE, M.H.R., further examined.

26. *Major Te Wheoro.*] When the Ministers of the Government met the Natives at Pakowai, was Mr. Sutton present at that meeting?—Yes.

27 What did the representatives of the Government then say to Mr. Sutton, in the presence of the Maoris, when the Maoris had made their concession?—The members of the Government said nothing to Mr. Sutton at that meeting at all; they were addressing the meeting, including Mr. Sutton. They were more particularly addressing the Maoris, but said nothing special to Mr. Sutton at that meeting.