

so-called competition had ceased, Mr. Russell was to buy on one side of the river and the Government on the other, and afterwards they found it advisable to negotiate for the whole block? I should not like to speak definitely without the papers before me. It is rather an intricate case, and I should not like to speak positively. I may say this: that I was satisfied, from a perusal of the papers, that the withdrawal of Mr. Russell from this competition, whether legal or illegal, was a real advantage to the Government in the way of facilitating purchases by the Government. As a matter of fact, he could have shown very great opposition.

135. And you are distinctly of opinion that the colony benefited by that arrangement with Mr. Russell? Yes; although I am not going so far as to say that Mr. Russell's conduct in throwing these impediments in the way of the Government would have been proper.

136. But he did not throw any impediments in the way. He was simply there, and they found him there? Yes; and, if the Committee like to ask me what I would have done under the circumstances, I may say that I should have ignored Mr. Russell and proclaimed the land. I have no hesitation in saying that, if I had been in office at the time, and had been exposed to what the Government of that day were exposed to at the hands of private purchasers, I should have been prepared to bring in a Bill to coerce private purchasers from doing what they were doing without law.

137. But, failing that, do you not think an arrangement of this kind was the next best thing? Yes, possibly; although I cannot say I would have done it. I would have fought the matter out myself; but perhaps I might have sacrificed some of the interests of the colony generally in doing so.

138. So that it resolves itself into a matter of opinion as to the course which ought to be pursued? It is a matter of opinion as to which would have produced the best results to the colony as a matter of expediency.

139. Mr. PEARSON.] You consider that the Government is bound morally to carry out the agreement entered into? I think the Government is bound to carry out an agreement of that kind.

140. Mr. J. GREEN.] Even if wrongly made at the time? Even if wrongly made.

141. Mr. STEVENS.] If you consider the Government were morally bound to carry out an agreement wrongly made, do you not consider also the Government are morally bound to carry out agreements between themselves and the Maoris, although illegally made? I am speaking of the whole question generally. The Government are no parties to it. The latter arrangement, as I understand it, is an arrangement between private persons and the Maoris, and not between the Government? In reply to that I say that, the Government having made engagements, I consider they are bound to recognize them.

142. In the interests of equity and justice do you not consider that, if the Government, as the representatives of the people, are bound to carry out an illegal transaction because it is fair to do so, they were also bound to allow the people themselves to carry out such transactions? The two cases do not appear to be parallel. In one case the Government has made a positive engagement which would expose them to a charge of breach of faith if not fulfilled; in the other case the Government have made no engagement, and I do not think the Government are bound to countenance these transactions to which you allude, and which were made illegally in the sense I have explained.

143. Then, your answer is this in substance: That the Government are morally bound to carry out transactions made between Natives and Europeans in those cases where they are known to the Government, but in the other case they are not to be carried out? I did not say anything of the kind. I say that my distinct reason for saying that the case before the Committee should be carried out is that the Government made the engagement itself.

144. The CHAIRMAN.] In other words, the Government is bound to carry out its own engagements, but is not bound to recognize other people's engagements? Exactly.

145. Mr. J. GREEN.] Do you wish the Committee to understand that you not only think it right that the Government should carry out the engagements they enter into, but they should also do so in the case of engagements entered into by a previous Government? The Government is a continuous body. I do not distinguish between one Government and another in that respect.

146. Mr. J. BUCHANAN.] Has it not been the practice of the Government to recognize transactions that were made in the earliest times? What I refer to are those claims which existed at the foundation of the colony by Europeans, who were professing to be settled here. Some were recognized and some were not.

147. But the whole of those claims were illegal? Certainly, in the sense of being without law. Even in this case the Government are by no means bound to recognize Mr. Russell's claims or transactions with the Maoris. They thought it was an expedient thing to do.

148. And that principle of expediency is what actuated the Government in all its relations with transactions in Native lands? Yes.

149. Hon. Mr. ROLLESTON.] Are you aware of any recognition of those claims in the Land Purchase Department of late years—since the present Government have been in office? No. I have been taxing my memory about it, and I cannot think of a case, big or little.

150. Mr. J. B. WHITE.] Of course, your policy has been all through to retire from Government purchases of Native lands? Yes; and from competition with private individuals. But I have insisted on some blocks. I am insisting on the purchase of one or two blocks now. Others, again, where the land has not been very desirable for public purposes, I have been very anxious to retire from altogether.

* Mr. GILL, examined.

151. The CHAIRMAN.] What position do you occupy, Mr. Gill? I am Under-Secretary to the Native Land Purchase Department, and I have charge of the whole of the land purchase negotiations of the Government.

* Evidence not corrected by witness.