

In reply to that, Mr. Fenton was referred to the letter of the 8th of May, 1874, in which a decision was given in a parallel case. He was told that if the Natives themselves applied in person they would be entitled to a copy of the certificate, but that the applications of agents were not to be recognised. The point in this letter was not the removal of restrictions, but the application for the certificates of title to be issued.

14. *Major Jackson.*] In whose interest did they apply?—I do not know; but the reply made by Dr. Pollen, on behalf of the Government, was that, if the Natives themselves applied he saw no difficulty, but he did not think the principle applied to agents.

15. *Mr. Graham.*] Suppose the Natives applied for certificates and they were granted, would they have been issued without restriction?—The object of applying for the certificate was probably to get something on the register. The certificate would simply have been a copy of what had been issued by the Native Land Court, including, I presume, the indorsement.

16. *Mr. Ormond.*] Do you say that no Crown grant has ever been issued?—None.

17. Was this case referred to the Commissioner that was sent round by the late Government to inquire into these cases where restrictions were sought to be removed—Mr. Barton?—Mr. Barton did not inquire into this case. I am, at the request of the Committee, giving a detailed history of the case, and shall come to the point further on. I next come to 1881. There is a letter from Mr. Robert Fergusson (Captain Fergusson) to Mr. Rolleston, enclosing a lot of correspondence between himself and his lawyers, including Mr. Clarke's letter and telegram.

Gaton, Cambridge, 8th May, 1881.

DEAR SIR,—I beg now to send, for your information, certain papers with reference to the Blocks Nos. 1 and 2, Maungatautari. You will see by them that there is no restriction of alienation in the grants. Mr. James Mackay made a recommendation to the Government of that time that the Crown grants should be temporarily withheld, for political purposes. If you can assist me in this matter I shall feel exceedingly obliged. I have been at considerable expense over the matter, and certainly was led to this expense by the promises of Sir Donald McLean and of Mr. Sheehan.—I have, &c., ROBERT FERGUSSON.—The Hon. Mr. Rolleston.

Mr. Rolleston's reply was as follows:—

Native Office, Wellington, 23rd May, 1881.

SIR,—I have the honour to acknowledge the receipt of your letter of the 8th instant, and enclosures therewith, relative to the restrictions as to alienation imposed on Blocks Nos. 1 and 2, Maungatautari, and, in reply, to inform you that I am making inquiries into the subject. So far as I see at present, the case is one of which there are a good many in a similar position, and that they will require to be dealt with on some general principle to be prescribed by the Legislature.—I have, &c., W. ROLLESTON.—Robert Fergusson, Esq., Cambridge.

Some correspondence next ensues in regard to the same difficulty in connection with occupation. Shall I read that to the Committee?

18. *Major Jackson.*] That has nothing to do with the title?—It has no direct reference to it. The next letter is one bearing date the 2nd March, 1882, from Captain Fergusson, and addressed to the Native Minister:—

Gaton, Cambridge, 2nd March, 1882.

SIR,—With reference to our conversation with respect to the removal of the inalienability on Maungatautari Nos. 1 and 2, which took place on the 23rd ultimo, I beg to bring before your notice the following facts, which, I claim, help my case materially: First. In conversation with Mr. Every Maclean to-day he said that, after the blocks Maungatautari Nos. 1 and 2 had been passed through the Court, the grantees of each block signed a memorial to the Government praying that the restriction might be withdrawn. Second. This memorial was in existence before Mr. Maclean purchased the lease from Mr. E. B. Walker, and that, had it not been so, he (Maclean) would not have purchased. Third. Mr. E. Maclean sent this memorial to the Government. Fourth. The Government of the day promised Mr. E. Maclean that the restriction as to inalienability would be removed, and, in fact, went so far as to propose to him, after the conveyance had been signed by the Natives, that it should be sent, when completed, to Victoria, for Sir George Bowen's signature, the transaction having taken place during his Governorship. These foregoing four facts Mr. E. Maclean is prepared to swear to, if necessary. After Sullivan's murder—acting upon a report from, I think, Mr. James Mackay, junior—the Government thought it well not to take any active steps in the matter. I then bought from E. Maclean, on the strength of the letter shown by me to you on the 23rd ultimo, and the promise of the Government, or rather of Sir D. McLean, that as soon as I could get peaceable possession restriction would be removed. Mr. Maclean also was repeatedly promised that the restriction would be withdrawn. I claim that, having occupied peaceably, the objection as to alienability should be withdrawn.—I have, &c., ROBERT FERGUSSON.—The Hon. the Native Minister.

The reply sent to that letter is dated the 27th April, 1882:—

Native Office, Wellington, 27th April, 1882.

SIR,—I have the honour, by direction of the Native Minister, to acknowledge the receipt of your letter of the 2nd ultimo with respect to the removal of the inalienability on Mangatautari Nos. 1 and 2. In reply, I have to inform you that it has been ascertained that the certificates of title of the lands in question have not yet been signed by the Chief Judge of the Native Land Court, and the Government therefore have no functions to perform in the matter.—I have, &c., W. J. MORPETH (for the Under Secretary).—R. Fergusson, Esq., Gaton, Cambridge, Waikato.

*Mr. Ormond:* I do not think it is necessary to continue to read the correspondence.

19. *Mr. Ormond.*] Who was the Native Minister then?—Mr. Bryce. Then there is a letter addressed to him by Rapata Tukere, asking that the restrictions be not removed.

20. *Major Jackson.*] Was he a grantee?—I think not.

21. He was only interested by marriage?—He is not in the certificate. Then, on the 14th September, 1882, Mr. Fenton sends a letter, simply a covering letter, forwarding the certificates of title.

22. *The Chairman.*] Simply forwarding them to Wellington?—Yes.

23. *Mr. Ormond.*] Was there any recommendation?—The certificates were forwarded without remark, which would have been the ordinary course, except for the long interval since they were issued by the Court. In Sir Frederick Whitaker's memorandum he points out that the duty was imposed by the Act of 1865 upon the Governor of deciding whether the recommendation of the Court should be carried out in regard to the imposition of restrictions. As a matter of practice, without any exception, the Governor simply followed the recommendation of the Court. But what is urged by Sir Frederick Whitaker is that, under the Act of 1865, it rests with the Governor to decide whether they shall be followed out.

*The Chairman:* There is a letter dated the 5th January, 1874, signed "Henry Tacy Clarke," to