

which formed part of the original payment agreed for in 1839, was not given to the Natives, but Joyce handed them a promissory note for the amount, which note was not honoured. When the matter came before Mr. Commissioner Bell in 1858, Wi Hau made a claim for the return of a portion of the land. He, however, indicated that he was prepared to be bound by Mr. Bell's decision. Mr. Bell considered that, on principle, there should be no return of land, and he informed Wi Hau that the land could not be given back to him, but that he was clearly entitled to have the balance of the money paid. Mr. Bell proceeds in his letter: "And I stated further to him that, in consideration of his admirable conduct, and the good example he had given in acquiescing beforehand in what I might decide; in consideration also of the long time (18 years) which had elapsed without the balance due by Joyce being paid; I would recommend the Governor to direct some additional payment besides the £62 2s. 6d." And Mr. Bell, after consultation with District Commissioner Kemp as to what sum ought in fairness to be paid to Wi Hau, expressed the opinion that the Government should give the Chief the sum of £100, which was accordingly done. In the result, Wi Hau received no more than he was morally, if not legally, entitled to: what he received was the £62 2s. 6d. which he should have been paid some eighteen or nineteen years before plus £37 17s. 6d. which, presumably, represented the equivalent of interest at (for those times) a very low rate. And this is what it is now suggested was a bribe!

25. As to Wi Hau's appointment to the runanga, it was not until 1862 (some three years after the sale of Mokau) that the runanga was set up by the Government, consisting of ten of the principal Chiefs of the various tribes in the district. The appointments were made upon the recommendation of Mr. George Clarke, who, as the result of his inquiries, made a report to the Native Minister on the 30th December, 1861. After consultation with the tribes with a view to selecting the most influential and intelligent Chiefs to constitute the future government of the district, Mr. Clarke says in his report: "Upon the whole, the Natives are aware that these who are nominated to represent them are Chiefs of the first rank, and are those whose parents ruled in this district indisputably for nearly half a century." Wiremu Hau was nominated as representing the Ngati Whiu; Tamati Waaka Nene was also nominated as one of the Chiefs to be appointed, and both he and Wi Hau were in fact appointed as two of the ten members. These facts as to the time and circumstances of the setting-up of the runanga and of Wi Hau's appointment thereto show the readiness with which charges of fraud have been hurled.

26. Now, as to the allegation that the block was sold under a bogus name. It is described in the deed as "Mokau." In the plan on the deed it is called "Mokau and Manginangina." The suggestion is that the Maoris under the deed thought that they were selling some or all of the lands to the north of this block, and which are now described as Mokau No. 1, Mokau No. 2, and Mokau No. 3 (or Awarua). This suggestion is untenable. On this point Judge Acheson said in his report that he accepted the plan as identifying the 7,224 acres that Wi Hau and the other Chiefs sold. With that view we entirely agree. Firstly, the areas do not fit, nor does the description. The block that was being sold contained 7,224 acres. Mokau No. 1 contains only 481 acres; Mokau No. 2, 451 acres; and Mokau No. 3, 1,500 acres. True, the deed does not state the area, but it does identify the land by both boundaries and plan. Secondly, there is the plan on the deed, and there is evidence that the Maoris at the time, or some of them, went