

I complied with that request, and took the Natives in my vessel again down to Port Chalmers—my object at the time being to forward the views of the New Zealand Company, and to benefit the Natives. In fact, I remonstrated with Mr. Wakefield, (at the time that he objected to give up the two reserves in Dunedin,) alleging that they were very paltry reserves, and that they were absolutely necessary for the use of the Natives. When negotiations recommenced at Port Chalmers, Mr. Daniel Wakefield gave in, and as I was acting for the Natives, I distinctly state that these two reserves were exempted from the sale of the block subsequently known as the Otago Block, and that these two reserves are those specified in clause three in John Topi Patuki's Petition. If I were on the spot, I think I could point out both reserves, within a very few feet of the limits which the Natives assigned to them at the time.

1. *By the Chairman.*—Can you account for the non-insertion of these two reserves in the Deed which was executed between the Natives and the Agent of the New Zealand Company?—I cannot account for it; but Captain Cargill, Agent for the New Zealand Company, some fifteen years ago built a stone house for the Natives on one of these reserves, and in fact always acknowledged their right to that reserve, which is known as the Beach Reserve. Towaki, as I said before, drew a plan of these two reserves, and gave it to Daniel Wakefield; this plan should be forthcoming, and if John Topi Patuki is correct, when he says in his Petition, that he and his tribe, on the demise of the New Zealand Company, were unable to find written record of these two town reserves, then, in my opinion, the omission was designedly made.

2. As you acted on the occasion of the sale, as the friend of both parties, you are asked whether you see any way to settle the matter?—I have spoken to Mr. Macandrew, the present Superintendent of Otago, and he informed me that he was prepared either to give the Natives a site on the reclaimed land, or, if they preferred it, he would purchase for them a site in Pellichet Bay, close to the water, and erect a brick building of the value of £500 for their use and that of the Natives of the Middle Island. Such a site and such a building would amply answer all the requirements of the Natives, and be the best way of settling the matter.

3. Do you know anything about the reserve in the town of Dunedin, specified in the fifth clause of the Petition, as having been made by the Governor of the Colony in the year 1853?—Yes. That reserve was made by Sir George Grey, when Mr. Mantell was Chief Commissioner. That reserve contains an area more than four times as large as both the reserves that the Natives originally stipulated should be reserved for themselves; and, I may add that, at the time of the original sale, the Natives never laid any claim to have so large an area reserved for them.

4. Will you read the seventh section of the Petition, and then state to the Committee what you know respecting the phrase, that "your petitioner was also entitled to one-eleventh of the sections "into which their lands might after their cession be divided"?—I am quite certain that at the time of the purchase no such question as this was mooted.

JOHN JONES.

Sub-Enclosure 2 to Enclosure in No. 2.

The Hon. W. B. D. MANTELL to His Excellency the GOVERNOR of New Zealand.

SIR,—

Wellington, 19th August, 1867.

At the request of John Topi Patuki, I do myself the honor of enclosing a Petition addressed to Her Majesty the Queen, by him, as chief of the Ngaitahu and Ngatimamoe tribe, and of respectfully requesting your Excellency to forward that Petition to the Right Hon. the Principal Secretary of State for the Colonies.

The petitioner prays Her Majesty to exert Her Royal authority to prevent certain claims of his tribe from being extinguished or prejudiced by legislation in the General Assembly of this Colony, those claims being, he submits, of a nature which can and should be dealt with by the judicial tribunals of the Empire.

In the endeavour to restrict the allegations of his Petition to such only as seemed absolutely needful to show a *prima facie* claim to the consideration prayed for, a clerical omission has unfortunately occurred in the third line of the seventh paragraph of its second page. The following statement should have there appeared between the words "cancelled" and "the Governor:"—"without any warning to your petitioner's tribe of the intention so to convey this reserve, and without any opportunity having been afforded to them of being heard in defence of their claim thereto before the Executive Council or the Supreme Court."

As the present appeal of this chief to Her Majesty is designed only to pray for Her gracious interposition in order to restrain the action of the Legislature to its proper functions, and to maintain on behalf of that race of Her Majesty's subjects in this Colony which is not represented in its Legislature whatever protection of their rights and interests the courts of the country can afford, it has not been thought necessary therein to advert to the injustice of the Provincial Government's demand for the reserve in question—to the history of the Bill now before the Legislature—or to its repugnance to principles already affirmed during the present session in the "Private Estates Bills Bill."

I am so unwilling that the accidental omission above noted should in the least weaken whatever force this Petition may possess, that I venture respectfully but earnestly to pray your Excellency to forward a copy of this letter to the Right Hon. the Secretary of State for the Colonies with the enclosed Petition.

I have, &c.,
WALTER B. D. MANTELL.

To His Excellency the Governor of New Zealand.

P.S.—I should add that Petitions of similar purport have been addressed to both Houses of the General Assembly.