

Enclosure.

TO HER MOST GRACIOUS MAJESTY QUEEN VICTORIA,

The Petition of John Topi Patuki, of Ruapuke, in New Zealand, Chief of the Ngaitahu and Ngatimamoe.

HUMBLY SHEWETH,—

That in the year one thousand eight hundred and forty-four, with the sanction of your Majesty, the Government of this Colony directed negotiations to be entered into with the representative chiefs of the Ngaitahu and Ngatimamoe Tribes for the sale to the New Zealand Company of a portion of their hereditary possessions, since known as the Otago Block, and containing 400,000 acres, for the consideration of £2,400.

That from the lands comprised within the general boundaries of that block, certain portions at Otokau, at Taieri, and at Karoro, were withheld from sale by those chiefs as dwelling-places and possessions for themselves and their descendants.

That the said chiefs further demanded that there should be made at that time, and guaranteed to them, certain small reserves, including two at Otepoti, now known as Dunedin, namely, one near the stream which crosses Princes Street, near Rattray Street, and the other fronting a small sandy cove to the eastward of the site afterwards occupied by the manse, and the land adjoining.

That on the refusal of the agent of the New Zealand Company and of the agent representing your Majesty's Government, to accede to these moderate demands, the said chiefs declined to proceed further in the matter, and departed; but after the lapse of some days, on being assured that the above reserves would be made for them, the said chiefs returned, and the purchase was concluded.

That during the existence of the New Zealand Company, your petitioner and his tribe were not molested in such occupation as they desired of the above spots; but on the demise of that body, unable to find written record of the making of any special town reserves, the Commissioner of Crown Lands, at the request of the chiefs aforesaid, laid their application before the Governor of the Colony, who thereupon set apart for your petitioner and his tribe a reserve in the town of Dunedin, and one in that of Port Chalmers, from lands which your petitioner is advised were freely at the disposal of the Crown for that purpose.

That it must be borne in mind that your petitioner and his tribe were, at the time of the above sale, a people little accustomed to scrutinize narrowly such deeds as might be submitted to them for signature, and ready to regard as equally sacred and binding any parole promises or assurances which an officer of Government might make to them in your Majesty's name.

That your petitioner was also entitled under the arrangements then existing between your Majesty's Government and the said Company, to one-eleventh of the sections into which their lands might after their cession be divided; and that although, at the request of the agent of the said Company, the officer acting for the Government made no express stipulation to that effect in the deed, it yet appears from later correspondence of the said agent that your petitioner's claim was not repudiated by the New Zealand Company.

That your petitioner is not aware that at any subsequent period this claim was waived, and is confident that such waiving of this claim was never assented to by those for whose interest it existed.

That it was set aside, as he trusts by inadvertence, in your Majesty's grant of the Otago Block to the New Zealand Company in 1846, your petitioner is aware; but that grant having subsequently reverted to the Crown, can no longer, he submits, prejudice the equity of claims ignored therein.

That in the year 1862, the Government of the Colony permitted the said reserve to be let for occupation, and that the rents accruing therefrom were paid into a separate fund, and by successive Ministries regarded as funds to be expended for the benefit of your petitioner's tribe. That in the year 1865, your Majesty's representative, the Governor in Council, again formally recognized the ownership of the Dunedin Native Reserves as still resting in your petitioner's tribe.

That notwithstanding the previous action of the Governor in Council, and the Order in Council aforesaid not having been revoked or cancelled, the Governor did, on the 11th day of January, 1866, sign in Council a grant purporting to convey the said reserve to the Superintendent of Otago.

That it appears that of the rents accruing as above, there was in the hands of the Colonial Treasurer, at the time of the signature of the said grant, a sum exceeding £6000.

That doubts having naturally arisen as to the validity of the said grant, your petitioner, urged thereto by the Government of the Colony, encouraged by the promise that every facility would be afforded to him to assert in your Majesty's Supreme Court the claim of his tribe to the above reserve, in the manner which he is advised is that provided by the laws of the realm for the fair investigation and remedy of such wrongs as that which he suffers, relying upon the good faith and honor of your Majesty's Government in this Colony, and believing that the abovenamed ample funds were fully available for covering the costs of litigation, has, by petition to your Majesty's representative, and by himself giving a bond of costs to a very large amount, obtained the issue of a writ of *scire facias* with a view to the repeal of the said grant to the Superintendent of Otago.

That your petitioner learns that a Bill is now before the General Assembly of New Zealand whose effect, if it become law, would be to deprive his tribe of the funds which have accrued from the letting of their said reserve in Dunedin, and probably to render nugatory any effort which he on their behalf is now making, or may hereafter make, in the Supreme Court of the Colony or elsewhere, to recover possession of the land itself.

Your Most Gracious Majesty's humble petitioner further sheweth,—

That your petitioner's tribe has ever been loyal and faithful to your Majesty.

That by the Treaty of Waitangi your Majesty entered into certain honorable engagements with the Maori race, which he humbly submits were of a nature not safely to be devolved upon any body of your Majesty's subjects, without strict reservation to your Majesty of sufficient power to enforce their fulfilment.