

hold the Company bound either to make reserves for Natives in accordance with original scheme, or, as indicated in clause 13 of the agreements with Lord John Russell, dated, I think, about November, 1841, or in such other mode as the Crown should direct, from which it seems to me quite clear that the Imperial Government did not contemplate allowing these reserves to be in less proportion than those provided for in the original scheme of the New Zealand Company. *Hon. Mr. Mantell.*  
25th Sept., 1872.

There is also a Despatch of Lord Stanley's to Governor Fitzroy, bearing date, I think, 16th April, 1844, which would seem to confirm the above view of the subject. About this time Governor Fitzroy's arrangements became in a very complicated state. His time and attention were absorbed in frequent discussions with the Imperial Government and local dissensions, which resulted in his being recalled and succeeded by Sir George Grey, in whom the Imperial Parliament had great confidence. I am not aware of any further mention being made in Sir George Grey's time prior to the date of his Despatch forwarding copy of grant of the Otago Block executed by him to the New Zealand Company. The wording of that Despatch is such as, taken in connection with such previous papers on the subject as the Colonial Office had cognizance of, must have led the Secretary of State for the Colonies to believe that the Imperial stipulation for reserves on behalf of Natives of surveyed sections as before mentioned had been carried into effect, for it must be borne in mind that the so-called reserves in Otago Block were merely exemptions from land sold, and therefore would not be part of the tenths.

In the year 1848, my official connection with the Ngaitahu commenced; but before then I knew Tuhawaiki, the leading chief, who took an active part in the sale, and he himself told me that he considered that the Natives were entitled to these tenth parts. He was drowned before my official duties in that district commenced.

The old chiefs Tairaroa and Karetai—in fact all of the older chiefs—when I eventually went down as Commissioner of Crown Lands for the Southern District of New Munster in the year 1851, repeatedly asked me about these reserves, and when they were going to be settled or selected; but I knew nothing at that time of the documentary evidence to which I have referred, nor had heard of it, save the conversation alluded to, and therefore laughed at the idea, which I thought they had acquired from intercourse with the Northern tribes. I may add that their pertinacity was very strong on the subject; but at the time I did not feel justified in raising the question officially, inasmuch as during the earlier part of my administration of Crown lands the Otago Association Block was exempt from my control; afterwards, my work became so very excessive—lasting frequently from 4 a.m. until 10 p.m.—that I had no opportunity of so doing.

In making these purchases, it was clearly intended that nominally one-tenth, but virtually one-eleventh, was to be reserved for the Natives. I may here inform the Committee that, before going home on leave of absence, so large a quantity of land was unselected that one-tenth might have been taken without the slightest interruption to purchasers. During my term of office I did not believe these claims were well founded, notwithstanding that the Natives never ceased to press them. It was from subsequent acquaintance with documents and other sources of information, which, though at the time existing, I in my official capacity was not aware of, but which I afterwards obtained, that I gathered the information which caused me to change my opinion.

Had Tuhawaiki lived, I believe the claims would have been satisfied, as, being a chief of considerable discernment, he would have been able to bring the claims properly under the notice of the Government.

Special reserves at Dunedin and Port Chalmers are referred to in J. Jones's evidence (F. No. 3, 1867).

2. *Mr. Sheehan.*] To your knowledge, have these claims been fulfilled?—No; not up to the present date.

3. Has there been any wavering on part of Natives to these claims?—No; not to my knowledge.

4. Have you any information concerning proceedings of the Native Lands Court held at Dunedin in 1868?—Yes; I was present, I believe, the whole time, and gave evidence. The subjects on which I was chiefly examined were the "Ngaitahu Block purchase," and the claims under Kemp's purchase. I am not aware of any endeavour being made to settle these claims, or of any compromise thereof.

THURSDAY, 26TH SEPTEMBER, 1872.

HON. MR. MANTELL in attendance, and examined.

5. If the Committee desires, I can now add a note to that portion of my evidence in which I stated that even in 1854 the Native reserves could, without inconvenience, have been selected out of the lands then remaining open for selection. *Hon. Mr. Mantell.*  
26th Sept., 1872.

The scheme comprised 2,400 properties ( $\frac{1}{4}$  acre town, 10 acres suburban, 50 acres rural), amounting in the whole to 144,000 acres, but a much larger extent than that was laid off. So that in July, 1854, there remained 154,174 acres unselected.

Of town sections there remained	...	...	...	...	3,476	acres.
Of suburban	...	...	...	...	1,852	"
Of rural	...	...	...	...	2,406 $\frac{1}{2}$	"

Therefore, after deducting for Native reserves 240 properties, there would have remained—

Of town sections	...	...	...	...	3,236	acres.
Of suburban sections	...	...	...	...	1,612	"
Of rural sections	...	...	...	...	2,166 $\frac{1}{2}$	"

6. *Mr. Sheehan.*] Do you know anything about making a road from Portobello to Otago Heads?—No, I do not at this moment remember anything on that head. I have, since giving my evidence, learned that Karaitiana Takamoana, the Member for the Eastern Maori District, was present, with thirty of his tribe, at the negotiations conducted by Captain Symonds.