

R E P O R T

OF THE

COMMITTEE ON MIDDLE ISLAND NATIVE AFFAIRS;

TOGETHER WITH

MINUTES OF PROCEEDINGS AND EVIDENCE.

REPORT BROUGHT UP 21ST OCTOBER, 1872, AND ORDERED TO BE PRINTED.

WELLINGTON.

—
1872.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

[No. 1.]

THURSDAY, THE 19TH DAY OF SEPTEMBER, 1872.

Ordered, That a Select Committee be appointed to inquire into and report upon the unfulfilled promises to Natives in the Middle Island; three to be a quorum: with power to call for persons and papers, and to report in a fortnight. The Committee to consist of Mr. McLean, Hon. Mr. Stafford, Mr. Wakefield, Mr. Sheehan, Mr. Macandrow, Mr. Rolleston, Mr. Bunny, Mr. McGlashan, and the Mover.

[No. 2.]

FRIDAY, THE 20TH DAY OF SEPTEMBER, 1872.

Ordered, That the case of the land claims of the half-caste family of H. Wixon be referred to the Committee appointed to consider the unsatisfied claims of the Natives in the Middle Island.

[No. 3.]

WEDNESDAY, THE 25TH DAY OF SEPTEMBER, 1872.

Ordered, That the petitions of Pehimana Te Tahua and 32 other Natives, and Eurera Te Ngahue and 21 other Natives, be referred to the Middle Island Land Purchases Committee.

[No. 4.]

FRIDAY, THE 11TH DAY OF OCTOBER, 1872.

Ordered, That the Petition of Tini Kerei Taiaroa be referred to the Middle Island Native Affairs Committee.

REPORT OF THE COMMITTEE ON MIDDLE ISLAND NATIVE AFFAIRS.

THE Committee to whom was referred the consideration of the Middle Island Native Affairs, have the honor to report that they have agreed to the following resolutions :—

1. That the evidence taken by the Committee in reference to the claims of the Natives of the Middle Island, though far from complete, leads them to the conclusion that these claims have not hitherto had that consideration which they deserve.

2. That the evidence in reference to the claims for the Princes Street Reserves convinces the Committee that this case has been hitherto dealt with rather on legal and technical than, as the Committee considers it should have been treated, in the interests of the Natives, with regard to the broader considerations of equity and good faith.

3. That, in the opinion of this Committee, a further inquiry should be instituted into the merits of these claims by an impartial Commission, such as that proposed in the Hawke's Bay Native Lands Alienation Commission Act, now before Parliament, which should act in such inquiry as a Court of equity and good conscience.

21st October, 1872.

JOHN SHEEHAN,
Chairman.

MINUTES OF PROCEEDINGS.

FRIDAY, 20TH SEPTEMBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. McGlashan,
Mr. McLean,
Mr. Macandrew,
Mr. Rolleston,

Mr. Sheehan,
Hon. E. W. Stafford,
Mr. Taiaroa.

The order of reference was read.

On the motion of Mr. Rolleston, Mr. Sheehan was elected Chairman of the Committee.

On motion of Mr. Rolleston it was agreed, That the following papers be laid before the Committee :—

- (a.) Papers relative to matters before Committee.
- (b.) Copy of Proceeding of the Native Lands Court in the Middle Island.
- (c.) Papers by A. Mackay bearing on the subject.
- (d.) Report on the Reserves in the Arahura District.

On motion of Mr. Macandrew, agreed, That the letter of the Superintendent of Otago to the Governor and the Colonial Secretary relative to the Native Lands Court in Dunedin, be submitted to the Committee.

On motion of Mr. Taiaroa, agreed, That a copy of order of reference of Ngaitahi Deed to the Native Land Court be produced.

On motion of Mr. McLean, agreed, That copy of Major Heaphy's report, with all plans annexed, showing position of Native Reserves in the Middle Island, be submitted to the Committee.

The Committee then adjourned until Tuesday next, at 11 a.m.

TUESDAY, 24TH SEPTEMBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. Bunny,
Mr. McGlashan,
Mr. Rolleston,

Hon. E. W. Stafford,
Mr. Taiaroa.

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

Mr. Taiaroa stated that in calling for this Committee he was actuated by the following reasons :—

Mr. Kemp did not go inland when in Akaroa. It was on board ship that the sellers spoke to Mr. Kemp about reserving the cultivations, burial-places, and kaingas. Mr. Kemp agreed with the claims made by the Natives when they represented that they were not getting a fair price for their land, and informed them that if they left it to the Government they would, if found necessary, receive back some of their land; and subsequently, when Mr. Mantell went down in order to arrange about reserves, the whole of the cultivations were not included in those reserves, a considerable number being left out; for instance, the lands at Kaitorete, which were large cultivations belonging to Natives, also the greater part of Kaiapoi and other places used as cultivations at Waitaki, where traces of cultivations are still to be seen. I cannot myself inform you of all the names of the various reserves, but the Natives who live in the districts will know them all. There are also other reserves at Moeraki and Waikouaiti. This is all that took place on that occasion. I will now refer to the action of the Native Lands Court which held its first sitting at Christchurch. Kaitorete was the piece of land brought before the Court, it being portion of block purchased by Mr. Kemp. His deed was produced before the Court; Counsel appeared on behalf of the Natives, and objected to deed as being bad; and if Maoris were as wise as the Europeans, they would have regained all the land in question.

Mr. Hall then signed document to make the deed of Mr. Kemp good, which the Maoris did not understand he had a right to do. Ultimately the Court awarded to the Natives certain small reserves, of about 1,000 acres altogether. I am not quite certain as to the acreage. The greater part of the cultivations were left out by Court.

2. Court sat at Dunedin, when the Maoris there caused inquiries to be made in their claims to the reserves arising out of Colonel Wakefield's purchase. Colonel Wakefield informed us then that the Court had decided to give back some land; and the land that was returned to us (1,000 acres) was not a part of Mr. Kemp's purchase, but portion of Colonel Wakefield's. We did not ask for that land, and do not understand why it was returned to us; I therefore am of opinion that the Native Lands Court was wrong. It was offered to us; and then Mr. Mackay said, "Choose for yourselves." We thereupon chose Tautuku. We hear now that that land is given back to us in satisfaction for our claims under Mr. Kemp's purchase. In addition to claims for cultivation, there is land outside which the Government promised to return to us. I claim for myself Taumutu to Kaitorete Parakami. Other Natives will claim for themselves.

It was resolved to summon the Hon. Mr. Mantell to attend on the Committee.
The Committee then adjourned.

WEDNESDAY, 25TH SEPTEMBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. McGlashan,	|	Mr. Rolleston,
Mr. McLean,	|	Mr. Taiaroa.

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

The Hon. Mr. Mantell attended on the Committee and gave evidence, which is hereto attached.

Mr. Taiaroa handed in a copy of statement of his father, dated 13th February, 1862, made by him shortly before he died.

Resolved, on the motion of Mr. McLean, That the above copy be translated.

The Committee then adjourned until Thursday, at 10 a.m.

THURSDAY, 26TH SEPTEMBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. Bunny,	|	Mr. Rolleston,
Mr. McLean,	|	Mr. Taiaroa.

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

The Hon. Mr. Mantell attended on the Committee and gave evidence, which is hereto attached.

The Committee thanked the Hon. Mr. Mantell, who then withdrew.

The Committee adjourned until Friday, at 11 a.m.

FRIDAY, 27TH SEPTEMBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. Bunny,	|	Mr. Rolleston,
Mr. McGlashan,	|	Mr. Taiaroa.
Mr. McLean,	|	

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

Translation of statement handed in to the Committee on Wednesday, 25th instant, by Mr. Taiaroa, laid before the Committee.

The Hon. Mr. Mantell attended on the Committee and gave evidence, which is hereto attached.

It was resolved that Mr. Karaitiana and Mr. Reynolds should be summoned to attend on the Committee at its next sitting.

The Committee then adjourned until Monday, at 11 a.m.

TUESDAY, 1ST OCTOBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. McGlashan,
Mr. Macandrew,
Mr. McLean,Mr. Rolleston,
Hon. Mr. Stafford,
Mr. Taiaroa.

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

Mr. Reynolds attended on the Committee and gave evidence, which is hereto attached.

Mr. Karaitiana attended on the Committee and gave evidence, which is hereto attached.

The Committee resolved to summon the Hon. Captain Fraser to attend at its next sitting.

The Committee then adjourned until 11 a.m. on Wednesday next.

THURSDAY, 3RD OCTOBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. Macandrew,
Mr. McGlashan,Mr. Rolleston,
Mr. Taiaroa.

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

The Hon. Captain Fraser attended on the Committee, and gave evidence, which is hereto attached.

The Committee thanked the Hon. Captain Fraser, who then withdrew.

The Committee resolved, on motion of Mr. McGlashan, that all evidence, translation of document handed in by Mr. Taiaroa, be printed and circulated to members of Committee as soon as possible.

On motion of Mr. Taiaroa, *Resolved*, That the Chairman do take steps to procure evidence of Natives who were present at time of sale; and also to apply by telegraph to Mr. Watt, Native Officer, concerning the earliest date on which Hoani Koraka and Tare Wetere Te Kahu, living at Otago Heads, could reach Wellington to attend on the Committee.On motion of Mr. Taiaroa, *Resolved*, That the Chairman be requested to apply to the Government for correspondence in 1862 between Captain Fraser, then Member of the House of Representatives (while in England), and Her Majesty's Principal Secretary of State for the Colonies, with reference to the unfulfilled promises to Natives in the Middle Island, which correspondence was forwarded to the Governor of New Zealand, who submitted it to his Cabinet for their consideration.On motion of Mr. Taiaroa, *Resolved*, That the Chairman be requested to apply to the Government for a copy of letter addressed by Horei Kerei Taiaroa to the Government in 1866 or 1867 concerning the Princes Street Reserve.

The Committee then adjourned until 11 a.m. on Friday, 4th instant.

FRIDAY, 4TH OCTOBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. McGlashan,

Mr. Taiaroa.

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

The Committee then adjourned until 11 a.m. on Tuesday.

TUESDAY, 8TH OCTOBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. McGlashan,

Mr. Taiaroa,

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

The Committee then adjourned until 11 a.m. on Wednesday.

WEDNESDAY, 9TH OCTOBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. Macandrew,
Mr. McGlashan,
Mr. McLean,Mr. Rolleston,
Mr. Taiaroa.

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

Tare Wetere Te Kahu and Hoani Wetere Korako attended on the Committee and gave evidence, which is hereto attached.

The Committee then adjourned until 11 a.m. on Thursday.

REPORT OF THE COMMITTEE ON

FRIDAY, 18TH OCTOBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. McGlashan,	|	Hon. Mr. Stafford,
Mr. Macandrew,	|	Mr. Taiaroa.
Mr. Rolleston,	|	

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

Mr. Macandrew handed in a statement, which was read to the Committee.

On the motion of Mr. Rolleston, it was *Resolved*, That the above document be printed with the evidence.On the motion of Mr. Rolleston, it was *Resolved*—I. That the evidence taken by the Committee in reference to the claims of the Natives of the Middle Island, though far from complete, leads them to the conclusion that these claims have not hitherto had that consideration which they deserve.

Proposed by Mr. Rolleston—II. That the evidence in reference to the claim for the Princes Street Reserve convinces the Committee that this case has been hitherto dealt with rather on legal and technical grounds than, as the Committee considers it should have been treated, in the interests of the Natives, with regard to the broader considerations of equity and good faith.

The Committee divided.

Ayes.

Mr. Rolleston,	|	
Hon. Mr. Stafford,	|	
Mr. Taiaroa.	|	

Noes.

Mr. Macandrew.

Mr. McGlashan declined to vote.

So it passed in the Affirmative.

Resolved, on the motion of Mr. Rolleston—III. That, in the opinion of the Committee, a further inquiry should be instituted into the merits of these claims by an impartial Commission, such as that proposed in The Hawke's Bay Native Lands Alienation Commission Act, now before Parliament, which should act in such inquiry as a Court of equity and good conscience.

Mr. Macandrew drew the attention of the Committee to the subject of the payment of the Maori witnesses who came from Otago in order to attend on the Committee.

The Committee determined to leave the matter in the hands of the Chairman.

Mr. Taiaroa moved, That the Hon. Mr. Hall's order of reference, and "The Middle Island Land Purchase Validation Act, 1867," be printed. (Lapsed.)

Resolved, That a report drafted by the Chairman, in accordance with the foregoing resolutions, be adopted.

The Committee then adjourned.

THURSDAY, 24TH OCTOBER, 1872.

The Committee met pursuant to notice.

PRESENT :

Mr. Bunny,	|	Mr. Taiaroa.
Mr. McGlashan,	|	

Mr. Sheehan, Chairman.

The minutes of last meeting were read and confirmed.

Resolved, That the Chairman be requested to confirm the minutes of this day's proceedings without calling a meeting of the Committee.

The Committee then adjourned.

MINUTES OF EVIDENCE.

WEDNESDAY, 25TH SEPTEMBER, 1872.

The Hon. Mr. MANTELL in attendance, and examined.

Hon. Mr. Mantell.

25th Sept., 1872.

1. The unfulfilled promises, as far as I am now aware, are those which affect the Otago Block negotiated by Captain Symonds in 1844, and the Ngaitahu Block purchased by Mr. Kemp in 1848.

As regards the first case, it appears that at the time of purchase promises were made to the Natives of reserves to be selected after survey of lands in the proportion defined in the New Zealand Company's scheme—viz., one section to every ten sections.

The Committee will see, by referring to Captain Symonds's report, that he states that at the request of the principal agent of the New Zealand Company, Colonel Wakefield, he abstained from inserting in the deed of cession any express stipulation with regard to further reserves. I will refer the Committee to Major Richmond's letter, and to those between the Secretary of State for the Colonies and the Governor, as showing the determination on the part of the Imperial Government to

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.

REPORT OF THE COMMITTEE ON

FRIDAY, 27TH SEPTEMBER, 1872.

Hon. Mr. Mantell.

The Hon. Mr. MANTELL in attendance, and examined.

27th Sept., 1872.

7. With reference to the Princes Street and Port Chalmers Reserves, the two cases are entirely parallel, the rights of Natives in each case are similar, and documents and authorities which refer to one refer also to the other, but in one case only have claims been satisfied, or I should rather say partially satisfied. The evidence which I propose now to lay before the Committee has been given in Court on oath, and there recorded. The judgment of the Court recites the facts of the case. (See Report.) [Mr. Mantell here quoted from the evidence dated May, 1868. See Appendix to Journals House of Representatives.]

8. *Mr. Sheehan.*] Do you know who is the solicitor appearing on behalf of Natives in the case now pending?—Messrs. Izard and Pharazyn. I will add that since judgment in Court of Appeal, a petition for leave to appeal has been forwarded to the Privy Council in England; and leave to appeal, without giving security for costs, was granted by Order in Council about November or December. On the last sitting day of the Supreme Court in Wellington, the necessary application was made to Judges, and since then the requisite documents have been forwarded home, and instructions given to Messrs. Izard and Pharazyn's English agents to retain counsel.

9. *Mr. Rolleston.*] In what relation to the suit do you at present stand?—I, at the request of the Government in 1867, consented to receive and expend in suit on behalf of Natives the sum of £400, assuming also general direction of the proceedings, independent of the Government. This money was placed by me to a separate account in the Union Bank of Australia, under the title of "Naboth's Vineyard Account," and has been expended as shown by accounts now in my possession. The balance now standing to the credit of that account consists of moneys paid into that account by George Grey Tairaroa, to whom I think it may be right to transfer the balance. As the Government have now advanced funds, £500 I understand, to the Natives to enable them to prosecute their suit, it may be just and proper that the sum of £65, which was subsequently collected by the Natives themselves, should be returned to them.

10. *Mr. McLean.*] Are there any arrangements connected with the deed negotiated by Mr. Kemp in 1848 still unfulfilled?—Yes, most distinctly.

11. *Mr. Rolleston.*] Apart from promises contained in Mr. Kemp's deed, are you aware of any other promises made to the Natives on the cession of the land in question which have not been fulfilled?—Yes.

12. *Mr. Sheehan.*] What, by whom, and when were these promises made?—Promises were made by myself. My connection with the business commenced in August, 1848, when I received instructions from Government to virtually complete the purchase, for which the sum of £2,000 was fixed. Mr. Kemp was instructed to pay £500 down, and remainder at rate of £500 each year, but when the matter came under my notice I found that he had paid £1,000 at the time. I foresaw difficulties, on account of many Natives not having participated in the purchase money already paid them. I was instructed by the Governor to inform the Natives that the money was not the only or principal consideration for cession of their land, but that schools would be established for instruction of themselves and their children, as well as hospitals for the treatment of their sick, besides officers who would be appointed to watch over their interests.

13. *Mr. Rolleston.*] How far do you consider that the spirit of your promises made to Natives regarding the provision of hospitals have been fulfilled?—Precisely in the proportion which from 1848 to the present time such hospitals and medical attendance may from year to year have borne to the requirements of the Natives. I meant, and the Natives understood me, that special provisions would be made with all reasonable diligence for the establishment of hospitals for the treatment of their sick. I did not by any means intend, or they understand, that the fulfilment of this promise would of necessity have to wait until requirements of the European race rendered the establishment of hospitals necessary. I consider that the Government were bound to establish hospitals at reasonable distances apart throughout the district in question, and that the Natives should be able to obtain medical attention free of any charge; in fact, this was a very important part of the agreement. As regards the establishment of schools, I can really give no evidence of the fulfilment of these promises; but can lay before the Committee, if necessary, copies of sundry applications and other memoranda, which will show to the Committee that there was a constant desire on my part that the promises should be fulfilled. I will hand in the dates of a few of these memoranda and documents, selected by me from many others in my possession, which will make the collection entire, and which I shall be most happy to place at the disposal of the Committee, to make further selections from, if it should be deemed advisable.

Dates handed in as follows:—August 2, 1855; August 18th, 1856; 1857, Ngaitahi to Queen; 1861, to Mr. Fox; February 19th, 1863, to Mr. Bell; July 18th, 1863.

By referring to the Report of Proceedings of Imperial Parliament in year 1857, the Committee will be able to peruse the several speeches made on the occasion of this question being brought before the House of Commons.—(See *Hansard*, vol. 147, 1857.)

TRANSLATION of Copy of Statement made by H. T. Tairaroa's father, on 13th February, 1862, which was handed in on 27th September, 1872.

Otago, 13th February, 1862.

TO ALL MY TRIBE, TO MY HAPU, AND TO MY SON,—

Let me bring these words to your remembrance, that they may be impressed on your memory in the future, after I am dead and gone, that you may understand and judge for yourselves respecting the lands that I sold to the Europeans.

The European land purchasers made certain statements in all purchases of land.

Firstly. Be good to my nation, to the pakeha, for it was I that brought them to this Island, to Te Wai Pounamu, in former years.

It was I and some other chiefs that went to Port Jackson (Sydney), and arranged a covenant there, in which we placed the whole of the Island of New Zealand under the sovereignty of the Queen, and the covenant was drawn up there, and the Governor of that Colony gave a token of honor, also the Queen's flag to me, and to Tuhawaiki. The Governor also gave us all authority (*mana*), and to us was the authority over the whole of our Island, Te Wai Pōnamu. The Queen was also to be our parent, (protector), that no other of Her Majesty's subjects, or any foreign nation should interfere, or take, or sell, or otherwise dispose of our land, without our consent given to any other nation.

We agreed to these arrangements of the Governor of New South Wales, and that covenant was established.

After that was the Treaty of Waitangi; and I and my tribe agreed a second time.

Secondly. After that land purchase commenced in this Island, the first land we sold was Otago; it was sold to Colonel Wakefield. We pointed out all the boundaries, and all stipulations were mentioned to Colonel Wakefield, as follows:—We said the first payment for this land would be £100,000. Colonel Wakefield said, "That is too much, £2,400 will be ample, and that is all the cash consideration; it had better be arranged in this manner, viz., that one acre in every ten shall be reserved for you." We agreed to this, and said, "You can have the land according to these terms." We do not know whether these words were written down or not, but all the people present heard these words.

These are the places about which we spoke, and stated that we desired to retain—Otakori, Taiari, Maranuku, Te Karoro, and other places.

Thirdly. After that was Mr. Kemp's deed of purchase with Ngaitahu, on the 12th of June, 1848. We asked a large price of Mr. Kemp, to which he did not agree. Mr. Kemp said to us that we should give up all the land, and that he would take charge of it; this £2,000 was an advance on the land. Mr. Kemp said after that Government would make payment and return some land to us. We said to Mr. Kemp, "What about our settlements, cultivations, sacred places, fishing grounds, and so forth?" Mr. Kemp's answer was, "The Government will agree to all those requests; your cultivations will not be taken from you." Besides which, there were many statements made by the land purchasers. Mr. Kemp also said to us, "If you do not agree to give up your land, soldiers will be sent to take possession of it," and on that we gave our final consent to the sale; and on account of all these words we concluded that sale; and it was left for the Government to protect the Natives of this island. But there were other words referring to schools, hospitals, and other words on account of which the land was given.

After that came Mr. Mantell, whose words were to the same effect. He also asked us for land; we asked him a large price. Mr. Mantell said "No, but let the land be given according to my price, and let the Government fulfil all these words and other words which have been spoken to you."

But you (my children) bear in mind all these words, and see that they are all carried out.

From your loving parent,
M. TAIAROA. ×

TUESDAY, 1ST OCTOBER, 1872.

Mr. REYNOLDS, M.H.R., in attendance, and examined.

14. I know the Princes Street Reserve in Dunedin, and also that it is invested in the City and Corporation of Dunedin.

Mr. Sheehan.—In your opinion is that reserve granted in terms of the original reservation of land?—It is, and my opinion is supported by the New Zealand Company's Act, which, in its 30th section, authorizes "the Directors, by writing under their hand, to appoint the Secretary to be the agent of the Company, to enter into, and if requisite, to sign all such contracts as are hereinbefore authorized to be entered into by the Directors on behalf of the Company, and thereupon such contracts so entered into by the Secretary shall be binding on the Company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be." I will also call the attention of the Committee to the New Zealand Company Settlement Act, section 10, the latter part of which provides that "All acts done in pursuance of any such several powers by the party or parties for the time being intrusted with the execution thereof, shall be binding on Her Majesty, her successors, and assigns." Again, the New Zealand Constitution Act provides, in section 1, "That all laws and ordinances made, and acts done, under and in pursuance of the said recited Acts, and any charters, letters patent, instructions, or Orders in Council, issued in pursuance thereof, shall continue as lawful, valid, and effectual, as if this Act had not been passed." Section 78 of the same Act grants "power to Her Majesty to regulate the disposal of Waste Lands in Otago." The reserve in Princes Street, Dunedin, was reserved on 20th October, 1846, by instructions of J. C. Harrington, Secretary of New Zealand Company, which fact he mentions in his letter of that date on water frontages, &c.

The Committee, by referring to the Appendix of the House of Representatives for the year 1865, F. No. 2, together with the evidence attached, will be able to gather any information which they may require.

When I moved the following notice in the House of Representatives, on 1st August, 1865—"That a Select Committee be appointed to examine into the claims of the Provincial Government of Otago to the reserve in Princes Street, Dunedin (Block 8), also to the reserve in Port Chalmers, adjoining Section No. 401, with power to call for persons, maps, and papers, and to report from time to time. Committee to consist of Mr. R. Graham, Mr. W. Taylor, Mr. A. J. Richmond, Dr. Featherston, Mr. Wilkin, and Mr. Reynolds." "August 8th, *Ordered*, That name of Mr. Stafford be added to Committee"—Mr. Sewell, who was at that time Attorney-General, informed me that the Government objected to the appointment of the Committee, and would only agree to it on condition of their being allowed to nominate the members to compose it. As I was perfectly convinced that any unprejudiced Committee which might be appointed, no matter by whom, would decide in favour of the Province or City, I at once agreed to the proposal, and Mr. Sewell selected the Committee appointed on 1st August, 1865.

Mr. Reynolds.

1st Oct., 1872.

Mr. Reynolds.

1st Oct., 1872.

About three or four days after the formation of the Committee, Mr. Sewell came to me and expressed a wish that Mr. Stafford's name might be added to the Committee. I offered no objection, and Mr. Stafford's name was added on 8th August. Prior to my moving for the Committee, and up to the time they went out of office, every member of the Government was opposed to this claim on behalf of the Province of Otago. The Committee, after very carefully going over a large number of written and printed papers connected with the New Zealand Company's affairs, unanimously agreed to the report of the Committee, which was in favour of the Province.

Immigration barracks were erected by the New Zealand Company on this same reserve shortly after the arrival of the first settlers, and part of it has continued to be used up to the present time for immigration barracks. It was not generally known till about, I think, 1864, or beginning of 1865, that Mr. Mantell had recommended, and that Governor Grey had assented to, this being made a reserve for Natives.

Following the Report of the Select Committee to the House, I moved the following resolution, which was carried by 29 to 17:—"That, in the opinion of this House, the public reserves in the City of Dunedin, which was set aside by the New Zealand Company as trustees for the settlers in 1846, for the purpose of a wharf and public quay, and on which the Police and Immigration Barracks at present stand, should be vested in the Superintendent of Otago, in trust for the Municipality of Dunedin, as originally intended.

I have never heard of any stipulation such as that mentioned in Mr. Jones' report, now submitted to me, although I have been some twenty-two years in the Province. Shortly after "Topi" had presented his petition I met him in Dunedin, and asked him when he had heard of this land being made a Native reserve for Maoris; he then informed me that it was only within the last twelve months. I then said to him, Why did you not claim it before? He said he knew nothing about it belonging to him, but as soon as he was aware of the fact he put in his claim. He speaks very fair English indeed. This reserve has since 1848 been used for the Immigration Barracks site, and for Immigration and Police Barracks. Since I have been in the Province I have never known any Natives to use any portion of the land or to draw up their boats in front of it, or, prior to date in which Topi presented petition, any one of them to even hint at having any right or claim to it.

15. *Mr. Taiaroa.*] Did you ever know that Maoris lived in the building on reserve in question?—No, I never did. I would have been sure to have been aware of their using either the land or building had they done so, as my place of business was in the immediate neighbourhood.

16. *Mr. Taiaroa.*] Are you aware of any Native reserves at Port Chalmers of which the Native Land Court put them in possession?—I am aware that there is such a reserve, but do not know how it was obtained through the Native Land Court. Mr. Mantell made the reserve, I think, in 1854, but under different circumstances from that in Princes Street, Dunedin, inasmuch as the land reserved at Port Chalmers was unreserved at the time for any public purpose, and was open for selection.

17. *Mr. Taiaroa.*] Do you know what was paid for Port Chalmers Reserve?—No, not the exact amount.

18. *Mr. Taiaroa.*] Did the local authorities appoint counsel to appear in Court against Natives in connection with Port Chalmers Reserve?—I am not in position to answer, but think Mr. Macandrew can give the Committee any information on that point which may be required.

19. *Mr. McGlashan.*] Do you remember the old Survey Office?—Yes, and remember that the Provincial Government allowed the Natives, as an act of grace, to use this building as a dwelling-house. That site now forms a street. This building was about nine chains distant from the Princes Street Reserve.

20. *Mr. Taiaroa.*] After this reserve in Dunedin was made by Mr. Mantell, did you see any plan of it at the Survey Office, Dunedin?—No, not until the question went before the Provincial Council in 1865. The sections forming this reserve were struck off the original selection map of the City of Dunedin, which, I think, is dated 1848. All these sections were withdrawn from sale and reserved for wharves and quays, prior to a single section being selected in Dunedin.

Mr. Reynolds was thanked and withdrew.

Mr. KARAITIANA TAKAMOANA in attendance, and examined.

21. *Mr. Sheehan.*] Did you accompany Captain Symonds when he negotiated the purchase of Otago Block?—No; I was there at the time, just having returned from Ruapuke.

22. Were you present at the time of the negotiations for the Otakou Block?—Yes; at the request of Taiaroa. The negotiations extended over two entire days, and were not finished while I was there. I am not cognizant of any of the particulars of the reservation of the land for the Maoris.

23. *Mr. Taiaroa.*] Did you hear any price asked for the land by the Natives?—Yes; I heard what Karetai asked for.

24. What was the amount?—I do not exactly know, but remember that there was a cask standing near him, to which he pointed, and said the price was to be as much money as would fill that. They were speaking of thousands and millions.

Mr. Takamoana was then thanked by the Committee, and withdrew.

THURSDAY, 3RD OCTOBER, 1872.

The Hon. Captain FRASER, M.L.C., in attendance, and examined.

25. Mr. J. Jones made frequent statements to Mr. Strode and myself concerning the question before the Committee, and I believe that Mr. Strode and myself are the only persons in Otago who are in favour of handing over the original reserves to Natives. Mr. Jones informed me that in 1844, when Colonel Wakefield went down to purchase land in the Middle Island, he (Mr. Jones) took the leading chiefs of the Middle Island down to Port Chalmers in order to meet Colonel Wakefield. There was some considerable discussion between the Natives and Colonel Wakefield about the reserves

Hon. Captain Fraser.

3rd Oct., 1872.

they wished to have. I think, if I recollect rightly, that it was an ancient burial-ground which was insisted upon, and ultimately conceded by Colonel Wakefield. They then proceeded to Dunedin, for the purpose of taking steps to form future town. Here again the Maoris insisted upon two reserves, to which Colonel Wakefield objected; and after two or three days' discussion, the Natives insisted upon Mr. Jones taking them back to Waikouaiti; and they did go back. Some few days afterwards, Colonel Wakefield sent to Mr. Jones entreating him to bring the chiefs again to negotiate with him, which he did, and pointed out to Colonel Wakefield that he had much better accede to the reasonable requests of the chiefs. "Topi" drew a plan of two reserves, and then handed it over to Colonel Wakefield, who acceded to the request that there should be reserves made for the Maoris. Mr. Jones always, when speaking to me on this subject, remarked that if the Natives were to draw up plans of the town, these reserves would always have appeared; but why they did not appear in Colonel Wakefield's plan he could not tell. Mr. Jones also stated that the reserve made for the Maoris by Mr. Mantell was much larger than the original reserves insisted on by the Maoris. Some years ago I suggested to the Superintendent of Otago to make a compromise with the Maoris and give them what they were entitled to. It was one of the conditions of sale that two reserves should be made in this locality. The Provincial Government erected a stone house on one of these reserves for use of Natives. I do not know whether land on which the house was erected is still a Maori reserve. My knowledge of these facts is derived from Mr. J. Jones, then acting as agent for both parties. I am not aware of any actual stipulation for these reserves in deed of cession, but consider there should have been. I do not know for what objects these reserves were made.

Hon. Captain
Fraser.
3rd Oct., 1872.

WEDNESDAY, 9TH OCTOBER, 1872.

TARE WETERE TE KAHU in attendance, gave the following evidence:—

Tare Wetere Te
Kahu.
9th Oct., 1872.

26. *Mr. Sheehan.*] Do you remember the time when Captain Symonds entered into negotiations for the purchase of land from the Natives of Otago?—Yes, I do remember the time.

27. Do you remember the conversation which took place on that occasion?—Yes, I heard what Colonel Wakefield and Captain Symonds said to us.

28. What was said?—Colonel Wakefield said, in presence of Tairaroa, Tuhawaiki, Karetai, and in fact to all then present, that he wanted to buy our land, and would be glad to hear the price of it. He was then asked where he wanted to buy land, and the following boundaries were agreed to:—To commence at Puhurehu, thence to Wakari, thence to Mangaatua, Popotunoa, Kaihipu, Pohuroa, Te Kohakaka, Tokata. This will be the inland boundary. The boundary by the coast line will commence at Puhurehu; thence to Pukekura, Poatiri, Okaihi, Taiari, Moturata, Hakinikini, Tokata. Then the boundaries of reserves were mentioned, and the Natives asked for a reserve at Port Chalmers, and the reserve was granted there by Colonel Wakefield and Captain Symonds. A reserve was then asked for at Dunedin, when Captain Symonds proposed to arrange it in this manner, that Maori and European land should be in alternate pieces, *i.e.*, Maori land, then European, then Maori, and then again European.

Colonel Wakefield then asked Mr. Scott, the interpreter, what the Natives were saying, and Mr. Scott was unable to inform him, so he sent for Mr. Clarke, who came, and talking then commenced again.

All the Natives now assembled to hear what was going on. It was then clearly stated that a Native reserve would be made at Dunedin or Otepoti, where it was absolutely decided that a reserve should be made. The lands on either side of Otepoti Creek marked A and C on tracing (made by witness) were reserved for the Natives by Colonel Wakefield. The intervening part marked B was to be European land; these reserves were made to draw up the boats on. Some time afterwards Mr. Kettle, the surveyor, came and commenced to survey the land. Mr. Park and Mr. Harrison were also surveying with Mr. Kettle, but they surveyed the European portion of the land.

Mr. Kettle himself said to us that the land at Otepoti was for us, and that the three houses upon the land were for our use. Mr. Kettle remained at Dunedin, and we lived in the houses when we found it convenient to do so. Our usual place was at the Otago Heads, but we divided the time, sometimes living in one place, then at others living in the houses I have just mentioned.

Shortly after this, two immigrant ships arrived from England, and the people took up quarters in Dunedin (town); other ships continued to come afterwards.

Mr. J. Jones then built a large house on that land marked B on the tracing.

Mr. Burns built a house partly on Maori land and partly on European land. After this came an iron vessel from England with the Messrs. Macandrew (two) and Reynolds. Mr. Kemp and Mr. Mantell then arrived from the North Island. When Mr. Mantell came, we said to him "We want a house built on our land." He then said to us "Your land is there, at Pellichet Bay." We then objected, and said to Mr. Mantell that the land at Pellichet Bay was not reserved for us by Colonel Wakefield, and pointed out to him that the reserve Colonel Wakefield made for us was at Otepoti. Mr. Mantell understood what we meant.

Mr. Kettle, after this discussion took place, informed us that we were to consider the house formerly used as the Survey Office as our own. We, acting on this information, occupied the house when we came up for market purposes.

On one occasion, when we were living at the Otago Heads Settlement, a European was put in possession of the house; and when we came up to use it we were told to go to the police barracks, which is also upon the Native reserve. We were told by Mr. Kettle to go to the police barracks. The Maoris afterwards asked for a stone house, which was then built on their land at Otepoti. When finished, we occupied it alternately with our place at Otago Heads.

This house was afterwards smashed to pieces by the Europeans soon after the discovery of gold.

It was about this time that a Crown grant was fraudulently issued, of which we knew nothing until a short time before the sitting of the Native Land Court at Dunedin, when Mr. Fenton showed

Tare Wetere Te Kahu.

9th Oct., 1872.

us the Crown grant for our own land; and we said to him that it was no good, as it had been surreptitiously obtained: our wish is to regain our land.

At the time of the original sale there were further conversations about other reserves, in addition to those that I have mentioned. Colonel Wakefield managed his part of the transactions very well: he surveyed the land, and now we are being throttled by the Maoris. There were to be reserves at Taiari, Molyneux, and Kai Tangata. These are the only reserves of which I am aware. I heard the promises made about these reserves.

29. Was anything said about reserves to be made afterwards?—I do not know.

30. If the reserves mentioned in Symond's deed, and which I have now read over to you, together with those at Port Chalmers and Otepoti were made, would you consider conditions of sale fulfilled?—If the reserve at Otepoti was returned to Maoris, I should think all promises made by Colonel Wakefield and Captain Symonds would be fulfilled.

31. Did you ever hear anything about reservation of one section for Maoris to every ten sections for the Europeans?—I do not know anything about that condition. The alternate sections to which I referred before I understood only to refer to the Otepoti Block.

32. Was George Clarke present at the time when the conversation concerning the Otepoti Block took place?—He was the interpreter on that occasion.

33. *Mr. McGlashan.*] Do you know the acreage of the Otepoti Block?—No; it was never told us.

34. When did you go to live in the Survey Office?—I cannot tell.

35. *Mr. Macandrew.*] How old were you at the time of the negotiations for the land purchases?—I do not know, but I at the time had two children.

36. How many pieces did Colonel Wakefield promise?—He promised us two pieces. The whole block was divided into three allotments, the centre piece to be for the Europeans. I do not know what were the exact boundaries of these pieces.

Hoani Wetere Korako.

9th Oct., 1872.

HOANI WETERE KORAKO in attendance, and examined.

37. *Mr. Sheehan.*] Do you remember the negotiations carried on by Captain Symonds concerning the purchase of the land in Otago from the Natives?—I do; I was present at the time.

38. How old were you?—I was grown up.

39. Did you sign the deed?—Yes; I was one of them.

40. Were you present all the time?—I was present at the negotiations, but not when the money was paid.

41. During the discussion of terms of sale of land, do you remember having heard any agreements made about reserves for Natives?—Yes, I do.

42. What were they?—The agreement was this: When Colonel Wakefield asked the Natives to cede the whole of their land to him, the Maoris asked what price they were to get. Colonel Wakefield then said, "Wait until I see what sort of land it is." After this Colonel Wakefield and party went one day to Otepoti with Mr. Tuckett to examine the land. On their return to Port Chalmers, Colonel Wakefield said to us, "How much do you want for your land?" Taiaroa Kareta and Tuhawaiki, who were acting for the Natives in the negotiations, said, "Give us £800,000." Colonel Wakefield refused to give us that amount. We (as above) then said, "If you don't give us that price, we will not sell it to you at all. There was a very great deal of discussion on that day. The Maoris then proposed that the negotiations should be put an end to. Colonel Wakefield and Captain Symonds then said if that took place they would have to go away. The Natives then told them, if they wanted to go, they had better go at once. Colonel Wakefield and Captain Symonds then talked the matter over privately, and in the evening came to the Natives and said again, "Will you not sell your land to us?" The Natives again asked what price they were to get for it, and in answer were told that they were to receive £2,400 cash, and a piece of land at Port Chalmers, and two pieces in the town, with allotment of European land between them. Mr. Mantell afterwards went down, but I did not see him. This is all I know, as, being taken ill at the time, I was obliged to go to Waikouaiti.

[The Chairman here read over to witness certain part of Captain Symonds' deed of purchase, in which mention of certain reserves was made.]

43. Do you know anything of these reserves?—No, I do not. I did not sign the deed itself, but signed it in Captain Symonds' pocket book, as did all the other Natives.

44. Why were names taken down thus?—I suppose they were written for his own information. The name Korako which is on the deed is not mine, but that of old Korako.

45. Would you consider that all promises made to you by Colonel Wakefield and Captain Symonds, concerning reservation of land for Natives, had been fulfilled, if you were now to obtain the reserves at Port Chalmers and at Otepoti?—No; I heard that promises were made concerning hospitals and schools.

46. I am not alluding to hospitals or schools, but to the reserves?—There are many things connected with the land sales still unfulfilled.

47. *Mr. Taiaroa.*] If you got reserves at Port Chalmers and at Otepoti, would you consider promises fulfilled?—No, I should not.

48. *Mr. Sheehan.*] How would there, in that case, be still unfulfilled promises?—The reserves were the principal subject of discussion at sale of land, and now the Natives have no reserves.

49. Can you mention hearing of reserves not handed to Natives?—The land at Molyneux, near the present reserve, does not belong to the Natives, as it ought to do. It is situated towards the north of the Molyneux, and called Kaitangata.

Mr. Macandrew.

9th Oct., 1872.

J. MACANDREW, Esq., M.H.R., in attendance, and made the following statement:—

50. As Superintendent of the Province of Otago, I desire to remove a misapprehension which seems to exist in the mind of Taiaroa as regards the action of the Provincial Executive in seeking to be represented by Counsel at the sitting of the Native Lands Court at Dunedin. Taiaroa appears to think that the object was to resist the claims of the Natives, whereas the object was to watch the proceedings on behalf of the Province.

I may say that there is no desire whatever on the part of the Provincial authorities to withstand any well-founded claim which may be adduced on behalf of the Maoris. For my own part, so far from resisting, I shall be the first to recognize and give effect to any claim which may be proven to exist, either at law or in equity. At the same time, I cannot regard as of much weight the bare assertions of the Hon. Mr. Mantell, unsupported by any written testimony, with regard to negotiations at which he was not present, and which occurred some thirty years ago, the more especially in the face of the fact that, during the space of some three years, this gentleman, as Commissioner of Crown Lands specially deputed for the purpose, had every opportunity of recommending whatever reserves he might see fit; an opportunity which he did not fail to exercise to the fullest extent which circumstances at that time seemed to warrant, and which resulted in a number of the most valuable spots of land in the Province being now set aside as Native reserves. Some of these reserves, such, for example, as the thousand acres at Tautuku, appear to have been made unsolicited by the Natives, and are not likely ever to be occupied by them.

Mr. Macandrew.

9th Oct., 1872.

It must, I think, be obvious that very serious complications may arise, were it for a moment to be conceded that after the lapse of a quarter of a century, under the plea of unfulfilled promises based entirely upon hearsay and *ex parte* evidence, we are to go outside of the deeds of cession—deeds which specially embody all the reserves which were bargained for at the time. If we are to go outside of the deed of cession, it appears to me that we open the door to the whole of the lands included in the deed being claimed as Native reserves. The action of the Native Lands Court, as regards Otago, I hold to have been arbitrary and capricious. It appears to me, that the Court had as good ground for setting aside one million of acres as it had for reserving one thousand acres at Tautuku.

If the Natives do not already possess as much land as they can beneficially occupy, I, for one, am prepared to agree to the necessary action, in order to place them in possession of more.

As regards the Princes Street Reserve, I have only to observe that Sir G. Grey had no more right to divert it from its original purpose than he had to dispossess the land purchaser in Otago of any other portion of the properties acquired by them under the authority of the Imperial Legislature. As, however, this question is now *sub judice*, it seems unnecessary to enlarge upon it.

