

THURSDAY, 1ST NOVEMBER, 1877.

Hon. Sir G. GREY, K.C.B., examined.

55. *Mr. Tairaroa.*] Do you know Mr. Mantell?—Yes.

56. Did you know Mr. Mantell as Commissioner in connection with land purchasing for the Queen or any other person?—Yes.

57. Was he authorized by Her Majesty to purchase land, or to set aside reserves for the Natives?—He was authorized to purchase certain lands, and I presume authorized to agree to reserves.

58. Was he in a position to make valid purchases, and would his promises be binding?—They would have been binding on me. They would have been binding on the Crown.

59. *The Chairman.*] When was Mr. Mantell in this position?—I forget the date. I may say I doubt if these questions will help Mr. Tairaroa.

60. *Mr. Tairaroa.*] I wanted to ascertain what his position was?—He was to acquire lands from the Natives, and any promises he made to the Natives would be part of the conditions of the purchase of the land, and would be carried out by the Government.

61. *The Chairman.*] Perhaps if I put a few questions I shall help Mr. Tairaroa. Are you acquainted with the Princes Street Reserve? Do you know where it is?—I knew where it was some years ago, but when I was last in Dunedin I found the place so altered that when I went to look for the reserve I could not recognize it.

62. Can you state the position the reserve was in in 1853 in reference to the Natives?—If you will allow me I will read a few passages from the report of Mr. J. C. Richmond, Native Minister, which completely represent my views and knowledge. The report is dated 1867. He states: "There is good evidence that the Native owners at the time of the first negotiations for the land at Otakau objected to giving up a part of what now forms the reserve"—that is, the Princes Street Reserve—"and, in consequence of that objection the negotiation was broken off. In the subsequent deed of sale no specific reservation of the land is made, but a general understanding is indicated that some lands are to be surveyed by the Governor for the sellers, and the vague terms of the deed may have been meant to include *inter alia* a portion of the reserve in question. No notice of such a reserve appears in the official map of the Town of Dunedin on which the land comprised in it is shown in sections, open for choice by the holders of land orders for the Otago settlement. On a subsequent map the section lines are effaced, and by order of the agent of the New Zealand Company the water frontage was declared a reserve. This act appears to have been without sufficient authority, and called forth protests at the time from the holders of land orders. The land was, however, withheld from selection and continued to be treated as a reserve for general public purposes. In 1853 a reserve out of this frontage was set apart by the Governor for Native purposes, which is now known as the Princes Street Reserve, and is the subject of the present petition. The property has since 1862 become of great value, and the objection which always existed to its being reserved for the Natives has been already urged on the Government. It is alleged that His Excellency exceeded his powers in making such a reserve within the lands specifically assigned to other purposes by the New Zealand Company." On that point I should like to make my own statement. It is this: That at that time I believed it was reserved—that it was one of the pieces included in what is called the *inter alia*—that at the time I had the advice of very able lawyers (the Law Officers of the Crown), and I believed that everything was done on the part of the Government to ascertain whether the proceeding was lawful. I believe the necessary steps were taken to establish its legality. But I understand (this I do not know of my own knowledge) in some way a deed signed by Colonel Wynyard immediately after I left the colony was not properly registered, or that some difficulty took place although it was executed. I am told that it was in existence, and probably would be found in the Supreme Court, but that some formality was neglected necessary to make the title complete. Ultimately a Crown grant was issued. I shall now go on to read this further: "In 1865 the question was pressed to an issue in the Legislature, and a resolution of the House of Representatives, founded on a report of a Select Committee, was passed, declaring that a grant to the Superintendent ought to be issued under the Public Reserves Act. The Government of the day proposed that an amicable suit should be instituted to try the questions of authority on one side and the other which had been raised. The Provincial Government never acquiesced in this proposal. Mr. Stafford, then Colonial Secretary, was advised that to bring the matter into Court a grant must issue to one party or the other, and had intended to recommend a grant; but, in the meantime, inadvertently as regards His Excellency and the Colonial Secretary, a grant which had been prepared on the authority of the resolution of the House of Representatives was presented for signature and issued."

63. Mr. Stafford had intended to recommend it?—Yes. Well, on that point I wish to state that the recommendations had never been made to me, I believe, but discussions had taken place between myself and Law Officers, and I had resolved that I ought not to sign the grant until the matter had been further discussed. A number of grants were formally presented to me in Executive Council for my signature, and I signed them. I believed that one of the grants presented to me for signature was the grant for this land in question, but I could not positively identify it; and as the Colonial Secretary, who presented the grants to me, was perfectly satisfied that it was not the grant for this reserve I signed it. Subsequently it turned out that the grant had been signed. It was done under a mistake, or, as Mr. Richmond put it here, "inadvertently as regards His Excellency and the Colonial Secretary." I believe there is further evidence of that in existence in the shape of a report of a speech delivered by the Hon. Mr. Stafford. It was discovered the same day that the grant had been signed improperly, and the Government tried to recover possession of the grant, but it was found the grant had been sent off that day in a vessel going to Otago, and in that way the land passed into the possession of the Municipality or the Provincial Government of Otago.

64. Who was Colonial Secretary then?—Mr. Stafford. Mr. Richmond says he was present at the Executive Council. I think Mr. Richmond was also present.

65. Do you recollect who were the others?—I am not certain. I think Mr. Patterson was present. He was equally surprised with myself at what had been done.