In intended pursuance of this recommendation, a Crown grant for the reserve was made to the Superintendent of the Otago Province on the 11th January, 1865. This gave rise to talk of legal proceedings and so forth. The Maoris were given permission to use the name of the Crown for the purpose of taking proceedings for the repeal of the grant of the land, by *scire facias* or otherwise, and the Government guaranteed to find a sum up to £200 for the Maoris' legal costs. This guarantee was later withdrawn when it was found that another arrangement had been made whereby the Maoris were to be advanced, out of Native Reserve moneys, an amount up to £400 for the costs and expenses of the action.

In the meantime John Topi Patuki petitioned Her Majesty and also the House of Representatives. It was alleged in the petition that at the time when negotiations for the sale and purchase of the Otakou Block were under way the chiefs demanded, amongst other things, that there should be made certain small reserves, including two at 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 a site afterwards occupied by the Manse and the land adjoining. That on the refusal of the company's agent and of the Government's agent to accede to these moderate demands, the chiefs declined to have anything further to do with the matter and departed, but, after some days, on being assured that these reserves would be made for them, the chiefs returned, and the purchase was concluded. That, during the existence of the company, the petitioner and his tribe were not molested in such occupation as they desired of these spots; but, on the demise of that body, being unable to find written record of the making of any special town reserves, the Commissioner of Crown Lands, at the request of the chiefs, laid their application before the Governor, who thereupon set apart for the petitioner and his tribe, a reserve in the Town of Dunedin, and one in the Town of Port Chalmers, from lands which the petitioner was advised were freely at the disposal of the Crown for that purpose.

The petition to the House of Representatives was reported on by a Petitions Committee on the 23rd August, 1867. The Committee stated that the prayer of the petitioner was to the effect that the House would refrain from passing a Bill relative to the Dunedin Princes Street Reserve or its rents or any other law of similar principle and tendency. It had examined Mr. John Jones and he had confirmed the statements contained in the petition (as set out in the preceding paragraph). Mr. Jones had stated that the reserve subsequently made by the Governor contained an area more than four times the area of the two reserves specified in the petition and which were originally reserved by the Natives and agreed to by the New Zealand Company's agents in 1844. Mr. Jones had also suggested a plan by which the matter in dispute might be amicably, satisfactorily, and justly disposed of. The Committee was of opinion that the object of the petitioner would be obtained if a clause were inserted in the Bill, then before the House, to the effect that nothing contained in the Bill was to be held to affect or prejudice the claim and title of the petitioner and his tribe. At the same time, the course suggested by Mr. Jones appeared to the Committee to be the best way of settling this complicated affair.

The Committee's report sets forth pretty accurately the substance of the evidence of Mr. Jones—evidence which, so far as I am able to judge, is that of a witness for truth. Mr. Jones stated that he had spoken to Mr. MacAndrew, who was then Superintendent of the Otago Province, and he had informed Mr. Jones that he was prepared either to give the Natives a site on the reclaimed land, or he would purchase for them a site in Pelichet Bay, close to the water, and erect a brick building, to the value of £500, for their use and that of the Natives of the Middle Island.

In transmitting John Topi Patuki's petition to His Grace the Duke of Buckingham, the Governor, in a despatch dated the 8th October, 1867, stated that His Grace would find from the enclosed memorandum that his responsible advisers had, at a meeting of the Executive Council, inadvertently advised him to sign a Crown grant by which the reserve was granted to the Superintendent of the Otago Province, and which grant His Excellency had signed in ignorance of what he was doing.

Amongst other papers sent to His Grace three days later was a memorandum prepared by the Hon. J. C. Richmond in which Mr. Richmond stated that the allegations contained in the petition were for the most part correct. There was good evidence that the Native owners at the time of the first negotiations for the sale of land at Otakou objected to giving up a part of what then formed the reserve, and, in consequence of that objection, the negotiations were broken off. In the subsequent deed of sale, no specific reservation of the land was made, but a general understanding was indicated that some lands were to be surveyed by the Governor for the sellers, and the vague terms of the deed might have been meant to include *inter alia*, a portion of the reserve in question. After setting forth the short facts of the case, Mr. Richmond went on to say that in 1865 the matter was pressed to an issue on the Legislature, and a resolution of the House 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 or the other, that had been raised. The Provincial Government had never acquiesced in this proposal. The Colonial Secretary was advised that, to bring the matter into Court, a grant must issue to one party or the other, and he 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 was presented for signature and issued. Since then the accrued rents, amounting to above £6,000, which had been impounded pending the settlement of the claim had been handed to the Province, on the undertaking to refund should the ultimate legal decision upset the grant.

Continuing, Mr. Richmond said that a suit had been instituted by the Native claimants, since the commencement of which an offer of £1,000 and a reserve of equal area on another part of the reserved frontage had been made by the Superintendent, but not accepted by the Native claimants in satisfaction of their claims. The suit was going forward. The Bill referred to by the petitioner was an authority to the Treasurer to pay over the rents to the grantee, but expressly saved the legal question, and in no way validated the grant. The Bill had since been withdrawn, and the money advanced on the terms stated. It was doubtful whether, in case of a decision adverse to the Natives, any power existed to carry out the intention of His Excellency in 1853 in any other way.

In the suit brought by the Natives in the name of the Crown against the Superintendent, they failed both in the Supreme Court and in the Court of Appeal: see *Regina* v. *MacAndrew* (1 C.A. 172). The Natives thereupon obtained leave to appeal to the Privy Council, the Government having agreed to a further advance of £500 being made from Native reserve funds for costs. But while the Privy Council proceedings were being put in train, suggestions about a compromise came forward. Somewhere towards the end of 1872 Sir Julius Vogel wrote a memorandum in which he stated that Mr. Izard, counsel for the Natives, and himself had conferred together with a view to agreeing to a