

MINUTES OF EVIDENCE.

TUESDAY, 30TH AUGUST, 1910.

(Mr. Herries in the chair.)

Mr. J. H. HOSKING, K.C., Dunedin, for petitioners. (No. 1.)

The Chairman: Do you propose to make a statement and call evidence, Mr. Hosking?

Mr. Hosking: I propose, with the permission of the Committee, to address the Committee first in amplification of the terms of the petition, and then to call some evidence for the purpose of establishing two or three points. Most of the evidence in establishment of the petition, I think, will be found in past Government records. That will minimize the amount of evidence to be called.

The Chairman: Will you proceed, then, please.

Mr. Hosking: The petition which has been read fairly outlines the case from the beginning to the present time. In addition to the petition, the Natives had printed the report of a Joint Committee made in the year 1888, and also two reports made by Mr. Mackay, known as the Native Commissioner, in the year 1891. I do not know whether members of the Committee have had an opportunity of perusing those documents. I understand that copies were circulated amongst the members of the House. Those documents—the report of the Committee on the one hand, and the reports of Mr. Commissioner Mackay on the other—will, I think, fairly represent what might be called both sides of the case. The Joint Committee's report, which was a very sympathetic one, yet rather ended in a result that was adverse to the Natives, in that the Committee negated the claim to further reserves, and transmitted the Natives to the mercies of the Government.

The Chairman: What was the date of that report?

Mr. Hosking: 1888 and 1889. It will be found in the Appendices to the Journals of the House for 1888, paper I.-8; and 1889, I.-10. Mr. Commissioner Mackay's reports are to be found in the Appendices for 1891, G.-7 and G.-7A. Now, one naturally feels that in a case which possesses the proportions that this case has hitherto assumed—namely, that of claims arising out of a purchase of some twenty millions of acres of land, and in which almost a thousand Natives now represent the petitioners—a great deal of responsibility rests upon counsel in the endeavour to impress the Committee with the points which the Natives have to urge on their side, and I am afraid that I may have to tax the patience of the Committee a little by referring to a good deal of ancient history in the matter. The story is a very long one, because it dates from the year 1848, when the purchase was first made by Mr. Kemp. The area dealt with covered most of the Province of Canterbury and a good deal of the Province of Otago, as far as the Otago Heads. The circumstances attending the purchase were of a somewhat indefinite character. The whole of the parties to the transactions are now dead, both on the European side and on the Native side. It is two generations ago since the transactions took place, and consequently there can be nothing now produced before the Committee in the shape of contemporary evidence. All the evidence that can be given will consist either of evidence that has been given in the past before this Committee, or of such evidence as the Natives now possess, inherited from their forefathers by oft-heard exposition of the facts of the case. These claims have been the subject of repeated applications to Parliament since the year 1872. It may be asked why they did not come before Parliament at an earlier stage. Well, in one of the reports which Mr. Commissioner Mackay made he clearly indicated the reason for that, by showing that until the year 1871 the official documents bearing upon the matter had not been fully brought to light, so that the Natives, having no counterparts of any of the documents that had passed in connection with the original purchase, and relying simply upon the verbal testimony of those of them who were witnesses to the transaction, had nothing in their possession to outweigh the official documents then known; but in 1871 the documents came to light, which enabled the full nature of the case to be better appreciated than it had been in the past. Following 1872 repeated petitions were made to Parliament. Repeated reports were made thereon by Committees, and reports were also obtained—chiefly from Mr. Mackay, who was Native Commissioner for the South Island—all of which strongly supported the claims which the Natives made, not in any definite form, but rather in the direction of the conclusion that their claims had not received proper consideration, and that they ought to be attended to. Well, possibly through no definiteness being given to these claims, nothing was done, and then, after 1891 or 1892, the question of landless Natives began to be considered by the Government, and ultimately Mr. Cadman visited the Natives in the South, and sought to ascertain from them what their wants were. But Mr. Cadman's mission was simply to provide himself with sufficient information to enable those Natives who were landless to be dealt with, and in the course of the interviews he had with the Natives it was made plain by them, and assented to by him, that whatever he was doing in the direction of providing land for landless Natives was not in any way to affect any claim they might have. Following upon that a Commission, composed of Mr. Percy Smith and Mr. Mackay, was set up for the purpose of ascertaining what Natives were landless, and for the purpose of allocating the areas which would be necessary to bring them up to an average of 50 acres per head for adults and 20 acres per head for children. That was in the year 1905. To give effect to their findings, in the year 1906 the South Island Landless Natives Act