amount mentioned by Mr. Mackay on behalf of the Government, and did not consider that it was his function to interfere. What the addition was we have heard—a few acres to represent the *mahinga kai*, and a few more acres of inferior land to bring the total up to 14 per head. Then, on page 42 of I.–8, Mr. Taiaroa deals with the question, commenting on Mr. Fenton's report:—

> "You say that Mr. Alexander Mackay was a zealous adviser. I will not admit that what you say is true. Mr. Mackay worked on the side of the Government. He did not do much for the Maoris, excepting perhaps in disputes of Maoris with Maoris; but he was not very strong in disputing with his masters, the Government."

Now, that is a very obvious distinction, I submit. Mr. Mackay did the best for the Natives in disputes between themselves; but this was a dispute between them and the Government, and would Mr. Mackay suddenly consider himself justified in giving an expansive meaning to what it was for the Government itself to properly interpret? So I think it would be obvious to any one that Mr. Mackay could not be said, in a strict sense, to have represented the Natives or to have acted on their behalf when he named 14 acres per head. Mr. Taiaroa goes on,—

> "Also Mr. Rolleston—he worked for the Government on the side of the Crown. There was only one man with the Maoris, and that was the lawyer. However, he spoke as to the invalidity of the deed of cession, whereupon your Court has deceitfully written the name of your new Governor—namely, Governor John Hall. The statements made by that Court were all in English. The land the subject of adjudication before your Court in 1868 was Kaitorete, a settlement and a place where food was obtained by the Maoris. . . . The Maoris asked for no extra land in fulfilment of Kemp's deed; but the Court and the Commissioners said this: 'Will you not, the Maoris of Otago and Murihiku, desire some other land in fulfilment of the words of the Government?' The Maoris did not regard with favour that word of Mr. Alexander Mackay's. Then they and some chiefs went into a room, and there talked, and the land agreed upon was Tautuku, in the Province of Otago, the area being 1,000 acres. That land has again been taken by the Government. After this the Parliament sat in the same year (1868), and a law was enacted to set right the wrongdoing of your Court and to give effect to the signing by Governor John Hall of his name to the deed of cession, so as to make valid the wrong work of that Native Land Court."

This is not verbally accurate, but the general sense of it is perfectly obvious, and accords with what we have already laid before the Committee. That was in 1876. In 1877 the Natives seem to have grown very impatient, and there was a movement, headed by Temaiharoa, who was a very important chief of Temuka, and interested in the Ngaitahu Block, but who had never signed the deed. He then insisted upon what the Natives still insist upon—namely, that the intermediate space (indicated in that plan which I put in yesterday), between the east and west coast was never ceded by the deed, although the Government so treated it. He, with a following of some hundred-odd Natives, went and squatted on this land and lived there for about two years, in order that the attention of the Government might be forcibly drawn to their claims. Ultimately, when it was almost reaching the point of blows, the Native Minister came down and promised that their grievances should be remedied, and an end was put to the attempted settlement on the land.

The Chairman: Who was the Native Minister at that time?

Mr. Hosking: Mr. Sheehan. Had that not happened, I am told it is very probable that bloodshed might have followed. In 1878 Topi presented a petition, which is to be found in I.–8, page 45. The Native Affairs Committee reported on it,—

> "The Committee are of opinion that if the complex questions of Native title raised by the petition are to be inquired into exhaustively it must be done by a different tribunal from a Select Parliamentary Committee, whose time is manifestly far too limited for such a purpose. The Committee are not prepared to express an opinion as to whether such an inquiry should be held or not, but recommend that it should receive the attention of the Government."

The result of that was that Messrs. Smith and Nairn were appointed in February, 1879, and they sent in an interim report in 1880, and a final report in 1881. These reports are to be found in I.–8, pages 45 and 53. The Commission issued to Messrs. Smith and Nairn, which is given at page 53, is well worth a moment's attention, for what they were directed to do was

> "—to inquire into and ascertain in what manner the Ngaitahu Block of land, situate in the Middle Island, was purchased by Mr. Kemp and Mr. Mantell, in or about the years 1848 and 1849, from the Native owners thereof, *notwithstanding a certain order of reference, dated the 28th day of April, 1868, signed by the Hon. John Hall*, on behalf of the Governor of New Zealand, and 'The Ngaitahu Reference Validation Act, 1868'; and to examine all deeds and documents relative to such purchase, and in respect thereof to investigate and determine—(1.) Whether or not any promises or conditions within the legitimate scope of the instructions and authority severally granted to the aforesaid Mr. Kemp and Mr. Mantell, and made by either of them respectively on behalf of the Crown at the time of the aforesaid purchase, yet remain to be fulfilled; and, if so, what is the amount of damage sustained by the aforesaid Natives by reason of such non-fulfilment. (2.) Whether any lands were reserved or agreed to be reserved and excepted out of the lands so purchased for the use of the aforesaid Natives; and, if so, whether such reserves have been made in terms of the original agreement in respect thereto, and, if not, what is the amount of damage sustained by the aforesaid Natives by reason of such reserves not having been so made."

There I think we find absolute confirmation of the position which I have ventured to put before the Committee—that this so-called settlement by the Native Land Court in 1868 was ignored by