1910.

NEW ZEALAND.

NATIVE AFFAIRS COMMITTEE:

NGAITAHU BLOCK (KEMP'S PURCHASE),

PETITION OF TIEMI HIPI AND 916 OTHERS *RE* (REPORT ON); TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE.

(MR. JENNINGS, CHAIRMAN.)

Report brought up 17th November, 1910, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 7TH DAY OF JULY, 1910.

Ordered, "That Standing Order No. 219 be suspended, and that a Native Affairs Committee be appointed, consisting of twelve members, to consider all petitions, reports, returns, and other documents relating to affairs specially affecting the Native race that may be brought before the House this session, and from time to time to report thereon to the House; with power to call for persons and papers; three to be a quorum: the Committee to consist of Dr. Rangihiroa, Mr. Greenslade, Mr. Herries, Mr. Jennings, Mr. Kaihau, Mr. Mander, Hon. Mr. Ngata, Mr. Parata, Mr. Rhodes, Mr. Macdonald, Mr. Seddon, and the mover."—(Hon. Mr. CARROLL.)

WEDNESDAY, THE 13TH DAY OF JULY, 1910.

Ordered, "That the name of Mr. Dive be added to the Native Affairs Committee."—(Hon. Mr. CARROLL.)

REPORT.

PETITIONERS pray for an investigation to enable a final settlement of the claims of the Ngai Tahu Tribe, with reference to the purchase of the Ngai Tahu Block by Kemp in 1848.

I am directed to report that, in the opinion of the Committee, this petition should be referred to the Government for favourable consideration, and that the minutes of the proceedings in Committee, together with the evidence taken, should be laid upon the table of the House and printed.

W. T. JENNINGS, Chairman.

17th November, 1910.

MINUTES OF PROCEEDINGS.

TUESDAY, 30TH AUGUST, 1910.

ON the motion of Mr. Parata, it was resolved, That the evidence given on this petition be reported.

Mr. Hosking, K.C., appeared for petitioners, a number of whom were present. At 12.45 Mr. Hosking had not completed his statement in support of the petition, and it was arranged that he should continue at the next meeting of the Committee.

WEDNESDAY, 31ST AUGUST, 1910.

Mr. Hosking, K.C., appeared for petitioners, and completed his statement in support of the petition, and called two witnesses—viz., Thomas Eustace Green and Hoani Maka.

Statements made by those witnesses to Mr. Hosking were read to them and were confirmed by them.

Mr. Hosking was questioned by members of the Committee.

Deliberation was adjourned.

TUESDAY, 11TH OCTOBER, 1910.

Mr. Parata addressed the Committee in support of this petition. As he had not completed his statement when the Committee adjourned, it was arranged that he should continue at the next meeting of the Committee.

THURSDAY, 13TH OCTOBER, 1910.

Mr. Parata continued his statement to the Committee in support of the petition, and, as he had not completed it when the Committee adjourned, it was arranged that he should continue on Friday, the 14th October.

FRIDAY, 14TH OCTOBER, 1910.

Mr. Parata completed his statement in support of the petition.

FRIDAY, 11TH NOVEMBER, 1910.

It was resolved, That the Committee deliberate on this petition on Tuesday, the 15th November

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TUESDAY, 15TH NOVEMBER, 1910.

After deliberation, it was resolved, on the motion of Dr. Te Rangihiroa, That this petition be referred to the Government for favourable consideration, and that the minutes of the proceedings in Committee, together with the evidence taken, be laid upon the table of the House and printed.

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 negatived 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

was passed. This Act, it may be suggested, finally put an end to all claim on the part of the Natives for further consideration. I wish if possible to remove that impression, and I think I shall be able to do so. This Act is called "An Act to make Provision for Landless Natives in the South Island," and it enables the allocation of land to be made on the basis which Mr. Percy Smith and Mr. Mackay had recommended. There is nothing in the Act as passed, except section 7, that can be said to have any bearing whatever upon the question of claims. Section 7 says, "For the purpose of carrying out the intention of this Act, or in fulfilment of any contract, promise, agreement, or understanding in connection with the setting-apart of lands for landless Natives in the South Island, the Governor may from time to time execute warrants for the issue of Land Transfer certificates," &c. Well, now, that section clearly applies only to contracts made for the purpose of giving land to landless Natives. The position in this case is that the Natives claimed not because they were landless, but because they alleged that certain promises were made when the land was sold which have never yet been adequately fulfilled. Under the South Island Landless Natives Act it was only those who already had not 50 acres that got anything at all. Those who had 50 acres or more received no benefit whatever under that Act; and, although those same Natives are the successors of the original vendors of the property, they have received no benefit whatever. So it cannot be said that anything done under the Landless Natives Act has been in any way—as regards those Natives, at all events—a fulfilment in any respect of the original promises that were made. In order further to establish the point that this Act was not intended to finally deprive the Natives of any just claim that they might have for consideration outside the condition of landlessness, I would refer to the Bill as it was originally introduced by the Hon. Mr. Carroll. It was a Bill intituled "An Act to make Provision for Landless Natives," and then it goes on to recite that—

> "Whereas in consequence of numerous petitions received from the Natives of the South Island relative to the non-fulfilment of promises made them on the cession of their territory in that Island to the Crown that additional land sufficient for their future wants should be set apart for them and their descendants: And whereas several inquiries have been made under Royal Commission for the purpose of ascertaining their actual requirements: And whereas a Joint Committee of both Houses of Parliament was appointed in the year one thousand eight hundred and eighty-eight, and again in the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, to report on the aforesaid claims: And whereas these several inquiries eventually resulted in the setting-apart of various areas of land in the said Island, and Commissioners were appointed on the thirteenth day of October, one thousand eight hundred and ninety-three, to allocate such lands subsequently set apart for a similar purpose: And whereas after lengthened inquiries relative to the various matters pertaining to the appropriation and allocation of such lands to the persons intended, the said Commissioners have reported to the Minister of Lands that the allocation is now complete," &c.

Well, when that Bill was introduced, the Natives saw that by this recital, if it were allowed to stand, their claims, apart from the footing of landlessness, would probably be seriously impaired. In consequence of that a deputation waited upon the Prime Minister, and the Prime Minister, after hearing them, promised that the preamble, which I have just read, should be withdrawn. So it could not be suggested that the Act was in satisfaction of claims that were independent of a landless condition. Not only was that so, but I am informed that, the preamble having been struck out in the Lower House, it was sought to be reintroduced in the Upper House, and that the Native member for the South Island represented what had already taken place upon the subject, with the result that the attempt on the part of the Upper House to extend the Act to make it apply to these claims that had been the subject of such frequent application to the House was not carried out. What has happened in regard to the provision under the Landless Natives Act is that lands have been awarded not in the Ngaitahu Block at all, but in districts altogether outside of the block. So that if one were to come to deal with the question of whether a reservation has been made out of the block itself for the benefit of the Natives, as was the intention, one could suggest that that had not been done. Still, I do not lay very much stress on that suggestion. The other points mentioned do, I submit, establish that this Act, passed in 1906, was not intended to affect, and has not affected, the rights of the Natives, whatever they may be, in virtue of the original promises made to them. The position, I understand, with regard to Native claims now, in the South Island, is that, although there were several purchases—there was the Nelson purchase, the Picton, the Westland, the Murihiku, and the Stewart Island—all these claims have been settled. No claim is brought forward in respect to them, although there are many Natives who are interested in the Ngaitahu Block likewise interested in those other blocks. So that if it were a question of merely raising a claim for the sake of trying to get something, then the probability is that one would have heard of claims not only in respect of this block, but of all the others as well; but, inasmuch as no claims have been made in respect of those blocks—because the Natives there consider that all the promises have been adequately fulfilled—it is proof of their *bona fides*. Independently of that, however, I hope to convince the Committee that this claim is not one that is suddenly conceived or deliberately hatched for the purpose merely of trying to extract a certain amount of compensation, either in land or money, from the Crown. I have established, I hope, to the satisfaction of the Committee that this Act of 1906, and what was done under it, in no way stand in our path. Shortly put, the claim that we are now here to submit to the Committee arises thus: The Ngaitahu Block was purchased in the year 1848. Certain portions were not sold. Those are what in the original translation were described as "our places of residence and cultivations." That was the way in which the deed was interpreted at the time. Then, in addition to the portions that were not sold, the deed provided

that there were certain reservations to be made afterwards. In effect, the whole block was sold, excepting the places of residence and the cultivations, or whatever was properly represented by the Maori term *mahinga kai*, subject, however, to the condition that reservations in future would be made. That promise of future reservations is one of the promises that we say has not been fulfilled. Then, at the same time certain promises were made with regard to schools and hospitals, and the general care of the Natives, which promises remained absolutely without an attempt to fulfil them for many years, and since that time may be described as having been only partially fulfilled. It is claimed now that these are the engagements that ought to be—well, it is impossible now to fulfil them, but these are engagements in respect of which certain consideration should be allowed by the Dominion. If I may be permitted, without wearying the Committee, to go a little more into detail, I will refer to my first point—that is, as to the promises that were actually made with regard to the land. These will be found in a "Compendium of Official Documents relating to Native Affairs in the South Island," published in 1873. I quote from Volume 1.

Hon. Mr. Ngata: Is it a parliamentary paper?

Mr. Hosking: Yes, compiled by Alexander Mackay, Native Commissioner. At page 208 of that compendium will be found the original instructions from Governor Grey to Lieut.-Governor Eyre to attempt to purchase this large area of land in the South Island which is now the subject of this petition, and Lieut.-Governor Eyre gave his instructions to Mr. Kemp, and Mr. Kemp proceeded to make the purchase. The instructions given by the Governor to Lieut.-Governor Eyre and by him passed on to Mr. Kemp were these:—

> "The mode in which I propose that this arrangement should be concluded is by reserving to the Natives ample portions for their present and prospective wants; and then, after the boundaries of these reserves have been marked, to purchase from the Natives their right to the whole of the remainder of their claims to land in the Middle Island. The payment to be made to the Natives should be an annual one, and should be spread over a period of four or five years. An arrangement of this nature will remove all possibility of the occurrence of any future disputes or difficulties regarding Native claims to land in that part of the Middle Island."

Mr. Kemp went down, and from the deck of the British gunboat "Fly" conducted the operations, with the result that an area of over twenty million acres was purported to be conceded not to the Crown, but to Mr. Wakefield, who was then the representative of the New Zealand Land Company, for a sum of £2,000. Mr. Kemp made no attempt to mark out reserves. In fact, it would almost seem to have been—looking at it from a practical point of view—an impossible task that was imposed upon him—namely, to mark out reserves for the present and future wants of the Natives in such a way that those reserves could be definitely ascertained so as to exclude them from the purchase. How would it be possible, in the then state of communication, to ascertain who really were the whole of the Natives interested in the block, and what provision should be made not only for their present wants, but for their future wants as well? Mr. Kemp realized that he could not carry out these instructions, and he did not do so, and he reported when he came back, on the 20th June, 1848—page 209 of the compendium:—

> ". . . . I beg to state, with reference to the reserves intended for the Natives in the newly acquired block of land between the Kaikoura and Otago, that in obedience to the Lieut.-Governor's instructions their pas and cultivations have been guaranteed to them as expressed in the deed of sale; they are, generally speaking, of comparatively small extent. Beyond these I have not felt myself authorized in making any guarantee, and, with the consent of the people, have thought it better to leave the subject to be considered and decided upon between the Government and the company, so soon as the survey of the district shall take place."

This arrangement made by Mr. Kemp, I may say, was at once taken exception to on the ground that he had not marked out the reserves, and Mr. Mantell was sent down, in order, if possible, to remedy the omission.

The Chairman: Who took exception to it?

Mr. Hosking: Lieut.-Governor Eyre.

The Chairman: Not the Natives?

Mr. Hosking: No. When the report came back, Lieut.-Governor Eyre immediately took exception to the way in which the instructions had been carried out. I shall be able to give you a reference to the letter that was written to Mr. Kemp complaining of the way in which things had been done.

Hon. Mr. Carroll: With regard to their prospective wants?

Mr. Hosking: Well, Mr. Kemp's negotiations seemed entirely to ignore the question of prospective wants; and even when Mr. Mantell went down, so far from considering the question of prospective wants, he simply marked out what he considered would be sufficient for their existing wants, and left the question of their future wants to take care of itself. The deed which was obtained is a little more interesting in its mode of expression than is my speech. It is at page 210,—

> "Translation of Kemp's deed: Hear, O all ye people! We, the chiefs and people of Ngaitahu, who have signed our names and marks to this deed on the twelfth day of June, in the year of our Lord one thousand eight hundred and forty-eight, consent to surrender for ever to William Wakefield, the agent of the New Zealand Company, established in London—that is to say, their directors—our lands and all our territorial possessions lying along the shores of this sea, commencing at Kaiapoi, at the land sold by Ngatitoa, and at the boundary of Whakatu, and thence on to Otakou, and on till it joins the boundary of the block purchased

by Mr. Symonds; running from this sea to the mountains of Kaihiku, and on till it comes out at the other sea at Whakatipu Waitai (Milford Haven). But the land is more accurately defined on the plan. Our places of residence and our cultivations are to be reserved for us and our children after us; and it shall be for the Governor hereafter to set apart some portion for us when the land is surveyed by the surveyors; but the greater part of the land is unreservedly given up to the Europeans for ever."

That is the document under which it was attempted by Mr. Kemp to obtain this land and to define the rights of the Natives. It will be obvious to the Committee that nothing could be more vague. The translation given of the words here rendered "our places of residence and our cultivations"—namely, *mahinga kai*—is a translation which the Natives have always taken exception to as being much too narrow in its scope. I am told that the proper words to have been used, if it was intended merely to confine the exception to the cultivations, were *ngakinga kai*, and that *mahinga kai* includes not only cultivations, but such things as eel-weirs and trees where certain birds were caught—in fact, all sources of food-supply. It was recognized afterwards by the Native Land Court that the construction placed upon this reservation had always been too narrow, in the sense of confining it merely to places of residence and cultivation. Further, with regard to this deed, there is one point that the Natives wish me to draw attention to, and that is that if the description in it is to be taken as meaning anything at all, it does not really purport to transfer the whole of these twenty million acres. What they say was understood by their forefathers was that only a part of this land—that running along the foreshore—was to be regarded as sold. I wish, at their request, to make that clear, although I am not going to raise any special point upon it, because the deed has been so long acted upon in the other sense. It is not for the purpose of making any technical objection or anything of the kind that I draw attention to it, but only as another indication of the exceedingly vague manner in which the Natives were led to enter into this contract for the sale of the Middle Island. If this plan which I have here is looked at—the one which the Natives have had prepared as representing what is said in the deed—it shows the block which was sold as running along the foreshore, and the piece between that and the west coast of the Island, which they say was never intended to be sold——

The Chairman: Is that a copy of the plan?

Mr. Hosking: Not a copy of the plan mentioned in the deed. I have that here, and it shows the land as extending from one side of the Island to the other.

The Chairman: Then what do you put this other one in for?

Mr. Hosking: To show what the Natives' contention is now. This [plan indicated] is the plan which was attached to the deed, and I will defy any one to show that the Natives in the year 1848, before they had received anything in the shape of education, could have possibly understood from that plan what it was that was being sold. What they would understand to be sold would be what would be described to them in words.

As I was saying, complaint had been made as to the way in which Kemp had discharged his duties, and Mr. Mantell was sent down to rectify matters. He went down, but had to come back again, because there was some misunderstanding about the money, and he came back, it is understood, in order to get further instructions from Lieut.-Governor Eyre. He returned, and went over the Island, and marked out reserves. Now, the reserves that he marked out—the reserves that were to be in addition to the residences and places of cultivation—included these very places, so that the reserves marked were for the most part simply the places of residence and cultivation. So that the spirit of what was in the deed was not carried out at all, because the reserves that ought to have been marked out should have included not the places of cultivation and residence, but land outside of them altogether. Now, under this arrangement, Mr. Mantell allotted land on the basis of 10 acres per head, upon a census which he himself had taken, and which it was afterwards proved did not comprise by some hundreds of Natives all those who were interested. One can quite understand that in those days—1848—when there were no roads or anything of the kind, it would have been almost impossible to have ascertained, in the course of two or three months, all those who were interested in all this vast tract of country, and one can very well forgive Mr. Mantell for not having succeeded, even after his best efforts, in arriving at the true position as regards the population. I should like to refer to Mr. Mantell's own evidence as to the way in which he executed his commission, and in doing so this point must be borne in mind—namely, that the promises consisted of two things: first, the promises in the deed—as to which there is no mistaking the record—and, secondly, the promises which Mr. Mantell made verbally—as he said, under instructions from Lieut.-Governor Eyre—with reference to schools and hospitals. There was no written record made at the time showing what these promises were, and it seems as if, almost immediately after they were made, they were forgotten, and did not emerge again until some twenty years afterwards, when Mr. Mantell was called as a witness before the Native Land Court in Christchurch, in 1868. I refer on this subject to the Appendices to the Journals of the House for 1875, G.–3, and 1876, G.–7. Mr. Mantell, in whose bosom alone reposed the details of the transaction, and who alone was able to speak as to what the promises were that were made, and who alone was able to say what had been done, because he appears to have been the only available European alive then who was able to testify to what actually had taken place when he went down there—Mr. Mantell says this, at page 8 of G.–7, 1876:—

"The signers of the deed represent the owners of the land, and the reserve was made for them. I was supplied with a deed of conveyance to supplant Kemp's deed, made to Her Majesty instead of Wakefield, and releasing the clause of reservation. I was instructed by the Government that they would abandon Kemp's deed. I wish to say that the Kaiapoi Reserve would have been of its own size even if that clause had not existed. I did not make more reserves, because of my instructions, which I put in. [Read: Draft deed to have been

signed; final instructions; further instructions.] In pursuance of Ngaitahu deed, I made reserves after this instruction, Moeraki, Waikouaiti, and Purakaunui. I did not completely satisfy the clause. Since then an addition was made by Sir G. Grey to the Waikouaiti Reserve. I believe also that a reserve has since been given to the Natives here at Waimatemate; also on west coast. I never attempted to get a release from the Natives from that clause. I consulted their wishes as to an arrangement as to locality. In quantity, I contended with them. I was instructed to abandon outstanding cultivations, and consolidate them. Natives have been constantly writing to Government, and soliciting performance. Up to 1861 the letters were marked 'Southern Island File.' After that the result was the same, but their letters were answered. They were never referred to the Supreme Court as a petition of right, because it would have been inconvenient as a precedent. I wish to explain these later answers. Strict legality has not been aimed at. The Government wished to settle these claims, and get them 'huddled out of the way.' I do not think it arose from deliberate villany on the part of the Government, though it might bear that aspect."

I should like also to refer to page 11. There further evidence was given before the Court as follows:—

"I came here, to the southern district of the Province of New Munster, in 1848. I was sent by the Government under instructions to complete an incomplete transaction of Mr. Kemp (the Ngaitahu deed). Those were my original instructions. I have seen this deed. This was given to me by the Government as the instrument by which Kemp's purchase was effected. When I came, the money had not all been paid. I was brought into contact with these signers, and with others of greater importance who had not signed. It was always recognized by the Natives. The remaining instalments have all been paid. Question: In either of your capacities did you set apart land under that deed?—Answer: As Commissioner for extinguishing Native claims I set out several reserves: I set out reserves at Purakaunui under my instructions. I set them out in December, 1848. I recognize my handwriting on the map dated December 9, 1848. It is the map handed by me to the Natives, signed by me 'for the people belonging to Ngaitahu Tribe.' The people for whom it was intended are written in my census. [Names read.] I found a certain number of Natives resident at Purakaunui, and then fixed the reserve at the smallest number I could induce the Natives to accept. There were forty-five Natives, men, women and children—just 6 acres a head. I came on to Otakou. I do not consider this a liberal allowance. I thought it ought to be at least 10 acres, not to exceed 10 acres if I could help it. I know this country. I recognize the land on this tracing: I think the land is absolutely worthless. The piece in the middle was excepted, I have no doubt, to reduce the amount. As Crown Commissioner I subsequently made this piece a reserve. I hope my evidence has not led the Court to believe that I was dealing liberally. If I had followed my theoretical rule, the quantity would have been 450 acres. In other districts I allowed more than my theoretical rule. *Examined by the Court.*—The map was attached to the deed when I got it. Lieutenant Bull's seal and signature were there then. He was lieutenant in the 'Fly,' in which I was taken to Akaroa. When I paid the instalments I got as many additional signatures as I could to the receipts. These receipts I handed to the Government; one is on the deed [Read in English and Maori] dated February 27, 1849, 'Mantell, Commissioner for extinguishing Native Title.' Question: Under which clause was this reserve made?—Ans.: I should like to refer to my instructions, which will explain better than I can. [Instructions read: 1. 2nd August, 1848, signed 'J. D. Ormond, for Private Sec.' 2. 4th October, 1848, signed 'Eyre, Lieut.-Governor.'] This reserve would comprise more than the actual amount of their cultivations at the time at this place—I am speaking of land under crop, principally potatoes. The land under crop would be one-third, probably nearly one-sixth, of the land under cultivation. There were other places cultivated or deserted besides Purakaunui. I scarcely know how to answer these questions. What I did was to get the Natives to agree to as small amount as I could. The reserve at Purakaunui was sufficient for their immediate wants; I left their future wants to be provided for. I was not then able to make an estimate, and I took McCleverty's opinion."

McCleverty was a Commissioner in the very early days, who thought that 14 acres per head was the amount that ought always to be allowed when making reserves for Natives.

"He said 10 acres, and I gladly embraced that standard. The reserve was made not so much as fulfilling either clause of the deed, as the smallest quantity I could get the Natives to agree to. I believe half of the people there when I went are dead. *Examined by Mr. Macassey.*—I was authorized to make a promise—and I told them that the Government would make schools, build hospitals, and appoint officers to communicate between them and the Government. I found these promises of great weight in inducing the Natives to come in—but these promises have not yet been fulfilled. [Clause of instructions read: 'Thirdly, you are only to mark out reserves around and including pas, residences, or cultivations to the extent that may be necessary for the resident Natives; *but you may inform them that the Crown will hereafter mark out for them such additional reserves as may be considered necessary for their future wants.*] I was not engaged to carry out the terms of Kemp's deed, but was preparing for the execution of a new deed. Question: Did you make this promise?—Ans.: I took refuge under this promise with the Natives. The reserve may be looked upon as the result of a struggle, in which I got the land reduced as much as possible. I used to tell the people that if they were dissatisfied they must appeal to the Governor, and in one case (Waikouaiti) this was done, and they got an immediate increase. Ques.: Did the Natives believe in your promise, and come to terms upon the strength of it?—Ans.: Certainly. Ques: How

did you propose to keep that promise?—Ans.: I have no power by me. Ques.: What would you do if you had the power?—Ans.: I think a minimum of 14 acres a head, if I were a member of the Government, not as satisfying my own honour as a private individual."

That is the evidence of Mr. Mantell. I may say, as to the written instructions that he appears to have handed in to the Court, we are not able now to lay our hands on them: possibly they are buried in the parliamentary cellar with other Native papers. But the quotation given in the evidence there says, "You are only to mark out reserves around and including pas, residences, or cultivations to the extent that may be necessary for the resident Natives; but you may inform them that the Crown will hereafter mark out for them such additional reserves as may be considered necessary for their future wants." Those were the written instructions from the Governor to Mr. Mantell.

In the year 1888—twenty years after—a Joint Committee was appointed by Parliament, and the matter was gone into very thoroughly, and with an evident desire to try to arrive at some solution of the matter; but there was then, as there always seems to have been on the part of the Committees appointed, a shrinking—if I may respectfully say so—from earnestly tackling the question of the amount or quantum of compensation, for fear the result might be something that it would not be in the power of the country to satisfy. I need not say that on the present occasion we do not come before the Committee with the intention or expectation of obtaining what is unreasonable. We are not seeking to impose upon the Dominion anything that could be called extravagant. Well, this Committee took a great deal of evidence, for which I refer to parliamentary papers for 1888—I.-8. I quote from pages 87–93, various parts. Mr. Mantell again gave evidence. The Chairman asked him,—

"We are considering the Ngaitahu case. Do you adhere to the opinion which you have expressed in certain papers, documents, and correspondence, to the effect that the promises which largely induced the Ngaitahu Natives to cede their lands to you, as representing the Government, have not been fulfilled?—Ans.: They express my opinion at the time. When I made the statements I could speak confidently. I have not been in a position to know what has been done since; but it is impossible that the promises can have been fulfilled. Ques.: Am I right in understanding your view to be that these promises were for hospitals and schools, and the exercise of a general care and solicitude?—Ans.: Yes, you are quite right. I have with me an old document which might assist the Committee upon the subject. It will show the note which I made in 1861, which I will hand to you. Of course it will be returned to me."

He put in that note, and then he was asked,—

"In making the reserves that were promised, and which you allotted, what reason had you in making a distinction in the quantity allotted between the Maoris of different ranks?—Ans.: I scarcely understand your question. Ques.: Your award of reserves afterwards was on a uniform principle, was it not, as far as quantity?—Ans.: Yes, so far as quantity was concerned. You will find evidence given before the Native Land Court, as far as I can recollect, in which about 10 acres a head was looked upon as the correct award. I endeavoured to restrict the award to that amount in order to please the Government. But full evidence on that subject was given fully twenty years ago, before the Native Land Court. Ques.: When you say you desired to please the Government, do you mean that you endeavoured to make the best bargain for the Government that you could?—Ans.: I naturally desired to make the best bargain I could for the Government, because I looked to the Government for my future employment. Ques.: Have you ever formed any opinion as to the measure of relief that would satisfy the justice of the case from your point of view?—Ans.: I could express no opinion about that. Ques.: You have not formed any opinion?—Ans.: Not of late years, because I look upon the matter as past praying for. It is now, I think, impossible for any Government to satisfy the merits of the case compatibly with our institutions."

Then there is some other interesting evidence, which I will not weary the Committee with; but at question 157 there is this:—

"Then may we take it that the Natives never did have allotted to them the land which they were led to understand they would have?—Ans.: To say 'what I led them to understand' is vague, necessarily, for I was not in a position to make any distinct promises, but only a further provision, as provided in the Ngaitahu deed. Ques.: A further provision?—Ans.: Yes; that was left to His Excellency the Governor. Ques.: When the area of reserves, amounting in all to about 10 acres a head, was allotted to the Natives, do you think they realized how small that area was?—Ans.: They never failed to impress that upon me most energetically. They objected to give up the outlying cultivations which they had in use at the time, but which I required should be given up when needed for other purposes. The only consolation I could give on this point was that under the deed the Governor would make further provision. Ques.: In land?—Ans.: In land, simply speaking of the promises of further provision contained in the deed. Ques.: Why did you yourself not set aside larger areas?—Ans.: You mean, at that time? Ques.: At that time.—Ans.: I am afraid you do not see that I should have been incurring the displeasure of my official superior."

Then he goes on to relate how he stopped the Governor on one occasion from giving a large belt of country; and in subsequent evidence he emphasizes what I have already indicated was clearly Mr. Mantell's view—that in going down and making these reserves he not only paid no attention to the reservation of all cultivations, but cut off cultivated ground in order that he might be able to group the reserves. He not only paid no attention to the noble spirit in which the original instructions were couched—namely, that ample reserves should be made for the present and future

welfare of the Natives—but, in order to please his masters, as he put it, he endeavoured to bring the Natives down to the smallest area they were willing to accept, with the result that in respect of this large area of land, including their residences and cultivations, only some 6,000-odd acres were awarded for the present and future wants of between six and seven hundred souls—the then estimate. Mr. Mantell was conscious in his own mind that a gross injustice had been done, and it evidently preyed upon him, because in 1856, when in London, he addressed the Government there. It must be remembered that at that time Native affairs were to some extent under the exclusive control of the British Government. While there he addressed the Principal Secretary of State, and pointed out that promises which had been made to the Natives had not up to that time been fulfilled. In his letter—it is given on page 20 of I.–8, Appendices for 1888—he forwards a map, and says,—

> "By promise of more valuable recompense in schools, in hospitals for their sick, and in constant solicitude for their welfare and general protection on the part of the Imperial Government, I procured the cession of these lands for small cash payments. The Colonial Government has neglected to fulfil these promises, and appears to wish to devolve the responsibility on the General Assembly."

Her Majesty's Principal Secretary of State did not think it was quite right that he should hold communication with an official of the Colonial Government, and indicated that to him, and refused to receive his representations. As a consequence Mr. Mantell thereupon resigned all his official appointments, in order that he might, as he thought, make an effective protest against the conduct that was being pursued. But, as a result, the Home authorities communicated with the Colonial Government; and it will be found from page 23 of these papers that Mr. Donald McLean dealt with the correspondence, and made out that everything had been done that ought to have been done. Apparently the matter was not really fully before Mr. McLean, or he could not have suggested that the promises had been fulfilled. He says,—

> "I have examined the original deed or agreement by which the Natives have ceded to Her Majesty the whole of their claims, excepting certain reservations, for a sum of £2,000, which has been duly paid to them, and the reserves set apart for their own use, together with Stewart Island, left in their undisturbed possession."

Now, that is obviously an incorrect representation of the existing state of things, as it must have been known even at that time—in the year 1856—that the future reserves were not set apart. It is, I think, now quite clearly established that all the future reserves were to be left in the hands of the Government, to be carried out in that liberal spirit in which it had been said the purchasing agent had to fulfil his duties. "I can find no trace or record of any other promise made to these Natives." Quite so, because these promises were not put in any deed: they were simply communicated to the Natives verbally by Mr. Mantell, and, as he says, formed one of the principal inducements in bringing the Natives round to agree to the purchase. "Nor have they, to my knowledge, alluded to any direct promise made by the Government that has not been fulfilled." As to that, the fact was that at that time those then in authority had not, as was demonstrated by the subsequent reports of Commissioners, thoroughly realized what had taken place on the occasion of the sale. Matters seem to have slept pretty well till 1863, when there was a motion made in the House of Representatives by Mr. Wayne that the question of the position of the Natives in the South Island should receive the attention of Parliament. Mr. Fox dealt with that in 1864, and sent down Mr. H. Tracy Clarke, who reported on the 29th September, 1864. His report will be found on page 24 of I.–8, 1888. By that time it appears to have been realized that something more had been promised to the Natives than this miserable allowance of 10 acres a head which they had received from Mr. Mantell. For instance, dealing with the question of schools, Mr Tracy Clarke reported—

> "No schools exist in these provinces: the Wesleyan and Maori Missionary Society of Otago have suspended operations, and the German Missionary Society is, from lack of means, relaxing its efforts; and now a strong appeal is made to the Government to step in and succour this small remnant of a once numerous and powerful tribe. Some of their chiefs are fully alive to their wretched condition. They scruple not to lay the whole blame on the Government. I refer to the alleged promises made by the Government through their agents at the cession of the lands in these provinces, to which I shall do myself the honour particularly to drawn your attention in another letter. The question may suggest itself, if these chiefs are sincere in their regrets at their present low state, how is it that they have not exerted themselves to raise their people from their degraded condition? They answer that they have placed full reliance upon the Government giving full effect to its engagements; that the Government promised to undertake the task of ameliorating their condition as part of the consideration for their lands; that, after waiting in vain for these benefits, they concluded in their own minds that Government had forgotten them. They then wrote to the Governor asking him to send a pakeha to watch over their interests and to advise them; no pakeha ever was sent. They have asked for schools for their children; none have ever been established. Despairing of any assistance from the Government, they have, at the instance of the Rev. R. F. Riemenschneider, a German missionary, built a church, and are erecting a schoolhouse at their own expense. The Government have assisted in building schoolhouses at Moeraki and Waikouaiti, and have very lately paid two-thirds of the price for the erection of a church and schoolhouse at Riverton; but, further than this, I am not aware that anything has been done. A number of gentlemen in Dunedin, sensible of the neglected state of the Natives, and anxious to improve their condition, formed themselves into a society for that purpose; but their benevolent intentions on behalf of the Natives

have, from a combination of difficulties, been frustrated, and not the least of these difficulties was the want of pecuniary means. Their applications to the public have been either coldly met or wholly unreciprocated. The agents for this society have been told that the Natives hold large reserves, which are for the most part lying waste, the Natives occupying only small portions, which, if let, would bring in ample means. Upon this ground assistance has been refused. The fact that the Natives cannot deal with their own reserves does not appear to have occurred to these objectors."

The position was, of course, that these reserves were tied up so that the Natives could not let them, and it was not possible without the consent of the Government to turn them into revenue-producing areas. That is the report made to the Government in 1864, and I venture to submit that to the Committee as conclusive proof that no attention whatever had been paid by the Government then—after a period of sixteen years—to the original promises under which the cession of this land had been obtained.

The next step to which I should like to call attention is that in the year 1863 the Native Land Court Act was passed—while the war was in hand. There was a general overhaul of Native-land legislation, and a consolidating Act was passed, and under section 83 the Governor was empowered at any time to direct the Court to investigate titles and interests in lands purchased by officers of the Government, and the Court might make orders for the completion of agreements. In 1868 a Native Land Court was sitting in the South Island. It had gone there without any reference at all to these claims—it had gone there simply to deal with the Port Levy Reserve and to do the usual business of a Native Land Court—individualizing of titles, allowance of successions, and that kind of thing. It had not gone there with this claim in view at all. But when sitting in Christchurch in 1868 the deed relating to the original purchase came to be before the Court. It came to be before the Court because one of the matters which the Court had to deal with was the partitioning and allocation of some reserves that had been made at Kaiapoi under the original deed. When this came to be looked into, a very alarming discovery was made, and that was, as the Court held at that time, that this deed was really absolutely valueless. The Natives had never repudiated it, of course, but the Governor's Advisers discovered that it was worthless; that a large number of the Natives who were interested had never signed it; and that many of the Natives who had signed it, or who were interested, had received no compensation. It was also realized that it contained promises as to the making of future reserves, and that these had not been carried out. The result of that was this, as will be seen from page 27, I.–8: that Mr. Rolleston, who was then acting as agent before the Court on behalf of the Government, at once wrote to the Provincial Secretary, pointing out that some steps ought to be taken in order that the matter might be put right. That was on the 17th April, 1868. On the 28th April, 1868, Sir John Hall—the Governor being then in the Bay of Islands, and not able, therefore, to issue a Commission under the Native Land Act—took upon himself to issue the Commission at Christchurch to determine the claim of the Natives under this deed.

The Chairman: What position did Sir John Hall hold?

Mr. Hosking: He was a Minister of the Crown—I do not know quite what.

Hon. Mr. Carroll: There was a validating Act afterwards?

Mr. Hosking: Yes. On the 28th April, 1868, consequent on a telegram from Wellington, which is set out at page 27, this Commission was issued by Sir John Hall; and on the 6th May—eight days afterwards—the Court made its award in settlement of this claim. The Natives have always complained that that award was sprung upon them, and it is obvious, if these dates are attended to, that that must have been the case. Here, suddenly, to a Court that is sitting not for the purpose of dealing with this claim at all, the direction comes that they are to investigate the claim and make an award. What chance was there, then, for the Natives scattered throughout the Island—although many of them may have been present at the Court—to have really considered what the position was, and placed themselves in a position to urge their claims before the Court in a proper way. It must be obvious to any one who pays the least attention to the dates given, and the wide-reaching character of the subject, that the matter could not have received adequate consideration in eight days, and that the Natives must have had that order made against them without any concurrence on their part. It was realized that this action of Sir John Hall's was illegal, so an Act was passed in the same year validating it, also validating the deed, and providing that this award of the Native Land Court which was then made was, as the award itself said, to be in extinguishment of the claims which the Natives had under the deed.

Hon. Mr. Ngata: What is the name of the Act?

Mr. Hosking: The Ngaitahu Validation Act, 1868. On that occasion the additional areas awarded were 2,094 acres in Otago and 2,695 in Canterbury—that is, 4,789 acres—and that was simply to bring up the average to 14 acres per head, instead of 10 acres; and 1,000 acres of that area was to go to those who had received no part of the original payment. This was partly done by taking from those who had an excess area, and transferring the excess to those who had less. It was really what we venture to describe as a piece of high-handed tyranny on the part of the Court. Without consulting the Natives, without giving them an opportunity of being present, for that is what it came to, because in the eight days it was impossible to assemble the Natives in order to have them all represented before the Court, and to make an order that for 4,000-odd acres of land they were to extinguish their claims under this original deed was not, we submit, a transaction that in natural justice should stand. That such was the position has been recognized by repeated Commissions. In 1872 the matter came before the House, and the report of the Committee will be found on page 29 of this paper, I.–8, for 1888:—

"The Committee, to whom was referred the consideration of the Middle Island Native affairs, have the honour to report that they have agreed to the following resolutions" (this

was four years after the supposed final settlement which had taken place in Christchurch): "(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 reserve" (this arises under the Otakou purchase, which we have nothing to do with) "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. (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."

That was in 1872. It was a report made after evidence had been taken upon the subject, and should of itself effectually dispose of the suggestion that this settlement in 1868 could be considered as in any way a settlement at all.

WEDNESDAY, 31ST AUGUST, 1910.

(Mr. Herries in the chair.)

Mr. J. H. HOSKING, K.C., further examined. (No. 1.)

Mr. Hosking: The point I was insisting on at the adjournment yesterday was that this award that was made in 1868 ought not to be accepted as, as it has been subsequently stated to have been, a final extinguishment of the claim. I think I showed from the dates of the papers that the question of disposing of this claim originated on the 28th April. At any rate, that was the date on which the Commission—an invalid Commission—was issued to the Court to deal with it, and it was all disposed of within eight days. It was, for that reason, submitted by me that the Natives are perfectly justified when they say in the petition that the proposal to extinguish the claim was sprung upon them at that time. To prove that such is the case I should like to refer to Messrs. Smith and Nairn's report. It will be found in the Appendices for 1888—I.-8, page 55. They say there,—

"It is true that the obligation incurred by the Government in respect of the promise of additional reserves to be set apart for the aboriginal owners of the Ngaitahu Block was defined by the Native Land Court in 1868, when the Ngaitahu deed or agreement was referred to it; but, although the awards made by that Court have been declared by law to be in final extinguishment of the Native title within the boundaries delineated on the plan annexed to that document, it is, in our opinion, clear from the evidence taken by us"—and they spent some two years over this Commission—"First, that the Natives interested as parties to that agreement were not aware of the fact, or of the object of such reference; second, that they were not represented or heard in Court as parties to that agreement; third, that, had they known that the whole question of that agreement was referred to a tribunal which had power under the Native Land Act, quoted in the order of reference, 'to investigate the title to and interest in the Ngaitahu Block, and to make orders for the completion of the agreement upon such terms and conditions as the Court might think fit, or for the apportionment of the land between the parties interested therein as the Court might think equitable,' in such case, we believe, questions would have been raised the inquiry into which would have materially affected the judgment of the Court—among others, that of the boundaries of the block, the description of which in the deed is so utterly vague, and in reference to which the evidence of the Maori witnesses examined by us is almost unanimous to the effect that they were not understood to include the Kaitorete Peninsula, or anything beyond a strip of land on the eastern seaboard, having for its inland boundary a line from Maungatere (Mount Grey) to Maungaatua, one of the boundaries of Symonds's purchase. These questions were not raised; and, in fixing the area of the awards made in satisfaction of the promise of future reserves, the Court acknowledges itself bound by the Crown witnesses in the interpretation of the terms of the contract. We notice also that an opinion then expressed by the Judge, that the allowance of 14 acres per head was a liberal one, was afterwards entirely changed by him, as appears in his evidence before us and in his report on the petition of Ngaitahu in 1876. Had the Maoris interested in the Ngaitahu Block realized the position in which they were placed by the reference to the Native Land Court of the document called Kemp's deed *as an agreement*, and that it was competent to them to bring before the Court all questions relating to the purchase which were then in dispute between themselves and the Crown, or had they been properly advised or represented on the occasion, we believe that important points which were not, but should have been, brought under notice would have received the attention of the Court. In support of our opinion we refer to the evidence on this point given by Chief Judge Fenton and Mr. Alexander Mackay."

So it was clear from the evidence taken in 1880, in the opinion of Messrs. Nairn and Smith, that these proceedings could not in justice be taken to have destroyed the claim which the Natives had under the original promises that were made. The subsequent proceedings, which commenced almost immediately after that, and which I will refer to in a little more detail presently, demonstrate that it was not considered by Parliament, at all events—although there had been this snatch

order of the Native Land Court—that the matter had been disposed of. In 1889 the Joint Committee which was appointed, and which itself took elaborate evidence upon the subject, referred to this question of the Ngaitahu purchase. That will be found in the Appendices for 1889, I.–10, page 2. They say this:—

"The Committee are also of opinion that the further land-reserves made (although not undertaken in so liberal a spirit as might have been suitable to the case) may be considered as having substantially discharged the public obligations under this head. The proceedings and awards of the Native Land Courts in 1868 may be studied with advantage as establishing this view. In saying this the Committee quite recognize that, although the awards of further reserves may have reasonably met the demands arising out of the promises made, it may yet be found highly expedient that more land should be provided where the provision proves to be insufficient to afford Natives a livelihood."

Well, that is a very guarded finding. The Committee seem to have salved their consciences by going on to suggest that, although the Native Land Court award may be referred to for the purpose of showing that there was an extinguishment of the claims, yet further provision ought in justice to be made. In face of the evidence which I have already referred to, and in face of the findings of Messrs. Smith and Nairn after taking evidence in detail, it seems difficult to arrive at the conclusion that the award of the Native Land Court in 1868 could in any way be taken as in satisfaction of these claims. For what was the result? That the Court expanded, as ought to have been done long before, the meaning of *mahinga kai* so as to enlarge the areas given under the head of cultivations; but the result was simply to extend the allowance per head to the Natives from 10 acres to 14 acres. That is supposed by the Joint Committee to be an adequate fulfilment by the colony of the promises that were made in such well-selected terms in the first instance, to deal liberally with the Natives as regards their present and future wants. It seems idle, I think, to urge that such provision as was thereby made could be treated as a proper fulfilment of such generous and benevolent promises. I should like to refer, on the opinion of the Joint Committee with reference to this settlement, to what was said by Mr. Mackay in his report as Native Commissioner in 1891—G.–7, pages 2 and 3:—

"With reference to the last paragraph of the foregoing extract"—that is, the paragraph which I have just read from the Joint Committee's report—"I beg respectfully to submit, with all deference to the opinion expressed by the Committee, that the reserves set apart, inclusive of the awards of the Native Land Court in 1868, cannot be considered as having discharged the public obligations under this head, for the reason that the trifling additions made by the Native Land Court do not adequately carry out the original intention that the owners of Kemp's block should be provided with 'ample reserves,' as the increase to 14 acres per individual did not bring the quantity within the meaning of that term; and this view of the matter is borne out by the evidence given by Sir George Grey before the Commission in 1879, as follows: '*I know the intention was to give them considerable reserves, and the impression left on my mind from what I have seen of the reserves is that the original intention has never been properly carried out.*'"

That was in 1879, eleven years after the supposed settlement by the Native Land Court.

The Chairman: What was the Commission?

Mr. Hosking: Smith and Nairn's Commission. The evidence given before that Commission has not been printed. It is contained in two volumes in the possession of the Native Land Department, but we have not been able to get access to them. It would be a convenience to us if a request could be made that these two volumes should be searched for.

Hon. Mr. Ngata: What was the date of the Commission?

Mr. Hosking: 1879. They published an interim report in 1880, and their final one in 1881.

The Chairman: Was it ever laid on the table of the House?

Mr. Hosking: Yes, the report was, but the evidence, comprised in two volumes, was not printed.

(At this stage Mr. Fisher, Under-Secretary for Native Affairs, was called in, and asked about the two volumes. He stated that it had been believed that they were burnt, but he had obtained some trace of them. A search was being prosecuted, and he hoped to have the volumes that evening or the next day, if they were there. He undertook, at Mr. Hosking's request, to have search made for a letter written by the Hon. Mr. Cadman to the Ngaitahu Natives in 1891.)

Mr. Hosking: Sir George Grey, in his evidence before the Commission in 1879, went on to say,—

"*I had no instructions regarding the 'tenths,' but I certainly contemplated much larger reserves than 14 acres a head. I think I should have been no party to the purchase if I believed that was all they were going to get. I would not have made the purchase on those conditions—would not have consented to act as the agent to do it.*"

Mr. Mackay's report goes on,—

"This is surely sufficient evidence in support of the view that the obligations of the Government had not been substantially discharged by the action taken in 1868 to give effect to the terms of Kemp's deed 'that additional reserves should be set apart by the Governor on the land being surveyed.' The quantity set apart in 1868 was merely a theoretical quantity, and was based on the subdivision of the Kaiapoi Reserve in 1862 into farms of 14 acres, much in the same manner that the average quantity of 10 acres per individual was adopted by Mr. Commissioner Mantell in 1848 from an estimate furnished him by Colonel McCleverty, whom he had consulted on the matter, but this quantity was only intended for their present wants. This was the cause that led to 14 acres being fixed in 1868, and *that quantity was simply adopted for the purpose of putting all the Natives on the same footing*, but the Court accepted it as a full extinguishment of the conditions of Kemp's purchase. This view of the case, how-

ever, was not accepted by the Natives who petitioned Parliament in 1872. This petition was referred to a Select Committee, who reported as follows: 'That the evidence taken by the Committee in reference to the claim 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.*'"

Then he goes on to speak of further acts, and he says,—

"It is submitted, however, that although this may have been the view of the matter in 1868, subsequent inquiry tended to show that the claim preferred by the Natives had not received the consideration it deserved—in fact, that the question was not properly understood at the time owing to the fragmentary information obtainable, and that it was not until after the publication of a compendium of all the important documents on South Island Native affairs in 1871 that a clearer insight into the merits of the case could be had."

Then, at page 6 of the same report Mr. Mackay points out that the additional land which was awarded by the Native Land Court in 1868 was of an inferior character. I wish, with respect, to insist strongly upon this contention: that the proceedings in the Court of 1868 ought not to be taken as a satisfaction of the claims on the Crown, because if we once get rid of the view that that was a satisfaction of these claims, then we have a perfectly open course before us, and all we have then to ask is, when were these claims discharged? Because, if the Court in 1868 did not discharge the claims, then it is as clear as noonday that no satisfaction of the claims has been made, except in so far as the matter may be affected by the Landless Natives Act of 1906. The way is perfectly open, then, when once the true inwardness of the proceedings with reference to 1868 is appreciated, for a finding by this Committee that the claims have in no way been satisfied, except to the extent of the small area then added to the original area reserved, and in so far as the Act of 1906 may have done so. Now I will refer briefly to the subsequent proceedings that have taken place before Parliament, in order of date. I have had a list prepared of all references, so that they would be before the Committee at a glance. I have sent it to be typed, but so far it has not arrived. [Subsequently the lists were received, and distributed amongst members of the Committee.] The first matter I wish to refer to is the evidence taken before the Committee in 1872.

The Chairman: What Committee was that?

Mr. Hosking: A Committee on Middle Island Native Affairs, appointed by the House. The reference is, Appendices for 1872, H.–9, pages 3 and 4, and 6 and 7. The evidence of Mr. Taiaroa was taken down there, giving some circumstances connected with the Court of 1868. He says,—

"I will now refer to the action of the Native Land 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." (It was to settle a dispute in connection with that particular block that the Court went down there.) "Kemp's 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 the Court."

Mr. Mantell gave evidence before that Committee. He says there, after referring to the original instructions,—

"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 Taiaroa 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. till 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.'

Then he was asked this:—

"Has there been any wavering on part of Natives to these claims?—Ans.: No, not to my knowledge. Ques.: Have you any information concerning proceedings of the Native Lands Court held at Dunedin in 1868?—Ans.: 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."

That was what Mr. Mantell said, speaking four years afterwards. Then there was a further petition from the Natives in 1874. This will all be found in I.–8, 1888, page 30—in fact, I.–8 embodies the bulk of the papers to which I refer. At page 30 the petition is set out, and I will read one passage:—

"Some may perhaps suppose that all these arguments have been settled in the Land Court at its sittings in Christchurch and Dunedin in the year 1868. It is not so. We never expected that Court to be invested with power to settle complaints of such vast interest to us. We were therefore not prepared to submit our case to that Court. Our estimation of that Land Court was completely confirmed when it stumbled over the Crown grant by which the Princes Street Reserve was made over to the Province of Otago."

The Natives were represented on that occasion by counsel, but the latter was only instructed in so far as the dispute with reference to the Kaitorete Reserve and some other reserves was concerned: he had no instructions whatever with reference to this general question of the settlement of the claim; and, although it was stated in the evidence before the Joint Committee that the Natives were represented by Mr. Mackay, the Government officer, yet Mr. Mackay, while representing the Natives in a sense, was there to take care of the interests of the Crown. That was not such a representation as could bind the Natives by whatever might be suggested by him on that occasion. The next document is Mr. Mackay's report of the 24th June, 1874—G.–2c, 1874. The matter is referred to him on the basis that a settlement has not taken place, and he sets himself the task of trying to devise some scheme according to which the compensation might be fairly estimated. In speaking of the poverty of the Natives he says,—

"The Natives have now nothing left them as a means of subsistence, since the timber on the reserves has been consumed, but their farms of 14 acres, which, instead of cultivating, they frequently lease to the European settlers for the sake of obtaining a little ready money; but, as the area owned by each individual is but small, a very insufficient income is realized. A much larger area is necessary to afford subsistence for a Maori than a European, owing to the difference in their mode of tillage."

Then he goes on to say,—

"All this might have been obviated in the case of the Southern Natives, had the precaution been taken to set apart land to provide for the wants of the Natives, in anticipation of the probable effect of colonization on their former habits. It would have been an easy matter for the Government to have imposed this tax on the landed estate, on the acquisition of Native territory. Such reserves would have afforded easy relief to the people who had ceded their lands for a trifle, and formed the only possible way of paying them with justice."

Then he goes on to speak of meetings that have been held, and proceeds,—

"Considering the grievous delay the Natives have been subject to, it is highly important that a final adjustment of these questions should be effected as speedily as possible, in order that the Government may no longer be reproached with overlooking their rights The general question of the obligations of the Government on account of unfulfilled promises to those Natives has been before the House of Representatives the last two sessions, and their right to consideration admitted; but the chief difficulty hitherto has been to determine the value of these promises; and, with a view to facilitate the settlement of the question, I propose to submit certain propositions for the consideration of the Government."

Then he goes on,—

"According to the evidence given by the Hon. Mr. Mantell, on the 27th April, 1872, before the Select Committee of the House of Representatives appointed to inquire into and report upon the unfulfilled promises to the Natives in the Middle Island, the promises concerning the establishment of schools and hospitals, &c., for their benefit are confined to the Ngaitahu Block, purchased by Mr. Kemp in 1848, for which the sum of £2,000 was paid; but in completing the settlement of the question Mr. Mantell was instructed by Lieut.-Governor Eyre to inform the Natives that the money paid them was not the only or principal consideration for the cession of their land, but that certain benefits should be conferred upon them besides—obligations that have never been carried out to the present time—a period of twenty-six years—excepting in a manner that cannot affect the general question."

Then he speaks of how much the Ngaitahu Block comprises—namely, an area which may be set down at twenty million acres. He goes on,—

"It is evident, from the tenor of the instructions to Mr. Mantell, that the Government of the day looked upon the price paid for the territory comprised in the aforesaid block as a very inadequate one. That point being established, the next thing to ascertain is the value of the said promises; but, as there is no formula upon which a calculation can be based, I would beg to recommend that an average basis should be adopted as the most equitable mode of deciding the question."

Then he goes into the question of the price paid for various lands elsewhere, ranging as high as 6d. an acre down to ½d. an acre. The price paid for the Otago Block, he points out, was 1½d. an acre; and then, in order to see what the equation of that would be if tenths had been set aside for the Otago Block, he brings out a sum in that case of £29,000, which should either be represented by land or money, with interest. That is what he suggested as a basis—to take the average price all round. However, he made no recommendation on that occasion in the shape of figures with reference to the Ngaitahu Block. Then, in 1875 a further petition was presented. It is given in I.–8, page 31. It was a petition to the Governor, and said,—

> "In April, 1875, we, the Natives of Moeraki, Waitaki, Arowhenua, &c., as distinct from the Natives south of Port Chalmers, presented a humble petition to Your Excellency, praying that the deed (Kemp's, 1848), upon which the New Zealand Government is founding its tenure of about twenty millions of acres in the Middle Island, be made the subject of a trial, having been come to by illegal means. Since then (19th July, 1875) we received a communication from Mr. Clarke, informing us that Your Excellency had the goodness to appoint Judge Williams to investigate the subject of our above-mentioned petition. A twelvemonth has now expired, and Judge Williams has not yet announced his intention to appoint a time for a hearing of those few remaining old chiefs who were actors in these transactions in the year 1848, and whose depositions are indispensable in the trial of our case, as these circumstances (the threats and intimidations resorted to by Commissioner Kemp in 1848) have found no place, no ventilation, in the books of this colony, for reasons which are laying on the surface of the matter."

That petition was referred to Mr. Mackay; and he reported—G.–3, 1875. I will read just one passage. Referring to Mr. Mantell's promises he says,—

> "The only written record of these promises is to be found in the correspondence between Mr. Mantell and the Secretary of State, in 1856" (this is referring more particularly to the schools question) "in which he states 'That by promise of more valuable recompense in schools, in hospitals for their sick, and in constant solicitude for their welfare and general protection on the part of the Imperial Government, he procured the cession of large tracts of country for small cash payments.'"

The Chairman: There is no record of Judge Williams ever having held an inquiry?

Mr. Hosking: No, he did not sit. Then, in 1876 there was a further petition. It is referred to in I.–8, page 31. It was referred to Mr. Fenton, who had been the Chief Judge of the Court in 1868, for his report. He deals with certain statements, which I need not trouble to go into at this stage, but what he reported was this:—

> "The Natives were assisted at the sittings of the Native Land Court by a most zealous and able adviser—Mr. Alexander Mackay—and also by most able counsel. They were opposed by the Crown only on the great points of the validity of the deeds, the question whether the signatures of the chiefs bound the tribes, the construction of phrases in the deeds, and matters involving public rights, such as roads, &c., which could not be sacrificed. Mr. Rolleston was there for the Government, and displayed a desire to concede to the Natives as much as could be properly conceded, and the Provincial Governments made no effectual opposition to the demands. In Canterbury they did not attempt it, but were very willing to do all the Court required, and much assisted its operations. There were two provisions in the deeds which the Court operated upon. The first was the reservation of residences, burial-grounds, and *mahinga kai*. These phrases received the most extensive interpretation" (the Natives got 300 acres under it), "*mahinga kai* being held to include fisheries, eel-weirs, and so on, excluding merely hunting-grounds, and similar things which were never made property in the sense of appropriation by labour. The Court made orders for all these reserves. The other provision was a covenant that further land should be set out for them. The Crown accepted at once the amount stated by the Natives' agent, and further land was ordered so as to make up the total quantity to 14 acres per head in each reserve."

I have two or three observations to make upon this. The first is that Mr. Mackay was not there to represent the Natives. He was there as the Crown's agent, and, although he would, I have no doubt, consistently with his duties as Crown agent, not go out of his way to deprive the Natives of anything that he might conceive them entitled to, he was not there as their representative. The report says, too, that they were represented by able advisers, yet the records themselves show that the advisers—the professional men there—had nothing whatever to do with this particular matter, but were only there to appear for the Natives with regard to the adjustment of the dispute about Kaitorete and some other reserves—some specific matters. Then Mr. Fenton goes on to speak about whether the price was insufficient or not, and winds up by saying,—

> "They" (these Natives) "represent the small remnant of a nation, our predecessors in the country; and if any error is made on our part in our relation with them, I think it should be on the side of liberality. Nothing would be so dishonouring to our name as the fact that these people were living in want. As you will see by the extract from my notes, which I annex, I felt myself bound by Mr. Mackay's estimate of 14 acres, for that question rested entirely with the Government. But then I acted as a Judge. I should gladly have heard a much larger quantity stated, and I should certainly have sanctioned it. I do not think that I can, without presumption, make a more specific statement than this."

Well, as Mr. Mackay very rightly comments upon that in his report which I have just read—made in 1891—the Chief Judge seems to take back all the reasons that he had previously advanced for sustaining the judgment of the Native Land Court. He says he was simply bound by the

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

Parliament almost as soon as it was made, because this Commission says, "You are to go ahead and inquire into these claims, notwithstanding that Court, and notwithstanding that its action was validated by an Act of Parliament." Messrs. Smith and Nairn, I think, occupied two years over this report; they had to inquire into other matters as well as the Ngaitahu purchase. They were furnished with the means of subsistence during the first year, and when the second year came by I think complaint was made about the expense that was being incurred, and so Parliament voted no more funds for the work, and the Commission practically came to an end so far as further investigation was concerned. But they had collected evidence, which is to be found in these two volumes that we hope may be forthcoming, and upon that they made their findings, which were printed amongst the parliamentary papers, and which I now propose to refer to very shortly. The report is at page 54 of I.–8. They say,—

> "Having regard to the evidence laid before Select Committees of the House of Representatives, to the instructions of the Imperial Government . . . . and to the evidence collected by us, we are of opinion that the transactions with the aboriginal Natives for the surrender or cession of their lands in the Middle Island, carried out by Messrs. Symonds, Kemp, and Mantell, must be regarded as pledging the Crown (in the case of the Otakou Block by an explicit stipulation, and in the case of the Ngaitahu Block by implication) to a reservation of a large proportion of the land for the exclusive benefit of the Maori owners. The Ngaitahu deed expressly says that the 'greater portion' only is given up for the pakeha, not the whole of the land. We have then to consider what was that reserved proportion; and, seeing that the lands were in both cases understood to be bought for the New Zealand Company, we think it not unreasonable to assume that they were so bought in both cases with the understanding that they were to be administered upon the New Zealand Company's plan of setting apart one acre for the Maori for every ten acres sold to the pakeha, this plan being known at the time as the New Zealand Company's plan of colonization, adopted before New Zealand became a British colony. . . . Mr. Mantell, in a statement made by him to a Select Committee of the House of Representatives on Middle Island Native Affairs, asserts, with reference to the Otakou and Ngaitahu Blocks, that 'in making these purchases it was clearly intended that nominally one-tenth, but virtually one-eleventh, was to be reserved for the Natives.'"

That is to be found in parliamentary papers for 1872, H.–9. Mr. Mantell, giving his evidence on oath, stated that that was the intention. The report goes on,—

> "We consider that the promises made to the Native owners of the territory which is held to have been ceded by the deeds or agreements relating to what are called the Otakou and Ngaitahu Blocks must be held to amount to a distinct pledge that the lands included therein would be so dealt with by the pakeha that the Maori would share them with him, and that the consequences of the surrender would, under such administration, be so advantageous to the latter that, in comparison with future advantages, the money payment offered ought to be regarded as, and really was, but a trifling part of the consideration. That such was understood by the Maoris to be promised, that such promises were made by the officers who treated with them for the cession of their land, and that the making of such promises was within the legitimate scope of the instructions and authority granted to those officers, is, we think, clearly shown by the evidence. Upon this point we have formed a decided opinion—namely, that the promises made amounted to this, and that the Maoris so understood them, though they probably did not at the time realize their full scope and importance."

Then they refer to the evidence by which this is borne out, and proceed,—

> "The result of our inquiry, so far as completed, has been to satisfy us that promises were made which involved a reservation for the benefit of the Native sellers of a large and permanent interest in the land ceded, which would be fairly and properly represented by one acre reserved for every ten acres sold to European settlers. No such reservation has been carried out. Had it been, it may be presumed that a fund would have been created out of which might have been defrayed the cost of establishing and maintaining hospitals and schools, and making other provision for the welfare of the Maori owners of the ceded lands as promised. We think it must be admitted that those promises remain unfulfilled."

This was in 1881, thirty-odd years after the sale had taken place.

> "As regards schools, it would appear from the evidence that until very recently scarcely any attempt at fulfilment has been made. It is true that the obligation incurred by the Government in respect of the promise of additional reserves to be set apart for the aboriginal owners of the Ngaitahu Block was defined by the Native Land Court in 1868."

Then they go on to explain why that should not be considered as binding them, in the direction that I have already read from this report. What Messrs. Smith and Nairn propose as a means of settlement is,—

> "That an account should be opened as between the Government and the Ngaitahu; that on the one side should be entered the eleventh part of the proceeds of all land sold by the Government within those two blocks. On the other side of the account should be entered—first, the present value of all reserves which have been made for, and are in the possession of, Maoris within those blocks; second, the total expenditure by the Government for the benefit of the Ngaitahu or other tribes interested in the land, including all payments on account of lands within the boundaries of the Ngaitahu and Otakou Blocks made subsequently to those referred to in the deeds of cession as the money consideration. The balance to be regarded as a funded debt, a fair interest on which should be allowed and applied for the general purpose of ameliorating the condition of the Natives interested."

That suggestion was not acted upon. Then, in 1882 a further petition was presented. And in this connection, if there is one thing more than another that must strike any one, it is the wonderful persistence of the Natives in bringing their claims before Parliament—a persistence which, I understand, has cost them many, many thousands of pounds. It must be obvious to any one acquainted with the expenses that are necessarily incident to petitions to Parliament, that the Natives are justified in saying that they have in that way denuded themselves of their property—their chattels and money—to an enormous extent. And that very circumstance, I might incidentally urge, is one that ought to commend them to the favourable consideration of the Committee. For why should the Native have had to spend all this money in endeavouring to obtain his rights? It was for the Government to have taken the initiative rather than that the Natives should have had thrown upon them this enormous expenditure and persistent labour in endeavouring to obtain what every Committee appointed to inquire into the subject has admitted—namely, that the promises had not been fulfilled. This petition of 1882 was referred to the Committee, and the Committee reported as follows:—

> "The substance of the petition may be summed up thus" (and they state what it is). "With regard to the first allegation" (that is, that when the Middle Island purchases were made there was an engagement that, in addition to the cash payments for the land, ample reserves should be made for the Natives to reside upon) "it is in evidence that the reserves made at a sitting of the Native Land Court held at Christchurch on the 7th May, 1868, were given in final settlement of all claims under this head. The Committee would further refer to 'The Ngaitahu Reference Validation Act, 1868,' in confirmation of this position."

Well, now, that was a summary dismissal of the matter in that case by simply referring to what the Native Land Court had done. I have already commented sufficiently on that to show that very little weight can be attached to that finding. The Committee go on,—

> "There is no evidence to show that the claim for what are called the 'tenths' was thought of until within the last few years. The purchase deeds contain no mention of them. Mr. Commissioner Mackay, who for many years has been conversant with Maori affairs in the Middle Island, says that he had heard nothing of the claim amongst the Natives themselves until recently."

Then,—

> "Schools and medical attendance have been supplied since 1868 fully, and since 1865 partially."

I think this finding of the Committee, which does not seem to have been based upon any evidence that was taken, or very little, is not borne out by the later report made by the Joint Committee in 1891. Then, in 1887 there was a very valuable report presented by Mr. Mackay—I.–8, page 61—and that perhaps is one which, if read, will be found to summarize the whole case for the Natives up to that date. It is a most valuable contribution on the subject. Mr. Mackay set himself to work to ascertain what method of compensation could be adopted. After reviewing the evidence in connection with the purchase, he says,—

> "Sufficient evidence has been adduced in the foregoing extracts to show that the Natives, instead of being consulted in respect of the land they desired to retain, were coerced into accepting as little as they could be induced to receive."

Then he goes on to speak of what was actually reserved, and ultimately he says,—

> "In the report of 1879, previously alluded to, the Commissioners state that it is a task beyond their power to estimate the damage sustained by the Natives from the non-fulfilment of the promises made them at the cession of their lands."

Then he goes on to address himself to the subject, and he, upon the basis which he adopts, recommends an area of 150 acres per head to be given, and he estimates that—

> "An allotment of 150 acres each for this number would make a total of 150,000 acres for all purposes, 50,000 acres of which should have been allocated for their use and occupation, and 100,000 acres for an endowment for the purposes before enumerated. . . . Assuming it cannot be gainsaid that 150,000 acres would have been a fair quantity to have set apart to meet all the requirements of the Natives if the aggregate area already reserved is deducted, the balance will represent within a few acres the quantity—namely, 130,700 acres—now recommended to be appropriated for the purpose with a view to finally settle the question."

One hundred and thirty thousand acres of land was, according to Mr. Mackay, the proper amount to be awarded, so far as could be ascertained then by the method of computation that he adopted. That, as I explained before, was by averaging the prices paid to Natives for lands throughout the colony. He says in conclusion,—

> "Assuming that it has been incontrovertibly proved in the foregoing narrative of particulars that the Native owners of Kemp's block were inadequately paid for the territory ceded by them, that the terms of the deed as regards the reservation of their *mahinga kai* (food-producing places) and the setting-apart of additional lands have not been equitably fulfilled, or the promises that were looked on as the main consideration for the cession of the land have never been carried out excepting in a manner that cannot affect the general question, I venture to express a hope that the recommendation made by me may be treated in a generous spirit."

That was in 1887. The matter, then, was referred to the Joint Committee of both Houses, who made their interim report in 1888 and their final report in 1889, and that report was one that was

in entire sympathy with the claims, although, naturally enough, rather than let loose the dogs of war, as it were, in the law-courts, they preferred to rely upon the proceedings of the Native Land Court in 1868, and the Act that was passed to validate those proceedings. They preferred to look upon that as a proof that the claims had been satisfied. The two papers that follow are in 1891—Mr. Mackay's report, G.–7, and his letter, G.–7A. These were consequent upon the finding of the Joint Committee. He was appointed a Commissioner to deal with the matter and make his recommendations, in order that effect might be given to the indication that the Joint Committee had so clearly given—that further consideration ought to be shown to the long-delayed claims which the Natives had put forward. I will, just for a moment, refer to these two reports by Mr. Mackay. He adhered to the recommendation which he had previously made—namely, that an area of some 130,000 acres should be appropriated in order to satisfy the claims. However, as we know, that report has not been acted upon. The full report would take too long to read. Copies of this letter and report of Mr. Mackay's have been printed, and, I think, circulated amongst members of the House in support of the petition. Such—at some tedious length, I am afraid—gentlemen, is the position with regard to what may be called the equitable validity of the Natives' claims. The only question, therefore, to be solved by this Committee is, have those promises which were made as the consideration for the deed, apart from the money, been fulfilled, or have they been adequately fulfilled? I think, without again going over the various papers that I have referred to, the evidence from them is abundantly clear that the reservations which were originally made of 10 acres per head, although increased by the Native Land Court to 14 acres, were utterly inadequate for the purpose of liberally providing for the present and future wants of the Natives. I do not think that any reasonable man, after reading the papers to which I have referred, can come to any other conclusion. Then the other point is, whether the promises with reference to schools and hospitals and the general care on the part of the Government were adequately fulfilled. One has heard the official pronouncement on the subject by the Joint Committee in 1891, and that absolutely admitted that those promises had, for a great many years, received no attention whatever; and, as it is pathetically put in one of the reports, the time has gone past in which any compensation can make up for the neglect of those years. Of course, one suggestion might be made here as to how it was that the Natives lay by so long before they took up the persistent attitude which has been their characteristic with regard to these claims almost since 1872. The position is this: When the land was sold and the deed signed, they were promised reserves. They remained exactly as they were before any deed was signed or any land sold. There were no settlers around them then, and they still had the same privilege of roaming all over the country as they had done before any deed was heard of. And that state of things continued—lessening, of course, every year for several years afterwards; and it was only as the pressure of the surrounding settlers came upon them that they realized how they were restricted—to the narrow areas of their reserves. It was only then that they began to feel that they had parted with more than any reasonable man should have concluded they ought to part with. It was in consequence of the gradual progress of settlement that the Native began to realize how inadequate the provision made for him was. Another trouble regarding the reserves that were actually made was that, although each man was given 14 acres, the area was not all in one place. A man might have 2 acres in one settlement and 12 acres in another; and the 2 acres were absolutely useless to him. The land was split up in all sorts of ways like that, and it is quite obvious that with land in that position no successful use could be made of it. The question, then, is whether under the Landless Natives Act this adequate provision has been made. I attempted at the outset to remove the impression that this Landless Natives Act did stand in the way of the claim. The ground I took up was this: that the Act simply made provision for Natives on the footing that they were landless, and not on the footing that they had a right to a certain quantity of land. The claim now before the Committee is not based on the fact that the Natives are landless at all, but on the fact that the Natives had an equitable right given them under the deed and the promises made in 1848 to certain land—a right which I have attempted to show the Committee has never yet been satisfied. So that we are here altogether apart from the provisions of the Landless Natives Act. Of course, one realizes that in any provision that may be made as a consequence of this proceeding before the Committee credit must necessarily be given for what the Natives have received under the Landless Natives Act; but under that Act the man who already had 50 acres—the man who had signed that deed and under it had been promised reserves—does not get a yard more of land than he already held, because if he already had 50 acres he could not get anything under the Act. It is these Natives who have had reserves, and been more fortunate in that respect than their brethren, who have from time to time expended their money in endeavouring to enforce the claim. Those who had 50 acres, but have yet used their money in enforcing the claim, get nothing under the Landless Natives Act. We say that that is a point that ought to be considered. What, I may ask, is the provision that has been made under the Landless Natives Act? One recognizes that it was a beneficent Act, and that it was conceived in a spirit of benevolence and generosity. There is no doubt of that. It was an attempt made, with the limited resources in land at the disposal of the Government, to settle a long-standing grievance. But in what way, it may be asked very pertinently, has this advanced the condition of the Natives, who ought, from the year 1848, to have had reserves for their "present and future wants" available for them? The reserves which have been made under the Act lie in remote parts of the country. They are all covered with bush, and are a long distance from a railway, and are mostly not roaded. In some cases the area which each man has in this reserve is, say, 5 acres, because he happens to hold 45 acres in other places. How, may I ask, can it be conceived that the Landless Natives Act has by such reserves made provision in the sense in which reserves made in 1848 would have made provision for the Native, had they been made of a sufficient character to provide for his wants? I might—if I may be pardoned—for a moment refer to these reserves. There is a reserve at

Waiau—a block of 43,000 acres. It is six miles, I understand, from any access. There is the reserve at Hokonui. There are roads through it, but with the exception of a small part it is covered with bush. There is the land at Waiau-Rahiri, 10,000 acres, thirty miles from any railway, and no road. There is a reserve at Waikawa, 5,000-odd acres, twenty-five miles from a railway. There is a main road through it, but no branch road. So it can be seen that the Landless Natives Act, beneficent as it is in its purpose, has not yet operated in any way to relieve the position as regards the Natives. It is difficult to see how or in what way it can be made so, because, if the Native is to cultivate 50 acres, it would require some £200 to enable him to get there, put up a house, clear the land, and keep himself for the first two or three years. Then the question the Committee will ask will be, what is it you claim? We respectfully hope that this will be the last occasion on which we shall have to approach Parliament on the subject. It is to be hoped that the proceedings now—which are the result of labours on the part of the Natives themselves for the past two or three years—will end in something that may for ever wipe away the stain which, I venture to think, must rest upon the Government of this country unless it retrieves the breaches of faith which have characterized the past in regard to this purchase. In their report Messrs. Smith and Nairn, basing their action on Mr. Mantell's evidence given in 1872 and on the other evidence which they refer to, suggest that the solution of the Natives' claim should be arrived at by a reference to "tenths"—that if that method of making reserves had been carried out originally there would have been ample reserves—and they indicate what that would amount to. Mr. Mackay, in his report of 1874, does not deal with it quite from the same point of view, but he there takes the fair price that ought to have been paid according to the average price paid elsewhere in the colony for Native lands, and his recommendation was at the rate of something like 150 acres per head. It has been said that this question of "tenths" was an afterthought. Of course, there is no one now alive who could say what happened on the occasion of the representations made by Mr. Mantell; but I have information about the "tenths" from Mr. Parata, who got it, I understand, from Matiaha, who was a very influential chief amongst the Ngaitahu, and who knew what had taken place; and, as you know, a matter of that kind amongst the Natives is a matter that is constantly spoken of and is handed down. Matiaha was most emphatic in his declaration that they were promised reserves upon the basis of "tenths"—not perhaps that they were to have "tenths" allotted to them in the same way as was done in other places, but that they were to have reserves on that basis. Mr. Parata tells me that Matiaha gave accounts of interviews with Governors that were held long before the matter came prominently before Parliament—namely, in the early sixties—in which this question of "tenths" was brought up. In the evidence given by Mr. Mantell before the Committee—I.–8, page 89—he refers to one interview that took place. He says,—

> "At an interview the Natives had with the Lieut.-Governor at Akaroa, before we commenced proceedings, when I acted as interpreter, the Natives of Kaiapoi, or, rather, those interested in Kaiapoi, were present in large numbers. They spoke to the Governor about reserves to be made for them. Ques. (Hon. Sir J. Hall): Lieut.-Governor or Governor?—Ans.: Lieut.-Governor, Mr. Eyre. They then said they would like to have a block commencing at the Kowhai on the north, and south to the Waimakariri, or Waikirikiri, or Selwyn, and extend that width across to the west coast. Ques. (Captain Russell): What area would that be?—Ans.: Sir John Hall can tell you. *Hon. Sir J. Hall:* The best part of the Province of Canterbury, and a considerable part of the Province of Westland. *Witness:* The Lieut.-Governor said that they could have it. I said to him in a low voice—for many of the Natives understood English—that if this was promised, at all other places similar reserves would be required; the Island would be cut up into a succession of belts all across, and it would be of hardly any use for me to proceed. The Lieut.-Governor was rather angry, but he then left the matter for me to decide. *Captain Russell:* Then you would lead the Committee to understand that the Natives, in parting with their land, had a very distinct idea that very large reserves of land would be made for them?—Ans.: That would look like it; but I cannot say. I never led them to expect very large reserves, but that there would be amply sufficient for their maintenance in future years. That was my own understanding of it. Ques.: But does that 10 acres in any degree represent what the Natives imagined they would get?—Ans.: No."

Of course, one recognizes that if any award is made in consequence of these proceedings there is a difficulty at the present time in making an award in the shape of land in localities that would be most suitable for the Natives, as was possible at the time the purchase was made; but what has already been urged is, I think, a sufficient foundation for approaching the matter in a liberal spirit. I would point out, as Mr. Mackay has done in one or two of his memoranda, that, with the exception of D'Urville and Stewart Islands, 37,700,000 acres were acquired from the Natives for £27,417—that is, apart from reserves—whereas the Ngaitahu territory of over 20,000,000 acres was acquired for £2,000. So it can be seen at once that the sum paid for the greater portion of the Middle Island is out of all proportion to the total sum that was paid for the whole of the lands within the colony—more than one-half of the land simply did not bring one-thirteenth of the purchase-money.

Hon. Mr. Carroll: The Ngaitahu purchase preceded the others by some years, I suppose?

Mr. Hosking: Ngatitoa was first, and Symonds's block was purchased before Ngaitahu. There is a further point that may be mentioned: In Nelson, where the "tenths" were given, we have no complaints from the Natives of inadequacy. They, I understand, are well provided for. In Westland there was a block of land purchased, after Ngaitahu, for a sum of £200, but 100,000 acres were set aside there, which was at the rate of at least 100 acres per Native; and we have no complaints from Westland. The place that has been the worst treated of all is Ngaitahu, where

the least money was paid at the outset. It is obvious that if the Natives there had been properly treated at the outset we should not have been here to-day. I do not know that I can aid the Committee further. It is not for me to suggest what the Committee ought to do. But what we do suggest is, seeing that these claims, as we put it, have not been satisfied, some grant of land should be made, altogether outside of the Landless Natives Act, in compensation for these wrongs. The extent of the land to be granted would, of course, be measured probably by the fact that already there are the reserves made under that Act, though at the present time they produce nothing. They have not ameliorated the condition of the Native in any way, and when they will do so is problematical. So that what really is essentially requisite at the present time is that in some way the landless Natives' provision of 1906 shall be supplemented, because, if it is not, then the Landless Natives Act will have altogether failed to accomplish its purpose. I have not much evidence to call.

Hon. Mr. Ngata: Before you do so let me ask you whether you have gone into detail as to the question of schools and medical assistance?

Mr. Hosking: I have not gone into detail with regard to that. That has all been dealt with, up to 1891, very fully in Mr. Mackay's reports, and it was also dealt with before the Joint Committee; and if there is one thing more than another that is established it is that in respect of schools, and medical attendance, and general solicitude on the part of the Government, no duties were more grossly neglected, and that for a period of over forty years the promises made by the Government in that respect were most inadequately carried out. I am not able to say what the position is now. I think that now, perhaps, there is not so much foundation for the strictures that were applicable in the earlier times. But what I would put to the Committee is this: Are the Natives, in respect of this deprivation for so many years of what was promised to them on the occasion of the purchase—are they to be treated in exactly the same way as persons who received no promises in this respect have been treated—namely, by the allocation of 50 acres of land per head if they were landless? And then with regard to reserves. Are they to receive no compensation in view of the fact that they only got the miserable pittance of 10 acres per head in 1848 and were restricted to that till 1868, when it was raised to 14 acres; and they have had no addition made to that since, although under the Landless Natives Act large reserves have been made elsewhere, which, as I have said, are as yet of no practical benefit to them? Are they to receive no compensation in respect of their deprivation of these reserves, or what they ought to have had as reserves, over so many years? It seems to me that if the case was one where there happened to be a legal right at the foot of it the Court would at once award to the complainant who had so suffered very heavy compensation in the way of damages. What we are now asking Parliament to do is this: In the absence of any immediate practical benefit from the Landless Natives Act, to give us something in addition, not because we are landless, but because we had these promises made to us in 1848, and because they were so shamefully neglected, and because the Natives have been so shamefully treated over this long period of years with regard to these solemn promises.

The Chairman: Have you got any evidence to call?

Mr. Hosking: Yes, these witnesses that you see. Mr. Parata is a member of the Committee, but he perhaps is better acquainted with the facts that I have stated regarding the character of the reserves, and what Matiaha said, and so on. If the Committee think that relevant, I would ask if he could make a statement.

The Chairman: We could not have a member of the Committee as a witness. He can make his statement to the Committee afterwards.

Mr. Hosking: That is what I thought would be the position. With regard to any further evidence, I cannot, of course, pretend to bring anything in the shape of contemporary evidence; that is dead and gone. But I have some statements from the Natives which are very short, and I should like, if the Committee will bear with me for a short time longer, to have them taken down.

The Chairman: Are these in any way authoritative? Are they affidavits?

Mr. Hosking: No. Perhaps the witnesses could make their statements, and they could be taken down.

The Chairman: That would be the best way—if you would call your witness, read his evidence, and then ask him if that statement is true.

Mr. Hosking: Quite so. I will read it as I took it down. I will call Mr. Green.

THOMAS EUSTACE GREEN examined. (No. 2.)

Mr. Hosking: This is the statement that you made to me: I will read it and ask you if it is correct. "I was present at Judge Fenton's Court in 1868. It was not expected that the Ngaitahu purchase would be gone into. The inquiry was really about Kaitorete — a strip between Lake Ellesmere and the sea—and outside the boundaries of all the purchases. Kemp's deed was thrown out because it wanted a signature. An order was made in Chambers by the Judge privately. The Natives were represented by Mr. Cowlishaw, but he was engaged for the Port Levy case. He was then asked to look into the case of the Kaiapoi reserves, and he told us to withdraw from the claim. He knew nothing of what was in the order as to the extinguishment of rights. I knew nothing of this until the fishing case at Kaiapoi." That was years after?

Witness: Yes.

Mr. Hosking: "When the deed was thrown out, Mr. Rolleston came into Court and asked each place to appoint a spokesman to specify the land that they wanted and to sign the deed again. The Kaiapoi spokesman asked for 50,000 acres, but they only got 1,000 acres for Kaiapoi, including the award for Port Levy and Raupuku, which took 650 acres, so we were only left with 350 acres. The 350 acres were accepted by Wi Naihira. As to the land given for landless Natives,

Mr. Cadman came to Kaiapoi to ask if we would accept land at the Waiau. We asked if it was to be in satisfaction of our claim. He said, 'No; if you have a claim make it to Parliament.' We were not satisfied with that, and determined to write to him at Wellington. We received a reply from him, in which he repeated that our acceptance of land at Waiau would not affect our claim." Is that correct?

Witness: That is all correct.

HOANI MAAKA examined. (No. 3.)

Mr. Hosking: This is your statement to me: "When the Hon. Mr. Cadman visited Kaiapoi, Mr. Parata was his interpreter. I cannot tell from memory the month and year. Mr. Cadman was Native Minister. I was the first spokesman on account of what brought him to Kaiapoi. We told him that we were afraid the lands which were to be given to us would be put in payment of our claim. He said, 'These are not given to you in consideration of your claim. If you have a claim you go to Parliament.' We did not agree to accept these lands for our claim. We had an idea that if we did accept them they were to be in payment of our claim. So, to confirm us, we wrote to him, and he replied that the acceptance of the land would not be payment of the claim. Now they try to make out that the land was given in fulfilment. I, with others, the descendants, do not agree to accept them. There were many names on the deed not Ngaitahus."

The Chairman (to Mr. Hosking): What deed is he alluding to?

Mr. Hosking: The names in the list of landless Natives for the South Island. (To witness:) Your statement goes on, "The petition relates only to Kemp's purchase. If for our claims, why should they give land outside of the block?" That is what you have said?

Witness: Yes, that is right.

Mr. Hosking: Those are the only witnesses, sir. I called them in case Mr. Cadman's letter cannot be found. In that connection may I be permitted to add a further observation? This land—the 100,000 acres which has been set apart for the landless Natives under the Act of 1906—has been given not only to Ngaitahu, but to Natives throughout the Island; and it will be recollected that Mr. Mackay's recommendation for settlement, which he repeated on a second occasion when the matter was referred to him, was 130,000 acres for Ngaitahu alone. So that the areas which have now fallen to the Ngaitahus under the Landless Natives Act would have been regarded as quite inadequate by those who went into the question as a recompense for their claims. Natives in Nelson and elsewhere, where they were landless, have come in and got as much as the Ngaitahu, who have conceived always that they have had a right to get lands in virtue of the Government's promises.

Hon. Mr. Ngata: Mr. Mackay was Commissioner with Mr. Percy Smith, was he not, in the investigations which led to the 1906 Act?

Mr. Hosking: Yes. They were sent down to adjust the quantities, but, of course, they were limited by the Act to 50 acres per head for adults and 20 acres for children. They could not award anything. That award was made by the Act. Their object was to find out who were the landless Natives, and how much land each Native had. I am also asked to mention that between the sections which have already been laid off there are no roads marked off.

The Chairman: You mean as far as the landless Natives' block is concerned?

Mr. Hosking: Yes. There are no roads, so as to give access to each section, and I am told that that will lead to no end of trouble, because one man, in order to get to his section, will have to cross over the land of another man. This is a fact that goes to show that a very well-intentioned Act is not yet perfect in its operation.

The Chairman: But your principal argument is that that Act does not affect this petition at all?

Mr. Hosking: Quite so. I am only pointing out that what the Natives have got is affected with the disadvantages I have urged.

Hon. Mr. Carroll: Can you tell the Committee what proportion of that 100,000-odd acres was allocated to the Ngaitahu under the Act of 1906?

Mr. Hosking: I think there is a return by Mr. Percy Smith and Mr. Mackay showing how the land has been allocated, but I have not got that paper.

Hon. Mr. Carroll: In any case, the landless Ngaitahus have been considered?

Mr. Hosking: Oh, yes! Some of the Ngaitahu had really nothing, and they have got full quantities—50 acres for an adult and 20 for a child; but till 1906 they had not a yard of land for all the promises that were made so many years before.

The Chairman: Do the petitioners represent all who would have claims? How many people would be affected if the claims were recognized?

Mr. Hosking: The petitioners come up pretty nearly to the full number, I believe. The petition may be regarded as a thoroughly representative petition, because it is the result of an organization on the part of the Natives, which they formed some two or three years ago for the purpose of enforcing their claims. There was a general meeting of the Ngaitahu and Ngatimamu Tribes held on the 16th July, 1907, and an associaton was formed, with chairman, secretary, treasurer, and a management committee, with provision for funds and for meetings and that kind of thing.

The Chairman: You have no idea how many Natives would claim, supposing the Government were prepared to satisfy their claims?

Mr. Hosking: It cannot be very many more, I think, than the number that have signed the petition. I think it would come to about 1,200.

Mr. Parata, jun.: About 3,000.

Mr. Hosking: That is with men, women, and children, I take it.

The Chairman: The point is whether the petitioners only claim for those who were in occupation of the land that was sold, or do they claim for every one who might possibly lodge a future claim?

Mr. Hosking: I understand that this claim is on behalf of everybody who could possibly be said to be interested on behalf of Ngaitahu—I mean, their present representatives. So far as I am aware it is not intended that there should be any reservation whatever; this claim, as now put forward, is put forward on behalf of all. So that any one who hereafter says he has got no land cannot be heard. That, I understand, is the position which the Natives take up.

The Chairman: The other purchases, in the other parts of the Island, are not in the same position: the Natives there sold their land and got properly paid?

Mr. Hosking: Yes. I think I mentioned that the only two purchases in respect of which trouble has never been completely satisfied are the Ngaitahu purchase and the Otakou purchase.

The Chairman: Do you make the petition much wider than it at first appears to be to the Committee, by including practically everybody who could make a claim?

Mr. Hosking: I think the petition is on behalf of the Ngaitahu and Ngatimamoe, which, I understand, may be taken as identical. The petition says, "We, members of the Ngaitahu and Ngatimamoe Tribes, are descendants and representatives of the aboriginal Natives to whom the block of land known as Ngaitahu or Kemp's purchase belonged."

The Chairman: You have finished your statement?

Mr. Hosking: Yes. I think there is nothing more for me to add. If the Committee desire any further information, if communication is made either direct to myself or to Mr. Charles Parata it will be made available for the Committee if we can get it.

TUESDAY, 11TH OCTOBER, 1910.

T. PARATA, Member for the Southern Maori District, attended and addressed the Committee on behalf of the petitioners. (No. 4.)

The Chairman: Have you anything to urge in favour of this petition?

Mr. Parata: Yes. I would like to say, Mr. Chairman, that I sent a copy of this petition to each individual member of the House, and if members have mislaid or have not at this moment in their possession the copies which I sent them, and desire to refresh their memories, I can procure further copies. I will suggest, if you consider it necessary, I should furnish to each member of the Committee an additional copy of the petition before the Committee deliberates on the petition.

The Chairman: I think it would be well if that were done.

Mr. Parata: I should like to say this: that I am a person who is looked up to by the members of the Ngaitahu Tribe, and I may state that the persons by whom the sale of the land which is the subject of this petition was made to the Crown or the New Zealand Company were my own relatives and ancestors. I shall, first of all, speak in regard to the sale to Mr. Kemp—what is called Kemp's purchase—which took place at Akaroa in the year 1848; but that sale, I may say, was a sale to the New Zealand Company, and in regard to this gentleman, Mr. Kemp, who effected the purchase, I might say that I saw him myself on his arrival in Otago in 1848, when he came down there on a man-of-war. He met the Chiefs Taiaroa and Karetai and other chiefs there, and he told them that the object of his visit was to negotiate with the chiefs or representative men of the people for the purchase of Native lands extending from Purehurehu, which is known as the North Head of Otago. Then Taiaroa and Karetai and the other chiefs asked him to adjourn the negotiations for further consideration of the matter until he had sent a messenger to Waikouaiti to request the attendance of Haereroa and other chiefs at the meeting in Otago. This was agreed to, and on the arrival of Haereroa and the other chiefs at Otago Mr. Kemp explained to them the object of his visit, which was to negotiate for the purchase of the lands I have mentioned. The Maori chiefs did not ask him what price he was going to pay or the area of the land that he hoped to purchase: all those details and particulars were allowed to remain over until the meeting took place at Akaroa, at which the other chiefs of Kaiapoi and people in that neighbourhood would be present, so the man-of-war returned from Otago bringing on board Mr. Kemp and the following Maori chiefs: Haereroa, Taiaroa, Karetai, Wi Potiki, Wi te Raki, Tare Wetere, Te Kaahu, and other chiefs. There were a number of chiefs, and when they arrived at Akaroa all the Maoris from Kaiapoi, Port Levy, Te Taumutu, and Akaroa were assembled there. Then Mr. Kemp proposed that they should go ashore to the Town of Akaroa, and there discuss the whole position in regard to the proposed purchase. They did so, and after discussing the matter for two or three days they arrived at no result, the reason being that the Maoris demanded an exceedingly large price for their land. Mr. Kemp's reply to their demand was that he was unable to meet them, for the reason that the limit of the purchase-money which he was prepared to offer was £2,000. For that reason the Maoris said they would not consent to his proposal Well, in consequence of this failure to agree between the Maori chiefs and Mr. Kemp, Mr. Kemp was distressed and annoyed with them, and he said, "If you do not accept this money which I now offer, then I will pay it over to Ngatitoa," Ngatitoa being a tribe which belonged to the North Island. Mr. Kemp said that, because he was under the impression that the Ngatitoa Tribe was the conquering or supreme people, whereas, as a matter of fact, if the history of the fighting of the ancient days is looked into, it will be found that the Ngatitoa people never conquered the Ngaitahu, but were defeated by the Ngaitahu. However, the fact remains, Kemp went on to say to the Ngaitahu, "If you decline to accept this £2,000 in payment of your land, then soldiers will be brought here to drive you off the land and leave it for the occupation of Europeans." I might

say I have not obtained this information second hand, because I heard it from Haereroa, Karetai, Matiahi Tiramorehu, and others of the principal men who took a leading part in the hapus from Kaiapoi to Moeraki, and who were present on that occasion. Well, Kemp having expressed himself as I have stated, the Maoris discussed the position amongst themselves, and said, "Well, we had better accept his proposal"—meet him—"because we might be detained as prisoners on this man-of-war," and they were on the man-of-war at the time. They said, "Very well; then we will describe to you the boundaries of the land which is to pass to you for this £2,000 you offer." And these were the boundaries: Kaiapoi, Otumatua to the coast, following the coast-line to Purehurehu, from there westerly to Maungaatua, from there to Maungatere, which is known to Europeans as Mount Grey, and from there back to Kaiapoi, closing the boundary. Roughly speaking, at a general estimate those boundaries would contain, say, 7,000,000 acres; but the land on the inland side of that boundary still remained to the Maori owners at that time. The land outside of the boundary I have given right across to the west coast was never sold by the Maori owners, and I will explain to members of the Committee what I mean. Understanding that this land only which is contained within the boundaries that I have described was the land that they were then parting with by sale, the Maoris signed the deed of sale, at the same time stipulating that their cultivations, kaingas, fisheries, and other food-workings and sources of food-supplies were to remain in their possession out of the lands so sold, and that when the land came to be surveyed a return was to be made to them of definite portions of the land so sold by them, for the support of themselves and children and descendants after them. And I shall presently, I think, be able to satisfy the Committee that I am speaking correctly in regard to these contentions. I further say that I entirely indorse all that was said by the gentleman who appeared before this Committee as the lawyer representing the Ngaitahu people some days ago—Mr. Hosking. I will state now the boundaries of the land they were then selling—these are the boundaries I have already given from Kaiapoi to Purehurehu to Maungatere. That is the boundary on the inland side which was agreed upon by the elders at the time of the arrangement of the sale. Subsequently the Maoris discovered that Mr. Kemp had taken the boundaries of the land which he claimed to have purchased as far inland as Piopiotahi or Whakatipuwaitai—that is, Milford Sound. It will be noticed that in the map of Mr. Kemp's purchase it does not carry his boundary as far as the west coast—it does not carry it any further than Maungaatua in a westerly direction, but simply stops at Milford Sound. I think that will satisfy the Committee that Mr. Kemp did not act fairly to the Maoris of the Ngaitahu Tribe. He did not go to Piopiotahi himself, but simply carried the survey of his boundary there, and then the Maoris, this having come to their knowledge, realized that Mr. Kemp had not kept faith with them with regard to the boundary of the sale that they had arranged, because the Maoris contend, and have always maintained that no mention was ever made of Milford Sound at the time when they agreed upon the boundaries of the land they were selling at the meeting at Akaroa. The Maoris have always maintained and still contend that the only land they sold to Mr. Kemp was the land along the eastern sea-coast contained within the boundaries that I have already given, and they maintain that the land inland of that and on the western side of that boundary still remained the property of the Maoris after the sale had taken place, and has always continued to be their property down to the present day. And if the Committee will remember, in the map which was produced before you by Mr. Hosking, he pointed out the inland part of the country which he maintained was still the property of the Native vendors. But the strongest argument that I can make use of in support of this contention is this: I ask you, Mr. Chairman and members of the Committee, if Mr. Kemp had purchased the land right across from the eastern to the western coast, what was the necessity of the Crown subsequently coming in and making further purchases of Native land in the same district on the west coast that I am referring to — Hokitika, Mawhera, and Arahura —all of which were purchased subsequent to Mr. Kemp's purchase, and these purchases were effected by Crown Agents, Messrs. Alexander Mackay and James Mackay. So that I maintain that it must be conceded to be perfectly clear that at the time of Mr. Kemp's purchase the Maoris did not sell to him the land which is claimed to extend right across from the east coast to the west coast of the South Island; and I hope subsequently to be able to satisfy you that I am speaking with entire justification. I wish to be particularly emphatic in this: that at the time of the negotiations between Mr. Kemp and the Natives, the Maoris claimed a very much larger amount of money than he was prepared to offer. Perhaps I should be in order in mentioning the amount of money the Maoris asked. The Maoris asked in payment for their land the sum of twenty million thousand pounds—that was as near to the English of it as they could get. Well, Mr. Kemp was annoyed and distressed on account of that demand, and the Maoris thought that the £2,000 that was offered would be paid over to them in a lump sum, but it was not: only £500 was paid them then. On the second payment a further sum of £500 was made, and on the occasion of the third payment another sum of £500 was paid, and a fourth payment was also £500, which made a total of £2,000. The Maoris also, on that account, were annoyed and distressed, because they understood they were to receive the whole of the £2,000 in one payment. Mr. Kemp was also annoyed, and, as I have already described, he threatened that if they did not accept the £2,000 he had offered he would pay it over to the Ngatitoa. That was said in order to intimidate the Maoris and so induce them to sign his deed; and I say that the Maoris were so upset and distressed over this that they consented and gave the boundaries of the land they were prepared to sell, the Maoris being under the impression then that this sale to Mr. Kemp would be exactly similar to that which had been previously made to the New Zealand Company in 1844 of the Otago Block—because the majority of the people who had sold the Otago Block in 1844 were the same persons who sold to Mr. Kemp at Akaroa subsequently. The Maoris also understood from Mr. Kemp at the time they consented to the sale that when the land came to be surveyed he undertook that a return was to be made to them of one-tenth—that is to say, one acre out of every ten acres of land purchased was to be returned to the Maori owners, and one block of land out of every ten blocks of land into

which the land was to be eventually surveyed was to be returned to the Maori owners. That was the impression conveyed to the Maoris, and stipulated for by them—that when the land came to be surveyed by the Europeans or the Crown, ample land would be set aside for the support of themselves and children and their descendants, independently of their present kaingas, food-workings, and cultivations. Mr. Kemp then returned to Wellington, and after his departure Mr. Mantell appeared on the scene to complete Mr. Kemp's work or negotiations, and that of the New Zealand Company. When Mr. Mantell arrived at Akaroa—I cannot for the moment remember the year, but as well as I can remember it would be between the years 1848 and 1849 or 1850—the chiefs of Akaroa assembled, and also all the representative people of South Canterbury. They all assembled at Akaroa on this occasion, and asked Mr. Mantell, "Have you brought Mr. Kemp's purchase-money with you?" And Mr. Mantell said "No." Mr. Mantell said to Matiaha Tiramorehu, "No, I am here for the purpose of including within Mr. Kemp's purchase the lands which are contained outside the boundaries of that purchase." And the Maoris replied, "Well, we will not on any account agree to that." They turned round to Mr. Mantell and said, "You had better go back to Wellington: we will not agree to your proposal," because they recognized that the proposal in the deed Mr. Mantell brought to them differed from what they had agreed to with Mr. Kemp in the first place; and Mr. Mantell appreciated that it was so, that the Maoris were correct, and Mr. Mantell ascertained that there were a number of Maoris that had not signed the original deed. However, in spite of all the persistence of Mr. Mantell, the Maoris refused to be persuaded by him. Mr. Mantell eventually returned to Wellington to inform Lieut.-Governor Eyre that the Maoris refused to consent to his proposal. Now, Mr. Mantell himself personally told me this after I became a member of the House of Representatives, and during the lifetime of the late Mr. Mantell. To show that the Government officers were guilty of deception and injustice to the Maoris I have given these particulars, and I state that the Maoris were under the impression when Mr. Mantell came down there that he had come to bring them the purchase-money which Mr. Kemp had undertaken to pay; and when he did not do so they refused to consent. Well, subsequently to the return of Mr. Mantell to Wellington, he again paid a visit down South. He went back to Akaroa to interview the Maoris, who were still assembled there, and on the occasion of his return, the Maoris asked him, "Now, what additional payment do you propose to make us for the additional lands that you seek to include in the boundary of Mr. Kemp's original purchase? What extra purchase-money do you propose to pay us for that large extra area of land?" Mr. Mantell's reply was, "The Government will pay you a large amount of money for that additional area of land, and I will myself ask Her Majesty's Ministers to do so, and it will not be long before you receive this large additional sum of purchase-money in payment for the balance of your land." He went on to repeat the undertaking that had been made by Mr. Kemp at the time of the original purchase, that when the land came to be surveyed ample reserves would be surveyed and cut out and returned to the Maori vendors, sufficient for their needs for all time; and the Maoris, of course, knowing that Mr. Mantell was a representative officer of the Queen, believed that what he said would be carried out without fail. That was the impression under which they were left. I wish it to be distinctly understood that the cultivations and other food-workings were not parted with by the Maoris at the time of the sale to Mr. Kemp. Those were specially exempted from the sale, as the deed states, and the Government is entirely unjustified in saying that the claim of the Ngaitahu Tribe for land has been made good through the fact that land has been set apart for landless Natives by the Crown. I wish to point out to the Committee that all that was contemplated and all that was done under the legislation which provided land for landless Natives in the South Island was merely the providing of an area of 50 acres of land for each individual member of the Ngaitahu Tribe in the South Island who had no land at all. But the Maoris, when accepting that 50 acres as landless Natives, specially stated that their acceptance of that 50 acres was not to be taken to interfere with or prejudice their claim, which is contained in the present petition. That position is perfectly clear; and, further than that, even in those areas of land which have been set apart for landless Natives in the South Island, they have not up to the present time been occupied by a single one of the people for whom they were so set apart, for the reason that they are still living upon the few acres which were owned as Native reserves prior to that time. For that reason I contend that the fact of land having been recently set apart by the Crown for landless Natives of the Ngaitahu Tribe has no bearing upon nor does it in any way affect the present claim of the Ngaitahu Tribe in general. The undertaking given at the time the sale was made was that the cultivations, kaingas, and food-workings were to be reserved out of the sale, and remain in the possession of the Maori vendors. I think the Committee must now be perfectly clear that I have every justification for urging the entire correctness of the view of this case which I have put before you. I shall presently put before you the documentary evidence that is contained in parliamentary papers. I am making this statement to-day as being myself one of the younger generation who was present at almost all the most important meetings, together with my elders, in the days of my youth. The only occasions upon which I was not present were the occasions of these meetings which I speak of as taking place at Akaroa in the year 1848–50. Now, in regard to the "tenths," the one acre out of every ten, and one block out of every ten blocks, to which I have already alluded: Under that heading the Maoris contend that Mr. Wakefield agreed—that both Mr. Wakefield and Mr. Kemp—and Mr. Mantell agreed—to return to them one acre out of every ten acres of the land purchased, and one block out of every ten blocks when the land came to be surveyed into blocks. I shall be able to put in evidence as to the correctness of that statement of mine by-and-by. This is the position in regard to all the lands which they sold to Government officers and the New Zealand Company—to Mr. Kemp, and Mr. Mantell, who subsequently completed his purchase—that was the undertaking, that when the land came to be surveyed into blocks for European ownership one block out of every ten of those blocks was to be returned to the Maori owners. That statement is contained in all the parliamentary papers having

reference to this matter. I do not want the Committee to be under the impression that I am making incorrect or unjustifiable assertions, because they are all capable of proof. It is contained in the deed. Mr. Mantell himself personally saw and stated to the Maoris that when the lands came to be surveyed these lands would be returned to them as had been promised in the agreement made with them by Mr. Kemp in the first place. Lands of an immense area were to be returned. Now, in substantiation of this contention of mine, I might say that when Lieut.-Governor Eyre subsequently came to Akaroa the Maoris on the eastern side of the Island—*i.e.*, of Kaiapoi, Port Levy, Taumutu, and other kaingas—asked him to cut off a certain large block of land in satisfaction of the promise that had been made by Mr. Kemp in 1848; and Lieut.-Governor Eyre gave his consent at that time. The Maoris at that time had begun to understand a bit of English, and Mr. Mantell whispered in the Governor's ear, "If you do that, an immense area of land will go back to Maori ownership." And I say that that was where the Government officer deliberately injured the Maori people. It was an absolute murder. The boundaries that were stipulated for by the Maoris of that district were from Te Kowhai to Waimakariri in breadth, and from Te Kowhai down to the coast in length, extending as far as Waikirikiri Stream. Selwyn is the name of the Waikirikiri River, and from Waikirikiri on the coast back to Waimakariri was to be returned to them. They would have the whole of the land from the east coast right through from the mouth of the Waimakariri River to the mouth of the Waikirikiri River. That again bears out what I say, that it was undertaken originally that one block out of every ten was to return to Maori ownership. Now, I point out that the Governor was prepared to agreed to this—did agree to it, in fact—but the Commissioner, Mr. Mantell, quietly whispered in his ear not to agree to it. He did so because he knew that the Maoris—some of them—could understand English, so he whispered in the Governor's ear so that they could not hear what he said. He thought the Maoris had not quite understood what the Governor had really said. I think you will find that in Mr. Mantell's own statement. He said that some Maoris had acquired a certain knowledge of English, and they might have understood what the Governor was saying. And Mr. Mantell himself stated before the Select Committee of Parliament that he had been guilty of this cruel misdemeanour; and he also told me himself personally that that was the reason why this request was not agreed to—because he pointed out that if this block was handed back to the Maoris of Kaiapoi as asked by them, then another block would be required at each separate settlement until the southern boundary of the sale of the Ngaitahu Block was reached—to be given back to the Maori owners of each such settlement. Mr. Mantell stated before the Select Committee that the intention was to return one acre out of every ten acres of the purchased land to the Maoris of Ngaitahu. Mr. Mantell stated this himself to a Select Committee of this House in about the year 1872, I think. I contend that, taken together, all these facts that I have alleged must prove to the satisfaction of this Committee, the Government of New Zealand, the King, and the Parliament, that the promises and undertakings made to the Maoris at the time of the sale still remain unfulfilled up to the present day. And no matter what may have been done since by subsequent Governments, the fact yet remains that these promises and undertakings remain substantially still unfulfilled. I say that, no matter what they have done, all that they have done is merely to sweeten the Maoris up by promising to look into the matter—in fact, putting a little jam into their mouths to keep them quiet and friendly for the time being; but in spite of all the attempted sweetening, the Maoris have consistently refused to be hoodwinked, or satisfied, or to forego their original contentions, and they still persist in their original claim. As I have already pointed out, Mr. Mantell actually stated to the Maoris, when they asked him the question what was going to be given to them as extra payment, "The Government will attend to that. The Government will pay you large additional sums of money for the additional land I ask you to hand over." Though I may perhaps appear to be repeating this statement over and over again, I am merely repeating that which has been over and over again stated to the Maoris on the various occasions referred to, and on each occasion where this claim has been brought forward as a subject of discussion before Select Committees of Parliament. To come back to the occasion of Mr. Mantell's visit to Akaroa to complete Mr. Kemp's purchase: Mr. Mantell, realizing that the Maoris remained obdurate, returned to Wellington and reported the position to the Governor, and Lieut.-Governor Eyre said to Mr. Mantell—as will be found in the parliamentary papers referring to this matter—"You had better make some verbal agreement with the Natives apart from and outside of your official capacity before you ask them to sign these documents, which will satisfy them and induce them to give their consent." I do ask the Committee to look at the instructions of Her Majesty the Queen to the New Zealand Company. In clause 13 of their agreement the Queen stated that they (the New Zealand Company) must first of all set apart a sufficient area of land for the Maori people, so that they might be on an equal footing and enjoy equal prosperity and advancement with the Europeans. I contend that each successive Governor and Government from that time down to the present have so far all failed in carrying out these definite instructions of Her late Majesty Queen Victoria. That is all I have to say on that head. I now come to deal with the question of the reserves—the kaingas, cultivations, and food-workings. The promises made in regard to those matters have never been fulfilled up to the present day. Presumably, the words *mahinga kai*, which means a food-cultivation or food-working of any description whatsoever, was taken by Mr. Mantell in a very restricted meaning. As I point out, the expression *mahinga kai*, or food-workings, refers not only to cultivations but to any description of place where food of any sort is worked, such as birds, wekas, pigeons, kauru, fern-root, native rats, and other articles of food, such as eels, fisheries off the sea-coast or on shore; and all of these were to remain in Maori ownership. Now, Mr. Mantell had at the time I speak of commenced to cut up and set apart kaingas, but, as was stated in Mr. Kemp's deed, these had not been parted with at the time of the sale—they were not included in the sale—so Mr. Mantell commenced laying-off these kaingas at Kaiapoi. When the people at

Kaiapoi saw that Mr. Mantell was endeavouring to restrict the reserves for their kaingas merely to the particular places on which their houses and cultivations stood and their immediate vicinity, and sought to limit the area to 10 acres per individual owner per head, the Maoris were offended and distressed, and they most strongly objected and disputed with Mr. Mantell, and contended that the boundary of the reserved kaingas at Kaiapoi should extent from Rakahuri to Wakahume Stream, which is near the railway-station now called Flaxton. To this Mr. Mantell absolutely declined to agree. Then the Maoris refused to disclose their names — or a large majority of them refused to do so. The relations became so strained between them that a certain Native named Te Oti te Hau threatened to chop Mr. Mantell down with a tomahawk if he persisted; so that for that reason matters were abandoned, and the boundaries for that land were not then fixed. Several years afterwards Mr. Buller—I do not know whether he was a brother of Dr. Buller or Sir Walter Buller—was eventually sent to complete the boundaries of the kaingas at Kaiapoi, but he also failed to satisfy the Maoris' demand *re* the boundary, and it was not finally laid down where the Maoris asked it should be. Mr. Buller then went on from there to Rapaki and Port Levy, and all those places. He went on, leaving the kainga dispute unsettled. When Mr. Mantell got to Taumutu the people there also claimed a large quantity of land. Now, if the boundaries contended for by the Maori owners at Taumutu had been agreed to by Mr. Mantell the reserve at Taumutu would probably have contained about two to three thousand acres or more; and I say that if those matters which were then contended for by the Natives had been agreed to and been satisfactorily settled and completed by Mr. Mantell in those days, we should not be compelled to come before you now with the present claim contained in this petition, because all the matters would have been satisfactorily settled, as I understand them, with the exception of the land on the inland or western side of Kemp's original boundary, which I have stated ran from Maungaatua to Mount Grey. Now, Mr. Mantell acted in exactly the same manner at Te Umukaha, Waitaki, Mocraki, Waikouaiti, and Purakaunui, and there was an exactly similar contention and dispute in regard to each of those places, and Mr. Mantell refused to agree to the demands of the Natives, no doubt perhaps because he thought that his original promises to the Maoris would be carried out by Her Majesty's Ministers of the Government of New Zealand. Mr. Mantell remained disputing with the Natives at Waikouaiti for two entire weeks. The principal chiefs signed the agreement or deed in the first place, but Haereroa, one of the principal chiefs, continued to dispute, and his boundary for Waikouaiti was left unsettled right up to the time when Governor Grey came out as successor to Lieut.-Governor Eyre, and Haereroa made personal application to Governor Grey on his arrival at Otago that an increase of area should be made in the Waikouaiti Reserve—that it should be largely increased from what Mr. Mantell had fixed as the boundary. The boundary he stipulated for was from the mouth of the Waikouaiti River up stream as far as the Kirikiriwhakahoro Stream; from there to the Whaitiripaku Stream; from there to the sea-coast, and back along the coast to the mouth of the Waikouaiti River, which was the starting-point. Now, I estimate that if that boundary had been agreed upon as asked for, the Waikouaiti Reserve would contain somewhere about 6,000 acres or more. There were at that time a total—including men, women, and children—of five hundred persons living at Waikouaiti, and I think, Mr. Chairman and members of the Committee, you will find a statement to that effect contained in the evidence which was given by myself before Commissioners Smith and Nairn in the year 1880. I might say this: that similar contentions and disputes and claims were set up and continued at each meeting-place between Mr. Mantell and the Maoris as far south as Purakaunui—that is, the southern limit of Kemp's purchase, where it joined the northern limit of the Otago purchase. I shall presently speak of the occasion when the Government sent the surveyor down to survey Waikouaiti

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THURSDAY, 13TH OCTOBER, 1910.

Mr. T. PARATA further addressed the Committee. (No. 4.)

Mr. Parata: My closing remarks last Tuesday were in reference to the Native Reserve at Waikouaiti. I was referring to the time when the boundaries of that reserve were surveyed by Mr. Kettle. Trouble took place between the Maoris and the surveyor in connection with the boundaries. The Maoris decided to carry the boundaries from Kirikiriwhakahoro Creek to Whaitiripaku, which is now known as Evansdale. It will be remembered that the other day I described this boundary from the point of commencement back again to the starting-point. But Mr. Kettle laid down the survey boundary from Whakapakikutu to Pukemaeroero, and on from there to Princes Point, and along by the sea-coast to the mouth of the Waikouaiti River and back to Whakapakikutu, the starting-point. So it will be seen that this was not in accordance with the boundary for which the Maoris stipulated, and which had been consented to by Governor Grey on the occasion of his visit to Waikouaiti. Haereroa was informed that Governor Grey would presently reach Otago, that he was going there by way of the Chatham Islands, and that when he arrived at Otago Haereroa and the other Maoris could submit their grievances to him. That was the reason of this dispute with Mr. Kettle, the surveyor. This survey took place subsequent to the arrival of Governor Grey at Otepoti—*i.e.*, Dunedin. But Mr. Kettle, the surveyor, refused to carry the boundary as the Maoris desired it, from Kirikiriwhakahoro to Whaitiripaku. The area was the cause of the trouble, and this resulted in the Chief Haereroa seizing the surveyor's theodolite and throwing it on one side, other chiefs backing him up by flourishing tomahawks, &c. I was then living at Waikouaiti. For interfering with Mr. Kettle, the surveyor, these old chiefs were summoned before the Magistrate's Court at Dunedin to answer this charge. The case

was heard there, but no interpreter was available, and I myself was sworn in and acted as the interpreter. I was called upon by Mr. Strode, the Magistrate, to act as interpreter. This was in the year 1852. The result of the hearing was that the Magistrate fined each of these old men 10s. for having interfered with the surveyor, because he was the servant of the Government. I am stating this to show to the members of the Committee that, as I have already said, the Government's officers were guilty of curtailing the area of lands surveyed to a less area than the proper boundaries would have contained. This, no doubt, was with a view to carry out Mr. Mantell's idea of limiting the area of land to 10 acres for each man, woman, and child. If the boundaries contended for by the Maoris had been agreed to, the Waikouaiti Reserve would have contained 6,000 acres at the very lowest computation. I think it necessary to particularize in this way in order to show the members of the Committee that of the promises made at the time of the sale not in one single instance was any one of these promises carried out when the land came to be surveyed. I myself with my own ears heard Mr. Kemp give his evidence before Commissioners Smith and Nairn in the year 1880, and the evidence given and all the proceedings taken by that Commission are contained in parliamentary papers which, for some reason or other, are withheld from me and from this Committee. Now, Mr. Chairman, I desire to urge upon you and the members of the Committee the fact that by the order of reference to and the appointment of this Committee you have the power to demand the production of papers and persons, as you think fit. Now, sir, these papers have been withheld. The evidence given before Commissioners Nairn and Smith is still in existence and in the custody of the Department presided over by the Native Minister.

The Chairman: Perhaps it has been burnt.

Mr. Parata: I think you will find that the evidence has not been burnt. When the Clerk of this Committee asked Mr. Fisher, the Under-Secretary of the Native Department, to produce the documents to which I refer he replied that they were confidential documents, and that they could not be produced to this Committee. I think it will be within your recollection, Mr. Chairman, that Mr. Hosking stated before this Committee that all the proceedings of the Commission presided over by Commissioners Nairn and Smith were contained in two volumes, which are still in existence. I do not know where they are, but my belief is that those are the two volumes which the Under-Secretary of the Native Department declares cannot be produced on the ground that they are confidential. Now, I regret to have to make these statements here to-day and in the absence of Ministers who are members of this Committee, but it is not my fault that they are not present. That is all I desire to say upon that head—that is, in regard to the reserves. Now, we are continually asked, "Why is it that you have remained silent all these many years past?" I say, Mr. Chairman, that since 1889 the Maoris of the South Island have continually written and petitioned the Government and successive Parliaments in connection with this matter. They have also made representations to each successive Governor from the Governor of the day of the original purchase down to the present day. So that it is entirely wrong to say that the Maoris of the Ngaitahu Tribe have been negligent in connection with this matter. After Governor Grey came Governor Brown. That was in 1856. Governor Brown came to Otago, Dunedin. The Maoris assembled at Otago. There were Maoris present there in attendance from Moeraki, Waikouaiti, Purakaunui, Otago, Taieri, Te Karoro, &c., within the district affected. After they had finished their words of greeting to Governor Brown on this occasion the Maori chiefs requested Governor Brown to afford them an opportunity to place this matter before him. The Native chiefs present were Haereroa, Matiaha Tiramorehu, Tanahira Waruwarutu, Henere Mauhara, Rawiri te Mamaru, Rawiri te Maire, Kahutii, Te Weha, Matiu Kihepane, Taiaroa, Karetai, Wi Potiki, Hoani Korako Wetere, Taare Wetere te Kaahu, and others. Haereroa and others were the first spokesmen, and were followed by others of the chiefs assembled there, and after the European residents and the Superintendent of Dunedin had finished addressing the Governor the Maoris then approached him. These chiefs then asked the Governor how it came about that the promises which had been made to them by Mr. H. T. Kemp at the time of the sale of their land to the Crown in 1848 still remained unfulfilled. The Governor's reply was that that was the first time he had been aware that the Maoris had any grievance to lay before him, or that a promise had been made to them which had up to that time been unfulfilled. Governor Brown went on to say that on his return to Wellington he would have the matter inquired into, because this was a matter of importance that merited immediate attention. That satisfied the minds of the Maoris to a great extent, because it was an expression of opinion from the Governor himself, and they looked upon the Governor as the mouthpiece of Her Majesty Queen Victoria. So the chiefs decided to take no further action until the inquiry which the Governor promised should take place. I was present myself that day. I want the Committee, Mr. Chairman, and yourself to thoroughly understand that in what I am saying now I am speaking first hand. I myself with my own ears heard the Governor with his own mouth make that promise. I want to add to what I have already stated that on every occasion definite promises were made to the Maoris, and those promises were made simply to hoodwink and mislead the Maori people and deny them their rights. That is all I need say upon that head. Now, sir, that will bring us down to the year 1868. In 1868 the Native Land Court sat at Otautahi, Christchurch. Judge Fenton was then the Chief Judge, and he came there and presided. I may say, Mr. Chairman, that the reason for this sitting of the Court was that the Court should deal with a dispute which had arisen between the Maoris and certain Europeans about a place called Kaitorete, which adjoins Lake Ellesmere. Now, I say that Judge Fenton might have published a notice in the *Gazette*, or at least have written letters informing the Maoris that he was about to proceed to the South Island to hold a Court to deal with the matter of the land sold by the Natives to Mr. Kemp. But he never did so; for the reason, perhaps, that he did not anticipate that the Ngaitahu Tribe would set up this claim. The point I wish to make, Mr. Chairman,

is this: that had the Maoris of the South Island known of the contemplated visit of the then Chief Judge Fenton to hold a Court at Christchurch to deal with this matter, there would have been present before him a number of the representative chiefs from Kaiapoi right down to Southland who had taken part in the sale of the land to Mr. Kemp. They would have come in order to appear before Judge Fenton and tell him in Court that the promises made at the time of Kemp's purchase remained unfulfilled—that, in fact, Mr. Kemp's purchase made in 1848 was illegal and void, and of no effect. As a matter of fact, the Ngaitahu case simply sprang up through the circumstance of a dispute which arose between lawyers appearing before that Court in regard to the Kaitorete case. It was then found that Mr. Kemp's deed was invalid, because it had not been signed by the Governor, Governor Grey not having signed the deed because he had found that the Government officers had neglected to carry out the instructions of Her Majesty Queen Victoria in regard to that purchase by the New Zealand Company. And I say that then, as before, there was deliberate injury, prejudice, slaughter, robbery, and murder perpetrated by Government officials in regard to the rights of the Maoris of the South Island. And I say, sir, that I have ample right and justification for making this statement that there was slaughter, robbery, and murder then committed, although you may think the words hard. I state here, as the representative of the South Island Maoris, that we have been treated in an unfair, cruel, unwarrantable, unjust, and unjustifiable manner. The Maoris were asked in a perfunctory way what pieces of land they claimed, but they were not at that time prepared to go into the question, and put forward their case in a proper manner, and thoroughly explain what land they claimed was due to them. I say that they should have had ample time allowed them to communicate with their chiefs living southward of Kaiapoi and that neighbourhood as far south as Waikouaiti and Otago. The majority of the chiefs from the districts south of Canterbury did not attend there on that occasion—viz., some of the chiefs who had signed their names to Kemp's deed on the occasion of the payment of the first sum of £500 of purchase-money. I say that the proceedings of that Court were so utterly bad, so unworthy, so thievish, and so wrong that I dare not make use of the words which are genuinely applicable and should be used concerning it, and which, though unexpressed, still rankle in the minds of the South Island Maoris to this present day. Now, here is another deliberate piece of wrongdoing that took place. The Superintendent of the Province of Canterbury and the lawyers and certain Government officials put their heads together and discussed what steps should be taken, and then they decided that Sir John Hall should sign his name to Kemp's deed of purchase as representing the Governor, as the Governor was then at Auckland or Bay of Islands, and could not be got at to come down in time to sign the deed himself in person. So Sir John Hall thereupon signed the deed as the Governor's proxy. He, I believe, was the Superintendent of Canterbury then, but that can be easily ascertained. That signing validated the deed, and enabled the Court to give judgment legalizing the order of reference, and clothing the land with a title. Without that the Court would have had no legal power to act upon its order of reference. Shortly afterwards, during the very same year, an Act was passed by Parliament called the Ngaitahu Validation Act, 1868. That was to validate the signing by Sir John Hall of the deed of Kemp's purchase of the Ngaitahu Block. Well, now, I cannot help saying in the face of these things that that was a deliberate murdering of the rights of the Ngaitahu Tribe. Not a single one of those promises has ever been fulfilled—those promises made at the time of Kemp's purchase, that as soon as the sale was completed and the land was surveyed the Maoris would receive ample payment for the land then sold by them, and that there would be sufficient land returned, reserved, and set apart for them and for their descendants for all time. That promise has so far never been fulfilled up to the present day. I say that the Native Land Court to which I have referred dealt with the Ngaitahu case from an entirely wrong point of view, and in an entirely unjustifiable manner. The people of the Ngaitahu Tribe feel that their lands have been unjustly and wrongfully seized and taken from them, and that their rights thereto have been prejudiced, injured, stolen, and murdered. And I must point out that subsequent to that time Parliament passed an Act validating what was done by that Court, for the purpose of injuring, slaughtering, and murdering the Ngaitahu Tribe. I have finished what I proposed to say in regard to that head. I now propose to speak a few words in regard to Mr. Alexander Mackay. It has been alleged that Mr. Alexander Mackay was appointed by the Government to look after the interests of the Maoris before the Native Land Court which sat at Christchurch in 1868 and subsequent to that time. Now, the fact is that the Maoris never appointed Mr. Mackay to look after their interests, and they were not aware that it was alleged that he was to look after their interests before that Court and afterwards. Mr. Mackay was appointed to represent the Government, and to hoodwink and mislead the Maoris and induce them not to take up any position hostile to the Government or object to Mr. Kemp's deed of purchase. I am sorry to have to say that, because Mr. Mackay was a very good personal friend of mine, but I feel that I cannot suppress that which is a fact. Now, what was the first thing Mr. Mackay did? In the year 1868 he got Mr. Rolleston and other members of the then Government to interview the Natives and inquire what was the lowest area of land that the Maoris would accept. Wi Naihira represented the Kaiapoi Maoris. The Court was sitting at the time, and Wi Naihira was called into the Court-room before Chief Judge Fenton. He was asked what land he claimed for his people, and he said to the Court, "I am not in a position to speak until I first go back and consult my people." He would not make a statement unauthorized by them. So he went outside the Court and interviewed his people, and he then went back into the Court and said that the Maoris there present refused to discuss the matter then, not having had sufficient time to consider what reply they should make to the question which had been asked them by the Court. I think he asked in the first place for an area of 50,000 acres, and the reply he got from the Government officers was, "Oh! you won't get anything like that. You had better go outside and discuss the matter again with your people and see if you cannot make a smaller proposal than that, and if you don't agree

you won't get one single acre." And yet this man, Mr. Alexander Mackay, appears from the printed records to have been appointed to watch and safeguard the interests of the Maoris. I say that that was not the case. He was never appointed by the Maoris. Who appointed him? He was appointed to serve the interests of the Government. He was there to represent the Government interest and to see that the Maoris got as small an area as possible. He was the Government official representing the Government interest before the Court. It is quite wrong to assert that he ever was an advocate on behalf of the Maoris. He was a Government officer. He was purely and simply and only a Government officer, and as a Government officer the man could do nothing else than act in the interest of his employer, the Government. He could not possibly be expected to act against them. Now, to prove that I am correct in what I am saying, when this Native Land Court was adjourned from Christchurch to Otago there were present the Maori Chief Haereroa and the chiefs of Otago, Waikouaiti, Purakaunui, Taieri, Te Karoro, Moeraki, Kaiapoi, and also Topi Patuki, of Ruapuke Island, and Horomona Patu, of Aparima, and others, and they discussed the position in regard to the Ngaitahu claim and the action of the Court at Otautahi (Christchurch), and I myself and my elders and leaders, Haereroa, Merekihereka Hape, Matiu Kihepane, Kahutii, and others of the then living influential old chiefs who were also my own immediate relatives, and myself, asked Mr. Mackay, who was preparing a list of names of residents of the district, for what purpose this list of names was being prepared by him. He replied that the purpose for which this list of names was being compiled was in order to ascertain the number of people and the areas of land which should be given to them. Our old people had placed the matter before the Court, and they left it in our hands. So I asked Mr. Mackay to increase the area of the Waikouaiti Native Reserve. His reply to me was, "No more land will be given you, because Governor Grey has already agreed that additional land be given you outside of the boundary of the Waikouaiti Reserve which was laid down by Mr. Mantell upon the basis of 10 acres per head at the time of the making of the survey of the reserve." Now, if Mr. Mackay had been the advocate and representative of the interests of the Maoris he would have requested that a larger area of land be given the Maoris instead of refusing to do so—that is to say, he would have asked for a larger area than that contained in the reserve at Waikouaiti. For that reason we could do no more. We did not know what had transpired at the Court at Christchurch. We did not know whether the Ngaitahu claim had been allowed by the Court at Christchurch. The only additional thing that was allowed us at Waikouaiti was two little eel-weirs. The Matainanga Lagoon contained 3 acres. We were given the right to go there and catch eels, and at Te Hakariki, where there were 10 acres. These places were outside of the boundary of the Waikouaiti Reserve. I am sorry I have to take so long a time over these things, Mr. Chairman, but, at the risk of wearying the Committee, I think it my duty to endeavour to impress upon the minds of the members of this Committee the fact that these matters are matters of very serious importance to us, the members of the Ngaitahu Tribe. To proceed to my next heading—the unfulfilment of the promises which were originally made. Now, sir, I say that, although Sir John Hall signed his name to Mr. Kemp's deed of purchase in 1868 on behalf of the Government, and even though a subsequent Act was passed by the Legislature validating his signature thereto, I say that even in spite of these things the Maoris have never conceded, have never believed, have never admitted that the Government of New Zealand have ever treated them properly; and they still persist, and have never ceased to persist, in putting forward this claim to the Government and Parliament of New Zealand which I am advocating at the present time. And the chiefs have been continually writing to the Government, and up to the election of Hori Kerei Taiaroa as member of the House of Parliament, Haereroa, Matiaha, Wi Potiki, Taare Wetere te Kaahu, and other chiefs of the South Island being then still living, and also some old chiefs of Kaiapoi—I can mention their names: their names were Wiremu te Uki, Aperahana te Aika, Hakopa te Ataotu, Manahe, Wi Naihira, Hopa Paura, Tarawhata, Te Maiharoa, Tanahira Waruwaruti, Pohau, Tamati Tikao, and others—all these continued to press the claim. Taiaroa was elected to Parliament, and they said to him, "Now, young man, what you have to do is this: Seeing that you are now elected a member of Parliament, you have got to call upon the Government to make good the unfulfilled promises made by the New Zealand Company and Kemp and Mantell at the time of the purchase by them of our lands in the year 1848, which promises have remained unfulfilled up to the present." In the year 1873 the Maoris held meetings at Te Umukaha and other places with a view to placing the Ngaitahu claim before Parliament. Sir Donald McLean was then Native Minister. Then Taiaroa requested the Government to look into the matter of Kemp's purchase, and Wakefield's purchase of the Otago Block. The promise made at the time of each purchase, and which was contained in the terms of the purchase, was to the effect that when the land was surveyed one acre out of every ten acres and one block out of every ten blocks of land would be returned to the Maori owners. The Government's reply was, "We admit that the Ngaitahu claim is a just one, and it will be duly considered." This greatly comforted the hearts of the Maoris, for they realized that this was a promise made to them by the members of the Government, undertaking that the matter would be put right. Down to the year 1873—from 1848 to 1873—the Maoris were endeavouring to obtain the fulfilment of the promises which had been made to them, and they then became forced to the conclusion that these promises had never been and never were intended to be fulfilled and never would be fulfilled. The next step which they took was to build a meeting-house which they named "Te Hapa o Niu Tireni," the English rendering of which means the unfulfilled promises which had been made to the Maoris of the Ngaitahu Tribe. The Maori people with their chiefs assembled at Te Umukaha in order to formulate and lay down the grounds of a claim to be submitted to Parliament. Mr. Rhodes, member of Parliament for Ellesmere, knows all about it. They first petitioned the Governor, and they then petitioned the House. I will presently give the Governor's reply. I think it was Governor Fergusson. Henry Tracy Clarke was Under-Secretary of the Native Department at that time. The Maoris were informed that the

Governor had agreed to appoint Judge Williams to inquire into the question of the claim of the Ngaitahu Tribe. The Maoris still remain waiting, and nothing has yet been done. At that time meeting after meeting was held by them to discuss the position and endeavour to arrive at some satisfactory solution. They sent up petition after petition. Taiaroa was member of Parliament at the time. The Native Affairs Committee of this House which dealt with these petitions were unanimous in upholding the contention that the Ngaitahu people had a just and rightful claim. Now, a select parliamentary Committee was set up in the year 1872, when Taiaroa was a member of the House, and in the parliamentary papers of that date will be found all that I have said. The Government made no definite reply in the year 1873 nor in the year 1874. So in the year 1874 another meeting of the Maori people was held at Kaiapoi on this same matter. They then asked the Government to send the Native Minister or some responsible Government official to listen to the grievances as expressed by the Maoris, and the Government sent Wiremu Katene, who was then the member for the Northern Maori Electoral District, and who was a member of the Executive at that time. And he had with him as his interpreter Mr. James Carroll, who is now Native Minister. I was at Kaiapoi myself at that time. As I have already told you, there was not a single meeting of leading Maori chiefs ever held in connection with this matter at which I was not present. And I have the clearest recollection of the events about which I am speaking as though they had been transmitted to me by my ancestors. Now, I have said that Wiremu Katene was sent down to Kaiapoi. Being a member of the Executive, he was sent down to smooth things over and soften the hearts of the Maori people. He told them that the Ngaitahu claim had been already settled by the Native Land Court in the year 1868. The Ngaitahu chiefs replied to him, saying, "Nonsense! We deny your statement. We refuse to listen to what you say. We will petition the House." Accordingly they petitioned the House in the year 1874. The petition was signed by the principal men of the Ngaitahu people. I was selected by the Ngaitahu Tribe to come to Wellington and bring this petition to Taiaroa to present to the House. That will show the Committee that I am correct in saying that I was a responsible person in the confidence of the Ngaitahu people. The old people deputed me to act in this matter, and I went to Wellington on that mission. In 1875 another meeting was held at Otago about this same matter. They prepared another petition that year in support of the previous petition on the same subject. In every report of every select parliamentary Committee which has dealt with this subject these petitions urging the Ngaitahu claim have been consistently supported. The request then made was that the Government set up a Royal Commission composed of persons other than Government officials. That request was granted, and the Commission of Messrs. Smith and Nairn was in consequence set up. There were four separate petitions before the House at that time, notwithstanding the fact that it was asserted that the matter had been finally settled by the passing of the Ngaitahu Validation Act, 1868, which Act the Maoris had refused to accept.

The Chairman: I think we should now adjourn.

Mr. Parata: I was going on to deal with the question of schools and hospitals. I think I will finish my statement to-morrow.

The Chairman: You wish the Committee to adjourn now?

Mr. Parata: I am in the hands of the Committee.

The Committee then adjourned until next day.

FRIDAY, 14TH OCTOBER, 1910.

Mr. T. PARATA further addressed the Committee. (No. 4.)

Mr. Parata: I regret very much, Mr. Chairman, that, this being such a serious matter, I should be compelled to delay the Committee more than to them seem to be necessary, and that the great length of my statement may perhaps weary them. But I throw myself upon the generosity of the Committee, and I am sure the Committee will see that if I do not devote due time and careful attention to the case I cannot hope to do justice to those I am representing. I have now, sir, got to the heading in my notes entitled "Hospitals and School Reserves and Endowments," and I want the Committee to understand that not until a period of twenty years had elapsed after Mr. Mantell made the promise was the first Native school established in the South Island. That is to say, in 1868 Governor Grey authorized the establishment of a school at Ruapuke Island, in 1869 he authorized the establishment of another school at Otago, in 1870 he authorized the establishment of a school at Riverton, and not until 1876 did he authorize the establishment of a school at Waikouaiti. That school at Waikouaiti was authorized by the late Sir Donald McLean, when Native Minister, and that was the result of my importunity. I represented to the Government that there were a number of children at Waikouaiti who had not up to that time received any educational benefit, that there was no school and no opportunity for education, and, as the result of that effort of mine, a school was eventually authorized by Sir Donald McLean at Waikouaiti. Prior to that time the parents had to pay for the education of their children: they engaged and paid for the services of a school-teacher. I wish it to be understood by the Committee that up to the year 1876 the Government had not provided free education for the Maori children of Waikouaiti, and I desire to point out, Mr. Chairman, that I was in a very peculiar position then. I had to represent to Sir Donald McLean that the promise in regard to education had not been carried out, and I had at one and the same time to fight against the prejudices of the older generation of Maoris, who thought that the establishment of a school would operate against the Ngaitahu land claim. I had to deal with some of the actual people who had signed Mr. Kemp's deed of sale at Akaroa in 1848. Through my pertinacity and persistence I eventually

overcame the opposition of these old people, and induced them to see the thing from my point of view—that the Government had promised schools to educate the rising generation of Maoris, and that they had not kept this promise. I think I am correct in stating that the Waikouaiti school was the first Government school for Maoris established upon the Ngaitahu Block in fulfilment of the promise made by Mr. Mantell to the vendors. I desire to condense things in this statement of mine as far as I can, and I will not therefore say any more on that head. I will simply say, in conclusion in regard to this matter, that subsequent to that time other Native schools were established upon this Ngaitahu Block. The Native school which was established at Kaiapoi was not established by the Government. That was done by the Church Missionary Society, which is quite distinct from the Government. Seventeen years after the date of Mr. Kemp's purchase in 1848 the Government for the first time provided medical attendance, which had been distinctly promised to the Maoris at the time of the sale of the land in 1848, and this they now propose to withdraw in spite of the continued protests and complaints of the Maoris at the present day. Prior to that time, and, in fact, subsequent to that time, Maori invalids were compelled to go to hospital at their own expense, and pay medical fees, and that still continues at the present time. Those who can afford it are required to pay £1 per week. I can quote from my own personal knowledge twenty or more cases of that kind.

The Chairman: I thought there was a special fund for that purpose.

Mr. Parata: If there is a special fund it is not devoted to paying Maoris' fees for the hospitals. What I want to say distinctly and advisedly to you gentlemen, as members of this Committee, is that the Government so far has never carried out or fulfilled the promises made at the time of Kemp's purchase in 1848. It may be that there have been cases in which Maoris who were absolutely destitute and with not a shilling to their name—there may have been cases of that kind admitted to the hospitals free of charge. But the point I wish to make, Mr. Chairman and members of the Committee, is that at the time of the sale in 1848 it was distinctly promised to the Natives, amongst other things, that hospitals would be provided for them for all time free of charge, no matter whether the patients desiring admittance to the hospital were men of property or persons in poverty-stricken circumstances and without anything at all. No stipulation whatever was made in regard to the question of fees—it was simply stated that these hospitals were to be open and free to all Maoris. And that was one of the inducements which led the Maoris to consent to the sale to Mr. Mantell—because they considered it would be an advantage to their children and descendants to have free hospitals and medical attendance. Yet it was not until the year 1865 that medicines even were provided free of charge for Maoris. In certain districts medicines were provided; in other districts none were provided. The point I want to make, Mr. Chairman, is that one of the inducements held out by Mr. Mantell to the Maoris in order to obtain their signatures to his deed of sale was that he promised, among other things, to have schools, and hospitals, and medical attendance provided free of charge for them and their children for all time. And, furthermore, he told the Maori vendors that he himself would ask the Queen's Ministers, representing the Crown, to pay them a large additional sum of money for the land sold by them over and above the £2,000 which had already been paid to them. Thus the old chiefs were induced to part with their land, because they looked upon it that the Government officials were upright and responsible men, and would keep their promises to them, and would not attempt to mislead them. But, unfortunately, since that time those Maoris who sold their land, and their descendants after them, have found out that those promises, which they believed to have been made to them in all honour and good faith by those men, have since proved to have been entirely false and unreliable. Having arrived at that realization of the position, they petitioned the Parliament of New Zealand in regard to the way they had been humbugged, deceived, hoodwinked, and misled by the Government officials with whom they had negotiated the sale of their land. I can do no better than make use of the European phrase—they were "robbed and denied of their rights." And again, in Judge Fenton's Court in 1868, they were injured, robbed, and murdered of their rights. Look, by way of example, at Mr. Kemp's deed of purchase in the first place. It must be recognized and admitted that the deed of sale submitted to the Maoris by Mr. Kemp, and signed by them, differed very materially from the subsequent deed submitted to them by Mr. Mantell, and which was subsequently signed by Sir John Hall on behalf of the Governor. The Ngaitahu Tribe then found that the contents of Mr. Mantell's deed were different from what was contained in the first deed which had been submitted to them by Mr. Kemp. Mr. Mantell knew what they did not know, that Mr. Kemp's original deed of purchase was invalid, and for that reason he (Mr. Mantell) questioned Matiaha Tiramorehu, one of the principal chiefs who appeared before him at Akaroa, together with other chiefs. Mr. Mantell said to Matiaha Tiramorehu on that occasion, as I said the other day, "I am including in the present deed an area which was not included in the original deed of Mr. Kemp's purchase." And I contend that this proves beyond a doubt that I am entirely correct in strenuously urging and contending that the Maoris, in selling to Kemp, never sold the land on the western or inland side of the boundary laid down by their chiefs and principal men when selling to Kemp in 1848. That statement of Mr. Mantell's is the proof of my contention. Mr. Kemp intimidated the Maoris by threats in order to make them sign the deed of sale to him. I have also stated to the Committee the claims put forward by the Maoris at Kaiapoi and other places to Lieut.-Governor Eyre on the occasion of his visit to Akaroa after the purchase had been made in the year 1848. Mr. Chairman, you will remember that yesterday I gave the boundary-line from Kaiapoi to Otumatua, and thence along the coast to Purehurehu, which is the North Head, Otago, and thence westerly inland to Maungaatua, and from thence north to Maungatere, which is Mount Grey, and from there easterly back to Kaiapoi, the point of commencement.

Mr. Rhodes: Is it to the tops of the hills?

Mr. Parata: To the base of the hills, from Maungaatua to Mount Grey. And the point I desire to make is this: that even though the Maoris were misled and humbugged by Mr. Mantell on these matters, and even though Sir John Hall subsequently, in the year 1868, signed the deed on behalf of the Governor, and even though the Government in that same year passed an Act to validate the signing of that deed by Sir John Hall, still the Maoris were not satisfied, but declared that they had been misled and defrauded, and have continually petitioned the House stating these facts; and Parliament has recognized that they had been misled, deceived, and defrauded, and that the Act which was passed, called the Ngaitahu Validation Act, in 1868, did deliberately and intentionally validate a fraud. The Parliament of that day, sir, evidenced the fact that they recognized that the Maoris had been defrauded by the passing of that Act by setting up a Select Committee to inquire into the grievances alleged by the members of the Ngaitahu Tribe, and gave effect to petitions presented to Parliament in the years 1873, 1874, and 1875. Parliament set up a Royal Commission to inquire into their claims, and the Commissioners appointed were Messrs. Smith and Nairn. They were empowered to demand and require the attendance of any person they desired, any private individual, any Minister of the Crown, or even the Governor himself; and they were also empowered to demand the production of any papers or documents which they considered necessary, and they had all those documents submitted to them, and the Maoris also appeared before them and stated their claims and grievances. Mr. Kemp and Mr. Mantell were called before them, and appeared before them at Kaiapoi. And I myself was personally present when Mr. Kemp gave his evidence before that Commission. Mr. Kemp was asked by Mr. Izard, the solicitor acting for the Maoris appearing before the Commission, whether, in selling to him, the Maoris had parted with their kaingas and *mahinga kai—i.e.*, settlements, cultivations, food-workings, such as fishing-grounds, eel-weirs, bird-grounds, and any other places where any kind of food was obtained, killed, captured, cultivated, or produced in any way whatsoever; or with their *wahi tapus*, or sacred places, and he said, "No," that they were not contained or included in the sale. Mr. Kemp said he thought he had promised the Natives when he bought the land from them, that when it was surveyed the Government would cut out and set apart large areas of land, which would be ample reserves for them and their descendants after them for all time, independent of their kaingas which they then occupied, and that those and all the cultivated land and other food-workings would be returned to them out of the land sold. Mr. Mantell subsequently gave similar evidence before the Commission of Messrs. Smith and Nairn. A large majority of the surviving chiefs attended before that Commission, and gave evidence exactly as I am now stating what took place. The Commissioners called upon Governor Grey to appear before them. They also called upon Captain Symonds and other influential Europeans, who understood the position, to give evidence. And I submit to this Committee, the Government, and Dominion that that was, above all others, a Commission before which everything was placed, and thoroughly disclosed, and threshed out. This Commission adjourned from Kaiapoi to Waikouaiti, and heard further evidence there for, I think, about a week. At Waikouaiti the Commissioners had no interpreter, and they asked me to act as interpreter, and I was sworn in to act in that capacity, and I acted as interpreter for the old people who appeared before the Commission at that time. The Commission adjourned from Waikouaiti to Riverton for the purpose of hearing the evidence and claims advanced by the Maoris of that district, who, for want of means and other causes, were unable to attend the sitting of the Commission at Waikouaiti. Messrs. Commissioners Smith and Nairn were satisfied that the Maoris were correct in their contentions, and that what was said by them was borne out by the original deed of purchase by Mr. Kemp. Evidence was given before them by Mr. Kemp, and Mr. Mantell, and Captain Symonds, and other men of standing and position who knew the particulars of the matter. The Commissioners prepared their report to be submitted to Government, but before it was completed the Government went out and a new Government came in, Mr. Bryce being the Native Minister in the new Administration. Then, in the years 1887, 1888, and 1889, a Joint Committee of the two Houses were occupied in perusing, discussing, and dealing with the report of Commissioners Smith and Nairn. This Joint Committee occupied part of two years in inquiring into the matter. They were occupied during two sessions of Parliament collecting and hearing evidence; and they also required Mr. Mantell to appear before them, and he gave similar evidence before them to that which he had previously given before Commissioners Smith and Nairn, and also before the Select Committee of Parliament of the year 1872. I say that the Joint Committee, although they realized that the Maoris had undoubtedly been prejudiced and injured, deliberately wronged and throttled the Maoris. Their report was that a further Royal Commission should be set up for the purpose of inquiring and ascertaining how many Maoris were absolutely landless, and how many were insufficiently provided with land, and how much land should be set apart for the adequate maintenance of each individual, and where such land should be situated. And the outcome of that was the eventual appointment of Mr. Alexander Mackay as Commissioner. What I want to point out is that Mr. Mackay, when appointed to that position, was a Government servant, and therefore it could not be expected of him that he would act contrary to the wishes and interests of his employer, the Government. Neither could it be expected that he, as a Government servant, would carry out the recommendations contained in the report of Messrs. Smith and Nairn. The Maoris were all under the belief that the recommendations of that report would be given effect to, carried out, established, and made good. Mr. Bryce tried to prevent the completion of the preparation of the report of Messrs. Smith and Nairn by refusing to grant them extension of the original period for which they had been appointed as Commissioners, and declining to make them any further grant of money for expenses; but in spite of his action it was presented to the House, laid on the table, and printed and circulated. Parliament accepted that report. There it is in print. Well, Mr. Mackay sat and inquired into these matters during the term of office of the Stout-Vogel Government, in which Mr. Ballance was Native

Minister, and reported that land should be provided for the landless Maoris. I wish it to be most distinctly understood that Mr. Mackay did not say that this was to satisfy the main general claim of the Ngaitahu Tribe. That claim still continued to exist. Then Mr. Ballance's Government came into office, in which Mr. Cadman was Native Minister. Taiaroa and I waited upon Mr. Ballance and Mr. Cadman as a deputation, and asked them to inquire into the position in regard to the claim of the Ngaitahu Tribe, and Mr. Ballance gave his consent to our request. Mr. Cadman went down to Otago, and he asked me to go with him, as I was the mouthpiece of the Ngaitahu Tribe. The first place he and I visited was Otago, to deal with the representations of the Maoris there with regard to the sale of the Otago Block, and, having finished the sittings there, we went to Aparima —*i.e.*, Riverton. I want to state that the Maoris explained to Mr. Cadman that they were suffering injury; that they were living in a most unfortunate position; that they had not sufficient land for their support; and Mr. Cadman saw that they were entirely justified in their complaints and representations, and in making the claim they did. I am trying to condense my remarks as much as possible, for I do not want to weary the Committee. We went on from there to the Bluff, and we there met the people of Stewart Island and Ruapuke Island, who assembled at the Bluff and came before us. They asked that more land should be provided for them, for they had not sufficient for their support and maintenance. Mr. Cadman agreed, and said he would submit their representations to Parliament. We came back from there, and went on to Waitaki. When we got to Waitaki the residents of Waitaki and Moeraki asked the Government to provide land for them, because they belonged to the party of Tamaiharoa of Te Umukaha, but had gone away inland in 1877 to occupy the land which they maintained had not been sold to Kemp in 1848. They had lived on that land for three years or more, at a place called Omarama. I want to point out that these people went there because they never signed the deed of sale to Mr. Kemp or to Mr. Mantell. I desire to point out to the Committee that representations were made to the Governvernment by European runholders and sheepowners that the Maoris had seized and were occupying these places I have mentioned; and Mr. Sheehan, who was then Native Minister in the Grey Government, visited the Maoris, together with Mr. Taiaroa, Rawiri te Mamaru, and the Hon. Mr. Campbell, at Omarama, and told them to go back down to the coast and occupy their old kaingas on the reserve there, and that the Government would duly inquire into their grievances, and provide sufficient land for them. Now, that was a further recognition of the rights of the Ngaitahu Maoris' claim. I may say that Mr. Sheehan was the first Native Minister to visit Kaiapoi in regard to these claims. Subsequently Sir Robert Stout, who was then Premier, interviewed the Maoris, and promised them that their claims would be inquired into and made good. And I myself, since I had then become the member for the South Island Maoris, and Mr. Duncan, the member for Oamaru, also went with him. Sir Robert, in replying to the Maori representations, said, "Yes, I can see you have been injured and unjustly dealt with, and your grievances will be placed before the Native Minister, so that they may be settled and redressed." Naturally the Maoris were very much elated over a remark and a promise of that kind. It was an expression of opinion and intention by the Premier himself, and the Maoris naturally concluded that it must result in something tangible being done for their benefit.

The Chairman: What year was that?

Mr. Parata: It was about the latter end of the year 1885, after the close of the parliamentary session. I was then a member of Parliament. Subsequently Mr. Ballance, another Native Minister of the Crown, went down there to the South Island at my request, I having asked the Government to give effect to the report of Messrs. Smith and Nairn. I pointed out to him (Mr. Ballance) that the Maoris of the South Island had been left landless through the robbery committed by the Government of New Zealand. Mr. Ballance agreed to my request, and visited the South. He found that I was right: he agreed that I was correct in my representations. Mr. Ballance was Native Minister in the Stout-Vogel Government. He agreed to the setting-up of the Royal Commission of Mr. Alexander Mackay. The Maoris naturally again thought something definite would be arrived at. Mr. Mackay went down there, and he simply inquired what Maoris had no land at all. That was the second occasion on which Mr. Mackay was appointed a Commissioner, but there was not a very large attendance of the Native chiefs who appeared before Mr. Mackay. Those who appeared before him said, "We have nothing further to add to what we have already said before Commissioners Smith and Nairn. We said all we had to say then, and we now rely upon the carrying-out of their report." Now, in regard to Mr. Cadman. I said that Mr. Cadman and I visited Otago, Riverton, Waitaki, Te Umukaha, and from there we went on northwards to Kaiapoi; and Mr. Cadman then said that the Maoris were justified in their claims. At each of these places Mr. Cadman replied to the request of the Maoris by saying that the Government would provide the means whereby land would be set apart for them. And the Maoris said to Mr. Cadman, "Well, we have had promises of this kind before. Will anything really be done for us, or will the Government merely do what has been done by previous Governments who made similar promises—namely, trample on our claim and do nothing for us whatever?" Mr. Cadman replied, "No, you need not fear: this Government will not trample on your claim. You need not be afraid; they will keep their promise to provide sufficient land for those of you who are landless or have insufficient land. The proceedings that will be undertaken will be to provide land for those absolutely landless and those who have not sufficient land for their support. If you desire to go to the North Island and occupy land there, the Government will provide or purchase land for you in that Island, so that you may have sufficient land to live upon. If you have a claim to make, make it to Parliament, and Parliament will inquire into it and decide how that claim may be made good with land." I myself acted as interpreter to Mr. Cadman on this occasion right throughout his tour through the South Island. That had nothing to do with the land set apart for landless Maoris. The Maoris all along made a distinct point of the fact that they did not wish this land which Mr. Cadman then promised would be set apart for the landless Maoris

to prejudice their own right to land under the main Ngaitahu claim as borne out in the report of Commissioners Smith and Nairn. Well, the Maoris not being perfectly satisfied as to the position, subsequently wrote to Mr. Cadman inquiring what was their real position in regard to the land which had been promised by him would be set aside for landless Natives, and on the 16th day of February, 1893, they received this reply from Mr. Hazelden, who was then Under-Secretary of the Native Department:—

"Justice Department, 16th February, 1893.

"I HAVE received your letter of the 13th day of January. In regard to the lands which are proposed to be set apart and given to landless Maoris and Maoris who have not sufficient land for the support of themselves and families, if you people say that you have still further claims to land, that is a matter for Parliament to look into and consider.

"From your loving friend,

"C. J. A. HAZELDEN, Secretary.

"To Wi Naihira and others, of Kaiapoi."

Now, Mr. Chairman, I desire to particularly call your attention to a statement which has been personally made to myself by certain of the Ministers of this present Government, to the effect that in their opinion this claim was satisfied through the fact that land was provided for landless Natives in the South Island by the Act of 1896. Now, sir, this contention I must entirely deny; and I point out that, although this letter of Mr. Hazelden to Wi Naihira and others which I have read to you is dated 16th February, 1893, and says that land would be set apart for the South Island Maoris, yet from that time in 1893 down to the present day, 1910, these promises have never been carried out. Land, sir, has been set apart for landless Maoris, but up to the present it has been quite impossible for them to occupy and live upon the land so set apart. For this reason, sir: Take the lands which have been set apart at Waiau, in the Southland District, as an example. The land is at least forty or fifty miles west of Invercargill, and remote from where the Maoris are now living, and there is no road or means of access to the land. What is the object of setting apart land for them when they cannot get to it, and when it is all bush, and not bush of any value, nor is it even good land? Some of the lands which were given for the landless Natives are situated on the eastern side of Stewart Island. Where are they going to find people who will be willing to occupy these lands, and what means of access will be provided to them? It may take two or three generations in order to render it possible to occupy them.

The Chairman: Did they have no say in the selection of the land?

Mr. Parata: The surveyors said they had surveyed these lands under instructions from the Crown Lands Department. After that the Maoris applied for other and better lands, stating that the land provided was not satisfactory. Now, Mr. Hosking told this Committee how lands had been set apart, and he referred to the Act of 1906; but when that Act of 1906 was introduced—called the Landless Natives Bill—a deputation came here to Wellington to interview the Premier and Native Minister, and protested against that portion of the preamble of the Bill which set forth that the provision of land proposed therein was for the purpose of extinguishing the Ngaitahu claim. And the Maoris having made their representation to the Premier and the Native Minister, the Premier said, "Yes, we are willing to strike out the preamble of the Bill, and I will see that the Bill does not contain any provision to injure or prejudice the Maoris or prevent them making any further just claim against the Crown in regard to their main Ngaitahu claim." That position was made perfectly clear by Mr. Carroll himself to that deputation. And that was how the Bill was passed. If they had not foregone that preamble I should, myself, have opposed the passage of the Bill, and European members who were not in sympathy with the Bill would have supported me, and it would not have passed into law. Mr. Chairman, the report on this petition on which I am now speaking deliberately says that the land set apart under this Act for the landless Natives of the South Island was to wipe out this Ngaitahu claim. I say that that is another deliberate attempt on the part of the Government Crown Lands Department to injure the Maoris and deny them their just rights. I think that is all I need say on that head.

The Chairman: Is the next a very long heading?

Mr. Parata: I have done my best to cut it down. I have referred to Commissioners Smith and Nairn, and I have said, and I desire again to repeat, that that was the only satisfactory inquiry that we have ever had into the South Island land claim, and we rely upon the report of that Commission, and we ask for its fulfilment, as they had the benefit of the evidence of all the witnesses who appeared personally before them—Mr. Kemp, Mr. Mantell, Captain Symonds, the chiefs, and men of position who knew the particulars. There is no reason why I should labour or delay the matter any longer now. I, as the member and representative and mouthpiece of the Maoris, ask on their behalf that the claim contained in their petition which is now under consideration shall be duly, carefully, honourably, and justly considered, inquired into, and dealt with, and that opportunity be given the Maori people to substantiate and establish their claim. Now, sir, I would like you to read a previous petition on this same subject, a copy of which I have here. I did not know until just now that it had been already published in parliamentary paper G.–7, 1876. It is not very long. I wish to have it read. You will see from it that the Maoris were promised that one acre in every ten and one block in every ten should be returned to us when the purchased land came to be surveyed.

The interpreter, Mr. Barclay, now read the petition, as follows:—

Petition of Ngaitahu Natives re *their Claim.*

Friends, Salutations! May God extend His mercies to you! We are here spreading before you the causes of that thorough discontent agitating the Natives of the Middle Island.

1. The land-purchase transactions of Wakefield in 1844: We insisted that a fair return be made us for our land. Amongst the returns granted by Wakefield he said, "You shall also receive, you Natives, returned to you, one acre out of every ten acres; out of all the towns springing up on the land you are ceding to me, one section out of every ten sections, one block out of every ten blocks." All the land that was ceded to Wakefield, and his friends, Kemp and Mantell, exceeds twenty millions of acres.

2. The land-purchase transactions of Kemp in 1848: When Kemp landed at Akaroa, and demanded the cession of the land from Kaiapoi to Otago, the Natives held out for a fair return for that vast extent of territory. When Kemp got tired of the delay, he said, "If you do not consent to this £2,000, I shall hand over the money to Ngatitoa (Rauparaha's Tribe); and if you still delay to consent, then soldiers will be sent to clear the land for the pakehas."

3. Intimidated by this threat, the Native chiefs entered with Kemp to define the boundaries —namely, the seaboard, breadth limited by a chain of hills, ceded to Kemp, the inland to remain ours. This was the then settlement of boundaries. Recently, when we got a copy of the deed drawn out by Kemp of that transaction, we find that what he put down in that paper differed from what we said above: our impression was that when the land is surveyed our reserve will be handed to us.

4. The promises made by the Hon. Mr. Mantell to Matiaha Tiramorehu, our chief: After Kemp, Mr. Mantell came. He said to Matiaha, "I shall include the inland also in the purchase-money agreed by Kemp" (that large tract not ceded to Kemp). Matiaha put the question to Mantell, "What are we to get for this vast tract that it may be yours?" Mantell answered, "I shall ask the Governor to pay you Natives for it. I shall ask Her Majesty's Minister also. In future you will receive the large outstanding balance."

We still hold in our hands Mantell's letter (*pann*i) to Matiaha Tiramorehu, saying: "London, 8th August, 1856.—Listen! I am continuously exerting myself to obtain Her Majesty's Chief Minister's consent to rectify my say to you formerly, when you consented to cede your land to me." After this the letter passes to speak about schools and hospitals; but when were schools and hospitals ever made an equivalent for land-purchases? It is coin that Mantell promised to Matiaha as the outstanding balance for us, that he exerted himself about in London, but exerted himself fruitlessly about.

It is not our wish to enlarge upon all the promises which were made to us by the Land Purchase Commissioners, such as—"The Governor will apportion you land for your children, besides your abodes and cultivations"; "Your eel-pas shall remain yours also"; "The large rivers shall remains yours also"; "Your fishing-grounds on the coast shall remain yours also," &c. Little of all this has been fulfilled to us by the Government—much of it is wholly forgotten. If your mind is at all doubtful about the reasons, which are painfully agitating our breasts, there are still twelve of the old land-sellers alive, ready each of them to confirm what came under his thorough knowledge, now extended in this our petition.

You may, perhaps, say to us, "If all you say is true, how is it that you remained silent till now?" Why, you well know that we are not like you—quick in the race of mental attainments; we are lagging far behind in these things. When these land transactions took place our chiefs were scarcely able to read written language; they were often too ready to consent their names to be signed under writings the contents of which were either in part or totally absent from their minds. Judge yourselves, the honourable members of Parliament who listen to our complaints in this petition: Had the eyes of these our chiefs been open in those days, would they have consented to part with all the heritage that God has given to them and their future offspring and descendants—all this vast territory—for the crumbs that fell from the white man's table—for this £2,000-odd.

The daylight was slow in dawning upon us. It is only after one of our race entered Parliament that we became acquainted little by little with the ways by which the white man's land-purchasers beguiled the whole island from us. What these land-purchasers said to our elders who ceded the land is indelibly written in their and their children's minds, but this writing does not correspond to that of Mr. Kemp in his deed. Wakefield said, "One out of every ten acres shall revert to the Natives." Has this condition of sale ever been fulfilled during these thirty years which have rolled past since our elders made this contract with Wakefield? Those threats with which Kemp intimidated us—is it not the white man's law that intimidation will annul the validity of a contract?

Those promises of Mr. Mantell: He will ask Her Majesty's Minister to pay for that vast territory which we never ceded to Kemp (a territory amounting to more than thirteen millions of acres). The fault is not his that these promises were never made good to us.

These promises are a condition attached to the land. If the condition is not fulfilled the land is not redeemed. Nevertheless we are dispossessed of all the land: is it because we are so few and powerless? No doubt, had Naboth been the stronger, Jezebel would not have gloried over his vineyard.

Some may perhaps suppose that all these arguments have been settled in the Land Court, at its sittings at Christchurch and Dunedin in the year 1868. It is not so. We never expected that Court to be invested with power to settle complaints of such vast interest to us. We were therefore not prepared to submit our case to that Court. Our estimation of that Land Court was completely confirmed when it stumbled over the Crown grant by which the Princes Street Reserve was made over to the Province of Otago. If that reserve was ours by right, could a Crown grant have the effect to turn right into wrong?

Could such a Court investigate our declaration that Kemp's land-purchase deed is null and void—First, because it was extracted from us through intimidation; second, because the consent of cession was obtained at sea, on board of a man-of-war—our elders could not know but that a

continued refusal on their part would transform that man-of-war into a prison, or something still worse, to them; third, because the boundaries mentioned in that deed are not the boundaries which were settled verbally between Kemp and our elders, the land-sellers?

It is often said in the North Island, "The Natives of the Middle Island are well off: they are living by the rent of their lands." This is not so. If the land given us by the Government is individualized, the proportion to each Native is as follows:—

	Acres each.
At the Heads, Otago, about	50
,, Waikouaiti, about	20
,, Moeraki, about	5½
,, Waitaki, about	7½
,, Waikawa, about	10
,, Tauhina, about	3
,, Arowhenua, Waipopo, Te Waiateruati, Timaru, and Taumutu, taken altogether	6
,, Rapaki and Port Levy	14
,, Kaiapoi	16

The condition of the Natives of the Middle Island is bad. As long as we have strength to work as servants to the Europeans, as long as the market is accepting that servitude, we are keeping ourselves and families above want. Should this strength and the market fail—and the time will come that it will—then we Natives will be little better than a mass of paupers thrown upon the present lords of the land.

The burden of our petition is that the white man has grasped at our fifty millions of acres in the Middle Island without any equitable return or provision for the Natives; that such transactions as C. Wakefield's, and his friends Kemp and Mantell, are unintelligible and unjust without the condition of one acre out of every ten for the Natives. For instance, Kemp extorts the consent of the cession of about seven million acres at Akaroa for £2,000, and, not content with that, worded his deed so loosely as to convey the idea of having agreed for twenty millions of acres —namely, nearly all the land included in the Otago and Canterbury Provinces. Is this equitable without the condition of one in ten acres out of the cession for the Natives?

The proof of this condition has lately been required from us. Why, if this condition is not expressed in the deed the fault is not ours. If it is, why has it never been fulfilled to us?

Governor Sir G. Grey says that the Otepoti acre (Princes Street Reserve) was a tardy act of justice to the Native sellers of the Otago Block, who were entitled, by the terms of the original scheme of the company, to have reserved for their benefit one acre to every ten of the allotments sold in the Town of Dunedin, &c. But this condition embodies a sufficient provision for the Natives of the Middle Island if applied in its true spirit to all the land ceded to the company; the Otepoti acre is a mere mockery. Loud and universal was the cry formerly against private traders buying landed estates for fish-hooks and scissors in New Zealand; but without that condition of one out of every ten acres over the whole cession, Wakefield's, Kemp's, and Mantell's transactions would leave the worst of private land-sharking far behind.

We are dilating before you, the honourable members of Parliament, the wrongs we suffer, relying firmly upon your honour and love of fair-play for you to redress them, and take under your protection the semi-paupers and orphans of the Middle Island.

This is all.

From the Natives assembled at Kaiapoi, this 25th March, 1874, and others.

[Here follow the signatures.]

Mr. Parata: And I say, Mr. Chairman, that all that I have said to you in my present statement before this Committee is entirely borne out by this parliamentary paper, extracts from which I have now read to you.

The interpreter, Mr. Barclay, on behalf of Mr. Parata, then read the following document:—

To His Excellency the Marquis of Normanby, Governor and Commander-in-Chief of the Colony of New Zealand, Wellington.

In April, 1875, we, the Natives of Moeraki, Waitaki, Arowhenua &c. (as distinct from the Natives south of Port Chalmers), presented a humble petition to Your Excellency, praying that the deed (Kemp's, 1848), upon which the New Zealand Government is founding its tenure of about twenty millions of acres in the Middle Island, be made the subject of a trial, having been come to by illegal means. Since that, July 19th, 1875, we received a communication (N. & D. 75/3242, No. 221) from Mr. Clarke, informing us that Your Excellency had the goodness to appoint Judge Williams to investigate the subject of our above-mentioned petition.

A twelvemonth has now expired, and Judge Williams has not yet announced his intention to appoint a time for a hearing of those few remaining old chiefs, who were actors in these transactions in the year 1848, and whose depositions are indispensable in the trial of our case, as these circumstances—the threats and intimidations resorted to by Commissioner Kemp in 1848—have found no place, no ventilation, in the books of this colony, for reasons which are laying on the surface of the matter.

We humbly wish to bring to Your Excellency's consideration that the denial of a trial of these our grievances, emanating not from Her Majesty's representative, but from the Colonial Ministry of the day, as an interested party, has been the invariable rule in the dealings between the Go-

vernment and us Natives—first, because we are few, and bring no pressure to further our demands of justice; and, secondly, these material witnesses, being now well stricken in years, a short space of time will efface all evidence on the subject by their death.

We utterly despair of any trial being instituted by the New Zealand Government in this matter, and, as a last resort, we intend to take up our residence on the inland of this Island, the purchase of which land has never been accomplished either by Commissioner Kemp or Mantell.

We humbly lay this our intention at Your Excellency's feet, that, should we be mistaken in the attitude of the present Colonial Ministry, Your Excellency, by communicating to us any reliable hope of action in the matter, may allay that anxiety which is spurring us to our present tentative step above referred.

Your Excellency's most obedient and humble petitioners.

Arowhenua, 3rd May, 1876.

Mr. Parata: You will remember, Mr. Chairman, that in the course of my statement I informed you that certain Maoris, under the leadership of Tamaiharoa, occupied some of this land at Omarama. They did that with the definite and distinct object of forcing the position—they wanted proceedings taken against them in order to have it decided by law who were the actual legal owners of the land. Eventually Mr. Sheehan, the Native Minister of that day, came down there, and said, "No matter how unjustly you have been treated, you must not trespass on land that does not belong to you. Government will look into your grievances, and give you the necessary redress." And I say, sir, that that pledge then given by the Native Minister has never to the present day been redeemed or made good. Now, sir, I think I have arrived at the close of my remarks. I have said all that I can say in support of this petition. The petitioners ask you and the Government to meet them and discuss the petition, in the hope that we may arrive at some tangible solution of the grievances that we lay before you. It is not for me to state to you what our demand is. That will be submitted in due course, when the proper time arrives. The present claim of the Ngaitahu petitioners is based on the report of Commissioners Smith and Nairn; and, in conclusion, I may simply say that if the Government does not give due consideration and satisfaction to our claim we shall be reluctantly compelled to take other steps to accomplish our object. I desire, Mr. Chairman and individual members of the Committee, to thank you, and to express to you the thanks of the petitioners, whose views I have endeavoured to represent to you. I desire also to convey my most sincere personal thanks to you, Mr. Chairman, and the members of the Committee for the very kind, indulgent, and patient hearing you have afforded to myself, on behalf of those whom I represent, during the entire duration of my very lengthy and, I trust, not over-wearisome statement.

Mr. Parata was warmly applauded at the conclusion of his speech.

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