

We think, however, that, whether they appreciated the full effect of the dealing (of which there is some doubt) or not, it was made clear to the Natives that the Crown was buying the land and their interests in the harbour, and when in the sale of the land they included, according to the deed, "the sea [*moana*], and the rivers, and the waters, and the trees, and everything else appertaining to the said land," they intended to give over the use of the harbour, although perhaps in doing so they were not fully conscious of the effect it would have on those fishing-rights that they were so anxious to retain. It is only to the harbour that the reservation of fishing-rights and landing-places could apply.

Dated this 22nd day of October, 1920.

R. N. JONES,  
JOHN STRAUCHON, } Commissioners.  
JOHN ORSMBY, }

To His Excellency the Governor-General of New Zealand.

#### REPORT No. 4.

##### PATUTAHĪ BLOCK.

THE Natives claim that by a mistake made by the Poverty Bay Commission, hereafter referred to, they have been deprived of a large area of land. The position leading up to the setting-up of that Commission is fairly set out in the preamble to the Poverty Bay Lands Title Act, 1874.

During the Hauhau troubles of 1865 certain disaffected Natives of Poverty Bay sided with the rebels. It was desired to punish the rebels by confiscating their land. For this purpose the East Coast Lands Investigation Acts of 1866 and 1867 were passed. These were repealed by the East Coast Act of 1868. All these Acts empowered the Native Land Court, on investigating the title to Native land, to inquire if any of the owners were rebels, and to vest the land of such rebels in the Crown. But the rights of loyalists and rebels were so interwoven as to make the carrying-out of this duty practically impossible. Captain Biggs reports: "The claims of loyal and rebel Natives are so mixed up that it is next to impossible to point out a single spot that belongs exclusively to either; and when it is remembered that in the war on the East Coast the nearest relatives were fighting one against the other, it must be evident that the difficulty of separating loyalist from rebels' land will be very great, if indeed to be accomplished at all."

6th January,  
1867.

An endeavour was then made to get the Natives to agree upon a specific block of land to be set aside for the Government, but again Captain Biggs was in difficulties with regard to it. In one letter he mentions that the Natives had offered 15,000 acres; but out of this there would be about 2,500 acres of reserves, 1,800 claimed by Europeans, and 3,000 acres of useless land. The endeavour to get the Natives to cede land voluntarily was therefore no more successful than would be proceedings under the Acts cited.

7th June,  
1867.

Then came the Poverty Bay massacre of 1868, which, in addition to calling for adequate punishment, also afforded the Poverty Bay loyalists a strong incentive to seek protection. Mr. Richmond, who then had charge of Native Affairs, met the Natives, and the latter agreed to cede a large extent of territory for the sake of getting Government protection. "The Natives expressed themselves in bodily fear of Te Kooti," says Mr. Richmond. "He [Mr. Richmond] thought this was an opportunity of restoring to some extent the mana of the Government on the coast, and also of enabling the Government to fulfil its promises as made to the Defence Force raised in Hawke's Bay during 1864 or 1865, the men of which Force were most eligible settlers, and had been waiting for years to receive their land. Accordingly he proposed to the Natives that they should cede land on which the Defence Force men could be settled; the request, or demand, he made being for no more land than was absolutely

6 *Hansard*,  
p. 681.