

necessary for that purpose. But the Natives themselves—and he was speaking for the whole of the Natives of Poverty Bay, with one single exception, and he afterwards signed the deed—stated to him they desired, in order to simplify the arrangement, that the whole of the land belonging to the Poverty Bay tribes should be included in the arrangement. In compliance with the wish of the Natives—for such a thing was not suggested by himself or by any one on his behalf—a deed was drawn up, which the Natives all signed, by which they surrendered to the Crown all their lands, subject to the return of such portions of it as might be found by the Native Land Court to be the property of friendly Natives.”

The deed or agreement of cession is dated the 18th December, 1868, and purports to be made between the loyal chiefs and men of the two tribes of Aitanga-a-Mahaki and Rongowhakaata, and the hapu of Ngaitahupo, of one part, and the Governor of the other part. After citing the causes which led up to it the deed purports to cede all the lands of those tribes, within certain outside boundaries, to the Governor, who in turn accepts the same on the condition that loyal Natives sending in their claims to lands within those boundaries within three months will have such claims adjudicated on by a Commission of Judges, and, if correct, will have Crown grants issued to them. “But,” the deed continues, “the Governor shall have authority, before the adjudication by the Commission, to settle Europeans or Maoris, as guardians of the peace, upon some of the blocks hereby ceded, and to reserve such blocks, and out of them to give each settler, whether European or Maori, a piece of land for himself; and if the Commission shall decide that any pieces of the blocks so reserved belong to loyal Natives, pieces of land of the Hauhaus of equal value shall be awarded in place of the land so taken.”

Pursuant to this deed a Commission of two Judges (generally known as the Poverty Bay Commission) was set up on the 10th February, 1869, to make inquiries as to the claims of loyalists, to ascertain if any claimants were rebels, and also to inquire into sales and gifts to Europeans, and report accordingly. 1 Turton,  
p. 698.

By a Proclamation, without date, but appearing in the *Gazette* of the 13th February, 1869, the Governor accepted the cession by the Natives, and proclaimed the Native title to be extinguished. It is not clear to us how the title of the rebel Natives became extinguished, but we assume it must have been done in some regular way, since the Attorney-General's opinion of the 16th August, 1869, was that “if the Crown is satisfied that those who dealt with it had title to cede the land, then the whole transaction is similar to previous dealings with Natives by the Crown, and the land becomes Crown lands; but the Crown is, of course, bound to perform the terms of the contract.” Gazette, 1869,  
p. 59.

Mr. Richmond, in his recommendation to His Excellency the Governor advising him to sign the notification of the extinguishment of Native title, says, *inter alia*, “It will be seen that the effect of the deed, when its provisions are carried out, will not be to divest the cedees of any property. It operates mainly to give *prima facie* title in the rebel lands to the Crown, throwing the *onus probandi* on the other claimants. But the chief motive of the cedees was to enable the Government to afford them some protection against the rebel tribes, by allotting land to a body of men known as the ‘Hawke's Bay Defence Force,’ who have had a promise for years past of sections, and a hope held out they would be at Turanga (Gisborne). Blocks will at once be set apart for them if His Excellency issues the attached notification, and also for a small body of Ngatiporous who are anxious to emigrate to Turanga, and who will bring the weight of their tribal connection to the support of the place.” Gazette, 1869,  
p. 60.

It may be mentioned here that the Ngatiporou (East Cape) Tribe and sections of Ngatikahungunu (Hawke's Bay and Mahia) Tribe were assisting the Government in quelling the rebellion.

Mr. Richmond expressed a similar desire to Mr. W. S. Atkinson, who was instructed to act for the Crown before the Poverty Bay Commission. This reads (in part), “Saving always the right to occupy so much land as is requisite for fulfilling the engagements of the Government with the Defence Force and