

for. Meantime the Government had changed and Mr. McLean had become Minister. The Ngatiporou had claimed they were entitled to the Patutahi lands, and had objected to the Commission dealing with those lands without their consent. Mr. McLean met the Natives, and on the 9th August, 1869, the following memorandum was drawn up:—

“At a meeting with the chiefs of Ngatikahungunu and Ngatiporou held at the Defence Office on the 9th August, 1869, it was arranged, after some discussion and protests on the part of the chiefs against the proceedings of the Court or Commission now sitting there, that the following proposal should be accepted as a settlement of the question: First, that the decisions of the Court should be considered binding as regards the claims of the resident Natives to their respective claims; that the land given up in three different blocks as payment for the offences of the Hauhaus should be divided into three equal portions—first to the Ngatiporou, second to the Ngatikahungunu, third to the Government.

“DONALD MCLEAN.

“9th August, 1869.”

Mr. McLean confirmed this arrangement in his speech to the House of Representatives on the 24th August, 1869, where he said, “The object of the Government was not to get land, but to ensure an amicable and efficient settlement of the district; and, *whatever the extent of the country ceded, it would be divided into three equal portions*—a part for the Government on which to settle the Defence Force, and portions for the settlement of claims of certain Natives.” ^{6 Hansard, p. 682.}

The European Forces received their land at Muhunga (or Ormond); the Ngatiporou were, according to the evidence, to get theirs at Patutahi; while the sections of Ngatikahungunu were to be provided for out of the Te Arai Block. There was so much trouble with the Natives that eventually it was decided to buy out their interests, if possible; and the interests of the Ngatiporou, estimated at 10,000 acres, and so stated in the deed, were accordingly bought on the 30th September, 1873. ^{1 Turton, p. 705.}

On the 29th November, 1873, Mr. McLean met the Ngatikahungunu Natives and their allies at Napier, when he stated the land had now been surveyed and the Ngatiporou share decided. He was asked what share Ngatikahungunu had, and he replied that if Ngatiporou had taken land they would have received 10,000 acres, and the Ngatikahungunu and those allied with them would receive the same. This clearly fixes the total area at 30,000—allowing equal portions, as Mr. McLean had stated, first to the Ngatiporou, second to Ngatikahungunu, third to the Government; unless, indeed (which is unthinkable), the Government was knowingly departing from its solemn engagement and was proposing to take 35,000 acres for itself, and leave the other two parties, who it had agreed should share equally with the Crown, not more than 10,000 acres each. ^{1874, C.-1, p. 1.}

We therefore think that, whether we take the 67,400 acres of the report of the 23rd August, 1869, the 62,735 acres mentioned in the Commission's minutes, or the 50,746 acres of Patutahi (plus Muhunga) found on survey, it was far more area than either the Natives or the Government intended should be reserved for the Crown. We also think that, while there is much to be said in favour of the Natives' claim that only 15,000 acres was intended to be reserved, there is no evidence sufficiently conclusive for us to find it to be so. Certainly, if the land was to reach to Waimata River and Mangaweka Stream, and adjoin Patutahi proper, it would appear to be of greater area. With that class of land the Natives are more likely to have described it by certain points or places on the boundaries than by area.

On the whole, therefore, we have come to the conclusion that, as there is some doubt, the proper measure to adopt is that fixed by the Government itself, of about 30,000 acres, including Muhunga and Tapatohotoho. This would coincide with Mr. Richmond's estimate of 20,000 for the Government and Ngatiporou only, and would cover all the land within the boundaries stated by Wi Pere, and partially corroborated by Mr. Locke.