

That on the refusal of the agent of the New Zealand Company and of the agent representing Her Majesty's Government, the said Chiefs declined to proceed further in the matter and departed; but after the lapse of some days, on being assured that the above reserves would be made for them, the said Chiefs returned and the purchase was concluded.

That during the existence of the New Zealand Company, your petitioner and his tribe were not molested in such occupation as they desired of the above spots; but on the demise of that body, unable to find written record of the making of any special town reserves for them, the Commissioner of Crown Lands, at the request of the Chiefs aforesaid, laid their application before the Governor of the Colony, who thereupon set apart for your petitioner and his tribe, a reserve in the town of Dunedin, and one in that of Port Chalmers, from lands which your Petitioner is advised were freely at the disposal of the Crown for that purpose.

That it must be borne in mind that your petitioner and his tribe were, at the time of the above sale, a people little accustomed to scrutinize narrowly such deeds as might be submitted to them for signature, and ready to regard as equally sacred and binding parole promises or assurances which an officer of Government might make to them in the name of Her Majesty.

That your petitioner was also entitled under the arrangements then existing between Her Majesty's Government and the said Company, to one-eleventh of the sections into which their lands might after their cession be divided; and that although at the request of the agent of the said Company the officer acting for the Government made no express stipulation to that effect, it yet appears from later correspondence of the said agent, that your petitioner's claim to that extent was not repudiated by the New Zealand Company.

That your petitioner is not aware that at any subsequent period this claim was waived, and is confident that such waiving of this claim was never assented to by those for whose interest it existed.

That it was set aside, as he trusts by inadvertence, in the grant of the Otago Block to the New Zealand Company in 1846, your petitioner is aware, but that grant having subsequently reverted to the Crown can no longer, he submits, prejudice the equity of claims ignored therein.

That in the year 1862, the Government of the Colony permitted the said reserve to be let for occupation, and that the rents accruing therefrom were paid into a separate fund, and by successive Ministries regarded as funds to be expended for the benefit of your petitioner's tribe.

That in the year 1865 the Governor in Council again formally recognized the ownership of the Dunedin Native Reserves as still vesting in your Petitioner's tribe.

That notwithstanding the previous action of the Governor in Council, and the Order in Council aforesaid not having been revoked or cancelled, the Governor did, on the eleventh day of January, 1866, sign in Council a grant purporting to convey the said reserve to the Superintendent of Otago.

That it appears that of the rents accruing as above, there was in the hands of the Colonial Treasurer, at the time of the signature of the said grant, a sum exceeding six thousand pounds.

That doubts having naturally arisen as to the validity of the said grant, your petitioner, urged thereto by the Government of the Colony, encouraged by the promise that every facility would be afforded to him to assert in Her Majesty's Supreme Court the claim of his tribe to the above reserve, in the manner which he is advised is that provided by the laws of the Realm for the fair investigation and remedy of such wrongs as that which he suffers under, relying upon the good faith and honour of Her Majesty's Government in this Colony, and believing that the abovenamed ample funds were fairly available for covering the costs of litigation, has, by petition to Her Majesty's Representative, and by himself giving a bond for costs to a very large amount, obtained the issue of a writ of *Scire facias* with a view to the repeal of the said grant to the Superintendent of Otago.

That your petitioner learns that a Bill is now before the General Assembly of New Zealand whose effect, if it become law, would be to deprive his tribe of the funds which have accrued from the letting of their said reserve in Dunedin, and probably to render nugatory any effort which he on their behalf is now making, or may hereafter make, in the Supreme Court of the Colony or elsewhere to recover possession of the land itself.

Your humble petitioner further sheweth,—

That your petitioner's tribe has ever been loyal and faithful to Her Majesty.

That by the Treaty of Waitangi Her Majesty entered into certain honourable engagements with the Maori Race, which he humbly submits were of a nature not safely to be devolved upon any body of Her Majesty's subjects, without strict reservation to Her Majesty of sufficient power to enforce their fulfilment.

That, however, in the Legislature of this Colony your petitioner's race have no representative, and their interests are thereby subjected to the control of a popularly elected body, not only not representing their interests, but in many respects having interests altogether opposed to theirs; whose deliberations are conducted in a language of which very few Maoris have any knowledge, and whose laws, affecting as they do all races of Her Majesty's subjects in the Colony, are rarely published in the only language known to the Maori.

That therefore your petitioner submits that in all cases where interests or supposed interests of the Native race are at stake, those interests should be treated with scrupulous honour and justice, and that questions affecting their rights should upon no account be submitted to a political body wherein they are not represented, but on the contrary, referred to and left to the decision of Her Majesty's Courts of Law and Equity.

That in consideration of the constant loyalty of his tribe,—of the immense possessions which they have peaceably ceded to Her Majesty for most trifling payments, and on the faith of promises to them of benefits not even yet fulfilled;—of the deprivation now probably past recovery of that proportion of their lands sold which the New Zealand Company was at the time bound to reserve for them,—and of the doubt which may reasonably exist whether any legislative body, especially one in which one party to the cause is unrepresented, can, however high its character and pure its motives, deal so impartially and conclusively with a contested claim to property as a judicial tribunal: