

REPORT OF THE COMMITTEE ON

FRIDAY, 27TH SEPTEMBER, 1872.

Hon. Mr. Mantell.

The Hon. Mr. MANTELL in attendance, and examined.

27th Sept., 1872.

7. With reference to the Princes Street and Port Chalmers Reserves, the two cases are entirely parallel, the rights of Natives in each case are similar, and documents and authorities which refer to one refer also to the other, but in one case only have claims been satisfied, or I should rather say partially satisfied. The evidence which I propose now to lay before the Committee has been given in Court on oath, and there recorded. The judgment of the Court recites the facts of the case. (See Report.) [Mr. Mantell here quoted from the evidence dated May, 1868. See Appendix to Journals House of Representatives.]

8. *Mr. Sheehan.*] Do you know who is the solicitor appearing on behalf of Natives in the case now pending?—Messrs. Izard and Pharazyn. I will add that since judgment in Court of Appeal, a petition for leave to appeal has been forwarded to the Privy Council in England; and leave to appeal, without giving security for costs, was granted by Order in Council about November or December. On the last sitting day of the Supreme Court in Wellington, the necessary application was made to Judges, and since then the requisite documents have been forwarded home, and instructions given to Messrs. Izard and Pharazyn's English agents to retain counsel.

9. *Mr. Rolleston.*] In what relation to the suit do you at present stand?—I, at the request of the Government in 1867, consented to receive and expend in suit on behalf of Natives the sum of £400, assuming also general direction of the proceedings, independent of the Government. This money was placed by me to a separate account in the Union Bank of Australia, under the title of "Naboth's Vineyard Account," and has been expended as shown by accounts now in my possession. The balance now standing to the credit of that account consists of moneys paid into that account by George Grey Taiaaroa, to whom I think it may be right to transfer the balance. As the Government have now advanced funds, £500 I understand, to the Natives to enable them to prosecute their suit, it may be just and proper that the sum of £65, which was subsequently collected by the Natives themselves, should be returned to them.

10. *Mr. McLean.*] Are there any arrangements connected with the deed negotiated by Mr. Kemp in 1848 still unfulfilled?—Yes, most distinctly.

11. *Mr. Rolleston.*] Apart from promises contained in Mr. Kemp's deed, are you aware of any other promises made to the Natives on the cession of the land in question which have not been fulfilled?—Yes.

12. *Mr. Sheehan.*] What, by whom, and when were these promises made?—Promises were made by myself. My connection with the business commenced in August, 1848, when I received instructions from Government to virtually complete the purchase, for which the sum of £2,000 was fixed. Mr. Kemp was instructed to pay £500 down, and remainder at rate of £500 each year, but when the matter came under my notice I found that he had paid £1,000 at the time. I foresaw difficulties, on account of many Natives not having participated in the purchase money already paid them. I was instructed by the Governor to inform the Natives that the money was not the only or principal consideration for cession of their land, but that schools would be established for instruction of themselves and their children, as well as hospitals for the treatment of their sick, besides officers who would be appointed to watch over their interests.

13. *Mr. Rolleston.*] How far do you consider that the spirit of your promises made to Natives regarding the provision of hospitals have been fulfilled?—Precisely in the proportion which from 1848 to the present time such hospitals and medical attendance may from year to year have borne to the requirements of the Natives. I meant, and the Natives understood me, that special provisions would be made with all reasonable diligence for the establishment of hospitals for the treatment of their sick. I did not by any means intend, or they understand, that the fulfilment of this promise would of necessity have to wait until requirements of the European race rendered the establishment of hospitals necessary. I consider that the Government were bound to establish hospitals at reasonable distances apart throughout the district in question, and that the Natives should be able to obtain medical attention free of any charge; in fact, this was a very important part of the agreement. As regards the establishment of schools, I can really give no evidence of the fulfilment of these promises; but can lay before the Committee, if necessary, copies of sundry applications and other memoranda, which will show to the Committee that there was a constant desire on my part that the promises should be fulfilled. I will hand in the dates of a few of these memoranda and documents, selected by me from many others in my possession, which will make the collection entire, and which I shall be most happy to place at the disposal of the Committee, to make further selections from, if it should be deemed advisable.

Dates handed in as follows:—August 2, 1855; August 18th, 1856; 1857, Ngaitahi to Queen; 1861, to Mr. Fox; February 19th, 1863, to Mr. Bell; July 18th, 1863.

By referring to the Report of Proceedings of Imperial Parliament in year 1857, the Committee will be able to peruse the several speeches made on the occasion of this question being brought before the House of Commons.—(See *Hansard*, vol. 147, 1857.)

TRANSLATION of Copy of Statement made by H. T. Taiaaroa's father, on 13th February, 1862, which was handed in on 27th September, 1872.

Otago, 13th February, 1862.

TO ALL MY TRIBE, TO MY HAPU, AND TO MY SON,—

Let me bring these words to your remembrance, that they may be impressed on your memory in the future, after I am dead and gone, that you may understand and judge for yourselves respecting the lands that I sold to the Europeans.

The European land purchasers made certain statements in all purchases of land.

Firstly. Be good to my nation, to the pakeha, for it was I that brought them to this Island, to Te Wai Pounamu, in former years.