

We presume that it has also come under your Excellency's notice that the prosecution of the inquiry which we were required to make under the Commission referred to was interrupted and suspended at the instance of the Hon. the Native Minister (Mr Bryce), and that a letter upon this subject was addressed by us to your predecessor, Sir Hercules Robinson, on the 9th August last, and by His Excellency's command was presented to both Houses of the New Zealand Parliament. Vide G.-7, Appendix to Journals of House of Representatives, 1880.

Seeing no prospect of being able to proceed further with the task assigned to us, as the period of two years has nearly expired, we conclude that our proper course is to return our Commission to your Excellency, which we now do.

In so doing, however, we conceive it to be our duty to place in your Excellency's hands the results of our labour, in the hope that they may be found useful. We are strongly impressed with a sense of the magnitude of the questions which were the subject of our inquiry, and feel that the issues involved must yet be dealt with and decided by the local or by the Imperial Government; and we have the satisfaction of knowing that important evidence has been collected by us which could scarcely have been obtained by any Committee appointed by the New Zealand Parliament. So far, we venture to hope that our labours have not been in vain.

From the circumstances to which we have referred, we are unable to present to your Excellency the detailed report required by our Commission, but we feel it to be our duty to state to your Excellency the opinion which we have been led to form during our inquiry, so far as it has proceeded.

OTAKOU AND NGAITAHU BLOCKS.

Having regard to evidence laid before Select Committees of the House of Representatives, to the instructions of the Imperial Government given to Governors and officers who from time to time have been intrusted with the administration of New Zealand affairs, and to the evidence collected by us, we are of opinion that the transactions with the aboriginal natives for the surrender or cession of their lands in the Middle Island, carried out by Messrs. Symonds, Kemp, and Mantell, must be regarded as pledging the Crown (in the case of the Otakou Block by explicit stipulation, and in the case of the Ngaitahu Block by implication) to a reservation of a large proportion of the land for the exclusive benefit of the Maori owners. The Ngaitahu deed expressly says that the "greater portion" only is given up for the pakeha, not the whole of the land. We have then to consider what was that reserved proportion; and, seeing that the lands were in both cases understood to be bought for the New Zealand Company, we think it not unreasonable to assume that they were so bought in both cases with the understanding that they were to be administered upon the New Zealand Company's plan of setting apart one acre for the Maori for every ten acres sold to the pakeha, this plan being known at the time as the New Zealand Company's plan of colonization, adopted before New Zealand became a British colony, acted upon in their settlements at Port Nicholson, Nelson, and Taranaki, and recognized, sanctioned, and insisted upon by the Imperial Government. Mr. Mantell, in a statement made by him to a Select Committee of the House of Representatives on Middle Island Native Affairs, asserts, with reference to the Otakou and Ngaitahu Blocks, that "in making these purchases it was clearly intended that nominally one-tenth, but virtually one-eleventh, was to be reserved for the Natives." Parl. Papers, H. No. 9, 1872.

We consider that the promises made to the Native owners of the territory which is held to have been ceded by the deeds or agreements relating to what are called the Otakou and Ngaitahu Blocks must be held to amount to a distinct pledge that the lands included therein would be so dealt with by the pakeha that the Maori would share them with him, and that the consequences of the surrender would, under such administration, be so advantageous to the latter that, in comparison with future advantages, the money payment offered ought to be regarded as, and really was, but a trifling part of the consideration. That such was understood by the Maoris to be promised, that such promises were made by the officers who treated with them for the cession of their land, and that the making of such promises was within the legitimate scope of the instructions and authority granted to those officers, is, we think, clearly shown by the evidence. Upon this point we have formed a decided opinion, namely, that the promises made amounted to this, and that the Maoris so understood them, though they probably did not at the time realize their full scope and importance. What they understood may, we think, be gathered from the contents of the various petitions and letters from time to time addressed to the Government and Legislature, the allegations in which we consider to be for the most part borne out by evidence. We refer more particularly to the following:—

- 1 The statement of Matenga Taiaroa handed in to the Committee *re* Middle Island Native Affairs which sat in September, 1872. Parl. Papers, 1872, H-9, p. 8.
- 2 Letter of H. K. Taiaroa, addressed to Sir D. McLean on the 30th January, 1874, report- ing upon the meeting of Ngaitahu, at Otakou Heads, on the 22nd of same month. N & D., 74-1804.
- 3 Petition of Natives assembled at Kaiapoi on the 25th March, 1874, addressed to the Speakers and members of the General Assembly then in session in Wellington. Parl. Papers, 1876, G.-7.
- 4 Petition of Ngaitahu to His Excellency the Marquis of Normanby, dated Otakou, 10th June, 1875.
- 5 The petition of John Topi Patuki to the House of Representatives, reported on by a Select Committee on Native Affairs on the 1st October, 1875.