

various reserves which you may consider necessary to be set apart for the use of the Natives. In deciding upon the number, extent, or situation of the reserves to be set apart you will be guided by the following considerations—viz, that Mr. Kemp guarantees to the Natives in the deed of sale executed by them that their places of residence and plantations are to be left for their use, and the use of their children; and provides, further, that other additional reserves to be determined on by the Government should also be set apart for the same purpose—to the first class of reserves, therefore, they are strictly literally entitled. But as it is desirable to avoid the difficulties which must certainly arise in laying out the lands for settlers from the existence of innumerable small and irregularly-shaped reserves dotted all over the country, or from their occupying important points upon harbours, it will be desirable that you should use your influence to induce the Natives to take their reserves in as few localities as possible, in as limited a number of reserves in each locality as you can persuade them to agree to, and in as regular shaped blocks as circumstances will admit of. Much may be done towards accomplishing this by inducing the Natives of very small settlements to unite in taking their reserves at one locality, and by getting them to consent to give up the smaller patches of cultivations in exchange for additional land nearer the larger ones, a liberal provision being made both for their present and future wants, and due regard shown to secure their interests and meet their wishes. . . . One point the Lieutenant-Governor would earnestly press upon your attention, and that is the great necessity of exercising the most indefatigable perseverance in all inquiries or discussions with the Natives, both in ascertaining their respective rights and interests, and in winning them to acquiesce in such arrangements as you may consider most just and best.”

It will be seen that Mr. Mantell was armed with ample powers for settling the difficulties which had arisen as regards all reserves, no reference being made in the instructions as to promises to the Natives.

On the receipt of the news that Mr. Mantell had completed the arrangements, Governor Grey wrote to Earl Grey as follows: ¹ “I think it will be a source of satisfaction to your Lordship to find that so large a tract of country of the most fertile description is thus unrestrictedly open to British enterprise, without any possibility of any of those embarrassing questions arising in relation to it between the European and Native population, in reference to titles to land, which have been a source of such loss and embarrassment to the settlers in the North Island.”

On the 30th January, 1849, Mr. Mantell formally reported to the Colonial Secretary his completion of the arrangement.²

It is clear from that report that Mr. Mantell regarded the arrangement entered into by him as of a final character. He specifies the reserves that had been made, the whole of which appear to have been marked on the ground. The only reference to a promise of any character whatever was as follows: “I further promised the Natives that the old pa, Kaiapo, should be reserved by the Government, so that neither Native nor European might dwell there. It is about four acres in extent, and unsurveyed.”

In a letter from Lieut.-Governor Eyre to Mr. Fox, of the 26th February, 1849,³ he announces the return of Mr. Mantell to Wellington, “after crossing overland the whole eastern boundary of the purchase, and setting apart and defining such reserves as he considered necessary for the present and future wants of the Natives, upon seeing and consulting with them on the spot.”

The first documentary evidence of the existence of unfulfilled promises is contained in Mr. Mantell's letter to the Secretary of State on the 5th July, 1856.

Mr. Mantell states,⁴ “By promise of more valuable recompense in schools, in hospitals for their sick, and in constant solicitude for their welfare and general protection on the part of the Imperial Government, I procured the cession of these lands for small cash-payments. The Colonial Government has neglected to fulfil these promises, and appears to wish to devolve the responsibility on the General Assembly. . . . The Natives' proportion of 15 per cent. on all proceeds of land sales, if it have been set apart from those of southern sales, has been misapplied. On this account at least £5,000 seem to have been due in 1854; but barely a tenth of this amount has been allotted to the Ngaitahu, although they have, through my agency, ceded to Her Majesty a far larger extent of land than has ever been or will ever be so ceded by all other tribes together.”

In reply to the inquiry by the Secretary of State, as to the authority under which Mr. Mantell had made these promises, he stated that “In my written instructions no specific authority is given.”

In the same letter, the 31st July, 1856,⁵ Mr. Mantell wrote: “But Lieut.-Governor Eyre, who directed those (the first) instructions to be written, impressed upon me the propriety of placing before the Natives the prospect of the great future advantages which the cession of their lands would bring them in schools, hospitals, and the paternal care of Her Majesty's Government; and, as I have before said, I found these promises of great use in my endeavours to break down their strong and most justifiable opposition to my first Commission, and in facilitating the acquisition of my later purchases, adding to the Crown lands an area nearly as large as England. I am not unaware of the comparative facility with which the majority of the Natives might be induced to abandon all hope of these prospective advantages, especially as the long time which has elapsed without their realisation has probably nearly obliterated the remembrance of that hope; but I much doubt whether any officer of the Land Purchase Department would willingly undertake a duty of this kind. The Ngaitahu right in this matter, though perhaps not according to our law a legal one, cannot, I conceive, be denied to exist.”

Mr. Mantell, however, states that in a personal interview with Colonel Wynyard, on the 19th

¹ App. No. 7, Sir George Grey to Earl Grey, 10th February, 1849, p. 212, Vol. i., Native Affairs, South Island.

² App. No. 8, Mr. Mantell to Hon. Colonial Secretary, letter, 30th January, 1849, p. 216, Vol. i., N.A., S.I.

³ App. No. 9, Letter, 26th February 1849, Lieut.-Governor Eyre to Mr. Fox, p. 222, Vol. i., N.A., S.I.

⁴ App. No. 10, Letter from Mr. Mantell to Principal Secretary of State, 5th July, 1856, p. 82, Vol. ii., N.A., S.I.

⁵ App. No. 11, Mr. Mantell to Mr. Merivale, 31st July, 1856, pp. 83, 84, Vol. ii., N.A., S.I.