

In 1868 Native Land Court sittings were appointed for the purpose of investigating the claims of Natives to reserves in the Middle Island.

At first it appears to have been proposed to confine these investigations to apportioning the reserves which had been made amongst the Natives interested. Difficulties arose in the matter, as will be seen in the following extract from a letter of Mr. Mantell's of the 13th April, 1868:¹ "If the investigations of the Court are to be limited to the apportioning of the present so-called Native reserves among the Natives my presence at such sittings might prove more than useless."

The Chief Judge of the Court seems to have proposed a solution of these difficulties. On the 27th April, 1868, the Hon. Mr. Domett wrote as follows:² "The Chief Judge (sitting 24th April) said he had a proposal to make to the Crown Agents, which, if consented to, might *end the case*. I think this proposal should be communicated to Government before anything is decided with respect to making 'future' (by which I understand fresh) reserves. I cannot see that the Natives have any right to them. Mr. Mantell made reserves, after much negotiation and consideration, which Mr. Hamilton, years after, though evidently very favourable to Native rights and claims, seems to have considered 'very ample' (*vide* Appendix to House of Representatives, C.-3, p. 33). Mr. Hamilton would not agree to give more reserves, but got them paid more money. Mr. McLean approved all his proceedings, and Government also. They have been constantly treated as final. . . . Nevertheless, to settle the case, if Mr. Rolleston can show that the Government is in any way pledged to fulfil its contracts to make more reserves I would recommend that they be made to a moderate extent. The province is greatly concerned, as the reserves will have to come out of what, if there be no contract, is provincial land. I would advise Mr. Rolleston to define his proposal in detail, and give what reasons he can in support of it."

This extension of the case to be referred to the Native Land Court seems to have originated in a letter written by Mr. Rolleston, who was acting for the Crown, dated the 17th April, 1868.⁴ He said in this letter, "The investigation of the Native Land Court, now sitting in Christchurch, in respect of the Native reserves in this province, has brought out evidence which, in common with the document relating to the Ngaitahu purchase, shows that the deed of cession under which the Ngaitahu Block was obtained is of a very unsatisfactory character, containing promises which have never yet been wholly fulfilled, and leaving a considerable feeling of discontent in the minds of the Natives. It appears, further, that there are a number of Natives who, under existing arrangements, are either insufficiently provided for in the present reserves or, having returned to the country since the purchase, are entitled to have provision made for them."

The Court sat in Christchurch and Dunedin respectively, and made certain awards at both sittings.⁵ Schedules of the reserves in Canterbury and Otago as awarded are appended herewith.⁶

At the conclusion of the Court Mr. A. Mackay reported to the Government as follows:⁷ "The Court has ordered, in final extinguishment of all claims and engagements created under Kemp's deed, that land to the extent of 2,094 acres should be awarded to the Natives out of Crown lands within the Province of Otago, out of which 1,000 acres has been allotted in satisfaction of the claim of those Natives who signed the deed, and to the immediate descendants of those who were parties to the sale but never received any share of the land reserved for Native purposes within the boundaries of that purchase as stipulated by the deed. I beg to hand you copies of correspondence relative to the setting-apart of Crown lands in the province [Otago] awarded by the Court to the Natives in final extinguishment of all claims under Kemp's deed of purchase, together with a schedule of the lands selected. In conclusion, I have much pleasure in reporting that the whole of the cases dealt with by the Court have been finally and satisfactorily concluded."

The next stage in the case was in 1872, when the Natives petitioned Parliament, and a Select Committee was appointed to inquire into and report upon the unfulfilled promises. The Committee duly reported on the 21st October,⁸ and expressed the opinion that "a further inquiry should be instituted into the merits of these claims by an impartial Commission, such as that proposed in the Hawke's Bay Native Lands Alienation Commission Act now before Parliament, which should act in such inquiry as a Court of equity and good conscience."

Prominence was again given to the question in 1874, on a petition to Parliament, upon which a Select Committee reported on the 11th August in that year. The recommendation of the Committee was as follows: "That the Government undertake the immediate settlement of the claims of the Natives of the Middle Island during the recess, either on their own responsibility or by the appointment of two Commissioners, one to be nominated by the Government, the other by the Natives, and whose decision shall be final and binding on both parties; Commission to have power to appoint an umpire in case of disagreement."

In 1875 the Native Affairs Committee, on a petition from John Topi Patuki and others, reported as follows: "The Committee on Native Affairs, to whom was referred the petition of John Topi Patuki and others for investigation into claims of Natives of the Middle Island, have the honour to report that they have examined the petition, and report that Commissioners be appointed by His Excellency the Governor to inquire into, and report to Parliament next session on, the alleged unfulfilled promises in connection with land purchases in the Middle Island; such inquiry

¹ App. No. 17, Mr. Mantell to Native Department, 13th April, 1868, p. 183, Vol. ii., Native Affairs, South Island.

² App. No. 18, Mr. Domett's memorandum, 27th April, 1868, p. 184, Vol. ii., N.A., S.I.

³ Ditto, page 185.

⁴ App. No. 19, Letter from Mr. Rolleston to Provincial Secretary, Christchurch, 17th April, 1868, p. 185, Vol. ii., N.A., S.I.

⁵ App. No. 20, Reserves in Canterbury, p. 186, Vol. ii., N.A., S.I.

⁶ App. No. 21, Reserves in Otago, pp. 244, 245, Vol. ii., N.A., S.I.

⁷ App. No. 22, Letter from Mr. A. Mackay to the Native Department, 29th May, 1868, pp. 251, 252, Vol. ii., N.A., S.I.

⁸ App. No. 23, Report of the Committee on Middle Island Native Affairs, 21st October, 1872, H.-9, 1872.