

have, from a combination of difficulties, been frustrated, and not the least of these difficulties was the want of pecuniary means. Their applications to the public have been either coldly met or wholly unreciprocated. The agents for this society have been told that the Natives hold large reserves, which are for the most part lying waste, the Natives occupying only small portions, which, if let, would bring in ample means. Upon this ground assistance has been refused. The fact that the Natives cannot deal with their own reserves does not appear to have occurred to these objectors."

The position was, of course, that these reserves were tied up so that the Natives could not let them, and it was not possible without the consent of the Government to turn them into revenue-producing areas. That is the report made to the Government in 1864, and I venture to submit that to the Committee as conclusive proof that no attention whatever had been paid by the Government then—after a period of sixteen years—to the original promises under which the cession of this land had been obtained.

The next step to which I should like to call attention is that in the year 1863 the Native Land Court Act was passed—while the war was in hand. There was a general overhaul of Native-land legislation, and a consolidating Act was passed, and under section 83 the Governor was empowered at any time to direct the Court to investigate titles and interests in lands purchased by officers of the Government, and the Court might make orders for the completion of agreements. In 1868 a Native Land Court was sitting in the South Island. It had gone there without any reference at all to these claims—it had gone there simply to deal with the Port Levy Reserve and to do the usual business of a Native Land Court—individualizing of titles, allowance of successions, and that kind of thing. It had not gone there with this claim in view at all. But when sitting in Christchurch in 1868 the deed relating to the original purchase came to be before the Court. It came to be before the Court because one of the matters which the Court had to deal with was the partitioning and allocation of some reserves that had been made at Kaiapoi under the original deed. When this came to be looked into, a very alarming discovery was made, and that was, as the Court held at that time, that this deed was really absolutely valueless. The Natives had never repudiated it, of course, but the Governor's Advisers discovered that it was worthless; that a large number of the Natives who were interested had never signed it; and that many of the Natives who had signed it, or who were interested, had received no compensation. It was also realized that it contained promises as to the making of future reserves, and that these had not been carried out. The result of that was this, as will be seen from page 27, I.—8: that Mr. Rolleston, who was then acting as agent before the Court on behalf of the Government, at once wrote to the Provincial Secretary, pointing out that some steps ought to be taken in order that the matter might be put right. That was on the 17th April, 1868. On the 28th April, 1868, Sir John Hall—the Governor being then in the Bay of Islands, and not able, therefore, to issue a Commission under the Native Land Act—took upon himself to issue the Commission at Christchurch to determine the claim of the Natives under this deed.

*The Chairman:* What position did Sir John Hall hold?

*Mr. Hosking:* He was a Minister of the Crown—I do not know quite what.

*Hon. Mr. Carroll:* There was a validating Act afterwards?

*Mr. Hosking:* Yes. On the 28th April, 1868, consequent on a telegram from Wellington, which is set out at page 27, this Commission was issued by Sir John Hall; and on the 6th May—eight days afterwards—the Court made its award in settlement of this claim. The Natives have always complained that that award was sprung upon them, and it is obvious, if these dates are attended to, that that must have been the case. Here, suddenly, to a Court that is sitting not for the purpose of dealing with this claim at all, the direction comes that they are to investigate the claim and make an award. What chance was there, then, for the Natives scattered throughout the Island—although many of them may have been present at the Court—to have really considered what the position was, and placed themselves in a position to urge their claims before the Court in a proper way. It must be obvious to any one who pays the least attention to the dates given, and the wide-reaching character of the subject, that the matter could not have received adequate consideration in eight days, and that the Natives must have had that order made against them without any concurrence on their part. It was realized that this action of Sir John Hall's was illegal, so an Act was passed in the same year validating it, also validating the deed, and providing that this award of the Native Land Court which was then made was, as the award itself said, to be in extinguishment of the claims which the Natives had under the deed.

*Hon. Mr. Ngata:* What is the name of the Act?

*Mr. Hosking:* The Ngaitahu Validation Act, 1868. On that occasion the additional areas awarded were 2,094 acres in Otago and 2,695 in Canterbury—that is, 4,789 acres—and that was simply to bring up the average to 14 acres per head, instead of 10 acres; and 1,000 acres of that area was to go to those who had received no part of the original payment. This was partly done by taking from those who had an excess area, and transferring the excess to those who had less. It was really what we venture to describe as a piece of high-handed tyranny on the part of the Court. Without consulting the Natives, without giving them an opportunity of being present, for that is what it came to, because in the eight days it was impossible to assemble the Natives in order to have them all represented before the Court, and to make an order that for 4,000-odd acres of land they were to extinguish their claims under this original deed was not, we submit, a transaction that in natural justice should stand. That such was the position has been recognized by repeated Commissions. In 1872 the matter came before the House, and the report of the Committee will be found on page 29 of this paper, I.—8, for 1888:—

"The Committee, to whom was referred the consideration of the Middle Island Native affairs, have the honour to report that they have agreed to the following resolutions" (this