

Parliament almost as soon as it was made, because this Commission says, "You are to go ahead and inquire into these claims, notwithstanding that Court, and notwithstanding that its action was validated by an Act of Parliament." Messrs. Smith and Nairn, I think, occupied two years over this report; they had to inquire into other matters as well as the Ngaitahu purchase. They were furnished with the means of subsistence during the first year, and when the second year came by I think complaint was made about the expense that was being incurred, and so Parliament voted no more funds for the work, and the Commission practically came to an end so far as further investigation was concerned. But they had collected evidence, which is to be found in these two volumes that we hope may be forthcoming, and upon that they made their findings, which were printed amongst the parliamentary papers, and which I now propose to refer to very shortly. The report is at page 54 of I.—8. They say,—

"Having regard to the evidence laid before Select Committees of the House of Representatives, to the instructions of the Imperial Government . . . 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 an 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. . . . 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.'"

That is to be found in parliamentary papers for 1872, H.—9. Mr. Mantell, giving his evidence on oath, stated that that was the intention. The report goes on,—

"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."

Then they refer to the evidence by which this is borne out, and proceed,—

"The result of our inquiry, so far as completed, has been to satisfy us that promises were made which involved a reservation for the benefit of the Native sellers of a large and permanent interest in the land ceded, which would be fairly and properly represented by one acre reserved for every ten acres sold to European settlers. No such reservation has been carried out. Had it been, it may be presumed that a fund would have been created out of which might have been defrayed the cost of establishing and maintaining hospitals and schools, and making other provision for the welfare of the Maori owners of the ceded lands as promised. We think it must be admitted that those promises remain unfulfilled."

This was in 1881, thirty-odd years after the sale had taken place.

"As regards schools, it would appear from the evidence that until very recently scarcely any attempt at fulfilment has been made. It is true that the obligation incurred by the Government in respect of the promise of additional reserves to be set apart for the aboriginal owners of the Ngaitahu Block was defined by the Native Land Court in 1868."

Then they go on to explain why that should not be considered as binding them, in the direction that I have already read from this report. What Messrs. Smith and Nairn propose as a means of settlement is,—

"That an account should be opened as between the Government and the Ngaitahu; that on the one side should be entered the eleventh part of the proceeds of all land sold by the Government within those two blocks. On the other side of the account should be entered—first, the present value of all reserves which have been made for, and are in the possession of, Maoris within those blocks; second, the total expenditure by the Government for the benefit of the Ngaitahu or other tribes interested in the land, including all payments on account of lands within the boundaries of the Ngaitahu and Otakou Blocks made subsequently to those referred to in the deeds of cession as the money consideration. The balance to be regarded as a funded debt, a fair interest on which should be allowed and applied for the general purpose of ameliorating the condition of the Natives interested."