

acknowledges the receipt of that £800, and there is no reason to believe that the Crown wrongfully withheld the payment after receiving an acknowledgement in the deed, and in view of the fact that the deed was written and executed in Maori it is equally unlikely that the signatures were given without the money being paid.

82. With regard to the third claim, it is submitted by the petitioners that the loyal Natives made a definite bargain with the Crown to cede the Kauhoroa Block in consideration, *inter alia*, of the Crown giving them the whole of the balance of the confiscated blocks released by the deed of cession, and that the loyal Natives were entitled, therefore, to the whole of the four blocks—viz., Ruakituri, Taramarama, Tukurangi, and Waiau Blocks. In support of their claim the petitioners relied upon the following statement in a report written by Mr. Locke to Mr. McLean on the 5th October, 1869: “Ihaka Whaanga, Paora Te Apatu, and other chiefs appeared anxious to know whether the arrangements that were made in the presence of Messrs. McLean and Richmond at Hatepe, Wairoa, respecting the lands to be returned to the Government Natives at Wairoa, would be carried out. Those arrangements were that that portion of the confiscated block not taken by the Government should be returned with Government certificate to those loyal chiefs who fought for us at the Wairoa. That arrangement has not yet been carried out. It is very desirable that a matter which has now been pending over three years should be settled without further delay.”

83. The petitioners relied also on the terms of the deed of cession in proof of their claim. By that deed the Crown withdrew all claims to the land outside the Kauhoroa Block. That meant, of course, a withdrawal in favour of some particular person or persons. Obviously, it was not intended to be for the benefit of any of the rebels, and must have been for the benefit of the loyal chiefs and Natives. The only claim the Crown had in the land in question was to the interests of the rebels. It had an inchoate right to these interests, and that right could have been made complete and effective by obtaining a certificate under section 4 of the Act of 1866, or under section 4 of the Act of 1868, which replaced the Act of 1866. Having regard to this position, the deed of cession ought to be construed, we think, as being in effect as assignment to the loyal chiefs and Natives of the claim of the Crown to the interests of the rebels. This would involve also an undertaking by the Crown to do whatever was necessary to make the assignment effective and to give the loyal chiefs and Natives a title to the land. Instead of doing that by obtaining a certificate under section 4, of the Act or by getting the necessary legislation passed by Parliament, the Crown allowed the matter to drift, and ultimately the loyal Natives had to accept the agreement embodied in the deed of the 6th August, 1872. This deed, which was signed by only eighteen Natives, of whom three, we were told, were rebels, provided that the land in question should be conveyed to the loyal claimants to be subdivided into several portions to the Natives mentioned in the schedule. In the schedule were included one member of the Urewera Tribe and a number of other rebel Natives. But this agreement was not carried into effect, and the question of the four blocks was considered at a large meeting of Natives held at Wairoa on the 29th October, 1875. Mr. Locke was present at the meeting and addressed the Natives. The following is an extract from the report furnished by himself of his address: “This land—that is, up to Waikaremoana Lake—was confiscated during the time of the rebellion, the principal owners of the land having allied themselves with the enemy of the Government. On the restoration of peace some little time elapsed, when the Government relinquished its hold to a large tract of the country so confiscated in favour of the Natives of the district who had throughout preserved their allegiance to the Crown.” Mr. Locke addressed the Natives again at a later stage of the meeting, and this is an extract from the report of his speech: “On peace being made with the Urewera Natives they submitted a claim to this land in conjunction with the Ngatikahungunu Natives, to whom the land had been returned. Had the Government acquired and retained this land before the restoration of peace with the Urewera, no claim of theirs would ever have been heard of to the land in question. The Government were evincing no small consideration for the Urewera Natives in sanctioning at all the investigation of the claim put forth by them, considering the ground upon which they assert their rights, being, as they were at the time, in rebellion when the land was confiscated and dealt with.”