

reserves was first raised?—I think I stated to the Committee that the sitting of the Land Court was the first occasion when the idea of largely-increased areas arose. Mr. Hunter Brown's instructions from Mr. Mantell, himself a Commissioner, had not any reference to that; and, indeed, if my memory is not mistaken, there is an occasion on which Mr. Hunter Brown was instructed—in fact, it is in his instructions—not to discuss with the Natives the question of increased areas being given to them. It was after that period that this question arose.

38. You are aware that in 1864 Mr. Clarke was sent down to the Middle Island to examine and report upon the alleged grievances of the Natives?—Yes.

39. Is it not the case that on that occasion he did not refer at all to any allegations being made by the Natives of promises having been unfulfilled as regards the setting-apart of reserves?—That is so, to the best of my recollection. That was prior to the date of the appointment of Mr. Hunter Brown. As I say, it was not till the time of the sitting of the Court and the dealing with this question that this idea attained any prominence.

40. Then, this alleged grievance as regards the insufficiency of reserves must have arisen fifteen or twenty years after the signing of the deed?—Yes.

41. I gather that, from the knowledge you possess upon the subject, you still incline towards the opinion that there should be further investigations into the matter, so far as it is necessitated by a desire to meet the claims of those who are landless?—I was a member of a Committee which came to that conclusion—that it was advisable that an investigation should take place, if there were any landless Natives. But, in my own opinion, there is no ground for reopening the general question at all. If it had not been for reports of that kind the claims would never have been raised. If anything is to be done I am clearly of opinion that every Native who has received land under Mr. Mantell's award, or the Native Land Court award, should not have the sufficiency or otherwise of his allotment considered.

42. Should not have the allotment called in question?—I do not think the question should be reopened except in respect to Natives who are in want. The Native Land Court has been occupied in determining the titles to the subdivisions of these reserves, and if the Court does its duty this question will never be heard of again. But there may be a few cases, perfectly trivial in quantity, where subsequent claims are arising from Natives coming in. I do not see why they should come in. I do not see any ground for complaint.

43. *Mr. Beetham.*] You told us, Mr. Rolleston, did you not, that the Native Land Act was passed in 1885?—In 1865.

44. And the Court sat to investigate into complaints in 1868?—Yes.

45. And we understand that the Ngaitahu Settlement Claims Act passed in 1868 rendered final the award of the Court held in the same year?—The Ngaitahu Reference Validation Act was merely to deal with a technical point that arose in reference to this deed. Under the Act of 1865 the Government had power to refer all inchoate purchases to the Native Land Court for final determination. A technical point arose in respect of that order of reference, which was set right in 1868, when the Natives were before the Court by counsel, and the Government was also there by counsel. I myself was there as Crown Agent, and Mr. Mackay generally, as assisting in the whole thing. It was a matter of agreement between both parties to accept the decision of the Court. The question which arose, as you will see by reference to the preamble, was a mere technical one, which was set right in 1868. It was not a question of allowing the thing to be done, but the order of reference was signed by a Minister of the Crown instead of by the Governor. Now, the habit of the Court was this: that, the Crown Agent acting, being authorised to act, as I was, for the Crown, what he stated was taken by the Court as the act of the Crown. It was impossible to conduct the Court otherwise.

46. Another point I am not quite clear about. Have I not heard you say that at the Court you recommended that one acre in ten be set aside for the benefit of the Natives: were those instructions to the purchasers or Mr. Mackay's recommendation?—No; that question has no bearing upon the Ngaitahu.

47. And, from your own knowledge, do you know whether all the Natives interested in the Ngaitahu had sufficient notice to enable them to attend the Court in 1868?—Absolutely so; full notice; and for months before, as the records will show, those present at the sittings of the Court were told. And letter after letter was sent out stating that the Court would sit to hear their claims; and Natives were present from all parts.

48. *Mr. Carroll.*] You say that at the sitting of the Native Land Court in 1868 Mr. Mackay was there to assist the Natives?—Yes.

49. Was he a Government officer at the time?—Yes, he was.

50. Was there any arrangement between the Native claimants and the Government that the decision of the Native Land Court should be final?—It was the essence of the reference to the Native Land Court that it should be so.

51. You say that these claims were not made before the year 1868?—Not in the manner in which they are now alleged.

52. They were alleged in a different form?—Yes. There were land claims to the Kaitorete Spit, in Canterbury, and certain portions of ground which the Natives wished to obtain; and they were, of course, dealt with by the Court in the award. Some blocks were given in the nature of reserves, and others were given so that they would not interfere with the general progress of the country—that is, with respect to the drainage of the country, fishing-ground, Lake Ellesmere, and so on. You will find it all set out in the judgment of the Court.

53. The Ngaitahu purchase extended from one coast to the other, and afterwards a portion of the same block was sold. What was the reason of that?—It was considered, I think, that the Tainui followers had not been sufficiently dealt with in respect to these West Coast reserves, and for that reason this purchase was made. I may say the records are very scanty upon that matter;