

*Witness* : You will see that it is minuted at the corner.

142. *Hon. the Chairman.*] Yes, the minutes are, "Yes—W. Fox. Yes—Reader Wood. I. E. F. Yes—J. Williamson. T. H." Will you say why you declined to approve of the reserve of four hundred acres to Topi?—Because Captain Stokes had no authority to make such reserves. I had reason to believe that this was not the only case in which Captain Stokes had pointed out reserves for the Natives. My proceedings in subsequent land-purchases would have been embarrassed if sanction had been given to any one of them.

143. In your negotiations with the Natives, did you ever hold out to them any expectation of their receiving what is known as "tenths"?—No, not in the Ngaitahu Block. At the time the Ngaitahu Block was treated for the practice of giving tenths had been dropped. [Note by Chairman: Mr. Mantell also said that he distinctly told the Natives tenths would not apply to Ngaitahu.]

144. In making the reserves that were promised, and which you allotted, what reason had you in making a distinction in the quantity allotted between the Maoris of different ranks?—I scarcely understand your question.

145. Your award of reserves afterwards was on a uniform principle, was it not, as far as quantity?—Yes, so far as quantity was concerned. You will find evidence given before the Native Land Court, so far as I can recollect, in which about ten acres a head was looked upon as the correct award. I endeavoured to restrict the award to that amount in order to please the Government. But full evidence on that subject was given fully twenty years ago before the Native Land Court.

146. When you say you desired to please the Government, do you mean that you endeavoured to make the best bargain for the Government that you could?—I naturally desired to make the best bargain I could for the Government, because I looked to the Government for my future employment.

147. Have you ever formed any opinion as to the measure of relief that would satisfy the justice of the case from your point of view?—I could express no opinion about that.

148. You have not formed any opinion?—Not of late years, because I look upon the matter as past praying for. It is now, I think, impossible for any Government to satisfy the merits of the case compatibly with our institutions.

149. Are you of opinion that any relief should be granted?—I cannot say that; but I am not able to assist the Committee with any opinion as to what would be adequate. I wish the Committee to understand that, in taking the position which I have taken throughout this matter, I have been actuated simply by a conviction that it was our duty to adhere to our promises and contracts, not from any sentimental feelings towards the Natives, but in order to uphold the honour of our countrymen. That, I think, in connection with this matter is past praying for, and my interest in the subject has therefore ceased.

150. *Captain Russell.*] What do you imply when you say that the matter is "past praying for," and that your action was dictated by a desire to uphold the honour of the country?—The Imperial Government had it in its power for several years after it had ceased to be encumbered with companies to fulfil the terms which had been entered into by its own officers, and under its own direction.

151. *Mr. Carroll.*] You said something about Captain Stokes making reserves: did he make any reserves in connection with the Ngaitahu?—Oh, no! he made the reserves quite irrespective of that. It was at the Bluff, and not within the boundaries of the Ngaitahu purchase.

152. You say the Government could not possibly satisfy the merits of the case now; that it is past praying for: do you mean that you admit that at one time there was a chance of getting something done?—I would withdraw the expression "past praying for," because nothing is past praying for. I used the expression merely as a synonym for hopeless. It is quite competent for the Natives and their friends to pray for that or anything else. I certainly think that until the present Constitution was introduced into New Zealand it was always in the power of the Imperial Government to have a proper settlement of the matter effected.

153. Had the Natives a right to reserves then that they have not now; were they entitled to any relief then to which they are not entitled now?—I think they were entitled then, as they may theoretically be now, to the fulfilment of the promises which I made to them, as fully described in evidence of mine given in 1868. But at that time some promises might have been fully satisfied. At that time, also, the undertaking to give tenths within the Otago Block might have been fully satisfied by the Imperial Government without injury to anybody.

154. Then, they have never been satisfied?—No, they have not been satisfied, I believe.

155. *Captain Russell.*] You said just now that when you completed the Ngaitahu transaction the tenths had been dropped. Now, do you imagine that when the Natives were negotiated with they realised that they had been dropped?—Yes, it had been a matter of discussion between us; and I told them, whenever the question was raised, that the giving of tenths had been discontinued.

156. You think that, when they parted with the block, they accepted such reserves as you made as a final settlement of their land claims?—Oh, no! by no means. It is a rather embarrassing thing to have to go over and over again, after a lapse of many years, evidence given before. I prefer that my previous evidence should be taken in case of any apparent discrepancy between what I say then and now. The deed drawn up by Kemp spoke of future reserves being made for them. The deed, as you remember, was an informal one, and was declared by the Law Officers of the Crown to be not worth the parchment it was written on. When I was first sent down, in August, 1848, I was instructed to submit a new deed, which I still have, as given to me, in English. I was to translate it into Maori. But before I got down as far as Waikouaiti contrary instructions were given that the old deed was to be adhered to. That deed was brought up before the Native Land Court in Christchurch in 1868, I think, and it was impugned by the counsel for the Maoris on that occasion. But by a peculiar process, in which, I regret to say, a perfectly innocent gentleman was induced to take part, a fraud was perpetrated by the Court, or, rather, at the suggestion of the Court, by the