

SESS. II.—1891.  
NEW ZEALAND.

# MIDDLE ISLAND NATIVE CLAIMS

(FURTHER REPORTS BY MR. COMMISSIONER MACKAY RELATING TO).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

Mr. Commissioner MACKAY to the Hon. the NATIVE MINISTER.

SIR,—

Native Land Court Department, Wellington, 16th July, 1891.

In conformity with the intention expressed in the letter addressed to you on the 16th instant, covering my Report to His Excellency the Governor on the Middle Island Native land question, I have the honour to submit the following information as a supplementary Report, in consequence of there being a number of matters outside the scope of the Commission issued to me on the 10th December, 1890, which the Natives interested in the blocks dealt with under the inquiry are desirous should be brought before the Government, with the object of placing the whole question on a broader basis, as their view of the case is that the Commission appears only to embrace part of the issues which should be presented for consideration in order to render it possible to form a correct conclusion upon a subject of vast importance to them, and one that has agitated their minds for many years past.

One of the principal matters the Natives desired should be submitted for the consideration of the Government is the fact that, although the supplementary Commission dated the 20th day of July, 1886, distinctly admits that they had a claim to consideration, inasmuch as it was part of the inquiry that they were to be consulted as to whether they were willing or desirous of accepting a grant of land in final settlement of any claims or demand on the Government for the non-fulfilment of any of the terms and conditions of any of the said purchases or of any promises made in connection therewith, yet this admission of their claims had been overlooked in the Commission issued on the 10th December, 1890, which limited the inquiry to the claims of those who were unprovided with land, although the Natives, at the inquiry held under the Commission of 1886, had signified their acceptance of the offer.

The Natives urge that their claims have been periodically before Parliament on numerous occasions, and it has been invariably admitted that they are entitled to consideration for the non-fulfilment of the original terms of purchase: they are therefore at a loss now to understand the utility of offering terms of settlement for their acceptance if such offer is to be overlooked in the final consideration of their case, after having expressed their willingness to accept such terms.

Numerous instances can be quoted in support of the contention of the Natives that their claims have been generally admitted.

The first one probably on record is to be found in the Journals of the House of Representatives of 1863. On the 30th November of that year a resolution of the House was carried, on the motion of Mr. Wayne, the member for Hampden, "That the good faith of the Crown having been pledged in the acquisition of the territory of the Ngaitahu tribes by Mr. Commissioner Mantell, to the adoption of measures for the permanent benefit and civilization of the Natives, which pledge the Natives complain has not been redeemed, *it is the opinion of this House that no time should be lost in ascertaining precisely the nature and extent of the engagements made by Commissioner Mantell and in fulfilling the same in a just and liberal spirit.*"

On the 5th September, 1866, the Hon. Mr. J. C. Richmond laid on the table of the House of Representatives a memorandum, written by Sir W. Fox in 1864, when he was Colonial Secretary, relative to the claims of the Ngaitahu Tribe, for consideration. The substance of this memorandum has been already alluded to in my report of 1887.

In 1875 the House of Representatives decided that a Royal Commission should be appointed to investigate the claims of the Natives, and, after various efforts to carry out the intention of the Legislature, Judge Fenton was authorised to report on the question, but the Natives were not satisfied with the result, and still persisted in their efforts to obtain a further inquiry into their claims.

The Natives had previously petitioned Parliament in 1872 and 1874. The Select Committee appointed to consider the petition of 1872 reported "*that the claims of the Natives had not hitherto had that consideration which they deserve.*"