

inquiries into their condition and the nature of their claims, and nothing had come of it. The first attempt made by the Natives to obtain a settlement of their claims was by holding meetings and subscribing money to aid Tairaroa in establishing them. A considerable sum of money had been collected for this purpose, but no good had resulted from their efforts. Afterwards a Commission was appointed to inquire into their claim, and sittings were held by Messrs. Smith and Nairn in different localities to obtain information on the subject. The Commissioners reported on their case, but nothing came of it.

"Another Commission was held in 1887, and another report furnished; but beyond it having been under consideration for the last three sessions no benefit had resulted, and now another inquiry was being held. All this procedure was very perplexing, and appeared to the Natives, from their stand-point, to be entirely useless, as Government, if it intended to do justice in the matter, were already fully aware of their obligations; and why did they not fulfil them, instead of perpetually finding some reason for postponing a settlement."

Some of the younger men, when testifying as to the insufficiency of the acreage owned by them for the support of their families, remarked that it would be better for them all to die, as there appeared to be no future for them; every year they found it more difficult to find employment, and if the labour-market was closed against them it would be impossible to live on the small parcels of land they possessed. Their fisheries, that used to afford them a slender assistance in providing food for their families, were for the most part destroyed by the drainage of the country or other causes, and other streams and rivers were now rendered unavailable through being stocked with European fish.

At page 2 of the Report of the Joint Committee on the Middle Island Native claims, dated the 10th September, 1889, the following particulars appear relative to the aforesaid claims: "There seems, further, to be no doubt that the Natives had held out to them, as an inducement to sell, a promise that further reserves would be made for their benefit, and an assurance that by selling their lands, and thus facilitating the settlement of Europeans in their midst, they and their children would share in the general care, solicitude, and protection afforded by Government to Her Majesty's subjects; but there exists no satisfactory proof that authority was ever given by the Government for any definite promise in this respect, or that any Government officer ever reported to the Government that any such promise had been made until upwards of seven years after the Commissioner for extinguishing Native claims had reported that his 'mission was ended' and the duty intrusted to him fulfilled.

"It is certain that any responsibility undertaken by the Imperial Government in regard to Ngaitahu is morally binding on the Colonial Government.

"The questions that have been investigated by the Committee may be stated thus:—

"Have the promises and assurances made been substantially fulfilled in regard to—(1) Reservations of Native reserves and cultivations, (2) further land reserves, (3) schools, (4) hospitals, (5) constant solicitude for their welfare?

"The evidence establishes, in the opinion of the Committee, that the promises made in regard to the Native residences and cultivations were fulfilled.

"The Committee are also of opinion that the further land reserves made (although not undertaken in so liberal a spirit as might have been suitable to the case) may be considered as having substantially discharged the public obligations under this head. The proceedings and awards of the Native Land Courts in 1868 may be studied with advantage as establishing this view. In saying this the Committee quite recognise that, although the awards of further reserves may have reasonably met the demands arising out of the promises made, it may yet be found highly expedient that more land should be provided where the provision proves to be insufficient to afford Natives a livelihood."

With reference to the last paragraph of the foregoing extract, I beg respectfully to submit, with all deference to the opinion expressed by the Committee, that the reserves set apart, inclusive of the awards of the Native Land Court in 1868, cannot be considered as having discharged the public obligations under this head, for the reason that the trifling additions made by the Native Land Court do not adequately carry out the original intention that the owners of Kemp's Block should be provided with "ample reserves," as the increase to 14 acres per individual did not bring the quantity within the meaning of that term; and this view of the matter is borne out by the evidence given by Sir George Grey before the Commission in 1879, as follows:—"I know the intention was to give them considerable reserves, and the impression left on my mind from what I have seen of the reserves is that the original intention has never been properly carried out. . . . I had no instructions regarding the "tenths," but I certainly contemplated much larger reserves than 14 acres a head. I think I should have been no party to the purchase if I believed that was all they were going to get. I would not have made the purchase on those conditions; would not have consented to act as the agent to do it."

This is surely sufficient evidence in support of the view that the obligations of the Government had not been substantially discharged by the action taken in 1868 to give effect to the terms of Kemp's deed "that additional reserves should be set apart by the Governor on the land being surveyed." The quantity set apart in 1868 was merely a theoretical quantity, and was based on the subdivision of the Kaiapoi Reserve in 1862 into farms of 14 acres, much in the same manner that the average quantity of 10 acres per individual was adopted by Mr. Commissioner Mantell in 1848 from an estimate furnished him by Colonel McCleverty, whom he had consulted on the matter, but this quantity was only intended for their present wants.

This was the cause that led to 14 acres being fixed in 1868, and that quantity was simply adopted for the purpose of putting all the Natives on the same footing, but the Court accepted it as a full extinguishment of the conditions of Kemp's purchase.

This view of the case, however, was not accepted by the Natives who petitioned Parliament in 1872. This petition was referred to a Select Committee, who reported as follows:—"That the evidence taken by the Committee in reference to the claim of the Natives of the Middle Island, though