

1888.
NEW ZEALAND.

MIDDLE ISLAND NATIVE LAND QUESTION

(REPORT ON), BY MR. COMMISSIONER MACKAY.

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

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

SIR,—

Temuka, 5th May, 1887.

I have the honour to transmit herewith my report on the Middle Island question referred to me under Royal Commission, dated the 12th May, 1886, and beg respectfully to request that the same may be laid before His Excellency the Governor, to whom it is addressed.

The importance of the matter has compelled me to go to some length in dealing with it, for the purpose of placing the whole question in an intelligible shape to enable it to be fully comprehended, and all the obligations, whether legally or morally binding on the Government, to be fulfilled in the fullest and fairest manner.

The whole of the land purchases in the southern provinces have been dealt with in my report, and the recommendations made in regard to the Ngaitahu and Murihiku purchases are of a twofold character.

(a.) That blocks of land should be set apart as an endowment to provide an independent fund for the promotion of the objects which were held out to the Natives as an inducement to part with their land. A fund of this kind would possess manifold advantages, one of the chief being that the moneys accruing for the purpose would be derived from a permanent and independent source, removed from the ever-varying influence of Parliament, or other causes which have hitherto interfered with an equitable fulfilment of the claims of the southern Natives.

The following objects are some of the purposes for which the moneys could be expended: (1) The erection and maintenance of schoolhouses and other buildings for general purposes; (2) the fencing, improving, and drainage of land; (3) the purchase of implements of husbandry; (4) medical aid and medicines; (5) schoolmasters' salaries; (6) purchase of books and other school-requisites; (7) contribution to local rates; (8) the purchase of food and clothing for destitute and decrepit Natives; (9) and generally for any other purposes that would tend to promote the social and moral welfare of the Natives.

(b.) That blocks of land be set apart for the use and occupation of the Natives to an extent that would augment the quantity owned by each man, woman, and child to fifty acres per head.

Under those heads the following quantities have been recommended in the under-mentioned blocks, namely:—

Ngaitahu Purchase.—(1) Endowment purposes, 100,000 acres; (2) individual use and occupation, in addition to the quantity already reserved, 30,700 acres: total, 130,700 acres.

Murihiku Purchase.—(1) Endowment purposes, 40,000 acres; (2) individual use and occupation, in addition to the quantity already reserved, 15,412 acres: total, 55,412 acres.

Being a gross total of 186,112 acres for all purposes in both blocks.

The Akaroa purchases are included in the Ngaitahu Block.

I have not made any recommendation in respect of the Otakou Block, but have furnished full particulars touching the acquisition of the land and the obligations pertaining to it, which will serve as a basis of operation for future action.

I have been unable to fully complete the whole of the duties devolving on me under the Commission as regards—(1) The selection of the land; (2) the ascertainment of the names, &c., on whose behalf provision of land should be made.

As regards the first matter, the Survey Department possesses the best facilities for this part of the work, and I would beg to recommend that it be asked to perform the duty. With reference to the second, the actual position of the matter as regards individual acreage cannot be finally determined until the whole of the Court-work is completed, and the records of acreage—allotted individually—are made up for each settlement.

Under the proposition made by me touching the land to be set apart for endowment purposes, there is nothing to prevent some of the best pastoral or agricultural land being appropriated for it, as existing rights will not be interfered with, nor will the settlement of the country be impeded, as it will still, notwithstanding the dedication to other uses, remain under the control of the Commissioner of Crown Lands, to be treated precisely in the same manner as other waste lands, the only difference being that the revenue accruing would have to be paid to a separate account.

Although the obligations of the Government in regard to the Native claims in the South Island have been recognised over and over again, and many efforts of late have been made to devise some satisfactory adjustment of them, every attempt that has been made hitherto appears to have left the question almost as far removed as ever from a complete settlement; and I venture to indulge a hope that this may not prove the case in the present instance, for, even if the recommendations made do not meet with approval in their entirety, they will serve as a basis of operation on which other and perhaps more recommendable propositions can be founded.

In conclusion, I would beg to point out that I adopted the course detailed in my report from a sincere desire to aid, to the best of my ability, a speedy termination of the manifold diverse views and opinions which have arisen with respect to these claims, as well as to promote to the utmost a satisfactory settlement of these long-outstanding questions; and I venture to express a hope, when all the circumstances are fully comprehended, that a fair and generous view of the case will be taken, and that Government will find in all parties a desire to facilitate, by all means in their power, the satisfactory adjustment of a question that has remained so long in abeyance.

The Hon. the Native Minister, Wellington.

I have, &c.,

A. MACKAY.

To His Excellency Sir William Francis Drummond Jervois, Lieutenant-General in Her Majesty's Army, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY,—

Under the Commission issued by your Excellency, dated the 12th day of May, 1886, and the additional powers conferred under the second Commission, dated the 20th July, 1886, the following duties devolved on me, viz.:—

To inquire into and report on the allegations made by and on behalf of certain Natives residing in the Middle Island of New Zealand that the reserves and awards of land formerly made for their use and occupation are inadequate for their maintenance and support, and also to inquire whether any half-castes are still unprovided with land, as well as to ascertain whether the Natives interested in the inquiry held by the Commission appointed in the year 1879 to investigate and inquire whether certain matters pertaining to the purchases of land in the Middle Island enumerated in the aforesaid Commission, viz.,—(1) The Otakou Block; (2) the Ngaitahu or Kemp's Block; (3) the Murihiku Block; (4) the Akaroa Block—are willing or desirous of accepting a grant of land in final settlement of any claims or demands on the Government for the non-fulfilment of any of the terms or conditions of the deeds of purchase, or of any promises made in connection therewith, and to recommend the quantity and locality of the land to be set apart.

It is proposed to confine the first portion of the report to the questions arising out of the sale of the Ngaitahu or Kemp's Block and the Murihiku Block, as the most important particulars concerning the non-fulfilment of the conditions relative to the acquisition of the territory comprised therein are associated with these purchases.

In order to bring the main circumstances in connection with these purchases before you, it will be necessary to furnish your Excellency with a brief history of the manner in which the lands were acquired, and I propose to do this by a simple narrative of facts, with a view to establish beyond dispute that the Natives concerned therein are entitled to be liberally dealt with for the non-fulfilment of the conditions of sale, and the promises held out to induce them to part with their lands for a small cash payment. In pursuance with the intention, I propose to deal with these purchases in chronological order, and will commence with Kemp's Purchase, it being first in point of time.

KEMP'S PURCHASE.

Kemp's or the Ngaitahu Purchase, as it is also known by, was effected close upon forty years ago. The deed was executed at Akaroa, Banks Peninsula, on the 12th June, 1848, and comprises all that tract of country bounded towards the north by a line drawn from Kaiapoi on the east to Cape Foulwind on the west; on the east and west by the ocean; and on the south by a line drawn from the Nuggets, beyond the Molyneux River, on the East to Milford Haven on the West Coast. The aggregate area of the block included within the above-named boundaries exceeds 20,000,000 acres. The price paid was £2,000, and land to the extent of 6,359 acres was set apart as reserves for the Natives shortly after the sale.

After describing the boundaries, the deed of sale contains the following conditions (according to the English version) as regards the reservations to be made for the Natives, viz.: "Our places of residence and our cultivations are to be reserved for us and our children after us, and it shall be for the Governor hereafter to set apart an additional portion for us when the land is surveyed by the surveyors."

The Natives contend, and this view was upheld in the Native Land Court in 1868, that the phrase "mahinga kai," used in the Maori copy of the deed has a much wider interpretation than the translation into English gives it. It was held in the Court that this phrase would include, besides cultivations, pipi-grounds, eel-weirs, and fisheries, excluding merely hunting-grounds and similar things, which were never made property in the sense of appropriation by labour. The Maori view of the phrase is that it includes, besides their cultivations, the right of fishing, catching birds and rats, procuring berries and fern-root, over any portion of the lands within the block. Under this interpretation they would be entitled to roam at will over the whole country—a state of affairs that could not have been contemplated.

In 1844, at the time the New Zealand Company's purchases were under consideration, it was resolved that the reservations as regards the pas and cultivations should be understood to mean as

follows: That the pa should be considered to be the ground that is fenced around the Native houses, including the ground in cultivation or occupation around the adjoining houses without the fence, and that the nature and meaning of the word "cultivations" were to be understood to apply to those tracts of country which were in use by the Natives for vegetable productions, or which have been so used by them since the establishment of the colony.

It would seem by a despatch dated the 25th March, 1848, from Governor Grey to Earl Grey, having reference to a visit of the former to the Middle Island, and also to the tenor of the directions given to Lieut.-Governor Eyre respecting the purchase of the territory comprised within the Ngaitahu Block, that the settlement of the Native claims was intended to be made on the following terms, viz.: That ample reserves for the present and reasonable future wants should be set apart for the claimants and their descendants, and registered as reserves for that purpose; and, after the boundaries of the reserves had been marked out, then the right of the Natives to the whole of the remainder of the block should be purchased.

Similar instructions were given to Mr. Kemp, the officer who was charged with the duty of acquiring the land, as will be seen by the following extract from the letter of instructions to him dated the 25th April, 1848: "The object of your mission is the extinguishment of any title which may, upon inquiry, be found to be vested in the Natives to the tract of country lying between the district purchased from the Ngaitahu Tribe and that purchased by the New Zealand Company at Otago. In entering upon the arrangements necessary to effect this object, it will be your duty to reserve to the Natives ample portions of land for their present and prospective wants; and then, after the boundaries of these reserves have been marked, to purchase from the Natives their right to the whole of the remainder of their claims to land in the Middle Island.

A perusal of the correspondence on the subject will show that the details of the purchase were carried out at variance with the original intentions, and that, instead of the reserves for the Natives being marked off as was contemplated, and then the remainder of the district purchased, the money was paid in the first place, and the reserves left to be determined at a future time;—a plan which placed the Natives entirely in the hands of the Government as to the quantity of land to be set apart;—a position that was taken advantage of to circumscribe the area of land allotted to them to the narrowest limits, as will be seen from extracts taken from the evidence given by the Hon. Mr. Mantell before the Native Land Court in April and May, 1868, at the investigation of the ownership of the Native reserves set apart in Kemp's Purchase.

Before quoting the extracts alluded to, it is necessary to premise that, in consequence of Mr. Kemp not defining the reserves to be set apart for the Natives, the Government were necessitated to depute Mr. Mantell to take up Mr. Kemp's unexecuted work. Mr. Mantell, after explaining his action generally to the Court in regard to the setting-apart of reserves for the Natives in the Ngaitahu Block, stated, *inter alia*, "In marking out these reserves I was obliged, in some cases, to give way in order to effect an arrangement. I yielded to the Natives as to locality, but brought them down as to the quantity of land the reserves should contain. My impression is that the Government never intended to complete the reserves in accordance with the clause in Mr. Kemp's deed. The price paid to the Natives was not to be taken as the consideration for the land; they were to consider the value of the reserves given to them, and the promise that the Government would erect schools and hospitals for the sick, and appoint officers to look after their interests. Although strenuous exertions have been made, these promises have not been carried out by preceding Governments. These promises were not in the deed. . . . I believed at the time, and reported to that effect, that the reserves were sufficient for the present and future wants of the Natives, but now I believe them to be insufficient. . . . I think now the reserves ought to have been larger. I have come to this conclusion because the Native sources of food are lessened. . . . At that time my estimate was Colonel McCleverty's, whom I consulted. The idea was to allow enough to furnish bare subsistence by their own labour. . . . I have not said that I thought the reserves sufficient to satisfy the honour of the Crown, but, according to Colonel McCleverty's opinion, sufficient to live upon. . . . My rule, in calculating what quantity of land I would give the Natives, was that I allowed ten acres to each man, woman, and child. . . . In making the allowance I tried to allow as little as the Natives would agree to take. The reserves I then made were intended for present wants. I left it to be determined at some future time what allowance should be made to them. . . . I was instructed verbally by Lieut.-Governor Eyre to make certain promises to the Natives of what the Government intended to do for them in addition to paying for the land. I made this representation, and found it had great weight in inducing the Natives to come under the deed, but these promises have not yet been fulfilled. Was also instructed in writing only to mark out reserves around and including pas, residences, or cultivations to the extent that may be necessary for the resident Natives, but to inform them that the Crown will hereafter mark out for them such additional reserves as may be considered necessary for their future wants. I took refuge under this promise with the Natives. The reserves may be looked on as the result of a struggle, in which I got the land reduced as much as possible. I used to tell the people that if they were dissatisfied they must appeal to the Governor; and in one case (Waikouaiti) this was done and they got an immediate increase."

With regard to the reservation of all weirs and fisheries, Mr. Mantell stated before the Court that he gave the Natives to understand in 1848 that they could use their eel-weirs so long as the Government did not require them for purposes of general settlement.

Sufficient evidence has been adduced in the foregoing extracts to show that the Natives, instead of being consulted in respect of the land they desired to retain, were coerced into accepting as little as they could be induced to receive.

The following extract from a despatch from Governor Grey to Earl Grey, dated the 20th March, 1849, will show that the Natives were not consulted either relative to the purchase-money paid for their land. After adverting to the tenor of a letter addressed to Lieut.-Governor Eyre by

the New Zealand Company's principal agent relative to the payment for the acquisition of the Ngaitahu Block now under review, as well as pointing out the inconvenience experienced by the local Government through the existing arrangements with the company in regard to the land fund, His Excellency concludes, "I should mention to your Lordship regarding this tract of territory which the New Zealand Company, through their agent, contend should have been taken from the Natives without their consent, that its area comprehends several millions of acres, and that the sum to be paid for the purchase of any rights which the Natives might have over any portion of this territory, except the small reserves kept for their use, was only £2,000. . . . To act upon the principle that where the Natives are so weak that they cannot defend their lands the Government should assert what the New Zealand Company now represent as the rights of the Crown, and forcibly take the Natives' land from them, and again to refrain from asserting the so-termed rights of the Crown when the Natives are so strong that they could protect themselves, would certainly acquire for the Government the contempt as well as the distrust of the whole Native population; and that especially when, as in the present case, the Natives made no factious opposition to the occupation of their lands, but cheerfully yielded all their rights for that sum which, without consulting their wishes, the Government had fixed as a just amount."

The extent of land ultimately reserved for the Natives in 1848 was 6,359 acres, a quantity that can hardly be considered to come within the meaning of ample reserves for the present and future wants of a population of 637 individuals, the number of Natives then to be provided for within the block. The Governor was empowered under the terms of the deed of purchase to set apart additional lands for the Natives when the country was surveyed; but even that condition was only partially fulfilled in 1868, a period of twenty years after the date of the engagement. The Natives were under the impression that under the terms of the deed they were entitled to the use of all their "mahinga kai" (food-producing places); but they found, as the country got occupied by the Europeans, they became gradually restricted to narrower limits, until they no longer possessed the freedom adapted to their mode of life. Every year as the settlement of the country progressed the privilege of roaming in any direction they pleased in search of food-supplies became more limited. Their means of obtaining subsistence in this way was also lessened through the settlers destroying, for pastime or other purposes, the birds which constituted their food, or, for purposes of improvement, draining the swamps, lagoons, and watercourses from which they obtained their supplies of fish. Their ordinary subsistence failing them through these causes, and lacking the energy or ability of supplementing their means of livelihood by labour, they led a life of misery and semi-starvation on the few acres set apart for them.

The following extract from a despatch dated the 7th April, 1847, from Governor Grey to Earl Grey indicates the injustice that was perpetrated on the Ngaitahu owners of Kemp's Block, through being deprived of their former mode of subsistence without any equivalent being given them when setting apart their reserves. His Excellency points out that "The Natives do not support themselves solely by cultivation, but from fern-root, from fishing, from eel ponds (weirs), from catching birds, from hunting wild pigs, for which they require extensive runs, and by such like pursuits. To deprive them of their wild lands, and to limit them to lands for the purpose of cultivation, is, in fact, to cut off from them some of the most important means of subsistence. As they cannot be readily and abruptly forced into becoming a solely agricultural people, such an attempt would be unjust, and it must for the present fail, because the Natives would not submit to it. Indeed, they could not do so, for they are not yet to a sufficient extent provided even with the most simple agricultural implements, nor have they been instructed in the use of them.

The same question is dealt with in a letter from Earl Grey to the Wesleyan Missionary Committee, dated the 13th April, 1848. After referring the Committee to the despatches to Governor Grey relative to the question then under discussion touching the stipulations contained in the Treaty of Waitangi respecting the proprietary rights of the Natives, his Lordship, in alluding to the manner in which the question would have been dealt with had the treaty never been concluded, observes that it would have been the duty of the Governor, as the Crown representative, to take care that the Native inhabitants of New Zealand were secured in the enjoyment of an ample extent of land to meet all their real wants.

In taking measures for this purpose their habits would have been considered, and, though it certainly would not have been held that the cultivation and appropriation of tracts of land capable of supporting a large population must be forborne because an inconsiderable number of Natives had been accustomed to derive some part of their subsistence from hunting and fishing on them on the other hand the settlement of such lands would not have been allowed to deprive the Natives even of these resources without providing for them in some other way, advantages fully equal to those they might lose.

In acquiring the land from the Natives in the Middle Island the instructions issued by the Imperial Government appear to have been entirely disregarded. In the instructions from the Colonial Office to Governor Hobson in 1839 he was enjoined as follows: "All dealings with the aborigines for their lands must be conducted on the same principles of sincerity, justice, and good faith as must govern your transactions with them for the recognition of Her Majesty's sovereignty in the Islands. Nor is this all: they must not be permitted to enter into any contracts in which they might be the ignorant and unintentional authors of injuries to themselves. You will not, for example, purchase from them any territory the retention of which by them would be essential or highly conducive to their own comfort, safety, or subsistence. The acquisition of land by the Crown must be confined to such districts as the Natives can alienate without distress or inconvenience to themselves. To secure the observance of this will be one of the first duties of their official protector."

"There are other duties owing to the aborigines of New Zealand which may be all comprised in the comprehensive expression of promoting their civilisation, understanding by that term whatever relates to the religious, intellectual, and social advancement of mankind."

In furtherance of this object, and for the purpose of providing the necessary funds, Governor Hobson was instructed, under date the 28th February, 1841, as follows: "As often as any sale shall hereafter be effected in the colony, of lands acquired by purchase from the aborigines there must be carried to the credit of the Protector of Aborigines a sum amounting to no less than 15 nor more than 20 per cent. of the purchase-money, which sum will constitute a fund for defraying the charge of the Protector's establishment, and for defraying all other charges, on the recommendation of the Protector, the Governor and the Executive Council may have authorised for promoting the health, civilisation, education, and spiritual care of the Natives."

It may possibly be urged that these instructions could not have been given effect to in the Middle Island after the acquisition of the land in 1848, in consequence of the existing arrangements with the New Zealand Company, as detailed in the 10th and 11th Vict., c. 112, which placed the control of the land fund in the hands of the company. Practically, however, the matter was not very largely affected by this position of affairs, as the company did not exercise any right of ownership over the bulk of the territory comprised in Kemp's Block, its operations being confined to the disposal to the Canterbury Association of a block of land comprising 2,500,000 acres, extending from Double Corner to the mouth of the River Ashburton.

Under the original agreement with the company of 1840 the Government had the power to make reservations of lands within the company's settlements for the benefit of the Natives, in pursuance with the company's engagements to that effect—*i.e.*, to reserve for the purpose one-tenth of all lands to be granted to the company under the terms of the aforesaid agreement, the Government reserving to themselves, in respect of all other lands, to make such arrangements as to them shall seem just and expedient for the benefit of the Natives.

It is very questionable, however, whether this power remained in the Crown in regard to lands vested in the company after the passing of the 10th and 11th Vict., as that Act vested all the demesne land of the Crown in the Province of New Munster, and all the estate and right of Her Majesty therein, or power and authority over the same or any part thereof, absolutely and entirely in the New Zealand Company, subject, of course, to any existing rights of the Natives at the time the land became the property of the Crown; but the Government could not claim, on behalf of the Natives, to set apart a tenth of the land without there was an express stipulation to that effect in the deed of cession.

In the despatch of the 14th August, 1839, the Marquis of Normanby, after pointing out to Governor Hobson the course that would have to be adopted to determine the land claims that then existed, gives the following instructions regarding the acquisition of land from the Natives: "It will be your duty to obtain, by fair and equal contracts with the Natives, the cession to the Crown of such waste land as may be progressively required for the occupation of settlers resorting to New Zealand. All such contracts should be made by yourself through the intervention of an officer expressly appointed to watch over the interests of the aborigines as their protector. The re-sales of the first purchase that may be made will provide the funds necessary for future acquisitions, and beyond the original investment of a comparatively small sum of money no other resource will be necessary for this purpose. I thus assume that the price to be paid to the Natives by the local Government will bear an exceedingly small proportion to the price for which the same land will be resold by the Government to the settlers. Nor is there any real injustice in this inequality. To the Natives or their chiefs much of the land of the country is of no actual use, and in their hands it possesses scarcely any exchangeable value. Much of it must long remain useless, even in the hands of the British Government also; but its value in exchange will be first created and then progressively increased by the introduction of capital and of settlers from this country. In the benefit of that increase the Natives themselves will gradually participate."

Earl Grey, in his letter to the Wesleyan Missionary Committee, dated the 13th April, 1848, also expresses the same views regarding the acquisition of wilderness land for a nominal consideration. His Lordship observes: "Nor would there have been any injustice in taking advantage of the exclusive right of purchase vested in the Crown to obtain land on such terms from the Natives. The object of the Crown in acquiring the land being to turn it to the best account for the whole community, the price to be paid for it to the Natives would properly have been measured not by the value the lands they sold were capable of acquiring in the hands of civilised men, but by the amount of benefit they had themselves previously derived from that which they surrendered. It is hardly necessary to observe that, so estimated, the value of unoccupied lands would have been next to nothing."

The most important consideration that arises in the colonisation of a country inhabited by an aboriginal race like the Maoris is how to give them an equivalent for the lands they surrender, as a payment in perishable articles cannot be considered a fair equivalent for a possession so valuable as the soil. The most equitable mode of payment, and one that could have been easily effected at the time when the purchases were made from the Natives in the southern provinces of the Middle Island, would have been to have appropriated a certain proportion of the land ceded by them as a provision for their advancement in the scale of social and political existence. This system would have been the means of securing to them a property continually increasing in value, as well as practically conferring on them the advantages it was anticipated they would receive through the occupation of their former territory by the European community.

It was to guard the Natives against the common failing of all aboriginal races—want of forethought, and to secure them from the dangers to which colonisation exposed them if denuded of all landed property, that the New Zealand Company invented their plan of Native reserves, as these were possessions that could not be squandered away, but as time glided on their value would progressively increase, and, in place of a barren possession which they parted with, the Natives would receive in return a property of considerable worth. By way of recompense for the moment, as well as in deference to public opinion, the company paid the Natives what was deemed, accord-

ing to received notions, to be a sufficient price, but they considered the real worth of the land purchased from them to be the reserves set apart for their maintenance, and for schools, hospitals, and other useful establishments.

In the instructions issued by the company to Colonel Wakefield, its principal agent, who was intrusted with the purchase of land for the company in New Zealand, the following principles were laid down relative to its acquisition from the Natives: "But in one respect you will not fail to establish a very important difference between the purchases of the company and those which have hitherto been made by every class of buyers. Wilderness land, it is true, is worth nothing to its Native owners, or worth nothing more than the trifle they can obtain for it. We are not therefore to make much account of the utter inadequacy of the purchase-money according to English notions of the value of land. The land is really of no value, and can become valuable only by means of a great outlay of capital in emigration and settlement. But at the same time it may be doubted whether the Native owners have ever been entirely aware of the consequences that would result from such cessions as have already been made of the whole of the lands of a tribe. Justice demands not merely that these consequences should be as far as possible explained to them, but that the superior intelligence of the buyers should also be exerted to guard them against the evils which, after all, they may not be capable of anticipating. The danger to which they are exposed, and, they cannot well foresee, is that of finding themselves entirely without landed property, and therefore without consideration in the midst of a society where, through emigration and settlement, land has become a valuable property. Absolutely they would suffer little or nothing from having parted with land which they do not use and cannot exchange, but relatively they would suffer a great deal, inasmuch as their social position would be very inferior to that of the race who had settled amongst them and given value to their now worthless property. If the advantage of the Natives alone were consulted it would be better perhaps that they should remain for ever uncivilised. This consideration appears never to have occurred to any of those who have hitherto purchased land from the Natives of New Zealand. It was first suggested by the New Zealand Association of 1837, and it has great weight with the present Company. In accordance with a plan of which the association of 1837 was desirous that a legislative enactment should extend to every purchase of land from the Natives, as well past as future, you will take care to mention in every contract for land that a proportion of the territory ceded, equal to 'one-tenth' of the whole, will be reserved by the Company and held in trust by them for the future benefit of the chief families of the tribe, and you will readily explain that after English emigration and settlement a tenth of the land will be far more valuable than the whole was before."

The same subject is again alluded to in a letter addressed by Mr. Somes, a director of the New Zealand company, to the Colonial Office in March, 1841. "The company has never pretended that any sum paid by it to the Natives on the execution of an agreement for the purchase of land was an adequate consideration for the property ceded. Such payments the company has always deemed unfit to be called by the name of purchase-money." The real consideration, which in every case the Company held out to the Natives in its acquisition of territory from them, was a precise engagement "to reserve for the benefit of the Native proprietors such a proportion of the lands ceded as would become far more valuable than the whole, whenever the remainder should be regularly colonised by an outlay of the company's capital and the settlement of emigrants from this country."

The above extracts, relative to the principle of purchase to be observed in the acquisition of land from the Natives, contain abundant and clear evidence as to the views then held both by the Imperial Government and the New Zealand Company. The views held by the Imperial Government were that land in its original state was only worth a nominal price, but that the real advantage to be conferred on the Natives for the cession of any portion of their territory they desired to alienate was the enhancement in value of the then remaining lands by the introduction of capital and labour, as well as the reservation of an ample extent of land to meet all their real wants, inclusive of the necessary provision requisite to compensate them for the loss of the privileges they had previously enjoyed in hunting and fishing at will over their wilderness lands. The promotion of works of public utility, in opening up the country for settlement, and the advancement of the social and moral welfare of the Natives, was also considered a further requital for the surrender of land possessing scarcely any exchangeable value. The New Zealand Company held similar views respecting the value of land in its wild state. The money paid was not considered an adequate recompense for the cession of the land acquired. The real worth given was the reservation of a tenth of the land ceded as a perpetual possession for the Native owners. This was a property that could not be squandered away at the moment, but must continuously and immensely increase for the benefit of themselves and their children.

A perusal of the facts already narrated will furnish ample evidence that the fundamental principles laid down were not adhered to in acquiring land in the Middle Island, neither in the reservation of sufficient land for Native purposes, nor in compensating the Native owners for the loss of a large share of their means of subsistence through depriving them of their hunting and fishing rights.

It surely could not be considered that the enhancement in value of the few thousand acres reserved for the vendors of Kemp's Block by the introduction of capital and labour into the colony, or the small payment of £2,000 for the cession of over twenty million acres, was a sufficient recompense for so valuable a territory, even if measured by the amount of benefit the original owners had derived from it. The enhancement in value originally contemplated as a sufficient recompense and inducement for the cession by the Natives of some of their surplus land did not refer to the increased value of a few reserves of limited extent, but to the enhanced value through the settlement of the colony of other lands remaining in their possession. The Natives in the southern provinces of the Middle Island were unfortunately not in a position to be benefited by this increased

value, as the whole of their possessions had been alienated before the advent of capital and labour; consequently greater care should have been observed for the protection of their welfare at a time when it would have been easier of accomplishment, by setting apart not only a sufficiency of land for their use and occupation, but also for the purpose of raising an independent fund to be devoted to objects connected with their general welfare, advancement, and improvement. Reserves of this kind would have afforded the means of promoting the objects that were held out to them as an inducement for parting with their lands, as well as provided the Government with independent funds for the purpose.

Owing to the non-appointment of an official protector for the Natives in the south, as was promised them at the cession of their land, these people have suffered a serious loss, for, had any person been clothed with the necessary authority to look after their welfare in the early days, a great deal of the irreparable neglect they have suffered from the non-fulfilment of the promises made them at the cession of their lands would probably not have occurred.

Representations were made in 1856 by Mr. Mantell to the Imperial Government touching the non-fulfilment of the promises he had been the medium of making to the Ngaitahu Tribe at the cession of their territory to the Crown. These promises Mr. Mantell pointed out had never been fulfilled, and asked for the intervention of the Imperial Government in favour of the Natives, since the Colonial Government had failed to realise the promises he had been authorised to make. The Secretary of State however declined to intermeddle with the matter without previous reference to the New Zealand Government, and Mr. Mantell, finding that no reparation could be obtained for the Natives, resigned the whole of the offices held by him in the colony.

Attention was again drawn to the question by Sir William Fox when Colonial Secretary, in a memorandum written by him in November, 1864, on the condition of the Ngaitahu Tribe and the pledges given to them on the extinction of their title to lands in the southern provinces, from which the following extracts are made: "Till the month of November, 1863, the Imperial Government reserved to itself the management and control of Native affairs, and the whole responsibility for their administration. At that date the colony accepted such responsibility in the terms of the Duke of Newcastle's despatch of April, 1863, and took upon itself the obligations of the Imperial Government towards the Natives. The Colonial Secretary, who took office at that period, lost no time in despatching to the Middle Island an experienced and able officer of the Native Department, Mr. Henry Clarke, with special instructions to inquire into the condition of the Natives in the Otago Province, and to ascertain what pledges had been made to them on the sale of their land to the Government many years ago, and how far these pledges had been fulfilled. The Colonial Secretary had previously had his attention directed to the subject, but had never been able to get specific information upon it. So soon, however, as the Colonial Secretary assumed this function of administering Native affairs he felt that he was bound to take immediate steps towards redeeming the unfulfilled pledges given on behalf of the Imperial Government so many years before, and which had been allowed to remain so long a dead letter."

After detailing the steps that would have been taken had his Ministry not then resigned, and expressing a hope that action would be taken at an early date to redeem the unfulfilled pledges of the Imperial Government referred to, the Colonial Secretary points out that the first duty of the Commissioner to be appointed should be "to devise and recommend the specific plans by means of which the Government should advance the civilisation and social progress of the Ngaitahu in the manner in which the representative of the Imperial Government contracted with them that it should be done when they bought and took possession of that portion of the Middle Island which now forms the Provinces of Otago and Canterbury. Considering the great length of time during which faith has failed to be kept with the Natives, they are entitled to a very large amount of arrears, and the Government should propose to the Assembly no niggard vote for the purpose. Since the pledges were given a whole generation has gone to seed without receiving the benefit of that culture which was promised. No reparation can be made now for this neglect, but it should be remembered when action is taken, and it should prevent any murmur at the appropriation of what might under other circumstances appear too large an appropriation of the public money to a small remnant of a tribe which once owned three-fourths of the Middle Island. A question for the Legislature arises in connection with the subject in a financial point of view. The Commissioner who extinguished the Native title on the part of the Imperial Government to greater part of the districts referred to has stated that the pledges given were the main consideration for the sale of the land. It seems only just that the recipients of the land should bear the burden of the fulfilment of the pledges for which it was sold, and that, either by legislation or otherwise, the cost of carrying out the plans referred to ought to be made a charge on the provinces which have been formed out of Ngaitahu territory."

In 1865 Mr. Hunter Browne was appointed to administer Native affairs in the southern provinces, but, although various recommendations were made by him as to the best mode of carrying out the non-fulfilled pledges of the Government, nothing of any importance was effected.

The first systematic attempt to establish schools in the southern provinces was made in 1867. Prior to that the Natives were chiefly indebted to the early missionaries and to private efforts for the education received. In 1870 there were only three schools in operation in the Middle Island: one at Otago Heads, established in January, 1869; one at Ruapuke, opened in 1868; and another at Riverton, in Southland. There had been a school at Kaiapoi, but it was burnt down in the summer of 1870, and the want of sufficient funds had prevented it from being rebuilt. It was established there, in the first place, in 1863, by the Christchurch Maori Mission, but was not opened before 1866 owing to want of funds. It was meant and understood at the time that the promises were made to the Natives *re* the establishment of schools and hospitals that special provisions would be made with all reasonable diligence for the establishment of these institutions, and not that they would have to wait until the requirements of the European community rendered them necessary.

In 1865 medical officers were appointed at all the principal settlements. Prior to that date no effective arrangements had been made to provide the Natives with medical aid.

It will be seen by the foregoing statements that seventeen years had elapsed before medical aid was provided or an officer specially appointed to administer Native affairs in the South, and that nineteen years after the date of the purchase the first systematic attempt was made to establish schools.

The amount spent for medical aid from 1867 to the 31st March, 1882, the date up to which a statement of expenditure was prepared for the information of the Native Affairs Committee, was £2,559 18s. 8d., and for education, until the passing of "The Education Act, 1887," inclusive of cost of buildings and Inspector's salary, was £8,586 19s. 10d. The aforesaid items represent the expenditure for these purposes throughout the southern provinces.

Under the terms of the deed pertaining to this purchase the Governor is required to set apart additional land for the Natives on the country being surveyed. No action was taken to fulfil this condition until May, 1868, excepting in the case of the Waikouaiti Reserve, increased by an addition of 594 acres, made by Sir George Grey in 1853, on the personal application of the Natives. An appeal of a similar kind, made by the Moeraki Natives in 1849, met with a negative reply.

In 1868 the question came before the Native Land Court on an order of reference made under the 83rd section of "The Native Lands Act, 1865." The Court ordered that additional lands should be set apart in extinguishment of all claims or demands under the deed. The following reserves were accordingly made for occupation purposes: In Canterbury 2,830 acres, and in Otago 2,100 acres, computing 4,930 acres in all. The Court also directed that the reservation in the deed under the phrase "mahinga kai" should also be observed, which was fulfilled by setting apart 212 acres for fishery easements in Canterbury, and 112 acres 3 roods 20 perches in Otago.

The fishery easements have for the most part been rendered comparatively worthless through the acclimatisation societies' stocking many of the streams and lakes with imported fish. These fish are protected by special legislation, consequently the Natives are debarred from using nets for catching the whitebait in season, nor can they catch eels or other native fish in these streams for fear of transgressing the law.

Another source of injury done to their fisheries is the drainage of the country. In olden times, before the advent of the Europeans and the settlement of the country, they were at liberty to go at will in search of food, but now, should they chance to go fishing or bird-catching in any locality where they have no reserve, they are frequently ordered off by the settlers. All this is very harassing to a people who not long since owned the whole of the territory now occupied by another race, and it is not surprising that discontent prevails at the altered condition of affairs and the want of precaution observed at the outset by their civilised guardians, who could alone foresee the consequent result of colonisation on their former customs and habits of life, to have either secured them these privileges, or else provided them with additional lands as compensation for depriving them of some of the most important means of subsistence.

Another kind of food they have been deprived of is the root of the ti called "kauru." This was a very nutritious food, and was obtained by baking the roots in a Native oven, in which state it contains a large quantity of saccharine matter. Its preparation in places where the tree abounded gave employment to a large number of persons during the months of December, January, and February, it being used as an article of barter, in exchange for other kinds of food, and also for clothing.

The general sentiment of the Maoris in olden times with respect to their territorial possessions is not generally understood: it was not "earth-hunger," but "earth-love." They felt keenly the parting with their rights over the land of their ancestors, when the soil, with all its memories and the dignity conferred by its possession, had passed over to the stranger, and in its place they had acquired only perishable goods, or money, which was speedily dissipated.

The Natives in the South Island had not realised in former times that their country was about to be occupied by a civilised race in such numbers as would place them in comparative insignificance, or deprive them of the privileges they formerly enjoyed; hence a reason why the superior intelligence of their guardians should have been exercised to protect them against the consequences that would result from being left comparatively landless, and debarred of their former advantages in a country formerly their own.

The following particulars will show what has been done for the Ngaitahu Tribe by way of fulfilling the original engagement with them that they should have ample reserves for their present and future wants, and that the Governor would set apart additional lands for them on the country being surveyed: The average acreage per individual set apart in Kemp's Purchase in 1848 was under ten acres; but the census taken at the time did not include the whole of the people for whom provision ought to have been made. This was caused by the stupidity and obstinacy of the Natives to furnish the necessary information. This kind of stupidity even prevails at the present time in some localities, great difficulty being experienced in collecting particulars of this kind, through the supposition that it is needed for some ulterior purpose. The awards made by the Native Land Court in 1868, together with the additional area set apart by the Government for Native purposes, brought up the average to nearly twenty acres per individual for the residents at the settlements within the block. Since the Court sat in 1868, 3,024 acres have been set aside for the Kaiapoi Natives as compensation for land appropriated to others, inclusive also of 200 acres given as compensation for the inferior character of some of the former awards. Notwithstanding the increase made at Kaiapoi, the general average adapted to the last census is still under twenty acres per individual. A general average is not, however, reliable as an indication of the sufficiency or non-sufficiency of the quantity needed to provide every one with a fair quantity of land; as, for instance, the acreage at the several settlements apportioned over the resident population ranges from five acres and a half per individual in some places to thirty-seven acres in others. At places also where the average is high per individual there are many persons who are without land.

The actual position of the matter cannot be finally determined as regards the individual acreage until the whole of the Court-work is completed, and the records of acreage allotted individually are made up for each settlement. A very large proportion of the additional land awarded in 1868 and subsequently, is of very inferior character, being very far below the original reserves in the quality of the soil; and this is one of the chief difficulties to be contended with in selecting land for any of the objects under contemplation.

In the report submitted by the Commissioners appointed in 1879 to deal with the Middle Island question, allusion is made to the system of tenths in connection with Kemp's Block as having been intended as the proportion to be set apart for the Natives within the aforesaid block. This view of the matter, I beg to submit, is a misconception, caused probably by the fact that one of the contracting parties named in the deed of June, 1848, is the agent of the New Zealand Company, the inference being that it was a purchase effected by the company, whereas, as a matter of fact, no authority existed to enter into a contract of the kind until the Crown's right of pre-emption had been waived; but even then a legal title would not have been obtained without such purchase had been confirmed by a Crown grant, as the Governor had no authority to grant a waiver of pre-emption. The agreement, therefore, between the Native vendors and Colonel Wakefield, the company's agent, did not create any title in the purchaser, and had no force to operate as a conveyance of the land therein to the person and in the manner therein expressed.

At the time of the execution of the Ngaitahu deed "The Native Land Claims Ordinance, 1841," and the 13th chapter of the Royal Instructions of 1846 were in full operation. The ordinance of 1841 enacted, *inter alia*, that the sale and absolute right of pre-emption from the aboriginal inhabitants of New Zealand vested in, and could only be exercised by, "Her Majesty, her heirs and successors." All titles to land, however, obtained either mediately or immediately from chiefs or individuals of the aboriginal tribes, unless allowed by the Crown, were declared absolutely null and void. Under another clause the Governor was authorised to appoint Commissioners to hear, examine, and report on claims to grants of land in virtue of titles acquired from the Natives.

The 13th chapter of the Royal Instructions of 1846 contains the following provision relative to the acquisition of land by private individuals from the Natives: "The conveyance or agreement for the conveyance of any of the lands of or belonging to any of the aboriginal natives in common as tribes or communities, whether in perpetuity or for any definite period, whether absolutely or conditionally, whether in property or by way of lease or occupancy, which may be henceforth made, shall not be of any validity or effect unless the same be so made to, or entered into with, us, our heirs and successors."

It will be seen that the principle of the then existing law was that private individuals could not acquire land from the Natives, and if any attempt was made, as was done in the case of the purchase of Kemp's Block, it would operate as an extinguishment of the Native title, and vest the estate in the Crown. Any informality that formerly existed in connection with the Ngaitahu deed has been cured by clause 2 of "The Ngaitahu Reference Validation Act, 1868."

By another Act of Parliament, passed in the tenth and eleventh year of Her Majesty's reign, it was enacted, *inter alia*, that the several provisions contained in the 13th chapter of the Instructions of 1846 should be suspended within the Province of New Munster (the Middle Island) until the 5th day of July, 1850, and for such further period as should be directed by Parliament, and that during the suspension of the said Instructions all the demesne land of the Crown in the said province, and all the estate and right of Her Majesty therein, shall be absolutely vested in the New Zealand Company, in trust, to sell and otherwise dispose of the same. It was under this Act that the New Zealand Company obtained the necessary authority to carry on colonising operations in the Middle Island within the Ngaitahu territory, and not under Kemp's deed; consequently this block did not come within what was then known as the company's scheme of settlement, or within the scope or meaning of the 13th clause of the agreement of 1840 between the Imperial Government and the company. If the position of the question is correctly stated, it follows that the stipulation in regard to reserves in Kemp's Block was between the Government and the Natives, an arrangement with which the company had no concern.

In the report of 1879, previously alluded to, the Commissioners state that it is a task beyond their power to estimate the damage sustained by the Natives from the nonfulfilment of the promises made them at the cession of their lands; but as the duty has devolved on me to recommend the quantity of land to be awarded them as compensation for the nonfulfilment of any of the terms or stipulations contained in the deeds of purchase, or of any promises made in connection therewith, it behoves me to address myself to the task, however difficult of accomplishment it may seem, or however impossible it may prove to achieve a satisfactory result.

As many of the conditions on which the land was ceded are impossible of calculation, it is necessary to adopt a basis of operation that will render it possible to determine, if the question had been treated in a practical manner at the outset, the remuneration either in money or land that should have formed the consideration for the cession of so valuable an estate at the time it was purchased. I propose, therefore, as no other formula exists upon which to base a calculation, to adopt an acreage basis, and for that purpose I have procured the most reliable information obtainable from the general and local Survey Departments as to the condition of the country at the time it was purchased, together with a classification of the areas comprised within the territory acquired. The land has been classified for the purpose into three classes—good, medium, and inferior.

Before entering upon the consideration of the main question as regards the quantity of land to be recommended, I would beg to submit the two following examples as bearing on the question of quantity—one of which was a statutory provision for the setting apart of Native reserves, and is contained in clause 24 of "The Native Land Act, 1873," as follows: "Provided always that no land reserved for the support and maintenance of the Natives, as also for the endowments for their benefit, shall be considered a sufficiency for such purposes unless the reserve so made for these

objects added together shall be equal to an aggregate amount of not less than fifty acres per head for every Native man, woman, and child, resident in the district." This was merely a direction to the District Officer to see that sufficient land was reserved for Native purposes, and had no reference to the cession of lands. The other example occurred in 1860. In that year Governor Gore Browne caused to be set apart for the Natives residing on the west coast of the Middle Island land to the extent of 10,000 acres for a population not exceeding a hundred persons, being at the rate of 100 acres per individual. (*Vide* despatch dated Auckland, 22nd February, 1860, from Governor Gore Browne to His Grace the Duke of Newcastle.)

Of the quantity so set apart, 6,000 acres was intended for individual allotment, and 4,000 acres for the purpose of providing funds for the advancement of the Natives.

Some of these reserves, especially the one situated at Greymouth, have become exceedingly valuable through the occupation of the country by the Europeans, thereby fulfilling the condition of affairs that was anticipated would ensue, and which was looked on as the ultimate reward to the Natives for parting with their territory for a nominal sum. The Natives of the East Coast who formerly owned the Ngaitahu Block, with the exception of a few persons, are not interested in the West Coast reserves; consequently the advantages derived therefrom cannot be reckoned in their favour as a set-off against anything they may be entitled to.

An opinion is current in the minds of many persons that the Natives in the southern provinces of the Middle Island own land enough—more than sufficient for their wants, or that they can make a beneficial use of; consequently they have no further claim for consideration. This is a peculiar theory, and one that would not find favour with members of the European race under similar circumstances; but why it should be specially applied to the Natives it is difficult to understand. The obligations of the Government on account of the unfulfilled terms of purchase in which the southern Natives are concerned have been before Parliament on several occasions, and their right to consideration admitted. The last time the question was reported on by the Native Affairs Committee was in August, 1882. The Committee, after commenting on the various allegations contained in the petition, and describing the action taken in regard to medical aid and to promote education, conclude with the following recommendation: "The Committee thinks that it would be comparatively easy for the Government to ascertain how much the due carrying-out of these engagements would cost, and recommends that this should be done. This having been ascertained, the value ought to be given to the Natives in inalienable reserves, in such a manner as would insure against want in old age and sickness. Legislation will, no doubt, be required to carry out the recommendation in the foregoing paragraph, but, in view of arriving at a permanent and equitable settlement, the Committee considers that some trouble should be taken and the needful sacrifice made. The Committee recommends this report to the earnest attention of the Government."

With all deference to the report of the Committee, I would submit that a misconception exists with regard to schools and medical attendance having been supplied in the past, but especially as regards education, as the schools now in operation in the South Island were conducted (before the Education Act of 1877) under the general scheme of education that obtained in the colony under "The Native Schools Act, 1867," and cannot be considered as special institutions in fulfilment of the original promise, as the Natives would have gained the advantages derivable therefrom even if they had received a more advanced price for their land. The amount spent for medical aid in the southern provinces up to the 31st March, 1882, a period of nearly thirty-four years since the date of the first purchase, and twenty-nine years since the date of the second, only amounted to £2,559 18s. 8d.

Amongst other recommendations made by the Commissioners in their report under the Commission issued in 1879 for the settlement of the several outstanding questions in respect of the terms and conditions entered into between the Government and the Native vendors on the cession of these lands to the Crown, the following suggestions appear: "We propose that an account should be opened as between the Government and the Ngaitahu: that on one side should be entered the eleventh part of the proceeds of all lands sold by the Government within those two blocks (Otakou and Ngaitahu Blocks). On the other side of the account should be entered, first, the present value of all reserves which have been made, and are now in the possession of the Maoris, within those blocks; second, the total expenditure by the Government for the benefit of the Ngaitahu or other tribes interested in the land, including all payments on account of lands within the boundaries of the Ngaitahu and Otakou Blocks made subsequently to those referred to in the deeds of cession as the money-consideration."

With reference to the aforesaid proposals, I would observe that, as regards the eleventh part of the proceeds in respect of the Ngaitahu Block, it has already been explained that the Commissioners were under a misconception in supposing that the New Zealand Company's system of tenths extended to this purchase. And as regards the other part of the proposition relative to the proposed account to be opened between the Government and the Natives, I do not recommend that this course should be adopted, for the following reasons: Firstly, the present value of the reserves in the possession of the Natives cannot fairly be taken into account in the matter. It is a mere fallacy to point to the increased value of these lands as something they have gained by the settlement of the country; such increase confers no commensurate benefit on them, as the following illustration will show: In 1860 the Native reserves in the Province of Canterbury, comprising 7,000 acres, were estimated to be worth £67,000. The population at that date numbered five hundred, the average area per individual would therefore be fourteen acres. If these reserves at that date, when it was practicable to obtain land of equal quality in other localities at £2 per acre, had been exchanged for Crown land worth £67,000 at the upset price, the Native owners would have acquired an estate of 33,500 acres, and each individual would have increased his area by fifty-three acres. This would have been putting the enhancement of their lands to a practical use; but, as the Natives can neither sell nor exchange these reserves, the increased value of their lands is about as serviceable to them as a bag

of gold would be to a person cast away on a desert island. Position value, as matters are circumstanced, is of no practical benefit to the Natives, as it matters not whether their property is worth £1 or £20 per acre; the only true value is the inherent qualities of the soil; the unearned increment confers no equivalent advantage. Secondly, the expenditure by the Government for the benefit of the Ngaitahu should not be reckoned either. In the first place, it is not large when divided over the number of years that have elapsed since the purchases were first effected; and, secondly, the Natives are fully entitled to anything they have received when the grievous delay they have been subjected to in waiting for a final fulfilment of the terms and conditions of the several contracts is taken into consideration—a delay it is impossible to adequately compensate them for as regards the setting-apart of lands, as there is no comparison between the quality and general advantage of the land then obtainable with the class of country now available for selection.

Another point also that should not be lost sight of in dealing with the question is that, if the benefits conferred by the Government are to be reckoned against the Natives, it would only be equitable on the other side to allow them a percentage addition on whatever they may be entitled to as compensation for the delay; and, if this were done, it would probably be found that they would be considerably the gainers. The best course, I consider, is to abandon the suggestion made by the Commissioners, and let the Government expenditure and any advantages the Natives may have derived from the enhancement of the value of their reserves go against anything they may be entitled to on the other side by way of compensation for delay.

By a return prepared by the Treasury in 1882 for the information of the Native Affairs Committee the total expenditure from 1867 to the 31st March, 1882, for Native purposes in the southern provinces, after deducting £5,657 1s. 9d. charged for educational purposes since 1877, and other items not chargeable against the account, amounts to £24,632 12s., classified as under:—

	£	s.	d.	£	s.	d.
Medical attendance	2,249	8	8			
Hospitals and contributions to hospitals	310	10	0			
				2,559	18	8
Education—						
Cost of buildings	3,147	5	6			
Masters' salaries	2,940	5	2			
Capitation allowance	2,241	4	7			
Inspector's salary	258	4	7			
Books and furniture	630	10	2			
				9,217	10	0
Salaries of officers—						
Resident Magistrate and Interpreter, Southland and Dunedin	1,556	3	0			
Interpreter, Canterbury District	2,344	13	4			
Assessors' salaries	3,837	0	0			
				7,737	16	4
Pensions					437	5
Food and clothing for aged and needy... ..					1,236	13
Miscellaneous expenses					3,443	9
				£24,632	12	0

The aforesaid amount forms the main expenditure for Native purposes in Canterbury and Otago, as very little was expended in that way prior to 1867. Had a sufficiency of land been set apart as a permanent estate to provide moneys for these purposes a great deal of the present difficulty would have been obviated, and the Native proprietors would have been placed in a position of security and independence in place of the one they now occupy.

Adopting the hypothesis that the value of land in its wilderness state was only a nominal one, the next question to determine is, what was the received opinion as to the meaning of the term—*i.e.*, what was considered in the early days of the colony to be a—"nominal consideration," and the only plan whereby this point can be ascertained is to take the land-purchase records as a basis, and find out the prices given in the North Island for the acquisition of Native territory about the date of the Middle Island purchases. There does not appear to have been much land purchased prior to 1847. In April of that year a block of land at Porirua, near Wellington, comprising 68,896 acres, was purchased from the Natives for £2,000. This payment averaged over 6d. an acre, and 11,550 acres were reserved for the resident Natives. The right of the Ngatitooa Tribe was also purchased to an extensive block in the Middle Island, approximating 3,000,000 acres, for £3,000, and 117,248 acres were reserved for Native purposes. In 1848 the Wanganui Block, comprising 89,600 acres, was purchased for £1,000. This sale included the land set apart for the Natives, estimated to compute 5,450 acres. This would make the cost per acre about 2½d. The area of productive land within the block was only estimated at 44,800 acres. In May, 1849, the Rangitikei-Turakina Block, containing an approximate area of 225,000 acres, was acquired for £2,500. This included 2,900 acres reserved for the Natives. The cost per acre would therefore represent about 2½d. per acre. In addition to this, 31,000 acres was secured to the vendors as a permanent reserve. In 1866 the adjacent block to the south of the Rangitikei River, containing 220,000 acres, was purchased for £25,000, and 24,000 acres were reserved for the resident Natives. This last instance is a practical illustration of the enhanced value given to Native lands by the settlement of the country.

By a return of land purchases effected between the 1st July, 1856, and the 31st March, 1858, the extent of land acquired in the North Island between those dates aggregates 771,673 acres, for which £24,870 was paid, about 7½d. per acre. Of this quantity, 369,673 acres were situated to the

north of Auckland, and 402,000 acres in Hawke's Bay. By a return made to an order of the House of Representatives in 1861 (E.—10), the average price paid by Government for land in the North Island appears to exceed 6d. an acre. In 1849 the Government endeavoured to negotiate the purchase of over a million of acres in the Wairarapa for £1,000. The Native owners demanded £16,000, but this was considered excessive, and the attempt was abandoned.

Land-purchase operations were not resumed again in the district until 1853. From that year up to the 30th June, 1860, the Natives alienated about 957,864 acres to the Crown, receiving during that period about £38,642 for the area sold. Reserves to the extent of 20,234 acres had been made for their use out of the alienated lands, and 187,856 acres remained in their hands at their absolute disposal. In addition to this they were entitled to receive 5 per cent. on the re-sale, after deducting cost of surveys on 387,000 acres. This is another instance where the price of the land in its wild state had been enhanced by the settlement of the country.

It has already been pointed out that the Natives in the southern province of the Middle Island never had the opportunity of benefiting in this way, as it was deemed advisable for colonisation purposes to acquire all their wilderness land from them at one time; and for this reason greater consideration to protect their welfare should have been shown by reserving a sufficiency of land for all purposes, both for their use and occupation, as well as for endowments to promote their social advancement.

The total area included within the boundaries of Kemp's Purchase, according to recent computation, inclusive of Banks Peninsula, which, although excluded in 1848, was treated subsequently as if it had formed part of the block, amounts to 20,128,000 acres, and has been classified to contain the under-mentioned areas of good, medium, and inferior land at the time it was purchased. The classification has been determined according to position, value, and accessibility in 1848. The first class comprises the country that was fairly accessible at that date. The second, the interior of the country available for pastoral purposes, and accessible to travellers on foot and horseback. The third, the rugged and mountainous country, inclusive of the West Coast, then a *terra incognita*, in which state it remained until opened up by the gold discoveries about 1863. The area of the first class is estimated at 2,864,000 acres, the second class at 8,064,000 acres, and the third class at 9,200,000. Assuming that 3d. an acre was the nominal consideration value of the first class in 1848, 1½d. an acre for the second, and 1d. for the third, the total value would amount to £124,533; and, treating this as a landed estate to be handed over to the vendors, the minimum price of waste lands in the possession of the Crown at that time being £1 per acre, it would represent 124,533 acres. Of this, the parties interested have received up to the present time 19,312 acres, leaving a balance of 105,221 acres to be appropriated to their use.

Of this quantity I would recommend that 100,000 acres be set apart as an endowment to provide for purposes in connection with the promotion of their welfare, but, as the residue will be inadequate to make sufficient provision for the extent of land requisite for their use and occupation, I therefore beg to recommend that an additional quantity to the extent of 25,479 acres be added for the purpose of increasing the individual acreage to fifty acres each for all who are entitled to be provided for within the block. This will require a total acreage of 130,700 acres to be appropriated for the purpose.

As evidence that the quantity recommended is not unreasonable when all the circumstances in connection with the purchase are fully considered, had the original intention been given effect to at the time in a liberal manner—*i.e.*, to set apart ample reserves for the present and future wants of the Natives in the fullest sense of the term, as well as to make the only secure provision by an endowment in land for the purpose of promoting the social and physical welfare of the Natives—land to the extent of 150 acres per individual would probably not have been deemed excessive as a just remuneration for ceding a vast estate for a trifling payment. The persons for whom the reserves were made in 1848 numbered 637, but there were others who were interested in the block for whom provision should have been made who were not included in the census partly through the folly of the Natives in not furnishing the necessary information, as well as through their not fully realising the importance the non-fulfilment of this duty would have on their future welfare. There were Natives absent in the North Island at the time, others living on Banks Peninsula, as well as at the settlements at Otago, Taieri, and Molyneux, who were interested in the block, and should have had land reserved for them either at the time or afterwards, had their requirements been made known. Besides the Natives residing at Port Levy, who were included in the Kaiapoi census, there were about a hundred and fifty others on the Peninsula entitled to consideration; it was known also that a number were omitted in the census taken at the several settlements. It is not unreasonable, therefore, to assume that the number to be provided for, had a full enumeration been made, would have computed one thousand. An allotment of 150 acres each for this number would make a total of 150,000 acres for all purposes, 50,000 acres of which should have been allocated for their use and occupation, and 100,000 acres for an endowment for the purposes before enumerated.

If this had been done the vendors would have had no cause to complain that their interests had been overlooked. Assuming it cannot be gainsayed that 150,000 acres would have been a fair quantity to have set apart to meet all the requirements of the Natives if the aggregate area already reserved is deducted, the balance will represent within a few acres the quantity, *viz.*, 130,700 acres, now recommended to be appropriated for the purpose with a view to finally settle the question.

There is another phase of the matter that should not be overlooked in dealing with the question, and that is the difficulty of now securing lands of the same quality that was available for selection in former years at the time the territory was ceded by the Natives; and this alone should be a sufficient reason why a more extensive area should be set apart than perhaps might have been deemed necessary at that date. These remarks apply more particularly to the endowment for the production of a fund for Native purposes, as it would have been possible then to

have selected lands which, by reason of some peculiar advantage of position, would be sure to be in demand for permanent occupation for rental purposes.

To save any inconvenience that might arise, or the possibility of impeding the settlement of the country if large blocks of land were diverted to other uses, I would suggest that the setting-apart of a sufficiency of land for the objects alluded to need not disturb existing arrangements, but that the estate when appropriated should be allowed to remain under the control of the Commissioner of Crown Lands, to be disposed of either by sale or lease, as circumstances might require, the only distinction being that the proceeds should be placed to a separate account, and, in the case of sales being effected, that the amount realised should be invested and finally expended for the purchase of lands in more eligible localities than it would be possible to select at the present time, with the view to ultimately acquire properties in such situations as would produce the largest pecuniary return for the advantage of the Natives in promoting their general welfare.

Assuming that it has been incontrovertibly proved in the foregoing narrative of particulars that the Native owners of Kemp's Block were inadequately paid for the territory ceded by them, that the terms of the deed as regards the reservation of their *mahinga kai* (food-producing places) and the setting-apart of additional lands have not been equitably fulfilled, or the promises that were looked on as the main consideration for the cession of the land have never been carried out excepting in a manner that cannot affect the general question, I venture to express a hope that the recommendation made by me may be treated in a generous spirit.

I have been unable, owing to the manifold duties that have devolved on me for some time past in connection with the settlement of the ownership of the reserves now owned by the Natives in the South Island to carry out the direction contained in the Commission issued to me in regard to fixing the locality of the land to be selected in satisfaction of the Native claims, but this is a part of the work that could be disposed of by the Survey Department with greater facility than is at my disposal, and I beg respectfully to recommend that this department be asked to undertake the duty.

In concluding my report on the purchase herein dealt with, I beg to inform your Excellency that the majority of the Natives concerned are willing and anxious to accept a grant of land in satisfaction of their claims.

THE MURHIKU BLOCK.

It will be unnecessary to do more than give a brief history of the circumstances connected with this purchase without entering into details, as the particulars are for the most part similar to those associated with the acquisition of the Ngaitahu Block (Kemp's Purchase).

The tract of country comprised within the block now under review includes all the southern part of the South Island to the south of the Ngaitahu and the Otakou Blocks, the aggregate area being 6,900,000 acres. The negotiations for the purchase were completed on the 17th August, 1853, for the sum of £2,600. Reserves were made for the resident Natives at the following places within the block, viz., Tuturau, Omaui, Oue, Aparima, Oraka, Kawakaputaputa, and Ouetoto; the total quantity set apart for the purpose being 4,588 acres.

The resident population numbered 140, the average per individual would therefore be under 33 acres. In this case, as in Kemp's Purchase, there were a number of persons who were not entered in the census taken at the time, through being absent at Stewart Island and other places, as well as from other causes. A number of the persons then residing on the Island of Ruapuke were also concerned, and, had they represented their position properly to the Commissioner who effected the purchase, would no doubt have had land reserved for them, as full authority was conferred for the purpose. The result of this omission is that they are now either without land or only possess an insufficient quantity.

The deed does not contain any engagement to set apart additional reserves, but similar promises were made to the sellers with regard to schools, hospitals, and other advantages; and it has been expressly stated by the Commissioner who extinguished the Native title that these pledges were the main consideration for the sale of the land, on the faith of which he procured the cession of a large tract of country for a small cash payment.

The population according to the last census, including Stewart Island and Ruapuke, computed 353 persons; but there are others residing in the neighbourhood of and to the north of Otago who are also interested in the matter, and should be considered when additional lands are granted.

Assuming there are four hundred persons interested, and that land to the extent of fifty acres each is allotted them for individual use and occupation, less the 4,588 acres already appropriated to the purpose, it will need 15,412 acres to make up the requisite area, and to this a further quantity of 40,000 acres should be superadded for endowment purposes, making in all 60,000 acres. Independent, however, of the population basis alluded to, the same quantity is arrived at by classifying and assessing the value of the land according to prices paid in other parts of the colony on the same principle as the one adopted in Kemp's Purchase.

If this proposition is approved, it will be necessary to appropriate a total of 55,412 acres for all purposes; and I beg to recommend that this quantity be set apart. The same practice could be observed in regard to the appropriation as the one already suggested in respect of the area to be dedicated for a similar purpose in Kemp's Block.

As regards the locality of the land to be selected, that is a point on which I cannot afford very much information. By a statement kindly furnished by the Chief Surveyor in Southland, there does not appear to be much open agricultural land left in the hands of the Crown, excepting lands that have been set apart either for deferred payments or perpetual lease. There is a good deal of bush land adapted for the purpose, but that has all been gazetted under the State Forests Act. There is a large area of unappropriated land on Stewart Island; but even there all the bush land has also been proclaimed under the aforesaid Act. The localities on the mainland in which land

best suited for Native purposes could probably be obtained is the country on the sea-board between the Catlin's District and the Mataura, and to the west of the River Waiau in Foveaux Strait.

The Natives living at Riverton and at the settlements to the westward are very desirous to secure a block of land in the last-named locality; and I beg strongly to recommend that their wishes be given effect to. I have to report that the Natives interested in the fulfilment of the terms of the purchase are willing to accept a grant of land in satisfaction of their claims.

AKAROA BLOCK.

This block includes the whole of Banks Peninsula, estimated to contain 260,000 acres, inclusive of the portion formerly known as the Nanto Bordelaise Claim of 30,000 acres, and embraces three purchases, viz., the Port Cooper Purchase, effected in August, 1849, for £200; the Port Levy Purchase, in September, 1849, for £300; and Hamilton's Purchase, in December, 1856, for £200. The total quantity reserved for the Natives in all the purchases was 3,430 acres.

There does not appear to have been any enumeration made of the resident Natives at the time the purchases were effected. The first estimate of their numbers was made in 1844, when it was reckoned they computed 584. At that time a large number of the Natives belonging to settlements on the plains and elsewhere were living on the Peninsula, chiefly at Port Levy. The second estimate was made in 1848, when they were supposed to number 340. Of this number, 200 were apportioned land at Kaiapoi. The first detailed census taken was in 1861; at that date they numbered 211. The population according to the last census is 267; but as the whole of the Akaroa Block has been treated as a portion of Kemp's Purchase it is unnecessary to make any recommendation on their behalf.

OTAKOU BLOCK.

I propose to deal with this block separately, as the circumstances connected with its purchase stand alone. On the 31st July, 1844, the New Zealand Company—the Crown's right of pre-emption having been previously waived over 150,000 acres in the Middle Island by Governor Fitzroy in February of the same year, to enable the company to found the New Edinburgh Settlement—acquired, through the intervention of an officer appointed by the Colonial Government, a tract of country known as the Otakou Block, comprising 400,000 acres, for £2,400, as a site for the purpose, out of which the company engaged to select the 150,000 acres over which the right of pre-emption had been waived, and to re-convey the remainder to the Crown.

Three blocks of land were excepted out of the purchase by the Natives, namely, at Otago Heads, Taieri, and Te Karoro, containing in the aggregate land to the extent of 9,615 acres. The actual number of Natives resident in the block at the time does not appear to have been accurately ascertained, but according to an estimate made during the early part of the same year the population numbered about two hundred.

At the time the land was sold the tract of country between Otakou and the Taieri, according to Mr. Symonds, the officer appointed by the Government to effect the purchase from the Natives, was jointly claimed by the Native chiefs Tuhawaiki, Taiaroa, and Karetai, on behalf of their several families and dependants; and that the Taieri district to Tokota (the Nuggets) belonged to Tuhawaiki and his immediate connections. Independent of the land excepted from sale by the Natives, it was evidently intended at the time to select special reserves, as contemplated in the scheme of the other New Zealand Company's settlements, on which point Mr. Symonds writes as follows in his report on the purchase, dated the 2nd September, 1844: "I pursued this course as regard Native reserves from the firm conviction that the system heretofore adopted in the other purchases of large tracts was beyond the comprehension of the aborigines, and at the suggestion of Colonel Wakefield I left the further choice of reserves, namely, the tenth part of all land sold by the New Zealand Company, to be determined by His Excellency the Governor, without making any express stipulation with the Natives on the subject.

According to the agreement entered into between the New Zealand Company and the Otago Association in 1847 the New Edinburgh settlement was to comprise 144,600 acres, a tenth of which would represent 14,460 acres. The terms of purchase, however, between the company and the association precluded the possibility of any part of the aforesaid block being set apart as Native reserves; but the Natives nevertheless were to have land reserved for them within the block to the extent named; and ample evidence can be obtained by a perusal of the parliamentary papers and New Zealand Company's reports of that date of the intention to make such reserves, as the following extracts will show:—

Colonel Wakefield, in his report to the secretary of the Company on the acquisition of the Otakou Block, under date the 31st August, 1844, alludes to the matter in this wise: "Two other points there are of special application to the Governor: the one, respecting the future disposal of the residue of the block beyond the 150,000 acres to be selected by the Company; the other, as to the special Native reserves, as in the other settlements, not contemplated in the company's New Edinburgh scheme, which cannot be made till the surveys are completed and selections made."

Major Richmond, the Superintendent of New Munster, in his letter of the 23rd May, 1844, to Governor Fitzroy, reporting on Mr. Symonds's proceedings in relation to the Otakou Purchase, suggests that when the choice of sections is being made it will be necessary to have an officer on the spot to select reserves for the Government and Natives, and states his intention to appoint Mr. Symonds (unless previously instructed to the contrary) to make the selection. The matter is again alluded to by him in his letter to Governor Fitzroy, dated the 12th June, 1844. After detailing the steps taken in regard to Government reserves, he alludes in the following manner to the action he proposes to take in setting apart the Native reserves. "By the sixth paragraph of the prospectus for the New Edinburgh settlement I find that the provision hitherto made for the Natives by the directors of the New Zealand Company is left to the local Government. I shall therefore demand on their behalf one-tenth of each description of allotment, namely, town, suburban, and rural,

and arrange with the principal agent of the Company for the new settlement on the mode to be adopted for their selection, should I not receive your Excellency's instructions on this subject previous to the arrival of the latter with the emigrants."

Mr. Harrington, the secretary to the company, in communicating to the principal agent the amended terms of purchase for the Otago Association Block, also distinctly admits on the part of the Company the right of the local Government to make reserves for the Natives in that block, in addition to those lands which, as they were merely excluded from the purchase, were scarcely to be considered Native reserves under the New Zealand Company's scheme.

The setting-apart of Native reserves formed part of the terms embodied in the agreement of the 18th November, 1840, on which a charter of incorporation would be granted to the New Zealand Company, and, on these terms being accepted, on the 12th February, 1841, a charter was granted. The 13th clause of the aforesaid agreement contains the following provision relative to Native reserves: "It being also understood that the company have entered into engagements for the reservation of certain lands for the benefit of the Natives, it is agreed that, in respect of all the lands so to be granted to the company as aforesaid, reservations of such land shall be made for the benefit of the Natives, by Her Majesty's Government, in fulfilment of and according to the tenor of such stipulations, the Government reserving to themselves in respect of all other lands to make such arrangements as to them shall seem just and expedient for the benefit of the Natives." The stipulation alluded to was the reservation of one-tenth of the land acquired from the Natives in any agreement entered into. In April, 1846, an unconditional grant was executed to the New Zealand Company of the entire block of 400,000 acres, excluding the land reserved by the Natives.

On the 5th July, 1850, the New Zealand Company surrendered their charter, and the whole of the lands in their possession, subject to existing contracts became demesne lands of the Crown by virtue of the Act 10th and 11th Vict., c. 112, and subject to the instructions of 1846 respecting Crown land within the colony, as amended by the additional instructions of the 12th August, 1850.

Owing to the failure of the Otago Association to sell and settle the 144,600 acres contained in the agreement of 1847 with the New Zealand Company, that body ceased on the 23rd November, 1852, to have control over this land. Notwithstanding the inability of the association to fulfil the engagement with the company, the Imperial Government deemed it advisable that the residue of the land contained in the block of 144,600 acres should continue to be administered in general conformity with the terms hitherto subsisting until the General Assembly should otherwise determine; and instructions were issued to the Commissioner of Crown Lands to administer the waste lands in conformity with the aforesaid directions as regards the unsold portion of the 144,600 acres, and the remainder of the Otago block under the Government regulations of the 4th March, 1853.

Although it may be urged that the Crown had parted with its control over the 400,000 acres comprised in the Otago Block on the issue to the New Zealand Company of the grant dated the 13th April, 1846, the Company's lands reverted to the Crown on the surrender of their charter in July, 1850, subject to existing contracts, and the reservation of the tenths in the residue of the block outside the part held by the association could have been effectuated after that date.

No doubt can exist that the New Zealand Company fully admitted the right of the Natives to have a tenth of the land set apart for them in the Otakou Block in the same manner as was carried out in their other settlements; but the reservation and selection of these lands were left to the Colonial Government, but from some unexplained cause Governor Fitzroy omitted to give the necessary directions to have the lands selected, notwithstanding the desirability of doing so was brought before his notice more than once by the Superintendent of New Munster, although it was one of the conditions laid down, upon which the Crown's right of pre-emption was to be waived, "that all existing arrangements by the Government with respect to the New Zealand Company's settlements should be strictly observed."

It is highly inequitable, however, that the Natives interested in the question should be compelled to suffer for an omission of the Colonial Government to set apart the proportion of the Otakou Block it was generally admitted they were entitled to; and the desirability will no doubt be now seen that immediate action should be taken to remedy, as far as possible, the loss they have sustained in consequence. As a matter of fact, no reserves have been made for them in the Otakou Block, as the lands they occupy are portions they excluded from sale, and form part of their original estate. This position of the matter was admitted by the New Zealand Company, through their secretary, Mr. Harrington, when acknowledging the right of the Government to make reserves for the Natives within the block in accordance with the Company's scheme.

I have not had an opportunity of consulting the Natives specially interested in the aforesaid block as to whether they are willing to accept a grant of land as compensation for the non-fulfilment of the intention to set apart the tenths, and consequently am unable to make any recommendation on their behalf. The setting-apart of the tenths is the only condition left unfulfilled in their case. No promises in regard to hospitals or schools were made in connection with the cession of the land. If the obligations respecting the tenths is admitted, the least the vendors or their representatives are entitled to is the minimum quantity of 14,460 acres that should have been originally set apart, together with a fair percentage addition as compensation for the number of years they have been deprived of the benefits that would have accrued from these lands had the intention been effectuated at the outset.

All this is respectfully presented to your Excellency.
Signed and sealed this 5th day of May, 1887.

(L.S.) A. MACKAY.

APPENDIX.

WM. F. DRUMMOND JERVOIS, Governor.

To all to whom these presents shall come, and to Alexander Mackay, Esq., Judge of the Native Land Court: Greeting.

WHEREAS it is alleged by or on behalf of certain aboriginal natives in the Middle Island of New Zealand that they are unprovided with land: And whereas it is asserted by and on behalf of other Natives that the reserves and awards of land formerly made for their use and occupation are inadequate for their maintenance and support; and it is also stated that there are certain half-castes in the Middle Island not yet provided for in any Acts of the New Zealand Legislature hitherto passed making provision for grants of land in favour of half-castes: And whereas it is desirable that a Commissioner should be appointed to inquire into the cases of all such persons:

Now, therefore, I, Sir William Francis Drummond Jervois, the Governor of the Colony of New Zealand, by and with the advice and consent of the Executive Council of the said colony, having full confidence in your knowledge, ability, and integrity, do hereby appoint you, the said Alexander Mackay, to inquire into and report upon the several purposes and objects hereinafter specified:—

1. To inquire into all cases of Natives alleged to be unprovided with land:
2. To inquire into cases where it is asserted that the lands hitherto set apart are inadequate for the maintenance and support of the aboriginal natives on whose behalf such provision was made:
3. To inquire into the cases of all half-castes in the Middle Island whose names are not included in any Acts of the Legislature, who may still be unprovided with land:
4. To ascertain and furnish the names, addresses, and sex of all such persons, and recommend in what quantities and in what localities land should be set apart and awarded to each for cultivation and settlement purposes:

And, generally, to do, execute, and perform all and every such other acts and deeds, matters, and things whatsoever in anywise necessary or expedient to be done in and about the premises by virtue of these presents; and, in furtherance of such inquiries and for the purpose aforesaid, to take evidence upon oath or otherwise as to you shall seem meet, and to report on the same. And I do hereby, and with the advice and consent aforesaid, require you, within twelve months after the date of this Commission or as much sooner as can be done, using all diligence, to certify to me, under your hand and seal, your opinion touching the premises. And with the like advice and consent I do declare that this Commission shall continue in full force and virtue, and that you, the said Commissioner, shall and may from time to time proceed in the execution thereof to such place and places and at such time as you shall judge meet and convenient, although the same shall not continue from time to time by adjournment.

(L.S.) Given under the hand of His Excellency Sir William Francis Drummond Jervois, Lieutenant-General in Her Majesty's Army, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at Government House, at Wellington, this twelfth day of May, in the year of our Lord one thousand eight hundred and eighty-six.

FORSTER GORING,
Clerk of the Executive Council.

J. BALLANCE.

WM. F. DRUMMOND JERVOIS, Governor.

WHEREAS it is expedient to enlarge the powers conferred by the within-written Commission, I, Sir William Francis Drummond Jervois, the Governor of the Colony of New Zealand, with the advice and consent of the Executive Council of the said colony, do hereby enlarge the powers conferred on the Commissioner appointed herein to the following extent, viz.: That, in addition to the matters to be inquired into and reported on in paragraphs numbered 1, 2, 3, and 4, the said Commissioner shall also inquire into and report whether any of the aboriginal natives interested in the inquiry held by the Commission appointed in the year 1879 to investigate and inquire into certain matters pertaining to the purchase of land in the Middle Island enumerated in the last-mentioned Commission are willing or desirous of accepting a grant of land in final settlement of any claim or demand on the Government for the non-fulfilment of any of the terms and conditions of the said purchases, or of any promises made in connection therewith, and to recommend in what quantities and in what localities land should be set apart for such purpose. And I do hereby declare that the additional powers herein conferred shall form part of the original Commission, and shall be read and construed as if the same had been embodied therein.

(L.S.) Given under the hand of Sir William Francis Drummond Jervois, Lieutenant-General in Her Majesty's Army, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at the Government House, at Wellington, this twentieth day of July, in the year of our Lord one thousand eight hundred and eighty-six.

FORSTER GORING,
Clerk of the Executive Council.

J. BALLANCE.

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1888.

NIU TIRENI.

TE RIPOATA A TE MAKE, KOMIHANA, I RUNGA I NGA TAKE
A NGA MAORI KI NGA WHENUA I TE WAIPOUNAMU.

He mea whakatakoto ki nga Whare e rua o te Paremete i runga i te kupu whakahau a Te Kawana.

He PUKAPUKA na TE MAKE ki te MINITA mo te TAHA MAORI.

E TA,—

Temuka, 5 Mei, 1887.

Ka tukua atu e ahau i roto i tenei reta taku ripoata i runga i nga take whenua o te Waipounamu, ko aua take i tukuna mai ki au i raro i tetahi Komihana i tuhia i te 12 o nga ra o Mei; 1886, a ko taku kupu atu ki a koe me whakatakoto taua ripoata ki te aroaro o te Kawana, i te mea hoki i tuhia atu ki a ia taua ripoata.

Na te nui o tenei take i roa ai ahau e whakahaere ana he mea naku kia marama ai, kia taea ai hoki te tino whakaoti pai nga korero whakaaetanga a te Kawanatanga, ahakoa i tika ki ta te Ture, ahakoa ranei i tika ki ta te pono i mohio ai.

Kua whakahaerea e ahau nga hoko whenua katoa i nga porowini o te Waipounamu i roto i taku ripoata, a e rua nga ahua o aku kupu mo nga hoko o Ngaitahu me Murihiku.

(a.) Me whakarite etahi poraka hei whenua rahui e puta tonu mai ai he moni hei whakahaere i nga mea i whakaaetia ai ki nga Maori, i pai ai ratou ki te hoko i o ratou whenua. He maha nga painga o nga moni e puta penei mai ana, ko tetahi o nga tino painga o aua moni he puta tuturu mai i tetahi huarahi i waho o te mana o te Paremete, i waho hoki o era atu mea i kore ai e taea i mua atu nei te whakaoti pai nga take a nga Maori o te Waipounamu.

Ko enei etahi o nga mea hei mahi mo aua moni : (1) Hei hanga hei whakaora hoki i nga whare-kura me era atu whare e hanga ana mo nga tikanga o te katoa ; (2) hei hanga taiepa, hei whakapai i nga whenua, hei keru awa rerenga wai e mimiti ai te wai ; (3) hei hoko mea mahi paamu ; (4) hei utu takuta, hei hoko rongoa ; (5) hei utu i nga mahita kura ; (6) hei hoko pukapuka me era atu mea mo nga kura ; (7) hei utu i nga reeti takiwa ; (8) hei utu kai hei hoko weruweru mo nga Maori rawakore me nga ngongongonge ; (9) hei whakahaere hoki i era atu tikanga e pai ai te noho o nga Maori.

(b.) Me whakarite etahi poraka whenua hei mahinga hei kainga hoki mo nga Maori, kia tae ai o ratou whenua ki te rima tekau eka mo ia taane mo ia wahine mo ia tamaiti.

I runga i enei kupu ko enei i raro iho nei nga eka hei wehe ke me nga poraka i takoto ai, ara :—

Te hoko o Ngaitahu.—(1) Nga whenua rahui, 100,000 eka ; (2) nga whenua hei mahinga hei kainga hoki, apiti atu ki nga whenua kua oti nei i mua te porohita ma nga Maori, e 30,700 eka : hui katoa, 130,700 eka.

Te hoko o Murihiku.—(1) Nga whenua rahui, e 40,000 eka ; nga whenua hei mahinga hei kainga hoki, apiti atu ki nga whenua kua oti nei i mua te porohita ma nga Maori, 15,412 eka : hui katoa, e 55,412 eka.

Ko te huinga katoatanga o enei whenua i roto i nga poraka e rua 186,112 eka.

Ko nga hoko o Akaroa he mea whakauru ki roto i te Poraka o Ngaitahu.

Kihai ahau i tuhi kupu i roto i taku ripoata mo te Poraka o Otakou, engari kua whakaaturia e ahau nga tikanga o te rironga o taua whenua me nga korero whakaaetanga katoa, hei putake e taea ai te whakahaere a muri ake nei.

Kahore i taea e ahau te tino whakaoti nga mahi katoa i tukua mai nei ki au i raro i te Komihana ; nga mea kihai i oti—(1) ko te whakarite i te takiwa e rahuitia ai te whenua ; (2) ko te kimi i nga ingoa o nga tangata e tika ana kia whakawhiwhia ki te whenua.

Ko te whakarite i te takiwa e takoto ai te whenua, ma te Tari Ruri ka taea ai tena, a ko taku kupu me tuku atu ma taua Tari e mahi. Ko nga eka mo ia tangata, kia oti ra ano te mahi a te Kooti, me te whakatau i nga eka mo ia kainga, katahi tena ka taea te tino whakaoti.

I runga i aku kupu mo nga whenua rahui, kahore he take i kore ai e taea te whakatau ki nga whenua papai, natemea e kore e raruraru nga tangata e whai take ana ki aua wahi, e kore hoki e arara te noho o nga tangata e hiahia ana ki te noho ki runga i te whenua, natemea ka u tonu te whenua ki raro i te mana o te Komihana o nga whenua a te Karauna, ka whakahaerea hoki e ia pena ano me era atu whenua takoto noa a te Karauna, heoi ano te mea e rere ke ai ko nga moni e puta mai ana mo aua whenua rahui ka tukua atu ki tetahi kaute motuhake.

Ahakoa kua maha nga whakaaetanga ki nga mea i whakaritea e te Kawanatanga i runga i nga take a nga Maori ki nga whenua o te Waipounamu, ahakoa hoki he maha nga kimihanga, i mua

tata ake nei, i etahi tikanga e oti pai ai aua whakaritenga, kei te takoto tarewa tonu; heoi kei te tumanakoria e taku ngakau e kore e pena inaianei, a ki te kore e whakaaetia katoatia aku kupu, tera e pai hei putake e taea ai te whakahaere etahi atu kupu e tino manaakitia ana.

Hei kupu whakamutunga, ka ki atu ahau i konei i whakahaerea e ahau nga tikanga kua korerotia nei i roto i taku ripoata i runga i taku hiahia pono kia whakakotahitia nga whakaaro rere ke kua puta nei i runga i enei take, a kia whakaotia hoki enei take kua roa ke nei e takoto tarewa ana; kati kei te tumanako ahau tera e tirohia paitia ina marama katoa nga tikanga, a ka kite hoki te Kawana-tanga kei te hiahia katoa nga tangata e whai tikanga ana kia whakaotia maramatia tenei take kua roa ke nei e raruraru ana.

Ki te Minita mo te Taha Maori, Poneke.

NA TE MAKE.

Ki a Ta Wiremu F. Taramana Tiawhihi, Kawana o te Koroni o Niu Tireni, &c.

HE WHAKAATU ATU TENEI KI A KOE,—

I raro i te Komihana i tuhia nei e koe i te 12 o nga ra o Mei, 1886, me nga mana i whakataua nei e koe ki au i raro i te tuarua o nga Komihana i tuhia i te 20 o nga ra o Hurae o taua tau ano, koia nei nga mahi i whakaritea maku, ara:—

He ata uiui he tuku ripoata atu i runga i nga korero a etahi Maori o te Waipounamu me etahi atu tangata, mo te taha ki aua Maori, e ki nei e kore ratou e ora i nga porohita me nga whenua i whakataua nei ki a ratou i mua hei kainga hei oranga mo ratou, he uiui hoki mehemea tera ano ranei etahi hawhekaihe kahore ano i whiwhi ki te whenua, he rapu hoki mehemea kei te whakaae kei te hiahia nga Maori i whai paanga ki te mahi o te Komihana i whakaturia i te tau 1879, hei uiui i nga tikanga o nga hoko whenua i te Waipounamu, ara,—(1) Te Otakou Poraka; (2) te Poraka o Ngaitahu; (3) te Poraka o Murihiku; (4) te Poraka o Akaroa; ki te tango i tetahi whenua hei tino whakaae atu i o ratou take i o ratou tono hoki ki te Kawanatanga mo te korenga i mana etahi o nga kupu o nga pukapuka hoko, o etahi hoki o nga korero whakaaetanga ki nga Maori i runga i aua hoko; a he tuku kupu atu ki a koe mo te nui o te whenua me te wahi hei takotoranga mo taua whenua.

E mea ana ahau ko nga kupu o te wahi tuatahi o taku ripoata me pa ki nga take anake i puta i runga i te hoko o te Poraka o Ngaitahu, ara te poraka a Te Keepa, me te Poraka o Murihiku, natemea kei nga korero o enei poraka nga tino kupu mo te korenga i whakamana nga tikanga o te hoko.

Kia ata takoto katoa ai nga tikanga o enei hoko ki to aroaro, me korero poto atu e ahau te ahua o te hoko o aua whenua, kia tino mohiotia ai e tika ana kia arohatia nga Maori mo te korenga kahore nei i whakamana nga tikanga o aua hoko me nga korero whakaaetanga i korerotia ki nga Maori kia whakaae ai ratou ki te hoko i o ratou whenua mo te utu iti noa iho. Kaati i runga i tenei mahara aku me timata aku korero i te hoko a Te Keepa i te mea hoki ko te hoko tuatahi tena.

TE HOKO A TE KEEPA.

Taro ake nei ka wha tekau nga tau ka pahure i muri i te hoko a Te Keepa, e mohiotia nei hoki ko te hoko a Ngaitahu. I tuhia te pukapuka hoko ki Akaroa i te 12 o nga ra o Hune, 1848, a ko te rohe ki te raki o taua hoko he raina i timata i Kaiapoi i te tai rawhiti whiti tonu atu ki Moringa Kaihiku i te tai hauauru; ki te taha ki te rawhiti me te hauauru ko te moana nui; ki te tonga he raina i timata i Tokota i ko atu o te awa o Maranuku i te tai rawhiti rere tonu atu ki Whakatipu Waitai i te tai hauauru; ko nga eka o te poraka i roto i nga rohe kua korerotia i runga ake nei i neke ake i te 20,000,000 eka. Ko te utu i utua ai taua whenua e £2,000 pauna moni, me etahi whenua e 6,359 eka i wehea hei porowhita ma nga Maori i muri tata mai o te hoko.

I raro iho i te whakaaaturanga o nga rohe, he kupu penei me enei i raro iho nei kei roto i te tiiti (kei ta te reo pakeha) mo nga whenua e rahuitia ana ma nga Maori ara: “Ko o matou kainga me o matou mahinga kai ka puritia ma matou me o matou tamariki i muri i a matou, a ma te Kawana e wehe ke tetahi atu wahi whenua ma matou ina ruritia te whenua e nga kai ruri.”

E ki ana nga Maori he maha ke nga ahua mahinga kai hei roto i nga kupu “mahinga kai” i tuhia nei ki te whakamaoritanga o te pukapuka hoko, kahore i rite ki ta te reo pakeha e ki nei he ngaki kai ki te whenua anake, a i whakatikaia ta ratou kupu e te Kooti Whenua Maori i te tau 1868. I ki te Kooti he mahinga kai katoa nga maara, nga tahuna pipi, nga rauiri tuna, me nga toka hiinga ika, heoi ano nga mea e kore ai e tika kia kiia he mahinga kai, e ai ki ta te Kooti, ko nga wahi kimi-hanga kai i te koraha i te ngaherehere me era atu mea kahore nei i riro i te tangata i runga i tana mahi ake. Ki nga whakaaro o nga Maori ko te tino tikanga o enei kupu “mahinga kai” ko o ratou maara, ko nga hiinga ika, ko nga wahi patunga manu kiore hoki, ko nga mahinga hua rakau me nga aruhe i nga wahi katoa o te poraka. Mehemea e tika ana ta ratou, ka ahei ratou te haereere noa atu ki nga wahi katoa o te whenua; engari kahore tena i maharatia i te wa i hokona ai te whenua.

I te tau 1844, i te wa i whakaarohia ai nga hoko a te Whakaminenga o Niu Tireni, i tino tuturu te kupu i reira ko nga porowhita i nga pa me nga mahinga kai me penei, ara: Me ki ko nga pa ko nga whenua kua taiepaia i te wahi i tu ai nga whare me nga whenua e ngakia ana e nohoia ana hoki i waho o nga taiepa, a ko nga mahinga kai me ki ko nga whenua katoa i mahia e nga Maori, e mahia ana ranei e ratou hei whakatupu i nga hua o te whenua i muri mai i te wa i whakaturia ai te Kawanatanga o te koroni nei.

I runga i nga kupu o tetahi pukapuka i tuhia atu e Kawana Kerei i te 25 o nga ra o Maehe, 1848, ki a Ara Kerei, whakaatu kupu mo tetahi haerenga ona ki te Waipounamu, a i runga hoki i etahi kupu tohutohu ki a Kawana Aea mo te hoko o nga whenua i roto i te Poraka o Ngaitahu, ka mahara te tangata e kite iho ana i aua kupu i meingatia i reira kia whakaeangia nga take a nga Maori i runga i enei tikanga ara: Me wehe ke he porohita nui e ora ai nga kaitono me o ratou uri, ka rehita ai i aua porohita kia tuturu ai mo taua tikanga; a me matua whakatakoto nga rohe o nga porohita ki runga i te whenua, katahi ka hoko ai i nga paanga o nga Maori ki te toenga o te poraka.

I pena ano hoki nga kupu ki a Te Keepa, te apiha nana i hoko te whenua, ka kitea tenei ki nga kupu i roto i tetahi pukapuka tohutohu ki a Te Keepa i tuhia i te 25 o nga ra o Aperira, 1848: Koi nei aua kupu: "Ko te mahi mau he hoko i nga take e kite ana koe i runga i to uiui e tau ana ki nga Maori i roto i te whenua i waenganui o te takiwa i hokona e te iwi o Ngaitahu o te takiwa hoki i hokona e te Whakaminenga o Niu Tireni i Otakou. Ka timata to whakahaere i te hoko, me whakarite e koe he porohita e rite ana hei oranga mo nga Maori inaianei a muri atu nei hoki, a ka oti te whakatuturu nga rohe o nga porohita ka hoko ai i nga paanga katoa o nga Maori ki nga whenua e toe ana ki a ratou i te Waipounamu.

Mehemea ka korerotia nga pukapuka i tuhia i runga i tenei hoko ka kitea i reira kahore i whakahaerea te hoko i runga i nga tikanga i whakatakatoria i te tuatahi, kahore hoki i whakatuturu-tia nga rohe o nga porohita ma nga Maori ka hoko ai i te toenga o te whenua, engari ko nga moni i utua wawetia i te tuatahi, ko nga porohita i waihotia kia whakaritea a tetahi wa i muri mai;—heoi i runga i tena whakahaere riro ana ma te Kawanatanga anake e whakarite te nui o te whenua hei porohita;—a whakahokia iho ana nga eka ma nga Maori kia iti rawa, tena hoki kei nga korero a Te Matara ki te aroaro o te Kooti Whenua Maori i nga ra o Aperira, o Mei i te tau 1868, i te wa i whakawakia ai nga take a nga Maori ki nga porohita i whakaritea ma ratou i roto i te hoko a Te Keepa.

Hei muri ka tuhi ai i nga korero a Te Matara, engari me whakaatu atu e ahau i konei na te korenga e oti i a Te Keepa te whakatuturu nga rohe o nga porohita i whakaritea ma nga Maori, ka whakaturia e te Kawanatanga ko Te Matara hei whakaoti i taua mahi. Na ka whakamaramatia atu e Te Matara ki te Kooti tana mahi i tana haerenga ki te whakatuturu i nga rohe o nga porohita i whakaritea ma nga Maori i roto i te Poraka o Ngaitahu, ka mutu ka kiia atu e ia enei kupu me etahi atu ano hoki ara: "I te wa i whakatuturuatia ai nga rohe o enei porohita he mea whakangawari naku etahi kia taea ai te whakaoti. I whakaaetia atu e ahau ta nga Maori i hiahia ai mo te takiwa hei takotoranga mo te whenua, engari i whakaitia e au nga eka mo nga porohita. Ki taku mahara kahore te Kawanatanga i hiahia ki te whakaoti i nga porohita i runga i nga tikanga o te rarangi o te pukapuka hoko a Te Keepa. Ko nga moni i puta atu ki nga Maori ehara ena i te utu mo te whenua; ko nga porohita etahi hei mahara ma ratou me nga whakaaetanga a te Kawanatanga ki te whakatu kura ki te hanga hohipera mo nga turoro, ki te whakatu apiha hoki hei tiaki i nga take a nga Maori. Ahakoa te mahi uaua a etahi tangata kahore ano enei whakaaetanga i ea i nga Kawanatanga o mua ake nei. Kihai enei whakaaetanga i tuhia ki te pukapuka hoko. . . . I mahara ahau i taua wa e nui ana nga porohita hei oranga mo nga Maori, a i tuhi pera atu hoki ahau, heoi e mahara ana ahau inaianei he iti aua porohita. . . . Ki taku whakaro ko te mea tika kia rahi ake nga porohita. Te take i penei ai taku whakaro kua kore haere nga huarahi e taea ai he kai ma nga Maori inaianei. . . . I whakaritea e ahau nga porowita i runga i te kupu a Kanara Makereweti i patai atu hoki ahau ki a ia. Ko te mahara i reira me whakarite he whenua e taea ai e nga Maori he oranga mo ratou i runga i to ratou mahi. . . . Kahore ahau i ki ka ea nga kupu a te Kawanatanga i aua porowhita engari i mea ahau ko te whakaro a Kanara Makereweti e nui ana hei oranga mo nga Maori. . . . I taku whakaritenga i nga whenua ma nga Maori i whakaaetia e ahau kia kotahi tekau eka mo ia taane mo ia wahine mo ia tamaiti. . . . I whai tonu ahau kia iti nga whenua kia tae ki te mutunga iho o nga eka e whakaaetia e nga Maori. I whakaritea e ahau nga porohita hei oranga mo ratou i taua wa anake. I waihotia e ahau mo muri ka whakarite i etahi atu whenua. . . . I kiia a wahatia mai e Kawana Aea ki au kia whakaaturia atu e ahau ki nga Maori etahi whakaaetanga a te Kawanatanga ki a ratou hei apiti ki nga moni i riro i a ratou mo nga whenua. I whakaaturia atu e ahau aua kupu ki nga Maori, a ko tetahi tena o nga tino take i uru mai ai ratou ki raro i te pukapuka hoko, otiia kahore ano enei whakaaetanga i ea. I tuhia mai hoki ki au he pukapuka whakahau i ahau kia whakaritea nga porohita ki nga wahi anake i nga pa, i nga kainga, i nga mahinga ranei; ko nga eka kia rite hei oranga mo nga Maori e noho tuturu ana i te kainga, a kia whakaaturia atu hoki e ahau ki nga Maori ka whakaritea e te Karauna i tetahi wa i muri mai etahi atu porohita e whakaarohia ana e tika ana hei oranga mo ratou a muri ake nei. I piri tonu ahau ki tenei whakaaetanga i aku korerotanga ki nga Maori. He mutunga iho nga porohita no tetahi tautohetohe i whakaitia iho ai e ahau te whenua. I ki atu ahau ki nga tangata mehemea kahore ratou i te whakaae me ahau atu ratou ki te Kawana, a i tono atu hoki nga tangata o Waikouaiti ki te Kawana whakanuia tonutia ake e ia te whenua mo ratou."

Mo nga rahuitanga i nga rauwiri katoa me nga hiinga ika, i ki atu a Te Matara ki te Kooti ko tana kupu ki nga Maori i te tau 1848 ka whakaaetia kia mahia e ratou o ratou rauwiri tuna tae noa ki te wa i hiahitia ai e te Kawanatanga aua wahi hei whakanononoho tangata.

Ka kitea ki nga korero i runga ake nei kahore i uia atu ki nga Maori nga whenua i hiahitia e ratou kia puritia e ratou, engari he mea tohe kia iti rawa te whenua e whakaaetia e ratou.

Ka kitea hoki ki nga korero o te pukapuka i tuhia e Kawana Kerei ki a Ara Kerei, i te 20 o nga ra o Maehe, 1849, kahore he korero ki nga Maori mo nga moni i utua nei ki a ratou mo o ratou whenua. I whai kupu te Kawana i te timatanga o tana pukapuka mo nga korero o tetahi pukapuka i tuhia e te tino Kai-whakahaere o te Whakaminenga o Niu Tireni ki a Kawana Aea, he whakatu atu nana mo nga moni i utua mo te Poraka o Ngaitahu e korerotia nei, a i whakaaturia atu hoki e Kawana Kerei te raruraru o te Kawanatanga i runga i nga whakaritenga ki te Whakaminenga o Niu Tireni mo nga moni o nga whenua, a ko nga kupu whakamutunga enei o taua pukapuka ara: "Ka ki atu ahau ki a koe ko te whenua e mea nei te Kai-whakahaere o te Whakaminenga o Niu Tireni me tango noa mai i nga Maori, ahakoa to ratou kore e whakaae, he maha nga miriona eka o taua whenua, a ko te utu ki nga Maori mo o ratou paanga ki taua whenua e £2,000 anake haunga ia nga porohita ririki nei e whakaritea ana ma ratou. . . . Mehemea ka mahia e te Kawanatanga ta te Whakaminenga o Niu Tireni e ki nei e tika ana kia mahia e te Kawanatanga, a ka tangohia noatia ake te whenua o nga Maori e kore nei e kaha ki te tiaki i to ratou whenua, a ka waiho noa iho nga whenua o nga Maori e kaha ana ki te tiaki i o ratou whenua, ka tirohia kinotia te Kawanatanga e nga Maori katoa a ka tupato ratou ki nga mahi a te Kawanatanga; ka tino pera ratou mo tenei whenua, natemea kihai ratou i arai i te noho o te tangata ki runga, a i whakaae hoki ratou

ki te tuku mai i o ratou paanga ki te whenua mo te moni iti i whakaritea nei e te Kawanatanga hei utu tika mo aua paanga.”

Ko nga whenua i whakaritea ma nga Maori i te tau 1848 e 6,359 eka, a e kore enei eka e taea te ki he porohita nui hei oranga mo nga tangata e 637, ko nga tangata hoki era i tika kia whakawhiwhia i reira ki te whenua i roto i te poraka. I whai mana te Kawana i raro i nga tikanga o te pukapuka hoko ki te whakarite etahi atu whenua ma nga Maori i te otinga o te ruri o te poraka; heoi ko tetahi wahi anake o tenei i whakaotia i te tau 1868, e rua tekau tau i muri o te hoko. I mahara nga Maori kei a ratou ano o ratou mahinga kai i runga i nga tikanga o te pukapuka hoko, otira no te nohoanga o nga pakeha ki runga i te whenua, katahi ratou ka mohio kua kore e taea a ratou mahinga kai, a kua kore hoki ratou e ahei te haereere ki o ratou wahi i hiahia ai pena me mua. I ia tau i ia tau ka whakanohonohia e te pakeha te whenua, a ka iti haere nga wahi e tae atu ai nga Maori ki te mahi kai ma ratou. Ko tetahi atu take i kore ai etahi o nga kai a nga Maori, he patu na te pakeha i nga manu hei ahuaereka ma ratou hei aha ranei, tetahi hoki, i runga i ta ratou whakapai i te whenua ka keria e ratou he awa keria i mimiti ai nga wai o nga repo, me nga roto, me nga awaawa, a ka mate nga ika e mahia ana e nga Maori hei kai ma ratou. Kaati i runga i enei mahi a nga pakeha, ka kore atu nga mahinga kai a nga Maori, a na to ratou ngoikore kore mohio ranei ki te mahi i nga mahi e puta mai ai he oranga mo ratou, ka noho mate ratou, ka noho hemo kai hoki i runga i nga eka ruarua nei i whakaritea ma ratou.

Tena kei nga korero o te pukapuka i tuhia e Kawana Kerei ki a Ara Kerei i te 7 o nga ra o Aperira, 1847, te mohiotia ai te he o te mahi ki nga Maori no ratou te Poraka o Ngaitahu, i te whakakorenga i o ratou oranga o mua i te korenga kahore nei hoki i whakaritea he oranga ke atu mo ratou i te wa i whakaturutia ai nga porohita. I penei nga kupu a te Kawana i roto i taua pukapuka, ara: “Ehara i te mea e mahia ana e nga Maori ko nga hua anake o te whenua hei oranga mo ratou, engari ko etahi o ratou oranga he mahi aruhe, he huti ika, he patu tuna, he hopu manu, he whakangau poaka puihi, me era atu mea, a kia rahi hoki te whenua katahi ka taea enei tu mahinga kai. Mehemea ka tangohia o ratou whenua koraha ka waihotia ko nga whenua anake hei ngaki ma ratou, he arai atu tena i etahi o ratou tino oranga. I te mea e kore e tere te ako i nga Maori ki te whakatupu i nga hua anake o te whenua hei oranga mo ratou, he mahi he tena ki a ratou a e kore hoki e taea natemea e kore nga Maori e whakaae, e kore hoki e taea e ratou te whakaae natemea kahore kau a ratou mea mahi paamu, a e kore ano hoki ratou e mohio ki te mahi i aua mea mehemea kua whiwhi ratou.”

Tera ano etahi atu kupu mo tenei mea ano kei roto i tetahi pukapuka i tuhia e Ara Kerei ki te Komiti o te Haahi Weteriana i te 18 o nga ra o Aperira, 1848. I matua ki atu ia ki taua Komiti kia tirohia e ratou nga pukapuka whai kupu atu ki a Kawana Kerei mo nga tikanga i whakaurua ki te Tiriti o Waitangi mo nga take a nga Maori, ka mutu ka korerotia e ia te ahua o te whakahaere i aua take mehemea kahore i tuhia te Tiriti o Waitangi, i ki hoki ia mehemea kahore taua tiriti i mahia, kua riro ke ma te Kawana, i runga i tana tuunga hei kai-whakahaere ma te Karauna e whakarite he whenua ma nga Maori o Niu Tireni e ora pai ai ratou.

Mehemea i riro ma te Kawana e whakarite he whenua ma nga Maori kua whakaarohia e ia te ahua o to ratou noho me o ratou tikanga, pena e kore ano hoki e taea te ki i taua wa he mea tika kia kua e whakaaetia te hiahia o etahi tangata tokomaha ki tetahi whenua mo ratou, natemea e haere ana etahi Maori ruarua nei ki runga i aua whenua mahi kai ai, erangi e kore e tangohia noatia era oranga a nga Maori, ka hoatu ano etahi atu painga ki a ratou hei utu mo o ratou painga i riro atu nei.

Me te mea nei i tino whakaparahakotia nga kupu a te Kawanatanga o Ingarangi i runga i nga hoko o nga whenua a nga Maori o te Waipounamu; ko nga kupu hoki enei a te Kawanatanga o Ingarangi ki a Kawana Hopihana i te tau 1839: “Ko nga hoko whenua Maori katoa me whakahaere i runga i te pono me te tika kia rite ano ki te whakahaere i whakaae ai nga Maori kia tau te mana o te Kuini ki runga i nga motu o Niu Tireni. A ko tetahi hoki: kua e whakaaetia kia tuhia kuaretia e ratou tetahi pukapuka e pa ai he mate ki a ratou, ara:—kua hoki e hokona e koe nga wahi whenua e whiwhi ai ratou ki te painga me te ora mehemea ka puritia e ratou aua whenua. Ko nga whenua e hokona ana e te Karauna me hoko ki nga wahi anake e kore ai e pa he mate ki nga Maori e raruraru ai ranei ratou i runga i to ratou hoko. Ko te mahi nui ma te Kai-tiaki o nga Maori he whakamana i enei kupu.”

“Tera ano etahi mahi tika ki nga Maori o Niu Tireni, he whakahaere i nga tikanga e pai ake ai te noho o nga Maori; he whakaae ki a ratou ki te whakapono, ki te mohiotanga hoki, a he hapai i nga tikanga e pai ai te ahua o te iwi.”

He mea kia taea ai, a kia whai moni ai hei whakahaere, i tuhia nga kupu i raro iho nei ki a Kawana Hopihana i te 28 o nga ra o Pepuere, 1841, ara: “Kei te otinga o ia hoko i nga whenua a nga Maori i roto i te Koroni, me tuku atu ki te Kai-tiaki o nga Maori etahi moni kua e iti iho i te tekau ma rima pauna i roto i te rau kua hoki e neke ake i te rua tekau pauna i roto i te rau o te moni hoko, ko aua moni hei utu i nga whakahaere a te Kai-tiaki, a hei utu hoki i era atu mea e whakaaetia ana e te Kawana me te Kaunihera Minita, i runga i te kupu whakaaatu a te Kai-tiaki, hei whakawhiwhi i te ora ki nga Maori, hei whakaae ki a ratou ki te mohiotanga, hei whakaae hoki i a ratou ki nga tikanga o te whakapono.”

Tera pea e kiia kahore i taea enei kupu te whakamana i te Waipounamu i muri o te hokonga o nga whenua i te tau 1848, natemea i arata e nga whakaritenga ki te Whakaminenga o Niu Tireni, ko aua whakaritenga kei te 112 o nga rarangi o te ture i whakamana i te 10 me te 11 o nga tau o te Kuinitanga o Kuini Wikitoria, i riro ai i taua Whakaminenga te mana o nga moni o nga whenua. Otira, kahore he tino tikanga o tena whakaae, natemea kihai te Whakaminenga o Niu Tireni i whai mana ki te nuinga o te whenua i roto i te hoko a Te Keepa, heoi ano hoki te wahi i pa ai ratou ko nga eka e 2,500,000 i waenganui o *Double Corner* o te ngutu awa o Whakatere i hokona nei e ratou ki tetahi Whakaminenga tangata i Katapere.

I raro i te whakaritenga tuatahi ki te Whakaminenga o Niu Tireni, i tuhia i te tau 1840, i whai mana te Kawanatanga ki te rahui i etahi whenua i roto i nga whenua a te Whakaminenga hei oranga

mo nga Maori—ara :—ki te rahui i te wahanga kotahi i roto i nga wahanga kotahi tekau o nga whenua katoa e karaatitia ana ki te Whakaminenga o Niu Tireni i raro ano i taua whakaritenga, a i puritia ano hoki e te Kawanatanga ki a ratou te mana ki era atu whenua katoa e kaha ai ratou te whakahaere i nga mea i mohiotia ai e ratou e tika ana hei painga mo nga Maori.

Engari, kihai pea tenei mana i mau tonu ki te Karauna i runga i nga whenua i whakawhiwhia ki te Whakaminenga o Niu Tireni i muri i te wa i mana ai te ture kua whakahuatia i runga ake nei, natemea i raro i nga tikanga o taua ture i riro katoa nga whenua takoto noa a te Karauna, i roto i te Porowini o Niu Manita, i te Whakaminenga o Niu Tireni me nga mana katoa o te Kuini i runga i aua whenua i riro katoa i taua Whakaminenga; engari ko nga mea i whakaaetia ki nga Maori mo aua whenua i te wa i hokona ai ki te Karauna kihai era i riro; otira kihai te Kawanatanga i whai mana ki te tono mo te taha ki nga Maori kia whakataua nga wahanga whakatekau o te whenua ki nga Maori, natemea kahore tena tikanga i whakaurua ki te pukapuka hoko.

I roto i tetahi pukapuka i tuhia e te Makuihi o Nomanapi i te 14 o nga ra o Akuhata, 1839, i matua whai kupu ia ki a Kawana Hopihana mo nga tikanga hei whakaoti i nga take a nga Maori ki nga whenua, ka mutu ka whakaaturia atu e ia enei kupu mo nga hoko whenua Maori ara: “Ko te mahi mau he hoko mo te Karauna i runga i nga tikanga marama nga whenua a nga Maori e takoto noa ana hei kainga mo nga pakeha e heke atu ana ki Niu Tireni noho ai. Ko aua tu hoko katoa ma tetahi Apiha e whakaturia ana e koe hei kai-tiaki mo nga Maori e whakahaere. Ko nga utu e puta mai ana i te hokonga o nga whenua ki nga pakeha ko era hei hoko i etahi atu whenua i muri atu, a mehemea ka peratia kahore he tikanga i whakaritea ai etahi moni ke atu. Ki taku mahara hoki he iti rawa nga moni i utua e te Kawanatanga ki nga Maori, he nui rawa nga moni e riro mai i te Kawanatanga i runga i te hokonga o nga whenua ki nga pakeha; a kahore hoki he o tenei natemea kahore he tikanga o te nuinga o nga whenua ki nga Maori, e kore hoki e taea e ratou te hoko mo tetahi utu nui atu. Ahakoa hoki kei te Kawanatanga o Ingarangi aua whenua ka takoto noa iho etahi wahi, engari ma te hari moni atu a te pakeha i Ingarangi me to ratou noho ki runga i te whenua mahi ai ka nui ai te utu. A ka whiwhi hoki nga Maori i te painga i te nui haere o te utu o nga whenua.”

I penei ano hoki nga mahara o Ara Kerei mo te hoko i nga whenua takoto noa iho ki te utu iti, inahoki nga kupu o tana pukapuka i tuhituhi ai ki te Koniti o te Haahi Weteriana i te 13 o nga ra o Aperira, 1848. Koia nei aua kupu ara: “E kore te Kawanatanga e mahi he mehemea ka hokona e ratou nga whenua a nga Maori mo te utu iti ahakoa kei te Karauna anake te mana hoko. Ko te whakaaro hoki o te Karauna mo nga whenua e hokona ana e ratou he whakahaere i aua whenua hei painga mo te katoa, e kore e tika kia hokona nga whenua takoto noa a nga Maori ki te utu i tika mo aua whenua ina nohoia e te pakeha, engari me ata whakarite te utu ki nga painga i puta mai ki nga Maori i aua whenua i te wa i hokona ai. Mehemea e tika ana tenei mahara, he utu iti rawa nei te utu tika mo nga whenua takoto noa.”

Ko te mea nui hei whakaaro iho i runga i te whakanohonoho tangata ki nga whenua e nohoia ana e nga iwi penei me te Maori he kimi i tetahi painga hei tuku atu ki a ratou kia rite ai aua painga ki nga whenua e tukua mai ana e ratou, natemea e hara nga moni e puta atu nei ki a ratou i te utu tika mo te taonga nui nei mo te whenua. Ko te utu tika, he rahui i etahi wahi o nga whenua e hokona ana hei oranga mo ratou, a kua taea noatia tenei mehemea i whakaotia i te wa i hokona ai nga whenua o te pito ki runga o te Waipounamu. Mehemea i peratia kua whiwhi nga Maori ki tetahi taonga e nui haere ai te utu, a kua tau hoki ki a ratou nga painga i maharatia kia tau kia ratou i runga i te nohoanga o te pakeha ki o ratou whenua.

He mahara na te Whakaminenga o Niu Tireni kia kaua e pa he mate ki nga Maori i runga i te noho o te pakeha ki o ratou whenua, i whakaritea ai e te Whakaminenga nga whenua porohita ma nga Maori, natemea e kore enei e taea te whakakore atu, engari ka nui haere te utu ka riro atu hoki i nga Maori he whenua utu nui hei utu mo nga whenua tikanga—kore i hokona nei e ratou. Otira hei utu mo te wa i hokona ai, a kei tirohia kinotia hoki ratou e te katoa, i hoatu e te Whakaminenga ki nga Maori etahi moni i kiia i taua wa he utu tika mo te whenua, engari i mahara te Whakaminenga ko nga porohita i whakaritea nei e ratou hei oranga ma nga Maori, hei tuunga kura, hohipera me era atu mea pera, ko ena nga tino utu mo te whenua.

I roto i tetahi kupu tohutohu a Te Whakaminenga ki a Kanara Wairaweke, to ratou tino kai-whakahaere i whakaturia nei e ratou hei apiha hoko whenua ma ratou i Niu Tireni, i whai kupu penei ratou ki a ia mo nga whenua Maori e hokona ana e ia: “Me whakarere—ke e koe tetahi tino tikanga i roto i nga hoko a te Whakaminenga kia kaua e rite ki nga hoko a era atu tangata. He utu iti rawa te utu tika mo nga whenua takoto noa a nga Maori, no reira e kore tatou e mahara ki te iti o te utu i tukua nei ki a ratou. Kahore kau he tikanga o te whenua, engari kia nui nga moni e pau i runga i te kawenga tangata atu ki runga i nga whenua noho ai katahi ka nui ake te utu. Engari kahore ano pea nga Maori i mohio ki te mate e pa ana ki te iwi mehemea ka hokona katoatia o ratou whenua. Ko te mea tika me whakamarama atu enei mea ki a ratou, a ma nga tangata hoko whenua e tiaki nga Maori kei paangia ratou e nga mate e kore nei e mohiotia e ratou, Ko te mate e pa ki a ratou, a e kore e kitea wawetia e ratou, ko to ratou noho whenua kore i roto i tetahi atu iwi i te mea kua nui te utu o te whenua i runga i te heke atu o taua iwi. E kore e pa he mate ki nga Maori i runga i te hokonga o ratou whenua, engari ko te take e mate ai ratou ka noho ratou i roto i tetahi atu iwi mohio atu i a ratou, a na taua iwi hoki i nui ai te utu mo nga whenua. Mehemea ka tirohia ko te painga anake mo nga Maori, he pai ke pea mo ratou mehemea kihai ratou i whakaakona ki nga tikanga pakeha. Kahore pea tenei whakaaro i puta ki nga tangata i hoko i nga whenua a nga Maori i mua atu nei. Na te Whakaminenga o te tau 1837 i whakaatu mai i te tuatahi, a e tino manaakitia ana taua whakaaro e tenei Whakaminenga. I runga i tetahi whakaaro a te Whakaminenga o te tau 1837 i hiahia nei ratou kia mahia tetahi ture mo nga hoko whenua Maori o mua tae noa ki nga hoko o naianei, me tuhituhi e koe ki roto i nga pukapuka hoko katoa ka whakahokia atu etahi wahi o nga whenua e hokona ana, ko aua wahi ka rite ki te wahanga kotahi i roto i nga wahanga kotahi tekau o te whenua e hokona ana. Ka whakahokia atu aua wahi hei oranga mo nga whanau rangatira o te iwi, a me ki atu hoki koe ki a

ratou ka nui ake te utu o aua wahi ina nohoia e te pakeha i te utu o te whenua katoa i te mea kahore ano i nohoia."

Ko aua kupu ano hoki kei roto i tetahi pukapuka i tuhia e te Hoomu, tetahi o nga kai-whakahaere o te Whakaminenga o Niu Tireni, ki te Kawanatanga o Ingarangi i te marama o Maehe, 1841. I ki ia i roto i taua pukapuka. "Kahore ano te Whakaminenga i ki ko te moni e hoatu ana ki nga Maori i te wa i tuhia ai ratou i te pukapuka hoko, te utu tika mo te whenua. E mahara tonu ana te Whakaminenga e kore e tika kia kiia he utu aua moni. Kei te ki tonu atu te Whakaminenga ki nga Maori i runga i nga hoko katoa, ko te tino utu o nga whenua, ko te whakaaetanga a te Whakaminenga kia whakaritea etahi whenua e nui ake ai te utu o aua whenua i te whenua katoa ina nohoia te nuinga o te whenua e nga pakeha e tukua mai ana e te Whakaminenga."

Ka tino mohiotia ki nga korero i runga ake nei nga whakaaro a te Kawanatanga o Ingarangi me te Whakaminenga o Niu Tireni mo nga hoko whenua Maori. I mahara te Kawanatanga o Ingarangi he iti noa iho te utu o te whenua i te wa e takoto noa ana, engari ko te tino painga ki nga Maori mo nga whenua e hiahia ana ratou ki te hoko ko te nui ake o te utu o te whenua e puritia ana e ratou, i runga i te mahinga o nga whenua e nga pakeha, ko nga whenua e whakaritea ana hei orange mo ratou tetahi tino painga me nga mea hoki e whakaaetia ana ki a ratou hei utu mo a ratou mahinga kai i te koraha. Ko te mahi i nga mahi e taea ai te whenua te noho e nga tangata, me te whakahaere i nga tikanga e pai haere ai te ahua o nga Maori etahi o nga tino utu me te tukunga o nga whenua. I pera ano nga whakaaro o te Whakaminenga o Niu Tireni mo nga whenua takoto noa. Kahore i maharatia ko te moni anake te utu tika mo te whenua e hokona ana. Engari ko te tino utu ko te whakaritenga i te wahanga kotahi i roto i nga wahanga kotahi tekau o te whenua hei whenua tuturu ma nga Maori. He taonga hoki tena e kore e taea te ruke noa atu, engari ka nui haere te utu o aua whenua hei orange mo ratou me a ratou tamariki.

Ka tino kitea ki nga kupu kua tuhia i runga ake nei kahore i tika te whakahaere i nga tikanga i whakaritea mo nga hoko whenua Maori i te Waipounamu, ara, kihai i rahuitia he whenua nui hei orange mo nga Maori, kihai hoki i utua nga Maori no ratou te whenua mo te riro nui atu o a ratou mahinga kai hiinga ika hoki.

E kore e taea te ki ko te nui ake o te utu o nga mano eka ruarua i whakaritea nei ma nga tangata na ratou i hoko te poraka a Te Keepa i runga i te haringa moni atu ki reira mahi ai me nga moni e £2,000 ranei te utu tika ki nga Maori mo te whenua neke ake i te rua tekau miriona eka i tukua nei e ratou, ahakoa i whakaritea te utu ki nga painga anake i whiwhi ai nga Maori i mua. Ko nga whenua i kiia nei ka nui ake te utu ehara i nga porohita i whakaaetia nei ma nga Maori, engari ko te nui ake o te utu o te whenua i puritia e nga Maori ma ratou. Heoi kihai nga Maori o te pito ki runga o te Waipounamu i whiwhi ki enei painga, natemea kua riro ke o ratou whenua katoa te hoko i mua atu o te taenga mai o nga pakeha, no reira ko te mea tika kia whakaritea i taua wa he whenua hei kainga, hei orange hoki mo ratou, me etahi whenua e puta mai ai he moni hei whakahaere i nga tikanga e pai ake ai te noho o nga Maori. Mehemea i whakaritea he porowhita pera kua taea te whakaaetia atu nga mea i whakaritea ki nga Maori i pai ai hoki ratou ki te hoko i o ratou whenua.

He nui te mate kua pa ki nga Maori o te Waipounamu i te korenga kahore nei i whakaturia he apiha tiaki i a ratou, ahakoa te whakaaetanga kia whakaturia taua apiha i te wa i hokona ai nga whenua, mehemea ia i tu tetahi apiha whai mana ki te tiaki i a ratou i nga ra o mua kua kore e tino penei te mate o nga Maori i runga i te korenga e ea o nga korero whakaaetanga ki a ratou i te wa i hokona ai o ratou whenua.

I whai kupu a Te Matara i te tau 1856 ki te Kawanatanga o Ingarangi mo te korenga e whaka-eangia nga whakaaetanga i whakaaturia e ia ki a Ngaitahu i te wa i hokona ai o ratou whenua e te Karauna. I ki a Te Matara kahore ano enei whakaaetanga i whakaeangia, a i tono hoki ia kia tiakina nga Maori e te Kawanatanga o Ingarangi i te mea hoki kua kore te Kawanatanga o te Koroni e whakaea i nga korero i whakahaua e ratou kia kiia atu e Te Matara ki nga Maori; heoi ko te kupu o te Kawanatanga o Ingarangi ki a Te Matara me whai kupu atu ratou ki te Kawanatanga o Niu Tireni katahi ratou ka pa atu ki taua mea, a no te kitenga a Te Matara kua kore e taea e ia te whakaora i nga Maori, ka whakamutua e ia ana mahi katoa ki te Kawanatanga o te koroni.

I te wa i tu ai a Te Pokiha hei Hekeretari mo te Koroni, whai kupu ano a ia mo tenei mea i roto i tetahi pukapuka i tuhia e ia i te marama o Nowema, 1864, mo te ahua o te iwi o Ngaitahu me nga whakaaetanga ki a ratou i te wa i hokona ai o ratou whenua i te pito ki runga o te Waipounamu. I penei aua kupu ana ara: "I mua atu o te marama o Nowema, 1863, a tae noa mai ki taua marama i puritia e te Kawanatanga o Ingarangi te mana me te whakahaere i nga tikanga Maori. I taua marama katahi ka tangohia mai e te koroni te mana whakahaere i nga tikanga Maori i runga hoki i nga kupu o te pukapuka i tuhia e ia i te marama o Aperira, 1863, a i riro hoki ma te koroni e whakaea atu nga whakaaetanga a te Kawanatanga o Ingarangi ki nga Maori. Tere tonu te whakahau a te Hekeretari o te Koroni i a te Karaka he tangata mohio no te Tari Maori, kia haere ki te Waipounamu uiui ai i te ahua o nga Maori o te Porowini o Otakou, ki te patai hoki i nga korero i whakaaetia ki a ratou i te wa i hokona ai o ratou whenua e te Kawanatanga i mua; ki te patai hoki kua pewhea ranei te whakaaetanga o aua korero. Kua rongu ke te Hekeretari o te Koroni i etahi kupu mo enei take, engari kahore i tino marama aua kupu; otira no te rironga mana e whakahaere nga tikanga Maori ka mahara ia ko te mea tika me kimi e ia etahi tikanga e taea ai te whakaoti atu nga korero whakaaetanga a te Kawanatanga o Ingarangi ki nga Maori i mua noa atu, a kua roa ke nei e tarewa noa iho ana."

I muri i tana whakaaturanga i nga tikanga i meingatia e tona Kawanatanga kia whakahaerea mehemea kahore ratou i hinga, me tana whakaaturanga hoki i tana hiahia kia tere te whakamana nga whakaaetanga a te Kawanatanga o Ingarangi kua korerotia nei i runga ake nei, ka ki te Hekeretari mo te Koroni ko te mahi tuatahi ma te Komihana e whakaturia ana, he whakatakoto a he whakaatu hoki i etahi tino tikanga e ahei ai te Kawanatanga te whakapai ake i te noho o Ngaitahu i runga i te kupu i whakaaetia atu ki a ratou e

te kaiwhakahaere o te Kawanatanga o Ingarangi i te wa i hokona ai i riro ai hoki i a ratou te wahi o te Waipounamu e mohiotia ana inaianei ko nga Porowini o Otakou o Katapere. I te mea kua roa ke e takoto oti kore ana nga kupu i whakaaetia atu ki nga Maori, ko te mea tika me tonu e te Kawanatanga ki te Paremete kia pootitia he moni nui ma ratou. Ka kotahi whakaturanga tangata i muri i te putanga o enei whakaaetanga a kahore ano ratou i whiwhi ki nga painga i whakaaetia nei ki a ratou. E kore tenei e taea te whakatika inaianei, engari me ata whakaaro ano ina whakahaerea he tikanga mo tenei mea, a ma tenei hoki ka kore ai e tika te amuamu mehemea ka nui nga moni e pootitia ana mo te morehu iti o te iwi i a ratou nei te nuinga o te whenua i te Waipounamu. Ko tetahi take hei whakaaro iho ma te Paremete he take moni. Kua kiia e te Komihana nana nei i hoko te nuinga o te whenua mo te Kawanatanga o Ingarangi ko aua kupu whakaaetanga nga tino take i riro mai ai te whenua. He mea tika kia waiho ma te hunga i riro nei i a ratou te whenua e whakarite nga kupu whakaaetanga i riro mai ai taua whenua, a me mahi hoki he ture e taea ai te whakatau ma nga porowini i hanga nei i runga i te whenua o Ngaitahu e utu te moni e pau ana hei whakamana i aua whakaaetanga."

I whakaturia a Te Hanita Paraone i te tau 1865 hei kai-whakahaere i nga tikanga Maori i te pito ki runga o te Waipounamu, a ahakoa ana kupu whakaaetanga i nga tikanga e taea ai te whakaaetanga atu nga korero whakaaetanga a te Kawanatanga, kihai aua kupu i whakamana.

I timataria te mahi whakatu kura ki te pito ki runga o te Waipounamu i te tau 1867. I mua atu o taua tau na nga mihinare me nga pakeha Maori i whakaako nga Maori. I te tau 1870 e toru anake nga kura e mahi ana i te Waipounamu: Ko tetahi o aua kura i whakaturia ki Otakou Heeti i te tau 1869; ko tetahi i whakatuwheratia ki Ruapuke i te tau 1868; a ko te tuatoru o aua kura i Aparima e tu ana. I whakaturia ano he kura ki Kaiapoi, engari i wera te whare i te ahi i te raumati o te tau 1870, a kahore i taea te hanga he kura hou i te kore moni. Ko taua kura i hanga i te tuatahi i te tau 1863 e nga Mitinare i Otautahi, otira kahore i tuwhera i taua wa i te kore moni, no te tau 1866 katahi ka whakatuwheratia. Ko te mahara a nga tangata i te wa i whakaaetia ai kia whakaturia he kura, he hohipera hoki mo nga Maori me tere tonu te whakahaere i taua wa ano, a kua hoki e waiho kia tae rawa ki te wa e whakaturia ma nga pakeha.

I te tau 1865 ka whakaturia he takuta mo nga kainga nunui katoa. I mua atu i taua tau kahore i whakaritea he takuta hei rongoa i nga mate o nga Maori.

Ka kitea ki nga korero kua tuhia i runga ake nei ka kotahi tekau ma whitu nga tau i pahure atu katahi ka whakaturia he takuta, he kai-whakahaere hoki mo nga tikanga Maori i te Waipounamu, a tekau ma iwa nga tau i pahure i muri o te hoko katahi ka whakaturia he kura mo ratou.

Ko nga moni i pau hei utu takuta timata i te tau 1867 tae noa ki te 31 o nga ra o Maehe, 1882, e £2,559 18s. 8d.; ko te wa hoki tera i tukua atu ai ki te aroaro o te Komiti Maori o te Whare te kaute o nga moni i utua mo nga takuta. Ko nga moni i pau i runga i te mahi whakaako tamariki tae noa ki te wa i mana ai "Te Ture Whakaako, 1887," haunga ia nga utu mo te hanganga i nga whare-kura me te utu mo te kai-titiro e £8,586 19s. 10d.: heoi ano nga moni i utua mo enei mea i nga porowini i te Waipounamu, ko enei anake.

I raro i nga tikanga o te pukapuka hoko i tenei whenua i whakaritea ma te Kawana e wehi ke etahi atu whenua ma nga Maori ina oti te whenua te ruri, heoi kihai tenei i whakaaetia tae noa ki te marama o Mei, 1868, ko te porohita anake i Waikouaiti i whakaraha ake e 594 nga eka i whakaaetia e Ta Hori Kerei i te tau 1853 i runga i te tonu a nga Maori. Ko te tonu nga tangata o Moeraki i te tau 1849 kia whakaritea etahi atu whenua ma ratou kahore i whakaaetia.

I tukua atu tenei take ki te Kooti Whenua Maori i te tau 1868 i raro i te mana o te 83 o nga rarangi o "Te Ture Whenua Maori, 1865," a ko te whakatau a te Kooti me wehe ke etahi atu whenua hei whakaaetanga i nga tikanga katoa o te pukapuka hoko. I runga i taua whakataunga katahi ka whakaritea enei porohita hei whenua nohoanga, ara:—Katapere e 2,830 eka, i Otakou e 2,100 eka, hui katoa e 4,930. I ki ano hoki te Kooti me whakamana nga kupu "mahinga kai," i roto i te pukapuka hoko, no reira ka whakaritea nga eka e 212 i Katapere, me nga eka 112 e 3 ruuri e 20 paati i Otakou hei whenua mahinga ika.

Kahore he tino painga i puta ki nga Maori i enei whenua hiinga ika natemea i tukua e nga pakeha he ika pakeha ki roto i nga moana wai Maori me nga awa. Ko enei ika e tiakina ana e te ture, no reira e kore nga Maori e ahei te hao inanga i nga wa e tere ai, a e kore hoki ratou e ahei te patu tuna me era atu ika Maori i roto i nga awa kei takahia e ratou te ture.

Ko tetahi o nga take i kino ai o ratou hiinga ika he mimiti no nga wai i nga awa keru. I nga ra o mua i te mea kahore ano te pakeha i tae mai, a kahore ano hoki i nohoia e ratou te whenua i haere noa atu nga Maori ki te kimi kai ma ratou, otira i enei ra ki te haere ratou ki tetahi wahi kahore nei o ratou porohita i reira ka riria mai ratou e nga pakeha no ratou te whenua. He mea taimaha rawa tenei ki nga Maori i a ratou i mua tata ake nei te whenua katoa kua nohoia nei e tetahi atu iwi i enei ra, a i tika ano hoki to ratou pouri mo te rereke o nga tikanga inaianei me te whakaaro kore o ratou kai-tiaki pakeha i te tuatahi, kihai nei aua kai-tiaki i pupuri i enei oranga mo nga Maori, i whakarite ranei i etahi atu whenua hei utu mo nga tino oranga o nga Maori i kore atu i a ratou; natemea ko aua kai-tiaki anake hoki i mohio ki te mate e pa ki nga Maori i runga i te heke mai o nga pakeha, kahore nga Maori i mohio.

Tetahi hoki o nga kai a nga Maori i riro, ko nga pakiaka o te ti he "kauru" te ingoa. He kai pai rawa tenei, ka taona ki te hangi rite tonu tona reka ki to te huka. He maha nga tangata i mahi i taua kai i nga marama o Tihema, o Hanuere, o Pepuere, ka hoko atu ai i taua kai ki era atu ahua kai, ki te kakahu hoki.

Kei te pohehe etahi tangata ki te whakaaro o nga Maori ki o ratou whenua, ehara hoki i te mea e hiahia ana ratou ki te "apo" whenua engari e "aroa" ana ratou ki o ratou whenua. I tino mamae ratou i te rironga atu o nga whenua o o ratou tupuna i te iwi manene, me nga mahara me nga mana i tau ki te tangata nana te whenua, a heoi ano nga utu ki nga Maori he taonga, he moni kihai nei i roa kua pau atu.

Kihai nga Maori o te Waipounamu i mohio i mua ka nohoia o ratou whenua e tetahi iwi mohio atu i a ratou, maha rawa atu hoki i a ratou, a kihai hoki nga Maori i mohio ka riro katoa atu o

ratou painga o mua; no reira ko te mea tika kia tiakina ratou e o ratou kai-tiaki kei mate ratou i to ratou noho whenua kore i runga i te whenua i a ratou nei i nga ra o mua.

Tena nga korero e mohiotia ai te mahi ki te iwi o Ngaitahu hei whakaoti atu i nga whakaaetanga kia whakaritea he porohita nui hei oranga mo ratou inaianei a muri ake hei hoki, a kia whakaritea e te Kawana etahi atu whenua mo ratou ina oti te ruri o te poraka: Ko nga eka i wehea ketia mo ia tangata i uru ki te hoko a Te Keepa i te tau 1848 kahore i tae ki te kotahi tekau eka ma te tangata, a kihai hoki i pau katoa te tatau nga tangata i tika kia whiwhi ki te whenua. Otira na nga Maori ano tenei kuaretanga natemea kihai ratou i whakaae ki te tatau tika i nga tangata. Kei te penei ano te kuare o nga tangata o etahi takiwa inaianei, kahore e taea ana te tatau tika nga tangata, he mahara na ratou he aha ranei te take i taturia ai ratou. Na nga whakataunga o te Kooti Whenua Maori i te tau 1868, me nga whenua i whakaritea e te Kawanatanga mo nga Maori i tae ai nga eka ki te rua tekau eka mo ia tangata mo ia tangata e noho ana i nga kainga i roto i te poraka. I muri mai i te nohoanga o te Kooti i te tau 1868 i wehea etahi atu whenua e 3,024 eka mo nga Maori o Kaiapoi hei utu mo nga whenua i tangohia mo etahi atu tangata, i uru hoki ki enei nga eka e 200 i tukua mo te kino e etahi o nga whenua i whakataua ki nga Maori i mua atu. Ahakoa te whakarahinga ake o nga whenua i Kaiapoi, kahore i tino tae ki te rua tekau eka mo ia tangata, otira e kore e mohiotia te nui te iti ranei o te whenua mo ia tangata i runga i te taturanga i nga tangata; natemea kihai i rite te maha o nga eka mo ia tangata e noho ana i nga kainga; ko etahi hoki i whiwhi ko te rima eka me te hawhe, ko etahi i nui ake tae noa a etahi ki te toru tekau ma-whitu eka. I etahi o nga kainga i nui nga whenua a etahi tangata ko etahi kahore i whiwhi kia iti nei.

E kore e tuturu wawe nga eka mo ia tangata mo ia tangata kia oti ra ano nga mahi katoa o te Kooti, a kia rite hoki nga eka mo ia tangata mo ia tangata o tenei kainga o tera kainga katahi ka mohiotia. He whenua kino te nuinga o nga whenua i whakataua ki nga Maori i te tau 1868, i muri mai nei hoki, kahore i pena te momona me nga porohita o mua, a ko tenei hoki tetahi o nga tino mea hei titiro ina whiriwhiria nga whenua e mea nei ahau kia whakaritea na nga Maori.

I roto i te ripoata a nga Komihana i whakaturia i te tau 1879 hei uiui i nga take a nga tangata o te Waipounamu, i ki raua i meingatia kia whakaritea ma nga Maori te wahanga kotahi o ia wahanga kotahi tekau i roto i te poraka a Te Keepa, engari ki taku mahara i pohehe raua, a ko te take pea i pohehe ai ko te kai-whakahaere o te Whakaminenga o Niu Tirenī tetahi o nga kai hoko i whakaingotia i roto i te pukapuka hoko o te tau 1848, i mahara ai raua na te Whakaminenga o Niu Tirenī taua hoko, heoi kahore he mana i taua wa e taea ai aua tu hoko, kia whakakōrea atu ra ano te mana hoko a te Karauna katahi ka tika, a ahakoa hoki i whakakōrea atu taua mana e kore ano e tika te hoko kia puta ra ano he Karauna karaati katahi ka tika, natemea kahore he mana i te Kawana ki te whakatarewa i te mana hoko o te Karauna; no reira kihai i riro te whenua i runga i te whakaritenga a Kanara Wairaweke te kai-whakahaere a te Whakaminenga o Niu Tirenī ratou ko nga Maori, a kahore i riro taua whenua i te kai-hoko, a kahore he mana o taua pukapuka ki te tuku i te whenua ki te tangata i whakaingotia i roto i taua pukapuka.

E mana tonu ana "Te Ture mo nga Take Maori, 1841," me upoko 13 o nga Kupu Whakahau a te Kuini i te wa i tuhia ai te pukapuka hoko o Ngaitahu. I ki te ture o te tau 1841 kei a te Kuini anake me ona uri te mana hoko i nga whenua a nga Maori o Niu Tirenī, a e kore hoki e mana nga hoko whenua Maori mehemea kahore i whakaaetia e te Karauna ahakoa na nga rangatira, na te iwi ranei aua hoko. I raro i tetahi atu o nga rarangi o taua ture i whai mana te Kawana ki te whakatu Komihana hei tiroiro i nga tono a nga pakeha kia riro i a ratou nga whenua Maori i hokona nei e ratou.

Kei te 13 o nga upoko o nga Kupu Whakahau a te Kuini o te tau 1846 nga kupu i raro iho nei mo nga whenua a nga Maori e hokona ana e nga pakeha ara: "Ko nga tuku whenua Maori katoa me nga pukapuka whakaae ki te tuku whenua ahakoa na te iwi ahakoa na te tangata, ahakoa he tuku rawa atu, ahakoa ranei e tukua ana mo tetahi wa e whakaritea ana, ahakoa he tuku reti, ko aua pukapuka tuku whenua katoa e mahia ana i muri atu nei, e kore rawa e mana mehemea kahore i tukua mai aua whenua ki au me aku uri me oku kai-whakakapi."

Ka kitea ki enei korero kihai i tika ki ta te Ture kia hokona e nga pakeha i taua wa nga whenua a nga Maori, a mehemea ka hokona e te pakeha tetahi whenua Maori penei me te hoko a te pakeha i te poraka a Te Keepa, ka kore atu nga take a nga Maori ki te whenua engari ka riro te whenua i te Karauna. Ko nga wahi i he o te pukapuka hoko o Ngaitahu kua whakatikaia e te rua o nga rarangi o "Te Ngaitahu Reference Validation Act, 1868."

I raro i nga tikanga o tetahi atu Ture i mahia e te Paremete i te tekau me te tekau ma-tahi o nga tau o te Kunitanga o te Kuini, i whakatarewatia nga kupu o te 13 o nga upoko o nga Kupu Whakahau a te Kuini i roto i te Porowini o Niu Manita (ara i te Waipounamu), tae noa ki te 5 o nga ra o Hurae, 1850, a mo tetahi wa hoki e whakaritea ana e te Paremete i tua atu o taua wa; a i te wa hoki e tarewa ai aua kupu ko nga whenua takoto noa a te Karauna i roto i taua porowini me nga take me nga paanga katoa a te Kuini ki aua whenua ka riro rawa atu i te Whakaminenga o Niu Tirenī ma ratou e hoko e tuku ke atu ranei. Na tenei ture i whai mana ai te Whakaminenga o Niu Tirenī ki te whakanohonoho tangata ki runga i nga whenua o Ngaitahu i te Waipounamu ehara i te mea i whai mana ratou i raro i te pukapuka hoko a Te Keepa; no reira kihai tenei poraka i uru ki roto i te wahi i mohiotia i taua wa ko te wahi i meingatia e te Whakaminenga o Niu Tirenī kia whakanohonohoia e ratou ki te tangata, a kihai i tau ki tenei whenua nga kupu o te 13 o nga rarangi o te kirimina i waenganui o te Kawanatanga o Ingarangi o te Whakaminenga o Niu Tirenī i mahia nei i te tau 1840. Mehemea he tika taku e whakaatu atu nei, kahore he tikanga i te Whakaminenga o Niu Tirenī mo nga porohita i roto i te poraka a Te Keepa, engari kei te Kawanatanga ke ratou ko nga Maori te tikanga mo aua porohita.

I roto i te ripoata o te tau 1879 kua whakahuatia i runga ake nei, i ki nga Komihana e kore raua e kaha ki te whakaatu he pewhea ranei te nui o te mate i pa ki nga Maori i te korenga e ea o nga korero whakaaetanga ki a ratou i te wa i hokona ai o ratou whenua; heoi ra i te mea kua tukua mai maku e whai kupu atu mo te rahi o te whenua hei tuku atu ki nga Maori hei utu

mo te korenga kahore i whakamana nga tikanga o te pukapuka hoko me nga korero whakaetanga ki a ratou, ka tahuri ahau ki taua mahi ahakoa uaua ahakoa hoki e kore e taea te whakaoti pai taua mahi.

I te mea he maha nga tikanga o te hoko e kore e taea inaianei te whakaaro, me whakatakoto he putake whakahaere e taea ai te rapu te utu tika ki nga Maori i te wa i tukuna e ratou to ratou whenua nui ahakoa moni, ahakoa whenua ranei. E mea ana ahau me whakarite he eka whenua mo ia tangata, kahore hoki he huarahi ke atu e taea ai te whakaoti, a i runga i tenei mahara aku kua riro mai i ahau na nga tari ruri i homai nga kupu whakaatu tika mai i te ahua o te whenua i te wa i hokona ai me nga eka hoki i roto i taua hoko. Kua oti te whiriwhiri nga ahua o te whenua; e toru tahi ahua—ko nga whenua momona, ko nga whenua ahua pai me nga whenua kino.

I mua i te whakaarohanga o te tino kupu mo te rahi o te whenua e meingatia ana kia whakaritea ma nga Maori, me whakaatu atu e ahau i konei nga kupu e rua i raro iho nei, natemea e pa ana aua kupu ki te rahi o te whenua e meingatia ana kia tukua—ko tetahi o aua kupu he tikanga na te ture mo te wehenga i nga whenua hei porohita ma nga Maori, kei roto hoki i te 24 o nga rarangi o "Te Ture Whenua Maori, 1873." Koia nei aua kupu ara: "Otira ko nga whenua e waihotia ana hei oranga mo nga Maori, hei mea hoki e taea ai he painga mo ratou, e kore e kiiia he rahi aua whenua mo aua tikanga ki te kore e tae, hui katoa aua whenua, ki te rima tekau eka ki te tangata Maori kotahi e noho ana i te takiwa, hui katoatia atu nga taane, nga wahine me nga tamariki katoa i roto i taua takiwa." He kupu tohutohu kau atu tenei ki te apiha o te takiwa kia whakaritea e ia he whenua e rahi ana hei oranga mo nga Maori, engari kihai tenei kupu i whai tikanga ki nga hoko whenua. Ko tetahi o aua kupu no te tau 1860. I taua tau i whakaritea e Kawana Paraone etahi whenua 10,000 eka mo nga Maori e noho ana i te Tai Hauauru o te Waipounamu, ko taua hunga kihai i neke ake i te kotahi rau tangata, a ko aua eka i rite ki te kotahi rau eka ma te tangata kotahi. (Titiro hoki ki te pukapuka i tuhia e Kawana Paraone i Akarana i te 22 o nga ra o Pepuere, 1860, ki te Tiuka o Nuikataru.)

E 6,000 eka o aua whenua i meingatia kia wehewehea ki ia tangata, ki ia tangata, a ko nga eka e 4,000 i meingatia hei whakaputa moni e taea ai te whakapai ake te noho o nga Maori.

Ko etahi o enei porohita kua nui rawa te utu inaianei i te noho o te pakeha, ko tera i Kereimautu tetahi, koia nei hoki te mea i maharatia hei utu whakamutunga ki nga Maori mo o ratou whenua i tukua nei e ratou mo te utu iti noa iho. Kihai te nuinga o nga Maori no ratou te poraka o Ngaitahu i whai paanga ki nga porohita o te Tai Hauauru, takitahi nei o ratou i whai paanga ki aua porohita, no reira e kore e tika kia kiiia ko nga painga i whiwhi ai ratou i runga i aua porohita hei whakaea i etahi o nga mea e tika ana kia riro i a ratou.

He maha nga tangata e mahara ana e rahi ana nga whenua a nga Maori o te pito ki runga o te Waipounamu—e kore e taea e ratou te mahi o ratou whenua, a kahore hoki he take i whakaarohia ai ano ratou. He whakaaro pohehe tenei, a e kore hoki e penei, te whakaaro mehemea he pakeha te hunga e noho mate nei, heoi e kore e mohiotia te take i penei ai te whakaaro ki nga Maori. Kua whakaaturia ki te Paremete nga korero whakaetanga a te Kawanatanga mo nga hoko whenua Maori i te Waipounamu kahore nei ano i whakaeangia, a kua ki te Paremete e tika ana kia whakaarohia nga Maori. No te marama o Akuhata i te tau 1882 i puta ai te ripoata whakamutunga a te Komiti Maori o te Whare mo nga take a nga Maori. I whai kupu te Komiti i te tuatahi i runga i nga take korero o te pitihana a ka whakaatu hoki i nga korero mo te whakatu Takuta me te mahi whakaako i nga tamariki, ka mutu era ka penei te ripoata a te Komiti: "E mahara ana te Komiti ka taea ano e te Kawanatanga te kimi i te nui o te moni e pau mehemea e whakaritea katoatia ana nga mea i whakaetia ki nga Maori, ka ki hoki te Komiti me ata kimi mai tera. I te otinga o tera, me whakarite he rahui hei utu, a me here aua rahui i runga i etahi tikanga e ora ai nga tangata rawakore i te wa e mate turoro ana e koroheketia ai ranei. Ma tetahi ture ano e taea ai te whakarite nga mea kua tohutuhungia atu i te rarangi i runga ake nei; engari e whakaaro ana te Komiti mehemea ka taea te whakaoti pai enei mea me ata mahi marire me tuku atu hoki etahi mea whakapumau. Heoi e mea ana te Komiti me ata whakaaro tenei ripoata e te Kawanatanga."

Ahakoa taku manaaki i te ripoata a te Komiti, ka ki atu ahau i konei kei te pohehe ratou i a ratou e ki nei i whakaturia he takuta mo nga Maori i mua atu nei, otira ko te mahi whakaako i nga tamariki te mea i tino pohehe ai ratou, natemea ko nga kura e mahi mai nei i te Waipounamu inaianei i whakahaerea (i mua atu i te wa i mana ai "Te Ture Whakaako, 1877") i raro i nga tikanga o "Te Ture mo nga Kura Maori, 1867," a e kore hoki e taea te ki i whakaturia aua kura hei whakaea i nga whakaetanga o mua, natemea kua whiwhi ano nga Maori ki te painga o aua kura ahakoa i nui ake te utu ki a ratou mo o ratou whenua. Ko nga moni i pau hei utu takuta i te Waipounamu tae noa ki te 31 o nga ra o Maehe, 1882, e £2,559 18s. 8d., e toru tekau ma-wha tau i muri i te hoko tuatahi, a e rua tekau ma-iwa tau i muri mai i te hoko tuarua.

I roto i te ripoata a nga Komihana i whakaturia i te tau 1879 hei whakaoti i nga tikanga e takoto tarewa tonu nei i waenganui o te Kawanatanga o nga Maori hoki i runga i te hokonga o enei whenua ki te Karauna, i penei etahi o a raua kupu ara: "E mea ana maua me tuhi he kaute i waenganui o te Kawanatanga o Ngaitahu; me tuhi ki tetahi rarangi o taua kaute te wahanga tekau ma-tahi o nga moni i riro mai i te Kawanatanga hei utu mo nga whenua katoa i hokona e ratou ki te pakeha i roto i aua poraka e rua (nga poraka o Ngaitahu me Otakou). A ki tetahi rarangi o taua kaute me tuhituhi i te tuatahi nga utu e tika ana inaianei mo nga porohita katoa a nga Maori i roto i aua poraka, i raro iho i tena me tuhituhi nga moni katoa i whakapaua e te Kawanatanga hei painga mo Ngaitahu mo era atu iwi ranei e whai paanga ana ki te whenua, hui atu hoki ki nga moni katoa i utua e te Kawanatanga mo nga whenua i roto i nga rohe o nga poraka o Ngaitahu me Otakou i muri mai i te utunga o nga moni i whakaritea i roto i nga pukapuka hoko hei utu mo aua whenua."

Kua oti te whakamarama atu e ahau i runga ake nei i pohehe nga Komihana i runga i ta raua whakaaro kei te pa nga wahanga kotahi tekau a te Whakaminenga o Niu Tiren i tenei hoko, a ko ta raua kupu kia tuhia he kaute i waenganui o te Kawanatanga o Ngaitahu, ki taku mahara ehara

tena i te kupu marama, a ko nga take hoki enei i penei ai taku mahara: Take tuatahi—e kore e tika kia whakaarohia nga utu e tika ana inaianei mo nga porohita a nga Maori; e he ana hoki te ki kua whiwhi nga Maori i te painga i te nui haere o nga utu o a ratou whenua i runga i te heke mai o nga pakeha. Inahoki, i te tau 1860 ko nga porohita a nga Maori i Katapere e 7,000 eka a ko nga utu mo aua whenua mehemea i hokona e £67,000. E rima rau nga tangata no ratou aua whenua, a mehemea ka wehea aua whenua ki aua tangata ka tekau ma-wha eka mo ia tangata o ratou. Kaoti ko nga utu i whakaritea i taua wa mo nga whenua a te Karauna e £2 mo te eka, a mehemea i kurutetitia nga porohita a nga Maori ki etahi o nga whenua a te Karauna i runga i taua utu kua riro i nga Maori e 33,500 eka, penei kua neke ake nga whenua a nga Maori ki te rima tekau ma-toru eka mo ia tangata mo ia tangata. Mehemea i peneitia te tikanga kua whiwhi nga Maori i te painga i runga i te nui ake o te utu o o ratou whenua, nei ra i te mea e kore e taea e nga Maori te hoko te kurutete ranei i o ratou whenua e rite ana te painga e whiwhi ai ratou i te nui ake o te utu o ratou whenua ki te painga e tau ana ki te tangata e whiwhi ana i te peeke moni mehemea e paea ana taua tangata ki tetahi moutere kore tangata. He rite tonu ki nga Maori ahakoa i £1 mo te eka te utu tika mo o ratou whenua ahakoa ranei i tae ki te £20, heoi ano te mea e whiwhi ai nga Maori i te painga ko te momona o te whenua, kore rawa he painga e tau ki a ratou i te nui ake o te utu o o ratou whenua. Take tuarua—e kore ano e tika kia whakaarohia nga moni i whakapaua e te Kawanatanga mo Ngaitahu. Kahore hoki i nui aua moni mehemea ka wehea ki nga tau maha i muri mai o nga hoko, a ko tetahi e tika ana kia riro aua moni i nga Maori mehemea ka whakaarohia te roa o te wa i tatari ai ratou kia whakaotia nga tikanga o nga hoko, e kore hoki e taea te whakarite he utu tika mo te roa o te wa i tatari ai ratou kia whakaritea he whenua ma ratou, natemea kahore i rite te pai o nga whenua e toe ana inaianei ki te pai o nga whenua i watea hei tuku ki a ratou i te wa i hokona ai o ratou whenua.

Tenei ano hoki tetahi mea hei titiro iho, mehemea ka whakaarohia nga painga kua tukua e te Kawanatanga ki nga Maori; ka tika ano kia whakanuia ake nga whenua ma ratou hei utu mo te roa o ta ratou tatari, a mehemea ka peneitia ka tino whiwhi nga Maori. Ki taku mahara me whakarere nga kupu a nga Komihana, a me ki hoki ko nga painga i whakawhiwhia e te Kawanatanga ki nga Maori me te nui ake o te utu o a ratou whenua, hei utu era mo te roa o te wa i tatari ai nga Maori:

Ka kitea ki tetahi pukapuka kaute i mahia e te Tari Whakahaere i nga Moni a te Kawanatanga ma te Komiti Maori o te Whare, ko nga moni i whakapaua e te Kawanatanga mo nga tikanga Maori i te pito ki runga o te Waipounamu timata i te tau 1867 tae noa ki te 31 o nga ra o Maehe, 1882, e £24,632 12s. kahore i whakaurua ki enei nga moni e £5,657 1s. 9d. i whakapaua i runga i te whakaako tamariki i muri mai o te tau 1877, me etahi atu mea hoki kahore i tika kia whakaurua. Kei raro iho nei te kape o taua kaute ara:—

	£	s.	d.	£	s.	d.
Nga utu ki nga takuta	2,249	8	8			
Nga moni mo nga hohipera	310	10	0			
				2,559	18	8
Te mahi whakaako tamariki—						
Nga utu mo nga whare kura	3,147	5	6			
Nga utu ki nga mahita kura	2,940	5	2			
Nga utu mo nga tamariki	2,241	4	7			
Te utu ki te kaititiro	258	4	7			
Te utu mo nga pukapuka me era atu mea mo nga kura	630	10	2			
				9,217	10	0
Nga utu ki nga apiha—						
Nga utu ki te Kaiwhakawa Tuturu me te Kaiwhakamaori i Southland me Dunedin ...	1,556	3	0			
Te utu ki te Kaiwhakamaori i te takiwa o Katapere	2,344	13	4			
Nga utu ki nga Ateha	3,837	0	0			
				7,737	16	4
Nga penihana				437	5	0
Nga kai me nga kakahu mo nga koroheke me nga rawakore ...				1,236	13	0
Nga moni i whakapaua mo era atu mea				3,443	9	0
				£24,632	12	0

Ko te nuinga enei o nga moni i whakapaua mo nga tikanga Maori i Katapere me Otakou, he iti rawa nga moni i whakapaua i mua atu o te tau 1867. Mehemea i wehea he whenua rahi hei whenua tuturu e puta mai ai he moni mo enei tikanga kua kore atu etahi o nga raruraru e takoto nei, a kua noho ora hoki nga Maori no ratou te whenua e kore e penei te ahua me to ratou ahua e noho nei ratou.

Mehemea ka whakaetia te kupu e kiia nei he iti noa iho te utu tika mo nga whenua koraha, ko te mea tika me kimi he pewhea ra te tikanga o taua kupu, ara, he aha te utu i kiia i nga ra tuatahi o te koroni he utu iti; na kotahi tonu te huarahi e taea ai tenei mea te kimi, me titiro ki nga pukapuka hoko whenua hei tauira, me kimi hoki i reira nga utu i tukua mo nga whenua a nga Maori i hokona nei i te pito ki raro o te Koroni i te wa ano i hokona ai nga whenua o te Waipounamu. Kahore i nui nga whenua i hokona i mua atu o te tau 1847. I te marama o Aperira i taua tau i hokona tetahi whenua i Porirua, he kainga e tata ana ki Poneke, ko nga eka o taua whenua e 68,896 eka a ko nga moni i riro i nga Maori e £2,000. Ko tenei utu e rite ana ki te hikipene mo te eka, engari he mea whakahoki atu ki nga Maori e noho ana ki Porirua nga eka 11,550. I taua wa ano i hokona tetahi whenua nui a Ngatitooa i te Waipounamu e 3,000,000 nga eka o taua whenua,

ko nga moni i utua ai e £3,000, me nga eka 117,248 i rahuitia mo nga tikanga Maori. No te tau 1848 ka hokona ko te Whanganui poraka e 89,600 eka mo nga moni £1,000 a i wehea hoki nga eka e 5,450 ma nga Maori i roto i te poraka. Ko te utu mo te eka o tenei poraka e rua kapa me te toru parenga 2½d. mo te eka, engari ko nga wahi momona o te whenua e 48,800 anake eka. I te marama o Mei o te tau 1849 ka hokona te Rangitikei-Turakina Poraka e 225,000 eka mo nga moni e £2,500 me nga eka e 2,900 i rahuitia ma nga Maori. Ko te utu mo te eka o tenei whenua e rua kapa e toru parenga mo te eka, a hei apiti hoki ki nga moni o te hoko i rahuitia nga eka 31,000 hei whenua tuturu ma nga tangata no ratou te whenua. I te tau 1866 ka hokona tetahi whenua e tata ana ki taua poraka i te taha ki te tonga o te awa o Rangitikei, ko nga eka o taua whenua e 220,000, a ko nga moni i utua ai e £25,000 me nga eka e 24,000 i rahuitia mo nga Maori e noho ana i te takiwa. Ka kitea ki te hoko o taua whenua te nui ake o te utu o nga whenua Maori i runga i te noho o te pakeha.

Mehemea ka tirohia te pukapuka (E.—10) whakaatu i nga whenua i hokona i te pito ki raro o te Koroni nei i te wa i timata i te 1 o nga ra o Hurae, 1856, tae noa ki te 31 o nga ra o Maehe, 1858, ka kitea i reira ko nga whenua i hokona i aua tau e 771,673 eka, a ko nga moni i utua ai e £24,870, ara e whitu kapa me te hawhe 7½d. mo te eka. E 369,673 eka o enei whenua kei raro atu o Akarana, a e 402,000 eka kei Haaki Pei, engari ka kitea ki tetahi pukapuka i whakahaua e te Paremete kia mahia i te tau 1861 ko te huihuinga o nga moni i utua e te Kawanatanga mo nga whenua katoa i hokona i te pito ki raro o te motu nei i tae ki te (6d.) hikipene mo te eka. I te tau 1849 i hiahia te Kawanatanga ki te hoko i tetahi whenua i Wairarapa neke ake i te miriona eka mo nga moni £1,000. I tonoa e nga Maori kia £16,000 he utu mo taua whenua, heoi i mahara te Kawanatanga he nui rawa taua utu, a whakamutua ana te hoko.

Kahore i timataria ano te hoko whenua i Wairarapa tae noa ki te tau 1853, otira timata mai i taua tau tae noa mai ki te 30 o nga ra o Hune, 1860, i hokona e nga Maori ki te Karauna e 957,864 eka, a ko nga moni i utua ki a ratou mo aua whenua e £38,642. I rahuitia nga eka e 20,234 ma nga Maori i roto i nga whenua i hokona ra, a ko nga whenua i toe ki a ratou 187,856 eka. Apiti atu ki tenei i whakaaetia ki a ratou nga moni e rima pauna i roto i te rau kotahi o nga moni e riro mai ana i te Kawanatanga ina hokona etahi wahi o te whenua e 387,000 eka, engari ka tangohia nga utu mo nga ruri i roto i aua moni. Ko tenei hoki tetahi whenua i rahi ake tona utu i runga i te heke mai o te pakeha.

Kua oti te whakaatu e ahau i runga ake nei kahore i toe he whenua ki nga Maori o te pito ki runga o te Waipounamu e whiwhi ai ratou ki etahi painga penei, natemea kotahi tonu te hoko i riro katoa atu ai o ratou whenua koraha hei whenua nohoanga mo nga pakeha, a ko tetahi take hoki tenei i tika ai kia tiakina ratou, kia whakaritea he whenua rahi hei kainga mo ratou, me etahi whenua rahui e taea ai te whakapai ake te ahua o to ratou noho.

Ko te nui o te whenua i roto i te hoko a Te Keepa e 20,128,000 eka i kitea tenei i te kimihanga i nga eka i mua tata ake nei, kua whakaurua a Akaroa inaiane i roto i taua poraka, ahakoa te kapenga o taua whenua ki waho i te tau 1848, a kei raro iho nei te whakaaturanga o nga eka o nga whenua pai, nga whenua ahua pai, me nga whenua kino i roto i taua poraka i te wa i hokona ai. Ko enei ahua he mea titiro ki te wahi i takoto ai te whenua, ki te utu mehemea i hokona, a ki te pai hoki o te tae atu o te tangata ki runga ki te whenua i te tau 1848. Ko te whenua kua kiia nei he whenua pai ko nga wahi e taea paitia atu ai e te tangata i taua tau. Ko te whenua ahua pai ki te wahi tena i uta atu e taea atu ana e te tangata ma raro ma te hoiho ranei, he whenua e pai ana mo te whangai hipi, kau me era atu kararehe kai tarutaru. Ko te whenua kino ko nga maunga tae atu k itetai Hauauru, he whenua hoki tera kahore ano i haerengia e te tangata i taua wa, a tae noa ki te wa i mahia ai te koura i te tau 1863 katahi ka mohiotia te ahua. Nga eka o nga whenua pai 2,864,000 eka, nga whenua ahua pai e 8,064,000 eka, a e 9,200,000 nga eka o nga whenua kino. Mehemea ka kiia he toru kapa 3d. te utu tika mo nga whenua pai i te tau 1848, kotahi kapa me te hawhe 1½d. mo te whenua ahua pai a kia kotahi kapa 1d. hoki te utu mo nga whenua kino, ko te utu tika mo aua whenua katoa ka tae ki te £124,533, a mehemea ka kiia aua moni he whenua e tukua ana ki nga kai-hoko penei ka riro i a ratou nga eka 124,533, natemea hoki £1 mo te eka te utu mo nga whenua o te Karauna i taua wa. Kua riro atu i nga Maori 19,312 o enei eka a e toe ana 105,221 eka e tika ana kia whakaritea ma ratou.

E mea ana ahau kia rahuitia nga eka 100,000 o enei whenua hei whaputa moni e taea ai te whakapai ake i te noho o nga Maori, a i te mea hoki e kore te toenga o aua whenua e rite hei mahinga hei kainga hoki mo nga Maori, me whakarite ano etahi atu whenua kia 25,479 eka kia neke ake ai nga whenua o ia tangata ki te rima tekau eka mo nga tangata katoa e tika ana kia whakawhiwhia ki te whenua i roto i te poraka. Mehemea ka whakaaetia tenei me whakarite kia 130,700 eka kia taea ai.

Hei take e mohiotia ai kahore i he tenei whakataunga whenua ki nga Maori mehemea ia e tino whakaarohia ana nga tikanga o te hoko, ara, mehemea i whakaritea i te tuatahi he porohita nui hei orange mo nga Maori i te wa o te hoko a taea noatia enei ra, me te whakarite hoki i etahi whenua rahui e puta mai ai he hua e pai ai te-tu noho me te ora o te Maori, penei e kore pea e kiia i reira he nui rawa te 150 eka mo ia tangata hei utu tika mo to ratou tukunga i te whenua nui whakaharahara mo te utu iti noa iho. E, 637 nga tangata i whakawhiwhia ki te whenua i te tau 1848, otira tera ano etahi atu tangata whai paanga ki te poraka i tika kia whiwhi ki etahi whenua engari kahore i tatauria aua tangata, na te kuare ano ia o nga Maori tetahi he i kore ai ratou e whakaurua, natemea kahore i whakaaturia e ratou o ratou ingoa, a ko tetahi hoki kahore ratou i mohio ki te mate e pa ki a ratou i runga i to ratou kore e whakaatu. Ko etahi o nga Maori e whai paanga ana ki te poraka i tera motu ke e noho ana i te wa i tatauria ai nga tangata, ko etahi i Akaroa, i Otakou, i Taieri, i Maranuku, i tika ano aua tangata kia whiwhi ki etahi whenua i te wa o te hoko, i muri mai nei ranei, mehemea i whakaaturia o ratou ingoa. Kotahi rau e rima tekau nga tangata tika kia whiwhi ki te whenua, i Akaroa e noho ana haunga nga tangata e noho ana i Poata Riiwi i tatauria i te wa i tatauria ai nga tangata o Kaiapoi; a e tino mohiotia ana hoki ko etahi o nga tangata o nga kainga i hapa kahore i tatauria. Kaati e tika ana kia kiia mehemea i poto katoa

nga tangata te tatau kua tae ki te kotahi mano aua tangata. Ki te whakaritea kia 150 eka mo ia tangata o tenei kotahi mano ka tae ki te 150,000 eka mo nga tikanga katoa; ko te mea tika kia rima tekau eka hei mahinga hei kainga hoki mo nga Maori, a kia 100,000 eka hei whenua rahui mo nga take kua korerotia i runga ake nei.

Mehemea i penititia te mahi kua kore e tika kia kiia e nga kai-hoko kahore i whakaarohia o ratou take. Kati mehemea e kore e taea te ki ehara te 150,000 eka i te whenua tika kia whakaritea mo nga tikanga katoa a nga Maori, me tango i roto i aua whenua nga eka whenua kua oti nei te whakarite ma nga Maori, ka toe iho ko nga eka kua kiia ake nei e ahau, ara, 130,700, hei tino whakaoti i enei take.

Tera ano tetahi ahua hei titiro iho ko te kimi roa hoki inaianei kia kitea ai etahi whenua e rite ana te pai ki nga whenua i watea i te wa o te hoko hei wehe ke ma nga Maori; ko tetahi take hoki tenei i tika ai kia rahi ake nga whenua e whakaritea ana inaianei i nga whenua i meingatia kia whakaritea i te wa o te hoko. E tino pa ana enei kupu ki nga whenua e rahuitia ana kia puta mai he moni mo nga tikanga Maori, natemea mehemea i whakaritea aua whenua rahui i te wa o te hoko kua taea i reira te whiriwhiri nga whenua pai mo te reti.

Kia kore ai e puta he raruraru, a kia kore ai he take arai i te noho a nga tangata ki nga whenua mehemea ka wehea ketia etahi whenua nui, e mea ana ahau me waiho nga whenua e whakaritea ana ma nga Maori, i raro i te mana o te Komihana o nga whenua o te Karauna, mana e hoko e reti ranei, engari ko nga moni e riro mai ana mo aua whenua me tuku ki tetahi kaute motuhake, a mehemea ka hokona atu etahi wahi o aua whenua ko nga moni e riro mai ana hei utu me hoko ki etahi atu whenua i etahi wahi pai atu i nga wahi e taea ana te whakarite inaianei, ma tenei hoki ka riro mai ai he whenua i nga takiwa e nui rawa ai nga moni e puta mai hei whakapai ake i te noho o nga Maori.

Ki taku mahara ka kitea ki nga korero kua korerotia i runga ake nei kahore i tika nga utu i puta atu ki nga tangata Maori na ratou nei i hoko te poraka a Te Keepa, mo te whenua i hokona e ratou, kahore hoki i whakamana nga kupu i tuhia ki te pukapuka hoko kia puritia nga mahinga kai ma nga Maori, a kia whakaritea hoki etahi atu whenua ma ratou, a kihai hoki i whakaotia nga korero whakaaetanga ki nga Maori i maharatia nei e ratou ko aua whakaaetanga nga tino utu mo te whenua, no reira e tumanako ana ahau ka tirohia paitia aku kupu.

Ko tetahi o nga mahi i tukua mai nei ki au i roto i te Komihana, ara, ko te titiro i nga takiwa pai hei takotoranga mo nga whenua e meingatia ana kia whakaritea hei whakaea i nga take a nga Maori kahore i taea e ahau te mahi he nui no aku raruraru ki te kimi i nga tangata e tika ana ki nga porohita kua oti nei te whakatau ki nga Maori o te Waipounamu, engari ma te Tari Buri ka taea paitia taua mahi, a ko taku kupu me tuku atu ki taua tari.

Hei kupu whakamutunga mo te hoko kua korerotia nei, ka ki atu ahau ki a koe e te Kawana kei te whakaae kei te hiahia hoki te nuinga o nga Maori ki etahi whenua hei whakaea i o ratou take.

TE PORAKA O MURIHIKU.

Kahore he tikanga i roa ai aku korero mo tenei hoko, natemea e rite ana te ahua ki te hoko o te Poraka o Ngaitahu.

Te whenua i uru ki roto i tenei poraka ko te pito ki runga o te Waipounamu, ki te taha ki te tonga o nga Poraka o Ngaitahu me Otakou, e 6,000,000 nga eka. I whakaotia te hoko i te 17 o nga ra o Akuhata, 1853, mo nga moni e £2,600. I whakaritea he porohita mo nga tangata e noho ana i runga i te poraka, ki Tuturau, ki Omaui, ki Oue, ki Aparima, ki Oraka, ki Kawakaputaputa, me Ouetutu, he kainga enei kei roto i te poraka; hui katoa nga eka o aua porohita e 4,588 eka.

Kotahi rau e wha tekau nga tangata e noho ana i runga i te poraka i te wa o te hoko, a ko nga eka i whakaritea hei porohita kahore i tino tae ki te 33 eka mo ia tangata. E rite ana tenei hoko ki te hoko a Te Keepa, kahore i tatauria etahi o nga tangata i te ngaro hoki ratou i Rakiura, me era atu kainga. I whai paanga ano hoki etahi o nga tangata e noho ana ki Ruapuke i taua wa, a mehemea i whakaaturia e ratou o ratou take ki te Komihana nana i hoko te whenua kua rahuitia e ia he whenua mo ratou, natemea i whai mana ia ki te whakarite whenua mo nga tangata. Heoi ko te mutunga iho o to ratou kore e whakaatu ki te Komihana he iti noa iho nga whenua kei etahi o ratou a ko etahi kei te noho whenua kore.

Kahore kau he kupu whakaaetanga i roto i te pukapuka hoko kia whakaritea etahi atu porohita, engari i whakaaetia ki nga kai-hoko he kura he hohipera me era atu painga, a kua kiia e te Komihana nana i hoko te whenua ko enei whakaaetanga te tino utu mo te whenua i taea ai te hoko tenei whenua nui mo etahi moni iti.

I te taturanga whakamutunga i nga tangata, e 353 nga tangata hui katoa ki era i Rakiura me Ruapuke, engari tera ano etahi tangata e whai paanga ana kei Otakou a kei raro atu hoki o Otakou e noho ana, ko enei etahi e tika ana kia whakaarohia mehemea ka whakaaetia etahi atu whenua.

Mehemea e wha rau nga tangata e whai paanga ana, a mehemea e whakaaetia ana kia rima tekau eka mo ia tangata hei mahinga hei kainga hoki mo ratou me whakarite kia 15,412 eka hei apiti atu ki nga eka e 4,588 kua oti nei te tuku atu ki a ratou; me etahi atu whenua ano hoki kia 40,000 eka hei whenua rahui kia tae katoa ai nga whenua ki te 60,000 eka. Otira ki te kore e whakaritea nga eka ki te maha o nga tangata, a ki te penatia hoki me to Ngaitahu ara mehemea ka whakaritea te utu o tenei whenua ki te utu i utua ai mo nga whenua i hokona i era atu wahi o te koroni ka pera ano nga eka whenua hei tuku atu ki nga Maori me enei kua whakahuatia i runga ake nei.

Mehemea ka whakaaetia enei kupu aku, me wehe ke kia 55,412 eka mo nga tikanga katoa; a ko taku kupu me wehe ke aua eka, a me pena ano hoki te whakahaere o aua whenua me era kua kiia e ahau kia whakaritea ma nga tangata i hoko nei i te poraka a Te Keepa.

E kore e tino taea e ahau te whakaatu i te takiwa hei takotoranga mo enei whenua. E ki ana te Tino Kairuri o Murihiku he iti noa iho nga whenua papai a te Karauna e watea ana, ko te nuinga hoki kua oti te whakarite hei reti hei hoko. Engari nga whenua ngaherehere e rahi ana, otira kua whakaurua enei ki raro i nga tikanga o te Ture Ngaherehere. Kei Rakiura etahi

whenua nui e takoto noa ana; engari ko nga wahi ngaherehere o taua whenua kua whakaurua ki raro i te mana o te Ture Ngaherehere. Ko nga wahi pea i takoto ai he whenua pai e watea ana mo nga tikanga Maori kei te tahatika o te moana i waenganui o te Tukuta o Mataura, a kei te taha ki te Hauauru o te awa o Waiiau i Foveaux Strait.

Ko nga Maori e noho ana i Aparima i nga kainga hoki i te taha ki te Hauauru o Aparima e tino hiahia ana kia riro i a ratou tetahi poraka whenua i te taha ki te Hauauru o te awa o Waiiau; a ko taku tino kupu me whakaae atu to ratou i hiahia ai. E whakaae ana nga Maori e whai tikanga ana ki te tango i tetahi whenua hei whakaoti i nga tikanga o te hoko.

TE PORAKA O AKAROA.

I pau katoa a Akaroa ki roto i tenei poraka, e 260,000 eka me te wahi hoki i mohiotia nei ko te kereeme o Nanto-Bordelaise e 30,000 eka. E toru nga hoko i hokona ai tenei poraka, ara, ko te hoko o Poti Kupa i Akuhata, 1849, e £200 nga moni i utua ai; ko te hoko o Poti Riiwi i Hepetema, 1849, mo nga moni e £300: me te hoko a Hamiratana i Tihema, 1856, mo nga moni e £200. Ko nga eka i porohitatia ma nga Maori e 3,430 eka.

Kahore i tatauria nga tangata kainga i te wa o te hoko. No te tau 1844 te taturanga tuatahi, a ko nga tangata i kitea i reira e 584. Otira he maha nga tangata o nga kainga o uta e noho ana i Akaroa i taua wa; ko te nuinga o taua hunga i Poti Riiwi e noho ana. Ko te taturanga tuarua no te tau 1848, a i maharatia i reira e 340 nga tangata, engari e 200 o enei i whakawhiwhia ki te whenua i Kaiapoi. No te tau 1861 katahi ka ata taturia tikatia nga tangata a i taua wa e 211 ratou. I te taturanga whakamutunga e 267 nga tangata; engari i te mea kua whakaurua te poraka katoa o Akaroa ki roto i te hoko a Te Keepa kahore he tikanga i whai kupu ai ahau mo ratou.

OTAKOU PORAKA.

E mea ana ahau me takoto motuhake aku korero mo tenei poraka, natemea e rere ke ana nga tikanga o te hoko. No te whakatarewatanga e Kawana Pitiroi i te mana hoko whenua a te Karauna i runga i nga eka 150,000 i te Waipounamu i te marama o Pepuere, 1844, kia ahei ai te Whakaminenga o Niu Tireni ki te whakanohonoho tangata i te kainga hou ko Niu Etinipara te ingoa—ka hokona e tetahi apiha o te Kawanatanga i te 31 o nga ra o Hurae, 1844, mo taua Whakaminenga tera pihi whenua e mohiotia ana ko te poraka o Otakou e 400,000 nga eka, mo nga moni e £2,400, a i whakaae hoki te Whakaminenga ki te whiriwhiri i taua 150,000 eka hei whenua mo taua kainga ka tuku ai i te toenga ki te Karauna.

E toru nga poraka whenua i roto i te hoko i puritia e nga Maori, ara, i Otakou Heeti, i Taieri, me Te Karoro, ko nga eka o aua poraka e 9,615 eka. Kihai i ata taturia nga Maori e noho ana i runga i te whenua i te wa i hokona ai, engari i kiia i te timatanga o taua tau e rua rau aua tangata.

I te wa i hokona ai te whenua e ai ki ta Te Haimona, te apiha i whakaritea e te Kawanatanga hei hoko, i ki a Tuhawaiki, a Taiaroa, a Karetai hoki i a ratou ko o ratou tangata te whenua i waenganui o Otakou o Taieri; a ko te whenua i Taieri ahu atu ki Tokota i a Tuhawaiki me ona whanaunga. I meingatia ano i taua wa kia whakaritea he porohita ma nga Maori, haunga ia nga whenua i puritia e ratou, pena ano me nga porohita i whakaaetia i era atu hoko a te Whakaminenga o Niu Tireni; inahoki nga kupu a Te Haimona i tuhi ai i te 2 o nga ra o Hepetema, 1844, mo taua hoko ara. "I penei ai taku whakahaere i nga porohita ma nga Maori he tino mohio naku kihai ratou i marama ki nga tikanga o era atu hoko a ratou i o ratou whenua nunui, a i runga i te kupu a Kanara Wairaweke i waihotia e ahau ma te Kawana e whiriwhiri etahi atu porohita ara te wahanga kotahi i roto i nga wahanga kotahi tekau o nga whenua katoa e hokona ana e te Whakaminenga o Niu Tireni, no reira kihai ahau i whai kupu ki nga Maori mo aua porohita."

I raro i nga whakaritenga i waenganui o te Whakaminenga o Niu Tireni me tetahi Kamupene tangata i Otakou i te tau 1847 i meingatia kia 144,600 eka nga whenua mo te kainga o Niu Etinipara, a ko nga wahi whakatekau o tenei whenua ka tae ki te 14,460 eka. Otira i runga i nga tikanga o te hoko a te Whakaminenga ratou ko te kamupene i Otakou kahore i taea te wehe ke tetahi wahi o te whenua i riro i te Kamupene hei porohita ma nga Maori, engari i meingatia ano kia whakaritea he whenua ma ratou i roto i te toenga o taua poraka; ka kitea hoki tenei mehemea ka korerotia nga pukapuka o te Paremete me nga ripoata a te Whakaminenga o Niu Tireni; inahoki etahi o nga kupu:—

I tuhituhi ripoata a Kanara Wairaweke ki te Hekeretari o te Whakaminenga i te 31 o nga ra o Akuhata, 1844, mo te hoko o te Poraka o Otakou, a i penei hoki ana kupu mo aua porohita ara: "E rua nga take hei tino whakaaro iho ma te Kawana: take tuatahi, ko te toenga o te whenua i waho o te 150,000 eka e tangohia ana e te Whakaminenga ma ratou, me pewhea ra te tuku i taua whenua a muri ake nei; take tuarua, ko nga porohita ma nga Maori pena me nga porohita e whakaritea ana ma ratou i era atu kainga kihai hoki i whakaurua he kupu whakarite rahui i roto i te pukapuka whakakakoto tikanga mo te kainga o Niu Etinipara, a kia oti hoki nga whenua te ruri kia tirohia nga wahi e paingia ana katahi enei ka taea te whakaoti."

I tuhituhia e Meiha Retimana, te Huperetene o Niu Manita, tetahi pukapuka i te 23 o nga ra o Mei, 1844, ki a Kawana Pitiroi, he whakaatu kupu atu nana mo nga mahi a Te Haimona i runga i tana whakahaere i te hoko o Otakou, a i ki a ia i roto i taua pukapuka kia tae ki te wa e whiriwhiria ai nga tekiona whenua me haere atu tetahi apiha ki runga i te whenua whiriwhiri ai i nga wahi hei porohita ma te Kawanatanga ma nga Maori hoki, a i ki ano hoki ia ka whakaturia e ia a Te Haimona hei whiriwhiri i aua wahi (mehemea ia ka kore e tae wawe atu ki a ia tetahi kupu whakakore i taua mahara ana). I whai kupu ano hoki a Meiha Retimana kia Kawana Pitiroi mo aua porohita, i roto i tetahi pukapuka i tuhia e ia i te 12 o nga ra o Hune, 1844: I matua whakaaturia atu e ia te ahua o te whakahaere mo nga porohita a te Kawanatanga, ka mutu ka penei ana kupu mo tana whakahaere i nga porohita e wehea ana ma nga Maori: "Kua kite ahau ki te tuaono o nga rarangi o te pukapuka whakatakoto tikanga mo te Kainga o Niu Etinipara, ko nga whenua i whakaritea e te Whakaminenga o Niu Tireni i mua ma nga Maori kua waihotia ma te Kawanatanga o te

takiwa e whakarite inaianei ; kati ka tono atu ahau mo te taha ki nga Maori kia homai ma nga Maori te wahanga kotahi tekau o ia ahua whenua, ara, nga whenua o te taone, nga whenua i waho tata o te Taone, me nga whenua koraha, a ka whakaritea e maua ko te tino kaiwhakahaere o te Whakaminenga mo te kainga hou, te ahua o te whiriwhiri i aua whenua, ki te kore ia e tae wawe mai ki au o kupu tohutohu i mua o te taenga mai o te kaiwhakahaere o te Whakaminenga me nga pakeha mo taua kainga.”

I roto i tetahi pukapuka i tuhituhia e te Haringitana, te Hekeretari o te Whakaminenga ki te tino kaiwhakahaere o te Whakaminenga, he whakaatu atu nana i nga tikanga hou mo te hoko o te poraka o te Kamupene i Otakou, i whakaae a ia mo te taha ki te Whakaminenga e whai mana ana te Kawanatanga o te takiwa ki te whakarite porohita ma nga Maori i roto i taua poraka, haunga ano hoki nga whenua i kapea ma nga Maori, e kore era e kiia he porowhita i whakaritea e te Whakaminenga o Niu Tirenī.

Ko te tikanga wehewehe whenua ma nga Maori tetahi o nga tino kupu i whakaurua ki roto i te pukapuka whakaaetanga i tuhia i te 14 o nga ra o Noema, 1840, a na taua whakaaetanga hoki i puta ai te pukapuka whakamana i te Whakaminenga o Niu Tirenī i te 12 o nga ra o Pepuere, 1841. Kei te 13 o nga rarangi o taua pukapuka whakaaetanga enei tikanga mo nga porohita mo nga Maori ara : “I te mea kua whakaae te Whakaminenga ki te whakarite i etahi whenua hei oranga mo nga Maori, e whakaaetia ana i konei ma te Kawanatanga o te Kuini e wehe aua whenua i roto i nga whenua katoa e karaatitia ana ki te Whakaminenga, hei whakaae i nga kupu i roto i te pukapuka whakaaetanga kia whakaritea he whenua hei oranga mo nga Maori, engari e puritia ana e te Kawanatanga te mana ki te wehe ke i etahi whenua e mahara ana ratou e tika ana e pai ana hei oranga mo nga Maori i roto i era atu whenua.” Ko te tikanga o te kupu i roto i te pukapuka whakaaetanga he wehe ki i te wahanga kotahi i roto i nga wahanga kotahi tekau. I te marama o Aperira, 1846, i puta he karaati tuku rawa atu i te 400,000 eka raki te Whakaminenga o Niu Tirenī, ko nga porohita anake i whakaritea mo nga Maori i kapea ki waho o taua karaati.

I te 5 o nga ra o Hurae, 1850, i whakakorea e te Whakaminenga o Niu Tirenī te mana i tukua nei ki a ratou, a ko a ratou whenua katoa i riro i a te Kuini i raro i nga tikanga o te 112 o nga rarangi o te Ture o te 10 me te 11 o nga tau o te Kuinitanga o te Kuini, i raro hoki i nga kupu tohutohu o te tau 1846, me te 12 o nga ra o Akuhata, 1850, mo nga whenua o te Karauna i roto i te koroni.

I te mea kahore i hokona e te Kamupene o Otakou te 144,600 i whakaurua nei ki roto i to ratou kirimina ki te Whakaminenga o Niu Tirenī o te tau 1847 a kahore hoki i whakanohonohoa e ratou he tangata ki taua whenua, ka kore to ratou mana ki taua whenua i te 23 o Noema, 1852. Ahakoa te korenga e taea e te Kamupene o Otakou te whakamana i te kirimina ki te Whakaminenga o Niu Tirenī, i mahara te Kawanatanga o Ingarangi he mea pai kia whakahaerea nga wahi i toe o te 144,600 eka i runga i nga tikanga i whakaritea i mua, tae noa ki te wa e puta ai i te Paremete tetahi kupu hei whakarereke, a i puta he kupu tohutohu ki te Komihana o nga whenua o te Karauna kia whakahaerea e ia nga wahi i toe o taua 144,600 eka i raro i aua tikanga, a ko te toenga o te Poraka o Otakou me whakahaere i raro i nga whakaritenga a te Kawanatanga i tuhia i te 4 o nga ra o Maehe, 1853.

Ahakoa ka taea e ki e te tangata i whakarereke e te Karauna tona mana ki te 400,000 eka i roto i te Poraka o Otakou i te tukunga atu i te karaati o taua whenua ki te Whakaminenga i te 13 o nga ra o Aperira, 1846, i hoki ano nga whenua a te Whakaminenga ki te Karauna i runga i to ratou whakahokinga i te pukapuka whakamana i a ratou i Hurae, 1850, a kua taea noatia i muri mai i taua wa te wehe ke i nga wahanga whakatekau i roto i te toenga o te poraka, i waho o te wahi i riro i te Kamupene.

I tino marama te whakaaetanga a te Whakaminenga o Niu Tirenī kia wehe ketia nga wahanga whakatekau i roto i te Poraka o Otakou ma nga Maori pena hoki me era atu kainga a ratou ; engari i waihotia ma te Kawanatanga o te Koroni e whakarite e whiriwhiri hoki i aua whenua, otira kihai i whakahaua e Kawana Pitiroi kia whiriwhiria aua whenua ahakoa i maha nga kiinga atu a te Huperetene o Niu Manita ki a ia he mea pai kia peratia. Kahore i te mohiotia te take i kore ai e whakaritea aua whenua, natemea ko tetahi o nga tino tikanga i whakatarewatia ai te mana hoko o te Karauna “me whakamana nga whakaritenga a te Kawanatanga mo nga kainga o te Whakaminenga o Niu Tirenī.”

Heoi, he mea he rawa kia whakawhiwhia he mate ki nga Maori e whai take ana mo te korenga e whakaritea e te Kawanatanga o te Koroni nga wahi o te Poraka o Otakou i whakaaetia nei e tika ana kia riro i a ratou : kaati ka kitea inaianei ko te mea tika me tere tonu te whakahaere i tetahi tikanga hei whakaora i te mate i tau nei ki nga Maori i runga i te korenga e whakaritea he whenua ma ratou. Hore kau he porowhita i whakaritea ma nga Maori i roto i te Poraka o Otakou, ko nga whenua hoki e nohoia nei e ratou i puritia era e ratou i te wa o te hoko, koia na hoki etahi wahi o o ratou whenua o mua. I whakaaetia ano hoki tenei e te Whakaminenga o Niu Tirenī ara e to ratou hekeretari e te Haringitana i tana whakaaetanga e tika ana kia whakaritea e te Kawanatanga he porowhita ma nga Maori i roto i te poraka i runga i te whakahaere a te Whakaminenga.

Kahore ano ahau i ahei te ui ki nga Maori e whai paanga ana ki taua poraka mehemea ranei e whakaae ana ratou kia riro he whenua i a ratou hei utu mo te korenga e whakaritea nga wahi whakatekau i meingatia nei kia tukua ki a ratou, no reira e kore ahau e ahei te whakaatu atu i etahi kupu mo te taha ki a ratou. Heoi ano hoki te mea kahore ano i whakaritea ki a ratou ko te wehe i nga wahi whakatekau. Kihai hoki i whakaaetia he hohipetera he kura ranei i te hokonga o te whenua. Mehemea e whakaaetia ana e tika ana kia riro i a ratou nga wahi whakatekau, ko nga eka 14,600 te hokinga iho o nga eka e tika ana kia wehea atu ma nga kai hoko ma o ratou uri ranei i te tuatahi, me te apiti atu i etahi atu eka hei utu mo nga tau maha i hapa ai ratou i nga painga o enei whenua.

Ka tukua katoatia atu enei kupu, ki a koe o te Kawana.

He mea haina he mea hiiri hoki i tenei te 5 o nga ra o Mei, 1887.

Na TE MAKE.

PANUITANGA.

WM. F. DRUMMOND JERVOIS, Kawana.

Ki nga tangata katoa e whai tikanga ana ki enei mea, ara, ki a Alexander Mackay (Te Make), Kai-whakawa o te Kooti Whakawa Whenua Maori: Tena koe.

NOTEMEA e kiia ana e etahi tangata Maori o te Middle Island (Te Waipounamu) kua kiia ranei mo te taha ki a ratou, kahore ano i whakaritea he whenua mo ratou, a notemea e kiia ana e etahi atu Maori, kua kiia ranei mo te taha ki a ratou, kahore i ata rite te rahinga o nga Whenua Rahui, Whenua Whakataui ranei i whakaritea mo ratou i mua hei mahinga hei nohoanga mo ratou; a notemea hoki e kiia ana hoki tena ano etahi hawhe-kaihe i te Waipounamu kahore nei ano i whakahaerea he tikanga i roto i etahi o nga Ture kua paahitia e te Paremete o Niu Tirenī e ahei ai te tuku atu he whenua ki nga hawhe-kaihe.

A notemea he mea tika kia whakaturia tetahi Komihana hei uiui i nga tikanga o aua tangata katoa e noho pera ana: Na tenei ahau a Sir William Francis Drummond Jervois, te Kawana o te Koroni o Niu Tirenī i runga i te kupu tohutohu me te kupu whakaae o te Kaunihera Whiriwhiri o taua Koroni, he tino tau no taku whakaaro ki to tino mohio me to whakaaro nui me to tika, ka whakatu nei ahau i a koe, taua Alexander Mackay (Te Make), hei Komihana hei uiui hei whakaatu mai hoki i runga i nga tikanga ka kiia a muri akei nei, ara:—

1. Ki te uiui i nga tikanga o nga Maori katoa e kiia ana kahore ano i whakaritea he whenua mo ratou:

2. Ki te uiui i nga tikanga katoa e kiia ana kahore i ata rite te rahinga o nga whenua i whakaritea i mua hei mahinga hei nohoanga mo nga tangata Maori i whakaritea nei mo ratou aua whenua:

3. Ki te uiui i nga tikanga o nga hawhe-kaihe katoa i te Waipounamu, kahore nei ano i uru o ratou ingoa ki roto ki tetahi ki etahi Ture ranei o te Paremete kahore nei ano i whakaritea he whenua mo ratou:

4. Ki te uiui ki te whakaatu mai hoki i nga ingoa, nga kainga, me te whakaatu mai hoki mehemea he tane he wahine ranei ratou, me te tohutohu mai hoki kia pehea te nui o te whenua ko ehea takiwa e pai ana kia whea kia whakataua he whenua mahinga, whenua nohoanga mo ia tangata mo ia tangata o ratou:

Me te mahi, te whakahaere hoki i era atu mahi, tikanga, mea katoa e tika ana kia mahia kia whakahaerea i runga i nga tikanga o tenei pukapuka whakamana, a i runga i te whakahaerenga o aua uiuinga, a hei mea hoki e taea ai nga tikanga o roto, ka ahei koe ki tetono kia whakikorero te tangata i runga i te tikanga oati, tikanga pewhea atu ranei e mohiotia ana e koe e tika ana, me te whakaatu mai hoki i o whakaaro mo runga i taua uiuinga. A i runga i te kupu tohutohu me te kupu whakaae o taua Kaunihera, ka mea atu nei ahau kia hohorotia mai i roto i nga marama tekau-ma-rua i muri iho o te ra e tuhituhia ai tenei ki mua mai ranei ki te taea e koe te pera, me tuku mai e koe ki au i raro i to ringa me to hiiri o whakaaro i puta i raro i to uiuinga i runga i nga mea me nga take e uiuia ana e koe i raro i tenei meatanga, a i runga ano i taua whakaaetanga o taua Kaunihera ka ki nei ahau ka whai mana taua Komihana, a me haere koe ka ahei hoki koe taua Komihana ki te haere i ia wa i ia wa ki te wahi ki nga wahi ranei e whakaaro ai koe e tika ana, ki te whakahaere i taua mahi, ahakoa kahore e honu tonu te uiuinga i te mea kihai i whakanukuhia te uiuinga.

(L.S.) He mea tuku atu i raro i te ringa a Sir William Francis Drummond Jervois, Kawana o te Koroni o Niu Tirenī, he mea whakaputa atu i raro i te Hiiri o taua Koroni nei, i te Whare o te Kawana i Poneke, i tenei te tekau-ma-rua o nga ra o Mei i te tau o te tatou Ariki kotahi mano e waru rau e waru tekau ma ono.

FORSTER GORING,
Kaituhituhi o te Kaunihera Whiriwhiri.

Na TE PARANIHI (J. BALLANCE).

WM. F. DRUMMOND JERVOIS, Kawana.

NOTEMEA he mea tika kia whakanuia ake nga mana kua tau i runga i tenei Komihana. Tenei ahau a Sir William Francis Drummond Jervois, te Kawana o te Koroni o Niu Tirenī, i runga i te kupu tohutohu me te kupu whakaae o te Kaunihera Whiriwhiri o taua Koroni, ka whakanui nei i nga mana o te Komihana kua whakaturia nei, mana apiti atu ki nga tikanga e meingatia ana kia uiuia kia whakaaturia mai hoki i raro i nga tikanga o nga rarangi Nama 1, 2, 3, me 4, ara, whakamana i taua Komihana ki te uiui ki te whakaatu mai hoki, mehemea e hiahia ana e whakaae ana ranei nga Maori whai tikanga ki runga ki te Komihana i whakaturia i te tau 1879, hei uiui hei titiro hoki i etahi tikanga o te mahi hoko whenua i te Waipounamu i whakahuatia i roto i taua Komihana kua whakaaturia i runga ake nei, kia riro he whenua i a ratou hei tono whakaoti i a ratou take tono ki te Kawanatanga, mo te korenga ea o tetahi o etahi o nga tikanga o aua hoko, kupu whakaaetanga ranei i runga i aua hoko, me te tohutohu mai hoki kia pehea te nui o te whenua ko ehea takiwa e pai ana kia wehea mo runga i taua tikanga. A ka ki nei ahau me tu tonu enei mana hou hei wahi o te Komihana tuatahi, a me korero me whakahaere hoki, me te mea ano kua whakaurua ki roto ki taua Komihana.

(L.C.) He mea tuku atu i raro i te ringa a Sir William Francis Drummond Jervois, Kawana o te Koroni o Niu Tirenī, he mea whakaputa atu i raro i te Hiiri o taua Koroni nei, i te Whare o te Kawana i Poneke, i tenei te 20 o nga ra o Hurae, i te tau o te tatou Ariki, kotahi mano e waru rau e ono tekau ma ono.

FORSTER GORING,
Kaituhituhi o te Kaunihera Whiriwhiri.

Na TE PARANIHI (J. BALLANCE).

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