

P A P E R S

RELATING TO

SURVEY OF NATIVE RESERVES IN THE  
PROVINCES OF OTAGO AND SOUTHLAND,

INCLUDING CLAIMS OF HALF-CASTES AT STEWART'S ISLAND.

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PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF  
HIS EXCELLENCY.

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WELLINGTON.

1870.



PAPERS RELATING TO SURVEY OF NATIVE RESERVES IN  
THE PROVINCES OF OTAGO AND SOUTHLAND, INCLUDING  
CLAIMS OF HALF-CASTES AT STEWART'S ISLAND.

No. 1.

The Hon. the SPEAKER of the Legislative Council to His Excellency the GOVERNOR.

Legislative Council,

SIR,—

Wellington, 24th August, 1869.

I have the honor to transmit to your Excellency the enclosed resolution of the Legislative Council, passed this day, together with a copy of the report therein referred to.

I have, &c.,

His Excellency Sir G. F. Bowen, G.C.M.G.,  
Government House, Wellington,

J. RICHARDSON, Speaker.

Enclosure 1 in No. 1.

Extract from the Journals of the Legislative Council, N.Z., Tuesday, 24th August, 1869.

ORDERED.—“That the Honorable the Speaker be requested to forward to the Governor a copy of the report of the Public Petitions Committee on the petition of Andrew Thompson, together with a respectful address, praying His Excellency to give effect to the recommendations contained in that report.”

(A true Extract.)

L. STOWE,

Clerk of Legislative Council.

[On motion of the Hon. Captain Baillie.]

Enclosure 2 in No. 1.

Report of the Select Committee upon the Petition of Andrew Thompson.

YOUR Committee have the honor to report, that, in connection with this petition, they have necessarily taken into consideration the general question of the obligation on the part of the Crown to make provision out of the lands ceded by the Natives in the Ngaitahu and other Blocks in the southern portion of the Middle Island for the half-caste families resident thereon at the time of cession; and are of opinion that, inasmuch as it has been proved to the Committee that, for reasons of policy as well as of justice and humanity, such promises were made on the part of the Crown by the Commissioner for the purchase of these lands, such obligation does exist, and that the honor of the Crown is concerned in its faithful and immediate discharge.

That prior to the proclamation of the Constitution Act, it appears to have been the practice for the survey of such allotments as were from time to time awarded to such of the claimants as then obtained grants, to be conducted by and at the expense of the Government, and the chief impediment now to the immediate satisfaction of outstanding claims seems to arise from the difficulty of procuring surveys of such awards by the Provincial surveyors; and whether (Statutes 1858, p. 462, “Land Claims Settlement Extension Act,” sec. 13,) from this or other causes it seems, so far as the Committee have been able to ascertain, that the attempt on the part of Government to satisfy these obligations ceased with the year 1854, although the Committee finds from papers laid before the House of Representatives in 1863 (No. 77), that in the following year about twenty awards in respect of these claims received the approval of the Officer Administering the Government.

The Committee is of opinion that under the fifth clause of “The Waste Lands Act, 1858,” (21 and 22 Vict., No. 75), the Governor has full power to deal with these cases, and therefore recommend that the Native Reserves Commissioner for the Middle Island be forthwith instructed to ascertain and investigate all outstanding cases in which half-caste families in the districts referred to have not received the promised provision in land.

That in such awards as he may make, he should, in consideration of the long and grievous delay to which the claimants have been subjected, be directed to act with all reasonable liberality.

And that a respectful address be presented to the Governor, bringing under His Excellency's notice this report, and praying that his Excellency will be pleased to give effect to the recommendations herein contained.

W. D. H. BAILLIE,  
Chairman.

No. 2.

Minute by Mr. COOPER for the Hon. Mr. M'LEAN.

This is a question about unsatisfied claims to Native reserves in the Middle Island.

I beg to recommend that the papers be referred to Mr. Mackay with reference to the minute of the Hon. the Colonial Secretary, to see what is wanted to be done, and to get it done if possible without incurring expense; but if expense be unavoidable, to report what it will probably be for authorization.

13th September, 1869.

G. S. COOPER.

## No. 3.

Mr. A. MACKAY, Nelson, to the UNDER SECRETARY, Native Department.

SIR,—

Nelson, 6th October, 1869.

In compliance with the terms of your minute of the 13th September, attached to a letter from the Hon. the Speaker of the Legislative Council to His Excellency the Governor, covering a resolution by that body, together with a copy of a report therein referred to, I have the honour to state for your information that, owing to the number of claims of the kind requiring attention at the hands of the Government, it will be quite impossible to get the matter arranged without incurring expense, although the expense may be very much lightened by deferring the settlement of these claims for a while longer—that is to say until the Native Lands Court goes down to Southland to hear and determine the claims to Native Reserves there.

The Court may probably hold a sitting at Southland during the ensuing autumn, judging from the last intelligence received from the chief Judge on the subject, dated 1st August, 1868; and, as I shall probably have to visit that portion of the island whenever the Court goes there, I would then undertake the settlement of these promises at the same time; perhaps it would be as well therefore that the settlement of these claims should be postponed till the Court goes down, provided the probable date should not be too distant.

With respect to the probable cost of the work, it is rather difficult to form an estimate, as it depends very much whether suitable blocks of land of any extent can be obtained contiguous to existing surveys for the location of these families, or whether it would be necessary to select individual sections in detached localities for the purpose. The expense also would be much lighter if the Survey Department in the Province in which the land may be selected would provide an officer to undertake the necessary work.

Provided large-sized blocks of land could be obtained, the land should be subdivided into individual sections, with a view to locate each family on separate allotments. This would be the most satisfactory mode of settling these people on the land, as it would prevent quarrelling amongst them in time to come.

There is very little doubt but that the General Government will have to bear the cost of the survey; it would be as well, however, that the work should be done under the supervision of the Provincial Government, as a guarantee for its satisfactory performance; and if it were possible to confine the selection of land for the purpose to one or two blocks, the probable cost of survey, I should imagine, would not exceed two hundred pounds.

As there are a number of half-caste families living near the Bluff, in Southland, and also at Stewart's Island, I would beg to recommend that land should be selected contiguous to some of the Native Reserves on the main land.

From inquiries I made when in Southland last year, I am inclined to think that a block of suitable land could be obtained in the neighbourhood of the Native Reserve at Oraka, on which the majority of the claimants residing in that Province might be located. This would be the means of disposing of the largest number of cases, leaving only a few isolated ones to be dealt with in other places.

Annexed I beg to hand you a copy of a letter addressed by me to the Native Department, dated 3rd June, 1868, on the subject of the proposed sitting of the Native Land Court at Southland, and recommending that the claims of the half-caste families to have land provided for them should be dealt with at the same time, in which I also suggest that a block of 1,000 acres should be selected near Oraka to make provision for the purpose.

I also attach a list of the half-castes alluded to therein, by which it will be perceived that there are a greater number of cases to be dealt with than was perhaps anticipated.

Whoever is required to undertake the settlement of these claims should be provided with full authority to deal with the matter in case obstacles might be thrown in the way of doing so by the Provincial authorities.

Under Secretary, Native Department,  
Wellington.

I have, &c.,  
ALEXANDER MACKAY,  
Native Commissioner.

## Enclosure 1 in No. 3.

SIR,—

Dunedin, 3rd June, 1868.

With respect to the future sitting of the Native Land Court in Southland, I would beg to point out the advisability of having the claims to Native Reserves on Stewart's Island heard at the same time; but prior to the Court sitting, and before the usual forms of application are sent in, it will be necessary to have these reserves surveyed. It would appear, however, that some of these reserves are subject to old land claims, the position of which have not as yet been defined that I am aware of, although it is possible that something may have been arranged about them, as Mr. Pearson, the Commissioner of Crown Lands, told me, when in Southland last, that he purposed visiting the island during the early part of March, for the purpose of deciding the various old land claims there; but whether or no he carried out his intention I am not in a position to say.

With regard to the survey of the reserves on Stewart's Island by the Provincial Government, I think it is probable, if the work is left in their hands, that it will not be undertaken for some time to come. The Government, I believe, contemplate making a trigonometrical survey of the island in the first place, but as the bulk of the land there is of such a character as will not induce immediate settlement, it therefore may reasonably be supposed, in the present position of the Province, that the Government will not readily acquiesce in making an expenditure of so unproductive a character as a work of the kind would entail. It will be obvious, therefore, that unless the General Government will agree to incur the expense of surveying these reserves, they must necessarily remain undefined for an indefinite period.

It would be as well, also, if the claims of the half-castes to have land apportioned for them at or near the Neck (Stewart's Island), could be dealt with at the same time according to a list annexed to Mr. Clarke's report. On the purchase of Stewart's Island, there were 28 half-castes residing on the Neck at the time the purchase was executed, but in a note at the foot of the list, Mr. Clarke states as his opinion that there are others residing at Ruapuke and the Bluff who may fairly claim with the rest, and suggests that the gentleman who is charged with the supervision of the Natives in the Middle Island, be requested to make out a correct list. This suggestion was carried out by me when in Southland last year, and a list forwarded to the Government. I found, on enquiry, that there were eighty-one half-castes who had been born at or near the Neck, and 13 others born in other places—in all, ninety-four souls who are totally unprovided with land, so far as I could learn, the most of whom are grown up, and have families.

To provide them with land in the ratio proposed by Mr. Clarke, viz., ten acres for each male and eight acres for each female, it would require over 800 acres. As it is possible that there may be others not included in my list who may be entitled to have provision made for them, I would beg to recommend that land to the extent of 1000 acres should be selected to make future provision for these people, and would beg to suggest that, instead of selecting it on the Neck, as originally proposed, that it should be chosen on the mainland, in the neighborhood of the Native Reserve at Oraka, where there is some very good land well adapted for Native occupation.

A large majority of the half-castes are living on the mainland, and would prefer to acquire land there than on Stewart's Island.

Should the General Government decide upon having the reserves on Stewart's Island surveyed, so as to permit the claims of the several Natives entitled to these lands being heard at the sitting of the Native Lands Court proposed to be held in Southland, I would beg to recommend, provided that no officer of the Survey Department of Southland can be spared to undertake the work, that Mr. M'Leod (who holds an appointment under the Native Lands Court), who is now engaged in surveying the Native Reserves in the Province of Otago, should be authorised to carry out the work, under the supervision of the Survey Department of Southland.

The Under Secretary, Native Department,  
Wellington.

I have, &c.,  
ALEXANDER MACKAY,  
Native Commissioner.

Enclosure 2 in No. 3.

List of Half-castes to be Provided with Land at or near the Neck, Stewart's Island, or elsewhere, as the case may be:—

Joe Moss  
Betty Moss, married to Walter Joss (h. c.)  
Polly Moss, married to Joe Davis  
Margaret Cooper, married to Joe Moss  
William Cooper  
Ellen Cooper, married to White, European  
Bob Cooper  
Rebecca Cooper, married to T. Wheeler (dead)  
Louisa Cooper, married to Billy Spencer  
George Cooper  
James Cooper  
Phillis Cooper  
Jenny Forster  
Margaret Chaseland  
Maria Chaseland  
Caroline Chaseland  
John Chaseland  
Wm. Henry Chaseland  
Thomas Chaseland  
Margaret Chaseland, jun.  
Johanna Antoine Joseph Groombs, married to Emanuel Groombs (Portuguese)  
Emanuel Groombs  
John Groombs  
Hesta Groombs  
Hesta Antoine Joseph  
George Thomas  
John Thomas  
John Thomas  
Charles Thomas  
Mary Thomas, married to Tom Brown (h. c.)  
Betsy Groombs, married to Flint, European (dead)  
Eliza Groombs  
Jenny Groombs  
Emma Groombs  
Charlie Goodwilly  
Tom Brown  
Caroline Howell  
Bob Brown  
Betty Brown, married to Palmer, European

## SURVEY OF NATIVE RESERVES

Sally Brown  
 Harriet Watson  
 James Leech  
 John Owen  
 George Owen  
 Roger Owen  
 Polly Owen  
 Jenny Owen  
 Kawahi Owen  
 Sally Owen  
 George Newton  
 Joe Newton  
 John Newton  
 Margaret, married to Thomas Cross, European  
 Elizabeth, married to J. Whybrow, European  
 Susan Lowry  
 Elizabeth Lowry  
 Caroline Lowry  
 David M'Kenzie  
 Thomas M'Kenzie  
 William Anglem  
 Ellen Gilroy  
 Jane Parker  
 Elizabeth Joss, married to Wilson  
 Walter Joss, married to Betty Moss  
 William Joss  
 James Lunnan  
 Mary Smith, married to Smith  
 Sarah Sinclair  
 John Bragg  
 Martha Bragg  
 Dorcas Honor, sister to J. Bragg  
 Duncan Davis  
 Betty Davis, married to John Stirling  
 Caroline Whitelock, married to Reta Paiwhenua  
 Maria Whitelock, married to Louis Serovier  
 James Whitelock  
 Elizabeth Lees  
 Mary Anne Lees  
 Maria  
 William  
 Sally Davis, married to James Wickson  
 William Davis  
 Caroline Goodwilly  
 John Stirling  
 John Harnett  
 W. Thomas Harnett  
 Sarah Anne Cameron, married to Wm. Cameron  
 Wm. Fisher  
 George Pauli  
 Ann Williams  
 William Bates  
 James Bates  
 James Wieval

Males ...	...	...	...	...	43
Females	...	...	...	...	51
Total	...	...	...	...	94

## No. 4.

Memorandum on Native Reserves in Otago and Southland by Mr. G. S. COOPER.

THESE Provinces were acquired from the Natives in three distinct purchases—

1. The Otago Block, by Captain Symonds.
2. The Murihiku Block, by Mr. Mantell.
3. The Stewarts Island purchase, by Mr. Clarke.

In each of these, of course, reserves were made for the benefit of the sellers.

I am not aware that much has to be done in reference to reserves in the first named block ; but one case has come under the notice of the Government, that of the Karoro Reserve, near the mouth of the Clutha River in Molyneux Bay, which requires to be surveyed, in order to the issue of a grant. The Provincial authorities of Otago have refused to survey this land. There may be other similar cases in this block, but I am not aware of any.

2. In the Murihiku Block the Chief Surveyor of Southland states that the reserves are so inaccurately surveyed that they must all be done over again; and also that lines of road crossing them must be marked out, and the land reserved before grants are issued. He instances one reserve, which is 260 acres in excess of what is shown in the plan, and of which one boundary line is thirty chains out in length. I gather from records that the Provincial Government of Southland are willing to survey these reserves, but expect the Colony to pay the expense; but it is suggested that an arrangement might be made to share it.

In the two blocks referred to, the difficulty is only one of survey, the locality of the reserves being defined, and the land being, as far as I can ascertain, in the actual occupation of the Natives.

3. But in the Stewart's Island purchase a great and substantial injustice has been inflicted on the Natives and on a large number of half-castes for whom land was specially contracted to be reserved, by the delay in defining the reserves, a delay which has now reached the length of very nearly six years.

The claim of the half-castes was brought under the notice of the Legislature by a petition from Andrew Thompson to the Legislative Council last session, and the Council passed a resolution praying His Excellency to give immediate effect to the recommendations of their Public Petitions Committee, who urged that steps should be taken without delay to put the half-castes in possession of the land which had been promised them. The obstacle to marking off this land is not only the ordinary difficulty of obtaining a survey and the question of who is to pay for it (there are ninety-four sections to be laid out), but there is also the fact that the half-castes' land, and some other reserves as well, are to be laid off after certain "old land claims" are disposed of. Many of the claimants to these "old claims" cannot now be found, and there is reason to believe that most, if not all, of them are unable to defray the expense of surveying their claims. It would, I think, be advisable if the parties (the half-castes and the Provincial Government) could be got to agree to it, to exchange the claim on Stewart's Island for a block of land on the main, on which the half-caste families could be located.

There is another question to be settled in reference to the Stewart's Island purchase. By the terms of purchase £2,000 were to be invested in purchase of land in the Province of Southland, as an endowment for educational and other purposes for the benefit of the selling natives. This land has recently been selected, and has to be granted to three trustees, who are to execute a Deed of Trust. These trustees (two of whom had better, if possible, be residents in Southland, and the third, Mr. A. Mackay,) have yet to be appointed.

The Provincial Government also wish to know by whom the expense of surveying this land is to be borne. There can be no doubt, in this case, at least, of the liability of the Province to execute the survey, as it is as much a purchase of their land as if it had been made with 2,000 sovereigns, instead of being, as it was, a remission of payment of £2,000 of the Stewart's Island purchase money, which the Province was under engagement to provide. But the question still remains unsettled.

I respectfully recommend that Mr. Alexander Mackay, from Nelson, should be instructed to accompany me to Otago and Southland, as he is better acquainted than any other person with the state of the reserves in those Provinces.

4th April, 1870.

G. S. COOPER.

### No. 5.

Mr. G. S. COOPER to the Hon. Mr. M'LEAN.

Native Office,

Wellington, 21st May, 1870.

SIR,—

I have the honor to inform you that I returned yesterday from Otago and Southland, where I have succeeded in placing all outstanding questions in reference to Native Reserves in train for settlement.

In Otago I could only find one reserve which required to be surveyed to enable the Crown Grant to issue. This is the Karoro Reserve at Molyneux Bay. On my representing the matter to the Superintendent, His Honor at once undertook that the reserve in question should be surveyed by the Provincial staff.

At Invercargill I found that very little had been done in the way of surveying Native Reserves, and what had been done was almost of no value.

I also learned that the Provincial Government was unable, from want of funds, to perform the necessary work. His Honor the Superintendent appeared to be impressed with the idea that the Province was not legally or morally liable, but was entitled to receive the estate from the Colony free of all incumbrances.

As the views of His Honor differed entirely from mine on this subject, and he could hold out no hope of the Province being able to find the necessary funds for the surveys, even were Provincial liability established, I proposed that the money should in the first instance be provided by the Colonial Government, the work being done under the supervision and control of the Provincial Chief Surveyor, in accordance with instructions from Major Heaphy, V.C., and all payments to be made on the certificate of the Chief Surveyor; the question of ultimate liability, as between the Colonial and Provincial Governments, to be left for after settlement.

To this proposal His Honor agreed, and, it having been ratified by telegraph by the Hon. Mr. Gisborne, I wrote to the Superintendent finally on the subject.

I have the honor to enclose copies of the correspondence.

The Hon. the Native Minister, Wellington.

I have, &c.,

G. S. COOPER,

Under Secretary.

## SURVEY OF NATIVE RESERVES

## Enclosure 1 in No. 5.

Telegram to the Hon. Mr. GISBORNE.

Invercargill, 7th May, 1870.

JUST had interview with Superintendent *in re* Native Reserves. Does not either absolutely admit or deny Provincial liability to survey; but Province utterly unable to move for want of funds. Explained necessity for having the work done, and it was agreed that Colonial Government shall find the money, work to be done under direction of Provincial officers, and payments made on certificate of Chief Surveyor; question of ultimate liability to be subsequently settled. For your confirmation, please reply to-day.

G. S. COOPER,  
Native Under Secretary.

## Enclosure 2 in No. 5.

Telegram from the Hon. Mr. GISBORNE to Mr. G. S. COOPER.

Wellington, 8th May, 1870.

I AGREE to arrangements proposed by Superintendent of Southland and yourself about Native Reserves. I only received your telegram ten minutes ago at my house, where it had been waiting.

W. GISBORNE.

## Enclosure 3 in No. 5.

SIR,—

Invercargill, 9th May, 1870.

In reference to the conversation which I had with your Honor on the 7th instant upon the subject of the survey of Native Reserves on Stewart's Island, and on the main land in this Province, I have now the honor to acquaint you that I have received the sanction of Ministers to the arrangement proposed, viz. :—

That in consequence of the inability of the Provincial Government at present to undertake such surveys, and there being an admitted pressing necessity for their early execution, the money for the purpose shall be supplied by the Colonial Government, and paid on the certificate of the Provincial Chief Surveyor, under whose direction the work is to be carried out; the question as to the fund upon which the expenditure shall be ultimately charged being left open for subsequent adjustment.

Major Heaphy, V.C., who is now in Invercargill, will arrange as to the details of the work with the Chief Surveyor of the Province of Southland.

I have, &amp;c.,

G. S. COOPER,

Under Secretary Native Department.

P.S.—It is also understood that the survey of the old land claims which stand in the way of the definition of the Native Reserves in Stewart's Island is included in this arrangement.—G. S. C.

## Enclosure 4 in No. 5.

MEMO.

Invercargill, 12th May, 1870.

THE surveys necessary to be executed before the various Native Reserves on the main land and at Stewart's Island can safely be granted are estimated to cost, at the contract rates paid by the Southland Government, about the sums respectively set forth below :—

Eight Reserves on the main land	...	...	...	£199	9	0
Nine Reserves on Stewart's Island	...	...	...	259	0	0
				£458	9	0

In addition to which there are five old land claims on Stewart's Island that should be surveyed prior to the Reserves that abut on them being defined

£70 7 6

£528 16 6

Besides this, there is, owing to a private surveyor for the survey of 2,000 acres rented by Kingswill, the sum of...

£72 1 0

Making in all ... .. £600 17 6

G. S. Cooper, Esq.,

C. HEAPHY.

Under Secretary Native Department.

This does not include the Bird Islets lying off Stewart's Island, and for which the Admiralty Coast Survey will probably suffice.—C. H.

## Enclosure 5 in No. 5.

Telegram from Mr. COOPER to the Hon. Mr. GISBORNE.

Invercargill, 13th May, 1870.

HEAPHY estimates cost survey Native Reserves on main and Stewart's Island at £600. This includes £70 for survey of five old land claims, which stand in the way of reserves, and must be surveyed first.

G. S. COOPER,  
Native Under Secretary.

## Enclosure 6 in No. 5.

Copy of a Telegram from Mr. HALSE to Mr. COOPER.

Wellington, 14th May, 1870.

Cost of survey of Native Reserves on main and Stewart's Island approved by Hon. Mr. Gisborne, on conditions stated in your telegram of 7th May.

H. HALSE,

Assistant Under Secretary Native Department.

## Enclosure 7 in No. 5.

Invercargill, 14th May, 1870.

SIR,— In reference to my letter of the 9th instant, in which I informed your Honor that I had received the sanction of Ministers to the proposed arrangement for the survey of Native Reserves in this Province, I have now the honor to enclose the copy of an estimate made by Major Heaphy, V.C., after consultation with the Chief Surveyor of the Province, of the cost of those surveys.

This estimate has been approved by the Hon. Mr. Gisborne upon the conditions stated in my letter above quoted. It being understood that the work shall be carried out as soon as the season shall admit of it, at an expense not exceeding the enclosed estimate, and that it shall be done under the supervision and control of the Provincial Chief Surveyor in accordance with instructions which he will receive from Major Heaphy, V.C.

His Honor the Superintendent,  
Invercargill.

I have, &c.,  
G. S. COOPER,  
Under Secretary, Native Department.

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