

title was extinguished over the main land, that any supposed rights which the Native owners had over the tidal lands ceased. The rumours that had reached them from the North Island on the subject had reference to cases where the mainland was held under Native tenure; but even then the usufructuary rights of the Natives over the tidal lands had not been allowed to interfere with the Crown's prerogative, which included, *inter alia*, the dominion over the foreshore. The Natives, on the assumption of British sovereignty over the Islands of New Zealand, became British subjects, and thereon all former dominion, if any existed, was extinguished; it was clear, therefore, that it was useless on their part to assert any rights antagonistic to the Crown's prerogative, which could only end in being upset before a proper tribunal.

My arguments, however, met with considerable opposition, and after two days' discussion, finding it would avail nothing to prolong the subject, I consented as a matter of policy to abandon the question, giving them to understand at the same time that they could not maintain an exclusive right to the foreshore, and that if they were unwise enough to take any action to interfere with the general use of the beach by the public, they would do it at their own risk, and must abide by the consequences. All they could claim was a right in common with others to the use of the beach as a landing-place, or for any other legitimate purpose, but they must not attempt to fence it in. With reference to their assertion that they were entitled to the foreshore by the original plan of the reserve, the one produced at the meeting simply gave them a right to high watermark.

The plan in question was one that had been furnished them by Mr. Mantell, when he made the reserves; and I had also learnt from him, when passing through Wellington on my way South, that the original boundaries of the reserves were correctly shown on these plans, and furthermore that he had carefully avoided making the Natives any concessions that would have ultimately interfered with the future settlement of the district.

Judging from the appearance of affairs during the discussion of this question, there seemed to be an under-current influencing the Natives to oppose a denial of their rights to the foreshore; and from all I could learn, their conduct in the matter from the commencement had been actuated by the same cause. Their position, however, was so fully explained to them, that they cannot urge a want of knowledge of it as a plea for persisting in the assertion of this illusory claim.

The difficulty concerning the Ferry has passed away; by shifting the crossing higher up the stream, and in course of time when the bridge now being constructed across the river is open for traffic, the present plan will fall into disuse.

Concerning the dispute about the destruction of the ferry-house, the Natives to a certain extent were justified in the course they adopted, the building being upon their land, and occupied without their permission, although they went too far in asserting their rights.

With reference to wharfage accommodation for the port, the present intention is to build a wharf down stream, off the new bridge, a project which does not find favour with all the residents; and it is probable, in consequence of the inconvenience now felt from the want of accommodation, that the Corporation will undertake the construction of a wharf in a more suitable position between the new bridge and the Native reserve by reclaiming part of the foreshore; and for that purpose a grant of the land should be applied for by that body.

The only roads set apart for public purposes in the reserve is Paddock Street to the beach, and the longitudinal road running parallel with the beach in the direction of Invercargill. These lines exhaust the quantity of land that can fairly be claimed for the purpose, as the deed of cession only empowers the Government to take one line of road through the property. The chain reserve (as shown on former plans along the beach frontage) has been abolished, as it is not requisite, and while it existed gave rise to questions likely to lead to an infringement of the rights of the Natives, the boundary of their land, as originally set apart, being high watermark.

With reference to the longitudinal road through the reserve, it is unfortunate for the interests of the owners that it has (owing to the difficulty of constructing a line nearer to the beach) to be taken at so great a distance inland as to cause a considerable severance, thereby rendering the piece cut off between the road and the beach comparatively useless, as the poor character of the land and the increased distance to fence puts all possibility of using it to advantage out of the question. If this line of road could be abolished or shifted close to the beach frontage, one line of fencing, at a cost of about £100, along the frontage of the reserve, would suffice. But as the matter now stands, it will necessitate an outlay of three times that amount before the outer strip can be utilized. In consideration, therefore, of the increased expense the owners will be put to in enclosing it, I beg to recommend that a sum of £200 be authorized for the purpose.

After the foreshore question had been fully discussed, several days were subsequently spent in endeavouring to obtain the assent of the Natives to have the land subdivided, preparatory to the issue of Crown grants to the survivors of those named in the census taken by Mr. Mantell in 1852 as residents of Aparima, and to the nearest representatives of those deceased.

The enumeration of the Natives in 1852 for whom the land was set apart being the basis of operation, it was necessary in the first place to investigate the right of succession to the claims of the deceased Natives included in the list. On this being done, the next step was to obtain the concurrence of the people interested to some general plan of subdivision; but owing to their unwillingness to meet each other in a spirit of mutual accommodation, considerable difficulty and loss of time were experienced at the outset. I am glad, however, to be able to report that I succeeded in the end in laying off with their consent the whole of the reserve for occupation, and append hereto an abstract of the parcels, with the names of the respective allottees.

I telegraphed you on the 16th February, to the effect that it appeared unadvisable to obtain the assent of the Natives to bring the reserves enumerated in your letter of the 2nd ultimo under the operation of the Native Reserves Act, as that would bar the issue of Crown grants to the Natives in the fulfilment of promises; and judging by the tenor of your reply of the following day that the matter had been left to my discretion, I refrained from following a course which appeared to be unnecessary and likely to complicate matters, the Native title having already been extinguished over the reserves