

1874.

NEW ZEALAND.

REPORT ON THE CLAIM OF THE PROVINCE OF WELLINGTON
IN RESPECT OF THE MANAWATU RESERVES.

THE specific duty imposed upon me by Parliament, was to decide whether any compensation was due to the Province of Wellington by the Colony, in respect of the Native Reserves made by Mr. McLean in the Manawatu Block.

Upon careful consideration of the demands of the province for such compensation, of the documents connected with the history of the case, and of the evidence given before me, I came to the conclusion that the Provincial Authorities had failed to make out their claim. But the same reasons which led me to this conclusion, also led me to think the province was equitably entitled to relief in respect of certain cash payments made out of its treasury in connection with the purchase of the block, which should be defrayed in the first instance by the colony, and then charged against the province in the same way as the cost of purchases from the Natives was till last year chargeable by law.

I was about to make a formal award to this effect, when a question arose in my mind as to whether the words in the Act by which I had been appointed would authorize this being done. I requested the consent of the Government to my obtaining the opinion of the Attorney-General on the point; and I submitted the following memorandum, to which the Attorney-General gave the annexed reply:—

For the Attorney-General:—

Being now prepared to make my award on the claim of the Province of Wellington referred to me by the Assembly, a point arises out of the wording of “The Rangitikei-Manawatu Crown Grants Act, 1873,” as to which I am desirous of having the Attorney-General’s advice.

Section 5 of that Act says, that I am “appointed to be Arbitrator, to consider and decide what compensation, if any, shall be paid to the Province of Wellington on account of lands taken and awarded to the Natives, under promises or arrangements made by the Hon. D. McLean.”

The Attorney-General is requested to favour me with his opinion—

1. Whether the words of the section in question restrict the Arbitrator to the sole question whether the province is or is not entitled to compensation on account of Mr. McLean’s reserves:

2. Or whether the Arbitrator is at liberty under the Act to make a general determination, which should include such a question as that of interest paid on the loan raised for the purchase-money of the block, if he thinks there are equitable grounds for any relief to the province in that respect.

Opinion.—I am of opinion that no other question is submitted to the Arbitrator’s decision than that of compensation on account of the reserves taken, and that the Arbitrator is not at liberty to go into or decide upon any other matter or question.

J. PRENDERGAST, 5th February, 1874.

I am therefore precluded by this technical difficulty from making the award I intended; but as the making of an award to the effect merely that the province was not entitled to com-