

SESS. II.—1879.

NEW ZEALAND.

## GREYMOUTH NATIVE RESERVES

(PAPERS RELATING TO).

*Laid on the Table of the House of Representatives, with the Leave of the House.*

No. 1.

Greymouth, 2nd September, 1879.

DEPUTATION to the Hon. Mr. GISBORNE of RESIDENTS of GREYMOUTH, being Leaseholders under Native Trust, introduced by Mr. Kennedy, late M.H.R., as to the Unsatisfactory Position of the Tenants on the Native Reserve, within the Town of Greymouth.

WITH regard to this question, *Mr. Kennedy* said that this was a grievance of old standing, and had been under the consideration of several successive Governments; but that, though each had admitted the unsatisfactory condition of affairs, no definite action had been taken to mitigate the evil. The present condition of affairs was this: that the greater portion of the town was built on the Native Reserve, on the basis of twenty-one years' leases, granted by the Commissioner (*Mr. A. Mackay*); that several of these leases had only a few years more to run, and that there was no guarantee whatever that any of them would be renewed; that this insecurity of tenure had overridden all inducements to advancement, the buildings being still all of wood, whereas if there were any security of tenure, many would have built of stone or brick; that the rents were excessively high, amounting to between £3,000 and £4,000 per annum, which was a very heavy drain upon a small community; that, although it might be said that this would be the case even if the property were owned by European residents, it was not so, as in that case we would be paying to each other, whereas, as it stands, the money is nearly all going out of the district, a great deal of it being devoted to the maintenance of the Natives in other places—some even in the North Island. This state of things is producing quite a depression in the locality, and this feeling of depression will be more and more felt the nearer the leases approach towards maturity. When residents came here first, saw Natives, who said they could deal with the land, and got from them leases renewable for ever at reasonable rates, but were told by *Mr. Mackay* that these leases were worthless, and had to take what we could get in lieu of them. This was twenty-one years' leases, which was all *Mr. Mackay* would give, but he stated verbally that renewals would be granted at fair rentals. The case has recently, however, assumed another phase. Some Natives had a meeting here recently to ascertain what the position of the case actually was, and presumably to decide what they would wish to have done in the matter, and it would almost appear now as though the residents would be henceforth at the mercy of the individual Natives themselves. I have understood, in fact, that it was even proposed to Crown-grant the land to individual Natives, and need scarcely say that this would probably lead to gross injustice being done to the present leaseholders, as Natives might then pledge or sell their Crown grants to other individuals without even asking the improvers to buy, and we would be thus deprived of the value of our improvements. In view of all these present and prospective hardships, the deputation have therefore waited upon you with the hope that you will be able to get them some redress, as they feel convinced that the Government of which you are a member would have the power to do so, the present Opposition having been favourable to it; but not seeing their way to bring it forward, as it was thought that *Sir George Grey* and *Mr. Sheehan* might oppose it. Though the grievance is sufficiently obvious, we must admit that we are not in a position to suggest the exact form that it would be best for the remedy to take. In fact, it is a very difficult question; but it is quite patent that some form of remedy is an actual necessity, were it only for the sake of the Natives themselves, as we feel assured that the present high rentals and insecurity of tenure will not only keep back the progress of the place, but also have a great tendency to gradually depopulate it. What we ask for, therefore, is a diminution of rent and longer leases, with a right of continual renewal; but we freely admit that, whatever arrangement is made, it should be fair to the Natives as well as to ourselves, and, as this might be a matter very difficult to adjudicate, we would suggest that perhaps, upon the whole, it might be found most just and practical that the Crown should in the first place purchase from the Natives, at a reasonable price, and then resell or let the land to us at a fair valuation.

*Mr. Coates* would venture to suggest, if purchase by Government as mooted not feasible, that possibly it might be practicable to pass a Tenants Rights Bill, such as applies in Ireland, in order that the value of his improvements might be secured to tenant when lease expires, in event of Natives not wishing to re-lease. This would, however, only meet one aspect of the question, and the matter of excessive rental at present charged would still have to be met.

As to this matter of excessive rental, *Mr. Kerr* would wish to give an example. There were cases in which a rental of £33 per annum was being paid for twenty-one years for a piece of land which, at ordinary rates for Government town sections, would be purchased in fee simple for £12 10s.

With reference to all this, *Hon. Mr. Gisborne* said that, so far as he had been able to ascertain, the reserve in question had been vested in the Governor under the Native Reserves Act of 1856, and that, if so, the Governor would have power to deal with it independent of the action of any individual Natives; that there appeared to be very little doubt that the case was in a most unsatisfactory condition at present; and that, as had been represented, it would probably be for the benefit of the Natives themselves, as much as for the benefit of the lessees, that the rents should be lowered, and a guarantee given of right of renewal or value for improvements; as otherwise it was probable that the improvements would be allowed to fall into decay, and the land would come back into the hands of the Natives as barren as it was originally. Hoped, therefore, that some measure will be devised by which such a deplorable result as this may be obviated—some measure which will be fair to those who lease the land, as well as to those for whom it is held in trust; and will bring the matter under the notice of the Native Minister and the Premier on return to Wellington, but think that your members should not fail to also bring it directly under the notice of the House of Assembly at its next meeting.

Deputation then thanked *Hon. Mr. Gisborne* for his patient consideration of the difficult subject submitted to him, and withdrew.

For the *Hon. the Native Minister*.—An early settlement of this important question is highly advisable in the interests of the public at Greymouth and of the Natives concerned.—*W. GISBORNE*.—19th September, 1879.

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## No. 2.

The *Hon. W. GISBORNE* to the *Hon. the PREMIER*.

(Telegram.)

Greymouth, 3rd September, 1879.

DEPUTATION of Greymouth inhabitants saw me respecting Native reserve which comprises three-fourths of town. Present state of question very unsatisfactory. Reserve was made, I understand, in original purchase, and afterwards brought under some Act of 1856, to be dealt with for benefit of Natives concerned by Governor in Council. It appears that *Mr. Alexander Mackay*, as delegate, has had for several years, and has now, despotic power to deal with this reserve personally, without any publicity or public auction. The rents are now very high, the leases are comparatively short, there is no right of renewal, and no consideration for improvements, which are, in some cases, very valuable. The effect may be, in some cases, to throw back part of the reserve, comparatively useless, to Natives, and in other cases to injure European inhabitants. The whole question, on grounds of public policy, and for interests of Natives, should be speedily put on better and fairer footing. I think, as far as I can at present form an opinion, either that the Government should, by liberal payment, buy out Native claims, and deal with land under ordinary land laws; or authorize land to be publicly sold by auction, with valuation of improvements reserved, for benefit of Natives; or that some means should be devised that land should be dealt with in a fair, open manner, with due regard to all interests. The first plan seems to me the best; failing that, the second seems next; and then, as an alternative, the third one of the three seems indispensable. I make no reflection on *Mr. Mackay*, who, I believe, is an able, energetic, and conscientious officer; but the present system, under which he acts, appears to me intrinsically vicious. Would you kindly look into the whole matter, and consult with Native Minister, in order that some speedy settlement of this very unsatisfactory and important public question may be attained?

The *Hon. the Premier*, Wellington.

*W. GISBORNE*.

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## No. 3.

The *Hon. Mr. GISBORNE* at GREYMOUTH.

DEPUTATION of the Borough Council, introduced by His Worship the Mayor (*R. Nancarrow, Esq.*), as to Claim for Subsidy from Native Trust towards cost of Borough Works.

*Claim for Subsidy from Native Trusts towards Cost of Borough Works.*

*Mr. Nancarrow* said that this was a grievance of old standing; that some years ago the Native Commissioner, *Mr. Alexander Mackay*, promised to give a subsidy towards the maintenance of the streets; that he had done so for some time, but latterly had discontinued paying it, and was now some £700 or £800 in arrears. The promise was a verbal one—to give a subsidy of 10 per cent. on the income derived from the Native Reserve within the Borough of Greymouth; and this income was about £3,000 a year. Chief portion of borough expenditure was for works within the Native estate; and although they, of course, got rates from such portions of it as were occupied, there was a considerable area unoccupied, which was held to be exempt from rates, being in the possession of His Excellency the Governor on behalf of the Natives.

After some conversation, the *Hon. Mr. Gisborne* said that he would bring the subject under the notice of the Native Minister, with the view of some arrangement being come to. He thought it was only fair the Natives should contribute something towards the maintenance of the property from which they derived such a large revenue.

The Mayor having thanked *Mr. Gisborne* for his courtesy, the deputation withdrew.

For the *Hon. the Native Minister*.—Would you kindly inquire into this matter? It seems only fair that unoccupied Native land within a borough should either be rateable, or that the Native Trust owners should pay a fair contribution instead.—*W. GISBORNE*.—20th September, 1879.

## No. 4.

MEMORANDUM for the UNDER SECRETARY, Native Department, *re* an Extract from the Hokitika *Evening Star*, of the 5th September, 1879.

22nd September, 1879.

*Visit of the Minister of Mines at Greymouth.*

A DEPUTATION, consisting of the Mayor (Mr. R. Nancarrow), and Councillors Wickes, Griffen, Barkley, and Eissenhard, and the Town Clerk, waited on the Hon. Mr. Gisborne.

After a discussion relative to the desirability of vigorously prosecuting the harbour works, the following matter was drawn attention to:—

“The Mayor said there was only one other grievance, and that was in connection with the Native Commissioner. Some years ago the Native Commissioner, Mr. Alexander Mackay, promised to give a subsidy towards the maintenance of the streets. He had done so for some time, but latterly he had discontinued paying it, and the Commissioner was some £700 or £800 in arrears.

“After some conversation, the Hon. Mr. Gisborne said the land was reserved under the Act of 1856, and he would bring the subject under the notice of the Native Minister, so that some arrangement could be come to. He thought it only fair that the Natives should contribute something towards the maintenance of the property from which they derived such a large revenue.

“The Mayor having thanked Mr. Gisborne for his courtesy, the deputation withdrew.”

As I note that the Hon. Mr. Gisborne informed the deputation that he would bring the matter under the notice of the Hon. the Native Minister, I beg to submit the following information on the subject:—

In the year 1870 the Government sanctioned an expenditure out of the Greymouth Native Reserve funds, at the rate of 10 per cent. on the net rental collected on the Native reserve within the Borough of Greymouth, in aid of rates, such contribution to be expended in the improvement of the streets within the reserve; the understanding being that the aid so afforded was merely to be considered as a concession, and was to cease in course of time.

In accordance with this arrangement, an annual subsidy was paid the Borough Council for five years, the amount expended in that manner being £1,746 19s. 2d.

Independent of the abovenamed sum, additional moneys have been also contributed at various times since the occupation of the estate, to aid the outlay for the improvement of the property. The total amount expended in that way during the first ten years—viz., to 1st July, 1875—represents an annual contribution at the rate of 20 per cent. on the income collected within the borough.

The Council have been frequently informed of the cause that led to the discontinuance of the subsidy, and, even as late as February last, I personally informed a deputation from that body, of whom the Mayor was one, that the fund was now in so low a condition, in consequence of the perpetual drain on it for protective works at Arahura, and other additional expenses, that it was no longer in a position to pay the annual subsidy, or to meet the amount the Council considered to be due from the last date of payment; consequently they must cease to calculate on these moneys as a source of income.

It seems to me, therefore, in very questionable taste, the Council being fully aware of the reason why the subsidy was discontinued, that opportunity should be taken of the presence of the Hon. Mr. Gisborne at Greymouth to enlist his attention to the question by a side-issue.

I have not sufficient data by me to furnish a full return of the amount contributed by the fund in aid of protective works and town improvements, but I can safely state from memory that it represents fully 20 per cent. on the net income collected at Greymouth during the first ten years, and I submit, in respect of the question raised, that the Council were not justified in appealing to the Government to obtain the continuance of an expenditure that was only sanctioned in the first place as a concession, but has been regularly paid until circumstances necessitated its discontinuance.

A. MACKAY,

Native Commissioner.

## No. 5.

COPY of EXTRACT from MEMORANDUM by Mr. ALEXANDER MACKAY, Commissioner of Native Reserves, Nelson, *re* Greymouth Native Reserve.

July, 1877.

THE Native reserve at Greymouth, upon which a large portion of the town of that name stands, comprises an area of 500 acres, and was set apart in 1860 for the use and occupation of a section of the Ngaitahu Tribe, then residing on the west coast of the Province of Canterbury.

In consequence of the discovery of gold in the Grey District in the winter of 1865, a large demand arose for business sites near the mouth of that river, and, the Native reserve offering greater facilities for that purpose than the surrounding land, the business portion of the community located themselves there. As this mode of irregular occupation was likely to lead to serious complications with the Native owners, the Government requested me to proceed to the West Coast, and take such steps as would legalize the occupation of the land. It was found on investigation that a number of persons had unadvisedly entered into arrangements with the Native owners for the occupation of the land adjacent to the river frontage, without being aware that such agreements were invalid. The agreements entered into were mostly for a short time, with a right of renewal, and, as all the occupants had paid the full sum that had been demanded by the owners for the use of the land, it was considered advisable, in order to rectify any difficulties that might eventually occur if this state of affairs was allowed to continue, as well as to protect the interests of all concerned, to bring the reserve under the operation of “The Native Reserves Act, 1856,” with the consent of the Native owners. This proposition was willingly assented to by the Natives, as they foresaw the difficulties that were likely to ensue through the irregular occupation of their land, as well as their own incapacity to deal with the question.

On the consent of the parties being obtained, and the land formally gazetted, it became vested in the Governor under the Act of 1856 as amended by the Act of 1862, and the officer holding delegated powers became empowered to issue leases for twenty-one years. A system of leasing thereupon commenced, under which the persons who are now in occupation hold their present tenure.

The portion of the reserve comprised within the Town of Greymouth has been in process of occupation for the last eleven years, dating from the 1st July, 1865, and has produced a revenue in the shape of rent during that period of £33,943 15s. 5d., out of a total revenue of £38,862 0s. 7d. collected from the whole of the Native reserves estate in Westland during the same period. The gross annual rent from all sources in Westland is £4,132 13s. 9d., of which Greymouth produces £3,714 5s. The value of the Native reserve estate at Greymouth has been immensely increased through being occupied by tenants. Its former value, taking the upset price of town land sold by the Government on the West Coast—namely, £40 an acre as a fair price for rough, unimproved land—as a basis of calculation, the outside price for the portion available for town purposes—namely, 150 acres—would represent £6,000; whereas the capital value of the property at the present time, even calculated at 10 per cent. on the gross proceeds, would represent the sum of £30,714. In addition to the value of the land, the tenants have made improvements exceeding £400,000; and as time glides on the property will become more and more valuable, provided the confidence of the tenants is upheld in the permanency of the tenure. The quantity of land at present utilized within the reserve is about 160 acres, a large proportion of which is occupied for building purposes. The remainder, with the exception of about twenty acres, may be described as utterly worthless for occupation, in consequence of its rugged and hilly character, besides being covered with a dense forest.

The application made by the Natives interested in the estate to have a Crown title issued in their favour, cannot in justice to the lessces be given effect to without proper precaution is taken to protect the interests of the tenants, as it would be a breach of faith to those persons who have improved the property by their capital and labour if they were debarred by the issue of a grant to the beneficiaries from obtaining a renewal of their leases, to which they are justly entitled, and on the faith of which they have expended large sums, both in the erection of buildings and otherwise improving the estate.

Before the present protective works were undertaken by the Government the Town of Greymouth was subject to frequent encroachments of the river, causing considerable damage to the property, and threatening in course of time to sweep away all the most valuable portion of it. The efforts made by the tenants to protect the estate from the river, coupled with the outlay needed for town improvements, have imposed burdensome and oppressive expenses on the occupants, necessitating the levying of a tax equal to 10 per cent. on the annual value of their properties. The tenants contend—and very justly—that the increase in the value of the reserve is entirely due to the energy and capital of the European settlers, and that consequently it would be inequitable to apply all the results of such outlay to the future aggrandisement of the Native owners, who, it is known, have openly stated that they are only waiting for the termination of the existing leases to pounce upon the property as their own; for had it remained in their hands no appreciable improvements would have taken place.

It is also urged that, as the Government accepted the trusteeship of the property, and allowed large and important interests to grow up, it cannot now relinquish it without prejudicing the equitable rights of persons who have accepted leases under the Native Reserves Act, in the full confidence that such mode of occupancy and the system that gave rise to it would endure.

The principal cause of uneasiness that prevails amongst the Native owners is owing to the opinion expressed that the Governor would sell the land under the provisions of "The Native Reserves Act, 1876," coupled with the efforts continually being made by the tenants to obtain the fee of the land. The feeling is also considerably augmented by injudicious statements, made by thoughtless individuals, that the Government is disposed to sell the land—statements which the Natives, unfortunately, place full confidence in. The Governor, it is true, is empowered to dispose of property vested in him under the provisions of the Native Reserves Act, by absolute sale or otherwise; but the Act forbids the alienation of the land except for the benefit of the Natives interested, and, as it is not probable that adverse action would be taken against the expressed wishes of the owners, there is no real cause of apprehension that the sale of the Greymouth estate would have been sanctioned. Moreover, the Natives, if for no other reason, would oppose the alienation of the reserve on the ground of sentiment, even if the sale would actually secure to them in perpetuity an income far in excess of the amount they now receive.

The most equitable mode of procedure for all concerned would be to repeal the Act empowering the Governor to sell, and pass a fresh measure enabling leases to be issued for sixty years with the assent of the owners (where such assent was necessary), to persons who are desirous of improving the land by erecting a permanent class of buildings of brick and stone, as would be the case at Greymouth if the tenants were secured in possession. This course, on the one hand, would allay the anxiety felt by the Natives that the property would be sold; and, on the other hand, secure a fixity of tenure to the tenant that would enable him to repay himself for the required outlay.

Concerning the objection made by the Natives, that their revenue has been expended in improving the estate, they evidently are ignorant of the fact that landed proprietors "have duties as well as rights," as they seem to be of opinion that they should not be called upon to contribute anything towards the improvement or preservation of a valuable estate like Greymouth. Had they had more experience, they would have doubtless learnt that one of the most important duties pertaining to the ownership of land is aiding in local improvements. Neither have they any occasion to complain of not having had a fair share of the income devoted to their use, as they have received in cash and its equivalent, during the last eleven years, the sum of £21,515 4s. 9d.; and the recipients only number about twenty.

ALEXANDER MACKAY.