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## NATIVE RESERVES, NELSON AND GREYMOUTH

(PAPERS RELATING TO, BY A. MACKAY, WITH STATEMENTS OF RECEIPTS AND EXPENDITURE).

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

MR. ALEXANDER MACKAY to the UNDER SECRETARY, Native Department.

SIR,—

Native Reserves Office, Nelson, 1st August, 1879.

I have the honor to forward herewith the annual statement of the receipts and expenditure of the Nelson and Greymouth Native Reserve Funds for the year ending the 30th June, 1879.

In fulfilment of a promise made by the Hon. the Native Minister to the Natives claiming the West Coast reserves, Mr. Thomas Young was appointed under Royal Commission to investigate and report on the claims of these people to the aforesaid lands, with a view to issue them Crown titles on certain conditions. The inquiry was held at Greymouth in February last, when the claims to the whole of the reserves from Jackson's Bay to the River Buller were investigated, and the land allotted amongst the claimants as near as possible in accordance with the principle it was intended to observe on the setting-apart of these reserves in 1860.

In the instructions to Mr. James Mackay in 1859 concerning the quantity of land to be set apart as Native reserves within the West Coast purchase, he was directed to allot the principal men a certain quantity of land each, and those occupying a minor position a lesser area in accordance with the scale decided on by the Government. For many reasons, however, it was found impracticable to carry out these directions at the time; but the principle has been observed in partitioning the several reserves amongst the persons who proved their claims before the Commission.

In dividing the reserves, care was taken, as far as possible, to prevent injustice being done to the majority by the desire manifested by some of the residents to admit as participators a number of their friends who had no special claim for consideration in the matter, but whose admission, without sufficient precaution had been taken, would have tended to diminish the acreage divisible amongst the *bonâ fide* claimants. The mode of procedure adopted in cases of this kind was to make a nominal division of the land amongst the persons beneficially entitled, and then allow those who desired to divide their shares with their friends to do so. By this plan those who were disposed to be generous at the expense of the majority were curtailed from sacrificing the interests of others on the altar of their pretended liberality.

Owing to the unequal value of the reserve at Greymouth, it was found necessary, in order to divide the estate satisfactorily amongst the claimants, to adopt the following plan: After ascertaining the persons who were entitled to the lands, a nominal division was made amongst each of the families in proportion to the quantity they were entitled to. This enabled a formula to be adopted for dividing the property equitably amongst them, and defining the amount of annual income payable to each.

In order to give effect to the scheme, it is proposed to treat the land on the principle of an estate in coparcenary, each parcener being entitled nominally to a distinct severalty without actual partition on the ground, as the character of the land precludes the possibility of effecting a satisfactory division in that manner. In pursuance with this intention it was agreed that the income accruing from the estate should be treated as follows—viz., that three-fourths should be divided amongst the persons beneficially entitled, and the remaining fourth be set apart to defray other claims on the revenue not otherwise provided for, as well as the expense of management and other cognate charges. The annexed schedule exemplifies the proposed division of the income amongst the recipients.

The inquiry held respecting these reserves, even if nothing further results from it, has been the means of ascertaining and defining the claims of the persons beneficially interested; and that, in itself, is of great importance. The information obtained will also prove a valuable record in regard to future questions of title.

The contemplated change in the tenure of the reserves on the West Coast has given rise to a good deal of anxiety on the part of the residents at Greymouth, as to the probable effect it may have on their position as tenants; and the general feeling is that, in any measure that may be introduced in Parliament to empower the issue of Crown titles to the Natives, ample provision should be made for the protection of the equitable rights of persons who have accepted leases under the Natives Reserves Acts in the full confidence that such mode of occupancy would be perpetuated.

I attach an article that appeared in the *Grey River Argus* of the 6th February, 1879, on the subject, as it contains a clear account of the circumstances that led to the occupation of the Greymouth Reserve by European tenants, and the important question that is involved in the proposed change of tenure.

The present financial depression that prevails on the West Coast, as elsewhere, has created considerable difficulty in collecting the rents; consequently the fund is in a much lower condition than ever it has been before.

I have, &c.,

ALEXANDER MACKAY,  
Commissioner.

The Under Secretary, Native Department, Wellington.

### Enclosure No. 1.

STATEMENT of the Receipts and Expenditure of the Nelson Native Reserve Fund, from the 1st July, 1878, to the 30th June, 1879.

		<i>Receipts.</i>					
July 1st, 1878,—		£	s.	d.	£	s.	d.
To Balance on hand	...				373	8	2
Rents collected as under,—							
Nelson	...	893	9	9			
Moutere and Motueka	...	619	7	7			
Westport	...	97	5	0			
Loan repaid	...	15	0	0			
					1,625	2	4
Refund by General Government in part repayment of medical officer's salaries defrayed by the Native Reserve Fund since 1864	...				2,000	0	0
Interest per Public Trust Office, to 30th June, 1878	...					16	10
Interest per Public Trust Office, to 30th June, 1879	...					1	15
<b>Total</b>	...				<b>£4,001</b>	<b>2</b>	<b>6</b>
		<i>Expenditure.</i>					
July 1st, 1878,—		£	s.	d.	£	s.	d.
By Provisions and clothing, &c., for Natives	...	702	7	1			
Harness, &c.	...	53	2	6			
Implements, &c.	...	247	4	7			
Funeral expenses	...	34	11	0			
Buildings and repairs...	...	205	19	2			
Passages, &c.	...	334	13	0			
Fuel and potatoes, &c.	...	42	10	0			
Medical attendance	...	29	16	0			
Schoolmaster's salary	...	175	0	0			
Rents paid to Natives	...	224	0	0			
					2,049	3	4
Printing and stationery	...	16	5	1			
Commission on rents	...	114	1	6			
Travelling expenses	...	6	4	0			
Miscellaneous expenses	...	60	0	9			
					196	11	4
Expended out of imprests...	...				2,245	14	8
Supplementary amounts paid by Public Trust Office,—							
By Salaries uncharged to 30th June, 1878	...	83	15	0			
Commissioner's salary, twelve months	...	225	0	0			
Secretary's salary, twelve months	...	50	0	0			
Interpreter's salary, twelve months...	...	40	0	0			
Medical officer, Motueka, twelve months	...	50	0	0			
Medical officer, Nelson, twelve months	...	50	0	0			
Medical officer, Queen Charlotte Sound, four months	...	16	13	4			
Medical officer, Wairau, twelve months	...	50	0	0			
Schoolmaster, twelve months	...	60	0	0			
					625	8	4
<b>Total expenditure</b>	...				<b>3,791</b>	<b>3</b>	<b>6</b>
By Balance to credit	...				209	19	0
<b>Total</b>	...				<b>£4,001</b>	<b>2</b>	<b>6</b>

STATEMENT of the Receipts and Expenditure of the Greymouth Native Reserve Fund from the  
1st July, 1878, to the 30th June, 1879.

				<i>Receipts.</i>					
July 1st, 1878,—				£	s.	d.	£	s.	d.
To Balance on hand	...	...	...				562	17	9
Rents collected as under,—									
Greymouth	...	...	...	3,457	10	0			
Karata	...	...	...	25	0	0			
Arnold	...	...	...	23	9	0			
Ahaura	...	...	...	12	7	6			
Teremakau	...	...	...	8	17	6			
Arahura	...	...	...	330	12	3			
Hokitika	...	...	...	216	10	0			
							4,074	6	3
Refund per Nelson account	...	...	...				910	13	0
Interest per Public Trust Account	...	...	...				4	6	0
Amount paid in by Treasury	...	...	...				2	2	1
Total	...	...	...				£5,554	5	1
<i>Expenditure.</i>									
July 1st, 1878,—				£	s.	d.	£	s.	d.
By Allowances paid to Natives	...	...	...	1,969	5	0			
Miscellaneous expenditure for do.	...	...	...	273	19	3			
Salaries	...	...	...	95	0	0			
Harness, &c.	...	...	...	74	8	6			
Passages and freight	...	...	...	80	8	0			
Medical expenses	...	...	...	79	4	6			
Stores and clothing	...	...	...	341	16	8			
Buildings, &c.	...	...	...	753	11	0			
							3,667	12	11
Commission, collecting rents	...	...	...	257	12	6			
Protective works, Arahura	...	...	...	907	16	1			
Clerical assistance	...	...	...	33	0	0			
Travelling expenses	...	...	...	42	9	0			
Printing and sundries	...	...	...	20	9	0			
							1,261	6	7
Expended out of imprests...	...	...	...				£4,928	19	6
Supplementary amounts paid by Public Trust Office,—									
By Commissioner's salary, thirteen months	...	...	...	243	15	0			
Interpreter's salary, eleven months	...	...	...	45	16	8			
Schoolmaster's salary, thirteen months	...	...	...	81	5	0			
							370	16	8
Total	...	...	...				£5,299	16	2
By Difference in Treasury Account	...	...	...				24	11	8
Balance in hand	...	...	...				229	17	3
Total	...	...	...				£5,554	5	1

Enclosure No. 2.

GREYMOUTH NATIVE RESERVE.

SCHEDULE showing the Distribution of Acreage and Income amongst the persons beneficially interested, and others admitted by them, in the Greymouth Reserve.

Names.	Acreage allotted.			Gross amount of Share.		
	A.	R.	P.	£	s.	d.
1. Wereta Tainui	...	...	...	180	0	0
2. Ihaia Tainui	...	...	...	180	0	0
3. Wikitoria Mutu	...	...	...	150	0	0
4. Hoani Tainui	...	...	...	84	0	0
5. Metapere Wepu	...	...	...	84	0	0
6. Makarini Tohi	...	...	...	150	0	0
7. Wikitoria Waipapa	...	...	...	120	0	0
8. Amiria Tainui	...	...	...	84	0	0
9. Hakiaha te Horo	...	...	...	66	0	0
10. Ripeka te Horo	...	...	...	60	0	0
11. Aperahama te Aika	...	...	...	120	0	0
12. Hori Kerei Taiaroa	...	...	...	150	0	0
13. Ripini Waipapa	...	...	...	72	0	0
14. Tini Tarapuhi	...	...	...	180	0	0

SCHEDULE showing the Distribution of Acreage, &c.—*continued*.

Names.	Acreage allotted.			Gross amount of Share.		
	A.	B.	P.	£	s.	d.
15. Hira Makarini ... ..	25	0	0	150	0	0
16. Riaki Tauhare ... ..	25	0	0	150	0	0
17. Teoti P. Mutu ... ..	25	0	0	150	0	0
18. Hira Mutu ... ..	14	0	0	84	0	0
19. Pita Mutu ... ..	14	0	0	84	0	0
20. Inia Tauhare ... ..	14	0	0	84	0	0
21. Wakena Kokorau... ..	14	0	0	84	0	0
22. Hinepakia ... ..	14	0	0	84	0	0
23. Whakatau Pakapaka ... ..	16	0	0	96	0	0
24. Ihaia Tuhuru ... ..	20	0	0	120	0	0
25. Inia Tuhuru ... ..	25	0	0	150	0	0
26. Riki Mairaki Taiaroa ... ..	14	0	0	84	0	0
Totals ... ..	500	0	0	£3,000	0	0

## Enclosure No. 3.

[From the *Grey River Argus*, Thursday, 6th February, 1879.]

WE promised our readers, especially those who are interested in the question of the Greymouth Native Reserves, that we would endeavour to lay before them further particulars concerning the result of the inquiry that has been lately held in the Volunteer Hall, which has caused such a large influx of Native visitors in our midst. It would seem, from what we can gather, that the object of the inquiry was to investigate the claims of the Native owners to the whole of the Native reserves included in the West Coast purchase, with a view ultimately to issue Crown grants to the persons concerned, restricting the alienation of the land by sale or by mortgage. The cause that has led to this appears to have been the dread that pervaded the minds of the Native owners of the Greymouth and other valuable reserves on the Coast, of the possibility of the Government sanctioning the sale of these lands to the European tenants, a strong desire having been evidenced, especially at Greymouth, to acquire the fee of the land. It is true that under the provisions of "The Native Reserves Act, 1856," the Governor is empowered to dispose of property vested in him by absolute sale or otherwise; but, as we have pointed out on previous occasions, it is not probable that this right would have been exercised detrimentally; moreover, the Act in question forbids the alienation of the land except for the benefit of the Natives interested, and it is not probable that adverse action would be taken against the expressed wishes of the owners. Under the circumstances, therefore, there was no real cause for apprehension that the sale of the Greymouth Estate would be sanctioned.

Concerning the proposed change in the tenure of the land, we do not propose to discuss the question adversely to the interests of the Native owners, but our present object is to point out that the issue of Crown grants to them involves a large and important question, and it behoves the tenants, as a body, to unite together for the protection of their interests.

Before proceeding further with that part of the question we propose to give a brief sketch of the circumstances that led to the occupation of the Greymouth Reserve by European tenants under the present system.

The Native Reserve, Greymouth, upon which a large portion of the town now stands, comprises an area of 500 acres, and was set apart in 1860 for the use and occupation of the members 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 1865, a large demand arose for business sites near the mouth of the river, and, the Native reserve offering greater facilities for this 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 Mr. Commissioner Mackay 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 of the occupants had paid the full sum 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 were allowed to continue, as well as to protect the interests of all concerned, to bring the land in question 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 Natives being obtained, and the lands 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 any period not exceeding twenty-one years. A system of leasing thereupon commenced, under which the persons who are now in occupation hold their present tenure.

The application made by the Natives interested in the estate, to have a Crown title issued in their favour, cannot, in justice to the lessees, be given effect to until the interests of the tenants are fully protected, 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 the 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, has imposed burdensome and oppressive expenses on the occupants. 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 aggrandizement of the Native owners.

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.

Concerning the right of renewal claimed by the tenants as having been promised them, and which has unquestionably conduced to the advantage of the estate, as it afforded encouragement to the occupants to make permanent improvements, we find the following allusion in Mr. Commissioner Mackay's report of 1873, Sessional Papers G.—2A: "With regard to the renewal of the leases no practical difficulty exists, and that fact must be generally known, as assurance has been frequently given that, although a right of renewal cannot be inserted in the leases, that the intention is to let the land in perpetuity for the benefit of the Natives; and that whoever is in possession at the expiration of any of the terms of lease, provided he will consent to pay an equitable rent for the premises in proportion to the increased value of the property, shall have an extension of his lease granted to him."

This principle is based on an old-established practice in England, where it is considered that those who are in possession of leases for lives or years, particularly from the Crown, have an interest beyond the subsisting term, which is usually denominated "the tenant's right of renewal."

This interest, although it is not a certain or contingent estate, there being no means to compel a renewal, influences the price of sales, and conduces to the security of the tenure beyond the fixed term.

There is little doubt that if the rights of the tenants are imperilled by the issue of Crown titles to the Native owners, it will have a most injurious effect on the future of Greymouth, as the uncertainty of the renewal of existing leases will deter further improvements from being undertaken, and the buildings already erected will probably be suffered to fall into decay; as it stands to reason that, if a tenant's interest in his improvements terminate with his tenancy, it cannot be expected that anything would be spent on the property towards the close of the term which would be of benefit to it.

The foregoing remarks clearly indicate that security of possession is indispensable to the improvement of the property. It therefore follows that attention should be directed by the tenants to secure a fair and impartial hearing at the forthcoming session of Parliament, both through their members and by every other legitimate mode of procedure that will ensure a fulfilment of the understanding with them respecting the renewal of their leases on a sure and satisfactory basis.

The sole result as yet of the Native meeting which has just been concluded has been, we understand, to settle the individual claims of the Natives to the several reserves on the West Coast, and in the case of the Greymouth Reserve to determine the proportion of net proceeds to be divided amongst the persons admitted to share in the property.

Some of the ultimate consequences to the tenants we have already discussed, and we intend to keep a watchful eye on the course of events.

