

1881
NEW ZEALAND.

WEST COAST ROYAL COMMISSION:

REPORT OF THE COMMISSIONER APPOINTED UNDER "THE WEST COAST SETTLEMENT (NORTH ISLAND) ACT, 1880."

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

To His Excellency the Honorable Sir ARTHUR HAMILTON GORDON, G.C.M.G.,
&c., &c., &c., Governor of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

In pursuance of your Excellency's command, given in the 9th section of the Commission under which I was appointed a Commissioner under "The West Coast Settlement (North Island) Act, 1880," I have already reported to your Excellency upon many special claims which had been brought before me, and have made recommendations for the issue of Crown grants of reserves to Natives whom I found entitled to them, either individually or collectively in hapus. With your Excellency's permission I will now report on the general progress of the work which I have been required to do.

The final report of the Commissioners appointed under the previous Act of 1879 was presented to your Excellency's predecessor on 5th August, 1880. It concluded by a summary of the objects which the inquiries of the Commissioners had led them to believe were essential to the settlement of the West Coast difficulties, and it was suggested that powers should be given by Parliament to enable the Governor to give effect to the course recommended. An enabling Act for that purpose was passed, and received the Governor's assent on 1st September, 1880. The Commission which I hold from your Excellency was not issued till 23rd December following. In the interval, your Excellency's Government had entirely or partially given effect to many of the recommendations of the previous Commission. Under the superintendence of Major Parris, the Special Local Commissioner, the sectional survey of the Waimate Plains for purposes of sale and settlement, which had been interrupted two years before, was resumed, and what was considered by the late Commissioners the cardinal point of the case—the indication on the ground of a large continuous reserve—was accomplished, with considerate regard for the wants and wishes of the resident Natives for whose use it was made. This reserve had been intersected by a road-line from Manaia to the North Road, and portions had been excised for the purpose of intermixing European settlement, as recommended by the Commissioners. The broad metalled road, which was to connect the settled districts south of the Waingongoro River with the Taranaki settled country, was being vigorously pushed on, and was far advanced towards completion. A line of road had also been cut by Mr Hursthouse, Road Surveyor, from Opunake to Stratford.

On my arrival in the district in the middle of January, I was equally gratified and surprised to see the extent to which all that the previous Commission had recommended on this branch of the subject had been achieved by the judicious management of Major Parris, under instructions from your Excellency's Govern-

ment. The difficulties, so far as the Waimate Plains were concerned, appeared to have completely vanished, and, if anything more was wanted to prove that they had, it was found in the successful sale and occupation of the whole of the open lands, which followed almost immediately afterwards.

In illustration of the manner in which the continuous reserve and others in the Waimate Plains have been dealt with, I append a map prepared by Captain Skeet, Chief Surveyor to the Commission, and freely circulated among the Natives, accompanied by a *panuitanga*, or notice, in the Maori language, explaining the course of action taken by me in reference to the adjustment of the reserves on the coast. I took copies of both to the chief Titokowaru myself, and explained them to him, and he appeared fully to understand and approve them. The map exhibits not only the continuous reserve, but reserves made for Hone Pihama, for his hapu the Ngatitamaahuroa, for Manaia, and a number of fishing-stations and minor cultivations.

The accomplishment of these practical operations very much diminished the difficulty of the work I had before me, and enabled me at once to undertake, what the Natives south of Waingongoro had so often asked should be done for them, the better definition and subdivision of their reserves among the several hapus, and the consequent issue of Crown grants which had been so long delayed, and the non-issue of which had been the source of much irritation. The separation of the West Coast Land District from the Taranaki Land District, and the nature of the work to be done, rendered it necessary to have a survey staff under my own control, and for that purpose I selected as Chief Surveyor, Captain Skeet, who had had great experience of survey work among Natives, and had, as a member of the Taranaki Survey Department, been employed on the work lately effected on the Waimate Plains under Major Parris. My office having no records or plans, some time was necessarily occupied in preparing them, which, with the co-operation of Mr Humphries, Chief Surveyor of Taranaki, was however soon effected, and more attention was then able to be given to the practical field work required in the survey of boundaries and subdivision of reserves. Some of these have been in exceedingly rough bush country, but I have no reason to be dissatisfied with the progress made, for particulars of which I beg to refer your Excellency to two reports from Captain Skeet, appended. I am glad to state that he has met with cordial co-operation from the Natives, which, a year or two ago, he would not probably have experienced. The surveys of the whole of the reserves from the Ouri River, including those on the Waimate Plains, have been completed either since I went to the district, or previously in the course of the sectional surveys, under Major Parris, with which they were intermixed, and the same applies, to a great extent, to the external boundaries of the reserves south of Waingongoro. But the subdivision of the larger ones, and the outside boundaries of some of them, require a good deal of work, which, however, is now far advanced.

While this has been going on, I have, with the assistance of Major Parris, after interviews with the local Natives, got the names of the individuals of every hapu to which I propose to recommend or have recommended separate grants, which, being indorsed on or included in the grants, will remove a ground of dissatisfaction which has frequently existed elsewhere, affecting the subdivision of rents when the lands may be leased to European tenants. There is still a good deal of this work to be done, but, with co-operation of the Natives, there is no difficulty in it. And, as I have had frequent interviews and satisfactory discussions on the subject with every group of Natives concerned between Ouri and Waitotara, I anticipate no impediment to the early completion of the transactions, beyond the inevitable delay caused by the execution of surveys where they are necessary. I append a list of grants already issued or recommended by me, or in transition between the offices.

I held a formal sitting at Opunake for the purpose of hearing some special claims there, but more particularly to endeavour to ascertain the feelings of the Natives who are entitled to that block on the subject of its subdivision, and its being Crown-granted or otherwise technically removed from the effect of confiscation under the circumstances mentioned in the report of last year. The feeling of those present, including Wiremu Kingi Matakatea, the principal chief of

one of the two hapus, was apparently in favour of the survey and subdivision of the district, but, a large number of Wiremu Kingi's relatives being at the time among the prisoners held in custody on account of the recent difficulties on the coast, he expressed a wish that nothing should be done till their return. Judging, however, by his own expressions and those of others of the tribe who were present, the prisoners having been now released, the matter will probably be successfully dealt with as soon as I can again visit them.

I do not think it necessary to trouble your Excellency with further details of matters necessarily incomplete for the present. I have already, as before stated, transmitted, through your Excellency's Ministers, reports on several special cases finally disposed of, some of which were of a very complicated character, and the investigation of which demanded much time and labour, which I think will not have been thrown away if the result be to prevent the recurrence of cases of a similar class, in which maladministration has occurred, to the detriment of the colony and not without discredit to some departments of Government.

I will conclude by expressing to your Excellency my entire satisfaction with the progress so far of the work of carrying into effect the principles and recommendations of the reports made by Sir Dillon Bell and myself last year, and my confident belief that what remains to be done will be accomplished by a continuance of patient labour for a not very protracted period. Every successful step facilitates that which is to follow; and I already see many indications of the satisfactory influences which the work already done has had on the minds of those to whose districts I have not yet been able to extend my operations.

Which is with great respect submitted to your Excellency

WILLIAM FOX.

Parliament House, Wellington, 17th June, 1881.

APPENDIX I.

PANUITANGA.—Ko tenei taku kupu ki nga Maori i waenganui o Waitotara me Parininihi mo nga tikanga e mahia nei e au mo runga i nga whenua.

I tera tau kua pahemo ake nei, i tonoa mai maua ko Te Pere e te Paremete, ki te whiriwhiri i nga kupu whakaae ki nga Maori e noho ana i runga i aua whenua, mo nga rahui ma ratou. Ki ke kimi hoki i te take i kore ai e puta nga Karauna karaati mo aua rahui. I whiriwhiria e maua enei mea i Oeo, i Te Hawera, i Patea, i Nga Motu, me Waitara hoki, no muri i tera ka kimihia e maua nga pukapuka katoa e pukei ana i roto i nga Tari Kawanatanga, i Poneke i tuhia i roto i nga tau e rua-tekau kua pahemo nei. E whitu nga marama e mahi ana maua. No to maua kitenga i aua mea katoa, katahi ka tukua e maua ki te Kawana, whakaaturia ana e ia ki te Paremete kia mohio ai hoki ratou ki aua mea katoa. Meingatia ana e te Paremete he Ture kia tukua e te Kawana tetahi tangata hei mahi i nga mea i kiia atu ra e maua he tika kia mahia. I hiahia te Kawana kia hoki mai ano maua ko Te Pere ki te whakaoti i taua mahi, na no te rironga o Te Pere ki Ingarani ki te whakahaere i etahi atu mahi o te Koroni, katahi ka ki mai te Kawana kia hoki mai ano ahau ki te mahi i nga tikanga mo nga whenua o tenei takiwa. Koia ra te take i hoki mai nei ahau ki te whakaoti i nga ritenga mo runga i nga whenua i kiia ra e maua ko Te Pere e tika ana kia mahia. Na ko taku mahi tuatahi ko nga porohita rahui, ko te wehewehe i nga whenua ki ia hapu, kia mohio ai ratou ki a ratou whenua, kia tango tika ai ratou i nga moni reti me ka retia e ratou tetahi taha o aua whenua. Kei te kimi au inaianei i nga ingoa o nga tangata katoa o ia hapu o ia hapu. Kua tukua hoki e au etahi Kai-wea ki te tapahi i nga rohe o nga whenua o ia hapu i roto i nga porohita rahui katoa. Kia mutu tera, ka whakaaturia e au ki te Kawana ka tukua atu hoki e au nga mapi, mana e tuku he Karauna karaati ki ia hapu ki ia hapu mo to ratou taha o aua rahui. Kei reira ka tuturu tonu aua whenua kia ratou ka pumau tonu hoki kia ratou me a ratou tamariki, ka tuhia hoki o ratou ingoa ki runga ki te Karauna karaati, ka marama te tuhinga o nga ingoa o ia tangata o ia tangata ki runga ki te karaati. Tera ano etahi porohita i rahuitia mo etahi rangatira Maori, ara mo Hone Pihama Hanataua me Mania, me etahi atu kia ratou ake, notemea i piri pono ratou ki te Kuini, i tahuri hoki ki te awahina i te Kawanatanga kia tau ai te rongo marire ki tenei takiwa. Otira ka whakaritea ano hoki he whenua ma o ratou hapu ki tua atu i era whenua. Kua puta etahi o aua karaati ko etahi kei te mahia tonutia inaianei. Na tenei ano hoki te porohita rahui hou nei e tae ana ki te rua-tekau-ma-rima mano eka mo Ngatiruanui me nga hapu e noho ana i Weriwari, i Mawhitiwhiti, i Okaiawa, me etahi atu kainga. Kua oti te wea i taua rahui e takoto ana i waenganui o Waingongoro me Oeo, e tae ana ki te tekau-ma-rima maero te roa, a e tae ana te whanui ki te toru maero me te hawhe. Kei te marama noa te takoto, kei te kitea hoki nga pou peke i runga i te whenua. Kua watea hoki ahau inaianei ki te wehewehe i tenei porohita ki nga hapu, kia puta ai nga Karauna karaati ki ia hapu ki ia hapu. Ma koutou ma nga Maori e tuku mai nga ingoa o nga tangata katoa o ia hapu, nga ingoa o nga tane, o nga wahine me nga tamariki, kia tuhia katoatia ai ki roto ki nga Karauna karaati. Kei te whanga au inaianei ki enei mea. Me tuku mai e koutou e nga Maori enei mea ki au i taku tari i Te Hawera. Kei te tutata katoa enei rahui ki te Hawera. Kia mutu

enei ka peratia hoki e au nga porohita rahui i Patea, i Whenuakura, me Waitotara. No mua noatu i whakaaetia ai enei porohita ki nga Maori, engari kahore ano kia wehewehea kia ratou, kaore ano hoki i whakaputaina nga Karauna karaati. Ka wehewehea katoatia enei, ka whakaputaina nga Karauna karaati ki nga hapu me nga rangatira i whakaaetia nei kia ratou aua whenua.

Na tera ano nga whenua i whakaaetia kia hoatu ma Patukai, Upokomutu, me Puketoretore, ara ki nga tangata tuturu o taua takiwa. Me wehewehe enei ki nga hapu, me tuku he Karauna karaati kia ratou. Ka hiahia nga iwi kia peratia ka mahia ai tera. Ma ratou e tuku mai nga ingoa o nga tangata.

Tera ano hoki nga whakataunga a te Kooti mo etahi whenua iti i Nga Motu tae atu ki Parininihi. Ka ata kimihia enei, ka whakaputaina hoki nga Karauna karaati mo aua whenua.

Kia oti enei mahi kei reira mutu ai nga raruraru me nga tautohe mo runga i aua whenua. Ka riro i nga Maori a ratou whenua, ka riro hoki i nga Pakeha nga whenua ma ratou. Ka riro tahi i a ratou a ratou Karauna karaati ka tino whakataturutia rawatia hoki nga rohe. Koia nei hoki te take i tupu ake ai nga raruraru i roto i nga tau maha noatu kua pahemo ake nei. Notemea kaore i marama nga rohe o te whenua, kaore hoki he Karauna karaati. Kua timataria tenei mahi i naianei, a ka haere tonu a mutu noa taua mahi.

WILLIAM FOX (Te Pokiha),

Hawera, Maihe, 1881.

Komihana.

[TRANSLATION.]

THIS is my word to the Maoris between Waitotara and Parininihi, about the work that I am doing on the land.

Twelve months ago Sir Dillon Bell and myself were sent by the Parliament to inquire about the promises made to the Maoris on that land, about these reserves and why their Crown grants had not been issued. We inquired into those matters at Oeo, at Hawera, at Patea, at Taranaki, and Waitara, and afterwards we examined all the letters and papers in the Government offices at Wellington, which had been written for more than twenty years. We were seven months doing that work. When we had made all things certain, we reported them to the Governor, and he consulted with the Parliament, so that they also might know. Then the Parliament made a law, that the Governor should send some person to do all the things that in our report we had said ought to be done. The Governor would have sent Sir Dillon Bell and myself to do that work, but Sir D. Bell was sent by the Government to England to do there the work of the colony about other matters, and so the Governor sent me alone to do the work here about the land. That is why I have come to finish all things about the land that we, Sir Dillon Bell and myself, had said last year ought to be done.

Now, the first thing that I have to do is about the reserves, to ascertain how they should be divided among the different hapus, so that each may know what is its own, and receive its own rents if it leases any of that land. I am now busy getting the names of the people of each hapu, and I have sent surveyors to mark off the shares of each hapu in each reserve. As soon as that is done, I will inform the Governor and send in the plans, and he will give a Crown grant to each hapu for its own piece of those reserves. Then that piece will be theirs and their children's for ever; their names—the names of each of them—will be plain on the Crown grant, and there will be no more disputing about it. There are also reserves which have been made for single chiefs, for Hone Pihama, Manaia, and others, for themselves only, because they have been loyal to the Queen, and have assisted the Government in making peace. Their hapus, also, will have land elsewhere. Some of these grants have already been issued, and the others are being prepared. Then, there is the large new reserve of 25,000 acres on the Waimate Plains, which will be for the Ngatiruanuis and the hapus who live at Weriwari, Mawhitiwhiti, Okaiawa, and other places. That reserve is now surveyed. It extends from Waingongoro to Oeo, and is 15 miles long and $3\frac{1}{2}$ broad. All men may see it: the pegs are on the ground. That reserve, also, I am ready to divide among the hapus, that each may have its own Crown grant. The Maoris will have to give me the names of the men, women, and children of each hapu, that they may be put on the Crown grants. I am waiting for these things now. Let the hapus send me that information to my office at Hawera. These reserves are all near Hawera. When these are finished, I shall do the same with the reserves near Patea, Whenuakura, and Waitotara. These reserves have been made and given to the Maoris long ago; but they are not divided among the hapus, and the grants are not issued. All these will be divided when necessary, and grants be given to the hapus or the chiefs to whom they have been promised.

Then there are the lands which were promised to be given back to Patukai, Upokomutu, and Puketoretore—that is, to the people who belong to that district. These should be divided among the hapus, and Crown grants issued to them. This will be done when the tribes choose. They will have to give the names of the people.

Then there are all the lands awarded by the Court around Taranaki and all the way to Parininihi (White Cliffs). All these will be made clear, and the grants issued.

When all these things are finished, there will be no more disputes about those lands. The Maoris will have their lands, and the pakehas theirs; both will have Crown grants, and the boundaries will be fixed for ever.

This has been the source of the trouble in all these years past, that the boundaries of the land were uncertain, and there were no Crown grants. That work is now begun, and will not cease till it is finished.

WILLIAM FOX,

Hawera, March, 1881.

Commissioner.

APPENDIX II.

Captain H. L. SKET, Chief Surveyor to the West Coast Royal Commission, to the WEST COAST COMMISSIONER.

SIR,—

Survey Office, West Coast Commission, Hawera, 6th June, 1881.

I have the honor to report that, since the organization of the Survey Department of the Royal West Coast Commission under my charge in February last, the following work has been performed:—

1. In the field, under two surveyors and one chainman in charge, a large block of over 3,000 acres has been cut out of the continuous Native reserve, and handed over for General Government purposes. The boundaries of lands granted to Manaia and Patukopa, on the Waimate Plains, have been defined. The Tirotiromoana large reserve of 10,000 acres has been surveyed, a good road run through its centre, and its subdivision (for hapus) commenced. This survey has been a rough and troublesome piece of work owing to the broken nature of the back country, full of gullies, covered with thick forest and dense underscrub. The Whareroa reserve of 10,500 acres has been partially resurveyed, and main roads run through it. Some difficulty was met with when determining the main road through this block, as, owing to the broken country, a considerable amount of exploration was necessary. The subdivision of this block (for hapus) has also been commenced. The survey of the Kanihi and Okahu reserves has also been adjusted, and a portion of the boundary of the Mokoia reserve of 4,800 acres also surveyed. A considerable portion of the Tangahoe River has also been traversed. The Natives themselves take a lively interest in the surveys, and are now always ready to give any information required. This feeling on their part contrasts very favourably with the spirit shown some months ago, when they preserved a dogged sullenness, and could not be induced even to talk about their reserves, much less to render any assistance in defining boundaries or pointing out those places which, from ancient Native associations, it was deemed desirable to form into reserves. So much has the Native feeling changed that I have now actually a party of Maoris engaged in the survey work.

2. In the office, in which I have a draughtsman engaged, record plans of all the reserves between the Ouri and Waingongoro Rivers have been made, from which necessary information for the preparation of Crown grants has been prepared. The greater part of these grants have been issued; the rest are in progress. Copies of all grants issued have been made and duly filed. A large map, showing the position of all lands reserved for the Natives on the plains has been made; a smaller one also prepared with names, &c., in Maori—since lithographed and distributed; and a considerable amount of work in collecting, finding out locality and definite position of reserves between the Waingongoro and Waitotara Rivers. For many of these, Crown grants can at once be prepared.

3. I have myself visited several of those reserves not yet definitely fixed, for the purpose of obtaining information previous to final survey and subdivision.

On the completion of the surveys of Tirotiromoana, Whareroa, and Mokoia large reserves, I purpose defining the boundaries of those grants southwards towards the Waitotara River, and, where necessary, subdividing either for hapus or individuals, as the case may be.

I have, &c.,

H. LUFKIN SKEET,
Chief Surveyor, West Coast Commission.

The Hon. Sir W Fox, West Coast Commissioner.

SIR,—

Hawera, 11th July, 1881

I have the honor to report for your information that the survey of the Tangahoe River, in the Whareroa Reserve, is completed, leaving now only one line to be cut to finish the subdivision of this reserve into three parts for the Te Hamua, Hapotiki, and Ngatihawe hapus.

The traverse of the Mangapoura Stream, in the Tirotiromoana Block, is also finished, and Mr. Fraser moves his camp to-morrow to cut the lines necessary to subdivide this reserve for the Ngatitaniwai, Ngatitupaea, and Ahitahi hapus.

Mr. Anderson is surveying the 300 acres required to settle the question of the Stratford Reserve: he expects to finish this week.

Having obtained the information required relative to the section of land at Whenuakura, of which Mrs. Brown is to have 150 acres, I purpose, as soon as Mr. Fraser has finished Tirotiromoana, moving his camp to the Patea District, as probably, by the time he has surveyed the 150 acres at Whenuakura, Major Parris will have instructed me relative to the work to be done at Otauto, in Taurua's and Komene's cases.

I have postponed for a short time the work at Whenuakura, so that I might only have the expense of shifting a survey party once, as it is useless to depend upon the chance of obtaining casual labour, which also, in many instances, is, comparatively speaking, worthless, or, at all events, more expensive.

Immediately Mr. Anderson has finished the 300 acres, I purpose sending him to cut the back line of the Mokoia Reserve, which appears never to have been done at all. In any case it would have to be shifted, as the area is 245 acres short of the 4,800 acres.

I have, &c.,

H. LUFKIN-SKEET,
Chief Surveyor, West Coast Commission.

The Hon. Sir W Fox, K.C.M.G.,
West Coast Royal Commissioner.

APPENDIX III.

SCHEDULE of GRANTS recommended for issue by the West Coast Commissioner in the West Coast Land District (now issued or in transition between the Offices).

Grantee.	Area.			Locality.	Remarks.
	A.	R.	P.		
Ngatitamaahuroa Hapu	763	0	0	Oeo to Ouri River, seaward of main road	In fulfilment of former promise.
Hone Pihama te Rei Hana-taua	1,834	0	0	Secs. 1 and 2, Bl. II., and sec. 4, Bl. III., Oeo District	In fulfilment of former promise.
Ngatimanu Hapu ..	45	0	0	Sec. 2, Bl. V., Waimate District	Settlement.
Terewhiti and Tainuikio	39	1	32	Sec. 99, Bl. V	Fishing-station.

SCHEDULE of GRANTS, &c.—*continued.*

Grantee.	Area.			Locality.	Remarks.
	A.	R.	P.		
Rama ..	43	0	0	Sec. 14, Bl. I., Waimate District	Settlement.
Ngatihaua Hapu	9	0	0	Sec. 100, Bl. V	Fishing-station.
Ngatitu Hapu	104	0	0	Sec. 5, Bl. VI.	Old burial-ground.
Tawake ..	26	0	0	Sec. 12, Bl. II.	Settlement.
Rukakato and Ngaonepu...	39	0	0	Sec. 70, Bl. VI.	Cultivations.
Rukakato ..	21	0	0	Sec. 71, Bl. VI.	Wooden house, &c.
Pukia	12	0	0	Sec. 67, Bl. VI.	Whares and cultivations.
Ngatitonga Hapu ..	10	0	0	Sec. 68, Bl. VI.	Fishing-station.
Rangiwakarewarewa	11	1	35	Sec. 66, Bl. VI.	Whares.
Ngatitu Hapu	20	1	0	Sec. 69, Bl. VI.	Fishing-station.
Ngatai Himiona	26	0	6	Secs. 2 & 21, Bl. VII.	Whares and cultivations.
Manaia Hukanui ..	352	0	0	Sec. 9, Bl. III.	The Kauae (old pa)
Manaia Hukanui ..	1,148	0	0	Secs. 129, 113, 111, 112, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 25, 27, 28, 29, Bl. VII., Waimate District	For services.
Karewa	7	2	0	Sec. 130, Bl. VII., Waimate District	Whares and cultivations.
Patukopa ..	67	0	0	Sec. 30, Bl. VII., Waimate Dist.	Whare.
Ngatitu and Ngatihawe Hapus	33	0	0	Sec. 128, Bl. VII.	Fishing-station.
Ngatimanuhiakai Hapu	8	0	0	Sec. 88, Bl. VIII.	Fishing-station.
Kanihi, Umutahi, and Inua- wai Hapus	20	3	0	Sec. 31, Bl. VIII.	Fishing-station.
Hone Pihama te Rei Hana- taua	434	0	0	Sec. 255A, Hawera Survey District	Reserve formerly set apart.

APPENDICES

TO

REPORT OF WEST COAST ROYAL COMMISSION

No. 1.

COMMISSION signed by His Excellency the GOVERNOR.

ARTHUR GORDON, Governor.

TO ALL TO WHOM THESE PRESENTS SHALL COME, AND TO THE HONORABLE SIR WILLIAM FOX, K.C.M.G., GREETING.

WHEREAS for the purpose of giving effect to "The West Coast Settlement (North Island) Act, 1880," it is expedient that a Commission should issue, and that some fit and proper person should be appointed with the powers and authorities hereinafter particularly set forth: Now, therefore, know ye that I, Arthur Hamilton Gordon, Governor of the Colony of New Zealand, having full confidence in your knowledge, ability, and integrity, do hereby, with the advice and consent of the Executive Council of the said colony, appoint you, the said William Fox, to be a Commissioner for the purposes and with the several powers and authorities hereinafter mentioned.

1. Within the confiscated territory, as the same is defined by the hereinbefore-mentioned Act, to allocate and set aside such lands as may be legally available in satisfaction of all or any awards made by the Compensation Courts held under "The New Zealand Settlements Act, 1863," or any amendment thereof, in so far as in your judgment such awards or any of them have not been performed and are still unsatisfied: Provided, however, that the authority hereby conferred upon you shall not extend to cases where the lands in respect of which such awards were made have been returned to the former Maori owners, nor where the interests of any such former owners in or under any such awards have been purchased by or on behalf of the Crown, or where such interests have been released or extinguished; but this proviso shall not be held to prevent you from subdividing between the hapus or individuals interested in it any block of land heretofore set apart, reserved, returned to, or promised to any tribe or section of a tribe.

2. Also within the said territory to allocate and set aside such lands as may be legally available in satisfaction of all promises or engagements made by or on behalf of Her Majesty or the Government of the colony which have formed the subject of inquiry by the Commissioners appointed under "The Confiscated Lands Inquiry and Maori Prisoners Trials Act, 1879."

3. In respect of such lands, or any of them, to define and mark out such reserves as may be necessary to give effect to any such award, promise, or engagement, and to indicate the purposes and objects of such reserves, and whether the same should be alienable or inalienable.

4. In all cases in which you shall exercise the powers conferred by these presents, you are required to define and ascertain with certainty the particular lands in respect of which action is taken by you, and the name or names of the person or persons to whom such lands are to be granted: Provided that where the intended grantees of such land are not the persons originally entitled or intended to be benefited, or where they are representatives of the persons originally entitled or intended to be benefited, then that it shall be clearly apparent in what character or capacity such persons are to take the land dealt with.

5. And, in further pursuance of the power aforesaid, where lands are proposed to be vested in Trustees on behalf of any tribe or subdivision thereof, that you distinctly ascertain and name the persons who are to be Trustees or to whom any grant of such land is to be made, and the trusts to which the same ought to be subject, or any conditions or limitations which ought to be provided for to render such grant effectual.

6. And generally in the premises you are hereby empowered to make all such inquiries and investigations, and to hear and determine all such questions, as may be necessary to give full effect to this Commission.

7. And for the purposes of this Commission you are hereby empowered to call before you and examine on oath or otherwise, as may be allowed by law, all such person or persons as you may think able to afford you any information in relation to the premises; and also to require any person or persons to bring before you and produce in evidence (saving all just exceptions) any books, papers, deeds, plans, or documents of which any Court of law might compel the production.

8. You shall also have full power and authority to employ such surveyors, clerks, interpreters, and other persons as you may deem necessary for your assistance in the premises.

9. And you are hereby required from time to time to report to me in writing under your hand the several acts and proceedings done and taken by you under the authority of these presents.

10. And, lastly, it is hereby declared that this Commission shall continue in force for the period of twelve calendar months from the date hereof (unless the same shall be previously determined by the disposal of the matters herein intrusted to you, or by the revocation of these presents), and that

you may proceed in the execution of this Commission at any place or places in the colony, and although any inquiry be not regularly continued from time to time by adjournment.

Given under the hand of His Excellency the Honorable Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Her Majesty's High Commissioner for the Western Pacific, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at the Government House, at Wellington, this twenty-third day of December, in the year of our Lord one thousand eight hundred and eighty

Approved in Council.

FORSTER GORING,
Clerk of the Executive Council.

H. A. ATKINSON

No. 2.

REPORT RELATING TO THE LANDS OF MERE AWATEA AND ERUETI TE PEWA.

The Hon. Sir W. Fox, West Coast Commissioner, to the Hon. the NATIVE MINISTER.

SIR,—

West Coast Commission Office, Hawera, 6th April, 1881.

I have the honor to refer to a letter from Mr. Under-Secretary Lewis (19th January, 1881), covering one from Major Kemp, requesting the return to Mere Awatea and Erueti te Pawa of certain lands, said to have been fraudulently purchased from them by one Worgan. About the same date I received a similar request from Tete Ngakaranga, of Aramoho, a relative of Mere and Erueti, who informed me that he had the Crown grant relating to part of the land in question. In passing through Wanganui I had an interview with him and Mr. Henry Churton, who was acquainted with the Natives concerned, and Mr. J. Booth, R.M. The Crown grant was produced, and I personally examined the persons mentioned. The result is contained in the memorandum which I append, with other papers.

I have, &c.,

WILLIAM FOX,

West Coast Commissioner.

The Hon. W. Rolleston, M.H.R., Native Minister, &c.

Enclosure in No. 2.

THE case of Mere Awatea's and Erueti Te Pawa's lands, awarded by the Compensation Court (400 acres each) is as follows:—

The notorious George Buckland Worgan, who was employed by the Government in 1872 to purchase awarded lands from the Natives on the West Coast, appears to have entered into an agreement with Mere Awatea and Erueti te Pawa for the purchase of the above blocks by the Government, at a price of less than £1 per acre. He obtained the money from the Government, but neither paid it to the Natives nor accounted for it to the Government. (*See* Attorney-General Prendergast's summary, extract appended.)

In the meantime, however, he induced the Natives to change their minds, and, apparently by the bribe of a higher price, to break faith with the Government and sell the land to an European named Nicholson, for £1,000. Nicholson supplied Worgan with the money, and he appears to have paid £400 of it to Mere Awatea and Erueti, and pocketed the balance of £600, in addition to the amount (whatever it was) which he had received from the Government. In this transaction Worgan was acting as the private agent of Nicholson, and in direct contravention of his duty to Government, and it is almost certain that the Natives must have known that it was so, because they were cognizant that they were selling to Nicholson and not to the Government. Still it might be fairly contended that the Government, by employing a man of Worgan's known bad character, had made itself responsible for his acts, and ought to compensate the Natives for their loss. The Natives, however, have put it out of their power to urge this claim, by their action before the Commissioner appointed to inquire into charges against Worgan (Colonel Russell). Mere Awatea, after admitting that she knew they were selling to a private person for £1,000, and also that she had signed the conveyance to him, swore positively that she received £600 of the purchase-money, and that £200 remained for her in the hands of her nephew, Wirihana; and she swore to the places, and approximately to the dates, of payment. Erueti swore also that he had received from Wirihana £800, and that the balance, £200, was in Wirihana's hands. (The two witnesses, although there is some confusion in their statements, no doubt mean that they jointly received the amounts specified, otherwise they received much more than was due.)

This sworn evidence completely puts the claimants out of Court. But there is more to be told. I refer to Mr. Booth's statement, made officially to myself at Wanganui on the 3rd of March last, and appended hereto in the form of a memorandum. From that statement it appears that, before this case came into Court, Mr. Booth had been told by Mere Awatea and Erueti that all the money they had received was £400, and that £600 (the balance of Nicholson's £1,000) was still owing to them. It was much to his surprise that in the Court he heard them swear most positively to the opposite state of the case. On leaving the Court, when the case was over, he found an altercation going on in the street between Worgan and "the old people" (Mere and Erueti). The cause of this dispute I give in Mr. Booth's own words: "It appears that Wirihana Puna, a nephew of Mere and Erueti, had been associated with Worgan in the transaction, and that these two had persuaded the old people that if they told the truth, as to the balance of £600 being still owing to them, the result would be that both Wirihana and Worgan would be sent to prison. Worgan, moreover, promised that if they swore they had received the whole of the purchase-money, he would hand over the unpaid balance as soon as they came out of Court. When, however, they asked for their money, he said: 'Why, you have received the whole of the money, and sworn to it before the Commissioner.' My opinion is, that the facts are

pretty much as stated, and Mere Awatea and Erueti te Pawa received £400 for their 800 acres, and no more."

It appears to me that the Natives have, by their own wicked and foolish conduct, relieved the Government from all responsibility in the matter, and put it out of its power to give them any compensation. If they had told the truth, instead of perjuring themselves, they would have stood in a different position; and if Worgan had failed to pay them they might have had an equitable claim on the Government, or possibly on Nicholson, whose agent Worgan was in the transaction. Mr. Nicholson's title appears now to be unimpeachable, and, though one of the Crown grants is still in the possession of the representatives of Mere Awatea and Erueti, the conveyance by the Natives to Nicholson, executed in the presence of a sworn interpreter (Colonel McDonnell), has been duly registered in the Transfer Registry, and, in the face of their sworn evidence before Colonel Russell, cannot be contested.

Mere Awatea, Erueti, and Wirihana are all now dead, and no more light is likely to be thrown on the subject. The claim is preferred, I understand, on behalf of a married niece. Worgan has lately undergone a sentence of two years for forgery, and it would be hopeless to attempt to hold him responsible.

West Coast Commission Office, Hawera,
6th April, 1881.

WILLIAM FOX,
West Coast Commissioner.

Sub-Enclosure 1 to Enclosure in No. 2.

EXTRACT from Mr. Attorney-General PRENDERGAST'S Summary (10th January, 1873).

Nicholson's Purchase.—First, with regard to Nicholson's purchase of 800 acres of land. The owners and vendors were Erueti te Pawa and Mere Awatea. It appears that on 22nd February, 1872, Wirihana Puna obtained from these persons a power of attorney to deal with this land as he thought fit. The claims were for two lots of 400 acres each in the compensation award lands. At this time, and before and since then, Wirihana Puna was acting as interpreter and assistant to Mr. Worgan. On the 26th February, 1872, Mr. Worgan wrote to the Under Secretary, Native Department (72/352), that he had purchased for Government these claims, amongst others, and accounted for the expenditure of £746 in the purchase of these and other lands; of some purchases the moneys had been paid in full, and of others sums had been paid on account. He says the purchases were made publicly, and plain receipts taken. He mentions twenty-four claims as having been purchased, including the two now in question. He says he has receipts and will forward them. Subsequently, he forwards all documents and receipts connected with his employment, and amongst these receipts are found receipts for all the twenty-four excepting these two. There is no letter or report explaining this. There is no reference to the sale not having been completed. On the 26th February he states to Government that he had acquired the land for it; yet on the 14th March he telegraphs to Mr. Borlase that £1,000 must be paid to his account by Nicholson, as any delay will cause the purchase to lapse to Government. It appears that the sum of £1,000 was on that account paid to his account at the bank on the 16th March, 1872. It appears that only £800 of this has been paid to Erueti and Mere. These two Natives evidently understood very little about the transaction; they say they expect to get the balance (£200) from Wirihana Puna. Certainly there is disclosed a remarkable state of things. Mr. Worgan appears to buy land for the Government, and then to be a party to the sale of the same land to another without authority of Government, and is the depository of the purchase-money. Some explanation of this transaction might be expected from Mr. Worgan, and his assistant, Puna. Where is the receipt for the money of Government paid away on this account? Why was it not forwarded with others; and, generally, where is the explanation of this singular affair? Neither Mr. Worgan nor Wirihana Puna offer any explanation. The inference is that the land was first purchased by Government for a pound (£1) an acre, or less, and then sold to Nicholson with concurrence of Worgan, he suppressing the sale to Government. I should observe that the facts relating to the sale to Government were discovered by myself on a perusal of the papers since the Commission. However, the transaction was evidently of a singular character without this additional fact. It is to be regretted that the examination of Mr. Borlase and Wirihana Puna was not more searching; indeed, I feel constrained to express what is the result of my observation, that, with a more scientific and regularly-conducted examination, the facts relating to these transactions would have been disclosed. It is to be regretted that witnesses were allowed to refuse to answer questions on the ground that the answering such questions might prejudice their principals. However, this was not a judicial proceeding, it was an inquiry for the information of the Governor, at which Mr. Worgan had the opportunity of clearing himself from charges and suspicions. He did not even present himself for examination. The references to these sections of land which do occur in Mr. Worgan's correspondence with the General and Provincial Governments are such as to blind them. In several cases he speaks of the land as being in the occupation of Mr. Nicholson, a married man with family

Sub-Enclosure 2 to Enclosure in No. 2.

MEMORANDUM from Mr. J BOOTH, R. M., Wanganui, to Hon. Sir WILLIAM FOX,
West Coast Commissioner.

Re Claim of Representatives of Mere Awatea and Erueti te Pawa, deceased.

Wanganui, 3rd March, 1881.

I KNEW Mere Awatea and Erueti te Pawa. I am aware that the Compensation Court awarded to them each 400 acres of land at Whenuakura. I am also aware that Mr. G. B. Worgan purchased their land for a man named Nicholson. Worgan was a Government Land-Purchase Officer at that time, and was

employed to purchase compensation awards, including the above, for the Crown. Owing to this and other irregularities, a Royal Commission was appointed to inquire into these land transactions. It was stated that Worgan had first negotiated the purchase for the Crown, and that he had then advised the vendors to sell to Nicholson at an advanced price. Before the Commission sat I was informed by Mere and Erueti that they had sold the land to Worgan for Nicholson; that the whole of the money they had received was £400, and that £600 was still owing to them. When summoned before the Commissioner, Colonel Russell, in 1872, they were examined carefully on oath as to the transaction in question. They both stated that they had sold the land to Nicholson through Worgan, and that they had received the whole of the payment. As representing the Crown on the occasion, I examined them very closely and separately as to the payment of the purchase-money, but they both asserted most positively that they had received the whole amount; that it was paid to them on two several occasions, the first payment being that of £400, and the rest on a later occasion. They said they could not remember dates. Shortly after the inquiry was over there was a great noise and disturbance outside the Courthouse. I was then informed that the noise was caused by these old people asking Worgan for the balance of their money—£600. It appears that Wirihana Puna, a nephew of Mere and Erueti, had been associated with Worgan in the transaction, and that these two had persuaded the old people that if they told the truth, as to the balance of £600 being still owing to them, the result would be that both Wirihana and Worgan would be sent to prison. Worgan, moreover, promised that if they swore they had received the whole of the purchase-money, he would hand over the unpaid balance as soon as they came out of Court. When, however, they asked for their money he said, "Why, you have received the whole of the money, and sworn to it before the Commissioner." My opinion is that the facts are pretty much as stated, and Mere Awatea and Erueti te Pewa received £400 for their 800 acres, and no more.

JAMES BOOTH,
Resident Magistrate.

Sub-Enclosure 3 to Enclosure in No. 2.

EXTRACT FROM EVIDENCE of MERE AWATEA and ERUETI TE PEWA, 12th November, 1872.

Mere Awatea, examined by Mr. Booth, deposed on oath:—

Did you have an award of 400 acres of land by Compensation Court, between Whenuakura and Patea Rivers?—Yes.

Did you sell that land?—I did not sell that land.

Who sold the land? Or is it sold?—It is sold.

By whom?—It was sold by Wirihana.

Do you know to whom the land was sold?—It was sold to an European; I do not know to whom.

Do you know what sum of money the 400 acres of land was sold for?—I refer to the land of my brother's as well as myself, was sold for £1,000.

Did you sign the deed when the land was sold?—I did.

Was the £1,000 paid to yourself and your brother when the deed was signed?—It was paid into my hands.

In what form was the money paid; notes or gold?—As far as I can remember it was paid in notes.

How much did you receive as your portion?—Wirihana took from the town £200. I received a further instalment of £200 in a publichouse, from Wirihana, Major Kemp being present.

Was this money all for yourself?—This money was for both of us.

Have you received any more than the £400?—I do not remember when I received any more money; but I received £400 more since.

Does that altogether make £800 that you have accounted for?—I think that is correct; but I do not count. I received £200 from Wirihana at Aramoho, and £200 in a publichouse in town, and £400, also in the same publichouse. All the money was paid me by Wirihana.

When did you receive the last instalment of £400?—About three months ago.

What is the relationship between Wirihana and yourself?—Wirihana is my nephew.

Was it your wish that Wirihana should have the disposal of your money?—Yes.

Are you aware the land sold for £200 more than you received?—I do not know.

What do you suppose the land was sold for?—I thought it was sold for £1,500.

Where do you think the remainder of the money is?—In Wirihana's hands for me.

Erueti te Pewa, examined by Mr. Booth, deposed on oath:—

How much money have you received for land sold by Wirihana?—£1,000.

How much land did you sell for that money?—860 acres.

Are you sure there was 860 acres?—Yes.

When did you receive the first instalment; and how much did you get?—I received £200, at Aramoho.

Did you receive a second £200 in a publichouse in town?—Yes.

Have you since received £400; when, and where?—I received £400 in town, at an hotel, from Wirihana.

Do you know how many Sundays have since passed?—About two weeks ago; about four Sundays ago.

Have you received any more money than what you have accounted for?—The sums I have mentioned are the only sums I have received.

Do you know where the balance is?—In Wirihana's hands.

No. 3.

REPORT ON MRS. PLUMBRIDGE'S LAND CLAIMS.

The Hon. Sir W. Fox, West Coast Commissioner, to the Hon. W. Rolleston, Native Minister.
 SIR,—

West Coast Commissioner's Office, Hawera, 22nd April, 1881.

I have the honor to enclose a report upon the claims of Mrs. Plumbridge, formerly Louisa Taylor, to lands in this district, and to request that you will lay the same before His Excellency the Governor for his information.

I have, &c.,

The Hon. W. Rolleston, Native Minister.

WILLIAM FOX,
 West Coast Commissioner.

Enclosure in No. 3.

REPORT by the COMMISSIONER appointed under "The West Coast Settlement (North Island) Act, 1880," on the case of Louisa M. Plumbridge. See her claim appended, dated 12th April, 1880. (Sub-Enclosure No. 1.)

"COMPENSATION" has become a household word in New Zealand. A mere list of the claims to compensation which, since the foundation of the colony, have been laid before the Government, and many of them satisfied with profuse liberality, would fill volumes. It would almost appear as if the Government had been a continual wrong-doer, and, afflicted by a morbid tenderness of conscience, had been perpetually making fourfold restitution. Nothing of the sort, it is believed, can be traced in the history of any other British colony; while nothing is more notorious than the unwillingness of the Imperial Government to admit individual claims of the sort against itself. Some of the claims which have been prosecuted in this colony were of comparatively small significance at first; but by persistent assertion through a long series of years, have ultimately resulted in enormous awards in behalf of the claimants. The conditions of success appear to be, to ask enough; if refused, ask more; and never give over asking. By a careful observance of this rule splendid results have followed; large sums of money or large slices of the public domain have rewarded the perseverance of the claimants.

After a long experience, I have seldom met with a more instructive illustration of the system than is to be found in the case of Louisa Plumbridge's claim. Her claim appears to have been first made to the Compensation Court, established under the New Zealand Settlements Act, and rejected by it. She then, in November, 1866, appealed to Governor Sir George Grey by letter. The claim has survived the terms of office of six Governors, of five or six Native Ministers, and of as many Under-Secretaries, and fifteen sessions of Parliament. It has been examined by the experienced local Commissioners, Major Parris and Major Brown, the former of whom more than once consulted all the leading men of the tribes upon it. At first it was limited to a few acres of waste land at or near Warea, assessed by Mr. Under-Secretary Rolleston at 25 acres, worth at the time probably £10. It was ultimately disposed of by a grant of 100 acres of land of the best quality in another part of the country, for which she refused £500 cash.

From the very first two fatal defects in her claim were pointed out by Major Parris.

1st. She claimed through her mother. But her mother was, and is still, alive, and living on the land claimed by her daughter.

2nd. The only claim supported by the least evidence was to a small piece of land near Warea. If she had any claim at all, it was based on the supposed fact of the land having been confiscated. But it was distinctly shown by Major Parris that neither the land in question, nor any within ten miles of it, had ever been confiscated. These fatal defects, though several times pointed out by Major Parris, and recognized by Mr. Under-Secretary Cooper and other officers before whom the case came, proved, however, no barrier to her persistence.

After some further delay, she was fortunate enough to find an Under-Secretary, Mr. Henry Clarke, who, with all this before him, expressed his belief in the validity of her claims, and his opinion that she was justly entitled to consideration, and suggested that she should receive 100 acres (say at Oakura).

Major Parris again exposed the weakness of her case in a long and exhaustive letter, and the matter again stood over.

In 1876 she petitioned Parliament, asking for redress, and her case was referred to the Native Affairs Committee of the House of Representatives. That tribunal seems entirely to have ignored the reports of Major Parris, and the utter absence of any proof of her right to more than the small piece at Warea; and it reported "that it was clear she had a grievance; that it ought to be disposed of without delay; and in doing so, regard be had to the number of years her admitted right, however small, had been withheld." Nothing, however, came of this till May, 1878, when Mr. Sheehan, having become Native Minister, ordered the local Commissioner, Major Brown, "to find her 100 acres, which must be good land, and in a good position."

Major Brown remonstrated, and pointed out that she had established no claim, "unless to a small piece at Warea;" and so it stood on again for several months. Finally, 100 acres of land, said to be of excellent quality, were selected for her by Major Brown in the Moumahaki Block, under order from the Native Minister, for which she was immediately offered £500 cash, and refused it. With this she was still dissatisfied, and renewed her claim, as already stated, before the West Coast Commission, in 1880. Before those Commissioners could examine the case, she again petitioned Parliament (September, 1880), and the petition was again referred to the Native Affairs Committee, of which the present Commissioner was a member.

She appeared in person before it, and produced three or four witnesses, whose evidence did not in the least establish her case. The Committee reported "That the Government has offered Mrs. Plumbridge 100 acres of land in accordance with the recommendation of the Committee made on 18th September, 1877, and any further claim, if such there be, is of a tribal character, and must be satisfied by the tribes out of the lands which have been returned to them."

On the 31st March and 1st April last the Commissioner visited Opunake, and held a sitting, which was attended by the leading Natives connected with that district. Mrs. Plumbridge was present, but she did not attempt to revive this case, though she made general assertions of her rights to land in various parts of the country, which, however, did not appear to receive much assent from the other Natives. As far as I could learn, neither she nor her mother were persons of such importance in the tribes as to make it probable that their claims would be very substantial. Her mother made no claim on the behalf of either, but confirmed the statements as to her previous history made by Mr. Parris in his several reports.

The conclusion at which I have arrived, after a very careful consideration of the case, is, that Mrs. Plumbridge's claim to compensation never had any substantial basis, but that its persistent assertion for fifteen years and upwards, and the failure of the Native Department to dispose of it conclusively in its early stage, when its character had been fully investigated and reported upon by Mr. Parris, and its defects pointed out by him, and recognized by Mr. Under-Secretary Cooper and others, have resulted in the unnecessary sacrifice of £500 worth of the public domain.

I have appended to this report a careful *précis* of the documents which I found on the official file of the Native Department.

8th April, 1881.

WILLIAM FOX,
West Coast Commissioner.

Sub-Enclosure 1 to Enclosure in No. 3.

Mrs. PLUMBRIDGE to the WEST COAST COMMISSION, 1880.

TO THE COMMISSIONERS.

Wellington, 12th April, 1880.

This is an application of mine respecting my claims to land in certain portions of Taranaki. The boundaries are Okurukuru on the west, Moturangi is the southern boundary. The Taranaki Tribe are living within these boundaries. I belong to the Taranaki Tribe. There are many lands that I have a claim to, namely, Warea, Okawa, Te Ikaroa-a-mau; there is also some land at Opunake, namely, Waipapa, Rahuitoetoe, Mangahunui, and other portions. This is an application of mine to the Commissioners to give effect to my claim, and to give me compensation either in land or in money. These lands were cultivated by my ancestors, and were by them handed down to my mother, and to me also. I myself cultivated some of these lands.

L. M. PLUMBRIDGE.

Sub-Enclosure 2 to Enclosure in No. 3.

PRECIS of PAPERS relating to Mrs. PLUMBRIDGE'S CLAIMS.

1. In 1866 an unmarried woman of the name of Ruiha Teira (Louisa Taylor), living apparently at Tauranga, according to her own statement, laid a claim before the Compensation Court at Taranaki, claiming land in the Taranaki District, which claim was disallowed, on the ground of her being an absentee. Mr. Under-Secretary H. Clarke in a minute, subsequently noted, says her claim was never brought before the Compensation Court.

2. On 26th November, 1866, dating at Tauranga, she writes to Sir George Grey (Governor), asking for a piece of land at Warea (Taranaki). Sir George Grey refers her letter to Ministers, minuting that he "has been told" (he does not say by whom) "that her claim was good."

3. On 19th January, 1867, the above letter was referred to Mr. Parris, Commissioner at Taranaki.

4. On 5th February, 1867, Mr. Parris reports that, before the colonization of New Zealand, Louisa's mother was taken prisoner to Waikato, where she had children by a European called Taylor, of whom Louisa is one. That she (the mother) returned to Taranaki during the war in 1864, and lived with the natives near Warea, where Louisa Taylor visited her in October, 1865; and some time in 1866 she came to Arama Karaka's place at Opunake, and lived there in 1867. He considers her claim is "of the same value as absentee claims generally, and entitled to the same consideration, unless it be made a special case," but he gives no reason why it should be so. On this report of Mr. Parris, Mr. Rolleston writes, suggesting that 25 acres, apart from her relations, would be of very little use to this woman. (It does not appear how the limit of 25 acres had been arrived at). Hon. Mr. Stafford minutes: "Some provision might be made on a native reserve for this woman."

5. On 30th April, 1867, Louisa again appeals to Sir George Grey, at Auckland, reminding him of her previous note written from Tauranga. On this letter there is a minute by Mr. James Mackay, apparently in some official capacity, stating that "he has heard" (he does not say from whom) "that her claims are of value: that it is a mistake to say she has not occupied *the land*, for her mother was living on it till lately, and he understands (not saying from whom) "that Louisa lived there also." Mr. Rolleston minutes that the case must be treated as that of other absentees when Mr. Parris enters on the settlement of those claims. Ultimately, on 18th May, 1867, the letter, with minutes, is referred to Mr. Parris.

6. On 30th May, 1867, Louisa writes to the Government at Wellington that she has seen the Governor, Sir George Grey, and spoken to him; that he said, "it was all good, and that Mr. Mackay was to give her some land." Mr. Mackay minutes on this letter "he laid her case before the Governor, and that he instructed him to see that she got some land or compensation."

7. On 13th July, 1867, Mr. Parris minutes on above "that her claim as an absentee will be attended to when tranquillity prevails in the Taranaki District. If the Government authorizes a special award it can be done at the same time as other special cases."

8. On 5th August, 1867, she writes again to Sir George Grey to the same effect as before. On 26th August, Hon. Mr. Richmond, Native Minister, minutes: "Request Mr. Parris to make a small reserve for Ruiha at or near Warea." Letter to Mr. Parris was accordingly written by Mr. Rolleston, Under-Secretary, and one to Louisa Taylor, informing her that "Mr. Parris had been instructed to make a small reserve at Warea, or near it, for her." On 13th September Mr. Parris acknowledges letter from Under-Secretary without remark.

9. On 21st December, 1869 (two years since date of last), Mr. Clarke, Under-Secretary, writes to Mr. Parris referring to Mr. Rolleston's letter, and requesting to know what action has been taken, to which there is no reply on file.

10. On 10th March, 1870, Mr. Mackay (now apparently acting as agent for Louisa Taylor, and not a Government official) asks that 10 acres of land at Mangare, near Onehunga, where she has relations residing, may be given to her as compensation for her claims. Mr. Clarke minutes on this that the promise made to her was for a little piece—"whenua iti"—at Warea: that her claim seems never to have been brought before the Compensation Court: that Mr. Parris informs him there is no land available at Taranaki, and he (Mr. Clarke) suggests that 5 acres be given her at Mangare. On 5th April, 1870, Hon. Donald McLean, Native Minister, does not consider it advisable to grant land at Mangare.

11. On 4th March, 1870, Mr. Clarke acknowledges Mr. Parris's letter of 28th December, 1869, and informs him that it is not considered desirable to interfere at present with land at Warea.

12. On 11th April, 1870, Mr. Mackay, as agent for Louisa, writes that he understands Government will not grant land at Mangare, and proposes an award on confiscated lands at Taranaki. This is forwarded to Mr. Parris to report what provision has been made for Louisa, and in what district. On 1st June, 1870, Mr. Parris replies "that Louisa's mother was a Taranaki woman of Upokomate tribe, whose pa was near Warea, where Louisa stated her land was: *that neither this land nor any within ten miles of it had ever been taken by Government* (consequently she had no claim to compensation). If, *as a favour*, the Government should think proper to give her other land, *it would not be, he presumed, because her claim was a valid one. The chief Porikapa expressly denies that she has any claim to land with the Ngamahanga tribe;*" and Mr. Parris adds that there is no land available for her elsewhere in the Taranaki District. Mr. Cooper, Under-Secretary, minutes on this that the land never having been taken possession of by Government, she is no worse off than other Natives claiming in the same block (*i.e.*, she has only a tribal claim, and the land is there to satisfy it in common): that the promise made by Sir George Grey was *conditional on the lands she claimed being taken by Government, which they were not*; and she cannot, therefore, claim performance of that promise. This reply is given to Mr. Mackay

13. On 27th September, 1870, Mr. Mackay requests that land in the non-confiscated block may be surveyed for her, so that she may have her title to it decided by the Land Court. On 12th October, 1870, Mr. Halse, Under-Secretary, minutes that this is for the consideration of Government.

14. While apparently the Government was *considering*, a lapse of nearly four years occurs, when on 12th February, 1874, Louisa writes again, claiming this time not a "whenua iti," or little piece, at Warea, but a great number of other places and large tracts of land, many thousand acres in extent, including Opunake. On 17th February, 1874, Mr. Clarke minutes "that, as this woman is so persistent, a letter be written to Hemi Parae, Wiremu Matakatea, and Honi Pihama, to learn whether there is such a person, and whether she has claims to land at Taranaki." Hemi Parae (3rd March, 1874) replies that he knows nothing of this woman, nor of the lands she lays claim to. Curiously enough, on receipt of this positive denial of her claim, Mr. Clarke seems suddenly to have changed his mind, and a new light to have broken in upon him. He minutes on Hemi Parae's letter, "that from all he can learn she is justly entitled to consideration;" and suggests "that she should receive 100 acres in some convenient place, say Oakura, if there is land available." He adds "that Honi Pihama and Wiremu Matakatea admit her claim," which, it appears afterwards, they do to a very limited extent indeed. Hon. Donald McLean again refers the matter to Mr. Parris. On 1st October, 1874, Mr. Parris, in a long letter, says he has again submitted her claims to leading Natives, being elders, whose opinion is to be taken; that a number of places mentioned, to which she now sets up new claims, belong to the Puketapu Tribe, who repudiate even the shadow of a claim on her part; that Ropata Ngarongomate and certain other chiefs of Warea, deny any right of hers to land originally belonging to the Ngamahanga, but state that she is a lineal claimant *through her mother in common with the Upokomate hapu to some land near Warea*, where the mother lives, and that he (Mr. Parris) never heard of the mother claiming any other. He says that Hone Pihama denies admitting her claim at Opunake further than a very distant collateral one. Mr. Parris cannot, therefore, understand Mr. Clarke's statement, that she is "justly entitled to consideration," because in the district where her claim is admitted *no action has been taken under the Confiscation Act*. He repeats that "no injustice has been done to her," and suggests if the Government intends to give her land certain places where it might be taken. On 22nd August, 1875, Louisa again writes a letter, claiming several large blocks in Taranaki District. Mr. Halse, Under-Secretary, simply minutes that he thinks the letter may be safely put on the file.

15. In 1876, Louisa presented a petition to Parliament asking for redress on behalf of herself and four others, whom she joins with her. The petition was referred to the Native Affairs Committee, who, on 18th September, 1877, reported, "That it appears perfectly clear that petitioners have a substantial grievance: that the evidence and correspondence show conclusively that their claim has been admitted for many years, although never finally dealt with. The claim should be finally disposed of without further delay; and, in doing so, regard be had to the number of years their admitted right, however small, has been withheld from them."

16. After some unimportant letters and minutes, Mr. Clarke, Under-Secretary, on 8th November, 1877, recommends that instructions be given to Mr. Commissioner Brown "to find her 100 acres of good land," specifying places near Taranaki. On 15th February, 1878, Louisa asks to have her land in other than the specified places. Mr. Sheehan, Native Minister, telegraphs to tell Major Brown that *it must be good land and in a good position*. Major Brown replies that there is no land where she wishes to have it: that the promise made by Mr. Rolleston was at Warea, where her strongest claims were believed to be, and that her other claims are on lands returned to Natives near Stony River.

17. On 9th May, 1878, Mr. Sheehan, Native Minister, telegraphs that a copy of the report of the Native Affairs Committee be sent to Major Brown.

18. On 24th July, 1878, Mr. Sheehan inquires if anything has been done. On 28th January, 1879, Major Brown replies that six months ago he ordered Mr. Wray to lay off 100 acres: that he has not done it; but will now. On 24th April, Major Brown telegraphs to the Native Office that he has telegraphed to Mr. Wray to know about Louisa's land at Moumahaki. On 4th August, Louisa asks for the Crown grant. This was referred to Major Brown, who minutes that she was entitled to a small piece of land at Warea (*vide* Mr. Rolleston's letter of 1867): that this was set aside by Mr. Sheehan, who directed that 100 acres of good land in Moumahaki Block should be given, for which, after it was selected, she refused £5 an acre in Major Brown's hearing. On 26th November, Mr. Lewis, Under-Secretary, telegraphed to Major Brown to report on the case without delay.

Then ensues some correspondence about an error in the number of the section, as reported by Major Brown, which causes further delay; and, finally, on 29th December, 1879, Mr. Elliott, Under-Secretary for Crown Lands, writes a memorandum ordering the grant to be prepared. Since which, Louisa Taylor, now Mrs. Plumbridge, laid her claim before the West Coast Commission, which was appointed in 1880. In that stage of its business the Commission was not able to investigate it, and during the session of 1880 she again petitioned Parliament. Her petition was referred to the Native Affairs Committee, before which she appeared, producing evidence. On 13th August, 1880, the Committee brought up the following report:—

“Report of the Native Affairs Committee on the petition of Erueti Rangikopinga and three others—*viz.*, Ruiha Rangikopinga, Hara Rangikopinga, and L. M. Plumbridge (Ruiha Teira).”

“Petitioners state that they are loyal Natives, and belong to the Taranaki Tribe; that the lands from Omaturangi to Tataraimaka, and from the sea inland to and including Mount Egmont, is theirs, and they pray for a restoration of the said lands. I am directed to report as follows: That the Government has offered Mrs. Plumbridge (Ruiha Teira) 100 acres of land, in accordance with the recommendation of this Committee made on the 18th September, 1877; and any further claim, if such there be, is of a tribal character, and must be satisfied by the tribes out of the lands which have been returned to them.—R. TRIMBLE, Chairman.”

West Coast Commission Office, Hawera, 8th April, 1881.

No. 4.

REPORT ON MAJOR BROWN'S CLAIM TO LAND IN THE WAIMATE PLAINS.

The Hon. Sir W. Fox, West Coast Commissioner, to the Hon. W. Rolleston, Native Minister.

SIR,—

West Coast Commissioner's Office, Hawera, 22nd April, 1881.

I have the honor to inclose a report upon a claim made by Major Brown, formerly Civil Commissioner, which he laid before me as Commissioner under “The West Coast Settlement Act, 1880.”

I have to request that you will lay the same before His Excellency the Governor for his information.

I have, &c.,

WILLIAM FOX,

West Coast Commissioner.

The Hon. W. Rolleston, Native Minister,

Enclosure in No. 4.

REPORT by the COMMISSIONER, appointed under “The West Coast Settlement (North Island) Act, 1880,” on Major Brown's Claim to Land on Waimate Plains.

MAJOR BROWN claims 1,000 acres of land on the west bank of the Waingongoro River. He bases his claim on two grounds—

1st. Promises by the Natives.

2nd. A confirmation of those promises by Sir D. McLean when Native Minister

1st. Promises made to him by the Natives of the Umutahi hapu, who resided on the Waimate Plains.

The evidence which I have been able to obtain on the subject in quarters indicated by Major Brown is appended. It is conflicting both as to the fact of any promises having ever been made, and also as to the quantity and locality of the land affected by the alleged promises. There are, however, other reasons why the promises, if made, are of no value.

(a.) When first alleged to have been made (1844 or 1845), the Queen's right of pre-emption was in force, and all direct dealings with the Natives for land by Europeans were absolutely prohibited.

(b.) The promises alleged to have been subsequently made by Pumipi in 1879, on his deathbed, were after the date of the confiscation, when he had no power to dispose of the land.

(c.) No valuable consideration appears to have been given by Major Brown, nor have any circumstances been alleged which would give him any equitable claim to special and exceptional favour in the matter, even supposing the promises had been fully proved.

2nd. Major Brown alleges that the above promises, being known to the Hon. Sir Donald McLean, Native Minister, were officially recognized by him; and that when he (Major Brown) was offered the appointment of Civil Commissioner of the district, in 1875, it was made an express condition by him that his claim to 1,000 acres on the Plains “should be given effect to on the peaceful completion of his work—that is to say, the survey of the Waimate Plains,” which, he says, was agreed to by Sir Donald McLean.

A copy of the official letter of his appointment on this occasion is appended. It contains no allusion whatever to any claim to land by Major Brown. The records of the Native Office have been

carefully searched, but they are entirely silent upon the subject. It is hardly credible that, if such a promise had been made by the Native Minister, involving remuneration of many times greater value than the specified salary attached to the office, there should be absolutely not a single word in any official document to show it.

Major Brown has, however, adduced letters from several persons (some of them in the employment of the Government), in which they state that they had heard that such a promise had been made to Major Brown. But in every case (except one, and that one of no weight, *see* Mr. Sherwood's letter appended, and note thereon) the witnesses heard of the fact only from Major Brown's own mouth, and not from that of Sir Donald McLean, or of any person who had any official or personal knowledge of it. These letters, which are of the loosest possible hearsay character, are appended.

But supposing that this testimony were of any intrinsic value, which it certainly is not, it proves too much for Major Brown's case. His own assertion is that Sir D. McLean's promise to give him the 1,000 acres was conditional, "on the peaceful completion of his work, that is to say, the survey of the Waimate Plains." He told Major Stapp that it was contingent "on his succeeding in acquiring the Waimate Plains in a peaceable manner, *i.e.*, without causing war." Mr. Duthie says, that Major Brown told him that Sir D. McLean had "promised him some land on the Waimate Plains on the acquiring of those plains." Mr. Whitecombe's statement is, that Major Brown told him that he had the promise of Sir D. McLean that "in the event of his (Major Brown) acquiring the Waimate Plains a claim of his would be recognized, the Minister promising him a block of land there."

This condition, on which even according to Major Brown's own showing the promise depended, was never fulfilled by him. He never did complete the surveys, nor peaceably or otherwise acquire the Plains. On the contrary, the West Coast Commissioners appointed in 1879, in their second report (G.-2, 1880: Second Report, Section VI., p. xxix.), declare their conviction that the failure to survey the Plains and to obtain peaceable possession of them was caused mainly, if not entirely, by a grave error on Major Brown's part in neglecting to make reserves for the Natives, which resulted in the stoppage of the surveys, and the necessity of their being completed, not by Major Brown, but under the protection of an armed force of many hundred men, maintained on the Plains at a great cost for more than two years. Major Brown, in his evidence before the Commissioners (G.-2, 1880. Evidence: Qs. 679, 681-684), as officer in charge of Native Affairs for the district, admits the fact that the non-arrangement of the reserves by himself was the cause of the surveyors being ejected. Nor can the fact be left out of sight that, during his attempt to obtain the Plains, he threw away the sum of £8,800 of public money, without receiving, according to his own admission, the smallest advantage by it. (Evidence: Qs. 1068-1076.) A great part of this expenditure appears to have been entirely unjustified by the instructions held by Major Brown from the Native Minister;* and the manner in which some portions of it were manipulated in the financial accounts of his department on his personal recommendation to the Native Minister, Mr. Sheehan, was such as certainly to disentitle him to any favourable consideration at the hands of the Government.

On the grounds, then, that if any promises were made by the Natives, they were void *ab initio*; that there is no evidence whatever of such promises being recognized or confirmed by the Native Minister beyond Major Brown's own assertion: and that if such recognition or confirmation was given, it was conditional, and the conditions were never fulfilled, I arrive at the conclusion that the Government cannot be recommended to admit the claim made by Major Brown.

WILLIAM FOX,

West Coast Commissioner.

West Coast Commission Office, Hawera, 22nd April, 1881.

Sub-Enclosure 1 to Enclosure in No. 4.

LETTER from Major BROWN to Hon. J SHEEHAN, Native Minister.

SIR,—

Hawera, 21st August, 1878.

The time now appears approaching when my work will be completed—namely, the survey of the Waimate Plains. It is now nearly ten years since I placed my services in Native matters unofficially at the service of the Government, as will be seen by the enclosed note from the late Sir D. McLean, accepting them, and stating what has ever since been the understanding, that "I should express my own views without committing the Government," until you determined it by assuming the responsibility, on behalf of the Government, of the course that I have been pursuing.

About the year 1873 or 1874, Sir D. McLean informed me that he would recognize my claim, that was admitted by the Natives, to about 1,000 acres of land on the Waimate Plains, if I would assist Mr. Parris, the then Civil Commissioner, in settling the confiscation question there. I offered my services to Mr. Parris, but his reply was that the time had not arrived for dealing successfully with the question.

In 1875, Sir D. McLean sent for me to Wellington, and offered me the appointment of Civil Commissioner, just resigned by Mr. Parris. This I accepted conditionally, that I should do the work in my own way (without committing the Government), and that my claim to 1,000 acres on the Plains should be given effect to on the peaceful completion of my work—that is to say, the survey of the Waimate Plains. The limit of compensation that I was not to exceed, for confiscated land, being fixed at 2s. 6d. an acre, which was afterwards raised to 5s. an acre in respect of the Waimate Plains (letter of Sir D. McLean, dated 12th April, 1876), an amount which I do not think it will be necessary to give.

My object, since my appointment, has naturally been to settle peacefully the question of the survey

* NOTE.—The payment of *takoha* was authorized by Sir D. McLean to be made to the Natives in sums proportioned to ascertained quantities of land "relinquished by them." (*Vide* instructions of 12th April, 1876). Major Brown used it as mere black-mail in arbitrary payments to some of the chiefs, proportioned to nothing but their appetites for *utu*, and, in return for which, they did not "relinquish" a single acre of land. And he admits that the black mail was absolutely thrown away, and did not even keep the mailers quiet. (G.-2, 1880. Evidence: Qs. 1075, 1076).

of the Waimate Plains with as little delay as possible; and that I was not earlier in a position to do so was owing to my finding it necessary to pave the way by first settling the confiscated land question between the Patea and Waingongoro Rivers, where the Natives were in a more subdued state of feeling, and therefore easier dealt with.

This comprised about 100,000 acres. And I subsequently settled the same question between the Whenuakura and Waitotara Rivers, comprising about fifty thousand acres, that had been included in my district after my appointment.

In the performance of my duty I necessarily narrowed my official correspondence so as to avoid committing the Government to any possible errors of judgment of mine, until you, Sir, determined this understanding by assuming the responsibility, on behalf of the Government, of the course I am pursuing.

I enclose the following letters on the subject:—From my predecessor, Mr. R. Parris, stating that the Natives intended me to have the land if they allowed the Government to settle the Plains. I may say that I do not believe the Natives would now agree to it, as it would account to them for my persistence in carrying out the confiscation of their land; and, I may add, that it has already lost me the personal liking that the Natives generally had for me. From Mr. G. F. Sherwood, to whom Sir D. McLean stated that he recognized my claim. This letter, and those of Major Stapp and Messrs. C. D. Whitcombe and Duthie, all state that I informed them during his life that Sir D. McLean had agreed to let me have the land if I succeeded in obtaining the Plains.

The work I have done has been a wearying source of anxiety and care from the heavy responsibility involved. It has taken me most of my time from my home, and occupied it without any limit of hours or days to my work, with no opportunity of relaxation; and involved personal risk, hardship, and exposure. By these means only have I been enabled to revive my knowledge and acquaint myself with the tangled skein of Native claims, and opposition that I had to deal with on fifty miles of coast. At the same time I recognize that your assumption of responsibility on behalf of the Government, and the orders that I have from time to time received from you have very materially improved my position and facilitated my progress and success, and now I believe largely influenced the settlement of the Waimate Plains question, as they did that of the Momahaki. But I trust this will not be deemed by the Government to exclude me from the benefit of the arrangement referred to.

The Hon. J. Sheehan, &c., Wellington.

I have, &c.,

CHARLES BROWN, C.C.

Sub-Enclosure 2 to Enclosure in No. 4.

LETTER from HENRY T. CLARKE to Major BROWN

SIR,—

Native Office, Wellington, 23rd July, 1875.

I am directed by the Hon. the Native Minister to inform you that Mr. Parris, the Civil Commissioner of Taranaki, has applied for twelve months' leave of absence, and at the end of that time to retire from the public service of the colony. Mr. Parris's application has been granted.

Sir D. McLean has already intimated to you that you have been appointed to fill the office vacated by Mr. Parris, and, in conferring this responsible and onerous office upon you, the Government is assured that your long and intimate acquaintance with the circumstances and condition of the Natives of that important district will enable you to discharge your duties with judgment and discretion.

Mr. Parris has been requested to give you every assistance and supply you with all the information in his power. He will also hand over to you the books and records of his office.

You will be allowed a salary at the rate of £500 per annum, and a travelling allowance of 15s. per diem when absent from home, as laid down in the rules of the Civil Service. Your salary will commence from the 1st instant.

I have, &c.,

HENRY T. CLARKE,

Under-Secretary.

Major Brown, &c., Wellington.

Sub-Enclosure 3 to Enclosure in No. 4.

Major STAPP to Major BROWN

DEAR MAJOR BROWN,—

New Plymouth, 13th April, 1878.

I have a distinct recollection of your having told me (soon after you were appointed to your present office) that Sir Donald McLean had promised you a grant of land should you succeed in acquiring the Waimate Plains in a peaceable manner—*i.e.*, without causing war.

I have, &c.,

C. STAPP.

Sub-Enclosure 4 to Enclosure in No. 4.

EXTRACT from Letter from Mr. DUTHIE to Major BROWN, 21st April, 1878.

“I REMEMBER your mentioning to me that the Natives recognized a claim in your behalf to land on the Waimate Plains, and also your stating to me here that Sir D. McLean had promised you some land there on the acquiring of these Plains; but, beyond these bare facts, I cannot recall the particulars of your conversation, which, by-the-bye, was long prior to Sir Donald's death.”

Sub-Enclosure 5 to Enclosure in No. 4.

Mr. WHITCOMBE to Major BROWN

DEAR MAJOR BROWN,—

New Plymouth, 15th April, 1878.

I will remember your informing me, somewhere about the middle of 1875, that you had the promise of Sir D. McLean, then Native Minister, that in the event of your acquiring the Waimate

Plains for the Government a claim of yours to land on those Plains would be recognized, the Minister promising you a block of land there.

Other circumstances enable me to fix the date of this conversation at about the middle of the year 1875; and I also well remember some remark on your prolonged absence from home, and the inconvenience which they must occasion in your family; that you told me it was well worth your while to devote all your time to the acquisition of the Plains, and to put up with all the inconveniences, and then you gave me the reason as above.

I have, &c.,

C. D. WHITCOMBE.

Sub-Enclosure 6 to Enclosure in No. 4.

EXTRACT from Letter from Mr. SHERWOOD to Major BROWN

23th March, 1878.

“ABOUT your land at Waimate. If it should be of any service to you I will relate as much as I can at present remember in connection with it: Some years ago I proposed to the Government a scheme for settling the Waimate Plains. I enclose a copy of it. It was not, however, entertained; but when Sir Donald McLean came here he saw me and referred to the scheme, and said that he thought a great deal of it, and said, that if such a man as Major Brown, for instance, had taken the matter in hand, it might have had a better fate, as Major Brown had been an old resident on the Plains, and had already got a claim to land there, which he fully recognized. He asked me if Major Brown could be induced to settle at Waimate, as, if so, it would materially assist the Government in settling Europeans upon the land. He promised to see to it on his return. In March or April, 1874, I remember being at your house, when I asked you if ever anything had been done in the matter. You said it was all right, the land had been promised you by Sir Donald. I remember we all congratulated you upon it, and urged you to settle on the land at once. There were present at the time, Captains Messenger and Carthew, Miss Allen, your two daughters—Laura and Mary—and myself. If you ask them they will no doubt remember, as we talked a good deal about it. That is about all I can recollect at present; and, indeed, I should not have remembered so much were it not for the interest I have always felt in the question of settling Europeans on the Plains.”

NOTE.—This letter is adduced by Major Brown to prove that Sir Donald recognized his claim to land on the Plains. It is of little value, for the following reasons: 1. The conversation with Sir Donald, reported by Mr. Sherwood, was not official—nothing more than chit-chat. 2. Sir Donald did not speak of any specified claims, nor pretended to any knowledge of what they were. 3. Whatever he said could be no proof that he promised Major Brown to recognize his claim, and that such promise was to be part of his remuneration for his services as Civil Commissioner, for the conversation occurred before 1874, when Major Brown was not in the Government service, nor likely to be. If anything, it must have intimated an intention on the part of Sir Donald McLean to give Major Brown a valuable grant of land for having done nothing, and which he had no legal right so to dispose of, which is not to be credited.—W.F

Sub-Enclosure 7 to Enclosure in No. 4.

LETTER from Major BROWN to the SECRETARY, West Coast Commission.

SIR,—

New Plymouth, 2nd April, 1881.

I have been looking over my papers and memoranda of old date to enable me to answer the questions raised in your letter of the 16th February last.

1st. The promise was made by the Natives in or about the year 1845.

2nd. The locality of the 1,000 acres commenced at Tuerata, on the west bank of the Waingongoro River, opposite to the Kanihi Pa, and continuing about equally to the North and West.

3rd. The names of the Natives of the Umutahi Tribe who made the promise (were principally the residents at Waitoto, since removed to Mawhitiwhiti) were Te Kewetone, Witikama, Panapa, Te Rakena, Te Mokana, Paiura, Te Karira, Te Manibera, Neana, Tupara, Te Waka, Aporo, Neha, Rupene, Watarauwhi, Motu, Kawe Itihi, Mitai, Ngana, Ngaingai, Tamairi, Aio, Ngawhio, Tamawhero, Takoto Ore, Taumata, Tikawe, Te Matoro, Te Reweti, Ohua, Poarama, Pirimona (now Tonga), Hare, Wiremu Kaitangata, Irai (now Tauake te Ure), Pene (afterwards Te Auika and now Waitara), Te Matenga, who died about 1860: his three sons, since dead, of whom the representatives are Te Matenga, a grandson and son of Rangihekeiho; Maria, widow of the latter, and Ria, a sister of Rangihekeiho and widow of Te Hira, were last seen by me at Parihaka; Himaima, widow of Te Karira, residing with or near Porikapa: the principal of all being Te Pumipi, who died in 1879, impressing on those he left behind him that my claim should be recognized. His son Timoti was present, but has since left with his wife to see her relatives on the East Coast, where his evidence might be taken. Meteria, sister of Pumipi, and wife of Hoani, is living at Punihu and Mawhitiwhiti. Te Arawata (now Uru te Angina), of Pakaraka, can possibly give evidence on the subject, as he was one of my boys at the time.

I also beg to refer you to a letter from Te Rangihekeiho, of about the year 1868, which I laid before the Royal Commissioners, in which, speaking of the boundaries of the tribe, and including those described above, he designates the whole as “our land.”

About the year 1867, I was informed by Mr. Commissioner Parris that “the Natives still considered the land mine, and that I was fairly entitled to it.”

In 1879 and 1880, Mr. Williams informed me that the Natives “still considered the land mine, and that I ought to have it.”

I shall be happy to wait upon the Royal Commissioner whenever he deems it necessary.

The Secretary West Coast Commission.

CHARLES BROWN.

Sub-Enclosure 8 to Enclosure in No. 4.

Mr. W WILLIAMS to Sir WILLIAM FOX.

DEAR SIR,—

Patea, 31st March, 1881.

I have the honor to lay before you the following account from my journal *re* the promise made by Pumipi to Major Brown.

The first interview I had with this Native is not recorded, but this is the account of the second, under date 27th August, 1879: "Went over the river to see Pumipi with Major Brown, and had conversation about land which he and his people had given to the Major (about 1,000 acres) Pumipi said, 'I wish to have this settled before I die: the timber is yours; you made a place for a mill, and you are to have 1,000 acres.' All assented to this, and to name ('Tuhata'), and boundary was given. Also, 13th November, 1879: Went to Waimate to see old Pumipi, who died. Told the Natives I would see them next day (14th) Saw Natives, who came to say they wished to give the land to Major Brown, according to Pumipi's will; and gave Watene an order and money to pay expenses of funeral," &c.

I have nothing further in my diary, but I could find the Natives who were with Pumipi the first time he sent for me. One of those, named Paroha, is dead, but Katene, Pumipi's son, Tipene, and others could be got.

Sir William Fox.

I have, &c.,

WILLIAM WILLIAMS.

Sub-Enclosure 9 to Enclosure in No. 4.

EVIDENCE of KATENE, of Mawhitiwhiti.

Katene, examined by Commissioner, 16th April, 1881.

WAS not at Mawhitiwhiti when Major Brown lived there: was in Waikato, and did not return till 1864. Heard some of the tribe at Mawhitiwhiti say that Tuhata had been given to Major Brown. Did not know how much, but it was the land of those people that was given. The land was at Tuhata. This was only hearsay. When Pumipi was dying in 1875 or 1876, witness heard him tell his son that Major Brown was to have Paraahunga. Mr. Williams was present. Supposed he had changed the piece for Tuhata, because Paraahunga was their own land. Does not know the quantity of the land promised. That is all witness knows about it.

Taken in Commissioner's room. Present: Major Parris and Mr. Hadfield.

Sub-Enclosure 10 to Enclosure in No. 4.

EVIDENCE of TAUAKE, of Okorima.

Tauake, examined by the Commissioner.

WAS any promise made to Major Brown that he should have a piece of land at Mawhitiwhiti?—The land he was living on was at Tuhata, and it belongs to my people; but it was not given to Major Brown; he was simply allowed to live on it; but he bought some of the trees, which he cut up for timber to build his house. The land belongs to us. My parents sold the timber, and got tobacco as payment. Never heard that it was given to Major Brown. Was living there at the time when Major Brown was there. Was as big as I am now, but had not any beard.

Sub-Enclosure 11 to Enclosure in No. 4.

EVIDENCE of HEKE PEPE, examined from Mawhitiwhiti.

KNOWS Major Brown, and remembers when he lived there: was quite a boy. Never heard that the Natives promised to give him land. There was a small piece on which he was allowed to live, where his house was, because at that time a pakeha was useful. Was only a small piece.

Mr. Hadfield, interpreter, was present.

Sub-Enclosure 12 to Enclosure in No. 4.

EVIDENCE of WHARERATA, of Mawhitiwhiti.

Wharerata, examined by the Commissioner.

THE reason Major Brown was allowed to live there was because he traded their pigs, &c., at New Plymouth. The place was Tuhata. After some time he wished to have a house built, and bought five or six large kahikatea trees to cut up for timber. He paid tobacco for them. Before they were cut, Major Brown's wahine misconducted herself with somebody. Major Brown then went away. The house was never erected. The piece of land on which he was living was not given to him, but set apart for him to live on, so that he might be near to take pigs and bring back the trade.

Never heard that he was to have a large piece of land given him.

If any land had been given, it would have been by my parents.

Would not like to give him any land now. Was living there all the time. Sometimes lived with my own parents, sometimes with Major Brown.

Interpreter present.

Sub-Enclosure 13 to Enclosure in No. 4.

Major PARRIS to Major BROWN.

DEAR SIR,—

New Plymouth, 11th April, 1878.

During my term of office as Civil Commissioner in my negotiations for the acquirement of the Waimate Plains, the Mawhitiwhiti Natives informed me that they always intended to give you a piece

of land in that locality, which was promised to you during your long residence with them in the early days of the colony

I consider it only fair to you to put this statement in writing should you ever submit your claim to the Government. I am, &c.,

Major Brown, Civil Commissioner.

R. PARRIS.

Sub-Enclosure 14 to Enclosure in No. 4.

INSTRUCTIONS from Hon. Mr. McLEAN to Major Brown, Civil Commissioner.

(Extract.)

SIR,—

Native Office, Wellington, 12th April, 1876.

I have the honor to enclose for your information a copy of a memorandum by myself drawn up for the guidance of Mr. Parris, on the 20th January, 1872, in reference to the settlement of the confiscated lands on the West Coast.

I desire to draw your attention to the paragraph which treats of the lands north of the Waingonoro as far as Stony River, in which Mr. Parris was authorized to compensate the Native owners for all lands they might relinquish at rates not exceeding 5s. per acre, &c., &c.

Major Brown, Civil Commissioner.

DONALD McLEAN

No. 5.

EXTRACT FROM REPORT ON MR. HENRY CHURTON'S CLAIM TO SECTIONS 387 AND 386, OKOTUKU DISTRICT.

THE actual state of ownership will be seen from the following brief relation:—

1 *As regards Section 387*

Rahera Tiwaia, having been put in possession of this section by the Compensation Court in 1874, leased it in June, 1875, to Harrison Gibson for 21 years, with a purchasing clause at £400, payable at any time during the term.

2nd July, 1875.—Gibson assigned to M. V Hodge his interest in one moiety of this leasehold, and in the purchasing clause.

20th September, 1877.—Gibson assigned his interest in the other moiety and purchasing clause to M. V Hodge.

7th May, 1878.—M. V Hodge assigned both moieties and the purchasing clause to Henry Churton, his heirs, executors, and assigns.

All these transactions were for very ample consideration.

Mr. Churton paid his rent regularly to Rahera, while alive; since her death, to the Public Trustee. He can at any time, on payment of £400 to Rahera's heirs, become the owner of the freehold.

2. *As regards Section 386.*

This section was duly allocated to Heroria Hineihara by the Compensation Court; she died intestate, and, by a succession order of the Native Land Court, dated 23rd January, 1877, Hata Rio and Reupena Tauria were appointed her successors. In August, 1876, they had, by anticipation, sold the fee-simple of the section to R. T. Blake and his heirs; and by a further deed, dated 7th July, 1877, they confirmed the sale. (Consideration, £500.)

7th July, 1877.—R. T. Blake conveyed the section in fee to M. V Hodge. (Consideration, £700.)

29th April, 1878.—M. V Hodge sold it in fee to Henry Churton and his heirs. (Consideration, £1,400.)

Mr. Churton also holds an authority to Blake from Hata Rio and Reupena Tauria to receive the Crown grant.

All these transactions, as regards both sections, have been duly registered in the Deeds Office, at Wellington.

The recommendation which I have now the honor to make is that, as regards Section 386, the title to which is derived from Heroria Hineihara, deceased, the grant prepared in her favour, the issue of which has been suspended at my request, pending this investigation, shall be handed to Mr. Henry Churton.

As regards Section 387, the title to which rests on a lease from Rahera Tiwaia, deceased, with a purchasing clause for £400, for the reversion, I recommend that a succession order be made in behalf of Rahera's children, who are minors, and her lawful representatives; that a trustee be appointed for them; and that, on payment by Mr. Churton to such trustee of the amount of £400, and all rent due to date of payment, the Crown grant prepared in favour of Rahera, the issue of which has been suspended at my request, shall be handed to Mr. Churton.

* * * * *

West Coast Commission Office, Wellington,
14th June, 1881.

WILLIAM FOX,
West Coast Commissioner.



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