

1882.
NEW ZEALAND.

WEST COAST ROYAL COMMISSION.

(FURTHER REPORT BY THE COMMISSIONER APPOINTED UNDER "THE WEST COAST SETTLEMENT
[NORTH ISLAND] ACT, 1880.")

[In continuation of G. 5.—1882.]

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

The WEST COAST COMMISSIONER to the Hon. the NATIVE MINISTER.

SIR,—

West Coast Commission Office, 29th June, 1882.

I have the honor to forward a report upon the claims of persons who had entered into agreements with natives, north of the Waingongoro River, for the purchase or lease of lands to be allocated under Scrip Certificates issued by the Compensation Court, established under the provisions of the New Zealand Settlements Act and amending Acts, and to request that you will lay it before His Excellency the Officer Administering the Government, for his information.

I have, &c.,

WILLIAM FOX,

West Coast Commissioner.

Hon. J. Bryce, M.H.R., Native Minister.

*Report on Claims to Compensation Scrip alleged to have been Sold or otherwise Transferred within the
Confiscated Block North of the Waingongoro River.*

1. There was a difference between the compensation awarded to loyal natives south of Waingongoro and north of that river. To the south all the awards had been allocated to specific sections of land, after which the allottees were considered by the Government to have a valid and transferable title, even before Crown grants were issued; and it was not long before the owners sold or leased (chiefly the former) nearly the whole of it, the Government being itself the principal purchaser. Beyond investigating and deciding a good many complicated questions of ownership between rival purchasers of compensation awards, I had little to do with that class of lands south of Waingongoro. To the north of that river, however, compensation had been largely awarded, and scrip certificates issued, evidencing in each case the right to a specified quantity of land; but only a small part of these had been allocated under arrangements made by Major Parris as Civil Commissioner. When I commenced operations in this part of the district I found about 27,000 acres of unallocated scrip, for fuller particulars of which I refer to the Second Report of the Commission of 1880, pages 35–37, and Appendix B., pages 17–19. It was commonly reported in the district that there had been very large and numerous dealings between Europeans and natives in this unallocated scrip. How far such transactions were valid was very questionable. But I have always held that the questions arising out of the native rebellion, and the legislation consequent upon it, ought not to be decided on narrow and intricate technicalities of English law, but that it is the duty of the Government, as far as possible, to see that the substantial advantages held out, particularly to the loyal natives, by the New Zealand Settlements Acts should not be rendered nugatory by their own imprudence, or filched away from them by the vigilant foresight of others. It was, no doubt, with a view to this obligation among others that the large powers "to make a final settlement, in such manner as he may think fit, of every claim or grievance of any nature arising out of any award, promise, or engagement," were vested in the Governor by the West Coast Settlement Act of 1880. It seems clear that it is open to the Governor, and that it is his duty, to scrutinise any intermediate transactions between the natives and Europeans who may have purchased, or affected to purchase, their incomplete rights; at least to the extent of not permitting the natives to be injured by any thoughtless acts of their own while their title was in abeyance and the market value of their claims consequently very small.

2. It was with much surprise when, after having advertised for the claims of alleging purchasers of scrip to be sent in, for nearly five months, only nine claimants appeared, claiming to have purchased, or agreed to lease, some twenty-three scrip allotments. I have made enquiry in every quarter where such transactions were likely to be known, and believe that these represent all the instances in which such have occurred. The area involved is about 3,500 acres.

3. After having carefully considered the circumstances of the several claims sent in, I invited the claimants to meet me in person, or by their authorized agents, to maintain or explain their claims, and I spent great part of three days in investigating them in the presence of the claimants or their agents. As a result, I am able to arrange the claims in four classes. First.—Where the native agreed to sell