

1882.  
NEW ZEALAND.

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## 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.*

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

West Coast Commission Office,

New Plymouth, 3rd June, 1882.

SIR,—

I have the honor to forward a report on the progress and present position of the work of my Commission, and to request that you will lay the same before His Excellency the Governor.

I have, &c.,

WILLIAM FOX.

The Hon. the Native Minister, Wellington.

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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 the 9th section of the Commission issued to me by your Excellency on the 23rd December, 1880, under the powers contained in "The West Coast Settlement (North Island) Act," of that year, I have the honor to make a further report of the progress of the work which, under that Commission, it has been my duty to do.

1. When in January, 1881, I commenced under that Commission to give practical effect to the recommendations made to your Excellency by Sir Dillon Bell and myself under a previous Commission, I had to decide at what part of the large tract known as the "Confiscated Block" it would be most advisable to commence my operations. I had already ascertained that the Natives in the southern portion of the block, from the Waingongoro to the Waitotara Rivers, were more desirous of having their reserves defined and their Crown grants issued than those to the north of the former river, who were more immediately in contact with Te Whiti and more under his influence, which had led them to believe that a title under him was better than one under the Queen. I therefore determined, with the exception of one or two cases which were ripe for action, to give immediate attention only to the southern portion, which comprised rather more than a third of the whole block. I am glad to be able to report that, within those limits, I have now disposed of every case in which pledges, either expressed or implied, had been given to the Natives, except some half-dozen small reserves in the Moumahaki District (the extreme southern portion of the block), with regard to which I anticipate no practical difficulty. I have, with these exceptions, recommended the issue of grants by your Excellency of all the reserves which have been, or will have to be, made in that part of the block. In order to be in a

position to do so, I had first to ascertain the fact of each reserve having been promised or being necessary; secondly, in the case of the larger ones, to decide on their subdivision among the several hapus or sections of tribes; thirdly, to decide on the right of every member of the tribe or hapu to have his or her name inserted in the Crown grant; and lastly, to survey *de novo*, or to subdivide, or to rectify or alter existing boundaries, often very imperfectly and sometimes erroneously defined. Many of these reserves were of large dimensions, from 1,000 to 10,000 acres, and in extremely rugged country, broken by deep and wide gullies, and covered by extremely heavy forest. The surveys proved much more arduous, and consequently protracted, than I had expected, but not more so than was rendered necessary by their character. Of their extent and details, a full report to the 1st February, 1882, by Captain Skeet, the chief surveyor of my Commission, is appended (Appendix II., No. 1).

In addition to this I have, at the request of your Excellency's Ministers, or of the parties concerned, investigated a large number of difficult questions of ownership on the part of European purchasers of compensation lands from loyal Natives, to whom they had been awarded by the Court established under the suppression of rebellion Acts of 1863 and subsequent years. Some of these cases were of an extremely complicated character, requiring an examination of official records extending over a quarter of a century, as well as numerous living witnesses in various parts of the colony. Reports in these cases have been forwarded for your Excellency's information through your Excellency's Ministers; and some of them, which I thought of sufficient importance, either on their merits, or as illustrations of a class of cases with which I have had to deal (and which, I trust, will never again be allowed to accumulate in the official departments), are appended to this and my previous report (Appendix III.).

A return of the Crown grants recommended by me, and which have been forwarded for your Excellency's approval, from the beginning of my work to this date, is also appended. (Appendix I.).

2. During the latter part of the time while I was engaged as above reported, I have found it possible to undertake similar operations to the north of the Waingongoro River. The progress of the work to the south, the adjustment of a large number of reserves to the satisfaction of the Natives there, and the actual issue of many Crown grants, were not without their effect on the minds of those to the north of that river; while the political events of the period, the arrest of Te Whiti and dispersion of the largest part of his adherents, would not fail to shake their confidence in the promises of territorial restoration held out by him. From one cause or from both it became apparent a few months ago that many of the tribes to the north of the river were becoming as anxious for the settlement of their reserves and their guarantee by Crown grants as they had before been indifferent or opposed to their survey and issue. I am glad to report that much satisfactory progress has been made in this direction, of which the following is a brief summary:—

3. The Government having determined to reduce the Continuous Reserve on the Waimate Plains by 5,000 acres on account of the continued complicity of the Native residents with Te Whiti, requested Major Parris and myself to decide in what part of the reserve the deductions should be made. Having, after consultation together, decided to do it in the manner which we thought most fair to the several hapus, and most economical as regarded surveys, Major Parris, accompanied by Mr. Humphries, the Chief Surveyor of the Provincial District of Taranaki, went to the spot, and the result is that the deductions are made, divided into sections, and in a week or two will be ready for sale; the hapu subdivisions have all been decided on and are under survey, and Major Parris has carefully ascertained the names of all the grantees in every hapu, to, I believe, the general satisfaction of all concerned. It will, I hope, therefore, be a very short time before I shall be in a position to recommend to your Excellency the issue of Crown grants for the hapu subdivisions of this reserve.

On the north of the Waimate Plains, between the Oeo and Tauŋatara Rivers, is a block of confiscated land containing 20,000 acres or thereabouts; 750 acres of the seaward portion of this have already, on my recommendation to your

Excellency, been granted to the Ngatitamaahuroa hapu. The rest of the block is almost without population, except a very small number (about twenty-five adults) of a tribe called Titahi, formerly invaders from Tamaki, near Auckland, who fought their way through the Ngatimaru Tribe on the Upper Waitara River and thence down to Patea, whence they turned northwards up the coast and finally settled on this block, which belonged by hereditary right to the Taranaki Tribe, who do not seem to have disputed their occupation, and there they have remained ever since. My survey staff had already traversed the greater part of the external boundaries; and Mr. Humphries, with the Government surveyors, has now nearly completed the sectional survey of a large part of the block. Major Parris has arranged with the Natives the question of their reserves, which only awaits my confirmation to enable me to recommend the issue of these Crown grants, which I hope very shortly to do. Immediately north of the Titahi is the Opunake Block, of nearly 44,000 acres. On its sea-frontage there is a very available harbour for coasters; and around it the Government, with the consent of the Natives, formerly laid off 1,400 acres for a town and suburban holdings; but with that exception the whole of the block was practically exempted from the confiscation of 1865, and the Native ownership has ever since been recognized by successive governments. The exemption was made on account of the presumed loyalty of the tribe, and in recognition of the friendship towards Europeans of the principal chief, William King, and of services rendered by him at the wreck of the "Lord Worsley," when, by his intervention, it was believed, the lives of many passengers were saved. No Crown grant thereof has ever been issued to the tribe; and when Sir Dillon Bell and myself first visited the district, great anxiety was expressed as to the intentions of the Government in reference to these lands. We assured them that it was our intention to recommend the issue of grants to them, notwithstanding that many of the tribe at that time were sympathizers with Te Whiti, and that William King had himself been arrested for supposed complicity with Te Whiti's ploughmen—facts which seemed to us neither in law nor in equity to justify the resumption, or practically the re-confiscation, of their lands. At the request of the resident Natives I have for some months past had a survey of the external boundaries in progress, and have now practically subdivided and arranged the boundaries of subdivision among the hapus to which the block belongs. Major Parris has nearly completed the compilation of the names of the grantees, and as soon as the surveys are completed, I hope to recommend the grants to your Excellency.

Beyond this comes the Parihaka Block. The reduction by 5,000 acres of the reserve of 25,000 acres recommended by Sir Dillon Bell and myself in our reports of 1880 has been effected by your Excellency's Government; and I hope the time is not far distant when I shall be able to subdivide the reserve and recommend the issue of grants for the hapus. I have not, however, yet commenced the work. But in the portion of the Parihaka Block seaward of the main road, which has been surveyed into sections and much of it sold by the Government, I have, with the concurrence of the late Native Minister, the Hon. Mr. Rolleston, then also Minister of Lands, decided to recommend a few grants for special services rendered by certain individual Natives which seem to entitle them to something more than a mere tribal share of the large reserve. These recommendations I have forwarded to your Excellency through the usual official channels.

Adjoining the Parihaka Block is the Stony River Block, containing about 18,000 acres of excellent open and bush land. This block is in the same category as the Opunake one; it has been practically relieved from the confiscation. The resident tribe, the Ngamahanga, took part in the earlier portion of the Taranaki war, but were induced by Major Parris (who followed them into the bush at considerable personal risk) to submit and return to their homes, where they have since remained loyal and have never shown any sympathy with Te Whiti. Some months ago they expressed a desire to have their lands subdivided and Crown-granted, and as soon as I was in a position to do so I put two survey parties on the block, which have now completed the external survey and are far advanced with the hapu subdivisions, which have all been satisfactorily arranged, and for which I hope shortly to recommend Crown grants. Major Parris has, in addition

to this, individualized the holdings of the intended grantees on paper; though I have given them to understand that the actual survey of individualized sections on the ground will have to be done by themselves and at their own expense, the pledges of the Government having been more than fulfilled when the hapu grants shall have been issued.

It will be seen, from what I have stated, that very considerable areas are now, and very much larger ones will shortly be, in a position to be operated upon by the Manager of Native Reserves under the leasing powers conferred by the Act of 1881.

4. I am sorry now to have to inform your Excellency that, as regards the remaining portion of my work, a very serious obstacle exists, from which I have already suffered to some extent, and which threatens most seriously to retard its completion. It is the condition of existing surveys in the Taranaki district, with which the surveys to be executed in the course of my operations are necessarily in contact. Your Excellency is probably aware that in New Zealand, as in most newly-occupied countries, the exigencies of settlement outstrip the resources of the period for the survey of the lands which are to be occupied. There is usually an insufficient supply of professional surveyors, of good instruments, and often of pecuniary means. But the work has to be done somehow, and with the aid of the prismatic compass and chains of various lengths, in the hands of too often incompetent persons, it is got through sufficiently to enable the land to be occupied, though in a rough-and-ready manner, which insures a large proportion of error, and often results in nearly all the work having to be corrected and done over again at a future day. What New Zealand has suffered in this way has been recorded in several very able reports: one by Major Palmer, R.E., who examined into the state of the surveys of this colony in 1874; one by Mr. Thomson, the Surveyor-General of the colony, who reported in 1877; and two others by Mr. Moorhouse, Registrar-General, in 1872 and 1871 (Appendix to Journals, House of Representatives, 1875, H.-1; 1877, H.-17A; and 1872, G.-5). The results have not been less disastrous in the New Plymouth district than in any other, while, owing to circumstances not necessary to be stated, the correction of the imperfect work has been effected to a very limited extent. The establishment of a better system all over the colony, and the necessity which has existed since the establishment of the Torrens Registry, under which the Colonial Government becomes pecuniarily liable for all errors in the registered maps of transferred estates, have for some time past induced the Survey Department of the colony to require a degree of accuracy in all transactions passing under its scrutiny which did not exist in the old surveys of the Taranaki district, and which can only be obtained by high professional skill, superior instruments, and by astronomical and trigonometrical processes.

In the portion of my district south of Waingongoro the surveys were in a condition to enable any work of mine based upon them to be accepted by the Surveyor-General, and to be at once put on Crown grants for execution by your Excellency. But in the part of the district north of that river, and all the way to the northern limit of the confiscated land, it is otherwise. Even the physical boundaries of the blocks on which I have to operate, the rivers and sea-beaches, have never been traversed; scarcely any trigonometrical work has been done; and, quite unexpectedly, all this has to be done by me before such maps of reserves as I may from time to time have to lay before your Excellency can be accepted by the Survey Department of the colony. I am at present in correspondence with the Hon. the Minister of Crown Lands on the subject, and endeavouring to discover some method by which the difficulty may be lessened (Appendix II.). As I have pointed out to him, it is only a question of time; there is no inherent impossibility in the thing itself; the cost to the colony would be no greater, but rather less if the work were performed in one year instead of three, as it could be if your Excellency's Government is prepared to authorize a very considerable increase in my present survey staff. An additional evil arising from the delay is that it prevents my carrying out the judicial functions of ascertaining the ownership and allocating the lands to this or that body of Natives—operations which in most instances cannot be effected till the surveys are so far advanced as to admit

of computation of areas and subdivisions for hapus. As far as I have been able, I have felt my way towards the performance of the work north of New Plymouth. I have a survey party engaged on the external boundaries of the Ngatirahiri Block, a very large and important one; and I have made some progress towards ascertaining rights of ownership and questions of subdivision. But till the surveys are further advanced it is impossible to do anything towards allocating a large quantity of individualized compensation scrip, which will have to be done, and which, having been suspended for many years, it is very important should be done as soon as possible.

Which is with great respect submitted to your Excellency.

WILLIAM FOX,  
West Coast Commissioner.

West Coast Commission Office,  
New Plymouth, 2nd June, 1882.

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## APPENDICES.

### APPENDIX I.—LIST OF CROWN GRANTS RECOMMENDED FOR ISSUE, TO 2ND JUNE, 1882.

#### WAIWERANUI TO OEO.

No.	Name of Reserve.	Acreage (omitting roads and perches).	Date of Recommendation by Commissioner.	Received by Commis- sioner after execu- tion by Governor.
		Acres.		
1	Section 1, Block I., Oeo. ..	763	May 19, 1881	Sept. 5, 1881
2	Section 39, Block XII., Cape Survey	112	Feb. 8, 1882	May 27, 1882
3	Section 41, Block I., Opunake, Whatarau te Manu	50	June 2, 1882	
4	Section 95, Block I., Opunake, Matiu Rau- mati and Rona	77	June 2, 1882	
5	Section 71, Block I., Opunake, Eruini ..	25	June 2, 1882	
6	Section 84, Block I., Opunake, Ihaia Nga- kirikiri	32	June 2, 1882	
7	Section 72, Block I., Opunake, Kerapa Taha- rangatira	25	June 2, 1882	
8	Section 31, Block XII., Cape Survey, Wi Tako and Ihaka te Rou	36	June 2, 1882	

#### OEO TO WAINGONGORO.

No.	Name of Reserve.	Acreage	Date of Recommendation by Commissioner.	Received by Commis- sioner after execu- tion by Governor.
		Acres.		
1	Oeo Reserve (Hone Pihama) .. ...	1,834	Jan. 24, 1881	Feb. 14, 1881
2	Turahui .. ..	45	May 18, 1881	Sept. 5, 1881
3	Terewhiti and another .. .	39	Apr. 26, 1881	May 30, 1881
4	Te Rama .. ..	43	Apr. 26, 1881	May 30, 1881
5	Rama (in trust for hapu) .. ..	9	May 18, 1881	Sept. 5, 1881
6	Manaia Hukanui (in trust for hapu)	104	May 18, 1881	Sept. 5, 1881
7	Tawake .. ..	26	Apr. 26, 1881	June 2, 1881
8	Ruka Kato and another .. ...	39	Apr. 26, 1881	June 2, 1881
9	Ruka Kato ... ..	21	Apr. 26, 1881	May 30, 1881
10	Pukia .. ..	12	Apr. 26, 1881	June 2, 1881
11	Ropiha and others (in trust for hapu)	10	May 18, 1881	Sept. 5, 1881
12	Rangiwhakarewarewa .. ..	11	Mar. 25, 1881	May 9, 1881
13	Ngatai Himiona and another (in trust for hapu)	20	May 18, 1881	Sept. 5, 1881
14	Ngatai Himiona .. ..	11	Mar. 25, 1881	May 9, 1881
15	" .. ..	14	Mar. 25, 1881	May 9, 1881
16	Manaia Hukanui .. ..	352	Mar. 24, 1881	Apr. 14, 1881
17	Sections 129, 113, 111, 112, 25, 33, 34, 27, 35, 36, 28, 37, 29, 38, 39, 40, 41, 42, 43, 44, Block VII. (Manaia Hukanui)	1,148	Mar. 24, 1881	May 9, 1881
18	Karewa .. ..	7	Apr. 26, 1881	May 30, 1881
19	Patukopa .. ..	67	Apr. 26, 1881	May 30, 1881
20	Manaia and others (in trust for hapu)	33	May 18, 1881	Sept. 5, 1881
21	Titokowaru and another (in trust for hapu)	8	May 18, 1881	Sept. 5, 1881
22	Heke and others (in trust for hapus)	20	May 18, 1881	May 13, 1882
23	Oeo, Section 2, Block III., Tamati Kaweora	70	June 2, 1882	
24	Oeo, Section 1, Block III., C. Wallace	100	June 2, 1882	

## WAINGONGOBO TO PATEA.

No.	Name of Reserve.	Acreage (omitting roads and perches).	Date of Recommendation by Commissioner.	Received by Com- missioner after execu- tion by Governor.
		Acres.		
1	Stratford Reserve ... ..	714	Jan. 11, 1882	May 13, 1882
2	Block XIV., Ngaere ... ..	300	Sept. 22, 1881	
3	Section 38, Block X., Ngaere ... ..	100	Sept. 22, 1881	May 13, 1882
4	Ngatirakei ... ..	100	Jan. 11, 1882	
5	Tirotiromoana (part) ... ..	3,720		
	" " ... ..	3,317		
	" " ... ..	3,169	Feb. 25, 1882	
6	Sections 634 and 635, Ngaere ... ..	10		
7	Te Rauna ... ..	101	Jan. 11, 1882	May 18, 1882
8	Kanihi ... ..	492	Mar. 9, 1882	
9	Okahu ... ..	285	Jan. 11, 1882	
10	Whareroa (part) ... ..	4,293		
	" " ... ..	4,162	Mar. 9, 1882	
	" " ... ..	2,036		
11	Waokena ... ..	434	Mar. 25, 1881	May 9, 1881
12	Mokoia ... ..	4,800	Apr. 10, 1882	
13	Takiruahine ... ..	63	Jan. 11, 1882	May 18, 1882
14	Kokotari ... ..	250	Jan. 11, 1882	May 18, 1882
15	Tangahoe ... ..	76	Jan. 11, 1882	May 18, 1882
16	Taumaha ... ..	2,800	Apr. 10, 1882	
17	Tamahere ... ..	127	Jan. 11, 1882	May 18, 1882
18	Section 516, Patea ... ..	30	Sept. 22, 1881	
19	Section 515, Patea ... ..	9	Oct. 20, 1881	May 13, 1882
20	Otoia Reserve ... ..	1,200	Apr. 10, 1882	

## PATEA TO WAITOTARA.

		Acres.		
1	Otautu Reserve ... ..	2,170	Feb. 25, 1882	
2	"Major Heaphy" Reserve ... ..	70		
3	Hukatere ... ..	18	Feb. 25, 1882	
4	Blocks III. and IV., Carlyle ... ..	1,062	Feb. 25, 1882	
5	Pukorokoro or Little Taranaki ... ..	501	Feb. 25, 1882	
6	" " ... ..	505	Feb. 25, 1882	
7	" " ... ..	301	Feb. 25, 1882	
8	Section 46, Carlyle ... ..	53		
9	Waioture ... ..	14	Oct. 20, 1881	
10	Paraunui ... ..	6	Oct. 20, 1881	Mar. 27, 1882
11	Potakataka ... ..	10	Oct. 20, 1881	Mar. 27, 1882
12	Part Section 98, Block V., Wairoa ... ..	150	Mar. 10, 1882	
13	Putahi Reserve (part) ... ..	217	Jan. 11, 1882	May 18, 1882
14	" " " ... ..	260	Jan. 11, 1882	
15	Haututu ... ..	59	Jan. 11, 1882	
16	Oika (part) ... ..	122	Jan. 11, 1882	
17	" " ... ..	256	Jan. 11, 1882	
18	Te Oho ... ..	532	Jan. 11, 1882	
19	Waipipi ... ..	50	Oct. 20, 1881	Mar. 27, 1882
20	Te Hapua ... ..	52	Oct. 20, 1881	Mar. 27, 1882
21	Section 145, Block VI., Wairoa ... ..	209	Jan. 11, 1882	
22	Te Popoti ... ..	51	Sept. 22, 1881	Mar. 27, 1882
23	Ngamotu ... ..	65	Sept. 22, 1881	Mar. 27, 1882
24	Herenaue ... ..	37	Oct. 20, 1881	Mar. 27, 1882
25	Oture ... ..	63	Oct. 20, 1881	Mar. 27, 1882
26	Te Oreore ... ..	29	Sept. 22, 1881	Mar. 27, 1882
27	Section 418, Block XI., Wairoa ... ..	405	Sept. 22, 1881	Mar. 27, 1882
28	Section 419, Block XI., Wairoa ... ..	505	Jan. 11, 1882	
29	Pukawharariki ... ..	406	Sept. 22, 1881	Mar. 27, 1882
30	Tokakaikura ... ..	305	Sept. 22, 1881	Mar. 27, 1882
31	Okoia ... ..	52	Sept. 22, 1881	Mar. 27, 1881
32	Ihupuku (part) ... ..	297	Jan. 11, 1882	
33	" " ... ..	410	Jan. 11, 1882	
34	" " ... ..	171	Jan. 11, 1882	
35	" " ... ..	67	Jan. 11, 1882	
36	Okahu ... ..	62	Jan. 11, 1882	
37	Hauriri ... ..	5	Jan. 11, 1882	

## APPENDIX II.—SURVEYS.

## No. 1.

The Hon. Sir W. Fox to the Hon. the MINISTER of LANDS.

SIR,—

West Coast Commission Office, New Plymouth, 29th March, 1882.

I have the honor to forward, for your information, a copy of a report by Captain Skeet, showing the operations of the Survey Department specially attached to my Commission for the year ending 1st February last, with a tabular statement attached, showing the actual expense and the estimated proportion on different sorts of work performed.

I have, &c.,

WILLIAM FOX,  
West Coast Commissioner.

The Hon. the Minister of Lands.

## Enclosure.

Captain SKEET to the Hon. Sir W. Fox.

West Coast Royal Commission Survey Office,

New Plymouth, 15th February, 1882.

SIR,—

I have the honor to report upon the work done by the officers of the survey staff of the West Coast Royal Commission since the date of my appointment as Chief Surveyor on the 1st February, 1881.

Mr. De G. Fraser, authorized surveyor, was appointed a surveyor to the Commission on the 4th February, 1881, but for some time he acted as draughtsman and was employed compiling information, preparing rough plans of land to be operated upon, and other work pertaining to the office.

Mr. Thomas Anderson, authorized surveyor, was appointed a surveyor to the Commission on the 14th February, 1881, and at once commenced work upon the large Tirotiromoana reserve of 10,000 acres. Although some of the boundaries of this block had previously been surveyed it was found necessary to make almost a resurvey of the whole. The back boundary, through a very rough and densely wooded country, had to be defined on the ground, internal roads laid out, and afterwards tribal boundaries worked off. I may here mention that in dealing with Native reserves it is necessary to cut and mark from end to end all boundary and subdivision lines, as they have frequently to include or exclude certain particular spots previously known on the ground to the Natives only.

On the appointment of Mr. Tregear as draughtsman, March 3rd, 1881, Mr. Fraser took the field, and after finishing some work on the plains, was employed for a considerable time on the internal work of the Tirotiromoana Block, then on the Whareroa reserve of 10,000 acres, upon which, meanwhile, Mr. Thomas, chainman in charge of a party of Natives, was engaged traversing the Tongahoe and running out road-lines.

On the completion of Mr. Anderson's work on and near Tirotiromoana he was moved to the Mokoia reserve of 4,800 acres; here he died, and his party was placed in charge of Mr. A. Rawson, authorized surveyor. Mr. Rawson finished Mokoia, then surveyed Oika, Okahu, Hauriri, and 500 acres for Te Whiu at Waitotara; after which he was instructed to survey the Waiwherenui River, one of the boundaries of the Stony River Block, previous to commencing the internal survey upon which he is still engaged.

Mr. Fraser, after leaving Whareroa, surveyed the Kanibi, Whitikau, Otoia, Otautu, and Little Taranaki, including traverse of portion of the Patea River, with the internal roads and necessary subdivision-lines for tribal or hapu boundaries. These reserves amounted in the aggregate to over 6,000 acres.

Mr. Thomas, on finishing at Whareroa, commenced the blocks north of Oeo, traversing the coast-line and the rivers Ouri, Taungatara, and Waiaua, upon the latter of which he is still engaged.

The work of the Commission Surveyors has in many instances been of a very tedious character, as when it was necessary to observe old boundaries considerable difficulty was found in fitting in previous surveys made, in some cases, many years since; a good deal of the work has also been in very rough country, and spread over a district extending from Waitotara to Stony River, a district along the coast of close on 100 miles.

The work has been of such a mixed character that I have found it impossible to value it according to an acreage scale, as, though the surveys bear upon the settlement of about 75,000 acres, in some instances the blocks are still unfinished; and in other cases, where the adjoining work has been recently done, and therefore of a reliable character, it was not thought necessary to resurvey the whole. I have therefore attached a schedule showing the work in miles done by each party and its cost, assuming, in the first instance, £4, £8, and £12 per mile, as fair prices, respectively, for open traverse, fern, and flax or scrub. The relative cost of bush work varies according to locality and other circumstances peculiar to the work.

In the office, plans have been made of all reserves granted on the plains, also of all awards between the Waitotara and Waingongoro Rivers, making an aggregate of sixty-four, in separate grants.

All the field work and calculations have been properly examined and checked, and in every instance either duplicate maps or correct tracings of all work have been made, for record in this office.

I have, &c.,

H. LUFKIN SKEET,

Chief Surveyor, West Coast Royal Commission.

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

SCHEDULE of WORK done by WEST COAST ROYAL COMMISSION SURVEY PARTIES to 1st  
February, 1882.

	Total Mileage.		Cost per Mile.			Total Cost.		Remarks.
	Ml.	ch.	£	s.	d.	£	s.	
Mr. Fraser—								
Bush ...	38	36	14	13	5	560	7	4
Flax or scrub ...	3	0	12	0	0	36	0	0
Fern ...	14	30	8	0	0	115	0	0
Open traverse ...	6	1	4	0	0	24	1	0
	61	67				£735	8	4
Mr. Anderson—								
Bush ...	16	63	20	19	0	351	15	2
Open traverse ...	6	8	4	0	0	24	8	0
	22	71				£376	3	2
Mr. Rawson—								
Bush ...	19	57	16	19	9	334	18	7
Fern ...	4	54	8	0	0	37	8	0
Open traverse ...	11	1	4	0	0	44	1	0
	35	32				£416	7	7
Mr. Thomas—								
Bush ...	31	10	12	12	6	392	18	6
Flax or scrub ...	13	56	12	0	0	164	8	0
Fern ...	6	16	8	0	0	49	12	0
Open traverse ...	...		4	0	0	...		
	51	2				£606	18	6
Total ...	171	12				2,134	17	7
						769	11	8
						£2,904	9	3

No. 2.

Hon. Sir W. Fox to the Hon. the MINISTER OF LANDS.

West Coast Commission Office,

New Plymouth, 17th April, 1882.

SIR,—

I had the honor to address you on the 29th ult. with a report received by me from Captain Skeet, Chief Surveyor to the Commission, showing what the operations of his department had been since the commencement of the work on 1st February, 1881. The amount of work executed under Captain Skeet's direction was very considerable, and will, I believe, compare favourably with any other survey operations in the colony, and has enabled me to recommend the issue of grants in almost every case where they will be required south of the Waingongoro River. Practically that large portion of the district is done with, so far as my work is concerned.

As regards the remaining portion of the confiscated block—that which lies between the Waingongoro River and the White Cliffs—I am sorry to report that a difficulty exists in regard to the surveys, which threatens to impede the progress of my work to a very great extent, and to retard its completion for a period much longer than I have ever contemplated, or than is desirable in the interests of the colony and for the progress of settlement.

In the work done during the past year between Waitotara and Waingongoro, though there were many circumstances which rendered it more difficult than if it had been executed in an entirely untouched district, yet it had this advantage—that the surrounding surveys were, as a rule, either complete or connected with trigonometrical work, and in accordance with the system adopted of late years by the Survey Department of the colony. Much of the detailed work on the plans in the offices of the provincial districts was available to form the basis of Captain Skeet's operations, and often for the minutiae of his work.

As regards the district north of Waingongoro, I find an entirely different state of things. Although numerous surveys have been executed in several parts of the district, land sold, Crown-granted, and occupied, in actual or supposed conformity with them, yet I am now informed that their accuracy is, in almost every case, so doubtful, or they are so certainly inaccurate, that they cannot be relied upon, and will not be certified to by the Chief Surveyor of the provincial district if used by Captain Skeet as boundaries of sections with which they come in contact, or in any other way. Only here and there is there any trigonometrical work which might enable these surveys to be tested. But a greater deficiency still is found in the fact that, of the natural features of the country, the sea coast, rivers, and other features which must form the outside boundaries and sometimes the subdivisions of a very large number of the reserves which will be made or subdivided by me, scarcely more than a few chains have ever been traversed. They have been represented on the maps by mere imaginary lines, in many cases now ascertained to bear little or no resemblance to the realities of the case.

Two or three specific instances will illustrate these general observations, and may be taken as typical of the condition of every part of the district on which my work has to be completed. The Stony River Block, for instance, estimated to contain 18,000 acres, was practically returned to the Natives, after the war of 1865, free from confiscation; but no part of it was ever surveyed. The Natives, entitled to it have for some time past been exceedingly anxious to have it subdivided among their hapus and Crown-granted, in order that they may lease it to Europeans and otherwise utilize it. I contemplate dividing it among six or seven hapus, with a Crown grant to each. Before I can take even the initiatory steps, I must know what the area is. The block is bounded by the sea coast on the west side, and by rivers on its north and south sides, somewhat converging inland as they approach Mount Egmont. Looking at the existing maps of the Provincial District of Taranaki, on which these three boundaries are laid down after a fashion, I naturally expected that all that I should have to do would be the work of internal subdivision among the hapus. Now, I find that I not only have to do the latter, but all the former also. When it is remembered that traversing a very tortuous river through a broken bush country is good work for a survey party, even in fine weather, at the rate of a mile a week, it is evident that the two river boundaries in this case will require at least twenty-five weeks, independently of the sea boundary. This is an illustration of how the matter stands in a district quite in a state of nature, and not connected with any local surveys. The cases of the Opunake Block of 44,000 acres (less a small deduction of 1,400), and some others, are precisely analogous.

The Patua Ranges Reserve at the base of Mount Egmont, about 8,000 acres, is an instance of one which is surrounded on three sides by sections allotted, and many of them Crown-granted, to military settlers, and on the remaining side by a straight line. These boundaries are laid down with the greatest apparent precision and exactitude on the provincial maps. But I am informed that no part of the sectional survey is reliable, and the straight line has never been surveyed on the ground. The block is of a very broken and difficult character; and the survey of its external boundaries, with the subdivisions, will, according to Captain Skeet's estimate, require eight months to complete.

You will find attached to Captain Skeet's report a few tracings which illustrate what I have stated, and you will appreciate by the few red dottings (which represent the extent in each case of executed work which he can utilize) how very little there is that will be available for my purposes. In general terms it may be stated that, before I can recommend all the Crown grants required in fulfilment of the promises made by the Government to the Natives, I shall have to survey and resurvey a very large part of the Provincial District of Taranaki, including many portions already sold, occupied, and Crown-granted.

However there is nothing, fortunately, impracticable in the matter. It is only a question of time and money; but it must be done if the Government intends, as no doubt it does, to fulfil the promises to the Natives ascertained by the Commissioners of 1880 to require fulfilment. You will perceive from Captain Skeet's enclosed report—which has been made with great consideration, very extensive local knowledge, and after much consultation with Mr. Humphries, the chief surveyor of the provincial district—that he estimates that with my present survey staff of four parties in the field and the necessary establishment for office work it will take upwards of two years, at least, to finish the work that is before me and that the cost, extended over that period, will be (say) £9,500. Feeling the great importance of the work being finished as soon as possible, both with regard to the settlement of the Native question and the occupation of the country by European settlers which is certain to follow, it appears to me that it would be a great mistake to delay its completion a day longer than can be helped. By doubling the number of survey parties and expending the same amount in one year instead of two it seems easy to accomplish it. I have, as I am aware, full power under the terms of my commission to employ as many surveyors as I please; but, as it might take the Government by surprise if I made so great an increase in my survey force and in the current expenditure, I am anxious to have your concurrence before I do so. I presume it would also be necessary that the amount, say £10,000, should be placed upon the Estimates during the coming session of Parliament.

An additional reason for the foregoing suggestion is that the Natives at present are in an excellent humour, and very desirous to have the work done which is to define the limits of their ownership and to enable them to make their land productive by leasing it or otherwise. As far as concerns what I may term the judicial part of my work, that is, the ascertainment of the rights of ownership of the the different hapus and individuals, I am, with the valuable assistance of Major Parris, making excellent progress; but even this is to a considerable extent impeded by the inability to fix the areas of the reserves and subdivisions till the surveys are completed.

In referring to the impediments arising from the condition of the local surveys, I think it right to state that I impute no blame whatever to Mr. Humphries, the Chief Surveyor of the district, from whom I have invariably received all the co-operation and assistance I could desire or it was possible for him to give. They are the result of a system which existed formerly, not only in this but many other parts of the colony, into which perhaps it was forced by the pressure of rapid settlement and other causes which no longer exist, though their consequences survive. It will be a good thing in this district if my work results in amending some of the defects attributable to the former system, which, under any circumstances, would some day have to be corrected.

I have, &c.,

WILLIAM FOX,  
West Coast Commissioner.

The Hon. Minister of Lands, Wellington.

Enclosure.

Captain SKEET to Hon. Sir W. Fox.

West Coast Royal Commission,  
Survey Office, 13th April, 1882.

SIR,—

In accordance with your instructions, I have the honor to report upon the surveys probably required to complete the work of the West Coast Royal Commission in the settlement of Native claims and awards in the district proclaimed in "The West Coast Settlement (North Island) Act, 1880."

1. Between Waipingao (White Cliffs) and Titoki—	Acres.
There are twelve compensation awards made in 1866–69, amounting to ...	3,458
Government awards for Ngatitama tribe ...	1,300
	4,758

The land available in this district is on the coast between Waipingao and Pukearuhe, then inland of a block surveyed for military settlers to a line drawn south-east from Titoki; but though this block forms a portion of the boundary a resurvey of that boundary must also be made, it being only an old compass survey. The coast would require traversing, and the back and side lines cut, and also subdivision lines for the individual awards. The nature of the country is rough and uneven, covered with forest, and I estimate it would take a surveyor about nine months to complete the work.

2. Titoki to Urenui: Here a large area is wanted, viz. :—	Acres.
Thirty-five compensation awards ...	6,450
Required for Chatham Islanders, estimated ...	10,000
Proportion of awards to Ngatimutunga, say ...	1,500
Promised to Heni Paraone and another ...	500
	18,450

The land available for these awards lies behind the military settlers' land, south-west of a line drawn inland from Titoki, then from the coast inland between the Mimi and Urenui Rivers; but as this coast-line, and a portion of each of the rivers has been properly traversed, work be somewhat facilitated. Still, with the exception of about 2,000 acres, the land is very hilly, and covered with bush, and at the present time comparatively inaccessible. Also, some difficulty will arise in laying out anything like satisfactory lines of roads. This work will probably employ two surveyors for at least twelve months.

3. Urenui to Rau-o-te Huia :—	Acres.
Required for fifty-two compensation awards ...	3,450
Proportion of awards to Ngatimutunga ...	1,500
And a block of land between Onaero and Rau-o-te-Huia, the actual disposition of which is not yet decided upon ...	2,800
	7,750

The land to be operated upon, with the exception of the 2,800 acres, lies behind the block surveyed for the Native Contingent, and forms part of the Onaero-Urenui-Taramouku Block acquired from the Natives; it is all forest land, and in some places very rough. A portion of one of the boundaries has been properly surveyed, and it is possible that the traverse of the Onaero may be made available by means of trial and tie lines.

As the subdivisions required are most of them small, and the land some considerable distance from a main road, the survey will most likely employ a surveyor for twelve months.

4. Ngatirahiri Block, of 15,000 acres. This block is surrounded, except on the coast, by lands previously compass-surveyed, some for military settlers and others for acquirement from Natives; but these surveys were hurriedly made, and cannot be relied upon for present purposes, and a complete resurvey of the whole must be made. The work abutting on the military settlements will, however, be somewhat simplified owing to the extension of triangulation in the district near the coast. The survey, without subdivision (which the Natives, however, are anxious to have done), would engage a surveyor about twelve months.

5. The Rimutauteka Block, of 17,000 acres. This block lies very far inland, and is probably in a worse condition for survey purposes than the previous one, the boundaries being very irregular. A portion of the survey of the Ngatirahiri will, however, form a part boundary, and also the line on the western side can be used; still, from its remoteness and consequent inaccessibility, the survey will be somewhat expensive, probably taking a surveyor ten months.

6. Between Oakura and Stony River there are about 8,700 acres awarded to Ropata Ngarongomate, Porikapa, Komene, and others. This is a very rough block, including the Patua Ranges, and from the irregular shape of its north and west boundaries will give considerable trouble. These boundaries are formed by military settlements, but the survey is of such a nature that it can neither be relied upon nor used. This, with its subdivision for three awards, will take about eight months.

There are also reserves amounting to 1,500 acres in the Ngatimaru country not yet surveyed. There is also a probable award to Wiremu Kingi Te Rangitake's people, and a compensation award to the Ngatirahiri for land of theirs taken and occupied by military settlers at Tikorangi, and several reserves between Bell Block and Waitara, yet to be Crown-granted, which may require resurveying or adjustment—most likely enough work to employ a surveyor for nine months.

The completion of the survey of the Stony River Block, with its subdivision, will take about four months. The boundaries and subdivision survey of that portion of the Opunake Block restored to Wi Kingi Matakatea and Arama Karaka, of the Ngatihaumite hapu, and lying between the rivers Taungatara and Waiaua, will take a surveyor about six months; whilst the survey of the larger portion of the same block, lying between the Waiaua and Moutoti, will engage another surveyor at least six months also.

Summing up the work to be done, I find it would most likely employ my present staff of four surveyors about two years and one month, and the probable cost of the whole Survey Department for that period would be about £9,500.

My calculations with regard to quantity of land required have been based upon the report of the West Coast Royal Commission. Mr Humphries, Chief Surveyor of Taranaki, has kindly given me every information relative to the state of previous surveys; and knowledge of the physical features of the country has been derived from personal observation.

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

I have, &c.,  
H. LUFKIN SKEET,  
Chief Surveyor, West Coast Royal  
Commission.

## No. 3.

The SURVEYOR-GENERAL to the Hon. the MINISTER OF LANDS.

(Telegram.)

Hon. W. Rolleston, Wellington.

Dunedin, 25th April, 1882.

IN reply to your telegram of 24th instant, about West Coast Surveys, I have read Sir W. Fox's report of 17th April, and Captain Skeet's memorandum. I see no difficulty in the way of Survey Department carrying on the survey and subdivision of Native reserves from general descriptions of the awards by the Commissioner. Taking Captain Skeet's statement of the work to be done, his estimate of time and cost is, I think, rather under than over the probable cost—that is to say, if all the subdivisions are to be marked on the ground by lines cut through the bush. I would suggest that no subdivision-lines be cut in the bush, except where necessary for the actual occupation of Natives resident on the ground; and, in the case of the exterior boundaries of blocks, only so much as may be necessary to define the limits of old surveys, or fix the position of natural boundaries. This would give sufficient data from which to issue Crown grants. If these suggestions are approved, the work might be allotted between the Commission and staff surveyors, the latter being temporarily increased by, say, two surveyors, and the whole operations completed within twelve months.

Regarding the settlement of the Native blocks by Europeans, no mere cutting up of a rugged bush-country by survey-lines will effect that. The opening of the country by road-clearings is a prime essential. It therefore follows that, as the hapu subdivisions will be arbitrary lines, no more surveying need be done at first than is necessary to show the subdivisions on a plan correct as to exterior boundaries. The subsequent European occupation-surveys would follow from time to time as required, on the basis of the Crown-grant surveys. If time and expense were no object, it would be better no doubt to delay the hapu subdivisions until the selection and clearing of road-lines were done, and so have the opportunity of endeavouring to arrange hapu subdivisions to be coterminous with the sections to be subsequently offered for settlement. But this, of course, would not meet the exigencies of the case, as stated by Sir W. Fox.

JAMES MCKERROW,  
Surveyor-General.

## No. 4.

THE WEST COAST COMMISSIONER to the Hon. the MINISTER OF LANDS.

SIR,—

New Plymouth, West Coast Commission Office, 9th June, 1882.

I have the honor to refer you to my letter of the 17th April last on the subject of the surveys remaining to be executed in this district, and also to the telegram by the Surveyor-General on the subject, dated Dunedin, 25th April, and to the discussion on the same between yourself, the Hon. the Native Minister, and myself, a few days after that, in your office at Wellington. Since that I have had much consultation on the subject with Captain Skeet, Chief Surveyor to my Commission, and Mr. Humphries, Chief District Surveyor of Taranaki, and have shown them my letter to you above referred to, and Mr. McKerrow's telegram. Both those gentlemen are of opinion that the suggestions made by the Surveyor-General would fail to accomplish the object which the very existence of my Commission implies, namely, the final and complete fulfilment of the promises and engagements of the Government towards the Natives. Grants issued, which were in any way incomplete, and which would require amplification or correction of the plans put upon them, would not in practice achieve the object of putting the Natives, either by hapus or individually, in possession of lands, with such definite and ascertained boundaries on the ground, as to enable them to hold them against others, or to utilize them by lease or otherwise. Whatever was now omitted would have to be supplied hereafter, and in the meantime almost as much uncertainty would exist with regard to specific ownership, and definition of the mutual rights of the Crown and the Natives as exists now.

For my own part, I am quite prepared to acquiesce in any proposal which combines the elements of finality and certainty; but short of these, the work would be practically useless, and its end almost as far postponed as ever.

I am afraid that, under all the circumstances, there is no other course than that already recommended by me, the increase of the survey staff of the Commission to such an extent as will enable the work to be done in one year, or a little more, which otherwise will only be accomplished in two, three, or more. The cost, as before explained, will be no greater if the work be executed in the shorter period than in the longer, but rather the contrary, as the salary of the Chief Surveyor and other indoor operators would be saved.

I enclose some notes by Captain Skeet on Mr. McKerrow's telegram, from a professional point of view, and a few by myself of a more general character. I pretend to no professional knowledge on the subject.

If the Government concurs in the course suggested, I would propose that no increase be made till after the winter, as but little progress would be made during the bad weather; but as soon as the spring approaches, I would make the necessary arrangements.

I have, &amp;c.,

WILLIAM FOX,  
West Coast Commissioner.

The Hon. the Minister of Crown Lands.

## Enclosure 1 in No. 4.

MEMORANDUM by Captain SKEET on Mr. MCKERROW'S Telegram.

A BLOCK represents a large extent of country to be dealt with, and careful survey must be made of this block for the purpose of ascertaining correct area, because the whole area is afterwards subdivided into hapu awards *pro rata*.

Crown grants are issued for hapu awards, and unless the survey is exact, complete, and mathematically correct, the Chief Surveyor of district declines to certify and therefore no Crown grants can issue.

Hapu boundaries are not arbitrary lines, but require to be definitely fixed on the ground, or things are left as they were before, and natives may still repeat the complaint of not knowing where their land actually is—the cry always being “Show us our land.” The fact of not having the reserves actually defined on the ground caused a considerable amount of trouble on the Plains. Relative to compensation awards, these scrip awards, having no localization, have existed now some seventeen years, and it seems only fair that, except in cases where the Royal Commissioner can see his way to combine, these should be actually marked out; and as Crown grants must issue for each award, I do not see how a plan to meet the requirements of the Crown Lands Commissioner can be made without careful survey. Individualization of hapu awards or grants of course need not be done, except possibly in special cases, by the Commission, provided the hapu grant is issued; this subdivision would as a rule come within the province of the Commissioner appointed to deal with the reserves when granted.

Where practicable, care might be taken to run hapu boundaries in such a way that such boundaries might be utilized as road lines; but in any case, as ample allowances are being made in the grants for future roads, the question of best roads can be decided whenever future individualization surveys are made.

In allocating compensation awards, the best lines of road can be run after the exterior block is surveyed, and when these are plotted, the compensation awards can be schemed out; this would entail very little extra survey work, and much future trouble would be saved.

If the work be not done correctly now, future surveys would have to be made *de novo*, at fresh expense, and in many instances the corrections would be so great that the first grants would have to be called in and fresh ones issued.

The work being now under way, it can never be done cheaper, and if it is to be done at all, the first expense will be the least. The greater the number of surveyors employed, if the work be judiciously allocated, the sooner, and therefore cheaper, it will be done.

#### Enclosure 2 in No. 4.

##### NOTES ON THE SURVEYOR-GENERAL'S TELEGRAM OF 25th APRIL, 1882, BY THE WEST COAST COMMISSIONER.

1. In most of the cases the Commissioner can make no awards till the surveys are executed. No doubt in many cases it would be possible to describe by words in a Crown grant an *undivided* block before survey, such as “Bounded by the sea on the West, and on the North and South by the Rivers So-and-so,” but even in these cases no plan could be placed in the grant such as would satisfy the requirements of the Survey Department. There would be no measurements nor angles, and the courses of the rivers would be purely imaginary, so that at some future time, when the actual survey had been effected, a new plan would have to be put on the grant to supersede the first. But if this were possible in undivided blocks, defined by natural boundaries, it would not meet the case of subdivided blocks, of which most of the Commission awards consist. Neither are the hapu boundaries “arbitrary lines,” but generally enclose areas proportioned to the area of the undivided block and the number of claimants in each hapu, and other inherent circumstances of each case.

2. Nothing would be gained by dividing the work between the Commission Surveyors and the Government staff. In a few cases, such as the subdivision of the Waimate continuous reserve, and the sectionizing of the Titahi Block, in which part of the work was for Government purposes and part for Commission, it has been found convenient; but nothing whatever would be gained by it in the generality of cases dealt with by the Commission; and the proposal of an addition of only two would be quite inadequate, whether made to the Government or Commission force.

3. The occupation of the country by Europeans is not the primary object of the work of the Commission, but the fulfilling of the promises and engagements of the Government towards the Natives. The occupation by Europeans will follow in due course on the issuing of grants to the hapus. Hapu subdivisions are absolutely essential.

4. As regards compensation scrip awards made by the Court in sections varying from 400 to 2 acres, the area of each section must necessarily be defined before it can be selected or any grant prepared. In some of this class of cases I may be able to induce the natives to “lump” their sections, but even in that case boundaries must be defined on the ground. As truly observed by Capt. Skeet, the cry of the Natives is, “Show us our land.”

WILLIAM FOX.

#### No. 5.

##### The Hon. the MINISTER OF LANDS TO THE WEST COAST COMMISSIONER.

Wellington, 21st June, 1882.

PRESSURE of business has prevented my replying fully to your letter of 9th instant on surveys. This however is not of so much moment, as nothing should be done until after winter as you state.

Meanwhile plans should be matured so as to complete work in shorter time. My feeling is very strong that the increase of staff should be made by this Department and should consist of our own officers, and I have instructed Surveyor-General to make provision for such increase accordingly. You will see how necessary it is, when your judicial work is over, that the Survey Department should have the complete detail in its possession; and it is very essential to avoid duplication of work. Provision will be made on Estimates so as to effect these objects at once.

W. ROLLESTON.

## No. 6.

The Hon. Sir W. Fox to the Hon. the NATIVE MINISTER.

SIR,—

West Coast Commission Office, New Plymouth, 8th March, 1882.

I have the honor to inform you that, immediately after you left New Plymouth, I arranged with Major Parris and Mr. Humphries, Chief Surveyor, that they should proceed to the continuous reserve, Waimate Plains, in order to define on the ground, and after consultation with the Natives, the localities of the deduction of 5,000 acres decided by the Government to be made from that reserve. Those gentlemen met all, or nearly all, the representative chiefs of the several hapus, and spent several days in examining the locality. I have now the honor to forward a plan of the reserve on which there are marked (and coloured brown) the approximate portions which it has been proposed by them to deduct. Care has been taken in deciding the locations to make them fit in as far as possible with existing road-lines and intended subdivision-boundaries among the various hapus. The question of these subdivisions was also gone into with the Natives interested, and the material collected for the preparation of the grants to the hapus, which I shall get prepared with all possible expedition consistent with the necessary execution of the surveys. I have only to add that the suggestions made by Messrs. Parris and Humphries are in accordance with my own intentions, and I believe quite satisfactory to the Natives themselves, whose temper and co-operation in the matter appear to have been all that could be desired.

I have, &amp;c.,

WILLIAM FOX,  
West Coast Commissioner.

The Hon. the Native Minister.

## APPENDIX III.—REPORTS ON SPECIAL CASES.

No. 1.

## TIROTIROMOANA RESERVE.

Hon. Sir W. Fox to Hon. NATIVE MINISTER.

West Coast Commission Office,  
New Plymouth, 25th February, 1882.

SIR,—I have the honor to enclose a Report upon the Tirotiromoana Reserve, for which I have recommended three separate grants, and to request that you will lay the same before His Excellency the Governor for his information.

I have, &amp;c.,

WILLIAM FOX,

West Coast Commissioner.

The Hon. John Bryce, M.H.R., Native Minister.

ENCLOSURE.

*Report of the Commissioner appointed under "The West Coast Settlement (North Island) Act, 1880," on the Tirotiromoana Reserve.*

This Reserve of 10,000 acres, which lies on the Mountain Road between Normanby and Stratford, is intended to embrace promises made by Civil Commissioner, Major Brown, to the natives who constitute the nominated grantees. Evidence relating to it will be found among that taken by the Commission of 1880, at Q. 120–143 and again 1131–1165. Its origin appears to have been the necessity of fulfilling several somewhat indefinite promises made on behalf of the Government, and finding a location for certain sections of the tribes who could not be conveniently inserted into the other reserves previously defined. It was in fact a sort of Omnibus Reserve for the relics of other operations elsewhere, and to put a final stop to any more indefinite claims. The Commissioner found that it had already been surveyed; but by a surveyor who had disregarded his instructions and included in it 6,000 acres more than it ought to have contained. The evidence in favor of the smaller quantity was strong, and the Commissioner has accepted it and reduced the area of the reserve by the necessary amount. This was rather a difficult operation, as it appeared that certain local points had been stipulated for by the natives in their negotiations with Major Brown and it had to be done in a way to meet the wishes of the various hapus which were to be located upon it. For the latter purpose the Commissioner has divided it into three parts, for each of which he has recommended a separate grant to a separate hapu. It has been distinctly understood that these three grants satisfy all the promises mentioned in the evidence referred to and all other claims of every sort, if such there be, pertaining to the natives to whom the grants are made, South of the Waingongoro River, particularly a claim by Wiremu Omahuru and his relatives based on some alleged promises made by Sir Donald McLean.

West Coast Commission Office,  
New Plymouth, 25th February, 1882.

WILLIAM FOX,

West Coast Commissioner.

No. 2.

## STRATFORD RESERVE.

Hon. Sir W. Fox to Hon. NATIVE MINISTER.

West Coast Commission Office,  
New Plymouth, 25th March, 1882.

SIR,—I have the honor to enclose a Report upon the grants for 300 acres on the Mountain Road north of the Tirotiromoana Reserve, and for section 13, Block II., Ngaere, for the issue of which I forwarded recommendations on 22nd September, 1881, and 11th January, 1882, respectively.

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

I have, &amp;c.,

WILLIAM FOX,

West Coast Commissioner.

The Hon. the Native Minister, &amp;c., &amp;c., &amp;c.

ENCLOSURE.

*Report of the West Coast Commissioner on Grants for Section 13, Block II., Ngaere, and 300 acres on the Mountain Road north of Tirotiromoana Reserve, recommended to be issued by His Excellency the Governor.*

Recommendations have already been sent in to His Excellency the Governor for grants of a block of 700 acres, near Stratford, in favor of Heke Pakeke, and 34 others; and also a grant of 300 acres lower down the Mountain Road in favor of the same natives. The grants represent the adjustment of the case referred to in the Third Report of the West Coast Commission, G. 2, 1880, page lv., and in the evidence given by Major Brown, Q. 146, Pepe Heke, 93 and 144, and other witnesses examined by the Commission. The compulsory exchange of a reserve of 700 acres was undoubtedly a very high handed transaction on the part of the Civil Commissioner, Major Brown (though acting under general instructions from a Minister), and one very injurious to the interests of the natives. As already reported by the West Coast Commission, it was only submitted to by the natives "under duress," and against their wishes and remonstrances. The difference in value between the two blocks was very great. The value of the portion of the town, included in the original reserve, has been

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estimated by the Chief Surveyor of Taranaki as £7792, and the Government has actually received already for the sale of a small portion of the town sections, included in the original reserve, £1842 7s. 6d., while the value of the entire substituted reserve, which is heavy bush land, removed from the main road of the country, was certainly not more than £2 an acre, or £1400. The natives had, however, previously to the subject being brought before the West Coast Commissioners, leased the substituted block for a term of twenty-one years, and received, as commuted rent in advance for the first seven years, the sum of £500, which somewhat complicated the transaction. But for the difficulty arising out of this circumstance the present West Coast Commissioner would have considered it only just that the title of the natives to the portion of the site of Stratford included in the original reserve, not yet sold, should have been maintained; and that they should have received the proceeds of the purchase money paid for the sections sold by the Government—the Government taking over the substituted reserve with the responsibilities of the lease. Under all the circumstances it was thought best to compromise the matter; and a long negotiation, ably conducted by Major Parris, ended in the natives agreeing to retain the substituted section and to have 300 acres more. The natives concerned appear perfectly satisfied with the conclusion arrived at, which, it must be acknowledged, is one extremely favorable to the Government.

West Coast Commission Office,  
New Plymouth, 25th March, 1882.

WILLIAM FOX,  
West Coast Commissioner.

No. 3.

RESERVES FOR TAURUA AND THE PAKAKOHI TRIBE.

Hon. Sir W. FOX to Hon. NATIVE MINISTER.

West Coast Commission Office,  
New Plymouth, 25th February, 1882.

SIR,—I have the honor to enclose a report upon the reserves proposed for Taurua and the Pakakohi Tribe, and to request that you will lay the same before His Excellency the Governor for his information.

I have, &c.,

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

WILLIAM FOX,  
West Coast Commissioner.

ENCLOSURE.

*Report of the Commissioner appointed under "The West Coast Settlement (North Island) Act, 1880," on the Reserves for Taurua and the Pakakohi Tribe.*

The adjustment of the reserves for the Pakakohi or Ngatihine Tribe has involved a great deal of consideration and labor, particularly as regards those in the neighbourhood of Patea allotted to Taurua, Komene, and their hapus. The latter part of the subject was very fully enquired into by the Commissioners of 1880, who took extensive evidence upon it [G.-2., 1880: Evidence, Q. 524-536], and made especial mention of it in their Third Report [page lv.] as a case meriting special consideration. It had also, as stated at that time by Sir Dillon Bell, formed the subject of discussion between himself and the late Sir Donald McLean, Native Minister, when they both concurred in the opinion that more liberal treatment should be extended to Taurua. It appears also that Mr. Sheehan, when Native Minister, had expressed an intention that additional land "should be given specially to Taurua in consideration of services rendered by him." The Commissioners of 1880 distinctly told Taurua that "They would recommend that some additional portion of the land between Patea and Whenuakura should be given to him." It has become the duty of the present Commissioner to recommend to His Excellency, the manner in which the intention above recorded should be carried out, and also how the reserves, on which the tribe had been somewhat promiscuously put in 1873, but the boundaries of which had never been definitely fixed or surveyed, should be apportioned among the several chiefs and hapus interested. Many days at various periods during the past year, have been spent by the Commissioner in personal discussions with the whole of the natives concerned, in their pas on various parts of the ground, and at Hawera and Patea, and he trusts that the course which he now recommends will be found consistent with justice and liberality without profusion.

A few words may be said of the antecedents of Taurua and his people in reference to the wars which led to the confiscation of their land. The Pakakohi tribe before the war of 1865 resided on and owned a very large territory, extending from the Tangahoe to the Whenuakura River, and far into the interior, up the winding course of the Patea towards Mount Egmont. Most of this country is of excellent quality, though somewhat broken, and to a great extent covered with forest. There is no doubt that the tribe took a more or less active part in the war of 1863-65. But that their conduct had not been of a very irreconcilable character, seems evident from the fact that at the end of that war they were reinstated on their territory, on terms little less favorable than those extended to the tribes on the Stoney River and Opunake blocks, which had not been in rebellion. Ample reserves were allotted at that time to those between the Patea River and the Tangahoe; while between the Patea and the Whenuakura only the insignificant quantity of one and a half miles from the sea inwards of the block, and much of that pure sandhill, was taken by the Government, and all the rest practically returned to the tribe. When Titokowaru renewed the fighting in 1868, Taurua did his best to restrain his people from joining the war party, but was not entirely successful in doing so. He remained himself with his family at Hukatere (where he still resides), and frequently visited Mr. Booth, the local Commissioner, at Patea, whither he made arrangements to remove till the fighting might be over. Mr. Booth at this time took him to Wellington, where he offered to stay, if the Government wished it, but the Government was convinced of his fidelity, and he returned with Mr.

Booth to Patea. Here he would have taken up his abode, and came into the town for the purpose, but was deterred by finding that Mr. Booth was temporarily absent, and by a story which he had been told that he was going to be taken prisoner, and that if any murders were committed by his people he would be shot. Before he could again communicate personally with Mr. Booth, our disasters at Ngutu-o-te-Manu and Turuturumokai occurred. Titokowaru swept the coast of our defensive forces, destroyed the homesteads on fifty miles of country, and swept all before him almost into the town of Wanganui. On his way down, he reached Taurua's pa (Hukatere) by night, took him prisoner, and forcibly carried him off with the war party, with which he had no choice but to remain—though it is stated on good authority that he never took any part whatever in the hostilities which followed. When Titokowaru, after several weeks occupation at Tauranga-ika, near Wanganui, retreated, and fell back on the Ngatimaru country on the Upper Waitara River, Taurua and the Pakakohi remained in their own district, and were pursued up the Patea River by Major Noake with a mixed force of European and native Volunteers, accompanied by Mr. Booth. Seeing him, Taurua sent for him with a flag of truce, and the same day induced the whole of his tribe and a number of Ngaruru who were with him to surrender and give up their arms. They were, to the number of upwards of 200, including Taurua, taken to Wellington, tried by the Supreme Court, and sentenced to two years' imprisonment with hard labour, which they underwent at Dunedin. When this term had expired, they were brought back to their own country by the Government, and then placed on reserves, the boundaries, subdivisions, and ownership of which have, however, never till now been correctly ascertained. The conduct of the tribe has, since their restoration, been good, and Taurua has personally rendered many services to and exhibited the most friendly feelings to the Government and Europeans generally.

The Commissioner found the hapus West of the Patea River sufficiently provided for, though the boundaries and subdivisions of their reserves were not properly defined; and their readjustment gave a good deal of work for the surveyors of the Commission. Still less had been done to define and allot the reserves between the Patea and Whenuakura, and there remained the question already referred to of extension in favor of Taurua.

These facts will sufficiently explain the grounds on which the Commissioner has recommended an additional grant of 1,062 acres to be made in favor of Taurua and his heirs personally. It has not, however, been done without receiving a concession of considerable value in return. Numerous eelweirs have been erected and maintained, probably for centuries, by the natives, across the Patea River, rendering it unnavigable except by the very smallest canoes and (as is said to have been estimated by Sir John Code) diminishing the scour of the current to an extent which may affect the water on the bar by a depth of one or two feet and otherwise injuring the channel of the river. Taurua and others of the tribe asserted most positively that at the time of their being restored to their country Sir D. McLean expressly promised that they should retain the use of their eelweirs—a statement which the Commissioner has no reason to doubt. The Commissioner, while adjusting these cases, received a requisition on the subject from a large number of settlers residing at Patea and the neighbourhood, some of whom own land up the river, which is seriously affected by the obstruction of the weirs. In his negotiations with Taurua he therefore made it a condition of the proposed extension that the whole of these weirs should be removed. The great value which natives invariably attach to their eel fisheries and the important character of those in question rendered it a difficult task to persuade Taurua to come to terms, and it was not till after several months delay and the exercise of much tact by Major Parris, that he was at last induced to do so, yielding, however, finally with a good grace. There is no doubt that from a pecuniary aspect—to say nothing of the feelings of attachment which natives always display towards this species of property—the sacrifice, on his part, was a very considerable one, as the removal of the weirs was a considerable advantage to the Government.

The Commissioner found that the Hukatere Pa, which has for a period long before the war and continuously since been occupied by Taurua, personally, and is the principal home of him and his people, had (it is presumed by some oversight) not been included in the reserve of 2,000 acres allotted to him by Sir D. McLean; but, on the contrary, had been surveyed as a separate section of eighteen acres, including the pa and adjacent native cultivations, and is understood to have been regarded, or at least intended, by the Survey Department to be a Ferry Reserve. The Commissioner can find no trace, however, of its ever having been legally set apart for any such purpose; it has never been so appropriated in fact and is never likely to be required. A road to the river of a chain wide has been reserved across it by the Commissioner; and as there is a corresponding Government reserve on the other side of the river there is every convenience for the establishment of a ferry, should one ever be required. The pa is a very good one, containing several unusually good buildings; and it would be a great wrong to take it from Taurua. The Commissioner begs, therefore, respectfully, to recommend that it be granted to him and his people, and has forwarded a separate grant for the purpose.

There is also another piece of land which, in the Commissioner's opinion, ought to be included in Taurua's reserve. It is a section of 70 acres, numbered 94 on the plan of the district. It is one of a class commonly known as "Major Heaphy's Reserves," because set apart by that officer, when Commissioner of Native Reserves, with six others, amounting altogether to 500 acres, by instructions from Sir Donald McLean, Native Minister, apparently for no definite purpose. [G.—2., 1880: Evidence, Q. 1171; Appendix B., page 30.] These reserves, immediately after they were made, were leased to Europeans by direction of the same Minister; and among them the one under notice has passed into the hands of Messrs. Arundell and Ross (who are also tenants of the Otautu Reserve, by a lease from Taurua). They have by a deed dated 14th February, 1881, assigned the lease of section 94 to Taurua. From its position, in contact with the Otautu Reserve on the one side, and Hukatere Pa on the other side, it is of course of great value to Taurua. He is extremely anxious to have it included in his reserves, and the Commissioner has promised him to recommend that it should be done if possible. There seems no real difficulty in doing it. The Commissioner is satisfied that

the land was never technically made a reserve ; but is at this moment confiscated land, and, as such, Crown land open to be dealt with under the provisions of "The West Coast Settlement (North Island) Act, 1880," and "The West Coast Settlement Reserves Act, 1881." From replies in writing to enquiries made by him from the late Major Heaphy, V.C. ; Captain Wray, Commissioner of Crown Lands, Patea ; Mr. A. Mackay, Commissioner of Native Reserves ; and Mr. Under-Secretary Lewis, it seems perfectly certain that no legal validity was ever given to Sir D. McLean's intentions, but that the supposed status of the reserves rests on a mere instruction given by him to Major Heaphy, the transaction never having been authorized by the Governor, in or out of Council, nor even so much as gazetted. Respect for the action of Sir D. McLean, as Native Minister, might suggest that his intention should not be interfered with now. But it is certain that no intention was ever declared beyond apparently a desire to augment the administrative funds of the Native Reserve Department, of which the natives themselves receive no direct benefit whatever. The whole of the rents, it appears from Major Heaphy's statement, are paid into the Native Reserves General Purposes Account, and expended in payment of the salaries of the Commissioner and his clerk ; maintenance of native hostelry ; and such objects, under direction of the Native Minister. If, under the above circumstances, it should be considered that His Excellency has not power to change the destination of the reserve (which, however, it seems to the Commissioner he has), it could undoubtedly be done by a clause of any Special Powers and Contracts Act of the General Assembly. The Commissioner, therefore, respectfully recommends that it should be done by one method or the other, and the land granted to Taurua and his hapu. The section has not been included by him in the other grants now recommended, and does not necessitate their postponement ; but a plan is forwarded herewith,

The Commissioner found a reserve of 1000 acres, adjoining that of Taurua, had been promised by Sir D. McLean for Komene and his hapu, of which they were practically in possession. On going into the question it was found necessary to award one-half of this to another hapu, of which Ngapaki was the principal chief ; and this was arranged with the unreserved approval of both the chiefs and all the people, and separate grants have been recommended accordingly. But Komene, whose share was thus reduced to very much less than he had expected, pressed for an extension ; and, as he liberally proposed that, if made, it should be in favor of a section of the tribe possessing a rather peculiar claim which it is believed will meet with general recognition by the Colony, the Commissioner has recommended a special grant in favor of Miriama Hinekorangi and a small subsection of the tribe of which she is the representative. The special circumstances are these :—Charles Broughton, a settler at Wanganui, was employed during the war of 1865–66 as an interpreter to the Government and the Imperial Forces—a service in which he exhibited great zeal, repeatedly risking his life, and finally losing it in a very lamentable manner when on public duty. Two instances in particular would seem to be sufficient justification of liberality in a case with which he had a direct relationship, as will be presently explained. The first of these instances was his courageous conduct when he rescued the head of Captain Lloyd, an officer of the 57th Regiment, who, it will be remembered, was killed and decapitated by an ambuscade of rebels at Tataraimaka, near New Plymouth, in 1864, and his head carried round the country by Te Ua and the Hauhaus for purposes of witchcraft in the course of the orgies, incantations, and spiritual exercises, by which they excited the fanatical ardour of the rebels, and made fresh adherents to their cause. The particulars of Mr. Broughton's successful action in the recovery of Captain Lloyd's head are given at length in the Appendix to the Journals of the House of Representatives, 1864 : E.-8, pp. 1, 2. The other instance was the occasion of the sacrifice of his life when, as bearer of a Proclamation, issued by the Governor, inviting the rebels to peace, he allowed himself, by the treacherous persuasion of a native, in whom he was justified in reposing confidence, to enter the fortified pa, when he was deliberately and cruelly murdered in cold blood. Mr. Broughton had been associated with the native Pakakohi woman above mentioned, and at his death left two sons by her, one of whom, Hori Porotene (George Broughton), as he is known among the tribe, is a young man of considerable intelligence and influence among them ; and it is at the earnest request, and with the full concurrence of the tribe, that the Commissioner makes the recommendation that 301 acres adjoining Komene's reserve, and practically a part of it, should be granted to Miriama and her children and relatives.

The other reserves for this tribe at Mokoia, Taumaha, and Otoia, west of the Patea River, have been surveyed and subdivided, and the recommendations and material for their preparation will be forwarded in a few days. There is nothing special to report upon in connection with any of them. Those now recommended are as follow :—

<i>At Otaitu—</i>						A.	R.	P.
To Taurua and his people ...	...	...	...	...	...	2170	0	0
<i>Beyond Otaitu—</i>								
To Taurua and his heirs ...	...	...	...	...	...	1062	0	0
<i>Hukatere Pa and Cultivations—</i>								
To Taurua and his people...	...	...	...	...	...	18	2	0
<i>At Little Taranaki—</i>								
Komene and his people ...	...	...	...	...	...	501	0	0
Ngapaki and his people ...	...	...	...	...	...	505	0	0
Miriama Hinekorangi and her people	...	...	...	...	...	301	0	0

WILLIAM FOX,  
West Coast Commissioner.

West Coast Commission Office,  
New Plymouth, 25th February, 1882.

No. 4.

## CLAIM OF TAPA TE WAERO.

Hon. Sir W. Fox to Hon. NATIVE MINISTER.

West Coast Commission Office,  
New Plymouth, 10th May, 1882.

SIR,—I have the honor to enclose a Report on the claim of Tapa te Waero to sections 395, 397, and 399, Okotuku, and section 76, Block II., Wairoa, and to request that you will lay the same before His Excellency the Governor for his information.

I have, &amp;c.,

WILLIAM FOX,

West Coast Commissioner.

The Hon. the Native Minister, &amp;c.

## ENCLOSURE.

*Report of the Commissioner appointed under "The West Coast Settlement (North Island) Act, 1880," on the Claim of Tapa te Waero to Sections 395, 397, and 399, Okotuku, and Section 76, Block II., Wairoa.*

1. This is one of a class of cases, (too numerous among the records of the Native Office,) which might long ago, by the exercise of ordinary firmness and common sense, have been satisfactorily disposed of, but which has been allowed to stand over from year to year till it has become complicated and extremely difficult to be dealt with. It was in the hands of the Native Department in the earlier stages of its development for some years before 1876, at which date, on a petition presented to the House of Representatives, it was investigated by the Native Affairs Committee. That Committee did not give a final decision upon it, though with the evidence before it, it might have done so; but it recommended that an enquiry should be made into a particular allegation, and that certain action should follow in a prescribed direction according as that allegation should be established, or the contrary. The Native Department, however, entirely neglected to carry out the recommendation. No such enquiry, as suggested, was made. But after a lapse of several months, during which the papers appear to have reposed in an official pigeon-hole, the case was allowed to take a fresh departure on lines quite irrespective of that which had been indicated by the Committee; and the result has been a very unsatisfactory complication, of which it is not easy to suggest a solution.

2. The present position of the case is as follows—(also see Note A.) :—Tapa te Waero, a chief of the Ngarauru Tribe, claims to have issued to him, personally, Crown grants of four sections of land—395, 397, 399, and 76, Okotuku, on the north of the Waitotara River—under a permissive power vested in the Governor by "The Special Powers and Contracts Act, 1878." No special reason for the grant is stated in the Act. It was recommended by the Under-Secretary, Mr. Henry Clarke, as appears from an official minute—(N. & D., 78/3473),—as being "in accordance with the recommendation of the Native Affairs Committee," which it was not. The Attorney-General, Mr. Stout, having noted and demurred to this, Mr. Clarke suggested, and the Native Minister, Mr. Sheehan, accepted the suggestion that it should be stated to be "to give effect to a promise made by the late Sir Donald McLean"; but there appears to be no sufficient evidence of any such promise, and this ground seems also to have been abandoned. Finally the Act was passed, and the power to issue the grant given without any reason at all. Before, however, any grant was issued, its preparation was stopped (November, 1880) by the Native Minister, Mr. Bryce, who expressed the opinion that "No such grant should have been thought of; that the promise of it was obtained under false pretences, and that the conditions on which it was to have been issued had been disregarded by Tapa." (Minute on L. 80/2405.) This opinion of the Native Minister was the more weighty, because he had been Chairman of the Native Affairs Committee in 1876, when it investigated the claim, and directed that further enquiry should take place before it should be admitted.

3. After a very careful examination of the official papers, including the whole of the evidence taken before the Native Affairs Committee, and with the addition of considerable light thrown upon it by the investigation of another case with which it is interlaced (Mr. H. Churton's), I have arrived at the following conclusions :—

1. That the fundamental ground on which Tapa rested his claim—that after the wars he and his people had been left by the Government absolutely without land to live on—is entirely without foundation. (See Notes A. & B.)

2. That the only promises made by Sir Donald McLean was that made at Wanganui in January, 1873 (See Note C.), which was not in favor of Tapa individually, but of "himself and his people," and which was duly fulfilled by the allocation to him and them of land sufficient for their maintenance.

3. That if Tapa and his people had occupied the land allotted to them as reserves it was enough for their wants; but, instead of doing so, he and they let it and other lands to Europeans for a long term of years, and have ever since lived on land belonging to other people, in some instances occupying it defiantly, and in others probably by permission of the original owners. (See latter part of my report on Mr. Churton's claim to sections 386 and 387.)

4. That such occupation by them has been a source of great complication, and put the Colony to a considerable loss. I allude more particularly to Churton's and Riddel's cases. (See my report as above.)

5. That at the present time they are occupying sections to which they have no right, to the exclusion of the lawful European owner (See Note D.), although it was made a condition of a certain agreement with Major Brown, Civil Commissioner, that Tapa and his people should quit all such lands so illegally occupied; on which ground Major Brown has himself protested against the issue of the grant. (See his letter appended—Sub-Enclosure 1.)

My recommendation is, therefore, that the grants be not issued, because the sole basis on which Tapa's claim rests is false and fraudulent, and he deliberately misrepresented his case to the Native

Affairs Committee, and to the Civil Commissioner, Major Brown, by whom the recommendation for the grants was in the first instance made. I also respectfully recommend that, if necessary, the Legislature be asked to repeal the Act; though, as it is only permissive, this perhaps will not be requisite. It cannot, under any circumstances, be acted upon without amendment, as it contains two errors: one in the numeration of the sections; and the other in the designation of the district in which they are.

But though I am satisfied that this recommendation is consistent with the justice of the case, there is a practical difficulty which will require further action than the mere negation of Tapa's claim. By their own act, in letting and selling the various reserves made for them, and the land allocated to them under Sir Donald McLean's promise and by the Compensation Court, they appear to have actually left themselves without any definite piece of land which "Tapa and his people" at present can use as their own. There are other reserves and sections partly occupied by other sections of the tribe, but these may probably be jealous of any intrusion upon lands they cultivate or use. There is, however, a piece of some 1500 acres on the northern bank of the Waitotara River which is just outside the southern boundary of the confiscated land, and would legitimately have been included in the Moumahaki Block by Major Brown when he extinguished the native title in it. (*See Note E.*) But for reasons given in his evidence before the Commission of 1880 (G.-2, 1880: Q. 1105-1107), he left it as a reserve for the tribe, without, however, apparently making any specific allocation of it to any particular section of the tribe. It is little more than a mile from the land at present illegally occupied by "Tapa and his people," and from which it seems that the Government will be obliged to remove them, or leave it to Mr. Churton, the owner of the land to do, when his grants, which I have already recommended, shall have been issued. They would have as much right to be on the land indicated as any other members of the tribe, and they might be located on so much of it as would be equivalent to the section allocated to them by Sir Donald McLean, on the understanding that they resume the latter when the lease granted by them now current shall have expired.

In order to make the history of this case more intelligible than it may appear in the above short summary of its essential features, I have added a few notes containing facts illustrative of the points on which I have above rested my recommendation. Reference is made in the margin at the places to which they have application.

New Plymouth, 10th May, 1882.

WILLIAM FOX,  
West Coast Commissioner.

NOTES REFERRED TO IN FOREGOING REPORT.

A.—*Short Account of the Ngarauru Tribe and their Lands.*

Before the West Coast War of 1865, the Ngarauru sub-Tribe occupied the country between the Whenuakura River on the north, and the Kai Iwi on the south, a distance of between twenty and thirty miles: bounded by the sea-coast on the west, and thence inland indefinitely. They were intermingled by marriage more or less with their neighbours, the Pakakohi on the north, and the Whanganui on the south.

The first interference with their territory was the purchase in 1864 by the Government of a block of 20,000 acres immediately south of the Waitotara River. Of this upwards of 6,000 acres of the best of the land was reserved for the tribe in several separate blocks. These and the remainder of their lands south of the Waitotara were exempted from the confiscation of 1865; while, at that time, some further reserves of about 2,000 acres were made for them out of the confiscated land north of the river. But in addition to this, not less than about 17,000 acres were awarded to the loyal members of the tribe, individually or in families, by the Compensation Court.

Notwithstanding the participation of the tribe (probably the whole of it), in the war of 1868-9, none of these lands were taken from them; and it certainly was very ample provision for a tribe which, by the late census (1881), numbers only 358 persons of all ages. This, however, is subject to the following remark; that almost immediately after the receipt of the compensation land (17,000 acres), they sold nearly the whole of it, and leased the remainder, to Europeans at prices which, though generally fair at the time, are much below the present value of the land. They also leased a large part of the reserves, leaving to themselves, however, a sufficiency for their actual wants according to the habits of Maori life; and no complaint has been heard, except from Tapa te Waero, of any of them being left destitute or without local habitation. (*See further on the lands owned by this tribe: Memo. by Major Booth, 1 May, 1882, Sub-Enclosure 4.*)

B.—*How "Tapa and his People" were provided with land.*

Tapa's "people" appear to be very few in number—probably not over twenty-five in all. In 1873, Sir Donald McLean made some reserves for special portions of the Ngarauru tribe, amounting to about 2500 acres (Sub-Enclosure 2), of which 320 were expressly awarded to "Tapa and his people," which were immediately allocated by Captain Blake, the Government Agent, after full discussion with the natives interested, and apparently to their satisfaction. This was in addition to any tribal interest in the other reserves to which they might be entitled, and any land awarded to them by the Compensation Court. Tapa, immediately after receiving the land for "himself and people" (section 394, Okotuku), leased it to an European named James Hughes, who (or his assigns) occupies it to this day.

When Tapa had thus put himself and his people out of occupation of their legitimate homes, they seem to have located themselves upon two compensation allotments of 400 acres each, belonging respectively to Rahera Tiwaia and Heroria Hinehara (sections 386 and 387, Okotuku); and when these sections were sold and leased by their proper owners to certain Europeans, Tapa and his people refused to quit them, and obstructed possession of them by the latter. Out of this resulted the "Riddell" complication, the adjustment of which cost the Government several years' trouble and a large pecuniary loss; and connected with which still continues a further difficulty caused by the occupation of those natives, or some of them, adversely to the rights of Mr. Henry Churton, who is

the undoubtedly rightful owner of the sections by title derived from the natives to whom they were awarded by the Compensation Court. The Commissioner reported very fully to the Native Minister on the cases referred to on the 14th June, 1881, and called his attention to the injury being done to Mr. Churton, who has not yet, as the Commissioner is informed, either obtained his grants or the possession of the land.

Besides the above encroachments made by Tapa and his people, they had, in February, 1876 (or earlier), taken possession, without authority or permission, of two sections of land belonging to military settlers in the Okotuku District, erected whares, commenced felling the bush, and refused to quit when ordered to do so by the Resident Magistrate, Major Turner. Proceedings were taken against them in the Supreme Court; but when then they came on for trial at Wanganui, the indictments were withdrawn on Tapa undertaking not to give any more trouble to the settlers whose land he had taken. It was in the ensuing session that he petitioned Parliament.

*C.—On the Promises said to have been made by Sir Donald McLean to Tapa.*

The pretence that Sir D. McLean in 1873 promised Tapa personally 1500 acres is not borne out by the evidence taken before the committee in 1876. The only witness who makes a definite assertion on the subject was Wi Parata, who alleges that he, as a Minister of the Crown (which he was at that time), made such a promise. But there is no evidence to show that he had any authority independent of Sir Donald McLean, the Native Minister, with whom he was travelling at the time, and who had heard Tapa, in a general meeting of natives, held on the subject of their reserves. Wi Parata's attempt to assume plenipotentiary powers in the case is set aside by the very intelligent evidence of Wi Tako, who was present when Sir D. McLean settled the matter *ex cathedra*. And Tapa himself states distinctly that he subsequently interviewed Sir D. McLean on the subject, who told him plainly that the reserves directed by him to be made were not for Tapa personally, "but for him and the tribe," and in accordance with that statement Captain Blake was appointed to allocate, and did allocate, their shares to the several hapus—among them "Tapa and his people"—as stated in Note A. After which Tapa recognized the transaction by joining in a lease of this and other land to James Hughes: (Sub-Enclosure 2.) It is quite clear that if he was left without land to live on it was by his own act in letting that which had been allocated "for him and his people," and that Sir D. McLean never promised him any other.

*D.—The arrangement with Major Brown.*

After the report of the Native Affairs Committee, the matter seems to have stood over for a few months, when it was revived by Tapa with the professional assistance of Dr. Buller. In June, 1877, they were in communication with Major Brown, the Commissioner for purchase of native lands on the West Coast. Instead of that officer being instructed to carry out the recommendation of the committee, and to investigate the truth of Tapa's statements, he was simply "given full power to deal with the case," and to negotiate with Dr. Buller and Tapa for its settlement. At that time he was engaged in the attempt to extinguish the native title on the Waimate Plains, and Tapa, being a relative of Titokowaru, the idea occurred to Major Brown to utilize the supposed influence of Tapa in inducing him to come to terms for the sale of the Plains. To use his own expression, he proposed to make Tapa's claim "a stepping stone" towards conciliating Titokowaru in another transaction with which neither Tapa nor his claim had the slightest connection. This, however, could only be done by assuming Tapa's claim to be valid, instead of enquiring into it as directed by the committee.

Consequently a meeting took place between Major Brown, Dr. Buller, and Tapa, when the latter boldly asserted "That the Committee had pronounced in favour of his claim," and demanded that it should be at once carried out. Major Brown writes, that "Any attempt to controvert this assertion" (which he evidently knew was untrue), "would only embitter Tapa and his people, and protract the settlement of this and other questions." "I, therefore," he continues, "accepted his facts." He then describes how he failed to succeed in his attempt to draw Tapa into a general negotiation beyond the limits of the settlement of his own claim; but adds that, "eventually 1,500 acres were found within the limits of former surveys in which he had tribal rights. . . . Yesterday Dr. Buller, and Major Kemp (who was acting as a friend of Tapa's), offered to accept sections 395, 397, and 399, comprising 1,200 acres, and 300 acres inland of Waverley, Okotuku District, on behalf of Tapa and his people, in satisfaction of their claim. Tapa and his people were not willing to accept it, but as the undertaking of their solicitor and Major Kemp will virtually settle it, I have the honor to recommend that the arrangement be approved . . . ."

The remarkable feature of this "arrangement" was, that it was a purely gratuitous gift to Tapa. He had not established his title to a single acre of land, and no enquiry into the validity of his claim had been made as directed by the Parliamentary Committee. The statements made by Tapa in every stage of the transaction, both as to his being without land, and as to the decision of the Committee being in his favor, were entirely untrue; and the advantage proposed by Major Brown to be gained by "accepting his facts," proved altogether visionary and baseless. He gave no assistance towards the purchase of the Waimate Plains; he intrigued against Major Brown in his attempts to extinguish the native title at Moumahaki; he continued, as he had always been, a staunch supporter of Te Whiti, a denier of the Queen's rights of confiscation; and he was among the stranger natives who had to be removed from Parihaka in November last. Major Brown only a few days after the arrangement (24th June, 1877), found it prudent to recommend its suspension; and in May, 1879, he recommended "That no Crown grants should be issued to Tapa and his people till they should surrender the land allotted to them by Captain Blake, which they had leased to a settler, and the 800 acres at Papatapu" (that is, Mr. Churton's land above referred to), which suggestion was approved by Mr. Sheehan, and subsequently by Mr. Bryce.

A word must be added with respect to the sections which, by Major Brown's arrangement, were to be allotted to Tapa—395, 397, 399, and 76, Okotuku. As regards the first three, they have already been the subject of another complicated transaction. They were included in what was formerly known as the Turner Lease, and were the property of certain natives to whom they had been awarded

by the Compensation Court, and who while in possession granted the lease referred to. The validity of the lease was doubtful on grounds not necessary to specify; but the Government, having subsequently purchased the reversionary interest of the natives, granted in 1881 a new lease from the Crown to the representatives of Major Turner (the original lessee) for the remainder of their term, which has still about eleven years to run. When this new lease was under negotiation, Mr. W. M. Lewis, the Assistant Law Officer, pointed out that the Governor had no power to grant it (L. 80/2740). I agree with him, but think that he might grant it under the powers of the West Coast Settlement Acts, if recommended by me. All that the Special Powers and Contracts Act, therefore, could operate upon is the reversion after the expiry of that term; and if the grants were issued now, they would be subject to the lessees' interest, and Tapa and his people have no more land for their present use than they had before, so far as these three sections are concerned.

E.—On the Southern Boundary of the Confiscated Block.

I have had much difficulty in ascertaining what is the true boundary of the confiscated block on the south. (Sub-Enclosure 3.) According to the Schedules of the West Coast Settlement (North Island) Act, 1880, and the West Coast Settlement Reserves Act, 1881, which define that block, the south boundary for the whole length is the Waitotara River, which would include within the block the 1500 acres referred to, and bring it within the jurisdiction of the West Coast Commissioner, and would have justified Major Brown in dealing with it as confiscated land. But, according to the definition in Mr. W. S. Atkinson's *Gazette* notice of 25th January, 1867, the boundary was partly the Waitotara River from the sea to a certain point, and thence by a straight line on a north-east angle of 22½°. But according to the standard map in the Wellington office, and Mr. Marchant's interpretation of it, this line of 22½° breaks off into a line of 23° 50'. In either of the latter cases the 1500 acres, or the greater part of them, are not within the confiscated block, nor within the jurisdiction of the West Coast Commissioner; but, as part of the Moumahaki Block, Major Brown might have a right to deal with them in the course of his extinguishment of native title in that block, and his action in making them a native reserve might be good.

SUB-ENCLOSURE 1.

Major BROWN to the NATIVE UNDER-SECRETARY.

New Plymouth, 15th May, 1879.

SIR,—In reference to the 1,500 acres that have been allocated for Tapa te Waero and his people in fulfilment of a promise from the late Sir D. McLean, confirmed by the affidavit of Wi Parata, and on the evidence of Tapa te Waero himself, before the Native Petitions Committee, that he and his people had absolutely no land to cultivate or make use of, I have the honor to recommend that no Crown grants be issued for these lands until Tapa and his people surrender the land that was allotted to them by Captain Blake (about 350 acres), which they leased to a settler, and the land at Papatapu (about 800 acres), that Tapa and his people took possession of, dispossessing James Riddel, who was occupying two sections there of 400 acres each.

I have, &c.,

CHAS. BROWN,  
Civil Commissioner.

The Under Native Secretary, Wellington.

SUB-ENCLOSURE 2.

MEMORANDUM by Captain WRAY; 18th September, 1876.

MEMORANDUM for Hon. SIR D. McLEAN.

TAPA TE WAERO'S CASE.

The petitioner, Tapa te Waero, with his hapu lately squatted on some land in the Okotuku District, which had been granted by the Crown for Military Services to John Norman, Ensign Taranaki Military Settlers, and sold by him to John Dickie, who now owns it.

Tapa was arrested on a criminal information, and tried in the Supreme Court, Wanganui; but by an arrangement entered into between counsel, with the permission of the Judge, proceedings were withdrawn on Tapa's promising not to take the law into his own hands again, and to leave Mr. Dickie's property.

He now comes to the Legislature for redress of his imaginary wrongs, alleging that certain promises made, that reserves would be set apart for his tribe, have not been fulfilled. He also states that he has no land whatever to live upon, and that Wi Parata promised that the whole of the confiscated lands unoccupied in 1873, should be returned to the tribes.

In my evidence before the Committee, I have described the arrangement entered into by Sir D. McLean in January, 1873, with the Ngarauru Tribe. 2,000 acres was agreed upon as the amount to be set apart, besides 500 acres to Pehimana and his people, making in all 2,500 acres. Captain Blake was instructed to arrange the allocation of these reserves; and, accordingly in May, 1873, met the natives interested, by appointment, at Patea. No arrangement was then agreed to, the natives being much divided; but at a meeting held a few days later at Waitotara, Captain Blake succeeded in coming to an arrangement as follows:—

	Acres.	
Aperahama and hapu ... ..	700	} one block. in {
Te Whiu and hapu ... ..	500	
Rererangi and hapu ... ..	340	
Tapa and hapu ... ..	330	
Hare Tipene and hapu ... ..	400	} Lower Waitotara
Pehimana and hapu ... ..	500	
Tokakaikura hapu ... ..	200	
Pukawharariki hapu ... ..	400	
Total ... ..	3370 acres.	

In Tapa's evidence before the committee he denies having received any land whatever; and, in order to prove the contrary, I took a certified extract from a lease registered in the District Land Registrar's Office, by which I have established the fact that in December, 1873, Tapa took a part with other hapus in leasing to one James Hughes the 1170 acres Upper Waitotara, set apart in accordance with the arrangement made by Captain Blake with the tribe as above mentioned.

Tapa stated also that he had no land elsewhere, whereas he has, with his tribe, an interest in the native reserves made previous to 1868, amounting to about 1200 acres. Besides this he has an interest, in conjunction with his tribe, in the land south of Waitotara, the confiscation of which was abandoned by the Crown; also in land north of Waitotara beyond the boundary of confiscation. There are many places on this land, more especially on the banks of the Waitotara, containing old native settlements more than sufficient for the support of the tribe. With regard to the alleged promises of Wi Parata, if ever made at all, they must have been entirely without the concurrence of the Government, the Hon. Sir D. McLean having always most positively refused to give way on this point; and it was quite understood by the natives in January, 1873, that the settlement then made was in full satisfaction of all demands. Tapa now asks the committee to give him 3000 acres of land; and when asked whether if he received that amount, he would consider all his claims satisfied, replied that when he obtained the 3000 acres he would then consider whether he would make any further demands.

The real fact is, that Tapa has always strenuously denied the right or power of the Government to confiscate the land, and giving way to him in this instance would inevitably lead to his making fresh demands; and further, would cause the other natives to become dissatisfied and make further claims on the Government.

As things now stand, the tribe, having been called upon to pay Dr. Buller a large fee for defending Tapa in the Supreme Court, have condemned Tapa's breach of the law, and resolved that in future no such interference by a member of the tribe should be tolerated, but that they should in all questions that may arise be guided by the law.

18th September, 1876.

C. A. WRAY.

SUB-ENCLOSURE 3.

*Correspondence relative to the Southern Boundary of the Confiscated Block.*

1.

(Telegram.)

New Plymouth, 16th March, 1882.

J. G. HOLDSWORTH, Commissioner of Crown Lands, Wellington.—What do you consider to be the western boundary of the Waitotara Block, as mentioned in *Gazette* notice abandoning confiscation, in *Gazette*, 1867, page 112. You will find this notice in Appendix C. to West Coast Commission Report, page 5. I presume the words "Waitotara Block" have a signification in conformity with your standard plans. The question has arisen whether the Waitotara River is the boundary of the Waitotara Block, or whether it is as represented on the map attached to West Coast Commissioners' Reports. If you will look at that map you will understand the question.—WILLIAM FOX, W.C.C.

(Telegram.)

Wellington, 17th March, 1882.

SIR W. FOX, New Plymouth.—The Chief Surveyor reports that western boundary of the abandoned portion is a line bearing N. 22½ E., and not the river.—J. G. HOLDSWORTH, C.C.L.

2.

(Telegram.)

New Plymouth, 17th March, 1882.

J. G. HOLDSWORTH, Crown Lands Commissioner, Wellington.—Your definition of the boundary does not remove the discrepancy between the *Gazette* notice, referred to in my previous wire, and the description in the Schedules to the two Acts of 1880 and 1881. Be so good as send me by post a tracing of the boundary of the abandoned land, as it appears on the standard maps, the whole way from the mouth of the Waitotara River inwards to where it joins the north-eastern boundary of the confiscated land.—WILLIAM FOX, W.C.C.

Crown Lands Office, Wellington, 18th March, 1882.

SIR,—In compliance with the request contained in your telegram yesterday, I have the honor to enclose a tracing and memorandum, furnished by the Chief Surveyor, relating to the boundaries of the Waitotara Block.

I have, &c.,

JOS. G. HOLDSWORTH,

Commissioner Crown Lands.

Sir W. Fox, New Plymouth.

ENCLOSURE.

MEMORANDUM to J. G. HOLDSWORTH, Esq.

Wellington, 18th March, 1882.

Regarding the boundary of the confiscated lands at Waitotara, I have to state, for Sir William Fox's information, that the "standard plans" of this office do not show the south-eastern limits of the confiscated territory. Upon taking charge of this Department in 1879, the boundary was adopted from my general plan of the Wanganui-Taranaki Districts. I append a tracing of that plan, which shows that the portion abandoned by notice, signed by Mr. W. S. Atkinson (vide *New Zealand Gazette* for 1867, p. 112), lies south-eastward of the Waitotara River from its mouth to the north-western angle of the Waitotara Block, and of a line thence bearing N. 22½° E. till it meets the back boundary of the confiscated lands.

G. 5.—5.

The term "Waitotara Block" must be taken to mean that area colored pink on the attached tracing, being the block purchased by the Crown from the natives antecedently.

The Hon. Sir William Fox now draws attention to the fact, that the confiscated territory defined in the Schedules to "The West Coast Settlement Act, 1880," and "The West Coast Settlement Reserves Act, 1881," is limited by the Waitotara River, between the sea and the "back boundary:" that is to say, that the portion between that river and the line bearing N. 22½ E., does not appear to be subject to the provisions of the above Acts. So far as I know it is still Crown lands.

J. W. A. MARCHANT,  
Chief Surveyor.

West Coast Commission Office,

New Plymouth, 31st March, 1882.

SIR,—I beg to acknowledge the receipt from you of Mr. Marchant's memorandum S.O. <sup>1135</sup><sub>2</sub> and accompanying tracing. The difficulties which obliged me to refer the matter to you have been to some extent explained; but so far as the discrepancy between the S.E. boundary of the confiscated land on the Government plans and that defined by the Schedules to "The West Coast Settlement (North Island) Act, 1880," and "The West Coast Settlement Reserves Act, 1881," it remains as before, and the two are not reconcilable. Mr. Marchant, however, appears to be under misapprehension, when he says that as far as he knows, the piece between the two conflicting boundaries "is still Crown lands." If the boundary given by Mr. Marchant is correct, the piece of land in question is not Crown land at all, but land over which the confiscation was abandoned, and which thereon reverted to its original condition of land held under native tenure. In ignorance of this, Major Brown appears to have treated it as part of the Moumahaki Block, which continued confiscated land, and to have appropriated it as a reserve for certain natives who, or some of whom, were already owners of it by the removal of confiscation.

Another point in Mr. Marchant's memorandum and tracings require explanation. He shows the boundary of the confiscated land to be the boundary of the Waitotara purchased block protracted to the N.E. boundary of the confiscated block, on an angle of 22½° E. This agrees with the notice of abandonment in the *Gazette*; but in a tracing received by me from him in November last (on the scale of 10 chains to the inch, initialled J. J. O'N., No. <sup>1029</sup><sub>3</sub>), the bearing of this line is shown as 22° 30' only for a part of its length, and for the remainder is given as 23° 49'. If this is meant as the boundary of the confiscated land, it is inconsistent with Mr. Marchant's memorandum and tracing. If it is not so intended, then it suggests some dealings with the land over which the confiscation had been abandoned, and where the Crown had no right to deal with it. Will you be so good as call Mr. Marchant's attention to these discrepancies, and request his explanation.

I enclose a copy of Mr. Marchant's tracing before referred to, on a reduced scale.

I have, &c.,

WILLIAM FOX,

West Coast Commissioner.

J. G. Holdsworth, Esq., Crown Lands Commissioner, Wellington.

3.

Crown Lands Office,

Wellington, 4th April, 1882.

SIR,—I have the honor to acknowledge the receipt of your letter of the 31st ult., which has been referred to Mr. Marchant for his explanation. The endorsed memorandum just received is forwarded for your information.

I have, &c.,

J. G. HOLDSWORTH,

Commissioner Crown Lands.

Sir W. Fox, West Coast Commissioner.

ENCLOSURE.

MEMORANDUM for J. G. HOLDSWORTH, Esq.

Wellington, 3rd April, 1882.

My memorandum of 18th March was written in general terms as to the discrepancies between the descriptions given in the schedule to the West Coast Acts and the *Gazette* notice of 1867.

In regard to details, I may further state that the southern limits of the confiscated lands as laid off upon the ground, or rather computed, is partly shown upon the tracing specified by Sir W. Fox, and which I forwarded to Captain Skeet on 12th November, 1881, and the bearings are 22½ from N.W. angle of the Waitotara Block to the northern boundary of section 16 B, and from thence to the back boundary 23° 50', about.

In January, 1879, his Honor Judge Heale approved of this boundary as representing the *Gazette* notice of 1867, and the certificate for that block, issued by the Native Land Court, adheres to it. My tracing of 12th November clearly shows that the portion B is comprised in the Rangitatau Block; the portion A is that which I stated in my memorandum of 18th ult. to be Crown lands.

J. W. MARCHANT,

Chief Surveyor.

MEMORANDUM in reply to Mr. MARCHANT's Memo. of 3rd April, 1882.

1. Mr. Marchant, instead of explaining why there is a discrepancy between the tracing of 12th November, 1881, and the definition in the *Gazette* notice of 25th January, 1867, merely repeats that such discrepancy exists. I knew that before, but what I wanted was some explanation how it came to be so. Mr. Marchant gives no explanation, but merely repeats the fact. This does not help me at all.

2. But he goes on to say that Judge Heale approved of this boundary (that, I presume, means the boundary made up of the two lines  $22\frac{1}{2}^{\circ}$  and  $23^{\circ} 50'$ ) as representing the *Gazette* notice, which defined a boundary of a single line of  $22\frac{1}{2}$  from end to end. I cannot believe that Judge Heale would stultify himself by approving the former of those boundaries as representing the latter. He might have accepted the former as the boundary of the Rangitatau Block; but if that is Mr. Marchant's meaning, I do not see what it contributes towards solving my difficulty of ascertaining what is the south-east boundary of the Confiscated Lands Block on the standard maps. Nothing that Judge Heale might say could alter the terms of the *Gazette* notice. My difficulty commences by my finding that there was a discrepancy between the *Gazette* notice and the plan compiled in the Survey Office for the use of the Commissioners in 1880. I therefore wished to know what the standard map of the district might show. The only result I can arrive at is that it corresponds neither with the one or the other; but shows the boundary compounded of two lines on different angles, which it is said has been approved by Judge Heale as representing a boundary line on one angle.

3. The best course, it seems to me, would be candidly to admit that the affair is a "muddle;" and taking the definition of the *Gazette* of 1867 as the legal one, to get out of the present position by rectifying any other boundaries which may have been defined either by the Acts of 1880 and 1881, or by Judge Heale, or the Survey Department. This, I fear, can only be done by legislation.

WILLIAM FOX, W.C.C.

Crown Lands Office, Wellington, 1st May, 1882.

SIR,—I have the honor to acknowledge the receipt of your letter of the 6th ult., forwarding a Memorandum from the West Coast Commissioner, Sir W. Fox, to the Chief Surveyor, Mr. Marchant, in acknowledging the receipt of which Mr. Marchant desires that the Commissioner should be informed that he had nothing to do in causing the muddle, but, notwithstanding, his earnest endeavour has been and will be to assist, to the extent of his ability, in clearing away any difficulties relating to survey boundaries within the West Coast Land District.

I have, &c.,

Jos. G. HOLDSWORTH,  
Commissioner Crown Lands.

Secretary, West Coast Commission, New Plymouth.

SUB-ENCLOSURE 4.

MEMORANDUM by Mr. JAS. BOOTH, R.M.

I have made the necessary inquiries respecting land belonging to the Ngarauru Tribe, and I find they are owners of the following blocks, viz. :—

*South of Waitotara River.*—Rangitatau, 41,000 acres. They have agreed to sell out of this block 23,000, leaving a balance in hand of 18,000 acres; Mangapapa No. 1 C., 6,000 acres; Mangapapa No. 1 Reserve, 400; making a total of 24,400 acres south of the river, besides the reserves at Kai Iwi, Okehu, Pakaraka, Nukumaru, and Kaipo.

*North of Waitotara River.*—Piraunui, 25,000 acres; Rawhitiroa, 100,000 acres estimated area, besides reserves out of confiscated land.

JAMES BOOTH, R.M.,  
and Native Agent.

Whanganui, 1st May, 1882.

No. 5.

MR. HENRY CHURTON'S CLAIMS TO SECTIONS 386 AND 387, OKOTUKU.

1.

Hon. SIR W. FOX to Hon. NATIVE MINISTER.

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

SIR,—I have the honor to enclose a report upon a claim made to me by Mr. Henry Churton, of Wanganui, to two sections in the Okotuku Block (386 and 387), and to request that you will lay it before His Excellency the Governor for his information.

I have, &c.,

WILLIAM FOX,  
West Coast Commissioner.

The Hon. the Native Minister, &c., &c., &c.

ENCLOSURE.

*Report of the West Coast Commissioner on the Claim of Mr. Henry Churton of Aramoho, Wanganui, to Sections 387 and 386, Okotuku District, near Waitotara River.*

These sections, with others in the same district, were surveyed for the purpose of satisfying awards made by the Compensation Court appointed under "The New Zealand Settlements Act, 1863."

Section 387, containing 400 acres, was allocated provisionally by Mr. G. B. Worgan, acting for the Government, in favour of Horopapera Pukeke, in satisfaction of an award of the Court (No. 428. G.—2, 1880: App. B, p. 20.) By an order in Council all such allocations were open to revision by the Court.

16th May, 1872.—Horopapera sold this section to Henry Shakespeare Taylor, who knew of the liability to revision, as appears by a receipt in writing which refers to the fact. (Worgan's receipt to Taylor, attached to Hutchison and Denniston's letter of 26th September, 1874, on file Native and Defence, 74/5246.)

26th May, 1873.—Taylor sold the section to James Riddell.

After these transactions, the Court, in March 1874, held a final sitting at Wanganui, and changed Horopapera's allocation from 387 to 380, giving the former to Raheira Tiwaia, who had cultivations and a burial-place upon it. (Certificate of Judge Smith, dated 20th March, 1874, produced to me by Mr. Churton.) Raheira, who had apparently been already in possession, was thus confirmed in it, and with her relatives proceeded to build a pa and to cultivate.

James Riddell also purchased from Taylor (at the same time as 387) a lease for twenty-one years of section 386 adjoining. This section had been duly allocated by the Court to Heroria Hineihara, from whom Taylor professed to have obtained the lease which he assigned to Riddell. But though he had registered such a document in the Deeds Registry at Wellington, it had never been executed by Heroria, and was simply non-existent as a lease.

The deed by which Taylor conveyed these sections to Riddell, contained by implication under the Conveyancing Act covenants for title and quiet possession. Riddell, from his first occupation, was disturbed by Raheira and her relatives, and found it impossible to use the property to advantage. Under the conveyance from Taylor he had a legal remedy against him. Instead of exercising it, he made a claim to compensation against the Government.

Shortly after Riddell had made his claim, Mr. Wray, the local officer in charge of confiscated lands at Patea, in an exhaustive and straightforward report (of 25th August, 1874, followed by another on 2nd September, 1874, on file) exposed the transaction, and showed very clearly that Riddell had no claim against the Government. This report was referred to the Attorney-General (Sir J. Prendergast, now Chief Justice) for his opinion, which he gives in these words:—"I think it clear that Riddell has no title, and that the Government should not deal with him." If the Government had acted on the advice of the Attorney-General, and Lands Commissioner, it would have left Mr. Riddell to seek his remedy against Mr. Henry Shakspeare Taylor, who had knowingly sold him land to which he had himself no title, and would have saved itself an infinity of trouble, and the Colony the sacrifice of a large quantity of valuable land. The pressure, however, of political friends of the Government, who evidently were ill informed on the merits of the case, was brought by Mr. Riddell to bear upon the Government. (*See Hansard*, vol. xix., pp. 599, *et seq.* Speeches of Hon. Dr. Pollen and Hon. Mr. Waterhouse.) A petition to the House of Representatives, presented by Mr. Riddell, was referred to the Public Petitions Committee, which tribunal seems to have disregarded the usual rule that, before coming to Parliament, a claimant for redress at the hands of the Government must have exhausted his ordinary legal remedies. It recommended the Government to give Mr. Riddell "consideration" in the shape of 600 acres of land of a similar quality to that he had purchased from Taylor. The Government appears to have acquiesced.

Before, however, it could be done, a special Act of Parliament was necessary. The Act, which is a miracle of skill in the art of using words to conceal meaning, recited the several leases and conveyances between the natives, Taylor, and Riddell, as if they were all in existence and showed a valid title; and it put Riddell's right to compensation on the ground that he had been disturbed by natives who had no right to be there, whereas they were really there under a good title, which over-rode that of Taylor and Riddell. There is an absence of names, dates, terms of lease, and other particulars in the recitals, very illustrative of Lord Coke's maxim "*latet dolus in generalibus.*" No competent conveyancer would have allowed such loose recitals to pass in a conveyance between private parties. It provided for the transfer of Riddell's interest in the sections to the Government, and made it appear as if the Government would thereby receive a *quid pro quo* for its liberality to Riddell; while, in point of fact, his interests were of no value, and, though assigned to the Government, the Colony has never received, and never can receive, any substantial or tangible benefit; while Mr. Riddell has got 600 acres of the best of the public lands in exchange for nothing at all. (*See Note on "The Riddell Act, 1875,"* appended.) The Act appears to have passed the House of Representatives without attracting any attention. There is not in *Hansard* one word of explanation or debate recorded; nothing except the bare facts of its introduction, second reading, and passing.

But in the Legislative Council—(*see Hansard* Vol. XIX, pp. 599 *et seq.*)—the Bill was introduced with an apologetic statement by the then Premier, the Hon. Dr. Pollen; some remarks very sympathetic for Mr. Riddell; and an acknowledgment that the Government in introducing the Bill had yielded to influential "pressure." The Bill was opposed by only one member, the Hon. Mr. Waterhouse, who had to some extent made himself acquainted with the facts, and who remonstrated against the colony being made responsible for the loss inflicted by one private person upon another, and for which the injured person had not sought the usual remedy. Mr. Waterhouse also alluded to the outside pressure which had been brought to bear upon members to induce them to view the Bill favorably. Speaking of Mr. Riddell, he said: "Unfortunately for himself, he fell into the hands of the Philistines, and had palmed off upon him a block of land which the natives originally were not entitled to sell, and for which Mr. H. Shakspeare Taylor, from whom he bought, had no valid title. The Council could not under the circumstances but yield their sympathy, but at the same time they must feel that the mistake did not arise from any fault of the Government, but solely from Mr. Riddell not taking those reasonable precautions which, had he been a better man of business, he would probably have taken, or if he had at first put himself into the hands of a respectable lawyer he would have avoided."

On a division, in a very small House, in the last hours of the session, Mr. Waterhouse's amendment was, however, rejected by a majority of 8 to 3, and the Bill went through all its remaining stages in the same sitting, and became law.

The self-inflicted troubles of the Government were not yet at an end. The transaction was not concluded by the issue of Crown grants to Mr. Riddell till August, 1880. In the interval of five years, endless negotiations between Mr. Riddell and the Government went on. More "pressure" was brought to bear in his behalf. He was allowed to select the land provisionally before performing his part of the contract under the Act. A Crown grant of part of the substituted land was given him to enable him to raise money, and he was allowed to occupy it all. But the Act provided that he should transfer the interests in the sections 387 and 386 as described in the recitals, to the Govern-

ment. The law officers of the Crown called upon him to show a good title to his interests in accordance with those recitals, which of course, under the circumstances already related, he was quite unable to do. The law officers declined to recommend the issue of grants till it was done, and the matter seemed almost as far from settlement as ever. At last, however, the assistant law officer suggested to the Honorable the Minister for Lands, Mr. Macandrew, a new course, which was not to require Mr. Riddell to show a good title to the "said pieces of land," which, by the Riddell Act, the Government was to receive in exchange for the 600 acres given to him; but to be satisfied by his transferring his "interest" in them, whatever that might amount to. The Minister for Lands accepted the suggestion, and directed the law officer to follow this course, and Mr. Riddell assigned,—not the two sections mentioned in the schedules of the Act,—but only "his interest" in them, which amounted to nothing at all, or at most to a right of action against Mr. H. Shakespeare Taylor, who, in the meantime, was reported to have "gone to Fiji." But even after this, the matter stood over for two years longer, through the "inadvertence" of the Land Commissioner; and it was only in August, 1880, that it was finally closed, as far as Mr. Riddell was concerned, by the issue of his grants. Mr. Churton's claim to the two sections in question has, however, compelled me to reopen the matter. I have carefully studied the official file relating to it, consisting of 244 pages, made up of lawyers' letters, claimants' letters, petitions, opinions, telegrams, ministerial memoranda, and other records; and have corresponded by letter and telegram with the land offices at Wellington, New Plymouth, and Patea; have examined several witnesses, personally, at Wanganui and elsewhere; and the above is the result of my inquiry so far.

While, however, the Legislature and the Government were fishing in these muddy waters, a clear stream of evidence of ownership was flowing in quite another direction, and by following it conclusions are arrived at not leading to compensation, but to the establishment of legal title to both sections, in the person of Mr. Henry Churton. The actual state of ownership will be seen from the following brief relation:—

1. As regards section 387.—Rahera Tiwaia, as above stated, having been put in possession of this section by the Compensation Court in 1874, leased it in June, 1875, to Harrison Gibson, for twenty-one 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 Mr. V. Hodge. (Consideration £700.)—29th April, 1878.—M. V. Hodge sold it in fee to Henry Churton and his heirs. (Consideration £1400.) 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.

There is, however, another fact connected with the case, to which I beg to call the attention of His Excellency. Previously to the award of the Compensation Court in favour of Rahera, or shortly after that event, and probably in either case with her acquiescence, a number of natives of the same tribe with herself, the Ngarauru, appear to have occupied section 387 and part of 386, erected houses and cultivated a considerable quantity of land within the boundaries of the former or both. These natives had large and ample reserves made for them immediately joining these sections, and divided from them by the Moumahaki River. These, however, they have leased to Europeans, and occupy no part of them themselves. They have no right or title whatever to be where they are, and Mr. Churton has a right to eject them at any time. He might of course be left to the assertion of his legal rights, but it is not desirable that he should be driven to exercise them. I beg, therefore, to recommend that the matter be referred to Mr. Booth, R.M., with the view to his endeavouring to induce the natives to give up quiet possession of the lands to Mr. Churton. He should also be authorized to inform them that, till they do so, no Crown grants will be issued to them for the reserves on the other side of the Momahaki River, on which they ought to have located themselves.

WILLIAM FOX,  
West Coast Commissioner.

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

## SUB-ENCLOSURE.

## NOTE ON "THE RIDDELL GRANT ACT, 1875."

1. The Act recites (*inter alia*) that Horopapera became "entitled to receive a Crown grant of the land described in the Second Schedule, and afterwards to a piece of land adjoining thereto in lieu thereof." Having thus shown that Horopapera had ceased to be entitled to a Crown grant of the land in the Second Schedule, and had got another piece instead of it, the Act goes on, by section 2, to enable Riddell to assign the land Horopapera had parted with, and not the land which he had taken in lieu of it. The Government, however, appears to have read the Act as if it assigned Horopapera's interest in the substituted section 380, which it certainly did not. It resumed possession of the substituted section, and forthwith cut it up and sold it to other persons, Horopapera never having been any party to the transaction at all, and having never parted with any right he may have had to section 380, to either the Government or anybody else.

2. The recital of the lease from Heroria to Taylor states that she "executed" it. At the date of the Act, the lease or pretended lease, was recorded on the Wellington Deeds Registry, and if referred to it would have been seen that Heroria had not executed it, but it was executed by Hata Rio and Horopapera whom the attesting witness (Woon) stated to have been "Heroria's" heirs or successors. But they never were her heirs and successors. Hata Rio and Reupena Tauria were appointed her successors by order of the Native Land Court in 1877; and they, for valuable consideration, conveyed the fee-simple of the section to R. T. Blake, without any reference being made to any lease by Heroria or anybody else. The recital of the lease in the Act does not state for what term, or at what rent it was granted; and no date is given of the alleged conveyance by Horopapera of the other section (Rahera's) to Taylor.

3. The recital of the occupation of the lands and the disturbance of Riddell by "aboriginal natives" is not candidly stated. These natives are said, shortly after Riddell's taking possession, to have "laid claim" to the lands "which had been confiscated from them, and to have continued to occupy the same, destroying his sheep, &c." The fact was, that section 387 was so taken possession of by Rahera who was the lawful owner under an award of the Compensation Court. But the object of the recital was to make it appear that Riddell was not ousted by invalidity of his title from Taylor and the superior right of Rahera, but by illegal violence of the Maoris, for which the Government might inferentially be held responsible to make compensation.

4. The Act then recites that it is expedient that, on Riddell assigning his "interest" in the said two pieces of land to Her Majesty, the Governor should be authorized to make him a grant of 600 acres in exchange for the "said pieces of land." The said two pieces of land were referred to as those in the schedule, namely, 386 and 387, and do not include Horopapera's substituted section 380, which, as before stated, the Government wrongly assumed to have passed to itself by the operation of the Act. When the Law Officers of the Crown called on Mr. Riddell to show a good title to the "said pieces of land" before they would advise his grants for the substituted land to be issued, Hon. Mr. Macandrew, the Minister of Lands, instructed the Assistant Law Officer, Mr. Stafford, not to insist upon a good title, but to take a transfer of Riddell's "interest"—be the title good, bad, or indifferent. The Law Officer obeyed the "instruction" of the Minister, and took a transfer accordingly of Riddell's "interest," without any title being shown to the "said pieces of land."

It is certain that no competent conveyancer, acting for a private client, would have advised him to take such a transfer of an "interest," without a title being shown.

The recitals set forth a conveyance in fee of 387 and a lease of 386. Riddell's supposed "interests" were obviously an estate in fee in one, and a leasehold of undefined duration in the other. In any private transaction he would have been required to show a good title to both. And this is what both Mr. Stafford and his predecessor, Mr. Govett, during a period of two years, required him to do, till the former was instructed by Mr. Macandrew to yield the point and to take over a rotten title; the result being that, instead of the Government obtaining in exchange "the said pieces of land," it has obtained nothing at all, and the land, under a perfectly good title, is the property of a third party.

5. Section 2 of the Act has a curious limitation. The Governor is authorized to issue a Crown grant to Riddell of the substituted sections:—"It shall be lawful for, but not obligatory, on the Governor." This is curious and requires explanation. Was it meant as a loop-hole of escape in case Riddell's title proved unsatisfactory?

WILLIAM FOX.

## 2.

Hon. Sir W. Fox to Hon. NATIVE MINISTER.

West Coast Commission Office,  
New Plymouth, 29th May, 1882.

SIR,—Referring you to my Report to His Excellency the Governor on the case of Mr. Henry Churton in respect of section 387 Okotuku, I have now the honor to enclose a supplementary report on a claim prepared by Mr. James Moore to the same section, which I shall be obliged by your laying before his Excellency.

I have, &c.,

WILLIAM FOX,

West Coast Commissioner.

The Hon. the Native Minister.

## ENCLOSURE.

*Supplementary Report on the Case of Mr. Henry Churton as affected by a Claim of Mr. James Moore referred to me 25th May, 1882.*

The claim preferred by Mr. Moore to a grant of section 387, Okotuku, recommended by me on 14th June, 1881, to be issued to Mr. Henry Churton, appears to have no solid foundation. In my

report on Mr. Churton's case, I exhaustively examined into the history of all past dealings with this and another section (386), of which I could find any trace; the result being that while there was exhibited over a long series of years an almost inextricable mass of confusion and conflict as affecting the claims of other persons to those sections, Mr. Churton's claim came out clear and indefeasible from first to last. The examination of Mr. Moore's claim adds another chapter to the history of the confusion, but in no way affects the decision I had arrived at in favour of Mr. Churton.

A careful attention to a few dates will, I think, make the matter clear.

In June, 1866, a native called Horopapera had an award of 400 acres of land made to him by the Compensation Court.

In 1872, Mr. Worgan allocated this award to section 387, Okotuku, but he had no power to make a final allocation, and his act was subject to revision and change by the Court, as was very well known to all persons concerned.

In March, 1874, the Court changed the allocation on what appears very sufficient grounds, at the urgent request of the tribe to which Horopapera belonged. (*See* Captain Wray's telegram to Mr. Elliott, 10th February, 1882.) It shifted him on to section 380 and gave 387 to Rahera Tiwaia, who took and kept possession of it till her death in 1879, having in the meantime leased it with a purchasing clause to Gibson, from whom Churton purchased.

From March, 1874, Horopapera had no shadow or pretence of a title to 387, but was recognized owner of 380. In September, 1874, he sold 380 to Mr. Lamont for £800. This was apparently a valid transaction; and if Mr. Lamont had let well alone, he might have been the owner of it now,—if he be not equitably so, as is probably the case,

But in September, 1878, another deed was executed between Horopapera and Lamont, in which it is erroneously recited that the award of 380 had been made by the Compensation Court to Horopapera in the first instance, and afterwards exchanged for 387, which he accordingly proceeds to convey to Lamont in lieu of 380, which the deed assumes to have been conveyed in 1874 by mistake. This recital is exactly the reverse of the fact. The exchange of the sections had been the other way, and in selling 380, Horopapera had sold what was his own, while by this new deed he substituted for it 387, with which he had no connection.

But this is not the only weak point in Mr. Moore's title, as derived from Horopapera. In 1872, while the latter was in provisional occupation of 387, two years before Lamont's purchase of 380, he sold 387 to H. Shakespeare Taylor, who ten days afterwards resold it to Riddell, out of which transaction grew that complication on which I have commented in my previous report. I have in that report shown how both Horopapera's title and Riddell's were superceded by Churton's purchase from Rahera, the only true owner. And in 1875, any fragment of title which Horopapera had ever had is supposed to have passed to the Government by "The Riddell Act."

It is a remarkable thing that Mr. Hutchison, several of whose letters and memoranda are on the official file, and who appears to have been fully cognizant of Riddell's and Taylor's transactions with Horopapera and 387, should not have had his recollections awakened when he prepared the conveyance to Mr. Lamont in 1878, and to Mr. Moore in 1879. There is also a memorandum of Mr. Hutchison's among the papers, without date, but apparently recent, in which he alleges of his own knowledge that Horopapera's title to section 387 was recognized by the Compensation Court in 1874: "some dissent being expressed by a woman named Rahera Tiwaia," and that it was afterwards stated "though, as he understood, informally," that Rahera had been awarded 387, and Horopapera's award changed to 380. "But for some years," he continues, "this" (meaning Horopapera's ownership of 387) "was supposed to have been the result, though nothing definite was known, &c., &c." It is sufficient to remark on this, that the change was made on the formal application to the Court of Commissioners Booth and Wray, on the urgent request of the tribe to which both allottees belonged; that the decision was recorded at the time, and a certificate for 387 duly issued by the Court to Rahera, which is now held by Mr. Churton, and was produced to me by him. All these facts could have been ascertained by enquiry in the proper quarters; and if Mr. Moore has been injured in consequence of their being unknown, it is not to the Government that he should look for redress.

In conclusion, I may remark that Horopapera appears to have come remarkably well out of the transaction. While his title was in suspense, he sold 387 to H. S. Taylor for £400, and received the money; he was then moved to 380, which he sold to Mr. Lamont for £800; then, by a subsequent act between himself and Lamont, he substitutes 387 for 380; and, after all said and done, seems to have a better claim now to 380 than any other person, for as already stated in a note on the Riddell Act appended to my previous report, I cannot discover that that Act operated to take his interest in that section out of him, or to transfer it to the Government.

I beg, therefore, respectfully to repeat my conviction, that Mr. Henry Churton is legitimately in occupation of section 387, and that he is entitled to have the grant issued to him on the conditions already recommended.

West Coast Commission Office,  
New Plymouth, 29th May, 1882.

WILLIAM FOX,  
West Coast Commissioner.

No. 6.

GRANT TO HON. WI TAKO NGATATA OF 112 ACRES, CAPE DISTRICT.

Hon. Sir W. Fox to Hon. NATIVE MINISTER.

West Coast Commission Office,  
New Plymouth, 8th February, 1882.

SIR,—I have the honor to forward a recommendation to His Excellency the Governor for the issue of a Crown grant as herein specified.

I have, &c.,

The Hon. the Native Minister, &c.

WILLIAM FOX,  
West Coast Commissioner.

Section 39, Block XII., Cape Survey District, 112 acres.—Grant to the Hon. Wi Tako Ngatata, M.L.C.

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ENCLOSURE.

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

The West Coast Commissioner respectfully recommends His Excellency the Governor to issue a Crown grant for section 39, Block XII., Cape Survey District (plan attached), containing 112 acres, to the person whose name is hereunder written, his heirs and assigns for ever, without any restrictions or conditions.

The Hon. Wiremu Tako Ngatata, M.L.C.

The grant to be issued under section 3 of "The West Coast Settlement (North Island) Act, 1880."

WILLIAM FOX,  
West Coast Commissioner.

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

The West Coast Commissioner respectfully reports to His Excellency his reasons for recommending a grant of 112 acres to the Hon. Wiremu Tako Ngatata.

The recommendation is in fulfilment of a promise made under the circumstances recorded in the Second Report of the West Coast Commissioners to His Excellency in 1880, page xxxviii. The section of land recommended has been selected by the Commissioner with consideration for the tribal and territorial relations of the grantee, and with his express approval. The promise was of 100 acres, but considering the very long time during which its fulfilment has been delayed (more than fifteen years), the Commissioner thinks that the addition of 12 acres, which the section as surveyed contains, is not unreasonable.

The promise having been made in respect of "special services," and in the light of a personal reward, the Commissioner thinks that no restrictions or conditions should be inserted in the grant.

WILLIAM FOX,  
West Coast Commissioner.

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No. 7.

SPECIAL GRANTS IN WEST COAST LAND DISTRICT.

Hon. Sir W. Fox to Hon. NATIVE MINISTER.

West Coast Commission Office,  
New Plymouth, 2nd June, 1880.

SIR,—I have the honor to enclose a report on the cases mentioned in it, in which I have recommended the issue of Crown grants, and to request that you will lay the same before His Excellency the Governor. The materials for Crown grants have as usual been sent to the Chief Surveyor of the Taranaki District.

I have, &c.,  
WILLIAM FOX,  
West Coast Commissioner.

The Hon. the Native Minister.

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ENCLOSURE.

*Report of West Coast Commissioner on the Cases of Grants recommended to be issued to undermentioned Persons.*

(1.) *To the Hon. Wi Tako Ngatata and Ihaka te Rou*, as legatees and executors of the will of Mohi Ngaponga, to whom a grant of 100 acres was promised, as mentioned in Commissioners' Second Report, 1880, page xxxviii. Copy of will and probate from Supreme Court produced to Commissioner.

(2.) *Charles Wallace*, a representative of Hemi Parae, to whom a grant of 100 acres was promised for services rendered; see as above. Hemi Parae is dead. He was twice married. Wallace is a sole grandson by his first wife, and has a sister. There are two sons by the second wife, one of whom is deaf and dumb, and the other was sent to Lyttelton for obstruction in the fencing matter. He was released on promise of not joining further in Parihaka operations, but had scarcely returned when he again quitted his proper home and went to that place, where he was at the time of dispersion. Both he and his brother are whole blood Maoris, and entirely habituated to Maori life. They will both be amply provided for in the Opunake block, in which their hereditary claims are. They and Wallace's sister came before the Commissioner, and voluntarily expressed their wish to abandon their claims in favor of Wallace, and signed a document in his presence to that effect after his fully explaining to them the circumstances of the case. Wallace has been educated, speaks English perfectly, lives in European fashion, is married to an English woman, and capable of utilising the land for the benefit of himself and family. Under these circumstances I have thought it right to recommend the issue of the grant of 100 acres to him. His sister is married to a half-caste, and will participate in their tribal property.

(3.) *Whatarau te Manu*; (4.) *Matiu Raumati and Rona Raumati*; (5.) *Eruini*; (6.) *Ihaia Ngahirikiri*; (7.) *Kerapa Taharangatira*; (8.) *Tamati Kaweora*.—These are cases of natives who have rendered special service to the Government by using their influence in its favor, and placing themselves in direct opposition to Te Whiti; a fact which, of course, has alienated them from their tribal relations, and rendered it an object of importance that they should not be left entirely to participate in the tribal reserves. The quantity of land recommended is not large. These cases were mentioned

by anticipation to the Hon. Mr. Rolleston, when Native Minister and Minister for Lands, and the sale of certain sections in the Cape and Opunake blocks was suspended by him, in order to enable me to deal with them in this manner. I think there are no others of the same sort in this part of the district.

WILLIAM FOX,  
West Coast Commissioner.

No. 8.

CLAIMS OF THE HALF-CASTE DAUGHTERS OF BETTY NICOL, MRS. JANE  
BROWN AND MRS. NAERA.

Hon. Sir W. Fox to Hon. NATIVE MINISTER.

West Coast Commission Office,  
New Plymouth, 7th June, 1882.

SIR,—I have the honor to forward my Report upon the claims of Mrs. Brown and Mrs. Naera, daughters of Betty Nicol, who appeared before the Commission of 1880, and (with other witnesses) gave evidence on the subject, which you will find attached to the Reports, Q. 305 to 323.

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

I have, &c.,

WILLIAM FOX,  
West Coast Commissioner.

The Hon. the Native Minister, &c.

ENCLOSURE.

*Report on the Claims of the Half-caste Daughters of Betty Nicol, Mrs. Jane Brown and Mrs. Naera.*

The germ of this case is to be found as far back as 1853. Since that date its development has gone on, assuming from time to time some new shape, sending out deviating branches, and becoming continually more complicated and difficult to disentangle. It has passed under the official cognizance of several successive Ministries, Under-Secretaries, Secretaries of Crown Lands, Land Purchase Commissioners, Crown Lands Commissioners, Law Officers, Surveyors-General, and subordinate and other officers of the Government. The original claimant died many years ago. The present claimants are her daughters, and their children are growing to maturity.

The claim may be divided into three separate branches, though they get occasionally mixed up, and those who have dealt with them seem sometimes not to have taken sufficient care to keep them separate.

1. The first claim in point of date is one to 150 acres of land in the Waikanae Block, founded on a promise made by Governor Sir George Grey in 1853. But as the promise was conditional on the future purchase of the block, and that event has never taken place, it is only necessary to mention it now in order that, in the recommendation which I have to make your Excellency in respect to these claims as a whole, it may not be overlooked or allowed to turn up again at a future time. I have appended a note on the special circumstances of the claim. (Note A.)

2. The Mataihuka claim is for compensation in consequence of the Government having wrongfully sold land at Mataihuka, in the Wainui Block, near Wellington, which is alleged to have belonged to Mrs. Nicol. It was in respect to this solely that Mrs. Brown petitioned Parliament in 1877. No other claim was mentioned in her petition, and none other was investigated. (See also minute of Mr. Under-Secretary Clarke on 78/1262.) The case is so confused from beginning to end, and the accumulated evidence so conflicting, that if it had come before me in the first instance I should have had great difficulty in giving a favorable recommendation. But I am released from the responsibility of deciding the case on its merits by the fact of the Petitions Committee of the House of Representatives, on Mrs. Brown's petition, reported that she "had established some claim," and recommended it to the "favorable consideration of the Government." The Government settled the matter by providing, in the Special Powers and Contracts Act of 1878, for the issue of a grant of 150 acres of land to Mrs. Nicol, and to her daughters, Mrs. Brown and Mrs. Naera, to be chosen in the Wellington Provincial District. Nothing remained for me to do, therefore, except to recommend to your Excellency the manner in which the provisions of the Act might be carried into effect, and that I have already done in a previous Report on this case, which I have had the honor to make to your Excellency on the 10th March, 1882.

I have, however, appended hereto a *precis* of the case in the form of a note (B) which may give some idea of the complications by which it was surrounded.

3. The third claim is the largest and most important of the three. It is made by Mrs. Nicol's daughters on the ground of their mother's tribal rights as a member of the Ngatiawa Tribe, and a former resident in the district between the Rivers Urenui and Mimi.

It appears that Mrs. Nicol brought this claim before the Compensation Court, but it was rejected on the ground of absenteeism, and after this difficulty was removed, she does not seem to have renewed her application. Technically, her representatives are so far out of Court. It is to be remarked, also, that when Mrs. Brown broke up her home in Australia, and returned to New Zealand, for the express purpose of pressing the claims of herself and sister, derived from their mother, and petitioned Parliament on the subject, her petition was limited exclusively to her claims near Wellington; and in the evidence she gave before the Committee, not a word was said by her of any claims in the Taranaki country. It appears, however, that immediately after the passing of "The Special Powers and Contracts Act, 1878," which secured her 150 acres in response to her petition to Parliament, she preferred further claims in respect of her mother's interests in the

Taranaki country. She had interviews with the Native Minister, Mr. Sheehan, in 1878, which resulted in his offering her £500 in cash to cover all her outstanding claims. Acting on the advice of Major Brown, Civil Commissioner, she expressed her desire to have land instead of money, on which, after consulting with the Premier, Sir George Grey, it was decided to give her 500 acres of land between Urenui and Mimi, an award of at least four times the value of the money-offer made to her apparently half an hour before. (*See Major Brown's memorandum.*)

This was followed up by some personal investigation into her mother's rights by Mr. Sheehan, at New Plymouth, when he decided on the locality where the land was to be given, and directed Major Brown to put her in possession. He also promised immediately to send a surveyor to lay off the boundaries, but did not do so. Major Brown, however, put Mrs. Brown in possession. She expended money in building a house and other outlay, and lived there for a short time, till driven off by Te Whiti's ploughmen, because, as she states, she declined to take part with him. There is no doubt that the action of the Government in all this was entirely beyond its legal powers, and to make it legal would have required an Act of Parliament. But the question remains whether the deliberate award, made by two Ministers of the Crown, to which practical effect was given so far as could possibly be done at the time, is not binding in honor and good faith upon the colony: whether at all events it is not one of that class of "promises and engagements" to investigate which, and to recommend the means of their fulfilment, the Commission under which I am acting was issued. I think it most decidedly is; and I feel bound, therefore, to recommend that your Excellency should give a Crown grant to the representatives of Mrs. Nicol, in the terms of Mr. Sheehan's arrangement, as recorded by himself and Major Brown, with the usual restriction on sale and leasing without the consent of the Governor. I make this recommendation on the distinct condition to be imposed on the grantees, that it shall be taken in satisfaction of all their outstanding claims on the Government, including the contingent one in the Waikanae Block.

I make this recommendation the more willingly, because of the characters of Mrs. Brown and Mrs. Naera, and the fact of both having large families, one of which (Mrs. Brown's), I am informed, has received a superior European education during the residence of the parents in Sydney; and I have met with no case of half-caste families which appear to me more worthy of liberal consideration, or on whom a grant of land for their maintenance could be more beneficially bestowed.

I am not prepared to furnish the plan for the grant, as my surveys have not yet extended to the district where the land is; but if your Excellency accepts the recommendation, it will enable the intended grantees to occupy and use the land, and prevent the waste of their resources, which is going on in consequence of their being kept out of it.

New Plymouth, 6th June, 1882.

WILLIAM FOX,  
West Coast Commissioner.

*Note A.—On the Waikanae Claim.*

This claim is based on a letter written in Maori by Sir George Grey, dated 20th July, 1853. There is a copy certified by his Private Secretary on the Native Office file, 269/54. It has no address and no official number of record upon it. It is signed "G. Grey, Te Tino Kawana" (Governor-in-Chief), but commences in the familiar form of a private letter, "E hine Peti," a term which would hardly be used in an official document. It promises the person to whom it is written that "when Waikanae is paid for and taken possession of by Europeans, I will consent to your children having 150 acres of that land." There is no evidence of any investigation into the right of the person addressed to any of the land in question. It may be a question whether a promise made under the circumstances, to be satisfied out of what might become Crown lands at a future period, and without reference to the rights of other native owners, was of much validity. But as the Waikanae Block has not been purchased, and probably may never be by the Government, it does not seem necessary to go into the case further except for the reason mentioned above.

*Note B.—On the Mataihuka Claim.*

Mrs. Brown, in her petition to the House of Representatives (1877), alleges that this block of 300 acres belonged to her mother, Mrs. Nicol, by gift from Tungia, its Maori owner, and was (wrongfully) sold by the Government for £500 or £600, for which she claims compensation. The case is an exceedingly complicated one. According to Mr. Searancke, the Commissioner who purchased the Wainui Block in which Mataihuka was, writing from memory nineteen years after the event, Mrs. Nicol before the purchase placed documents in his hands which showed that Tungia, a leading chief and a relation of hers, had given her Mataihuka. This and all other papers relating to the subject he lost. When the purchase was in progress he went with the sellers to inspect this Mataihuka, and told them that he was going to make it a reserve for Mrs. Nicol. They all absolutely denied her right to it, and asserted that Tungia had no separate interest in it, and no right to give it to her, and that they had never heard of his having done so. Mr. Searancke told them that unless they agreed to his proposal he would not make any reserve of it for them. He appears to have adhered to this, for in the deed of sale of Wainui to the Queen, though there are several reserves, Mataihuka is not among them, nor any which corresponds with it. It therefore passed to the Crown as an undivided part of the Wainui Block. But now arises a curious complication. In 1866 (seven years after the purchase), a Major Wood is found purchasing from the resident Wainui natives the Mataihuka Reserve. The Government is found treating it as a reserve; gives the Governor's assent to the sale by Order in Council, dated 23rd February, 1866, in exercise of the powers contained in the Native Reserves Acts of 1856 and 1862. The purchase money, £110, was paid to the natives on the 23rd April, 1866, and on the 1st August, 1866, a Crown grant was issued to Major Wood, of Mataihuka, being section 57 on the plan of the Wainui Block, containing 210 acres.

The only solution I can suggest is that, after the purchase of the Wainui block, the Government had agreed to give the natives a reserve at Mataihuka, but that no proper steps were taken to vest

the title to it in them; that they were allowed to resume possession of it as a reserve, and then, with the consent of the Governor, to sell it to Major Wood, to whom, to save the intermediate step of a Crown grant to the natives, one was given direct. This is confirmed by the facts that on the oldest plan of the Wainui block, when sectionized for sale (by a Mr. Hughes), a 200-acre section is delineated, marked N.R. (native reserve), in the position of Mataihuka, and in an official return of native reserves laid before Parliament in 1872 Mataihuka is inserted as a reserve of 200 acres. It is quite clear, however, under any circumstances, that the land was sold by the natives, the Governor only giving the requisite technical consent; that the natives had the purchase money; that the Government gained nothing by the transaction; and that the claim to compensation as against it was altogether untenable. It would have saved very much trouble if the Under-Secretaries of the period had placed such transactions on record at the time when they occurred. An explanatory minute half a page long, added to the official file, would have saved hours of labor and investigation which have been bestowed upon this case.

The evidence taken by the Petitions Committee on Mrs. Brown's petition threw very little light on the subject, but the Committee decided that she had established some claim, and recommended that it should be referred to the favorable consideration of the Government. After obtaining the testimony of Mr. Searancke, referred to above, the Government decided to give 150 acres of land, and a clause was accordingly inserted in the "Special Powers and Contracts Act, 1878," authorising the Governor to grant to Mrs. Nicol (then dead) and her daughters the amount mentioned, to be selected "from any rural land open for sale in the Wellington District." The selection was expressly to be made by the grantees. At the request of the Government Major Brown, C.C., acting for Mrs. Nicol's daughters, selected a section in the Kairanga Block of rural land about to be offered for sale, which was approved by Mrs. Brown. The Crown Lands Department, however, took an objection, that it "was likely" that the Kairanga Block would be classified as rural land "of special value." (It was not classified as such when Major Brown proposed to select it.) It was contended that the Act only meant "rural land of ordinary value." The opinion of the Solicitor-General was taken by the department, and he supported its view as "being the meaning of the Act." With all respect for the Solicitor-General, I am at a loss to understand how he arrived at the conclusion that the Act meant anything else than it expressed in plain words. The expression is "any rural lands." What wider words could have been used? What reason could there be for restraining the meaning of "any rural lands," and limiting those words to mean "lands of the lowest value?" There was nothing in the Act to show that the claim was one to be satisfied by the poorest compensation that could be given. If I were to tell a friend that he was welcome to ride any horse in my stable, he would be surprised if he found that I kept all the sound ones for my own use, and limited his choice to the lame ones. The Solicitor-General refers to the Land Act as defining two sorts of rural land. There is no doubt of the fact; but how does that affect the Special Powers and Contracts Act, which authorises the selection of any sort of rural land? Adopting this opinion, however, a suggestion was made by the Surveyor-General that Mrs. Brown might select "somewhere in the southern half of the Seventy Mile Bush," about as unattractive a position as could possibly have been offered; and even then she was told that "if there was any other applicant for the section she might select, it would be put up to auction, and she would have to pay the difference between £1 an acre and the price bid, or go on making application after application till she got a section unopposed." (Surveyor-General, 81/488.) If all this was included in the meaning of the Special Powers and Contracts Act it should certainly have been so stated in plain terms. On learning that it was so, Mrs. Brown seems to have given over trying to get possession from the Crown Lands Department of the *damnosa hæreditas* awarded to her by Parliament, and finally laid her case before the Commission of 1880. I have already recommended a grant, where it can be satisfied out of rural lands which have not been, nor "are likely to be," proclaimed of special value.

*Note C.—On the Mimi-Urenui Claim.*

I append the statements of Mr. Sheehan, M.H.R., and Major Brown, late Civil Commissioner, on this case.

WILLIAM FOX,  
West Coast Commissioner.

SUB-ENCLOSURE.

MEMORANDUM for the Hon. Sir WILLIAM FOX by J. SHEEHAN, Esq., M.H.R.

You were good enough in Wellington, during last session, to refer to me papers relating to a claim of Mrs. Brown and her sister in respect of lands in the Urenui District, and with them you also handed me a very carefully prepared digest compiled by yourself of the principal points contained in the official record.

I must first of all express my regret that so long a time has elapsed before replying to your request to give you my opinion upon the whole matter. The Government records were given by me to Mary, Mrs. Brown's sister, to return to you; the digest prepared by yourself was retained by me to refresh my memory. I will now proceed to deal with the matter.

1. The claim now made by Mrs. Brown and her sister is entirely apart from the claim previously made by Mrs. Brown by petition to the House in respect of lands owned by her mother in the Otaki District. It is true the petition did refer to her Taranaki claims (a), but they were not dealt with. I was a member of the Committee myself, and took an active part in the investigation of her petition. The award made by that Commission only had reference to her claims at Otaki.

2. Subsequently Mrs. Brown interviewed me on several occasions in regard to her Taranaki claims. At New Plymouth I made careful enquiry into the matter, with the assistance of the officers

(a) This is a mistake. The petition did not refer to Taranaki claims, it omitted all allusion to them, which is the weak point.—W. F.

of the Native Department. I satisfied myself that the claim was a just one. I directed Major Brown, who was at that time Civil Commissioner, to set apart and give to Mrs. Brown and her sister 500 acres of good land in the Urenui District (a).

This request was accompanied by a direction to Major Brown that the land to be given should be of good quality, to be taken on the low lying, level country, and on no account whatever was the award to be given in the broken bush country of the Urenui District.

I also specially requested Major Brown to allot the land, if possible, where Mrs. Brown's house then stood, and I was not aware, until you referred the papers to me, that my instructions had not been carried out. I considered then, and consider now, the case as one of the greatest hardship, and I am personally aware that she has spent more in time and money than the value of the land I proposed to give her.

3. You were good enough to mention to me, on the occasion of your handing me the papers, that you proposed to meet Mrs. Brown's claims out of lands in the Patea-Whenuakura District. You thought of giving town or rural land, and the balance in fair country, in the same vicinity. You mentioned your reasons to me for taking that course, with which, at that time, I entirely concurred. I am of still the same opinion. I consider your proposal, if given effect to, will meet the equity of the case; it will save her from having to reside in a purely Maori district like Urenui, and give her an opportunity of making a living for herself and family in a settled European district.

JOHN SHEEHAN.

Wanganui, 21st April, 1882.

MEMORANDUM for the Hon. Sir W. Fox on the Mataihuka Claim, by Major BROWN.

The first knowledge of this claim that my memory will serve me on clearly, was about the middle of September, 1878, in Mr. Sheehan's office, when Mrs. Brown went there by appointment on the subject of the land claim. Mr. Sheehan then told her that the promise of Sir George Grey was provided for in the Special Powers and Contracts Bill then before the House (b), and that if she applied to Mr. Clarke (or Mr. Lewis) he would give her a copy of it.

But as regarded her Mataihuka claim, he had not had time to go into the papers, which he had before him. About two or three weeks after he told me he was satisfied of the justice of her claim, and would see her at some leisure moment that evening at his office in the House, and instructed me to get tickets from Mr. Bunny for the ladies' gallery for Mrs. Brown and other ladies. I sat behind the chair waiting for instructions. During the evening he told me to ask Mrs. Brown if she would take £500 in satisfaction of her claim, for if so he would consider it settled, and give effect to it. Mrs. Brown asked my advice, and I advised her to have it in land, if possible, my idea being that it would be dealing with it in a different manner to other claims of the same kind which had been liquidated with land, and might, therefore, be imperilled by the change. Mr. Sheehan then had an interview with Mrs. Brown, in my presence, when she told him she would prefer the land to money; and he replied that he would see Sir George Grey again on the subject. What further result was arrived at, I was not present; but Mr. Sheehan told me that it had been decided that she was to have the 500 acres, and asked me if I could indicate any place where she had tribal claims, where it could be allocated? I pointed out that she had tribal claims between Mimi and Urenui; and he said it should be located there. After I left Wellington, Mr. Sheehan wrote the note to me that appears in the Report of the Royal Commission, where he says, "Re Mrs. Brown in the Urenui country, I would carry out the arrangement as soon as it is possible, and have matter ripe for confirmation next session." There is also an explanatory note that I put to it, "That as compensation for the claims derived from their mother, and for which Mrs. Brown and Mrs. Naera petitioned the House of Representatives (c), they are to receive 500 acres between the Rivers Urenui and Mimi." When he subsequently came to New Plymouth, he saw Mrs. Brown, Mr. and Mrs. Naera and the late chief Pamariki, at the Masonic Hotel. I was present and understood that the enquiry he then made as to the tribal claims of Betty Nicol, between the Urenui and Mimi Rivers, was for the purpose of more definitely deciding where the 500 acres should be located, and this was settled to be at Te Kaueka, where she was born, and where Mrs. Brown built a house in consequence of this decision.

As the Survey Office here could not supply a surveyor to lay off the 500 acres, Mr. Sheehan told me he would send Mr. Tole down from Auckland to do it. I have an impression that I received an official telegram to that effect.

I do not think that I can add anything material to what I have written. I feel satisfied that I saw more documents on the subject in Wellington than I have seen here, probably the evidence that was taken on the Mataihuka petition. The contention of Mrs. Brown has always been that the Mataihuka claimed by her mother is comprised in the land (785 acres) acquired by Major Wood from the Crown.

New Plymouth, 2nd June, 1882.

CHAS. BROWN,  
Late Civil Commissioner.

(a) See Major Brown's Evidence before Commissioners, 1880, Q. 318.

(b) This was clearly a mistake. This enquiry before the Committee and the decision of the Government related solely to the Mataihuka case. See my note to Report.—W.F.

(c) In this Major Brown was wrong. The petition referred to Mataihuka only, and made no allusion to the other claims.—W.F.