

pledge on the part of the Government, and to be of the class to secure the fulfilment of which the Commissioners of 1880 and 1881 were appointed.

15th January, 1884.

WILLIAM FOX,  
West Coast Commissioner.

No. 2.

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

SIR,— West Coast Commission Office, New Plymouth, 22nd April, 1884.

I have the honour to forward herewith a supplementary report on the reserves recommended to be granted to the Ngatirahiri tribe and the Pukerangiora tribe, and to request you to lay the same before His Excellency the Governor for his information.

I have, &c.,

WILLIAM FOX,  
West Coast Commissioner.

The Hon. the Native Minister, Wellington.

SUPPLEMENTARY REPORT on the Reserves recommended to be granted to the Ngatirahiri Tribe and the Pukerangiora Tribe.

A QUESTION has arisen as to whether these reserves will come under the administration of the Public Trustee by the provisions of "The West Coast Settlement Reserves Act, 1881," and the amendment Act of 1883.

The definition of the word "reserves" contained in the interpretation clause of the first of those Acts excludes from its operation "all lands given under awards of the Compensation Courts." The question is whether the grants to the Ngatirahiri and Pukerangiora tribes are given under an award of the Compensation Court. If they are, then they will not come under the administration of the Public Trustee; if they are not, they will.

1. The Ngatirahiri always contended that, as an absolutely loyal tribe who had never been in rebellion, they were entitled to have their lands restored to them *in solido*, to hold in their entirety under Native custom, and without individualization. (G.-2, 1880: Evidence, qq. 296 and 756.) Their claim was, however, brought before the Compensation Court in 1866, when the decision of the Court was arrested by an agreement between their agent and the Crown agent, under the Act of 1865, by which it was agreed by them to accept the remainder of their land (after deducting that taken for the Tikorangi Military Settlement). Three years afterwards (March, 1869) Judge Rogan, in pursuance of, or disregarding the existence of, the agreement, made an award of the Compensation Court at New Plymouth in favour of the Ngatirahiri tribe of "all the land owned by them not taken for military settlement." According to the opinion of Mr. Attorney-General Prendergast (G.-2, 1880, Appendix C, p. 2), both these transactions were *ultra vires*, as the Acts of 1863 and 1865, under which they proceeded, did not apply to the claims of tribes or hapus, but only individuals. The agreement and award were, therefore, nullities, and are of no force whatever, except as affording evidence of a "promise made by the Government," of a class to deal with which falls within the scope of my Commission: at which conclusion the Government seems to have arrived, as it omitted them from the *Gazette* notice (1867, p. 443) in which the "Divisions" of compensation to individuals were gazetted. Reference to my previous report (15th January, 1884) on the Ngatirahiri case will show that it is, in my opinion, one in which the confiscation should have been "abandoned" in the same manner as it ought to have been, but was not, in the Stony River and Opunake Blocks—that is, by a Proclamation of the Governor under the 3rd section of the now repealed "Confiscated Land Act, 1867;" in which case there would have been no pretence for treating the "abandonment" as technically a case of "compensation."

Under these circumstances there is, I think, no doubt that these reserves do come within the provisions of the West Coast Settlement Reserves Acts, 1881 and 1883, and are subject to the administration of the Public Trustee. I beg, however, most respectfully but most earnestly to express my conviction that the case is one in which the greatest care should be taken to give full effect to the spirit of the Act of 1881, which provides, in the 8th section, that the Trustee, in making arrangements for leasing portions of the reserves under his administration, "should obtain the assistance of some Native or Natives who shall be best acquainted with the circumstances, and to act as far as possible in accordance with the wishes of the Natives interested in such reserves." If this provision be honestly adhered to in the spirit in which the Legislature intended it, as a protection against the possible arbitrary exercise of the great powers intrusted to the Trustee, I think it would do much to prevent the difficulties which I understand have arisen elsewhere in the ascertainment of the rights of individual members of the tribe to receive specific proportions of the rents, a circumstance which has already gone far towards defeating the intention of the Legislature and of the Government in the cases referred to. And I venture to suggest—in this particular case, at all events—that it would be desirable, before the Trustee takes any steps, that an attempt should be made to induce the grantees to individualize their shares in the reserves intended to be operated upon: at all events on paper, as was successfully done by Major Parris in the case of the Stony River reserves. From information I have received from an intelligent member of the tribe I am inclined to believe that there is an opening for such a course in this case, if it be undertaken with prudence and a sufficient acquaintance with the personal surroundings of the case. An additional reason for making these suggestions is the fact that the Ngatirahiri tribe is an exceptionally industrious one and has devoted itself very remarkably to agricultural pursuits, and, when once the status of their lands is settled to their satisfaction, will be likely to utilize a larger portion of their own reserves than many other tribes which have exhibited less energy and aptitude for the pursuits of civilized life. It would, I venture to suggest, be a great mistake too hastily to lease so large a portion of their land as might unduly limit their own holdings.