

REPORT ON THE NATIVE RESERVES IN THE PROVINCE OF AUCKLAND.

THE Native Reserves in this Province have been set apart in the following manner :—

1. By contract made with the native sellers of the land.
2. By the voluntary action of the Governor in setting apart Crown lands as hostelry and school sites, and lands for the endowment of such institutions.
3. By agreement with friendly and loyal natives in lands taken under "The New Zealand Settlements Act, 1863."
4. By appropriation out of confiscated blocks for surrendered rebels.
5. At the instance of the natives ; and by the Governor, on the recommendation of the Judges of the Native Land Court.

Several of the Reserves shewn under the first two heads had been entirely lost sight of until search was made for the purpose of compiling the attached schedules.

In order to show the degree of responsibility attaching to the Government in respect to these reserves, I have classified them as follows :—

Class A.—Trusts under provisions of Crown Grants or legislative enactment,—

1. With a distinct and specified purpose.
2. For the benefit of natives generally.

Class B.—Reserved Lands, not under enactment,—

1. For a specified person or purpose.
2. For the benefit of natives generally.

Class C.—Reserves under or to be brought under Native Lands Acts,—

1. Grant with limitations.
2. Land which should be made inalienable.
3. Granted lands re-conveyed to trustees.

Under Class A will be found the Hostelry sites in Auckland and Onehunga, with the Hostelry Maintenance Reserves at Mechanics' Bay and St. George's Bay. The particulars of rents, &c., of these reserves will be found under the head of "Utilization."

In this class will, also, be found a large number of reserves made for surrendered rebel natives under the provisions of "The Confiscated Lands Act, 1867."

The schedule shows 57 of these, comprising about 2,744 acres, as having been surveyed and allotted, and a further liability in land for 1900 natives, equal to 96,145 acres. In most cases certain named chiefs or heads of families hold possession of these lands in trust for their people. Provision will have to be made for the survey of these reserves.

The schedules show that the period of probation of eighteen returned rebels, who are entitled to 727 acres of land at the Bay of Plenty, has expired. The conditions under which land was allotted to them appear to have been that the respective native, or "his heirs and assigns," should "continue loyal" till the 1st January, 1870, when he would become entitled to receive a Crown Grant. These grants should be issued with as little delay as possible to such of the natives as have fulfilled the conditions.

It is necessary to draw attention to the character of several of the Crown Grants made to friendly natives under "The New Zealand Settlements Act, 1863," and "The New Zealand Settlements Amendment and Continuance Act, 1865."

The grant of Te Akau, on the West Coast, near Waikato Heads, of 90,360 acres, of date 13th March, 1867, has the following *Habendum* :—"To hold unto the said Tamihana Tunui" and 12 others, their heirs and assigns for ever, in trust for and to divide the same among themselves and the loyal natives of the tribes Ngatitahinga and Tainui, with power to the said grantees to lease the same for any period not exceeding thirty years." Power is thus given to the native trustees to decide as to who is and who is not loyal, in so far as participation in the estate in virtue of loyalty is concerned. The grant does not set forth whether loyalty at date was essential, or would be sufficient at some subsequent period.

There are grants in trust for the benefit of the Ngatimahanga, the Ngatihaua, and the Ngatihorua tribes of the same nature.

By Section 5, "Confiscated Lands Act, 1867," it is provided that the subdivision of such an estate may be referred by the Governor in Council to the Native Land Court. It is desirable that these grants should be brought before the Court, and a definite partition of the land made as soon as possible, as on the death of any one of the grantees, the heirs, whether loyal or rebellious, become trustees to hold or divide the estate.

Another class of deeds is represented by that dated 21st October, 1865, by which an estate at Waiuku is granted "to Riporaha Taranga and her heirs, and after her death to Aihopene Kaihau and Hore Tauroa, in trust for the tribe called Ngatitaita." Also in the Grant to Piti Katipa, of 21st October, 1865.

In these cases it is desirable, I think, that the land should be conveyed to the Queen before, if possible, the death of the first-named grantee, and fresh Crown Grants issued of a simpler character, as it is evident that after the death of the grantees their heirs and the named successors would, by the terms of the present Grant, have conflicting interests.