

at the general cession of the territory in 1853. Had this not been the case, however, bringing the land under the operation of the Native Reserves Act would not have assisted in solving the question, as the Act of last year contains no provision for issuing titles to Native owners.

It is true that this could be done under the Act of 1862, clause 5, if sufficient time remained to do so before the repeal of the Act; but should this take place before the issue of the grants, the Act of 1873 containing no such provisions, would effectively bar all further proceedings; for although clause 3 of the last Act saves existing contracts entered into before the repeal of the former Acts, the issue of Crown grants to Native owners does not come within the meaning of the clause, the words used being applicable only to contracts made for the occupation or disposition of land under the provisions of former Acts.

Neither do clauses 37 and 38 of the Act of 1873 empower the Native Land Court to issue Crown grants to the owners in event of questions of title being referred to it, but simply to determine the title or interest of persons claiming the land, as a means of assisting the officer authorized to obtain the assent of the Natives to bring lands under the operation of the Act; and on all the necessary requirements being complied with, the land becomes vested in the Native Reserves Commissioner subject to the provisions of the Act.

"The Crown Grants Act, 1862, No. 2," appears to be the most applicable, as it gives the Governor power to issue Crown grants to Natives in fulfilment of promises, whether there is evidence in writing or not of such contracts. This Act will probably be found to contain ample power for the purpose without passing a special one, as it was never intended to limit the power to fulfil to contracts or promises made under authority of law.

Having received permission to employ a surveyor to subdivide the land, I applied to the Survey Department at Invercargill to be allowed the services of one of the District Surveyors, and after some little delay succeeded through the instrumentality of the Inspector of Surveys, Mr. Baker, in obtaining the services of Mr. John Hay for the work, on the understanding that I was to make terms with him on the same scale as with a private surveyor. On these conditions I made arrangements with Mr. Hay to execute the necessary work at £4 per diem and find labour.

All traces of the subdivisational survey executed in 1865, by direction of Mr. Heale, being entirely obliterated, it was necessary to commence the work *de novo*; but owing to the Natives having given up all hopes of the Government undertaking the apportionment of the land, they had adopted divisions of their own making, and in some cases had erected houses on the parcels so claimed. It was rather difficult in the first place to devise a scheme of partition that would give entire satisfaction, however, well planned, as the occupants were altogether opposed to any interference with existing interests.

A provisional survey had consequently to be undertaken to determine the portion of the enclosures and houses of the occupants, so as to allow each individual to see how his original holding would be affected by the final apportionment; but notwithstanding this precaution, and their subsequent concurrence in the plan of subdivision submitted for their approval, they proved so clamorous and disputatious on the land being finally laid off, that I found it necessary to be present on the ground the whole time, to insure the economical carrying out of the work. The proportion of available land in the reserve being limited to 360 acres, the original intention to allow each individual ten acres could not be carried out, there being 48 claimants to provide for; the quantity therefore had to be reduced to seven and a half acres. A portion of the swamp at the eastern end of the reserve being wholly unsuitable at present for the purpose of husbandry, has not been included in the general partition. The strip of land adjacent to the Beach, and running parallel to the Invercargill Road, has also been excluded for the same reason. These parcels contain an aggregate area of 118½ acres, and it is proposed to utilize the land for pastoral purposes, and with this view to vest it in trustees for the benefit of all, and the following persons have been chosen with that object, viz.,—

Rawiri Te Awa, of Oraka.	} of Aparima.
James Wikoon, half-caste,	
Hoani Paororo,	
David Pratt, half-caste,	
Charles Goodwilly, half-caste,	

A reserve containing over an acre has been set apart on the beach frontage as a landing-place for the use of the whole of the Native community in the Southland District. The same trustees were chosen for this land. An acre has also been set apart as a Church and School Reserve, and three and a half acres for a cemetery. The trustees chosen for these parcels are Horomona Patu, of Riverton, and George Howell.

It was not intended in the first place to have included Sections 79 and 81, containing an aggregate area of 111 acres 2 roods 7 perches in the scheme of partition, the land being unsuitable for cultivations; but the limited area of average land available for allotment amongst the resident Natives made it necessary that a portion of it (Section 79) should be divided amongst the absentees in satisfaction of the whole of the awards. The question of utility also was not of so much consequence to them, as they own land in other localities. But as the cost of utilizing this land, should they ever require to do so, would be altogether out of their reach, without it could be carried out by joint enterprise, which is very improbable, I would beg to recommend the following proportions for favourable consideration:—1st. That Sections 79 and 81 should be sold, and the proceeds invested in the purchase of more suitable land in another locality. The land so obtained to be divided amongst the allottees on Section 79 in the quantities allotted to each, and the remainder to be apportioned amongst the persons named in Schedule B, in final satisfaction of the quantity formerly intended for each claimant in the enumeration of 1852. 2. Or, if an advantageous sale could not be effected, that the Government should take over the sections in question, and give an equivalent in land elsewhere. The same principle to be carried out with regard to the allottees and others interested as recommended in No. 1.

The quantity to be given in exchange should not be less than 150 acres, to enable the proposition to be carried out in its integrity.