

1874.

NEW ZEALAND.

FURTHER REPORTS FROM OFFICERS IN NATIVE DISTRICTS.

(REPORT BY MR. A. MACKAY, COMMISSIONER OF NATIVE RESERVES, ON STATE OF MIDDLE ISLAND NATIVES AND THEIR ALLEGED CLAIMS ON ACCOUNT OF UNFULFILLED PROMISES.)

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

A. MACKAY, Esq., Commissioner of Native Reserves, to the UNDER SECRETARY, Native Department.

SIR,—

Native Reserves Office, Nelson, 24th June, 1874.

In compliance with your circular letter, No. 3, of April 24th, I have the honor to submit the following report on Native affairs in my district:—

In pursuance with the instructions contained in your letter, No. 75, of February 2nd, I visited the southern provinces for the purpose of inquiring into and reporting upon the several subjects enumerated therein, and have transmitted detailed reports to your office on the settlement of some of the most important questions, and will furnish the necessary information respecting the adjustment of the remainder as speedily as circumstances will admit.

Amongst other matters that have been accomplished, is the adjustment of the question raised by the Natives at Riverton concerning their right to the foreshore contiguous to their reserve, and the final apportionment of the latter amongst the rightful claimants on a fair and equitable basis, with a view to permanent occupation and individual improvement; and in furtherance of this plan, in order to establish exclusive individual interests in the soil, I have recommended, in my report on the subject, that the present mode of tenure should be superseded by issuing to each allottee a Crown grant, making the land absolutely unalienable except by lease for 21 years. This condition is necessary in fulfilment of the terms of the deed of cession, that the reserves made for Native purposes within the Murihiku Block should be set apart for the vendors and their children for ever. The other reserves in the Southland district being unsuitable for subdivision, it is proposed merely to issue grants to trustees elected by the body of claimants in trust for the whole, on the same principle as the grants proposed for the Aparama (Riverton) Reserve.

The settlement of the question at Riverton will confer a great boon on the occupants, as, under the former system of tenure, they had no individual interest in improvement, and consequently no encouragement to industry. The same cause also has prevented them hitherto from enclosing their property with a substantial fence; and this in itself operates very unfavourably to their interests, as many of the European residents in the neighbourhood have taken advantage of these circumstances to run their cattle on the Native land without making the owners any remuneration, against which injustice the Natives have endeavoured to obtain legal redress on several occasions without avail. A case brought recently before the Bench at Riverton was dismissed because, according to the opinion of the Court, the Natives had no right to prosecute for trespass, as they did not hold their land under Crown grant. This seems to have been a mistaken view of the matter, as “The Otago Impounding Ordinance, 1872,” clause 10, provides for the recovery of damages at common law for cattle trespassing on unenclosed land; and in clause 41 clearly defines that the word “occupier” of any land shall be taken to mean the person having the use or occupation of such land.

I took the opportunity when in the South to collate a return of the half-caste families to be provided with land in fulfilment of promises made on the cession of native territory to the Crown within the boundaries of the Ngaitahu, Moutuku, and Stewart’s Island purchases. The claims of these people were brought before the Legislature in 1869, and the Legislative Council passed a resolution, dated 24th August of that year (*vide* Sessional Paper, D. No. 20, 1870), praying His Excellency the Governor to give immediate effect to the report of the Public Petitions Committee on the subject.

In pursuance with the purport of the above-named resolution, Mr. Cooper, the then Under Secretary for Native Affairs, proceeded to Otago and Southland, in the month of April, 1870, to place matters in train for settlement; but, on inquiry being made, it was found that nothing definite could be done to carry out the intention in its entirety until the Native reserves and old land claims on Stewart’s Island were surveyed, as a number of half-castes were to be provided with land there. This