

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.

WILLIAM FOX,
West Coast Commissioner.

New Plymouth, 6th June, 1882.

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