

variance with the intention for which they were set apart—viz., for the special benefit of certain Natives; inequitable, because lands that were set apart in fulfilment of a special engagement with the Natives, and, in fact, formed part of the purchase-money for the cession of their territory to the New Zealand Company, have been made available for the education of European children, and children of other poor and destitute persons of islands in the Pacific Ocean.

(2.) Because the terms of the grant have not been maintained—viz., that religious education, industrial training, and instruction in the English language should be constantly taught—the school having been frequently closed for three and four years at a time, and is now permanently discontinued owing to there being no further use for it.

Although it is impossible to gauge accurately the benefits that may have accrued to the Natives through the dedication of over nine hundred acres of the prime part of their estate as an endowment for school purposes, it is quite possible to approximate the total income that would otherwise have flowed into the Trust funds for their behoof in other ways had this allocation not been made, and the amount would be under-estimated at £8,000.

With a view to place the Committee in possession of further information on the question, I furnish herewith the under-mentioned papers, &c., viz.: (1.) Papers containing an account of the proceedings of the Nelson Provincial Council in *re* the grant to the Bishop of New Zealand of certain lands at Motueka. (2.) Papers containing the evidence taken before the Royal Commission in 1870 on the same subject. (3.) Book containing evidence taken before the Royal Commission in 1879. (4.) Book containing, *inter alia*, reports on the condition of the Motueka School in 1856, 1876–77. (5.) Book containing memorandum on New Zealand Company's tenths. (6.) Three plans of the reserves in Motueka.

9th July, 1883.

A. MACKAY.

MEMORANDUM *re* clause 28A "Special Powers and Contracts Act, 1886," introduced for the purpose of enabling the Governor to declare, by Order in Council, that the Grants issued respectively on the 25th July and 4th August, 1853, to the Bishop of New Zealand, of certain Native Reserves in the Motueka District, should be cancelled, and the Lands vested in the Public Trustee as Native Reserves for the benefit of the Natives for whom such Reserves were originally made, or their Descendants.

THE following objections were made against the aforesaid clause in the Waste Lands Committee by Mr. Hursthouse, M.H.R., on behalf of the Bishop of Nelson: (1.) That the Bishop had not had an opportunity of being heard on the subject. (2.) That the Act in question was not a proper place for a clause of the kind to be inserted. (3.) That it was inexpedient and impolitic to take steps to cancel the grant, because there were other lands held in a similar manner, to wit, an endowment at Wanganui and at Te Aute in Hawke's Bay, as well as at other places in the colony, that might possibly be jeopardized by such action. (4.) That the Natives were deriving an interest benefit from the endowment, and had consented originally to the land being appropriated. (5.) That the land included in the endowment was occupied by tenants who were entitled to special consideration.

The Native Minister stated that, after hearing Mr. Hursthouse's statement, he would not press for the retention of the clause. It was accordingly struck out.

In reply to the objections raised by Mr. Hursthouse, the following particulars are submitted in opposition thereto:—

In the session of 1883 a petition was presented to Parliament on behalf of certain Natives of Motueka to restore the land to them; but its consideration was postponed at the request of Mr. Hursthouse, owing to the Bishop of Nelson being absent in England.

It came up again in the session of 1884, and after an exhaustive inquiry the Native Affairs Committee reported as follows: "The Committee is of opinion that the condition of the Trust has not been fulfilled, and that steps should be taken by the Government, either by action in the Supreme Court or by legislation, to restore the land in question to the condition of an ordinary reserve under the management of the Public Trustee. As regards that part of the grant made out of Crown lands, the Committee consider it should revert to the Crown.—J. B. B. BRADSHAW, Chairman. 30th October, 1884."

(a.) The Bishop of Nelson was notified that the Committee was prepared to hear him on the subject of the petition, but for some reason he did not attend. It is submitted, therefore, that it is too late now to urge that as a plea for delay.

(b.) With reference to the objection raised against the insertion of the clause to meet the case in the Special Powers and Contracts Act, it is possible, even if a special Act had been introduced for the purpose, that exception would have been taken to it by those who held the property on some other plea, although they must be fully convinced that the retention of the estate under the circumstances is altogether unjustifiable.

(c.) That it is inexpedient and impolitic to disturb the grant. This is one of those remarks that are always advanced whenever an attempt is made to remedy a wrong of the kind, that such a proposal involves a dangerous principle, and, if sanctioned, would tend to destroy the security of property held under Crown grant.

WANGANUI ENDOWMENT.

As regards the endowment at Wanganui being held on similar terms, the only resemblance is that the conditions of the grants are somewhat the same, but the principle involved is very different. The land included in the Wanganui endowment was not Native reserve land, nor had the Natives any interest in it at the time. The endowment was made out of land that originally formed part of the Town of Wanganui or Petre, but, owing to the requirements of the place not needing a town site of the dimensions that were first laid off, it was reduced in size about 1849; and at the time the grant was made, in 1852, the land included in it was in the position of suburban land, but the