

COPY of a MEMORANDUM exhibited by Mr. ALEXANDER MACKAY, dated 3rd January, 1870.

Native Reserves.

THE original intention was to have appointed trustees for the management of these lands, to consist of the Bishop of New Zealand, the Chief Justice, and the Chief Protector of Aborigines; but these gentlemen, having found many obstacles to the due execution of their trust, gradually ceased to act, and at last resigned.

During the time these gentlemen had the management of the Native Reserves, Mr. Thompson, R.M., acted as local representative at Nelson till he met with his death at the Wairau Massacre, in 1843, when Mr. A. McDonald succeeded to the management as Mr. Thompson's representative. A Board of Management was subsequently appointed in 1848, consisting of Messrs. Poynter, Carkeek, and Tinline, under the superintendence of Major Richmond. The Board retained the management of the property till the middle of the year 1853, when the sole management devolved on Major Richmond, the then Crown Lands Commissioner, who was ultimately succeeded, in the year 1857, by Messrs. Poynter, Domett, and Brunner, by appointment, dated 1st December, 1856, as Commissioners, under the Act of 1856.

It would appear that the grant by His Excellency the Governor to the Bishop of New Zealand of certain portions of the trust estate at Motueka, as an endowment for an industrial school, was made about the time the Board of Management ceased to exist, and immediately before the writs for our constitutional Government were returned, and just on the expiration of the Governor's power to make them.

The accounts show that the sum of £160 was expended out of moneys accruing to the funds for educational purposes, between the 1st January, 1852, and 11th July, 1853; and that, subsequent to that date, the amount paid on behalf of the industrial school was £201 12s. 11d., as the following items will show:—

	£	s.	d.
1853, October. By paid Mr. Tudor, on account of industrial school	...	100	0 0
1854, April 19. By paid Mr. Tudor, on account of industrial school	...	50	0 0
1854, July 10. By paid Mr. Tudor, on account of industrial school	...	51	12 11
		£201	12 11

It would appear that the first official intimation, concerning the alienation of a portion of Native Trust Estate to the Bishop of New Zealand, received by Major Richmond, the administrator of the estate at the time, was the receipt by him of a Crown Grant, conveying nearly the whole of the Native Reserves then in the occupation of the settlers at Motueka to the Bishop of New Zealand, for certain purposes. This circumstance was communicated by him to His Honor the Superintendent, dated 2nd December, 1853, in reply to one from His Honor, covering a resolution adopted by the Provincial Council then in Session, asking for a return of land set apart as Native Reserves, and other particulars concerning the same.

On receipt of this communication by the Council, it was resolved to form a committee to take into consideration the Superintendent's Message No. 12, respecting Native Reserves (*vide* page 47 of Votes and Proceedings of the Provincial Council, Sess. I., 1853 and 1854); and a resolution was subsequently passed (see page 54) which proposed, amongst other things, to memorialize the Secretary of State for the Colonies, praying that the necessary steps may be taken to set this grant aside. (For Memorial, see page 149, same Session.) To this an answer was received during the third Session of the Council, informing the memorialists that the necessary facilities would be afforded to try the validity of the grants by *scire facias*. (See Votes and Proceedings, page 8, Sess. III.) The Council, however, resolved that it was inexpedient, for many reasons, to try the validity of these grants in a Court of law; and recommended, in lieu thereof, that under the circumstances it would be better that the General Assembly should be moved to pass an Act to quiet the titles to these and similar grants. (*Vide* Report of Select Committee of the Provincial Council, c. 3-56, Sess. III., of 19th March, 1856.)

The following is an extract from a Report of Messrs. Domett, Poynter, and Brunner, Commissioners of Native Reserves, made in compliance with an order of the House of Representatives, of 13th April, 1858, in reference to the portion of the trust estates situated at Motueka:—

"With regard to the sections retained by the trust, and to be let to Europeans, a great number, as you are aware, were granted by Sir George Grey to the Bishop of New Zealand as an endowment for a school for the Natives of the Polynesian Islands. A special committee of the Nelson Provincial Council, as you may remember, expressed their disapprobation of these grants, but thought they should be declared valid by some competent authority in order to avert the disturbance of titles and interests involved. The question is simply whether the grant was a breach of the equitable trusts upon which the lands were originally reserved, owing to the extension of the educational trusts to the Natives of Polynesia. But were the grants upset on this ground in the Supreme Court, it is probable the Bishop, on behalf of the Natives in the district professing to belong to the Church of England, might still ask for (though he could not demand) a certain proportion of the funds arising from the lands, to be expended in their education or religious tuition. Whether it would be worth while, for the sake of the difference between what his Lordship now receives from these lands and what he would then probably receive, to commence a suit in the Supreme Court to get the grants annulled is a question the General Government is perhaps in as good a position to decide as ourselves."

For copies of grants to the Bishop of New Zealand, *vide* Votes and Proceedings of Provincial Council, Session XIX., Correspondence, &c., page 15. It will have to be borne in mind that the whole of the land comprised in these grants to the Bishop is not entirely Native Reserves. Subjoined is a schedule showing the several portions appropriated out of the estate.