

The New Zealand Native Reserves Amendment Act, 1858, gave the Commissioners power to sue and be sued, and absolved them from personal liability except for acts of wilful neglect or default; but in 1862 another amending Act was passed which dispensed with them altogether, and vested all the powers and authorities hitherto held by them in the Governor and his Executive Council, with power to delegate. The 1862 Act, although it received the Royal assent, was viewed with great apprehension by the Duke of Newcastle, then Secretary of State for the Colonies. His Grace observed, in a despatch to the Governor of New Zealand, that even in England it was thought necessary that the administration of any important trust affecting the management of large landed property should be vested in some permanent body, unaffected by the politics of the day.⁽¹⁾

In accordance with section viii of the 1862 Act the management of the Wellington reserves was delegated to Mr. G. F. Swainson, and Mr. James Mackay, jun., the assistant Native Secretary at Collingwood, was entrusted with the administration of the Nelson district.⁽²⁾ In 1863 the Nelson appointment was conferred on Mr. Alexander Mackay⁽³⁾, who held the office until 1873, when he was appointed a Commissioner under the Native Reserves Act, 1873. The only transactions affecting the reserves between the years 1862 and 1873 were a few exchanges and sales in the Nelson district, comprising 2 acres 1 rood 4 perches of town lands and 14 acres 3 roods 20 perches of country land.

The passing of the Native Reserves Act, 1873, marked an important event in the progress of legislation affecting Native lands. In moving the second reading, the Hon. Dr. Pollen said that the Bill proposed to consolidate and repeal the former Acts and to define what lands should be included in the term "Native reserves." It provided for the appointment of Commissioners and defined their duties, and there was an additional provision under which Natives interested in reserves should be associated with the Commissioners appointed for the respective districts. It was proposed also to give a status to the New Zealand Company's reserves, and to clear up some of the inconveniences which had been experienced in ascertaining and determining the title of persons to portions of the lands which were known as the McCleverty reserves.⁽⁴⁾

The Act never came into practical operation, but it is doubtful whether it was wholly a dead-letter, and, in any case, it is of great importance, as it scheduled the New Zealand Company's reserves for Wellington and Nelson and thus definitely outlined the trusts intended to be created. Section 53 of the Act provided that all the lands enumerated in Schedule D, whether they be lands originally set apart by the New Zealand Company as reserves or whether they be lands obtained in exchange for or purchased in lieu of such reserved "tenths," shall be deemed to have been, from the date of the marking-out of such land on the plans, lands set apart for the benefit of the Aboriginal Natives. Schedule D, which enumerates in full the sections remaining in 1873, shows the area to be as follows⁽⁵⁾ :—

Province of Wellington—						A.	R.	P.
City sections	..	..	..	..	..	38	1	13
Rural sections	..	..	..	..	..	976	2	0
						1,014	3	13
Province of Nelson—						A.	R.	P.
Town sections	..	..	..	..	..	50	2	36
Suburban sections—								
Moutere	..	..	..	..	..	950	0	0
Motueka	..	..	..	..	..	3,017	0	15
Takaka	..	..	..	..	..	150	0	0
						4,117	0	15
						4,167	3	11

From 1873 the different districts were administered by Commissioners until 1882, when a second Native Reserves Act was passed which repealed the existing legislation affecting the reserves. The great object of this measure was to take the reserves out of the control of the Government and vest them in the Public Trustee. The Act also extended the meaning of "reserves" and brought within that term land which would not have been embraced in it under the existing law. Provision was made for the appointment of a Commissioner to conduct the routine business of administration, subject to the direction of the Public Trustee; the word "benefit" was interpreted, and the Public Trustee was directed to apply to the Native Land Courts for the purpose of ascertaining the beneficiaries of the trusts. The Bill had rather a stormy passage through the Lower House before it was finally placed on the statute-book. One honourable Native member compared it with a "fish which was full of bones," but his efforts to extract these "bones" during the Committee stage were not crowned with success.

An amending Act was passed in 1895 which gave the Public Trustee power to renew leases without public competition, and make provision whereby Native minors over sixteen years of age could give valid discharges for moneys received from the Public Trustee; and in the following year a further amendment was passed by Parliament. Under the 1882 Act no proper provision was made for disbursing the revenues derived from the reserved "tenths." The Native Reserves Act Amendment Act, 1896, remedied this defect, and authorized the Public Trustee to distribute three-fourths of the accumulated rents amongst the beneficiaries entitled thereto, and to retain the remaining one-fourth

(1) Duke of Newcastle to Governor Grey, 26/2/63: Great Britain—Papers relating to New Zealand, 1863, p. 132.

(2) *New Zealand Gazette*, 1863, pp. 413 and 498.

(3) *Ibid.*, 1864, p. 381.

(4) *Hansard*, Vol. xv, 1873.

(5) See Appendix at end.