

# REPORT ON THE SITTINGS OF THE NATIVE LANDS COURT HELD AT DUNEDIN.

A.—No. 7.

Copy of a Letter from Mr. A. MACKAY to the UNDER SECRETARY, Native Department, Wellington.  
SIR,—

Dunedin, 29th May, 1868.

I have the honor to inform you that the sitting of the Native Lands Court here, came to a close yesterday. Certificates of title have been ordered by the Court to be issued to the respective claimants to the following Reserves on production of proper plans, viz., the Punaomaru Moeraki, Waikouaiti and Purakaunui, within the boundaries of Kemp's purchase and Otakou Heads, Taieri, and the Reserve near the Molyneux in Captain Symonds's purchase.

The claims to the several Reserves within the Murihiku purchase, with the exception of Tukurau and Omaui, have been unavoidably adjourned *sine die*, owing to the absence of the majority of the claimants; this will therefore necessitate another sitting of the Court at some future time at Southland to hear and determine the claims to these Reserves.

It will be as well perhaps, now that another sitting of the Court will be necessary, that the time of sitting should be deferred until the whole of the Reserves in Southland, including those also made by Mr. Clarke in Stewart's Island, shall have been accurately surveyed and plans prepared in conformity with the existing Regulations under the Native Lands Act, or otherwise a double expense will be incurred in preparing two sets of maps, one for the use of the Court, and one after the survey is completed. There is no immediate hurry that the claims to these Reserves should be heard at once as they are not a matter of dispute, and can be very well deferred for a twelvemonth or even longer; in fact it would be much better now that an adjournment has been made, to postpone the hearing of these cases until such time as the survey and other preliminary work in connection with them is in such a state of advancement as will enable the Court to proceed with and complete the whole of the business that is likely to be brought before it at its future sitting.

With respect to the Port Chalmers Reserve, the Court has ordered that Sections 401, 403, and 404, should be vested in Horomona Pohio, Hoani Wetere Korako, Hori Kerei Tairaoa, and Hone Topi Patuki, and their successors, in trust for all the members of the Ngaitahu tribe who are now or may be hereafter resident South of, and including Kaiapoi in the Province of Canterbury. The claim to a portion of the reserve comprised in Section No. 402 was opposed by the Presbyterian Church, and the case was adjourned *sine die*, on application by Mr. H. Harris, who appeared as counsel for the opponents. With regard to the other portion of the Reserve alleged to be within the Town Belt, the Court has not given a final decision, but has left it open for the opponents or claimants respectively, after three days' notice to the other side, to move the Court at a future sitting to dismiss the case on production of deficient evidence or to order a grant in default of such evidence being produced.

The application of the Natives to land in Princes Street was dismissed, the land in question being held under Crown Grant, and the applicants were instructed that they would have to go to the Supreme Court.

With regard to the claim made by the Natives to Pukekura (Lighthouse Reserve at Tairaoa Head) the boundary of the Native reserve has been fixed by the Court at the line of fence erected by the Provincial Government, the Natives getting a grant to one acre within the Government Reserve at the spot mentioned in the Deed of Sale as having been excepted for them;—this will secure seventeen acres to the Government, which is ample for all purposes in connection with the Lighthouse. The landing place to the Pilot Station, the only place suitable for the purpose, has been decided by the Court to be within the boundaries of the Native Reserve; the land however has been made inalienable excepting to Her Majesty; an arrangement will have to be entered into with the Native owners to secure the permanent use of it to the Government. There is an existing agreement at present between the Provincial Government and the Natives, whereby the former pay the reputed owners a rental of two pounds ten shillings per annum for a right to use the beach as a landing.

The Court has ordered in final extinguishment of all claims and engagements created under Kemp's Deed, that land to the extent of two thousand and ninety-four acres should be awarded to the Natives out of Crown Lands within the Province of Otago; out of which one thousand acres has been allotted in satisfaction of the claim of those Natives who signed the deed, and to the immediate descendants of those who were parties to the sale, but never received any share of the land reserved for Native purposes within the boundaries of that purchase as stipulated by the deed.

Four hundred and ninety acres of the award, including land comprised in a fishery easement, has been allotted to the Moeraki residents in satisfaction of their claim under the deed, and four hundred and ninety-four acres to the Purakaunui residents. It was considered that the claim of the Waikouaiti Natives under the deed for additional land, had been satisfied by the extension of five hundred and ninety-three acres made to the Reserve by Sir George Grey, and the Court merely awarded two small pieces of land as fishery easements.

The award of four hundred and ninety-four acres made to the Purakaunui residents is rather in excess of the quantity they were entitled to at an average of fourteen acres per soul calculated on the original Census; but as it was found very difficult to secure anything like a minimum of good land in the neighbourhood of their Reserve, the Natives expressed themselves willing in consideration of the various advantages they would acquire, to accept land of an inferior character in greater quantity, as the place selected gave them access to shellfish and secured to them an old eel fishery which they were anxious to possess.

Enclosed, I beg to hand you copies of correspondence addressed to His Honor the Superintendent and to the Commissioners of Crown Lands here relative to the setting apart of Crown Lands in the Province, awarded by the Court to the Natives in final extinguishment of all claims under Kemp's deed of purchase, together with a Schedule of the lands selected. In conclusion, I have much pleasure in reporting that the whole of the cases dealt with by the Court have been finally and satisfactorily concluded; and to tender the Government my sincere thanks for the honor conferred in appointing me to the important post of Crown Agent on this occasion.

I have, &c.,

The Under Secretary, Native Department,  
Wellington.

ALEXANDER MACKAY,  
Native Commissioner.