

"It may fairly be assumed, therefore, that it would only be reasonable and just that the Government, having done so much for the Natives, and being left *without any lands whatever to appropriate to public objects*, should reimburse themselves from the lands originally set apart as reserves to be formed for the benefit of the Natives; already many instances have unavoidably occurred in which the original intention of the reserves has necessarily been departed from, some have been given up to the Natives themselves, some have been exchanged for other lands, which were required by them, or to compensate Europeans for allowing them to remain on sections belonging to settlers, and some have been appropriated in other ways equally unavoidable from the circumstances of the Colony, and the anomalous position of a Government in a new Colony, without an acre of land at its disposal, for the most important public purposes."

"It must be remembered too that since the original plan of Native reserves was first brought into operation, many and large blocks of land, not then contemplated, have been given over to the Natives."

"It is proposed therefore, in all cases where the Government find it necessary, for purposes of public utility or to promote the general advantage, to appropriate any of the reserves, that such portion of them should be taken as may be required for the object in view, and that the *Native Reserves Fund should be compensated by the Government*, allowing a fair and reasonable rate of purchase money for the land taken. The assessing the amount of this compensation would in such cases, constitute one of the duties of the boards of management; other duties attached to them will be the enquiring and examining into the present state of the reserves, and all arrangements which have been partially entered into with respect to them; the hearing and considering all applications for abatement or remission of rents, and all requests for leases or renewals of leases; the proposing terms upon which land should be let, and in fact the investigating and considering all questions connected with the management of the reserves, so as to enable the Board to recommend such arrangements for adoption by the Government as may be best calculated to promote the establishment and growth of a fund arising from the reserves, which can be devoted to objects having in view the welfare and civilization of the Natives."

In the despatch dated 15th August, 1845, addressed to Lieutenant-Governor Grey by Lord Stanley, his Lordship intimates the intention of the Imperial Government to despatch a qualified officer to New Zealand, to assist the New Zealand Company in the selection of land, to aid in surveying the exterior boundaries of such selections, and to judge of the reasonableness of the terms of any purchase which the Company may make from the Natives, with reference to the Company's right to reimbursement for land in respect of moneys paid for such purpose. And by a despatch of the 18th December, 1845, the Governor was informed that Major McCleverty, of the 48th Regiment, had been appointed to that office.

On Colonel McCleverty's arrival in the Colony he proceeded under the Governor's instructions to adjust the difficulties arising from the loose exceptions made in the Grants to the New Zealand Company of all Native paha and cultivations, &c., and after investigating the question he ascertained that the Natives were occupying under Captain Fitzroy's arrangement (29th January, 1844,) about 639 acres, of which 528 acres were on sections belonging to European settlers, it was therefore recommended as a means of inducing them to relinquish these lands to give them an equivalent in land elsewhere. The chief difficulty in the way of carrying out this proposition was that the Government did not then own any land at Port Nicholson applicable to the purpose, and consequently it was almost impossible to put the Natives in possession of the land requisite to effect an equitable exchange without purchasing it from the Europeans. It was afterwards proposed as a means of adjusting the matter that a portion of the town belt to the extent of 800 acres should be given in part compensation, and that other lands should be purchased in eligible situations to make up the remainder of the quantity required. The matter was finally arranged by awarding land to the Natives on condition of their relinquishing all claims to former cultivations made on lands purchased from the Company by European settlers. The award consisted partly of unselected land, the property of the New Zealand Company, and partly of some of the lands set apart as "tenths." These lands are secured to the Natives by deeds executed by Colonel McCleverty with the sanction of the Governor and the Natives. As further proof that Native reserves were recognized by the Government in the early days of the Colony, "The Municipal Corporation Act" passed by the Governor and Legislative Council of New Zealand (No. 6, of 1842) enacts clause 7, that all lands within the limits of a borough, being a radius of 7 miles from its market place are vested in the Corporation and become its property with the exception of Crown reserves, Native reserves, and allotments sold, or intended to be sold to private persons, and marked accordingly.

Lord Stanley declined to submit the Ordinance for Royal assent partly in consequence of the objection contained in the above recited clause, which if the Act became law, might be the means of vesting large and valuable tracts in the Corporation, and by the sixth clause the Corporation are authorized to erect beacons and lighthouses; a power which properly belongs to the Crown. The chief objection to the Act was that it was repugnant to the Australian Land Sales Act (5 and 6 Victoria c. 36.)

The above named Ordinance was in operation for a short time in the Colony, and was extended by a Proclamation, dated 27th May, 1842, to Wellington, and a Council elected under it. But it was subsequently disallowed for the reasons above stated, and the disallowance notified in the *Government Gazette*, 6th September, 1843.

In the despatch to Governor Grey, accompanying the Charter of 1846, Earl Grey advocates the principles laid down by the late Dr. Arnold, that all waste and unoccupied lands are the property of the Crown, and that the Crown has the sole right to administer them for the benefit of Her Majesty's subjects whether aborigines or colonists, and that if the colonization of New Zealand was only then about to begin these were the principles upon which it would have been his duty to have instructed the Governor to act.

The Royal instructions accompanying the Charter direct (chapter 13), with reference to the "Waste Lands of the Crown," that charts of the New Zealand Islands should be prepared, and especially charts of all those parts of the said islands over which either the aboriginal Natives or the settlers of European birth and origin had established any valid title, whether of property or occupancy, and Natives either as tribes or individuals claiming a property, or possessing title, were to send in claims and have them registered through the protector of aborigines, and all lands not so claimed or registered should be considered as vested in Her Majesty, and constituting demesne lands of the Crown within the