

It appears from the evidence of some of the Native owners that they regard the right of competing for the leases when falling in as only one step towards the wresting of the fee-simple from the hands of the Public Trustee, and that thus they might become the absolute owners. It is true that Mr. Bell stated that the large majority of the Native owners clearly understood that the Commission could not entertain any such idea. We must emphatically point out to the Native owners that the Commission must confine itself to the scope of the inquiry. The reserves are now under the administration of the Public Trustee, acting in conjunction with the Native owners, and the administration must be carried out as a provision for the welfare of the Native owners (the *cestui que trusts*) and their descendants. The Commissioners cannot go beyond the scope of their inquiry, and desire to express their entire want of sympathy with any use of them as a means to a further end.

LEGISLATION.

The confiscated lands were taken under the New Zealand Settlements Act, 1863, an Act passed to enable the Governor to establish settlements for colonization in the Northern Island of New Zealand. The preamble to the Act discloses the necessity for its enactment, and has special reference to the disturbances that had taken place shortly before the year 1863. The Act empowers the Governor to proclaim certain districts within which he may set apart sites and take land for settlements. Compensation was to be granted to all persons who had any title, interest, or claim to any land taken under the Act, with the exception of such persons as are defined in the various subclauses of section 5 and in section 6.

In 1879 the Confiscated Lands Inquiry and Maori Prisoners' Trials Act was passed. The preamble to that Act, as far as it concerns the scope of our inquiry, is as follows :—

“Whereas under the provisions of an Act of the General Assembly heretofore in force called the New Zealand Settlements Act, 1863, and of the Acts amending the same, certain lands belonging to aboriginal Natives on the west coast of the North Island have been taken: And whereas some of such lands have been sold and disposed of, and other part thereof remains in the possession of the Crown: And whereas it hath been alleged by or on behalf of some of the said Natives that promises have been made by or on behalf of the Government of the colony in relation to the lands so taken, and that such promises have not been fulfilled: And whereas the said Natives have been for some time past and now are in a state of discontent, and disturbances of the public peace and other offences have lately been committed by certain of such Natives: And whereas it is alleged that such discontent may be removed by inquiry being made into the said alleged promises and grievances, and it is expedient that a Commission should be appointed for such purpose.”

The Act empowered the Governor to appoint Commissioners to inquire into Native grievances in connection with land on the west coast of the North Island, and defined the powers of the Commissioners. A Commission was appointed under this Act, of which the members were Sir William Fox and Sir Francis Dillon Bell, and they reported to the Governor in the following year, 1880. In consequence of the reports made by these Commissioners, the West Coast Settlement (North Island) Act, 1880, was passed. By section 3 of this Act the Governor was empowered to make a final settlement of every claim or grievance of any nature arising out of any award, promise, or engagement, howsoever made, by or on behalf of the Government of the colony, in respect of land situate within the confiscated territory, and in so far as it may be expedient, to do so in accordance with the said reports, and to issue Crown grants in fulfilment of such awards, promises, and engagements. Section 4 empowered the Governor to make and set apart reserves for Natives within the confiscated territory, to be inalienable by sale, lease, or other disposition, and to issue Crown grants for the same, subject to such terms, conditions, and limitations as he might think fit; also to make and set apart reserves for the benefit of the Natives, to be inalienable except according to an Act of Parliament to be thereafter passed.

In the following year the West Coast Settlement Reserves Act, 1881, was passed. This Act was in supplement of the Act of 1880 just referred to, and was to provide