

The Commissioners added :—

“ We cannot find that Mr. Sheehan made a promise to Taurua, but he seems to have intended to advise a grant to him for in sending in a plan of the land between Patea and Whenuakura Rivers the Land Officer at Patea reported that the object of it was ‘to enable the Hon. Mr. Sheehan to select a locality for a grant of land to the Chief of the Pakakohi, Taurua, in consideration of services rendered since the return of the tribe from Otago.’ ”

Mr. Commissioner Fox’s report of the 25th February, 1882, went on as follows :—

“ These facts will sufficiently explain the grounds on which the Commissioner has recommended an additional grant of 1,062 acres to be made in favour of Taurua and his heirs personally. It has not, however, been done without receiving a concession of considerable value in return. Numerous eel-weirs have been erected and maintained, probably for centuries, by the Natives across the Patea River, rendering it unnavigable except by the very smallest canoes and (as is said to have been estimated by Sir John Code) diminishing the scour of the current to an extent which may affect the water on the bar by a depth of one or two feet and otherwise injuring the channel of the river. Taurua and others of the tribe asserted most positively that at the time of their being restored to their country Sir D. McLean expressly promised that they should retain the use of their eel-weirs—a statement which the Commissioner has no reason to doubt. The Commissioner, while adjusting these cases, received a requisition on the subject from a large number of settlers residing at Patea and the neighbourhood, some of whom own land up the river, which is seriously affected by the obstruction of the weirs. In his negotiations with Taurua he therefore made it a condition of the proposed extension that the whole of these weirs should be removed. The great value which Natives invariably attach to their fisheries and the important character of those in question rendered it a difficult task to persuade Taurua to come to terms, and it was not till after several months’ delay and the exercise of much tact by Major Parris that he was at last induced to do so, yielding, however, finally with a good grace. There is no doubt that from a pecuniary aspect—to say nothing of the feelings of attachment which Natives always display towards this species of property—the sacrifice, on his part, was a very considerable one, as the removal of the weirs was a considerable advantage to the Government.”

The inference the Court draws from the reports is that it was the positive intention of the various Commissioners to make a special grant to Taurua for services rendered and on account of the punishment he had suffered, and that the imposition of a condition of the grant that the eel-weirs should be removed was in the nature of an afterthought. Their obstruction of the navigation of the Patea River was detrimental to the interests of the European settlers, and therefore in the negotiations that took place with Taurua in regard to the grant an opportunity appears to have been taken of bargaining for their removal. Whether, if Taurua had refused to consent to their removal, which, it would appear, he had a perfect right to do in view of Sir Donald McLean’s promise, the grant would have been made at all, or whether, in such a case, it would have been so extensive as it was, it is now impossible to say. It seems to the Court, however, to be fair to assume that some compensation was awarded to him for the removal of the weirs over and above what would have been granted if the question of their removal had not arisen. The remarks by the Commissioner clearly show that the weirs belonged not to Taurua alone, but to Taurua and his people, and the difficulty of persuading Taurua to consent to their removal is no doubt due to this fact. What inducements he offered to his people to get them to acquiesce cannot now be ascertained, and in the absence of any evidence as to what these inducements were the contention by the petitioners that Taurua’s people should have shared in any additional compensation granted to him for their removal the Court thinks is reasonable.

The evidence given by the witnesses for the petitioners that the weirs in question were owned by two different hapus—Te Ngana by Ngatimanaia, of whom Taurua was the chief, and Ruatuna by Ngatititahi or Ngatituatahi, of whom Tautokai was the chief—and that at the meeting at Hukatere it was arranged that the 1,000 acres granted was to be divided on the basis of 500 acres for each weir may be true; but it seems to the Court to be very improbable in view of the facts as stated in the Commissioners’ reports. In the negotiations the name of Tautokai is not mentioned, and there is certainly no written record of any alleged arrangement. The Court does not believe that there is any person now living who could state with any degree of accuracy what took place at the time or what inducement, if any, Taurua held out to his people to obtain their consent to the removal of the weirs. It may well be that he offered no inducement at all, but, after consideration, simply, by virtue of his position as chief, agreed to their removal as a matter of policy and to prevent friction in the future between his people and the European settlers.

I enclose for your information a copy of the minutes also :—

- (1) Your reference to the Court.
- (2) The Native Office file.
- (3) Volume of West Coast Commission Reports 1880 to 1884.

JAS. W. BROWNE, Judge.

The Chief Judge, Native Land Court, Wellington.

*Approximate Cost of Paper.*—Preparation, not given; printing (390 copies), £4 5s.

By Authority: H. G. LONEY, Government Printer, Wellington.—1934.

Price 3d.]