

SESSION II.  
1906.  
NEW ZEALAND.

## WEST COAST SETTLEMENT RESERVES

(REPORT OF ROYAL COMMISSION ON COMPLAINTS AGAINST THE PUBLIC TRUSTEE IN CONNECTION WITH ADMINISTRATION OF THE).

*Laid upon the Table by Command of His Excellency.*

To His Excellency the Governor.

MAY IT PLEASE YOUR EXCELLENCY,—

In pursuance and exercise of the powers conferred on me by Your Excellency's Commission dated the 6th day of August, 1906, whereby, after reciting that Kuini Wi Rangipupu and Heni te Rau, aboriginal Natives of New Zealand, have petitioned the Parliament of New Zealand for relief, alleging that they have suffered in consequence of certain acts of the Public Trustee in his administration of the lands included in Crown grants numbered 3952 and 5238, the lands described therein being reserves vested in the Public Trustee under "The West Coast Settlement Reserves Act, 1892," and the petitioners having life interests in the rents derived therefrom, Your Excellency was pleased to appoint me to be a Commissioner for the purpose of making inquiry into the following matters and things, namely,—

- (1.) Whether the Public Trustee has charged the said Kuini Wi Rangipupu a greater amount by way of commission than is allowed by law;
- (2.) Whether the Public Trustee in dealing with the interests of the said Kuini Wi Rangipupu in Crown Grant No. 3952, or in any other lands in which she has interests, has done, or omitted to do, any act or thing which would justify any complaint by the said Kuini Wi Rangipupu against the Public Trustee;
- (3.) Whether the said Heni te Rau has any cause of complaint against the Public Trustee in connection with his actions in relation to her interests in Crown Grant No. 5238;
- (4.) Whether the Natives interested in the West Coast Settlement Reserves should be relieved from payment of land-tax where their individual interests in small reserves are of less value than the exemption allowed by the Land and Income Assessment Acts,—

I have the honour to report as follows:—

1. I opened the inquiry directed by the said Commission at Hawera, on Thursday, the 23rd day of August, 1906, and continued the same at intervals until Saturday, the 1st day of September, 1906.

2. Mrs. R. S. Thompson (Kuini Wi Rangipupu) and Mrs. Jane Brown (Heni te Rau) appeared to conduct their respective cases, and Mr. T. W. Fisher appeared as agent for the Public Trustee.

3. No witnesses were called other than the parties interested.

4. As a result of the inquiry, I am of opinion that the first, second, and third questions must be answered in the negative.

5. Mrs. Brown admitted that she had no complaint to make against either the Public Trustee or his agent, Mr. Fisher. The gist of her grievance lay in the fact that the provisions of "The West Coast Settlement Reserves Act, 1892," placed her interests under the control of the Public Trustee, while she considered herself competent to manage her own affairs. Mrs. Brown acquired her interest in the land described in the Crown Grant No. 5238 not as original grantee, but as successor to a deceased grantee, and it would not, in my opinion, be advisable to make any personal distinction in favour of a successor, however competent he or she may be, so long as the West Coast Settlement Reserves remain vested in the Public Trustee.

6. Mrs. Thompson also acquired her interest in the land described in Crown Grant No. 3952 by succession to a deceased grantee, and thus, so far as her objection to being placed under the control of the Public Trustee is concerned, the inexpediency of making personal distinctions applies also to her case.

7. I can find no evidence that the Public Trustee has charged more by way of commission than allowed by law, or that he has done or omitted to do anything that would justify a complaint against him.

8. With regard to the assessment of land-tax, I am of opinion that the present method of assessment does inflict an injury on the Natives interested in West Coast Settlement Reserves.

In support of this opinion, I beg to direct Your Excellency's attention to the evidence given by the Public Trustee before the Native Affairs Committee of the House of Representatives, which has been laid before this Commission. He is reported to have said, "The Natives have a legitimate grievance in respect of the land-tax. It applies to Europeans and Natives alike where lands are held in trust for several owners; but as there are few estates of large size held in trust for a great many Europeans, the land-tax falls heavily on Natives where a large grant is held in trust for many owners. In such cases the amount of land-tax paid by each Native is out of all proportion to his small income or interest in the reserve. This should be altered in fairness to the Natives, especially if the lands are in the future to pay full local rates." (Parl. Paper, 1904, I.—3A, p. 14.)

I have therefore the honour to recommend that the Legislature be requested to make the necessary provision to relieve Natives from payment of land-tax where their individual interests in reserves are of less value than the exemption allowed by the Land and Income Assessment Acts.

Given under my hand and seal, at Wellington, this eighth day of September, one thousand nine hundred and six.

H. G. SETH-SMITH.

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