

REPORT

ON THE

NATIVE RESERVES IN THE PROVINCE OF WELLINGTON.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1872.

REPORT ON NATIVE RESERVES IN THE PROVINCE OF WELLINGTON.

I RECOMMENDED in my report of 1871 that the Government should pay to the Native Reserve Fund a rent for the two acres occupied as a Barrack site at Te Aro, and that Native patients should be admitted free of charge to the Wellington Hospital. These arrangements, I thought, were necessary, having in view the purpose for which the reserves were originally made, and the asserted divergence from such purpose which occurred when they were utilized.

These recommendations have so far been followed as that the Government has intimated an intention of paying £14 a year rent for the Barrack site. No charge of any kind, I am informed, is made to Maori patients in the Hospital.

In order to test the validity of the grant of the Native Office site to the Hospital Trustees, the Government, in 1866, declined to pay any further rent; the question so raised, now being assumed to be determined, the sum of £110, back rent for five years and a half, from 1st July, 1866, to 31st December, 1871, was paid out of the Trust Fund to the Hospital Trustees on the 23rd of May last.

I stated in my last report that the Natives claiming interest in the Wellington Town Reserves had paid £50 to a solicitor to commence proceedings in the Supreme Court, to ascertain whether the original intention of the reservation had not been diverged from.

Since then the case has been tried, and a decision given on certain issues submitted. This decision is in favour of the view that the compact between the New Zealand Company and the Natives in the original purchase of the Port Nicholson District was a valid one; that by it certain lands were set apart for the future benefit of the selling Natives; and further, that the lands at Thorndon granted by Sir George Grey to the Hospital Trustees were a part of such lands. The remainder of the points in dispute—the misapplication or otherwise of the proceeds in their use by a public charity—has yet to be determined, and it is proper to be prepared for a finding adverse to the interests of the charity, which depends to a large extent upon the rents of the land.

It would now be almost impracticable to restore the reserves to Native use. Other interests have grown up—the Hospital, itself, stands upon one of the sections—and it would be best to allow those interests to remain undisturbed. With this view, I would recommend that an Act of the Legislature should be obtained to authorize the claims of the Natives in respect to such lands to be sent to a legally constituted reference to determine the amount of money to be given in lieu of occupation. A private Member of the General Assembly is, I believe, about to introduce such a measure, and I have furnished a list of the lands that would probably come under the operation of such an Act.

Several long-pending disputes in respect to the ownership of lands and the participation in rents have been settled in a manner with which the Natives on both sides expressed their satisfaction. These were more particularly at Porirua, where difficulties had arisen in respect to the lands let to Messrs. Thomas, Wall, and Major Edwards, and at Makara, in relation to the land let to Mr. Trotter.

In these cases, owing to incomplete and unrecorded arrangements having been made many years since, with the further complication of change of ownership, caused by the decease of old chiefs who drew the rents and the rise of a new generation, the moneys in some cases had to be temporarily impounded until a fresh basis of distribution could be laid down. I am happy to be able to report that these matters, of which I have elsewhere given detailed accounts, are now settled.

The long-pending difficulty in respect to the town sections at Te Aro, let to the Hon. Mr. Mantell, has been settled by a new lease in place of the lost one, and on similar terms, but for a new period of fifteen years from 1st January, 1872, being granted to that gentleman, who has paid £108, the amount of back rent.

The dispute between Wiremu Tako and the Ngauranga Natives, which was the subject of a police office case about two years since, has at length been settled; Mr. Futtar, the tenant, paying to Wiremu Tako the sum of £50 for the surrender of a collateral claim that was ignored by the survivors of the Natives to whom Colonel McCleverty awarded the reserve. The Natives regard the award in the light of a promise of a grant, and it will be well to issue to them a grant for the land, with a restriction on the power to alienate.

Another dispute had been long pending at Porirua. Ever since the death of the chief Hohepa Tamaihengia of that place, the right to certain reserves had been the subject of contention. With Major Edwards, R.M., and Mr. T. E. Young, of the Native Department, I met the Porirua Natives on the ground on 18th November last, and succeeded in arranging all the chief points of the dispute. By the assistance given to the Natives in defining their respective interests in the reserves, they were enabled at once to utilize them; an assignment of the interests of an unprofitable tenant was made in respect to the Kahotea Reserve, near Titahi; and a tenant found for No. V., who paid £40, down, as a year's rent in advance, on an agreement to rent it for seven years, from 22nd November, 1871. The details of these transactions have already been reported.

The Natives interested in No. 4 Reserve, on the East side of Porirua, and the Kahotea Reserve, assert that, when surrendering to the Governor their control of the land, they were not aware of the effect of the act, and they now ask that the reserves may be restored to them. As there appears to be a foundation for the statement, I would recommend that grants, with restrictions on the alienation, should be issued for them.

The Natives of the Wellington District are fast getting the reserves awarded to them by Colonel McCleverty surveyed into individual estates, in order to simplify the division of rents, and in

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some cases, with a view to obtaining Crown grants for the respective pieces. This work is to the Natives a very expensive process, and I would respectfully suggest to the consideration of the Government whether, in the case of these inalienable reserves, it would not be just and wise to remit the payment of Crown grant and registration fees.

The collection and distribution of the rents of Wellington Reserves, which—since the retirement, in 1867, of the last Commissioner of Native Reserves, Mr. Swainson—has been chiefly performed by Mr. Young, now reverts to the Commissioner. This duty, and the requirement for my presence in settling a number of disputes among Natives claiming interests in reserves about Cook's Strait, necessitated my removal from Auckland to Wellington. I have much pleasure in bearing witness to the satisfaction which Mr. Young appears to have given to the Natives in the performance of his duty.

The legal position of many of the Native Reserves is such that the Commissioner cannot grant valid leases or recover rents. The present mode of reserving a piece of land by bringing it under the operation of "The New Zealand Native Reserves Act, 1856," is not always a convenient one, and does not apply when a Crown grant has issued under the Native Land Acts. Some simple form of settlement is much required, as the Natives frequently are anxious to "tie up," as they term it, their cultivation lands from the risk of temptation to sell in times of pressure or emergency. The powers of a trustee to manage such lands also require defining.

I have already alluded to the propriety of providing by landed endowment for the necessary expenses of Native Hospitals, Lunatic Asylums, and Vaccination Establishments. These institutions are indispensable, and it is much more easy now to provide endowments than it will be after the lapse of a few years. The Confiscated lands appear to be fitting territory to afford such endowments, and I have already submitted a list of sections for such appropriation, but the process for setting them apart by the existing law is so cumbrous, and, withal, so uncertain in its effect, as to be almost unserviceable.

All these circumstances point to the necessity of a new law being passed that, while repealing the existing Acts affecting Native Reserves, shall gather up what is good in them, and add clauses to meet new requirements. I would respectfully recommend that such a bill be introduced to the Legislature.

Sir William Martin's draft of a Native Reserves Bill, printed last year, is an excellent basis for such a measure.

Account current to 30th June, 1872, is attached.

Wellington, 16th August, 1872.

CHARLES HEAPHY,
Commissioner of Native Reserves.

NATIVE RESERVE FUND, WELLINGTON.

STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR FINANCIAL YEAR ENDED 30TH JUNE, 1872.

RECEIPTS.		DISBURSEMENTS.	
1871.	£ s. d.	1871.	£ s. d.
July 3. Fisher and Whitehouse, Rent of Reserve at Porirua to 1st June, 1871	25 0 0	July 6. Hohepa Tamaihengia, Rent	25 0 0
" 5. E. Pearce (for C. J. Abraham), Rent of Reserve, Pipitea Street, Wellington, to 30th June	6 0 0	" 19. Hohepa Tamaihengia, Rent	30 0 0
" 5. J. E. Smith, Rent of Reserve at Pipitea Street, Wellington, to 30th June	1 0 0	" 20. Wi Parata	25 0 0
" 6. A. Wall, Rent of Reserve at Porirua	25 0 0	" 25. J. Paremate	6 10 0
" 12. F. W. Smith, Rent of Reserve at Paekariki	6 10 0	Aug. 15. Ropata Hurumutu	7 10 0
" 13. E. J. King, Rent of Reserve at Porirua to 13th July	30 0 0	Nov. 20. Wi Parata	10 13 4
" 29. A. Mackay, Rent of Reserve at Wainui to 30th June	7 10 0	" 20. T. E. Young, One day's travelling	0 10 6
Sept. 1. E. J. King, Rent of Reserve at Porirua to 23rd August	6 0 0	Dec. 5. Ngahuka Tungia, Rent	6 0 0
Nov. 18. G. Thomas, Rent of Reserve at Porirua to 31st July	10 13 4	Wi Neera, Rent	25 0 0
" 23. Hon. W. Mantell, Rent of Reserve at Adelaide Road from 30th June, 1867, to 31st December, 1871	108 0 0	1872.	
" 25. J. and W. Smith, part Rent of Reserve, Ohiro, to 18th October, 1871	12 10 0	January. Ngahuka, Rent	25 0 0
Dec. 1. Fisher and Whitehouse, Rent of Reserve at Porirua to 1st December, 1871	25 0 0	Ngahuka, Rent	30 0 0
1872.		Ropata, Rent	7 10 0
Jan. 23. A. Wall, Rent of Reserve at Porirua to 31st December, 1871	25 0 0	Ngahuka, Rent	6 0 0
" 23. E. J. King, Rent of Reserve at Porirua to 13th January, 1872	30 0 0	May 23. Trustees of Wellington Hospital, Rent from 1st July, 1866, to 31st December, 1871	110 0 0
" 26. J. E. Smith, Rent of Reserve at Pipitea Street to 31st December, 1871	1 0 0	June 10. Wi Neera, Rent	25 0 0
Feb. 5. E. Pearce (for C. J. Abraham), Rent of Reserve at Pipitea Street to 31st December, 1871	6 0 0	Balance, surplus of Receipts over Expenditure	51 13 0
" 9. F. W. Smith, Rent of Reserve at Paikakariki to 31st December 1871	6 10 0		
Mar. 9. A. Mackay, Rent of Reserve at Wainui to 31st December, 1871	7 10 0		
" 19. E. J. King, Rent of Reserve at Porirua to 23rd February, 1872	6 0 0		
May 1. W. France, Rent of Reserve at Ohariu (qr.), 30th May, 1872	3 13 6		
" 2. J. and W. Smith, Balance of Rent for half-year ended 18th October, 1871, and Rent for half-year ended 18th April, 1872, Reserve at Ohiro	17 10 0		
June 8. Fisher and Whitehouse, Rent of Reserve at Porirua to 1st June, 1872	25 0 0		
	<u>£391 6 10</u>		<u>£391 6 10</u>

C. HEAPHY,
Commissioner Native Reserves.

