

1873.

NEW ZEALAND.

REPORT OF COMMISSIONER OF NATIVE RESERVES.

Presented to both Houses of the General Assembly by command of His Excellency.

PROVINCE OF WELLINGTON.

DURING the interval between the date of Mr. Swainson's retirement from the Commissionership of Native Reserves in 1867, and my location in Wellington, last year, several disputes had arisen amongst the Port Nicholson Natives interested in the Reserves made by the New Zealand Company, and by Colonel McCleverty. These disputes* which chiefly related to the appropriation of rents have been settled in the following manner, viz. :—

Section 12, Ohariu.—The rent paid by Mr. France, £14 14s. a year, is to be divided equally between Paiura, Meti Kingi Paetahi, and Paratene.

Section 13, Ohariu.—Paratene is to have 25½ acres for subsistence land, and Meti Kingi to have 11 acres.

Sections IV. and V., Porirua.—The dividing boundary of these reserves has been adjusted by survey. By this, 71 acres 1 rood 20 perches, on the northern side of Section V., becomes apportioned to Raiha Horomona.

The Reserve No. 84, in the Hutt Valley, has, in conformity with a purchasing clause in the lease been sold to Mr. P. Cotter, for £1,000. This land was purchased in 1855 by Sir George Grey, with public money, in order to supplement the reserves of the Ngatitama people of Kai-warra-warra, who, have since, by instalments, repaid the money.

The purchase money was handed by Mr. Cotter to Wi Tamehana, Ihaia, and Taituha—T. E. Williams, Esq., being nominated to divide the money amongst the claimants.

The reserves at Makara, Nos. 22 and 24, comprising 200 acres, were, in 1862, let by two chiefs of the Ngatitama to a tenant, for a term of twenty-one years, on a yearly rental of £30.

The title of the lessors did not appear to be clearly established, and the case was complicated by one of them having died intestate, and the other having disappeared from the district, and gone, it was alleged, into rebellion. The tenant, under the circumstances, withheld payment of the rent.

At a meeting convened here on the 7th August last, of all the Natives interested in the land, it was decided that Harata, widow of Wi Pakata, one of the original lessors, should receive £10 a year; Paratene Te Wheoro £5, and Rei Te Wharau £5, yearly; and that, on due payment of arrears, the lease should be suffered to run its term.

The town sections at Te Aro, Nos. 1081 and 1082, have been let by public tender to Mr. Charles Swiney, for twenty-one years, from 11th October, 1872, at £2 2s. a year, the tenant to fence in within twelve months. These reserves lie at the extreme southern end of the town, as surveyed.

The Governor has consented to the sales of the following reserves (grants with limitations under Native Lands Acts), viz. :—

Taumata Whakapono, West, No. 89N, containing 944 acres, at Wairarapa, from Wi Tinitara Te Kaewa, to James Gilligan, for £300.

Te Aro Pa, Wellington, Sections 1, 2, and 7, comprising 24 perches, from Hemi Parai to His Honor the Superintendent of Wellington, for £270.

Te Aro Pa, Section 8, containing 20 perches, from Hemi Parai and Hori Ngapaka, to the Superintendent, for £70.

The Wellington and Masterton Railroad is surveyed through a number of Native Reserves, chiefly those awarded by Colonel McCleverty. Some difficulty was experienced in causing the Native owners to comprehend a measure of compulsory land surrender for purposes of public works. Ultimately the sum of £55 an acre was agreed to between the valuers and the owners, as the rate to be paid for land in Sections Nos. 1, 2, 3, 16, and 20, Pitoni. The area required was 11 acres 1 rood 39 perches, and the payment £632 3s. 2d.

It was desirable that this sum should be invested in the purchase of other land for the benefit of the Natives; but as the occupants of the land taken showed damage to actual cultivations, loss of crop, and dispersion of stock, and as the Government, in the case of a McCleverty reserve, had no controlling power, the money was given without restriction to the Natives.

* I have stated the mode of settlement of these disputes minutely, as there are Natives interested, indirectly, in the reserves, who reside outside of the immediate district, and whose only means of becoming accurately informed on the subject will be by the official report.

To each Native whose name appeared on McCleverty's deed of award of 13th October, 1847, the sum of £30 2s. was given, and the Native Land Court was called on to determine as to the ownership of the interests of the deceased awardees. On the 12th February, 1873, the Court made orders in favour of twenty-three owners, and at a date previous to these negotiations had made an order in favour of other eight.

The Natives interested agreed that all the derivative owners should "share and share alike," and the sum of £16 8s. 4d. was paid to each of 22 Natives. Possession of the land has been given up to the railroad authorities.

In 1864, the sum of £915 9s. 10d. was lent by the Government to the Chief Te Manihera Rangitakaiwaho, of Greytown in order to extricate him from his pecuniary difficulties. The money was advanced on the security of the Wharekaka Estate of 1,389 acres, the property of that chief.

By the sales of sheep, in which a portion of the money lent was invested, and from the rental of the land, various sums were from time to time paid into the Treasury on account, and on the 12th March last I received from Te Manihera, and paid into the Public Account, the sum of £327 17s. 5d., by which the loan was recouped. The property was released to Te Manihera.

The reserves awarded by Colonel McCleverty to the Port Nicholson Natives have been hitherto in their own management. The owners now find that some of the lands might be made more productive, and the rents of other portions more satisfactorily applied; they have therefore voluntarily placed the following lands with me for administration:—

6th May, 1873.—Town of Wellington, Sections 13 and 15, Leach, tenant.

"	"	"	14, J. Fitchett, jun., tenant.
"	"	"	37 and 39, J. Brown, tenant.
"	"	"	23, Wyngate, tenant.
"	"	"	18, 20, 22, Mrs. Leach, tenant.
"	"	"	49, O'Connor, tenant.
"	"	"	45, J. Dransfield, tenant.
"	"	"	27 and 28, unlet.

Town Belt, Te Aro, 41½ acres, Leach, tenant.

Ohariu, Section 91, unlet; and Sections 7 and 8, R. Bould, tenant.

The decision of the Court of Appeal in *Regina v. Fitzherbert* declares that the lands known as the "Tenth Native Reserves" are legally demesne lands of the Crown, unencumbered with any trust. This casts a doubt on the status of a considerable number of estates, here, and at Nelson, that are yielding a revenue for Native purposes. It has also prevented the letting of several reserves in Wellington and at Manawatu, for which tenders were received.

While declaring the reserves to be the property of the Crown, the Court of Appeal indicated that there might exist a moral obligation towards the Natives in regard to an interest in the lands.

There is no doubt that when the land was purchased of them, the Natives were solemnly promised that these reserves should be made for their future benefit, and it is essential that faith should not be broken. A Bill has therefore been prepared to give by enactment a legal status as Native Reserves to such of the lands as have not been granted.

PROVINCE OF AUCKLAND.

At the request of the Waikato Natives, who are again bringing their produce for sale to Onehunga, the Native hostelry or grain store at that place has been put into a habitable state, at an expense of £59. It had been unused by the Natives since the outbreak of the Waikato war.

The occupation by Mr. McIntosh of the building erected as an hospital at Mangonui has ceased, by which £10 8s. a year is lost until another tenant can be found.

The lease of the Reserve No. 89, at St. George's Bay, now let for £13 a year to Mr. Blackett, expired in June, 1873. It is proposed to offer this land—6 acres and 1 rood—in building allotments, by which a much larger rental than that heretofore received for it as pasturage land is expected to be obtained.

The Thames and Waikato Natives have placed in trust with Mr. Searancke, R.M., and myself, the following properties, viz.:—Maungatapu, on the Piako, 6,110 acres by Te Raihe and others; and Te au o Waikato, 8,560 acres, by Tuhakaraina and others.

Applications have been received also from the under-mentioned chiefs, for me to undertake the management of their granted lands, viz.:—

From Kiriama Tauwhare and others—Pera	...	...	8,020 acres.
" Te Raihi and others—Hinuwera	...	...	5,396 "
" " " —Matamata	...	...	5,468 "
" Tu Whenua and others—Paritu	...	...	24,229 "

The reserve No. 72, of Section No. 1, Town of Tauranga, containing 25 perches, has been let to Mr. James Weir Greay, on a yearly rental of £7. A lease for twenty-one years to be given as soon as it can legally be done.

PROVINCE OF HAWKE'S BAY.

400 acres of the Pakowhai Estate, B 1, No. 1, held in trust by Samuel Locke and Charles Heaphy, have been let for twenty-one years to Mr. Alexander McHardie, at a rental of £1 an acre per annum, for first eleven years, and £1 10s. an acre per annum for the remainder of the term. Mr. McHardie to pay £1,000 of his rent in advance; receiving temporarily an allowance of 8 per cent. interest. This arrangement has been made at the request of the Native beneficially interested. 434 acres, including the village, will remain reserved for purposes of cultivation and subsistence.

Account current to 30th June, 1873, is furnished herewith.

The Hon. the Native Minister.

CHARLES HEAPHY,
Commissioner of Native Reserves.

ACCOUNTS.

AN ACCOUNT of all MONEYS RECEIVED and EXPENDED by the COMMISSIONER of NATIVE RESERVES in respect to Native Reserves in the Provinces of Wellington and Auckland, from 2nd July, 1873, to 30th June, 1873.

RECEIPTS.

Wellington.

		£	s.	d.
1872.				
July	2. A. Wall, Rent of Native Reserve at Porirua, to 30th June, 1872 ...	25	0	0
"	4. J. E. Smith, Rent of Native Reserve at Pipitea Street, to 30th June, 1872 ...	1	10	0
"	4. E. Pearce (for C. Abraham), Rent of Native Reserve, at Pipitea Street, to 30th June, 1872 ...	6	0	0
"	15. A. Mackay, Rent of Native Reserve at Wainui, to 30th June, 1872 ...	7	10	0
"	17. E. J. King, Rent of Native Reserve at Porirua, to 13th July, 1872 ...	30	0	0
Aug.	2. W. France, Rent of Native Reserve at Ohariu, to 30th June, 1872 ...	3	13	6
Oct.	15. C. Swiney, Rent of Native Reserve at Te Aro, to 11th April, 1873 ...	1	1	0
"	16. F. W. Smith, Rent of Native Reserve at Paikariki, to 30th June, 1872 ...	6	10	0
"	22. J. Smith, Rent of Native Reserve at Ohiro, to 18th October, 1872 ...	15	0	0
Nov.	26. Hon. W. Mantell, Rent of Native Reserve at Te Aro, to 31st December, 1872 ...	24	0	0
Dec.	16. W. France, Rent of Native Reserve at Ohariu, to 30th September, 1872 ...	3	13	6
"	17. Fisher and Whitehouse, Rent of Native Reserve at Porirua, to 1st Dec., 1872 ...	25	0	0
"	18. E. J. King, Rent of Native Reserve at Porirua, to 23rd August, 1872 ...	6	0	0
1873.				
Jan.	3. A. Wall, Rent of Native Reserve at Porirua, to 31st December, 1872 ...	25	0	0
"	13. E. J. King, Rent of Native Reserve at Porirua, to 13th January, 1873 ...	30	0	0
"	31. W. France, Rent of Native Reserve at Ohariu, to 31st December, 1872 ...	3	13	6
Feb.	5. E. Pearce (for C. Abraham), Rent of Native Reserve at Pipitea Street, to 31st December, 1872 ...	6	0	0
"	6. J. E. Smith, Rent of Native Reserve at Pipitea Street, to 31st December, 1872 ...	1	10	0
"	18. A. Mackay, Rent of Native Reserve at Wainui, to 31st December, 1872 ...	7	10	0
April	4. W. France, Rent of Native Reserve at Ohariu, to 31st March, 1873 ...	3	13	6
"	15. F. Smith, Rent of Native Reserve at Paikariki, to 31st December, 1872 ...	6	10	0
"	16. C. Swiney, Rent of Native Reserve at Te Aro, to 11th April, 1873 ...	1	1	0
"	22. J. Smith, Rent of Native Reserve at Ohiro, to 18th April, 1873 ...	15	0	0
May	8. E. J. King, Rent of Native Reserve at Porirua, to 23rd February, 1873 ...	6	0	0
"	20. J. McGrath, Back Rent of Native Reserve at Makara, 22nd November to 31st December, 1872 ...	4	5	5
June	6. Fisher and Whitehouse, Rent of Native Reserve at Porirua, to 31st May, 1873 ...	25	0	0
"	30. J. McGrath, Rent of Native Reserve at Aotea, to 31st December, 1873 ...	40	0	0
"	30. A. Wall, Rent of Native Reserve at Porirua to 30th June, 1873 ...	25	0	0
1872.				
Nov.	2. J. McIntosh, Rent of Native Reserve at Mongonui, to 7th July 1872 ...	8	0	0
"	12. Archard and Brown, Rent of Native Reserve at Auckland, to 30th June, 1872 ...	37	10	0
1873.				
May	8. J. T. E. Rogan, Rent of Native Reserve at Auckland, to 30th June, 1872 ...	7	0	0
June	19. — Blackett, Rent of Native Reserve at Auckland, to 9th June, 1873 ...	13	0	0
"	20. Archard and Brown, Rent of Native Reserve at Auckland, to 31st Dec., 1872 ...	37	10	0
Total ...		£458	1	5

EXPENDITURE.

Wellington.

		£	s.	d.
1872.				
July	2. Wi Parata ...	25	0	0
"	15. Ropata Hurumutu ...	7	10	0
"	17. Ngahuka Tungia ...	6	10	0
Sept.	26. Blundell, advertising Lease of Native Reserve at Te Aro ...	1	12	6
"	26. McKenzie, advertising Lease of Native Reserve at Te Aro ...	1	10	8
Oct.	24. Te Waaka ...	30	0	0
Nov.	7. Tipene Paramata ...	15	0	0
Dec.	18. Ngahuka Tungia ...	6	0	0
"	31. Wi Nera ...	25	0	0
1873.				
Jan.	4. Paiura and Paratene ...	3	13	6
"	20. Ngahuka Tungia ...	30	0	0
Feb.	5. Paiura and Paratene ...	3	13	6
April	12. Paiura and Paratene ...	3	13	6
"	21. Ropata Hurumutu ...	7	10	0
"	25. Ngahuka Tungia ...	25	0	0
"	28. Wi Waaka ...	15	0	0
May	10. Ngahuka Tungia ...	6	0	0
"	30. Pene Kote ...	4	5	5
June	10. Wi Nera ...	25	0	0
Balance—Surplus of receipts over expenditure ...		216	2	4
Total ...		£458	1	5

Wellington, 30th June, 1873.

CHARLES HEAPHY,
Commissioner of Native Reserves.

