

1907.

NEW ZEALAND.

THE OTAWHAO A AND RAKAUTATAHI NATIVE-LAND
BLOCKS, HAWKE'S BAY.

(INTERIM REPORT OF THE NATIVE LAND TENURE COMMISSION.)

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

MAY IT PLEASE YOUR EXCELLENCY,—

We have the honour to forward a report on two blocks in the Hawke's Bay District called Rakautatahi and Otawhao A.

The block called Rakautatahi consists of 11,860 acres, and it has been divided into five blocks, which have been further subdivided. The subdivisions numbered No. 1A, No. 2A, No. 3A, and No. 5A, consisting of 1,866 acres, have been purchased by the Crown; the balance of the block, 9,994 acres, is owned by Native owners. This balance has been subdivided into fourteen subdivisions, as shown in the Schedule hereto. More than half of the land is occupied by some of the owners, and we recommend that the block should be disposed of as appears in the Schedule. Some of the owners in possession have sheep, cattle, and horses on the lands they hold, which they have improved and fenced. There are on the block a substantially built woolshed, and other farm buildings, which are used by the various owners. Crops have been raised on parts of the land. We find, however, that what we have referred to in our previous reports exists here—namely, that the Maori owners who are in possession have really no title. For example, there are in some of the sections five, six, seven, or more owners. Perhaps only one of the owners is in possession, and he occupies the land with the tacit consent of the other owners, but has no legal title from them. If any of the owners were to die, the devisees or successors could interfere with his possession. This might necessitate further partition, which might make the land useless for a farm. It is necessary that those who are in possession should have leases and have some title. We are glad to say that the owners are all willing that this should be arranged.

The condition of this block also shows the need of instructors in agriculture visiting the Maoris, and making suggestions to them as to how their land should be scientifically farmed. It will be noticed from the Schedule that we suggest that a considerable area should be leased by public auction, and this recommendation the owners assent to.

As to the Block No. 2B, which is owned by forty-one owners, part of it has been and is occupied by one Te Karini Rukiruki (No. 36 on list of owners), who has improved the land though he owns only two fifty-fifths of the area. The owners numbered 6, 29, and 30 on the list of owners are desirous that he should be left in possession, at all events, of all the areas they are entitled to, amounting to about 62½ acres, including Rukiruki's share. We suggest that the land should be partitioned, Rukiruki getting a lease of the shares mentioned along with his own, and the balance should be put up to auction for lease. Rukiruki has been in possession for seven or eight years.

We are glad to be able to state that some of those who desire leases are young men, intelligent, active, and, from what we can learn, enterprising and thrifty.

As to No. 3B No. 1, an area of only 19 acres 3 roods 25 perches, no owner was present, and we can get no information in reference to this small area. The owners have, however, sufficient other lands, and the subdivision, from its position, should be administered and disposed of in connection with the subdivisions adjoining, and next referred to.

As to No. 3B No. 2, No. 3B 3A, and No. 3B 3B, amounting altogether to 225 acres 2 roods 13 perches, we find that these subdivisions have been occupied by arrangement with the Native owners by Mr. Prescott, who has been paying 5s. per acre rent. We recommend that this land should be put up to auction for lease and given to the highest bidder. As recommended in our General Report, the leasing should be done through the Maori District Land Board without the land being vested in the Board.

Regarding No. 1G, which consists of 468 acres and 25 perches, and belongs to six original owners, of whom one was Wi Teroikuku, it has been asked that the interest of Wi Teroikuku, amounting to 134 acres 3 roods 27 perches, should be partitioned from the rest of the block, and set aside for two landless Maoris for their lives, the Natives being Ngareta Rautao and Ruru Terangi. These two Native women are first cousins of the successors of Wi Teroikuku, and have no land. The Board could be authorised to make them a lease at a nominal rent.

We found, on questioning the owners of the block, that they had not paid the county rates, though they were well able to do so. There seems to have been some case heard by a Magistrate in which the local body sued the Natives, and was unsuccessful. The Natives in occupation are well able to pay, and they promised that in future they would pay the rates. They will be in a better position to do so when they get leases as suggested in our recommendations.

Summary of Our Recommendations.

	A.	R.	P.
For lease by auction	3,469	3	12
For landless Maoris	134	3	27
For Maori farms	5,904	2	11
Already leased	485	0	0
	9,994	1	10

OTAWHAO A.

This block is a block of 9,689 acres and 16 perches, most of which is leased to Europeans. A few of the owners of the block have land elsewhere—namely, the owners of Nos. 10, 11, 2, and 8. The other owners have small areas outside this block. Those owners who have no land elsewhere are exceedingly anxious that the block should be preserved as Maori land for themselves and their children. Of the block, 3,595 acres are leased to Mr. W. Nelson (subleased to Mr. Potts), which lease expires in 1913; 3,037 acres are leased to Mr. Prescott, which lease expires in 1915; 478 acres 34 poles have been sold to a European. There are also leases of other parts of the block—namely, Nos. 10 and 11, which are leased to Mr. Hobson, but the Maori Land Board has the question of this lease still under consideration. At present it has refused to assent to it, but the matter is to be reopened.

The other leases are,—

Part of No. 1, to W. Hobson, for twenty-one years from February, 1906; approved by Board as to lessors who have signed. 151 acres not acquired, being chiefly interests of deceased persons to which no successors have been appointed.

No. 7, to W. Hobson.

Part of No. 4, to Mrs. Hobson; approved by Board. 261 acres not acquired—belong to owners who do not wish to lease.

There are 100 acres in No. 3A that the Natives are anxious should be made a Native township. They are also desirous that there should be a partition made amongst the owners of this area of 100 acres, so that some of them may get land on which to reside, and they have a scheme of partition ready to submit to the Native Land Court. The balance of the 100 acres not required for their occupation they are willing to deal with as a Native township, giving renewable leases on what is called the Glasgow system of leasing.

As the existing leases before referred to do not expire for some years to come, nothing can at present be done with the major portion of the land. We believe that the land held by Messrs. Nelson and Prescott, being near the Takapau Railway-station, is suitable for small settlement, and most of the Natives are willing that at the end of the leases the land should be subdivided into sections and leased by auction to the highest bidder for terms of years. Having little land elsewhere, they are exceedingly anxious that this land should not be purchased by the Crown, and also that no Natives should be allowed to part with the land, and that the land should be made absolutely inalienable unless an Act of Parliament gives them power to sell. We think that their requests are to be viewed with approval, and we recommend that effect should be given to their wishes.

There were two owners who own two or three hundred acres in the block who were anxious that their land should be partitioned at the end of the lease, in order that their children might occupy it as farms. The leases have so many years to run that it is at present unnecessary to deal with that aspect of the question.

Therefore, except as to Sections 2, 8, 10, and 11, we recommend that the land should not be alienable by sale, and also that the present existing leases should be allowed to expire before the land is leased, and that when leased the land should be subdivided up into small sections and offered for lease by public auction, one person being allowed to hold only one lease.

MORE INVALID LEASES.

At the sitting of the Commission to consider these two blocks, Mr. A. L. D. Fraser, M.H.R., brought before us the fact that the Boards had properly refused to sanction many leases in other blocks on the ground that the declaration required under section 26 of "The Maori Land Administration Act, 1900," had not been made. It appears that some legal advisers had advised their clients that this declaration had become unnecessary through the passing of section 16 of "The Maori Land Laws Amendment Act, 1905." The question came before the Court of Appeal in March last, and the Court decided that there was no foundation for such an opinion, and that section 16 did not purport to repeal the provisions of section 26 requiring that the declaration should be made by an intending purchaser or lessee before his transaction could be sanctioned by the Board: See *Higgins v. Te Ikaroa Maori District Land Board* (26 N.Z.L.R. 205). We are informed that many of the intending lessees had no other land, and they could have truthfully made the declaration, but as the section required that the declaration should be made before the lease is executed, there is no power for them now to make the necessary declaration unless they went to the expense of re-executing the leases. Though we are loth to recommend that invalid transactions should be cured by legislation, yet we think that this might be a case in which the Legislature might allow the declaration to be made now. This case also shows the need of the Legislature being careful when it uses general words, as it did in the amending Act, to see that they are carefully limited, because of the aptitude of some people to attribute to the Legislature intentions not expressed in statutes.

We may add that there is much need of this section 26 being recast, so that land-monopoly may be prevented.

We have the honour to be,

Your Excellency's most humble

and obedient servants,

ROBERT STOUT,

A. T. NGATA,

Commissioners.

Wellington, 16th August, 1907.

SCHEDULE.

Name of Block.	No. of Owners.	Area leased.			For Leasing by Auction.			For Native Occupation.			Remarks.
		A.	R.	P.	A.	R.	P.	A.	R.	P.	
Rakautatahi No. 1B ..	13	..	..	..	..	..	..	1,327	3	0	To be incorporated and worked as farm.
" No. 1C ..	8	..	..	..	..	..	..	576	2	0	To be leased to Hanita te Maero (otherwise Iriwhata Hanita).
" No. 1D No. 1 ..	1	..	..	..	..	..	..	114	0	10	Tuati Meha, sole owner.
" No. 1D No. 2 ..	5	..	..	..	..	..	..	233	0	14	To be leased to Matene Paora.
" No. 1E ..	3	..	..	..	..	..	..	510	3	0	To be offered for lease to L. L. Snee (half-caste); failing him to lease, by public auction.
" No. 1F No. 1 ..	8	..	..	..	..	..	..	623	0	35	To be leased to Harawira Tamihana.
" No. 1F No. 2 ..	10	..	..	..	..	..	..	846	2	32	To be leased to Hana Pewa.
" No. 1G ..	6	..	..	..	..	..	..	468	0	25	Share of Wi Te Roikuku (134 acres 3 roods 27 perches) to be leased at nominal rent to two landless Natives—Ngareta Rauto and Ruru te Rangī. Balance to be leased to Hori Tawhai.
" No. 1H ..	1	..	..	..	..	..	..	29	3	20	To be leased to L. L. Snee.
" No. 1J ..	11	..	..	..	..	..	..	401	2	31	To be leased to Pita Ngaibi.
" No. 1K ..	5	..	..	..	..	..	..	486	3	10	To be leased to Hanita te Maero (otherwise Iriwhata Hanita).
" No. 1L ..	92	..	..	..	2,454	2	30	..	..	..	Reported to have milling timber.
" No. 1M ..	13	..	..	..	..	..	..	224	1	0	To be leased to Tuati Meha.
" No. 1N ..	7	..	..	..	..	..	..	134	0	21	To be leased to Tuati Meha.
" No. 2B ..	41	..	..	..	467	0	24	62	2	0	Interests of owners 6, 29, 30, and 36 on list of owners to be leased to Te Karini Rukiruki.
" No. 3B No. 1 ..	3	..	..	..	19	3	25	..	..	..	
" No. 3B No. 2 ..	8	..	..	..	53	1	17	..	..	..	
" No. 3B No. 3A ..	4	..	..	..	53	3	25	..	..	..	
" No. 3B No. 3B ..	8	..	..	..	118	1	11	..	..	..	
" No. 4 ..	4	485	0	0	..	..	..	..	..	..	
" No. 5B ..	13	..	..	..	302	2	0	..	..	..	
		485	0	0	3,469	3	12	6,039	1	38	

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