

1908.
NEW ZEALAND.

NATIVE LANDS AND NATIVE-LAND TENURE :

INTERIM REPORT OF NATIVE LAND COMMISSION, ON THE ORAKEI NATIVE RESERVE.

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

Native Land Commission, Wellington, 30th July, 1908.

To His Excellency the Governor.

MAY IT PLEASE YOUR EXCELLENCY,—

We have the honour to report on what is known as the Orakei Native Reserve.

The title to this land was investigated in the year 1869 by the Native Land Court, and an important judgment dealing with the history of what may be termed the peninsula, of which it is a part, was given. It is the only land on the peninsula owned by the remnants of the once-powerful tribes who occupied the territory between the Manukau Harbour and the Hauraki Gulf.

It is plain that at the time of the investigation of the title it was thought only fitting and proper that this small remnant of land should be preserved for the ancient Tribes of Nagoho, Te Taou, and Te Uringutu, more generally known as Ngatiwhatua. By the certificate and order issued by the Native Land Court it was made inalienable, and the Crown grant that was issued on the 8th July, 1873, followed the Court's order, for it said, "Provided that the land shall be absolutely inalienable to any person in any manner whatsoever."

Further, the grant was not issued directly to the people entitled, but to Apihai te Kawau, the chief of the Taou, Ngaho, and Uringutu Tribes, and his heirs, upon trust for Apihai te Kawau, Arama Karaka te Matuku, Warena Hengia, Reweti Tamahiki, Eruera Paerimu, Paora Tuhaere, Paramena Nganahi, Reihana, Terewai, Wiremu Watene, Ngawaka, Tautari, Te Ratu Utakura, Te Waka Tuaea, and Taierau, and their heirs, as from the 10th day of February, 1869; and so this land remained Native land in Maori occupation down to the year 1882. In that year a private Act was passed entitled "The Orakei Native Reserve Act, 1882." This statute gave powers to the said trustee, and his successors to be appointed by the Native Land Court, "with the consent of all the beneficial owners, testified as hereinafter mentioned, to lease the Orakei Native Reserve, or from time to time any part or parts thereof, upon such terms and conditions as he may see fit," limited, however, as follows: "Provided that no lease shall be made for any period exceeding forty-two years. No fine, premium, or foregift shall be taken upon any lease." And the statute expressly provided as follows: "The consent of the beneficial owners shall be testified by their being parties to and executing the leases to be made under this Act, and no such lease shall be valid or of any effect which is not so executed." Up to 1898 no leases save perhaps grazing-leases for a year or less were granted. In that year the Native Land Court, purporting to act, we suppose, under subsection (2) of section 14 of "The Native Land Court Act, 1894," which empowers a Native Land Court to "determine the relative interests in any land of the persons entitled thereto, and to partition any land among such persons," partitioned the land. It may be a question whether the Native Land Court had any