

1908.
NEW ZEALAND.

NATIVE LANDS AND NATIVE-LAND TENURE.

FURTHER REPORT OF NATIVE LAND COMMISSION, SUMMARISING PREVIOUS REPORTS.

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

Native Land Commission, Auckland, 12th August, 1908.

To His Excellency the Governor.

MAY IT PLEASE YOUR EXCELLENCY,—

We have the honour to submit the following report, which contains a summary of the reports on Native lands in various districts presented by us since the last session of Parliament.

We have up to the present forwarded for presentation to Your Excellency the following reports, which are arranged in the order of their respective dates. The corresponding number of the parliamentary paper of this session is shown against each report for purposes of reference.

SCHEDULE OF REPORTS.

Subject.	Date.	No. of Paper.
1. <i>Re</i> Tauwhareparae, for Order in Council under section 10, Act 1907 (Waipapu County)	1907. Dec. 20 (telegraphed)	G.-i.
2. Waipapu County	1908. Jan. 18	G.-i.
3. Waimarama, defining area for lease to Miss Meinertzhagen (Hawke's Bay)	Feb. 8	G.-ii.
4. Cook County	" 18	G.-iii.
5. Waimarama Estate, further (Hawke's Bay)	Mar. 3	G.-1.
6. Rotorua County (first)	" 10	G.-1B.
7. On the operation of section 11, "Native Land Settlement Act, 1907"	" 11	G.-1F.
8. Wanganui, Waimarino, Rangitikei, and Waitotara Counties ...	" 12	G.-1B.
9. Urewera Native District Reserve	" 13	G.-1A.
10. Whakatane County	" 23	G.-1C.
11. Tauranga County (interim)	" 28	G.-1D.
12. Waitemata, Rodney, Otamatea, and Hobson Counties ...	April 6	G.-1G.
13. Rotorua County (further)	" 16	G.-1H.
14. Recommending Order in Council under section 10, Act 1907, for lands in Hokianga and Bay of Islands	May 11	(?)
15. Similar recommendation for lands in Hokianga and Mangonui	" 15	G.-1I.
16. Whangarei, Hokianga, Bay of Islands, Whangaroa, and Mangonui Counties	June 10	G.-1J.
17. Tauranga County (further)	" 11	G.-1K.
18. Pakowhai Reserve (Hawke's Bay)	" 11	G.-1L.
19. Opotiki County	" 17	G.-1M.
20. Rotorua County (further)... ..	" 18	G.-1N.
21. Rohe-Potae (King-country), comprising Waitomo, Awakino, Kawhia, and West Taupo Counties	" 19	G.-1O.
22. Orakei Native Reserve	July 30	G.-1P.

After the adjournment of Parliament last session the Commission held its first sitting at Gisborne on the 30th day of November, 1907, and since then has held sittings at the following places: Tolaga Bay, Tokomaru, Waipiro Bay, Waiomatatini, and Te Araroa, in the Poverty Bay district; Raukokore, Omaio, Torere, Opotiki, Whakatane, Ruatoki, and Rotorua, in the Bay of Plenty; Napier; Wanganui; Te Kuiti and Otorohanga, in the King-country; Auckland; Helensville; Dargaville; Whangarei; Russell, Kawakawa, and Kaikohe, in the Bay of Islands; Waima, Kohukohu, Opononi, Pakanae, and Ngarongotea, in Hokianga; Ahipara; Whangaroa; and Mangonui.

At each of these places, but more particularly in the district north of Auckland, the Maori owners of the various blocks attended in large numbers, and were given by the Commission an opportunity of stating their wishes with

regard to the disposition and settlement of their lands. With few exceptions, it may be said that the recommendations made in the various reports herein summarised are in accordance with the wishes of the Maori owners of the respective blocks. The Commission has dealt wholly or partially with lands in the following counties :—

Hawke's Bay,	} East Coast.	Waitomo,	} Rohe-Potae or King-country.
Cook,		Awakino,	
Waiapu,		Kawhia,	
Opotiki,	} Bay of Plenty.	West Taupo,	} North Auckland.
Whakatane,		Waitemata,	
Rotorua,		Rodney,	
Tauranga,		Otamatea,	
Rangitikei,	} Wanganui District.	Hobson,	}
Wanganui,		Whangarei,	
Waitotara,		Hokianga,	
Waimarino,		Bay of Islands,	
		Whangaroa,	
		Mangonui,	

Special reports were submitted dealing with the Orakei Native Reserve; defining the area of the Waimarama Estate to be leased to Ellen Gertrude Meinertzhagen in terms of section 46 of "The Maori Land Claims Adjustment and Laws Amendment Act, 1907"; and on the operation of section 11 of "The Native Land Settlement Act, 1907."

In order to facilitate the carrying-out of our recommendations in respect of various blocks, and to avoid complications arising from private dealings during the period for completing titles, surveys, and other necessary details, we recommended the issue of Orders in Council under section 10 of "The Native Land Settlement Act, 1907," prohibiting private alienation for a term not exceeding twelve months over a number of blocks of the total area of 183,030 acres. This area is also subject to the recommendations summarised below.

The areas dealt with by the Commission in the reports above referred to are as follow :—

Leased or under negotiation for lease	...	...	A.	R.	P.
Recommended for Maori and general settlement	...	...	915,970	2	31
Vested in Boards and trustees, and available for settlement	...	...	1,295,268	1	33
Papatupu lands	...	...	500,365	0	17
			423,582	2	15
Total	...	...	3,135,186	3	16

The following are the summaries for each of the counties and districts reported upon :—

County.	Leased or under Negotiation.			Recommended.			Vested in Boards, &c.			Papatupu.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.
Cook ...	172,552	0	0	24,678	0	0	195,808	0	0	...		
Waiapu ...	113,024	3	14	69,277	2	34	24,868	1	26	149,285	0	0
Opotiki ...	85,312	3	20	45,407	1	16	...			140,000	0	0
Whakatane ...	31,282	0	24	156,062	3	16	...			...		
Rotorua ...	...			201,877	1	18	...			6,716	0	0
Tauranga ...	16,062	3	4	60,068	0	22	...			...		
Hawke's Bay ...	...			6,586	0	0	...			...		
Wanganui ...	49,243	1	12	3,720	2	33	11,780	1	23	...		
Waimarino ...	59,541	0	39	44,344	3	7	113,273	0	0	...		
Rangitikei ...	47,651	1	36	8,992	0	23	...			...		
Waitotara ...	21,763	0	7	1,213	1	12	6,748	0	0	...		
Waitomo ...	138,923	2	27	186,137	1	9	...			...		
Awakino ...	48,094	2	30	19,271	3	27	...			...		
Kawhia ...	13,326	0	22	17,606	1	12	...			...		
West Taupo ...	28,239	0	19	66,011	0	3	...			...		
Waitemata ...	6,652	3	3	4,509	3	3	7,516	1	8	...		
Rodney ...	2,527	0	0	12,359	1	39	...			...		
Otamatea ...	30,573	2	0	5,446	1	29	...			420	0	0
Hobson ...	18,541	2	21	28,563	0	11	12,726	0	0	2,597	0	0
Whangarei ...	4,406	0	2	28,772	2	5	...			5,500	0	0
Hokianga ...	14,729	0	0	135,860	3	13	19,536	0	0	48,804	0	0
Bay of Islands ...	9,377	2	28	113,516	0	26	45,115	0	0	57,668	2	15
Whangaroa ...	3,466	0	3	23,947	0	28	5,688	0	0	5,688	0	0
Mangonui ...	679	3	0	31,038	0	17	57,306	0	0	6,904	0	0
Totals ...	915,970	2	31	1,295,268	1	33	500,365	0	17	423,582	2	15

The area covered by the recommendations of the Commission is thus 1,295,268 acres 1 rood 33 perches. The following is an analysis of the recommendations:—

	A.	R.	P.	A.	R.	P.
1. For Maori occupation,—						
(a.) As papakaingas, burial reserves, family farms, &c. ...	517,695	0	16			
(b.) As communal farms to be incorporated	89,722	3	25			
(c.) To be leased to Maoris, whether specified or not ...	36,156	3	38			
				643,574	3	39
2. For general settlement,—						
(a.) By sale ...	64,192	0	28			
(b.) By lease ...	409,647	1	2			
(c.) To be incorporated under section 28 of "The Maori Land Claims Adjustment and Laws Amendment Act, 1907" ...	177,854	0	4			
				651,693	1	34
Total ...				1,295,268	1	33

We have been careful to point out in most of our reports that the schedules, so far as they relate to lands recommended for lease or sale by public auction, are arranged so as to indicate the mode of disposition urged by the Maori owners. In this connection we desire to direct attention to our report dated the 11th day of March, 1908 (G.-1F), in which we pointed out certain difficulties in administration created by the provisions of section 11 of "The Native Land Settlement Act, 1907." In that report we pointed out the numerous examples of the injustice that might be done were the Maoris under the said section compelled to sell half of the land they desired only to lease, or to lease half of the land they desired only to sell. We mentioned also cases in which the interests of minors might be prejudiced by this provision, and its likely effect upon other lands held on trust, or for endowment. It is true that under this section the duty is cast upon the Maori Land Boards in the various districts to carry out the equal division into lands for sale and for lease. It was not part of our duty as a Commission to recommend such division, but only, as it were, to declare that the Maori owners of a district or of particular blocks had so-much surplus land for disposal under this section. At the same time we were placed in the position of setting in motion machinery which brought into operation this section, and this we felt we could not do in many cases. There is no doubt that many Maoris were prevented from appearing before the Commission by their knowledge of the existence of this provision. It may therefore be said to be a direct encouragement to the Maoris not to put their lands under the management of Maori Land Boards, but to allow that system of private land-dealing to continue which permits certain favoured persons only to obtain tracts of Maori lands. We referred also to cases where the Crown has recently purchased large areas of land from the Maoris, particularly in Upper Whanganui, in the King-country, and the Thames. In a general review of the position of lands in any particular district, it appeared to us fair to take into consideration the area made available for general settlement by the Crown purchases during the last two or three years. Generally speaking, the question arose whether the area sold to the Crown should be deemed to be land sold under section 11, or were the Boards to be compelled, as to the unpurchased residue, to divide the same into equal parts, and so fulfil the letter of the section. We deemed it our duty to point out these difficulties, and to advise that the section may be amended so that the Boards may not be hampered in the administration of Native lands, in accordance as far as possible with the wishes of the Maori owners as outlined in the recommendations we have made from time to time.

We desire in this summarising report to refer to recommendations of a general nature requiring legislative action. They are as follow:—

1. As to blocks vested in the Maori Land Boards by virtue of "The Maori Land Settlement Act, 1905," and its amendments, we have pointed out to the Native Minister that the system of leasing provided in Part II of "The Native Land Settlement Act, 1907," sections 55 to 57, does not apply to areas set aside for lease to Maoris out of lands vested in the Board by virtue of section 8 of "The Maori Land Settlement Act, 1905," notwithstanding section 23 of "The Maori Land Claims Adjustment and Laws Amendment Act, 1907." The latter refers only to lands vested by virtue of section 4 of "The Maori Land Settlement

Act, 1906.” The result is that preference cannot be given in leasing to the owners or to Maori tenants specified by themselves, as contemplated in the system of leasing to Maoris provided by Part II of “The Native Land Settlement Act, 1907.” We think that the law requires amendment to give this preference. (See G.-1j, pp. 8 and 55.)

2. The problem was presented to us, in dealing with papakainga areas in lands vested in the Board, that no power exists for defining what beneficiaries shall have the use of these papakaingas. They are reserved, we take it, for all the beneficiaries, and if a dozen reserves were made in any block all the beneficiaries would be entitled to residence on and use of each of them. We are of opinion that during the currency of the leases the use of the papakaingas should be restricted to beneficiaries to be determined by the Board or other tribunal. Absentee owners should *prima facie* be excluded, also owners who may take leases of sections; and as between resident owners no one owner should have the use of more than one papakainga in any block. If this were not done we think that the difficulties of the communal system would be intensified by the restriction of the beneficiaries to papakaingas without defining their rights of user and occupation. The difficulty we understand has already arisen in regard to such areas in blocks administered by the Board in the north of Auckland (see G.-1j, pp. 8 and 55).

There are also matters affecting special districts which require legislative action:—

1. As to Native lands within the Urewera Native District Reserve we recommend (see G.-1A),—

- (a.) That the election of the General Committee contemplated by “The Urewera Native District Reserve Act, 1896,” should be validated by Parliament. This is necessary in order to avoid delay that must be incurred if the machinery of the Act had to be employed. The appointment of the Committee is urgently required in the interests of settlement, as the Committee has offered an area of 28,000 acres, since increased (so we understand) to nearly 80,000 acres, for disposal by lease.
- (b.) The term of lease should be limited to fifty years, as in the case of leases of Maori lands in districts outside this reserve.
- (c.) That provision be made enabling exchanges to be effected as between individuals or families with a view to consolidating their interests as far as possible.
- (d.) That the respective functions and powers of local committees and of the General Committee be more clearly defined.
- (e.) In view of the possibility that the Commissions which have from time to time investigated the titles of lands in this district may have made errors either in the inclusion or exclusion of names of owners or claimants, the Native Land Court or the Chief Judge thereof be given powers of amendment as provided by section 39 of “The Native Land Court Act, 1894.”

2. Thermal-springs District: We have submitted three reports on lands in Rotorua County and within the Thermal-springs District (see G.-1E, G.-1H, and G.-1N). We have indicated in those reports the amendments we consider advisable to be made in “The Thermal-springs Districts Act, 1881,” in order to carry out our detailed recommendations with regard to the disposition of the various blocks, and in the interests of settlement of the extensive country subject thereto.

We have the honour to be,

Your Excellency's obedient servants,

R. STOUT,

A. T. NGATA,

Commissioners.

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