

MEMORIAL

TO THE GENERAL ASSEMBLY

FROM

KARAITIANA TAKAMOANA, HAWKE'S BAY

RELATIVE TO

THE WORKING OF THE NATIVE LANDS COURT

AND

THE INDIVIDUALIZATION OF NATIVE TITLE TO LAND.

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

WELLINGTON.

—
1869.

MEMORIAL RELATIVE TO WORKING OF NATIVE LANDS COURT.

Poneke, Hurae 29, 1869.

KI A TE RUNANGA NUI O NUI TIRENI,—

E hoa ma, Tenei ahau te tuku atu nei i nga maharatanga i kitea e ahau, ehara i te take amuamu, whakatete whakakino ranei, engari e whakaatu ana i nga take e tau ana te he mo runga mo te taha kia matou ki te iwi Maori.

Ki a kotahi te mea e kororotia e ahau i konei—he whakahe naku ki tenei hanga ki te Kooti whakawa whenua Maori—ko tona he tenei. Ko te whakarongo ki nga korero parau a te tangata kaore nei ona take tika ki te whenua. E hoa ma, kino atu tenei ritenga; engari ano to matou ritenga, Maori e pai ake ana i tenei.

Tenei hoki tetahi ko te ritenga o te karauna karaati, te he o tena kia rongo mai koutou. He kotahi rau (100) nga tangata neke atu ranei, whakaurua ana e te Kooti he kotahi tekau (10) anake nga tangata ki roto ki te Karauna Karaati, ko te kotahi rau (100) rukea noatia ana ki waho o to ratou whenua tahi, ko te he tenei o tena.

Tetahi he ano o taua Karauna Karaati, ka tono te Pakeha ki taua tangata whai Karauna Karaati kia kai waipiro, ka ki atu ai taua tangata Maori kaore ra aku moni, ka ki mai te Pakeha ra, ko to moni ko to Karauna Karaati ko to whenua—ka titiro ahau mo tenei he kohuru rawa tenei i nga tangata Maori kia tino kore rawa he whenua.

He kupu ano taku ki nga kai-whakawa i te tuaruatanga o nga Kooti ki Nepia, ki atu ai au. E hoa ma, ka hoko te tangata o te Karauna Karaati i te whenua ka riro ranei taua whenua ina hokoa e ia? Ka ki mai nga kai-whakawa ki au, kaore e riro, engari ki a whakaae katoa nga tangata i roto i taua Karauna Karaati katahi ka riro ki te hoko. Katahi ahau ka mohio he pai taua mea te Kooti whenua. Mahara atu ai ahau koia rawa ko te tuturutanga ia o te tikanga. No muri tata iho ano ka rere ke he tikanga, ka riro noa te whenua i te hoko a taua tangata kotahi. Kia rongo tonu mai koutou ekare rawa e tukua toku whenua ki a riro i te hoko a te tangata kotahi e noho ana i roto i taku Karauna Karaati, ina hoki he tikanga kopeka tenei mahi. Na nga Roia ranei, na nga kai-whakawa tonu ranei o te Kooti?

E hoa ma, ehara hoki ahau i te tangata hiahia ki te hoko i toku whenua ki te Pakeha i mua. Ka hua au ki te Kooti hei whakatuturu i te whenua ki a kore ai e riro i te hoko. Kaore ia he mea kia riro ai te hoko.

E hoa ma, he ritenga whakamate tangata rawa tenei. E kore e taea e au te tuhi atu ana tini tikanga e whakararu nei ia matou heoti nei taku e whakaatu ai kia koutou ko tenei kia mutu te hoko a te tangata i roto i te Karauna Karaati ki a kitea ai hei hoa ranei nga Maori nei mo koutou hei aha ranei hei maka noa atu ranei i runga i te ahua o enei tikanga a te Pakeha.

E hoa ma, e tono atu ana ahau inaianei kia koutou kia mahia tonutia tenei mea whakamate tangata ki a oti, kia ora ai te tangata. Heoti ano.

Na to koutou hoa aroha,

NA KARAITIANA TAKAMOANA.

[TRANSLATION.]

Wellington, 29th July, 1869.

To the GENERAL ASSEMBLY of NEW ZEALAND.

O FRIENDS, here am I sending the thoughts which I have discovered. This is not from any cause of complaint or strife, or for the purpose of creating evil, but for the purpose of pointing out the reason why trouble exists with regard to our side—the side of the Native race.

Let me here speak of one thing—a disapproval by me of this institution, the Native Lands Court. Its fault is this—listening to the false statements of men who have no just claim to the land. Friends, this is a very bad practice; our Maori custom is much preferable to this.

This is another thing—the regulation of Crown Grants. The fault in that is this: do you listen! Where there are one hundred or more men (as claimants) the Court only admits of ten being inserted in the Crown Grant, while the one hundred (100) are thrown carelessly out of their land. This is the fault of that (regulation).

Another fault of the Crown Grant is, the European invites the man to whom the Crown Grant belongs to drink spirits, and that Maori then says, “I have no money.” Then the European says, “Your money is your Crown Grant: your land is (your money).” I look upon this as being a cruelty to the Maoris, so that they may cease to have any land.

I had a word to say to the Judges who were at the second sitting of the Court at Napier. I said to them “O my friends, if the man who has the Crown Grant sells the land, will it go when it has been sold by him?” The Judges replied to me, “It will not go, unless the whole of the men whose names are in the Crown Grant consent: then it will go.” Then I knew that the Lands Court was a good thing, and I thought, verily, this is the permanent measure.

Shortly afterwards another measure was adopted: the land went by the sale of one man. Do you continue to listen. I will never suffer my land to go upon the sale by one man whose name is inserted in my Crown Grant, because this is a lame system. Does it proceed from the lawyers, or from the Judges of the Court?

Friends, I was not formerly a man who wished to sell his land to the European. I proceeded to the Court that it might be permanently settled that the land should not be sold; but it appears that it can be sold.

Friends, this is a regulation which destroys men. I am not able to write out the numerous matters which are troubling us. All that I will intimate to you is this. Let the (one) man who is in the Crown Grant be prevented from selling, so that it be seen whether the Natives are to be as friends to you, or what, or whether they are to be cast carelessly aside through these measures of the European.

Friends, I am now requesting you to immediately take some action with regard to this thing which destroys men, that it may be put an end to, and that man may be saved. Enough.

From your loving friend,

NA KARAITIANA TAKAMOANA.
