

# P A P E R S

RELATING TO

## THE WORKING OF THE NATIVE DISTRICTS ROAD BOARDS ACT. 1871.

BAY OF ISLANDS AND HOKIANGA DISTRICTS.

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

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WELLINGTON.

—  
1872.



## WORKING OF "THE NATIVE DISTRICTS ROAD BOARDS ACT, 1871."

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### No. 1.

The Hon. the NATIVE MINISTER to Mr. MARSDEN CLARKE.

Native Office, Wellington,  
20th November, 1871.

SIR,—

As it is of the utmost importance that roads in the Northern portion of the Province of Auckland, indicated in maps which will be supplied by the Public Works Department, should be carried out without delay, I have the honor to request that you will place yourself in communication with Wiremu Katene, member for the Northern Maori Electoral District, on the subject.

It is desirable that Natives should actively co-operate in cases where assistance is asked from the Government by contributing, either in money or labor, part of the expense.

From the advanced intelligence of the Ngapuhi, as a tribe, I believe they will be prepared to undertake the duty, and prove to other tribes in this Island that they are capable of participating in the duties and responsibilities of local self-government.

I enclose three copies of "The Native Districts Road Boards Act, 1871," translations of which will be sent you when ready. You can explain to the Natives the purport of the Act from the copies now enclosed; also inform them that the Government is already predisposed in favor of such a measure if applied for, and readily acceded to the application made in their behalf by their representatives, Messrs. M'Leod and Katene, and gave the measure their cordial support in its passage through Parliament.

As an important part of the progress of civilization of the Native race, it will be very interesting to observe the success of this measure, as it will encourage the Government to proceed with further Legislative measures towards the extension of education, and in other directions, for the benefit of the Maori people.

I have, &c.,  
DONALD M'LEAN.

### No. 2.

Mr. MARSDEN CLARKE to The Hon. the NATIVE MINISTER.

Waimate, Bay of Islands,  
13th December, 1871.

SIR,—

I have the honor to inform you that, immediately upon my arrival in the Waimate, I placed myself in communication with Wiremu Katene, member for the Northern Maori Electoral District, and informed him that I had been instructed by the Government to examine and report upon roads, &c. He highly approved of my mission, and expressed his willingness to co-operate with me.

I determined to start at once for Ahipara, and he kindly accompanied me. We arrived at Ahipara on the 6th December, in time to be present at a meeting that was being held by the Rarawa, for the purpose of settling a land dispute.

The following day Katene related what had been done in the House of Assembly, and set forth the advantages of road boards and of education. He said that his not being able to speak English was the great drawback to his efficiency in the House.

In reply to a question put to me by the Natives, I told them that the Government would do all they could to assist them in educating their children. I spoke of the absolute necessity of regular attendance on the part of the scholars, and explained that the acquisition of the English language was not the work of a day, but of years.

They are anxious to establish a school at the Awanui, and informed me that they had written to the Government about it, and had not yet received a reply. I told them that I thought that the letter had never arrived at Wellington, and recommended them to write again, which they promised to do.

A very influential meeting has been convened by Wiremu Katene at Ohacawai next week, at which all the tribes north of Whangarei are expected to be represented. Most of the European gentlemen in the district are invited. The object is to tell them what has been done in Parliament, and to discuss the Road Boards Act, Education, and other matters of public interest.

I have &c.,  
M. CLARKE.

## WORKING OF THE NATIVE DISTRICTS

## No. 3.

Mr. MARSDEN CLARKE to the Hon. the NATIVE MINISTER.

SIR,—

Waimate, 27th December, 1871.

I have the honor to report that a meeting was held at Ohaeawai on Friday, 22nd December, for the purpose of discussing the Native Road Board Act, and other matters of public interest.

The Kaitaia, Mangonui, Hokianga, Mangakahia, Whangarei, and Bay of Islands Districts, were well represented by their respective chiefs. Most of the influential settlers in this district attended by special invitation, and took part in the proceedings.

Hare Wirikake opened the meeting by congratulating their representative upon his safe return, and then called upon him to relate what he had done in Parliament, and particularly to give them some information about the Native Road Board Act.

Wiremu Katene apologised for his (a young man) issuing invitations to the old chiefs in the north, and said that he had not done it with any intention of lowering their dignity or raising himself, but to consult them for the public good; that the Native Road Board was not what he wished to establish, but a Native and European Runanga, which should be empowered by the Government to settle disputes, and to assist the Magistrates in enforcing the law. This was opposed in Parliament, and the Native Road Board substituted, which he had opposed in the House, but that when he heard an honorable member say "That if the Natives would not pay rates they ought not to be allowed to use the roads but have to walk in the ditches," that he thought it was better for them to adopt this Act than to have some other brought into force, over which they would have no control.

I was then called upon to explain it to them, for although they had a translation of the Act, it was almost incomprehensible to them. After explaining it to the best of my ability, most of those present expressed their satisfaction with its provisions, but those who came from a distance said that they would like to consult their people before resolving to adopt it.

I then recommended those belonging to the immediate neighborhood to describe a district, and memorialize the Governor to have the Act brought into force. A district has already been proposed, and as soon as the preliminaries can be got over a memorial will be forwarded to the Government.

There is one point in this Act upon which I would be glad to be informed, namely, Is European property subject to the rates imposed under this Act? and can these rates or penalties be recovered in a Resident Magistrate's Court?

In the proposed district there is a great deal of European property, and unless the property belonging to both races is amenable under the same Act, it will prove unworkable; for it is only with the co-operation of the settlers that the Natives would apply for constitution of Road Boards.

All of the settlers expressed their willingness to come under the Act, and as they have considerable influence with the Natives, I cannot represent too strongly to the Government the absolute necessity of amalgamating their interests. I think that circumstances justify my saying that if the settlers are excluded the Natives will decline having anything to do with it.

The European gentlemen were most hospitably entertained by Wiremu Katene and Heta te Hara, and the unanimity which prevailed was most gratifying to both Natives and Europeans.

The meeting was the most business like I have ever attended, and the subject was thoroughly ventilated.

I have, &c,  
MARSDEN CLARKE.

## No. 4.

Lieut.-Colonel ST. JOHN to Mr. MARSDEN CLARKE.

SIR,—

New Plymouth, 20th February, 1872.

I am directed by the Hon. the Native Minister to acknowledge the receipt of your letter of the 27th December, ultimo, and to thank you for the information therein contained. With regard to the question of rating you propound, I enclose you a copy of the Attorney General's opinion on the subject, which it is requested you will promulgate among the parties interested.

I have, &c.,  
J. H. H. ST. JOHN.

*Opinion of Attorney General.*

I think that only Native lands and lands held under certificates and not granted by the Crown can be rated, but Europeans are rateable, as well as Natives, if occupants of rateable lands. In districts where the lands are principally granted from the Crown the ordinary Highway Acts ought to be the law under which a Board should be constituted.

As to recovery of rates, Governor's regulations will provide; see sub-section 9, section 3.

January 20, 1872.

J. PRENDERGAST.

## No. 5.

WI TANA PAPAHIA to the Hon. the NATIVE MINISTER.

A REPORT OF THE MEETING AT WHANGAPE.

Whangape, 25th January, 1872.

THIS meeting was called to discuss the statements made at a meeting held at Ohacawai, by Wi Katene and his European friend. Therefore was this meeting convened so that all the tribe might hear. There were present the Rarawa of Hokianga, of the West Coast, of Whangape, and Herekino. When they had assembled at the place appointed,

*Iehu Ngawaka* rose and said, let us proceed to discuss matters.

*Wi Tana Papahia*: Welcome the tribe. I have not much to say to this meeting. There is much which might be said about the Road Boards, but you have not considered that those subjects should be gone into now. As it is there is one law which has attracted all your attention, and on account thereof this meeting has been called. I will speak of that law to you. By that law, if a man possess but one acre of land he is to pay one penny to the Government; if he has 2,000 acres the same pennies; if he has 200,000 acres, the same pennies up to the time of your death, to the death of your child, of your grandchild, up to the time when men shall cease to exist. That is all I have to say to you.

*Te Tai*: Welcome the tribe. I have nothing to say. I have only one word to say. It was Ngapuhi who agreed to the treaty of Waitangi formerly, our parents did not understand it, they did not hear of it, they did not see it. Afterwards there was a fight between Ngapuhi and the pakehas, they were defeated. Now, here is a law for collecting money for the Governor upon all the lands; I therefore say that this law for collecting money for the Governor has been agreed to by Ngapuhi. I do not approve of this law. My land is my own, it was not given to me by the Governor, to justify the payment by me of my penny. I do not want to write it as a debt against him. Sufficient.

*Te Herewini Te Toko*: There is no reason why I should have anything different to say about this new law of the Governor's. All I have to say is that I do not agree to give to the Governor this penny per acre upon our lands, that is to say, the lands of our ancestors which have been left by them to their descendants. We are their descendants, the land is ours; what the Europeans have was sold to them. As it is at present, let further consideration be given to the subject by and by.

*Iehu Ngawaka*: Welcome my friends. Bring with you the law of the Governor. It was stated in some of his laws, "Survey your lands so that you may have a firm title to them, lest they slip from you into the hands of another tribe." That law was agreed to; the lands were surveyed, and then money had to be paid therefor; then the Crown Grants had to be paid for, and then the applications to the Custodian of the Grants in Wellington had to be paid for. Now, hearken the tribe, do not introduce any new matter, let us all consider one thing; let us all consent to what we approve of, and disagree with what we do not approve of. You are all aware that this new law has not been brought into force by a strange tribe. I think that if we agree to this law we shall suffer for it in this way, that if we allow one year to pass (without paying) our land will be taken. I therefore say let the operation of this Act be confined to the Bay of Islands. The boundary is at the Hokianga River, from the head of the river to the sea and from thence to Herekino, where it ends.

*Iehu* then said "Shall we then express our disapproval of this law?" All the tribe replied "Yes." He asked the same question again and received the same reply. That concluded the business.

I forward this in order that you may know what all the people in the district have said against this law. Sufficient.

WI TANA PAPAHIA.

## No. 6.

The Hon. the NATIVE MINISTER to WI TANA PAPAHIA.

To WI TANA PAPAHIA,—

Wellington, 28th March, 1872.

My friend, salutations. Your letter of the 25th January has been received; it reached Wellington on the 12th March, and I was away at the time and have only just returned. This is why your letter has not been answered sooner.

I am very glad to see that you have had a meeting, and I read the speeches with much interest, because it shows me that the northern tribes are taking a real interest in the legislation of the country.

From what I am able to gather from the speeches at the meeting, it seems to me that you are opposed to the Native Districts Road Boards Act, which was passed in the last session of Parliament.

The opposition appears to be based on two grounds—

1. That the money to be collected by the Road Boards is for the Governor.
2. That the rate is fixed at 1d. per acre over all lands in the district.

Now I must point out to you that the speakers who addressed the meeting are mistaken on both these points.

1. The money to be collected is not for the Governor, or for the Government either, but is to be spent in opening up new roads, and repairing old ones in the district; by which all the people who live in the district are directly benefitted. The Government take no part of the money, on the contrary they give some to help on the roads.

2. The rate to be levied is not fixed at any amount, either 1d. per acre or any other. The way it is done is this: the people, themselves, meet together, and choose from amongst themselves a certain number of people who form a Road Board, for the management of all roads within the district; and the first thing this Board does is to decide what amount of rate is to be paid for road

purposes within the district. They may fix on 1d. an acre, or 1d. for two or five acres, or 2d. or 5d. an acre; but whatever they do fix upon is determined, not by the law, but by the men who are elected by the ratepayers themselves.

Will you explain this to your friends the chiefs of the north, for I am sure that some person who does not understand the matter has given you an incorrect idea of what the law is on the subject of these Road Boards, and I wish the tribe to be properly informed on the subject.

The Act is not compulsory, and if after having my explanation clearly shown to them, and understanding plainly what the full scope of the Act is, the people still feel disinclined to accept the advantages it offers to assist people who have lands but no roads, to make roads for themselves, they need not have it, and the Government has no desire to force this law upon them.

From your friend,  
DONALD McLEAN.

### No. 7.

MITAI PENE TAUI to the Hon. the NATIVE MINISTER.

To MR. McLEAN,—

Ohaewai, 2nd April, 1872.

Sir, salutations. I have arrived at the Bay of Islands, and we have had a talk with Wi Katene and others, about the Road Boards. They related all that took place at the meeting called by Wiremu Katene on the subject of Road Boards, and the arrangement made by the Europeans of Pakaraka and Te Waimate about the Board, on account of which they agreed that the Act should be brought into operation within their district. The Maoris and Europeans all consented clearly. What caused confusion in the minds of the people of Matauri, and thence to Whangaroa, was the question of the division of the districts; it being proposed that Whangaroa, Waimate, Hokianga, and Te Kawakawa should be separate districts. Kira wished that there should be no division; however, the Road Board system has not suffered through the division of the district; the Maoris and the Europeans have agreed to it, and the latter are pleased that the Maoris are going in with them in the formation of Road Boards. What has operated against the Road Boards is a letter from Wellington to Mr. Marsden Clarke, in which it appears to be stated that "The Europeans and all their land are excepted from the operation of the Act, the Act is for the Maoris alone." This has caused some confusion among the hapus of Ngapuhi, and the propriety of upsetting the Act is being considered. I am trying to find out whether that word is true or not, if it be true that Europeans are excluded from the Act the Maoris are right in their view, always supposing the truth of the statement. I wish this thing to be explained to me so that I may be able to state to the people what is meant by these Road Boards, for you sent me here to assist Wiremu Katene, Heta te Hara, and others, in the Road Board matter. When I heard from Mr. Marsden Clarke of the separation of the Europeans from out of the Road Boards, I had nothing to back me up. Wiremu Katene has said that the Road Boards should be abolished, and now a question is being considered upon which, when a decision is arrived at, a communication will be made to you, perhaps in opposition to the Act, or otherwise. I therefore ask you to explain the meaning of the separation of the Europeans (from the Maoris) in regard to the Road Boards. Sufficient.

Your humble servant,  
MITAI PENE TAUI.

### No. 8.

WIEMU KATENE, M.G.A., to the Hon. MR. McLEAN.

FRIEND MR. McLEAN,—

Waimate, 2nd April, 1872.

Salutations to you. I ask you to explain to me a question, of which I and all the people have heard, on the Road Board question. It is said that that law is for the Maoris alone, and not for the Europeans. I heard this from Mr. Clarke, and now it is said that it is wrong to have a separate Act for the Europeans and a separate Act for the Maoris.

This is why the Road Boards are being objected to by the people of this place, including the Europeans. I therefore ask in what respect this law divides the races, as I was not aware of any such division during the late session of the Assembly. Write to me. Sufficient.

Your friend,  
WIEMU KATENE, M.G.A.

### No. 9.

The Hon. the NATIVE MINISTER to WI KATENE, M.G.A.

Friend Wi Katene,—

Waikato, 31st May, 1872.

Salutations to you. I have seen your letter of the 2nd of April, in which you ask me to explain the provisions of the Road Boards Act. You state that you have heard that it applies to Maoris only and not to pakehas. I carefully read the Act, and think that you are right to a certain extent.

All lands which have been granted, whether belonging to Maoris or Europeans, are out of the operation of that Act.

All lands which have not been granted, and all lands which have been adjudicated upon and for which certificates have been issued, the Crown Grants for which have not been executed, are under the operation of that Act.

In my opinion, some good provision should be considered over, and added to the Act during the next session of Parliament.

Your friend,  
DONALD McLEAN.