

1874.
NEW ZEALAND.

REPORTS OF SELECT COMMITTEE ON NATIVE AFFAIRS.

REPORT on the PETITION of NATIVES of the MIDDLE ISLAND.

YOUR COMMITTEE have considered the subject-matter of this petition, and have the honor to report that they have come to a similar decision to that arrived at by the Committee on "Middle Island Native Affairs" last Session, and beg to recommend,—

"That the Government undertake the immediate settlement of the claims of the Natives of the Middle Island during the recess, either on their own responsibility or by the appointment of two Commissioners, one to be nominated by the Government, the other by the Natives, and whose decision shall be final and binding on both parties; Commission to have power to appoint an umpire in case of disagreement."

11th August, 1874.

REPORT on the PETITION of MOHI MANGAKAHIA and 19 Others, praying that certain Sections (therein set forth) of "The Native Land Act, 1873," be either repealed or amended.

THE Committee, in reporting on this petition, cannot refrain from calling attention to the importance of the petitions against the Act of 1873, as coming from very large Native districts, and as bearing upon their faces the clearest proof that they are not the result of any concerted action, and that they are genuine expressions of the Native mind.

The petition now being reported upon touches upon the major points open to objection in the Act. They appear to resolve themselves into the following heads:—

1. That the measure is far too paternal in its character, and affects to treat the Natives as children, or as destitute of ordinary intelligence.
2. That it imposes such stringent conditions as to notices and other points of administration as render it almost impossible for any Native to comply with its provisions.
3. That it largely increases the time and expense of survey and investigation.
4. That it arms a number of irresponsible officials with such large powers, that at any stage a claim under investigation may be stopped on the most insufficient grounds.
5. That leases and sales to private persons are, by the provisions of the Act, rendered very difficult to be completed.
6. That the system in force under the repealed Acts, with some necessary amendments and alterations, would be more likely to prove acceptable to the petitioners, and cause satisfaction among them.
7. That it compels the Judges to make a preliminary investigation, which is in most cases likely to be of an *ex parte* character; and order surveys to be made under such circumstances as will lead applicants and counter claimants to imagine that their claims have been ignored.

Your Committee are therefore of opinion as follows:—

Section 15.—That effect should be given to request of petitioners, by reinstating Assessors in the position occupied by them under the repealed Acts: provision to be made when differences of opinion occur.

Section 35.—That in reference to objection taken by petitioners to section 35, the Committee find that this is identical to objection taken by the Judges of the Native Land Court in their report. (*Vide* page 26.) The machinery required under the Act for the service of notices appears to be exceedingly cumbrous and expensive, and that it would be desirable and advisable to fall back upon the practice existing under the repealed Acts.

Section 38.—That the Committee are of opinion that so much of the Act as requires preliminary investigation to be made by the Judges before survey or hearing the claimants in open Court should be repealed, and the Committee make this recommendation upon the grounds set forth in the petition, and the memorandum of the Judges of the Native Land Court relative to the Act. (*Vide* page 23.)

Section 44.—That the Committee recommend that claimants and counter claimants should be allowed the same privileges in appointing a spokesman to conduct any case or cases on their behalf.

Section 71.—That in reference to objection to section 71, the Committee recommend returning to the practice existing under the old Acts, whereby the Native was required to be at the expense of one map only, and the Government should, through its officers, prepare copies of map as may be required for record.

Section 78.—That effect should be given to request of petitioners, to the extent of shortening the time in which a rehearing may be applied for from six months to three months. Under this head, the Committee would also call attention to the extraordinary powers which by section 58 are given to the Governor in Council, of ordering a rehearing at any time, without regard to any transactions affecting the land which may have taken place subsequent to the issue of the Crown grant.

Section 106.—That the law in respect to taking lands for roads and railways should be made the same in the case of Maoris as of Europeans.

17th August, 1874.

REPORT on the PETITION of MOHI TAWHAI and Others.

THE petitioners allege that they are dissatisfied with "The Native Land Act, 1873," and draw special attention to three points:—

1. The purchase by Government of land before the title is decided by the Court.
2. The expense of working the Act.
3. The length of time required before the title to a block of land is definitely determined.

With regard to No. 1, your Committee have the honor to report that they have come to the following resolution:—

"That it is not expedient that money should be paid by the Government by way of advance to Natives on account of their lands until they are satisfied as to who are the real owners thereof."

Your Committee having already reported on two other petitions praying for amendment and repeal of certain sections of "The Native Land Act, 1873," do not consider it necessary to make any remarks on Nos. 2 and 3.

20th August, 1874.

REPORT on the PETITIONS of KINGI MAHAUARIKI and Others, of PAURO TAHURIWAKA and Others, of HOANI M. HERETAUNGA and Others, of ERUERA TE UREMUTU and Others, and of HORI TAIAWHIO and Others.

THE whole of these petitions come from the Arawa people, and are almost identical in language and terms. Petitioners complain that the Government has tied up their lands in such a manner that they cannot sell or lease to any one but the Government, and they ask that this restriction be removed.

It appears that the lands of the Arawa have not been proclaimed as a district under "The Native Land Act, 1873," and in consequence, the Queen's pre-emptive right has practically been revived for the time being, and all leases or sales to private persons are illegal.

Three important chiefs of the Arawa, viz. Wiremu Mache Rangikaheke, Te Pokiha, and Hapeta, have come to Wellington for the express purpose of supporting the prayer of the petitions, and of laying the tribal grievances before Parliament.

The representations made by those chiefs to this Committee may be briefly summed up as follows:—

"The Arawa people have from the foundation of the colony consistently refused to lease or sell their lands; and while all the other great tribes have divested themselves of the greater portion of their tribal lands, the Arawa country has remained almost untouched in the hands of the aboriginal owners. When the Native Land Court was established, the tribe refused to take advantage of it for a long time, but ultimately, upon the repeated assurances of the Government that the survey and investigation of the titles to their lands would not facilitate leases or sales, they allowed one or two pieces to be surveyed and put through the Court. At once trouble and confusion arose. Men of no standing in the tribe began to lease or sell without the knowledge or consent of the acknowledged leaders of the people. The result was, that at subsequent sittings of the Court no lands were allowed to be put through. Then the tribe complained to the Government, and asked that their lands should be entirely tied up, so that in future no sales or leases could take place. The Government did this, but at the same time land-buyers and surveyors were sent into the district on Government account, and commenced leasing, selling, and surveying on all sides.

"The Government is still persisting in this course, and their agents are adopting the old system which in days gone by led to trouble and bloodshed; for, in their eagerness to acquire lands, they are negotiating with and paying moneys to men of inferior rank, despite the protests and remonstrances of the principal chiefs.

"The chiefs are now willing to allow lands to be taken upon lease to the extent of the moneys already paid; they decline to confirm any sales of freehold; they complain that Government is dealing with land before investigation of title; and they ask that the land-buyers should be withdrawn, and that no further attempts should be made to purchase or lease their lands."

The Committee are of opinion—1. That considerable weight should be given to an expression of opinion on the part of the Arawa people which appears to be almost unanimous.

2. That while the Committee refrain from expressing an opinion on the question of stopping all leases or sales whatsoever in the Arawa country, they are of opinion that at least the existing restrictions should be removed, and the Native owners be left at liberty to dispose of their lands to the best advantage.

25th August, 1874.

REPORT on the PETITION of ROTA RANGIHARO and Others, members of the Arawa Tribe.

THIS petition is directly opposite in its prayer to the prayer of the other Arawa petitions previously reported on. It approves of the Government only being allowed to purchase or lease Native lands, and asks that private persons be not allowed to enter their district for the purpose of negotiating for land.

From the statement made by the Arawa chiefs who gave evidence before the Committee, it would appear that Rota and his people are now leasing and selling to the Government against the wish of the other sections of the Arawa Tribe, and that the large majority of the tribe are entirely opposed to the granting of the prayer of this petition.

The Committee consider that the best solution of the difficulty is that set out in their report on the petitions from the Arawa Tribe, namely, that the restrictions at present existing should be removed, so that the tribe may dispose of their lands to the best advantage; and they recommend accordingly.

26th August, 1874.

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1874.

Price 3d.]

