

1943.  
NEW ZEALAND.

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# NATIVE DEPARTMENT.

ANNUAL REPORT OF THE UNDER-SECRETARY FOR THE YEAR ENDED 31st MARCH, 1943.

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*Laid on the Table of the House of Representatives by Leave.*

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THE UNDER-SECRETARY, NATIVE DEPARTMENT, to the Hon. the MINISTER OF NATIVE AFFAIRS.

Native Department, Wellington, 15th April, 1943.

SIR,—

I have the honour to present herewith the annual report upon the activities of the Department, excluding Native land development and Native housing, which are dealt with in a separate report submitted by the Board of Native Affairs. The report covers the financial year ended 31st March, 1943.

I have, &c.,

O. N. CAMPBELL,

Under-Secretary and Native Trustee.

The Hon. the Minister of Native Affairs.

## GENERAL.

NOTWITHSTANDING war conditions, the various functions of Native administration have been fully maintained, and although there has been no expansion of departmental activities, full co-operation has continued with other Government services which are concerned with the welfare and advancement of the Maori people. Close contact is maintained with the office of the Minister in Charge of the Maori War Effort, and the Department is anxious to afford assistance to the various tribal committees, their executives, and the Native recruiting officers, which combine to form an effective organization for stimulating enlistments and directing Maori man-power into essential industries.

The following statistics show that the Maori population continues to steadily increase, the estimated census at the end of December last being 95,788, as compared with 93,130 for the corresponding month of the previous year, and these returns are exclusive of Natives serving with the armed forces overseas. It is interesting to compare these figures with the records for 1896, when the census revealed a population of only 39,854 members of the race.

Legislation sponsored by the Department is contained in the Native Purposes Act, 1942. Three of the clauses effected amendments or additions to the general Native land laws; the remaining clauses dealt with matters of local interest only. One of the amendments became necessary to resolve a doubt which had been raised as to whether, on the making of an adoption order for a Native child in favour of the European spouse of a Native, the prior adoption order in favour of the Native was not superseded. The amending clause makes it clear that the adopted child can become the foster-child of both parties. Another section conferred power on the Maori Land Boards to expend limited amounts for Maori welfare and similar purposes. The third amendment permits the Board of Native Affairs, in making advances under the Native Housing Act, 1935, to take security over any land owned by the Native borrower other than that upon which the building stands, and over the landed interests of any other Native who derives benefit from the expenditure of the loan-moneys.

Picturesque tribal ceremonies were enacted at Rotorua on 25th March, 1943, when the Tama-tekapua carved meeting-house was officially opened by His Excellency the Governor-General at Ohinemutu. This centennial memorial perpetuates the name of the intrepid navigator of the Arawa canoe which, according to traditional history, brought the ancestors of that great tribe to the shores of New Zealand nearly six centuries ago. It is pleasing to record that the function marked the reconciliation of the Waikato and Arawa people after an estrangement which has lasted for nearly one hundred years, and is significant of the unity now existing amongst the tribes of Maoridom.

The requirements of Parliament in regard to special reports and personal attendance on the Native Affairs Committees have been carried out by the administration branch of the Department. In addition to reporting on and appearing in connection with a number of Native petitions, much research work was entailed in connection with an exhaustive inquiry by a special Joint Committee of both Houses into the church trust lands in the Manawatu and Wairarapa districts when the original cessions by Te Rauparaha and other chiefs, and Crown grants made by Sir George Grey, were examined and the reports of earlier Commissions reviewed.

Of the five candidates who sat for the Native Interpreters Examination in November, 1941, one secured a pass and one a partial pass. No applications were received in 1942 in time for the usual November examination.

Special mention is made in this report of the activities of the Ngati-Ponke Maori Association, which takes a prominent part in all matters relating to the physical, social, and moral welfare of the Maori residents of Wellington and the outlying suburbs, and has for its purpose the fostering of a more liberal understanding between the two races. At present the association is directing its energies towards patriotic purposes, and the provision of comforts for Natives serving with the forces. The reception of Maori soldiers returning from the front is its special concern.

Reports of the Board of Native Affairs and the Maori Purposes Fund Control Board are contained in parliamentary papers G.—10 and G.—11.

#### NATIVE LAND COURTS.

A statistical return of the business dealt with by the Courts during the period under review is appended in Table A.

During the year sittings of the Native Appellate Court were held at Auckland, Gisborne, Wanganui, and Wellington. At the Auckland sitting several appeals fell to be determined which involved important questions touching mud-flats and accretions to the foreshore, and the Native Land Court's powers to enter upon inquiries as to the ownership of them. The burden of the Appellate Court's decisions was to the effect that, save on partition proceedings where it was a matter of apportioning an excess of area admittedly due to accretion, the Native Land Court had no jurisdiction to determine the ownership of accretions and mud-flats which did not fall into the category of Native customary land—that is to say, once it was shown that the mud-flat or accretion was not customary land, the Native Land Court could not hear any dispute, even as between Natives, as to the ownership. Another appeal dealt with at this sitting concerned the “surplus lands” issue—that is, lands which remained in the Crown as surplus from the grants made by the Land Claims Commissioners out of areas purchased by the early settlers before the founding of the Colony and which on the coming of sovereignty reverted to the Crown. The Native Land Court held that two islands which were part of the surplus were Native customary land, the freehold of which could be transmuted to the Native owners by orders made by the Court. This judgment was reversed by the Appellate Court, which held that the customary title of the Natives had already been extinguished, and could not be subject to investigation by the Native Land Court.

#### NATIVE TRUSTEE.

The ordinary business of the Native Trust Office has been maintained throughout the year.

The Native Trustee's liability to his beneficiaries at 31st March, 1943, was £677,896, and his accumulated reserves totalled £129,370. Assets were represented by mortgage investments and advances to estates, £569,253; war-loan stock, £3,000; miscellaneous securities, £23,409; deposits at short call and cash balances, £94,940. During the year advances on mortgage totalling £15,788 were approved.

By arrangement with Army Base Records, the Native Trust Office acts as the clearing-house for estates of Maoris killed in action, by filing certificates of administration and collecting arrears of pay and allotments, which funds are held pending grants of probate, letters of administration, or succession orders to personalty by the Native Land Court. The accounts of 230 deceased Maori soldiers have already passed through the Native Trustee's hands; the Office makes no charge for this service.

#### MAORI LAND BOARDS.

The collective cash turnover of the seven Maori Land Boards for the year under review, with the figures for the preceding year shown in parentheses, were as follows: Receipts, £479,546 (£479,759); payments, £503,280 (£439,385). At the 31st March, 1943, the total liability to Native beneficiaries was £570,071, whilst assets included the following:—

Government securities—							£
Ordinary	..	..	..	..	..	..	52,463
War loan	..	..	..	..	..	..	106,650
							----- 159,113
Mortgages and charges	..	..	..	..	..	..	279,717
Deposits	..	..	..	..	..	..	214,093
Cash balances	..	..	..	..	..	..	21,347

The Board's total reserves for general and specific purposes now amount to £212,195.

To assist in meeting the requirements of the armed forces and increasing local demands, the Maori Land Boards are interested in encouraging Natives to grow kumara for marketing; in the Auckland, Rotorua, and Gisborne districts considerable areas have been planted. In addition to this crop, the Boards are giving every support to maize-production and potato-growing as part of the Maori war effort; the response generally has been most satisfactory.

The collective investments of the Maori Land Boards in war-loan securities now amount to £106,650.

#### STAFF.

The personnel of the Department as at the 31st March, 1943, numbered 575 officers, including 7 Judges of the Native Land Court, and comprised office staff (252 permanent and 216 temporary) and field staff (18 permanent and 89 temporary). These figures include, however, 175 officers serving with the armed forces, either overseas or in New Zealand, and their replacement by 75 wartime assistants, principally female clerks, also 13 officers seconded for duty with other Departments for the duration of the war. In addition, the Department employs some 128 men (chiefly Natives) on a regular weekly-wage basis as shepherds, stockmen, and general farm hands, but the bulk of the labour required for its land-development and farming operations is obtained by engaging Maoris on co-operative contracts. Excluding farm workers, 142 officers on the regular staff are members of the Maori race, and of this number 43 are serving in some capacity with the armed forces.

The Department deeply regrets the loss of three valued officers whose names have been added to the Roll of Honour during the past year, one of whom was Lieutenant-Colonel E. te W. Love, Commander of the Maori Battalion serving overseas, and tenders its sincere sympathy to their sorrowing relatives.

#### DISTRICT REPORTS.

The following reports on departmental activities relate to the different districts.

##### WAIKATO-MANiapOTO AND TOKERAU DISTRICTS.

The Court and Board activities have been well maintained despite difficulties consequent upon war conditions.

*Native Land Court.*—The sittings gazetted for the year have been held and the Court adjourned from time to time to various smaller centres for special business which could be more conveniently dealt with locally. During the year, consequent upon the issue of the Tiroa Emergency Regulations, sittings took place of the Tiroa Emergency Commission, which consisted of the Chief Judge of the Native Land Court and the Judge of the Waikato-Maniapoto District. The finding of the Court will have the effect of obviating further causes of friction between the Native owners of the Tiroa and Maraeroa C Blocks and the company which is working the extensive areas of timber on these lands. A lengthy sitting of the Native Appellate Court also took place in the district during the year to deal with a number of appeals which had arisen. As usual, the Court dealt with numerous *ex parte* matters which are not shown in the figures set out in Table A, and special attention has been given to questions arising out of the estates of Maori soldiers who have unfortunately been killed overseas.

*Consolidation.*—During the year further progress was made with the Te Kao consolidation scheme and a number of final orders were made by the Court. Good progress has been made by the committee working in the Southern Hokianga area, and further series have been submitted and approved by the Hon. the Native Minister.

*Maori Land Boards.*—The usual routine business has been transacted. Lessees are on the whole keeping their rental payments up to date. There is a keen demand for timber, and several sales have been negotiated.

At the 31st March, 1943, the financial position of the Boards was as follows,—

					Tokerau. £	Waikato-Maniapoto. £
Total receipts	..	..	..	..	30,790	31,066
Total payments	..	..	..	..	30,150	32,257
Liability to beneficiaries	..	..	..	..	43,562	76,998
Land and buildings	..	..	..	..	..	11,083
Investments—						
Mortgages and charges	..	..	..	..	16,900	32,483
Government securities	..	..	..	..	16,865	10,000*
Cash balances	..	..	..	..	1,517	2,992
Reserves	..	..	..	..	268	18,335
On deposit with Native Trustee	..	..	..	..	184	37,548

\* War loan.

##### WAIARIKI DISTRICT.

*Native Land Court.*—During the year there were twenty gazetted sittings of the Court. The volume of the work has been maintained and many cases not shown in the returns have been dealt with. Applications for rate-charging orders are now disposed of in co-operation with the local bodies, and very satisfactory arrangements are being made to meet practically all rating charges in this district. Of the 1,500-odd applications for such orders advertised for Whakatane, about 1,100 have now been either settled or withdrawn. Many of the remainder affect small uneconomic areas and may also be withdrawn. Much of the improvement in the rating position is due to waste lands having been brought into a revenue-producing state by capital expenditure under the development or primary-production schemes.

*Consolidation.*—With a further strengthening of the consolidation staff, certain progress has been made, and it is hoped, by confining the work to one or two schemes already commenced, that some finality may be reached at an early date. Final orders have been made by the Court in the Horohoro series, while considerable checking of data is being effected to enable further instalments to be submitted for approval in the Rotomahana-Parekarangi and Taheke series.

*Maori Land Board.*—The financial activities of the Board have increased, receipts for the year being £69,200 and payments totalling £79,349. As at 31st March, 1943, the financial position of the Board was as follows:—

						£
Liability to Native beneficiaries	..	..	..	..	..	95,015
Cash balances	..	..	..	..	..	4,890
On deposit with Native Trustee	..	..	..	..	..	41,890
Invested in farming properties	..	..	..	..	..	72,606
Invested on mortgage	..	..	..	..	..	4,781
Invested in primary-production activities	..	..	..	..	..	5,538
Invested in National Savings Bonds	..	..	..	..	..	10,000
Invested in Second Liberty Loan	..	..	..	..	..	10,000
Reserves	..	..	..	..	..	56,668

During the year the Board has continued its support to the Maori war effort by financing and marketing primary produce. In addition, it has encouraged in every way the tendency of our Maori people to direct by tribal committees the various phases of the effort. In one district the Board may have to withdraw its financial assistance in respect of a considerable maize programme unless Maori co-operation becomes more conscientious and sincere. Otherwise, the Board acknowledges with gratitude the considerable support given by tribal organizations.

*Primary Production.*—The Maori people continue to show interest and energy in meeting calls for increased primary production. The area sown in maize this year has improved, while ventures in early-potato growing have proved helpful both to the demand for further production and to the finances of the growers. A substantial area of kumara has been planted this season, and the initial marketing of the crop has commenced. During the year about fifteen tons of Agar seaweed have been gathered by the Whanau-Apanui tribe: This was a really worthwhile effort, as the promptness of the response to a call made in April, 1942, enabled a processing factory to commence operations and make available supplies of this much-needed commodity. Up to date practically all the weed supplied has come from this district.

#### TAIRAWHITI DISTRICT.

*Native Land Court.*—A considerable volume of business was dealt with by the Court in its nineteen sittings held at the various centres of Maori population. An increase in the amount of fees collected is recorded, the total being £1,202, as against £1,005 for the corresponding previous period.

Applications numbering 3,299 were advertised for hearing, of which 2,339 were disposed and 4,092 orders made. In addition to the usual sittings of the Court, the Appellate Court sat and heard, amongst other matters, appeals affecting decisions on investigation of title to lands which were practically the last in this district held under the ancient customs and usages of the Maori people.

*Consolidation.*—Sittings of the special tribunal set up to deal with the titles to Marangairoa and Wharekahika, two of the largest blocks of Native land in the district, were held. The decisions are eagerly awaited by the numerous owners of the lands affected. This final determination of the ownership of these blocks will enable the continuance of work in connection with the remainder and major portion of the northern Waiapu consolidation scheme. This will ultimately facilitate the better settlement and more economic utilization of the lands included therein. During the year all titles in the southern portion of the Waiapu scheme were completed.

*Receivership and Rates.*—The judicious appointment of Receivers in respect of Native lands in the various counties has had beneficial results in that it has not only enabled the collection of current rates and arrears, but, in addition, has brought home to many Natives the necessity for shouldering their responsibilities and meeting their obligations regarding the payment of rates. This, combined with the continued co-operation between the office and local bodies and the effect of compromises and settlements of large amounts of rates secured by charging orders, is reflected in the record collection of rates achieved by more than one of the local bodies in the district. Rate-charging orders numbering 1,491 have been granted, securing to local bodies throughout the district rates uncollected during the previous two years.

*Alienations.*—Applications for confirmation of alienations remained practically on a par with the previous year. Where leases have expired, encouragement is given and assistance afforded the owners to enable them to resume the occupation of their land and farm it themselves. The effect of the Native land development policy is evidenced in this district by the marked desire of the Natives to secure tenancies of lands for farming purposes and also to avail themselves of the provisions of the Native Land Act, which enables the incorporation of owners of Native lands and the management and farming of same for their collective benefit.

*Maori Welfare.*—Aided by the office organization, assistance is freely given by the staff to the calls for the promotion of the general welfare of the Maori people, to the old, the sick, and the needy, and, with the co-operation of the Health, Education, Social Security, and other Departments, much is being accomplished in this direction, but greater effort is required to combat the evils which war brings in its wake.

*Maori Land Board.*—Particulars of the Board's financial transactions and its investments to the 31st March, 1943, are shown hereunder:—

	£
Total receipts (including Native Trust stations) .. .. .	124,298
Total expenditure (including Native Trust) .. .. .	126,875
Government securities—	
Ordinary .. .. .	27,923
War loan .. .. .	40,000
Advances on mortgages, loans, and overdrafts .. .. .	78,136
On deposit with Native Trustee .. .. .	4,468
Cash balances .. .. .	7,660
Reserves .. .. .	57,246
Liability to Native beneficiaries .. .. .	101,457

A further £6,000 has been invested by the Board in the Liberty Loan during the year. Donations have been made out of Board funds to help children's camps and provide comforts for Maori soldiers. New activities include the control of additional Native Trust stations.

#### AOTEA DISTRICT.

*Native Land Court.*—The Court held sittings during the year, substantially adhering to the venue of former years. Notwithstanding war conditions, the volume of work was well maintained. The Court continues to enjoy the confidence and respect of the Natives, and, apart from dealing with applications advertised in the *panuis*, much of its time is devoted to discussions with the Natives on matters pertaining to their welfare.

Orders were made in 1,035 cases, comprising 53 partitions, 692 succession, and 290 miscellaneous applications. Alienations confirmed totalled 86, principally comprised of further leases of partly- or wholly-developed areas. In those instances where sales were permitted, the Court in the majority of cases made adequate provision for the control of the proceeds with a view to their being invested or utilized for the acquisition of tangible assets. The demand for forest products was reflected in the confirmation of resolutions of assembled owners involving substantial areas of virgin bush. In these matters the Court was guided by and received the close co-operation of the State Forest Service. The disposition of the substantial amount of royalties accruing is being controlled as far as possible on similar lines to purchase-money, and as part of this policy the beneficiaries have concurred with the Board in the investment of approximately £8,000 in war bonds.

Two sittings of the Native Appellate Court were held during the year.

*Maori Land Board.*—The Board's activities have been maintained, and every endeavour has been made to utilize available funds to the best advantage. Surplus Board funds were invested in war loans, bringing the total to date to £28,500. Specific investments in this direction on behalf of individual beneficiaries were increased to a total of £3,470.

During the year the Board initiated or responded to specific requisitions, totalling £100, under section 95 of the Native Land Act, 1931, for the purpose of facilitating donations to Maori patriotic and centennial celebration funds, and also indicated its willingness to support further projects under consideration. To enable certain communities to implement their desire to support the Maori war effort organization's drive for increased production, the Board provided advances for the purchase of seed potatoes to the extent of £1,095.

A summary of the Board's finance at 31st March, 1943, is as follows:—

	£
Total receipts .. .. .	146,057
Total payments .. .. .	145,264
Investments—	
Government securities .. .. .	35,025
Deposit with Native Trustee .. .. .	69,207
Mortgages .. .. .	34,594
Cash balances .. .. .	2,905
Liability to Native beneficiaries .. .. .	116,307
Reserves .. .. .	68,363

*Maori Welfare.*—Every assistance is accorded by departmental officers, and the closest co-operation is maintained with other Departments concerned in the general welfare of the people.

#### IKAROA AND SOUTH ISLAND DISTRICTS.

*Native Land Court.*—Judge A. A. Whitehead, who was appointed to the Bench on the 1st January, 1943, has relieved the Chief Judge of the control of the Ikaroa and South Island Native Land Court circuits.

During the past year twenty-five sittings of the Court were held at centres extending from Hastings to Invercargill. The usual wide variety of cases came before the Court, including a considerable number of applications for the assessment of compensation for Native land taken by the Crown for housing and other State purposes. The lands concerned in the most important cases were situated in or near city areas at Ngauranga, Palmerston North, Lower Hutt, and Johnsonville, the awards in the two first-mentioned cases being the subject of appeals. In neither case, however, was a variation made by the Native Appellate Court in the lower Court's award of compensation.

Another feature of the Court's activities deserving of comment is the number of cases heard involving applications under section 540 of the Native Land Act, 1931, to have the Native Trustee appointed agent of the owners of blocks of Native land in the South Island. In Canterbury, especially, large areas of Native land appear to be occupied otherwise than by virtue of leases confirmed by the Court. It is often found that an inadequate rental is being paid in such cases and that neighbouring owners are receiving rents from the occupiers to the exclusion of absentees. The position calls for a comprehensive survey of tenures when conditions are normal again.

In spite of war conditions the number of alienations of Native land presented for confirmation by the Court in both districts has been maintained.

*Maori Land Boards.*—The following is the financial position of the Boards at 31st March, 1943:—

	Ikaroa. £	South Island. £
Total receipts .. .. .	68,359	9,776
Total payments .. .. .	77,395	11,990
Mortgage and other investments .. .. .	38,405	6,593
Government securities—		
Ordinary .. .. .	1,150	..
War loan .. .. .	5,100	3,050
Deposits with Native Trustee .. .. .	41,952	18,844
Cash balances .. .. .	703	680
Liability to Native beneficiaries .. .. .	110,270	26,462
Reserves .. .. .	8,509	2,806

As a war measure and in order to increase production the Ikaroa Board has over the past year purchased considerable quantities of seed potatoes and kumara for planting by Maori growers in the Hawke's Bay District.

TABLE A.—RETURN OF NATIVE LAND COURT BUSINESS FOR THE YEAR ENDED 31ST MARCH, 1943.

—	Totals.		Tokerau.	Waikato- Maniapoto	Waia- riki.	Taira- whiti.	Aotea.	Ikaroa.	South Island.	
	1941-42.	1942-43.								
<i>Native Land Court.</i>										
Number of sittings ..	107	103	7	13	23	19	16	20	5	
Number of cases notified ..	10,723	12,170	1,699	1,151	1,473	3,299	1,690	2,370	488	
Number of orders made ..	10,329	8,990	1,351	459	876	4,092	1,037	835	340	
Number of cases dismissed ..	825	1,534	304	108	661	225	108	66	62	
Number of cases adjourned <i>sine die</i>	5,191	6,395	1,197	583	502	960	966	1,894	293	
Number of partitions made ..	240	291	30	26	71	98	53	11	2	
Area affected (acres) ..	23,330	13,842	5,644	2,620	1,470	1,310	2,382	327	9	
Number of investigations of title	5	1	1	..	..	..	..	..	..	
Area affected (acres) ..	1,448	23	23	..	..	..	..	..	..	
Number of succession orders made	5,068	4,270	551	323	590	1,415	692	625	274	
Number of other orders made	5,016	4,228	769	110	215	2,579	292	199	64	
<i>Native Appellate Court.</i>										
Number of sittings ..	6	6	1		..	1	2	2	..	
Number of cases notified ..	28	16	7		..	3	2	4	..	
Native Land Court decisions varied	2	..	..		..	..	..	..	..	
Native Land Court decisions affirmed	2	1	..		..	..	1	..	..	
Native Land Court decisions referred back to Native Land Court	2	2	1		..	..	1	..	..	
Native Land Court decisions annulled	1	6	6		..	..	..	..	..	
Appeals dismissed or with- drawn	7	12	..		..	11	1	..	..	
Appeals adjourned <i>sine die</i> ..	14	3	..		..	..	..	3	..	
Applications under section 257/31 ordered	..	..	..		..	..	..	..	..	
Applications under section 257/31 dismissed	..	1	..		..	..	..	1	..	
Applications under section 257/31 adjourned <i>sine die</i>	..	..	..		..	..	..	..	..	
	£	£	£		£	£	£	£	£	
Court and Board fees collected	4,612	4,700	409		581	657	1,202	831	812	208

TABLE B.—RETURN OF ALIENATIONS CONFIRMED FOR THE YEAR ENDED 31ST MARCH, 1943.

Court District.						Leases.		Sales.		Mortgages.	
						No.	Area.	No.	Area.	No.	Area.
							Acres.		Acres.		Acres.
Tokerau .. .. .	..	..	..	..	..	10	2,337	6	200	1	53
Waikato-Maniapoto .. .. .	..	..	..	..	..	43	4,774	23	1,911	..	..
Waia-riki .. .. .	..	..	..	..	..	31	3,000	7	398	5	355
Tairāwhiti .. .. .	..	..	..	..	..	73	8,510	16	189	2	1,186
Aotea .. .. .	..	..	..	..	..	68	13,856	18	182	1	600
Ikaroa .. .. .	..	..	..	..	..	62	4,155	14	309	..	..
South Island .. .. .	..	..	..	..	..	12	177	9	250	..	..
Totals .. .. .	..	..	..	..	..	299	36,809	93	3,439	9	2,194

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