

1920.

NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND
CLAIMS ADJUSTMENT ACT, 1919.

REPORT RELATIVE TO THE OWNERSHIP OF TARAWERA AND TATARAKINA BLOCKS.

*Presented to both Houses of the General Assembly in pursuance of Section 25 of the Native Land
Amendment and Native Land Claims Adjustment Act, 1919.*

9th August, 1920.

In the Native Land Court of New Zealand, Ikaroa District.—In the matter of section 25
of the Native Land Amendment and Native Land Claims Adjustment Act, 1919.

In pursuance of the powers and authority conferred upon it by the above Act, the Native Land Court, sitting at Hastings, made inquiries in order to ascertain and determine what Natives included in the Waikari-Mohaka agreement of 1870 have been omitted from the titles to the Tarawera and the Tatarakina Blocks; and I have the honour to report its findings as follows:—

In consequence of the outbreak of the Maori War in the Waikato in 1863 the New Zealand Settlements Act was passed, empowering the Governor in Council to confiscate the lands of any Native tribe or hapu that had after the 1st day of January, 1863, engaged in rebellion against the Crown. Provision was made by this Act, and also by the New Zealand Settlements Amendment and Continuance Act, 1865, for the payment of monetary compensation to any loyal Natives whose lands might happen to be included within the confiscated area, or to grant them lands in lieu of money payments.

About 1866 a large body of Natives in the north of Hawke's Bay joined Te Kooti in the Hauhau rebellion, and as a consequence an Order in Council, under the Act of 1863, was issued in January, 1867, confiscating a large tract of land in Hawke's Bay, called the Mohaka and Waikari District, and containing nearly a quarter of a million acres. It was stated in the Order in Council that no land of any loyal inhabitant within the district would be retained by the Government, and that all rebel inhabitants of the district who returned to their allegiance within a reasonable time would receive a sufficient quantity of land within the district for their maintenance.

Numerous claims were made, and meetings of loyal claimants were held in 1869 and 1870, and the outcome was an agreement drawn up and signed on the 13th day of June, 1870, between Mr. D. McLean (afterwards Sir Donald McLean), representing the Government, and thirty-one Natives, representing the loyal Maoris of the district. It was agreed that certain parts of the confiscated land should be retained by the Crown, and the balance should be subdivided into blocks and granted to those Natives whose names were in the schedule to the agreement, and were to be included in certificates of title for the respective subdivisions.

To give statutory effect to this agreement the Mohaka and Waikari District Act was passed on the 12th day of September, 1870. This Act validated the agreement and empowered the Governor to survey and define the various blocks into which the confiscated land was supposed to be subdivided, and to issue Crown grants therefor to the persons mentioned in the agreement as being entitled thereto. Titles, however, were not issued although surveys were made, and the Natives signed leases of several blocks in accordance with an arrangement made amongst themselves under the guidance of Tareha Moananui and Manaena Tinikirunga. The names in the leases do not correspond with those in the schedule to the agreement, as some of those who had died or left the district were omitted when the leases were being executed.

Matters were allowed to drift on till the Repeals Act, 1878, repealed the Mohaka and Waikari District Act, 1870, without any provision being made in its place. Tareha, the leading Maori in that locality, died in 1880, and in the following year was passed the Native Lands Act Amendment Act, 1881, which recited in section 7 the Order in Council of 1867, the agreement of June, 1870, the Mohaka and Waikari District Act, 1870, and its repeal in 1878, and stated that it was expedient to make provision for enabling the Governor to issue grants in favour of the persons who in pursuance of the agreement were entitled to the lands. The Native Land Court was empowered to inquire and determine who were the persons entitled, and to issue certificates in accordance with such determinations, and on receipt of these the Governor might issue Crown grants to the persons named therein.