

1931.
NEW ZEALAND.

NATIVE LAND DEVELOPMENT.

STATEMENT BY THE HON. SIR APIRANA T. NGATA, NATIVE MINISTER.

Presented to both Houses of the General Assembly by Leave.

THE following statement covers the period from September, 1929, to the 31st August, 1931. Schedules are appended giving details of lands comprised in the various schemes, and the expenditure, analysed under various headings, on each scheme. Plans also are attached to illustrate as far as possible the comprehensive nature of the undertakings. The report is submitted for the information of Parliament on an aspect of land-settlement that should be better understood and which deserves sympathetic consideration.

PRELIMINARY.

At the very beginning of the consideration of the settlement of Native lands that branch of the subject may be eliminated which deals with the making available of such lands for European settlement. This statement is concerned only with the efficient occupation of lands by the Maori. It is necessary to include with Native lands—the remnants of the ancestral territory—lands that have come into the possession or occupation of Maoris, in respect of which the same demand for effective utilization exists.

COMMUNAL TITLE.

The first difficulty, and for long considered to be supreme, if not insuperable, was the nature of the Native title where it comprised a number of individuals or a community. Such a title, if it existed in a British community, was provided with a method of escape which was a commonplace with the pakeha: it was either held in trust or disposed of.

The communal title is in fact based upon the findings of a special tribunal, the Native Land Court, which was constituted to give effect to the guarantee given by the Crown in the Treaty of Waitangi to respect the customs and usages of the Maori in regard to his land—a guarantee safeguarded by the Native Rights Act, 1862, which declared not only his right to British citizenship, but also his right to have the titles to his lands determined according to his customs and usages. The Court was constituted in 1865 to carry out that policy. There resulted from the play of judicial interpretation on Native custom the reduction of ascertained tribal tradition and genealogical descent to the following facts, which were recorded in orders of the Court:—

- (1) *The names of individuals then living who for various reasons were declared to be beneficial owners.*

As a preliminary to the minute definition of persons entitled to be included in the declaration of ownership, the Court would announce interim findings as between tribes or subtribes, or as between ancestors through whom claims were set up. In effect the Court would decide in favour of ancestors, and accept into the title, with or without condition as to occupation, all persons tracing descent from such ancestors.

- (2) *The relative interests or shares of the various individuals. These might be expressed in various ways, but all resulted in a basis on which, if an individual or family cut off its share, the equivalent area might be calculated, subject in recent times to such considerations as access and value.*

- (3) *Details as to sex, age, or disability, and guardianship.*

Under a system based on awards in accordance with the rights and occupations of ancestors it will be readily understood that a people, having such a highly specialized knowledge of genealogy as the Maori branch of the Polynesian race, would revel in following out the ancestral descendants, subject only to the factor of occupation at a recent period or, as the Maori would put it, “subject to the fires of occupation being warm.” The last consideration in such a system would be the handiness of the title for the new cult of settlement and commercial utilization of land.

In the course of time succession and intermarriage have further congested the titles. But it is not intended to pursue further the handicaps of the communal title.

If to those which are inherent in the Native usages on which the title is based are added restrictions imposed by oscillations of State policy, which sometimes emphasized the need for restricting the Native owners' powers of alienation and sometimes emphasized the policy of placing them on an footing with their European fellow-citizens it may be readily appreciated how serious the Native problem became.