

1905.
NEW ZEALAND.

LANDLESS NATIVES IN MIDDLE ISLAND

(REPORT RELATIVE TO SETTING APART LAND FOR).

Presented to both Houses of the General Assembly by Command of His Excellency.

Messrs. S. PERCY SMITH and A. MACKAY to the Hon. the MINISTER OF LANDS, Wellington.

SIR,—

28th September, 1905.

We have the honour, in continuation of our interim reports dated respectively the 14th June, 1897 (G.-1, Session II., 1897), the 30th June, 1898 (Legislative Council, No. 12, 1898), the 16th June, 1899 (G.-1, 1899), and the 20th June, 1901 (G.-1, 1901), to furnish a further and final report on the landless-Native claims in the Middle and Stewart Islands, as referred to us by Cabinet minute dated the 13th December, 1893.

It is unnecessary for us to show the causes which led up to our appointment, for these have been detailed in our first report, dated the 14th June, 1897 (G.-1, Session II., 1897), but having brought the matter to a point at which we can no longer be of service, a statement of the present position is advisable.

There has been great though unavoidable delay in completing our inquiries, due to the difficulty in ascertaining the names of the people who came under the definition of "landless Natives," together with their rights as descendants of those who originally sold the country to the Government, their ages, whether half-castes, quarter-castes, or three-quarter-castes, &c.; and, further, the unavoidable delay owing to pressure on the survey staff, which could not undertake the necessary surveys when required. But, perhaps more than anything else, the delay is due to the absence of suitable blocks of land in which to allocate the claims when ascertained. In the end, lands have actually been found to meet all requirements as to area, but much of the land is of such a nature that it is doubtful if the people can profitably occupy it as homes.

The matter has now been placed in such a position that the Lands and Survey Department can complete it, for the claims have been determined, and the allocations made to the various blocks. But in many cases the surveys yet remain to be made. Particulars of these cases are stated below.

We are of opinion that legislative sanction will be requisite in order to empower the issue of titles to the lands allocated, and to that end we submit a rough draft of a Bill to effect that purpose. It is possible that power to set aside the lands as Native reserves exists under the provisions of "The Land Act, 1892," but it is doubtful if the latter Act authorises the issue of grants in the form we recommend as necessary and advisable in the interests of the Natives themselves.

The two volumes, "Index" and "Register," transmitted herewith, detail the whole of the claims we have inquired into, and they are believed to be exhaustive of all the people who come under the term "landless Natives" in the Middle and Stewart Islands, and in which are included Maoris, half-castes, and quarter-castes on the Maori side. It is, however, possible that in carrying out the inquiries relating to over 4,000 claims some names have been omitted; but, if so, it is the fault of the people themselves, for they have had abundant opportunities of preferring their claims during the last twelve years. Children born since the 31st August, 1896, have not been admitted, in accordance with the Minister's decision.

The term "landless Natives" is not strictly applicable in a general sense to many of the persons whose requirements have been dealt with by us, as many of the Natives in the southern provinces of the South Island already possessed individual interests in the reserves originally made; but there were many persons, owing to the paucity of the areas so set apart originally, who were either insufficiently or totally unprovided-for. Many of the persons interested in the original reserves only owned a small quantity of land, totally inadequate for their future wants. It was therefore decided, with the concurrence of the Government, to place all who owned a minor quantity and those who were unprovided-for on a uniform footing—hence the reason for adopting the maximum quantity of 50 acres for adults and 20 acres for minors, as that acreage was considered to be a more suitable-sized area and more in conformity with the original intention, "that land of a sufficient area for their future wants should be set apart for their maintenance."

To give effect to this intention involved the necessity, in the case of those who only owned a small quantity, to ascertain the exact area that each individual possessed, with a view of placing all who were not already possessed of an area in excess of 50 acres each on an equal footing.

This part of the procedure, for the reasons stated in our report dated the 14th June, 1897 (G.—1, Session II., 1897), added considerably to our labours, as it would have been a much easier task to carry out had we started simply in the first place with a list of persons entirely landless, and the work of allotting the lands had been confined to apportioning to each class of individuals either 50 or 20 acres each.

The following particulars show the result of our labours in the allocation of lands to these people. The final figures will be found to differ somewhat from those supplied in previous reports, as changes from time to time had to be made:—

	Persons.	A.	B.	P.	
Waiiau Block	1,278	44,455	2	1	surveyed.
Wairaurahiri Block	280	10,866	2	23	"
Tautuku Block	366	11,615	2	30	"
Raymond's Gap Block	8	350	3	15	partly surveyed.
Manakaiaua Block	135	3,759	3	20	surveyed.
Lord's River Block	241	8,724	3	24	"
Whakapoai (Heaphy River) Block	38	1,600	0	0	"
Whangarae (Croixelles) Block ...	23	934	2	19	"
Queen Charlotte Sound Block ...	166	5,701	2	1	"
Hokonui Block	772	27,809	0	39	not surveyed.
Glenomaru Block	7	350	0	0	"
Wanaka Block	57	1,553	2	26	"
Miritu Block	9	360	0	0	"
Tennyson's Inlet Block	175	6,462	3	17	"
Forest Hill Block	20	850	0	0	"
Toitois River Block	181	7,392	0	4	"
Port Adventure Block	308	9,340	3	26	"
Totals	4,064	142,118	1	5	

We have referred above to the inferior quality of some of the above lands. To meet the wants of some of those who desire to make homes at once, we suggest (in the event of such cases arising) that the same procedure be adopted as was followed in Queen Charlotte Sound, where 3 acres as homestead-sites were allotted in places suitable for such purposes, the balance of the allocation being awarded in larger blocks held in common. There are about 1,200 acres of good Crown land lying to the west of the Waiiau River, and at present withheld for landless-Native purposes, which we recommend be retained for the above purpose. And, further, Sections 17, 18, 22, 23, 24, Block XI., Tautuku, likewise withheld for landless Natives, might similarly be retained in case of need as small homesteads.

In the allocation of the above lands the Ngaitahu people south of the northern boundary of Canterbury have each received enough land to make up their holdings to 50 acres in the case of adults, and 20 acres for children under fourteen years of age. North of this boundary each adult has had his quantity made up to 40 acres, and each child to 20 acres. This difference in area—40 and 50 acres—arises from the fact that the southern Ngaitahu people had a special claim to consideration in fulfilment of promises made at the cession of their territory, whereas those to the north had no such rights, and are indebted solely to the generosity of the Crown for the increased area. Moreover, the minimum area for these latter people had been fixed before we took the matter in hand.

The ages of children were often doubtful, and the difficulty of ascertaining them truly so great that it is possible in some few cases they have been awarded adult shares. Provision has been made in the Bill accompanying this for the reduction to the correct area, on inquiry by the Native Land Court, when dealing with the subdivisions of the sections hereafter. Any surplus in these cases would become Crown lands.

Families have been grouped wherever we could obtain the necessary information, but in many cases this was unattainable, and therefore the groups in some sections may not be related to one another. The proposed Bill also provides in such cases for exchanges to meet these cases.

Another difficulty has arisen, due to the neglect of the people themselves, in that they have often neglected to furnish the names of their children until after the blocks in which the parents had received their lands had been surveyed; and hence these children are in different localities from their relatives.

We recommend that all the awards recorded in the "Register" be published in the *Kahiti* as soon as the Bill is passed,

It will be noticed in our fourth interim report that the area of lands awarded at Wairaurahiri was 38,321 acres. In this report it will be seen that the area has been reduced to 10,866 acres, the reason for which is that on survey the inland parts of the block were found useless for settlement-purposes. Hence the greater number of the allocations there have since been removed to the Hokonui Block.

In conclusion, we desire to point out that the work connected with these landless-Native claims has been of an exceedingly onerous nature, and that nearly the whole of it has been performed at slight cost to the Government, owing to the fact of the work having been done in our own time, quite outside official duties. Beyond the expense of clerical assistance for about twelve months, and a small item of travelling-allowance, there has been no expense attached to the performance of our duties.

We have, &c.,

S. PERCY SMITH,
A. MACKAY.

The Hon. the Minister of Lands, Wellington.

Enclosure.

PROPOSED BILL.

WHEREAS in consequence of numerous petitions received from the Natives of the South Island relative to the non-fulfilment of promises made them on the cession of their territory in that Island to the Crown, that additional land, sufficient for their future wants, should be set apart for them and their descendants, and several inquiries have been made under Royal Commission for the purpose of ascertaining their actual requirements; a joint Committee of both Houses of Parliament was also appointed in the year one thousand eight hundred and eighty-eight, and again in the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, to report on the aforesaid claims: And whereas these several inquiries eventually resulted in the setting-apart of various areas of land in the said Island, and Commissioners were appointed on the thirteenth day of October, one thousand eight hundred and ninety-three to allocate such land and other areas subsequently set apart for a similar purpose: And whereas, after lengthened inquiry relative to the various matters pertaining to the appropriation and allocation of such lands to the persons intended, the said Commissioners have reported to the Honourable Minister of Lands that the allocation is now complete, and the results embodied in a Register and Index showing the allocations of such land to the persons entitled thereto, it is now, therefore, advisable that the persons in whose favour such allocations have been made should be clothed with a title, and it is expedient that the issue of instruments of title for such purpose should be authorised:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is “The South Island Landless Natives Act, 1905.”

2. In this Act “the South Island” means the Islands known as the Middle and Stewart Islands.

3. The persons designated “landless Natives” shall be deemed to mean aboriginal natives of New Zealand, and includes half-castes and their descendants.

4. “Land” means all land set apart heretofore to make provision for landless Natives or which may be subsequently set apart for a similar purpose.

5. “The Court” means the Native Land Court of New Zealand as constituted by “The Native Land Court Act, 1894.”

6. For the purpose of carrying out the intention of this Act, or in fulfilment of any contract, promise, agreement, or understanding in connection with the setting-apart of lands for landless Natives in the South Island, the Governor may from time to time execute warrants for the issue of Land Transfer certificates to all or any parts of the land heretofore selected and allocated in favour of any such landless Natives, or which may be subsequently selected for such purpose to any person or persons whose names have been ascertained either in severalty or as tenants-in-common, and may fix the terms and conditions and the dates on which the legal estate therein shall respectively vest.

7. The names of the persons deemed to be entitled to such instruments of title, together with the respective areas allotted them shall be published in the “Kahiti o Niu Tireni,” together with the name of the locality and the sectional number, and such publication shall form the basis of title, and shall operate provisionally as such for the purpose of exchange, subdivision, or the reduction of areas as hereinafter provided.

8. Every certificate of title to be granted under the authority of this Act shall contain a restriction to the effect that the land shall be absolutely inalienable except by way of exchange, or a lease for any term not exceeding twenty-one years, amongst the persons only or their descendants who have been found to be entitled.

9. The Court shall have power to determine inheritance, exchanges, and subdivisions of any part or parts of the land set apart as aforesaid or which may hereafter be set apart; and in cases where it may appear, or be made to appear to the said Court on the application of any person concerned, that the allocation made in favour of any person or persons, in consequence of the uncertainty of the age of any individual, is in excess of the quantity such person or persons should have received, the Court is authorised to reduce the area allotted to a quantity commensurate with the acreage which such person would have received had his age been accurately known at the time the award was made — that is to say, on the basis of fifty acres each in the case of adults, and twenty acres each for non-adults under fourteen years old, allotted to all persons found to be entitled to the territory south of the northern boundary of the Province of Canterbury, and on the basis of forty acres each in the case of adults, and twenty acres each in case of non-adults under fourteen years old, allotted to all persons found to be entitled in the Provinces of Nelson and Marlborough, saving and excepting in the case of Whakapoai in the Province of Nelson, which for this purpose shall be treated as if south of the northern boundary of Canterbury. Any surplus land which may be created through any reduction made by the Court shall revert to the Crown as fully and effectually as if such surplus land was duly reconveyed.

10. The Governor is authorised; after consultation with the Natives entitled to any of the sections or parcels of land allotted as aforesaid, or which may be allotted hereafter, to lease any of such lands on behalf of the Natives concerned to Europeans for any period not exceeding twenty-one years for possession, and not for reversion, at the best improved rent obtainable at the time, subject to the payment of the value of any timber standing or growing thereon, the proceeds and rents to be paid and divided amongst the persons to whom such lands have been specially allotted in proportion to their respective acreage.

11. The Governor may from time to time make, alter, and revoke regulations for any purpose which may be deemed expedient or necessary in connection with carrying out any of the provisions of this Act, and such regulations when published in the *New Zealand Gazette* shall have the force of law.

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