

New Zealand.



ANALYSIS.

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1896, No. 27.

Title. AN ACT to make Provision as to the Ownership and Local Government of the Native Lands in the Urewera District.
[12th October, 1896.]

Preamble. WHEREAS it is desirable in the interests of the Native race that the Native ownership of the Native lands constituting the Urewera District should be ascertained in such manner, not inconsistent with Native customs and usages, as will meet the views of the Native owners generally and the equities of each particular case, and also that provision should be made for the local government of the said district :

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

Short Title. 1. The Short Title of this Act is "The Urewera District Native Reserve Act, 1896."

Urewera District declared a Native reserve. 2. The Native lands constituting the Urewera District, the area and boundaries whereof are approximately set forth in the First Schedule hereto, are hereby declared to be a Native reserve, subject to the provisions of this Act.

Acts suspended. 3. Neither "The Native Reserves Act, 1882," nor "The Native Land Court Act, 1894," shall have any operation within the said

district except in so far as is expressly provided by this Act or by regulations made hereunder.

4. For the purposes of this Act the Governor may by Order in Council appoint seven persons to be Commissioners, of whom two shall be Europeans, and the remainder Natives of the Tuhoe Tribe.

Governor in Council may appoint Commissioners.

5. Subject to the provisions of this Act, the Commissioners shall have such powers and functions as the Governor in Council prescribes.

Powers and functions thereof.

6. The Commissioners shall divide the said district into blocks, and shall, with due regard to Native customs and usages, investigate the ownership of each block, adopting as far as possible hapu boundaries, in such manner as in their opinion will enable them to arrive at a just and equitable decision in each case.

Procedure of Commissioners.

7. The ownership of any particular block may be investigated and determined on a sketch-plan prepared and approved by the Surveyor-General as approximately correct. The cost of any such sketch-plan shall be borne by the Government.

Ownership to be investigated on sketch-plan.

8. The Commissioners shall make an order in the prescribed form in respect of each block, declaring with respect to such block—

Particulars to be stated in orders made.

- (1.) The names of the owners of the block, grouping families together, but specifying the name of each member of each family;
- (2.) The relative share of the block to which each family is entitled;
- (3.) The relative share to which each member of the family is entitled in such family's share of the block;
- (4.) Such other particulars as are prescribed.

9. Every order made by the Commissioners shall be published in the *Kahiti* in Maori and English, and, if no appeal as hereinafter provided is lodged against the same within the period of twelve months from the date of such publication, the same shall thereupon be confirmed by the Governor.

Orders to be published.

10. Any person feeling aggrieved by any order made by the Commissioners may, in the prescribed manner, appeal to the Minister of Native Affairs, who may direct such expert inquiry and report as he thinks fit, and, after considering such report, may confirm the original order unaltered or with such modification or variance as he deems equitable. His decision shall be final.

Person aggrieved may appeal to Minister of Native Affairs.

11. Every order confirmed by the Governor or the Minister of Native Affairs shall be registered in the prescribed manner, and shall thereupon operate as a certificate of ownership under this Act.

Registration orders when confirmed.

12. In lieu of himself confirming any such order the Minister may refer it to the Governor in Council, who may confer jurisdiction on the Native Land Court to deal therewith under the provisions in that behalf hereinafter contained.

Order may be sent to Native Land Court to deal with.

13. There shall be recorded on each certificate of ownership, in the prescribed manner,—

Particulars to be recorded on certificates of ownership.

- (1.) The names of the Local Committee for the block comprised in the certificate, and of the General Committee, and particulars of every change in the membership thereof respectively:

(2.) Every dealing with the block or any portion thereof:

(3.) Every change of ownership in the block:

(4.) Such other particulars as are prescribed.

Governor may confer jurisdiction on Native Land Court.

14. The Governor, by Order in Council, may from time to time confer jurisdiction on the Native Land Court to determine succession claims, or for any other specific purpose relating to the said district.

Orders of Native Land Court to be registered.

15. Any order made by the Native Land Court under the provisions of the last-preceding section hereof may, if the Minister of Native Affairs so directs, be registered as a certificate of ownership under this Act, or be recorded on a certificate of ownership and entitled to registration, as provided in regulations under this Act.

Local Committees to be appointed.

16. (1.) From the owners of each block a provisional Local Committee of not less than five nor more than seven members shall in the first instance be appointed by the Commissioners in the prescribed manner.

(2.) Members of the provisional Local Committee may be removed from office by the Governor, and vacancies may be filled up in the prescribed manner.

Duration of office of provisional Committees.

17. Subject as last aforesaid, the provisional Local Committee shall hold office until the election of a permanent Local Committee by the owners of the block.

Such election shall be held at such time and in such manner as the Governor prescribes.

Election of General Committee.

18. Each Local Committee shall, in the prescribed manner, elect one of its members to be a member of a General Committee to deal with all questions affecting the reserve as a whole, or affecting any portion thereof in relation to other persons than the owners thereof.

Decisions thereof binding on owners.

19. Subject to prescribed regulations, all decisions or undertakings by the General Committee shall be binding on all the owners.

Powers of Local and General Committees.

20. The Local Committee and the General Committee shall have such powers and functions as are prescribed by the Governor in Council: Provided that the powers and functions of the Local Committee of each block shall be confined to the internal affairs of the block.

Power of General Committee to alienate.

21. The General Committee shall have power to alienate any portion of the district to Her Majesty, either absolutely or for any lesser estate, or by way of cession for mining purposes.

Governor may lay out roads and landing-places.

22. (1.) The Governor may from time to time lay out roads and landing-places in the said district according to plans to be prepared by the Surveyor-General.

(2.) All such roads and landing-places shall be deemed to be public roads and public landing-places, and shall vest in Her Majesty the Queen.

May take land for accommodation-houses.

23. The Governor may also from time to time take land for accommodation-houses and camping-grounds for stock and other purposes of public utility under the provisions of "The Public Works Act, 1894," relating to the taking of land for a public work:

Provided that, except with the consent of the General Committee, the total area of the land to be so taken shall not exceed four hundred acres.

24. The Governor in Council may from time to time make such regulations as he thinks necessary for the following purposes:—

Governor in Council
may make
regulations.

- (1.) The mode of election of members of the Local Committees and the General Committee, and fixing their term of office:
- (2.) Giving effect to anything which by this Act is expressed to be prescribed:
- (3.) Any other purpose for which regulations are contemplated by this Act, or which he deems necessary in order to give full effect to this Act: and also
- (4.) For giving effect to a certain memorandum from the Honourable Richard John Seddon, Premier of the Colony, addressed to the representatives of the Tuhoe people, bearing date the twenty-fifth day of September, one thousand eight hundred and ninety-five, a copy whereof is set forth in the Second Schedule hereto.

25. All expenses incurred by the Government under this Act shall be paid out of moneys to be appropriated by Parliament.

Payment of
expenses.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that area in the Auckland and Hawke's Bay Land Districts, containing by admeasurement 656,000 acres, more or less. Bounded towards the north by the Confiscation Boundary-line; towards the east generally by the Waimana and Tahora No. 2 Blocks; towards the south-east by the Waipaoa Block, the Waikaremoana Lake, by Forest Reserve, Educational Reserve, Block V., Waiau Survey District, and Section No. 1, Block VIII., Mangahopai Survey District; towards the south-west by the Waiau River to the northernmost corner of Maungataniwha Block; thence by a right line to the Trig. Station on Maungataniwha, and thence by Heruiwi No. 4 Block; and towards the west generally by Whirinaki, Kuhawaea No. 1, Waiohau Nos. 1B, 1A, and 2, and Tuararangaia Blocks to the Confiscation Boundary-line at Tapapa-kiekie.

SECOND SCHEDULE.

Premier's Office, Wellington, 25th September, 1895.

To the persons who came hither to represent Tuhoe, and who have addressed me with reference to certain matters affecting the tribe.

FRIENDS,—

Salutations! In response to your application that I should give you an answer to the matters brought before me, and acquaint you with the decision of the Government thereon, in fulfilment of my promise I now address this communication to you. In the first place, you ask that the *rohe-potae* of the Tuhoe land—that is to say, the country known as that of the Urewera—be permanently determined; and, in order to do this, that a Commissioner be appointed to define the boundary known as the *rohe-potae*. I do not see why this cannot be done. I have no objection to that. The boundaries of these lands can be determined by the trig. stations that have been erected. You ask also that a Commissioner be appointed to inquire into the title of the persons owning land within the said *rohe-potae*, and to determine the boundaries of land belonging to hapus and persons who consider that the land is theirs, his decision to be set down in writing; the Commissioner also to make a sketch-plan of the country, to be approved by the Surveyor-General, the boundaries of the land belonging to the hapus being determined by landmarks where possible to do so; if not, then to be surveyed with the concurrence of the owners of the land. In coming to such a decision, the Commissioner must pay due consideration to Native manners and customs, and, where it is possible to do so, he must follow the boundaries of the several hapus, each block to be dealt with in a clear and proper manner.

In dealing with the title of a person and his family they must be deemed to be joint tenants. When the Commissioner has concluded his investigation into the title of the several blocks, then the Maoris who are in a block of land belonging to a hapu may elect a Local Committee, the members of which must not exceed seven in number. This Committee to be an administrative one, to act for the owners of the land for the period for which they were elected. The number of these Local Committees should be determined by the number of the hapus and the owners of the blocks of land.

You ask further that a General Committee be appointed to deal with the tribal lands generally, and that the decisions and proceedings of the said Committee be binding on the Local Committees and hapus; its proceedings to be conducted in accordance with Maori manners and customs. I think that such a Committee should be appointed, and, in order to give effect to this, I agree that each Local Committee or hapu should elect one of their number to be a member of the General Committee, all the decisions of the General Committee to be communicated to the Local Committees for their guidance.

The regulations for the appointment of a Commissioner, and for the election of members of Local Committees and of the General Committee, will be communicated later on, after an Act has been passed giving effect to what is here set forth, which will be explained by the Hon. Mr. Carroll and Wi Pere, member for the Eastern Maori Electoral District, to Tuhoe.

You also remind me of the promise that I made when I visited you a short time back with reference to the establishment of schools at some of your principal kaingas. As I feel that the education of your children will give you pleasure, and that the children will benefit thereby in the time to come, the erection of school-buildings will be proceeded with forthwith. I regret very much that this has not been proceeded with sooner, but I will give instructions to have it done forthwith.

You refer to the roadworks in your district, and ask that certain sections be given for the Maoris to do, and that when the roads are finished that certain portions be given to the Maoris to maintain. These requests are reasonable, and will be given effect to.

As you feel that it would be desirable to provide an additional attraction to European tourists, and at the same time provide you with additional sources of food, you have asked that arrangements may be made for the introduction of English birds, and by stocking the rivers with English fish. By such means you Maoris will be benefited, and the rest of the colony as well. I will place myself in communication with the Curator of the fish-ponds at Masterton, and ascertain whether there are any English trout that can be supplied to you this year; and I will also ask to be furnished with full directions to be furnished to you, so that you may know which are the most suitable places in which to place the fish in the rivers and lakes of your country, and how to look after them.

With regard to your request that your forests and birds should be suitably protected, it gives me much pleasure to assent to this request of yours. I am also very much pleased to learn from you that you have opened your land to tourists, who will now have an opportunity of seeing the wonders of your country, and the extent of your forests, with its lakes and its rivers. It is a cause of gratification to the Governor, and to me also, to hear that you acknowledge that the Queen's mana is over all, and that you will honour and obey her laws.

With regard to prospecting for gold, I told you that the Government gave a reward to any one discovering gold in new country, and that much money had been paid away in that manner, the amount paid being in proportion to the number of people employed in digging gold in such localities, and the quantity of gold procured. The Government have received many applications to grant licenses for prospecting for gold, but I have not granted them. I consider that any rewards for the discovery of gold should be paid to the Maori owners of the land who prospect for and find gold. If you wish to prospect for and find gold, and it is proved to be of value, the Government will authorise a mining expert to go with the Maoris and teach them how to look for gold and other minerals, and the Government will pay a portion of the expenses of such a prospector according to the scale laid down in the regulations for gold-prospecting on Crown lands. I think, too, that should gold be found in your land the benefit accruing therefrom should be participated in by the hapus owning the land where the gold is discovered; and before the goldfield is opened arrangements should be made between the Government and the Maoris upon which the field is to be worked, either by

payment of a royalty per pound or per ounce of the amount received from the working to the owners of the land, or that the balance, after paying the expenses of administration of the goldfield, and the balance on the issue of licenses and miners' rights to miners, be paid to the owners of the land. The question of general administration can be arranged with the chiefs or the persons selected to represent each hapu, or with the hapu owning the land in which gold is found. I also think that you can settle the arrangements for prospecting for gold. This is an important matter, and one that I think might be left for one person to decide; should there be no difference of opinion amongst you on this point it will not cause surprise, and there will be no trouble or heartburning.

From your loving friend,

R. J. SEDDON,

Premier, and Minister of Native Affairs.