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This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,  
18th October, 1872.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

(Mr. Karaitiana Tokomoana.)

# Hawke's Bay Native Lands Alienation Commission.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Commissioners appointed.<br/>3. Provision for vacancies.<br/>4. Provision for payment of Commissioners, and</p> | <p>the travelling expenses of Commissioners and witnesses.<br/>5. Chairman, quorum, and voting.<br/>6. Duties of Commissioners.<br/>7. Powers of Commissioners.<br/>8. Commissioners to act according to equity and good conscience.</p> |
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## A BILL INTITULED

AN ACT to constitute a Commission to inquire into and report upon Complaints relative to the Alienation of Native Lands in the Province of Hawke's Bay. Title.

WHEREAS complaints have been made to the Parliament of New Zealand, by persons of the Native race, as to the manner and circumstances in and under which the alienation of Native lands in the Province of Hawke's Bay, which have passed through the Native Lands Court, has taken place: And whereas it was impossible, during the present session of Parliament, fully and impartially to investigate and decide upon such complaints and the causes thereof: And whereas disputes have been for some time pending between certain Natives and the Government of New Zealand, arising out of the purchase by the Crown of certain Native lands in the said Province: And whereas certain disputes have arisen between certain Natives and certain other Natives, and between certain Natives and Europeans, relating to sales and other dealings with lands which have passed through the Native Lands Court, and the distribution of the proceeds of such sales: And whereas it is desirable, in the interests of the peace order and good government of the Colony, that such complaints and disputes should be fully and impartially investigated, so as to remove ground of dissatisfaction from the Native mind, by the appointment of impartial Commissioners to investigate and report, during the recess of Parliament, upon the manner and circumstances of the alienation of Native lands in the said Province: Preamble.

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 shall be "The Hawke's Bay Native Lands Alienation Commission Act." Short Title.

2.

1. His Honor Christopher William Richmond, of Nelson, Esquire, or one of the Judges of the Supreme Court, to be appointed by the Governor in Council; Commissioners appointed.
2. Frederick Edward Maning, of Hokianga, Esquire, one of the Judges of the Native Lands Court;
3. Wi Hikairo, of Auckland, Esquire, Native Assessor;
4. Wiremu te Wheoro, of Waikato, Esquire;

are hereby appointed Commissioners to carry into effect the purposes of this Act.

3. In the event of the death refusal or inability to act of any of the before-named Commissioners, the remaining Commissioners Chief Justice of New Zealand shall appoint such other person or persons as to them him shall seem fit in substitution of the persons herein named Provision for vacancies.

who shall so die refuse or be unable to act, and such substitute or substitutes shall have all powers duties and privileges by this Act conferred on the persons herein nominated.

Provision for payment of Commissioners, and the travelling expenses of Commissioners and witnesses.

4. Out of any sums voted by Parliament for Native purposes there shall be paid to each of the said Commissioners from time to time his reasonable and necessary travelling expenses and usual allowances, and such travelling expenses and allowances to witnesses as shall be awarded by the Commissioners; and upon the Commissioners reporting finally on the matters referred to them, there shall be paid to each of the said Commissioners, whether nominated or substituted, who shall have undertaken and carried to a conclusion the duties hereby imposed upon them, the sum of (£200) two hundred pounds.

Chairman, quorum, and voting.

5. The before-named Christopher William Richmond *or other Judge of the Supreme Court appointed as aforesaid* shall be Chairman of the said Commission, and in the event of his death refusal or inability to act, the remaining Commissioners may from time to time appoint their own Chairman. Three members shall be a quorum, and the Chairman shall have an original but no casting vote; and on any matter on which the Commissioners may be equally divided, such difference of opinion shall be reported to Parliament.

Duties of Commissioners.

6. It shall be the duty of the said Commissioners, as soon as conveniently may be, to proceed to the Province of Hawke's Bay, and there diligently and impartially to investigate into all complaints which may be brought before them by any person relating to the alienation, by persons of the Native race, by sale lease mortgage or otherwise howsoever, of any lands or portions of lands in or over which he shall allege that he has or has had any claim right title or interest, and which have at any time heretofore been adjudicated upon by the Native Lands Court, or any Judge or Judges thereof, or relating to the purchase by the Crown of the lands known by the names mentioned in the Schedule hereto. (2.) To report to Parliament at its next session the evidence taken, and their opinion on each complaint so brought before them *and generally on all matters connected therewith.* (3.) ~~To recommend to Parliament what steps, if any, should be taken to rectify any injustice which may have been heretofore committed: and~~ 4. To recommend to Parliament such measures as may in their opinion tend to prevent, for the future, the occurrence of similar grounds of complaint: *Provided that nothing herein contained shall be construed as acknowledging any liability on the part of the Government of the Colony for any wrongs or injuries not arising from its own action.*

Powers of Commissioners.

7. In order to enable the said Commissioners effectually to perform the duties hereby imposed upon them, they shall have power (1.) To appoint from time to time a Clerk or Secretary and an interpreter to the Commission, at such salaries as they shall think fit, which salaries shall be paid as is hereinbefore provided with regard to travelling and witnesses' expenses. (2.) To hold open Courts of inquiry from time to time, of which due public notice shall be given. (3.) To regulate the procedure of such Courts; and (4.) To exercise in reference to such inquiry, or to any complaints brought before them, all the powers of summoning witnesses, taking evidence on oath, punishing for disobedience of orders or contempt of Court, and generally of conducting the proceedings of such inquiry which any Judge of the Supreme Court could exercise in reference to any proceedings in that Court.

Commissioners to act according to equity and good conscience.

8. The Commissioners shall act in such inquiry as a Court of equity and good conscience, and shall not be bound by any legal rules of evidence or precedents, and may or may not, at their discretion, permit any person or persons interested in the subject of such inquiry to appear by Counsel, and may or may not, at their discretion, appoint Counsel (to be paid as hereinbefore provided in regard to witnesses) to appear and act for any Native or Natives who, in their opinion, shall have such a *prima facie* case as to enable him or them to sue *in formá pauperis*.

#### SCHEDULE.

Tikokino  
Whenua hou  
Whara whara

Waipawa  
Kaiarero  
Te Ranga