

Royal Commission to Inquire into and Report on Claims preferred by Members of the Maori Race touching certain Lands known as Surplus Lands of the Crown

GEORGE THE SIXTH by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith.

To Our Trusty and Well-beloved Counsellor SIR MICHAEL MYERS, Knight Grand Cross of Our Most Distinguished Order of St. Michael and St. George, HANARA TANGIAWAHA REEDY, of Ruatoria, Farmer, and ALBERT MOELLER SAMUEL, of Auckland, Retired: GREETING.

WHEREAS, prior to the assumption of British sovereignty over the Islands of New Zealand, divers tracts or portions of land therein were claimed to be held by divers persons other than members of the aboriginal race (hereinafter referred to as land claimants) by virtue of purchases, or pretended purchases, gifts, or pretended gifts, conveyances, or pretended conveyances, or other titles either mediately or immediately from one or more of the Chiefs and other members of the aboriginal tribes inhabiting New Zealand:

And whereas by divers instructions under the hand of one of Her Majesty's principal Secretaries of State, Proclamations of the Governor of New South Wales and the Lieutenant-Governor of New Zealand, an Act of the Colony of New South Wales, and Ordinances and Acts of the Colony of New Zealand it was in effect provided that titles to land in New Zealand should not be recognized which did not proceed from or were not or should not be allowed by Her Majesty:

And whereas by the Land Claims Ordinance of 1841, Session 1, No. 2, it was enacted and ordained, amongst other things, that the sole and absolute right of pre-emption from the aboriginal inhabitants of the Colony of New Zealand vested in and could only be exercised by Her Majesty, Her heirs, and successors, and that all titles to land in the said Colony of New Zealand which were held or claimed by virtue of purchases, or pretended purchases, gifts, or pretended gifts, conveyances, or pretended conveyances, leases, or pretended leases, agreements, or other titles either mediately or immediately from the Chiefs or other individuals or individual of the aboriginal tribe inhabiting the said Colony and which were not or might not thereafter be allowed by Her Majesty, Her heirs, and successors, were and the same should be absolutely null and void:

And whereas, following upon a recital that Her Majesty had in certain instructions been pleased to declare Her Majesty's gracious intention to recognize claims to land which might have been obtained on equitable terms from the said Chiefs or aboriginal inhabitants or inhabitant of the said Colony of New Zealand and which might not be prejudicial to the present or prospective interests of such of Her Majesty's subjects who had already resorted to or who might thereafter resort to and settle in the said Colony, power was conferred on the Governor to appoint Commissioners who should have full power and authority to hear, examine, and report on all claims to grants of land in virtue of any of the titles aforesaid in the said Colony of New Zealand:

And whereas by divers other Ordinances and Acts of the General Assembly further provision was from time to time made in the premises:

And whereas by Proclamations of the Governor bearing date respectively the twenty-sixth day of March, one thousand eight hundred and forty-four, and the tenth day of October, one thousand eight hundred and forty-four, Her Majesty's sole and absolute right of pre-emption from the said aboriginal inhabitants was or purported to be waived to the extent therein appearing:

And whereas under divers of the enactments aforesaid Commissioners were appointed to examine into and report on the land claims, whether arising out of dealings with the aboriginal inhabitants of the Colony prior to the establishment of British sovereignty or since that period with the sanction of the Government or under the Proclamations aforesaid:

And whereas, in accordance with the recommendations of the aforesaid Commissioners, grants of land were made and issued out of lands which had been the subject of such dealings as aforesaid (whether prior to the establishment of British sovereignty or thereafter), and by reason of the limitations imposed by certain of the Ordinances and Acts hereinbefore referred to, parts only of certain areas the subject of the said dealings were granted by the Crown to the land claimants, the remaining parts of such areas (hereinafter referred to as surplus lands) remaining demesne lands of the Crown:

And whereas in and by petitions to Parliament and otherwise members of the Maori race have from time to time claimed and contended that the surplus lands should have reverted to the members of that race who would but for the purchases, gifts, conveyances, or other agreements aforesaid have been the owners thereof according to their customs and usages or to their successors by Native title:

And whereas the Government has not admitted such claims and contentions as aforesaid but is desirous that the members of the Maori race so claiming and contending should be afforded an opportunity of pleading and proving the justice and merit of their claims and contentions to the end that if those claims and contentions are well founded in equity and good conscience the General Assembly may be enabled to consider what relief (if any) should be accorded or granted to them:

Now know ye that We, reposing trust and confidence in your impartiality, knowledge, and ability, do hereby nominate, constitute, and appoint you, the said

Sir Michael Myers,
Hanara Tangiawha Reedy, and
Albert Moeller Samuel

to be a Commission—

(a) To inquire in a general way into the transactions by reason of which certain parcels of land, being demesne lands of the Crown, became surplus lands as aforesaid, and particularly into any specific transactions the terms of which may be brought before you by any

person interested, including transactions relating to the lands referred to in the Schedule hereto, and to report whether, having regard to the circumstances in which the lands of which the surplus lands formed part were originally alienated or disposed of by the aboriginal owners thereof, the surplus lands or any part thereof ought in equity and good conscience to have been or be returned to or vested in the former aboriginal owners thereof or have been and be regarded as Native land.

(b) If it be reported that the surplus lands or any part thereof ought in equity and good conscience to have been so returned or vested or so regarded, then to recommend what compensation in money or money's worth should now be granted to the representatives or descendants of the aboriginal owners, parties to such original alienation or disposition as aforesaid.

(c) To inquire into and report upon the claims and allegations made in the petitions referred to in the Schedule hereto so far as such claims and allegations are not covered by the preceding paragraphs of this order of reference, and to recommend what relief (if any) should be accorded in respect of the prayers of the several petitions.

And in any case where you shall see fit to recommend that compensation in money or money's worth should in equity and good conscience be granted in respect to any of the matters confided to you by these Presents, you shall further report for whose benefit—that is to say, whether that of any particular person, hapu, tribe, or other group or class of persons—the amount of such compensation should be appropriated and applied:

And we do hereby appoint you, the said

Sir Michael Myers,

to be Chairman of the said Commission:

And for the better enabling you to carry these Presents into effect, you are hereby authorized and empowered to make and conduct any inquiry under these Presents at such times and places as you deem expedient, with power to adjourn from time to time and place to place as you think fit, and so that these Presents shall continue in force, and the inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

And you are hereby strictly charged and directed that you shall not at any time publish or otherwise disclose save to His Excellency the Governor-General, in pursuance of these Presents or by His Excellency's direction, the contents of any report so made or to be made by you or any evidence or information obtained by you in the exercise of the powers hereby conferred upon you except such evidence or information as is received in the course of a sitting open to the public:

And you are hereby authorized to report your proceedings and findings under this Our Commission from time to time if you shall judge it expedient so to do:

And, using all due diligence, you are required to report to His Excellency the Governor-General in writing under your hands not later than the thirty-first day of March, one thousand nine hundred and forty-seven, your findings and opinions on the matters aforesaid, together with such recommendations as you think fit to make in respect thereof:

And, lastly, it is hereby declared that these Presents are issued under the authority of the Letters Patent of His late Majesty dated the eleventh day of May, one thousand nine hundred and seventeen, and under the authority of and subject to the provisions of the Commissions of Inquiry Act, 1908, and with the advice and consent of the Executive Council of the Dominion of New Zealand.

SCHEDULE

- (1) Petition No. 120 of 1923, of Heta Kiriwi and others, concerning the Aurere Block. (File N.D. 1924/439.)
- (2) Petition No. 180 of 1924, of Hare Popata and another, concerning the Pukewhau Block. (File N.D. 1925/314.)
- (3) Petition No. 183 of 1924, of Keita te Ahere, concerning the Whakaangi Block. (File N.D. 1925/307.)
- (4) Petition No. 143 of 1925, of Riri N. Kawiti and others, concerning the Opuia Block. (File N.D. 1925/365.)
- (5) Petition No. 24 of 1938, of Kipa Roera, concerning the Manawaora Block. (File N.D. 5/13/58.)
- (6) Petition No. 97 of 1938, of George Marriner and others, concerning the Tapuae and Motukarara Blocks. (File N.D. 5/13/125.)

In witness whereof We have caused this Our Commission to be issued and the Seal of Our Dominion of New Zealand to be hereunto affixed at Wellington, this fifth day of October, in the year of Our Lord one thousand nine hundred and forty-six, and in the tenth year of Our Reign.

Witness Our Trusty and Well-beloved Sir Bernard Cyril Freyberg, on whom has been conferred the Victoria Cross, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Distinguished Service Order, Lieutenant-General in His Majesty's Army, Governor-General and Commander-in-Chief in and over Our Dominion of New Zealand and its Dependencies, acting by and with the advice and consent of the Executive Council of the said Dominion.

B. C. FREYBERG, Governor-General.

By His Excellency's Command—

P. FRASER, Prime Minister.

Approved in Council—

W. O. HARVEY,
Clerk of the Executive Council.