

Royal Commission to Inquire into and Report upon Claims preferred by certain Maori Claimants concerning the Pukeroa-Oruawhata (Rotorua Township) Block, the Mokau (Manginangina) Block, and the Mahia Block

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 Saint Michael and Saint George, and to Our Trusty and Well-beloved HANARA TANGIAWA REEDY, of Ruatoria, Farmer, and ALBERT MOELLER SAMUEL, of Auckland, Retired : GREETING.

WHEREAS by the arrangement referred to in the preamble to the Thermal Springs District Act 1881 Amendment Act, 1883, as having been made on or about the 25th day of November, 1880, and as having been confirmed on or about the 20th day of November, 1881, and by the agreement likewise therein referred to as having been made on or about the 25th day of February, 1883, it was, in effect, agreed amongst other things that certain lands adjacent to Lake Rotorua, thereafter known as the Pukeroa-Oruawhata Block, should be vested as therein provided, and be controlled by the Crown and officers of the Crown in the manner and subject to the terms and conditions therein set forth :

And whereas by the Thermal Springs District Act 1881 Amendment Act, 1883, the said arrangement and agreement were confirmed, and it was declared that the said arrangement and agreement should be deemed and taken to have conferred on and given to the Governor all the rights, powers, and authorities specified or mentioned in the Thermal Springs District Act, 1881, in respect of the lands the subject of the said arrangement :

And whereas the Crown, by its officers and servants, amongst other things, laid off within the boundaries of the said Pukeroa-Oruawhata Block the Township of Rotorua, and otherwise undertook the management, administration, and control of the said Pukeroa-Oruawhata Block :

And whereas the management, administration, and control of the said block having, from divers causes, been beset by difficulties, the Maori owners of the said block and the persons holding under leases granted by the Crown generally represented to the Crown that it should, in their interest and the public interest, purchase the said Pukeroa-Oruawhata Block from the Maori owners thereof :

And whereas the Crown in the year 1889 and following years, by deeds of conveyance and otherwise, did so purchase and acquire the said Pukeroa-Oruawhata Block or divers interests therein :

And whereas, amongst other things, the aforesaid deeds of conveyance respectively contained a recital to the effect that from time to time certain portions of the said Pukeroa-Oruawhata Block had been demised by deeds of lease for certain terms of years in accordance with the Acts therein referred to, and sums of money had from time to time been paid or had accrued due as and for the rent reserved by the said several deeds of lease respectively, and witnessed, amongst other things, that the parties named therein as vendors and each of them did as to the respective share or shares of them thereby assign unto Her Majesty the Queen all the rents and profits which had accrued due under and by virtue of any such deeds of lease :

And whereas by section 10 of the Thermal Springs Districts Act, 1910, the land described in the Second Schedule to the said Act, being substantially the said Pukeroa-Oruawhata Block, was declared to be Crown land instead of Native land and to be vested absolutely in His Majesty the King accordingly, subject to all valid leases affecting the same at the commencement of the said reciting Act, but free from all right, title, estate, or interest vested in the former Native owners of the said land or their successors in title :

And whereas certain of the former Maori owners of the said Pukeroa-Oruawhata Block, or their descendants or representatives, have alleged that they suffered loss and damage by reason of various acts or omissions on the part of the Crown's officers and servants in relation to the management, administration, and control of the said Pukeroa-Oruawhata Block and by reason of the inadequacy of the purchase-price paid by the Crown in respect of the said Pukeroa-Oruawhata Block :

AND WHEREAS by a certain deed of cession bearing date the 28th day of January, 1859, certain Chiefs and people of the Ngati-Whiu Tribe who thereunto subscribed their names, did thereby, on behalf of themselves, their relatives and descendants, and in consideration of the payment of the sum therein mentioned, cede to Her Majesty the piece of their land situated at Waimate North, in the Bay of Islands District, and named Mokau, the boundaries whereof were set forth in the said deed and in a map thereunto attached :

And whereas by a notice published in the *Gazette* on the 19th day of August, 1863, at page 345, it was notified that the Native title over the land described in the said notice aforesaid and therein named "Manginangina Block," being the land comprised in the said deed of cession and therein named "Mokau," had been extinguished, exclusive of a Native reserve containing 200 acres, which had been stipulated for in the aforesaid deed of cession, and excepting another small portion therein mentioned :

And whereas in recent times the cession of the said Mokau Block to the Crown has, by certain Maoris claiming that their forbears were entitled to interests in the said Mokau Block, been impugned or called in question upon the grounds, amongst others, that the persons who purported to cede the said Mokau Block to the Crown were not the true owners of the land, or the whole of it, and had no power to act for other owners in ceding it ; that the boundaries laid down for the said Mokau Block wrongfully included an area of land known as "Takapau" ; that the purchase-price paid by the Crown for the land was inadequate ; and that the deed of cession was not properly executed :

AND WHEREAS by a certain deed of cession bearing date the 20th day of October, 1864, the Chiefs and people of the Ngati-Kahungunu Tribe whose names were thereto subscribed, did, for them, for their relatives and for their descendants to be born thereafter, in consideration of the payment of the sum therein mentioned, sell and absolutely convey to Her Majesty the Queen an area of land on the Mahia Peninsula, the boundaries of the said land (hereinafter referred to as the Mahia Block) being described in the deed aforesaid by reference to divers place-names believed to represent natural features :

And whereas certain Maoris have claimed that they would, but for an alleged divergence of the boundary of the said Mahia Block, as fixed by survey, from the boundary as determined by the place-names and natural features aforesaid, be the owners of an area of 2,270 acres, or thereabouts, included within the surveyed boundary of the Mahia Block, and this claim is more particularly set forth in Petition No. 82 of 1936, of Hirini Wahaanga Christy and others, presented to the House of Representatives :

AND WHEREAS the Government is desirous that the truth and justice of the respective claims and complaints of the Maoris as hereinbefore set forth should be tested by inquiry so that, if such complaints be well founded and of substance, the Government will be able to take order for the redress of the grievances laid upon the Maoris :

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) In respect of the Pukeroa-Oruawhata Block aforesaid, to inquire and report—

- (i) Whether, due regard being had to the economic conditions prevailing in the Colony at the material time and any difficulties attending those conditions, and due weight being given to the circumstances surrounding the purchase of the said Pukeroa-Oruawhata Block by the Crown, and, in particular, the assignment to the Crown by the Maori vendors of all the rents and profits which had accrued due under and by virtue of any deeds of lease, the former Maori owners of the said Pukeroa-Oruawhata Block have suffered, as a result of the acts or omissions of the officers or servants of the Crown in the management, administration, and control of the said Pukeroa-Oruawhata Block, any loss or damage for which the Crown should in fairness be held liable ; and
- (ii) Whether the purchase of the said Pukeroa-Oruawhata Block was concluded by the Crown on terms which were, in the circumstances, otherwise than fair and reasonable ; and
- (iii) If it be reported that the former owners of the said Pukeroa-Oruawhata Block have suffered any loss or damage as aforesaid, or that the purchase thereof was concluded on terms which were otherwise than fair and reasonable, then to recommend what compensation, if any, in money or money's worth, should now be granted to the former Maori owners of the said Pukeroa-Oruawhata Block, or their descendants or representatives ; and

(b) In respect of the Mokau Block aforesaid, to inquire and report—

- (i) Whether, due regard being had to the method generally employed throughout the North Auckland District in the conduct of transactions with the Maoris for the cession of land to the Crown at the time when the said Mokau Block was ceded to the Crown, any injustice has been or would be done to the former Maori owners of the said Mokau Block or their descendants or representatives, or any of them, in asserting and maintaining the Crown's title to the said Mokau Block as against such former Maori owners or their descendants or representatives, or any of them ; and
- (ii) If it be reported that any injustice has been done or would be done as aforesaid, then to recommend whether the former Maori owners of the said Mokau Block or their descendants or representatives, or any of them, should have any portion of the said Mokau Block returned to them, or whether compensation in money or money's worth should now be granted to such former owners or their descendants or representatives, or any of them ; and
- (iii) If it be reported that compensation should be so granted, then to recommend what the extent of such compensation should be ; and

(c) In respect of the Mahia Block aforesaid, to inquire and report—

- (i) Whether, due regard being had to all the circumstances, it is reasonably established that the boundary of the block as fixed by survey probably diverged from the boundary thereof as described or intended to be described in the deed of cession aforesaid ; and
- (ii) If it be reported that it is reasonably established that the boundary probably diverged as aforesaid, then to recommend what compensation, if any, in money or money's worth, should now be granted to the former Maori owners of the land erroneously included within the boundaries of the said Mahia Block, or their descendants or representatives :