

1879.
NEW ZEALAND.

TAURANGA DISTRICT LANDS ACTS.

(REPORT FROM COMMISSIONER J. A. WILSON TO THE HON. THE NATIVE MINISTER.)

Laid on the Table by the Hon. Mr. Sheehan, with the leave of the House.

No. 1.

Mr. J. A. WILSON to the Hon. the NATIVE MINISTER.

SIR,—

Tauranga, 8th July, 1879.

I have the honor to submit the following report as Commissioner under the provisions of the Tauranga District Lands Acts, 1867 and 1868 :—

First, I would state that I did not find myself fairly established at the duty of settling the lands in this district until after the beginning of the present year. Prior to that time, and within the period of my appointment, I had been engaged as presiding Judge in the Native Land Courts at Maketu, Tauranga, and Wellington. Also I had had to collect necessary information relative to the administrative acts of my predecessors, sufficient to enable me to proceed without disturbing the labour already accomplished by them, as well as to complete such business as had been begun by them.

I have now to state that, in so far as I am able to ascertain, the total amount of land in this district in respect to which the administration under the Acts above mentioned has been completed by my predecessors during the last twelve years, being the period said Acts have been in operation, is 19,734 acres 1 rood 4 perches.

This area may be classed in the following manner :—

	Acres.	r.	p.
Granted without restrictions	16,825	0	8
Granted with alienability partially restricted	2,576	0	36
Granted absolutely inalienable	333	0	0
Total	19,734	1	4

The incomplete transactions of my predecessors amount to 38,951 0 0

The whole of this 38,951 acres is before me for individualization, for making Native reserves within it, and generally for administration in the way of surveys, roads, &c.

In addition to the foregoing lands, I found, when I came into the district, 77,636 acres of Native land awaiting investigation and administration, making, at the commencement of this year, a total to come before me for administration and investigation of 116,587 acres. While on the subject of the various areas within the block known as the Tauranga District, I may state I find that the Katikati te Puna purchase contains 88,500 acres.

These amounts, therefore, with the portion of land confiscated for military settlement, 50,000 acres, may be shown thus in the following form :—

Schedule of Tauranga District Lands, being an Interim Statement of the Condition of Settlement of the same on or about 1st January, 1879.

	Acres.
Administration completed	19,734
Administration incomplete	38,951
Awaiting administration	77,636
Confiscated—military settlement	50,000
Katikati te Puna purchase	88,500
Total contents of block	274,821

I have caused the materials from which this schedule is derived to be obtained from a number of independent surveys made from time to time throughout the district. These are collated now for the first time, and their result is perfectly reliable within the inappreciable, or unimportant, percentage of error inseparable from such computations. I should here state that this schedule shows the area of the block to be 60,000 acres above the highest estimate hitherto made—all previous estimates being necessarily vague, and varying, I believe, from 208,000 to 215,000 acres.

Before concluding this branch of my report, I should state that the information above, as well as certain information herein to follow, has been collected with labour from several departments—there being no continuous record apparently anywhere—viz., from my predecessors, Messrs. Commissioners Clarke and Brabant; from the District Survey Office, Tauranga; from the Survey Office, Auckland; from the Waste Lands Office, and from the Office of the Registrar of Deeds, Auckland.

I have now to report upon what has been performed during the period I have been in charge.

I have investigated and administered, *de novo*, seven blocks, containing 13,221 acres; also of my predecessors' transactions I have individualized in Court, and partially administered in way of surveys, roads, &c., 38,951 acres. Thus, subject to the approval of the Governor, the total area over which I have inquired and given an opinion is 52,172 acres. It is understood, however, that, within the 38,951 acres above mentioned, a matter of about 28,000 acres is to be further subdivided among the Natives to whom the awards have been made should they find themselves unable to agree peaceably in the occupation of the land. Of this land, 33,972 acres is partially surveyed. The surveys will be completed, I hope, so soon as the Survey Department shall have an appropriation for the purpose.

Within the 52,172 acres, I have set aside upwards of 7,000 acres as reserves for the Natives which, I think, should be inalienable. Of these reserves, 1,485 acres have been surveyed; the balance, in six or seven lots, will be surveyed so soon as the Survey Department shall be in a position to complete the same. There are 26,000 acres, surveyed lands, now advertised for hearing in the Commissioner's Court. These lands will probably be in about twenty lots.

From the foregoing figures it will be seen that there are 38,415 acres in the district still, in respect to which I have received no applications for hearing. These lands, when surveyed, will probably be in about forty lots.

Upon the question of reserves I would respectfully submit my opinion that all such reserves as are necessary to the support of the Natives in the way of cultivation and residence should be rendered inalienable; otherwise, if I may judge by the past in this district, the Natives will, sooner or later, be tempted to sell them. I think the reserve of each hapu should, if possible, be separate, that it should be of good quality, and sufficiently large to support the hapu. In making reserves I am endeavouring to conform to these conditions.

In support of the statement above regarding the desire of the Natives to sell their lands, I would say that, of the 16,825 acres granted without restriction upon the awards of my predecessors, 14,623 acres—seven-eighths of the whole—have already been sold at an average price under 2s. 10d. per acre. The deeds of conveyance of these sales are registered. It is possible, however, that the remaining one-eighth, or a portion of it, may also be sold upon deeds unregistered.

Owing to the prohibition of the 8th November last, forbidding the sale of Native lands in this district, private surveys have entirely ceased, the Natives being unable, and the Europeans unwilling, to pay for them. Hence, to settle these lands, it has become necessary that Government should defray the expense of surveys, taking security upon the land, when it is not a reserve, for the cost of the same. I think that, to perform all necessary surveys within a reasonable time, two survey parties are required in the field at Tauranga.

I should further report that, in consequence of the prohibition of sale above mentioned, a good deal of land in the district is kept out of the Court by those Natives who object to the order. I should say, however, that there is generally a minority in favour of the order.

In reference to the prohibition of sale, I would observe, in regard to this important subject, and to the view of the same taken by Mr. Commissioner Clarke, the only Commissioner, I believe, of my predecessors who has referred to the question, that, since Mr. Clarke wrote, a surplus of 60,000 acres has been discovered in the block, and this excess is all outside the amount, 50 acres per head, which he thinks should be reserved to the Natives, nor do his remarks apply to it.

Mr. Clarke is of opinion that the provision in the 24th section of "The Native Lands Act, 1873," requiring reserves to be made to the extent of 50 acres per head upon the Native population for every man, woman, and child, should be adopted in the administration of Tauranga lands.

As to this, I would remark that the enactments under which Tauranga lands are administered contain no such provision, nor would it be possible to borrow the clause and apply it here in any way other than very partially, for the reason that the Natives in their hapus and tribes, as well as individually, do not own the land equally. A number of Natives at Tauranga own several hundred acres each, while many other Natives in the district have not a dozen acres apiece. The rule, if adopted, would not operate among the small landowners, having less than

50 acres ; while among the large owners it would have the effect of rendering many thousands of acres eligible for sale.

Viewing the question from its general aspect, it may perhaps be regarded thus : There is much surplus Native land in the district, which the Natives cannot cultivate or occupy. These lands are mostly rough fern and forest country, and cannot be advantageously leased in their present condition, except on very long terms, and this is doubtful. It is desirable, as well for the Native owners as for the benefit of the district generally, that these lands should be utilized in some convenient and proper form. For this purpose the form of the 8th of November, 1878, has been promulgated : the Native owners, however, have not as yet availed themselves of it. They allege their wish to have it modified by granting a power of sale.

This, I think, is how the matter really stands at present. The Natives have made their representations, and I would respectfully submit that it seems to become a question for the consideration of the Government whether any powers of sale should be allowed, and, if so, to what extent and under what conditions they should be permitted.

I regret this report has been delayed by indisposition I have lately suffered from.

The Hon. John Sheehan,
Native Minister, Wellington.

I have, &c.,
J. A. WILSON,
Commissioner, Tauranga District Lands.

By Authority : GEORGE DIDSBUXY, Government Printer, Wellington.—1879.

Price 3d.]

