

1908.

NEW ZEALAND.

NATIVE LANDS AND NATIVE-LAND TENURE :

INTERIM REPORT OF NATIVE LAND COMMISSION, ON NATIVE LAND IN THE COUNTY OF OPOTIKI.

Presented to both Houses of the General Assembly by Command of His Excellency.

Native Land Commission, Morrinsville, 17th June, 1907.

To His Excellency the Governor.

MAY IT PLEASE YOUR EXCELLENCY,—

We have the honour to submit for your consideration a report upon Native lands in the County of Opotiki.

The Commission held sittings at Opotiki, Torere, Omaio, Te Kaha, and Orete, and are in possession of data supplied by the Waiariki Maori Land Board.

Opotiki is a new county, recently formed out of the eastern portion of Whakatane County. It extends from Ohiwa on the west to Whangaparaoa on the north-east. Within it are the following Maori tribes: Whakatohea, between Ohiwa and Opape; Ngaitai, at Torere; Whanau-a-Apanui, between Hawaii and Omaio; Whanau-a-te-Ehutu, at Te Kaha; and Whanau-a-Pararaki, at Raukokore and Whangaparaoa.

WHAKATOHEA.

Dealing first with the Whakatohea Tribe, we find that they have little land left in their hands. The lands about Opotiki were confiscated by the State by the same Act which affected the lands of the Ngatiawa at Whakatane. The Government subsequently granted reserves out of the confiscated area, the principal block being Opape Reserve, of 20,290 acres. The title to this has just been settled by the Native Land Court. It is not good land, and at best can only be called second-class land. The owners are desirous of reserving all but a small area. Beyond this the Whakatohea have by ancestral right portions of Whakapaupakihi, residual areas from former sales to the Crown near Motu, and a remnant of the Oamaru Block. Of the latter the Crown has by purchase at various times acquired 87,897 acres. The residue, owned by the Whakatohea, is 16,773 acres (including 4,814 acres owned by their Tuhoe kin). Of this they offer 3,063 acres for lease to the general public, and stipulate that no part shall be sold.

We are of opinion that the Whakatohea Tribe has no surplus land for sale. The total area they now hold is 35,449 acres. Of this they offer 6,733 acres for lease to the general public, retaining 28,676 acres. Two of their subtribes are industrious, and have already started sheep-farming on a small scale. Upon

subdivision of the Opape Reserve, just completed but requiring surveys, various families have turned their attention to farming their small holdings. The schedules to this report will show how this block has been subdivided.

NGAITAI.

To the north of the Whakatohea, the Ngaitai, of Torere, a smaller but more compact tribe, are large landowners, and hold 64,706 acres, inclusive of approximately 12,000 acres of papatupu land.

They have proved their capacity to administer the lands in a businesslike manner. They adopted the system of incorporation as best suited to their circumstances, and used it for the purpose of opening their lands for general settlement. In the first place the Kapuarangi No. 1 West Block was incorporated for the purpose of sale to the Crown. The sale was completed with little trouble, with the minimum of expense to the Crown, and at a price satisfactory to the Natives. The proceeds were carefully allotted by the Committees first towards the discharge of existing encumbrances on this and other tribal lands, and, secondly, amongst the owners according to their relative interests. The area sold to the Crown in this manner was 11,474 acres. There were happily absent from the transaction those incidents which usually mar the purchases of the Crown where treaty with individual owners is necessary. Once it was decided by the people in meeting to sell to the Crown and a Committee was lawfully appointed for the purpose of carrying out their desire, the rest was a matter of bargaining between the Committee and the land-purchase officer.

In pursuance of their plan to sell portion of their tribal estate, to lease the greater part, and to reserve a portion, the Ngaitai have incorporated a number of other blocks, Tunapahore South, Takaputahi, Awaawakino, and Waiohoata, chiefly for the purpose of leasing to Europeans. Leases have been executed covering an area of 18,431 acres, and have been approved by the Board. The area under negotiation is 29,240 acres. The area proposed to be reserved for the use and occupation of the tribe (inclusive of the area of papatupu above mentioned) is 16,306 acres. It is proposed to finance the improvement of this reserve on the security of the revenue from the lands leased. They offer for sale an area of 729 acres.

If the Ngaitai are regarded as a company or syndicate of landowners they must be complimented on the management of their business, which had as its aim the benefit of the shareholders. They have within three years made available for settlement a very large area of land. There is no better example of the success of the incorporation system in the hands of capable men, representing hapus or tribes that have been accustomed to work harmoniously together, and to sink personal differences for the common good.

WHANAU-A-APANUI.

Their tribal lands adjoin on the north those of the Ngaitai. Indeed, the two tribes have for a generation keenly disputed the intertribal boundary. Successive Courts dealt with the boundary blocks, and a Royal Commission was set up by Parliament to dispose of the disputes.

The bulk of the Whanau-a-Apanui lands are still papatupu, estimated at from forty to fifty thousand acres. The lands for which they have titles are:—

	Acres.
Houpoto and subdivisions	13,754
Kapuarangi No. 1 East No. 2	11,474½
Tunapahore North	2,628
Pukemauri No. 2	3,270

Houpoto and subdivisions have been incorporated and leased to Europeans. In fact, the Whanau-a-Apanui were the first in the Bay of Plenty to make use of incorporation for the purpose of leasing their lands. Houpoto is, on the whole, poor land, and fit only for rough pastoral purposes. Kapuarangi No. 1 East No. 2 has also been incorporated, and is under negotiation for lease to

Europeans. We may remark here that a portion of the original Kapuarangi East Block, amounting to 10,000 acres, was sold to the Crown some years ago, as also portions of Pukemaui. The investigation of the title of Awanui-Haparapara Block disposes of any difficulties the Whanau-a-Apanui may have had in defining the northern boundary of their tribal land. They will have no disputes with other tribes as to the remaining papatupu area. In fact, the subtribal boundaries are well defined, and have been agreed to among the hapus interested. The Court's functions will be limited to the ascertainment of the owners and the definition of relative interests. It is probable that one-half of this papatupu area when investigated will be available for European settlement.

WHANAU-A-TE-EHUTU AND WHANAU-A-PARARAKI.

These tribes are closely connected, and in regard to their land-holdings quite inextricably mixed. Very little of their lands have passed the Native Land Court. The following is a list of such lands: Portions of Awanui-Haparapara, Maraehako, Tawaroa, Orete, Whangaparaoa No. 1. Maraehako, Tawaroa, Whangaparaoa No. 1, and small portions of Orete have been leased. The greater part of Orete is under Maori occupation, and is used for agricultural and pastoral purposes.

The Whanau-a-Pararaki also own Whangaparaoa No. 2 Block of 34,413 acres. One-half of this has been leased, mostly to Maoris, and the leases have been approved by the Waiariki Maori Land Board. This block, however, is in Waiapu County.

The Maoris of Te Kaha and Orete are among the most industrious in the Dominion. Every acre of agricultural land in the neighbourhood of Te Kaha has been for years under close cultivation, and has produced great quantities of maize, and this notwithstanding that the land is papatupu. The kaingas are well kept, the houses are substantial and give evidence of an energetic and progressive community. The farming has not followed on scientific lines, and the soil has become exhausted. This, and the necessity of providing for the large extent of pastoral land back from the coast, have during the last three years compelled the Maoris to direct more attention to grazing and to clearing and grassing their bush and scrub lands. Seven small sheep-flocks have been started. Much land has been cleared, sown in grass, and fenced. The energy which has made them a successful agricultural community is being diverted to stock-raising. The outlook for them is very hopeful. They have no doubt benefited by the example of their neighbours in the Waiapu County. They are imbued with a like spirit, and receive the advice and assistance of the experienced sheep-farming Ngatiporou.

The area of papatupu land claimed by these two tribes is estimated at 90,000 acres. The tribal and hapu boundaries are well defined and substantially agreed to.

GENERAL REMARKS.

Summarised, the position of Native lands in Opotiki County (as far as we have been able to ascertain) is as follows:—

	A.	R.	P.
Leased or under negotiation for lease	85,312	3	20
To be reserved for Maori occupation	29,686	3	0
To be incorporated for lease	6,733	0	0
To be leased to the general public	8,987	2	16
Vested in the East Coast Trust Lands Commissioner	12,949	0	0
Not dealt with:			
(a.) Where title ascertained (estimated)	12,638	0	0
(b.) Papatupu (approximate)	140,000	0	0
Total	296,307	0	36

The area of lands for which there is title is 156,307 acres. The Maori population of Opotiki County at the last census was 1,319. Exclusive, therefore, of papatupu land, the area per head owned by the Maoris is nearly 118 acres. Deducting the area under lease or negotiation for lease, and the area available for settlement, there is left for Maori occupation an average of 23 acres

per head. Of course, when the papatupu lands are investigated the holdings will be greatly increased. There is, however, a great difference between the average holding per head of the Whakatohea Tribe and that of the tribes to the north of them. The former have been in contact with European settlement for a longer period, and lost most of their ancestral lands through confiscation and sales to the Crown. The latter until last year (with the single exception of Whangaparaoa No. 1) had not leased any lands to Europeans. They had sold large areas of their hinterland—Te Kumi, Puketauhinu, Puke-mauri, Kapuarangi, and Whitikau, forming the watershed between the Waiapu and Bay of Plenty lands and the boundary of Waiapu and Opotiki Counties, as well as of the land districts.

Our concluding remarks may be confined to that part of the county north of the Opape Reserve. In no part of the Dominion has so little been done to forward the position of the titles. The proportion of papatupu to other lands is greater than in any other district. The papatupu lands of Waiapu County are nearly as extensive but more advanced, because surveyed and ready for the Court to deal with. Those of Opotiki County have never been surveyed. They require considerable preparation before the titles can be investigated by the Court.

This is a matter for consideration and action by the Native Department. Surveyors are required to make magnetic surveys and prepare sketch-plans. There will then be sufficient work to employ the Court for at least two years, with the prospect of many appeals that will further delay the determination of titles. The Maori claimants have been pressing for these surveys, and are eager for a Court.

At this advanced stage of the history of New Zealand there should not be any such thing as papatupu land. If the energies of the Native Land Court and the resources of the Native Department were directed more to these virgin districts and less to the more settled portions of the North Island, settlement would extend more rapidly and with greater benefits to the Dominion.

The lands are not suitable for close settlement, but they will make healthy sheep-country in runs of from 1,500 to 5,000 acres. The interior is steep and broken, and very high. Along the coast there is some arable land, most of it cultivated by the Maoris. Four large rivers form the main drainage from the watershed ranges. Between, the spurs rise abruptly from the coast to considerable heights, giving the country an uninviting and rugged appearance; but the slopes are warm, the country is fairly dry, it is well timbered, and the soil will carry grass well. In fact, this part of the Bay of Plenty has great possibilities as a pastoral district. It is easily accessible by sea. The coast-line is indented with splendid bays and shipping-ports, from almost any of which produce and stock can be shipped during the greater part of the year.

The tribes owning this territory have asked us to convey to the Government their wish that their lands be included in the Tairawhiti Maori Land District instead of the Waiariki District. They allege that their affinities are more with the Maoris of Gisborne and the East Coast than with those of Whakatane and the Thermal-springs District. They ask that the boundaries between the two Maori land districts be adjusted by swinging the Tairawhiti boundary from Whangaparaoa down to the northern boundary of the Opape Reserve. There seems to be good reason for this request, and we recommend it for favourable consideration.

We have already noted the success of the incorporation system in facilitating the disposal of lands in this district. We wish at the same time to point out that to make this system more satisfactory to the general public the committees of incorporated blocks should be compelled to put up their leases to public auction. In that case the State would have to come to their assistance during the period of preparing the lands for the market, by advancing the cost of the necessary surveys and of perfecting the titles. The amounts advanced could be made a first charge against revenue. At present the Committees are

morally bound during the period of preparation to specified intending lessees, who advance the necessary funds. The blocks are, in fact, incorporated only when tenants are found and the general details of the bargain are settled.

The area shown in the schedule (5) of the lands (the titles whereto have been ascertained) not dealt with by us is comprised chiefly of blocks so far in the interior that no settlement can reach them for many years to come. The lands adjoining have been in the possession of the Crown for more than twenty years, but are at present inaccessible. Settlement must pass over the intervening papatupu land to reach this hinterland if, as is doubtful, it is at all suitable for cultivation and human occupation.

EAST COAST TRUST LANDS.

Portions of Tahora No. 2 Block, situate within Opotiki County, amounting to 12,949 acres, are vested in the Commissioner under "The East Coast Trust Lands Act, 1902," and amendments. We have already dealt with these in our report on Cook County.

Inclusive of this area, but exclusive of lands under lease or negotiation for lease, the area of Native land available for general settlement in the Opotiki County is 28,669 acres.

We have the honour to be
Your Excellency's obedient servants,

ROBERT STOUT,
A. T. NGATA,
Commissioners.

SCHEDULE.

1. LANDS LEASED OR UNDER NEGOTIATIONS FOR LEASE.

Name of Block.	Owners.	Area.			Remarks.
		A.	R.	P.	
Awaawakino B	195	2,011	0	0	Incorporated. Lease pending.
Hiwarau A	44	785	0	0	Under negotiation.
" B	33	475	0	0	"
Houpoto	78	4,170	0	0	Incorporated. Leases consented to.
Houpoto Te Pua No. 1	65	2,474	0	0	" "
" No. 2	73	6,280	0	0	" "
Houpoto-Whituare	114	830	0	0	Under negotiation.
Kapuarangi No. 1 East No. 2	171	11,474	2	0	Incorporated. Under negotiations.
Maraehako	182	1,894	0	0	Incorporated. Lease consented to.
Orete G	1	129	1	20	Pending.
" N	2	7	0	0	Consented to.
Tawaroa	91	2,492	0	0	" Incorporated.
Takaputahi (part).. .. .	365	11,718	0	0	Incorporated. Divided into seven blocks of from 840 to 2,000 acres, and leased. Leases consented to.
" (balance)	Same owners	21,139	0	0	Part same incorporation. Under negotiation for lease.
Tunapahore South	278	2,821	0	0	Incorporated. Leased in two blocks. Consented to.
Waiohota B	146	7,734	0	0	Incorporated. Under negotiation.
Whakapaupakihi No. 2	547	2,000	0	0	" "
Whangaparaoa No. 1 .. .. .	..	4,631	0	0	Old lease renewed.
Whitikau No. 3A No. 1	43	1,881	0	0	Incorporated. Lease consented to.
" No. 3A No. 2	10	367	0	0	Under negotiation.
Total .. .. .	..	85,312	3	20	

2. LANDS RECOMMENDED TO BE RESERVED FOR MAORI OCCUPATION UNDER PART II OF "THE NATIVE LAND SETTLEMENT ACT, 1907."

Name of Block.	Owners.	Area.			Remarks.
		A.	R.	P.	
Awaawakino	195	400	0	0	Cut out by Court for papakainga.
Awanui-Haparapara A	209	792	1	0	Cannot be properly utilised till surrounding papatupu land is investigated. Natives are occupying cultivable flats.
" B	29	154	1	7	
" C	87	462	3	22	
" D	29	154	1	7	
" E	25	124	1	9	
" F	39	199	0	15	
Opape 1A	190	215	2	14	Papakainga.
" 1B and 1O	20	316	0	32	Family farm.
" 1C and 1P	23	346	2	8	"
" 1D and 1N	32	298	0	38	"
" 1E and 1S	28	165	1	6	"
" 1F and 1M	19	247	3	28	"
" 1G and 1T	29	440	1	18	"
" 1H and 1R	22	247	3	28	"
" 1K and 1L	18	154	2	2	"
" 2	121	1,187	1	0	Has been divided into family holdings and used as family farms.
" 10	121	1,680	2	0	To be leased to Maoris. Same owners as in No. 2, and have no other lands. Owners want land incorporated under section 61 of "The Native Land Settlement Act, 1907."
" 3	146	73	0	35	Papakainga.
" 3A No. 1	10	210	0	0	Family holding.
" 3A (balance)	14	450	0	0	"
" 3B	13	178	1	30	"
" 3C	14	220	0	10	"
" 3D	10	150	0	20	"
" 3E	3	35	3	35	"
" 3F	7	129	0	0	"
" 3G	7	116	2	35	"
" 3H	2	42	1	0	"
" 3J	6	74	2	20	"
" 3K	6	224	0	25	"
" 3L	1	25	1	20	"
" 3M	1	12	2	30	"
" 3N	2	30	0	10	"
" 3O	4	63	1	30	"
" 3P	11	196	2	30	"
" 3Q	14	107	2	5	"
" 3R	3	63	1	30	"
" 3S	4	61	1	10	"
" 3T	3	25	1	20	"
" 3W	22	187	1	25	"
" 3X	9	152	1	10	"
" 3Y	4	78	1	0	"
" 4A	17	20	1	10	"
" 4B	3	28	2	27	"
" 4C	4	12	0	28	"
" 4D 1	2	2	1	29	"
" 4D 2	10	12	0	27	"
" 4D 3	12	43	0	0	"
" 4E	13	115	0	35	"
" 4F	27	172	0	0	"
" 4 (Urupa)	2	1	2	0	Burial reserve.
" 5A	24	218	3	20	Family holding.
" 5B	18	189	3	0	"
" 5C	10	73	0	0	"
" 5D	11	96	3	0	"
" 5E	12	93	0	0	"
" 5F	3	45	2	20	"
" 5G	1	11	0	0	"
" 5 (kainga)	79	5	3	12	Papakainga.
" 6A	11	23	1	0	Family holding.

2. LANDS RECOMMENDED TO BE RESERVED FOR MAORI OCCUPATION UNDER PART II OF "THE NATIVE LAND SETTLEMENT ACT, 1907"—continued.

Name of Block.	Owners.	Area.			Remarks.
		A.	R.	P.	
Opape 6B	8	27	0	0	Family holding. |
" 6C	3	9	0	0	"
" 6D	9	33	0	0	"
" 6E	11	36	0	0	"
" 6F	3	12	0	0	"
" 6G	3	12	0	0	"
" 6H	7	18	0	0	"
" 6J	14	48	0	0	"
" 6K	1	12	1	12	"
" 7	45	425	1	0	To be incorporated under section 61 for lease to Maoris. Unoccupied.
" 9	100	1,164	3	0	Ditto.
" 12D, Y, E	17	528	3	0	Family holding.
" 12F	5	181	3	26	"
" 12H, J, B, M	22	668	3	25	"
" 12K, C	20	875	2	25	"
" 12O, G	11	360	2	30	"
" 12P	11	393	1	15	"
" 12Q, R, J, N	24	575	1	10	"
" 12W	20	349	2	0	"
" 12X, T	14	456	3	25	"
Orete A	7	88	0	0	All occupied and farmed.
" B	3	58	0	0	
" C	3	50	0	0	
" D	3	220	0	0	
" E	1	50	0	0	
" F	1	30	0	0	
" H	1	80	0	0	
" J	3	115	0	0	
" K	2	9	0	0	
" L	7	176	0	0	
" M	6	17	0	0	
Omaunu 2B	57	4,650	0	0	Owners desire further subdivision.
" 3B	25	744	0	0	To be incorporated for lease to other Maoris.
" 7B	108	1,645	0	0	
Waiohoata A	146	1,724	0	0	Cut out by Court for Native reserve.
Whitikanu 3A 3	34	1,652	0	0	Incorporated. Proposed to be leased to one of the owners. Over 400 acres improved.
" 3A 1	11	530	0	0	Being incorporated for family farm.
Total .. .. .	..	29,686	3	0	

3. LANDS RECOMMENDED TO BE INCORPORATED UNDER SECTION 28 OF "THE MAORI LAND CLAIMS ADJUSTMENT AND LAWS AMENDMENT ACT, 1907," WITH POWER TO LEASE TO MAORIS OR EUROPEANS.

Name of Block.	Owners.	Area.			Remarks.
		A.	R.	P.	
Opape No. 11	200	3,270	0	0	No. 2 already incorporated; owners of Nos. 1 and 3 wish to join same.
Oamaru 5B	25	3,063	0	0	
Whakapaupakihi 1	35	200	0	0	
" 3	82	200	0	0	
Total	6,733	0	0	

4. LANDS RECOMMENDED FOR GENERAL SETTLEMENT UNDER PART I OF "THE NATIVE LAND SETTLEMENT ACT, 1907."

Name of Block.	Owners.	Area.			Remarks.
		A.	R.	P.	
Opape 6 (balance) and 8	70	1,587	2	16	Owners want this leased by the Board, but not sold.
Oamaru 1C	139	4,814	0	0	Owners do not desire to sell.
" 4B	48	1,857	0	0	
Whitikau 2B 2	106	199	0	0	Owners wish to sell.
" 3A 4	87	530	0	0	"
Total .. ..	..	8,987	2	16	

5. AREA NOT DEALT WITH.

(a.) Blocks where title has been ascertained, area estimated at	Acres.	12,638
(b.) Papatupu lands, area estimated at .. ..	..	140,000

Approximate Cost of Paper.—Preparation, not given; printing (1,500 copies), £3 13s.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1908.

Price 6d.]