

Tairawhiti District Maori Land Board, Gisborne, 23rd August, 1911.

SIR,—

Re *Wharekahika Block*.

I am in receipt of your memorandum of the 21st instant *re* above block, and advised you by wire of present position, area, owners, &c. I may say that, the Board having before it the report of the Native Land Commission for its guidance, which says, "At least one-half of this block should, when the title is ascertained, be made available for general settlement; the balance will be worked as communal farms by some of the families, or leased to young Maoris from the southern end of the country, who are anxious to get farms of their own," the Board have always tried to pay respect to it, although not obligatory for it to do so. The area is estimated to contain 42,000 acres; there are 707 owners. Fifteen precedent consents have been granted, and no dealings whatever have been confirmed by the Board, but applications have been applied for and adjourned by the Board until the Native Land Court have partitioned the block. Both Messrs. Nolan and Matthews, acting for their various clients, were very pushing in wanting confirmation, but were told that the Board would want to know the locality, value, and the land would require to be classified, and this could not be done without the Court made a partition. Upon reference to our past gazetted consents you will observe that besides Europeans some three Natives applied, which I respectfully submit is in the public interest. From information gathered I do not think there is a single consent given to any one but a *bona fide* person whose intention is to farm the land. Of course, some may have to give it up if they cannot finance. No applications have been made under Part XVIII in connection with this block, which is in its virgin state, and capable of carrying a number of European settlers outside of the requirements of the Natives.

I have, &c.,

ALEX. KEEFER, President.

The Under-Secretary, Native Department, Wellington.

28th August, 1911.

Memorandum for the President, Tairawhiti District Maori Land Board, Gisborne.

*Wharekahika Block*.

I HAVE to acknowledge receipt of your letter of the 23rd instant, and have noted your remarks as to the Board having accepted the report of the Native Land Commission as an instruction for their guidance.

Under the circumstances, however, I should have thought that, as the Native Land Act was framed subsequently, it would show that the recommendations of the said Commission would not take precedence, and all alienations would be carried out in accordance with the latter Act. In fact, when Mr. Hicks, of Tuparoa, and others communicated with the Right Hon. the Prime Minister on the position, they were advised "that the location by partition of the various interests must be made prior to alienations being allowed to private individuals."

It certainly seems as if this is a question which may have to be considered more fully, and probably dealt with by legislation, though of course your Board has rights under subsection (6) of section 209, if it thinks advisable, to refuse confirmation. One thing seems to me very clear from correspondence already in existence, and that is that some action by way of execution of instruments has been carried out prior to the Board's granting consent, thereby bringing the parties under subsection (10) of the above section.

I think it is very probable Government will have to legislate in these matters, but in the meantime the question had better remain in abeyance until after the Court partitions have been made.

To make the position clear for me I would ask you to forward me the names of the parties acquiring the land, the assumed areas in each case, and the dates on which the Board's consent was given.

THOS. W. FISHER, Under-Secretary.

30th August, 1911.

Memorandum from the President, Tairawhiti District Maori Land Board, Gisborne, to Under-Secretary, Native Department, Wellington.

*Wharekahika*.

I AM in receipt of your memorandum of the 28th instant herein, and I beg to forward the information asked for.

I regret that I should have been mistaken in supposing that our Board was a judicial one, and as such were supposed to take an intelligent reading of the Act and administer it according to the best of our ability, but it is clear from your memos that such is not the case. In the face of your direction I can only refuse or adjourn all matters, whatever may be the result.

ALEX. KEEFER, President.