

1911.
NEW ZEALAND.

RESIGNATION OF ALEXANDER KEEFER, PRESIDENT, TAIRAWHITI DISTRICT MAORI LAND BOARD

(CORRESPONDENCE RELATING TO THE).

Laid on the Table by leave of the House.

21st August, 1911.

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

Wharekahika Block.

It has been brought under my notice that your Board has been taking a very wide interpretation of section 209 of the Native Land Act, 1909, which suggests that any Board may "in the public interest" allow certain proceedings.

From the information at hand as to the size of the block and the number of owners, it is considered no action should have been taken by way of precedent consent. The matter was one which had been broached with larger blocks in the Waikato and other districts, and I assured the Government without hesitation that there was no danger of the Boards proceeding on the lines suggested by the Lands Department in giving precedent consent to alienations of this nature. It is somewhat a surprise to find your Board has evidently gone deeply into this position. It is presumed this section would be of very little use, and used only in exceptional circumstances, when it would have to be absolutely in the public interest.

Of course, without the information before me I have nothing to show me why your Board has taken this position, but it requires some argument to show that Natives should dabble in such inchoate titles—that is, where lands are to be alienated before being specifically defined. This course would hardly be considered of benefit to the public generally, as there is only one class, who may be termed the speculator, who would enter into negotiations.

The position that we are now placed in is that a Court is asked to sit to allocate interests that certain Europeans have acquired from these precedent consents. I shall feel obliged if you will advise me by telegram on Wednesday the total area of this block; the number of owners; how many alienations you have given precedent consent for, and assumed area. I take it that in your returns heretofore furnished, beyond noting them as meetings for precedent consent, the areas therein will in no way affect the titles you have given of alienations, as I presume you will not return same until actually approved by affixing the seal of your Board.

THOS. W. FISHER, Under-Secretary.

TELEGRAM FROM ALEX. KEEFER, President, Gisborne, to UNDER-SECRETARY, NATIVE DEPARTMENT, Wellington.

23rd August, 1911.

RE Wharekahika: Estimated area 42,000 acres; 707 owners; 15 precedent consents granted; assumed area 20,000 acres. No dealings whatever confirmed, but applications are applied for but have been adjourned by Board until the Court has partitioned block.

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.

WHAREKAHIKA BLOCK.

Consents under Section 209 granted by the Tairawhiti District Maori Land Board to permit Alienation by Way of Lease.

| Record Number. | To whom Consent granted. | Area (estimated). | Date granted. |
|----------------|---|-------------------|---------------------|
| 1911— 5 | Audley Cowper Wood | Acres. 2,000 | 7th February, 1911. |
| 6 | Violet Lethbridge Wood | 2,000 | " " |
| 52 | Sadie Jane Pasley | 2,000 | 4th April, 1911. |
| 53 | Gilbert Kennedy Pasley | 2,000 | " " |
| 54 | George Henry Maddox | 1,200 | " " |
| 55 | Joseph Stanley Hicks | 1,500 | " " |
| 99 | Charles Tylden | 1,200 | 2nd May, 1911. |
| 100 | John Murphy | 1,000 | " " |
| 101 | Arthur William Henderson | 1,500 | " " |
| 119 | Rewiti Kohere and Brian Gerald Mahoney | 2,000 | " " |
| 130 | Mabel Marshall | 1,200 | 6th June, 1911. |
| 135 | Arthur Braithwaite (for shares of Henare Ahuriri and Hiria Ahuriri) | 111 | " " |
| 136 | Henare Ahuriri | 1,200 | " " |
| 190 | Roka Tiereti | 1,000 | 1st August, 1911. |
| 208 | William Andrew Martin | 1,000 | " " |
| | 15 consents ; estimated area | 20,911 | |

Applications gazetted for Hearing on the 5th September, 1911.

- No. 217. Harry Kinnaird Hovell; estimated area, 1,000 acres.
 No. 219. Alfred John Wood Kemp.
 No. 226. Maki Rangiheua and Te Whare Raupo.
 No. 231. George Matthewson.
 No. 232. Mary Louisa Matthewson.

SIR,—

Gisborne, 30th August, 1911.

Feeling that I cannot any longer occupy a false position upon any judicial Board, I have to ask you to kindly notify the Hon. Native Minister that it is my wish to resign from the Presidency of the Tairawhiti District Maori Land Board, and would ask to be relieved of office on the 30th September next.

May I ask of you to let me have an early reply of acceptance.

I have, &c.,

ALEX. KEEFER, President.

The Under-Secretary, Native Department, Wellington.

14th September, 1911.

Memorandum for A. Keefer, Esq., President, Tairawhiti District Maori Land Board, Gisborne.

Re Presidency.

I HAVE to acknowledge receipt of your letter of the 30th ultimo, intimating that you desired to be relieved of your duties as President of the Tairawhiti District Maori Land Board, and, if possible, that your successor should take up duties as from the end of the current month.

I have placed the position before the Minister, who desires me to express regret that you feel you are unable to hold the position, but would point out at the same time that it would be rather awkward at the present juncture, owing to Parliament sitting, to make a change. At present the Department is working at high pressure in connection with several matters, which makes it rather inconvenient to appoint fresh officers, and, while not wishing to harass you in any way, it would be of help if you would retain the position until the 31st October, or, better still, to the 31st December. However, I leave the matter in your hands.

THOS. W. FISHER, Under-Secretary.

20th September, 1911.

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

I AM in receipt of your memo. of the 14th instant, and, in reply, I beg to state that I have no wish to put the Department to any inconvenience, and will be only too glad to carry on in terms of your memo., which I take it to be in the future that I will have a free hand in the administration of my official duties, for I need hardly say that it is this that I resent.

ALEX. KEEFER, President.

27th September, 1911.

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

Re Resignation.

REFERRING to your memo. of the 20th instant, I note your remarks, "will be only too glad to carry on in terms of your memo." This, I presume, refers to continuing either to the 31st October or to the end of the current year—which, however, you do not specify.

I hardly follow your statement that you take it to be in the future you will have a free hand in official duties, for interference is what you resent. I do not understand what you are alluding to, for as far as I am aware very little interference has been made in the working of the Board. If, of course, you are referring to my letter of the 28th ultimo in connection with the Wharekahika Block, then I can only say that, as head of the Department, when I find a Board has to some extent misinterpreted a particular section of the Act, which it should have read in conjunction with the Act generally, I should be wanting in my duty if I did not point out the position.

I think if you look into the Act carefully yourself you will see the procedure adopted in regard to the above-mentioned block can hardly be conducive to good settlement or what it is intended the Native Land Act should allow. In the present case we have a petition now before Parliament asking for reinvestigation of the whole title, which, of course, if acceded to, will cause a considerable amount of agitation to those who may probably claim that from granting a precedent consent certain rights exist.

As far as the Boards generally are concerned, they have distinctly refused precedent consent excepting where the title to the area to be dealt with is within the limitation as set out in Part XII of the Act. I am not clear as to whether these lands are included in your return as to transactions completed; if so, it will be necessary to reduce your total by these areas.

THOS. W. FISHER, Under-Secretary.

TELEGRAM from ALEX. KEEFER, President, Gisborne, to UNDER-SECRETARY, NATIVE DEPARTMENT, Wellington.

2nd October, 1911.

RE memo. of 27th ultimo, date be definitely 31st of October, which I announce at to-morrow's sitting.

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