

for the "physical, social, and moral benefit of the Natives individually or collectively interested therein, and the relief of such of them as are poor or distressed." The proportion retained thus formed the nucleus of the two "benefit funds" now administered by the Native Trustee. Rents accruing after the 31st March, 1896, were to be apportioned on the basis of one-half to the beneficiaries and the remaining one-half to the benefit funds. It was also deemed necessary to again schedule in the 1896 Act all the lands which comprised the reserved "tenths" in Wellington and Nelson. With a few minor exceptions the Schedule is the same as that contained in the Act of 1873.<sup>(1)</sup>

## CHAPTER VI.—COURT INVESTIGATIONS AND PRESENT-DAY MANAGEMENT.

### 1. THE BENEFICIAL OWNERS OF THE "TENTHS."

Three outstanding events in the history of the New Zealand Company's reserves have been related—the formation of these reserves as part of the Wakefield scheme of colonization, the recognition by the Crown that the lands so set apart by the Company were to be held as reserves for the Natives, and the awarding of portions of these reserves to individual tribes and families by Commissioner Spain and Colonel McCleverty. The final act necessary to complete the trusts, and one which did not take place until fifty years after their formation, was the investigation by the Native Land Court to ascertain the names of the persons beneficially interested in the lands reserved.

The investigation of the Wellington reserves, which took place in 1888 before Judge Mackay, lasted several weeks, and in the course of the inquiry lengthy evidence was given by those Natives who were alive at the time when the New Zealand Company purchased the lands and were able to describe the negotiations with Colonel Wakefield and recall the scenes on the deck of the "Tory." The judgment of the Court, which reviews the history of the Port Nicholson district before the advent of the pakeha, is quoted in full from the Judge's minutes:—

"The object of the inquiry which has led to an investigation of the claim preferred by Kere Ngataierua and others, being members of the four hapus known as Ngatitu, Ngatiro-nganui, Ngatirangitahi, Ngatiruru, to the joint ownership of the tract of land known as the Port Nicholson Block, sold by the Natives in 1839 to the New Zealand Company, was to ascertain who were the *bona fide* owners of that block at the aforesaid date, and for this purpose an inquiry was instituted in respect of the persons who occupied the various Native settlements round the shores of the harbour (Wanganui-a-tera)<sup>(2)</sup>—viz., at Te Aro, Kumutoto, Pipitea, Tiakiwai, Pakuae, Kaiwharawhara, Ngauranga, Pito-one, and Whaiwhetu, inclusive of others living at Ohariu and elsewhere on the western side.

"In the course of the inquiry it was alleged by Kere Ngataierua that at the time the Company bought the land in 1839 the eighty-four persons enumerated by him were residing at Tiakiwai and belonged to these hapus, and he claims on their behalf that they were joint owners of the territory sold to the Company by the other hapus.

"For the purpose of determining the matter it is necessary to start from the period of time when the northern tribes made their first inroads over this part of the North Island. It has been ascertained from other sources that the first body of the northern Natives who came south was a marauding party of the Ngapuhi and Ngatitooa under Waka Nene Patione, Te Rauparaha, and other leaders. The first conflict that took place on the way south was with the Ngatiruanui, and after fighting their way down the coast they ultimately reached Otaki, where the party rested for awhile.

(1) The following sections shown as reserves in 1873 were omitted from the 1896 schedule:—

(a) Section 205, Nelson: Sold to the Provincial Government in 1874 for a site for a public school; consideration, £200. (Appendix to Journals, House of Representatives, 1874, G.-5b.)

(b) Sections 22 and 24, Makara (Wellington District): Vested in the beneficial owners and subsequently sold by them. (Native Trust records 41/61.)

The following reserves scheduled in the 1896 Act no longer form part of the "tenths":—

(a) No. 58, Picton Suburban; 46 acres and 2 perches: Shown on parliamentary paper G.-7 of 1883 as the Tuamarina Reserve, used for timber purposes by the Natives.

(b) Section 9, Takaka; 150 acres: Vested in Native owners and subsequently sold, with the exception of 5 acres. (Native Land Court records.)

(c) Sections 19 and 21, Ohiro; 175 acres (Polhill Gully): Vested in the Public Trustee but beneficially owned by a separate group of Natives. (Native Trust records 6/60.)

(d) Sections 12 and 13, Ohariu; 201 acres 2 roods; originally administered by Native Reserves Commissioners: Section 13 granted to individual beneficiaries, and Section 12 remaining as a reserve vested in the Public Trustee but beneficially owned by separate Natives. (Native Trust records 6/50.)

(e) Sections 2, 3, and 4, Pakuratahi; 300 acres: See explanation, page 46 (Appendix).

(f) Section 132, Mangaroa; 100 acres: Transferred to the Native owners in terms of section 42 of the Maori Land Claims Adjustment and Laws Amendment Act, 1907.

(g) Sections 89 and 90, City of Wellington: Sold to the Crown for £500 as a site for the barracks at Buckle Street. Deed No. 19, dated 24/3/74, Deeds of Purchase, North Island. The deed, as translated, recites that "The chiefs and people of the town and environs of Wellington City, on behalf of themselves, their relations, and descendants, have by signing this deed under the shining sun of this day parted with and for ever transferred unto Victoria, Queen of England, her heirs, the Kings and Queens who may succeed her, and their assigns for ever," their interest in the land for the above consideration.

(h) Section 118, Motueka, is now included with Section 27, Square 9, Sandy Bay. It was allotted by the Native Reserves Commissioner prior to 1896 for the use and occupation of a separate group of Natives, and no longer forms part of the "tenths."

(2) Whanganui-a-Tara.