

MEMORANDUM ON THE RANGITIKEI-MANAWATU LAND CLAIMS.

AFTER the withdrawal of the Rangitikei-Manawatu cases, at the instance of the Agent for the claimants, and by permission of the Judges, at the sittings of the Native Lands Court at Rangitikei, in May, 1868, some months elapsed without anything being done towards a settlement of the disputed claims.

A proposal was afterwards made on behalf of the Native claimants, and agreed to by the Government, that the question should be left to the decision of three arbitrators,—one to be nominated by the Natives, another by the Commissioner, and a third by the Government. The Natives nominated His Honor Mr. Justice Johnston, who, on being applied to, declined to act in that capacity, and the proposed arrangement accordingly fell through.

After considerable delay, a further reference of all unsatisfied claims to the Native Lands Court for final adjudication was made by the Governor in Council; and as it was understood that the Natives were particularly anxious to have their case heard before Messrs. Fenton and Maning, these Judges were induced to hold a special sitting at Wellington for that purpose. After due notice in the *Gazette*, the Court sat in the Supreme Court House at Wellington, in the month of July, 1869. Mr. Travers appeared as Counsel for the Native claimants, and was assisted and instructed by Mr. Alexander McDonald, the Native Agent. The Attorney-General appeared on behalf of the Crown, and was instructed by the Commissioner. A large number of the Native claimants, with their witnesses, attended, and in order to afford them every facility for bringing their case before the Court, the Government made liberal cash advances to meet their necessary expenses.

After a patient hearing of several weeks, the Court gave the following decision on the issues submitted to it by agreement of Counsel, namely:—

1. Did Ngatiraukawa, prior to the year 1840, by virtue of the conquest of Ngatiapa, by themselves or others through whom they claimed, acquire the dominion over the land in question, or any or what part or parts thereof?

The Court.—No.

2. Did that tribe, or any and what hapus thereof, acquire, subsequently to conquest thereof, by occupation, such a possession over the said land, or any and what part or parts thereof, as would constitute them owners according to Maori custom; and did they, or any and what hapus, retain such possession in January, 1840, over the said land, or any and what part or parts thereof?

The Court.—The words “subsequently to conquest thereof” must be erased. Ngatiraukawa, as a tribe, has not acquired, by occupation, any rights over the estate. The three hapus of Raukawa, Ngatikahoro, Ngatiparewahawaha, and Ngatikauwhata have, by occupation, and with the consent of the Ngatiapa, acquired rights which will constitute them owners according to Maori custom. These hapus retained such rights in January, 1840. There is no evidence before the Court which should cause it to limit these rights to any specified piece or pieces of land.

The Court is not quite clear whether the hapu Ngatiteihihi should be also included, and will, if the parties desire, hear further evidence with respect to that hapu. (Further evidence was accordingly adduced, and it resulted in the exclusion of this hapu.)

3. Were the rights of Ngatiapa, or any of them, completely extinguished over the said lands so acquired by conquest and occupation, or over any and what part thereof; or did they, in January, 1840, have any ownership according to Native custom over the said land, or any and what part or parts thereof?

The Court.—The rights of Ngatiapa were not extinguished, but they were affected in so far as the above three hapus have acquired rights.

4. Was such ownership of the Ngatiapa hostile to, independent of, or along with, that of the Ngatiraukawa, or any and what hapu or hapus thereof?

The Court.—The ownership of the above three hapus was along with that of the Ngatiapa.

5. Have the Ngatiapa, or any of them, since January, 1840, acquired, by occupation or otherwise, any and what ownership, according to Native custom, of the said land so acquired by Raukawa, or any and what part or parts thereof?

The Court.—Does not require answering.

6. What person, if any, of the said Raukawa Tribe (if the said tribe acquired ownership), or what persons of any hapu or hapus thereof which acquired ownership, if any, over the said land or any part thereof, in January, 1840, have not signed or assented to the cession to the Crown of the land owned by them?

The Court.—Cannot be answered yet. By Ngatiapa is meant all Ngatiapa, including those persons called half-castes—Rangitane (properly so called) and Ngatiteupokoiri are excluded.

The Court then proceeded to sift the list of claimants before it, to the number of 500, or more, and, taking the names seriatim, heard the evidence on both sides, and decided, in each case separately, either to admit or reject the claim.

The result of this scrutiny was that, out of the whole list of non-selling claimants, only sixty-two, including women and children, were admitted by the Court as having any right, title, or interest in the lands.

At this stage of the case, in consequence of a suggestion by Mr. Travers, that some of the claimants whose names had been struck out were absent and were only imperfectly represented by their friends, His Honor the Chief Judge adjourned the Court for a week, to afford any of the defeated claimants, who might wish to do so, an opportunity of bringing forward any fresh evidence in support