

1889.

## NEW ZEALAND.

## KARAMU RESERVE

(REPORT AND AWARD RELATING TO THE).

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

Messrs. T. W. LEWIS and J. N. WILLIAMS to the Hon. the NATIVE MINISTER.

SIR,—

Napier, 4th June, 1889.

We have the honour to forward to you herewith a copy of the award made by us as the result of the investigation we were empowered to make under clause 6 of an agreement entered into between the counsel for the different parties in the action of Pene Te Ua and others *versus* Locke and others.

In forwarding our award we beg to submit the following report :—

We will first briefly refer to the past history of the Karamu Reserve.

A large tract of land known as the Heretaunga Block was leased to Messrs. Tanner and others in 1862 before it had passed the Native Land Court. The lease was made by Karaitiana Takamoana and Henare Tomoana, representing the Ngatihou and other tribes interested in the land.

The Karamu Reserve was made at the time of this lease by Henare and Karaitiana for themselves and their people. Part of the consideration between Tanner and others was that the reserve was to be fenced immediately at the cost of the lessees. The fence was erected in the year 1864, and is substantially the present boundary of the reserve.

When the survey of the Heretaunga Block was made for the purpose of passing it through the Native Land Court the Karamu Reserve was included in the survey, and subsequently passed the Court as a portion of the Heretaunga Block without being specially distinguished or reserved. This omission, which was no doubt intended to avoid a little additional cost and trouble at the time, has resulted in the expenditure of thousands of pounds in law-costs by the Natives. The Heretaunga Block passed the Native Land Court in 1866, and was granted, by grant dated the 1st April, 1867, under the Native Land Acts, 1865 and 1866, to the following Natives: Henare Tomoana, Arihi te Nahu, Manaena Tini, Matiaha, Paramena Oneone, Aporo Pahora, Karaitiana Takamoana, Te Waka Kawatini, Noa Huke, Tareha Moananui. Of these, Manaena Tini is dead and succeeded by his children, Emairana Hinekura and Rangitahia Manaena, minors, for whom Moanaroa Kokohu and Porohoro Tiakipou are trustees. Matiaha died previous to sale, and was succeeded by Rata te Honi, who sold to Messrs. Tanner and others. Aporo Pahora is dead. Karaitiana Takamoana is dead, and succeeded by his son Arapeti Piriniha, a minor, for whom Messrs. Bennett and Pitt are trustees. Te Waka Kawatini is dead. Tareha Moananui is dead. Matiaha's successor, Te Waka, and Tareha were found by the Supreme Court to have reserved no interest when they sold Heretaunga.

The grantees, all of whom were alive at the time of the sale except Matiaha, sold the Heretaunga Block to Messrs. Tanner and others. No mention was made in the conveyance of the Karamu Reserve, but some of the grantees in selling stipulated for the reconveyance of the reserve, which was undoubtedly intended to be kept for the then occupants, who, with one or two exceptions, were not represented in the grant, as orders made under the Act of 1865, as interpreted by the Court, limited the title to ten grantees.

The Heretaunga purchase formed one of the subjects of inquiry before the Hawke's Bay Alienation Commissioners in 1873, and evidence as to the history and details of the purchase is given at great length in the report and appendices of the Commissioners—*vide* G.-7, 1873, Appendices to Journals, House of Representatives.

The Karamu Reserve remained in the undisturbed occupation of the residents until 188 , when one of the non-resident grantees, Arihi te Nahu, claimed an interest in it. This claim was resisted, and an action was commenced by her in the Supreme Court, the action being defended by all the resident grantees, the other occupants and equitable owners, not being represented in the grant, having no *locus standi*.

Out of this action others arose, and, each party being represented by counsel and all the costs coming out of the estate, the reserve was ultimately directed to be sold by a decree of the Supreme Court for payment of costs and for partition among the grantees, the sale being advertised to take place on the 7th November, 1888.

The effect of this sale would have been to deprive the equitable owners and occupants who were not grantees of their ancestral home, and to render them destitute. This was strongly repre-