

SESSION I.
1912.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1910:

REPORT AND RECOMMENDATION ON PETITION No. 504/08, RELATIVE TO HEREHERETAU No. 2 BLOCK.

Laid before Parliament in compliance with Subsection (4) of Section 28 of the Native Land Claims Adjustment Act, 1910.

Native Land Court (Chief Judge's Office), Wellington, 3rd November, 1911.
The Hon. the Native Minister, Wellington.

Re Hereheretau No. 2 Block.

PURSUANT to section 28 of the Native Land Claims Adjustment Act, 1910, I referred to the Native Land Court for inquiry and report the petition (No. 504/08) of Kararaina Kaimoana and others herein.

I have received, and enclose herewith, the report of Judge Jones on the matter, and beg to recommend that the Court be given power to review the relative interests. It is, in my opinion, too late to throw any one out of the title, but the award of a nominal interest only, when the relative interests are being considered, would meet such a case. Any alteration in the order defining relative interests would necessitate alteration of the partition orders.

JACKSON PALMER,
Chief Judge.

File N. 08/534 enclosed.

In the Native Land Court of New Zealand.—In the matter of the Hereheretau No. 2 Block, and of a petition (No. 504/08) by Kararaina Kaimoana and others in connection therewith.

To the Chief Judge of the Native Land Court.

THIS matter having been referred by your Honour to the Court for inquiry and report, I beg to report as follows:—

1. Due notice having been given, the matter came on for hearing in open Court at Wairoa on 27th September, 1911.

2. The title to this block was investigated by Judge Scannell in the year 1888. Some fifteen claims and counterclaims to the block were set up, but these revolved around two main questions—viz., a dispute as to the correct boundary-line between Ngatiraikapaka on the one side and Ngaiteipu and Ngatehine on the other, and an internal dispute with the latter two hapus and Ngatihinepua as to the latter's rights.

3. After a protracted hearing the Court delivered judgment fixing the boundary-line between the two main sets of contestants, and awarded Kahaatureia (except 500 acres) to Ngatiraikapaka and the Hereheretau No. 2 (together with 500 acres Kahaatureia) to the Ngaiteipu and Ngatehine. The claim of Ngatihinepua to a special award was not sustained, but some who were acknowledged to have occupationary rights were to be included in the lists. The order for Hereheretau No. 2 contained 271 names, and was dated 21st May, 1888. The relative interests were not apportioned in that order.

4. Applications for rehearing were lodged on behalf of Ngaiteipu and Ngatehine, and also by Ngatihinepua. The rehearing Court sustained the first Court's judgment upon the boundary dispute, but awarded Ngatihinepua 750 acres in satisfaction of their claims. By arrangement it was decided the various blocks should be severed. The 500 acres were called Kahaatureia A, and the balance of that portion Kahaatureia. The 750 acres were called Hereheretau 2A, and the residue of that block Hereheretau No. 2. The orders for these latter blocks are dated 17th November, 1890, and contain 125 and 312 names respectively.

5. The Court understands that there is no complaint against the order as far as the ancestry is concerned, but exception is taken to the inclusion of persons not entitled and to the definition of relative interests. It will be noted that the former could not attempt to define the relative interests. In the rehearing Court it was directed that the shares should be allocated to the persons in the various lists.

6. It appears from the minute-book that there was some conflict between Ngaiteipu and Ngatehine over the settlement of the lists, and different offers and suggestions were made. The Court apparently adopted the suggestion that the members of Ngaiteipu should get one and a half shares each and the Ngatehine should get one and a quarter shares each. They were not, however, actually distributed in this manner, as the presence of parents and children in the same list had to be adjusted. The result of the arrangement appears below :—

117	Ngaiteipu	got	175½	shares—	328¾	acres in	Kahaatureia A.
118	„		282	„	5,646¼	„	Hereheretau 2.
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305	„		457½	„	5,975	acres.	
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73	Ngatehine	got	91½	shares—	171½	acres in	Kahaatureia A.
124	„		155	„	3,103¾	„	Hereheretau 2.
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197	„		264¼	„	3,275	acres.	

7. While the scheme adopted might have been an excellent device for measuring the relative interests as between the hapus, it must be obvious that in lists drawn up in the way these were, containing parents and children, and no doubt many without right to apply, such a system of distribution must have created serious anomalies, and many of these were pointed out to the Court. Although there was no appeal against the relative interests as fixed by the rehearing Court, it would appear from the facts that there was at least one petition in 1898 (No. 152, Ihaka Amuamu and others) praying for rehearing, and possibly others that the Court does not know of. The position, however, was accentuated in March, 1908, when the Appellate Court sat to hear Hereheretau B, the adjoining block. Many persons sought admission into the latter block by reason of their being owners in Hereheretau No. 2. These matters being contested and keenly fought, it soon became apparent that many persons without right of occupation had been included in Hereheretau No. 2, and this practically on an equal basis with those who had rights.

8. All the persons (except one whom it was claimed had little or no right) who appeared before the Court expressed their desire that the definition of relative interests in Hereheretau A and Hereheretau 2A should be reopened, with the object of ejecting those without rights and readjusting the relative interests more in accordance with the rights of the parties. It may be questioned as to whether those now in the title should be displaced after holding for over twenty years, but some attempt at readjusting the rights of the parties should be made by amending the order so as to leave the interests undefined to be settled by the Native Land Court upon application in the ordinary course.

9. Since it was dealt with by the rehearing Court, Hereheretau No. 2 has been divided into five pieces, called 2B, 2C, 2D, 2E, and 2F, while Hereheretau 2A has been partitioned into three parts, called 2A1, 2A2, and 2A3 respectively. Any readjustment of the relative interests would necessarily affect these partitions. It is understood, however, that none of them have been completed by survey. There was no evidence before the Court to show what (if any) improvements had been effected on the portions partitioned, and no one raised objections to the reopening on that score. Possibly if the matter is reopened they who had done improvements would anticipate a sufficient award to cover them.

24th October, 1911.

R. N. JONES, Judge.

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