1913.

NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1910:

REPORT AND RECOMMENDATION ON PETITION No. 597/1910, RELATIVE TO TE UNUUNU BLOCK.

Laid before Parliament in compliance with Section 28 of the Native Land Claims Adjustment and Laws Amendment Act, 1910.

Native Land Court (Chief Judge's Office),
Wellington, 2nd July, 1913.

The Hon. the Native Minister, Wellington.

Re *Te Unuunu Block.*

PURSUANT to section 28 of the Native Land Claims Adjustment Act, 1910, I have the honour to forward herewith report in connection with the above-mentioned block, and I would strongly recommend you to advise the Native Affairs Committee that, in the opinion of myself and of the Judge of the district within which the land is situated, the petition is wholly without merit.

Personally, I think petitioner should be compelled to pay the costs of the Court inquiry, but I am afraid there is no statutory provision for such.

JACKSON PALMER,
Chief Judge.

In the Native Land Court of New Zealand, Wellington District.—In the matter of a parcel of land known as Te Unuunu; and in the matter of a reference to the Court for inquiry and report by the Chief Judge in pursuance of section 28 of the Native Land Claims Adjustment Act, 1910.

To the Chief Judge.

I BEG to report that, at sittings of the Native Land Court held at Greytown on the 23rd, 24th, and 25th days of May, 1911, I inquired into the merits of the petition of Hape Renata and others regarding the title to the Te Unuunu Block. The petitioners were represented, and tendered evidence in support of their petition. The respondents were also represented by counsel, but called no evidence.

The facts appear to be as follows:—

Te Unuunu contains 1,883 acres, and once formed part of a large block, which was purchased by the Crown in 1855, the aforesaid piece of 1,883 acres being excepted from sale and becoming afterwards a Native reserve within the meaning of section 11 of the Native Lands Act, 1867.

On the 2nd May, 1870, the Native Land Court investigated the title and awarded the block to seven persons, subject to a survey being made and the boundaries marked within six months. As the survey was not made within the time limited, no title was issued.

In 1882 a Commission was appointed to ascertain the title to the block, and as a result of his report of the 25th March, 1884, a certificate of title was issued on the 11th August, 1891, in favour of seventy-five persons—such certificate to date back to the 25th March, 1884.

These seventy-five names represented three hapus—Ngatimahu, Ngatikawaikairangi, and Ngaitumapuhia—and on a partition in 1888 a piece, containing 380 acres, was cut off in the south-east of the block for Ngaitumapuhia, and was awarded to thirty-seven persons with defined shares. This division is called "Te Unuunu No. 2," and the residue of the block, containing 1,503 acres, was awarded to the remaining owners with undefined interests, and was called "Te Unuunu No. 1."

The relative shares in No. 1 were defined in 1895, when, as a result of a conference and arrangement made outside the Court, a list of owners with suggested relative shares was handed in, read, and passed, there being no objectors. The father of Hape Renata, one of the present petitioners, was present and spoke in support of the list of shares.

The petitioners, who belong to Ngatimahu, now allege that their hapu were entitled to a greater number of shares than they received, and Hape Renata considers that he should not be bound by an arrangement made by the elders, even though his father had acquiesced. Much as the parties may differ as to their claims through gift, ancestry, mana, or occupation, they all recognize that the three hapus had each a right. As the Ngaitumapuhia received their interest of 380 acres in Te Unuunu No. 2, neither of the other two parties desires to disturb them. The question is then narrowed down to this: Whether should the Ngatimahu or the descendants of Kawaikairangi get the lion's share in No. 1? They appear to share equally according to the order made in 1895, but the petitioners contend that the former are the proper owners through a gift from the Rangitane, while Kawaikairangi was a foreigner who, on account of his ability as a military strategist and leader, was adopted by the Ngatimahu, who wished to secure his assistance in war. They ask an investigation *de novo*, so as to enable them to show the pedigree of Kawaikairangi and their own superior title. On the other hand, the successors of Kawaikairangi court a reinvestigation to enable them to prove that the gift from the Rangitane is a pure myth, and that the Ngatimahu have little, if any, right to inclusion at all. Further, the Ngaitumapuhia, as represented by Taiawhio te Tau, declare that they are not at all adverse to a reinvestigation, as they think, besides their 380 acres in No. 2, they might get a slice of No. 1.

All three parties would like to convey the impression that they are "spoiling for a row," but the fact that all have remained quiescent for sixteen years, as well as the recognition now of the right of Ngaitumapuhia to No. 2, would lead to the inference that there is not a great deal amiss.

The petitioners allege that the overawing influence of Tamahau Mahupuku, whose wife was a direct descendant of Kawaikairangi, had such an effect that no one would venture to confront him in Court or even at a conference; hence Tamahau's people got half of the block, which was a great deal more then they were entitled to, and more than they should have received had a less doughty rangatira championed their cause.

This may be correct, and no doubt the mana of Tamahau has shown its influence in more Wairarapa land arrangements than one, but it would be a mischievous precedent to establish that an amicable compromise made by the elders years ago should be impeached after the principal actors had passed away. As well might King George V decline to observe the provisions of the Magna Charta on the ground that his predecessor in title—King John—signed it under dulness some seven centuries ago: as well might the present-day Natives refuse to recognize the Treaty of Waitangi on the ground that the signatories did not get a *quid pro quo*.

In this case the chief petitioner is the son of Renata, who acquiesced in the arrangement made sixteen years ago; as did another leading Ngatimahu named Hamuera Tongatakino. Hape Renata, in giving evidence in this Court, replied as follows when under cross-examination: "I was not present at Judge Butler's Court in 1895, but my father and Hamuera Tongatakino were there as well as Tamahau. I do not agree that they should look after my interests or speak for me. They were our elders, but the Ngatimahu and I suffered loss through the arrangement they made, because the No. 1 block was divided equally between Ngatikawaikairangi and Ngatimahu."

With regard to the pretended desire of Ngaitumapuhia for a fresh investigation, I read in Wairarapa Minute-book 7, page 377, that when Tamahau told the Court on the 20th June, 1888, that an arrangement had been come to whereby the Ngaitumapuhia were to receive 380 acres, and a list of names was submitted, Taiawhio te Tau stood up in Court and stated that "the apportionment of the land explained by Tamahau for Ngaitumapuhia was the one agreed upon. The arrangement had been come to after some discussion."

From these facts it can be seen that the very people who now ask that there be a cancellation of all orders and an investigation *de novo* are those who approved of what had been arranged.

I do not recommend that the prayer of the petitioners for a fresh investigation be acceded to.

M. GILFEDDER, Judge.

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