1920.

NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1919.

REPORT AND RECOMMENDATION ON PETITION No. 49/1917, RELATIVE TO TITLE TO MANUREWA LOTS 196 AND 197.

Presented to both Houses of the General Assembly in pursuance of Section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1919.

Native Land Court (Chief Judge's Office), Wellington, 27th April, 1920.

Lots 196 and 197, Manurewa (No. 6 in Schedule, 1919 Act).

THIS matter has been referred to the Native Land Court for inquiry and report, and the Court's report, dated 10th April, 1920, is herewith enclosed.

Pursuant to section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, I make the following recommendation: That, in view of the report of the Court that the claims of the petitioners were not in its opinion substantiated, no legislative action is apparently necessary.

The Hon. Native Minister, Wellington. R. N. JONES, Chief Judge.

Office of the Native Land Court, Auckland, 10th April, 1920.

Lots 196 and 197, Manurewa.

REFERENCE by you in terms of section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, for inquiry and report as to claims and allegations made by petitioners in Petition No. 49/1917.

I have to report that I held an inquiry on the 7th, 8th, and 9th instant. Petitioners were represented by Amo te Mete; opposing parties by Mr. J. St. Clair and Roka Hopere.

In 1915 Judge Holland held an inquiry under section 11 of the Native Land Amendment Act, 1912. He reported that the land, which was part of that confiscated by the Crown after the Waikato War, had been promised to be returned to "Te Ahiwaru"; and, further, that that name applied to four hapus—namely, N'Rori, N'Peehi, N'Tangiaro, N'Kaiaua.

The petitioners contend that the name applies only to their own hapu, N'Rori, and not to the others, and that any person who can show descent from Rori is entitled to be included as an owner, irrespective of any question of occupation, and that, notwithstanding long occupation of others (which is admitted), those others should be excluded because they are not from Rori.

The matter was fully gone into before Judge Holland, who decided against the petitioners' contention.

The evidence for petitioners before me consisted of that of two witnesses who gave evidence before Judge Holland, and that of a younger sister of one of them, who was present at Judge Holland's inquiry, but did not give evidence. No new light was thrown on the matter, and it simply remained a question of which version the Court chose to accept.

I was so little satisfied with the evidence of the petitioners' witnesses that at the close of their case I intimated that I did not need to hear the opposing parties further.

Apart from the conflict of evidence, the circumstances related by the petitioners' witnesses are in my opinion quite compatible with Judge Holland's finding. The incident which admittedly gave rise to the name "Ahiwaru" would just as probably make it apply to all the four hapus then living in common in the pa Tauranga-a-ruru, where it occurred, as to one hapu only.

Other matters in the evidence and history of the land, and in the correspondence of Mr. G. T. Wilkinson, Government Agent, convince me that even if the petitioners' contention as to the name "Ahiwaru" were technically correct it was not so used by Mr. Wilkinson, and it was not intended by him to return the land to N'Rori Hapu only. It is admitted that all four hapus lived together