

SESSION II.  
1923.  
NEW ZEALAND.

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NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS  
ADJUSTMENT ACT, 1922.

REPORT AND RECOMMENDATION ON PETITION No. 225/21 (SESSION II) OF MITA TAUPOPOKI  
AND OTHERS RELATIVE TO THE TITLE TO TAURI BLOCK.

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*Presented to Parliament in pursuance of Section 55 of the Native Land Amendment and Native Land  
Claims Adjustment Act, 1922.*

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Native Department, Wellington, 25th July, 1923.

*Re Petition No. 225/1921—Tauri Block.*

I ENCLOSE herewith the report of the Native Land Court pursuant to section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922.

In view of the report that the Court does not think the petitioners established a case sufficiently strong to warrant a further investigation of the Tauri Block, I recommend that no legislative action be taken thereon.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

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Office of the Waiariki District Maori Land Board,  
Rotorua, 18th July, 1923.

*Re Tauri Block and Petition No. 225/1921 (Session II) of Mita Taupopoki and Others.*

I beg to report that, pursuant to your reference under section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, I held an inquiry into the subject-matter of this petition.

The proceedings were confined to addresses by Mr. Kepa H. Ehau, who acted as agent for the petitioners, and by Mr. W. A. Carter, solicitor, who acted on behalf of Hira Rangimatini and a section of N'Tama. Each had prepared his case very carefully, as will be evident on your perusal of the addresses. These were reported in shorthand, and copies are forwarded for your information.

At an early stage of the proceedings it became apparent that both parties represented had a good deal in common. It was common ground between counsel that Tauri Block was part of a tract of country at one time known as Tatua (or Tatua East). But, after a careful scrutiny of the minutes and of all available plans, I cannot say that it has been conclusively proved that such was the case. The actual boundaries seem to have been in doubt for some time.

In its decision of the 22nd January, 1886 (Judges Brookfield and Scannell), the Court says, "The Court will not define any boundaries to Tauri, that being a question to be decided when the subject of the whole block (Tauponuia) comes up for decision." The order of that Court for a certificate of title, which is dated 24th September, 1887, recites the area as 2,000 acres. The area comprised in the block as surveyed is 5,711 acres and 18 perches (exclusive of roads, &c.).

Mr. Carter, in his address, practically confined his remarks to the Tatua East Block, and urged that the Court should recommend that the title to this block should be reinvestigated. Tatua East has been the subject of protracted litigation and of several unsuccessful petitions to Parliament. A new petition is said to be now before the House.

It does not seem that the present proceedings involve the title to Tatua East Block in any way, and much of the matter mentioned by him seems quite irrelevant to the question now at issue. The present proceedings should be confined to the terms of the reference, and any recommendation from this Court should be confined to the subject-matter of the petition in respect of Tauri Block. The petitioners ask—(1) That the Native Land Court be authorized and empowered to cancel the title to Te Tauri Block, and reinvestigate and ascertain who are the proper owners in conformity with the original and valid judgment in Te Tatua Block, and to award the Tauri Block to the lawful owners, the descendants of Tia; (2) that in case it is found that the present owners of Tauri Block have been wrongfully awarded the said land and have sold a portion or portions thereof, then and in such case the Native Land Court be empowered and authorized to make an order vesting in your petitioners, or such descendants of their ancestor, Tia, the remainder of the Tauri Block, and other portions of Te Tatua East and Tutukau Blocks of equal value to the portions so sold, which are owned by Ngatitama or derived through their ancestor, Tamaihuturoa, as compensation for the land so sold; or, in the alternative, to re-vest in your petitioners the balance of Te Tauri Block, and to order the Waiariki District Maori Land Board to pay to your petitioners, as compensation for the sold portions, such moneys as it deem fit out of moneys in the hands of the said Board arising out of the sales of portions of Tauri and Tutukau Blocks.

It will be noticed that reference is made to Tutukau Block and to funds held by the Waiariki District Maori Land Board. The owners of this block were not represented at the inquiry. The moneys held by the Board total £2,065, being purchase-money paid by Dr. Rayner in respect of Tutukau West B. This amount is held pending a definition of the relative interests of the owners.

Tauri Block, the subject of the petition, has been divided as under: Tauri No. 1 (320 acres 1 rood 22 perches), awarded to Mita Taupopoki, the principal petitioner, and sold by him to G. Rayner for £350; Tauri No. 2 (837 acres 2 roods 36 perches), awarded to Eruera Panapa and thirty-two others (no dealings); Tauri No. 3A (1,474 acres), Crown land; Tauri No. 3B (20 acres), burial reserve; Tauri No. 3C (3,014 acres), awarded to seventy-seven owners, and sold to G. Rayner for £1 per acre; Tauri No. 4 (33 acres), awarded to Te Onira Noti, and sold to G. Rayner for £60. The bulk of the purchase-money has been paid, but the Board holds some unclaimed purchase-moneys in respect of the interests of some of the late owners. It will therefore be seen that an area of 857 acres 2 roods 36 perches only remains to the Natives. A reference to the plans makes it clear that Mr. Rayner has acquired all of the timber area, and that the unsold area is open country, mostly in fern and tutu.

The claim of the petitioners is (1) That the Tauri Block belonged to the descendants of Tia, and not to N'Tama; (2) that the evidence given by certain witnesses at the various hearings is inconsistent and contradictory, and therefore unreliable.

Dealing with the latter contention first, it is quite evident that there are some inconsistencies. But it must be pointed out that exception has been taken only to certain matters which suit the arguments of the persons concerned. There are many other points, not brought out, which go to support the findings of the earlier Courts. These, moreover, had the opportunity of analysing the evidence at the time it was given, and of observing the demeanour of witnesses. I do not think that, at this late date, too much weight should be attached to these apparent discrepancies.

Dealing now with the main contention raised—the allegation that the land should have been awarded to the descendants of Tia and not to those of Tamaihuturoa—I would point out that this matter has been threshed out at the various hearings. In his report of the 1st May, 1897, Judge Edger states, “The parties to this case are parties between whom there is and has been for some years a good deal of jealousy and bitter feeling in regard to other lands, as well as this Tauri Block . . . The question of rights derived from Tia was not strictly before the Appellate Court; the decision of 1886 was against those rights (as regards the Tauri Block).”

I do not think that, on this point, the petitioners have established a *prima facie* case sufficiently strong to warrant the reopening of the titles to which they refer in the petition, or even to the further reinvestigation of the Tauri Block.

The Head Office file N. 1922/343 is returned herewith. Attached hereto are two copies of counsel's addresses.

W. H. BOWLER, Commissioner.

The Chief Judge, Native Land Court, Wellington.

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