

1924.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1921-22.

REPORT AND RECOMMENDATION ON PETITION No. 17 OF 1921 (SESSION I), OF PARE MAKERAPATA,
RELATIVE TO WAIHAU BLOCK.

*Presented to Parliament in pursuance of Section 35 of the Native Land Amendment and Native Land
Claims Adjustment Act, 1921-22.*

Native Department, Wellington, 24th September, 1924.

Petition No. 17 of 1921, regarding Waihau Block.

PURSUANT to section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, I herewith enclose report of the Native Land Court upon the above petition.

This was part of the land ceded to the Crown under deed dated 18th December, 1868, in respect of acts of rebellion by the Natives. Acting upon the terms of that deed, two Commissioners were appointed to inquire into the claims of loyalists and to ascertain if any claimants were rebels. Pursuant to the findings of the Commission, the Waihau Block was granted to certain Natives, who disposed of all their interests to the Crown. The land is therefore no longer Native-owned, and it is impossible to reinvestigate the title to it. In any case it would be injudicious at this date to open up questions of what Native claimants were loyalists and those who were rebels.

Under these circumstances I recommend that no legislative action with regard to providing for reinvestigation of the title be taken.

The Hon. the Native Minister, Wellington.

R. N. JONES, Chief Judge.

The Native Land Amendment and Native Land Claims Adjustment Act, 1921-22.

In the Native Land Court of New Zealand, Aotearoa District. In the matter of the petition, No. 17 of 1921, of Pare Makerapata, praying for reinvestigation of the title to Waihau Block, referred to the Court under section 35 of the above-mentioned Act.

At a sitting of the Court held at Wairoa on the 24th August, 1923, and the following days the Court made inquiry into the above matter, and now reports as follows:—

The area of the Waihau Block was 13,800 acres. The records show that on the 24th November, 1873, the Poverty Bay Commission awarded it to eleven persons. Subsequently the names of nine of these persons were struck out and the names of eleven others substituted. No reason for this alteration can be found. The present petitioners are the representatives of some of those whose names were struck out. The whole block was sold to the Crown by the grantees, but subsequently 1,000 acres, called Waihau No. 1, were granted to Petera Honotapu and Pera Tamahikawai as joint tenants. Petera Honotapu is dead, and Pera Tamahikawai is now the sole owner.

It was quite clear from the evidence adduced before the Court that there were many persons entitled to the block according to Native custom besides those included in the grant. In fact, it was asserted that some of the grantees were not so entitled.

The petitioners allege that as a result of the fighting at Te Konaki many of the owners were captured by Te Kooti and forced to go with him. After the Ngatapa fight some of them returned, joined the Government forces under Colonel Porter and Major Ropata Wahawaha, and acted as guides in pursuit of Te Kooti, and that subsequently the remainder came back and also joined up with the Government forces. One of the petitioners, Paratene Kunaiti, gave evidence to the effect that he himself actually captured Kereopa, the murderer of the Rev. Mr. Volkner.

The petitioners also asserted that neither they nor their elders ever received any part of the consideration on the sale of the block to the Crown.

In support of the petition the Court was referred to the Proclamation in the *Gazette* of December, 1864, providing that rebels laying down their arms and surrendering would have the same rights as loyal Natives.

The Court, as a result of the inquiry, is satisfied that there were persons entitled to the land other than those included in the Crown grant, and that some of those persons, although captured by the rebels and forced to go with them, subsequently escaped and joined the Government forces and assisted in the pursuit of Te Kooti. The Court also considers it very probable that these owners received no part of the consideration when the block was sold to the Crown, and is of opinion that they are entitled to some relief.

As witness the hand of the Judge and the seal of the Court.

JAS. W. BROWNE, Judge.

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