

1880.
NEW ZEALAND.

WAIPAWA LAND DISPUTE

(CORRESPONDENCE RELATING TO THE).

Laid on the Table, by the Hon. Mr. Hall, with the leave of the House.

EXTRACT from the JOURNALS of the LEGISLATIVE COUNCIL, Thursday, 31st October, 1877.

Resolved, That this Council doth concur in the report of the Public Petitions Committee on the Petition of Heta Tiki, and that a copy of this resolution be forwarded to the Government. (*Hon. Captain Baillie.*)

Mr. J. T. TYLEE, Sheriff, Napier, to the Hon. the MINISTER of JUSTICE, Wellington.
(Telegram.)

29th January, 1878.

WRIT of possession issued by Harding against Heta Tiki and others, at Waipukurau. In doubt if Natives will give up possession, and understand Harding is willing to compromise, but cannot say on what terms. Shall I attempt to take possession?

The Hon. the Minister of Justice, Wellington.

J. T. TYLEE, Sheriff.

Mr. S. LOCKE, Napier, to the UNDER-SECRETARY, Native Department, Wellington.

SIR,—

16th February, 1878.

I have the honor to forward—in accordance with your telegram No. 838—herewith all the papers I have relating to the dispute between Mr. Harding and Native owners of Tapairuru Block. I have not the papers you refer to.

I have, &c.,

The Under-Secretary, Native Department, Wellington.

S. LOCKE.

PETITION of JOHN HARDING (presented by Captain Russell, 2nd October, 1879).

To the Honourable the Speaker and Members of the House of Representatives of the Colony of New Zealand in Parliament assembled.

The humble petition of John Harding, of Mount Vernon, Waipawa, Sheepfarmer,

SHOWETH,—

THAT, on the 18th day of December, 1872, your petitioner sued out a writ of ejectment in the Supreme Court at Napier against Heta Tiki and divers others, aboriginal natives, all of Waipukurau, to recover possession of a piece of land, being portion of Block No. 14, Waipukurau District, and for which land your petitioner held a Crown grant. That, after various delays caused by the defendants promising to give up possession of the land, &c., the case was brought to trial in December, 1875; and on the day of trial a memorandum of terms of settlement was signed by Mr. John Sheehan as solicitor for the Natives, and your petitioner, in words and figures following:—

“Memorandum of terms of settlement—1. Harding *v.* Heta Tiki and Bennett; 2. Harding *v.* Heta Tiki and other Natives: (No. 1.) Action to be withdrawn; Natives to pay their portion of taxed costs. (No. 2.) Action to be withdrawn; possession to be given of ground within two months from date, Natives to be allowed to remove houses, crop, and personal property, but not fencing; Natives to pay taxed costs. I approve of these terms of settlement on behalf of the Natives in both actions.—JOHN SHEEHAN.—17th December, 1875.”

That, notwithstanding the said agreement, the said Natives continued in possession of the said land, and failed to pay any of the costs of the said action as agreed, although your petitioner repeatedly applied to Mr. John Sheehan to have the terms of the said agreement carried out. That, finding that the Natives would not carry out their part of the said agreement, your petitioner obtained leave from the Court to enter up judgment in the said action against the said Natives; and, on the 24th day of January, 1878, your petitioner sued out of the said Court a writ of possession addressed to the Sheriff of the Provincial District of Hawke's Bay, commanding him to give your petitioner possession of the said land. That the Sheriff has failed to execute the said writ, alleging that he received instructions from the Native Minister not to do so. That both your petitioner and his counsel have had repeated interviews with the Native Minister, who has promised redress, but that up to the present date your petitioner is kept out of possession of the said land, and has not received any portion of the large amount that he has expended in costs, and the law of the land continues to be set aside.