

No. 237 of 1881.—Petition of NEPIA TARATOA and 22 Others.

PETITIONERS state that there is a dispute as to the boundary of their land, called Wharerangi, near the mouth of the Manawatu River; they refer to an impression that Wharerangi was included in the Awahou purchase, whilst they had really only leased it to Sir Donald McLean for ten years. Petitioners pray for payment of back rent, and that the land be restored.

I am directed to report as follows:—

That Wharerangi was included in the deed of cession of the Awahou Block, and the Committee has therefore no recommendation to make.

11th August, 1881.

[TRANSLATION]

No. 237 of 1881.—Pukapuko-inoi a NEPIA TARATOA me etahi atu e 22.

E ki ana nga kia-pitihana kei te tautohetia te rohe o to ratou whenua, ko Wharerangi te ingoa, e tata ana ki te ngutuawa o te Awa o Manawatu; e ki ana ratou na etahi whakaaro i hanga i uru ai a Wharerangi ki roto ki te hoko o Awahou, otia i rihi kautia e ratou ki a Te Makarini mo nga tau kotahi te kau. E inoi ana nga kia-pitihana kia utua kia ratou nga reti o nga tau kua hori ake nei, a kia whakahokia ano to ratou whenua.

Kua whakahaua ahau kia ki penei:—

I uru a Wharerangi ki roto ki te pukapuka Hoko o te Poraka o Awahou, heoi kaore he kupu a te Komiti.

11 Akuhata, 1881.

No. 62 of 1881.—Petition of NEPE TE APATU and 32 Others.

PETITIONERS say that the Taipara Block, part of the Waipukurau, belongs to them; that they never sold it to Government or any one else; that it was reserved to them out of the sale of Waipukurau in 1851; and that they have been living upon the land ever since that time. They pray to be protected from Mr. Harding, who endeavours to turn them off.

I am directed to report as follows:—

That the piece of land claimed by the petitioners is an area of about 20½ acres. In 1851 Mr. Pelichet made a survey of the block in which the reserve, of which this forms a part, lies. His map and survey notes are in existence. The Native reserve seems to have been coterminous with the then forest line, and was thus necessarily very irregular. Afterwards, what is called a give-and-take line was adopted, which, on the whole, was considerably in favour of the Maoris. After this time the Maori interests were subdivided, and the hapu that received the portion opposite Waipawa found that the line of Mr. Pelichet was more favourable than the new line. There seems to have been no dispute for some years, not in fact until Mr. Harding, the present legal owner, took possession under his Crown grant. The Natives then set up their claim as actual possessors, and also on the ground that the lines of the Crown grant did not represent the lines of the survey by which they sold. A blunder in the Survey Office complicated the matter. A piece of land 5 acres and 28 perches, that seems unquestionably to have been within the original Native reserve, was included in the Crown grant; whilst upon the other portion, 15 acres 1 rood 24 perches, the Natives seem to have from an early period resided, evidently believing it was theirs, and had not been sold to the Crown. Mr. Harding is not the original grantee, but is owner by purchase. Finding that he could not get peaceable possession of property which was legally his, he applied to the Courts for redress, and got an order to be put in possession. This order is of no practical value to him, as the Sheriff cannot execute the writ.

In December, 1875, Mr. Sheehan, then acting as counsel for the Natives, agreed in writing that, on condition Mr. Harding would withdraw certain actions then pending, their portion of the taxed costs would be paid, and possession of the land given. The Natives declined to recognize this agreement. In March, 1880, the Native Minister (the Hon. Mr. Bryce) made an offer to the Natives of £200 to cancel their alleged rights, and got a promise from Mr. Harding that they should have six months given them to remove houses, &c.; and this would have been the most satisfactory way to settle the dispute; but, unfortunately, the Maoris refused this offer.

There seem to be two courses open. One is for the Government to seek power by Act to give to the Maoris possession of that small piece to which they seem to have a title, and at the same time to put the law in force by ejecting them from the remainder. In this case Mr. Harding would be entitled to compensation for the loss of that portion of the land included in his Crown grant, and also for the expenses he has been put to in maintaining his right. The other course would be to take by Act of Parliament the whole of the land in dispute, and pass so much of it as may be necessary by grant to the Maoris, and give Mr. Harding fair compensation (1) for the freehold, (2) for disturbance, and (3) for costs in maintaining the validity of his title. In either case, before giving any title to the Maoris, a clear and explicit arrangement should be made that all further annoyance to Mr. Harding should cease.

As it appears that the Crown grant was issued in error, the Committee recommends that the second alternative proposed should be adopted as a basis of settlement.

The Committee recommends that this report should be passed to the Government for immediate consideration and action.

12th August, 1881.

[TRANSLATION.]

No. 62 of 1881.—Pukapuka-inoi a NEPE TE APATU me etahi atu e 32.

E ki ana nga kai-pitihana no ratou te poraka o Tapairu wahi o Waipukurau; kihai ratou i hoko i taua wahi ki te Kawanatanga ki tetahi atu tangata ranei; i rahuitia taua wahi mo ratou i roto i te hoko o Waipukurau i te tau 1851; a i runga tonu ratou i nga whenua e noho ana mai rano i taua takiwa; na e inoi ana ratou kia tiakina ratou i a Te Haringi e pana nei i a ratou.