

1881.
NEW ZEALAND.

NATIVE AFFAIRS COMMITTEE

(REPORT OF, ON PETITION OF PAORA KAIWHATA AND OTHERS, TOGETHER WITH MINUTES OF EVIDENCE AND APPENDICES).

Brought up 21st September, 1881, and ordered to be printed.

REPORT

No. 61 of 1881.—Petition of PAORA KAIWHATA and 6 Others.

PETITIONERS say that they had been living on the land at Ngatahira for several years; that Mr. Bryce and Mr. Rolleston had visited them with a view to settle disputes about ownership; that certain arrangements for exchange of land had been made, but not carried out; that they have not heard from Government; and therefore pray that the land may be returned to them.

I am directed to report as follows:—

That inquiry should be made to ascertain whether or not it was by the default or neglect of the Native Land Court the evident intention of the Native owners to preserve their tribal settlement was not given effect to, the consequence being that a large number of Natives have been evicted from a piece of land which they imagined had been secured to them by authority of law. That, in the opinion of this Committee, the Native vendors and the European purchaser considered they were dealing only for the land leased to Mr. Braithwaite, which contract would have excluded the land referred to in the petition under inquiry. That the efforts of several successive Governments to settle this matter have been successful so far only as to deprive the Native owners of their only vantage-ground, *i.e.*, possession; and the papers and evidence disclose good grounds for believing that the Natives gave up possession in the full faith and belief that they would again be reinstated in their tribal holding. That justice requires that the petitioners and their friends should be restored to their original position, and be confirmed in their possession of the land. That inquiry should be made by the proper department to ascertain whether or not the application and declaration on which the Land Transfer title was based were made in accordance with fact. That, in the event of proof of the fact that the European vendor was an innocent purchaser, compensation should be paid to him in manner provided by the Public Works Act now in force. That the Government should, without delay, take the necessary steps to replace the Native owners in possession, without payment or consideration in land or money on their part.

21st September, 1881.

[TRANSLATION.]

No. 61 of 1881.—Pukapuka-inoi a PAORA KAIWHATA me etahi 6.

E KI ana nga kai-pitihana he maha nga tau e noho ana ratou i runga i te whenua i Ngatahira; i tae atu a Te Paraihe me Te Roretana kia kite i a ratou ki te whakaoti i nga tautohe mo te take ki taua whenua; i whakahaerea ano etahi tikanga kia utua taua whenua ki tetahi whenua ke atu, engari kaore i whakaoia ana whakaritenga; kaore ano he kupu a te Kawanatanga i tae atu ki a ratou no reira ka inoi ratou kia whakahokia a Ngatahira ki a ratou.

Kua whakahaua ahau kia ki penei:—

Me rapu mehemehea ranei na te Kooti te he i kore ai e mana te hiahia o nga Maori no ratou te whenua kia mau tonu taua wahi ki a ratou hei whenua mo te iwi, no te mea hoki he nui ratou nga Maori kua panaia i runga i te whenua i maharatia nei kua oti i te ture te whakatau ki a ratou. Na ki te whakaaro a tenei Komiti i mahara tonu nga Maori me te pakeha hoko, ko te whenua ke e hokona ana ko te whenua i rihihia ki a Te Paratiweeti, i runga i tena tikanga e kapea ana a Ngatahira ki waho o te hoko. Na he maha nga Kawanatanga kua whakamatau ki te whakaoti i tenei raruraru, heoi ano te mea i oti ko te tango i te ora kotahi nei o te Maori, ara; i tona whenua; na i runga i nga korero me nga pukapuka kua takoto ki te aroaro o te Komiti i puta pai nga Maori ki waho o taua whenua i runga i te whakapono tera ano ratou e whakahokia ki runga. Na i runga i te huarahi o te tika me whakahoki pumau ano nga kai-pitihana me o ratou hoa ki runga ki to ratou whenua o mua iho. Na ma tona Tari tika ano e kimi mehemea ranei i pono te oaitanga i tuturu ai te take o taua whenua i raro i te Ture Tuku. Na ki te kitea i pohehe te hoko a te pakeha, me utu ano ia i raro i nga tikanga o te Ture mo nga mahi Nunui e mana nei. Na me tere tonu te whakahoki a te Kawanatanga i nga Maori ki runga ano ki to ratou whenua, me kaua hoki nga Maori e utu whenua e utu moni ranei.

21 Hepetema, 1881.