

1886.
NEW ZEALAND.

OWHAOKO AND KAIMANAWA NATIVE LANDS COMMITTEE

(REPORT OF), TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE,
AND APPENDIX.

Report brought up 13th August, 1886, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

TUESDAY, THE 15TH DAY OF JUNE, 1886.

Ordered, "That the Owhaoko and Kaimanawa Native Lands Bill be referred to a Select Committee."

WEDNESDAY, THE 16TH DAY OF JUNE, 1886.

Ordered, "That a Select Committee, consisting of ten members, be appointed to consider the question of the Bill to provide for a reinvestigation into the Native title to lands known as Owhaoko and Kaimanawa-Oruamatua, and the petition of F. D. Fenton referring to the said Bill; such Committee to have power to call for persons and papers, and to report from time to time: three to be a quorum. The Committee to consist of the Hon. Major Atkinson, Hon. Mr. Bryce, Mr. Conolly, Sir George Grey, Mr. Holmes, Mr. Menteath, Mr. Montgomery, Mr. Seddon, Mr. W. D. Stewart, and the Hon. Sir Robert Stout."—(*Hon. Mr. Ballance.*)

PETITION OF F. D. FENTON.

To the honourable the House of Representatives in Parliament assembled.

THE humble petition of Francis Dart Fenton, of Auckland, Esquire, late Chief Judge of the Native Land Court, sheweth,—

That your petitioner has read a memorandum by the Hon. Sir Robert Stout, the Attorney-General of New Zealand, on the subject of the Kaimanawa and Owhaoko Blocks.

That the said memorandum contains grave charges against your petitioner, which your petitioner is not conscious of meriting.

Your petitioner therefore humbly prays that your honourable House will cause an inquiry to be made into the allegations made in the said memorandum, and into the impressions drawn therefrom.

And your petitioner will ever pray, &c.

F. D. FENTON.

REPORT ON THE OWHAOKO AND KAIMANAWA-ORUAMATUA REINVESTIGATION OF TITLE BILL, AND ON THE MEMORANDUM OF THE HON. SIR ROBERT STOUT ANNEXED THERETO, AND ON THE PETITION OF FRANCIS DART FENTON.

THE Committee have the honour to report that they have perused and examined the Bill, and the memorandum of the Hon. Sir Robert Stout annexed thereto, and the petition of Mr. Fenton, and have taken evidence, and have heard Mr. Bell of counsel for Messrs. Fenton and Rogan.

1. With regard to the lands called Owhaoko No. 1, Owhaoko No. 2, and Owhaoko, it appears that a rehearing was ordered as alleged in the first paragraph of the preamble to the Bill, and that no such rehearing ever took place. It also appears from the evidence that some at least of the parties who had applied for a rehearing did not intend that their application should be withdrawn.

2. The Committee are therefore of opinion that there should be a rehearing with respect to Owhaoko No. 1, Owhaoko No. 2, and Owhaoko.

3. With regard to the Kaimanawa-Oruamatua land it appears that on the hearing a witness, Noa Huke, stated that "Natives not present had a claim; that the people then living on the land had a claim." But, after endeavouring, without success, to obtain from Noa Huke and Renata the names of Natives other than were put in the memorial of ownership, the Court, notwithstanding Noa Huke's evidence, made an order in favour of five Natives only. Two of the absent Natives have been examined, and another has been represented by his son, before the Committee. They object to Renata being made a part-owner with them, and also complain that the hearing was held in their absence. It is stated by them that they had only three days' notice, which appears to the Committee to have been unreasonably short. It is however material that an application for a rehearing was received and considered, but refused by Sir Donald McLean, apparently on the ground that the Natives had had sufficient time to appear.

4. The Committee are of opinion that a *prima facie* case for a rehearing has been made out in the case of the Kaimanawa-Oruamatua Block.