

1889.

NEW ZEALAND.

NGARARA, PORANGAHAU, MANGAMAI, AND
WAIPIRO BLOCKS(COMMISSIONERS' REPORT *RE* DECISIONS OF NATIVE LAND COURT IN RESPECT OF THE).*Presented to both Houses of the General Assembly by Command of His Excellency.*

To His Excellency the GOVERNOR of the Colony of NEW ZEALAND.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the undersigned Commissioners appointed by your Excellency's Commission dated the 3rd day of November, in the year of our Lord, 1888, to inquire into the several matters in the said Commission mentioned, and to report upon the same, and particularly whether the decisions of the Native Land Court in relation, among others, to the land known as Ngarara West ought to be given full effect to, or whether sufficient doubt exists as to the correctness of such decisions as to render further inquiry proper, have now the honour to report as follows:—

1. We have carefully considered the petition presented by Inia Tuhata and four others to the Legislative Council during the last session of Parliament, and the evidence adduced by Mr. Morrison, who acted as counsel for the petitioners, and by Mr. Stafford and Mr. Richmond, who appeared on behalf of Wi Parata and others, the opponents. The evidence adduced, together with copies of documents and also copies of the evidence laid before the Committee of the Legislative Council, are annexed to and form part of this report.

2. We find that the name by which the block of land in question is more generally known is Waikanae. Ngarara is properly the name of a portion of the block, which was extended to the whole in 1873. We do not find that this change of name has in any way deceived or misled any of the parties.

3. A large number of witnesses, chiefly Maoris, have been called before us, whose evidence is extremely conflicting. There are, however, several important points with regard to which there is evidence, both Native and European, which seems to us sufficient to support the conclusions at which we have arrived, without attempting to weigh carefully the relative value of all the conflicting statements that have been made.

4. The evidence that has been brought before us has been confined to the claim of Inia Tuhata and his sister Rangihanu, to whom the Native Land Court, presided over by Judge Puckey in 1887, on a subdivision, awarded a small area of about four acres.

5. With regard to the allegations of improper conduct on the part of Wi Parata, some evidence has been laid before us relating to the actions of Wi Parata with reference to the Ngarara Block (1) when the title to the block was being investigated by the Native Land Court in 1873 and 1874; (2) on the occasion of the sale of the eastern portion of the block to the Government; and (3) when before the Court on the subdivision in 1887. We are of opinion, however, that nothing has been disclosed which would justify an interference with the judgment of the Court in 1887. The fact of the Court having been misled, and having arrived at a decision which seems to us unsatisfactory, has arisen not from improper conduct on the part of Wi Parata, but from the fact that the petitioners were not prepared with sufficient evidence to meet the statements made on the other side—namely, that Honi Tuhata, the ancestor through whom Inia Tuhata and his sister claim an interest in the land, had abandoned his interest, whatever it may have been, before the year 1840. The Court adopted the view that there had been such an abandonment, and accordingly awarded to Inia Tuhata and his sister the small piece of land which they were at that time (1887) actually cultivating. The Court appears to have awarded even this small area only on the ground that the names of Inia and Rangihanu were contained in the list of owners adopted by the Court in 1873, and, being in the list, they could not be altogether excluded from the award.

6. The conclusions to which the evidence before us points may be briefly stated. Honi Tuhata, the great-grandfather of the present petitioners, was the chief of a hapu of the Ngatiawa Tribe known as Ngatitupawhenua (afterwards Mitiwai), residing originally in a pa on the bank of the Onaero Stream, in the District of Taranaki. The Ngatitupawhenua pa was not far from another pa on the bank of the same stream inhabited by the Kaitangata hapu. The relation of the Ngatitupawhenua to the Kaitangata is disputed. Some witnesses allege that they are one and the same