

1911.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1910

(REPORT AND RECOMMENDATION UNDER SECTION 28 OF THE), ON PETITION No. 260/1897,
RELATIVE TO POUREWA ISLAND.

Laid before Parliament in compliance with Subsection (4) of Section 28 of the Native Land Claims Adjustment Act, 1910.

Native Land Court (Chief Judge's Office), Wellington, 15th July, 1911.

Re Pourewa Island (Petition 260/1897).

PURSUANT to section 28 of the Native Land Claims Adjustment Act, 1910, the Chief Judge has referred this matter for inquiry and report. The report has been made, and is now forwarded for your perusal, and to be dealt with under subsection (4).

I have the honour to recommend that the Native Land Court be authorized to inquire and determine whether any persons who claim to be entitled to be admitted as owners have been omitted from the original title although rightfully entitled to be included therein, to declare the persons so found to be entitled to be part owners of the land, and to amend the title by adding the names of such persons, substituting (if found necessary) the proper representatives of such as are dead; with power to the Court to cancel or amend any orders made subsequent to the date of the original title which in the opinion of the Court should be cancelled or amended. Such jurisdiction to be exercised without prejudice to any existing valid contract of alienation in respect of the said land.

R. N. JONES,

Deputy Chief Judge.

The Hon. the Native Minister, Wellington.

IN THE NATIVE LAND COURT OF NEW ZEALAND.

In the matter of the Pourewa Block, and of a reference by the Chief Judge for inquiry and report under section 28 of the Native Land Claims Adjustment Act, 1910, with regard to the claims and allegation by Wi Kingi Hori and others.

This matter came on for hearing at Tolaga Bay on Wednesday, the 22nd February, 1911, before Robert Noble Jones, Judge, and the Court begs to report as follows:—

1. The title to the Pourewa Block was investigated at Tolaga Bay on the 30th June, 1881, before Judges Heale and O'Brien. From the minutes it appears that Paora Hura gave evidence and claimed the block under Hekereterangi. Wi Kingi Hori objected to Whakahema and the others admitted by Paora Hura, and claimed the land for himself alone. He then gave evidence. The minute of judgment is: "The Court stated, 'This was the site of a pa, and when it was taken by Ngatiporo, Hine Mateora was killed upon it. Therefore when all the land was retaken by Te Amaru the tribe could not return to the Purewa Pa by reason of her blood, so that this little island was never really reoccupied. In the adjoining land, 9,500 acres, all the tribe are registered as owners, but the pas have always been recognized as belonging to the chief. It is therefore right that in this little claim the descendants of the leading chiefs only of the conquering tribes should be recognized as owners, Kingi Hori representing Rongowhakaata only, as Te Amaru's *ope* is a distinct attempt to mislead the Court, which is well aware that the Ngataharahe, Hapu Matua, and Ngatiwhakahomo were his own people, and the chiefs of these hapus have a right to be in the order.'"

2. The matter as brought before the Court was presented in twofold character—some desiring a rehearing of the whole matter, while others desired only that names left out should be admitted while those who were wrongfully included should be excluded.

3. On the main point of the petitioners' contention that certain names on the lists handed in to the Court were omitted in the final order there was no satisfactory evidence forthcoming. The names are struck out of the list. The striking-out is not initialled, but the presiding Judge has placed his initials at the bottom of the list and has added "19 names." The nineteen names left appear in the Court minute-book in the Clerk's handwriting, and it is assumed that this would be entered up from day to day. It will be obvious that the striking-out of the names must therefore have been intentional.

4. The reason for striking them out, in the Court's opinion, was to make the list as small as possible and carry out the Court's idea that "it is therefore right that in this little claim the descendants of the leading chiefs only." This explains, for instance, why one brother's name is put in and the other left out.

5. It is manifest that in dealing with the land in this way many persons with right would be excluded.

6. Some persons with right have undoubtedly been left out of the list of owners, but the Court having only to inquire and report, and not having power to amend the title, has not considered it necessary on the present occasion to go into the merits of each individual name.

To the Chief Judge, Native Land Court.

For the Court.

R. N. JONES, Judge.

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