

1915.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1913:

REPORT AND RECOMMENDATION ON PETITION No. 161 OF 1913, TAMEHANA HETA AND
ANOTHER, RELATIVE TO MATARAKAU BLOCK (WHAREKAURI No. 1 BLOCK).

Laid on the Table of the House of Representatives pursuant to Act.

SIR,—

Native Land Court (Chief Judge's Office), 17th August, 1915.

Pursuant to section 2 of the Native Land Claims Adjustment Act, 1913, I have the honour to transmit to you a report upon the petition (No. 161 of 1913) of Tamihana Heta and another, set out in the First Schedule to the said Act.

I have the honour to recommend that leave be given to petitioner by statute to appeal within two months after the statutory provision comes in force, and that the Chief Judge should fix the amount of deposit to be paid by appellant, and that failing the payment of such deposit as fixed the Chief Judge may forthwith dismiss the appeal.

The Hon. the Minister of Native Affairs, Wellington.

JACKSON PALMER,
Chief Judge.

In the Native Land Court of New Zealand, South Island District (Chatham Islands).—

In the matter of the Matarakau Block (hereinafter called "the said block") and of the petition (hereinafter called "the said petition") of Tamihana Heta, being petition No. 9 in the First Schedule of the Native Land Claims Adjustment Act, 1913 (hereinafter called "the said Act").

WHEREAS, pursuant to section 2 of the said Act, the Chief Judge of the Land Court referred for inquiry and report to the Native Land Court the claims and allegations made in the aforesaid petition: And whereas such reference was duly gazetted for hearing before the said Court, and duly and regularly came on for hearing at Wellington, commencing on the 5th March, 1915: And whereas by the wish of all parties concerned such hearing was taken by the Chief Judge himself, who duly and regularly heard all parties concerned in the matter, and hereby reports, pursuant to the said section 2, as follows:—

1. That the said block is a portion of land situate within the Wharekauri No. 1 Block, Chatham Islands.

2. That the original title to Wharekauri No. 1 Block, estimated to contain 55,055 acres, was a Native Land Court certificate of title issued to ten persons, among whom were Epiha Kawhe (Coffey) and Pamariki Raunooa, by Judge Rogan under his hand and the seal of the Court, and dated the 27th June, 1870.

3. It was the law of New Zealand when this title was issued not to put in all of the owners, but to put in only up to ten of the owners in the title.

4. Natives put into a title as such owners at that time often used to treat the land as their own property, and in conformity with this idea Raunooa Pamariki got the Court to appoint him successor to the grantee Pamariki Raunooa on the 3rd September, 1881; and on the 11th February, 1885, he got the Court to cut out of the 55,055 acres an area for him as the representative of Raunooa Pamariki.

5. The area so cut out was estimated at 3,503 acres and 14 perches, and was called Tangipu or Wharekauri No. 1B; and at the same time he got the Court to cut out for the use of his sisters 3,276 acres 2 roods 15 perches out of the 55,055-acre block; thus this one family of one brother and two sisters got a total of 6,779 acres 2 roods 29 perches out of an area of 55,055 acres.

6. If the ten grantees had owned equally and were not trustees, then this one grantee was only entitled to 5,505½ acres, and not 6,779½ acres, which they got; and if the grantees were entitled equally, then the said grantee Epiha Kawhe was entitled to his one-tenth or about 5,505½ acres.

7. In 1868 the injustice of putting in only ten grantees in the title and allowing these grantees to act in the unjust manner set out above was so apparent that the Native Equitable Owners Act, 1886, was passed, which recited that these certificates of title were issued to grantees nominally as absolute owners, and that in many cases they were intended only to be clothed with the title as trustees for themselves and other members of their tribes or hapus. Pursuant to such recital sections were passed to enable the real owners to be admitted to the title.

8. In the Native Land Court Act, 1894, these equitable-owner enactments were consolidated under subsection (10) of section 14 of that Act, and by this the Court, when authorized by Order