

13. Hapimana was in error in stating there were no names in the title to Whataroa, as the Governor has already issued his warrant for a title to the original owners of Ruakituri as found by the Court on investigation of title, but he stated the area (upon survey 1,001 acres) correctly, and although there are twelve reserves out of the block none of the others exceed 417 acres.

14. To understand how this title came to be issued it is necessary to refer back to the title. After various negotiations with the Natives it was decided that the Crown should buy the Native interests in the four blocks referred to in Mr. Locke's letter of 1872, and in 1875 the Native Land Court sat and investigated the title to the four blocks, and some twenty-two persons were put in the title.

15. These persons thereupon sold to the Crown, excepting thereout some twelve reserves, totalling close on 3,000 acres: among these were Whataroa Reserve, described as 1,000 acres.

16. It is doubtful if the Natives actually conveyed to the Crown the reserves excepted, but it was assumed that they had conveyed the whole block, and an order of freehold tenure was made accordingly.

17. About the same time as the conveyance was sent to the Native Land Court for registration under section 83 of the Native Land Act, 1873, warrants were issued by the Governor for each of the reserves in favour of the original owners of Ruakituri Block under section 5 of the Volunteers and other Land Act, 1877, and this, of course, included Whataroa. The titles bear date the 4th December, 1882.

18. In 1901, section 30 of the Native Land Claims Adjustment Act, 1901, gave the Native Land Court jurisdiction to partition the various reserves as if they were one parcel; to admit persons who had been inadvertently and without intention omitted from the list of owners on original investigation, provided that no claim was to be admitted except such as was consistent with the finding of the original Court on investigation of title.

19. The Court sat in 1906 to determine the matters left to it by the 1901 statute, but it is quite evident this did not authorize any inquiry into any such right as was claimed in the way described by Hapimana Tunupaura (one of the acknowledged owners of the original block), as set out in paragraph 12. That these persons had some right, however, was acknowledged by admitting them as to about 10 acres.

20. It seems to this Court that they would not have any such right recognized unless there were some undertaking (as alleged by the representatives) in existence, and this Court suggests a careful search should be made for the records (which should show) to ascertain what was promised by Sir Donald McLean or those authorized by him either at Napier or at Wairoa. It is hardly likely the story is a fabrication.

21. If the parties have any claim it is probably only a moral one. That will be a matter for the Government to consider. If necessary some convenient way of settling this, other than by disturbing the titles, might be found. The Court, acting under section 30 of the 1901 Act, has distributed the reserve (with the exception of the 10 acres referred to) as if it belonged to all the original owners only, and it would not be judicious to alter the arrangement after this lapse of time.

22. It cannot be said that the Natives have slept on their rights (if any), as they have consistently petitioned Parliament as their only redress since the matter first came before the Native Land Court in 1906.

23. As to the petition No. 271 of 1913, that petition probably arose as a counter-petition to those who claim under the supposed promise from the Government. The Court, as directed by section 30 of the Act of 1901, apportioned the various blocks as if it was one whole block. This would necessarily disturb the ancestral rights, and, as Whataroa was the largest of the reserves, probably some without rights to that portion were included in it. However, the Court seems to have done as well as it could under the peculiar circumstances, and in this Court's opinion nothing has been shown by those petitioners to justify reopening the matter on the grounds alleged by the petitioners under petition No. 271.

For the Court.

The Chief Judge, Native Land Court, Wellington.

R. N. JONES, Judge.

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