

1920.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1919.

REPORT AND RECOMMENDATION ON PETITION No. 49/1917, RELATIVE TO TITLE TO MANUREWA
LOTS 196 AND 197.

*Presented to both Houses of the General Assembly in pursuance of Section 34 of the Native Land
Amendment and Native Land Claims Adjustment Act, 1919.*

Native Land Court (Chief Judge's Office), Wellington, 27th April, 1920.
Lots 196 and 197, Manurewa (No. 6 in Schedule, 1919 Act).

THIS matter has been referred to the Native Land Court for inquiry and report, and the Court's report, dated 10th April, 1920, is herewith enclosed.

Pursuant to section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, I make the following recommendation: That, in view of the report of the Court that the claims of the petitioners were not in its opinion substantiated, no legislative action is apparently necessary.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

Office of the Native Land Court, Auckland, 10th April, 1920.
Lots 196 and 197, Manurewa.

REFERENCE by you in terms of section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, for inquiry and report as to claims and allegations made by petitioners in Petition No. 49/1917.

I have to report that I held an inquiry on the 7th, 8th, and 9th instant. Petitioners were represented by Amo te Mete; opposing parties by Mr. J. St. Clair and Roka Hopere.

In 1915 Judge Holland held an inquiry under section 11 of the Native Land Amendment Act, 1912. He reported that the land, which was part of that confiscated by the Crown after the Waikato War, had been promised to be returned to "Te Ahiwaru"; and, further, that that name applied to four hapus—namely, N'Rori, N'Peehi, N'Tangiario, N'Kaiaua.

The petitioners contend that the name applies only to their own hapu, N'Rori, and not to the others, and that any person who can show descent from Rori is entitled to be included as an owner, irrespective of any question of occupation, and that, notwithstanding long occupation of others (which is admitted), those others should be excluded because they are not from Rori.

The matter was fully gone into before Judge Holland, who decided against the petitioners' contention.

The evidence for petitioners before me consisted of that of two witnesses who gave evidence before Judge Holland, and that of a younger sister of one of them, who was present at Judge Holland's inquiry, but did not give evidence. No new light was thrown on the matter, and it simply remained a question of which version the Court chose to accept.

I was so little satisfied with the evidence of the petitioners' witnesses that at the close of their case I intimated that I did not need to hear the opposing parties further.

Apart from the conflict of evidence, the circumstances related by the petitioners' witnesses are in my opinion quite compatible with Judge Holland's finding. The incident which admittedly gave rise to the name "Ahiwaru" would just as probably make it apply to all the four hapus then living in common in the pa Tauranga-a-ruru, where it occurred, as to one hapu only.

Other matters in the evidence and history of the land, and in the correspondence of Mr. G. T. Wilkinson, Government Agent, convince me that even if the petitioners' contention as to the name "Ahiwaru" were technically correct it was not so used by Mr. Wilkinson, and it was not intended by him to return the land to N'Rori Hapu only. It is admitted that all four hapus lived together

not only at Tauranga-a-ruru, but subsequently on this very land, known to the Natives as Puke-tapapa, prior to the war. Furthermore, the man Totorewa, *alias* Hori te Wheoro, who both sides agree was the prime mover in obtaining the return of the land, was not of N'Rori but of N'Kaiaua. Erute (or Eruera) te Marepa, another prominent elder, who gave evidence before Judge Holland, and who is shown by Mr. Wilkinson's letters to have been looked on as an owner and an actual occupier of the land prior to 1893, is not of N'Rori, but he emphatically declares himself to be of "Ahiwaru." Kaperete Hohepa, another person admitted to be one of the earliest occupiers, and who still lives on the land, is not of N'Rori.

The three witnesses for petitioners have had no occupation at all, and in my opinion should not be in the title. So little did they really know of the facts that out of a list of twenty-one persons whom they objected to on the sole ground that they were not descendants of Rori, no less than seven turned out to be full brothers or sisters of admitted descendants of Rori in the petitioner's own list. And these were persons of the present generation.

The petition alleges that certain persons were omitted who had right under Rori. This turned out to be one person only, named Hekiera Taierua. He is dead, without issue, and his own solicitors did not prosecute the matter further. I knew this man well for many years. He no doubt belonged to N'Rori, through his mother, but was in point of fact a well-known N'Whatua man with substantial interests in Orakei, Paparoa, and other large blocks of N'Whatua and Te Taou tribal land. No claim was made for him before Judge Holland, and there could be no good reason for including him in land given back under the circumstances under which this was returned.

I have therefore to report that the claims and allegations in Petition No. 49/1917 are in my opinion not substantiated, and I have no recommendation to make.

I undertook, however, to draw attention to the fact that the children of Totorewa already mentioned appear to be omitted from the list of owners found by Judge Holland. They seem to have petitioned Parliament. The file shows that there was a petition, No. 373/14, by them, but what was the result is not known. I do not consider that your reference empowered me to inquire into this.

While I agree with Judge Holland in regard to the persons covered by the name "Ahiwaru," I am not in accord with his view that any member of "Ahiwaru" was entitled to inclusion, though he may have had no occupation whatever. I think it is quite clear that Mr. Wilkinson contemplated occupation as a condition of ownership.

Mr. Wilkinson's letters state emphatically that the land was given for "Ahiwaru landless." Some of the prominent owners found by Judge Holland are not, and never were, landless—in particular Hariata Tutere, or Rangipaata, the person who had the chief occupation of the petitioners' party. She apparently was a person who created a good deal of trouble, and Mr. Wilkinson threatened several times to have her ejected from the land, as he had become aware that she possessed land.

Your statutory reference does not empower any inquiry into these matters, however, and I only mention them in case of any future proceedings.

CHAS. E. MACCORMICK, Judge.

The Chief Judge, Native Land Court, Wellington.

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