

1927.

NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS
ADJUSTMENT ACT, 1926.

REPORT AND RECOMMENDATION ON PETITION NO. 78 OF 1926, OF HENRY ACKER AND OTHERS,
RELATIVE TO THE RIGHTS OF PI (DECEASED) IN THE NGAITAHU (SOUTH ISLAND) NATIVE
RESERVES.

*Presented to Parliament in pursuance of the Provisions of Section 35 of the Native Land Amendment
and Native Land Claims Adjustment Act, 1926.*

Native Department, Wellington, 4th June, 1927.

Petition No. 78 of 1926.—In re Pi (deceased).

PURSUANT to section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, I herewith forward the report of the Court herein.

I recommend that legislation be passed enabling the Court, upon the application of the representatives of Pi (deceased), to amend the titles of any land that it shall see fit, and in which it thinks Pi or her descendants should have been awarded an interest, by including in such title the names of those persons who would have been appointed successors to Pi had her name been inserted in such title, provided that no amendment shall invalidate any prior alienation of the land affected.

R. N. JONES, Chief Judge.

The Right Hon. the Native Minister, Wellington.

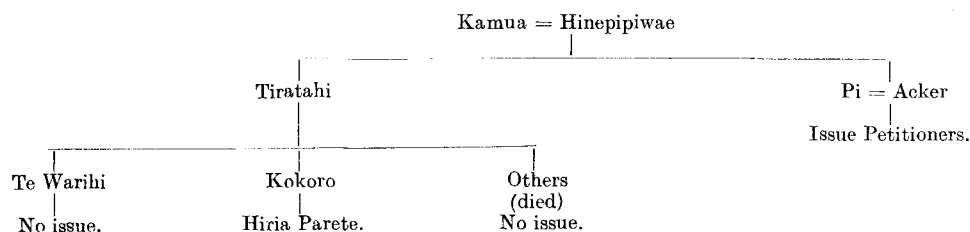
In the Native Land Court of New Zealand, South Island District.—In the matter of section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1926; and in the matter of petition No. 78 of 1926, of Henry Acker and others, referred by the Chief Judge to the Court for inquiry and report.

To the Chief Judge, Native Land Court, Wellington.

THE Native Land Court sitting at Wellington on the 13th day of January, 1927, inquired into the merits of the above petition.

The facts appear to be as follows: The Crown purchased from the Native owners the Ngaitahu block of land in 1848, and agreed to grant reserves out of the purchased area for the use and support of the Native vendors. In pursuance of the covenants and conditions in the deed of sale, Crown grants were issued to those Natives that the Court found upon investigation in 1868 to be entitled to inclusion. The grants were made to parties of ten Natives according to the law in force at the time, but in 1887 the Native Land Court found, under the Equitable Owners Act of 1886, that the original grantees were trustees for themselves and others, and lists were arranged, drawn up, submitted to the Court, and passed, and titles were issued to the persons named on such lists. Pi, as a Canterbury Ngaitahu Native woman, had a right to be included, but she married a pakeha man named Acker and went to live in Southland in the early "forties," and died there in the early "sixties," before the Native Land Courts were established or began to function.

The *whakapapa*, which is undisputed, is as follows:—



The only representative of Tiratahi living is Hiria Parete, and she is included in some of the Canterbury Native reserves. Pi's children were brought up in Southland as Europeans and never appeared in Native Land Courts, nor did their cousins, the children of Tiratahi, allude to them when lists for the reserves in Canterbury were being considered. There is nothing to show that the descendants of Tiratahi actively or wilfully concealed the existence of the Acker family, or even benefited in any way through the omission of the Acker family from the titles to these reserves. It would be unfair to take any part of Hiria's present interests from her in order to satisfy the claims of the Acker family, who have been included in the Ngaitahu compensation claim, and have also been awarded small interests in the lands set apart for landless Natives. The petitioners recognize that the omission of their names from the titles to Native reserves in Canterbury was not due to any remissness on the part of the Court or of any Government Department, but to their own laches in neglecting to look after their interests and assert their rights when the ownership of these reserves was under investigation, and they state that they would be satisfied if the Crown set apart a small area of land in Southland for their maintenance and support.

M. GILFEDDER, Judge.

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