

BAY OF PLENTY DISTRICT.

Petitions Nos. 1, 2, 3, 6, and 8.

66. These all deal with the general question of the Bay of Plenty confiscations, and are covered by what has been said already on that subject.

Petition No. 4.

67. The petitioners are members of the Ngamaihi, a hapu of the Ngati-Awa. They assert that owing to the confiscations they were left landless, and that a piece of land known as Lot 72, Parish of Matata, to which they were entitled in accordance with Native custom, was awarded instead to another hapu, known as the Pahipotos.

68. During the hearing of this petition it was ascertained that an award had been made to this hapu in conjunction with the Pahipotos of Section 59 (Mount Edgumbe), containing 12,710 acres. They assert, however, that on definition of relative interests, which was effected in accordance with Native custom, the Pahipotos were able to prove greater rights and got the major share, and all that was awarded to them was about 4,000 acres. They further asserted that another block, Section 72, Matata, to which they could prove ancestral rights, was awarded to the Pahipotos only. A perusal of the report made by Mr. Wilson, the Government Agent, in March, 1872, discloses the fact that Section 72 was awarded to the Pahipotos as claimants, a right which loyalists were allowed by the Act. The Ngamaihis, therefore, either did not then claim inclusion, or, if they did so, were excluded for some reason. The award of Lot 59, in which both hapus were included, was made under the 3rd and 4th section of the Confiscated Lands Act, which empowered the Commissioner or other official acting to make awards to rebels. As the award to the Pahipotos for Lot 72 appears to be a loyalist award, the reason for the award for Lot 59 being made under the 3rd and 4th section of the Act above mentioned can only be explained by the fact that rebels had been included. We assume, therefore, that the Ngamaihi were treated under that award as rebels.

69. It appears, however, that practically all of the hapus of the Ngati-Awa (Fulloon's hapu included) were treated for the purpose of these awards as rebels. That may be explained by the fact that the majority of the Ngati-Awa were indifferent to Government action, preferring evidently to await the result of the representations which their chief, Wepiha, proposed to make to Parliament in connection with all their lands. This undoubtedly would induce them not to enter claims for specified areas, but it is strange that no attempt was made soon after the true position was ascertained by them to assert their rights.

70. We do consider, however, that the award in Lot 59 was strictly a compensation award, having no cognizance of ancestral "takes," and consequently the definition of relative interests should not be based on rights by ancestry, but should be divided equally among the individual owners. On referring to the Native Land Court records we find that this was the basis suggested by the Court, but that the owners took it upon themselves to arrange the shares. This arrangement, at the wish of the Natives, was confirmed by the Court. We therefore have no recommendation to make.

Petition No. 5.

71. The petitioner asserts that he is a descendant of Rewiri Manuariki, a loyal member of the Ngamaihi hapu, and also of the Ngati-Pikiao hapu of Te Arawa, and that the Ngamaihi lands of this chief were confiscated notwithstanding his loyalty. He prays for the return of these lands, known as the Ahikokoa Block, on the west bank of the Tarawera River. The assertions made by the petitioner were not seriously disputed by the Crown, and, if true, an injustice has been done to him. It is strange, however, that Rewiri Manuariki did not assert this right before Mr. Wilson when the claims were being heard. This is significant in view of the fact that the names of himself and members of his family appear in the list of names for Lot 63, Parish of Matata, which was awarded to his tribe,