

1929.
NEW ZEALAND

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1922.

REPORT AND RECOMMENDATION ON PETITION No. 207 OF 1921, OF HAPUA HUTANA, RELATIVE
TO RANGIAURIA BLOCK (PITT ISLAND).

*Presented to Parliament in pursuance of the Provisions of Section 55 of the Native Land Amendment
and Native Land Claims Adjustment Act, 1922.*

Native Department, Wellington, 26th September, 1929.

Petition No. 207 of 1921.—Rangiauria Block (Pitt Island).

PURSUANT to section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, I transmit herewith the report of the Court upon the above-mentioned petition.

I recommend that the Court be authorized to inquire into this matter, and, if it decides that the petitioner or his descendants should be admitted into the title, to make such order as it may deem just and expedient under the circumstances.

R. N. JONES, Chief Judge.

The Hon. the Native Minister, Wellington.

In the Native Land Court of New Zealand, South Island District.—In the matter of section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922; and in the matter of petition No. 207 of 1921 (Session II) by Hapua Hutana, of the Chatham Islands, praying for an inquiry into his claims to be included in the list of owners of the Rangiauria Block.

The Chief Judge, Native Land Court, Wellington.

I HAVE the honour to report that the Native Land Court sitting at Wellington on the 8th day of May, 1929, inquired into the claims and allegations made by the petitioner, and ascertained the following facts:—

Rangiauria is an island about twenty-five miles from the Chatham Islands. It is sometimes called Pitts Island, and contains 15,630 acres of good sheep-country. Like the Chathams, it was originally owned by the Morioris, but in 1836 a Taranaki Maori subtribe called the Ngati-Mutunga proceeded from Wellington to the Chatham Islands and practically annihilated the peaceful and defenceless Moriori inhabitants. A Moriori witness stated in Court in 1870 that "the Ngati-Mutunga people treated us like a flock of sheep, and captured, killed, and ate nearly all of us."

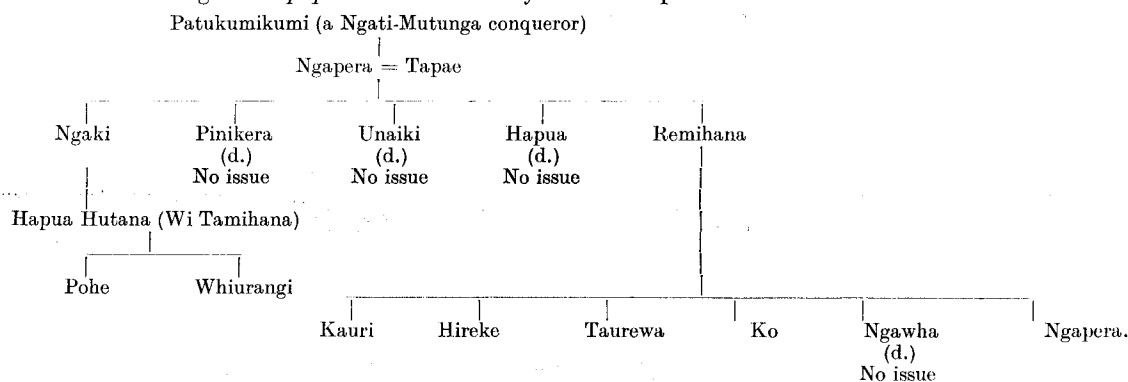
In 1870 the Native Land Court, sitting at the Chatham Islands, investigated the title to Rangiauria, or Pitt Island, rejected the claims of the Morioris on the ground that they had been conquered by the Ngati-Mutunga, and in pursuance of an agreement ordered that a certificate of title be issued to the following seven persons: (1) Wiremu Wharepa, (2) Toenga te Poki, (3) Hamuera Koteriki, (4) Wiremu Ngaera Pomare, (5) Apitia Punga, (6) Remihana Tapae, (7) Wi Tahuu. This list is not exhaustive, and, in fact, about a dozen other persons were mentioned in the evidence as being entitled to inclusion.

As the law stood in 1870 a certificate of title could not be issued to more than ten grantees. When giving evidence on the definition of relative interests in 1898 Paina te Poki said, "I was not included in the title to Rangiauria because it was said that the grantees were to be trustees for us and we selected the persons to go into the title" (Chatham Island Minute-book 2, p. 89). No steps were

taken under the Equitable Owners Act, 1886, or under Part V of the Native Land Act, 1909, to ascertain who were the beneficial owners. A large part of the island was sold in 1870 by Wiremu Wharepa and Toenga te Poki with the consent of the other grantees, but Remihana Tapae received no part of the purchase-money. The question of relative shares was gone into very fully in 1898, and the Court awarded to Remihana Tapae 2,200 acres and partitioned off for him Rangiauria 4A (Chatham Islands Minute-book 2, p. 130). Remihana Tapae appeared in Court later and asked that his sister Unaiki and his nephew Wi Tamihana (who is one and the same as Hapua Hutana, the present petitioner) should be included along with him in the title for Rangiauria 4A. The Court, however, informed Remihana that it had no power to import new names into the title, and advised him to consult a solicitor with a view to conveying a part of the land to his nephew and sister (Chatham Islands Minute-book 2, p. 139). Nothing seems to have been done. Unaiki died without issue, and the only remaining member of the family—Hapua Hutana, *alias* Wi Tamihana—was recognized by Remihana as being entitled to one-half of Rangiauria 4A, and he has occupied the western half of the block up to the time of his death, on the 17th September, 1926.

The petitioner has passed away, therefore, since he lodged the petition to Parliament, leaving two children, Pohe Hapua (m.a.) and Whiurangi Hapua (f.a.), and it seems clear that these two are entitled to the western half of Rangiauria 4A. At least two of the children of Remihana (who is now deceased), Hireke and Ngápera, agree to such inclusion and recognize the justice of the petitioner's claim.

The following *whakapapa* shows the family relationship:—



M. GILFEDDER, Judge.

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