

1931.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1928.

REPORT AND RECOMMENDATION ON PETITION No. 102 OF 1928, OF RANGIHAWE TE KAHO,
RELATIVE TO OKAHU BLOCK.

*Presented to Parliament in pursuance of the Provisions of Section 50 of the Native Land Amendment
and Native Land Claims Adjustment Act, 1928.*

Native Department, Wellington, 3rd March, 1931.

Petition No. 102 of 1928.—Okahu Block.

PURSUANT to section 50 of the Native Land Amendment and Native Land Claims Adjustment Act, 1928, I enclose herewith report of the Court upon the above petition.

In view of the opinion expressed by the Court in the report, I have no recommendation to make.

R. N. JONES, Chief Judge.

The Hon. the Native Minister, Wellington.

Office of the Aotea District Maori Land Board,
Wanganui, 28th November, 1930.

Okahu Block (289 Acres).

I HAVE the honour to inform you that the Court sitting at Hawera on the 1st, 2nd, and 5th July, 1929, held the inquiry directed by you into petition No. 102 of 1928, of Rangihawe te Kaho, praying that inquiry be made into the rights of descendants of Te Kaho to be included in title to Grant 3749, Okahu Block, and I beg to report as follows :—

After the completion of the inquiry, the matter was postponed to enable a search to be made in Wellington for the purpose of ascertaining if there were any information available relating to the matter other than that placed before the Court. No further information has, so far, been produced. The area of the land is 289 acres, and the title is a Crown grant dated the 22nd May, 1882, in favour of Katene Tuwhakaruru, Rangiwhehu, Kaitana, Rangimahu, Karere, Pipi, Karere Omahuru, and Kaho or Raho.

The question for inquiry was as to whether the descendants of one, Te Kaho, are entitled to be included in the grant for the block, and incidentally whether there were not other persons entitled as well.

It appears from the information brought before the Court that Okahu and the adjacent lands belonged originally to the Ngaruahine Tribe, of which there were six main hapus—viz., Okahu, Inuawai, Ngatimanuhiakai, Ngatitu, Ngatihaua, and Omuturangi; and that each hapu was as nearly as possible located by the Royal Commission on its own particular part of the tribal lands, each part being called by the name of the hapu to which it was allotted. According to the evidence of the Reverend R. T. Haddon, the Okahu hapu was one of the largest on the Waingongoro River, and the Okahu Block was the site of their pa, Okahuiti. It was admitted by the petitioners that when the Royal Commission sat in 1880 to inquire as to what land should be granted to the Okahu hapu, the majority of the members were adherents of Te Whiti and refused to appear before the Commission, and were therefore omitted from the title to the land granted; but it was contended that the grant was for the hapu, and that the grantees were merely trustees. In support of this contention the Court was referred to a state-

ment made by Katene (Katene Tuwhakaruru, one of the original grantees) before the Royal Commission on Friday, 20th February, 1880 (parliamentary paper G. 2 of 1880, page 7, paragraph 88), as follows :—

“ 88. Katene, of Mawhitiwhiti, said : I have a few words to say in reply to that portion of your statement where you refer to the small number who have come forward to give evidence. Though few have come before you here, those who have come were ripe for it. Let those who have come continue to be with you. Do not send them back. I therefore say to you, the Commissioners, give effect to the requests made by me and my people. They, my people, who have appeared before you, are those who have left Te Whiti's canoe and embarked upon that belonging to the Government. The outside portion of the tribe have given in their adhesion to Te Whiti, and are under his guidance. It would be as well that you should take down the names of all those who have come before you to establish their claims. At the present time there are two persons : one is following in the straight path, and the other in the crooked. It is those who are following the crooked path who are endeavouring to mislead those who are following in the right path. This is all I have to say until we meet at Hawera. Those of my people who I told you would come before you have done so. I am still desirous, however, of saying something to you concerning lands confiscated on the other side ” ;

and also to paragraphs 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 117, relating to proceedings at Hawera on the 24th February, 1880 (same parliamentary paper pages 9 and 10), as follows :—

“ 107. *Mr. Parris* : What the Natives have said about the Okahu Reserve is true.

“ 108. *The Commissioners.*] Where is Okahu ?—Opposite the blockhouse at Waihi. It extends down to the Waingongoro River. It was promised at the time when Katene and Karere used to live at Colonel McDonnell's camp. They were living there with their people. They asked for the reserve, and they were promised it, and received it.

“ 109. Then what was done about it ?—It was surveyed, and they were put in possession. Katene was living there, and also Karere.

“ 110. Is the reserve still there ?—Yes ; it is let.

“ 111. Let by whom ?—I do not know who let it, but Mr. Caverhill rents it. It was let since my time.

“ 112. There is no difficulty about that, then ?—None whatever, that I am aware of.

“ 113. Do you know anything about the Rauna Reserve of 100 acres ?—I have no recollection whatever of anything concerning 100 acres at Rauna. I do not even know where the place is.

“ 114. *Karere* said : When I returned from Wanganui with Mr. Richmond, after the sitting of the Court, we were called upon to point out what places we should like reserved. I went with my brothers, who are sitting here now. When we got to Okahu we pointed out the land, and we were told that we should have 285 acres. We then went on to Te Rauna.

“ 115. *The Commissioners.*] Who was with you at the time ?—Mr. Wilson Hursthouse, the surveyor. When we got there we pointed out the land ; it was then under cultivation. One hundred acres at that place were given to the people of Okahu, and Mr. Wilson Hursthouse told us that in addition there was some land for us on the coast. He said it contained 50 acres, and was called Te Kawakawa. We were prisoners at that time. There were four blocks of land given to us : Te Rauna, Kawakawa, Okahu, and Rangatapu. Te Rauna is near Waihi. The seaward boundary is land belonging to Mr. Finlayson, and is some of the land that was ploughed by the Natives who are now prisoners.

“ 116. *Katene*, of Wheriwheri, said : On account of the length of the investigation into this matter, I should like to say a word. I wish to confirm the statements made about Okahu. Mr. Richmond was the Native Minister at the time. Karere, Rangiwhitu, Kaitawa, and myself went to live on this land amongst the Europeans near Colonel McDonnell's camp at Waihi. There were thirty of us who lived there, or more. It was then stated that this land should come back to us. Colonel McDonnell told us to point out the boundaries that we wished. Mr. Booth then came from Wanganui. He informed us that he was to be Commissioner. He said, ‘ You must all sign your names.’ We all wrote our names down on a paper. Perhaps the document we signed is still being preserved. We were asked to point out the boundaries we would agree to, and the place we wished to have. We pointed out Okahu and Ngarakau, the places where we had cultivated ; and the number of acres was given out as 385. We divided this land off ourselves ; 100 acres inland, and 285 acres to the seaward. We pointed out 80 acres on the coast as a fishing-place. These words I heard with my own ears, and I have remembered them ever since, and kept them until the present time. I wish to say, with reference to what Karere said about the 50 acres at Kawakawa, that I heard the name mentioned myself at the time. I did not see it written down, but we heard it spoken of, and Karere said he had 50 acres at Kawakawa. This land was not given to us because we were friendly Natives, but because we were neutrals ; it was intended to be a permanent reserve, to be handed down to our children. With reference to Kanihi and Okahu, the people of Okahu were interested in Kanihi, and the people of Kanihi were interested in Okahu. That is why they were combined and treated as one. These two tribes built their pas adjacent to each other, and in that manner became as one people. This place was an old kainga of our ancestors : it is not as though it belonged to any other tribe. It always belonged to us. At the time we went to live near Colonel McDonnell's camp we went on to this old kainga of ours. We were given 385 acres ; we took 100 there, and 285 by the sea-coast.

“ 117. The Commissioners here produced a map to the Natives, showing the 385 acres divided into two pieces of 285 and 100 acres, as stated by Katene in his evidence, and when examining the map the Natives agreed that the 100 acres were a satisfactory settlement of the claim to Rauna.”

It was asserted, on the other hand, that the 285 acres in question were allotted to the grantees not in trust, but as absolute owners because they had paramount claims to the area and because they actually resided on it and were the only persons who had buildings there.

The extracts quoted seem to show that this is the true position. There is no information as to the original boundaries of the land of the Okahu hapu, and, if Mr. Haddon is to be believed, it is reasonable to suppose that it was of a much larger extent than 285 acres, and that the 285 acres was only that part of the hapu lands claimed by Katene and those associated with him. The probability is that, if the majority of the members of the hapu, instead of adhering to Te Whiti and remaining away at Parihaka, had appeared before the Royal Commission the areas awarded would have been of much greater extent. This is shown by the fact that it was in the first place arranged to return 1,000 acres to the Okakus, but this area was reduced to 289 acres, no doubt to be consistent with the claims made. According to Mr. Haddon, the reason they did not appear was because they were taught that all the confiscated land would be returned to them.

In this connection it is to be noted that, as regards the Inuawai hapu, the majority of the members were also adherents of Te Whiti. The matter of their land came before the Commission some months after Okahu and, in the interval, they probably realized the position, and appeared to prosecute their claim, because a grant of 2,100 acres was made to seventy-eight of them.

The circumstances seem to have been similar with regard to the other hapus of Ngaruahine. The majority of the members no doubt appeared before the Commission, and thus obtained grants of considerable areas.

Presumably the procedure adopted by the Commission was to fix the areas to be granted in accordance with the number of individuals to be provided for. Those members of the Okahu hapu who refused to appear before the Commission were themselves only to blame if they were not awarded any land.

Consequently, in the Court's opinion, it is not reasonable for their descendants to expect inclusion in the small area of 289 acres which was undoubtedly granted to those members of the hapu only who, as their spokesman himself stated, were neutral in the war, and who came before the Commission to establish their rights.

At the same time, the Court considers there are reasonable grounds for believing that the name in the grant was "Kaho" and not "Raho," as has been decided. It is true that Kaho died in 1879, a year before the Commission sat, but there are indications that the area and list of owners were settled some time before that, and evidence that Kaho received a share of the rent under an arrangement the nominated owners made for leasing the land.

Enclosed please find a copy of the minutes taken on the inquiry.

JAS. W. BROWNE, Judge.

The Chief Judge, Native Land Court, Wellington.

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