

1936.
NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1934.

REPORT AND RECOMMENDATION ON PETITION No. 262 OF 1933, OF HARI WI KATENE AND OTHERS,
PETITION No. 123 OF 1934, OF WAKA RAWIRI AND ANOTHER, AND PETITION No. 329 OF 1934-35,
OF J. A. ELKINGTON AND OTHERS REGARDING WAKAPUAKA BLOCK.

Presented to Parliament in pursuance of the Provisions of Section 9 of the Native Purposes Act, 1934.

Chief Judge's Office, Native Land Court, Wellington, C. 1, 18th May, 1936.

The Right Hon. Native Minister, Wellington.

PETITION No. 262 OF 1933 AND OTHER PETITIONS, WAKAPUAKA BLOCK.

PURSUANT to section 9 of the Native Purposes Act, 1934, I herewith transmit the report of the Native Land Court upon—

- (1) Petition No. 262 of 1933, and
- (2) Petition No. 123 of 1934, together with which is combined the report on
- (3) Petition No. 329 of 1934-35, referring to the same land.

The first petition claims that one Huria Matenga having been admitted into the title under a gift, that her grandmother, Kauhoe, was also entitled under the same gift, and therefore that others besides Huria Matenga are entitled to participate; the second petition claims that the Ngatitama Tribe had rights arising out of occupation; while the third petition, assuming the gift to be to Wi Katene te Puoho, father of Huria Matenga, alone, claims that, Wi Katene's issue having died out, the land has, according to Native custom, reverted to the Ngatikoata Tribe, as original donors.

The land in dispute originally contained an area of 17,739 acres. Part of the land has since been disposed of, leaving a residue of about 11,381 acres 0 roods 22 perches. The title was investigated by the Native Land Court in 1883, and a certificate of title under the Native Land Act, 1880 (not to be confused with a certificate of title under the Land Transfer Act, although by statutory provision the land did later become subject to that Act), was issued to Huria Matenga, on whose behalf it was claimed through her father, Wi Katene te Puoho, and her grandmother, Kauhoe (both of whom were then dead).

The main point at issue hinges round the question of whether the land was bestowed on Kauhoe and her son Wi Katene te Puoho jointly, in which case the other children of Kauhoe would, according to Native custom, participate; or was it confined to Wi Katene te Puoho, resulting in Huria Matenga being the proper owner.

Upon this inquiry the Native Land Court has gone fully into the history of events leading up to the gift and thereafter, and, having considered the matter, has concluded in brief that the true facts were not sufficiently disclosed to the Court of 1883 to enable it to judge properly of the rightful ownership, and that, had the Court known the true history of the gift, it would have included Kauhoe's other descendants in the title.

Possibly if Wi Katene te Puoho had been alive at the investigation he might have thrown light on the matter, but he would not have the title investigated, and apparently had shown strong antipathy to any Court proceedings in connection with the land.

A document (quoted at page 20 of the report) written on behalf of Wi Katene te Puoho and ostensibly on his instructions, regarding the purchase-money to be paid by the Crown for a portion of the same land known as the Cable Station site, then under Government negotiation, affords some explanation. This correspondence resulted in the passing of a special Act called "The Wakapuaka Telegraph Station Site Act, 1877," which curiously recites in its preamble that Katene te Puoho, Huria Matenga and her husband, Hemi Matenga, are the owners of the land, and authorizes them to execute a valid conveyance of 10 acres and 20 perches of the land notwithstanding that it had not passed through the Native Land Court.