

1939.

NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1937.

REPORT AND RECOMMENDATION ON PETITION No. 66 OF 1936, OF W. BAKER AND OTHERS, PETITION No. 262 OF 1936, OF KAPERIERA TE POHE AND OTHERS, AND PETITION No. 301 OF 1936, OF MATEWAI UTIERA AND OTHERS, *RE* TARAWERA BLOCK.

Presented to Parliament in pursuance of the provisions of Section 16 of the Native Purposes Act, 1937.

Native Land Court (Chief Judge's Office),
Wellington, C. 1, 21st September, 1939.

The Right Hon. the NATIVE MINISTER, Wellington.

PETITIONS NOS. 66, 262, AND 301 OF 1936, TARAWERA BLOCK.

PURSUANT to section 16 of the Native Purposes Act, 1937, I herewith transmit the report of the Court herein.

This recommends—

- (1) That all partition orders be cancelled ;
- (2) That the order made on the 5th October, 1929, defining relative interests be annulled ;
- (3) That the Crown should, out of Crown land, compensate the twenty-four persons mentioned in the schedule to the agreement of the 13th June, 1870, and four since added (making twenty-eight in all) for their loyalty and assistance during the rebellion ; and
- (4) That the land be repartitioned upon a special valuation of land and timber.

The greater part of the history of the block is detailed in the report, but the report does not show that, from the time of the making of the agreement in 1870, complaints were made of its injustice in that it did not restore the lands, as had been implied in the Order in Council, to the loyalist owners of the particular blocks. Sir John Salmond put the matter very tersely when he said it was evident that the land—referring to the Tarawera Block—was intended to be granted to the loyal Natives by way of restoration of their original title as existing before the confiscation and that they were to hold in the same proportions in which they were interested in the confiscated land. All efforts to rectify the injustice and to have the matter dealt with on the basis of the loyal ownership were fruitless until in 1918 one, Hapi Nikora (admitted to be largely interested in the Tarawera Block), petitioned Parliament, alleging that many had been left out of the title to the Tarawera and another block and praying that authority be conferred on the Native Land Court to ascertain the correct owners according to Native custom. As a result of this, four persons to whom there was no objection were admitted. Hapi Nikora later petitioned for a more general admission, and as a result of a recommendation by the Native Affairs Committee of the House of Representatives section 38 of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, was enacted. On the proceedings taken under this section, Hapi Nikora at first appeared by counsel, and after hearing all the parties the Court decided that the people known as Ngatihineuru were entitled to be admitted, while the Ngatikahutapere, the prior principal owners, were confined to a third interest in the block. There was never any serious dissent by the Kahutapere people from this decision, although special legislation expressly extended the time in which they might appeal. There was no trouble in settling the lists of owners, but the definition of the relative interests of the newly admitted owners took some considerable time. Apparently through Ratana influence, Hapi Nikora absented himself, although warned from time to time that the case was going on. The reason given in each case for his absence was not, in the Court's opinion a sufficient one. A conductor and a sister of Hapi Nikora watched his personal interests, while the interests of the different sections were adequately represented. On these proceedings, by general consent, the party represented by the petitioner in Petition No. 66 of 1936 was confirmed in its Land Transfer title and now asks to be restored to that position. The petitioners in Petition No. 262 of 1936 were secured by arrangement in the portion that was already located to them on partition, while those interested in Petition No. 301 of 1936, by similar arrangement, received an award which they now desire should be again confirmed. In 1928 Hapi Nikora petitioned Parliament for a reopening of the matter, alleging that he had been kept from the Court by certain influences, that an appeal lodged by him had not been properly adjudged, and that the definition of shares in 1926 was inequitable.