

REPORT ON CASE No. XXV. (1.)

(1.) TAMAKI.—Henare Matua, Complainant. Complaint No. 138.

The complaint made by this complainant was against the Government :

1. Because this land was surveyed in the same manner as other lands.
2. Because some surveyors, who went out in accordance with the instructions of the objectors to the sale, were stopped.
3. The person who negotiated the sale did not heed the words of those who opposed it.

The complainant appeared before the Commissioners and gave evidence in support of his complaint.

Our opinions upon his statements are as follows :—

The complainant said that the reason why the survey was wrong was, that it was not done under the control of all the tribes interested in the land, but only under the control of some, after the Court had sat.

It is right that all the tribes interested in the land should take part in laying off the boundaries, that is, if the land has not been adjudicated upon by the Native Land Court. But as for this land, it was passed through the Court, and a decision given in favour of those found to be entitled, and to have knowledge of the land. Those persons laid off the boundaries, and there is no reason for saying that the survey is wrong because all the tribes did not join in conducting it.

The complainant further said that the plans of this land were not prepared in accordance with the rule of the Native Land Court which states that the lines must be cut and the pegs put in ; but that the surveyors got their information from other plans of lands, which were surveyed formerly.

Our opinion on this is, that the Inspector of Surveys knows whether this is right or wrong.

We do not see why the complainant should blame the Government on this ground.

With regard to his complaint against the Native Land Court, it is perhaps correct that Aperahama and Te Ropiha were entitled to land in the Ahuaturanga Block, but perhaps the statements which were made by them before the Court were incorrect [or insufficient], and therefore decision was given against them. The complainant also said that that decision was to hold good as against the descendants of these persons.

We say, Why should the descendants be put right when the title of the parents has been found to be bad ?

Our opinion on the bulk of the evidence of the complainant in this case is, that we cannot see why his complaint should have been made against the Government ; and we further say that the Native Land Court acts on its own responsibility, and not by direction of the Government.

We are not able to express an opinion as to the correctness or otherwise of the statement of the complainant, that the Government refused an application for a rehearing of the case of that land.

We are not clear as to the correctness of the rest of the evidence of the complainant.

WIREMU HIKAIRO, Commissioner.

WIREMU TE WHEORO, Commissioner.

No. XXV. (1.)—TAMAKI.—Henare Matua Kaitono, Whakawa.

Ko te tono a te Kaitono he whakahe ki te Kawanatanga :—

1. Mo te korenga o te ruritanga o tenei whenua i rite ki o etahi atu whenua.
2. Mo te arainga i etahi kairuri i runga i te tono a te hunga e whakahe ana i te hoko.
3. Mo te korenga o te kaiwhakahaere i te hoko e whakarongo ki te kupu a nga tangata e whakahe ana i taua mea i te hoko.

I tu taua Kaitono ki te Kouti whakaatu korero ai mo runga i tana tono.

Ko a maua whakaaro mo runga i ana korero koia enei :

E mea ana te Kaitono ko te he o te ruritanga, ehara i nga iwi katoa e pa ana ki taua whenua i whakahaere engari ma etahi anake i muri mahi o te Koutitanga.

He tika ano kia uru nga iwi katoa e pa ana ki runga i te whenua ki te whakakoto rohe, mehemea kaore ano taua whenua i ata whakawakia ki te Kouti Whenua Maori. Tena ko tenei whenua kua oti te whakawa kua whakataua ki nga tangata i kitea te tika o o ratou take, me to ratou mohiotanga ki te whenua. A ko taua hunga te kaiwhakatakoto o nga ruritanga a kaore he take e kiia ai hei he mo te ruritanga te korenga o nga iwi katoa i uru ki te whakahaerenga o te ruri.

E mea ana hoki te Kaitono whakawa : Ko te hanganga o nga Mapi o tenei whenua kihai i rite ki te ture a te Kouti Whenua Maori i mea, me ata tapahi nga raina me ata pou nga peeke ; engari he mea titiro ke na nga Kairuri ki nga mapi o era atu whenua kua oti ra te ruri i mua.

A maua whakaaro mo tenei ko te Tino Kaititiro Mapi e mohio ana ki te tika ki te he ranei o tenei.

Kihai i marama i a maua nga he o te Kawanatanga i whakaaturia mai e Te Kaitono whakawa mo runga i tenei take.

Mo runga i ana kupu whakahe mo te whakawakanga a te Kouti Whenua Maori he tika pea i whai take ano a Aperahama raua ko Te Ropiha ki Te Ahuaturanga, heoi na te he ano pea o a raua korero i whakaatu ai ki te aroaro o taua Kouti i whakahengia ai raua. I mea hoki te Kaitono, ko te henga o aua tangata i whakataua katoatia ki o raua uri.

E mea ana maua : He aha hoki he take hei whakatika mo nga uri i te mea kua he nga take o nga matua ?

Ta maua whakaaro mo runga i te roanga o nga korero a te Kaitono whakawa mo runga i tenei take, kihai maua i kite i te take o tana whakahe ki te Kawanatanga, a e tino mea ana maua na te Kouti Whenua Maori ake ano tana whakahaere chara i te Kawanatanga.

Kihai maua i marama ki te tika ki te he ranei o te korero a te Kaitono whakawa i mea i whakakorea e te Kawanatanga te tono a nga tangata kia whakawakia tuaruatia ano taua whenua.

Ko te roanga o nga korero a te Kaitono whakawa kaore maua i marama.

WIREMU HIKAIRO, Komihana.

WIREMU TE WHEORO, Komihana.