

REPORT OF COURT

NGATIMARU LANDLESS NATIVES

THIS is a petition, No. 174 of 1937, referred to the Native Land Court for inquiry and report in pursuance of section 23 of the Native Purposes Act, 1938.

The prayer of the petition has reference to the claims of certain members of the Ngatimaru Tribe to be included in lands granted by the Crown to other landless Natives in accordance with the Ngatimaru Landless Natives Act, 1907. Other lands in the vicinity were also granted to other Natives under the Purangi Landless Natives Act, 1907. Both these Acts were repealed by the Schedule to the Native Purposes Act, 1931.

The petitioners were represented at the several hearings by Hekenui Whakarake, who also gave evidence in support of the claims of the petitioners.

The evidence adduced, however, was not of any assistance to the Court, as such a long period of time had elapsed since the passing of the Acts referred to and the reference under the petition to the Court for inquiry. None of the original grantees appeared, nor was any other evidence submitted on their behalf. It is quite probable that the majority of these have passed away.

The Court was able, however, to obtain the old records through the courtesy of the Department of Lands and Survey which revealed the history of the land.

The area in question was Crown land part of the old confiscated lands, and on the departmental Surveyor's going on the land for the purposes of the subdivisional surveys they found certain Natives in occupation. The land is situated in the Upper Waitara and Ngatimaru Survey Districts. It is a well-known fact that Maori refugees fled to these parts during the Maori wars and remained there. They had no claim to the land and were there only on sufferance. The departmental Surveyors recommended that certain areas be set aside for these people, as at that time the Government of the day was providing land for occupation by Natives who had no lands. The names of the Natives were supplied to the departmental officers by one, Tutanuku Tume, the chief and leader of the people, and who was favourably spoken of by Mr. S. Percy Smith, then Commissioner of Crown Lands at New Plymouth.

The outcome of these negotiations was the passing of the Ngatimaru and Purangi Landless Natives Acts in 1907. The area set aside under the Purangi Landless Natives Act was 901 acres 2 roods and 7 perches, being part of Section 5, Block XIV, Upper Waitara Survey District.

The area set aside under the Ngatimaru Landless Natives Act comprised Sections 6 and 7, Block XIV, Upper Waitara Survey District, 1281 acres, and Section 33, Block II, Ngatimaru Survey District, 300 acres—a total of 1,681 acres. The names of the persons entitled to the lands are set out in the Schedule of the Act in each case.

Provision was also made in the Act for the Native Land Court to ascertain the areas to which each Native was entitled. This was duly done by the Native Land Court and the order forwarded to the Governor-General in pursuance of the Act. The subdivisional survey was subsequently made and the titles under the Land Transfer Act were issued in the names of the persons found entitled by the Native Land Court. The names were published in the *Kahiti* of the 4th June, 1909, at page 354, together with the respective areas to which each was entitled.

The Court cannot find that the allegations made in paragraph 5 of the petition have been sustained, as it is of opinion that every care was taken both by the Department of Lands and Survey and the Native Land Court to see that the Natives included in the titles were landless and entitled to the grants.

The Court is also of opinion that the grants of land were not made specifically to the members of the Ngatimaru Tribe, but were made to those Natives, irrespective of their tribes, who were found squatting on the Crown land in that locality when the staff Surveyors commenced the subdivisional surveys.