

SESSION II.
1921.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1920.

REPORT AND RECOMMENDATION ON PETITION NO. 16/1918, AS TO PERSONS ENTITLED TO
PARTICIPATE IN THE BENEFITS OF THE TITI ISLANDS.

*Presented to both Houses of the General Assembly in pursuance of Section 32 of the Native Land
Amendment and Native Land Claims Adjustment Act, 1920.*

Office of the Chief Judge, Native Land Court, Wellington, 18th August, 1921.

Re Titi Islands.—Petition No. 16 of 1918.

ENCLOSED I herewith forward report of the Native Land Court herein.

Pursuant to section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, I recommend that, in view of the fact that a substantial number of persons are apparently entitled to a participation in the benefits of the Titi Islands in addition to those already found by the Court, legislative authority should be passed giving such persons an opportunity of proving their right in the Court and having such right permanently recorded.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

In the Native Land Court of New Zealand, South Island District.—In the matter of section 32
of the Native Land Amendment and Land Claims Adjustment Act, 1920, and in the
matter of an application by the Chief Judge for an inquiry and report *re* Petition No. 16
of 1918, of Sarah Gilroy and forty-five others, praying for the right to take mutton-birds
from the Titi Islands.

THE Native Land Court, sitting at Invercargill on the 16th June, 1921, and following days, inquired into the merits of the above petition, and I have the honour to report as follows:—

On the purchase of Stewart Island and adjacent islets in 1864 by Commissioner Clarke on behalf of the Crown certain reservations were made for the Natives. Those included eighteen Titi islands, which were placed under the protection and management of the Governor. As a result of an investigation held by the Native Land Court in 1910, lists of persons found to be entitled to go to each of these eighteen islands were published in the *Gazette* of the 10th August, 1911. Some of these lists contained the names of deceased Natives, to whom successors have since been appointed. Besides these Titi islands there are numerous other islands near Stewart Island abounding in mutton-birds. These belong to the Crown, and the Commissioner of Crown Lands at Invercargill is authorized to grant permits to Natives to go on them in quest of birds.

In recent years the number of birds frequenting both the Titi and the Crown islands has enormously increased. There is a growing demand for mutton-birds all over New Zealand, and, as the Natives privileged to visit the islands are driving a lucrative business, the jealousy of those who are not on the lists and have no prospects of being included in succession orders has been aroused, and they are determined to make strong efforts to secure mutton-birding rights.

Some of the petitioners in this case are already included in the lists for one or more islands, or are entitled to come in as successors to original grantees. Others, recognizing that the gazetted owners strongly oppose their inclusion in the Titi Islands, now intimate that they will be quite satisfied with permits to go to one or other of the Crown islands. Other petitioners, again, seek to get bird-catching privileges for their brothers, sisters, and children as well as for themselves. As many were included in the lists of 1910 as the results of conferences, consultations, and compromises rather than through evidence adduced to show ancestral right and occupation, it is somewhat difficult to ascertain the principles and bases upon which the lists were ultimately compiled.

Taking the petitioners individually, or in conjunction with their brothers and sisters who can claim equal rights though not signing the petition, I submit the following recommendations:—

1. That the following names be included in the list for Taukihepa (Long Island), to take the unoccupied parts of the island near Potted Head:—

- | | | |
|---------------------------|--------------------------------|---------------------------|
| 1. Sarah Gilroy. | 11. Frank Barrett. | 21. Ema Winiata. |
| 2. Thomas P. West. | 12. William Daniel Barrett. | 22. Mary Newton. |
| 3. George West. | 13. Charles David Barrett. | 23. Elizabeth Huria. |
| 4. William West. | 14. Matilda Barrett. | 24. Abner Clough Russell. |
| 5. Henry West. | 15. Abraham Barrett. | 25. Edward Russell. |
| 6. Kate West. | 16. M. Wheeler. | 26. John Russell. |
| 7. Hannah Skerrett. | 17. Sarah McQuarrie. | 27. Thomas Russell. |
| 8. George Skerrett, sen. | 18. Caroline Sherlock. | 28. James Russell. |
| 9. Louisa Violet Russell. | 19. Frank Gilroy. | |
| 10. Martha Barrett. | 20. William Alexander Russell. | |

2. That the following names be included in the list for Pohowaitai:—

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|--------------------------|-------------------|--------------------|
| 1. Elizabeth Williamson. | 4. Charles Fife. | 6. Ivy Harwood. |
| 2. James Fife. | 5. Marina Newton. | 7. Ellen Bradshaw. |
| 3. George Fife. | | |

3. That Samuel Smith be included in the list for Herekopare, and that Kahupatiti and Maraca Wheeler be added to the lists for Horomamae and Wharepuaitaha, the latter for a life interest only.

4. That permits to catch birds on the Crown islands be granted to the following:—

On Betsy Island—

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|---------------------|----------------------|
| 1. Rona McNaughton. | 3. Rongo McNaughton. |
| 2. Reta McNaughton. | |

On Putahinu Island—

- | | |
|----------------------|---------------------|
| 4. Mary Shannon. | 7. William Harding. |
| 5. Isabella Ogilvie. | 8. Charles Harding. |
| 6. Mabel Johansen. | 9. Susan Gibbs. |

On Stage, Cundy, Pikoiti, Pukeokaoka, Betsy, or any other Crown island that the Commissioner of Crown Lands at Invercargill may appoint—

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|--------------------------|----------------------------|
| 10. Annie Maria Ashwell. | 27. Richard Goomes. |
| 11. Thomas Ashwell. | 28. Charles Goomes. |
| 12. James Lee. | 29. Peter Goomes. |
| 13. William Lee. | 30. Esther Goomes. |
| 14. Thomas Lee. | 31. Christina Spencer. |
| 15. Flora Lee. | 32. Hannah Stewart. |
| 16. Fred Cross. | 33. Martha Lawson. |
| 17. Joseph Cross. | 34. Mabel Pasco. |
| 18. Matthew Cross. | 35. John M. Smith. |
| 19. James Cross. | 36. Joseph Smith. |
| 20. Daniel Cross. | 37. Benjamin Smith. |
| 21. Matilda Kitson. | 38. Sarah Smith. |
| 22. Rora Spencer. | 39. Priscilla Smith. |
| 23. George Spencer. | 40. Sarah Goomes. |
| 24. May Fife. | 41. Charlotte A. Morrison. |
| 25. John Gregory. | 42. Caroline Bateman. |
| 26. Edward Gregory. | 43. David Wybrow. |

5. That it is unnecessary to make provision for the remaining petitioners, for the following reasons:—

- (a.) Janet Fife can at present go to Wharepuaitaha under her husband's right.
- (b.) Louisa West has rights through her parents in Poutama, Kaihuka, Horomamae, and Wharepuaitaha.
- (c.) William Anglem and his daughter, Nancy Cooper, are already in Pikomamaku and Kaimohu.
- (d.) William T. Ashwell and George Henry Ashwell are sons of Annie Maria Ashwell, who is included in the foregoing lists; and George Skerrett, jun., is the son of George and Hannah Skerrett, who are recommended for inclusion in Long Island.
- (e.) Thomas Wheeler, who has died since signing the petition, was entitled to succeed to Ripeka Cooper in Horomamae and Wharepuaitaha.

- (f.) Nell McNaughton is dead, but her daughters Rona, Reta, and Rongo are included in the foregoing lists of names recommended for inclusion.
- (g.) Sarah Sinclair is already in the list for Kaimohu. Sarah Ann Dawson is her daughter and successor, and James Dawson (her son-in-law) will get into Herekopare as successor to Mary Davis, while her daughter-in-law, Hilda Sinclair, is already included.
- (h.) Kara Walscott did not appear in support of her claim, which was strongly opposed and is consequently disallowed; as is also the claim of Charles W. Bradshaw.
6. That revised lists of names be gazetted for the guidance, information, and convenience of all interested parties before the opening of the next mutton-birding season, on the 1st April, 1922.

M. GILFEDDER, Judge.

The Chief Judge, Native Land Court, Wellington.

THE NAMES OF THE PETITIONERS.

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|----------------------------|----------------------------|------------------------------|
| 1. Sarah Gilroy. | 17. Sarah McQuarrie. | 32. Kara Walscott. |
| 2. Matilda Kitson. | 18. Louisa West. | 33. Janet Fife. |
| 3. Elizabeth Williamson. | 19. George West. | 34. James Fife. |
| 4. Ivy Harwood. | 20. George Spencer. | 35. Charles W. Bradshaw. |
| 5. Mary Shannon. | 21. Rora Spencer. | 36. Ellen Bradshaw. |
| 6. Annie Maria Ashwell. | 22. John Gregory. | 37. Nell McNaughton (dead). |
| 7. Thomas Ashwell. | 23. May Fife. | 38. John M. Smith. |
| 8. William T. Ashwell. | 24. Sarah Goomes. | 39. Richard Goomes. |
| 9. George Henry Ashwell. | 25. Charlotte A. Morrison. | 40. George Skerrett (Anzac). |
| 10. Flora Lee. | 26. N. Cooper. | 41. Frank Gilroy (Anzac). |
| 11. Louisa Violet Russell. | 27. A. Anglem. | 42. George Skerrett, sen. |
| 12. James Lee. | 28. Hilda M. Sinclair. | 43. Hannah Skerrett. |
| 13. Fred Cross. | 29. Sarah Sinclair (dead). | 44. Thomas Wheeler (dead). |
| 14. W. A. Russell. | 30. Sarah Ann Dawson. | 45. Thomas P. West. |
| 15. M. Wheeler. | 31. James Dawson. | 46. David Wybrow. |
| 16. Carrie Sherlock. | | |

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