

Office of the Waiariki District Native Land Court, Rotorua, 28th September, 1922.

Memorandum for the Hon. Native Minister, Wellington.

*Lot 95, Parish of Te Papa.—Petition No. 81 of 1921, Session II, Amokeiha te Mete; Petition No. 82 of 1921, Session II, Hemi Hemi.*

I BEG to report that, on the application of the Chief Judge of the Native Land Court pursuant to section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921–22, I held an inquiry into the matter the subject of these petitions at Tauranga on the 20th instant.

The facts appear to be as follows: On or about the time of the termination of the Maori War this land was confiscated by the Crown, but was afterwards returned to Natives. On the 29th April, 1916, Judge Browne held an inquiry under section 11 of the Native Land Amendment Act, 1912, for the purpose of ascertaining the beneficial owners. The Court then held that it had been intended to give the land back to the N'Hangarau Tribe as a whole, and not for those of them only who were then in occupation. A list of beneficiaries, containing sixty-four names, was then adopted by the Court, and it was ordered that these persons should participate equally.

Instead of making succession orders for the interests of those of the beneficiaries who were dead, the Court allowed their then representatives to be included in their title in their stead. This seems to have caused the trouble. It is alleged that the names of forty persons were substituted for that of one beneficiary, Whareangi Kereti, who left eleven children, and that her grandchildren were included as well as her children (their parents). The appellant Amokeiha te Mete claims that he has been prejudiced in consequence, and asserts that, by the inclusion of his own name as well as those of his ten children, his brother Karora te Mete and his family obtained a greater interest than they were entitled to. The Court is of opinion that the appellant is correct in this contention.

The petitioner Hemi Hemi is the only son of Hemi Hairuha who it is alleged was entitled to be included amongst the original beneficiaries. This Court has not been able to arrive at a definite conclusion as to this contention. Judge Browne's award was in favour of persons who were adults at the time of the first award. The Court took some evidence as to Hemi Hairuha's age, but it was too contradictory to enable it to form an opinion as to whether or not Hemi Hemi is entitled to be in the title.

The land has been subdivided into a number of small sections, and these have been surveyed. If the award is altered it will probably follow that a lot of useless survey work has been done. But it would appear that an injustice has been done, and this Court therefore recommends that special legislation be introduced authorizing the Native Land Court to reopen the matter sufficiently to enable (1) the inclusion of the name of Hemi Hairuha (or his son, Hemi Hemi), (2) the issue of a title in favour of the original sixty-four persons found by Judge Browne to be entitled (with the possible inclusion of Hemi Hairuha or his son), or to such persons as may be found to be their lawful successors.

There are some survey charges due. These, wherever unpaid, should be apportioned over the areas directly concerned, after the matter shall have been dealt with by the Court.

The Head Office file (N. 1921/523) is returned herewith.

W. H. BOWLER, Commissioner.

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