

The Native Land Amendment and Native Land Claims Adjustment Act, 1922.

Taranaki Minute-book 35/45-64.

In the Native Land Court of New Zealand, Aotea District.—In the matter of Petition No. 252 of 1922, by Jane Brown (Heni te Rau), and Petition No. 295 of 1922, by Roimata Wi Tamihana and others, praying for inquiry into claims of the absentee members of the Ngatimutunga Hapu, referred to the Court under the provisions of section 55 of the above-mentioned Act.

At a meeting of the Court held at New Plymouth on the 23rd day of August, 1923, the Court made inquiry into the above matters, and now reports as set out in the attached papers numbered 1 to 10. As witness the hand of the Judge and the seal of the Court.

F. O. V. ACHESON, Judge.

NGATIMUTUNGA RESERVE.—REPORT BY NATIVE LAND COURT.

Applications 52 and 53 by Chief Judge for Inquiry and Report upon the Claims in Petition No. 252 of 1922, by Jane Brown, and Petition No. 295 of 1922, by Roimata Wi Tamihana and others, re the Ngatimutunga Reserve.

Mr. D. S. Smith for Mrs. Jane Brown, claiming that the absentee members of the Ngatimutunga Hapu are entitled to the 3,000 acres promised to them by the Government in 1867, or are entitled in the alternative to compensation at the rate of £1 per acre.

Mr. Moverley for the Lands Department, under instructions, claiming that the absentee members of Ngatimutunga have already had their claims satisfied out of grants made in the Urenui district.

The Court, after an exhaustive inquiry, has had no difficulty in satisfying itself that the claims of the Ngatimutunga absentees have never been met, and that the promises made to them by the Government of the day have never been carried out. In view of the history of the case, however, and of the difficulty there is in reconciling the findings of the Mackay Commission of 1905 with the facts known to the Court, it was considered advisable to make a minute examination of all the old records. This has required considerable time and labour, but the Court is now in a position to report confidently upon the whole matter.

The four main stages in the history of the case are as follows :—

- (1.) Record of promises made by the Hon. Mr. Richmond, Native Minister, on behalf of the Government, and approved by His Excellency the Governor, Sir George Grey. The full record appears in Appendix C to parliamentary paper G.-2, year 1880, Report of West Coast Commission (Fox-Bell), and the more important parts appear in Schedule A to the Court's report.
- (2.) Record of findings of the Fox-Bell West Coast Commission, as appearing in parliamentary paper G.-2 of year 1880.
- (3.) Record of findings of Mackay Commission, appearing in parliamentary paper G.-7 of year 1905.
- (4.) Inquiry by Native Land Court at New Plymouth in 1923 pursuant to the provisions of section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922.

The Court will proceed to deal with these four stages one by one, as a knowledge of the sequence of events is necessary to a full understanding of the case.

1. Promise made by the Government in 1867 to the absentee members of the Ngatimutunga Hapu.

Schedule A to this report indicates the promises made. Mr. Richmond's minute of the 6th July, 1867, to the Governor refers to the fact that it is a statement of the decision of the Government as to the claims of Maoris which were rejected by the Compensation Court at Taranaki in consequence of the long absence of the claimants from the country. The minute points out that the claims were favourably recommended by the parliamentary Committee. The minute then proceeds as follows :—

The Governor has decided to give to the absentee claimants in the Ngatiawa and Taranaki districts land in the same proportion as was awarded to the absentee claimants in the Ngatiruanui district at a sitting of the Court at Whanganui. The Government has taken pains to ascertain the number of claimants, and the hapu to which they belong. Five principal hapus are concerned, and land will be given the absentees in each of them in accordance with the following scale :—

Tribe.	Amount of Land to be given. Acres.
Ngatitama	1,300
Ngatimutunga	3,000
Ngatiawa	2,700
Puketapu	2,100
Taranaki	3,100
Total	12,200

These lands will hereafter be laid off in such blocks as may be convenient. The division of them will rest with the people to whom they are given. It will not be for the Government to settle the subdivision, but for the persons interested.