

1932.

## NEW ZEALAND.

# NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1930.

REPORT AND RECOMMENDATION ON PETITION No. 82 OF 1930, OF MATENE NAERA AND  
42 OTHERS IN CONNECTION WITH THEIR SACRED BURIAL-PLACES ON THE WAIRAU NORTH  
AND WAIMAMAKU BLOCKS.

*Presented to Parliament in pursuance of the Provisions of Section 34 of the Native Land Amendment  
and Native Land Claims Adjustment Act, 1930.*

Native Department, Wellington, 2nd November, 1932.

*Petition No. 82 of 1930.—Maori Burial-places on Waimamaku No. 2.*

PURSUANT to section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1930, I herewith transmit the report of the Court herein.

I have ascertained from the records that this matter has been the subject of various petitions and has also been referred to a Royal Commission (see 1907, C.—18, p. 5). The matter came up in 1887, when the land was being prepared for settlement. It would appear that the question then raised referred to a much larger matter, and concerned a suggested reserve of some 2,400 acres, which included the principal burial-caves. It was said the reserve was shown on all plans, except the formally approved plan. It is, however, quite clear that no reserve of any kind was made on the deed, which has a specially prepared plan 24 in. by 21 in. attached to the conveyance and signed by all the vendors in the presence of the Resident Magistrate as the plan of the land conveyed to the Crown. In 1891 instructions were given to cut out the burial reserves, provided they did not exceed 2 or 3 acres each, but the Natives refused to point out the cemeteries, unless the line of the suggested reserve was followed, which would take 1,000 or 1,200 acres out of the block, and nothing further was done. It is quite possible that the rest of the reserve (if there was one) might be the northern portion of the adjoining Wairau Block, which was expressly excepted on the sale of the latter block to the Crown. It is quite possible that the Natives are referring to negotiations with Mr. Nelson, which were delayed on account of disputes and finally carried out by Captain Preece, in whose handwriting the deed is. That the dispute was really about the large reserve will be seen from Petitions No. 515/1894, No. 495/1907, No. 135/1910, and No. 206/1925. Unfortunately, the most of the land has been disposed of, and cannot now be recovered. It might be possible to have a part of Section 15, Block XIII, Waoku Survey District, with burial-caves on, reserved. No doubt the licensee would require compensation, and the Natives probably would be averse to paying it. Even if the Government paid this for them they would not be satisfied, but would look upon it as an admission which would entitle them to compensation for the larger reserve that they allege they have been deprived of.

It is not a case in which I could, at the present stage, recommend legislation.

R. N. JONES, Chief Judge.

The Hon. the Native Minister, Wellington.

The Native Land Court of New Zealand, Tokerau District.—In the matter of the Wairau North and Waimamaku Blocks; and in the matter of section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1930, and an inquiry into the allegations in Petition No. 82 of 1930, of Matene Naera and others, respecting burial-places on the said blocks.

UPON inquiry at sittings of the Native Land Court at Opononi on the 28th January and 4th July, 1932, before Frank Oswald Victor Acheson, Esquire, Judge, the Court reports as follows:—

(1) On the 10th October, 1870, the Native Land Court (Judge Maning) investigated the title to the Wairau Block (adjoining the Waimamaku (No. 2) Block) and signed an endorsement on plan 2012 as produced at the investigation. The eastern boundary of the Wairau Block as shown on the plan agrees with the western boundary of the Waimamaku Block as shown in the conveyance to the Crown.

(2) On the 19th June, 1875, the Native Land Court (Judge Munro) investigated the title to the Waimamaku (No. 2) Block (the land covered by later conveyance to the Crown), and issued a memorial of ownership in the names of Heta te Haara, Ngakuru Pana, Hone Mohi Tawhai, Te Whata, and Hetero Waipapa. It is clear from Northern Minute-book 2/224, date 19th June, 1875, that the above five chiefs were nominated on behalf of their tribes.

(3) The plan before the Court on investigation of Waimamaku No. 2 was No. 3268, and was endorsed by Judge Munro to show that it was produced on investigation, 19th June, 1875. It is important to note that this plan shows the Waimamaku Block as running right to the sea-coast, but excluding the "Wairau Wahitapu Reserve." It is clear that the Natives at the investigation did not have the Wairau plan (2012) before them. Plan 3268 shows another reserve alongside the Waimamaku