

1936.

NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1933.

REPORT AND RECOMMENDATION ON PETITION No. 199 OF 1932, OF PURA RURUHIRA AND OTHERS: PRAYING FOR AN INQUIRY AND READJUSTMENT OF THE PARTITION OF THE REUREU No. 1 BLOCK.

Presented to Parliament in pursuance of the provisions of Section 27 of the Native Purposes Act, 1933.

Native Land Court (Chief Judge's Office),
Wellington, C. 1, 8th May, 1936.

The Hon. the NATIVE MINISTER, Wellington.

PETITION No. 199 OF 1932.—REUREU No. 1 BLOCK.

PURSUANT to section 27 of the Native Purposes Act, 1933, the report of the Native Land Court of the inquiry into the grievances alleged by the petitioners is enclosed herewith.

The block in question formed part of a larger block set aside by the Crown through the agency of Sir Donald McLean. Mr. McLean in the House of Representatives explained, "In addition to the various other Natives occupying these lands there were two hundred or three hundred from Waikato who held the inland portions of the block. They had held these upwards of thirty years, and although their rights were not recognized by the Native Land Court they still claimed the right to occupy and it was evident they were not to be easily dispossessed of the land they had held so long a period. In fact, they were resolved to hold their own." At an inquiry held by Mr. Commissioner Mackay in 1884 he found that the interested hapus were N'Pikiahū, N'Waewae, N'Maniapoto, and N'Rangitahi. Mr. Mackay suggested 204 names for inclusion in the title, but later suggested there should be further inquiry as others had claimed.

In 1895 the Native Land Court investigated the matter, and on this occasion found that 274 persons were entitled. It further divided the land into two portions—Reureu No. 1 being for N'Pikiahū and N'Waewae, and the rest for the other two hapus.

An appeal was lodged principally on the ground of the location and area awarded to Reureu No. 1. The Appellate Court held that the only right to the land was a gift from the Crown. This does not seem to quite accord with Mr. McLean's statement that the Natives had been in possession for thirty years. Further, the Court expressed the opinion that those interested were entitled to equal rights among themselves and intimated its intention when the list was settled to apportion the area on the basis of numbers. The lists before the Native Land Court showed 181 names on the N'Pikiahū side and 88 on the N'Maniapoto side. Fortunately, the Natives themselves agreed upon the location and area for the respective sides. The persons in the Reureu No. 1 list numbered 229 as against 181 previously, probably increased to ensure a greater area being awarded. The rest of the people went into Reureu Nos. 2 and 3.

It was not long before difficulties arose with regard to Reureu No. 1, and several petitions were presented asking for readjustment. Section 6 (a) of the Native Land Adjustment Act of 1910 granted jurisdiction to the Native Land Court to make an adjustment, but not to reinvestigate. In 1912 an adjustment was made under that section. This did not satisfy the Natives, and in 1927 the legislation granted a right of appeal against the decision of 1912.

The judgment of the Appellate Court stated: "While we are not prepared to say that sitting as a Court of first instance we would have made quite the same definition of relative

interests as the lower Court for the reason that certain discrepancies appear—which, however, may be capable of explanation—yet as an appellate tribunal we cannot hold that they have been so clearly demonstrated to be wrong as to justify our setting them aside . . . Moreover, apart from the fact that about one-sixth of the block has been sold, it is far from certain that any benefit would result to the appellant's hapu if the title were investigated *de novo*.”

The opinion of the Court of inquiry is that no good reason was shown as to why there should be any alteration in the present position of the title, but it seems to the Chief Judge that an opportunity should be given to go into the discrepancies referred to by the Native Appellate Court, and I recommend legislation accordingly.

If any legislation is undertaken I think it should include the validity of the title. Apparently the Court dealt with the land as if it was uninvestigated Native land.

R. N. JONES, Chief Judge.

Office of the Aotea District Native Land Court, and Maori Land Board,
Wanganui, 27th September, 1935.

The CHIEF JUDGE, Native Land Court, Wellington.

REUREU NO. 1 AND PETITION NO. 199, OF PURA RURUHIRA FOR READJUSTMENT OF THE
PARTITION OF REUREU NO. 1 BLOCK.

I HAVE the honour to inform you that the Native Land Court sitting at Marton on the 24th September, 1934, held the inquiry directed by you into the above-mentioned petition, and I beg to report as follows:—

This petition amounts, in effect, to an application for the inclusion of the additional names in the title, the deletion of certain other names, and a general revision of the partitions into which the block has been divided.

A full report on the question of reopening the title to this block was furnished to you on the 29th March, 1927, and I would refer you to that.

A copy is attached hereto of the evidence adduced at the inquiry. In the Court's opinion no good reason has been shown as to why there should be any alteration in the present position of the title. The persons now petitioning had ample opportunity at the previous inquiries held in connection with this block of establishing their alleged rights, and the fact that they did not do so leads this Court to the conclusion that they themselves have grave doubts either as to the extent of those rights or even as to the existence of them.

(Sgd.) JAS. W. BROWNE, Judge.

[Extract from M.B. 96, folios 108–112. Place: Marton. Date: 24/9/34.
Judge: Jas. W. Browne.]

807. REUREU NO. 1.—INQUIRY IN PURSUANCE OF REFERENCE BY CHIEF JUDGE REGARDING
PETITION OF PURA RURUHIRA.

Petition read.

Taitē te Tomo.—I am representing the petitioner, who is present in Court.

Titi Karanga.—I am opposing the petition. There are six of us altogether.

Taitē te Tomo, o.f.o.—This petition is for the appointment of a Court to readjust partitions of Reureu No. 1. The petitioners are not owners in any one subdivision—they have interests all over the block in several subdivisions. At the previous inquiries affecting Reureu No. 1, Pura was living on the Wanganui River. She took no part in the proceedings, being engaged on other matters. It was only when I went into the Reureu matter myself that they took an interest in their land. They found then that they were hemmed in by other subdivisions and they now ask that the partitions be adjusted. She asserts that her interests at the previous inquiries were in the hands of their aunt, but there were other conductors more experienced than their aunt at those inquiries, consequently they suffered. They assert—

- (1) The subdivision on which their elders lived was awarded to some one else—that is, No. 5, the 18 acres awarded to Tutunui Rora. The petitioner never set up any claim to this area before.
- (2) An area of 5 acres was set aside by their aunt, and on partition this 5 acres was put up on the bank—this 5 acres is called No. 8. The complaint was made on account of want of access, but on inspecting the plan I am satisfied there is access.

Some of the petitioners assert that persons in Reureu No. 1 have larger shares than persons really entitled.

Titi Karanga has no questions to ask.

Cross-examined by Toro Iwikau.—I was not present at the inquiry in 1912. I do not know the Kaingas of Pura's elders on Section 5.

Waeroa Rangihouapu (sworn).—I am one of the petitioners. My objection is that some people got into Reureu without any right. I cannot say just now who these people are. The Ngati-Kahungunu included without right were Hakihaki and Hori. There were others, but I cannot give the names. I made an objection in 1927. They were not here at the time the Government returned the land. My father got his right to the land as a Ngati-Pikiahu.

I object to the inclusion of Ngati-Whiti and Ngati-Tama because they drove my people from Otara in 1842. They should have their names struck out of the lists. This is the twentieth time this matter has been before the Court.

Matiti Hue (sworn).—I am one of the petitioners. I am speaking with regard to the partition between myself and Hinga of 23D No. 1 and 23D No. 2. The partition was made on the 11th September, 1919. 23D No. 2 is in two portions, and I own the divisions on both sides. I ask that my interests be located in the one division.

Te Waapu Toni (sworn).—I am interested in Section 26B (partition made 25th November, 1914). I object to some of the people who are in this block—Monika Pachua and Huarahi Pakira. They have larger shares than I have. I have never objected before. We lived on the land permanently.

To Taite.—I know Hopeha. I am not asking that his name should be struck out of the block, but that his shares should be reduced.

Petitioners' case closed.

Titi Karanga (sworn).—I do not know what subdivision of the block that I and those I represent have been included. We have been included in Reureu under the will of Kuini Pitawa. I do not know how she got into the block. We are satisfied with the share we have been awarded, and we ask that the land be left as it is.

Taite te Tomo has no questions.

Toro te Iwikau.—With regard to Tutunui's share which Pura is claiming, I take it she claims her elders worked on this particular portion. I claim she cannot point out any specific part on which her elders have worked and occupied. The section her people worked on has been cut off facing the Makino Road, and as far as I can remember we ourselves worked on the portion awarded us up to 1912—we have occupied and worked the portion Pura is claiming for over forty years. Tutunui has a Land Transfer title and has mortgaged the land to the Native Trustee.

The majority of the owners of the land desire that there should be no alteration in the present position of this land. Pura's aunt was a very clever woman.

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