

SESS. II.—1884. Legislative Council. Native Affairs Committee: Report on Petition of Atanatiu Kairangi. *Brought up on 29th October, 1884, and ordered to be printed.*

THIS petition claims several small islands at the entrance of Pelorus Sound, Cook Strait. The petitioners belong to the Tribe of Ngatitōa, who, with the Ngātiawa, were at the time of the first European settlement in possession (among other territories) of the lands on the southern shores of Cook Strait and on Mohua (Blind Bay) and Taitapu (Massacre Bay). The bulk of these lands was conveyed to the Crown under four several deeds, which purport to cede most of the possessions in those parts of the signatories, in terms somewhat varying, and subject to various reserves and exceptions which vary in the several deeds.

- The earliest of the deeds, the Ngatitōa deed of the 10th August, 1853, makes the cession in these terms: "our lands on the Middle Island" ("a matou whenua i te Wai Pounamu"); and again: "all our lands on that Island" ("a matou whenua katoa ki tera mouere"), and goes on to specify "the trees, lakes, waters, rocks, and all things upon or under the lands" ("me nga aha noa iho a aua whenua"); it also specifies reserved dwelling-places, but it makes no mention of the adjacent islands. The receipt by the same tribe for the sum of £2,000, dated the 13th December, 1854, describes the consideration for this payment to be the sale of "all our lands at Wairau, at Hoiere, at Whakapuaka, at Taitapu, at Arahura, at Waipounamu—all our lands not sold by us previously;" but does not mention islands.
- The Ngātiawa deed of the 10th March, 1854, cedes "all our lands on the Middle Island" ("a matou whenua katoa ki tera mouere"), and adds: "our lands and all the islands there" ("o matou one me nga mouere katoa i reira").
- A further deed by Ngātiawa, dated the 9th February, 1856, cedes the Island of Arapaoa, divided from the mainland by Tory Channel.
- The deed by the Ngatikoata, a hapu of Ngatitōa, dated the 5th March, 1853, cedes "all our lands on that island" (Waipounamu), reciting the names of a number of places along the coast; but it excepts "Rangitoto" (D'Urville Island), "and the places for our occupation."

The islands named in the petition are coloured on the official maps as Crown lands; and two of them have been let for pastoral purposes under "The Land Act, 1877," for rentals of £8 2s. 6d. and £2 6s. 8d. per annum.

Against the claims of the petitioners, it is urged that the word "Waipounamu" includes the adjacent islands; and this view seems to be supported by the special reservation of D'Urville Island, as though it belonged to the mainland, by the Ngatikoata sellers; and by the silence of the Ngatitōa deed as to the outlying islands within their tribal limits; the cession of the whole of the lands on Waipounamu having been made in both cases. It is to be remarked, however, that the Ngatitōa deed cedes specifically woods, rocks, streams, lakes, and mines, but omits islands. Moreover, it was deemed necessary to take a subsequent cession of Arapaoa Island from Ngātiawa, although they had expressly ceded all their islands without exception in the former deed. It would follow then *a fortiori* that Ngatitōa, who never professed to cede their outlying islands, ought to be held to have reserved them. But there is direct evidence that this was their express intention at the time of the cession in 1853. Sir George Grey, K.C.B., M.H.R., gave your Committee evidence to the effect that he himself drew the Ngatitōa deed, and presided at its execution; that he did not intend to include the islands, and that it was expressly agreed on both sides that they should not be included in the cession. This is conclusive; and your Committee have only to add that the claim has been maintained and revived on several previous occasions. In 1860 the chief Ihaka visited Auckland to ask from Colonel Gore Browne, then Governor, "a clear title" to one of the islands (Paruparu). He again applied to the Native Land Court in 1868, but the Court decided that it had no jurisdiction.

The principal islands are visited annually by the claimants for the purpose of fishing.

Your Committee, therefore, report that they consider the allegations of the petitioners to be proved, and recommend that the Government should confirm the title of the Ngatitōa to the islands Paruparu, Kakapo, Nukuaiata, and Motungarara, by Crown grant to their proper representatives.

J. C. RICHMOND, Chairman of Committee.
29th October, 1884.

[TRANSLATION.]

E TONO ana tenei pitihana e mea ana hoki e whitake ana ki etahi montere i te Hoiere i te Moana o Raukawa. Ko nga kai-pitihana no te Iwi o Ngatitōa ko ratou me Ngātiawa e noho tahi ana i runga i o ratou whenua i te taha whaka-te-tonga o te Moana o Raukawa me Mohua (Blind Bay) me Taitapu (Massacre Bay) i te wa i tae tuatahi mai te pakeha. Ko te nuinga o aua whenua i tukua ki te Karauna i runga i etahi tiiti e wha i mahia i reira hei tuku i te nuinga o nga paanga ki tera takiwa o nga tangata tuku, kaore i tino rite nga tikanga o

aua tukunga, i uru ano hoki etahi kupu rahui ki aua tiiti.

- Ko te tuatahi o aua tiiti ko tera a Ngatitōa o te 10 o Akuhata, 1853, i penei nga kupu ara i tuku i "a matou whenua i te Waipounamu," penei hoki, "a matou whenua i tera moutere, a whakahua marire i nga rakau i nga wai i nga kohatu me nga aha noa iho o aua whenua, i whakahua ano hoki i nga kainga i rahuitia, engari kaore i whaikupu mo nga moutere. Ko te pukapuka i tuhia e taua iwi i te 13 o Tihema, 1854, i te rironga atu o te £2,000 i ki ko aua, moni he utu mo "a matou whenua katoa i Wairau, i te Hoiere, i Whakapuaka, i te Taitapu i Arahura, i te Waipounamu—o matou whenua katoa kaore ano nei kia hokona e matou, otia Kanore i whakahua i nga moutere.
- Ko te tiiti a Ngatiawa o te 10 o nga ra o Maihe, 1854, i tuku penei na, "a matou whenua katoa ki tera moutere," me enei kupu "o matou one me nga moutere katoa i reira."
- Ko tetahi tiiti a Ngatiawa i tuhia i te 9 o Pepuere, 1856, i tuku i te moutere o Arapaoa e wehea mai ana i te tuawhenua e te moana o Tory Channel.
- Ko te tiiti a Ngatikoata, he hapu ano no Ngatitōa i tuhia i te 5 o Maihe, 1853, i penei, ara, i tuku i "o matou whenua katoa i tera moutere i te Waipounamu," i whakahua marire i nga ingoa o etahi whenua i te tahataha o te moana, engari e kape ana i "Rangitoto me era wahi hei kainga mo matou."

Ko ana moutere e whakahuatia ana i roto i te pitihana kua maakatia ki te mapi o te tari wea he whenua no te Karauna. E rua aua moutere kei te rati i raro i "Te Ture Whenua, 1877." ko nga utu mo tetahi £8 2s. 6d., ko nga utu o tetahi £2 6s 8d., i te tau.

Ko te taha whakahe i te tona a te pitihana e mea ana ko tenei kupu "Waipounamu" e pa ana ano ki nga moutere e tutata ana ki reira; na e ahua whakatikaina ana tenei i runga i te wehenga mai i Rangitoto e Ngatikoata i runga i ta ratou hoko mehemea nei ko tetahi taha ano o te tuawhenua, i runga hoki i te kore kupu o roto o te tiiti a Ngatitōa mo nga moutere i roto i to ratou nei takiwa, i roto hoki i aua hoko i tukua katoatia o ratou whenua i te Waipounamu. E kitea ana hoki i roto i te tiiti a Ngatitōa e tukua ana nga rakau, nga kohatu, nga awa, nga roto, me nga taonga o raro o te whenua, engari kaore he kupu mo nga moutere. No muri mai hoki ka tonoa ano he pukapuka tuku a Ngatiawa i te Moutere o Arapaoa, ahakoa kua tukua katoatia e ratou nga moutere i roto i te tiiti tuatahi.

I runga ano i tenei tikanga e kore e taea te ki kahore a Ngatitōa i rahui i o ratou moutere i te mea hoki kaore ratou i hoko i aua moutere.

Tenei ano hoki nga kupu whakaatu mai i ta whakaritenga peratanga i te wa ano o te hoko i te tau 1851. I tu a Ta Hori Kerei ki te whaikupu ki te Komiti, ki ana mai ko ia ano te kaiwhakahaere o te hoko a Ngatitōa, kaore ia i mea kia uru mai aua moutere ki te hoko, i whakaritea ano hoki i reira kia wehea atu aua moutere. E tino tuturu ana tenei. Heoi ano ta te Komiti he whakaatu atu i tonoa ano aua moutere i mua. I te tau 1860 i haere a Ihaka ki Akarana kia kite i a Kawana Paraone ki te tono kia whakataua mai a te Paruparu ki a ia. I tonoa ano hoki ia ki te Kooti Whenua Maori i te tau 1868, kiia ana e te Kooti kaore ana mana ki te whakawa i taua whenua.

E tae tonu atu ana nga kaitono mo aua moutere ki reira i roo i nga tau katoa me ka haere ki te hi ika.

No reira ka mea te Komiti kua kitea te tika o te korero a nga kia-pitihana ka tonoa hoki te Komiti ki te Kawanatanga kia whakataua kia Ngatitōa aua moutere a Paruparu, a Kakapo, a Nukuaiata, a Motungarara, kia puta he Karauna karaati ki o ratou tangata tika.

TE RETIMANA, Tiamana.

29 Oketopa, 1884.