

No. 42.

NATIVE LAND COURT.

[Extract from *Poverty Bay Standard and People's Advocate*, Saturday, 2nd September, 1876.]

THE following was kindly forwarded to us by Judge Rogan:—

A meeting of this Court was held at Uawa, Tolago Bay, on Wednesday, the 30th August, 1876.

Present: Judge Rogan (presiding), E. Murphy, Esq., J.P., Wi Pere, Henare Potae, Karauria Pahura, Paora Parau, Tuta Niha Niha, and others.

Judge Rogan then addressed the meeting as follows:—

What I have to say is in reference to the cause which has induced me to come here, bringing with me chiefs from Turanga, and inviting chiefs of Uawa to attend. I shall refer to my main reason presently; what I have to say now has reference to the blocks called Waingaromia No. 2, and Tuakau. Henare Potae was present at the first Court held in Uawa. He was also present at Wai-o-matatini when the title to Tuakau was being investigated. The Court gave a decision for a portion of this block. No decision has yet been given to another portion of this block (Tuakau), although the evidence relating to it is completed. The reason for this is that Henare Potae, who is a claimant to that block, asked the Court not to give a decision until the evidence to Waingaromia No. 2, and Tauwhareparae, had been taken, he (Henare Potae) being a claimant in both these blocks. The Court, considering the proposal to be a reasonable one, agreed to adopt that course. I have since changed my mind as regards this proposal of Henare Potae's, and for this reason: Since I last left here, and when at Waipawa, I was advised by the Government that Mr. Commissioner Wilson had preferred charges against me, and that the Government had decided not to lay that paper before Parliament until I had been heard in the matter. I have communicated both with Sir Donald McLean and Mr. Clarke on the subject, and said that, by replying to these charges, I should be anticipating the decision to a large extent of country upon which evidence had been taken on the East Coast. I have had no reply from either of these gentlemen; and I have considered it but fair to the Natives interested to come here and indicate the decision of the Court before making it public. I now say that, although I concur in this decision, it is more Hoani Peeti's (the Native Assessor's) than mine. After the investigation of Tuakau had been completed, the Assessor remarked to me that, having heard Henare Potae's evidence as regards Tuakau, and having heard what he had to say at the Uawa Court, as regards his claim to Waingaromia No. 2, he was clear that Henare had no right to either of the blocks, but that Tuakau belonged to Tuta Nihaniha, Hoani, and those with them, and that Waingaromia No. 2 belonged to Pita te Huhu and those with him.

The decision of the Court will, therefore, be as I have indicated. We are quite clear that Henare Potae has no right to either of the blocks in question. Tuakau is decided. I cannot, however, say that this indicates what the final decision in Waingaromia No. 2 will be, because Tama ki te Rangī, who is a claimant, has not yet been heard.

No. 43.

Mr. T. HEALE to Judge ROGAN.

[Printed from a copy.]

SIR,—

Gisborne, 24th February, 1875.

It is clear that the surveys in this district have been carried on in entire disregard of the provisions of the existing law; but as it is of the utmost importance that no impediment should be thrown in the way of passing through the Land Court the numerous claims that have been sent in for adjudication, the only consideration now is to reconcile the facts as they stand with the law, and at the same time to secure that certainty of boundaries, which is essential to the avoidance of future disputes and litigation.

"The Native Land Act, 1873," provides that before any claim shall be investigated a survey of such land shall have been made; that the survey shall be made under the immediate control of the Inspector of Surveys, by surveyors to be from time to time authorized in writing by him for the purpose. And the Act clearly contemplates that the surveys shall be made at the expense of the Government in the first instance, the cost to be repaid by the Native claimants. Now, instead of all this, a great number of surveys have been made in the district without any authorization.

Some of the maps of these surveys have been sent in to my office, where they have been collated together as well as circumstances would admit, but many are now produced at the sitting of the Court for the first time. In many of these maps errors, and in some instances overlaps, have been shown to exist; some are so badly drafted that they ought not to be received as finished maps; and so much risk of error at the least hangs on them, that it is out of the question for me to accept the responsibility of adopting them; therefore it will be impossible now to complete the cases of the claimants by certificates of title, or by enrolling memorials of ownership.

The course, then, which I propose to adopt, subject to the sanction of the Hon. the Native Minister, is this: I have appointed as my deputy in the district Mr. Horace Baker, and I have caused a trigonometrical survey to be instituted by him. This will be carried forward with the greatest possible expedition, and as each station is fixed all adjacent points in the block surveys will be closed with them, by which a perfect check will be established on the general accuracy of the larger surveys, and the means will be afforded of collating the whole with accuracy on a general map. In all cases where the survey of claims by private surveyors fairly stands this test I propose to accept and certify them as required by the Act, and so *ipso facto* to make them official acts of my department.

Should any cases occur in which the errors or defects of the surveys are so considerable that they cannot be remedied except by a new survey, such re-survey will be made by the officers of my department, and in those cases it will be necessary for me to call upon the Court to stay the issue of the title until the cost of such re-survey shall be paid by the claimants.