

1942.

NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1938.

REPORT AND RECOMMENDATION ON PETITION No. 32 OF 1937, OF L. W. PARORE AND ANOTHER,
PRAYING FOR AN INVESTIGATION AS TO THE DISPOSITION AND OWNERSHIP OF CERTAIN
NATIVE RESERVES IN THE MAUNGANUI BLOCK.

Presented to Parliament in pursuance of the provisions of Section 23 of the Native Purposes Act, 1938.

Native Land Court (Chief Judge's Office),
Wellington C. 1, 2nd July, 1942.

Memorandum for the Hon. the NATIVE MINISTER, Wellington.

MAUNGANUI BLOCK.

I TRANSMIT to you the report of the Court, made pursuant to section 23 of the Native Purposes Act, 1938, upon Petition No. 32 of 1937, of L. W. Parore and another, concerning certain alleged reserves in the Maunganui Block.

The Court's view is that two areas within the confines of the Maunganui Block—one containing approximately 110 acres, called "Manuwhetai," the other containing 22 acres, called "Whangaiariki," which were surveyed prior to the sale to the Crown, in 1876, of the Maunganui Block, and delineated on a plan under the description of "Native reserves" were intended to be reserved from the sale, and that they should be returned to the Natives.

While giving due regard to the Court's findings, I cannot help but think that, whatever the purpose of the survey of the two parcels was, it was not done with the express or, at all events, the immutable purpose of having the areas reserved from the sale to the Crown. The vigilance with which the two contending chiefs, Parore te Awha and Tiopira Kinaki, watched over events leading to, and surrounding, the investigation of title to the Maunganui and Waipoua Blocks, and the cession of those blocks to the Crown, must inevitably have been rewarded by the retention of the ownership of the two reserves in the Natives if that had been intended. The sale was the subject of Magisterial inquiry (see parliamentary paper C.-6, 1876), but at no point was there the slightest suggestion that any stipulation had been made for these reserves. Incidental to the matters which fell for determination, an account was taken of the purchase-money paid to, and the value of the reserves made for, the Natives in the Maunganui and Waipoua Blocks, and in the statement as for the Maunganui Block the value of only one reserve appears, that of the 250-acre reserve for Parore which had been provided for in the conveyance and for which a Crown grant subsequently issued. It appears to me unthinkable that, if there had been any suggestion touching further reserves, it would not have been the subject of notice before the tribunal.

Set over against any inference which is to be drawn from the existence of the plan of the supposed reserves are these facts and statements of record:—

- (1) No provision was made for the reserves in the deed of conveyance. The only reserve which was provided for was the area of 250 acres for Parore:
- (2) No mention was made of them on the proceedings for the investigation of title which immediately preceded the sale to the Crown:
- (3) The deed of conveyance bears a certificate by a Judge of the Native Land Court to the effect that Parore te Awha and Tiopira Kinaki (the two chiefs whose names were put into the title) signed the same in his presence after the contents had been explained to them by an Interpreter of the Court and they appeared fully to understand its meaning:
- (4) The deed of conveyance bears a clear certificate by a Trust Commissioner under the Native Land Frauds Prevention Act:
- (5) In a memorandum dated the 12th February, 1876, addressed by the Purchasing Officer (Mr. J. W. Preece) to the Under-Secretary of the Native Office, Mr. Preece, after mentioning the fact that, under the terms of the compromise between Tiopira and Parore, the latter was getting no reserve, stated: "I also agreed to let Parore have a small reserve in the Maunganui Block of about two hundred and fifty acres, being an eel fishery, which is to be cut out of the block and a Crown grant issue to him for the same." Elsewhere in the same memorandum, Mr. Preece, writing with respect to a certain reserve in the Opouteke Block, said: "This, as well as the reserve before mentioned in Maunganui, will be laid off and placed on the plans of the deeds before the same are deposited for registration."