

- (c) The epitome of official documents relative to Native affairs and land purchase at 1876, Vol. I, C.-6, p. 11 *et seq.*, deals with an inquiry by Mr. Barstow and a report by Mr. Preece. No mention is made of the two reserves in these.

The Court's comment is that such omission to mention the reserves signifies nothing, because the inquiry was about a totally different matter—namely, the dispute between Parore and Tiopira Kinaki. In other words, the inclusion of the reserves was not a matter for inquiry at that date.

- (d) Plan 3253 on which the sale deed was based did not show the two reserves.

The answer to this is given in the Court's report. Plan 3253 was merely a compiled plan. The two reserves were specially surveyed afterwards, but *prior* to the 1876 sale to the Crown.

(14) The present position as to the title to the reserves and the occupation of the land is as follows:

- (a) "*Whangaiariki*."—There is no separate title in existence, and there is no record of any alienation in the Deeds or Land Transfer Registry. This reserve is apparently not occupied or used by any one except the Natives.
- (b) "*Manuwhetai*."—As described in clause (8) of this report, "*Manuwhetai*" became known as Section 19, Block XII, Waipoua Survey District, and as such was leased in 1897 to Mr. John Downey, who freeholded it in 1914 at a cost of £98 3s. for 105½ acres. It is now owned by W. W. R. Pryce or by a purchaser from him. C.T., Volume 610, folio 195, includes other sections besides No. 19, and all are subject to mortgages—

(1) To State Advances Superintendent:

(2) To Mabel Sutherland:

as affected by order of Court of Review.

- (c) *Occupation.*—The evidence before the Court is conclusive that the Natives at all times have objected to and resisted attempts by Downey and Pryce and other Europeans to eject them from "*Manuwhetai*." They persistently objected to Europeans occupying "*Manuwhetai*." For many years past the Natives have been making representations to the Court and to Wellington in respect of their claims to these reserves. The Court is satisfied that they have not slept on their rights, but have done everything in their power to assert and uphold their rights since the time when Downey's lease warned them that their reserves were in jeopardy. Recently there has been serious trouble on the Manuwhetai Reserve between Natives whose houses are on the land and a European (Mr. E. Hall) who appears to have bought from Mr. Pryce. Mr. Hall's solicitor has threatened legal proceedings for ejection of the Natives. In the opinion of the Judge holding this inquiry it will be scandalous if the processes of the law are to be used against Natives entitled in justice to occupy this land as a Native reserve.

(15) Finally, attention is drawn again to the survey of the two reserves in 1875 *prior* to the *investigation of title in 1876*. The Native Land Court upon investigation of title acts upon a plan of the area to be investigated. It is alleged for the Crown that the plan used upon investigation was Plan 3253. However, there is nothing to show that Plan 3297-3298 dated 1875 was not also before the Court in 1876. It should have been before the Court. It was the bounden duty of the Crown's officers to produce it to the Court on the investigation in 1876. It was an existing survey affecting land within the boundaries of the Maunganui Block shown on Plan 3253. It is quite clear, therefore, that the Natives, knowing about the reserves, must have felt they were investigating the Maunganui Block *less the reserves*. In that case, the order on investigation of title should also have excluded the reserves as not investigated. The reserves would remain "*papatupu*" or "*customary*" land, available for separate investigation proceedings at a later date. On this basis, the Whangaiariki Reserve is still papatupu land to be investigated, while the Manuwhetai Block is still papatupu land wrongfully alienated by the Lands Department in 1897.

*In Conclusion.*—In the opinion of this Court the essential need is to uphold at all times the King's honour and the standard of British justice in dealings between the two races in New Zealand. The circumstances of this case of "*Manuwhetai*" and "*Whangaiariki*" cry aloud for redress for the Natives. The two reserves are theirs and should be returned to them, no matter what cost to the Crown this may involve.

As witness the hand of the Judge and the seal of the Court.

[L.S.]

F. O. V. ACHESON, Judge.

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