

Further than that, one of the owners selling to the Crown was a man named Taniora, and he was employed by Mr. Brookes in his survey party when this Ounutae reserve was laid off. To my mind there can be no doubt that if such a gross error as indicated had occurred, Taniora would have drawn attention to it. No such complaint was made, and Mr. W. H. Skinner, who was surveying the Mokau Block at the time, and who was the senior surveying officer in that district, states that he heard of no complaint as to this reserve. Any complaint would have reached him as the senior officer then engaged on these surveys. Further than that, the plan of Ounutae was before the Native Land Court on the investigation of title to the Awakino Block in January, 1922, when an investigation was made by Judge Browne. The reserve was shown on the completed survey plan then produced to the Court, but no word of complaint was heard as to the insufficiency of the area. In my opinion, the claim in respect of Ounutae has no foundation.

5. *Piri Piri Canoe Reserve*.—This was referred to in the deed relating to the Taumatamaire Block. The reference in the deed is as I have already set out, and the fact is that the reservation was never made. The Crown was invited to say whether any circumstance could be cited in justification of the failure of the surveyors to set apart the reserve. The only justification made to me by way of reply was that an area of 6 acres had been set apart as a reserve on the Mokau River, and the name Piri Piri appeared on the plan as referring to this area. I am not at all satisfied that this reserve had any relation to the Piri Piri Reserve referred to in the Taumatamaire deed, and in my opinion the Native owners have substantiated their claim to a reserve at the point mentioned in the deed. It is a little difficult to identify the land, as the references in the deed were by no means exact, but it can be demonstrated from the plans that an area of perhaps 50 acres to 70 acres should have been set apart between the Mangakawakawa Stream and the Awakino River. The reference in the deed to the “road to Ruakaka” is a reference to a Native track then in use by the Natives which ran generally along the Awakino Stream to Ruakaka. The old plans give quite a fair indication of where this track met the Awakino River, and I have no doubt that an area intended to be set apart could, at this stage, be determined with sufficient certainty to be satisfactory. The land, however, I understand, is in part held by a Crown tenant and has been fully improved, and as to the other part is represented by a road reserve 2 chains wide running along the Awakino River bank. It would appear to me to be unfair that the Native owners should be entitled to a reserve at this particular spot, as the land appears to be some of the best land on the banks of the river and to be fully improved. It is not required for the purpose of the canoe reserve, and it is very many years since it could have been so used for the purpose—in fact, Mr. Skinner stated it was not so used in 1884.

A letter from the Under-Secretary of the Native Department to Mrs. Mae Taniora dated 13th January, 1938, was referred to in relation to “Ketekarino” and “Piri Piri” reserves, and the suggestion there offered was that these two reserves had been located in the Mokau Block, the first containing 6 acres and the second 76 acres. The 6 acres, however, set apart in the Mokau Block is for a scenic reserve. I was not informed as to how the 76 acres came to be reserved.

Had the owners of the Awakino and Mokau Blocks been identical, this explanation might have had some weight. They are, however, two different sets of owners, though some names appear in both blocks. The explanation is therefore insufficient, and there were no records of any sort produced to support the theory of the location of Awakino reserves in the Mokau Block.

I think that the owners should be compensated by a grant of a suitable piece of land of equivalent area. It will be necessary, however, to refer to the deed and the old plans so that the area might be computed.

6. *Reihana's Piece*.—The petitioners made much of the fact that the deed provides for a reserve for Reihana Takerei's son, and that although the area that should have been appropriated to him lay on the southern side of the Awakino River, he was nevertheless granted an equal area of similar land on the northern side of the river, and that he subsequently sold it. There appears to me to be little merit in the petitioners' claim in respect of this land. Reihana, by agreement with the Crown, got an area as bargained for, and had it lain on the southern side of the river he could have sold it just as readily as he sold the piece on the northern side of the river. It does not appear to me that anybody has suffered in respect of the grant to Reihana. Reihana himself made no complaint, and it was for him surely to raise the matter if he was not satisfied. The petitioners' claim rests apparently upon the hypothesis that had the land lain on the south side of the river, Reihana would not have sold it.

The suggestion made by the petitioners as to compensation was that they were entitled to say that they should have granted to them Sections 4 and 5, Block V, and Section 6, Block III, Awakino Survey District, comprising an area of 8,840 acres. This suggestion appears to me to be so extravagant as to carry its own condemnation. In so far as I may make any recommendation, I would suggest that the owners are entitled to have compensation in land or money representing 7,000 acres on the basis of £530/16,000 per acre, plus an area representing the Piri Piri Reserve of perhaps 50 acres to 60 acres when that area is discovered. Any further compensation, I think, would have to rest upon the good nature of the Government. In addition, the claimants appear to me to be entitled to a reserve at Ketekarino as a burial-ground.

I wish to say, in conclusion, that I am indebted to the claimants for their assistance, and particularly to the Crown representative for the great amount of research undertaken to assist the inquiry.

[L.S.]

E. M. BEECHEY, Judge.

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