

1947
NEW ZEALAND

**REPORT AND RECOMMENDATION ON PETITION No. 175 OF 1935, OF
HEKENUI WHAKARAKE, RELATIVE TO THE NGARAKAUWHAKARARA
No. 4 BLOCK**

*Presented to Parliament in pursuance of the Provisions of Section 16 of the Native Purposes
Act, 1937*

Native Land Court (Chief Judge's Office),
P.O. Box 3006, Wellington C. 1, 11th August, 1947.

Memorandum for the Right Hon. the MINISTER OF MAORI AFFAIRS, Wellington.

NGARAKAUWHAKARARA 4

PURSUANT to section 16 of the Native Purposes Act, 1937, I transmit to you the report of the Native Land Court upon the claims and allegations contained in the petition No. 175 of 1935, of Hekenui Whakarake, concerning the Ngarakauwhakarara 4 Block.

In the petition, Hekenui Whakarake sought payment of compensation from the Aotea District Maori Land Board in respect of the value of certain improvements put upon the land by him while in occupation under a lease which was before the Court for confirmation, by reason of the fact that while the lease was before the Court the land was brought under a development scheme and the petitioner was put out of possession. The petitioner appeared to have no legal claim. The Court, upon inquiry, has recommended that the sum of £100 should be paid by the owners of the land to the petitioner, and an endeavour was made, without success, to arrange an agreement between the owners and the petitioner for payment.

In view of the failure to effect such an agreement, the Court has recommended that the position be met by legislation giving the petitioner the right to obtain a charging-order on the land to secure payment of the amount. I recommend that the recommendation of the Court be given effect to.

D. G. B. MORISON, Chief Judge.

Memorandum for the Chief Judge, Native Land Court, Wellington.

Re PETITION NO. 175 OF 1935, OF HEKENUI WHAKARAKE, RELATIVE TO
NGARAKAUWHAKARARA NO. 4

THIS petition, which was referred to the Court for inquiry by the Chief Judge under the provisions of section 16 of the Native Purposes Act, 1937, was before the Court on various occasions to enable evidence and counter-evidence to be produced.

After due consideration of the evidence tendered at the various hearings, this Court is of the opinion that the facts stated in the petition were substantially correct.

A valuation made by Mr. H. Marumaru, Property Supervisor, at the date of the Proclamation would show that the improvements effected by the petitioner would be valued at £114. Rent owing for two years would be £10, and two years' rates would also be due at £2 per annum, making a total of £14, leaving a balance of £100.

The Court is therefore of the opinion that the owners should compensate the former lessee to this amount, and it is recommended accordingly that the sum of £100 be paid by the owners of Ngarakauwhakarara No. 4 to Hekenui Whakarake, the former lessee, in full compensation for the improvements effected by him on the land previous to its being brought under development.

I enclose herewith copy of minutes taken on the inquiry and copy of the petition.

[L.S.]

R. P. DYKES, Judge.

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