

To His Excellency the Governor-General, Lieutenant-General Sir Bernard Freyberg,
V.C., G.C.M.G., K.C.B., K.B.E., D.S.O.

MAY IT PLEASE YOUR EXCELLENCY,—

PUKEROA-ORUAWHATA (ROTORUA TOWNSHIP) BLOCK

1. We have the honour now to make our second report as the result of our inquiries into the matters specified in Your Excellency's Commission of the 13th August, 1947. Our first report, which had reference to the Mokau Block, was made on the 8th March, 1948. This present report relates to the Pukeroa-Oruawhata Block, which block constitutes the Township of Rotorua.

2. Both the Crown and the Maoris (Ngati Whakaue) were represented by counsel—Mr. Meredith and Mr. McCarthy for the Crown; Mr. Cooney and Mr. Thomson for Ngati Whakaue. Mr. Kepa Ehau, a prominent member of the Ngati Whakaue, also appeared with counsel as a member of the tribe; and, in addition, some of the members of the tribe were represented by Mr. Mafeking Pere. The cases of the various parties were very fully and comprehensively placed before the Commission. We should like to acknowledge in particular the ability and, on the whole, the fairness and good spirit, with which the two Maori representatives, Mr. Ehau and Mr. Pere, presented the aspects of the matter with which they were respectively dealing, though, when it came to discussing the quantum of compensation in the event of a report in their favour, their suggestions cannot be said to have been lacking in optimistic imagination.

3. The matter has already been the subject of inquiry by the late Mr. R. N. Jones, a former Chief Judge of the Native Land Court. The inquiry originated from a petition to Parliament in 1928 by Pirika Te Miroi and others, who made various allegations as to failure by the Government to account for (i) moneys received as rents, and (ii) fees collected by the Government from the use of the baths and springs at Rotorua from the year 1880 to the date of the purchase of the land by the Crown, and also as to the inadequacy of the purchase-money paid by the Crown for the land in 1889. Chief Judge Jones, acting under section 6 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, held an inquiry in 1930 regarding this petition, but no report or recommendation seems ever to have been made after such inquiry.

4. In 1934 another petition was presented to Parliament by members of the Ngati Whakaue Tribe praying—

(a) An inquiry into the whole circumstances surrounding the purchase by the Government of the lands in the Township of Rotorua known as the Pukeroa-Oruawhata Block.

(b) That the purchase by the Crown of the said block be declared null and void and, subject to such exceptions as may be deemed necessary, and subject to such charges as are right just and reasonable, the land be revested in the rightful owners.

(c) That the purchase of the said lands and the trust created be dealt with on inquiry in the same manner as such a purchase and such a trust would be treated if it had existed between beneficiaries and a private trustee, all consideration of lapse of time to the contrary notwithstanding.

(d) In the alternative, that such sum or sums shall be paid to the Native owners in respect of all lands purchased by the Government, or granted to the Crown by the Natives as in the circumstances is just and reasonable.

(e) That the Native owners have such other relief as your Honourable House shall deem fit.

The petitioners again alleged, *inter alia*, that the Government had not accounted for the income received, and also alleged breaches of trust on the part of the Crown in that “the Government, whilst acting as trustee for the Native owners, purchased the trust property.”

5. The last mentioned petition and also the previous petition of 1928 were, by section 9 of the Native Purposes Act, 1934, referred to the Native Land Court for inquiry. An inquiry was accordingly held by Chief Judge Jones in August, 1935, and for all practical purposes may be regarded as a continuation of the inquiry held in 1930. The Chief Judge made his report on the 21st May, 1936, to the Right Honourable the Native Minister and the report was duly presented to Parliament in pursuance of section 9 of the Native Purposes Act, 1934. We shall, of course, comment and deal with