

1911.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1910

(REPORT AND RECOMMENDATION UNDER SECTION 28 OF THE), ON PETITION No. 133/1910,
RELATIVE TO MANAWATU-KUKUTAUAKI 4B No. 2.

Laid before Parliament in compliance with Subsection (4) of Section 28 of the Native Land Claims Adjustment Act, 1910.

In the matter of a block of land called Manawatu-Kukutauaki 4B No. 2; and in the matter of a petition by Arthur Drake, No. 133, of 1910, praying for valuation of a transfer of part of the said block (undated).

REPORT OF THE IKAROA DISTRICT MAORI LAND BOARD.

In pursuance of your reference to the Board dated the 23rd May, the Board has made inquiry into the claims and allegations made by the petitioner, Arthur Drake, and submits the following report:—

1. The Board held a special sitting at Wellington on the 29th June, 1911, to hear evidence for and against the petition. At the hearing Mr. Drake was represented by his solicitor. None of the Native owners were present or represented, although they had been advised of the inquiry being made by the Board.

2. The title to their interests in the land in question is such that a short epitome of it is requisite for a proper understanding of the allegations in the petition.

3. The summarized history of the title is as follows:—

- (a.) On the 17th August, 1882, a Crown grant under the Land Transfer Act was issued to Rawiri te Rangitekehua and nine others for Manawatu-Kukutauaki 4B, containing 1,403 acres, antevesting to the 12th May, 1873. This grant was subject to the restrictions—"Inalienable by sale or lease for a longer period than twenty-one years, or by mortgage, except with the consent of the Governor being previously obtained to every such sale, lease, or mortgage."
- (b.) The only interest in question in the present inquiry is that of Rawiri te Rangitekehua. On the 18th December, 1878, he conveyed by deed of gift all his interest in this land to his daughter, Te Arai te Punga, and Hana Pewene. The latter's interest under this deed of gift was subsequently partitioned off, and is not now in question. The area of the interest from Rawiri now in question is 42 acres 1 rood 32 perches.
- (c.) By partition order dated the 18th July, 1889, the land was subdivided, and Manawatu-Kukutauaki 4B 2 was awarded to Te Arai te Punga (42 acres 1 rood 32 perches), and the Toka family (84 acres 3 roods 8 perches). It is the first-named interest that is now in question.
- (d.) The donee under the deed of gift, Arai te Punga, died on the 15th January, 1895, and Hingaia Raika Kereaina, an infant, was appointed to succeed her on the 30th January, 1896.
- (e.) Hingaia died on the 28th February, 1900, leaving no issue.
- (f.) Rawiri te Rangitekehua, the donor of the deed of gift, died on the 18th October, 1896, leaving a will by which he left his interest in the land in question to Mi Otonore, a stranger in blood, or distant relation. At the time of his death, however, he had no interest in the land, as he had conveyed it away under the deed of gift.
- (g.) On the 11th January, 1901, Judge Mackay ordered that letters of administration of the will of Rawiri te Rangitekehua be granted to Mi Otonore, subject to the following conditions—viz., "that so far as the deceased died possessed of an interest in the parcel of land known as Manawatu-Kukutauaki 4B Section 2, the letters of administration hereby granted shall be limited in their operation to one-half of the deceased's interest in the aforesaid land." Hakaraia te Whena was appointed successor in respect of the other half-interest in Manawatu-Kukutauaki 4B Section 2. When Judge Mackay made these orders he either was not aware that at that time Rawiri te Rangitekehua had no interest in the land, or he was under the belief that the deed of gift was not valid, and that the partition order and succession order mentioned in (c) and (d) above were, as a consequence, of no effect.