

1911.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1910

(REPORT AND RECOMMENDATION UNDER SECTION 28 OF THE), ON PETITION No. 732/1910,
RELATIVE TO WAIMARINO NATIVE RESERVES C AND D.

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

Native Land Court (Chief Judge's Office), Wellington, 15th July, 1911.

Re Waimarino C and D Blocks (Petition 732/1910).

PURSUANT to section 28 of the Native Land Claims Adjustment Act, 1910, the Chief Judge has referred this matter for inquiry and report. The report has been made, and is now forwarded for your perusal and to be dealt with under subsection (4).

I have the honour to recommend that, as apparently no titles have been issued for any of these so-called reserves, the Native Land Court be empowered to issue orders vesting the lands in the persons entitled thereto, as set out in the *Kahiti o Niu Tireni* of the 15th May, 1895, substituting, where necessary or advisable, the representatives of such as may be dead; with power to the Court to combine in one order the portions now known as C and D as if no boundary-line between them existed; such orders to be dealt with in the same respect as a freehold under sections 95 and 96 of the Native Land Act, 1909; such jurisdiction to be exercised without prejudice to any existing valid contract of alienation of the land, and to be antevested if necessary to such date as the Court appoints, to protect partition and other orders.

R. N. JONES,

Deputy Chief Judge.

The Hon. the Native Minister, Wellington.

SIR,—

The Native Land Court, Wanganui, 28th June, 1911.

Re Reserves C and D, Waimarino.

Pursuant to notice published under your hand in *New Zealand Gazette* No. 30, and *Kahiti* of the 13th April last, I have the honour to report that at Taumarunui, on the 6th instant and following day, I held an inquiry in open Court into the allegations contained in the petition to Parliament of Kahu Karewao and others—that the kaingas, or some of them, of the Ngatihinewai and Ngatiwhata Hapus in the Waimarino Block were unintentionally and in error located in Reserve D, awarded to the Ngatitukaiaora Hapu, instead of in Reserve C, awarded to the said Ngatihinewai and Ngatiwhata Hapus.

The petitioners (Ngatihinewai and Ngatiwhata Hapus) were represented by Mr. Thorp, Native Agent, of Taumarunui. The Ngatitukaiaora Hapu was not represented, and Mr. P. Sheridan, late Government Native Land Purchase Officer, watched the proceedings on behalf of the Crown.

The Court adjourned from 11 a.m. to 7.30 p.m. on the following day to give Ngatitukaiaora a further opportunity of being represented. On the Court resuming at 7.30 p.m. the Ngatitukaiaora were still unrepresented, and so remained until the close of the inquiry.

During the adjournment on the 7th I proceeded with Mr. Stevenson, Government Surveyor, Mr. Hawthorn, of the Lands Department, Mr. Sheridan, and Mr. Thorp to the ground in question, and inspected the alterations of the boundaries suggested on behalf of Ngatihinewai and Ngatiwhata.

At the hearing Mr. Thorp produced evidence, which was not contradicted before me, that one of the former kaingas of the people he represented, called Te Maire, was included in Reserve D.

Mr. Sheridan produced the deed of sale to the Crown of the Waimarino Block, and a report by the late Judge Butler, dated the 8th July, 1887 (N.L.P. 87/234), as to these reserves, which Mr. Sheridan alleged was never called in question during that Judge's lifetime, nor for some years afterwards. This report sets out that the reserves were laid off in accordance with the provision in the deed. This provision, Mr. Sheridan pointed out, was drawn up by himself, and the first batch of signatures to the deed were attested by himself. This provision runs as follows: "Provided always that in consideration of the conveyance heretofore made Her said Majesty shall take good and effectual grants of such parcels of the said land not exceeding in the aggregate fifty thousand (50,000) acres in such localities and to such of the said vendors as may be agreed upon by Her said Majesty and a representative chief of each hapu."