

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."

Mr. Sheridan to some considerable extent satisfied the Court that it would have been a moral impossibility to return to each hapu all, or indeed any, of its kaingas—(1) because reserves were only provided for Natives who sold the whole of their individual interests in the land to the Crown, and were paid in full, no deduction being made from the purchase-money on account of such reserves : (2) because there was a large number of owners who did not join the sale, for whom eight separate blocks, which included a number of the kaingas of the hapus to which these non-sellers belonged, were cut out by the Court on the definition of the interests acquired by the Crown, and which kaingas consequently could not be included in the vendors' reserves. Thus it became necessary under these circumstances to give the kaingas in certain reserves to others than the former owners in some instances.

Reserve C contains 3,130 acres, and was set apart for sixty-five original owners.

Reserve D contains 1,410 acres, and was awarded to twenty-three original owners. No grants have yet been issued to these owners.

The Ngatitukaiaora reside at Otaki and other places distant from Taumarunui, and, as they attended a former inquiry into this matter before Judge Holland at the latter place, at considerable expense and inconvenience, only to find that the Court could not proceed for want of jurisdiction, no very great importance should be attached to their failure to appear. Probably want of funds had something to do with their absence on the present occasion, though Mr. Thorp urged that their non-appearance was due to indifference as to whether effect was given to the request of his clients or not.

On inspection of the locality alleged to have been the kainga Te Maire, there did not appear any evidence of recent occupation beyond a small hut in a poor state of repair and empty, although traces of remote occupation, cultivation, and clearing were apparent.

To exclude Te Maire from Reserve D, as requested by Mr. Thorp, would, in Mr. Stevenson's opinion, take nearly all the flat land, probably one-third of the whole reserve, from Ngatitukaiaora, a course which I hesitate to suggest without a great deal more information as to the capabilities of the land which would be given in exchange.

Mr. Thorp asked for 550 acres of D to be transferred to C, the portion to be taken being described as follows : From the river a strip 40 chains wide adjoining the eastern boundary of D, to run back a sufficient distance to give the required area. This was to be compensated for, an equal area being taken from C along the eastern boundary thereof.

In my opinion this would not be a fair exchange. The area taken from D would be far too large, and would include the best of the land. As both Reserves C and D are in my opinion too large to be beneficially occupied or dealt with by the Native owners, I am inclined to concur in the suggestion made by Mr. Sheridan (and subsequently acquiesced in by Mr. Thorp) that the two reserves should be thrown into one title, and remitted to the Native Land Court for partition on the basis of the relative interests set out in *Kahiti* No. 20, of the 15th May, 1895, cited in the notice under your hand above referred to, a copy of which is attached hereto.

Appended are also copies of the evidence taken before Judge Holland and before me, and plan of the reserves W.D. 1371.

In any case legislation will be necessary if any alteration is decided upon.

I have &c.,

The Chief Judge, Native Land Court, Wellington.

W. E. RAWSON,
Judge, Native Land Court.

Approximate Cost of Paper.—Preparation, not given ; printing (1,400 copies), £1 10s.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1911.

Price 3d.]