

1914.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1913:

REPORT AND RECOMMENDATION ON PETITION No. 38/1913, RELATIVE TO WHITIANGA 2B2 BLOCK.

Laid on the Table of the House of Representatives by Leave.

Office of the Chief Judge, Native Land Court, Wellington, 7th September, 1914.

SIR,—

In the matter of section 2 of the Native Land Claims Adjustment Act, 1913, and of the report of Judge Jack upon petition No. 38/1913, by Te Manawanui Waiata, for adjustment of the partition of the Whitianga 2B2 Block, I have the honour to enclose the Judge's report.

I have the honour to advise the Minister—

- (1.) That the law provided a remedy for the petitioner's grievance in this case—namely, section 121 of the Native Land Act, 1909.
- (2.) That the inquiry by the Court showed that the petitioner had a grievance that should have been remedied if she had applied under section 121 of the last said Act.
- (3.) That all parties concerned agreed to such grievance being rectified by the Court under the said section, which has been done.
- (4.) That under these circumstances no further action is necessary to be taken by Parliament, as the relief has been granted by the Court.

I have &c.,

JACKSON PALMER,
Chief Judge.

The Hon. W. H. Herries, Minister of Native Affairs.

The Native Land Court of New Zealand, Aotea District. — In the matter of section 2 (1) and (2) of the Native Land Claims Adjustment Act, 1913; and in the matter of a petition, No. 38 of 1913, by Te Manawanui Waiata, praying for an adjustment of the partition of Whitianga 2B2 Block.

Report of the Native Land Court.

PURSUANT to the reference herein by the Chief Judge, dated 23rd March, 1914, this Court doth report as follows:—

1. The subject-matter of this petition was notified for hearing at Wanganui on the 7th May, 1914, and from there adjourned for the sitting at Taumarunui on the 28th May, 1914.

2. The inquiry was held at Taumarunui on the 29th May, 1914, at which Mr. H. W. Uru appeared for the petitioner, and Kii Hoani represented the Natives to whom Section 2 had been allotted by partition of the 25th March, 1909.

3. The evidence for the petitioner was to the effect—

- (a.) That prior to the partition in 1909 she had the consent of Waata Wiremu Hipango and other owners in the block to establish her home in the locality now called Section 2.
- (b.) That she and her husband established themselves there about 1907, and felled an area of about 55 acres of bush, and fenced the clearing.
- (c.) That she was unaware that the partition was being effected in March, 1909, and was not represented thereat.
- (d.) That her agent, John Adams, did not notify her that a deposit from her was required as security for her appeal, hence her neglect in not making the required deposit.
- (e.) That at the time of the hearing of the application under section 50 of the Native Land Act, 1909, for leave to appeal, she was confined in childbirth, and was therefore unable to attend to her business.

4. Kii Hoani, in response to her statements, denied that she had established her kainga on the land at the time of partition in 1909, and stated that if she had had her kainga there, then that area would have been allotted to her on partition. Kii Hoani admitted having never been on the land himself.

5. The only point in issue therefore was, what date did petitioner take possession of and reside on that area? On this point the Court ascertained from independent evidence—

(a.) That petitioner left her former home at Pihama, Taranaki, to take up her residence on this land about the beginning of 1908.

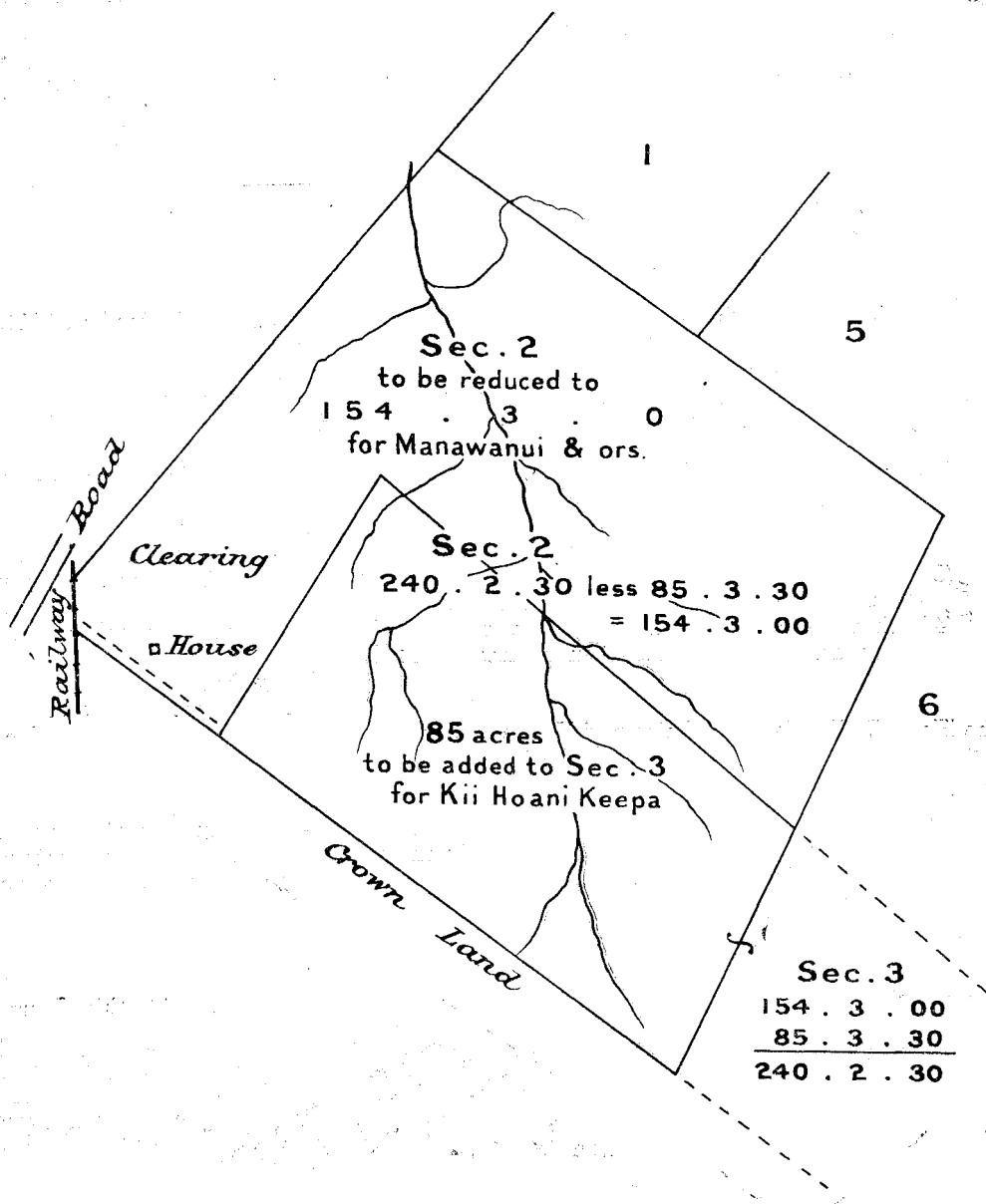
(b.) On communicating with Manawanui's European neighbours as to the date when she took possession, a reply as follows was received: "Tahora, 29th May, 1914.—Manawanui and husband took possession 8th April, 1908.—McCUTCHAN."

6. The Court therefore recommends that the partition of the 25th March, 1909, be varied by amending the boundary between Section 2 and Section 3 so as to make the area of Section 2 154 acres 3 roods, and Section 3 240 acres 2 roods 30 perches, by including the names at present in Section 2 as the owners of Section 3, reserving a right-of-way along the south-western boundary of Section 2 from the railway-line to Section 3 for the owners of Section 3.

7. Kii Hoani has agreed to this modification of the petition, as is evidenced by a memorandum from him attached hereto.

Given under the seal of the Court, this 2nd day of June, 1914.

J. B. JACK, Judge.



The Judge, Native Land Court, Aotea District.

Taumarunui, 1st June, 1914.

Re Whitianga 2B.

I now agree that the owners at present included in Section 3 should have their area located where Manawanui has effected improvements on Section 2 and thereabout, and that I and my people take our interest in Section 3, with an addition of area from Section 2 to make up the 240 acres to which we are entitled. We desire a right-of-way reserved along the south-western boundary of Section 2 as access to the top end of Section 3.

KII H. KEEPA.

On behalf of Manawanui I agree to this settlement.

POTANGO WAIATA.

Interpreted and witnessed by T. Hiroti, Licensed Interpreter, First Grade.

Approximate Cost of Paper.—Preparation, not given; printing (650 copies, including plan), £1 19s.