

1915.
NEW ZEALAND

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1913:

REPORT AND RECOMMENDATION ON PETITIONS Nos. 75, 317, AND 318 OF 1912 (SESSION II), OF HARE MARUATA AND NINETEEN OTHERS, PEKAMU PAHURU AND SIXTEEN OTHERS, AND OF REUPENA RONGO AND NINETEEN OTHERS, RELATIVE TO PUHUNGA BLOCK.

Laid on the Table of the House of Representatives pursuant to Act.

Native Land Court (Chief Judge's Office), 18th February, 1915.

Memorandum for the Hon. the Native Minister, Wellington.

PURSUANT to the provisions of section 2 of the Native Land Claims Adjustment Act, 1913, the report of Robert Noble Jones, Esquire, a Judge of the Native Land Court, on the petitions of Hare Maruata and nineteen others, Pekamu Pahuru and sixteen others, and Reupena Rongo and nineteen others, praying for a reinvestigation *re* Puhunga Block, is respectfully submitted for your information.

In terms of the said report I beg to recommend that the title to the Puhunga Block be reopened, so as to give all persons claiming to have been wrongfully omitted therefrom an opportunity of proving their rights, subject, however, to the protection of all valid alienations of the land or any portion or portions thereof which may have heretofore been effected.

JACKSON PALMER,
Chief Judge.

In the Native Land Court of New Zealand, Tairāwhiti District.—In the matter of section 2 of the Native Land Claims Adjustment Act, 1913, and of the Puhunga Block. This matter came on for hearing at the Native Land Court sitting at Tuparoa on the 28th day of October, 1914, before Robert Noble Jones, Judge, who submits the following report:—

1. The title to this block was investigated before the Court in the year 1884, when considerable evidence was taken.

2. Judgment as noted in the minute-book was given as follows on the 22nd February, 1884:—

“Judgment in favour of Erueti Rena and those he represents; judgment in favour of Te Raana Pakau and those he represents; judgment in favour of Tuta Nihonihi and those he represents; judgment in favour of Pekamu Pahuru and those he represents; judgment in favour of Nepia and those he represents; judgment in favour of Hone Hehe and those he represents. Names to be furnished as soon as possible. No certificate to issue until a proper survey has been made and plans deposited in the Native Land Court Office at Gisborne.”

3. On the 1st April, 1884, the lists were handed in by six conductors mentioned, and after a contest some names were struck off the lists.

4. It is obvious that before this latter date the names of those entitled were not available for entry upon the register or inclusion in the certificate of title.

5. It appears that on the 23rd May, 1884, Riria Wi Takahirangi lodged an application for rehearing, in which she remarks that she had already applied to the Court for a rehearing, but no trace of such an application can be found. It is probable she intimated verbally that she intended applying.

6. The application of the 23rd May, 1884, was referred to the presiding Judge, who reported that the application was “too late.” The decision was given on the 23rd February. The application is dated the 23rd May, one day after the expiring of the three months allowed by law. The Chief Judge accordingly noted the papers, “It is clear this application is too late, and I have no power to deal with it. Please so inform writer.”

7. It is by no means certain that the proceedings of the 22nd February, 1884, amounted to anything more than the expression of the judicial opinion as to which of the parties before the Court were entitled. If the real definite ascertainment of title was on the 1st April, 1884, when the list of names was fully settled, then the application for rehearing would be well within the time allowed by law.

8. This Court, however, assumes that as an order has been drawn up, sealed, and dated the 22nd February, 1884, and is upon the file, it must accept that as recording the judgment of the Court, notwithstanding its apparent conflict with the minutes; but it does appear as if the applicants for rehearing have been deprived of their right by a technicality.

9. To continue the history of the block: The Crown purchased $4\frac{3}{8}$ interest out of the eighty-five owners. On a basis of equal shares, which was agreed to for the purposes of that partition, but which was expressly dissented from as regards the rest of the block, a portion called Puhunga No. 1, containing 108 acres 3 roods, was cut off for the Crown. The Natives claim this portion has been returned to them. It is possible there is some record in Wellington if this has been done.

10. The remaining portion, called Puhunga No. 2, containing 2,023 acres 3 roods, was vested in the remaining owners, the shares being left undefined, and these owners were, by order dated the 9th August, 1911, incorporated for the purpose of farming the land.

11. When the inquiry was held before this present Court there seemed to be considerable dissatisfaction on account of people who ought to have been admitted being left out, and there was a general consensus of opinion that the matter should be reopened, so as to allow the admission of those so left out. Others desire it to go right back to the papatupu stage, and have the whole case reinvestigated, but this hardly seems desirable.

12. Seeing that there is this general consensus of opinion, and that at least one section has been deprived by a technicality of its legitimate right to have a rehearing, the Court is of opinion that an opportunity should be given to enable those omitted from the title to be included upon proving their right to be so included. This would apparently cover the case of those who sought a rehearing. If, however, it is decided to grant a rehearing, care will need to be taken to protect, if necessary, the subsequent dealings with the land.

The Chief Judge, Native Land Court, Wellington.

For the Court

R. N. JONES, Judge.

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