

1917.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1910.

REPORT AND RECOMMENDATION ON PETITION No. 170 OF 1905, RELATIVE TO OKAHUATIU No. 1A BLOCK.

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

The Hon. Native Minister, Wellington.

Native Land Court (Chief Judge's Office), Wellington, 31st May, 1917.

IN pursuance of the provisions of section 28 of the Native Land Claims Adjustment Act, 1910, I have the honour to submit for your information the report of Robert Noble Jones, Esq., a Judge of the Native Land Court, on the petition (No. 170 of 1905) of H. te Kani Pere and others, alleging that they have been wrongfully deprived of their land, Okahuatui No. 1A Block, and praying for inquiry and restitution. Having perused the report, I am of opinion that, as stated in paragraph 11 thereof, the petitioners, as far as they can now be identified as belonging to the claimants' party, have no equitable grievance; and as, in any case, they slept on any rights they may have had for at least thirty years (1875 to 1905), I am of opinion that, for the reasons set out in the preamble to the Land Titles Protection Act, 1902, no further action should be taken in the matter.

JACKSON PALMER,
Chief Judge.

In the Native Land Court of New Zealand, Tairāwhiti District.—In the matter of the Okahuatui 1A Block, and of a reference under section 28 of the Native Land Claims Adjustment Act, 1910, for inquiry and report regarding a petition by Te Kani Pere and others (No. 170 of 1905).

THIS matter came on for hearing before Robert Noble Jones, Judge, at Gisborne on the 12th day of January, 1917, and the Court makes the following report:—

1. The Okahuatui Block, then said to contain 31,550 acres, as shown on Plan 13, came before the Court for investigation in 1875, Pimia Aata claiming the land for herself and ninety-eight others, members of the Whanau-a-Kai.

2. There were several counter-claimants, but this Court need only concern itself with those who were successful.

3. The Court, after hearing the parties, gave judgment on the 1st day of April, 1875, admitting as well as the claimants the counterclaim of Panapa Waihopi and party for an overlap estimated at about 536 acres. It likewise cut off 50 acres (1B) for Herewini Tamaihouia and party, and directed another portion not exceeding 400 acres (1A) to be cut off in a certain position. The persons admitted into this were Keita Waere (personally, for reasons given by the Court); Wi Mahuika and party (fourteen in all); Panapa Waihopi and party (twenty-two in all); and the claimant and party (ninety-nine in all), less Wi Mahuika's name, which was deleted. This made a total of 135 names in all.

4. There can be no doubt it was intended by the Court, when it gave its judgment, that the 1A block should contain 400 acres. This is borne out by the order of the Court dated the 21st day of May, 1875, as well as by a memo. endorsed on the plan, not signed, but no doubt put there by the Judge's direction: "Referred to Deputy Inspector of Surveys to show portions excluded and to be coloured yellow—viz., Okahuatui 1A, four hundred (400) acres, near the Waikakariki Stream; Okahuatui 1B, at Kowhai (50 acres); also that portion indicated on map, estimated at 536 acres, at Te Rere-o-Parai, area to be computed"—and these portions have been indicated on the plan by a yellow edging.