

some three years ago, and he, after being informed that I was purchasing Pokuru No. 3, asked me to endeavour to get the graveyard included in the portion for the Crown when I cut the Crown's interest out of the block, which I have done. The writer's statement that I told her that the Court had awarded the land to her is not true.

"16th May, 1902.

"GEO. T. WILKINSON."

Notwithstanding the reservation, which is doubtless all that the late Mr. Seddon ever intended, the fee of the land remains vested in the Crown, and I think that it would be unwise to take any steps which would place the title in any other position, except perhaps to place the cemetery under the care and control of the local Maori Land Board.

I am adverse to the idea of appointing Native trustees, in consequence of the difficulties which arise from time to time as deaths occur amongst them, as in many cases their lawful successors are neither reliable or competent.

As a matter of form I recommend that no action be taken, as the suggestion I have made above can, if approved, be carried out by the Lands Department, to which this matter pertains.

JACKSON PALMER,
Chief Judge.

Native Land Court, Auckland, 17th August, 1917.

Part Pokuru 3a (1 acre).—Petition No. 393 of 1912, by Rihi Huanga.

At last Te Kuiti sitting I found on *panui* reference by you dated 23rd March, 1914, in terms of section 2 of the Native Land Claims Adjustment Act, 1913, to Native Land Court for inquiry and report on above petition. Petitioner says she has appeared several times before the Native Land Court. Matter has been gazetted ten times, but apparently never reported on.

It is not of much importance. This area of 1 acre was acquired by the Crown at same time as the main area of 250 acres of Pokuru 3A. Both areas are in one order but do not adjoin. According to petitioner this acre was an old *urupa*, and was acquired as part of Crown purchase under instructions from Mr. Seddon, who promised to return the *urupa* to petitioner, whose dead are buried there. (*Vide* the petition—copy on file.) The Survey Department have inspected and reported that a number of dead are buried in this area, but not recently.

The burial reserve was proclaimed and permanently reserved for a public cemetery (*Gazette* of 21st May, 1903). No trustees appear to have been appointed. The area was given in the Proclamation as 3 roods 6 perches, but the plan shows 1 acre (see note). Subsequently a road was taken through this cemetery, and has been formed and metalled at considerable expense. The Survey Department report that deviation is impracticable. The petitioner now does not ask for this, but is willing that the whole area of the *urupa* should be placed west of road. The only difficulty about this would be the fact of the proclamation as a cemetery, which defines the area. The land on both sides of the road and *urupa* is owned by the same person. What he loses on one side he gains on the other.

Legislation would be necessary. A clause might be drawn annulling the existing Proclamation and declaring the new area to be a cemetery, and appointing Rihi Huanga (*f.*) and Henare Tikitini (*m.*), both of Kihikihi, trustees thereof. These are the persons suggested by petitioner. Of course, what *she* wants is to have the *urupa* vested in these two persons as owners. Either course would suffice, in my opinion.

NOTE.—I find that difference in area is caused by the road, which absorbed 34 perches, leaving net area as 3 roods 6 perches.

CHARLES E. MACCORMICK, Judge.

The Chief Judge, Native Land Court, Wellington.

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