

On the 20th May, 1881, a declaration of trust was executed to the effect that the twelve named in the title held the land as trustees for the 179 persons referred to above.

The refusal of the Native Land Court to recognize as owners any but the twelve named in the title, and other matters set out in the preamble of the Mangatu No. 1 Empowering Act, 1893 (private Act), led to the passing of that Act.

That Act declared the 179 persons and the successors of those who had died to be the owners of the block, incorporated them under the name of "Mangatu No. 1," with a Committee of Management of seven owners, and gave the committee power to manage the said land, make leases of the same or any part thereof for a term not exceeding thirty years, and to make by-laws and regulations which were only to operate after the assent of the Governor in Council had been obtained. The Public Trustee was to receive rents, distribute the same, and have his accounts audited by the Audit Office annually.

By-laws and regulations under this Act were duly made and assented to by the Governor in Council on the 11th June, 1895 (see *New Zealand Gazette*, 1895, pages 936, 937, 938). Regulations 44 to 50 provide that the committee and Public Trustee shall cause true accounts to be kept, a balance-sheet to be made out every year, and the accounts to be audited by the Auditor-General once in every year and to be reported to Parliament. Other regulations provide as to the election of the committee, the retirement of the members of the committee, and other matters.

The committee is in existence, but whether appointed in accordance with the regulations we do not know. It is, however, clear from the evidence before us that persons replacing deceased and retiring members have not been elected in a proper manner, and that some of the original members have never retired or been re-elected. Till towards the end of 1917 this committee purported to exercise functions under the Act and regulations.

The Native Land Laws Amendment Act, 1897, section 3, gave Natives power to convey land by way of trust to the Surveyor-General or the Commissioner of Crown Lands for the district, and section 4 sets out the powers of such a trustee. Section 2 of the amending Act of 1898 explains that section 3 of the 1897 Act covers lands owned by or vested in any corporate body of Natives incorporated by any private, general, or special Act whatsoever.

Up to 1898 no transaction of any consequence seems to have taken place, but on the 7th November, 1898, a deed of trust between Wi Pere and others and Mangatu No. 1 corporate body was executed whereby 20,000 acres of Mangatu No. 1 was given to the Wi Pere family to mortgage for the purpose of raising money to pay their debts, such area to revert so soon as the mortgage had been repaid (see Exhibit G).

This 20,000 acres is therefore now part of the Wi Pere family estate (but subject to the deed of trust), and the title is in the names of Henry Cheetham Jackson and Hetekia te Kani Pere. It is, with other lands of the Wi Pere family estate, subject to a mortgage for £61,500 advanced by the Public Trustee on the 29th March, 1917. Full particulars of this mortgage are given on page 12 of Exhibit F).

Before leaving this matter to deal with the balance of Mangatu No. 1 it would seem advisable that (1) either the Wi Pere Trust should have this land returned to the Mangatu No. 1 Estate clear of mortgage, or (2) that on definition of relative interests and partition of Mangatu No. 1 Block by the Native Land Court the Wi Pere family's share should be located in this 20,000 acres, and the balance (if any) returned to the other owners of the block released from mortgage. Also a caveat should be lodged to protect the interests of Mangatu No. 1 corporate body.

The 20,000 acres are all leased to Europeans at an annual rental of £695. Particulars of these leases are given on pages 96 to 103 of Exhibit F.

As to the balance of Mangatu No. 1, 80,226 acres: A full search-note of the titles and a copy of deed of trust are contained in Exhibit F. It is shown that