

1920.

NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1919.

REPORT AND RECOMMENDATION ON PETITION No. 331/1915, RELATIVE TO COMPENSATION FOR
LOSS OF IMPROVEMENTS IN PUKEPOTO No. 8, TAKEN WHEN INTERESTS PURCHASED BY
THE CROWN WERE CUT OUT.

*Presented to both Houses of the General Assembly in pursuance of Section 34 of the Native Land
Amendment and Native Land Claims Adjustment Act, 1919.*

Office of the Chief Judge, Native Land Court, Auckland, 7th August, 1920.

Re Pukepoto Block: Section 34, Native Land Amendment and Native Land Claims Adjustment Act, 1919.

PURSUANT to the above-mentioned section, I forward herewith the report of the Native Land Court upon Petition No. 331 of 1915.

In view of the report that the land is Crown land, I have to recommend that no further legislation is necessary until some more tangible claim of right to it is set up.

At the same time I have made personal inquiries into the matter so far as the records go, and I cannot help feeling that if the land is Crown land the Natives, by an unfortunate series of mistakes, have been led to believe that they had a title to the land.

The Kaiawe Block was originally sold to the Crown on the 7th September, 1859. Assuming that the plan on the deed agrees with the boundaries stated in the text, that sale undoubtedly covered the portion in dispute. However, in a plan subdividing this block, prepared in 1862, a portion of about 120 acres west of a road then laid down was apparently not taken into consideration, and was left without any section number, while that to the east of such road was sectionized. No reason is now available for this 120 acres being excluded, but in course of time the Natives are found occupying and building upon it. Later, when the title to Pukepoto, the adjoining block to Kaiawe, was investigated a sketch-map including the 120 acres as part of Pukepoto was prepared, and in asserting their claims to Pukepoto the Natives partly relied upon and gave evidence of their occupation of the part now in dispute.

It is claimed that the investigating tribunal was misled by an unauthorized sketch; and this may be so, but this does not explain why, when an authoritative sketch was required for appellate proceedings, one that similarly included the portion in dispute was prepared in the Survey Office, approved by the Chief Surveyor, and forwarded by the Surveyor-General as a sketch sufficient for the purpose of investigation of title.

In addition to this, after the appeals were settled, a proper survey of Pukepoto 8 was made, which included portion of the land in dispute, and this was on the 17th February, 1908 (Plan 7438), approved by the Chief Surveyor. I have little doubt, too, that the original diagram on the Native Land Court title for Pukepoto 8 was taken from Plan 7438, and probably included the portion of the disputed land which fell within that block. It is quite evident that the diagram on the order has been altered in some way, but how or under what circumstances I have not been able to ascertain.

So, too, Plan 7438 seems to have been, subsequently to its approval on the 17th February, 1908, altered so as to exclude the portion in dispute, although apparently the original approval still stands upon it. I have not been able to ascertain when the rectification took place, but it is pretty safe to assume it was at least four years after 1908. At any rate, in a county map published in 1912 some of the land is shown as part of Pukepoto 8 Block, and in 1914 the Native Land