

1884, G.—4,
p. 12.

Assuming, therefore, the survey of Patutahi—including Kaimoe and Tapa-tohotoho, at 50,746, and Muhunga, 5,415 (according to Clarke's Commission)—as being correct, the Government got 56,161 acres instead of 30,000, or a surplusage of 26,161 acres. Out of this the Government has returned to the Natives 4,214 acres of Arai-Matawai, 91 acres of Muhunga, and 500 acres of Patutahi (under Clarke's Commission); and have paid compensation to Pimia Aata for 1,019 acres of the Rakaukaka Block, included in Kaimoe: making in all 5,824 acres. Deducting this from the 26,161 acres leaves a balance of 20,337 acres which the Natives, according to our view, have been deprived of without their consent. We have adopted the acreages as they appear on the records, but actual surveys may slightly increase or decrease the areas.

It should be noted that the excess is not of the good flat land. That was specially set apart for reservation for the Crown, and clearly intended to be given up by the Natives. Any surplus area must have been in the hillier and less valuable land at the back (south and west) of Patutahi and Te Arai Blocks. That land has all been dealt with by the Government in years gone by.

Dated this 5th day of November, 1920.

R. N. JONES,	} Commissioners.
JOHN STRAUCHON,	
JOHN ORSMBY,	

To His Excellency the Governor-General of New Zealand.

REPORT No. 5.

WAIPIPI, SECTIONS 323–331.

THE petitioners in this case claim that the sections referred to were set aside for them, and in corroboration they point to the fact that they had been in possession of them for a great length of time, and until very recently. They claim that they were entitled to the land by ancestry.

It seems to us that as they professed to be loyal Natives, and the whole of the surrounding lands were sold or ceded to the Government between the years 1864 and 1867 (with the exception of certain reserves), the only way they can claim title is either that the land now claimed formed part of one of the reserves, or that it was given to them as compensation for some of their land that was absorbed under the general confiscation of the district.

We have not been able to identify this land with any of the reserves named in the deed, nor can we, from the records placed at our disposal, find any record of its ever having been awarded to these particular Natives.

That the land was intended to be set aside for Native purposes we are quite certain, for on the 24th September, 1875, Mr. Marshall, the then Native officer in the Waikato, reported that this land had been surveyed for certain named ex-rebels, whose names appeared on the plan of the land but have since been erased therefrom. Later these Natives asked for an exchange, alleging that the land at Waipipi was wanting in wood. They asked for some of the Hauhau idle lands. The exchange was recommended, and eventually certain other sections—270, 272 to 279—were reserved for these Natives. The petitioners contend that they were then living at this place when the other Natives declined to take up their abode there.

It does appear that those represented by the petitioners have been allowed for a great many years to occupy the land in question, and that it has always been looked upon as a reserve for Native occupation. It may be that these Natives have some rights which the records do not show.

We therefore recommend that legislation be passed authorizing the Native Land Court to inquire whether the descendants of Hori Tauroa or Erueti Ponui are entitled in equity to any portion of the land, and, if so, how much; and, so far as they are not entitled, and there is any balance to allot, to apportion it,

Gazette, 1879,
p. 1488.