In the Native Land Court of New Zealand, Waiariki District.—In the matter of the land known as Te Puna, Lot 154; and in the matter of section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920 (Petition No. 202 of 1917).

Report of Native Land Court pursuant to the above-mentioned Section.

To the Chief Judge, Native Land Court, Wellington.

As directed by your reference dated 9th November, 1920, the Court duly held an inquiry at Tauranga in March last, and I desire to report as follows:—

Judge Wilson's report of the 22nd August, 1917, can be adopted as a correct statement of the facts in this matter, and in reference thereto I wish to make the following comments and additions:—

1. It was subsequent to the finding of the Native Appellate Court in December, 1910, and in order to give effect to a petition to Parliament, that the Crown bought 263 acres 1 rood 24 perches in Te Puna, Lot 154—the total area of which was 293 acres—on partition called Lot 154D.

2. As to Judge Wilson's remarks on paragraph 7 of the petition, Potaua Maihi is the same as Potaua Tangitu. He is the leading petitioner. It is to be noted that he and his children received their proper shares in the land purchased by the Crown, but his complaint is that the Crown should either have bought and distributed the whole of Te Puna, Lot 154—viz., 293 acres—or else that the vendors to the Crown should have been excluded from the 263 acres 1 rood 24 perches.

3. As the land was purchased by the Crown to give redress to the Pirirakau Tribe, the question arises as to whether the Crown intended it for all the Pirirakau or only a section of them—viz., the rebel Pirirakau.

At the hearing before Judge Browne (see Tauranga Minute-book, No. 9, pages 66 *et seq.*—copy attached to Judge Wilson's report), Mr. Sharp, who acted as solicitor for the Crown on the purchase, handed the Court a letter from the Native Minister showing that it was intended that the vendors should share with the other Pirirakau. Mr. Sharp's sworn evidence bears this out, and I consider that the greatest weight should be given to his statements.

4. After Judge Browne had decided the basis upon which the Court would award the land, Potaua Maihi (or Tangitu) made up and handed in his list of names, and apparently raised no further objection. He did not appeal from Judge Browne's order (dated 17th April, 1916), nor did he appeal from the subsequent partition of the land made on the 3rd August following. The reason he gave to me was that he did not understand the procedure with regard to appeals. That statement is quite untrue. He is a man who has been mixed up in many land cases, and I regret to state that he gave me the impression of being somewhat of an agitator.

5. Judge Browne proceeded to ascertain the names of the original Pirirakau, and then brought this list up to date. I consider this method was correct, and the names so ascertained and their relative shares have not been disputed by the petitioners. Thus there were sixty-eight shares, out of which the vendors (and their successors) were entitled to twenty-five shares. The petitioners cannot and have not denied this; yet they say the vendors should be content with their 30 acres reserved from the sale, apparently because they were paid for the 263 acres; but it was theirs to sell by virtue of the award of the Appellate Court.

6. The Crown grant for Te Puna, Lot 154 (293 acres), was in favour of (1) Maungapohatu, and (2) Te Wanakore, "in trust for the Pirirakau Tribe, their heirs and assigns." On the proper names and shares of the original Pirirakau (not disputed) the vendors would have had twenty-five shares out of sixty-eight of the 293 acres—viz., 107 acres 2 roods 35 perches. To-day they own as follows: (1) Area excepted from sale (Te Puna, Lot 154, Nos. A, B, C, 30 acres; (2) area in Lot 154D, pursuant to Judge Browne's order, 96 acres 3 roods: total, 126 acres 3 roods. The excess is 19 acres and 5 perches, and that, I consider, is the only area which the petitioners can attempt to attack. Their attempt to confine the vendors to an area of 30 acres only is clearly unreasonable. On the first day of the inquiry before me Potaua said he would confine his claim to the unsold 30 acres, which he wanted for all Pirirakau, including the vendors, but later he went back on this.

7. I consider, as the vendors had a title to the whole block (293 acres) under the Appellate Court order, and as the Crown purchased 263 acres 1 rood 24 perches for all the Pirirakau, including the vendors (I hold this established by the evidence), that the petitioners have no cause for complaint. In any event they have only a right to speak about 19 acres and 5 perches.

8. Hare Pitua, who spoke for those opposing the petition, stated that the land is being worked according to Judge Browne's partition, and that most of the Pirirakau are satisfied. Wanakore (Kerekau) Maungapohatu, mentioned in paragraph 8 of the petition, is now dead.

9. The reference by Potaua Maihi to Te Puna, Lot 16, and other lands at my inquiry has no significance. Lot 16 contains 50 acres, and the Crown grant was in exactly the same position as that for Lot 154, but at the time Judge Browne made the order complained about by the petitioners the beneficial owners had not been ascertained. I may add that Judge Rawson, in October, 1919, made an order for Lot 50 in favour of the persons found by the Appellate Court to be entitled to Lot 154, and there was no appeal.

Attached is a copy of the minutes of my inquiry.

As witness my hand and the seal of the Court, this 24th day of April, 1922.

H. F. AYSON, Judge.