

1922.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND
CLAIMS ADJUSTMENT ACT, 1921-22.

REPORT AND RECOMMENDATION ON PETITION No. 345, 1920, RELATIVE TO OWNERSHIP OF
LOT 39, PARISH OF MATATA.

*Presented to Parliament in pursuance of Section 35 of the Native Land Amendment and Native Land
Claims Adjustment Act, 1921-22.*

Native Department, Wellington, 11th July, 1922.

Re *Matata 39a*,—*Petition 345 of 1920.*

ENCLOSED herewith I forward, pursuant to section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, the report of the Native Land Court herein.

It is clear that this land is not within the jurisdiction of the Court under Part V of the Native Land Act, 1909, and there is at present no machinery applicable to ascertaining whether or not the land was originally intended to be held upon trust. A *prima facie* case for inquiry has been established, and I recommend that special legislation is necessary for the purpose.

I would suggest that legislation should take the form of authorizing the Court to inquire and determine if the land comprised in a Crown grant dated the 25th September, 1878, and known as Allotment 39 of the Parish of Matata, in the Rotorua Survey District, and containing 13,675 acres, was either at or before the time of being so granted intended by the Crown, or the Confiscation Commissioners, or by the nominal owners thereof or any of them, to be held by the nominal owners in trust for persons not named in the title to such land, and to determine who, if any, are the persons entitled beneficially to so much of such land as has not been alienated, or exchanged, to the Crown, and the relative interests of all persons so entitled; with power to the Court to order the inclusion in the title of the persons so found entitled, together with the nominal owners, and, if necessary or expedient, to cancel any partition or other order, and to repartition the land known as Allotment 39A among the persons so found entitled, and for the purpose aforesaid to order the cancellation or amendment of any existing instrument of title as may be necessary. No order made as aforesaid to invalidate any alienation heretofore made in respect of the above land or any part thereof, but all rights to which the nominal owners are entitled by contract or otherwise to pass to and enure for the benefit of the persons so found to be entitled.

R. N. JONES, Chief Judge.

The Hon. Native Minister.