

1922.

NEW ZEALAND.

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

REPORT AND RECOMMENDATION ON PETITIONS Nos. 57/1920 AND 342/1920, RELATIVE TO
PAKOWHAI BLOCK.

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

Native Department, Wellington, 13th October, 1922.

Re Petitions Nos. 57/1920 and 342/1920, regarding Pakowhai Block.

ENCLOSED herewith is the report of the Court herein. Pursuant to section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, I recommend that legislation be passed for the purpose of enabling the Court to determine whether the land was intended to be held by the nominal owners in trust for persons not named in the title.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

Native Land Court, Tokomaru Bay, 6th October, 1922.

Memorandum for the Chief Judge, Native Land Court, Wellington.

Pakowhai.

I HAVE the honour to inform you that in accordance with your reference of the 24th February last, under section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, I held the inquiry directed therein into the petitions of Te Hata Tipoki and another and Poutahi Hapimana at a sitting of the Native Land Court at Wairoa on the 11th August last.

It appears from a copy of an agreement, dated the 5th April, 1867, made between R. N. Biggs on behalf of Her Majesty and certain chiefs and Natives of the Wairoa district, attached to the Native Office file forwarded for the information of the Court, that amongst other matters "a reserve shall be made at Pakowhai for the use and benefit of the undersigned Mere Karaka and her hapu." Although the area of the reserve is not stated in the copy of the agreement, I do not think there is any doubt but that it is identical with the Pakowhai Block the subject of this inquiry.

The block came before the Native Land Court on the 21st September, 1868. It was stated then by Tamihana Huata that the land belonged to himself, Mere Karaka, and some others; that it was within the confiscated boundary; that it was given back to the Natives by Major Biggs and Mr. McLean; that it belonged to the ancestors Turewa and Hikawai, and had ever since been in the possession of their descendants. He further added that there were no disputes about his title, and that the owners were Mere Karaka and nine others.

The Court thereupon made an order declaring that those persons were entitled according to Native custom to the piece of land called Pakowhai, containing by estimation 600 acres, and in pursuance of this order a certificate of title was issued in their favour under the Native Land Acts, 1866 and 1867.

None of the original owners are now alive, but it was admitted by all their successors who attended the inquiry that they were simply trustees, although there was a very considerable divergence of opinion as to who the beneficiaries were. Some asserted that the land was set apart for Mere Karaka and her family alone, others that it was for the descendants of the ancestor Hikawai alone, and others again that it was for the descendants of the ancestors Hikawai and Turewa.

There is no doubt but that a trust exists, and the Court recommends that jurisdiction be given to it to determine who are the persons beneficially entitled to the said reserve, and their relative interests, to cancel the existing title, and to issue a title to the beneficial owners.

JAS. W. BROWNE, Judge.

Approximate Cost of Paper.—Preparation, not given: printing (450 copies), £1 5s.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1922.

Price 3d.]