

An inspection of the two deeds of sale of parts of Great Barrier Island shows that the description of the land acquired under these deeds (Nos. 114 and 254) does not include Rangiahua Island, nor do the plans endorsed on the deeds include the island. Documents further show that up till 1899 Natives exercised rights of ownership (see letter by Phillip Warren to Commissioner of Crown Lands, Auckland). Correspondence filed in Crown Lands Department and included with documents submitted to Court shows that at no time were the officers of that Department at all certain as to the Crown's title to the land. Letter of 6th April, 1903, Pollen (for Assistant Surveyor-General) to Under-Secretary for Lands, compares position of this island with that of Rakitu, or Arid Island, which also was not included in the Crown purchase, and the title to which was subsequently investigated by the Native Land Court.

It appears to me that the Crown has based its claim to this island on a misstatement contained in letter of 31st March, 1903, from Under-Secretary, Lands, to Commissioner of Crown Lands, Auckland, to the effect that Mo utaiko and Rangihua (Rangiahua), two small islands, were not shown as excluded from the sale to the Crown, and it was a fair thing to assume that they were included in such sale. As I have already said, both in descriptions and plans of land acquired by Crown these two islands are excluded.

I have unhesitatingly to state that, upon the documentary evidence submitted to me, the Crown has no title that it is capable of sustaining in any Court to the Island of Rangiahua, which clearly is uninvestigated Native land. If necessary the documents submitted to me can be forwarded for your perusal, but I am fully satisfied that the only conclusion to be arrived at is the one I have come to.

I have, &c.,

A. G. HOLLAND, Judge.

His Honour the Chief Judge, Native Land Court, Wellington.

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