

1929.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1928.

REPORT AND RECOMMENDATION ON PETITION No. 51 OF 1928, OF KIPA ANARU AND OTHERS,
RELATIVE TO RESERVE AND LAKE IN TUTIRA BLOCK.

*Presented to Parliament in pursuance of the Provisions of Section 50 of the Native Land Amendment
and Native Land Claims Adjustment Act, 1928.*

Native Department, Wellington, 27th September, 1929.

Petition No. 51 of 1928.—Tutira Block.

PURSUANT to section 50 of the Native Land Amendment and Native Land Claims Adjustment Act, 1928, I transmit herewith the report of the Native Land Court upon the allegations contained in the above petition.

The Tutira Lake should, I think, become public property, and I cannot recommend any course which would tend to permit it to pass into private ownership. There is, of course, no objection to the Natives enjoying the rights of fishing and otherwise in the lake. Possibly those who still own shares in the lake could be induced to part with them to the Crown if a board of management comprising some members of the tribe could be set up.

With regard to the 2 acres required for a roadman's cottage, that is a matter for the Public Works Department to consider, and I have no recommendation to make thereon.

Referring to the surplus area, the Natives, in my opinion, should be paid for it. This land was portion of land given to the Natives in accordance with a contract entered into with them to give the land within certain boundaries. It was assumed from surveys made by the Crown that the area contained within the boundaries was 20,490 acres, and the Valuer-General based his valuation upon that area. When the land was partitioned, it was partitioned upon that basis in the manner set out in the report. Upon survey of the partition, however, it was found that there was an excess of some 3,530 acres, and this, according to the usual practice, will be divided amongst the sellers *pro rata*. Thus the Crown will get some 3,440 acres more than it paid for. The Native Department is willing that this should be paid, as it is equitable that the Crown should not profit by the mistakes of the Survey Department at the expense of the Natives. However, the Crown Solicitor has given an opinion that the Crown is not legally liable to pay the difference. Personally, I do not think the Natives are without a remedy; but to remove any doubts I would recommend that the Natives be not taken advantage of, but be paid for the excess area that the Crown has obtained, and, if necessary, that legislation be introduced for the purpose of authorizing the amount to be paid.

R. N. JONES, Chief Judge.

The Hon. the Native Minister, Wellington.

In the Native Land Court of New Zealand, Ikaroa District.—In the matter of section 50 of the Native Land Amendment and Native Land Claims Adjustment Act, 1928; and in the matter of petition No. 51 of 1908, of Kipa Anaru and fifteen others, praying for the return of reserve and lake in the Tutira Block.

To the Chief Judge, Native Land Court, Wellington.

I HAVE the honour to report that the Native Land Court sitting at Hastings on the 9th February, 1929, inquired into the claims and allegations made by the petitioners in petition No. 51, sent by them to Parliament in 1928. The facts and circumstances appear to be as follows:—

Tutira is a block of Native land in the Mohaka and Waikare district. It was confiscated on account of Te Kooti's disturbances in 1869, but handed back to loyalist Natives on the recommendation of Magistrate Locke and Sir Donald McLean in 1870. On the 6th July, 1882, the Native Land Court