

1937.
NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1936.

REPORT AND RECOMMENDATION ON PETITION No. 123 OF 1936, OF WAAKA TE ARAKAI AND OTHERS, SO FAR AS IT RELATES TO WHAREWAKA RESERVE.

Presented to Parliament in pursuance of the Provisions of Section 13 of the Native Purposes Act, 1936.

Native Land Court (Chief Judge's Office), Wellington, C.1, 22nd October, 1937.

The Right Hon. the NATIVE MINISTER, Wellington.

PETITION No. 123 OF 1936, WHAREWAKA RESERVE.

PURSUANT to section 13 of the Native Purposes Act, 1936, I herewith transmit the report of the Court herein.

It appears that the Native owners of the Tauhara Middle Block, by deed dated 10th August, 1875, ceded a portion containing 11,594 acres to the Crown, excepting three areas named in the deed, which were reserved for Native use and occupation. One of the exceptions is that referred to in the petition as the Wharewaka Reserve, which was not to exceed 10 acres. These three reserves were surveyed in 1878, the Wharewaka Reserve being found to contain 6 acres 1 rood 20 perches. The Crown made application to the Native Land Court to have its interest defined and, although the three exceptions were mentioned in the deed and expressly referred to in the evidence, the Court made a vesting-order which had the effect of rendering the whole, including the reserves, Crown land. Some one who had noticed the error made a minute which had the effect of causing the two larger reserves to be granted back to the Natives, but evidently Wharewaka was overlooked, and it is still Crown land. Later the Court endeavoured to rectify the oversight by including it in a residue order, but the fact that it was Crown land was a bar. No further steps appear to have been taken by the authorities.

I respectfully recommend that reasonable compensation be granted to the Natives. Possibly, as the claimants for such a grant would be numerous, it might be applied to some object for their general good instead of being apportioned into infinitesimal shares.

R. N. JONES, Chief Judge.

In the Native Land Court of New Zealand, Waiariki District; in the matter of section 13 of the Native Purposes Act, 1936, and of Petition No. 123 of 1936, of Waaka te Arakai and others, so far as it relates to Wharewaka Reserve.

At a sitting of the Court held at Taupo on the 24th and 25th days of August, 1937, before Hugh Fraser Ayson, Esquire, Judge, the claims and allegations made by the petitioners in the above-mentioned petition were inquired into as directed by the Chief Judge.

The following matters relative to the Wharewaka Reserve are set out in chronological order:—

1. The investigation of title to Tauhara Middle took place at Oruanui, 5th June, 1868, when Judge Smith ordered a certificate of title to issue for Tauhara Middle in favour of six owners.
2. A further hearing took place on 16th March, 1869, when a certificate of title was ordered to issue if within twelve months claimants furnished a proper survey. (Taupo Minute Book 1/195–201.)
3. A Crown grant certificate of title under Native Land Acts dated 8th February, 1873, as from 28th March, 1872, was issued and registered as certificate of title 9/71. The land was called Tauhara Middle, and comprised 106,080 acres as shown on Plan 1546 (red).