

REPORT.

To His Excellency the Governor-General of the Dominion of New Zealand :

MAY IT PLEASE YOUR EXCELLENCY—

In pursuance of the Royal Commission dated the 22nd June, 1938, appointing me to inquire into and report as to grievances alleged by Maoris with regard to certain lands at Orakei in the City of Auckland, I have now the honour to submit to Your Excellency the report of the results of my inquiry and the conclusions at which I have arrived.

I caused to be published in the *New Zealand Herald* and the *Auckland Star* a notification both in English and in Maori of the date of the commencement of the sittings of the Commission, and thereby invited all persons interested in the subject-matter of the inquiry to appear and give evidence.

Sittings of the Commission were held at Auckland on the 4th July, 11th July, and on the 22nd, 23rd, 24th, and 25th August, 1938. At the various sittings Mr. V. R. S. Meredith appeared for the Crown, Mr. J. J. Sullivan appeared to represent all the Natives interested, and Mr. W. H. Cocker and Mr. K. Forrest appeared for the General Trust Board of the Diocese of Auckland. A preliminary sitting on the 4th July, 1938, was adjourned until the 11th July, 1938, at the request of counsel for the Natives upon an intimation that he could not then conveniently proceed. In the meantime an action in the Supreme Court in Auckland, in which a Native, Whatitiri, claimed to have acquired a title by prescription to the church-site at Orakei, came on for hearing, and as the Orakei Natives were interested in the action and counsel for the Crown and counsel for the Natives were engaged on it, the further sitting of the Commission was adjourned until the 22nd August. On that date the sitting was resumed and continued until the 25th August, 1938. The sittings were attended by Maoris interested.

Oral evidence was given before me by nine witnesses for the Crown, one for the Natives, and one for the Diocesan Trust Board. The evidence was led by the counsel concerned, and was subject to cross-examination and re-examination. The City Engineer, Mr. Tyler, appeared to express the views of the Auckland City Council on certain aspects of residence and occupation.

A large amount of documentary evidence was tendered on behalf of the Crown. I was much helped in my investigation by the careful and thorough manner in which it had been compiled. It was subsequently found necessary to requisition further information from the Native Department and the Department of Lands and Survey at Auckland, and I acknowledge the promptness with which the information was collected and rendered available.

The case for the Natives rested very largely on documents and papers in the possession of the Crown. As much assistance as was possible was given to counsel for the Natives by the Crown officials by the production to him of documentary matter for examination. This Mr. Sullivan acknowledged at the conclusion of the hearing, when he said : “ Then I have also to place on record the fact that the Government has in this case placed before me all the possible information I could get regarding the matter.”

The departmental files and records and the documents relating to the subject-matter of this inquiry have been made available to me. Some had not been examined by counsel for the Natives, and I intimated at the hearing that I would myself examine them all. I have fulfilled that undertaking.

I record the assistance which counsel for the various parties have given me.

I am greatly indebted to Mr. R. J. Blane, the Secretary to the Commission, and to Miss H. Wyman, of the staff attached thereto, for the most competent assistance. Mr. Blane's research, industry, and thorough knowledge of Native administration and of the files has been invaluable to me, while Miss Wyman has cheerfully handled under pressure a very great mass of difficult documentary material with rare competence and efficiency.

The Orakei Block is a piece of land containing 689 acres or thereabouts, included in a certain Crown grant dated 8th July, 1873. The inquiry relates to three parcels of land. Two originally formed part of the Orakei Block, and the third existed as an enclave within that block. One of the parcels is known as Orakei No. 1 Reserve or, more popularly, the papakainga. This land fronts Okahu Bay in the Waitemata Harbour and had originally an area of 40 acres. The second piece is known as Orakei No. 2B. It is situated to the west on the brow of a hill overlooking the papakainga, and has an area of 42 acres 1 rood 18 perches. The third piece is known as the church-site at Orakei. It lies within the boundaries of the Orakei Block, but does not, in fact, form a part thereof. It comprises Lots 1, 2, and 3 on Plan No. 1330r, deposited in the Office of the Chief Surveyor at Auckland, and contains 4 acres 0 roods 36 perches. This land is hereinafter referred to as “ the church-site.”

The matters which I am appointed to inquire into and report upon fall into three groups, and I have therefore for reasons of convenience divided my report into three parts. Part I deals with Orakei No. 1 Reserve (the papakainga), Part II with Orakei No. 2B, and Part III with the church-site.