

PART I.—ORAKEI No. 1 RESERVE (PAPAKAINGA).

PRELIMINARY.

1. The several questions touching the Orakei No. 1 Reserve may be concisely stated thus :—

- (a) Whether the Crown by its purchase and subsequent Proclamations acquired a good title to the subdivisions of Orakei No. 1 Reserve representing its purchases, freed from all right, title, and interest of the Native vendors ;
- (b) Whether anything existed in section 373 of the Native Land Act, 1909, to prevent the Native Land Purchase Board lawfully purchasing, or which rendered any purchase invalid ;
- (c) Whether there were any valid reasons why the Crown should have abstained from purchasing the interests of such of the owners as were willing to sell, and did sell, their interests to the Crown ;
- (d) Whether fair and reasonable prices were paid to the Native vendors ;
- (e) Whether the purchase-money agreed to be paid was duly paid to the Native vendors ;
- (f) Whether the Natives now occupying the land purchased have any right or justification for their continued occupation thereof ; and
- (g) Whether any promises were made that the papakainga land would not be purchased.

The questions have been restated in simple form, but the answer to each of them requires an investigation of matters which occurred more than ten years ago. Hereinafter in my report I discuss certain details at what may appear undue length. I have done that not because of their relative importance, but because they have at some stage been treated by the Natives, or by those acting as their advisers, as matters of substance.

I proceed to inquire into and report upon each question in order :—

Question 1 : Whether the Crown by its purchase and subsequent Proclamations acquired a good title to the subdivisions of Orakei No. 1 Reserve representing its purchases, freed and discharged from all right, title, and interest of the Native vendors ?

OUTLINE OF TITLE.

2. By a partition order made by the Native Land Court on the 10th January, 1898, twenty-one persons were therein declared to be the owners of Orakei No. 1 Reserve, containing 40 acres. The shares, which totalled 13, were held by the owners in the proportions defined by the partition order.

By Proclamation issued on the 6th September, 1904, and published in the 1904 *New Zealand Gazette* at page 2155, an area of 1 acre 0 roods 24 perches was taken in Orakei No. 1 Reserve for the purposes of a road, leaving a balance area of 38 acres 3 roods 16 perches.

3. The Crown at various dates entered into arrangements with the individual owners or their successors for the purchase of their interests, and from time to time orders were made by the Native Land Court partitioning out interests which had been or were to be purchased by the Crown.

Successive Proclamations were issued in respect of the several areas awarded to the Crown, and the Crown is now the owner of approximately 35 acres 3 roods 19·95 perches comprised in five subdivisions, namely :—

Block.	Area.		
	A.	R.	P.
Orakei No. 1 Reserve A	..	..	..
Orakei No. 1 Reserve B	..	..	..
Orakei No. 1 Reserve C 1	..	..	..
Orakei No. 1 Reserve C 2A 2	..	..	..
Orakei No. 1 Reserve C 2B 2	..	..	..
	35	3	19·95

The partition orders for Orakei No. 1 Reserve A and Orakei No. 1 Reserve B are embodied in the provisional register under the Land Transfer Act, 1915, the references being Vol. 135, folio 3, Vol. 135, folio 4, Auckland Land Registry, respectively. Against both these titles the Proclamations proclaiming the land comprised therein to be Crown land have been registered. A certificate of title, Vol. 469, folio 233, Auckland Land Registry, issued on the 11th June, 1928 for Orakei No. 1 Reserve C 1 and the appropriate Proclamation has been registered by the District Land Registrar.

4. The interests of the Natives who have not disposed of their interests to the Crown have been located in the following subdivisions :—

Block.	Area.		
	A.	R.	P.
Orakei No. 1 Reserve C 2A 1	..	..	..
Orakei No. 1 Reserve C 2B 1	..	..	..
	2	2	23·05

5. In addition to these two areas remaining to the Natives there is a church and cemetery reserve containing approximately 1 rood 13 perches. This block was, by order made by the Native Land Court on the 31st August, 1928, pursuant to the provisions of section 5 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921–22, vested, with the buildings thereon, in three persons—namely, Ngapipi Reweti, Hira Pateoro, and Maki Waata—“as trustees to hold in trust for the purposes of a church and burial-ground for the use of the Native people residing at Orakei and such others as the trustees may from time to time determine.” No question arises as to this reserve.