

SESSION I.
1912.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1910:

REPORT AND RECOMMENDATION ON PETITION No. 357/10, RELATIVE TO MATAMATA NORTH BLOCK.

Laid before Parliament in compliance with Subsection (4) of Section 28 of the Native Land Claims Adjustment Act, 1910.

Native Land Court, 31st October, 1911.

Memo. for the Hon. Sir James Carroll, Native Minister.

Re Matamata North Block and Petition of Hare Kereama and Others.

PURSUANT to section 28 of the Native Land Claims Adjustment Act, 1910, I duly referred the above matter to the Native Land Court for inquiry and report. The same has been duly inquired into by that Court, whose report thereon I attach hereto.

I recommend that the Court be allowed by legislation to review the relative interests, and, if necessary, to amend the orders for the same.

JACKSON PALMER,
Chief Judge.

In the matter of the Matamata North Block, and in the matter of section 28 of the Native Land Claims Adjustment Act, 1910, and of the petition of Hare Kereama and others, referred to the Native Land Court for inquiry and report.

SIR,—

I have the honour to report as follows:—

The Court sat at Auckland on Tuesday, the 26th September, 1911, and succeeding days. Mr. E. C. Blomfield, solicitor, represented the petitioners, while Mr. T. Moresby, solicitor, represented the owners against whom the petition is directed. The issues were narrowed down to three points:—

- (a.) Had the descendants of the sellers any right to share in the land?
- (b.) Had Ngatitawhaki any right to the land?
- (c.) Did any boundary exist between Ngatirangi and Ngatitawhaki?

Before dealing with these issues, a short *résumé* of the history of this block, at the time of its investigation and subsequently, will be necessary.

The block, consisting of 5,468 acres, was investigated by Judge Munro at Hamilton on the 31st March, 1866, and ordered by Judge Rogan at Cambridge on the 20th November, 1867. The block was awarded to ten persons. Of these ten persons five sold to J. C. Firth, who applied to the Native Land Court for partition of the interests acquired by him. Partition was made by Chief Judge MacDonald and Judge Puckey on the 29th October, 1884, and 2,597 acres of the block, representing the interests of the sellers, were cut off at the southern end and awarded to Mr. Firth. This block was called Matamata South. The remaining 2,871 acres was awarded to the non-sellers and was called Matamata North. On the 4th December, 1901, an Order in Council under subsection (10) of section 14 of the Native Land Court Act, 1894, was issued. This Order in Council conferred jurisdiction on the Court to determine whether or not the ten owners, as determined by the Court, held in trust, and, if such a trust existed, who were the beneficiaries under it. Judge Edger, sitting at Cambridge, on the 18th September, 1905, determined that a trust existed, and awarded the block, then found to contain 2,633 acres, to fifty-four persons in varying shares. There were various appeals from Judge Edger's decisions, in which some of the petitioners joined, and the Native Appellate Court, consisting of Judges Mair and Gilfedder, sitting at Cambridge, on the 22nd April, 1907, varied Judge Edger's decision by increasing the relative interests of some of the owners, principally members of Ngatitawhaki. Judge Mair, on the 17th July, 1908, divided the block into two parts, and the inevitable batch of appeals was