1920.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1919.

REPORT AND RECOMMENDATION ON PETITION No. 359 OF 1919, RELATIVE TO ADJUSTMENT OF RELATIVE INTERESTS, BOUNDARIES, AND SHORTAGE OF AREA IN MANGAPOIKE No. 2 BLOCK.

Presented to both Houses of the General Assembly in pursuance of Section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1919.

Office of the Chief Judge, Native Land Court, Wellington, 2nd October, 1920.

Re *Mangapoike No. 2, and Petition No. 359 of 1919.*

PURSUANT to section 34 of Act No. 43 of 1919, I transmit herewith the report of the Native Land Court herein. That report did not appear to me sufficiently conclusive or definite to justify my framing a recommendation upon it, so that I have made further inquiries, the result of which is as follows:—

1. The Mangapoike No. 2 Block was partitioned by the Native Land Court on the 22nd October, 1894, into 2A 1 to 4, 2B, 2C, 2D 1 to 3, 2E, and 2F; and an application for rehearing was lodged.

2. Subsequently, and before the rehearing or appeal was disposed of, the whole block and its divisions were brought before the Validation Court to deal with claims concerning it.

3. It then appeared the Crown had bought shares in various subdivisions, and that therefore the Validation Court could not deal with the application without the Crown's consent.

4. Before proceeding further in that Court the Crown's interest was, on the 6th July, 1896, defined in the Native Land Court, and the nine interests purchased in the various divisions were for convenience allocated in the 2A 4 Block, to contain 486 acres 3 roods 14 perches.

5. The following minute was on that occasion recorded in Native Land Court Minute-book, Gisborne, Vol. 25, folio 219: "As the interests of most of the above persons belong properly to other subdivisions than that in which their interests have been awarded, it is understood that N'Ruapane and N'Hinewhaianga Blocks will repay to N'Hinehika the interests due to them. No order will be made for the balance of the block, as the land is before the Validation Court and will be dealt with therein."

6. There are indications that the 2A Block belonged to Ngati-hinehika, 2D to Ngati-hinewhaianga, and 2E to the Ruapane Tribe.

7. As a matter of fact no partition orders were made in the Validation Court, but that Court made decrees on the 8th July, 1896, vesting portions of the remaining block in Carroll and others, adopting in most cases the same designation as that already given by the Native Land Court on partition.

8. Carroll and others were to hold the land upon trust, in most cases, for the rightful owners, to be thereafter ascertained by the Validation Court, but in the case of the 2F Block it was to be for the owners of 2E as found by the Appellate Court on the 21st September, 1897. Originally this decree had the same provision as the others, but was amended in accordance with section 46 of the Native Land Laws Amendment Act, 1896.

9. Upon survey, by reason of the Crown's interest being deducted and other circumstances, the areas of the various remaining divisions were found to be less than that originally awarded to them, and they each in consequence suffered a *pro rata* reduction; but it does not appear that any adjustment as between the blocks necessitated by the cutting-out of the sellers' interests in 2A 4 was made on such survey.

10. It seems only fair and reasonable that the arrangement of the 6th July, 1896, as recorded in the minutes should be carried out as far as is practical. I therefore recommend that legislation be introduced authorizing the Native Land Court, on the application of the East Coast Commissioner or any person interested, to determine in what manner an arrangement or understanding recorded on the 6th July, 1896, in Gisborne Minute-book, Vol. 25, folio 219, on the definition of the Crown's interest in Mangapoike No. 2 Block and its divisions (whereby certain sections of Native owners of some divisions were to account to the owners of another division in respect of the interests purchased by the Crown in various divisions but awarded for convenience' sake in one portion in the Mangapoike No. 2A 4 Block) can best be carried into effect, according to the equities of the case, and to make order or orders accordingly: Provided that any such order shall not prejudicially affect the Crown, or any person claiming under any valid alienation of any land affected by such arrangement.

R. N. JONES, Chief Judge.

The Hon. Native Minister, Wellington.

Native Land Court, Gisborne, 29th April, 1920.

Mangapoike No. 2 Block.

In accordance with your reference under subsection (1), section 34, of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, I inquired into the petition No. 359 of 1919, of Hemi te Ua and others, and that of Arani Kunaiti and others, with regard to an alleged deficiency in the total area of this block, and to alleged wrong surveys of the internal subdivisional boundaries, and beg to report as follows:—

That the petitioners came before the Court and withdrew the allegations as to the incorrectness of the surveys and boundaries. They alleged, however, that they had a grievance, particulars of which are set out in paragraph 11 of the petition.

It appears that the Crown bought interests amounting to 486 acres 3 roods 14 perches in a number of the subdivisions, and it was arranged on definition of its interests that the shares bought should all be located in the one division—viz., 2A—and understood then that the owners of the other divisions from which shares had been purchased were each to proportionately compensate the owners of 2A for the extra area taken from that division. It is alleged that on the subsequent partition of the block before the Validation Court the matter was not adjusted, and consequently that the owners of 2A are about 378 acres short of their area.

There were no minutes before the Native Land Court of the Validation Court proceedings, and consequently I cannot say if any attempt was made before that Court to adjust the matter. Owners of the divisions other than 2A, however, stated on the inquiry that they were quite prepared to pay for the extra land taken from 2A. As I understood this block is vested in the East Coast Commissioner, I would suggest that the matter be left to him to adjust. I have no doubt he has funds in hand that could be used for the purpose.

JAS. W. BROWNE, Judge.

The Chief Judge, Native Land Court, Wellington.

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