

1924.  
NEW ZEALAND.

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## NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1923.

REPORT AND RECOMMENDATION ON PETITION No. 237 OF 1921, OF NUPERE WAAKA AND OTHERS,  
RELATIVE TO THE OWNERSHIP OF RANGIAHUA ISLAND.

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*Presented to Parliament in pursuance of Section 31 of the Native Land Amendment and Native Land  
Claims Adjustment Act, 1923.*

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Native Department, Wellington, 15th January, 1924.

*Petition No. 237 of 1921—Rangiahua Island.*

PURSUANT to section 31 of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, I forward report of the Native Land Court herein. The Natives have a statutory right to have their title to the island investigated by the Native Land Court, so that no further legislation is necessary.

When it was before the Court on a former occasion the application was dismissed for want of a plan. It will be necessary for the parties to see that the regulations in this respect are complied with.

R. N. JONES, Chief Judge.

The Hon. the Native Minister, Wellington.

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In the Native Land Court of New Zealand, Tokerau District.—In the matter of the Native Land Amendment and Native Land Claims Adjustment Act, 1923; and in the matter of a reference by the Chief Judge of the Native Land Court to the said Native Land Court under section 31 of the said Act for inquiry and report upon a petition by certain Natives praying for a return of Rangiahua Island.

SIR,—

I have the honour to report that upon your reference an inquiry was held in reference to above petition. The inquiry took the form of endeavouring to ascertain whether or not Rangiahua Island is Crown land.

Mr. Quartley and Mr. Blomfield represented the petitioners, while Mr. Darby appeared on behalf of the Commissioner of Crown Lands, North Auckland Land District.

Mr. Quartley contended that the Crown had never, by deed or otherwise, acquired this island from the Native owners. He challenged the Crown Lands Department to produce any document that could substantiate the alleged purchase by the Crown.

No evidence was called by either side, but many documents were submitted to the Court for its perusal.

An inspection of the two deeds of sale of parts of Great Barrier Island shows that the description of the land acquired under these deeds (Nos. 114 and 254) does not include Rangiahua Island, nor do the plans endorsed on the deeds include the island. Documents further show that up till 1899 Natives exercised rights of ownership (see letter by Phillip Warren to Commissioner of Crown Lands, Auckland). Correspondence filed in Crown Lands Department and included with documents submitted to Court shows that at no time were the officers of that Department at all certain as to the Crown's title to the land. Letter of 6th April, 1903, Pollen (for Assistant Surveyor-General) to Under-Secretary for Lands, compares position of this island with that of Rakitu, or Arid Island, which also was not included in the Crown purchase, and the title to which was subsequently investigated by the Native Land Court.

It appears to me that the Crown has based its claim to this island on a misstatement contained in letter of 31st March, 1903, from Under-Secretary, Lands, to Commissioner of Crown Lands, Auckland, to the effect that Mo utaiako and Rangihoa (Rangiahua), two small islands, were not shown as excluded from the sale to the Crown, and it was a fair thing to assume that they were included in such sale. As I have already said, both in descriptions and plans of land acquired by Crown these two islands are excluded.

I have unhesitatingly to state that, upon the documentary evidence submitted to me, the Crown has no title that it is capable of sustaining in any Court to the Island of Rangiahua, which clearly is uninvestigated Native land. If necessary the documents submitted to me can be forwarded for your perusal, but I am fully satisfied that the only conclusion to be arrived at is the one I have come to.

I have, &c.,

A. G. HOLLAND, Judge.

His Honour the Chief Judge, Native Land Court, Wellington.

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