

1926.

NEW ZEALAND

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1925.

REPORT AND RECOMMENDATION ON PETITION No. 377 OF 1924, OF WHAREHUIA HETA AND
THIRTY-EIGHT OTHERS, RELATIVE TO KAINGAROA No. 1 BLOCK.

*Presented to Parliament in pursuance of Section 34 of the Native Land Amendment and Native Land
Claims Adjustment Act, 1925.*

Petition No. 377 of 1924.—Kaingaroa No. 1 Block.

Native Department, Wellington, 22nd July, 1926.

PURSUANT to section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1925, I herewith submit the report of the Native Land Court herein.

The report is rather lengthy, but, briefly put, it finds that a title was issued in 1880 to thirty-one persons; that as many more were entitled (these were probably chosen as representatives for the purpose of disposing of the land to the Crown); that the Crown bought from these thirty-one persons, paying what was then considered a fair price; and that the deed of sale was certified by a Trust Commissioner part of whose business was to inquire into the merits of the transaction. On the main points the report is adverse to the petitioners, but it thinks probably the Ngatimanawa is entitled to a reserve of 500 acres called Motumako because it was mentioned in an inchoate lease. The conveyance by the owners found by the Court would, of course, supersede this old lease as far as any legal claim is concerned.

In view of the report of the Court, and that the sale to the Crown has stood for forty-six years, I recommend that no legislative action be taken.

R. N. JONES, Chief Judge.

The Right Hon. the Native Minister, Wellington.

Office of the Waiariki District Native Land Court,
Rotorua, 13th May, 1926.

Memorandum for the Chief Judge, Native Land Court, Wellington.

Kaingaroa No. 1, and Petition No. 377 of 1924, by Wharehuria Heta.

SIR,—

Upon your reference under section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1925, I have to report as follows:—

The reference was advertised for Rotorua on the 8th March last, but, at the request of certain of the petitioners, was adjourned to be dealt with at Murupara. Inquiry opened at Murupara on Wednesday, the 28th April. Mr. W. Bird represented a majority of the petitioners, while Wharehuria Heta, one of the petitioners, appeared for himself. Mr. O. A. Darby represented the Crown.

Before proceeding to deal with the result of the inquiry I propose to detail the ascertainment of the title to the block—Kaingaroa No. 1.

The first mention of Kaingaroa No. 1 Block is to be found in Taupo Minute-book No. 1, page 14, when, upon the application of Topi te Kahuwhero, the claim—apparently for investigation—was dismissed, as “there was no likelihood of the land being surveyed at present.” The investigation of the block took place at Opotiki before Judge Halse (Opotiki Minute-book 1/116). The hearing extended over a period from the 31st July till the 12th September, 1878. Judgment was delivered on the 17th September, 1878, and was in favour of the Ngatimanawa tribe or hapu.

On the 20th September, 1878, as the parties could not agree on the names to be inserted in the memorial of ownership, the case was adjourned till the next sitting of the Court.