

1929.
NEW ZEALAND.

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

REPORT AND RECOMMENDATION ON PETITION No. 175 OF 1924, OF MITA WEPIHA AND OTHERS,
RELATIVE TO MOTUKINO ISLAND.

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

Native Department, Wellington, 27th September, 1929.

Petition No. 175 of 1924.—Motukino (or Fanal) Island.

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

The matter of the ownership of the islands was settled by a competent Court set up for the purpose, and a grant was issued on the 30th August, 1864, which the Act under which it was issued declared to be valid and effective against the Crown and all other persons whatsoever. The Crown later acquired the land for valuable consideration.

In view of the report I have no recommendation to make.

R. N. JONES, Chief Judge.

The Hon. the Native Minister, Wellington.

In the Native Land Court of New Zealand, Tokerau District.—In the matter of section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1925; and in the matter of petition No. 175 of 1924, of Mita Wepiha and others, praying that Motukino Island be revested in them.

To the Chief Judge, Wellington.

At a sitting of the Court held at Whangarei on the 28th September, 1928, before Frank Oswald Victor Acheson, Esquire, Judge, after inquiry into the claims and allegations made in petition No. 175 of 1924, it was decided to report as follows:—

(1) The island affected, called Motukino Island by the Natives, is part of what is now known as the Fanal Group, and is situated almost due east of Whangarei Harbour and in a line with the Morotiri, or Hen and Chickens Group, but a considerable distance south of the Poor Knights Group. The area of Motukino is about 97½ acres.

(2) At the inquiry it was alleged on behalf of the petitioners—

(a) That the Natives properly entitled to Motukino Island had not, either by themselves or by their chiefs or elders or predecessors, signed the deed of sale to Polack, nor consented thereto:

(b) That Motukino from time immemorial had been used as a fishing-place, and bird-nesting and bird-snaring place, and cultivation place by the Maoris of the mainland and of the Great Barrier Island, and that such use had continued undisturbed up to the time of the petition being lodged:

(c) That the Crown, having had knowledge of all the facts relating to the alleged sale to Polack, and having been aware of the reports of its own officers appearing on the Old Land Claims File, cannot claim now that at the auction in 1882, it was a *bona fide* purchaser for value without notice of the adverse claim of the Natives interested:

(d) That accordingly the Motukino Island should be restored to the Natives entitled.