

1936.
NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1935.

REPORT AND RECOMMENDATION ON PETITION No. 225, OF 1933, OF RANGI TUANUI TAMIHANA AND OTHERS, PRAYING THAT THE NATIVE LAND COURT BE AUTHORIZED AND EMPOWERED TO INVESTIGATE THE TITLE TO, AND ASCERTAIN THE OWNERS OF, THE PIECE OR PARCEL OF LAND KNOWN AS PART SECTION 65, TURANGANUI BLOCK, IN THE WAIRARAPA DISTRICT.

*Presented to Parliament in pursuance of the Provisions of Section 22
of the Native Purposes Act, 1935.*

Native Land Court (Chief Judge's Office),
Wellington, C. 1, 30th July, 1936.

The Right Hon. the NATIVE MINISTER, Wellington.

PETITION No. 225, OF 1933.—TURANGANUI BLOCK.

PURSUANT to section 22 of the Native Purposes Act, 1935, I herewith transmit the report of the Native Land Court upon the matters referred to in the above-mentioned petition. In view of that report I have no recommendation to make.

R. N. JONES, Chief Judge.

In the Native Land Court of New Zealand, Ikaroa District.—In the matter of section 22 of the Native Purposes Act, 1935; and in the matter of Petition No. 225, of 1933, of Rangi Tuanui Tamihana and others, praying that the Native Land Court be authorized and empowered to investigate the title to, and ascertain the owners of, the piece or parcel of land known as part Section 65, Turanganui Block, in the Wairarapa District.

At a sitting of the Court held at Wellington on the first day of July, 1936, before JOHN HARVEY, Esquire, Judge.

UPON a reference by His Honour the Chief Judge of the said petition for inquiry, the following report is submitted:—

(1) The land, the subject of this petition, is not as stated in the petition part of Section 65 on the plan of the Turanganui Block. The said Section 65 was on the 20th day of January, 1863, granted, by Crown grant, to Raniera te Iho te Rangi; and although its boundary-line at one point touches the land now in question it does not actually include any of it.

(2) The land now in question is an area of about 200 acres situated at and forming what might be termed the delta of the Turanganui River at its confluence with the Ruamahanga River, which in that locality acts as the channel between the upper and lower Wairarapa lakes (Wairarapa and Onoke, or Wairarapa Moana North and Wairarapa Moana South).

(3) The land is not papatipu land, but is Crown land held under an order of the Native Land Court dated the 14th January, 1896, vesting it as part of the land known as Wairarapa Moana in Her Majesty the Queen for an estate of inheritance in fee-simple.

(4) At this stage the following remarks dealing with the land must be made:—
The original title for Wairarapa Moana was a certificate of title under the Native Land Court Act, 1880, made on the 13th November, 1883, for an area of 24,590 acres. As hereinbefore stated, this area was vested in Her Majesty on the 14th January, 1896.

In the diagram originally attached to both certificate of title and vesting-order the land now before the Court was shown not to be included, but was shown as an abutment as "N.R.," or Native reserve. It was not in fact a Native reserve, and the Survey Department representative assures the Court that he can find no plan which shows it as such. This Court considers it was wrongly shown as a Native reserve.

As the intention of the Court of 1883 was to include as parts of the Wairarapa Moana title all areas inside and apart from the lands alienated in 1853 and 1855, the Chief Judge, on 28th November, 1930, amended the certificate of title of 13th November, 1883, and the vesting-order of 14th January, 1896, by appending to such orders new diagrams which showed this area of 200 acres to be included in the title of Wairarapa Moana and the area vested in the Crown.

The judgment of the Chief Judge in the matter is as follows:—

"Under the title of Wairarapa Moana a title was issued to this land then supposed to contain 24,590 acres, dated the 13th day of November, 1883. A question arose as to what land was included in the order, and the then Chief Judge was, on the 25th June, 1884, asked for information and said that if it was to show the land and water outside the alienated land he saw no difficulty. The Chief Judge replied that it was required to show the land and water inside or apart from the alienated land as the land dealt with was almost surrounded by Crown-granted land. Upon these instructions a plan was apparently compiled, but it purported to show as a Native reserve a portion to the south of the Turanganui River, which apparently should have been included. The plan rightly excluded Ngaauapama Island, which was excepted from the title. By a Commission held about 1891 the question of what was included in the sale to the Crown was gone into, and it was reported that the whole land had been sold, but certain provision was made for settling claims that might be said to equitably exist, which was after carried out by Mr. Seddon making certain arrangements. This makes it clear, in conjunction with the Chief Judge's direction, that an area of about 200 acres should be included in the title which afterwards became vested in the Crown. A new diagram has been prepared showing the total to be 24,790 acres instead of 24,590 acres.

"*Ordered*, That the certificate of title of 13th November, 1883, and the order in favour of the Crown of 14th January, 1896, be amended accordingly by making area 24,790 acres and adding amended diagram annulling the old one."

(5) The petitioner, Rangi Tuanui Tamihana, could not explain what was meant in the penultimate paragraph to the petition, and the Court could not assist him.

The following inaccuracies occur in the petition:—

(6) (a) The 200 acres in dispute is not part of the Tuhitarata Block, which is situated some miles to the northward.

(b) The grant to Raniera was not from the Tuhitarata Block, but from the Turanganui (east side of Lake—Block 2) purchase.

(c) The Turanganui River was not the boundary between any two purchases, and consequently any suggestion that this land was situated upon an intervening "No Man's Land" lacks substance.

(7) The Court has no recommendation to make.

For the Court.

JNO. HARVEY, Judge.

Approximate Cost of Paper.—Preparation, not given; printing (436 copies), £1 10s.

By Authority: G. H. LONEY, Government Printer, Wellington.—1936.

Price 3d.]