

1936.
NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1934.

REPORT AND RECOMMENDATION ON PETITION No. 113, OF 1934, OF VIOLET NEWDICK, PRAYING FOR RELIEF AND COMPENSATION RESPECTING THE DELAY IN THE ISSUE OF TITLES FOR HER LAND AT MAKETU AND OTHER MATTERS.

Presented to Parliament in pursuance of the provisions of Section 9 of the Native Purposes Act, 1934.

Native Land Court (Chief Judge's Office),
Wellington, C. 1, 26th June, 1936.

The Right Hon. the NATIVE MINISTER, Wellington.

PETITION NO. 113 OF 1934.—MAKETU AND OTHER LANDS.

1. Pursuant to section 9 of the Native Purposes Act, 1934, I herewith transmit the report of the Court upon the grievances alleged in the above petition.

2. In view of that report I have no recommendation to make, but seeing that the petitioner complains of the actions of the Maori Land Board I have gone more fully into the records of the proceedings of the Board with regard to various applications with which the petitioner was concerned and which, unfortunately, have led her to suppose that members of the Board were prejudiced against her.

3. Mrs. Newdick, in her petition, complains regarding three blocks—Maraekaraha Nos. 1 and 2 and Rotohokahoka B South No. 15. In her evidence before the Court of inquiry she mentions the Okurei Block.

4. Maraekaraha No. 2 can be dismissed very shortly. It contained an area of 1 rood, with a single owner, who transferred to Mrs. Newdick. The transfer was confirmed in due course.

5. Maraekaraha No. 1 contained 17 acres 1 rood 4 perches, with eighteen owners. On 10th December, 1919, Mrs. Newdick lodged an application for an assembled owners' meeting to be summoned to consider the sale to her at Government value (which was about £3 per acre), or, alternatively, to lease to her at an annual rental of 5 per cent. on the Government value. On 23rd January, 1920, a meeting to consider this proposal was convened by the Board for 4th March, 1920, at 10 a.m.

6. On 30th January, 1920, a rival application was lodged with the Board for a sale at £4 per acre or, alternatively, to lease at a yearly rental of 4s. per acre. This meeting was summoned for the same time and place.

7. The notices calling the meeting appear to be irregular in that they do not disclose the sale-price nor the rental for the proposed lease.

8. In anticipation of the meeting, the Native owners were approached for proxies by representatives of each purchaser. Some who had already signed proxies in favour of a sale to Mrs. Newdick later signed proxies in favour of her opponent.

9. On the 3rd March, 1920, an owner in whose favour Mrs. Newdick's proxies had been made out telegraphed to the Clerk of the Board asking for an adjournment until three o'clock the next day. Mrs. Newdick claims to be a party to sending this telegram. No action was taken upon it.

10. Mrs. Newdick was not present at the meeting at 10 o'clock on 4th March, 1920, and her advisers, being afraid that owing to the later proxies her resolution would be lost, made terms with the opposition and agreed to withdraw Mrs. Newdick's application. The other resolution was then put to the meeting, and the representatives of the Board made a report that it had been carried unanimously. No reference was made to the withdrawal of Mrs. Newdick's proposal, but in a report dated 16th April, 1920, it is stated that the solicitor duly attended and withdrew the application of Mrs. Newdick.

11. Mrs. Newdick, through another solicitor, wrote to the Board complaining that she had not been consulted in the action taken by her former adviser and asked to be heard by the Board.

12. Then ensued proceedings which, being adjourned from time to time, lasted over twelve months, when the Board decided to confirm the resolution (after cutting out the shares of dissentients) to sell to Mrs. Newdick's opponent at £4 per acre.

13. Meantime, on 20th September, 1920, Mrs. Newdick had lodged a further application in connection with a proposal to purchase the land at £10 per acre. Before it would summon such meeting the Board stipulated that she should, as proof of her bona fides, lodge £100 within one month and that her solicitor must give an undertaking that the resolution, if passed and confirmed, would be carried to completion. One reason given for the latter was that the resolution or its confirmation would not in law constitute a contract. It is questionable if the Board could lay down a condition which was in direct opposition to the statute. It is hardly necessary to say that the conditions were not complied with, and Mrs. Newdick's meeting was not called. The dissentients (entitled to 3 acres) were cut off and the confirmation granted as to Maraekaraha No. 2B Block for the balance.

14. With regard to Rotohokahoka B South No. 15 a prospective lessee lodged, on 4th October, 1922, an application to summon an assembled owners' meeting to consider a proposal to lease to him for forty-two years at £15 15s. per annum. A notice was apparently issued on 17th October, 1922, convening a meeting for 27th October, 1922. This notice had the defect that it did not disclose the term or rental of the lease. There is no record to show what became of the meeting of 27th October, 1922, except a pencilled note on the papers, "adjourned to 21st November, 1922." Mrs. Newdick, who had an interest in the block, wished to be present, and claims that she did appear on 21st November, 1922, and was told the meeting had been adjourned *sine die*. The meeting was, however, held on 23rd November, 1922, and a resolution to lease to the applicant carried. The resolution as passed contains matter not notified in the notice calling the meeting—namely, the sale of some timber on the land for £80. On 1st October, 1923, the resolution came before the Board for consideration, and was postponed for purposes of cutting off Mrs. Newdick's interest. The partition application was later dismissed for non-prosecution, and apparently the resolution has lapsed.

15. As to Okurei Block, on 26th November, 1919, Mrs. Newdick lodged an application for confirmation of sale to her by two Native owners and lodged a certificate dated 14th February, 1920, of the Government valuation as at 31st March, 1919, showing the value as £170. Meantime another purchaser of other interests had filed another valuation certificate as at 7th February, 1920, showing a valuation of £415, and Mrs. Newdick was compelled to increase the consideration. It seems that the Board should then have ascertained the reason of the discrepancy, but all the alienations were confirmed under the £415 valuation and an increased consideration requisitioned accordingly. It was not till a third valuation came in in November, 1920, showing £300, that inquiry was made. The explanation given was that the £415 valuation must have been of the wrong land. It was quite right and proper to require the same consideration from all purchasers, but it does seem a little hard that Mrs. Newdick should have to pay £11 1s. 6d. interest on a short payment of £26 1s. 6d. when she had actually paid £13 more than the correct Government value. Mrs. Newdick complains that two other purchasers were able to secure portions of the land, but the Board could not be blamed for that.

R. N. JONES, Chief Judge.

In the Native Land Court of New Zealand,
Waiariki District.

IN THE MATTER of the Native Purposes Act, 1934, and in
the matter of Petition No. 113/1934, of Violet Newdick,
referred to the Court for inquiry and report.

AT a sitting of the Court held at Rotorua on the 16th day of August, 1935, before Harold Carr,
Esquire, Judge.

The Court begs to report:—

The petitioner was represented by Counsel—she also appeared in person and gave evidence, copies of which are appended. Briefly, petitioner claims £4,000 compensation for delays incidental to the completion of her titles to interests in land at the Maketu Peninsula.

Maketu is a very historical locality and at one time supported a large Maori population, with the result that when titles were investigated hundreds of small areas, ranging from 3 perches to 200 acres, became separate titles and without any provision being made for access.

As the population thinned and drifted elsewhere purchasers became active—the petitioner amongst others; but, unfortunately, her financial resources were limited and she could not compete with others more favourably situated. She eventually found herself with a lot of dealings on her hands and which she was in danger of losing because of her inability to complete the transactions.

The advantages of consolidation then became apparent, and were availed of by petitioner and others to straighten out the Maketu tangle of old and faulty titles, overlapping titles, incomplete titles, want of access, European interests defined and undefined, and absentee owners.

The petitioner had interests in eight separate blocks and which she was able to consolidate into three holdings. It is noted that the interests in the eight blocks referred to were valued at £146 11s. 8d., and after allowing for costs of old survey and sales to the Arawa Trust Board the petitioner had a consolidated value for location of £62 6s. 1d. and for which she received land valued at £157 7s., the difference being borne by the Arawa Trust Board, which also assisted the petitioner in financing her incompleting transactions. Instead of complaining of delays the petitioner should be appreciative that her scattered and undefined interests were brought together in compact areas, all roaded and clothed with clear and registerable titles.

With regard to the allegations that members of the (Maori Land) Board aided and assisted others as against the petitioner in the acquisition of interests in land the Court can find no justification whatever for these statements.

Taking all the circumstances into consideration and the difficulties met with by the officers dealing with the scheme of consolidation the Court is satisfied that no undue delays have occurred, and the Court has no recommendation to make in the matter.

For the Court,

The Chief Judge, Native Land Court, Wellington.

H. CARR, Judge.

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