

1940.
NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1937.

REPORT AND RECOMMENDATION ON PETITION No. 82 OF 1936, OF HIRINI WHAANGA CHRISTY AND OTHERS, RELATIVE TO THE SALE OF THE MAHIA BLOCK.

Presented to Parliament in pursuance of the Provisions of Section 16 of the Native Purposes Act, 1937.

Native Land Court,
Auckland, 31st May, 1940.

The Hon the NATIVE MINISTER, Wellington.

THE MAHIA BLOCK.

PURSUANT to section 16 of the Native Purposes Act, 1937, I transmit to you the report of the Court on the claims and allegations contained in Petition No. 82 of 1936, of Hirini Whaanga Christy and others, concerning the sale of this block.

In view of the Court's report, I have no recommendation to make.

CHAS. E. MACCORMICK, Chief Judge.

THE NATIVE LAND ACT, 1931, AND SECTION 16 OF THE NATIVE PURPOSES ACT, 1937.

In the Native Land Court of New Zealand, Tairāwhiti District.—In the matter of the land formerly known as the Mahia Block; and in the matter of a sale thereof to the Crown; and in the matter of a Petition No. 82 of 1936, by Hirini Whaanga Christy and others, referred to the Court for inquiry and report.

At a sitting of the Court held at Nuhaka on the 30th day of June, 1938, and the following days before Harold Carr, Esquire, Judge.

The Court begs to report that—

The Crown and the petitioners were represented and were heard at length.

The land known as the Mahia Block was conveyed to the Crown by the leading chiefs of the day by deed dated the 20th October, 1864. As usual in cases where the title had not been investigated or the land surveyed, the boundaries of the area sold were defined by reference to natural features. These points are set out in the deed, and the area affected thereby was computed to be 16,000 acres.

It is alleged by the petitioners that the survey (made by a Mr. Locke) of the purchased area wrongly included about 2,270 acres situate in the south-east corner, and that had the surveyor correctly followed the points named Tikapu and Pukewhātu as known to them (and mentioned in the deed), this area of 2,270 acres would not have been affected. It is further alleged by the petitioners that when the surveyor came to these two points he received such a hostile reception by those who objected to the sale of that part that he discreetly deviated the line away from these points and so disarmed the objectors.

From the records of the Court it is found that in September, 1866, one Matenga te Takawhenua made application for the investigation of Tawapata. His boundaries were stated as—

“Commencing at Taiporutu—thence by the sea to Maungatea the boundary of the Government and returning to Taiporutu.”

This terse description would embrace what was subsequently called Tawapata North and Tawapata South Blocks.

In February, 1867, Matenga's application was prosecuted by his nephew, Tamati Matangihia. On a counter claim made by Wiremu te Ruamaunga, it was agreed as suggested by Ihaka Whaanga that the north part of the land be held over to be dealt with at a later sitting of the Court. Mr. Burton, the surveyor, in his evidence stated, *inter alia*, that the land to the north of the Mangatea Stream was the Mahia Block, Government land. A certificate of title was then ordered to issue for Tawapata South.