

1941.
NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1938.

REPORT AND RECOMMENDATION ON PETITION No. 33 OF 1938, OF ATA PANIORA AND ANOTHER,
PRAYING FOR RELIEF IN RESPECT OF INJUSTICE ALLEGEDLY SUFFERED BY THEM IN
RELATION TO WAIPOUA 2B 3B 1 BLOCK, WAIPOUA 2B 3D 2 BLOCK, AND WAIPOUA 2B 3A BLOCK.

Presented to Parliament in pursuance of the provisions of Section 23 of the Native Purposes Act, 1938.

Wellington C. 1, 15th September, 1941.

Memorandum for the Hon. the Native Minister.

WAIPOUA 2B 3B 1 AND OTHER SUBDIVISIONS.

I TRANSMIT to you the report of the Court, made pursuant to section 23 of the Native Purposes Act, 1938, upon Petition No. 33 of 1938, of Ata Paniora and another.

The grievances alleged by the Natives have been met by compromises entered into by them or their advisers, on the one part, and by representatives of the Crown, on the other. The terms of the compromises are witnessed by written documents, copies of which accompany the report and are referred to therein as Agreements Nos. 1 and 2. Since the Court's report was prepared, Agreement No. 2 has been given effect to on partition proceedings. All that now remains to be done is to take the measures indicated by the Court in respect of Agreement No. 1, and I recommend accordingly. The costs of the necessary surveys might, I think, be met by the Crown.

G. P. SHEPHERD, Chief Judge.

In the Native Land Court of New Zealand, Tokerau District.—In the matter of section 23 of the Native Purposes Act, 1938, and in the matter of Petition No. 33 of 1937 (referred to in the said section as No. 33 of 1938) of Ata Paniora and another, praying for relief in respect of injustice allegedly suffered by them in relation to Waipoua 2B 3B 1, Waipoua 2B 3D 2 and 2B 3A Blocks.

To Chief Judge Shepherd, Native Land Court, Wellington C. 1.

WHEREAS pursuant to section 23 of the Native Purposes Act, 1938, the claims and allegations made by the petitioners in the above-mentioned petition were referred to the Native Land Court for inquiry and report: Now, therefore, the Court reports as follows:—

A sitting of the Court was held at Kaihu on the 6th day of July, 1939, before Frank Oswald Victor Acheson, Judge, when evidence was brought forward by Mr. Louis Wellington Parore on behalf of the Native petitioners and by Mr. V. R. Meredith, Crown Solicitor, on behalf of the Crown.

After the hearing of lengthy evidence the Court was asked for an adjournment in order to enable the parties to confer to see whether the claims of the petitioners were capable of reasonable settlement by agreement.

The conference was duly held, and the parties announced to the Court that agreement had been reached on matters referred to in clauses 6–13 of the petition.

An agreement was accordingly drawn up covering the claims set out in clauses 6–13 of the petition, and it has been signed by all parties affected. A photostat copy of this agreement is attached (Agreement No. 1).

A further sitting of the Court was held at Utakura on the 19th day of February, 1940, when after a conference between Mr. Parore, representing the Native petitioners, and Mr. P. B. Wright, representing the Crown, the parties announced to the Court that a tentative agreement had been reached covering clauses 1–5 of the petition, which agreement would be submitted to the Conservator of Forests, Auckland, for approval. Agreement duly approved.

This further agreement was accordingly drawn up to cover the claims set out in clauses 1–5 of the petition, and it has been signed by all parties affected. A photostat copy of this agreement is attached (Agreement No. 2).

The original agreements are held by the Lands Department, but signed copies are also held by the Native Department, Wellington.

In order to give effect to the agreements the following further action is necessary:—

(a) *Agreement No. 1.*—The Waipoua 2B 3D 2B and Waipoua 2B 3A 2 Blocks have already been declared to be Crown Land (*N.Z. Gazette* No. 4 of 24/1/1924 and *N.Z. Gazette* No. 89 of 28/10/1920 respectively). Application should now be lodged by the Honourable the Native Minister in terms of section 529 of the Native Land Act, 1931, for a redefinition of the boundaries of Waipoua 2B 3D 2A, 2B 3D 2B, 2B 3A 1 and 2B 3A 2 Blocks. The written consent of the Honourable the Minister of Lands to the inclusion of the Crown sections as provided by subsection (2) of section 529 will also require to be lodged. If the above Crown sections have been declared to be State Forest reserves, steps will require to be taken to have such reservation revoked. When redefined a survey of the readjusted boundaries will be essential in order to complete title both to the Natives and the Crown:

(b) *Agreement No. 2.*—As the Waipoua 2B 3B 1 block has not been partitioned as between the Crown and Natives under the original purchases, the Court should be moved to partition the land in accordance with the terms of the agreement. Application should be made on behalf of the Crown for partition in terms of the agreement, and the written consent of the Minister to this procedure lodged.

A plan will be required for title purposes.


As witness the hand of the Judge and the seal of the Court.


[L.S.]

F. O. V. ACHESON, Judge.

AGREEMENT No. 1.

WHEREAS by a Petition 33/1937 signed by Ata Paniora and Toa Mihi Paati and addressed to the Honourable Members of the House of Representatives in the Dominion of New Zealand in Parliament assembled the Petitioners claimed relief in respect of matters set out in paragraph 6/8 in reference to Waipoua 2B 3D 2 Block and in respect of matters set out in paragraphs 9/14 in reference to Waipoua 2B 3A And whereas the hearing of the said petition was referred to His Honour Judge Acheson a Judge of the Native Land Court for consideration and report And whereas when the aforesaid matters were called on before His Honour at Kaihu on the 6th day of July 1939 the various parties hereto conferred both as to the subject matter of the alleged grievances hereinbefore referred to and various aspects in regard to the more advantageous consolidation and development of areas at present held by some of the successors to claimants referred to in the petition aforesaid and as a result of such conference it was agreed by the parties hereto as follows:—


(1) The area of Waipoua 2B 3D 2A (as shown on Plan 10004 and on plan attached hereto) is to be extended to include an approximate area of twelve acres shown hachured thus  on plan signed and attached herewith and such area shall be granted to the owner or owners entitled to the said 2B 3D 2A, by the Crown.

(2) In regard to 2B 3A 1 it is agreed by the successors of Enoke te Rore (deceased) that he or they will surrender portion of Waipoua 2B 3A 1, shown hachured in pencil thus  on accompanying plan to the Crown in exchange for an area of approximately four acres of river flats being part of 2B 3A 2 adjoining the remaining portion of 2B 3A 1 owned by him or them and not hachured on plan.

(3) Further it is hereby agreed that in satisfaction of the claim of the successors of Enoke te Rore to a proportionate value of a clump of timber on 2B 3A 2 he receive land to the value of £40. This value to be satisfied by a further area of four acres of river flats being part of 2B 3A 2 and adjoining the four acres previously mentioned in Clause 2.

(4) In order to satisfy the desire of the successors to Himiona Pohe Paniora and Aramera Tiopira to extend his or their area to make it an economic area Tono te Rore the successor to Enoke te Rore agrees to allow such extension south westward so as to reach the south western boundary of 2B 3A 1, subject however to such boundary adjustment or limitations as may be found necessary in the uncontrolled discretion of the consolidation officers to safeguard Tono te Rore's house to himself.

(5) In satisfaction of the area owned by Tono te Rore as successor to Enoke te Rore in 2B 3A 1 conceded to the successors of Himiona Pohe Paniora and Aramera Tiopira, Tono te Rore is to receive an area from the Crown in 2B 3A 2 of equal value to that conceded and adjoining the eight acres arranged for him in paragraphs (2) and (3). The area to be so conceded to Tono te Rore is to be fixed by the consolidation officers on the basis of values previously adopted by the Native Land Court on partition of 2B 3A into 2B 3A 1 and 2B 3A 2.

(6) To enable the above arrangements to be effected the portion of 2B 3A 2 fronting the Waipoua River between fence and river and cross hachured thus  is to be made available by the Crown for purpose of consolidation and development by natives and any excess in value to be found by the natives elsewhere and awarded the Crown.

(7) Road access to be provided for in the position approximately shown on the accompanying plan.

The petitioners or the successors of them or of the natives referred to in paragraphs (6) to (14) of the petition agree that they after consultation with their advisers are satisfied with these arrangements as full satisfaction of all grievances (if any) set out in the petition and agree on completion of these arrangements to withdraw those parts of the petition set out in paragraphs (6) to (14) thereof and proceed no further with them.

Dated the 6th day of July 1939.

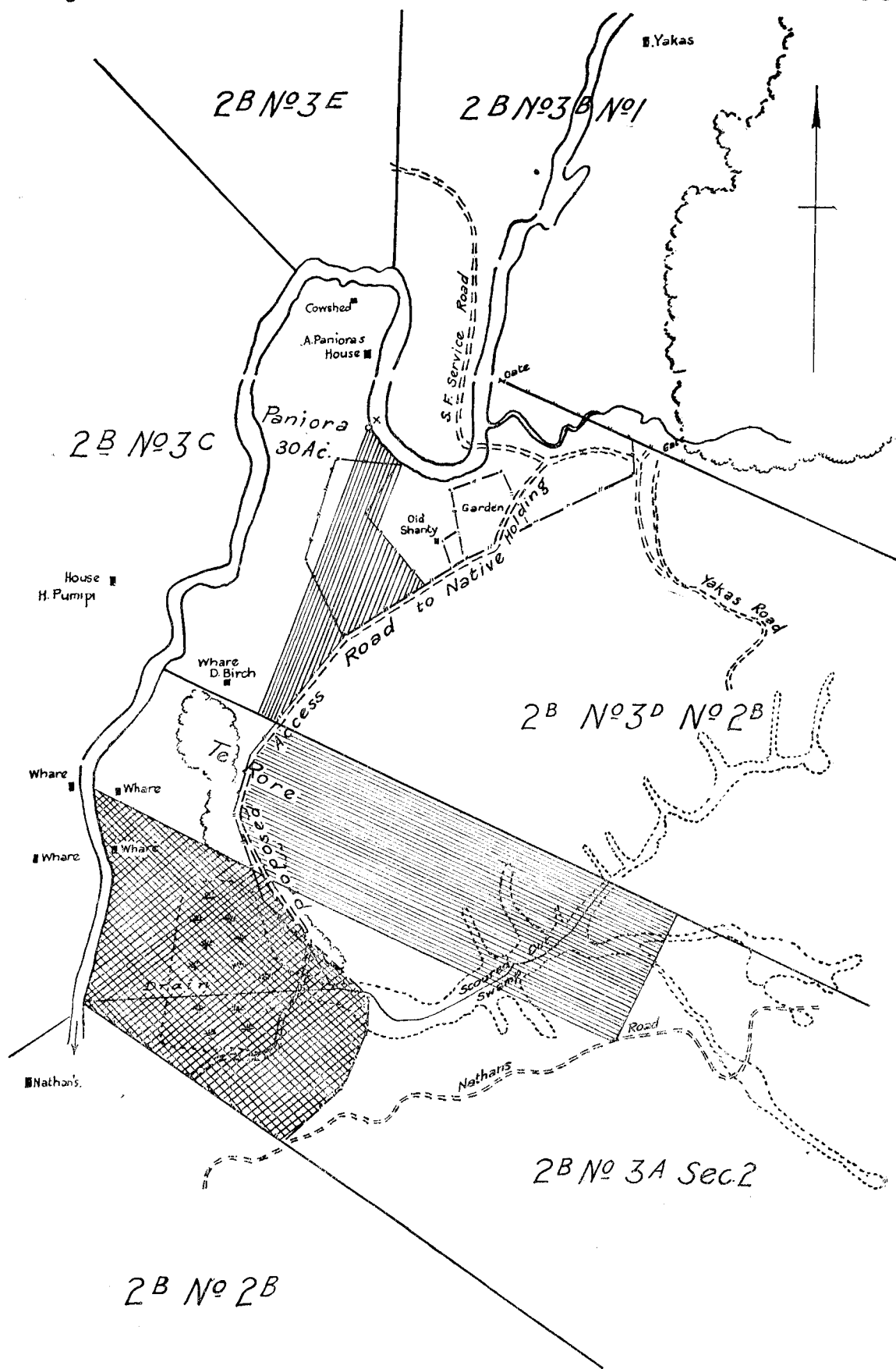
Signed by Tono Te Rore successor to Enoke Te Rore in the presence of—S. Watene, Native Dept., Auckland.	}	TONO TE RORE.
Ataiangi Paniora for successors to Himiona Pohe Paniora and Aramera Tiopira in the presence of—S. Watene, Native Dept., Auckland.		
William Cooper Consolidation Officer in the presence of—S. Watene, Native Dept., Auckland.	}	WILLIAM COOPER.
Louis Wellington Parore, Native Agent in the presence of—S. Watene, Native Dept., Auckland		
Vincent Meredith Crown Solicitor on behalf of the Crown in the presence of—S. Watene, Native Dept., Auckland.	}	V. MEREDITH.

I Louis Wellington Parore a Licensed Interpreter of the First Grade do hereby certify that before the foregoing instrument was signed by Tono te Rore and Atarangi Paniora I read over and explained the same to them in the Maori language and they appeared fully to understand the meaning and purport thereof.

L. W. PARORE,
Licensed Interpreter of the First Grade Auckland.

Agreement No.1.

G-64



PART OF WAIPOUA NATIVE BLOCK

— SCALE: 10 CHAINS = 1 INCH. —

AGREEMENT No. 2.

WHEREAS by a Petition Number 33/1937 signed by Ata Paniora and Toa Mihi Paati and addressed to the Honourable Members of the House of Representatives in the Dominion of New Zealand in Parliament assembled the Petitioners claimed relief in respect of the matters set out in Paragraphs 1 to 5 thereof (inclusive) relating to Waipoua 2b 3b 1 block containing 317 acres on behalf of the persons named in the said paragraphs And whereas the hearing of the said Petition was referred to His Honour Judge Acheson a Judge of the Native Land Court for consideration and report And whereas the said matters came on for hearing before His Honour at Kaihu on the 6th and 7th days of July 1939 and during the course thereof the various parties hereto conferred as to the said matters generally with a view to effecting a settlement thereof And whereas on intimation to His Honour by the said parties that they had conferred as aforesaid the Native Land Court adjourned the hearing to enable the said parties to reach an agreement in settlement of the said matters And whereas the said parties have further conferred herein and have agreed in final settlement of the said matters as follows :—

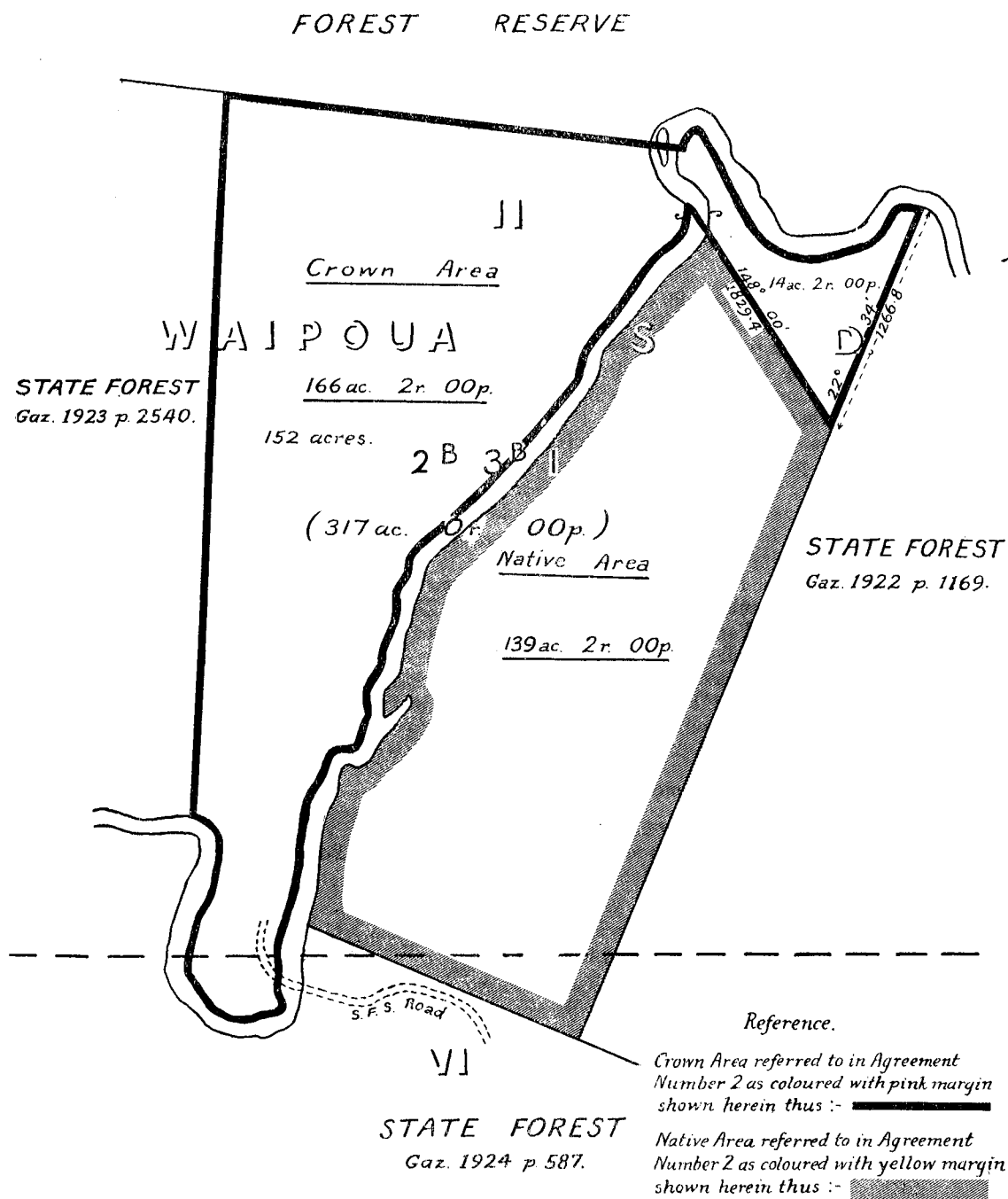
1. All that area of Waipoua 2b 3b 1 containing 152 acres approximately lying to the North West of the Waipoua River, together with an area of 14 acres 2 roods approximately being the Northern portion of the area lying to the South East of the Waipoua River and cut off from the balance of the block by a line bearing 148° 00' for a distance of 1829.4 links approximately as the same are shown coloured with a pink margin on the plan attached hereto, is to vest in the Crown free and clear from any Native claim whatsoever.

2. All that area of Waipoua 2b 3b 1 lying to the South East of the Waipoua River comprising 139 acres 2 roods approximately being the balance of the block and shown on the said plan coloured with a yellow margin, is to vest in Pororua Harawira, Mere Yakas, Wiremu Yakas, Rihi Yakas and Atareta Yakas (as successors to Te Riwhi Yakas deceased) and Te Atarangi Wiki and Te Raukura Paniora (as successors to Te Hunga Kakawiki deceased) the said Rihi Yakas, Atareta Yakas and Te Raukura Paniora being minors at the date hereof.

3. The said Pororua Harawira, Mere Yakas, Wiremu Yakas, Rihi Yakas, Atareta Yakas, Te Atarangi Wiki and Te Raukura Paniora as successors to Te Riwhi Yakas and Te Hunga Kakawiki respectively referred to in Paragraphs 1 to 5 (inclusive) of the said Petition hereby admit acknowledge and agree that they after full independent consultation with their advisers are satisfied with the final settlement of the said matters as evidenced by these presents and that such settlement is in full satisfaction of all grievances (if any) of the matters set out in Paragraph 1 to 5 (inclusive) of the said Petition and do further agree on completion of such settlement to withdraw those parts of the said Petition set out in Paragraph 1 to 5 thereof (inclusive) and to proceed no further with them.

Dated this 28th day of September 1940.

Signed by the said Pororua Harawira as successor to Te Riwhi Yakas in the presence of Alfred Andrewes, J.P., Storekeeper, Opononi.	}	PORORUA HARAWIRA.
Signed by the said Wiremu Yakas as successor to Te Riwhi (Morunga) Yakas in the presence of Alfred Andrewes, J.P., Storekeeper, Opononi.		
Signed by the said Mere Yakas as successor to Te Riwhi Yakas in the presence of W. F. Atkins, J.P., Accountant, Kaitiaki.	}	MERE YAKAS.
Signed by the said Rihi Yakas and Atareta Yakas as successors to Te Riwhi Yakas by their duly appointed Trustees Pororua Harawira and Mere Yakas in the presence of— Alfred Andrewes, J.P., Storekeeper, Opononi. W. F. Atkins, J.P., Accountant, Kaitiaki.		
Signed by the said Te Atarangi Wiki as successor to Te Hunga Kakawiki in the presence of A. H. Watt, J.P., Te Kao.	}	TE ATARANGI WIKI.
Signed by the said Te Raukura Paniora as successor to Te Hunga Kakawiki by her duly appointed trustees Pororua Harawira and Mere Yakas in the presence of— Alfred Andrewes, J.P., Storekeeper, Opononi. W. F. Atkins, J.P., Accountant, Kaitiaki.		
Signed by William Cooper, Consolidation Officer in the presence of Alfred Andrewes, J.P., Storekeeper, Opononi.	}	WILLIAM COOPER.
Signed by Louis Wellington Parore, Native Agent, in the presence of J. H. Robertson, Commissioner, Native Land Court, Auckland.		
Signed by Leo John Poff, Commissioner of Crown Lands for and on behalf of His Majesty the King in the presence of O. N. Darby, Draughtsman, Auckland.	}	L. J. POFF.



Plan of Waipoua 2^B3^B1 Block

Scale : 10 Chains to an Inch.

Plan 10004² red.

Approximate Cost of Paper.—Preparation, not given; printing, (455 copies), £14.

By Authority: E. V. PAUL, Government Printer, Wellington.—1941.
Price 6d.]