

Court partitioned the block as if the area in dispute was still within it. As the minutes of that hearing refer to Plan 7438 as being then before that Court, one might well assume that either the Judge palpably erred in adopting the greater area or that he had not noticed the rectification of the plan if it had then taken place.

Of course the errors (if there were any such) do not give the Natives a legal claim to the land; but, seeing that they were allowed to occupy and treat it as theirs without apparent protest, the Natives in course of time might well have believed that they were being deprived of something they owned.

The Hon. Native Minister, Wellington.

R. N. JONES,  
Chief Judge.

Native Land Court, Auckland, 14th April, 1920.

SIR,—

*Petition No. 331 of 1915, of Herepete Rapihana and two Others, praying that Part of the Pukepoto Block be returned to them.*

I have the honour to report upon above petition, which was referred to the Court under section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, as follows:—

Inquiry was held at Ahipara on the 28th February last. The petitioner alone appeared before the Court. His statement to the Court was merely a reiteration of his petition. Besides making a statement to the Court, he handed in certain old plans, which, however, on the next day he demanded be returned to him. I told him I required the plans to compare with the existing plans, but he would not hear of them being left with the Court.

The facts of the matter as shown by documentary evidence are as follows: The part of the land now claimed by petitioner was included in a sketch-plan used by the Tokerau Maori Land Council when it investigated, amongst others, the Pukepoto No. 8 Block. This plan was not approved by the Chief Surveyor. The title to the block being determined, a survey was made, and, unfortunately, the surveyor accepted the sketch-plan as being accurate and followed the boundaries there shown. It was subsequently discovered that both the sketch-plan and the actual survey included part of the Kaiawe Block sold to the Crown in 1859 (*vide* Turton's Index, folio 6).

I have carefully inspected all plans submitted to me, and have no hesitation whatever in stating that the part now claimed by petitioner is not part of Pukepoto No. 8 Block, but is part of Kaiawe Block, and therefore Crown land. The mistake in the sketch-plan and in the subsequent survey unfortunately led the Natives to think that the part they now claim formed part of Pukepoto No. 8, and with this in view they built two or three houses on it. Subsequently, however, two of the occupiers acquired their sections by purchase from the Crown.

The petitioner failed to advance any reliable facts relative to his petition beyond producing the plans alluded to, and which were of little or no assistance to the Court. He had nothing whatever to substantiate his statements, which were controverted by the facts gleaned from the plans submitted by the Survey Department.

I have to report that the petitioner, who does not live on the land affected, has signally failed to convince me of the *bona fides* of his petition.

I enclose a tracing of the Kaiawe Block which shows the part in dispute, also file Native Department 1918/389.

After the various reports submitted by the Native and Survey Departments it seems extraordinary that the matter ever went so far as to be referred to the Court.

I have, &c.,

A. G. HOLLAND, Judge.

The Chief Judge, Native Land Court, Wellington.

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