

1924.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS
ADJUSTMENT ACT, 1922.

REPORT AND RECOMMENDATION ON PETITION No. 118 OF 1922, OF ATA TAMIHANA, TUROA KUPA,
AND ANOTHER, RELATIVE TO WAIMARINO AND OTHER BLOCKS.

*Presented to Parliament in pursuance of Section 55 of the Native Land Amendment and Native Land
Claims Adjustment Act, 1922.*

Native Department, Wellington, 19th August, 1924.

Petition No. 118 of 1922, regarding the Exclusion of Rora Kupa from certain Tiles.

PURSUANT to section 55 of the Native Land Claims Adjustment Act, 1922, I forward herewith the report of the Native Land Court herein.

I recommend that legislation be passed enabling the Court to admit Rora Kupa's descendants into the Waimarino, Urewera, and Raetihi blocks. Any adjustment made should only affect family interests.

The Hon. the Native Minister, Wellington.

R. N. JONES, Chief Judge.

Wanganui Minute-book 78/340-7.

The Native Land Court of New Zealand, Aotea District.—In the matter of section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922; and in the matter of Petition No. 118 of 1922, of Ata Tamihana, Turoa Kupa, and another, praying for inclusion in the Waimarino, Urewera, and Raetihi blocks as successors to Rora Kupa (deceased), which petition has been referred to the Native Land Court for inquiry, and for report to the Chief Judge.

THE Native Land Court, after inquiry into the above matter, begs to report as follows:—

1. Evidence was taken at Wanganui in open Court on the 15th May, 1923 (M.B. 78, folios 340-7), the petitioners being present in person and also represented by Mr. Morison, solicitor, Wellington. Mr. Jack was present on behalf of Mokopuna Tira Koroheke, one of the principal parties adversely affected by the claims of petitioners.

2. The evidence adduced, together with the information available from the various Court files, satisfied the Court that one Rora Kupa, the mother of petitioners, had been wrongfully left out of certain Waimarino, Raetihi, and Urewera blocks on investigation of title, though she had a right to inclusion similar to that of certain near relatives of hers who were awarded substantial shares in these blocks.

3. The Court was also satisfied that the two petitioners were the persons rightfully entitled to succeed to any interests which Rora Kupa might obtain in these blocks.

4. The Court found, however, that very numerous partitions had taken place, and that a number of subdivisions had been sold. Consequently a most exhaustive search of the titles was required before the Court could say to what extent it might be possible at this late stage to do justice to the claims of Rora Kupa's children. The Court came to the conclusion that Rora Kupa's near of kin should now give up certain shares in the various blocks to Rora Kupa's children, but the exact manner in which this might be done presented serious difficulties.

5. Mr. Morison, on behalf of the petitioners, then undertook to supply the Court with a complete search of the different interests affected, and to suggest a scheme of adjustment that would enable justice to be done to the petitioners. Unfortunately, owing to the magnitude of the investigation required and to a shortage of funds on the part of the petitioners, the complete search and the suggested scheme did not materialize until the 26th March, 1924, too late to be dealt with by Judge Acheson before he left the Aotea District.

6. The Court meantime had had a fairly complete search made of the titles in the Raetihi No. 2 subdivisions, and had ascertained that it will be possible for the Court to so amend various Raetihi orders as to provide substantial relief to the petitioners.

In the Urewera Block there were fewer partitions, and the position was found to be much simpler.

In the Waimarino blocks, owing to the large number of partitions and the numerous sales, the position was found to be exceedingly complicated and difficult of adjustment, but even here it should be possible for the Court to make certain adjustments without inflicting undue hardship on any other parties affected.

7. The Court recognizes that an injustice has been done to the petitioners through Rora Kupa having been left out of the Waimarino, Urewera, and Raetihi blocks, and the Court is satisfied that it could make adjustments in the orders such as would secure a substantial measure of justice to the petitioners without unduly prejudicing other parties and without adversely affecting *bona fide* alienations already completed.

8. Any such adjustments should only be made by the Court, however, after a further hearing in open Court, with all parties sufficiently represented.

At the hearing on the 15th May, 1923, the full facts were not available, nor were all the parties adversely affected by petitioners' claims sufficiently represented.

Recommendation.—The Court accordingly begs to recommend that legislation be introduced this coming session of Parliament authorizing and directing the Native Land Court to hold an inquiry into the claims of petitioners, and to make such variations of existing orders in the Waimarino, Urewera, and Raetihi blocks in favour of Rora Kupa's children as are practicable at this late stage, having regard to the fact that no variations should be allowed to adversely affect existing alienations except as to the disposal of future rents or of undistributed purchase-moneys.

For and on behalf of the Court, this 21st day of July, 1924.

F. O. V. ACHESON, Judge.

The Chief Judge, Native Land Court, Wellington.

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