

1934.
NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1933.

REPORT AND RECOMMENDATION ON PETITION No. 122, OF 1931, OF TUPITO MARUERA AND ANOTHER,
PRAYING FOR RELIEF RESPECTING CERTAIN AWARDS OF LAND MADE BY THE COMMISSIONERS
APPOINTED TO INQUIRE INTO WEST COAST RESERVES (NORTH ISLAND).

Presented to Parliament in pursuance of the Provisions of Section 27 of the Native Purposes Act, 1933.

Chief Judge's Office, Native Land Court,
Wellington, 10th September, 1934.

Petition No. 122 of 1931. West Coast Settlement Land.

PURSUANT to section 27 of the Native Purposes Act, 1933, I herewith transmit the report of the Court upon this petition.

The land referred to in the petition and report comprised 1,045 acres, situate in Blocks III and IV, Carlyle Survey District, and was granted to one Taurua on the 11th September, 1882. Part of the land has since passed to Europeans. It is suggested that grant was made in consideration of the original Maori owners of certain eel-weirs abandoning their rights to the Crown and that the grant was intended as a trust.

In my opinion, there can be no doubt that the Commissioner intended the grant for Taurua personally, and was not to be held by him in trust. The Commission under which the award was allocated provides that the Commissioner should in all cases define and ascertain with certainty each parcel of land and the name of the person to whom it was to be granted, and in cases of trust that the names of the trustees and the conditions of the trust should be disclosed.

In this case Sir William Fox made a special report and recommendation dated the 25th February, 1882, and was at particular pains to show that Taurua was entitled to such a grant and to give the special reasons for making it a personal one. After discussing the experiences and good offices of Taurua, the report says, "These facts will sufficiently explain the grounds on which the Commissioner has recommended an additional grant of 1,062 acres to be made in favour of Taurua and his heirs personally." The grant as issued was for 1,045 acres only.

To indicate that the Commissioner meant this land for Taurua personally it may be observed that in two recommendations for grants of other parcels made on the same day the grants are specifically for Taurua and sixteen others, whose names are mentioned.

It is true that the report of the 25th February, 1882, mentions as an additional justification for the personal grant the further good offices that Taurua had rendered in assuring the removal from the Patea River of certain Maori eel-weirs the displacement of which was required in the public interest, but it is quite clear that the Commissioner did not consider there was any trust attached to the grant for that reason.

Under these circumstances I have no recommendation to make.

The Hon. the Native Minister, Wellington.

R. N. JONES, Chief Judge.