1940.

NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1938.

REPORT AND RECOMMENDATION ON PETITION No. 43 OF 1937, OF HENARE MATANUKU AND OTHERS, PRAYING FOR A READJUSTMENT AND REDISTRIBUTION OF SHARES IN MARAEHARA BLOCK.

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

Auckland, 3rd July, 1940.

Memorandum for the Hon. NATIVE MINISTER, Wellington.

MARAEHARA BLOCK.

I FORWARD herewith the report of the Court made pursuant to section 23 of the Native Purposes Act, 1938, upon Petition No. 43 of 1937, of Henare Matanuku and others, praying for a readjustment of shares in the Maraehara Block.

Having regard to the Court's findings, I have no recommendation to make.

CHAS. E. MACCORMICK, Chief Judge.

THE NATIVE LAND ACT, 1931, AND SECTION 23 OF THE NATIVE PURPOSES ACT, 1938.

In the Native Land Court of New Zealand, Tairawhiti District.—In the matter of the land known as Maraehara; and in the matter of a Petition No. 43 of 1937, by Henare Matanuku and others, referred to the Court for inquiry and report.

AT a sitting of the Court held at Tikitiki on the 31st day of May, 1940, before Harold Carr, Esquire, Judge.

The Court begs to report:—

That all parties affected were present or represented.

That Maraehara was originally investigated in 1891, when titles issued respectively for Maraehara A, B, C, D, E, and F. Block A was awarded to the "descendants of Mahanga now in occupation and such other persons who shall be found to be entitled by descent or continuous residence"; Block B was awarded to the descendants of Te Whakaohonga as shall be found entitled, inclusive of Pineaha Haerewa—"A" being situated to the east of the Pohatukarekare Stream and "B" to the west.

Maraehara A and B were the principal blocks, and the claims by the petitioners affect these titles only.

In May, 1880 (eleven years prior to the investigation), a lease to a Mr. Robertson, a European, was arranged by Pineaha Haerewa and the recognized owners at a yearly rental of £100. This lease was apparently signed individually, as reference was made at the hearing to the exercise or non-exercise of acts of ownership. The original lessee, now dead, transferred his rights many years ago, and the transaction is still recognized although the original lease has long since expired.

In 1898 the lands were repartitioned, and the interests of the lessors, whose ancestral rights placed them in A, B, C, or D, as the case may be, were grouped together and new titles issued as under:—

Maraehara A: Lessors, and being parts of old A, B, C, and D.
Maraehara B: Non-lessors, and being parts of old A and B.
Maraehara C: Non-lessors; balance of old C.
Maraehara D: Non-lessors; balance of old D.
Maraehara E and F were not affected.

The lessors and non-lessors retained their equivalent areas in the new titles, but one result of the repartition is that descendants of Mahanga and Whakaohonga are now found together in the same title. The petitioners apparently were not aware as to how this arose—they also allege that the shares allotted to their section (descendants of Hikitai) did not receive shares commensurate with their occupation.

The grievance illustrates the different methods adopted by the Courts at investigations of title. Formerly the Court would find for a particular ancestor, and the successful party would submit names and shares as a whole. Latterly a new method came into vogue whereby the award to the ancestor is followed by repeated awards to the various descendants of that ancestor right down to the present generation. This system naturally found much favour in the eyes of those who could connect with many heads on account of intermarriages.

In Maraehara the first system was then current and it apparently satisfied the Court, the conductors and elders of that time.

The petitioners advocate the introduction of the other method, and want a special award to "Hikitai," of Whakaohonga descent. They are thirteen in number—they received one hundred shares (as individuals), but now ask for an award of seven hundred shares to their ancestor.

Of the thirteen persons referred to, nine inclusive of Henare Matanuku and Panikena Kaa, the chief petitioners, have on consolidation transferred their values out to different areas.

The Court is unable to make any recommendation in the matter, for the following reasons:—

(1) The claim of seven hundred shares now asked for is unwarranted; this large increase cannot be justified by the occupation.

(2) The system of allocating shares was the then recognized method, and, taking all factors incidental to the hearing of claims and attendant expenses, it satisfied all parties then before the Court.

(3) That too great a disturbance in values and locations would result in the consolidation scheme now pending and in course of completion.

For the Court.

[L.S.] H. CARR, Judge.

The Chief Judge, Native Land Court, Auckland.

Approximate Cost of Paper.—Preparation, not given; printing (456 copies), £2 10s.

By Authority: E. V. PAUL, Government Printer, Wellington.—1940.

Price 3d.]