

1940.
NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1937.

REPORT AND RECOMMENDATION ON PETITION No. 239 OF 1936, OF MANAAKI PIRIPI
AND OTHERS, PRAYING FOR THE RETURN OF MANGAOPURAKA BLOCK.

Presented to Parliament pursuant to the provisions of Section 16 of the Native Purposes Act, 1937.

Native Land Court,
Auckland, 3rd July, 1940.

The Hon. the NATIVE MINISTER, Wellington.

MANGAOPURAKA BLOCK (NUHAKA No. 1 BLOCK).

ATTACHED hereto is the report made by the Court under section 16 of the Native Purposes Act, 1937, upon Petition No. 239 of 1936, of Manaaki Piripi and others.

I am unable to make any recommendation in connection with the petitioners' claims.

CHAS. E. MACCORMICK, Chief Judge.

THE NATIVE LAND ACT, 1931, AND SECTION 16 OF THE NATIVE PURPOSES ACT, 1937.

In the Native Land Court of New Zealand, Tairāwhiti District.—In the matter of the land called Mangaopuraka; and in the matter of a Petition No. 239 of 1936, by Manaaki Piripi and others, referred to the Court for inquiry and report.

At a sitting of the Court held at Nuhaka on the 30th day of June, 1938, and the following days, before Harold Carr, Esquire, Judge.

The Court begs to report that—

The petitioners and the Crown were represented and heard at length.

By deed dated the 16th March, 1865, the leading chief and elders of the day conveyed to the Crown an area of land (subsequently known as Nuhaka No. 1) estimated to contain 120,000 acres, but by surveys of the southern part, and by surveys of adjoining blocks as regards the northern part, this area was found to be only 38,267 acres.

A recital of the facts leading up to the Nuhaka purchase is contained in a report of even date on Petition No. 204 of 1936.

On behalf of the petitioners it is alleged that the deed of sale above referred to wrongly included an area of land, now claimed by them as Mangaopuraka, of an estimated area of 10,680 acres, situate within and along the north-eastern boundary of Nuhaka No. 1. They allege that their elders were not parties to the sale, and that as members of the Ngaitū, Ngaitama, and kindred sub-tribes they, and not the Rakaipaka people who signed the deed, are the rightful owners of the area in question.

For the Crown these submissions are not conceded, inasmuch as the petitioners cannot prove title to any part of the area covered by the deed and that the purchase was conducted, as in all other sales of that period, with the leading chiefs, elders, and recognized claimants.

— Reference —

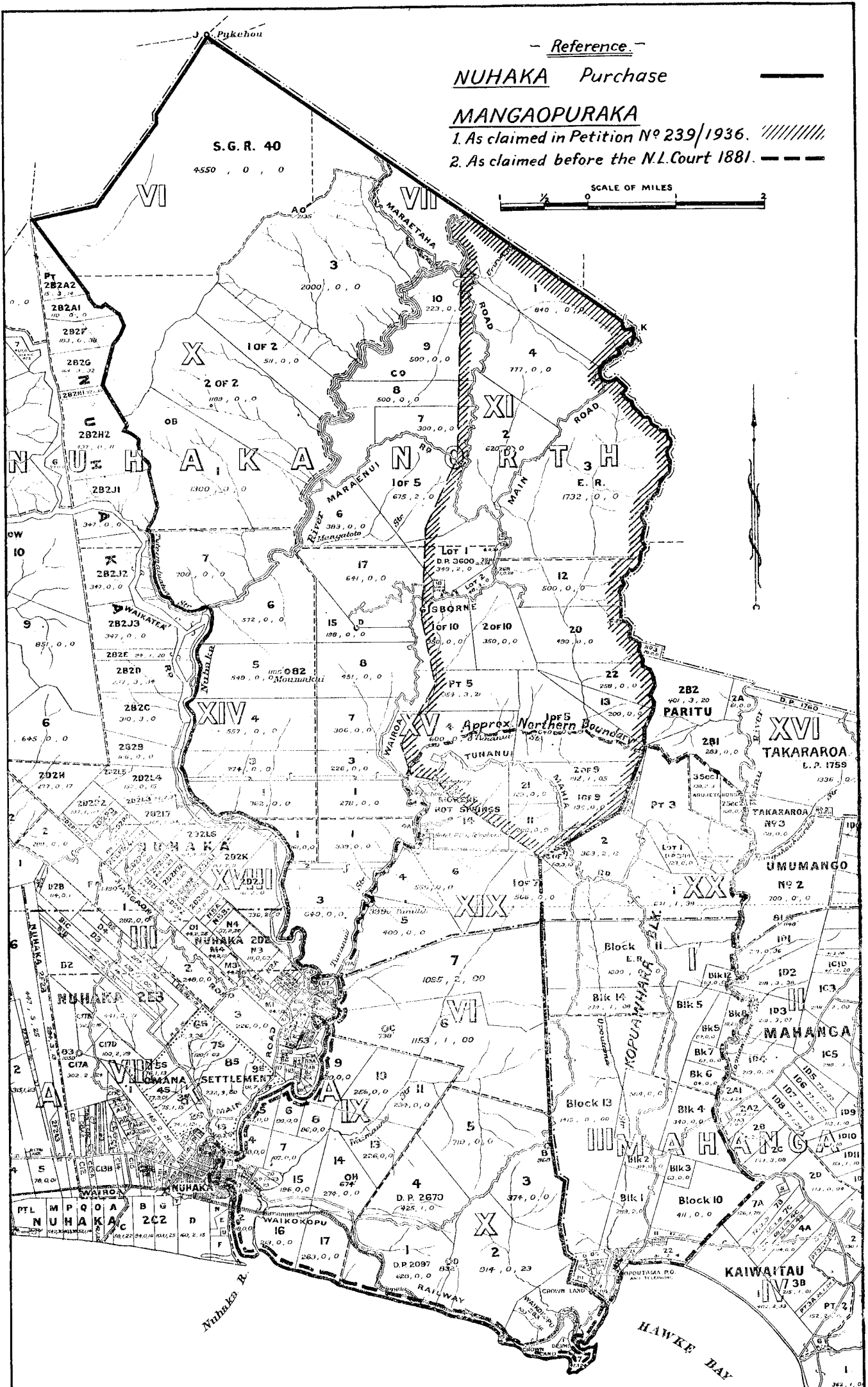
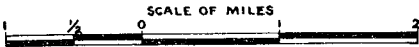
NUHAKA Purchase

MANGAOPURAKA

- 1. As claimed in Petition No 239/1936. //////////////
- 2. As claimed before the N.L. Court 1881. - - - - -

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From the records of the Lands and Survey Office it is found that the claim for Mangaopuraka was first made by Hami te Rarere, Te Teira Marutu, and others in May, 1879, asking that this land be surveyed as it was not included in the original sale. No action was taken.

In April, 1881, Te Teira Marutu again complained, and in the following month he reiterated his claim.

In April, 1886, Hone Whariki wrote complaining of the sale, stating that he did not receive any of the purchase-money and that the area of the land was about 4,000 acres.

In November, 1895, Te Teira Marutu again writes stating, *inter alia*, that the land was where the hot springs were situated and that the area was about 4,000 to 5,000 acres.

In July, 1896, Makere te Waru complains.

In 1898, Te Teira Marutu and others petition Parliament (No. 154/1898).

Maika Taruke and others also petition Parliament (No. 153/1898).

In 1899, Te Teira Marutu again petitions (No. 358/1899).

From the records of the Native Land Court we find that in 1881 a sitting of the Court was notified for Wairoa on the 18th November—this notice included, amongst many other papatipu claims, three applications for the investigation of title to Mangaopuraka. The applications, however, were dismissed because the land was then Crown land.

From applications numbered 28 and 35 on the "Panui" by Te Teira Marutu and Hami te Rarere and others it is noticed that the boundaries laid down in the applications place Mangaopuraka as being all the land between the Nuhaka River and Kopuawhara Stream extending northward from the sea as far as Tunanui Stream on the one side and the Waiiau Stream on the other, and takes in the whole of the Kopuawhara Block lying to the east of Nuhaka No. 1.

Mangaopuraka as fixed by the present petitioners places the block in the north-eastern corner of the Nuhaka purchase, and only a small part in the south connects with the land as claimed before the Court in 1881.

The claimed areas of this block also gives cause for reflection—the present petitioners fix the area as 10,680 acres, whereas Hone Whariki in 1886 gave the area as 4,000 acres and Te Teira Marutu in 1895 gives the area as between 4,000 and 5,000 acres. Before the Confiscated Lands Commission the area was 20,000 acres.

It would appear to this Court that Mangaopuraka had a "will o' the wisp" existence.

First it extended from the sea-coast northward; now it is many miles inland, and only as to a small part do these areas contact with one another. Te Teira, in one of his letters, claimed the land to be where the hot springs were—the boundaries of the present petitioners do not extend as far south as these springs.

Although Te Teira Marutu did not sign the deed, his co-claimant before the Court, Hami te Rarere, was one of those who did sign, and his signature would be deemed representative of his faction. Hone Whariki's main complaint in 1886 was that he did not receive any of the purchase-money, but the custom then was to recognize the paramount chief as the payee and he distributed the money as he saw fit. Hone Whariki was one of the ninety-three who signed. Maika Taruke, a petitioner in 1898, also signed the deed of sale.

In view of these unexplainable differences, the Court has come to the conclusion that the petitioners have not made out any case for relief and that the deed of sale complained of gave effect to the intentions of the chiefs and elders on the one hand and the Crown on the other.

Attached hereto is a litho showing—

(1) The Nuhaka purchase of 1865.

(2) The Mangaopuraka area—

(a) As claimed by the present petitioners.

(b) As claimed by Te Teira Marutu, Hami te Rarere, and others before the Native Land Court in 1881.

For the Court:

H. CARR, Judge.

[L.S.]

The Chief Judge, Native Land Court, Auckland.

