

1948
NEW ZEALAND

REPORT AND RECOMMENDATION ON PETITION No. 107 OF 1947, OF PAORA WAINA, CONCERNING RELATIVE INTERESTS IN LAKE WAIKAREMOANA

Presented to Parliament in Pursuance of the Provisions of Section 55 of the Maori Purposes Act, 1947

Maori Land Court (Chief Judge's Office),
Wellington C. 1, 31st August, 1948.

Memorandum for the Right Hon. the MINISTER OF MAORI AFFAIRS.

LAKE WAIKAREMOANA

PURSUANT to section 55 of the Maori Purposes Act, 1947, I transmit the report of the Court upon the claims and allegations contained in petition No. 107 of 1947, of Paora Waina, concerning interests in Lake Waikaremoana.

The petitioner alleges that he and others, being some of the issue of Paora Rakau, were wrongfully excluded from the title upon the investigation of the title to Lake Waikaremoana, and prays that the matter be referred to the Maori Appellate Court with a view to including them.

Paora Rakau had four children, all of whom left issue; in the list of claims submitted to the Court under his father, Te Keepa, the issue of one only of these four children were included, and when the list was finally passed the children of this child were included as owners. This investigation took place in 1915 to 1918, but was the subject of various appeals which were finally disposed of by the Maori Appellate Court in 1947.

The Court has reported that ancestrally all the four children of Paora Rakau had equal rights, and as the occupation upon which this list was included in the title was the occupation down to the time of Te Keepa, it appears that the other three children of Paora Rakau, or their children, had rights in the land.

I recommend that, in accordance with the prayer of the petition, the Maori Appellate Court be empowered to investigate the claims of the petitioners and, if it finds that any of the issue of Paora Rakau other than those already included had rights in the land, to amend the order made on the investigation of title by including such persons as owners for such shares as the Court may think just. In awarding shares to any such persons the Court will have to determine whether the total number of shares in the land shall be increased, or whether the shares of the owners already admitted under Te Keepa shall be decreased, and the Court should be given power to make such determination and order accordingly.

D. G. B. MORISON, Chief Judge.

THE MAORI LAND ACT, 1931

W^r. M.B. 51/157.

In the Maori Land Court of New Zealand (Tairāwhiti District).—In the matter of the Waikaremoana Lake, and of petition 107 of 1947, of Paora Waina, referred to the Court pursuant to section 55 of the Maori Purposes Act, 1947, for inquiry and report.

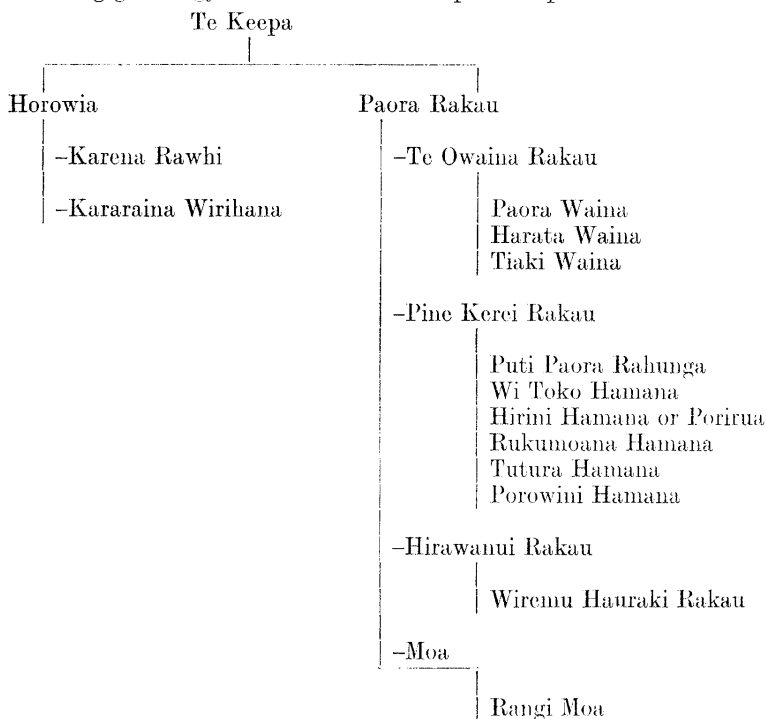
At a sitting of the Court held at Wairoa on the 31st day of May, 1948.

The Court desires to report that :—

The petitioner, Paora Waina, appeared and gave evidence in support of his claims.

During the proceedings on the investigation of title when “ lists ” were submitted to the Court, List 3 showing “ Paora Rakau’s descendants ” as entitled to one share was finally passed on the 6th June, 1918, but those participating in this one share were limited to the children of Pine Kerei Rakau, one only of the children of Paora Rakau.

The following genealogy shows the relationship of the parties :—



The petitioner claims participation in the share originally allotted to Paora Rakau but subsequently limited to one only branch—that is, Pine Kerei Rakau.

Ancestrally all the children of Paora Rakau have equal rights, and the Court so reports.

For the Court,

H. CARR, Judge.

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