

1936.

NEW ZEALAND.

# THE NATIVE PURPOSES ACT, 1935.

REPORT AND RECOMMENDATION ON PETITION No. 166 OF 1934-35, OF MAUI RANGIHAEATA AND OTHERS, RELATIVE TO THE OWNERSHIP OF THE LAND COMPRISED IN CROWN GRANT No. 3692 OF PART SECTION 84, BLOCK VII, CARLYLE SURVEY DISTRICT, CONTAINING 14 ACRES 1 ROOD, IN FAVOUR OF TAURUA, AND KNOWN AS WAIOTURE BLOCK, AND ALSO AS TO THE OWNERSHIP OF SECTION 141, WHENUAKURA DISTRICT (TOWN OF PATEA), NOW DESCRIBED AS CROWN LAND.

*Presented to Parliament in pursuance of the Provisions of Section 22 of the Native Purposes Act, 1935.*

Native Land Court (Chief Judge's Office).  
Wellington, C. 1, 17th July, 1936.

The Right Hon. the NATIVE MINISTER, Wellington.

PETITION No. 166 OF 1934-35.—SECTIONS 84 AND 141, BLOCK VII, CARLYLE SURVEY DISTRICT.

PURSUANT to section 22 of the Native Purposes Act, 1935, I transmit herewith the report of the Court upon the above petition. As the report gives no particulars as to section 141, I have thought it wise to look further into the records.

The first reference to the Waioture matter is in a letter dated 16th October, 1867, from the then Native Minister (Mr. Richmond) to Taurua regarding the question of reserves to be made for Natives. It mentions, *inter alia*, that "the places that are highly valued and the sacred places"—which would include Waioture and Matangarei—"will be retained for the people who formerly owned the land." Subsequently to this further trouble arose with the Natives, including Taurua and his people. Upwards of two hundred Natives (Taurua among them) surrendered, and were sentenced to two years imprisonment in Dunedin. On their return from Dunedin they were placed by the Government on various reserves. In issuing instructions to Mr. Parris with regard to those reserves on 31st March, 1873, Mr. McLean (Native Minister), after setting forth those to which the Pakakōhe hapu had permission to return, wrote "a reserve of 10 acres will also be made for them at Turi's Spring and of 5 acres about the site of Turi's house." The latter site is sometimes referred to as Matangarei, and the two areas together comprise Waioture. There is some evidence, however, that the land was surveyed in March, 1873, and that the field-book indicates that a graveyard was retained by the Crown. Thus Section 84 was surveyed as 14 acres instead of the 15 acres promised. The natural boundary of the land would be the Patea River, but the portion marked graveyard was cut off between the river and a watercourse. It could not have been a Maori graveyard, otherwise the Crown would not wish to retain it, but is apparently the site of the grave of Corporal Charles Philpott, of the 50th Regiment, who was killed in action on 7th June, 1866. General Chute, in his dispatches, stated that he had one man killed on that occasion. Later, when the railway was being constructed, it became necessary to take portion of the graveyard, and the residue was denominated Section 141 and treated as unallotted Crown land.

It appears that the grave of Corporal Philpott, which is under the care of the Department of Internal Affairs, is situate not on Section 141, but on the railway land. Waioture (as Section 84), containing 14 acres, was leased by Taurua and others to one Alfred Wood on 2nd August, 1876. On 20th October, 1881, the West Coast Commissioner recommended the issue of a grant of Section 84 to Taurua—the land to be inalienable except by lease. It will be noted that Mr. McLean's memorandum indicated that these small reserves would vest in those persons who formerly owned and occupied them, and not in the Chief alone. The bulk of the present owners are apparently agreeable to the land being dealt with as tribal property. On the other hand, one person, a successor of Taurua, who derives his interest by will, objects. There is considerable doubt in view of the restrictions imposed by the grant if this land passed by will.