

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.

The Chief Judge recommends legislation be enacted empowering the Native Land Court to inquire :—

- (1) Whether the land known as Section 141 was originally intended to be reserved for Natives and should be dealt with as if it were part of the Waiture Reserve :
- (2) Whether it is right and proper that the Waiture Reserve should be vested in others besides the representatives of Taurua (deceased) :

and, if the Court thinks it proper so to do, to make Orders vesting Section 84 and Section 141, or either of them, in trustees for the control and management thereof, subject to such trusts as it is thought expedient to impose.

R. N. JONES, Chief Judge.

Office of the Aotea District Native Land Court and Maori Land Board,
Wanganui, 20th April, 1936.

The CHIEF JUDGE, Native Land Court, Wellington, C. 1.

WAIOTURE BLOCK OR PART OF SECTION 84, BLOCK VII, CARLYLE SURVEY DISTRICT, AND PETITION
BY MAUI RANGIHAĒATA AND OTHERS.

I HAVE the honour to inform you that the Court, sitting at Patea on the 19th and 20th February, 1936, held the inquiry directed by you into this petition, and I beg to report as follows :—

The particulars of the title are as follows :—

Area : 14 acres 1 rood.

Title : Crown Grant 8/38 under West Coast Settlement (North Island) Act, 1880, and West Coast Settlement Reserves Act, 1881.

Grantee : Taurua, aboriginal Native of Patea.

Taurua, the grantee, died, and on the 30th April, 1890, his brother

Rangitawhi

was appointed his successor.

Rangitawhi died on the 27th March, 1893, and on the 24th November, 1893, his nieces

Irihapeti Raukura f.a.

Ihipera Koria f.a.

were appointed his successors in equal shares.

On the 21st April, 1915, a freehold order was made under the West Coast Settlement Reserves Amendment Act, 1913, ordering and declaring that

Irihapeti Raukura f.a.

Ihipera Koria f.a.

were the owners in equal shares of Waiture Block, otherwise Part Section 84, Block VII, Carlyle Survey District, containing 14 acres 1 rood.

Ihipera Koria died, and on the 18th March, 1931, the following persons—children and grandchildren—were appointed successors to her interest, viz. :—

Tahupotiki Wiremu $\frac{1}{5}$

Hinepua Wiremu $\frac{1}{5}$

Erina Wiremu $\frac{1}{5}$

Whaiake Pehimana $\frac{1}{5}$

Pera Pehimana $\frac{1}{5}$

Ihipera Koria Taurua $\frac{1}{5}$

Ratana Tamaiparea $\frac{1}{10}$

Whakarongo Tamaiparea $\frac{1}{10}$

Whaiake Pehimana, one of the successors above, died, and on the 12th October, 1931, the following were appointed successors to his interest, viz. :—

Tiniwa Taiaroa f. 6

Nane Taiaroa f. 5

Nakata Taiaroa m. 4

Eropanene Taiaroa m. 3

equally.

Irihapeti Raukura died on the 20th November, 1928, leaving a will by which she devised her interest in this block to her husband

Ngarangi Katitia, *alias*
George Broughton.

Succession order has been made in terms of the will appointing the beneficiary as successor.

George Broughton died on the 22nd day of February, 1934.

He also left a will devising his interest in this land to his grandchild

Te Rauamoā te Ngoo.

Probate of this will has been granted, but no succession order has yet been made in pursuance of it for this interest.

The owners of Waioture, therefore, are—

Tahupotiki Wiremu	..	..	..	..	..	$\frac{1}{10}$
Hinepua Wiremu	..	..	..	..	..	$\frac{1}{10}$
Erina Wiremu	..	..	..	..	..	$\frac{1}{10}$
Pera Pehimana	..	..	..	..	..	$\frac{1}{30}$
Ihipera Korua Taurua	..	..	..	..	..	$\frac{1}{30}$
Ratana Tamaiparea	..	..	..	..	..	$\frac{1}{20}$
Whakarongo Tamaiparea	..	..	..	..	..	$\frac{1}{20}$
Tiniwa Taiaroa	..	..	..	..	..	$\frac{1}{120}$
Nanc Taiaroa	..	..	..	..	..	$\frac{1}{120}$
Nakata Taiaroa	..	..	..	..	..	$\frac{1}{120}$
Eroparene Taiaroa	..	..	..	..	..	$\frac{1}{120}$
Rauamoia te Ngoo	..	..	..	..	..	$\frac{1}{2}$

At the inquiry the next-of-kin of the original grantee—the Ratana family—owning one-half of the block, were not present or represented, but it was stated on their behalf that they were willing that the land should be returned to the original owners, the Pakakohe Tribe.

The petition was opposed by Te Ngo Ngarangikatitia, the father of the devisee under the will of George Broughton. This devisee was not in any way closely related to the original grantee, but obtained her interest, as shown above, through two wills.

The petitioners alleged that the grant was made to Taurua not in his own right, but as trustee and representative of the Pakakohe Tribe.

Te Ngo Ngarangikatitia's grounds for opposing the petition were as follows:—

- (1) Taurua's name appears in the Crown Grant and the land belongs to him.
- (2) From him the land descended to his successors.
- (3) It is some years now since Taurua died, and no claim has been made. The petitioners have waited until the elders who knew all the circumstances about this land have died.

In the Court's opinion the position in this case is exactly the same as in Pukorokoro, a report with regard to which was forwarded to you on 2nd August, 1934.

There is no doubt Waioture is Pakakohe tribal land and was held in high regard by the tribe as being the first place on that part of the coast on which their great ancestor Ture settled. The spring on the land named after him, Waioture, is still in existence. The Court has no doubt also that land was returned by the Commissioners to Taurua because it was a place of historical interest to his tribe, the Pakakohe. Taurua made no attempt to alienate it during his lifetime, and it seems to the Court to be a reasonable inference to draw that he regarded himself as a trustee for his tribe. It is a notable fact that his next-of-kin, who own half the block, are prepared to hand it back to the tribe, while the owner of the other half, a stranger in blood to him, desires to retain it.

No evidence was offered as regards Section 141.

The following are forwarded herewith for your information.

- (1) Copy of the evidence taken on the inquiry.
- (2) Copy of the report of the 2nd August, 1934.
- (3) Petition.
- (4) Native Office file 19/1/145.

JAS. W. BROWNE, Judge.

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