

SESSION II.
1912.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1910:

REPORT AND RECOMMENDATION ON PETITIONS Nos. 74/08, 569/08, AND 570/08,
RELATIVE TO TARAIRE BLOCK.

Laid before Parliament in compliance with Subsection (4) of Section 28 of the Native Land Claims Adjustment Act, 1910.

SIR,— Native Land Court (Chief Judge's Office), Wellington, 7th May, 1912.
Pursuant to section 28 of the Native Land Claims Adjustment Act, 1910, I have the honour to forward herewith a report in connection with Taraire Block. As I was one of the Judges who made the report, my recommendations are those contained in the report.

I have, &c.,
JACKSON PALMER, Chief Judge.

The Hon. the Native Minister, Wellington.

In the Native Land Court, New Zealand.

REPORT PURSUANT TO SECTION 28 OF THE NATIVE LAND CLAIMS ADJUSTMENT ACT, 1910, *in re*
TARAIRE NOS. 1 AND 2 BLOCKS.

The Chief Judge having, pursuant to the above-mentioned section, referred to the Native Land Court for inquiry and report the claims and allegations made in Petitions Nos. 74 of 1908 (Heteraka Manihera and others), No. 569 of 1908 (Hoori Puriri), and No. 570 of 1908 (Marama Tahere), praying for further investigation of these blocks, the same were gazetted for hearing, and the hearing commenced at Kaikohe on the 19th day of April, 1912, before ourselves, Chief Judge Palmer and Judge Rawson, sitting as a Native Land Court, and was continued on the 20th and 22nd April, 1912.

Owing to minutes of evidence, not only in Taraire but in other blocks, together with maps and other documents, having to be perused and considered, we have found ourselves unable to complete our report until now.

It has been for a long time the established law of the Dominion that two things are necessary to give a proper Native title—namely (1) *take* (an original right to the land) and (2) *noho* (occupation to maintain that right). The quantum of shares allowed when the relative interests are fixed greatly depends upon the occupation. The occupation of *papatupu* lands is of various kinds, ranging from the occasional hunting or fishing in the ancestral times down to the permanent cultivation or home-stead farming at the present time. All this varied occupation has been given an assessed value by the Native Land Court.

The evidence of the occupation of the original Motatau Block of about 80,000 acres, and its subsidiary blocks of about 40,000 acres, together totalling over 120,000 acres, was so very conflicting and untruthful that it was proved in many cases that a person to have occupied in accordance with the evidence would require to have lived for about three hundred years. Each set of claimants, as each block came forward, claimed exclusive occupation, and former Courts, in order to test the occupation claimed, had to go into the occupation not only of the block then before it, but also of the adjoining blocks forming this 120,000 acres. Taraire was among this group, and the allegations of occupation thereon were, as usual, so conflicting that we had to use the test of comparing it with the evidence in its adjoining group. Therefore, to set out at length all our reasons for arriving at this decision in traversing so many matters would contain so much detail that the report would be more lengthy than the occasion justified.