

1929.  
NEW ZEALAND.

## NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1927.

REPORT AND RECOMMENDATION ON PETITION No. 300 OF 1927, OF MAORA MAUWHATA, RELATIVE  
TO TOKOMARU B No. 7 BLOCK.

*Presented to Parliament in pursuance of the Provisions of Section 63 of the Native Land Amendment  
and Native Land Claims Adjustment Act 1927.*

Native Department. Wellington, 25th September, 1929.

*Petition No. 300 of 1927.—Tokomaru B 7 Block.*

PURSUANT to section 63 of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, I herewith enclose the report of the Court upon the above-mentioned petition.

I recommend that legislation be passed empowering the Court to adjust the matter by allotting 1 acre and the house to Maora Mauwhata and adjusting this out of Maora Mauwhata's share in Tokomaru B 5.

R. N. JONES, Chief Judge.

The Hon. the Native Minister, Wellington.

In the Native Land Court of New Zealand, Tairāwhiti District.—In the matter of the Tokomaru B 7 Block and of petition No. 300 of 1927, of Maora Mauwhata, referred to the Court under the provisions of section 63 of the Act of 1927 for inquiry and report. At a sitting of the Court held at Tokomaru Bay on the 24th August, 1928, before Harold Carr, Esquire, Judge.

The Court begs to report as follows:—

All the parties interested were present and represented.

Hare Mauwhata (deceased) was an original owner in the Tokomaru Block. He was succeeded to on the 5th June, 1888, by his daughters, Tuihana Paerata, Rinaha Wairakau, Harata Matekino, Maora Mauwhata (the petitioner), and Ripeka Mauwhata.

The Tokomaru Block came before the Court at Tolaga Bay in May, 1888, on partition, and, after a lengthy hearing, divisions for the subtribes and A. C. Arthur, lessee and purchaser of undivided shares, were ordered on the 24th September of that year. The relative interest of the individual owners were also determined at this hearing, Hare Mauwhata's children being allotted 66 acres 2 roods 19 perches, and were located with others in Tokomaru B, estimated to contain 2,257 acres. Numerous petitions, prohibitions, reopening, and rehearings occurred, and the partition was not finalized until October, 1891. In the main the scheme of partition laid down in 1888 was followed; the area for B, however, increased on survey to 2,464 acres, and the interest of the Mauwhata family rose to 72 acres 3 roods 38 perches.

The petitioner states that in 1895 she married a Mr. Forrester, who was a shepherd for the lessee (Arthur), and that by arrangement with the manager of the station her husband built a house on the Tokomaru B Block, and in which they lived for some years together with their children, her children and their children being still in occupation. Petitioner further states that, as she was a minor at the time, her affairs were looked after by her sister's (Tuihana) husband, Hone Paerata, and that when the Tokomaru B Block came up for partition at Tolaga Bay Hone was instructed to secure to the petitioner the part where her house was, and, further, petitioner was not aware until some years afterwards that her sister Tuihana had secured this area (Tokomaru B 7) and that petitioner's interests were, with the rest of the family, placed in B 5.

These allegations are denied by Tuihana, who claims that the house was erected after the partition of B, and that Forrester was permitted by her husband, Hone Paerata, to occupy and build on B 7.

The Court prefers to believe Horomona te Hui when he states that the house was built in 1895, and the Court is of opinion that it was placed where it now is because of its proximity to the station homestead (Tokomaru A).

It was acknowledged at this hearing that Hare Mauwhata's family belong to the Ngati-Kaitahuna Hapu and that this hapu was not entitled to any area where B 7 was fixed, but that their interests were more properly located at B 5.

It is unfortunate, however, that the minutes on partition (of 1895) were lost in the wreck of the s.s. "Tasmania," and that the Court is unable to ascertain the basis or scheme of partition adopted or the reasons given why Tuihana Paerata, who had never lived on this area, should get an award of 10 acres away from the rest of her sisters, who each had similar ancestral rights.

The Court is satisfied that Hone Paerata, who was a very astute conductor, was solely responsible for the award to his wife, and that he did not consider the claims of his sister-in-law (the petitioner) when getting the award for B 7. It must not be overlooked, however, that this could only have been accomplished by a person like Hone Paerata, and that he alone was able to placate or defeat the claimants entitled to this locality. Had the petitioner fought her own case it is very doubtful whether she would have succeeded, or, if successful, whether an area of 10 acres would have been allotted her.

Taking all these matters into consideration, and in view of the undisturbed occupation of petitioner and her children, the Court is of opinion that some consideration should be shown her and that this home should be secured for her family. The Court therefore recommends that it be granted jurisdiction to make such adjustment in the title for Tokomaru B 7 as would secure to Maora Mauwhata an area of approximately 1 acre surrounding the house at present on the block, and that compensating adjustment be made in favour of Tuihana Paerata out of Maora's share in Tokomaru B 5.

For the Court,  
H. CARR, Judge.

The Chief Judge, Native Department, Wellington.

*Approximate Cost of Paper.*—Preparation, not given; printing (450 copies), £1 10s.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1929.

*Price 3d.]*