

1934.
NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1933.

REPORT AND RECOMMENDATION ON PETITION No. 75, OF 1933, OF MIRI TATANA AND 37 OTHERS, PRAYING FOR LEGAL RIGHT TO A LANDING-PLACE FOR THE TAURANGA-WAKA AT NEW PLYMOUTH.

Presented to Parliament in pursuance of the Provisions of Section 27 of the Native Purposes Act, 1933.

Chief Judge's Office, Native Land Court, Wellington, 1st September, 1934.

Petition No. 75 of 1933.—Canoe Landing-place at New Plymouth.

PURSUANT to section 27 of the Native Purposes Act, 1933, I herewith transmit the report of the Court with regard to the above petition.

The petition refers to a small area of land containing about 2 acres of accretion between the Hongihongi and Tutu Streams on the New Plymouth waterfront. An old plan of the locality shows a whaling-station on the then shore-line and a Maori village close by, so that it is probable that the Maoris did in past days use the then waterside for drawing up their canoes. However, in 1885 the Railway Department, by virtue of a taking under the Public Works Act, became possessed of the land up to high-water mark (1885 *Gazette*, page 1278).

Whatever land was not taken by the Railway Department appears to have become vested in the New Plymouth Harbour Board by virtue of section 25 of the New Plymouth Harbour Board Empowering Act, 1918, and the schedule to the Act expressly refers to the railway land as one of the boundaries.

While it is probable that some of the present-day land may have been in existence prior to 1885, it would appear that the bulk of it has been created by the action of the sea at some later period. In 1915 the Maoris had petitioned for a title to it, and again in 1921 and 1922, after the land had been vested in the Harbour Board, they lodged further petitions. Apparently Parliament was not aware of the claims by the Maoris, as it was not mentioned in any way.

So far as the Crown is concerned it has already parted with any interest it had to the New Plymouth Harbour Board, and in view of the Harbour Board's objection there is no way, unless it be decided to cancel the statutory title, in which the land could be vested in the Maoris. Under the circumstances I can make no recommendation.

On the other hand, it may be that the Maoris, by virtue of their undisturbed possession, have acquired some right to the land. This, however, can only be decided by Supreme Court proceedings, which would probably cost more than the value of the land in dispute. Meantime the Harbour Board holds the Land Transfer title to the land.

The Hon. the Native Minister, Wellington.

R. N. JONES, Chief Judge.

Office of the Aotea District Native Land Court and Maori Land Board,
Wanganui, 18th July, 1934.

I HAVE to inform you that in pursuance of your reference dated 6th January, 1934, the Court, sitting at New Plymouth on the 27th ultimo, held the inquiry into Petition No. 75 of 1933 of Miri Tatana and 37 others, praying for legal right to a landing-place (or *tauranga waka*) at New Plymouth, and have to report as follows:—

Mr. White, Solicitor, of New Plymouth, appeared for the petitioners; and

Mr. Hutchin, of the firm of Messrs. Govett, Quilliam, and Hutchin, for the New Plymouth Harbour Board, to oppose the petition.

The part in dispute is located at Moturoa, near the New Plymouth Breakwater, about 2 acres in area, and extends along the foreshore from the Tutu Stream to the Hongihongi Stream. The petition refers solely to a canoe landing-place, but, as the case proceeded, it was clear that the petitioners wanted the area because they had built houses on it.

Witness after witness alleged that there had been a *tauranga waka* between the Tutu and the Hongihongi—that it was a fishing reserve and a kainga, that the Ngati Whiti had had permanent possession of and occupation on it from ancient times, and that their occupation had not been disturbed until about ten years ago when the Harbour Board gave the occupants notice to vacate the area. They paid no attention to the notice, and are living on the area at the present time.