

Waimangō Papakāinga Partition 1940 by Tukumana Te Taniwha

Māori Land Court, Auckland MB 17: Wharekawa 4B2A1B Partition, 23 October 1940

This is an extract from the Auckland Minute Books of the Māori Land Court. It records an application by Tukumana Te Taniwha (made in 1940, a year before he passed away) to set aside a 'papakāinga and urupa reserve'.

The significance of this application to the Court is that it is a formal action taken by Tukumana to see his plans for a papakāinga (to include the urupā) put in place.

Some key points to note are as follows:

- *The application is consistent with Tukumana's draft will (as we know it). It seeks to create a papakāinga reserve of up to 5 acres. This papakāinga reserve is to include the urupā and the homestead.*
- *Tukumana seeks to vest the papakāinga reserve in himself solely.*
- *Tukumana states that he was living in the homestead at Waimangō with his 'mokopunas, the children of Miria and Turoa Roera'.*
- *Tukumana also refers to a further 50 acres to the south of the Waimangō stream where his brother Te Pae Reihana lives. He states that he has interests in that block too but is not seeking to address those interests in this application.*
- *A Mr McIntyre represented the Board of Native Affairs in the hearing. The Board did not oppose the application. Both he and Tukumana's counsel, a Mr Palmer, stated that the land was set aside for 'development purposes'.*
- *The Court accepted the application and granted the partition.*

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Present - the same

Wharekawa 4B2A1B parts	318 - 1 - 33
	50 - 0 - 00

Total area

Application for Partition

Applicant Taiwiwi Tukumana Te Taniwha

Land Subject to part 1/1936 Consent of Bd. Native Affairs

To part partition filed.

Mr Palmer

I appear for the applicant. This land has been

Set aside for development purposes and the consent of the Board of Native Affairs to a partition has

been given. There are two reasons for a partition

One - Tukumana desires an area covering a cemetery

out out.

Secondly - adjoining that is an area on which his house is situated and it is suggested that an area of about 5 acres will cover both.

The other point which Tukumana also wishes? to bring before the Court is an area of 50 acres (self contained) to the South of the main area He considers he is entitled to this area ? some years ago there was a sale to Mr Addams of the whole of the southern portion and as a result of his efforts this 50 acres was excluded from the sale. With regard to the application now before the Court however, Tukumana desires to proceed only for partition to cut off the cemetery and homestead.

Taiwiwi Tukumana Te Taniwha Sworn

I desire to have partitioned an area of appx 5 acres out of this block in my own name to cover a cemetery and my own home, to be located in the most Easterly corner of the Northern part (318-1-33?) facing the

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sea at the mouth of the Waimango Stream I live in the house with my mokopunas the children of Miria and Turoa Roera. The house is about 50 years old is in fairly poor condition.

The other owner, Te Pae Reihana does not live in this house. Many years ago as a boy with our parents he lived there but not for many years.

To Court. I do not contemplate putting a new house on the piece; the old house is quite suitable for our present needs (his needs)

I do not mind the cowshed being excluded From the reserved area.

My brother Te Pae Reihana should not object to my proposal.

Alexander McIntyre Sworn

I have heard the proposed partition of an area of 5 acres out of the 318 acres. From the point of view of development, the place has been unsatisfactory in that work has not been able to proceed. The exclusion of about 5 acres will not seriously affect the farming area. I raise no objections from the viewpoint of the Bd of Nat.

Court. Court has inspected the land some time ago, and knows the partition. The partition will be made cutting out a reserve of up to 5 acres suitably planned. (? also a will of the applicant lodged by him in the Court amends? for custody. The intention as to the partition carries out or follows a direction in this will for a papakainga and urupa reserve.) What Tukumana requires is a suitable piece covering an area including the urupa and the old home it being intended to make it a reserve with urupa, at most, subject to sale or mortgage

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As to the other reason quoted by Tukumana's counsel for partition but not asked for at present, the Court would have had greater difficulty. The inspection for the block revealed that the self contained portion of the block to the South (containing 50 acres is referred to as claimed by Tukumana) is and has been for some considerable time in the occupation of and farmed by the brother, the other share holder, Te Pae Reihana. The Court would find difficulty in dealing with a claim for that part by Taiwiwi Tukumana te Taniwha as he has for long occupied the other part, the 318 acres to the North and farmed there. However, Tukumana is not pressing such a claim in this area, but only asks for a partition as to the 'urupa and papakainga reserve'.

Partition Orders (2) are made as follows: -

"Wharekawa 4B2A1B Papakainga"

Being an area of up to 5 acres, (exact area to be defined on survey but not more than 5 acres) to be cut off (in the self contained Northern part of the block) in the Easternmost corner of the block (Northern part) facing the sea at the mouth of the Waimango Stream, to be of satisfactory shape and size as to form a compact piece with symmetrical frontages to both sea and stream, to include the cemetery and the old homestead, and if practicable only, to exclude the cowshed.
for : - Tawiwī Tukumana Te Taniwha ma Solely
(This piece is of fairly good average value when considering the hole block and will take 7.1 shares of Taiwiwi's interests in the block.

"Wharekawa 4B2A1B 13 shares"

The balance of the block in two parts

for : - 1 Te Pae Reihana ma 234.75

2 Taiwiwi Tukumana Te Taniwha ma 320.00
554.75 shares

Requires for survey grant to issue
? asked for them to do ?

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Auckland, 23 October 1940.

Present - The same.

6. Whareroa H.B. 9, B. 100. - $\begin{matrix} - & - & h \\ 318 & - & 1 & - & 33 \\ \hline 50 & - & 0 & - & 00 \end{matrix}$
 Total area balance value
 land after sale of
 179-1-20 to 150000 } 368-1-33h.

Application for Partition

Applicant: Teiwiwi Tekeheua te Kaniwha
 Land subject to Court 1/1926. Grant of Vol. of Native Affairs
 to partition filed.

Mr. Palmer

I appear for applicant, this land has been set aside for development purposes, & the consent of the Board of Native Affairs to a partition has been given. There are two reasons for application - Tekeheua desires an area covering a cemetery cut out.

Secondly - desiring that in an area in which his home is situated & it is suggested that an area of about 5 acres will cover both.

The other point which Tekeheua asks me to bring before the Court is in an area of 50 acres (half contained) to the south of the main area he considers he is entitled to this area as some years ago there was a sale to his children of the whole of the section portion & as a result of his efforts this 50 acres was excluded from the sale. With regard to the application now before the Court however, Tekeheua desires to proceed only for partition to cut off the cemetery & homestead

Teiwiwi Tekeheua te Kaniwha - Respondent.

I desire to have partitioned an area of approx 5 acres out of this block in my own name to cover a cemetery & my own home, to be located in the most easterly corner of the northern part (318-1-33h) facing the

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see at the mouth of the Wainanga stream
I live in the house with my nephews
the children of Miria & Tevora Raira, the
house is about 50 years old & in fairly poor
condition.

The other owner Te Pae Raikana does not
live in this house. Many years ago as a boy
with our parents he lived there but not for
many years.

To Court. I do not contemplate putting a new
house on the piece; the old house is quite
suitable for our present needs, (his needs)

I do not mind the cowshed being excluded
from the reserved area.

My brother Te Pae Raikana should not object
to my proposal.

Alexander Mc Intyre. Suva

I have heard the proposed partition of an
area of 5 acres out of the 318 acres. From the
point of view of development, the place has been
unsatisfactory in that work has not been able
to proceed. The exclusion of about 5 acres will
not seriously affect the farming area. I have
no objection from the viewpoint of the Bd. of Rd.

Court. Court has inspected the land some time ago,
and knows the position. A partition will be made
cutting out a reserve of up to 5 acres suitably placed.
(See also a Will of the applicant lodged by him in
the Court records for custody. The intention as to
the partition carries out ^{or follows} or deviation in this Will
for a papakanga & Masepa Reserve). What Tevora
requires is a suitable piece covering an area including
the corner of the old house it being intended to make
it a reserve as it were, & not subject to sale or mortgage.

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 23 OCT 1940

As to the other reason quoted by Tukunama's counsel for partition but not asked for at present, the Court would have had greater difficulty. The inspection of the block revealed that the self contained portion of the block to the south (containing 50 acres & referred to as claimed by Tukunama) is & has been for some considerable time in the occupation of and farmed by the brother, the other pihoroheke, Te Pae Keihanga. The Court would find difficulty in dealing with a claim for that part by Taimini Tukunama to Taniwha as he has for long occupied the other part, the 318 acres to the north & farmed there. Taimini Tukunama is not pressing such a claim in this case, but only asks for a partition as to the 'urupa & papahauinga kumua.

Partition Orders (2) are made as follows:-
 "Whamkawa H.B. 2 A, B Papahauinga"
 Being an area of up to 5 acres, (approx area to be defined on survey but not more than 5 acres), to be cut off (in the self contained northern part of the block) in the easternmost corner of the block (northern part) facing the road at the mouth of the Waimanga stream, to be of satisfactory shape & size & to form a compact piece with symmetrical frontages to both sea & stream, to include the cemetery and the old homestead, and if practicable only, to exclude the ^(containing) for:- Taimini Tukunama to Taniwha ma kōhanga. (this piece is of fairly good average value when considering the whole block & will take 7% share of Taimini's interest in the block.)
 "Whamkawa H.B. 2 A, B Balance"
 The balance of the block - in two parts
 for:- 1. Te Pae Keihanga ma. 234.75
 2. Taimini Tukunama to Taniwha ma. 320.00
 554.75 balance
 Reserve for survey part to reserve and also to be considered