

1909.  
NEW ZEALAND.

“THE LAND TITLES PROTECTION ACT, 1908”

(APPLICATIONS FOR THE ISSUE OF ORDERS IN COUNCIL UNDER).

*Presented to both Houses of the General Assembly in compliance with Section 4 of “The Land Titles Protection Act, 1908.”*

“The Land Titles Protection Act, 1908.”

APPLICATION FOR THE ISSUE OF AN ORDER IN COUNCIL.

In the matter of Kopuawaiwaha No. 4A No. 3 Block and “Maketu,” a deceased owner.  
In the Native Land Court of New Zealand.

APPLICATION UNDER SECTION 39 OF “THE NATIVE LAND COURT ACT, 1894.”

In the matter of Kopuawaiwaha No. 4A No. 3.

I AM the grandson and the surviving next-of-kin of the deceased “Maketu,” who died some twenty years since possessed of a piece of land known as Kopuawaiwaha No. 4A No. 3.

On the 16th October, 1889, there was made by Judge Puckey, of the Native Land Court, an order awarding the land of the said Maketu to a distant relative, Maraea Wells, as successor in that block. I was only a child at that time, having been born in October, 1882, and after I had left school I was taken to my relatives at Mangawai to live, and I remained there for five years or more. Just recently I returned to the Whangarei district, and was told by my uncle, Henare Pirihi, that I was Maketu’s grandchild, and the proper successor to the said deceased in the said land. As soon as I became aware of this I caused a search to be made in the records of the Court at the time that the Court sat at Whangarei in March, 1908. I then learned for the first time that the said interest had been awarded to Maraea Wells.

Dated at Whangarei, this 23rd day of March, 1909.

TAME PETIMANA.

This is the paper writing or application marked “Exhibit A” referred to in the annexed declaration of Tame Petimana.

Declared before me the 23rd day of March, 1909.

E. A. HUTCHINGS,  
Justice of the Peace.

[TRANSLATION.]

“The Native Land Court Act, 1894.”

In the Native Land Court of New Zealand, Auckland District.

In the matter of the land known as Kopuawaiwaha No. 4A No. 3, Survey District of Ruakaka, Block V, County of Whangarei.

I, TAME PETIMANA, do solemnly and sincerely declare that the application to the Chief Judge of the Native Land Court attached hereto and marked with the letter “A” was signed by my own hand, and the contents of the said application, so far as they refer to the act mentioned therein, are correct and true, and that the contents of the said application referring to the acts of any other person are to the best of my belief correct and true.

And I make this declaration in the belief that the above-written matter is true, and by the authority of an Act of the Parliament of New Zealand intituled "The Justices of the Peace Act, 1882."

TAME PETIMANA.

Declared at Whangarei, this 23rd day of March, 1909, before me—E. A. Hutchings, J.P., Whangarei.

I certify that I read the above to the said Tame Petimana, and he thoroughly understood the same before he signed.

G. H. Woods,  
Licensed Interpreter (First Grade),  
Whangarei.

Order in Council issued, dated the 20th day of September, 1909.

[Extract from *New Zealand Gazette*, 23rd September, 1909.]

"*The Land Titles Protection Act, 1908.*"—Consenting to an Application to the Chief Judge of the Native Land Court in pursuance of Section 39 of "*The Native Land Court Act, 1894.*"

PLUNKET, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this twentieth day of September, 1909.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by an order of the Native Land Court made the sixteenth day of October, one thousand eight hundred and eighty-eight, purporting to determine the successor to the share or interest of Te Kara Maketu, otherwise known as Maketu, in the land known as Kopuawaiwaha No. 4, one Maraea Wells was declared to be the successor to the said share or interest:

And whereas it is alleged that the said order was made through a mistake, error, or omission within the meaning of section thirty-nine of "*The Native Land Court Act, 1894.*":

And whereas application has been made to His Excellency the Governor in Council to consent to the making of an application to the Chief Judge of the Native Land Court, in pursuance of the provisions of section thirty-nine of "*The Native Land Court Act, 1894.*" to amend the said order for the purpose of rectifying the said alleged mistake, error, or omission:

And whereas on inquiry held in pursuance of the provisions of "*The Land Titles Protection Act, 1908.*" the Governor is satisfied that a *prima facie* case has been established, and that it would be inexpedient to dispose of it by remedial legislation, or any other procedure which would obviate litigation:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in exercise of all powers and authorities in that behalf vested in him by "*The Land Titles Protection Act, 1908.*" and of every other power and authority enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby consent to the making of an application to the Chief Judge of the Native Land Court, in accordance with the provisions of section thirty-nine of "*The Native Land Court Act, 1894.*" for the purpose of rectifying the said mistake, error, or omission, and that the said order of the said Court made the sixteenth day of October, one thousand eight hundred and eighty-eight, and any subsequent order founded thereon, may be the subject of an order of the said Chief Judge under the said section thirty-nine of "*The Native Land Court Act, 1894.*"

J. F. ANDREWS,  
Clerk of the Executive Council.

"*The Land Titles Protection Act, 1908.*"

APPLICATION FOR THE ISSUE OF AN ORDER IN COUNCIL.

In the matter of Te Aute Nos. 2A and 2B Blocks and the boundary-lines between.

DEAR SIR,—

Te Aute, August 10th, 1909.

I beg to apply for the issue of an Order in Council under section 2 of "*The Land Titles Protection Act, 1908.*" consenting to an application to the Chief Judge of the Native Land Court under section 39 of "*The Native Land Court Act, 1894.*" in regard to the amendment of the boundary-line between Te Aute Nos. 2A and 2B.

Attached hereto you will find sketch-plan of the block, showing line between the above divisions.

I may here inform you that, should the present dividing-line between 2A and 2B be amended as suggested by dotted line on plan, I would be prepared, on behalf of Mrs. Ellison and her brothers, to pay cost of survey.

I am, sir, yours respectfully,

Application refused.

D. ELLISON.

“The Land Titles Protection Act, 1908.”

APPLICATION FOR THE ISSUE OF AN ORDER IN COUNCIL.

In the matter of Ohiro and Wiremutaone Sections and succession to Huihana Ngaparu, deceased owner.

To the Under-Secretary, Native Affairs, Wellington.

DEAR SIR,—

Johnsonville, May 26th, 1909.

We hereby apply under “The Land Titles Protection Act, 1908,” for an Order in Council of the lands known as Polhill Gully – Ohiro – Wiremutaone (Johnsonville).

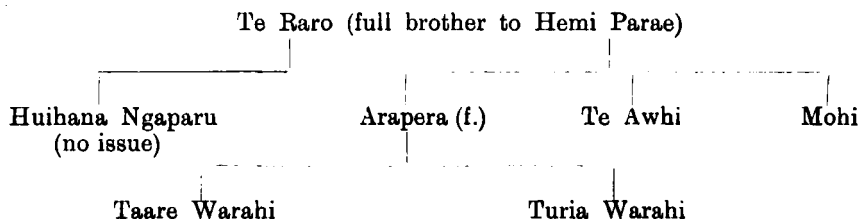
These lands were dealt with by the Native Lands Court in the year 1888, Judge Mackay presiding. An award was made in favour of Huihana Ngaparu—viz.,—

A.	R.	P.	
9	2	0	Section 2 of Subdivision 2 of 19 and 21, Ohiro.
1	0	0	Section 12, Blk. 7 and 8, Wiremutaone.
7	2	0	Section 13, Blk. 7 and 8, Wiremutaone.

Also Section 4A, Blk. 15B, 2 acres, Polhill Gully.

Huihana Ngaparu died in the year 1887. Succession Court held 21st March, 1881, Judge Mackay presiding, when the following Natives were appointed successors to Huihana: Mohi Parae, Te Awhe Parae, Taare Warahi, Turia Warahi, Hana te Awhitu.

We find on inquiry that Hana te Awhitu is now the registered owner of all the lands of the late Huihana. This is our genealogy:—



Hana te Awhitu is half-sister to Te Awhi and Mohi by the mother. She was included out of *aroha* in the succession to Huihana.

Application refused.

TAARE WARAHĪ.  
TURIA WARAHĪ.  
MOHI PARAI.  
TE AWHE PARAI.

“The Land Titles Protection Act, 1908.”

APPLICATION FOR THE ISSUE OF AN ORDER IN COUNCIL.

In the matter of Waitara West, Section 135, and Tanira (Pohewa), deceased owner.

Waitara, 14th September, 1909.

The Under-Secretary, Native Department, Wellington.

SIR,—

Re Section 135, Waitara West, Matarikoriko.

Your letter of the 4th September duly to hand. I thank you for same. In reply thereto I beg to state that I am advised as follows:—

The succession order made in favour of Henry Rolfe (now deceased) is not according to law, inasmuch as the land in question is inalienable by gift. This being the case, the succession order should be cancelled, and, once the said order is made inoperative and the question of succession is again submitted to the Native Land Court, it naturally follows that my wife (being the adopted child of the deceased, according to Native custom) must succeed to the whole interest even to the exclusion of the others referred to in your letter.

As my wife has obviously a *prima facie* claim in her own right to a portion of the interest in the said land apart entirely from her claim as adopted child, I submit that a prosecution of her claim is desirable.

For these reasons I would respectfully request that an Order in Council under “The Land Titles Protection Act, 1908,” be obtained to enable me to establish this claim.

I am, yours obediently,

G. N. SKELTON.

Application granted. Order in Council being prepared.

“The Land Titles Protection Act, 1908.”

APPLICATION FOR THE ISSUE OF AN ORDER IN COUNCIL.

In the matter of Hutt, Section 19, and Reinvestigation of Title.

Waiwhetu, Lower Hutt, Wellington, 22nd September, 1909.

The Under-Secretary, Native Department, Wellington.

I HEREBY apply for an Order in Council authorising the Native Land Court to reinvestigate the title to Hutt, section 19, on the grounds that a number of the original owners were left out of the orders on partition and a number of fresh names were inserted therein. In a deed dated the 30th day of August, 1847, the title to the block was vested in Horopapera Whakaruru and twenty-four others, but when the partition was made only three of these original owners were included as owners, and several new names were inserted in the partition orders.

It was only the other day that I was able to find the deed of the 30th August, 1847, or I should have applied before to have the title reopened.

I have the honour to be, sir, your obedient servant,

taku

MOHI x KARENA

tohu

(By his agent, EDWARD BUCKLE, 18 Grey Street, Wellington).

Witness to mark—E. R. Broughton, Clerk N.L. Court, Wellington. 10/9/9.

Application pending, further information required.

“The Land Titles Protection Act, 1908.”

APPLICATION FOR THE ISSUE OF AN ORDER IN COUNCIL.

In the matter of Tangoio South and other blocks and succession to Tareha te Moananui, deceased owner.

In the Native Land Court of New Zealand, Wellington District.

In the matter of “The Native Land Court Act, 1894,” and its amendments; and in the matter of the Mohaka-Waikare lands; and in the matter of “The Land Titles Protection Act, 1902”; and in the matter of Tareha te Moananui, deceased.

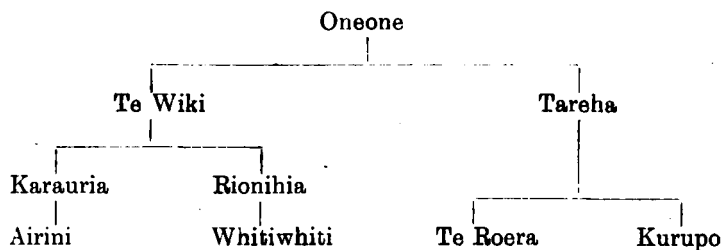
To the Hon. the Native Minister.

We, Te Roera Tareha and Kurupo Tareha, aboriginal Natives of New Zealand resident in the Provincial District of Hawke's Bay, hereby apply, under section 2 of “The Land Titles Protection Act, 1902,” for the issue of an Order in Council authorising the Chief Judge of the Native Land Court, under section 39 of “The Native Land Court Act, 1894,” to hear and determine certain applications by us for the cancellation or amendment of certain orders made by the Native Land Court purporting to appoint successors to the above-named Tareha te Moananui in the following blocks—viz., Tangoio South, Pakuratahi, Arapaoanui, Tatarakina, and Tarawera—notwithstanding that more than ten years have elapsed since the making of the said orders, on the grounds following, that is to say,—

1. The said Tareha te Moananui died on the 19th day of December, 1880, having made a will bearing the same date, by which he devised to his children Te Roera Tareha, Kurupo Tareha, Hineiaia Tareha, and Kawekirangi Tareha, to his grandniece Airini Tonore, and to his grandnephew Whitiwhiti Hauwaho, all his lands.

2. The children of the said Tareha te Moananui alive at the time of his death were Te Roera Tareha, Kurupo Tareha, Hineiaia Tareha, and Kawekirangi Tareha.

3. Airini Tonore (or Donnelly) mentioned in the said will is a grandniece, and Whitiwhiti (otherwise known as Whitiwhiti Hauwaho) is a grandnephew, of the said Tareha te Moananui, as is shown in the following table:—



4. The said blocks are situated in and are a portion of what is known as the “Mohaka and Waikare District,” and are subject to the severest restrictions set forth in section 8 of “The Native Lands Acts Amendment Act, 1881.”

5. In or about the year 1885, application was made to the Native Land Court to appoint successors to the said Tareha te Moananui in the said several blocks, and after the inquiry the Court certified that Te Roera Tareha, Kurupo Tareha, Hineiaia Tareha, Kawekirangi Tareha, Airini Tonore, and Whitiwhiti were the persons entitled to succeed to the said Tareha te Moananui.

6. The said Kawekirangi Tareha and Hineiaia Tareha have since died leaving no issue, and by succession orders of the Native Land Court their interests in the said blocks have become vested in the said Te Roera Tareha and Kurupo Tareha in equal shares.

7. The present applicants have been advised that, although the certificates of the Native Land Court were made in favour of the persons to whom the said lands were devised by the will of the said Tareha te Moananui, the said certificates are wrong, inasmuch as the said lands were and are inalienable by will.

The applicants therefore pray that the said certificates may be amended by removing therefrom the words (a) "and having made valid disposition thereof by will"; and (b) the words "by virtue of the said will bearing date 19th December, 1880"; and (c) "Airini Tonore and Whiti Hauwaho."

By writing under their hands the said Airini Tonore and Whitiwhiti Hauwaho have consented to the amendment of the said succession orders as applied for herein.

TE ROERA TAREHA.

KURUPO TAREHA.

By their agent,

A. L. D. FRASER.

Dated at Hastings, the 24th day of June, 1909.

Application granted. Order in Council issued, dated the 12th day of July, 1909.

[Extract from *New Zealand Gazette*, 22nd July, 1909.]

"*The Land Titles Protection Act, 1908.*"—Consenting to an Application to the Chief Judge of the Native Land Court in pursuance of Section 39 of "*The Native Land Court Act, 1894.*"

PLUNKET, Governor.

#### ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this twelfth day of July, 1909.

Present:

THE HONOURABLE JAMES CARROLL PRESIDING IN COUNCIL.

WHEREAS by orders of the Native Land Court, made on the twentieth day of May, one thousand eight hundred and eighty-five, purporting to determine the successors to the shares or interests of Tareha te Moananui, deceased, in the blocks of land respectively known as Arapaoanui, Tata-raakina, Tarawera, and Tangoio South, certain Natives were declared to be the successors to the said shares or interests: And whereas by an order of the said Court, made on the thirteenth day of May, one thousand eight hundred and eighty-five, the said Natives were declared to be successors to the share or interest of the said Tareha te Moananui in the block of land known as Pakuratahi:

And whereas it has been alleged that the said orders were made through an error, mistake, or omission within the meaning of section thirty-nine of "*The Native Land Court Act, 1894*":

And whereas an application has been made to His Excellency the Governor in Council to consent to the making of an application to the Chief Judge of the Native Land Court in pursuance of the provisions of section thirty-nine of "*The Native Land Court Act, 1894*," to amend the said orders for the purpose of rectifying the said alleged error, mistake, or omission:

And whereas the Governor in Council, after due inquiry made, is satisfied that a *prima facie* case has been established and that it would be inexpedient to dispose of it by remedial legislation, or by any other procedure which would obviate litigation:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance of all powers and authorities in that behalf vested in him by "*The Land Titles Protection Act, 1908*," or otherwise howsoever, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby consent to the making of an application to the Chief Judge of the Native Land Court, in pursuance of the provisions of the said section thirty-nine of "*The Native Land Court Act, 1894*," for the purpose of rectifying the said alleged error, mistake, or omission, and that the said orders of the said Court, and any subsequent orders or instruments of title issued pursuant thereto, may be subject to an order of the Chief Judge under the said section thirty-nine of "*The Native Land Court Act, 1894*."

J. F. ANDREWS,

Clerk of the Executive Council.

"*The Land Titles Protection Act, 1908.*"

#### APPLICATION FOR THE ISSUE OF AN ORDER IN COUNCIL.

In the matter of Aorangi No. 1, Sections 3A, 4A, 5A, and 3A 3 Block, and Rongokaneke, deceased owner.

[TRANSLATION.]

To the Under-Secretary.

Oahu, 9th August, 1909.

THIS is to inform you so that you may know that my mother Rongokaneke, whose abode was at Te Awahuri, died long ago; that she had interests in those portions of land known as Aorangi No. 1, Sections 3A, 4A, 5A, and 3A 3; and that she never disposed of her interests therein to any one. Therefore, inasmuch as I am her only descendant now living, this is to inform you that I have a right to those lands in which she was put in as successor to her brother and to her elder sister on the 7th day of January, 1879.

Also I hereby pray that an Order in Council may be granted, and that the orders of the 7th January, 1879, may be re-established, and that the second or third orders be cancelled, and that the partitions be amended so that the Registrar may be empowered (or enabled) to validate my succession orders for the said portions which were dealt with by Judge Rawson at Otaki on the 15th December, 1908.

Herewith is a copy of the notes of explanation of a search by the Clerk, G. A. Hannan, of the period when Rongokaneke was first put into [the lands] and then left out at the subsequent insertion [of names]. The original explanatory notes of the search which was made is with the Registrar of the Native Land Court.

I showed the search to Judge Rawson at the sitting of the Native Land Court at Weraroa on the 23rd day of March last, and also showed him the words of the Registrar in reference to the orders made by him [Judge Rawson] on the 15th December, to effect that he would be unable to make them valid because there were other orders [*tuarua*] made, therefore the right thing [to do] was to apply for an Order in Council cancelling the second orders [*tuarua*] and amending the partitions, and he [Judge Rawson] was of the same [opinion] when he said the explanatory notes of the search—viz., that an Order in Council should be applied for.

And I also pray that the matter may be considered quickly—that is, if you are liberty [to do so], so that the business could be sent on for Kahiti for the sitting of the Native Land Court to be held in Wellington.

Sufficient.

FROM TE HIKIANGA KEREAMA.

Agent: HORO KARAUITI.

Application granted. Order in Council issued, dated the 12th day of October, 1909.

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[Extract from *New Zealand Gazette*, 14th October, 1909.]

*"The Land Titles Protection Act, 1908."*—Consenting to an Application to the Chief Judge of the Native Land Court in pursuance of Section 39 of *"The Native Land Court Act, 1894."*

PLUNKET, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this twelfth day of October, 1909.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by an order of the Native Land Court made the thirty-first day of May, one thousand eight hundred and eighty-seven, purporting to determine the successor to the share or interest of Otene Kereama, otherwise known as Otini Kereama, in the land known as Aorangi No. 1, Section 3A3, one Rahira Kereama was declared to be the successor to the said share or interest:

And whereas it is alleged that the said order was made through a mistake, error, or omission within the meaning of section thirty-nine of *"The Native Land Court Act, 1894"*:

And whereas application has been made to His Excellency the Governor in Council to consent to the making of an application to the Chief Judge of the Native Land Court, in pursuance of the provisions of section thirty-nine of *"The Native Land Court Act, 1894,"* to amend the said order for the purpose of rectifying the said alleged mistake, error, or omission:

And whereas, on inquiry held in pursuance of the provisions of *"The Land Titles Protection Act, 1908,"* the Governor is satisfied that a *prima facie* case has been established, and that it would be inexpedient to dispose of it by remedial legislation, or any other procedure which would obviate litigation:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in exercise of all powers and authorities in that behalf vested in him by *"The Land Titles Protection Act, 1908,"* and of every other power and authority enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby consent to the making of an application to the Chief Judge of the Native Land Court, in accordance with the provisions of section thirty-nine of *"The Native Land Court Act, 1894,"* for the purpose of rectifying the said mistake, error, or omission, and that the said order of the said Court made the thirty-first day of May, one thousand eight hundred and eighty-seven, and any subsequent order founded thereon, may be the subject of an order of the said Chief Judge under the said section thirty-nine of *"The Native Land Court Act, 1894."*

J. F. ANDREWS,

Clerk of the Executive Council.

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*"The Land Titles Protection Act, 1908."*

APPLICATION FOR THE ISSUE OF AN ORDER IN COUNCIL.

In the matter of Komene Block, Cape Survey District, and Te Marei, deceased owner.

To Thos. W. Fisher, Esq., Under-Secretary, Native Department, Wellington.

*Application under Subsections (1) and (2) of "The Land Titles Protection Act, 1902."*

I, SAMUEL JOHN JACKSON, of New Plymouth, in the Taranaki District, do herewith apply, on behalf of Kiwi Taiawhio and others, for an Order of the Governor in Council under the provisions of the above-mentioned Act, to allow an inquiry to be made under section 39 of *"The Native Land Court Act, 1894,"* in reference to the interest of Te Marei (deceased) in Komene Block, Cape Survey District.

An order of succession in respect to this interest was made by His Honour Judge Wilson on the 20th December, 1886, and Taramotu was appointed sole successor.

Taramotu's father, Motu Tukirikau, was alive when this order was made, and, as Taramotu's relationship to Te Marei was through his father, Motu Tukirikau, the father was one of the persons who should have succeeded to the said deceased's interest. Motu Tukirikau is now dead, and he left four children—namely, Taratuha Motu (*alias* Taramotu), Pakanga Motu, Te Ra Motu, and Te Aha Motu (see evidence given by Taratuha Motu in Taranaki Minute-book 16, folio 106), three of whom have been robbed of the share that they were entitled to.

Kiwi Taiawhio, Erana te Whakauariki, and others are also near of kin, as shown in proceedings before His Honour Judge Johnson at Okato (see Taranaki M.B. 16, folios 106, 107, 189), and also shown in His Honour Judge Rawson's decision given on 5th May, 1909, in the above-mentioned case.

There was no evidence given to show the relationship of Taramotu to Te Marei when the previous case was before His Honour Judge Wilson (see New Plymouth Minute-book No. 3, folio 65, and judgment given by Judge Wilson on the 21st December, 1886).

I show *whakapapa* giving Kiwi Taiawhio and others relationship to Te Marei.

