

1915.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1913:

REPORT AND RECOMMENDATION ON PETITION No. 317/13, OF PAEROA NOPERA, RELATIVE TO
TE AKAU A No. 5 BLOCK.

Laid on the Table of the House of Representatives pursuant to Act.

SIR,—

Native Land Court (Chief Judge's Office), 22nd June, 1915.

Pursuant to section 14 of the Native Land Claims Adjustment Act, 1914, I referred to the Native Land Court for inquiry and report the petition No. 317 of 1913, of Paeroa Nopera, mentioned in the Second Schedule to the said Act. The said matter was duly heard in open Court, and the report of that Court is attached hereto. It appears that petitioner should be the sole successor to the interest in question, but on the advice of Mr. Kaihau she got her solicitor (Mr. St. Clair) to draw up an agreement parting with some of her interest, and got the Court to give effect to that agreement when making the succession order. She wishes now to recall this agreement.

There does not appear to be any suggestion of fraud or undue influence used to induce Paeroa Nopera to have parted with the portion of her interest, and if that is correct I agree with the report of the Court that the matter should not now be reopened.

JACKSON PALMER,

Chief Judge.

The Hon. the Minister of Native Affairs.

Office of the Waikato-Maniapoto District Native Land Court,
Ngaruawahia, 2nd June, 1915.

Memorandum for the Chief Judge, Native Land Court, Wellington.

*Te Akau A No. 5.—Succession to Waaka te Koi (deceased).—Petition of Paeroa Nopera (1913/317).—
Reference under Section 14 of the Native Land Claims Adjustment Act, 1914.*

SIR,—

Relative to above reference. I have the honour to state that to-day I held inquiry and have to report as follows:—

The facts leading up to the petition are as set out by the Registrar in his report attached to reference herewith.

The petitioner gave further evidence before me to-day, and also called two very reputable witnesses, Hohua Ruihana and Remana Nutana, to substantiate the allegation that the *whakapapa* she originally gave was wrong.

The Court's attention was also drawn to a *whakapapa* given by one of the leading N'Tahinga owners in Te Akau Block—Wirihana te Aooterangi (Judge Von Sturmer, No. 12, p. 135)—which clearly shows that the deceased's interest to the land was derived through Ihia.

I am now fully satisfied that Paeroa Nopera, the petitioner, is entitled as the sole successor to Waaka te Koi (deceased) in Te Akau A No. 5.

I consider that the petitioner herself alone is to blame for the necessity of a petition to the Government. In the first instance she gave a *whakapapa* which was wrong, and upon rehearing she was unable to substantiate by independent evidence the amended *whakapapa* she then put forward. She now states that she signed the agreement by which she included others in the deceased's interest out of *aroha*; that subsequently the thought of losing so much valuable land was too much for her, and her *aroha* was not sufficiently strong to withstand the desire to possess the whole interest for herself.

Legally, of course, the others sharing with her have no right, but morally they are entitled, the arrangement having been arrived at in the presence of all parties, including a licensed interpreter and petitioner's own solicitor, Mr. St. Clair, whom she personally asked to be in attendance.

I can only again reiterate that whatever injustice the petitioner has suffered is due entirely to her wrong evidence in the first instance and her signing of an agreement which she afterwards wished to repudiate.

I enclose reference, together with a copy of the minutes of this inquiry.

I have, &c.,

A. G. HOLLAND, Judge.

EXTRACT FROM MERCER MINUTE-BOOK 19, FOLIOS 289-292.

Ngaruawahia, Wednesday, 2nd June, 1915.—A. G. HOLLAND, Judge.

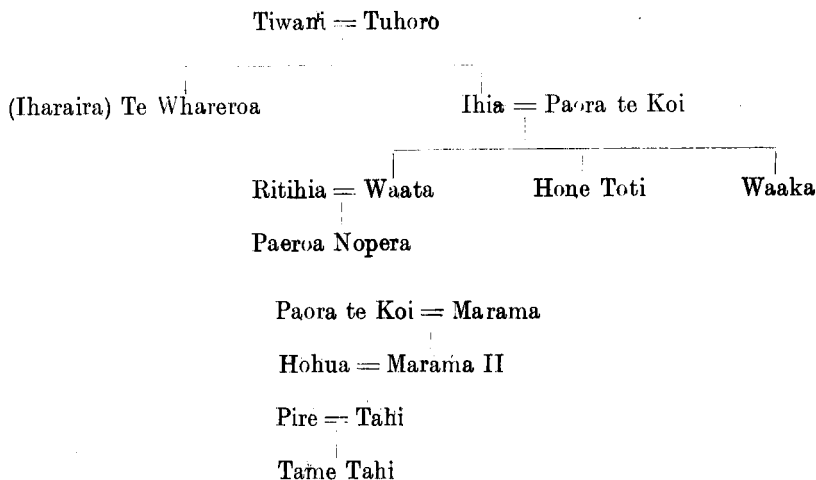
No. 100.—*Te Akau A No. 5*.—*Inquiry under Section 14 of the Native Land Claims Adjustment Act, 1914.*

TEMA POUWHARE: I appear for applicant.

NGAPAKA KERETI: I appear for Wati Tahi.

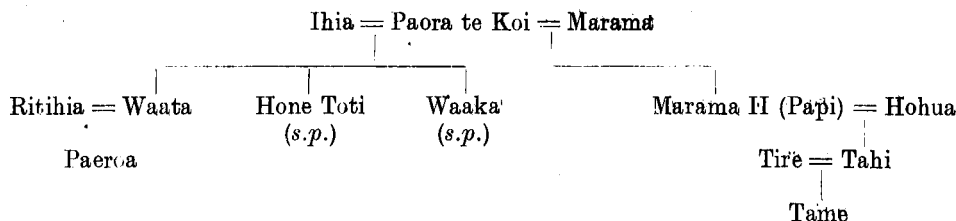
PAEROA NOPERA (sworn): This land came through Ihia. The land should therefore come to me alone.

NGAPAKA: No questions.

To Court: I signed agreement out of *aroha* to Tame Tahi.

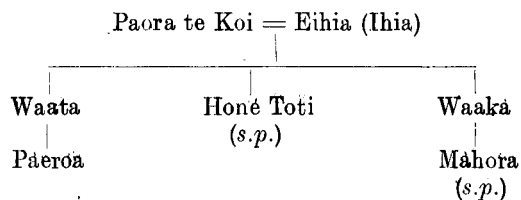
Agreement was suggested by Henare Kaihau. He said to me, "Show love for your *tamaiti*." I agreed. I agreed to include Tame Tahi, Katikati Ritihia, and Te Tawha Ritihia. I now wish to break this agreement, because I have been put to this expense. I certainly admit that I agreed the three persons mentioned should share in *Te Akau A No. 5*. I now wish this interest should go to me alone. I clearly wished Katikati and Te Tawha to share in *Te Akau A No. 5*. I admit that they did not oppose me in the succession, nor did they take any action whatever in the matter. I have been put to so much expense that I do not wish to now include them. I say that all the expense was caused by my giving a wrong *whakapapa*.

HOHUA RUIHANA (sworn): I knew Ihia. She was of N'Tahinga.

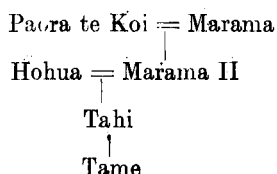


Paora was my *hungawai*. I know his *whakapapa*. I do not know whether Tame Tahi has any interest in this land. Paora was of Ngati-te-Ata. So also was Marama. Interest to *Te Akau* came through Ihia of N'Tahinga.

REMANA NUTANA (sworn): Tahinga was the ancestor for this block. I acted as agent for owners.



Ihia had no other children.



Both Paora and Marama were of Ngati-te-Ata. Paeroa Nopera is the rightful successor to Waaka.

(P. 135, V.S. 12.) *Whakapapa* given by Te Wirihana te Aoterangi.

TAME TAHI: I have nothing to say regarding this matter.

NGAPAKA: I do not wish to call evidence. I am not prepared to dispute the *whakapapa* given.

TEMA: The whole trouble has been caused by Paeroa giving the wrong *whakapapa* in the first instance.

JOHN ST. CLAIR (sworn; called by Court): *Whakapapa* drawn up at Henare Kaihau's house at Epsom. Was sent for, and went out with Natives who signed agreement and several others. Mr. Gerring and Natives came to my office and asked me to come. So far as I remember there were two or three old women at house, and they had a good deal to say in matter. Was assured that Tame Tahī was of age. So far as I recollect all parties concurred in agreement. I think *whakapapa* was in my handwriting. No compulsion was exerted over Paeroa to sign agreement. I reduced what had been agreed upon to writing, and it was signed by parties. I have dropped out of this matter, and have no further interest in it.

PAEROA NOPERA: I took Mr. St. Clair to Kaihau's house. He did not ask me to sign document, but Kaihau did. We all went out to Kaihau's house, where we met Kaihau. I make no accusation against Mr. St. Clair.

(Matter closed.)

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