

1920.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1916.

REPORT AND RECOMMENDATION ON PETITION NO. 143/1915, RELATIVE TO SUCCESSION TO
INTEREST OF TE RAIHI TE URI (DECEASED) IN MANGOREWA-KAHAROA 6E BLOCK.

*Presented to both Houses of the General Assembly in pursuance of Section 24 of the Native Land
Amendment and Native Land Claims Adjustment Act, 1916.*

Native Land Court, Chief Judge's Office, Wellington, 26th May, 1920.

Raihi te Uri (deceased)—Petition 143/1915.

In forwarding a report of the Native Land Court dated 17th May, 1920, I make the following recommendation:—

That legislation be introduced authorizing and empowering the Native Land Court to amend an order of the Native Land Court dated the 17th day of March, 1908, appointing successors to the interest of Raihi te Uri (deceased) in respect of the Mangorewa-Kaharoa No. 6E Section 3 No. 2 Block, in such manner as shall seem just, with power to the Court (and the District Land Registrar as far as may be necessary) to make all consequential amendments in orders and titles affected thereby. Provided that no valid alienation (if any) shall be prejudiced by such amendment.

R. N. JONES, Chief Judge.

The Hon. Native Minister, Wellington.

Office of the Waiariki District Native Land Court, Rotorua, 17th May, 1920.

Re Succession to Te Raihi te Uri (deceased) in Mangorewa-Kaharoa No. 6E Section 3 No. 2.

REPORT upon Petition No. 143 of 1915, pursuant to section 24 of the Native Land Amendment and Native Land Claims Adjustment Act, 1916.

An inquiry into this matter was held by me at Rotorua on the 15th instant, the same having been notified in the *panui*. There were present the petitioner, Rota Tunche Honia, and Tauhu Kingi, representing the successors, other than the petitioner, appointed by the order of the 17th March, 1908.

There were eight successors, and the only question is whether the petitioner was awarded his right share; and it is quite clear from the genealogies given by both sides, and which are not in dispute, that he was not.

The deceased died without issue, and it is not disputed that his right came from Patukino, who had three children. One of these lines died out, leaving the lines from Mоторо and Kiharoa. The petitioner is the only descendant of Mоторо's line, and should thus have one half-share, and the other seven successors are all from Kiharoa's line.

The case first came before Judge W. G. Mair on the 27th February, 1908, and on the 29th of that month he made a succession order in favour of four persons, giving the petitioner his right share—viz., one-half.

On the 17th March, 1908, one Tauhu Kingi appeared and asked to have other names added by consent of Rangimakino Hall, who was a successor under Kiharoa's line, and the order was altered by adding four more names (all of persons under Kiharoa's line), making eight in all, and by making all shares equal.

At the hearing before me Tauhu Kingi explained that this arrangement as to names and shares was made by the descendants of Te Kapaiwaho (under the Kiharoa line), and he admitted that the petitioner, who had conducted the case previously, had not been consulted. He was prepared, as far as he himself was concerned, to admit that the shares were wrong in the amended order, but he could not bind the successors by that admission. However, there is not the slightest doubt that the petitioner should have retained his one-half share, and that there was no authority for the Court to cut down his share to one-eighth.

I recommend that Parliament should authorize a rehearing of the case.

Attached hereto is a copy of the minutes taken at the hearing of the case, and at the inquiry before me.

Before partition Mangorewa-Kaharoa No. 6E Section 3 No. 2 contained 12,571 acres 2 roods, in which Raihi te Uri had 135 shares out of 12,558½ shares. I understand this is fairly valuable land.

Dated at Rotorua, this 17th day of May, 1920.

The Chief Judge, Native Land Court, Wellington.

H. F. AYSON, Judge.