

1920.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1918.

REPORT AND RECOMMENDATION ON PETITION NO. 234/1916, RELATIVE TO SUCCESSION TO
WIREMU TAMIHANA (DECEASED) IN WHANGAPE, LOT 65B 2c.

*Presented to both Houses of the General Assembly in pursuance of Section 5 of the Native Land
Amendment and Native Land Claims Adjustment Act, 1918.*

Office of the Chief Judge, Native Land Court, Wellington, 6th October, 1920.

Re *Wiremu Tamihana (deceased)*.—*Petition 234 of 1916.*

PURSUANT to section 5 of Act No. 13 of 1918, I transmit herewith report of the Native Land Court herein.

The question at issue appears to narrow itself down to an inquiry as to whether Mata Rangitiao left more descendants than one. On the one hand Wiremu Tamihana in 1883 asserted that he was the only child surviving and that all the rest had died without issue. The contention of the other side is that another child, Wetere, did leave issue, and to corroborate that reference is made to a recorded *whakapapa* in which the name of the issue is stated. It is quite evident that Mata had more than one child, and also that Wiremu Tamihana was not aware that one of them (if it is so) had left issue; but experience has shown that in recent days it is quite common for Maoris to lose sight of their immediate relatives.

There appears to me so much doubt in this case that, notwithstanding the finding that the petitioners have failed to substantiate their claim, I think they should be permitted to further test the matter and get an authoritative decision. I therefore recommend that legislation be introduced as follows:—

That, notwithstanding the time for appealing from an order of the Native Land Court dated 21st June, 1915, granting succession to Wiremu Tamihana in respect of the Whangape, Lot 65B 2c, Block has expired, an appeal from such final order may be brought by any person interested therein by notice of appeal given in the prescribed manner within three months after the date of passing the Act, and the Appellate Court is authorized to hear, determine, and deal with such appeal, if brought as aforesaid, as if such appeal had been brought within the times prescribed by section 48 of the Native Land Act, 1909, and all the rules as to lodging security and otherwise shall apply accordingly: Provided always that nothing herein shall prejudicially affect any valid confirmed alienation of the said block.

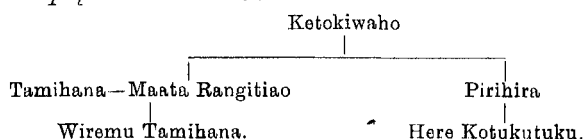
R. N. JONES, Chief Judge.

The Hon. Native Minister, Wellington.

In the Native Land Court of New Zealand, Waikato-Maniapoto District.—In the matter of Section 5 of the Native Land Amendment and Native Land Claims Adjustment Act, 1918; and in the matter of an inquiry touching the succession to Wiremu Tamihana (deceased) in Whangape, Lot 65B 2c.

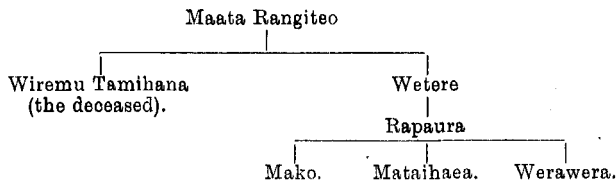
At a sitting of the Native Land Court held at Ngaruawahia on the 2nd September, 1920, inquiry was made into the merits of the petition of Mako Rapaura and two others, praying that the petitioners be appointed successors to Wiremu Tamihana (deceased).

It appears that Wiremu Tamihana, an owner in Whangape, Lot 65B 2c, died intestate and without issue about 1906, and on the 21st June, 1915, Here Kotukutuku was appointed sole successor. The deceased Wiremu Tamihana got this interest through succession to his mother, Maata Rangitiao. The *whakapapa* is as follows:—



Therefore Here Kotukutuku is a cousin of the deceased.

The petitioners allege that Maata Rangiteo had also a child named Wetere, through whom they claim descent as follows :—



They cannot explain, however, why Wetere or his descendants were not put in the succession to Maata for one-half her interest.

In his evidence on the 4th November, 1883, Wiremu Tamihana stated : “ Maata Rangiteo was my mother, and I am her only child surviving. All the rest have died without issue.” Wiremu was thereupon appointed the sole successor to Maata, and his right was never challenged.

Mako's stepfather, Porangi Tohura, gave evidence in this Court and declared that Mako's *whakapapa* is not correct, and that Werawera is not a child of Rapaura. Rapaura married Turanga Kingi and had Mako Rapaura. Then she married Porangi and had Mataihoea and three others—all living.

The evidence called by the petitioners is conflicting and weak. No rebutting evidence was called by Here Kotukutuku, who relied on old *whakapapa* and statements.

I consider the petitioners failed to substantiate their claim.

M. GILFEDDER, Judge.

The Chief Judge, Native Land Court, Wellington.

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