

1920.  
NEW ZEALAND.

---

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

REPORT AND RECOMMENDATION ON PETITION NO. 168/1915, RELATIVE TO REHEARING OF  
SUCCESSION TO INTERESTS OF WIREMU TINI WAITAPU (DECEASED), IN PALMERSTON  
NORTH NATIVE RESERVE.

---

*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.*

---

Chief Judge's Office, Wellington, 20th January, 1920.

In the matter of Petition No. 168 of 1915, in *re* Succession to Wiremu Tini Waitapu  
(deceased).

PURSUANT to section 5 of the Native Land Amendment and Native Land Claims Adjustment Act,  
1918, I make the following recommendation:—

That the order complained of, dated the 28th day of February, 1888, be declared void  
and of no effect, with the object of having the whole matter reheard as if such order had not  
been made.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

---

*Re* SUCCESSION TO WIREMU TINI WAITAPU IN PALMERSTON NORTH SECTIONS.

*Report upon Petition No. 168 of 1915, pursuant to Section 5 of the Native Land Amendment and  
Native Land Claims Adjustment Act, 1918.*

AN inquiry into this matter was held by me at Wellington on the 12th instant, there being present  
Takurangi Hapimana (child of the petitioner), Mohi Karena Hamuera te Punga (child of Ripeka  
Karena), and Pirihiara Epiha (child of Apiaka Renata, deceased). Mr. Myers appeared in support  
of the petition.

The allegations in paragraphs 1 and 2 of the petition were not disputed, and may be assumed  
to be correct. They are as follows:—

1. That in the year 1867 His Excellency Sir George Grey, then Governor of New Zealand,  
sold certain lands in the Lowry Bay District, in the Provincial District of Wellington, and  
invested the proceeds of the said sale in the purchase of land in Palmerston North, described  
in the schedule hereto, and hereinafter referred to as "the Palmerston North lands."

2. That on the 24th day of October, 1887, Sir George Grey conveyed the said Palmerston  
North lands to the Public Trustee, and contemporaneously with such conveyance the Public  
Trustee signed a deed of trust dated the 24th day of October, 1887, declaring that the "Public  
Trustee, his successors and assigns, doth and shall and will hold and administer the said several  
parcels of land under and in pursuance of and subject in all things to the provisions of the Native  
Reserves Act, 1882, and any other Act that may have been or be passed in amendment thereof or

substitution therefor, and subject thereto, and in pursuance thereof shall and will lease all or any portions of the said parcels of land, and with the sanction and in the manner directed by the said Native Reserves Act, 1882, and will apply the rents, issues, and profits to arise from the said lands respectively, subject to such deductions as are allowable by the laws affecting the same, to and for the benefit or otherwise to be paid to the persons from time to time beneficially entitled thereto according to the respective estates; and, lastly, that the persons at this present time beneficially entitled in manner aforesaid are commonly known as "the Waiwetū Natives," and are severally named Ria Tutereao, Enoka, Wi Kingi, Mohi Karena, Paratene, Mere Parata, Mere Parareke, Tipene te Raro, Maruwhakatare, Rangi-i-keehi, Rangi-i-ngaua, Heihana, Mare, Harena, Mohi Puketapu, and the successors (when ascertained) of the following persons who are severally dead, viz.: Wiremu Tini, Waitapu, Kete Kautarawa, Ramari."

On the 28th day of February, 1888, the Native Land Court, at Wellington, made an order declaring that the persons entitled to succeed Tini Waitapu (Wiremu Tini Waitapu) were Pirihira Karena, Miriama Karena, Mohi Karena, and Ripeka Karena for one moiety, and Apiaka Renata and Eruera Renata for the remaining moiety.

The petitioner sought to show—(1) That Apiaka Renata and Eruera Renata were not entitled to succeed at all; (2) that the Karena family were awarded too large an interest—it is alleged that they should only have one-quarter share instead of one-half; (3) that the family of the petitioner are entitled to the remaining three-fourths share.

The order in dispute was made upon the evidence of Apiaka Renata (or Epiha). The petitioner denies the correctness of the genealogy given by this witness (see Wellington Minute-book No. 1, page 266). Her evidence is certainly unreliable in face of the conflicting genealogies given by her on the 7th December, 1886, in the case of Te Momi No. 2, Section 20 (see Wellington Minute-book No. 1, at page 175), and on the 14th June, 1889, in the case concerning Subsection 13 of Section 19, Waiwetū (see Wellington Minute-book No. 3, at page 45).

The order in question was based on the assumption that Motutahi and Rameka were brothers. To the contrary we have—(1) The evidence of Takurangi te Hapimana at this inquiry; (2) the fact that Motutahi's name does not appear in the list of Waiwetū Natives in Colonel McCleverty's award for Taita, Section 57; (3) the admissions of Pirihira Epiha at this hearing—she was not prepared to dispute the genealogy given by Takurangi te Hapimana; (4) the conflicting genealogies given by Apiaka Renata as mentioned above.

I think, therefore, that the matter is one that should be reheard, as according to the genealogy given by Takurangi te Hapimana the descendants of Rameka should at least share in the succession to Tini Waitapu; and Apiaka Renata and Eruera Renata would be left out.

The question of the shares as between the Karena family and the petitioner's family should also be gone into. The petitioner's contention as to shares is based on Colonel McCleverty's award in Waiwetū, where the names of Rameka, Hapimana (1), Hamuera, and Horopapera appear. So they allege that the Karenas, under Te Whiwhia, the brother of Horopapera, get one share, and petitioner's family, under Rameka, Hapimana 1, and Hamuera, get three shares. The Karenas desire to keep the shares equal, as in the order in dispute.

It appeared to me at the hearing that probably Hamuera's interest should go equally between the next-of-kin of Ruruhira te Tiako and the next-of-kin of Horopapera (see genealogy on page 51, Wellington Minute-book 22), and thus the Karena family would get one and a half shares and the petitioner's family two and a half shares. Mr. Myers, for the petitioner, said he would agree to this.

I feel, however, that, on the evidence as it stands, I should not make a definite pronouncement as to the shares, for it can be gone into fully if a rehearing is granted.

My minutes of this inquiry are in Wellington Minute-book 22, at pages 48-53.

NOTE.—If the names of Apiaka Renata and Eruera Renata are deleted from the order in dispute, there are other succession orders on the file which should be cancelled.

H. F. AYSON, Judge.

The Chief Judge, Native Land Court, Wellington.

*Approximate Cost of Paper.*—Preparation, not given; printing (150 copies), £3 15s.

By Authority: MARCUS F. MARKS, Government Printer, Wellington.—1920.

Price 3d.]