

SESSION II.
1921.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1920.

REPORT AND RECOMMENDATION ON PETITION No. 78/1920, RELATIVE TO SUCCESSION TO TE OWAI HAKARAIA (DECEASED) IN RANGITAIKI LOT 41A No. 9c, RANGITAIKI LOT 41A No. 9d, AND RANGITAIKI LOT 41A No. 3.

Presented to both Houses of the General Assembly in pursuance of Section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920.

Office of the Chief Judge, Native Land Court, Wellington, 15th July, 1921.

Re Succession to Te Owai Hakaraia (deceased).—Petition 78/1920.

I HEREWITH enclose the report of the Court herein.

Pursuant to section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, I recommended that legislation be passed as follows:—

That the orders of the Native Land Court dated the 9th June, 1919, granting succession to the interest of Te Owai Hakaraia in respect of the lands known as Rangitaiki Lot 41A No. 3, Rangitaiki Lot 41A No. 9d, and Rangitaiki Lot 41A No. 9c be cancelled; and the Native Land Court be directed to rehear the applications upon which such orders were founded, and to make any order as to it may seem just: Provided that no alienation made by the present successors shall be invalidated or prejudicially affected, nor shall any right or interest acquired in good faith and for value be taken away or affected by such cancellation, but any purchase or other money payable under any such alienation and not already paid shall enure to the benefit of the rightful successors as found upon such rehearing.

R. N. JONES, Chief Judge.

The Hon. Native Minister, Wellington.

Rotorua, 11th May, 1921.

Re Succession to Te Owai Hakaraia (deceased), in Rangitaiki Lot 41a No. 3, in Rangitaiki Lot 41a No. 9d, in Rangitaiki Lot 41a No. 9c. Report upon Petition 78/1920, pursuant to Section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920.

I DESIRE to report that on the 30th ultimo I inquired into the claims and allegations made by the petitioner in petition above mentioned, and my findings are as follows, viz:—

1. On the 9th June, 1919, at Rotorua (Rotorua Minute-book No. 66, at page 274), the following successors were appointed to Te Owai Hakaraia in the above blocks: Horomi Hakaraia (f.a.), one-fifth; Ngakaari Hakaraia (f.a.), one-fifth; Te Wene Hakaraia (f.a.), one-fifth; Te Puia Hakaraia (f.a.), one-fifth; Tihema te Hau (m.a.), one-fifteenth; Huhia te Hau (m.a.), one-fifteenth; Tabatu te Whatu (m.a.), one-fifteenth: These persons are all members of the Urewera Tribe, and have no right to Rangitaiki lands. (Minutes attached.)

2. On the 14th June, 1920, at Whakatane (Whakatane Minute-book No. 19, at page 137), the petitioner (Hoani Matchaere) applied for succession to the deceased in respect of Rangitaiki Lot 41A No. 9d; and the evidence then given shows that the deceased left issue two sons—viz., (1) Hoani Matchaere (the petitioner); (2) Petera Matchaere. (Minutes attached.)

3. Te Owai Hakaraia, the deceased, was not an original owner in Rangitaiki Lot 41, but was, on the 2nd February, 1899, appointed successor to one Witeri Parata.

4. In 1899 the deceased, Te Owai Hakaraia, applied to the Court to appoint successors to Miria Witeri in Rangitaiki Lots 38, 40, 41, and 43, and at his request the successors appointed were—(1) Hoani Matchaere (the petitioner); (2) Petera Matchaere.

From the above it appears that the succession orders made at Rotorua on the 9th June, 1919, are wrong—viz., the orders concerning the three blocks above mentioned. (See Rotorua minutes.)

There seems little use in cancelling the order for Rangitaiki Lot 41A No. 9d, as the land has been sold and the purchase-money all paid with the exception of £1 15s. Rangitaiki Lot 41A No. 9c was sold also, and the Board has in hand the sum of £18, being the whole of the purchase-money.

I suggest that the Court should be directed to rehear and determine the succession, and to make such orders as it shall think fit.

The Chief Judge, Native Land Court, Wellington.

H. F. AYSON, Judge.

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