

SESSION II.
1921.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LANDS CLAIMS ADJUSTMENT ACT, 1919.

REPORT AND RECOMMENDATION ON PETITION No. 212/1917, RELATIVE TO SUCCESSION TO
HOANI TATANA (DECEASED) IN PARIWHAKAOHO SECTION 101, Z No. 2, Z No. 3, NELSON
"TENTHS," AND ARAREKE BLOCK.

*Presented to both Houses of the General Assembly in pursuance of Section 34 of the Native Land
Amendment and Native Land Claims Adjustment Act, 1919.*

Office of the Chief Judge, Native Land Court, Wellington, 7th April, 1921.

Re *Hoani Tatana (deceased)*—*Petition 212/1917.*

PURSUANT to section 34 of the Native Land Amendment and Native Lands Claims Adjustment Act, 1919, I forward the report of the Native Land Court.

In order to relieve the injustice disclosed by the report, I recommend that legislation be passed authorizing and directing the Native Land Court to rehear the applications upon which the under-noted orders made in respect of the succession of Hoani Tatana (sometimes known as Hoani te Keha) (deceased) are founded: 10th November, 1893, for Ararepe No. 1 Block; 4th July, 1901, for New Zealand Company's "tenths"; 24th September, 1913, for Pariwhakaoho Z 2, Pariwhakaoho Z 3, and Pariwhakaoho Section 101: with power to the said Court, if it thinks fit, to cancel, vary, or amend any existing order, or to make such new order as may seem just: Provided that no valid alienation or proper payment made in good faith prior to the passing of legislation shall be invalidated or otherwise prejudicially affected.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

In the Native Land Court of New Zealand.—In the matter of section 34 of the Native Land Amendment and Native Lands Claims Adjustment Act, 1919; and in the matter of Petition No. 212 of 1917, of Hoani Melhana and others, as to succession to Hoani Tatana (deceased) *in re* Pariwhakaoho Section 101, Pariwhakaoho Z No. 2, Pariwhakaoho Z No. 3, Nelson "tenths," and Arareke Block; and in the matter of a reference by the Chief Judge to the Native Land Court for inquiry and report as to the claims and allegations mentioned in the said petition.

I HAVE the honour to report that at a sitting of the Native Land Court held at Nelson on the 18th November, 1920, I made inquiry into the claims and allegations mentioned in the said petition, and desire to report thereon as follows:—

Mr. J. H. W. Uru appeared for the petitioners, but unfortunately the respondent Miri Tatana was not present or represented.

It appeared that on the 24th September, 1913, at New Plymouth, on the evidence of Miri Tatana, claiming as a niece of Hoani Tatana or Hoani Tatana te Keha (deceased), the Native Land Court appointed the said Miri Tatana sole successor to the said deceased in the following lands: Pariwhakaoho Z 2, Pariwhakaoho Section 101, and Pariwhakaoho Z 3. No objections were made at the time of these orders being made. (Taranaki Minute-book 20, folio 86.)

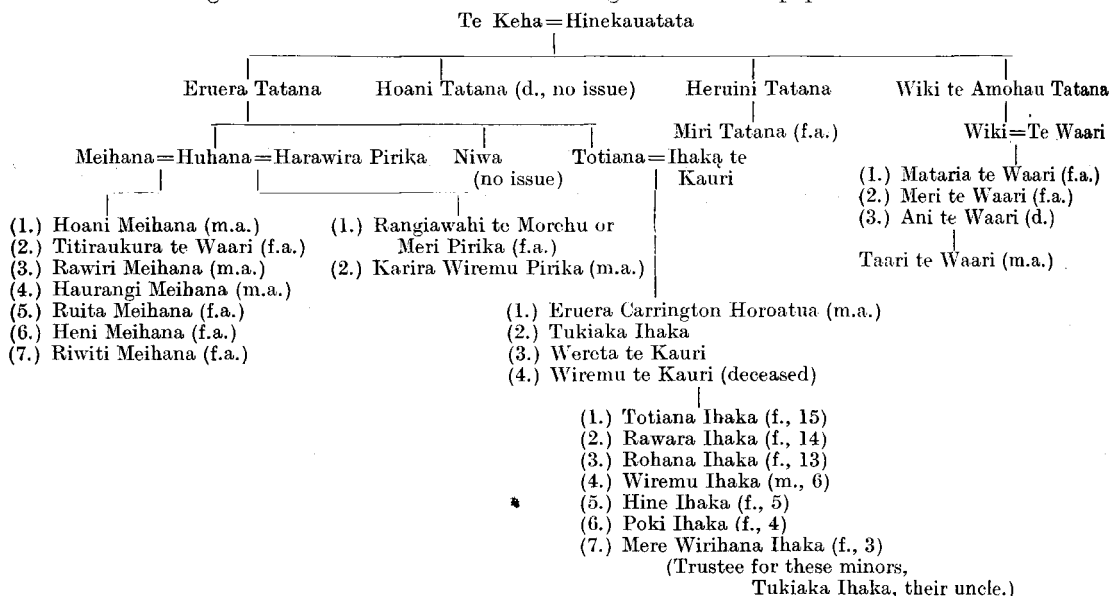
A further succession order was made at Wellington on the 4th July, 1901, for Hoani te Keha's interest in the New Zealand Company's "tenths" in favour of Miri Tatana.

As to Hoani Tatana's interest in the Arareke Block, the following is the information supplied by a letter from the Registrar of the Aotea District Native Land Court to the Under-Secretary, Native Affairs, dated 7th December, 1918 :—

"The name of Miri Tatana appears in the list of owners for 'Arareke 1892 Act leases,' but not that of Hoani te Keha or Hoani Tatana. The title to this land is an unsigned residue order (partition order) made under the West Coast Settlement Reserves Acts, 1913 and 1914, dated 25th July, 1916. A search of the previous title reveals the fact that Hoani Tatana was one of two owners of Arareke No. 1—title, unsigned partition order dated 27th September, 1892; and Herewini Tatana and Miri Tatana were, in order dated 10th November, 1893, appointed successors in equal shares. But on the making of the order of the 25th July, 1916, the unsigned partition order for Arareke No. 1 was cancelled."

It is against all these orders that Hoani Meihana and his relatives petition.

At the hearing before me Hoani Meihana on oath gave the whakapapa as under :—



This he stated was on information given to him by his mother, and that he firmly believed it to be correct. It is, he informed the Court, supported by the list of owners in Pariwhakaoho 101, which shows Eruera Tatana, Hoani Tatana, and Herewini Tatana; that Wiki was not included, as she had got into lands at Whakapuaka; that Hoani and Herewini's names were in title for Arareke. Titiraukura te Waari supported her brother's evidence.

After the evidence of these two had been taken a telegram was received from Samuel Jackson, Native Agent, New Plymouth, asking if certain applications to succeed to Hoani Tatana in respect of these lands had been heard, and stating Miri Tatana interested. A reply was sent that matter of petition was now before Court, and that Miri Tatana appeared to be entitled to one-third share.

On the 19th November Mr. Jackson replied as follows :—

"I am in receipt of your telegram of the 18th instant, stating that 'Succession cases adjourned. Reporting Chief Judge Miri Tatana only entitled to one-third. Does she object to that?' I have seen Miri Tatana, and she stated that she does not object to being awarded one-third of the Nelson lands, but she does object to others being included in the succession to Hoani Tatana in the Arareke Block, New Plymouth. Under these circumstances will Your Honour kindly adjourn application No. 72 (Arareke) to New Plymouth. Will Your Honour please notify me if adjournment is granted."

To this a reply was sent that the Arareke case had been adjourned *sine die*, and that it would in the ordinary course be set down for hearing at the next Picton Court. If he so desired he could then ask for adjournment to New Plymouth.

It appears to me that there is very little doubt but that Miri Tatana is entitled to one-third only. The succession orders as already made seem clearly incorrect, and should be annulled, leaving it to the parties to fight the whole question out when the applications for succession again come before the Court.

Dated this 26th day of November, 1920.

W. E. RAWSON, Judge.

The Chief Judge, Native Land Court, Wellington.

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