

1922.  
NEW ZEALAND.

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# NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1921-22.

REPORT AND RECOMMENDATION ON PETITION No. 228/1920, RELATIVE TO SUCCESSION TO ENOKA PANI IN LOTS 270, 369, AND 377, WAIPIPI BLOCK.

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*Presented to Parliament in pursuance of Section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22.*

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Native Department, Wellington, 12th August, 1922.

*Petition No. 228 of 1920. —Enoka Pani (deceased).*

PURSUANT to section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, I forward herewith report of the Court upon the above matter.

I recommend that legislation be passed cancelling succession orders granted by the Native Land Court on the 13th June, 1916, in respect of the interests of Enoka Pani (deceased) in the lands known as Waipipi, Lots 369 and 377.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

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Office of the Native Land Court, Auckland, 4th August, 1922.

Memorandum for the Chief Judge, Native Land Court, Wellington.

In the matter of section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, and of Petition No. 228 of 1920, of Te Rawhi Enoka Pani.

As directed, I have held an inquiry into this matter. Your reference states that the petitioner prays for an inquiry into the titles of the Waipipi Blocks 270, 369, and 377. This, however, is not quite the position. What the petitioner wants is a rectification of certain succession orders. Copy of petition produced to me bears this out. The whole matter is on record, and a Registrar's report would, I think, have been sufficient.

The succession orders complained of are—In Waipipi, Lot 270, the interest of Kino Mairoto (deceased); in Waipipi, Lots 369 and 377, the interest of Enoka Pani (deceased).

In the year 1916 Henare Kaihau obtained succession orders in favour of these interests upon evidence that Enoka Pani, of whom Kino Mairoto was a daughter, had left no issue surviving him. The minutes are to be found in Mercer Minute-book 20, pages 169-70. So far as the interest of Kino Mairoto is concerned, that was sold by Henare Kaihau in 1918, and the transfer duly registered in the Land Transfer Office. Nothing further, therefore, need be said about that.

So far as the interest of Enoka Pani is concerned, it has now been established by a decision of the Appellate Court (Auckland Appellate Court Minute-book 11, page 129) that Enoka Pani did leave issue—namely, the petitioner, Te Rawhi Enoka Pani—and in Waipipi, Lot 270, the Appellate Court in question made an order appointing Te Rawhi as successor to Enoka Pani. That being so, the true successor in Lots 369 and 377 obviously also ought to be Te Rawhi Enoka Pani.

Any action, then, should be in the direction of cancelling the succession orders of the 13th June, 1916, in Lots 369 and 377 in favour of Henare Kaihau, and so enable the true successor to apply for succession. I was informed in the course of the inquiry that Te Rawhi is now dead, but has left children.

CHAS. E. MACCORMICK, Judge.

*Approximate Cost of Paper.*—Preparation, not given; printing (450 copies), £1 7s. 6d.

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By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1922.

Price 3d.1