

1922.

NEW ZEALAND.

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

REPORT AND RECOMMENDATION ON PETITIONS Nos. 300/1920 AND 19/1921, RELATIVE TO SUCCESSION TO INTERESTS OF HARAWIRA HEPERI (OR PIKIRANGI) IN AWARUA 4A 3C 4C AND OTHER BLOCKS.

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

Native Department, Wellington, 8th September, 1922.

Harawira Heperi (deceased).—Petitions No. 300 of 1920 and No. 19 of 1921, by Hera Wharawhara.

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

The report does not set out how the orders complained of came to be made, but, briefly, they arose out of what purported to be a family arrangement entered into on the 16th January, 1913, between the next-of-kin of deceased, which was adopted by the Native Land Court as a basis on which to found its orders. Hera Wharawhara claims that she alone, as the only true adopted child of deceased, was in fact entitled to the estate of deceased, although not represented in the proceedings. The matter came twice before the Supreme Court, once on the question of the power of the Native Land Court to make orders to carry out such an arrangement, and later to have the proceedings reopened on the ground that Hera Wharawhara was not a party to them. The Court in its present report expresses the opinion that Hera Wharawhara was the rightful sole successor of the deceased. If correct, the parties who made the family arrangement were not empowered to do so.

I recommend that legislation be passed empowering the Native Land Court to rehear the application upon which orders were made on the 17th January, 1913, in respect of the succession to Harawira Heperi (or Pikirangi) (deceased) as to his interest in the following lands—viz., Awarua 4A 3C 4C, Awarua 4A 3C 4E, Awarua 3D 3 No. 9, Oruamatua, Kaimanawa 3B, and Motukawa 2D 3B—and an application upon which an order was made on the 16th January, 1918, in respect of his interest in the Tokaanu B Block; with power to the Court to cancel, vary, or amend any of such orders, and to make any new or other order, as it shall see fit.

2. That the present successors shall, pending the rehearing being granted, be prohibited from dealing with the realty and personalty of the deceased.

3. No such amendment to take away or effect any right or interest acquired in good faith and for value before the passing of the Act, but any alienation theretofore made, together with the unpaid proceeds (if any), to enure for the benefit of the proper successors as found by the Court.

4. All payments heretofore made in the faith of any order made affecting the estate of the said Harawira Heperi shall be deemed to be validated.

5. Notwithstanding any former order of the Court, the Court shall have power to make any order it considers just in respect of any sum of money held by the Board on behalf of the estate of the said Harawira Heperi (deceased), and may determine what person or persons are entitled thereto. If any such person should be a minor, the payment of such minor's share may be directed to be made to the Native Trustee on behalf of such minor.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.