

1922.
NEW ZEALAND.

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

REPORT AND RECOMMENDATION ON PETITION No. 44/1920, RELATIVE TO SUCCESSION TO MIRI
ARAPATA (DECEASED) IN NGATIRAHIRI 6 AND 14, 1892 ACT LEASES.

*Presented to Parliament in pursuance of Section 32 of the Native Land Amendment and Native Land
Claims Adjustment Act, 1920.*

Native Department, Wellington, 13th October, 1922.

Re Petition 44/1920 re Miri Arapata (deceased).

PURSUANT to section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, the report of the Court herein is enclosed.

The question at issue is whether or not the right persons have succeeded. The Native Appellate Court is the best tribunal to settle this matter, and I therefore recommend legislation giving that Court power to do so.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

REPORT TO THE CHIEF JUDGE.

Application 140.—Ngatirahiri 6 and 14.—1892 Act Leases.

APPLICATION by Chief Judge under section 32 of Native Land Amendment and Native Land Claims Adjustment Act, 1920, to inquire into and report upon the claims of Petitioner (Petition 44 of 1920) Rawiri Kuao *re* succession to Miri Arapata (deceased).

Mr. J. H. Damon for Rawiri family, the petitioner (Rawiri Kuao) being now dead.

Mr. J. B. Jack for Tawhanga Eruera and his half-sister Roka Tumaiwaho, the present successors.

The hearing of this matter took place at New Plymouth on the 24th May, 1922 (see M.B. 33, folios 33–41). Beyond references to a number of whakapapas and to a few old minutes, the Court has had little assistance from the parties in this matter, but can somewhat understand this after examining the very confused and exceedingly conflicting evidence available.

The succession order which petitioner wishes to have set aside was one made by Judge Browne at New Plymouth on the 13th October, 1919 (see M.B. 28, folio 340), in favour of Tawhanga Eruera and his half-sister Roka Tumaiwaho equally. As Roka Tumaiwaho was only the half-sister of Tawhanga by the same mother but not by the same father (Eruera Patara), she had no claim to succeed at all, but was presumably put in by Tawhanga as part of the arrangement referred to by Mr. Oldham (M.B. 28, folio 339).

For the petitioner, Mr. Damon claimed that Miri Arapata obtained her shares in this block through Wi Ruka te Tupe, Ngairo, and Nikoria (or Nekoria), and that therefore the rights came solely through Te Tupe, the father of Wi Ruka, and not through Te Hou, the mother of Wi Ruka. In support he quotes M.B. 9, folio 317, where the succession order for the interest of Ngairo in Ngatirahiri 6 and 14 is made in favour of Wi Ruka. This order is dated 1st February, 1905, and was made