

1925.

NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1922.

REPORT AND RECOMMENDATION ON PETITION No. 336 OF 1922, OF KARAUHI TIWEKA ANARU,
RELATIVE TO SUCCESSION TO TAKIMOANA (DECEASED).

*Presented to Parliament in pursuance of Section 55 of the Native Land Amendment and Native Land
Claims Adjustment Act, 1922.*

Petition No. 336 of 1922.—Re Takimoana (deceased).

Native Department, Wellington, 14th July, 1925.

PURSUANT to section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, I enclose herewith report of the Native Land Court herein, and your attention is directed to its recommendation.

It seems undoubted that the deceased died after the commencement of the Native Land Court Act, 1909, leaving children adopted by her according to Native custom. Section 161 of that Act expressly enacts that, save as in that section provided, no adoption in accordance with Native custom, whether made before or after the commencement of the Act, should be of any force or effect, whether in respect of intestate successors to Native land or otherwise. Exception was made in favour of adoptions already registered. That law works hardship in some cases, and undoubtedly does so in this instance. I am, however, unable to recommend its repeal, nor can I support its being waived in this particular case.

The Hon. the Native Minister, Wellington.

R. N. JONES, Chief Judge.

SIR,—

In re *Petition No. 336 of 1922, of Karauri Tiweka Anaru.*

Relative to your reference of above petition to the Court for inquiry and report, I have to state that the petitioner appeared before the Court at Te Kaha on the 25th March last, and proceeded to substantiate the claims and allegations set forth in his petition. Weihana Teramea and Ngamotu Tukaki also appeared, and represented the next-of-kin to the deceased Takimoana.

Paragraphs Nos. 2, 6, 7, 8, 9, 10, 11, 12, and 14 are substantiated by records of the Court.

In support of paragraph No. 5 of petition, a search of the Court records discloses the following facts: In Whangaparaoa No. 3 Block, investigated on the 19th September, 1911, the names of Paretio Pereto (f.), Karauri Tiweka (m., 10), and Te Miro Paratene (f., 2) appear, with Takimoana as trustee for the latter two. In Orete No. 2, investigated on the 12th September, 1910, the same three names appear (Paretio being shown as a minor), with Takimoana as trustee for all three. The name of Tiweka Anaru also appears in this block. In Orete No. 3, investigated on the 13th March, 1916, the names of Paretio Pereto (f.), Karauri Tiweka (m., 16), and Te Miro Paratene (f., 4) appear, with Takimoana as trustee for the latter two. Upon partition of this block the three above persons appear, with Takimoana in her own division, No. 3M. In Te Waiti, investigated on the 9th November, 1913, the names of Karauri Anaru and Te Miro Paratene appear in Takimoana's manuscript list, with Takimoana as trustee for Karauri and Paratene Hiia as trustee for Te Miro. In Matapapa No. 2, investigated on the 23rd September, 1912, the names of Tiweka Anaru, Paretio Pereto, Karauri Anaru, and Te Miro Paratene appear, with Takimoana as trustee for the latter two.

It has been asserted by the petitioner that he and his father, Tiweka Anaru, have no ancestral or occupatory rights to these blocks, and that they were included by Takimoana. This assertion has not been contradicted by the opponents to the petition. The assertion is further strengthened by the fact that none of petitioner's near relatives are included in the above blocks.

Attention is drawn to the important fact that Takimoana was appointed trustee for the minors except in one instance, where Paratene Hiia was appointed trustee for Te Miro Paratene.

With regard to paragraph No. 4 of the petition, petitioner called evidence to show that himself and the three persons named in paragraph No. 2, and another, Kahu Poai by name, were adopted children of the deceased Takimoana, and from this evidence it is clear that the four persons Tiweka Anaru, Paretio Pereto (Wi Tupaea), Karauri Anaru, and Te Miro Paratene were generally recognized as the adopted children of Takimoana. Evidence of the adoption of Kahu Poai and her recognition as an adopted child is not very strong. In particular I consider that it was recognized fully, and never until after deceased's death denied, that Tiweka Anaru was the adopted child of deceased; the same applies in a slightly lesser extent to Paretio Pereto, Karauri Anaru, and Te Miro