

1929.
NEW ZEALAND

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS
ADJUSTMENT ACT, 1928.

REPORT AND RECOMMENDATION ON PETITION No. 255 OF 1928, OF HAKI GALVIN, RELATIVE
TO SUCCESSION TO GEORGE SOUTHGATE (DECEASED).

*Presented to Parliament in pursuance of the Provisions of Section 50 of the Native Land Amendment
and Native Land Claims Adjustment Act, 1928.*

Native Department, Wellington, 25th September, 1929.

Petition No. 255 of 1928.—Will of George Southgate (deceased).

PURSUANT to section 50 of the Native Land Amendment and Native Land Claims Adjustment Act, 1928, I herewith forward the report of the Native Land Court herein.

In view of that report I have no recommendation to make.

R. N. JONES, Chief Judge.

The Hon. the Native Minister, Wellington.

Office of the Waiariki District Maori Land Board,
Rotorua, 19th July, 1929.

In the matter of the will of George Southgate (deceased), and of petition No. 255 of 1928 by Haki Galvin; and in the matter of your reference of the 12th October, 1928, to the Native Land Court for inquiry and report.

His Honour the Chief Judge, Native Land Court, Wellington.

SIR,—

I have to report as follows:—

The inquiry was made in open Court at Opotiki on Tuesday, the 7th May last. Petitioner was represented by Mr. W. A. Carter, solicitor, and the respondents by Mr. Hodgson, solicitor.

Facts of case are briefly as follows: The deceased executed his will on the 28th September, 1921. He died on the 13th October, 1921. After a protracted hearing, probate of deceased's will was granted on the 3rd July, 1922. All deceased's Native freehold land was exempted from the operation of the probate. On the 22nd August, 1922, an appeal from grant of probate was lodged. This appeal came before the Native Appellate Court on the 23rd February, 1923, and the decision of the Lower Court was upheld. The matter then rested till 1928, when petition was presented to Parliament.

Petitioner, through Mr. Carter, addressed the Court in terms similar to those used before the Appellate Court. Absolutely no new matter was presented, and I have no hesitation whatever in saying that the petitioner has signally failed to convince me that he is entitled to a favourable recommendation.

Michael Downey, one of the witnesses attesting the will, is now dead, as is also Hugh Fisher, one of the trustees under the will.

I have no recommendation to make upon the petition.

For your information I enclose a copy of my minutes taken on the inquiry, also copies of the judgments of the Lower Court and Appellate Court.

The probate file (1491 B.P.) and your reference are also forwarded.

Yours faithfully,
A. G. HOLLAND, Judge.

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ADJUSTMENT ACT, 1958.

Presented in Parliament by Command of His Majesty the King

The Hon. the Justice Minister, Washington
 R. N. Jones, Chief Judge

[illegible][illegible]

Yours faithfully,
A. D. [illegible]

SECRET

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