

1924.

NEW ZEALAND.

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

REPORT AND RECOMMENDATION ON PETITION No. 401 OF 1917, OF IWIAHIA (IWIAOHEA) TUAREA,  
RELATIVE TO THE SUCCESSION TO WAIKAURI (DECEASED) IN HAPOTIKI BLOCK, GRANT 3952.

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

Native Department, Wellington, 28th August, 1924.

*Petition No. 401 of 1917—Re Interests of Waikauri and Hapotiki Grant.*

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

In the original grant only one name—"Waikauri"—appears, and there it is in conjunction with a near relative of Waikauri Tuarea. In the adjoining block the name "Ngawikau" appears, but that of Waikauri does not, although the names of Waikauri Tuarea's husband and children do so.

I consider, however, that the Native Land Court has already jurisdiction under section 24 of the Native Land Act, 1909, to adjudicate upon the question of identity, and I therefore recommend that no legislative action is necessary.

The Hon. the Native Minister, Wellington.

R. N. JONES, Chief Judge.

*The Native Land Amendment and Native Land Claims Adjustment Act, 1920.*

In the Native Land Court of New Zealand, Aotea District.—In the matter of the petition, No. 401 of 1917, of Iwiaohea Tuarea, praying for inquiry into the alleged wrongful decision given by the Native Land Court *re* shares in Hapotiki Block, Grant 3952, referred to the Court under the provisions of section 32 of the above-mentioned Act.

At a sitting of the Court held at New Plymouth on the 5th day of August, 1924, the Court made inquiry into the above matter, and reports as follows:—

The facts are—

- (1.) That on the 20th November, 1914, when the decision in question was given, the following two names appeared in the title to the Hapotiki Block—viz., "Waikauri" and "Waikauri Tuarea."
- (2.) That the name "Waikauri" was included in the title as one of the original grantees, and that the name "Waikauri Tuarea" came in as successor to Ngaparetiti, also an original grantee. It was stated when the order of succession to Ngaparetiti was made that the deceased was the son of Waikauri Tuarea and derived his interest from her.
- (3.) That on the 20th November, 1914, the Court made a succession order to the interest of Waikauri. It was alleged in the evidence upon which this order was made that this deceased was not Waikauri Tuarea, but Waikauri Ngaiwikau; and Hore Raumati Toroa, the nearest of kin to the latter, was appointed successor without opposition. It was stated then that Waikauri Ngaiwikau had died about 1904.

- (4.) That on the same date and, it would appear from the minutes, almost immediately afterwards, on the application of Iwiakohea the petitioner, an order was made appointing him and his brother as successors to the interest of Waikauri Tuarea. The evidence showed that this deceased had died about 1913.
- (5.) That at the request of the petitioner the 5th instant was fixed as the date for holding the inquiry directed by you, and a special notice of this was sent to Hore Raumati Toroa at Pungarehu.
- (6.) That on the date appointed Hore Raumati Toroa did not appear. As the Court had received no word from him that he intended to appear then or at any date thereafter, as the matter had been advertised from time to time without any result, and as it was therefore expedient that it should be dealt with forthwith, the Court decided to proceed with the inquiry in his absence.

The petitioner in his evidence on the inquiry alleged—

- (a.) That the "Waikauri" in the grant was his own mother, and not Waikauri Ngaiwikau.
- (b.) That before she was married to his father, Rangi Tuarea, she was called "Waikauri," and that after her marriage she took his name and was known as "Waikauri Tuarea."
- (c.) That she, under the name of "Waikauri," and four of her children, were included as grantees in the Hapotiki Block.
- (d.) That up to the time of her death, which was about eighteen months before the making of the succession order in question, she drew the rents to which "Waikauri" was entitled in the block.
- (e.) That he was not present in the Court when the evidence was given that Waikauri was the same person as Waikauri Ngaiwikau, and when he made the application that successors should be appointed to Waikauri Tuarea he understood that all the interests to which she was entitled, both as Waikauri and Waikauri Tuarea, were being succeeded to.
- (f.) That he knew Waikauri Ngaiwikau, that she and her nearest of kin had no interests in Hapotiki, and that all their interests were in the Ngatitanewai Block.

Owing to the non-appearance of Hore Raumati Toroa the inquiry has not been as full and complete as it might have been had he been present. The established facts, however, prove that Waikauri Tuarea's four children are in the grant, and, as it is admitted that their right came through her, it is very unlikely that her name would have been omitted. In addition there is the fact that neither Hore Raumati Toroa, the successor appointed to Waikauri Ngaiwikau, nor any of her relatives, are grantees, and the inference to be drawn from this is that they did not belong to the Hapotiki hapu. No proof was produced of the allegation that Waikauri Tuarea drew the Hapotiki rents up to the time of her death, but the Court sees no reason to doubt the truth of it.

On the other hand, it is proved by the Court minutes that the petitioner was in attendance at the Court on the 20th November, 1914, although, as he alleges, he may not have been actually present when the order of succession to Waikauri was made; but it seems to this Court strange that if it had been generally known that Waikauri was his mother some one in the Court did not draw his attention then to the fact that Hore Raumati Toroa had been appointed her successor.

After carefully considering the matter, however, the conclusion the Court has come to is that some uncertainty exists as to the identity of the "Waikauri" in the grant, and it recommends it be given jurisdiction to inquire and determine the point.

As witness the hand of the Judge and the seal of the Court.

JAS. W. BROWNE, Judge.

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