

1943
NEW ZEALAND

THE NATIVE PURPOSES ACT, 1941

REPORT AND RECOMMENDATION ON PETITION No. 86 OF 1940, OF ANI MATAKA AND OTHERS, CONCERNING THE APPOINTMENT OF SUCCESSORS TO THE INTERESTS OF RANGIIKEIKE, DECEASED, IN HOANI BLOCK

Presented to Parliament pursuant to the provisions of section 18 of the Native Purposes Act, 1941

Native Land Court (Chief Judge's Office),
Wellington C. 1, 9th August, 1943.

Memorandum for The Hon. the NATIVE MINISTER.

RANGIIKEIKE (DECEASED)

I TRANSMIT to you the report of the Court, made pursuant to section 18 of the Native Purposes Act, 1941, upon Petition No. 86 of 1940, of Ani Mataka and others, concerning the successors appointed to the interest of Rangikeike (deceased) in Hoani Block.

The original title to Hoani Block was a Crown Grant (No. 3892) under the West Coast Settlement (North Island) Act, 1880, and the West Coast Settlement Reserves Act, 1881, dated the 12th June, 1883, in favour of—

Hoani Wharekawa,
Rangi te Ngangana,
Rangikeike,
and twenty others.

The names mentioned above are the first three set out in the enclosure which accompanied the report of the West Coast Commissioner containing his recommendations for the issue of a Crown grant for this land. Hoani Wharekawa was the father of Rangi te Ngangana and Rangikeike. Hoani died on the 1st March, 1887, and Rangi te Ngangana and Rangikeike were appointed his successors in this land in equal shares. Rangi te Ngangana died on the 25th July, 1893, and on the 14th December, 1904, Rangikeike was appointed his sole successor, thus consolidating in Rangikeike the whole of the interests in the grant of the three grantees named.

Rangikeike, in his turn, died on the 1st July, 1914, without issue, and it is in respect of the disposition of the interest in the land of this man that the petitioners pray for relief.

Hoani Block grant was a portion of an area known as The Stony River Reserve and was within the boundaries of the confiscations in the Taranaki District, but, although the confiscation was practically abandoned in the case of this land, the Proclamation necessary to give technical effect to the abandonment never issued, and therefore in law the block was confiscated as Crown land, and for that reason was clothed with a title under the statutory provisions mentioned above.

In his report (G.-3, 1883, p. 21) the West Coast Commissioner said of this land that "the issue of the grants now recommended will, in the case of the Stony River Block, fulfil the pledges of the Government by giving to the tribe Crown titles for the whole of their original territory" From this statement it is plain that the persons to be included in the title to the land were those having rights according to Native custom, notwithstanding the technical confiscation of the land.

Rangikeike having died without issue and having no brothers and/or sisters, his interest in the land would necessarily go back to the line from which it was derived, and under the circumstances described above as to the origin of the deceased's interest it became necessary to go back beyond the issue of the Crown grant to find the source of the interest. The matter has not been without doubt, as the number of hearings it has had would indicate, and I cannot find any convincing evidence either in the West Coast Commission's reports or given before the Court on any of the several hearings of the source of the right—that is, whether the interests taken by the three persons named were in respect of their own several rights or the combined rights of Hoani Wharekawa and his wife so distributed.

Dealing with the matter of this succession on the 15th June, 1938, under section 38 of the Native Land Act, 1931, a former Chief Judge (Chief Judge Jones) said, *inter alia*, "But admitting that both are entitled, and there is no direct evidence as to how the shares the mother was entitled to were distributed between her husband and her children, it seems to the Chief Judge that the proper course to follow wherever there is doubt is to treat them as equal until the contrary is proved."