

In view of the Court's finding that the petitioners have not removed the doubt as to the origin of the rights, I have no recommendation to make in the matter of the relief prayed for in the petition.

G. P. SHEPHERD, Chief Judge.

[Copy]

PETITION 86/1940 BY ANI MATAKA AND THREE OTHERS IN RESPECT TO THE INTERESTS OF RANGIKEIKE (DECEASED) IN HOANI BLOCK AND REFERRED TO THE NATIVE LAND COURT FOR FURTHER INQUIRY UNDER THE PROVISIONS OF SECTION 18 OF THE NATIVE PURPOSES ACT, 1941

THE matter came before the Court at New Plymouth on 11th May, 1942, when the Petitioners were represented by Hekenui Whakarake. Hakopa te Waiwetiweti, *contra*, appeared at a subsequent Court and advised that he was prepared to rest his objection to the Petitioners case on the evidence already before the Court on its many hearings.

The point at issue in the Petition is whether the shares allotted to Hoani Wharekawa and his two sons Rangi te Ngangana and Rangiikeike in Hoani Block were allotted to Hoani in his own right or in part in the right of his wife Manauca. The evidence at all hearings resolved itself into a contest between the successors on the father's side and those entitled to succeed on the mother's side. It is difficult from the spate of material available at the different hearings to obtain what might be termed disinterested evidence. This Court dropped across a Report of the Commissioner under the West Coast Settlement (North Island) Act, 1880, on the Stony River Reserve. This report is dated 12th January, 1883, and covers recommendations by the Commissioner for the issue of seven Grants, of the Stony River Block of which Grant No. 3892 (Hoani) is one. This Report is recorded in App. to the Journals of the House G.-3, 1883, Appendix V, at page 21. The last paragraph is quoted:—

“The Commissioner also encloses herewith a list of the grantees recommended for each of the seven grants with the specific acreages to which each has been declared entitled in his or her own individual right. This apportionment has been made by Major Parris at the request of the Natives and with their assistance as a friendly act on his part which has involved a very great amount of labour and care. It has, of course, no legal validity but it will prove a very valuable aid to the Trustee of Native Reserves when he comes to deal with the Reserves under the Act of 1881 in arranging leases or dividing rents with a view to which operations I understand the Natives have gone so far towards individualization. They perfectly understand that if they wish to have their holdings surveyed on the ground it will have to be done at their own expense but the present step will greatly facilitate it if it is ever done; and it is respectfully suggested that a copy of the document should be supplied to the Trustee of Native Reserves on the West Coast.”

In the list supplied called in the report Grant No. 7 the first three names are—

Hoani Wharekawa	..	..	..	300 shares.
Rangi te Ngangana	..	..	..	100 shares.
Rangiikeike	..	..	..	100 shares.

Nowhere in the grant has any one female received more than 100 shares and in most cases the shares to females are 50 and 25. There is one only with 100 shares allotted. This would appear to veto the suggestion that Rangi te Ngangana and Rangiikeike received their shares on account of the mother.

It is interesting to note that the Commissioner reports that the shares allotted are the specific acreages “to which each has been declared entitled in his or her own individual right.”

The recommendations were afterwards given effect to when the Grant No. 3892 was issued. On survey the area was increased so that the shares were also increased. In the Crown Grant these owners are then shown as below:—

Hoani Wharekawa	..	..	..	320 shares.
Rangi te Ngangana	..	..	..	106 shares.
Rangiikeike	..	..	..	106 shares.

At the present hearing no fresh supporting facts were given by the Petitioners. Although the report of the West Coast Settlements Reserves Commissioner may have been of some use to the petitioners at the early hearings when the old people were alive this Court considers the matter is still doubtful and as the Petitioners have not cleared up that doubt the Court does not consider that it can upset the existing position and in consequence has no further or other recommendation to make.

Dated at Wanganui, this 12th day of November, 1942.

[L.S.]

(SGD.) R. P. DYKES, Judge.

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