

1908.
NEW ZEALAND.

NATIVE LAND COURT

(ORDER OF THE) RELATIVE TO KAIKAHU No. 3 BLOCK.

Laid before the House of Representatives pursuant to Subsection (10) of Section 14 of "The Native Land Court Act, 1894."

IN THE NATIVE LAND COURT OF NEW ZEALAND,
AUCKLAND DISTRICT.

"The Native Land Court Act, 1894," and its amendments.

KAIKAHU No. 3.

At a sitting of the Court held at Paeroa on the 15th day of August, 1907, before Herbert Frank Edger, Esquire, Judge, and Wikiriwhi Te Tuahu, Assessor.

In the matter of the land known as Kaikahu No. 3, heretofore held under order upon investigation of title dated the 14th day of July, 1892.

Whereas by an Order in Council dated the 21st day of January, 1907, His Excellency the Governor has authorised the said Court to exercise in respect of the said land the jurisdiction conferred under subsection (10) of section 14 of "The Native Land Court Act, 1894"—that is to say, to determine whether or not the said land or any part thereof was on the investigation of the title thereto intended by the Native Land Court or by the nominal owners of such land to be held in trust for Natives not named in the title, and to determine who are the Natives (if any) entitled beneficially to such land, and to order the inclusion of such Natives in the title, either together with or in lieu of the nominal owners or any of them, and generally to exercise the jurisdiction conferred by the said subsection:

And whereas, upon inquiry made into the nature of the title to the said land, and upon evidence taken, the Court did, on the 2nd day of July, 1907, determine that the said land was, upon the original investigation of the title thereto, intended by the nominal owners thereof to be held by them in trust for the Ngati Mahu hapu or tribe:

And whereas the said land is subject to an existing contract for the sale of such land to Joel Fisher and Stephen Fisher; and upon the said inquiry the claimants intimated to the Court their desire to have the said contract for sale completed, and requested the Court to define their interests in the purchase-money derived from the sale of the said land in lieu of defining their interests in the said land, in order that the said contract of sale may be completed:

And whereas deeds of transfer or conveyance to the said Joel Fisher and Stephen Fisher have been signed by all the present nominal owners, but the transaction cannot be completed until an Order in Council has been obtained approving of such sale:

Now, therefore, the Court doth hereby order and declare that the purchase-money payable under the said contract for sale shall be paid to Tracy Archer Moresby, of Paeroa, solicitor; Edmund William Porritt, of Paeroa, solicitor; and William Grey Nicholls, of Paeroa, licensed Native interpreter, upon trust to invest the same in the Government Savings-Bank until such time as the necessary Order in Council approving of the said sale has been obtained and the said contract for sale completed, and, upon such completion, to pay the costs and expenses set out in the First and Second Schedules hereto, and to pay the balance of the said purchase-money to the persons whose names and relative interests are set out in the Third Schedule hereto, being the persons whom the Court has ascertained to be the beneficial owners now entitled under the trust intended by the nominal owners upon the original investigation of the title to the said land.

As witness the hand of Herbert Frank Edger, Esquire, Judge, and the Seal of the Court,
this fifteenth day of August, one thousand nine hundred and seven.

H. F. EDGER, Judge.

FIRST SCHEDULE.

	£	s.	d.
To E. W. Porritt, expenses in obtaining signatures of nominal owners ...	10	0	0
To T. A. Moresby, fees on the whole case to date ...	70	0	0
To Teni Tuhakaraina, fees to date ...	21	0	0
To T. A. Moresby, expenses paid ...	38	11	6
	<u>£139</u>	<u>11</u>	<u>6</u>

SECOND SCHEDULE.

REFUNDS TO OWNERS WHO HAVE SUBSCRIBED EXPENSES.

	£	s.	d.		£	s.	d.
1. Ngawiki Potae ...	1	0	0	20. Rangihauata Puataka ...	0	10	0
2. Huatahi Hoani ...	2	0	0	21. Ripikoi Puataka ...	0	10	0
3. Takotorau te Aku ...	2	0	0	22. Te Ro Hoani ...	0	10	0
4. Mihiao Tukutukumarū ...	1	0	0	23. Waoriki Hoani ...	0	10	0
5. Taumaha Aperahama ...	1	10	0	24. Rhipera Hawira ...	0	10	0
6. Witika Taupo ...	2	0	0	25. Kahutotara Iheihe ...	1	0	0
7. Te Hihi Rawiri ...	1	10	0	26. Kahupikake te Ro ...	2	0	0
8. Harai Haira ...	2	0	0	27. Rawiri te Hihi ...	1	0	0
9. Reti Hoani ...	0	10	0	28. Te Moengahau Matene ...	0	10	0
10. Hurinui Tame ...	0	10	0	29. Tame Puketapu ...	1	0	0
11. Mihitaurangi Hoani ...	0	10	0	30. Hoana Rina ...	1	0	0
12. Merea Wikiriwhi ...	2	0	0	31. Puaha Puketapu ...	1	0	0
13. Atareta Hihi ...	0	10	0	32. Ngatae (<i>alias</i> Rihi Kahurerewai) ...	2	0	0
14. Hinewhare te Hihi ...	0	10	0	33. Tiriora Tiora ...	1	0	0
15. Kirikiri Hihi ...	0	10	0	34. Hone Ngatara ...	1	0	0
16. Hurihia Rawiri ...	0	10	0	35. Kataraina Matene ...	1	0	0
17. Takataka te Hihi ...	0	10	0				
18. Tame Hoani ...	1	0	0				
19. Hawira Taupo ...	1	0	0				
					£175	11	6

THIRD SCHEDULE.

NAMES AND RELATIVE INTERESTS OF NATIVES ENTITLED TO RECEIVE THE BALANCE OF THE PURCHASE-MONEY.

	Shares.		Shares.
1. Atareta te Hihi (f.) ...	1	45. Pipi Matekino (f.) ...	1
2. Anaru Haira (m.) ...	1	46. Te Tutere Peti (m.) ...	$\frac{1}{2}$
3. Raira te Hira (f.) ...	$\frac{1}{2}$	47. Tutonu Peti (m.) ...	$\frac{1}{2}$
4. Te Aue te Pere (f.) ...	$\frac{1}{4}$	48. Peita Peneti (f.) ...	1
5. Epiha Ngawiki (m.) ...	1	49. Penina Ngawai (f.) ...	1
6. Hurihia Rawiri (f.) ...	1	50. Pererangi Maui (m.) ...	1
7. Hera Ripikoi (f.) ...	1	51. Parewaikato Horomona (f.) ...	1
8. Hinewhare te Hihi (f.) ...	1	52. Tukotahi Nutana (m.) ...	$\frac{1}{2}$
9. Hurihia te Hihi (f.) ...	1	53. Panikena Utuku (f.) ...	1
10. Huitoroa Enoka (m.) ...	1	54. Pirimona Watene (m.) ...	1
11. Hoani Huatahi (m.) ...	1	55. Parehauraki Horomona (f.) ...	1
12. Hariata Tamihana (f.) ...	1	56. Paora Hikaiti (m.) ...	1
13. Hetaraka Tame (m.) ...	1	57. Reti Hoani (m.) ...	1
14. Hone Ngatara (m.) ...	1	58. Rerepourewa Ripikoi (m.) ...	1
15. Tira Matenga (f.) ...	1	59. Tuangahuru Ngatara (m.) ...	$\frac{1}{6}$
16. Hawira Taupo (m.) ...	1	60. Tioke Ngatara (m.) ...	$\frac{1}{6}$
17. Horongaru Aperahama (f.) ...	1	61. Tame Puketapu (m.) ...	$\frac{1}{6}$
18. Hawira te Wahapu (m.) ...	1	62. Mai Puketapu (f.) ...	$\frac{1}{6}$
19. Tira Mei Moka (f.) ...	1	63. Puaha Puketapu (m.) ...	$\frac{1}{6}$
20. Hapatapu Matene (f.) ...	1	64. Timatua Ngatara (m.) ...	$\frac{1}{8}$
21. Ihepera Epiha (f.) ...	1	65. Reti Hoani (m.) ...	$\frac{1}{2}$
22. Ketī Tamihana (f.) ...	1	66. Ripikoi Puataka (m.) ...	1
23. Kuratu te Aku (f.) ...	1	67. Rimu Horomona (f.) ...	1
24. Kahutaunoa Tahuora (m.) ...	1	68. Rihi te Paoro (f.) ...	1
25. Mihiao te Kukume (f.) ...	1	69. Mei Ngamokamoka (f.) ...	1
26. Kataraina Matene (f.) ...	1	70. Remehio te Ro (m.) ...	1
27. Makaurau Ripikoi (f.) ...	1	71. Te Hihi Rawiri (m.) ...	1
28. Maraea Tapuwai (f.) ...	1	72. Tame Matehaere (m.) ...	1
29. Moengaroa Tame (f.) ...	1	73. Te Ipu Ranapia (m.) ...	1
30. Maru Maraea (m.) ...	1	74. Te Hurinui Kekeke (m.) ...	1
31. Mereaina Iheihe (f.) ...	1	75. Tame Peneti (m.) ...	1
32. Merea Wikiriwhi (f.) ...	$1\frac{1}{2}$	76. Tira Horomona (f.) ...	1
33. Matenga Haira (m.) ...	1	77. Takiata Whakamuri (f.) ...	1
34. Maui te Pere (m.) ...	1	78. Tukutukumarū Hakiaha (m.) ...	1
35. Mereana Waata (f.) ...	1	79. Tutue Matenga (m.) ...	1
36. Mereana Hikaiti (f.) ...	1	80. Te Ao Tukutukumarū (f.) ...	1
37. Ngaika Huatahi (m.) ...	1	81. Te Kohi Ngārūnui (m.) ...	1
38. Ngarewa Epiha (m.) ...	1	82. Paea Taupoki (f.) ...	2
39. Ngawiki te Pora (m.) ...	1	83. Te Wehenga Tukutukumarū (f.) ...	1
40. Noko Pakara (m.) ...	1	84. Tukotahi Nutana (m.) ...	1
41. Kahukore Utuku (f.) ...	1	85. Te Aitu Aperahama (m.) ...	1
42. Ngawai te Pere (f.) ...	1	86. Tuhiao Haira (f.) ...	1
43. Pa Ripikoi (m.) ...	1	87. Takotorau te Aku (f.) ...	2
44. Peneti Hoani (f.) ...	1	88. Te Eniana Iheihe (f.) ...	1

	Shares.		Shares.
89. Te Amokino Pukutara (f.) ...	1	101. Waoriki Hoani (m.) ...	1
90. Hera Tuhirae (f.) ...	1	102. Whakaata Turia (f.) ...	1
91. Terihana Utuku (f.) ...	1	103. Whaiatua Matenga (m.) ...	1
92. Kahupikake te Ro (f.) ...	1	104. Witika Taupo (m.) ...	1½
93. Tereiti Paraone (f.) ...	1	105. Waituhi Aperahama (f.) ...	1
94. Tewi te Raro (m.) ...	1	106. Wihana Haira (m.) ...	1
95. Te Ro Hoani (m.) ...	1	107. Waana te Moengahau (f.) ...	1
96. Te Tanuku Hikaiti (m.) ...	1	108. Tiriora Tiora (f.) ...	1
97. Kingi Haira (m.) ...	$\frac{2}{3}$		
98. Rina Haira (f.) ...	$\frac{1}{3}$		
99. Harai Haira (f.) ...	1		
100. Whitimarama Rawiri (m.) ...	1		
		Total ...	102

Appealed against.

Affirmed on appeal.—H. G. SETH-SMITH, President. 6/5/08.

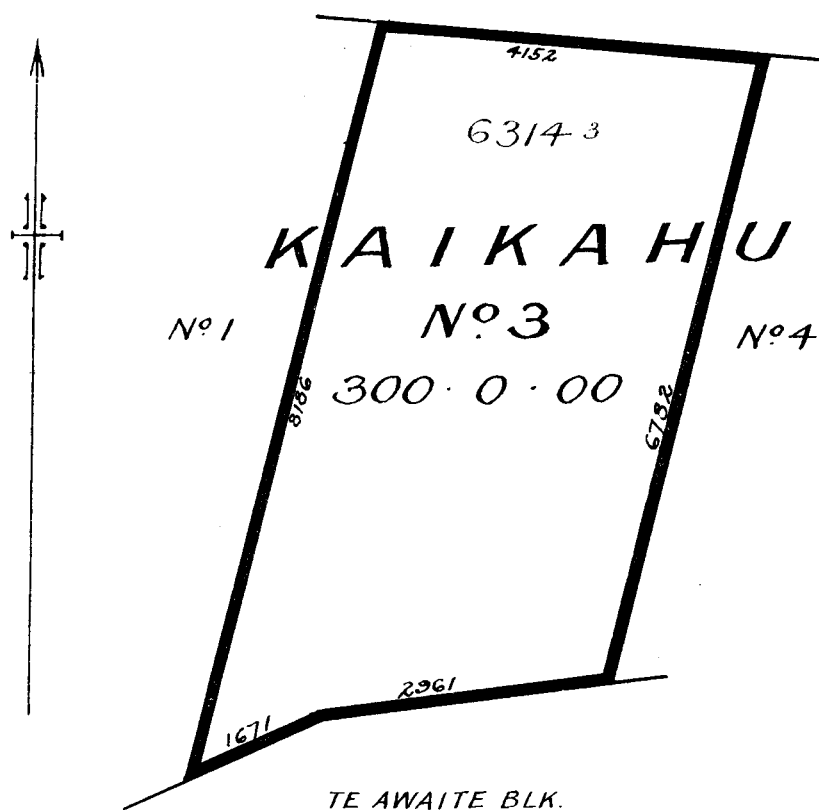
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WAIRAU BLK.



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