

1919.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1917.

REPORT AND RECOMMENDATION ON PETITION No. 446 OF 1917, FOR RECTIFICATION OF
SUCCESSION TO CERTAIN DECEASED PERSONS' INTERESTS IN THE WAIKOUAITI,
BLOCK XII, AND OTHER LANDS.

*Presented to both Houses of the General Assembly in pursuance of Section 25 of the Native Land
Amendment and Native Land Claims Adjustment, Act, 1917.*

Native Land Court (Chief Judge's Office), Wellington, 8th January, 1919.

Petition No. 446/1917, Emma Turner.

SIR,—

I have the honour to forward herewith a report by Judge Jones on petition No. 446/1917, of Emma Turner, *re* succession to certain deceased persons in Waikouaiti, Block XII, and other lands, referred to the Native Land Court for inquiry and report under the provisions of section 25 of the Native Land Amendment and Native Land Claims Adjustment Act, 1917.

The report speaks for itself, and I have no further recommendations to make.

I have, &c.,

JACKSON PALMER,
Chief Judge.

The Hon. Native Minister, Wellington.

In the Native Land Court of New Zealand, South Island District.—In the matter of the Native Land Amendment and Native Land Claims Adjustment Act, 1917, and of a petition No. 446/1917, referred by the Chief Judge for inquiry and report concerning succession to Pineamine Kihī and others.

THIS matter came before the Court at Dunedin on the 12th July, 1918, and the Court submits the following report:—

1. During the months of March and May, 1887, while adjudicating on various blocks, the Court made succession orders to various deceased persons so as to ascertain the living owners.

2. Among other succession orders so made are the ones complained of in the petition.

3. The evidence upon which the Court acted in these cases was given by Hohepa Pineamine, who stated that his father and mother left three children.

4. It is quite apparent that they left other children, some of whom were dead. Kihī (or Pineamine Kihī) was the father, and Romia the mother, of Hohepa. The other deceased were brothers and sisters who were in the titles and had died but left no issue.

5. According to the evidence given before this Court and not disputed, there was also another child, Pere, who was dead but who left issue—John Saunders, m.; Ema Mira (or Saunders), f. (now Mrs. Turner).

6. If this fact had been brought to the attention of the original Court the children of Pere would no doubt have been included, as they were according to Native custom entitled to be.

7. It would be impossible at this date to say that the order was secured under circumstances which constituted fraud, since there may be some legitimate explanation not now forthcoming of why the dead sister's issue was not included,

8. As the orders are now over thirty years old, and are probably within the protection of section 38 of the Native Land Act, 1909, it is questionable if the Court has now power to rectify the error.

9. If it is desired to reopen the matter it would seem the only remedy is special legislation giving the Court, after hearing the parties, power to amend the orders in accordance with the equities of the case subject to any valid alienation that may have taken place. A list of the various orders and their dates could be supplied, if necessary, by the Registrar.

10. There are also discrepancies between the names in the orders as already granted which might at the same time be rectified. For instance, Tera Paiki previously appears as "Teira," "Sarah," or "Tera" Paiki; Hohepa te Kihi also as "Hohepa Pineamine"; Timaima Kapiti as "Te Marina Kapua." There would also be required power to make consequential amendments in any titles and partition orders for the lands affected.

The Chief Judge, Native Land Court, Wellington.

For the Court.

R. N. JONES, Judge.

Approximate Cost of Paper.—Preparation, not given; printing (650 copies), £1 2s. 6d.

Price 3d.]

By Authority : MARCUS F. MARKS, Government Printer, Wellington.—1919.