

1920.
NEW ZEALAND.

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

REPORT AND RECOMMENDATION ON PETITION No. 375/1917, RELATIVE TO SUCCESSION
TO KARAKA TE AU (DECEASED) IN TE AKAU B 15 AND 16.

*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.*

Office of the Chief Judge, Native Land Court, Wellington, 26th August, 1920.

Re *Karaka te Au Succession*.—Petition No. 375 of 1917.

PURSUANT to section 25 of Act No. 25 of 1917, I herewith enclose report of the Native Land Court in the above matter.

In view of the terms of that report, which states that the evidence at the inquiry was not sufficiently strong to warrant a recommendation that the former order should be set aside, annulled, or varied, I have to recommend that no legislation is necessary.

R. N. JONES, Chief Judge.

The Hon. Native Minister, Wellington.

In the Native Land Court of New Zealand.—In the matter of section 25 of the Native Land Amendment and Native Land Claims Adjustment Act, 1917; and in the matter of the succession to Karaka te Au in Te Akaun B 15 and 16.

The Native Land Court sitting at Auckland on the 2nd August, 1920, inquired into the merits of the petition of Mere Maiao relating to the appointment of successors to Karaka te Au (deceased), and I beg to report as follows:—

Karaka te Au, one of the owners of Te Akaun B 15 and 16, died on the 13th April, 1908, and by a decision of the Native Land Court given in a contested case on the 4th August, 1910, certain successors were appointed. An appeal was lodged by Ngarongo Taipari, a cousin of Mere Maiao, but the appeal was dismissed by the Appellate Court on the 24th August, 1911. Application was made to the Chief Judge under section 50 of the Native Land Act, 1909, for a rehearing of the whole case, on the ground that the Appellate Court did not allow fresh evidence to be called although such could be adduced. Nothing, however, was done; and section 50 having been repealed, the parties who considered themselves aggrieved petitioned Parliament, with the result that legislation was passed empowering the Chief Judge to refer the whole matter to the Native Land Court for inquiry and report.

At the inquiry two witnesses were called, and they mainly corroborated the *whakapapa* given by Pomare Hetaraka in 1910. One of these witnesses is Hohua Haimona, the husband of petitioner, and consequently a very much interested person; and the other an old woman, who stated in cross-examination that she came only to support the claim of Ngarongo and Mere, and admitted that she knew little or nothing about the collateral relations of those named in her *whakapapa*. On the opposing side no evidence was called by Remana Nutana, who appeared on behalf of the successors now in the title.

The evidence given at this inquiry is not of so strong, disinterested, and convincing a nature as to warrant a recommendation that the former order of the Court should be set aside. The question is one of considering which of two conflicting *whakapapa* is correct or is the more probable, and the Appellate Court in its decision says: "In giving his decision in the Court below the Judge stated that the question is whether the *whakapapa* given by Pomare Hetaraka or that given by Wirihana te Aoterangi in 1894 is the correct one. The old *whakapapa* was given, apparently without contradiction, by a witness not concerned in the question of succession, who