

SESSION II.
1921.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1920.

REPORT AND RECOMMENDATION ON PETITION No. 296/1919, RELATIVE TO SUCCESSION TO MAIHI
TE UATA (DECEASED) IN TE WHETU 3B AND WHAITI-KURANUI 2D BLOCKS.

*Presented to both Houses of the General Assembly in pursuance of Section 32 of the Native Land
Amendment and Native Land Claims Adjustment Act, 1920.*

Office of the Chief Judge, Native Land Court, Wellington, 23rd July, 1921.

Re Succession to Maihi te Uata (Deceased).—Petition 296 of 1919.

ENCLOSED herewith please find the report of the Court herein.

Pursuant to section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, I recommend that legislation be passed to the following effect:—

That the Native Land Court be authorized to inquire into the making of succession orders dated 7th September, 1901, in respect of the interest of Maihi te Uata (deceased) in the Te Whetu 3B and Whaiti-Kuranui 2D Blocks, and, if it is satisfied that any of the rightful successors have been wrongfully excluded, to amend the said orders or either of them in such manner as may seem just, and to make all consequential amendments accordingly; with power to the Court, for the purpose of rectifying as far as possible any injustice that may have happened, to exclude any of the present successors, or to make such order as to it may seem meet. No such amendment shall take away or affect any right or interest acquired in good faith and for value before the making of the amendment.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

Office of the Waiariki District Native Land Court, Rotorua, 18th June, 1921.

*Petition 296/1919, of Pokaitara te Hiakai and Others, praying for Rehearing re Appointment of
Successors to Maihi te Uata in Whetu No. 3B and Whaiti-Kuranui No. 2D Blocks.*

YOUR reference to the Court under the provisions of section 32, Act of 1920, came before the Court at Rotorua on the 16th and 17th June, 1921.

Of the petitioners, Te Pokaitara te Hiakai and Te Naera te Houkotuku were present in person; the successors in title were not represented.

It would appear from the evidence tendered that deceased died in 1896; had no issue, but left three sisters—Hana Korouapata, Oriwia Korouapata, and Rota te Hiakai.

Succession orders were made at Cambridge on the 7th September, 1901, for deceased's interests in Whetu No. 3B and Whaiti-Kuranui No. 2D, in favour of Ngakechi Korouapata, Ngahuia Korouapata, and Apikaia Korouapata, the three children of Hana Korouapata, as it was stated to the Court that the other branches were to succeed to the interests of deceased in the lands at Rotorua.

As far as it can be ascertained, the only blocks at Rotorua in which deceased had interests are Rotohokahoka D and Tihitonga; but in both these cases succession orders had already been made (in 1899) in favour of all the next-of-kin—that is, the children of Hana, Oriwia, and Rota.

Whetu No. 3B has been further partitioned; Ngakechi and Ngahuia going into No. 3B No. 4, which has been sold; Apikaia going into No. 3B No. 3. Whaiti-Kuranui No. 2D 2: No sales are recorded.

It is manifest that the Court on the 7th September, 1901, was misled, and that no arrangement as to succession had been made, as successors had already been appointed for the Rotorua lands whereby all parties succeeded to deceased's interests.

The Court reports accordingly, and recommends that the prayer of the petitioners be granted.

The Chief Judge, Native Land Court, Wellington.

H. CARN, Commissioner.

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