

SESSION II.
1921.
NEW ZEALAND.

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

REPORT AND RECOMMENDATION OF PETITION No. 138/1916, RELATIVE TO SUCCESSION TO KIMA
TE AWEAWE IN PUTATAKA, LOT 18, AND OPUATIA 11A No. 1 BLOCK.

*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, Kahukura, 14th January, 1922.

Kima te Aweawe (deceased).—Petition 138/1916.

PURSUANT to section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, I forward report of Native Land Court herein.

I recommend, in view of the doubts surrounding the claim, that no further legislative action be taken.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

Office of the Native Land Court, Auckland, 4th January, 1922.

Opuatia 11A No. 1; Putataka, Lot 18.—Kima te Aweawe (deceased).

PETITION No. 138/1916, of Tupaea Ruihana, referred by you for inquiry and report in terms of section 32, Native Land Amendment and Native Land Claims Adjustment Act, 1920.

Your reference is dated the 9th March, 1920. After several adjournments without any one appearing, matter again came before me here on the 22nd November last. The petitioner was present, also a Native named Wiremu Rewharewha, whose standing in the matter is dubious.

As on previous occasions, the persons entitled under the evidence given when the orders complained of were made were not present (Mer. 16/121, 122). I append copy of evidence given when orders were made in 1911 (Auckland 14/193, 4). I also append copy of evidence and statements before me.

I have not been able to find any corroboration of the whakapapa given by Tupaea Ruihana. Have not come across the order he says was made to Ngahupa; but in any case he admits it was by consent of Kima te Aweawe, so would carry little weight. I have, however, found the minutes relating to the succession cases mentioned by Wiremu Rewharewha (Mercer 10/77 and subsequent entries in same minute-book). The matter was gone into at great length, but is rather unsatisfactory so far as throwing light on present case is concerned. However, the evidence seems to dispose of the assertion before me that Kima te Aweawe was not of Ngatitipa, and therefore had no right to Opuatia, but was included by Waata Kukutai (Mercer 10/97—evidence of Te Para Haimona; and more important is Mercer 10/101/3—evidence of Mite Nini Kukutai, particularly to Court assessor, on page 103). Kima te Aweawe gave his whakapapa on two occasions (Mercer 10/86; Mercer 10/109). He shows Anaru Kupe as a brother of his mother Riripeti. You will see that on the second occasion he gives—

Riripeti = Para⁴

|
Kima⁴

“Para” may be the same as Epapara. The witness does not mention Ngahupa on either occasion.

The decision of the Native Land Court is in Mercer 10/138. With great respect to the Court, I do not find it convincing. It finds in favour of the whakapapa given by Te Para Haimona, but at the same time rejects his claim on behalf of his wife. It also decided against his assertion that Anaru Kupe left no issue. I knew Te Para. He was, in my opinion, totally unreliable. Assuming his whakapapa to be correct, it would appear the Court at the time made a grievous error. (*Vide* Mercer 10/95.) From the whakapapa here given by Te Para it is quite clear that Anaru Kupe's descendants stood in the same degree to Paramena Toti as those of Reihana Rawhiti, yet the Court,

while finding that Anaru left descendants (p. 139), awarded the whole interest to the children of Reihana Rawhiti. It would appear from the proceedings that the whakapapa of these persons had been in dispute since 1871. Nowhere is anything said about the whakapapa now given by Tupaea Ruihana. That, however, may well be from the fact that the interests then under consideration were Ngatipeke, while Opuatia belongs to Ngatitipa.

It would seem, then, that either party to the present dispute may be right. I should have considered Kima's own evidence settled the matter, but the Native Land Court in 1908 decided against his claim. The assertions made before me that Kima was not of Ngatitipa are disproved. Wiremu Rewharewha, who gave evidence in 1908, supports the contention that Anaru Kupe was next-of-kin to Kima.

On the material before me I do not see my way to make any recommendation.

CHAS. E. MACCORMICK, Judge.

The Chief Judge, Native Land Court, Wellington.

[Extract from Auckland 14, folio 193-4.]

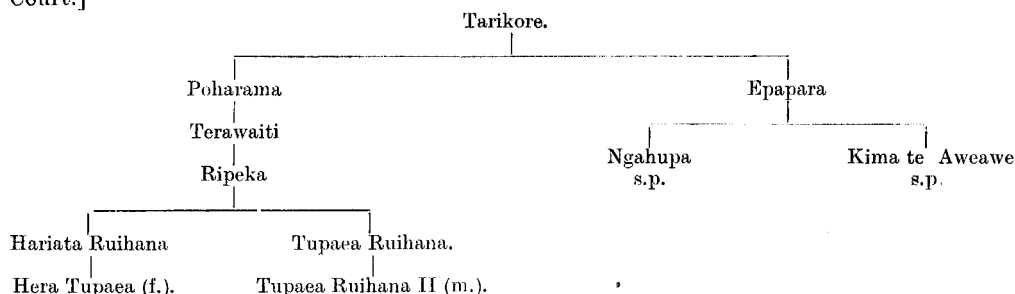
Putataka No. 18; Opuatia IIa 1.—Kima te Aweawe (deceased).—Petition 138/1916.

SECTION 32 of Native Land Amendment and Native Land Claims Adjustment Act, 1920: Reference by Chief Judge for inquiry and report.

Tupaea Ruihana, the petitioner, present. Wiremu Rewharewha, one of the successors, is also present, but states he is not the next-of-kin—that the other two successors put him in. They are at Pirongia.

TUPAEA RUIHANA sworn.

To Court.]



The share of Ngahupa was awarded to Hera Tupaea in another block. Kima te Aweawe was still alive then, and consented to the interest going to Hera. This was in one of the Pepepe sections. Epapara was a man. I do not know his wife's name. I do not know what whakapapa was given to the Court in 1911. [Minute-book is not here at present.] The persons who succeed to Kima are not Ngatitipa, and none of them is included in the list of owners for Opuatia or Putataka; but I am.

WIREMU REWHAREWHA: I am not in a position to ask questions. I agree that the successors have no right in Opuatia of their own (i.e., are not included in original title), but they have a right from their grandfather, who was a brother of deceased. His name was Anaru Kupe. In Pepepe case Kima te Aweawe gave evidence that the two successors other than myself were grandchildren of his brother. I cannot give the reference, but the deceased were Paramena Toti Kirikauanga, Karena Pohaira, Anaru Kupe. Kima te Aweawe had no right in Opuatia. He was included by Waata Kukutai. The ancestor was Tamatera, and Kima had no right from him.

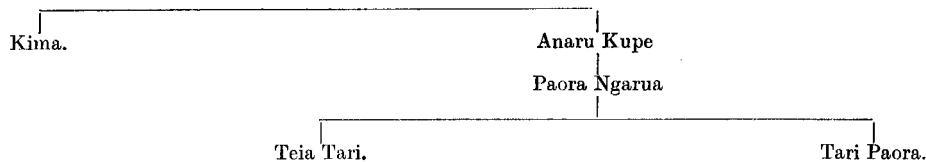
(Deferred for inspection of records.)

[Extract from Mercer 16, folio 121.]

Present: A. G. HOLLAND, Judge. 6th September, 1911.

Putataka, Lot 18.—Kima te Aweawe (deceased).—

WIREMU REWHAREWHA sworn: Died about three years ago. No will; no issue.



Descendants ask that I be appointed successor.

Order to Wiremu Rewharewha (m.), one-half; Ngapora Paora (m.), one-quarter; Rangimakehu Paora (f.), one-quarter.

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