

Office of the Aotea District Native Land Court, Wanganui, 18th August, 1922.

Memorandum for the Chief Judge, Native Land Court, Wellington.

Re *Harawira Heperi (deceased)*.—*Report of the Native Land Court upon the Application of the Chief Judge to inquire into the Allegations in Petitions Nos. 300 of 1920 and 19 of 1921, by Hera Wharawhara, praying for a Rehearing of certain Applications for Succession, re Harawira Heperi (deceased).*

I BEG to report as follows:—

1. The matter came on for hearing at Wanganui on Wednesday, the 7th June, 1922, Mr G. Hutchison, solicitor, appearing for Hera Wharawhara, the petitioner. The Court had issued notices on the 1st May, 1922, advising Mr. H. D. Bennett, Messrs. Arrowsmith and Loughman, and Morehu Downs that the case would come on at Wanganui on the 7th June, 1922. Further notices were issued on the 16th May, 1922, to the above parties, and also to Kingi Topia and others, but no one except Mr. Hutchison turned up.

2. After hearing Mr. Hutchison the Court adjourned the case to Tokaanu, as most of the next-of-kin were resident there. The case came on at Tokaanu on the 15th June, 1922, when many of the principal next-of-kin were present in person. Mr. Hampson, solicitor, Rotorua, also appeared on their behalf, and admitted that the Court had no option but to report in favour of the petitioner. Mr. Hampson said he might have to contest the matter on points of law before the Native Affairs Committee of the House.

3. The Court, having heard all parties whom it considered should be heard, now begs to recommend—

- (a.) That the Native Land Court be directed to rehear the applications for succession to Harawira Heperi (deceased) *in re* the following blocks—Awarua 4A 3C 4C; Awarua 4A 3C 4E, Motukawa 2B 3B, Rangipo Waiu B 6A, Awarua 3D 3, No. 9, Oruamatua-Kaimanawa 3B in respect of which succession orders were made on the 17th January, 1913; and also *in re* the Tokaanu B Block, in respect of which a succession order was made on the 16th January, 1918; and also *re* the balance (about £958) held for Harawira Heperi's estate by the Aotea District Maori Land Board.
 - (b.) Or, in the alternative, that legislation be introduced directing the cancellation of previous succession or other orders made on the 17th January, 1913, and 16th January, 1918, *re* Harawira Heperi (deceased), and directing the Court to make in lieu thereof orders in favour of Hera Wharawhara solely, with the Native Trustee as trustee for her while she remains a minor.
4. The position with regard to alienation of the interests now in dispute is as follows:—
- (a.) Awarua 4A 3C 4C: Leased. Any amendment of succession orders would merely affect shares of rent.
 - (b.) Awarua 4A 3C 4E: Position same as above (a).
 - (c.) Rangipo-Waiu B 6A: Sold to T. C. Cornford. Balance purchase-money is held by Aotea Board as part of the Harawira Heperi trust.
 - (d.) Awarua 3D 3 No. 9: No Board dealings.
 - (e.) Oruamatua-Kaimanawa 3B: No Board dealings.
 - (f.) Motukawa 2B 3B: Leased. Only shares of rent affected.
 - (g.) Tokaanu B Block: Harawira Heperi had fourteen shares. Since the succession order was made in favour of the next-of-kin, two of the next-of-kin have sold their shares, but their shares were very small—only $\frac{2}{5}$ of share has been sold out of fourteen shares. Purchase-money for such small shares would only amount to a few shillings.
 - (h.) Aotea Board holds £957 19s. 6d. in Harawira Heperi's Trust Account.
5. Reference is made to the information supplied in the memorandum of the 6th December, 1920, from the Registrar to the Under-Secretary.
6. The Court has no doubt whatever but that Hera Wharawhara is the rightful sole successor to Harawira Heperi in the interests above mentioned.
7. Copies of orders of the Native Land Court and Native Appellate Court are already with you.

F. W. ACHESON, Judge.

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