

SESSION II.
1923.
NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS
ADJUSTMENT ACT, 1922.

REPORT AND RECOMMENDATION ON PETITION No. 187/1922, RELATIVE TO SUCCESSORS
APPOINTED TO INTERESTS OF RAPATA NEPIA AND MEREANA TE MAROHUIA IN HAUPOTO
BLOCK AND LOTS 28B AND 31, PARISH OF RANGITAIKI.

*Presented to Parliament in pursuance of Section 55 of the Native Land Amendment and Native Land
Claims Adjustment Act, 1922.*

Native Department, Wellington, 8th June, 1923.

Re Petition 157/1922—Keita Rangitukia.

PURSUANT to section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, the report of the Native Land Court on the above-mentioned petition is enclosed.

The Court is of opinion that the orders in respect of Mereana te Marohuia should not be disturbed, but that the Court should be empowered to cancel the existing succession orders in respect of the interests of Rapata Nepia (deceased).

This is not quite practicable with regard to some of the orders, as there have been dealings by the successors, and it would be manifestly wrong to destroy the source of a purchaser's title.

I recommend that the order made on 2nd October, 1907, in respect of the interest of Rapata Nepia (deceased) in the Houputo No. 3 Block be cancelled; and that the Court shall have jurisdiction to inquire into the circumstances attending the making of orders dated the 19th September, 1907, in respect of the interests of Rapata Nepia (deceased) in the Rangitaiki Lot 28B and Rangitaiki Lot 31, and, if it is of opinion that any person included in those succession orders was not entitled to be so included, it may order that so much of the share or interest of any such person wrongly included as has not been the subject of a contract for sale shall vest in such person as the Court thinks is properly entitled thereto. Such interest shall thereupon vest in the person so named by the Court, subject to any lease lawfully made prior to such vesting-order.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

Office of the Aotea District Native Land Court, Wanganui, 4th May, 1923.

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

Petition No. 157/1922, of Keita Rangitukia.

I BEG to report that, in pursuance of your reference under section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, I held an inquiry into the subject-matter of this petition, at Whakatane, on the 24th ultimo. The petition is in regard to succession orders made by the Court in respect of the interests of Rapata Nepia (deceased) in Houputo Block and in Lots 28B and 31, Parish of Rangitaiki, and of Mereana te Marohuia (deceased) in the two last-named sections. A copy of the minutes taken at the inquiry is attached.

The recommendation of the Court is as follows:—

1. *Re Rapata Nepia (deceased).*—In this case it would appear that the person properly entitled to succeed is the petitioner. The Court should be empowered to cancel the existing succession orders, and to make new orders accordingly, where necessary. It should be noted, though, that the

Rangitaiki sections have been extensively subdivided, and in some cases there have been alienations (for these see Schedules A and B attached). The Houpoto interest, which comprises $\frac{1}{7\frac{1}{2}}$ of 4,277 acres, does not appear to have been alienated.

2. Re *Mereana te Marohuia (deceased)*.—In this case it is recommended that the previous award be not interfered with. The successors appointed were the petitioner and Anahera Patara, equally. It has been shown that the latter was almost as closely related to the deceased as is the petitioner, and she was also an adopted child of Mereana. Schedules C and D attached indicate location of successors' interests on partition, and also show what alienations have taken place.

The reference to the Court requires it to make some recommendation as to the amount of compensation, if any, to which the petitioner is entitled. Her solicitor made it plain that a monetary payment is sought, and that the claim is made as against the Crown. It has not been made clear that, in making the award which it did, Judge Mair's Court has placed the Crown in a position rendering such a claim tenable. It was a Court of competent jurisdiction, and it may have been in possession of facts not brought out at the recent inquiry. There is no doubt but that, in respect of Rapata Nepia's interest, the petitioner has been prejudiced by the fact that some of the interests have been alienated. But she is herself not blameless in the matter, as she allowed fifteen years to elapse before she petitioned Parliament. Most of the alienations are of comparatively recent date.

The Crown Law Office would be best qualified to advise as to whether the Crown should be held responsible for errors of judgment made by a competent judicial tribunal in the exercise of its powers, and as to this this Court has no recommendation to make.

Head Office file N. 1922/403 is returned herewith.

W. H. BOWLER, Commissioner.

SCHEDULE A.—SUCCESSION TO RAPATA NEPIA—RANGITAIKI LOT 28B.

Successors.	Area of Succession Interest.			2A 2E.	2E 2.	3C 1.	4A.	5D.	6A.	6B.	7.	Remarks.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.		
Heni Pitu ..	1	3	35	2	0	3	..	..	..	..	1	1	32	28 B 7 sold ; £12 6s. 6d. paid for interest.
Hera Murutakaka ..	1	3	35	2	0	3	1	1	32	..	..	..	..	
Kararaina Meke ..	1	3	35	2	0	3	..	..	..	..	..	..	..	
Mercaira te Keepa ..	1	3	35	2	0	3	..	..	..	..	..	..	..	
Keita Rangitukia ..	1	3	35	2	0	3	..	..	..	1	1	32	..	6B leased, £1 1s. 9d. per annum rental, 15s. per acre rent.
Parekowhai Hoani ..	1	3	35	2	0	3	..	..	..	..	..	..	..	28 B 7 sold ; £12 6s. 6d. paid for interest.
Te Hurinui Apanui ..	1	3	35	2	0	3	..	..	..	..	..	..	..	No alienations.
Rewiri Patara ..	1	3	35	2	0	3	..	..	..	..	..	..	..	"
Tautuhi Orongo Werahiko ..	1	3	35	2	0	3	..	..	..	1	1	32	..	"

NOTE.—No alienations of Lot 28B 1—Sand portion.

SCHEDULE B.—SUCCESSION TO RAPATA NEPIA—RANGITAIKI LOT 31.

Successors.	Area of Succession Interest.			A 2.			B.			C.			D.			E.			F.			J.			P 1.			P 3.			Remarks.
	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.	
Keita Rangitukia	..	6	1 20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	31P sold; £11 14s. for interest. 31P 1 sold; £5 12s. 6d. for interest. 31P 3 leased, 1s. 3d. per acre, 5/5/17; £1 3s. 4d. paid.	
Hurinui Apanui	..	6	1 20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	31P sold; £10 16s. for interest. 31P 1 sold; £5 12s. 6d. for interest. 31P 3 leased, 1s. 3d. per acre, 5/5/17; £1 3s. 4d. paid.	
Hira Marutakaka	..	6	1 20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	31B leased, 15 years, 1/7/14; £5 1s. 3d. rent paid. 31P 1 sold; £5 12s. 6d. for interest. 31P 3 leased, 1s. 3d. per acre, 5/5/17; £1 3s. 4d. paid.	
Tautuhi Orongo Werahiko	..	6	1 20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	31E, no alienations. 31P 1 sold; £5 12s. 6d. for interest. 31P 3 leased, 1s. 3d. per acre, 5/5/17; £1 3s. 4d. paid.	
Reweri Patura	..	6	1 20	0	1	32	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	31A 2 not sold. 31P 1 sold; £5 12s. 6d. for interest. 31P 3 leased, 1s. 3d. per acre, 5/5/17; £1 3s. 4d. paid.	
Mercaira te Keepa	..	6	1 20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	31E, no alienations. 31P 1 sold; £5 12s. 6d. for interest. 31P 3 leased, 1s. 3d. per acre, 5/5/17; £1 3s. 4d. paid.	
Kararaina Meke	..	6	1 20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	31B sold; £9 for interest. 31P 1 sold; £5 12s. 6d. for interest. 31P 3 leased, 1s. 3d. per acre, 5/5/17; £1 3s. 4d. paid.	
Parekowhai Hoani	..	6	1 20	..	..	..	0	2	16	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	31C leased, twenty-one years, 5/9/14; £2 3s. 9d. rent paid. 31P 1 sold; £5 13s. for interest. 31P 3 leased; £1 2s. 3d. rent paid.	
Heni Piti	..	6	1 20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	31F sold; £11 for interest. 31P 1 sold; £5 12s. 6d. for interest. 31P 3 leased, 1s. 3d. per acre, 5/5/17; £1 3s. 4d. rent paid.	

SCHEDULE C.—SUCCESSION TO MEREANA TE MAROHUA—RANGITAIKI LOT 28B.

Successors.		Area of Succession Interest.	23B 1.	23B 3B 2.	23B 7.	Remarks.
Anahera Patara	..	A. R. P. 8 3 30	A. R. P. 2 1 38	A. R. P. 6 1 32	A. R. P. ..	No alienations of divisions. 28B 1, no alienations. 28B 7 sold; £54 16s. 6d. paid to successor for interest.
Keta Rangitukia	..	8 3 30	2 1 38	..	6 1 32	

SCHEDULE D.—SUCCESSION TO MEREANA TE MAROHUA—RANGITAIKI LOT 31.

Successors.		Area of Succession Interest.	31A 2.	31F.	31P 1.	31P 3.	Remarks.
Anahera Patara	..	A. R. P. 28 2 28	A. R. P. 1 0 0	A. R. P. ..	A. R. P. 13 0 0	A. R. P. 14 2 28	31A 2 sold; £20 for interest. 31P 1 sold; £26 for interest. 31P 3 leased, 1s. 3d. per acre, twenty-one years, 5/5/17; £5 10s. rent paid to date. 31F sold; £52 for interest. 31P 1 sold; £25 12s. 6d. for interest. 31P 3 leased, 1s. 3d. per acre, twenty-one years, 5/5/17; £5 rent paid to date.
Keta Rangitukia	..	28 2 28	..	2 0 4	12 3 10	13 1 14	

[Extract from Whakatane Minute-book No. 21, pages 67-74.]

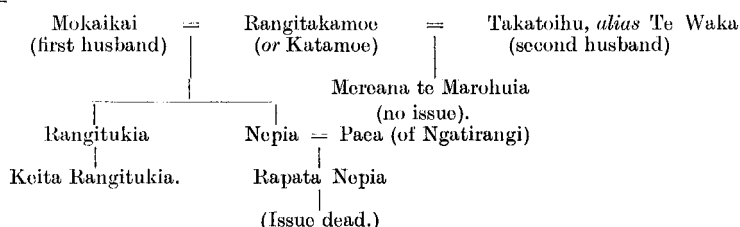
24th April, 1923.

Re MEREANA TE MAROHUIA and RAPATA NEPIA (DECEASED).—Inquiry pursuant to section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922.

Mr. Smith for the petitioner, Keita Rangitukia; Mr. T. M. Lawson for the respondents.

MR. SMITH: The interests affected are those of Rapata Nepia in Rangitaiki Lot 28B (succession order dated 19th September, 1907), Rangitaiki Lot 31 (succession order dated 19th September, 1907), Houpoto (succession order dated 2nd October, 1907); and those of Mereana te Marohuia in Rangitaiki Lot 28B (succession order dated 19th September, 1907), Rangitaiki Lot 31 (succession order dated 19th September, 1907). Keita Rangitukia, the petitioner, is a woman of about ninety—very infirm and very deaf. I have not considered it necessary to have her in attendance, and I propose to attempt to establish the case by outside evidence. The petition refers to two separate deceased persons. In Pokohu C and D, Waimana 260A Nos. 28 and 9, Waimana 266, Omataroa No. 10, Lot 39, Whakatane, and in Matahina A No. 3B, Keita Rangitukia was appointed successor to Rapata Nepia. It is sought to have cancelled the succession orders referred to in the petition. After this lapse of time some of the lands may have been sold. In addition to the claim for land there is a claim for compensation. Even if the lands have not been leased my client has been deprived of the opportunity of dealing with them. The people who have been appointed successors can hardly be blamed. The awards were made by a Judge of the Native Land Court, and I think that this Court, in considering its recommendation, should take into consideration the fact that the petitioner has been put to expense. I suggest that, if the finding is in favour of the petitioner, the Government should pay her a reasonable amount of compensation to reimburse her for the loss of the land during the period since the succession orders were made, and for the expenses to which she has been put. The latter will be approximately £45.

POUAWHA MEIHANA (sworn): I knew Mereana te Marohuia. I will give her whakapapa as far as I know it:—



I went to Wellington in support of the petition and produced certain succession orders, in regard to other blocks, whereby the interests of Mereana te Marohuia were awarded to Rapata Nepia. The former died about 1901 and the latter about 1906. Anahera Patara was one of the successors appointed to Mereana te Marohuia in Rangitaiki Lots 28B and 31. I do not know that she was at all related to the deceased. I knew Heni Piti. She used to live here at one time. I never heard that she was at all related to either of the deceased persons named in the petition. Merito Hataraka and T. M. Lawson were in Wellington when the petition came before the Native Affairs Committee. We were all there when the Hon. Mr. Ngata asked Merito what he thought of the petition. He replied, "It is quite right" (Kei te tika). He also admitted this before the Committee.

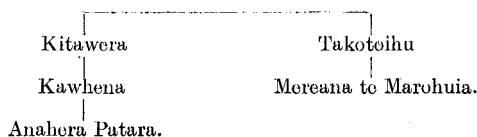
Cross-examined by Merito Hataraka:] I do not know who Keita Rangitukia's father was. From her appearance he may have been a European. Rangitakamoe (or Katamoe) belonged to N'awa. I cannot say what interests in land she had, or what her hapus were. Mokaikai belonged to N'awa and to several hapus, but I cannot name them. N'Hokopu was one. I know that Keita was living with the Arawa people when Rapata Nepia died. Rapata died at Rangitaiki. He had a serious illness, and his relatives here looked after him, but not at the time of his death. After his illness he was totally blind for a long time. Some of his successors looked after him, but not all of them. I never heard that Takatoihu had any interest in the Rangitaiki lands.

TIARI REWIRI (sworn): I remember Rapata Nepia's death. He had one child, Koau Rapata, who I think was alive when he died. Koau died without issue, but I cannot say when. (Witness gave whakapapa identical with that given by last witness.) Keita Rangitukia was more closely related to Rapata Nepia than any of the other persons appointed to succeed to his interests. Rapata and Keita were the nearest of kin to Mereana te Marohuia, and should have been appointed to succeed to her interests. Anahera Patara was an adopted child of Mereana te Marohuia.

Cross-examined by Merito Hataraka.] The Rangitaiki sections were confiscated lands, afterwards handed back by the Crown. I admit that it is usual for the interests of deceased owners to go back to the source whence they were derived. Mereana's interests in Rangitaiki Lots 28 and 31 were derived from her father.

To Court.] The confiscation of the land by the Crown extinguished all ancestral rights. The Court which fixed the names of the grantees relied mainly on occupation.

TE HURINUI APANUI (sworn): I knew Mereana te Marohuia and Rapata Nepia. The whakapapa given by Pouawha Meihana is correct. Mereana te Marohuia died some years before Rapata Nepia. If her interests had been succeeded to before the latter's death he and Keita Rangitukia would have succeeded equally. I can give Anahera Patara's relationship to Mereana te Marohuia:—



Anahera was an adopted daughter of Mereana te Marohuia. Heni Piti was a distant relative of Rapata Nepia. She was appointed his successor in Houpoto Block because she had rights under the ancestor set up on investigation of the title to that block. I admit that my right and the right of the other successors appointed to Rapata Nepia is not as great as that of Keita Rangitukia. If I had been present in the Court I would not have consented to my being included in the succession. Heni Piti lives at Omaio.

Cross-examined by Merito.] Mereana te Marohuia derived her interests in the Rangitaiki Blocks from her father's side. Her mother belonged to Pahipoto. I think that Anahera had a right to succeed Mereana te Marohuia on account of the relationship and also on account of her having been adopted by the deceased.

Re-cross-examined by Mr. Smith.] I admit that the Rangitaiki sections were confiscated land and that the ancestral title was extinguished.

MERITO HETARAKA (sworn): (*To Mr. Lawson.*) I knew Mereana te Marohuia. Will give whakapapa:—

