

SESSION II.
1923.
NEW ZEALAND.

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

REPORT AND RECOMMENDATION ON PETITION No. 304/1919, OF RAWIRI TE RURU, PRAYING FOR INQUIRY INTO ALLEGED WRONGFUL APPOINTMENT OF SUCCESSORS TO PEITA KEKEAO IN TANGATAPU No. 1 BLOCK.

Presented to Parliament in pursuance of Section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920.

Native Department, Wellington, 12th July, 1923.

Petition No. 304/1919, re Succession to Peita Kekeao in Tangatapu No. 1 Block.

ENCLOSED herewith is the Court's report hereon, pursuant to section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920. The effect of the report is that the petition should be disallowed. I find it necessary to differ from this. At the inquiry it was admitted by the person who gave evidence at the Court upon the application for succession that the deceased left children of his own. It is suggested that others were put into the succession by arrangement, but there is nothing to show that the arrangement was ever disclosed to the Court.

Under the circumstances I think the ends of justice would be better secured by allowing the matter to be adjudicated upon by the Court. I therefore recommend that legislation be passed to the effect that, notwithstanding the time for applying for a rehearing has elapsed, any person affected by an order of the Native Land Court dated the 10th June, 1893, granting succession in respect of the interests of Peita Kekeao (deceased) may appeal at any time within four months by giving notice of appeal in accordance with the principal Act.

The Hon. Native Minister, Wellington.

R. N. JONES, Chief Judge.

In the Native Land Court of New Zealand.—In the matter of section 32 of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, and of the petition, No. 304 of 1919, of Rawiri te Ruru, praying for inquiry into alleged wrongful appointment of successors to Peita Kekeao in Tangatapu No. 1 Block.

SIR,—

Auckland, 11th June, 1923.

Upon your reference, dated the 9th November, 1920, of this petition to the Court for inquiry, I have the honour to report as follows:—

The inquiry was first advertised for Russell on the 18th January, 1921, and adjourned for Kaikohe. It was advertised for Kaikohe on the 30th May, 1921, and opened at Ohacawai on the 8th June, 1921. Mr. Blomfield appeared in support of the petition, and Mr. Webster for the duly appointed successors to deceased.

The only evidence then taken was that of Wiremu Hapimana, who had been instrumental in obtaining the succession order against which the petition is directed. Mr. Blomfield was unable to proceed with evidence in support of the petition, and asked for an adjournment to next sitting. The application for adjournment was granted.

At the next sitting of the Court at Ohacawai Mr. Webster and his witnesses were present, but neither the petitioner's representatives nor Mr. Blomfield attended. Mr. Webster urged that as he and his clients had been put to considerable expense in attending as agreed, the Court should strike out the inquiry. The Court declined to grant Mr. Webster's application, but stated that it would consider the question of the expense he and his clients had been put to when the inquiry was again before it.

The inquiry has since been advertised for Kaikohe on the following dates : 28th September, 1921 ; 6th December, 1921 ; 24th May, 1922 ; 27th September, 1922 ; 4th December, 1922 ; and 23rd May, 1923.

Although Mr. Webster has attended all these sittings, Mr. Blomfield failed to appear. The petitioner himself died on the 12th December, 1920, before the inquiry was advertised for hearing. Mr. Webster has regularly applied at each sitting of the Court that the inquiry be struck out.

As I am not in full possession of all the facts relating to this matter I am not in the position to report upon the merits of the petition. I am, however, of opinion that, as neither the petitioner's representatives nor his solicitor has since the opening of the inquiry taken any interest in the proceedings, the petition should be disallowed.

A copy of the minutes taken at the opening of the inquiry is forwarded for your information.

The Chief Judge, Native Land Court, Wellington.

I have, &c.,

A. G. HOLLAND, Judge.

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