

[Extract from *Kaipara Minute-book*, Vol. 12, folios 290–93.]

Place : Dargaville. Present : T. H. WILSON, Judge.

MIKAERA URUTUTU (deceased).—OPANAKI 2K No. 1.

W. Rikihana's Application for Succession Order.

W. RIKIHANA : I stated to Court the other day that I was the *take*, or ancestor, to this land. This land was given to me by Parore te Awha.

POUAKA PARORE : I am grandson of Parore te Awha, and I would like to explain the position. I lived with my grandfather, and was fully acquainted with all the workings of his estate. I recollect time Rikihana came to presence of deceased, and also the occasion when Parore made a gift of the land solely to his *tamaiti* Rikihana. The gift was completed satisfactorily as far as could be seen. The gift was made over solely to Rikihana. Subsequent to that Rikihana prepared a list of names for the purpose of a will being prepared, and those names included. As far as I remember, and to the best of my knowledge, that land was for the sole use and benefit of Rikihana himself, and it was through Rikihana himself that the variation in the terms of the will was effected. I never once heard the old man state that Rikihana was to be trustee for himself and the others. If there is anything outside what I have said, then Rikihana can give it.

(The witness is sworn in.)

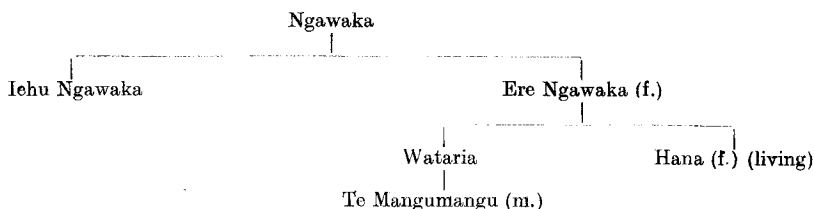
POUAKA PARORE : The statement I have given to the Court is the truth, and I swear its correctness.

WIREMU RIKIHANA (sworn) : I am one of the applicants herein. I heard Pouaka's statement, and I endorse all he has said. His grandfather stated that in the event of Opanaki 2K not being completed in his lifetime it was to be completed by Pouaka and vested in me. He said those words on the occasion when he gave the land over to me. I have the original will with me.

[Will of Parore te Awha produced.]

[Will gives, devises, and bequeaths unto Wiremu Rikihana, his heirs or successors according to Native custom all the land containing 205 acres (less 8 acres for road) in trust for himself and for Mikaera Urututu and twenty-one other Natives, as tenants in common. (See *Kaipara Minute-book* 6, pages 78 and 79.) Orders issued in terms of the will, each person named in the will getting $\frac{1}{23}$ share of the land called Opanaki K. The Court explains to witness that the deceased (Mikaera Urututu) has $\frac{1}{23}$ interest in the land, and that his nearest of kin are entitled to succeed.]

WIREMU RIKIHANA : I agree with the *whakapapa* given by me before Judge McCormick (page 192 herein), but would like to add a sister to Iehu Ngawaka—as follows :—



The children of Timoti Puhipi, so far as I know, are Riapo and Poroa (see page 263 herein). With respect to Rakuera Topia, I have no objection to him sharing in the estate. My opinion is that Rakuera is more entitled to Mikaera's interest. It is true that Rakuera showed kindness to the old man, which is more than the relatives did who are now trying to succeed to the estate. Under the circumstances I ask that this case be held over for further consideration, and that it be taken at Auckland.

(Case adjourned.)

[Extract from *Hokianga Minute-book*, Vol. 5, folios 321–28.]

Present : F. O. V. ACHESON, Judge. Place : Opononi. 1st May, 1925.

OPANAKI 2K 1.

Appellate Court dealt with matter and awarded interest to next-of-kin of Mikaera (see folios 273 and 274), four successors in unequal shares, including Hipiriona and Wiremu Rikihana. Wiremu Rikihana did not approve of this judgment, so he petitioned Parliament. He argues that, as the will was in his favour, and Mikaera died with issue, the interest should go to him. I refer Court also to *Kaipara Minute-book* 5, folio 110. The existing succession order now is in favour of—Wiremu Rikihana ($\frac{3}{16}$), Poroa Puhipi ($\frac{3}{16}$), Rakuera Topia ($\frac{3}{16}$), Hipiriona Topia ($\frac{1}{16}$). Of these, Wiremu Rikihana, Hipiriona Topia, and Rakuera Topia are present in Court. Poroa Puhipi is dead. I call—

WIREMU RIKIHANA (sworn) : I am the petitioner. I saw the will of Parore te Awha. I gave the list of successors to Parore te Awha before he made his will. Parore appealed to my father to help him in a quarrel with Paikea. My father, Te Rikihana, took three hundred men with him and went to Paikea, who soon made peace. Then, out of *aroha*, Parore gave some land to my father. I was a lad at the time. This is the land. My father had died by the time this list of names was handed in. It was after he died that I handed in the list to Parore. It was not handed in by my father. Parore did not make a will in favour of my father. It was I who selected the names for the list. Neither my father nor I have any ancestral claim to this land. Not one person in the list I handed in had any claim to this land. I made the list of people, and included the twenty-three people out of *aroha*. They were living with me at Kaihu or Opanaki. I strongly object to the claim of my opponents as next-of-kin to Mikaera. I ask that the interest of Mikaera be awarded to me solely.