1927.

NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1925.

REPORT AND RECOMMENDATION ON PETITION No. 182 OF 1925, OF TE PAEA HAPE, PRAYING FOR REHEARING AS TO SUCCESSION TO MIRIAMA TAU (DECEASED).

Presented to Parliament in pursuance of the Provisions of Section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1925.

Native Department, Wellington, 15th June, 1927.

Petition 182 of 1925.—Miriama Tau (deceased).

PURSUANT to section 34 of the Native Land Amendment and Native Land Claims Adjustment Act, 1925, I herewith forward report of the Native Land Court.

In view of that report I recommend that no further steps be taken in the matter of the petition.

R. N. JONES, Chief Judge.

The Right Hon. the Native Minister, Wellington.

In the Native Land Court of New Zealand, Tairawhiti District.—In the matter of the Hinewhaki and Paeroa Blocks; and in the matter of a petition, No. 182 of 1925, by Te Paea Hape, praying for rehearing as to succession to Miriama Tau (deceased), and which petition was referred to the Court for inquiry and report.

AT a sitting of the Court held at Wairoa on the 4th day of March, 1927, before Harold Carr, Esquire, Judge.

The Court begs to report:—

1. That on the 3rd October, 1886, Hanita Mangere, Niwha Hamana, and Te Paea Hape were appointed as successors to the interest of Miriama Tau in Hinewhaki, Paeroa, and other blocks, in accordance with the terms of a will then produced to the Court.

2. That by section 44 of the Native Land Court Act, 1886, where the Court was of opinion that such a document was intended to be a testamentary disposition, its terms were to be followed as near as may be.

3. It was contended before this Court that Miriama did not make a will; and, further, that the suspicions of the Court in 1886 should have been aroused because Hanita Mangere, one of the devisees, was the husband of the deceased, and that Niwha Hamana, another of the devisees, was the son of Hamana Tiakiwai, who prosecuted the application for succession.

4. The only evidence given in support of the statement that deceased did not make a will was that by Harata Apatari, who asserted that, as Miriama lived with her, it was not possible for Miriama to have made a will without her (Harata's) knowledge.

5. The will was made forty-three years ago, and, as the Court in 1886 was satisfied, the question of suspicious circumstances or undue influence cannot, after such a lapse of time, be now raised.

The Court has no recommendation to make.

For the Court.

H. CARR, Judge.

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