

1927.

NEW ZEALAND.

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

REPORT AND RECOMMENDATION ON PETITION No. 12 OF 1925, OF HORI RAHARUHI PRAYING FOR LEAVE TO APPEAL AGAINST SUCCESSION TO CLARA MAUD FAULKNER AND GEORGE F. C. FAULKNER (DECEASED) IN LOTS 85, 86, AND 87, PARISH OF KATIKATI.

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, 20th June, 1927.

Petition No. 12 of 1925.—Clara Maud Faulkner and George Frederick Christopher Faulkner (both deceased).

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

Since that report has been made the parties have applied to me under section 7 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, and under the jurisdiction thereby given to me I have amended the orders complained of.

There is, therefore, no necessity for any legislative action in the matter.

R. N. JONES, Chief Judge.

The Right Hon. the Native Minister, Wellington.

Office of the Waiariki District Native Land Court,
Rotorua, 23rd September, 1926.

Katikati, Lots 85, 86, and 87, and Petition No. 12 of 1925, of Hori Raharuhi.

SIR,—

Upon your reference of the 15th October, 1925, of above petition for inquiry and report, I have to report as follows:—

The inquiry was held at Tauranga on the 10th instant, and the applicant in person presented his case. There was no appearance of the respondents. The petitioner gave sworn evidence to the effect that he was the son of Clara Faulkner, *alias* Clara Maud Faulkner, but could produce no documentary evidence to substantiate his claim. He relied almost entirely upon the former proceedings before this Court. Such proceedings, beyond doubt, established the claim by petitioner that he was the son of Clara Faulkner, *alias* Clara Maud Faulkner.

From documentary evidence in the possession of the Court the position is briefly as follows: On the 5th April, 1910, applications were made to succeed to the interests of George Faulkner and Clara Maud Faulkner in above lots. Christopher Faulkner, the uncle of both deceased, swore that neither of them left issue, and orders were made by Judge Browne in favour of Christopher Faulkner and others. The present applicant was entirely excluded. On the 17th April, 1916, the administrator in the estate of Clara Maud Faulkner applied to the Court for a direction in view of the allegation that the deceased had left a child. Judge Browne again held the inquiry. After hearing the evidence of three witnesses the Court held that Clara Maud Faulkner left a son named Hori Raharuhi, *alias* Te Poroa Raharuhi. No appeal was ever lodged against this decision, which this Court entirely upholds, and orders following upon it have been made in many blocks at varying times.

There can be no doubt that the petitioner is entitled to have the former orders in favour of his granduncles and grandaunts to the interests of both George Faulkner and Clara Maud Faulkner cancelled and new orders made to himself.

I am of opinion that the Court has power to cancel the orders under the authority of *In re Eruini Maihi*, and that the matter of the petition need go no further.

Yours faithfully,

A. G. HOLLAND, Judge.

His Honour the Chief Judge, Native Land Court, Wellington.

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