

1929.
NEW ZEALAND.

THE NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1927.

REPORT AND RECOMMENDATION ON PETITION NO. 13 OF 1927, OF TE PAEA PARO (SOPHIA BARLOW),
RELATIVE TO SUCCESSION TO MATIRE TOHA, DECEASED, IN MANGERE LOTS 3, 7, 13, AND 15,
AND LOT 243, WAIKOMITI.

*Presented to Parliament in pursuance of the Provisions of Section 63 of the Native Land Amendment
and Native Land Claims Adjustment Act, 1927.*

Native Department, Wellington, 10th September, 1929.

Petition No. 13 of 1927.—Allotment 3, Mangere and other Lands.

PURSUANT to section 63 of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, I herewith forward the report of the Court herein.

The conveyance by Matire Toha to Hone Kawhena, of the 27th September, 1875, is absolute in its nature. It is expressly reserved to Hone Kawhena his heirs and successors according to Native custom. This is quite unusual, and could not have happened by accident. It bears the certificate of a licensed Native interpreter that he properly explained its contents to Matire Toha in the Maori language, and that she fully understood its purport and effect. It is witnessed by H. T. Kemp, Resident Magistrate, who was himself a Maori scholar, and also by a Native assessor, Paora Tuhaere. In addition, it bears the certificate of a Trust Commissioner, Colonel Haultain, who would be particularly careful in a transaction which was a gift between husband and wife. It was part of his duty to ascertain whether the parties to the transaction understood the effect thereof. In addition, in 1881 Hone Kawhena conveyed part of the land to a European, and in 1882 another part to another Native. It is impossible to suggest in the face of these facts that any fault in the drawing-up of the deed between Matire Toha and her husband was due to the misunderstanding of the solicitor who drew the deed as to the instructions given to him. It may be, of course, that there was some private arrangement between husband and wife, but no proof of this has been given.

Under the circumstances I have no recommendation to make in the matter.

The Hon. the Native Minister, Wellington.

R. N. JONES, Chief Judge.

In the Native Land Court of New Zealand, Waikato-Maniapoto District.

*Matire Toha (deceased).—Reference by you under Section 63/1927 for Inquiry and Report as to
Petition No. 13/1927 by Te Paea Paro.*

The Chief Judge, Native Land Court, Wellington.

I HELD inquiry into this matter at Auckland on the 26th September last. Petitioner was represented by Mr. Sullivan, and the present owners of the property by Mr. Robb. Both parties called evidence and submitted argument in writing.

The lands affected by the petition are those included in conveyance No. 111818, dated 22nd March, 1889, from Hone Kawhena to Pukenui Tuia and William Swanson.