

1937.

NEW ZEALAND.

THE NATIVE PURPOSES ACT, 1935.

REPORT AND RECOMMENDATION ON PETITION No. 313 OF 1934-35, OF TAREHURANGI TE WAARI, PRAYING FOR THE CANCELLATION OF ORDERS OF THE NATIVE LAND COURT, RESPECTIVELY DATED THE 20TH AUGUST, 1902, APPOINTING SUCCESSORS TO THE INTEREST OF PERANIKO RAKUKU, *ALIAS* PERANIKO RAKURAKU, AND 18TH MAY, 1922, APPOINTING SUCCESSORS TO THE INTEREST OF EMA PERANIKO, IN SECTION 325, PARISH OF WHANGAMARINO.

Presented to Parliament in pursuance of the Provisions of Section 22 of the Native Purposes Act, 1935.

Native Land Court (Chief Judge's Office),
Wellington, C. 1, 16th February, 1937.

The Right Hon. the NATIVE MINISTER, Wellington, C. 1.

PETITION No. 313 OF 1934-35.—LOT 325, PARISH OF WHANGAMARINO.

PURSUANT to section 22 of the Native Purposes Act, 1935, I transmit herewith the report of the Court upon this petition.

The land referred to was dealt with under the Confiscated Land Act, 1867, and allotted to Peraniko Rakuraku and Ema Peraniko (see 1879 *Gazette*, p. 1484). A grant was issued to those two persons as joint tenants, and contained a restriction against gift, sale, lease, or mortgage without the consent of the Governor. This grant was registered as certificate of title, Volume 24, folio 62, Auckland Registry. Peraniko Rakuraku died on 9th August, 1894. While the restriction still prevailed, petitioner applied for a succession order. At the hearing petitioner claimed the land had been left to him by will. This is probably the gift he refers to in his petition. Being a joint tenant Peraniko could not have willed, and no application was ever made for consent to a gift *inter vivos*. The succession order should not have been made, but no harm has been done, seeing that Ema Peraniko has since died and the succession works out to the same persons.

In view of these circumstances, and the report of the Court that petitioners claim is without foundation, I recommend that there be no legislative action with regard to the claims and allegations made by the petitioner.

R. N. JONES, Chief Judge.

Office of the Waikato-Maniapoto District
Maori Land Board and Native Land Court,
Private Bag,
Auckland, C. 1, 3rd December, 1936.

The CHIEF JUDGE, Native Land Court, Wellington, C. 1.

WHANGAMARINO 325A AND 325B.

PETITION No. 313 OF 1934-35, BY TAREHURANGI TE WAARI, FOR CANCELLATION OF ORDERS OF THE NATIVE LAND COURT, DATED RESPECTIVELY 20TH AUGUST, 1902, AND 18TH MAY, 1922, APPOINTING SUCCESSORS TO THE INTERESTS OF PERANIKO RAKURAKU AND EMA PERANIKO IN THE ABOVE-MENTIONED LAND.

REFERENCE by you dated 1st November, 1935, under section 22, Native Purposes Act, 1935, for inquiry and report.

I held inquiry at Ngaruawahia on 25th November last, being the first occasion on which any one had appeared in connection with the matter. The petitioner, Tarehurangi te Waari, appeared in person. No one else. Petitioner stated he could not say any more than he had already stated in his petition. He had no evidence of the alleged gift.

I enclose copies of the minutes taken in 1902 and 1922. These copies were also sent to the Under-Secretary on 3rd December, 1934, with Registrar's report on this Petition, No. 313/1934. I do not think there is any foundation for the claim of the petitioner. It may be that he has resided on the land for a long period, but in 1927 the valuation roll showed improvements as "Nil." And, on the partition of the section in 1933, the Court did not find itself, after a rehearing, able to accept his claim for improvements. Tarehurangi te Waari has made several claims in recent years attacking orders that have stood for many years, but has not been able to substantiate them.

I am unable to recommend any action.

CHAS. E. MACCORMICK, Judge.

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