

appln. file

Application under Sec. 38/1931.



Record No. 69/139.8.7...

Block affected... *Awarau Block* .....

Applicant *Mshirangi Kotu* .....

Order affected *Succn to Maria Watene (dec'd)* .....

Nature of application *Amendment of above* .....  
*Succession order* .....

Application received	30/10/39.
To C/J with report of Registrar	1/11/39.
Referred to Court for E & R	5/12/40
Report of Court	7/3/40
Decision of Chief Judge	23/8/40
Matter finally completed	23/8/40.

30/10  
30/110

OPOTIKI 14 MAY 1940 -43.

~~RECEIVED~~ *G*

Extract from Whakatane Minute Book No. 1 Folio 35.

Held at Whakatane 2/9/1881.

Present: F.M.P. Brookfield, Judge.  
Wi Rakena Kaitia, Assessor.  
J.C.D. Austin, Clerk  
James Davis, Interpreter.

HIWAPAU:

Application of Wairaki te Ranapia to succeed Mere Katene Tauarohaki.

Hemi Kokitu (sworn): I am one of the trustees of this block of land. I knew Mere Katene Tauarohaki and she was the same person named Mere Katene as one of the owners in this Reserve.

Wairaki te Ranapia (sworn): I live at Opotiki. I knew the deceased, she died about two years since and was one of the owners of this block; she left no will or made any other disposal of her interests in this block of land - she was my grandmother - my mother's name was Hiro Tipa. Mere Katene was my mother's father's sister or my great aunt. My mother is alive. Deceased left no issue - my grandfather was her only brother. I wish my mother to be appointed successor.

Objectors challenged - none.

Ordered that Hiro Tipa succeed.

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C.J. 1940/2.

IN THE NATIVE LAND COURT  
WAIARIKI DISTRICT.

13986

IN THE MATTER of Section 38 of The  
Native Land Act, 1938

AND

IN THE MATTER of the interest of  
Mere Katene in the Hiwarau Block.

I the undersigned hereby make application for an amendment  
to succession order made on the 2nd. September 1881 granting  
the interest of Mere Katene in the Hiwarau Block to  
Hiro Tipa UPON THE GROUND that the said Hiro Tipa was not  
the proper person to succeed to such interest.  
DATED at Waiotahi the 26th. day of October 1939.



*Referred to Court  
H. Macdonnell  
Chief Judge  
5.2.40*

*Mahurangi Kote*  
Applicant  
Waiotahi

CPDTIKI — 28 NOV 1939 — 23

*Application dismissed  
H. Macdonnell  
Chief Judge  
23/8/40*



*Native Land Court* AUCKLAND.

ROTORUA

1st November, 1939.

N.L.C. 2/45.

MEMORANDUM for:-

The Deputy Chief Judge,  
Native Department,  
AUCKLAND.

re:- Maria Watene. (Dec'd).  
and  
Mere Katene. (Dec'd).

I forward herewith applications under  
Section 38 of the Native Land Act 1931, for amend-  
ment of Successions to the above deceased persons  
in Hiwarau Block.

Copies of the Court's minutes on the  
making of the Orders are enclosed herewith.

*Registrar*

*I think the applicants should show why the  
claims that the proper successor was not appointed  
creation is insufficient. It mere general  
from applicants to be amended. *[Signature]*  
before I can refer them to ACTING REGISTRAR.  
bmt*

*Frank Macbormick  
Deputy Chief Justice  
6/11/39*

W. HISLOP  
ACCOUNTANT  
AND  
NATIVE AGENT

AGENT FOR:  
DOMINION LIFE ASSURANCE OFFICE.  
NORTH BRITISH & MERCANTILE INSURANCE  
COY. LTD.  
F.A.M.E. INSURANCE COY. LTD.  
SECRETARY:  
OPOTIKI CARRIERS' ASSOCIATION.

The Registrar  
Native Land Court  
Rotorua,

Dear Sir,

Applications under Sec. 38 re Mere Katene & Maria Watene deod

For the information of the Chief Judge I now  
enclose a Whakapapa showing the claim of the applicant, Mihirangi Kotu,  
as against that of Hiro Tipa to whom succession was granted.

My clients are able to produce to the Court records kept by their elder  
-8 bearing out the Whakapapa enclosed, and there appears to be no doubt  
that succession to the two deceaseds interests was granted by the  
Court on evidence which was contrary to fact.

I trust, therefore, that the consent of the Chief Judge will be  
given to the two applications being brought before the next sitting of  
the Court in Opotiki.

Yours faithfully,

*W. Hislop*

*9/2 1/2 3/4 5/8 7/10 9/12 11/14 13/16 15/18 17/20 19/22 21/24 23/26 25/28 27/30 29/32 31/34 33/36 35/38 37/40 39/42 41/44 43/46 45/48 47/50 49/52 51/54 53/56 55/58 57/60 59/62 61/64 63/66 65/68 67/70 69/72 71/74 73/76 75/78 77/80 79/82 81/84 83/86 85/88 87/90 89/92 91/94 93/96 95/98 97/100*  
*Mr. Hislop*  
*1/2. attach to*  
*38 applications in*  
*Opotiki P.H. 1/11/40*



THE REGISTRAR, ROTORUA



RE: MARIA WATENE, DECEASED AND MERE KATENE, DECEASED  
25/1/40



The Registrar,  
Native Land Court,  
AUCKLAND.

I forward you herewith  
submissions by Mr. Hislop together with Whakapapa  
for the information of the Deputy Chief Judge.

O.V. FORDHAM  
REGISTRAR.

Nat.—66.]

From THE REGISTRAR, ROTORUA

To

Our file: ...

Your file:

Subject: ...

RE: MARIA WATENE, DECEASED AND MERE KATENE, DECEASED

Date: ...

25/1/40

Previous ref.: ...

Enclosures checked: ...

[50,000/2/39—19486]

To

The Registrar,  
Native Land Court,  
AUCKLAND.



I forward you herewith  
submissions by Mr. Hislop together with Whakapapa  
for the information of the Deputy Chief Judge.

*C.V. Fordham*

C.V. FORDHAM  
REGISTRAR.

*cc  
Judge MacCormick  
For your consideration, please.  
J. Robertson  
Reg.  
30 JAN 1940*

○ Ko. Tapaē ka-moe ia Tehawoterangi

Ko Nuku

Ko Teika ka-moe ia Tewu kai

Ko Rahapa ka-moe ia  
Tekikiri

Ko Hirotipa ka-moe ia  
moko moko.

Ko Tewarana.

Put in by Mr Bennett

no use apparently



## Hiwarau Block

• Ani Kope	3	Shares
• Hinehou Kope	1	
• Raki Kope (if same as Raki Exana)	1	
• Exana Akeake	2	
• Horopapera Akeake	3	
• Hoani Akeake	3	
• Kotere (Ani) (ch of the Ani Akeake?)	3	
Total =		16 shares

• Hiromene Lipa (Hiro Lipa)	2	shares
• Hoani Mokonoto	3	
• Hoki Mokonoto	2	
• Matana (Matanga) Mokonoto	2	
• Warena Mokonoto	3	
• Mere Kaine	2	
• Maria Wapne	2	
Total =		16 shares

Mere Kaine - dead.

Applicant <sup>Waruna Mokonoto</sup> ~~Waruna Mokonoto~~ - lodged 20/8/79.  
Order made 2/7/81 to Hiro Lipa - solely.

Maria Wapne - dead

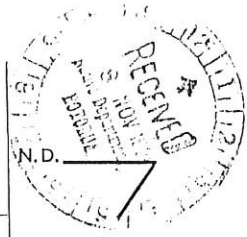
Applicant <sup>Waruna Mokonoto</sup> ~~Waruna Mokonoto~~ - lodged 20/8/79?  
Order made 2/7/81? to Hiromene Lipa solely.  
8/3/84

Mere Kaine - dead

Applicant <sup>Waruna Mokonoto</sup> ~~Waruna Mokonoto~~ - lodged 20/8/79.  
No appen at any time put in by present claimants.

Nat. 66.]

CX/EB  
File:



From THE REGISTRAR, AUCKLAND.

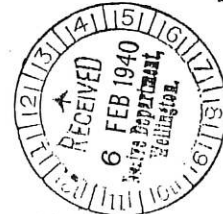
To

Our file:	...	Your file:	
Subject:	RE MARIA WATENE, DECEASED AND MERE KATENE, DECEASED.		
Date:	7/11/1939	Previous ref.:	
		Enclosures checked:	

50,000/2/39-19486

To

The Registrar,  
Native Land Court,  
ROTORUA.



Applications under Section 38 of the Native Land Act, 1931, in respect of above are returned herewith with the Deputy Chief Judge's direction endorsed thereon.

Enc.

*J. H. Robertson*  
Registrar.

*m. Roach*

*for (L. H. C. 4. 5/3/40)*

234  
24.

In the Native Land Court }  
of New Zealand }  
Waiariki District }

IN THE MATTER of Section 387 of the Native  
Land Act, 1931, and its amend-  
ments.

AND

IN THE MATTER of an Order made on the 2nd  
day of September, 1881, appoint-  
ing a successor to the interest  
of Mere Katene in the Hiwarau  
Block

AND

IN THE MATTER of an Order made on the 8th day  
of March, 1904, appointing a  
successor to the interest of  
Maria Watene in the Hiwarau  
Block.

AT a sitting of the Court held at Opotiki on the 7th day of March  
1940 before John Harvey, Esquire, Judge.

UPON reference by His Honour the Chief Judge of applications for  
amendment of the said orders and upon hearing all evidence adduced  
the following report is submitted :

1. It was claimed by the conductor for the applicants that Mere  
Katene and Maria Watene were twin sisters. This was admitted  
by Counsel for the opposing side.
2. The evidence on succession to Mere Katene was that she was  
Tikikini's sister. The evidence on succession to Maria Watene  
was that she was Tikikini's cousin. Obviously one story at least  
is incorrect.
3. Both witnesses at the enquiry were very old and although there  
are lapses in their evidence, the Court feels that it is more  
reliable than the evidence at the original hearings. The res-  
pondents could bring no evidence to show that the Orders complained  
of were correctly founded.
4. As the Orders were made on evidence of next of kin one can hard-  
ly entertain the submission of Counsel for the respondents that  
the successions were by arrangement with the knowledge of all parties.

For the Court,

*James*  
JUDGE.

Extract from Opotiki Minute Book 30 pages 93 etc.

Opotiki 7th March 1940.

J. Harvey, Judge.

- 4OB. Hiwarau Block: Application under Section 38/1931 for amendment of an Order dated 2/9/1881 appointing successor to Mere Katene.
- 4OC. Hiwarau Block: Application under Section 38/1931 for amendment of an order dated 13/3/1904 appointing successor to Maria Watene.

Mr. Hislop: The two deceaseds were full sisters and consequently the two cases can be taken together.

Mihirangi Kotu sworn: My mother was Erana Akeake - her father was Wi Akeake - his father was Te Kohoki. Te Kohoki's parents were Hinetahi (father) and Kuratakiwhara (mother). Hinetahi had three children - no - only had one child. Had two children - Te Kohoki and Rahi Kohia. Rahi had Maria Takere and Mere Katene. Maria Takere married Watene and became Maria Watene. Both Mere and Maria are dead without issue. Te Kohoki had:-

Te Ani Akeake  
Wi Akeake  
Kaumaiwaho Akeake  
Irihapeti Akeake

Irihapeti had issue - two only - both dead without issue surviving them.  
Kaumaiwaho had no issue.  
Te Ani had one child, Kokere, now dead - had no issue.  
Wi Akeake had

Erana Akeake  
Hoani Akeake  
Horopapera Akeake  
Patuwhare Akeake  
Timotimo Akeake

Further descendants are set out on record.  
Both Maria and Mere lived with me. When they died the Kotu family paid all expenses. The Mokokoko family did not pay any of the expenses and did not come to the tangi.

Hapua Apanui for Albert Mokokoko xxd. I have been drawing rent money from this block. I considered the Board was not paying me properly.

Mr. Hislop re xd. Mere Katene Tanaropaki was a different person from Mere Katene. I was still small when this one died. I think she was dead before this land was given back to us. I knew Hiro Tipa. Her father was from Tauranga. Irawaru was his name. Her mother's name was Rahapa Pawhare. Tikikini was Hiro Tipa's mother's husband - second husband. When Tikikini married Hiro she gave birth to Paki Pueru.

Rahi Kotu sworn: Hinetahi was Wi Akeake's father. Te Kohoki was Akurata Kaiwhata's son by Hinetahi. I made a mistake. Hinetahi - Akura Takaiwhara had two children Te Kohoki and Rahi Kohia. Rahi had Maria Takere (married Watene) and Mere Watene. They had no children. Rahi Kohia was a woman - do not know name of her husband.

Wi Kohoki had

Ani, Wi, Irihapeti and Kaumaiwaho, four in all.  
Irihapeti had two children

Wera Taikete  
Tu Kariaha.

They died leaving no issue.

Irihapeti and Kaumaiwaho were twins.

Kaumaiwaho left no issue. Te Ani had kokere who died leaving no issue. Maria and Mere lived with us until they died. Our mother paid for the burials and tangi.

Question: If these people were relations of Mokomoko's who should have paid the expenses?

Answer: Ask that question of the Mokomokos. If they were their relatives why did they not pay their funeral expenses?

Hapua Apanui xxd. It is a Maori custom that relatives pay the expenses of their dead. My hapu is Upokorehe. I know we are a tribe - a branch of no tribe. I know that a hapu shoulder expenses of the dead. There are six hapus in Whakatohea. I do not know how many years ago it was when Mere Katehe died. I was grown up at the time and married. Irawaru was the father of Hiro Tipa. Hiro Tipa married Mokomoko. Pawhera married Tikikini and begat Paki Pueru No.1. The Paki Pueru who is Albert Mokomoko's uncle is another person. Irawaru was first husband of Rahapa Pawhera. Tikikini was her second husband. They had Paki Pueru I. Hiro Tipa had Paki Pueru II. Thus  
1st Husband Irawaru = Rahapa Pawhera = Tikikini 2nd husband

Hiro Tipa

Paki Pueru I

Hiro Tipa called her son Paki Pueru after her half brother son of Tikikini.

Mr. Hislop xxd. Do not know how old I am.

Ani Ruff: sworn - a daughter of Mihirangi Kotu. Men were cutting posts on the block. I got a list of owners - then found out that these successions had gone astray. Then I made application.

Mr. Hislop: That is case for applicant.

Court: If Maria Watene and Mere Katene were sisters and the evidence makes one to be Tikikini's sister and the other his cousin then Tikikini must be his own cousin. Also no evidence of the identity of the father of Maria and Mere has been given.

Adjourned to the May sitting for further evidence.

Opotiki 15th May, 1940:

J. Harvey, Judge

Opotiki Minute Book 30 pages 109 etc.

Mr. Hislop  
Mr. Murray

Mr. Hislop: Mihirangi Kotu sworn. The father of Mere Katene and Maria Watene - I have forgotten (then remember) Koroiti was his name. He married Rahi Kohia. They had Takere and Mere Katene. Takere was also called Maria Takere. I got this information from my elders. I have known it for a long time.

Mr. Murray No questions.

Mr. Hislop: I am relying on evidence of two old ladies. Both very old and remember what has happened. Both of old school who were versed in whakapapa. Their evidence show that both (Maria and Mere) were children of a sister of their (Mihirangi and Rahi) great grandfather. Draw attention to evidence on successions to Maria and Mere - very contradictory if taken as referring to two sisters - twin sisters we are told. Question is really one of identity of Maria Watene and Mere Katene.

Mr. Murray: We cannot find any witnesses to match these witnesses in age. Orders made in 1881 and 1904 - Very wrong that

they should be attacked now.

Only evidence is of two old ladies. Memory of Mihirangi is intermittent if not faulty. We remember their brother Wi Kotu - active minded and acquisitive by nature. Inconceivable that he would have let a thing like this pass. We submit these two ladies were near relatives of Tikikini father of Hiro Tipa and that it was with knowledge of all parties that orders were made as they were made. Wi Kotu was not an easy going person.

Reports to be made.



In the Native Land Court, }  
New Zealand.

HIWARAU BLOCK.

Succession Order dated 2nd September,  
1881 to the interest of Mere Katene,  
deceased, in the said block

A N D

Succession Order dated 8th March, 1904  
to the interest of Maria Watene,  
deceased, in the same block.

Applications for inquiry under Section 38, Native Land Act, 1931.

The matters having been referred to the Court, inquiry  
was held at Rotorua on 7th March, 1940, both applications being  
heard together.

The report of the Court, while not making any definite  
recommendation, expresses the opinion that the evidence given at  
the inquiry is more reliable than the evidence at the original  
hearings. This, however, does not seem sufficient to justify  
interference with orders that have stood for so many years without  
challenge. The matter of succession to these deceased came before  
the Court on three occasions, the applicant in each case claiming  
through Hiro Tipa without any opposition or objection. An examin-  
ation of the title to the land shows that relatives of both sides  
were included in the list of owners, and apparently received  
similar shares. Hiro or Hiromene Tipa was an original owner.  
There were also a number of partitions of the land at different  
times. No claim was made on any occasion by the present applicants.

Under these circumstances much stronger proof of error is  
required than has been forthcoming. The claim rests upon the  
evidence of two witnesses, who the Court states were very old, and  
in whose evidence there were lapses. There is no definite  
corroboration of their evidence.

Judging from the last sentence in Paragraph 3 of its  
report, the Court has misdirected itself. It says, "The  
respondents could bring no evidence to show that the orders com-  
plained of were correctly founded". But the respondents are not  
called upon to do so. They hold the judgments of the Court in  
their favour and the burden of proof that the judgments were wrong  
lies on the applicants. And in such a case as this it must be  
fully discharged by clear and satisfactory proof of error. This  
is not a case of first instance.

*i.e. The respondents  
could not prove that  
the orders were  
correctly founded.  
Respondents admitted  
error in original evidence and should  
be able to say which  
they were correct.*

In my opinion, having regard to all the circumstances, the  
evidence for the applicants is insufficient to discharge the  
burden of proof laid upon them, and the applications must be dis-  
missed.

Dismissed accordingly.

*Frank Macmillan*  
CHIEF JUDGE.

Auckland.  
23/8/1940.



JW/JTK

ROTORUA. 4th September, 1940.

W. Hislop Esq.  
Native Agent,  
OPOTIKI.

Dear Sir,

MAHIA MATENE } APPLICATIONS  
MYRE MATENE } UNDER SEC. 33/11

I have to advise that the Chief Judge, has dismissed the applications for rectification of the Succession Orders made to the interests of the above deceased persons in the Mivarau Block.

I enclose herewith for your information Chief Judge's Order in connection therewith.

Yours faithfully,

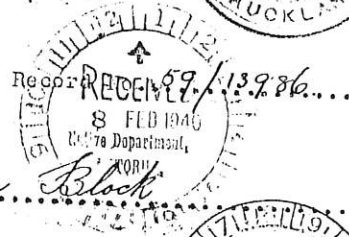
C.V. FORDHAM.  
REGISTRAR.

ENCL.



appln. file

Application under Sec. 38/1931.



Block affected... *Hiwarau Block*

Applicant

... *Mihirangi Motu*



Order affected Succn. to *Mere Katene (dec'd)*

Nature of application *amendment of above*  
*succession order.*

Application received  
To S/J with report of Registrar  
Referred to Court for E & R  
Report of Court  
Decision of Chief Judge  
Matter finally completed

30/10/39.

1/11/39.

5/12/40.

7/3/40

23/8/40

23/8/40.

30/11  
30/110

OPOTIKI 14 MAY 1940 -42.

*40B*