

MAORI LAND COURT

WAIKAIKI

DISTRICT

102

Date of Receipt: 1/5/47 Land: Lot 347 Parish of Waiotahi

File No. 102

R. Ct 80

Applicant: Tokoihi Mae & ors.

Subject: Succession Order dated 5/9/46 re Te Ngatete deceased
Omission from succession order

MEMORANDA

To C/J with report of Registrar 7/5/47

Referred to Court for E & R 21/5/47

Report of Court 10/5/48

Decision of Chief Judge 9/7/48

Matter finally completed 9/7/48

C.J. 1947/5

Application under Sec. 38/1931.

Record No. 102/0180

Block affected... LOT 347 PARISH OF WAIOTAHI

Applicant

Tokoiki Maa
Mikaere Heretaunga
Moki Amotawa

Order affected

Succession Order dated 5/9/46 to
Te Nyateke, deceased.

Nature of application

Te Iwingarua te Nyateke, one of the
children of deceased was omitted
from the Succession Order.

Application received

1/5/47.

To C/J with report of Registrar

7/5/47

Referred to Court for E & R

21/5/47

Report of Court

10/5/48

Decision of Chief Judge

9/7/48

Matter finally completed

9/7/48

The Registrar
Native Land Court

R. Davis

ROTORUA. 2 SEP 1947 - 755

Referred to the Court for
inquiry and report.

D. J. ...

Chief Judge.

21/8/47

In the Maori Land Court.

Wellington *Friday* the 9th day of July 1948

Present: D.G.B. Morison, Chief Judge.

C.J. 1947/8

102

Lot 347 Parish of
Waiotahi

Te Ngatete deceased.

Application by Tokoihi Mae and others under section 38 of the Maori Land Act 1931 for amendment of a succession order made on the 5th day of September 1946 in respect of the interest of Te Ngatete in Lot 347 Parish of Waiotahi.

The deceased Te Ngatete died intestate leaving issue. On the making of a succession order on the 5th September 1946 in respect of his interest in Lot 347 Parish of Waiotahi, the evidence showed that he had one child only Hona te Ngatete, who had died leaving issue, and an order was made in favour of such issue per stirpes in their appropriate shares.

Upon this application it has been established that the deceased had another child Iwingaro te Ngatete who died leaving issue, and that the issue of each of these two children respectively were entitled to succeed to a one-half share of the deceased's interest per stirpes.

The order was therefore made erroneously by reason of the mistake or error of the witness on the making of the order in omitting in his evidence the child Iwingaro te Ngatete and his issue.

The issue of Te Iwingaro te Ngatete are as set out below:-

Te Iwingaro te Ngatete had:-

Tokoiki Mae	alive
Mou Heretaunga	deceased leaving issue
Konui Mae	deceased - no issue
Rawiri Mae	deceased - no issue
Iwingaro (or Rangitawhai) Mae	deceased - no issue
Tahuroa Mae	deceased issue

Mou Heretaunga had:-

Mikaere Heretaunga	alive
Akutina Heretaunga	alive
Nere Heretaunga	alive
Wikitoria Heretaunga	deceased leaving issue

Wikitoria Heretaunga had :-

Rawiri Maniapoto	alive
Katerina Maniapoto	alive

Tahuroa Mae had :

Wiremu Tahuroa	alive
Mere Tahuroa	alive

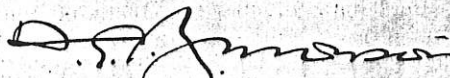
DM

The order will be amended by -

- (a) reducing the shares of each of the successors named in the order by one-half,
- (b) adding the names of the following issue of Iwingaro te Ngatete with the shares set out after their respective names.

Tokoiki Mae		1/6
Mikaere Heretaunga	m. a.	1/24
Akutina Heretaunga		1/24
Nere Heretaunga		1/24
Rawiri Maniapoto	m. a.	1/48
Katerina Maniapoto	f. a.	1/48
Wiremu Tahuroa	m. a.	1/12
Mere Tahuroa	f. a.	1/12

Order accordingly.


Chief Judge.

Order under Section 38 of the Maori Land Act, 1931.

In the Maori Land Court)
of New Zealand)

IN THE MATTER of section 38 of the
Maori Land Act, 1931,

AND

IN THE MATTER of an application for
rectification of a succession
order made in respect of the
interests of TE NGATETE,
deceased, in LOT 347, PARISH
OF WAIOTAHU.

Wellington, the 9th day of July, 1948.

WHEREAS the Court, through a mistake on the part of one of the parties has by its order in effect done something which it would not, but for such mistake, have done;

NOW, I, David Gordon Bruce Morison, the Chief Judge of the Maori Land Court, acting under the provisions of the said section 38, for the purpose of remedying the mistake, or the effect thereof, DO HEREBY ORDER that the Order made by the Maori Land Court on the 5th day of September, 1946, appointing successors to the interests of TE NGATETE, deceased, in the land known as LOT 347, PARISH OF WAIOTAHU be and the same is hereby AMENDED:

- (a) By reducing the shares of each of the successors named in the order by one-half; and
- (b) By adding the names of the following issue of Iwingero te Ngatete as part successors entitled in the shares set out after their respective names:

Tokoiki Mae		1/6
Mikaere Heretaunga	M. S.	1/24
Akutina Heretaunga		1/24
Nere Heretaunga		1/24
Rawiri Maniapoto	M. S.	1/48
Katerina Maniapoto	F. S.	1/48
Wiremu Tahuroa	M. S.	1/12, and
Mere Tahuroa	F. S.	1/12

AND I direct that all consequential amendments be made accordingly.

AS WITNESSES the hand of the Chief Judge and the seal of the Court.

Chief Judge.

Fees: 10/-.

Order under section 38 of the Maori Land Act, 1931.

In the Maori Land Court }
of New Zealand }

IN THE MATTER of section 38 of the
Maori Land Act, 1931,

AND

IN THE MATTER of an application for
rectification of a succession
order made in respect of the
interests of TE NGATETE,
deceased, in LOT 347, PARISH
OF WAIOTAHU.

Wellington, the 9th day of July, 1948.

WHEREAS the Court, through a mistake on the part of one of the parties has by its order in effect done something which it would not, but for such mistake, have done;

NOW I, David Gordon Bruce Morison, the Chief Judge of the Maori Land Court, acting under the provisions of the said section 38, for the purpose of remedying the mistake, or the effect thereof, DO HEREBY ORDER that the Order made by the Maori Land Court on the 5th day of September, 1946, appointing successors to the interests of TE NGATETE, deceased, in the land known as LOT 347, PARISH OF WAIOTAHU be and the same is hereby AMENDED:

- (a) By reducing the shares of each of the successors named in the order by one-half; and
- (b) By adding the names of the following issue of Iwingarō te Ngatete as part successors entitled in the shares set out after their respective names:

Tokoiki Maa		1/6
Mikaere Heretaunga	m.s.	1/24
Akutina Heretaunga		1/24
Hera Heretaunga		1/24
Rawiri Mantapoto	m.s.	1/48
Katerina Maniapoto	f.s.	1/48
Wiremu Tahuroa	m.s.	1/12, and
Mara Tahuroa	f.s.	1/12

AND I direct that all consequential amendments be made accordingly.

AS WITNESSES the hand of the Chief Judge and the seal of the Court.

Chief Judge.

Fee: 10/-.

In the Maori Land Court.

Wellington *Friday* the *9th* day of *July* 1948
Present: D.G.B. Morison, Chief Judge.

C.J. 1947/8

Lot 347 Parish of
Waiotahi

Te Ngatete deceased.

Application by Tokohi Mae and others under section 38 of the Maori Land Act 1931 for amendment of a succession order made on the 5th day of September 1946 in respect of the interest of Te Ngatete in Lot 347 Parish of Waiotahi.

The deceased Te Ngatete died intestate leaving issue. On the making of a succession order on the 5th September 1946 in respect of his interest in Lot 347 Parish of Waiotahi, the evidence showed that he had one child only Hona te Ngatete, who had died leaving issue, and an order was made in favour of such issue per stirpes in their appropriate shares.

Upon this application it has been established that the deceased had another child Iwingaro te Ngatete who died leaving issue, and that the issue of each of these two children respectively were entitled to succeed to a one-half share of the deceased's interest per stirpes.

The order was therefore made erroneously by reason of the mistake or error of the witness on the making of the order in omitting in his evidence the child Iwingaro te Ngatete and his issue.

The issue of Te Iwingaro te Ngatete are as set out below:-

Te Iwingaro te Ngatete had:-

Tokohi Mae	alive
Mou Heretaunga	deceased leaving issue
Kenui Mae	deceased - no issue
Rawiri Mae	deceased - no issue
Iwingaro (or Rangitawhai) Mae	deceased - no issue
Tahuroa Mae	deceased issue

Mou Heretaunga had:-

Mikaere Heretaunga	alive
Akutina Heretaunga	alive
Nere Heretaunga	alive
Wikitoria Heretaunga	deceased leaving issue

Wikitoria Heretaunga had :-

Rawiri Maniapoto	alive
Katerina Maniapoto	alive

Tahuroa Mae had :

Wiremu Tahuroa	alive
Mere Tahuroa	alive

The order will be amended by -

- (a) reducing the shares of each of the successors named in the order by one-half,
- (b) adding the names of the following issue of Iwiangaro to Ngatete with the shares set out after their respective names.

Tokoiki Mae		1/6
Mikaere Heretaunga	m. a.	1/24
Akutina Heretaunga		1/24
Nere Heretaunga		1/24
Rawiri Maniapoto	m. a.	1/48
Katerina Maniapoto	f. a.	1/48
Wiremu Tahuroa	m. a.	1/12
Mere Tahuroa	f. a.	1/12

Order accordingly.

Chief Judge.

In the Maori Land Court.

Wellington *Friday* the *9th* day of *July* 1948
Present: D.G.B. Morison, Chief Judge.

C.J. 1947/8

Lot 347 Parish of
Waioatahi

Te Ngatete deceased.

Application by Tokoiki Mae and others under section 38 of the Maori Land Act 1931 for amendment of a succession order made on the 5th day of September 1946 in respect of the interest of Te Ngatete in Lot 347 Parish of Waioatahi.

The deceased Te Ngatete died intestate leaving issue. On the making of a succession order on the 5th September 1946 in respect of his interest in Lot 347 Parish of Waioatahi, the evidence showed that he had one child only Hona te Ngatete, who had died leaving issue, and an order was made in favour of such issue per stirpes in their appropriate shares.

Upon this application it has been established that the deceased had another child Iwingaro te Ngatete who died leaving issue, and that the issue of each of these two children respectively were entitled to succeed to a one-half share of the deceased's interest per stirpes.

The order was therefore made erroneously by reason of the mistake or error of the witness on the making of the order in omitting in his evidence the child Iwingaro te Ngatete and his issue.

The issue of Te Iwingaro te Ngatete are as set out below:-

Te Iwingaro te Ngatete had:-

Tokoiki Mae	alive
Mou Heretaunga	deceased leaving issue
Konui Mae	deceased - no issue
Rawiri Mae	deceased - no issue
Iwingaro (or Rangitawhai) Mae	deceased - no issue
Tahuroa Mae	deceased issue

Mou Heretaunga had:-

Mikaero Heretaunga	alive
Akutina Heretaunga	alive
Nere Heretaunga	alive
Wikitoria Heretaunga	deceased leaving issue

Wikitoria Heretaunga had :-

Rawiri Maniapoto	alive
Katerina Maniapoto	alive

Tahuroa Mae had :

Wiremu Tahuroa	alive
Mere Tahuroa	alive

The order will be amended by -

- (a) reducing the shares of each of the successors named in the order by one-half,
- (b) adding the names of the following issue of Iwingaro te Ngatete with the shares set out after their respective names.

Tokoichi Mae		1/6
Mikaere Heretaunga	m. s.	1/24
Akutina Heretaunga		1/24
Nere Heretaunga		1/24
Rawiri Maniapoto	m. s.	1/48
Katerina Maniapoto	f. s.	1/48
Wiremu Tahuroa	m. s.	1/12
Mere Tahuroa	f. s.	1/12

Order accordingly.

Chief Judge.

In the Maori Land Court)
of New Zealand
Waiariki District

IN THE MATTER of Section 38 of
the Maori Land Act 1931 and
its Amendments

AND IN THE MATTER of an application
for amendment of an order made on
the 5th day of September 1946
appointing successors to the
interest of Te Ngatete in the land
known as Lot 347 Parish of Waiotahi

AT a sitting of the Court at Rotorua on the 3rd day of
September 1947 before John Harvey Esquire, Judge.

Upon reference by His Honour the Chief Judge of the
said application for enquiry the following report is
submitted.

1. Kapa Hamuera Ehou who gave the evidence upon
which the order complained of was founded
appeared and testified that he had unwittingly
omitted the name of Iwingaro Te Ngatete when
naming the issue of Te Ngatete. He vouched
for the correctness of the Whakapapa showing
the descendants of Te Iwingaro Te Ngatete.
2. The Court recommends that the order of 5th
September 1946 be amended by
 - (a) Halving the shares of the successors
shown therein and
 - (b) Adding the living descendants of Te
Iwingaro Te Ngatete for one half of
the interest of Te Ngatete per stirpes
as follows:

				<i>Shares in the order</i>
Tokoihi Mae	1/3	=	1/6	
Mikaere Heretaunga m.a.	1/12	=	1/24	
Akutina "	1/12	=	1/24	
Nere "	1/12	=	1/24	
Rawiri Maniapoto m.a.	1/24	=	1/48	
Katerina "	f.a. 1/24	=	1/48	
Wiremu Tahuroa m.a.	1/6	=	1/12	
Mere "	f.a. 1/6	=	1/12	



FOR THE COURT

John Harvey
JUDGE

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of Section 38 of
the Maori Land Act 1931 and
its Amendments

AND IN THE MATTER of an application
for amendment of an order made on
the 5th day of September 1946
appointing successors to the
interest of Te Ngatete in the land
known as Lot 347 Parish of Waitohi

AT a sitting of the Court at Rotorua on the 3rd day of
September 1947 before John Harvey Esquire, Judge.

Upon reference by His Honour the Chief Judge of the
said application for enquiry the following reports is
submitted.

1. Kapa Hamuera Ehai who gave the evidence upon
which the order complained of was founded
appeared and testified that he had unwittingly
omitted the name of Iwingaro Te Ngatete when
naming the issue of Te Ngatete. He vouched
for the correctness of the Whakapapa showing
the descendants of Te Iwingaro Te Ngatete.
2. The Court recommends that the order of 5th
September 1946 be amended by
 - (a) Halving the shares of the successors
shown therein and
 - (b) Adding the living descendants of Te
Iwingaro Te Ngatete for one half of
the interest of Te Ngatete per stirpes
as follows:

Share of 1/6

Tokoiki Mae	1/3	=	1/6
Mikaere Heretaunga m.a.	1/12	=	1/24
Alutina	1/12	=	1/24
Nere "	1/12	=	1/24
Rawiri Maniapoto m.a.	1/24	=	1/48
Katerina "	f.a. 1/24	=	1/48
Wirema Tahuroa m.a.	1/6	=	1/12
Lere "	f.a. 1/6	=	1/12

*Checked
1/10/48
207/448*



FOR THE COURT

John Harvey
JUDGE

John Harvey, Esquire Judge.

September 3rd, 1947

755. Lot 347 Parish of Waiotahi- Appln under Sec: 38/31 for
amandment of succession order of 5/9/1946.
Kapa Mahau. I gave the evidence herein I omitted te Iwingaio te Ngatete.
The Whakapapa shown on appln is correct.
Report to be made.acody.

John Harvey, Esquire Judge.

September 3rd, 1947

755. Lot 347 Parish of Waiohaki- Appln under Sec: 38/31 for
amendment of succession order of 5/9/1946.
Kapa Kahu. I gave the evidence herein I omitted to Iwingalo te Ngatete.
The Whakapapa shown on appln is correct.
Report to be made. accdy.

PLEASE QUOTE: N. L. C. 2.

WM:MS

P.O. BOX 102,
ROTORUA. 6th May, 1947.

MEMORANDUM for:-

The Chief Judge,
Native Department,
P.O.Box 3006,
WELLINGTON.

re: LOT 347 PARISH OF WAIOTAHU.

I forward herewith application under Section 38/1931
in respect of succession to Te Ngatete deceased in the above-
named block.

Copy of the Court's minutes on granting of the
succession order is attached.

J. J. DILLON
REGISTRAR.

Judge Harvey

Application for amendment of
succession order to Te Nyateke, deceased.

Are you prepared to hear this
application under section 36/1931, please?

J. S. 47.
2.5.47.

no. It should be under sec. 38/1931.

M.
6/2/47.

0-80

C.J. 1947/8.

TO The Native Land Court
ROTORUA

We hereby apply under Section ³⁸~~36~~ of The Native Land Act, 1931 for amendment of the Succession to Te Ngatete deceased in Lot 347 Parish of Waiotaha upon the following grounds.

1. The Witness Kepa Ehau deposited that deceased had one child only, namely Hona te Ngatete to the descendants of whom Succession was granted.
2. Te Ngatete actually had two children as follows:

Te Ngatete

Hona te Ngatete	Te Iwingaro te Ngatete
-----------------	------------------------

For issue of Hona
see RO.M.B.95/204-5

- | | | |
|------------------------------------|-----|------------|
| - Tokoihi Mae | 1/3 | |
| - Mou Heretaunga | d. | issue → |
| - Konui Mae | d. | no issue x |
| - Rawiri Mae | d. | " " x |
| - Iwingaro (or Rangitawhai) Mae II | d. | no issue |
| - Tahuroa | d. | issue → |

Mou Heretaunga

- | | |
|------------------------|------|
| - Mikaere Heretaunga | 1/2 |
| - Akutina Heretaunga | 1/2 |
| - Nere Heretaunga | 1/2 |
| - Wikitoria Heretaunga | d. → |
| - Rawiri Maniapoto | 1/4 |
| - Katerina Maniapoto | 1/4 |

Tahuroa Mae

- | | |
|------------------|-----|
| - Wiremu Tahuroa | 1/6 |
| - Mere Tahuroa | 1/6 |

Dated at Rotorua this 1st day of May, 1947.

APPLICANTS

Tokoiki Mae

(Whakarewareware)

Mikaere Heretaunga

(")

Nere Heretaunga

(")

DATE OF SUCCESSION ORDER 5/9/46.

Rotorua

Advertise

Rotorua Court

[Signature]

21 1514 ROTORUA. 2 SEP 1947

R.99014.



180

DATED at Rotorua 5th September, 1946. PRESENT: J. Harvey, Judge.

LOT 347 PARISH OF WAIOTAHU - TE NGATETE

Application to Succeed.

Kepa Hamuera Ehau - sworn - I knew of dec'd - Died over 50 years ago - No will - No ohaki - He had one child Hona te Ngatete who I knew - He died over 30 years ago - No will - Issue.

Te Kirikoroua Hona	d. No will - issue
Wenerata Hona	d. No will - issue
Te Ratuhi Hona	f.a.
Poronia Hona	d. No will - issue
Te Oiroa Hona	d. No will - No issue
Te Pohe Hona	d. No will - issue
Witariana	m.a.
Heta Hona	m.a.

Kirikoroua had:

Henare Amotawa	d. No will - issue
Moke Puihi Amotawa	m.a.

Henare had:

Kereti Henare	m.a.
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Wenerata had:

Hiraina Wenerata	d. No will - Issue
Teri Herewini	d. No will - No issue
Te Parakuka Herewini	m.a.
Pateriki Herewini	m.a.
Ngakoura Herewini	f.a.
Tohetohe Herewini	m.a.

Hiraina had:

Maria Mutu	f.a.
Tata Mutu	d. No will - issue
Rangitukia Mutu	f.a.
Kawhena Mutu	d. No will - No issue
Hohepa Mutu	m.a.
Paurini Mutu	m.a.
Titi Mutu	f.a.
Teri Mutu	d. No will - No issue

Tata had:

Rangi Rauaka Ratana	d. No will - Issue
Ngahau	" m.a.
Motai	" m.19
Puti	" m.18
Rero	" f.15
Paki	" f.14
Ahomiro.	" m.13
Moerangi	" f.11
Tiripa	" f.10
Pateo	" m.5
Aukaha	" m.7
Ngamako	" f.2

Rangi had:

David McRoy	m.4
Rangirauaka Lowe	m.3 (adopted by Mary Lowe)

Tr: Mary Lowe for Rangirauaka
Hohepa Mutu for balance.

Handwritten initials

Poronia had:

Tita Loffley m.a.

Pohe had:

Tame Pohe d. No will - Issue
Peata Pohe or Kauwhata f.a.

Tame Pohe:

Hone Tame Pohe m.a.
Eramiha Tame Pohe m.15
Te Pati Tame Pohe m.14
Enoka Tame Pohe m.13
Te Maungarongo Tame Pohe f.12

Tr: .Aporonia Hakopa Mohi (mother)

Wjg

objectors.
No objections

-

Order Accordingly.