

MAORI LAND COURT

DISTRICT

49

Date of Receipt:

Land: Lot 313 Pt of Waioeka

File No.

Applicant:

Mare Kowene

Subject:

See 38/1931 re success to Tamati to An

MEMORANDA

Dismissed 31. 3. 56.

1068

C.J. /

APPLICATION UNDER SECTION 38 OF THE NATIVE LAND ACT, 1931.

Record No. 118/13152

Block affected: Lot 313 Parish of Waioeka.

Applicant: Mare Komene of Oromahoe near Kaikohu Bay of Islands.

Order affected: Succession Order made at Opotiki on the 27th April, 1932 appointing successors to interest of Tamati Te Au.

Nature of application: To amend same by inclusion of other issues of Deceased.

.....

Application received	15/9/38
To C.J. with report	29/ 9/38
Referred to Court for T & R	12/10/38.
Report of Court	/ /
Decision of Chief Judge	/ /
Matter finally completed	

14 JUN 1955 **189A**

~~30 MAY 1950~~

~~3 JUN 1949~~

OPOTIKI ~~JUN 1947~~

~~OPOTIKI 4 AUG 1948~~ **56**

~~10 AUG 1948~~ **34**

OPOTIKI 2-8 MAY 1951 **98**

~~17 JUN 1950~~ **128**

~~5 JUN 1945~~ **67**

~~5 JUN 1946~~ **74**

~~OPOTIKI 14 MAY 1940~~ **25**

~~20 JUN 1940~~ **25**

~~8 JUN 1954~~ **181**

20th. September, 1939.

N.L.C.7/1/156.

Mr. Eru Pou, Jnr.,
Native Department,
KAIKOE.

Dear Sir,

TAMATI TE AU, DECEASED.

I have to acknowledge receipt of your letter of the 6th. instant. I have already informed you that this matter has been included in the panel for the Opotiki Court. I regret, however, it cannot be adjourned for hearing outside of the district in which the order complained of was made. The next sitting of the Court at Opotiki is set down for the 28th. November next. You should make endeavours to bring the matter on for that Court and be represented.

Yours faithfully,

Acting Registrar.



Please quote this reference
N.D.
in your reply.

KAIKŌHE OFFICE.

Native Department,

B.O.I/I.

TAMATI TE AU (D): IN LOT 313 PARISH OF WAIOHĒA.

6.9.39.



The Registrar,
Native Department,
Rotorua.

On or about the 12th September, 1938, I forwarded to your Office an Application by Mare Komene for a re-hearing under section 38 of the Native Land Act, 1931 in the matter of Succession Orders issued in respect of the deceased, Tamati Te Au in the above block of land at Opotiki on the 27th July, 1932.

I have now been informed that the Application dealing with this matter had been included in the Kahiti for the Rotorua Court recently but owing to the non-appearance of the Applicant to prosecute the same, this case had been more or less adjourned.

If this information is correct, I would request leave from the Native Land Court of your district to refer the matter to the Court of this district for the necessary evidence to be taken here. This is desired in order to save heavy expenses being incurred by the Applicant, Mare Komene in this matter.

[Signature]
Consolidation Officer.

Mr. Royall

Mr. Wacker / Look up application and refer to the Clerk of the Court

17/9/39

Mr. Roach / Referred. [Signature]

SR/MP

25th July,

9

Mare Komene,
Oromahoe,
PAKARAKA.

Dear Madam,

With reference to your letter of the 19th instant, the receipt of which is hereby acknowledged, I have to advise that your application for amendment of the Succession Order to Tamati te Au in waioeka 313 has been adjourned for hearing at the next sitting of the Court at Opotiki on the 28th November, 1939. You are required to be present, before the Court will consider dealing with your application.

Yours faithfully,

ACTING REGISTRAR.

Copy attached to N.L.C 7/1.

*Block file
Waioeka.*

Oromahoe
Pakarua Road

Native Department-
Rotorua



Dear Sir

Please send
me results of the case
No 19 Applicant - I Mave Homene
Name & Number of land
Waioeka 313 in the sitting
of the Native Land Court
at Apotiki on the 18th day
of this month.

I am

Yours faithfully
Mave Homene

M Royce


Mr Beach / referred for reply

Mrs Rangimata 8/11/21

Please reply that ~~the~~ ^{the} ~~case~~ ^{case} has been
adjourned for sitting of Court at
Ap. on 25th Nov. 21. & the writter
must appear personally before the
Court to make new appln.

13152

Nat.—66.]

N.D. 

From	ROTCRUA.		To	
Our file:	...		Your file:	
Subject:	... LOT 313 PARISH OF WAIOTEKA - TAMATI TE AU, DECEASED.			
Date:	...	30/9/38.	Previous ref.:	
			Enclosures checked:	

(50,000/11/37—15533

To

The Chief Judge,
Native Land Court,
Native Department,
WELLINGTON.



Enclosed herewith please find application under Section 38/1931 to amend the Order made at Opotiki on the 27th April, 1932, appointing successors to the interest of deceased by the inclusion of others not named, together with copies on minutes.

The applicant lives at Oromahae, Kaikohe.

When making your direction, I shall be glad if you will leave it open for the presiding Judge to adjourn same to the Northern Court for hearing if necessary.

A precis of the position is attached.

Repehan
Reps to Court. The Court
ENCL:
Can adjourn to any other
Court should be thought of expedient
W. Jones
17/10/38

J. Howard
REGISTRAR

Repehan
Tahi Komene by his agent Mr. H. H. H. asks that this application should not come on unless he is represented at the hearing.
H.
16/10/39.

H.
19 19

EXTRACT from Opotiki Minute Book No.28 Folios 75-6

Judge: A.G.Holland, Esq.

Place & Date: Opotiki, 27th April, 1932.

Page 75: Lot 313 Pr. of Waioeka

Tamati te Au-decd.

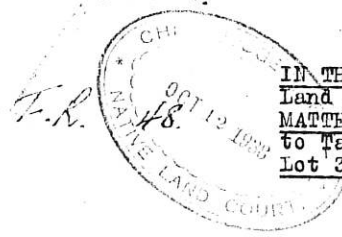
Tuhi Komene sworn:

Died over 20 yrs ago. No will. Issue

Order to	Tuhi Komene	m.	1/2
	Parane Perepe	m.	1/10
	Mereana Perepe	f.	1/10
	Ani Whakaruru Perepe	f.	1/10
	Taka Perepe	f.	1/10
Page 76:	Haki Perepe	m.	1/10.



13152



IN THE MATTER of the Native Land Act, 1931 AND IN THE MATTER of a Succession Order to Tamati Te Au (deceased) in Lot 313 Parish of Waioeka.

I, Mare Komene alias Mare Matutaera Komene residing and farming at Oromahoe in the Bay of Islands District DO HEREBY make application to the Native Land Court in the Waiariki District for the amendment under section 38 of the above Act of the now existing Succession Order to Tamati Te Au (d) as referred to above which order was made at Opotiki on the 27th. day of July, 1932 for the following reasons:-

R60376



- 1.(a) That the evidence given during the sitting of the Native Land Court at Opotiki on the date referred to above caused or created some extensive mistake, error or omission whereby I and five other members of our family as the children of Matutaera Komene (d) by his first and second marriages were being omitted from inclusion therein.
- (b) That the evidence so given declared that Ngawini Komene, Ngapuna Komene and Kimete Komene were deceased with no issue. This is incorrect in so far as Ngawini Komene and Ngapuna Komene are concerned. Ngawini Komene is correctly declared as dead but she has two grown up sons living at Oromahoe while Ngapuna Komene declared as dead and no issue is much alive and living at Oromahoe. This native is also known as Te Aomarama Komene. Kimete Komene is correctly declared as dead and with no issue.
- 2.(a) That the evidence so given at the sitting of the Native Land Court not only caused mistake, error or omission in the case of the successors to Matutaera Komene (d) but also in the case of Perepe Komene (d) whereby the effect of such evidence omitted therefrom the inclusion of two other members of this family as successors. These are Te Pea Perepe alias Te Pea Perepe Komene (d) with issue and also Takurua Perepe alias Takurua Perepe Komene also deceased with issue living in this District.
- 3.(a) That from the evidence so given at the sitting of the Native Land Court at Opotiki on the date so referred to herein, I for and on behalf of the rightful successors who by some mistake, error or omission were being omitted therefrom do hereby declare that we have sustained relative loss of interests in Native land under the existing order of succession in this matter.
- 4.(a) In view thereof of the foregoing reasons, I make this application to the Native Land Court of the Waiariki District to endeavour to bring this case once more before the Court for full enquiry thereto.

Dated at Kaikohe this 12th day of September, 1938.

Mare Komene

Mare Komene
Chief Clerk

Lot 313, P/ Waiioeka.

Tamati Te Au Deceased. Order 27/4/1932.

To			
	Tuhi Komene	m.	1/2
	Paraone Perepe	m.	1/10
	Mereana Perepe	f.	1/10
	Ani Whakaruru Perepe	f.	1/10
	Taka Perepe	f.	1/10
	Haki Perepe	m.	1/10

Motatau 3P 2 and other lands:

Perepe Komene, Te Hau Komene and Tuta Komene Deceased.

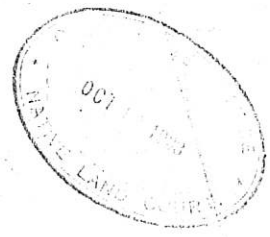
Orders 23/10/1928 by Consolidation Court at Ohaeawai.

To	Ani Perepe or Whakaruru	f. a.	1/8
	Heko Perepe	m. a.	1/8
	Moengaroa Perepe alias	f. a.	1/8
	Mereana Perepe	f. a.	1/8
	Takangaroa Perepe	m. a.	1/8
	Hare Kinitia Paraone	m.20	1/24
	Huirua Pea	f.19	1/24
	Hikirangi Pea	f.18	1/24
	Ngahana Pea	f.11	1/8
	Maraea Hataraka	f. a.	1/32
	Heni Whautere	m. a.	1/32
	Paepae Whautere	f. a.	1/32
	Tuihana Whautere	f. a.	1/32
	Te Tiata Whautere	m. a.	1/32

Perepe and Te Hau Komene

Tuta or Matutaera Komene

	Ngawini Tiahuia Tuta	f. a.	1/7
	Te Tuhi Tuta	m. a.	1/7
	Ngapua Te Aomarama Tuta	m. a.	1/7
	Mare Tuta	m. a.	1/7
	Takuru Tuta	f.19	1/7
	Here Tuta	m.15	1/7
	Perepe Tuta	m.14	1/7



Lot 313, P/ Waioeka.

Tamati Te Au Deceased. Order 27/4/1932.

To	Tuhi Komene	m.	1/2
	Paraone Perepe	m.	1/10
	Mereana Perepe	f.	1/10
	Ani Whakaruru Perepe	f.	1/10
	Taka Perepe	f.	1/10
	Haki Perepe	m.	1/10

Motatau 3P 2 and other lands:

Perepe Komene, Te Hau Komene and Tuta Komene Deceased.

Orders 23/10/1928 by Consolidation Court at Ohaeawai.

To	Ani Perepe or Whakaruru	f. a.	1/8
	Heko Perepe	m. a.	1/8
	Moengaroa Perepe alias	f. a.	1/8
	Mereana Perepe	f. a.	1/8
	Takangaroa Perepe	m. a.	1/8
	Bare Kinitia Paraone	m.20	1/24
	Hirua Pea	f.19	1/24
	Hikirangi Pea	f.18	1/24
	Ngahana Pea	f.11	1/8
	Maraea Hetaraka	f. a	1/32
	Peapae Whautere	m. a.	1/32
	Tuihana Whautere	f. a.	1/32
	Te Tiata Whautere	m. a.	1/32

Perepe and Te Hau Komene

Tuta or Matutsera Komene

Ngawini Tiahuia Tuta	f.a.	1/7
Te Tuhi Tuta	m.a.	1/7
Ngapua Te Aomarama Tuta	m.a.	1/7
Mare Tuta	m.a.	1/7
Takurua Tuta	f.19	1/7
Here Tuta	m.15	1/7
Perepe tuta	m.14	1/7

EXTRACT FROM CONSOLIDATION MINUTE BOOK VOL. 1 FOLIOS 231, 229

Date: 23rd October, 1928.

Place: Ohaeawai.

Present: Wm. Cooper, Consolidation Officer.
M.V. Bell, " " "
Hori Tane and Eru Moka Pou
assisting.

Evidence given by Manihera Kauwhata in each case.

PAGE 231.

PEREPE KOMENE alias KARUWHERO PEREPE KOMENE, DECEASED.

Motatau 3P 2
Waihaha 1C
Ngawhitu A1

Died prior to 1900. No will. Was husband of Matire te
Kauwhata and had some family. No other children. Ask for
similar order as for mother and for Hau Perepe, etc. page 229.

PAGE 229.

TE HAU PEREPE alias TE HAUKAWEOA PEREPE, DECEASED.

Waimimiti H	Kohewhata 19
Kotuku B8	" 29H
Pakonga C	" 31
Ngawhitu A1	Punakitere 2B 6
Oromahoe D5	" 2B 8H
Motatau 5A 5C 2	" 2B 8 I
Omapere 1C 2	" 2B 9

Knew deceased. Died about 1918. No will. No issue,
brother of Heko in previous case. Ask for similar order to all
descendants of Matire in relative proportions i.e. similar order
as for Matire.

MATIRE KAUWHATA alias MATIRE PENEPE alias KOHINE PEREPE, DECEASED.

Waimimiti M
Kotuku B8
Pakonga C
Tuataranui
Kaiwhakairi D

Knew deceased, my sister. Died about 1908. No will
Issue as shown in preceding case. Ask for orders as shown to
children and grandchildren in their relative proportions.

As to same deceased in Waiwhariki 2A owned by her and myself,
I desire my son to appointed. I am getting consents of the others
and lodge two Takangaroa and Moe now. I ask that this block stand
down for Kaikohe where some of the others will probably appear
in person. It is my homestead.

Bay of Islands Minute Book Vol. 10 FOLIO 101 : Date: 17th January, 1929
Place: Russell.

PAGE 101.

PEREPE KOMENE alias KARUWHERO PEREPE KOMENE, DECEASED.

Motatau 3P 2
Waihaha 1C
Ngawhitu A1

Successors:-

✓ Ani Perepe or Whakaruru	f.a.	.1/8
Heko Perepe	m.a.	.1/8
Moengaroa Perepe alias		
✓ Mereana Perepe	f.a.	.1/8
✓ Takangaroa Perepe	f.a.	.1/8
Hare Kinitia paraone	m.a.	.1/8
Huirua Pea	m.20	.1/24
Hikirangi Pea	f.19	.1/24
Ngahana Pea	f.18	.1/24
Tr: Manihera Kauwhata		
Maraea Hetaraka	f.11	.1/8
Tr: Mihaka Hetaraka		
Heni Whautere	f.a.	.1/32
Paepae Whautere	m.a.	.1/32
Tuihana Whautere	f.a.	.1/32
Te Tiata Whautere	m.a.	.1/32

EXTRACT FROM CONSOLIDATION MINUTE BOOK VOL. 1 FOLIO 235.

Date: 23rd October, 1928.

Place: Ohaeawai.

Present: Wm. Cooper, Consolidation Officer.
M.V. Bell, " "
Hori Tane and Eru Moka Pou assisting.

PAGE 235.

Mare Komene.

TUTA KOMENE alias MATUTAERA KOMENE, DECEASED.

Motatau 1A 7
Te Pae B1
Waihaha 1C
Ngawhitu A1
Oromahoe D4

Knew deceased, my father. Died about 1921. No will,
left issue:-

1st family:

Mother :-

Rangi Taunuo,
deceased.

1. Ngawini Tiahuia Tuta	f.a.	.1/7
2. Te Tuhi Tuta	m.a.	.1/7
3. Ngapua te Aomarama Tuta	m.a.	.1/7
4. Kimete Tuta	m. decd. 1918 - no issue - no will.	
5. Mare Tuta	m.a.	.1/7

2nd family:

Mother :-

Hana Herepo
Perapi, decd.
1919.

1. Takurua Tuta	f.18	.1/7
2. Here Tuta	m.14	.1/7
3. Perepe Tuta	m.13	.1/7

Tr: Ngawini Tiahuia Tuta alias
Ngawiri Ngatikawa alias
Pinenga Perapi

Ask for orders in favour of all seven.

Bay of Islands Minute Book Vol.10 Folio 104 : Date: 17th January, 1929.
Place: Russell.

PAGE 104.

TUTA KOMENE alias MATUTAERA KOMENE, DECEASED 1921.

Successors:

Ngawini Tiahuia Tuta	f.a.	.1/7
Te Tuhi Tuta	m.a.	.1/7
Ngapua te Aomarama Tuta	m.a.	.1/7
Mare Tuta	m.a.	.1/7
Takurua Tuta	f.19	.1/7
Here Tuta	m.15	.1/7
Perepe Tuta	m.14	.1/7
Trs: Ngawiri T. Tuta alias Ngawiri Ngatikawa Pinenga Perapi		