

And whereas the Honourable William Herbert Herries, His Majesty's Minister for Native Affairs in this Dominion, has approved of such sitting for the purposes aforesaid:

Accordingly notice is hereby given that a sitting of the Native Appellate Court will be held at Wellington on the 7th day of February, 1919, for the purposes set forth in the premises. All persons interested or claiming to be interested in the said matter are required to appear at the said sitting and to comply with the said Order of the King's Most Excellent Majesty.

Given at Wellington this 27th day of January, 1919.

A. H. MACKAY,
Registrar of the Native Appellate Court
of New Zealand at Wellington.

SCHEDULE.

At the Court at Buckingham Palace, the 8th day of November, 1918.

Present:

THE KING'S MOST EXCELLENT MAJESTY.	
Lord Privy Seal.	Mr. Chancellor of the Duchy of Lancaster.
Lord Steward.	Lancaster.
Lord Somerleyton.	Sir Auckland Geddes.

WHEREAS there was this day read at the Board a report from the Judicial Committee of the Privy Council dated the 22nd day of October, 1918, in the words following, viz.:-

"Whereas by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October, 1909, there was referred unto this Committee a humble petition of Hineiti Rirerire Arani in the matter of an appeal from the Native Appellate Court of New Zealand between the petitioner appellant and the Public Trustee of New Zealand, respondent, setting forth that in 1896 Erueti Arani, a Native Chief residing with his wife, Mariana Pine, at Moawhango, in New Zealand, took into their care and control the petitioner soon after she was born and named her Hineiti Rirerire Arani: That the petitioner's parents were both of the Maori race: That in 1897 Erueti Arani and his wife also took into their care and control a second female infant, whom they named Hurihuri Matilda Arani: That this infant was of European parentage: That on the 11th January, 1900, Erueti Arani applied for and obtained an Order of Adoption under the Adoption of Children Act, 1895, in favour of Hurihuri Matilda Arani: That as to this form of adoption the petitioner submits that proceedings under this Act could have no force or effect as regards succession to Native lands according to Native custom: That in 1900 Erueti Arani and his wife also took into their care and control a brother of the petitioner, and named him Whaitiketike Arani: That his parents were also of the Maori race: That soon after Erueti Arani evinced a desire to adopt another infant, afterwards named Te Oiroa Arani Patare, a daughter of Robert Thompson Batley and Emily Batley, European settlers residing at Moawhango: That in 1901 the Native Land Claims Adjustment and Laws Amendment Act (No. 65L) was passed, by which it was enacted by section 50 that no claim by adoption to the estate of any Native dying after the 31st March, 1902, should be recognized unless such adoption should have been registered in the Native Land Court in accordance with regulations to be made as therein provided: That on the 23rd October, 1903, Erueti Arani and his wife made application for the registration under section 50 of the adoption of each of the three children (1) the petitioner, (2) Hurihuri Matilda Arani, and (3) Whaitiketike Arani, and Erueti Arani himself also at the same time made application for the registration of the adoption of Te Oiroa Arani Patare: That accordingly notices were in respect of the four children gazetted on the 19th November, 1903: That Erueti Arani died on the 21st November, 1907: That up to the date of his death the three children had continued under his care and control: That Te Oiroa Arani Patare remained under the care and control of her own parents, and was never taken into the care and control of the deceased: That in 1908 the Public Trustee applied to the Native Land Court for succession orders in favour of all of the four children in respect of freehold interests of the deceased in certain Native lands: That the Native Land Court on the 30th April, 1908, decided in effect that only the two children—namely, the petitioner and Whaitiketike Arani, both of Maori parentage, were entitled to succeed: That against this decision the Public Trustee appealed to the Native Appellate Court, and that Court on the 8th October, 1908, varied the judgment of the Native Land Court by admitting Hurihuri Matilda Arani, although she was of European parentage: And humbly praying Your Majesty in Council for special leave to appeal from the judgment of the

Native Appellate Court dated the 8th October, 1908, or for such further or other Order as to Your Majesty in Council may seem proper:

"And whereas by virtue of the aforesaid Order in Council there was also referred unto this Committee the matter of a petition of the same petitioner in the matter of an appeal from the Native Appellate Court of New Zealand between the petitioner appellant and the Public Trustee of New Zealand, respondent, setting forth that in 1896 Mariana Pine, a Native woman, the wife of Erueti Arani (along with her husband), took the petitioner into their household soon after she was born: That in 1897 Mariana Pine (along with her husband) took another female child into their household: That her name was Matilda Lindsay, and both her parents were Europeans: That this child was given the name of Hurihuri Matilda Lindsay Arani: That on the 11th January, 1900, Mariana Pine (along with her husband) obtained an order under the Adoption of Children Act (New Zealand), 1895, adopting Hurihuri Matilda Lindsay Arani in terms of that Act: That the petitioner is advised that this Order of Adoption could have no force or effect as regards the right of succession according to Native custom: That by Notice of Adoption dated the 23rd October, 1903, gazetted on the 19th November, 1903, in accordance with the regulations made in that behalf under section 50 of the Native Land Claims Adjustment and Laws Amendment Act (New Zealand), 1901, Mariana Pine notified that she along with her husband had taken the petitioner and Whaitiketike Arani to be their adopted children according to Native custom (*New Zealand Gazette*, 1903, Vol. 2, p. 2439): That the petitioner is advised there could be no adoption 'according to Native custom' in the case of Hurihuri Matilda Lindsay Arani, she being a pure blooded European child: That the petitioner and Hurihuri Matilda Lindsay Arani and Whaitiketike Arani continued under the care and control of Mariana Pine and her husband until his death in 1907, and thereafter under the care and control of Mariana Pine until her death: That Mariana Pine died in 1908, and the respondent was appointed by the Native Land Court as the administrator of her estate: That shortly afterwards, following the decision of the Native Appellate Court in the matter of the lands of Erueti Arani, deceased, as already recited, the respondent obtained succession orders from the Native Land Court in favour of (1) the petitioner, (2) Hurihuri Matilda Lindsay Arani, and (3) Whaitiketike Arani in respect of the lands of the deceased: That one of the next-of-kin of the deceased appealed against these orders: That on the hearing of the appeal the respondent appeared to support the orders, and on the 18th July, 1910, the Appellate Court dismissed the appeal: That the petitioner attained the age of twenty-one years on the 1st October, 1917, and soon after sought legal advice as to the right of herself and Whaitiketike Arani as the two Maori children adopted by the deceased to be her only two successors 'according to Native custom': That after investigation and consideration of the records and facts the petitioner has been advised that the judgment of the Native Appellate Court in confirming the succession orders issued by the Native Land Court by including Hurihuri Matilda Lindsay Arani is bad law: That until recently the petitioner was under the belief that Whaitiketike Arani would attain the age of twenty-one years during June, 1918, when the petitioner and Whaitiketike Arani intended to join in one petition for special leave to appeal against the judgment of the Native Appellate Court of the 18th July, 1910, but now it has been ascertained that Whaitiketike will not attain the age of twenty-one years for about three years: And humbly praying Your Majesty in Council for special leave to appeal against the judgment of the Native Appellate Court dated the 18th July, 1910, or for such further or other order as to your Majesty in Council may seem proper.

"The Lords of the Committee in obedience to His late Majesty's said Order in Council have taken the humble petitions into consideration, and having heard counsel in support thereof their Lordships do this day agree humbly to report to Your Majesty as their opinion (1) that leave ought to be granted to the petitioner to enter and prosecute her appeals against the judgments of the Native Appellate Court of New Zealand respectively dated the 8th day of October, 1908, and the 18th day of July, 1910, upon depositing in the Registry of the Privy Council the sum of £300 as security for costs; (2) that the two appeals ought to be consolidated and heard together upon one printed case on each side; (3) that liberty ought to be granted to the said Hurihuri Matilda Arani and Whaitiketike Arani to intervene in the appeals to lodge printed cases and to appear by counsel at the hearing if they should be so advised; (4) that the matter ought to be referred to the Native Appellate Court in order that that Court may direct advertisements to be published in suitable newspapers within the Dominion of New Zealand for any persons claiming to be the next-of-kin according to the Maori law or custom of Erueti Arani, deceased, and of