

1915.
NEW ZEALAND.

NATIVE LAND CLAIMS ADJUSTMENT ACT, 1913:

REPORT AND RECOMMENDATION ON PETITION No. 172 OF 1911, OF RAKAPA POHIO, PRAYING FOR INCLUSION IN THE ORDER OF THE NATIVE LAND COURT MADE ON THE 20TH MAY, 1887, UNDER THE NATIVE EQUITABLE OWNERS ACT, 1886, IN RESPECT TO TE UPOKO-O-RAKAITAUHEKE BLOCK.

Laid on the Table of the House of Representatives pursuant to Act.

In the Native Land Court of New Zealand.—In the matter of section 2 of the Native Land Claims Adjustment Act, 1913; and in the matter of the petition of Rakapa Pohio.

To the Hon. W. H. Herries, Minister of Native Affairs, Wellington.

I HAVE the honour, pursuant to the above-named Act, to transmit to you the report of the Native Land Court upon the above matter.

I have the honour to recommend that no further action be taken.

Dated this 23rd day of July, 1915.

JACKSON PALMER,
Chief Judge.

In the Native Land Court of New Zealand, South Island District.—In the matter of section 2 of the Native Land Claims Adjustment Act, 1913; and in the matter of the petition of Rakapa Pohio to be included in the list of owners in respect to Te Upoko-o-Rakaitauheke Block.

To the Chief Judge, Native Land Court, Wellington.

THE Native Land Court sitting at Temuka on the 7th and 8th days of January, 1915, and at Wellington on the 15th day of June, 1915, inquired into the merits of the above petition.

It appears that at Judge Fenton's Court in 1868 a list of persons deemed to be entitled to inclusion in the Timaru Native Reserve, then called Te Upoko-o-Rakaitauheke, was drawn up. This list contained some sixty-six names, and amongst them is the name of Rakapa Haimona, who is said to be one and the same person as Rakapa Pohio, the petitioner. In June, 1887, Judge Mackay, under the provisions of the Equitable Owners Act, 1886, settled the list of beneficial owners to the number of fifty-six, and set out the area to which each was entitled. This list does not contain the name of Rakapa Haimona or Pohio, although it contains the name of her sister, Hana Pohio, whose name does not appear in the earlier list. Rakapa at first contended that her father, Horomona Pohio, had a right to be included, and that all the members of his family should have been in the list settled by Judge Mackay, whereas only Hana was included. It appears, however, that Horomona and his family were well provided for in Waimatamate and other blocks, and the Committee that considered and arranged the list for submission to the Court in 1887 went very minutely into details, and when the list came before the Court it was passed *nem. con.*

It certainly at this time of day does not seem clear why Hana Pohio was put in, nor is there any explanation as to why Rakapa, who was included in 1868, through her having been adopted by Haimona te Mairaka, should be left out of the list of 1887. James Rickus, who is the husband of Hana Pohio, and brother-in-law of Rakapa Pohio, was one of the twelve Committeemen who considered the claims for inclusion at the Court in 1887, but he does not seem to be clear as to the reasons that justified the Committee in including his wife and leaving her brothers and sisters out, although he states he tried to get Horomona Pohio included, but the Committee outvoted him. No steps were taken by Rakapa Pohio under section 39 of the Act of 1894, or under section 50 of the Act of 1909.

I have no recommendation to make.

Dated at Wellington, this 15th day of June, 1915.

M. GILFEDDER, Judge.

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