

Hawera, 7th July, 1922.

*Decision of Court.—Report of the Native Land Court (Aotea District) on the Inquiry as to who are the Rightful Successors to Te Kaho (or Raho) in Grant 3749, Okahu Block.*

MR. JOHN MORGAN appeared in support on behalf of petitioners (Petition No. 21 of 1921). Pouwhareumu appeared for the Te Raho family.

The hearing took place at Hawera on the 21st and 22nd June, 1922 (Taranaki M.B. 33, folios 84-88 and 93-99).

The Court reports as follows :—

1. Te Kaho was a man who died about 1879, and left issue (shown M.B. 33, folio 88). He was quite a distinct person from Te Raho, who died in 1914 and also left issue (shown M.B. 21, folio 150).

2. The Court is satisfied that Te Kaho was one of the recognized owners of Okahu while he was alive, and that he received rents up to the time of his death (M.B. 32/85). Pouwhareumu admits this (M.B. 32/98), and says that Te Kaho should have been in the Okahu Block, but was omitted along with many others.

3. The Court file for Okahu grant 3749 contains a copy of the grant, dated 22nd May, 1882, but the copy shows an alteration in the name—either from “Raho” to “Kaho” or from “Kaho” to “Raho”—it is not clear which. An original list of owners, however, in the handwriting of the Clerk to the Court gives the name clearly as “Kaho.” This list must have been written not later than 1887—probably considerably before that.

4. On the Court file there is a succession order for Te Kaho (deceased) dated 6th December, 1887, in favour of “Matuhanga (mother of deceased),” thus strongly indicating that at that date it was known or assumed that Te Kaho was the owner entitled, and not Te Raho.

On the 28th October, 1910, Chief Judge Jackson Palmer wrote across the above order, “As the deceased is still alive, this order is a nullity.” Apparently the Chief Judge was under the impression that the name should have been Te Raho (who was still alive in 1910). There is nothing on record to show upon what evidence the Chief Judge arrived at this conclusion.

The evidence leading up to the order of the 6th December, 1887, is very significant. The following extract is from Taranaki M.B. 4, folio 225 :—

No. 54. “Okahu, or Sec. 20, Blk. I, Hawera: Rangiwhehu claims to succeed Kaho, grant Vol. 8, folio 138, favour of Kaho and others, for 289 acres, Sec. 20, Blk. I, Hawera S.D.

“Rangiwhehu (sworn) said: Kaho is dead—she died in November, 1886. I saw her die. She left no will. I claim for myself alone. Deceased was a daughter of my wife Mutuhanga, who is alive. She is at Okorima. Kaho left no children.

“Objectors challenged. None. The Court orders that Mutuhanga shall succeed Kaho (deceased) in Sec. 20, Blk. I, Hawera S.D.”

It seems clear that Rangiwhehu gave false evidence. Kaho was a man, and not the daughter of Mutuhanga. He died about 1879, and not in 1886. Even if Rangiwhehu thought “Kaho” was a mistake for “Raho,” his evidence would still be false, as Te Raho did not die till 1914, and then left issue.

5. It is not likely that Te Raho would be put into the grant for thirty shares, as she must have been only a baby at the time (if she were even born then, which the Court somewhat doubts), and Rangiwhehu was already in for a very large share. It seems hardly likely that such a prominent owner as Te Kaho should be left out and Te Raho, a baby, included. Moreover, if, as is alleged on behalf of the Te Raho family, Rangiwhehu put Te Raho into the grant, why was it that as early as December, 1887 (M.B. 4/225), Rangiwhehu applied for succession to Te Kaho in this block, well knowing that Te Raho was still alive?

6. The Court, in view of the position as set out above, has no hesitation in arriving at the conclusion that the person originally entitled was Te Kaho, and not Te Raho, and that the proper successors to Te Kaho should have been his issue—i.e., 1/8, Rangitemaha te Kaho, m.a.; 1/8, Whare-mamaku, f.a.; 1/8, Kawhena te Kaho, f.a.; 1/8, Rangihawe te Kaho, m.a.; 1/8, Waiata te Kaho, f.a.; 1/8, Pani te Kaho, f.a.; 1/24, Hapaiteurangi te Wehi, m.a.; 1/24, Mereana te Wehi, f.a.; 1/24, Ritihia te Wehi, f.a.; 1/32, Huriata Tupati, f.a.; 1/32, Mokena Tupati, m.a.; 1/32, Rangiwahakaata Tupati, m.a.; 1/32, Tawhirimatea Tupati, f.a.

7. The Court accordingly recommends, either—

(a.) A clause in this year’s “washing-up” Bill cancelling the succession order *re* Kaho (deceased) dated 6th December, 1887, the Chief Judge’s minute thereon dated 28th October, 1910, and the succession order *re* Te Raho (deceased) dated 4th December, 1914, all *in re* the Okahu grant 3749, and in lieu thereof directing the issue of a succession order for Te Kaho in favour of his issue above mentioned, together with any necessary amendment in the Court records or Native Trustee pay-lists to show that the grantee was Te Kaho and not Te Raho; or

(b.) A direction in this year’s “washing-up” Bill to the Native Land Court to reopen the whole matter and to make such orders or amendments as may be required.”

Dated at Hawera, this 7th day of July, 1922.

F. O. V. ACHESON, Judge.

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