

1922.

NEW ZEALAND.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS
ADJUSTMENT ACT, 1921-22.REPORT AND RECOMMENDATION ON PETITION No. 21/1921, RELATIVE TO IDENTITY OF KAHO,
ONE OF THE GRANTEES OF OKAHU BLOCK.*Presented to Parliament in pursuance of Section 35 of the Native Land Amendment and Native Land
Claims Adjustment Act, 1921-22.*

Native Department, Wellington, 15th September, 1922.

Re Petition No. 21/1921, Grant 3749, Okahu Block.

I FORWARD herewith, in accordance with section 35 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, the report of the Native Land Court herein.

I am not at all convinced that the Court has come to a correct conclusion as to the identity of the person named Raho in the grant, for the following reasons:—

1. The Crown grant unmistakably sets out the name as "Raho."
2. The recommendation for the issue of the grant dated 11th January, 1882, signed by Sir William Fox, also clearly sets out the name as "Raho," and the list of names is initialled "W.F." Out of the eight names on the list four begin with the letter R, three with K, and the remaining name is Pipi. They are plainly written in each case.
3. It is acknowledged Kaho, or Te Kaho, was dead when the grant was recommended. Sir William Fox was not likely to have knowingly placed the name of a dead person in the grant.
4. It is pretty certain that there was a person named Raho who might be the person referred to and who could have been included in the grant.
5. The Court in making the report has acted upon wrong premises—
 - (a.) In treating a list attached to the file manifestly made after and in contradiction of the grant as authoritative.
 - (b.) In finding that Rangiwhehu in 1887 knowingly gave false evidence. There is no occasion to adopt that hypothesis if Rangiwhehu had been informed that the name "Kaho" was in the grant, and his wife had a child of that name over five years old. It is on record that he, as father, succeeded to Rangimahu, who was also in the grant.
 - (c.) In supposing Raho got thirty or any shares by the grant itself, or that Rangiwhehu received eighty shares. The shares were left undefined in the grant.
 - (d.) In assuming Raho was not born or was a baby in 1882. This apparently contradicts the records. When Raho died in 1914, according to the report, he left issue. The four children are all shown as adults. If the youngest was twenty-one years on the 1st April, arithmetical calculation would tend to show the parent was more than a mere infant in 1882.
6. Probably the real explanation is that those who were included in the grant were intended to be trustees for themselves and others. The land is cited as a reserve, and is so referred to in 1880, G.-2 (particularly page 9, question 107 *et seq.*).

For the reasons given I recommend that no legislation be passed for the purpose of settling the identity of the person named "Raho" in the grant.

R. N. JONES, Chief Judge.

Hon. the Native Minister, Wellington.