

1924.  
NEW ZEALAND.

## NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT ACT, 1922.

REPORT AND RECOMMENDATION ON PETITION No. 331 OF 1920, OF TE HAWHE PAKEHA, RELATIVE TO SUCCESSION TO PAKEHA (NOHOTU) IN HINEWHAKI Nos. 2 AND 3 BLOCKS.

*Presented to Parliament in pursuance of Section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922.*

Native Department, Wellington, 7th July, 1924.

*Petition No. 331 of 1920, re Pakeha (Nohotu), deceased.*

PURSUANT to section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, I enclose herewith report of the Native Land Court upon the above petition.

In view of the Court's opinion expressed in the report that the evidence before it was not sufficiently conclusive or reliable to warrant it in believing that the petitioner was Pakeha's child, or even in recommending that the case be reopened, I recommend that no further action in the matter be taken.

R. N. JONES, Chief Judge.

The Hon. the Native Minister, Wellington.

Native Land Court, New Plymouth, 7th May, 1924.

*Re Petition No. 331 of 1920—Hawhe Pakeha, praying for a Rehearing as to Succession to Pakeha Nohotu in Hinewhaki Nos. 2 and 3 Blocks.*

I HAVE the honour to inform you that in accordance with your reference, dated the 4th December, 1922, under section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, the Court, sitting at Wairoa on the 6th February, 1923, and following days, held an inquiry into the subject-matter of the above petition, and as a result I beg to report as follows:—

At a sitting of the Court held at Wairoa on the 27th October, 1886, applications came before it for the appointment of successors to the interest of Pakeha Nohotu (deceased) in Hinewhaki No. 3 and Hinewhaki West (or No. 2) Blocks. It was stated then in the evidence that deceased had left no children and had had no brothers or sisters. The descendants of the brothers and sisters of Hinenui, his grandparent—twenty-one in all—were thereupon appointed his successors without opposition.

The evidence in support of the petition was somewhat conflicting and not in any way convincing. It was asserted that the petitioner, Te Hawhe Pakeha, was the child of the deceased Pakeha Nohotu by a woman called Hinewhakarehua. One witness stated they were not married but were simply "carrying on, as it were," and had never lived together; whilst another asserted that they had lived together at Rereopito for a time as husband and wife, but had separated after Te Hawhe was born. It was also alleged that Hinewhakarehua had had two previous husbands— one a Maori and the other a European. One witness stated Tamarehe was her first husband, whilst another alleged that Tamarehe was her father and Nuhuka her first husband. It was admitted that Te Hawhe had never lived with Pakeha, but had been brought up by Maihi Kaimoana, who subsequently married her; but it was asserted it was generally known that she was Pakeha's child, and that Pakeha had acknowledged her as such at one of the gatherings at Te Uhi.

On behalf of those opposing the petition it was stated that Pakeha was not Te Hawhe's father, but that another man called Tirau was; that Pakeha was never Hinewhakarehua's husband, and that they never lived together at Rereopito or any other place. It was also stated that Hinewhakarehua was a woman of rather loose character, and that she had had at least five husbands, whose names were given. Pakeha's name was not amongst them.

As showing how conflicting the evidence was, the truth of that of Riria Kaihote, which was the strongest in favour of the petitioner, was absolutely denied by her brother, Epeniha Kaihote.

In the opinion of this Court the evidence in support of the petition was not sufficiently conclusive or reliable to warrant it in believing that Te Hawhe was Pakeha's child, or even in recommending that the case be reopened. It seemed to the Court that all the witnesses were too young at the time to have any direct knowledge of the facts they alleged. It was admitted by them that, beyond the short time during which they asserted Pakeha had carried on with Hinewhakarehua, he had never married and had had no other children. One would naturally infer, therefore, that if Te Hawhe had been his daughter he would have been anxious to acknowledge her as such, for no Maori likes to think he will leave no descendants. But it has not been proved, beyond the statement purported to have been made by him at the meeting at Te Uhi, that he ever took any interest in or notice of her, or assisted in her maintenance, or did anything that would show he admitted the child as his. At the time successors were appointed to him, in October, 1886, the people living in the district then and attending the Court would be in possession of all the facts alleged by the petitioner's witnesses, if they were true; and this Court considers, if it had been generally known, as asserted, that Pakeha had left a daughter, some one would have brought the fact under the notice of the Court. It is highly improbable that all the people of the district would have joined in a conspiracy to deprive the petitioner of her rights. And it is also highly improbable, if the petitioner had believed herself to be the daughter of Pakeha, that she would have slept on those rights for thirty-four years, or that her husband, Maihi Kaimoana, would have allowed her to do so.

JAS. W. BROWNE, Judge.

The Chief Judge, Native Land Court, Wellington.

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