

included. It is clear from the 1918 to 1922 proceedings that, as these proceedings were regarded as a continuation of the 1881 investigation, only those persons who were shown to have been born prior to the 1881 investigation were entitled to be included.

In 1918 a list was submitted to the Court by Captain Pitt of those persons to be included as owners under the Taupara claim. The names of Riria Hamana and her half-brother and sister shown above were included in this list as originally drawn up, but Riria's name appears to have been deleted before the list was submitted to the Court.

It appears that when this list was passed as to owners in 1918, no objection was made to the Court as to the exclusion of Riria, but in 1922, when the relative shares were being determined and the lists were being finally passed by the Court, Henare Hamana, the husband of Riria, objected to her exclusion. His objection was, however, disallowed by the Court. We find it difficult to believe that the Court took this course without hearing and considering the objection as is suggested by the petitioners. We are satisfied that the reason for the exclusion was that Riria Hamana was not shown to have been born before the investigation in 1881.

The petitioners endeavoured to prove before this Court that she was born prior to the 1881 proceedings, which commenced on 18th March, 1881, and submitted the following as proof:—

- (1) The fact that Riria was shown as being five years of age in a succession order made on 3rd March, 1886, in respect of Te Amaru, deceased.
- (2) Her marriage certificate dated 27th September, 1898, in which she was shown as being eighteen years of age.
- (3) Evidence of Henare Hamana, her husband, as to her birth.

We consider that the husband's evidence can be dismissed, as he did not even know where his wife was born.

The age stated in the marriage certificate is unreliable as a proof of exact age, particularly in a Maori marriage certificate of those times.

The succession order shows that Riria was approximately five years old on the 3rd March, 1886. Against this is the fact that she was definitely excluded because she was found not to have been born before the proceedings in 1881, whereas her brother and sister, having been born before the proceedings, were admitted. The reason for her exclusion was known to Henare Hamana when he made his objection in 1922.

It is thus apparent that Riria was born about the time of the 1881 sittings, but to be included it was necessary for her to prove that she was born before then. The matter was considered by the general committee in 1918, which was apparently a representative one and one which dealt with the many claims as fairly as it could; that committee determined that the name should be excluded, on the ground that she was not born in time. It was an easier matter to prove the exact time of Riria's birth then than it is now, and it is evident that Henare Hamana failed to satisfy the committee or the Court on the question.

This Court considers that the petitioners have not at any time established that their mother, Riria, was entitled to be included as an owner in Mangatu No. 1 or No. 4, and is of the opinion that the prayer of the petition should not be granted.

For the Court,

D. G. B. MORISON, Chief Judge.
IVOR PRICHARD, Judge.

To the Chief Judge, Maori Land Court, Wellington.

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