

On the 18th of the same month (April), Nakora, Te Onetu, Ngaota, Tekenui, and Patohe applied to succeed to the interests of Hone Pihama in Mangamingi No. 1 (see *Kahiti* No. 21, of the 8th May, 1890, page 87), and on the 24th idem Ratoia, Ngaruru, Komako, and Poki lodged an application to succeed to the interests of Kaiti in the same land. (The date of Kaiti's death is given in the application as April, 1887, but there is nothing on the files, nor in any of the Court records, to show how Kaiti acquired his interests in this land.)

The application by Nakora, Te Onetu, and the others appears to have been dealt with by Judge Puckey at a sitting of the Native Land Court at Hawera on the 13th June, 1890 (M.B. 5/70), when the respondents were appointed successors to Hone Pihama. (The Court-minutes on the case give no information as to the reason why Pihama's daughters are excluded from the order, and the names of relatives, some of them remote, substituted in their stead.)

On the 24th March, 1899, Te Onetu Pihama, on behalf of herself and her two sisters, applied to the Chief Judge of the Native Land Court to have inquiries made into their claims, as they considered that, as next-of-kin to deceased, they, and not the respondents, were entitled to the land. The matter was referred to the Native Land Court for inquiry and report under section 39 of the Native Land Court Act, 1894, and Te Onetu's application was heard by Judge Mair at Hawera on the 18th April, 1899. Mr. Welsh appeared for the applicant, while Ngawini Karoro, one of the respondents, was present to oppose the application. After taking evidence, Judge Mair reported that no explanation had ever been made in regard to the omission of the daughters, and that as no objection was offered to the amendment of the order, which seemed to have been made in error, it appeared to him that the names of the three daughters of Hone Pihama should be substituted for the five names in the order.

The application, however, was dismissed by the Chief Judge, but it was seemingly not until 1910, when searching the title, that Pihama's daughters became aware of this fact, as they were under the impression that Judge Mair's report settled the matter in their favour. Finding that the order of 1890 had never been cancelled, and that it was still in existence, the daughters applied to the Chief Judge, under section 50 of the Native Land Act, 1909, to have the question referred to the Appellate Court, but the Chief Judge replied that nothing could be done, as the order was protected by the Land Titles Protection Act, 1908, and by section 432 of the Native Land Act, 1909.

Rangitaniwha Pihama thereupon petitioned Parliament, with the result that the claim, *inter alia*, was provided for by section 28 of the Native Land Claims Adjustment Act, 1910, which gave the necessary authority to have the matter inquired into and reported upon by the Native Land Court or by any Judge thereof.

In the recent inquiry Mr. Marshall contended that the minutes taken at the original investigation of Mangamingi Block were a correct statement of what took place at the hearing, that they showed that the claimants agreed to Hone Pihama's request to have the 100 acres cut off for himself and his children, and that it was left to the Court to cut off the quantity of land asked for. He argued that, had there been any trust, the order in favour of Pihama would have said so. None of Pihama's daughters were present at the bearing before Judge Puckey in 1890, and the minutes of the Court on that occasion are silent as to the reason for their exclusion from the order. Being followers of Te Whiti, they left matters in the hands of their uncle Patohe, who managed their affairs, to do whatever he considered right and proper in their interests; but they strongly deny that they had ever agreed or consented to give up their just rights in the land, and it was not until 1899 that they discovered they had been left out of the title and the land awarded to others. After the inquiry by Judge Mair in 1899 they were under the impression that their names were, in accordance with the Judge's recommendation, substituted for these in the order, and acting on his belief Tekenui, through her solicitor, Mr. Barton, of Hawera, lodged an application for a partition order in 1904. (There appears to be no record of what became of this application.) Moreover, Tekenui instructed a Native named Muranui to proceed to Mangamingi for the purpose of felling bush, and repairing boundary-fences to keep out trespassing stock belonging to European neighbours. A temporary building was also erected on the land, and during the season that Muranui was residing there he made certain cultivations thereon. Muranui's temporary residence was confirmed by William Edwards, who saw him on the land.

Mr. W. H. Skinner, Chief Draughtsman of the Lands and Survey Office, New Plymouth, testified to the high standing, character, and probity of Pihama, with whom he was intimately acquainted. He knew officially of the Mangamingi Block, both Nos. 1 and 2, and he always understood that No. 1 was Pihama's land, and he never heard of it being otherwise. His impression was that Pihama wished to retain it for himself and his family, and he was quite certain that if Hone Pihama had been merely holding the land in trust for other people he would not have kept it for himself and his children.

Mrs. Matthieson, custodian of the Native Hostel at New Plymouth, and a relative of Hone Pihama, stated that the latter had informed her that he had "100 acres cut off for himself and children"—meaning by that expression his "daughters," and not Tama Ohungia, Kaiti, and Kao, for whom the respondents claim the land was intended. In the Pukengahu case an attempt was made by Marokopa, Te Whareaitu, and Patohe to get into that block, but principally owing to Mrs. Matthieson's efforts an order was made in favour of Hone Pihama's three daughters. It may here be mentioned that the records show that the applicants in the Pukengahu Block were the same applicants as those in Mangamingi No. 1. (See *Kahiti* No. 21, of the 8th May, 1890, page 87, file Wh. 90/478.)

It has already been stated that the daughters assert that they have never taken part in land matters before the Native Land Courts, and they strongly deny statements made to the contrary by other people. On perusing the files in connection with Mangamingi No. 1 and Pukengahu it will be seen that in the applications for succession to Hone Pihama the names of