

Te Onetu and Tekenui were appended thereto. The Court records prove that Te Onetu is unable to write, and it was mentioned at the inquiry that neither of her sisters could write. In the application for Mangamingi No. 1 the signatures are stated to be as shown on Wh. 90/478, and a perusal of this file discloses the fact that only one person (Nakora) has appended his signature, the names of Te Onetu, Ngaota, Tekenui, and Patohe having apparently been written in by direction of Nakora, who was an uncle of the Pihama girls. Hence it would be seen that the statements made on behalf of the respondents, that the daughters gave their consent, may have possibly arisen through their names appearing in the said applications.

Mr. O'Dea, on behalf of the respondents, contended that prior to the investigation of the title to Mangamingi an arrangement was come to at a meeting held at Taiporohenui, at which Hone Pihama, Tito Hanataua, Ratoia, Pito Tuata, Te Uerangi, Rangohurumanu, Te Kau, and Patohe were present; that, as a result of that conference, Pihama was empowered to act for Tama Ohungia, Kaiti, and Kao, who were followers of Te Whiti and Tohu at Parihaka, and that he (Pihama) was instructed to ask the Court to have 100 acres of land set aside for the special benefit of these three persons. Instead, however, of carrying out those instructions, he applied to have the land given to himself and children. Ratoia, one of the only two surviving members of that conference, gave the following reason for the decision arrived at: He said that Tama Ohungia, Kaiti, and Kao were owners in the Mangamingi Block, and that they were entitled to have their names inserted in the title, but, as the block was sold to the Government, these three desired to have land instead of money. Hence the other owners at the conference decided that 100 acres should be severed from the block and set apart for the use of Tama Ohungia, Kaiti, and Kao. If this be the truth, the question naturally suggests itself as to why Tito Hanataua, who was present at the meeting, and who also appeared for the claimants at the investigation of title, did not object in Court when Hone Pihama requested the land to be set aside for himself and "children." These three persons were of the same generation as Pihama, and consequently could not, by the widest stretch of imagination, even to the Maori mind, be included in the term "children." There is another question that requires an answer, and that is, if the 100 acres was meant for Tama Ohungia and the others, why was it that Hone Pihama did not get a share in the No. 2 Block, seeing that his brother Patohe was included therein? The story told to the Court on behalf of the respondents is as follows: "Patohe and Pihama had entered into an arrangement whereby Patohe was to succeed to the lands of his father, and Hone Pihama into those of his mother, and that as Mangamingi came from the father it was only in accordance with the arrangement between the two brothers that Pihama's name did not appear in the title."

This reasoning is a very specious one, but, unfortunately for those who advanced it, no strong evidence was adduced in support of the claim. It was shown that Ngatitanewai came from the mother, and yet in spite of this fact it was found that Patohe was in the grant and Pihama absent therefrom. Besides, such an arrangement was never heard of by Pihama's nearest relatives, and, as the various titles do not confirm the statement, I am unable to accept the existence of any such agreement. Under the circumstances, therefore, the cause for the exclusion of Pihama from Mangamingi cannot be admitted.

Now as to Ratoia's evidence: He was very clear about the meeting at Taiporohenui, and also as to what took place on that occasion. If, then, his mind is certain about these things, it should also be as reasonably certain concerning the events which took place at or about that same period. For instance, under cross-examination he stated that he "wasn't in Court when the case was heard in 1880, before Judge Puckey (Judge Heapy)—i.e., at the investigation of title. He was away in Patea when the case was heard, and was not aware of what was going on." Now, strange to say, the investigation in 1880 actually took place in Patea. So that if his statement is correct he had every opportunity of being present in Court. The probability is that he was referring to Judge Puckey's Court in 1890 at Hawera, and it is just possible that there may be something in Mr. Marshall's suggestion that the meeting mentioned by Ratoia and by Rangitupoki really took place some little time before the Court of 1890, and not before the Court of 1880. Again, Ratoia informed the Court that Tama Ohungia, Kaiti, and Kao wanted land instead of money, which the other owners were to receive for their shares in No. 2. If that was his opinion, it surely was not shared by some of those whom he mentions as being present at the meeting at Taiporohenui, because Rangitupoki and Patohe applied for a partition of Mangamingi No. 2 in 1889, nine years after the title was investigated. It may here be remarked that a perusal of the file of papers (N.P. 161) shows that these were not the only owners who applied to have the land subdivided. A further reference by him was his statement that "if Pihama had insisted on getting 400 acres there would have been no reservation of the 100 acres." Presumably he meant that if Pihama had got his share in No. 2 the land known as Mangamingi No. 1 would never have been set apart. If that is his line of reasoning, where then would Tama Ohungia, Kaiti, and Kao have come in? Ratoia also says that the land was never known as Hone Pihama's land. This clearly is in conflict with the original plan produced at the investigation of title on the 16th July, 1880, on which was printed the words "For Hone Pihama," which Mr. Skinner assured the Court must, in accordance with the office practice, have been placed there by the Surveyor himself.

Marokopa mentioned that after the tangi held over Pihama the widow and daughters went to Ngatiki to ascertain why he and Patohe did not attend the tangi. The daughters deny this; but, apart from that, it would seem very strange that the brother and nephew of the deceased would absent themselves from such an important function. It was certainly not in accordance with Maori custom. This witness admitted that during Judge Mair's Court in 1899 he and his party asked Tekenui Pihama to allow their names to be included in the order with those of himself and sisters, that the matter was discussed outside the Court, and it was for that reason he raised no objections to the amendment of Judge Puckey's order. Even admitting that the