

The *whakapapa* from Huru to Parata Tahatika is admitted, but that of Marara is strongly denied. It was given before me by Tua Hotene, who admitted that he did not give it on any previous occasion in the Au-o-Waikato-Maungatapu proceedings because, he says, there was no dispute about it. But he gave very full *whakapapa* in his evidence in 1898, tracing out the Parata family and others from Huru, but does not mention the line of Marara, or give Ponganui as a child of Te Kapua. It will be noticed that this *whakapapa* differs materially from that given for Marara in the petition to Parliament. I cannot find any reference to the persons in this line in the evidence of the several hearings, and Tua Hotene deposed before me that Kaitiraha, a woman, married into N'Kopirimaui, a hapu of Te Aroha district. I conclude from all the circumstances that even if the *whakapapa* be correct no right could be claimed under it, and that Marara lived on the land only because she married Parata Tahatika.

It is fully admitted that Parata lived on Maungatapu D Block at Kaiatemata in common with the other descendants of Heihei, whose kainga it is said to have been originally. The evidence of the different hearings goes to show that Hoani te Heihei was the most prominent of the family, and he was one of the original grantees; but Parata also lived there. It is clear, therefore, that his right must have been the same as that of his full brother, Te Riaki Tahatika, and his half-brother, Te Hauiti Tahatika, and that between them they should have the same interest as the family of Hoani te Heihei. Ancestral descent and occupation being thus established, I put it to the owners' conductors whether they justified the exclusion of Parata's family by the Royal Commission in 1902 after they had been included by the Native Land Court and Native Appellate Court without any apparent objection, or whether the exclusion was by mistake or fraudulent design. The answer was that they contended the exclusion was justified, and was done designedly for good and sufficient reason. They further contended that the Parata family were represented before the Commission, and acquiesced in what was done. As to this I could obtain little definite information. Tua Hotene, who gave evidence before me for Paratas, and who seems to have always acted as leader of their party throughout all the proceedings in connection with Maungatapu and Au-o-Waikato, stated that he did not know whether any of the Parata family appeared before the Royal Commission or not, or whether any of them were in attendance at the proceedings. Teni Tuhakaraina, on the other hand, swore positively that he met and conversed with Punia Parata there, and invited her to join his section of the owners, but she replied she would adhere to Tua Hotene as at previous hearings.

It is on record that Mr. J. M. Fraser represented Hoani te Heihei before the Commission, and Tua Hotene says that Mr. Fraser also represented Te Riaki Tahatika. Teni Tuhakaraina was one of the leaders of this party. It certainly seems that the Parata family would be regarded as associated with Tua Hotene. Yet it is Mr. J. M. Fraser who strikes out the name of Parata from his list (page 68 of Minutes of Chairman of Royal Commission).

Pepene Eketone, who represented Tua Hotene and party, agreed to strike out Rihiaia Parata's name (same page 68) apparently on the ground that she was not born in 1867, when title was first investigated. That might have been all right provided Parata's own name was included. He did not die till 1893. Tua Hotene states that he did not know of or agree to the exclusion of the Paratas. It will plainly appear later in my report why Mr. Fraser's section would instruct him to drop Parata's name, but it seems from Teni Tuhakaraina's own evidence that Fraser did not really represent them, and that Pepene did, in the general way common enough in the Courts, of acting for a whole party, but directly instructed only by certain leaders. I am of opinion, however, that though they may have been thus far represented, and some of them may even have been present at times during the proceedings, they could not have understood or acquiesced in their exclusion. It seems to me that they left everything to Tua Hotene and the professional conductor, and were omitted through misunderstanding or by design. The possibility of inadvertent exclusion seems to be excluded by the notes on page 68 referred to.

The minutes do not disclose any reason for leaving out Parata's name. But it was contended before me by Mr. McDavitt and Teni Tuhakaraina that Parata was left out because he had become one of the owners of Kiwitahi No. 1 Block, of 3,119 acres, subsequently sold; that Kiwitahi was originally part of the same land as Maungatapu, held under the same *take*; that Parata had thereby exhausted his rights, and was properly left out by the Commission. Te Riaki Tahatika, Te Reo Hoani, and others of the Heihei family were not included in Kiwitahi No. 1. The question of whether the boundary of the gift to the children of Werewere, which was the *take* of Maungatapu, included Kiwitahi No. 1 has been in dispute throughout between Teni Tuhakaraina's party and that of Tua Hotene. It appears to me that Kiwitahi No. 1 was awarded by the Court under the ancestor Tukokopu, and not under this gift. The parties are closely connected. Hopukanga, a descendant of Tukokopu, married Pare, a daughter of Werewere. Kiwitahi No. 1 went through without a contest, but no claim was made under gift to Werewere's children. It was claimed for and awarded to Ngatipehi Hapu of N'Haua, and not to N'Werewere. In any event Te Riaki, Hoani te Heihei, and others of the family could all claim as N'Pehi. It has to be remembered that Kiwitahi was investigated in 1868; the title is not under the 17th section of 1867. There are only six owners; they were obviously representatives. Parata, presumably, represented the whole family. Whether they participated in the proceeds of the alienation or not there is no evidence to show. Neither Te Riaki nor Te Reo Hoani was called on this point. If it was ever agreed or generally understood that Parata's rights were exhausted by the award in Kiwitahi No. 1, how comes it that his family were included, without any protest or objection, by the Native Land Court in 1898, after the names had been settled by a Maori committee of elders interested, and that the Appellate Court not only retained their names but increased the award to them? It was asserted by Teni Tuhakaraina that others besides Parata were excluded from Maungatapu because they were owners in Kiwitahi No. 1, and he