

Again, Tawhanga Eruera's whakapapas given on the 17th February, 1909 (M.B. 15/345), and on the 2nd June, 1919 (M.B. 28/127), do not by any means agree with the whakapapa agreed to by him on succession to Ngairo (deceased): See M.B. 9, folio 137; date, 1st February, 1905. In the latter, Taimoana is shown as the father of Te Tupe and Te Irohau, whereas in M.B. 15/345 and in M.B. 28/127 he is shown as the brother of Te Tupe and Waikauri. If Tawhanga's whakapapas of the 17th February, 1909, and 2nd June, 1919, are correct, then the issue of Taimoana (the Rawiri family) and the issue of Waikauri (*i.e.*, Kura Tautohe) were wrongly left out of the succession to Ngairo (M.B. 9, folio 317). Moreover, Tawhanga's whakapapas do not agree with the whakapapa given by Tuiti Kahutopa on the 10th November, 1887 (M.B. 4, folio 157), in case of succession to Pinarepe in Ngatirahiri 6 and 14. If Tuiti's whakapapa is correct, then Tawhanga Eruera is by no means the sole next-of-kin on the side through which he claims. The fact that Tuiti Kahutopa, the husband of Pinarepe Tuiti, stated (M.B. 4/157) that Nikoria was the aunt and Wi Ruka the uncle of Pinarepe shows that Wi Ruka was either the brother or first cousin of Nikoria, and a close relative to Tarete, the father of Pinarepe, and of numerous other prominent persons mentioned in the whakapapas.

Again, on Eruera Patara's whakapapa shown in Judge Ward's M.B. 32, folio 49, Tawhanga was not entitled to claim that he was the sole next-of-kin on the side of the mother of Wi Ruka te Tupe. The omission of the name Te Hou (as a sister of Aperahama) by both Eruera Patara (M.B. 32/49) and Tuiti Kahutopa (M.B. 157), and the other discrepancies above referred to, cause the Court to have grave doubts as to the reliability of Tawhanga Eruera's whakapapas. The Court doubts if the other whakapapas can be relied on either.

*Conclusion.*—The Court reports as follows:—

1. Miri Arapata died intestate, December, 1918, leaving brothers and sisters but no issue of her own.

2. She obtained the whole of her interest (140 shares) in Ngatirahiri 6 and 14 by succession to Wi Ruka te Tupe (22nd August, 1910) as the legally adopted child of Wi Ruka.

3. In the absence of issue of her body, these shares should go back to Wi Ruka—or, rather, as Wi Ruka left no issue, to the source from which Wi Ruka got the shares.

4. The Court is satisfied that Wi Ruka te Tupe obtained these shares solely through Ngairo and Nekoria, who were both original owners under the Crown grant. Despite the evidence in M.B. 9, folio 317, referred to above, the Court is not yet satisfied that Wi Ruka obtained these interests solely through his father Te Tupe, or that Te Tupe was the sole nearest of kin to Ngairo and Nekoria. The Court does not consider that the right to succeed to Ngairo and Nekoria was sufficiently investigated in this block.

5. The various parties consented to the arrangement before the Court on the 13th October, 1919, whereby Tawhanga and his half-sister received Miri Arapata's interest in Ngatirahiri 6 and 14 (see M.B. 28/339), but it is possible that some of the parties were not sufficiently conversant with the old whakapapas given in the Court minutes.

6. In the event of the parties not being considered to be absolutely bound by their agreement, the Court recommends that the succession to Miri Arapata in Ngatirahiri 6 and 14, and also in the other two blocks affected by the agreement—*i.e.*, Ngatirahiri 5A 2 and Tikorangi grant 4020—be referred back to the Native Land Court for inquiry as to who are the next-of-kin of Ngairo and Nekoria, and for the making of fresh orders (as to Ngatirahiri 6 and 14, at any rate) in favour of those persons who may be found by the Court to be the sole next-of-kin of Ngairo and Nekoria.

7. Some inquiry seems essential as to whether in any event, even if the petitioner does not succeed, Tawhanga Eruera is entitled to be regarded as the sole next-of-kin under the claim put forward by him.

References to minutes: M.B. 4/156–7; M.B. 6/84; M.B. 9/317; M.B. 15/95 and 343–5; M.B. 17/120; M.B. 18/155; M.B. 28/125, 339, 340; Judge Ward's M.B. 32/49.

3rd October, 1922.

F. O. V. ACHESON, Judge.

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