

This evidence was given in 1908, and is clearly wrong, because Tepuretu says the Mataiapos joined Pini. Pini lived in heathen times when there were no churches.

3. Pori was the son of Tinirau (who died in 1826), and to him descended the Makea Ariki title. Pori's first wife was Takau, of the Karika family, and the issue were—Davida (died 1845); Te-vaerua (died 1857); Daniela (died 14th December, 1866); Apera (died 24th September, 1871); Enuu.

Tepuretu states that Pori's wife was named Poro-iti, and also that Daniela was senior to Te-vaerua. He appears to be wrong on both these points: See the evidence of Pori, grandson of Daniela, given before Judge MacCormick in 1912, in the case of Vaimutu Uri 81, Avarua (Minute-book 5, at page 193), in which he shows that Takau was the wife of Pori and the mother of the child named Te-vaerua, who was the second-born. This evidence will be again referred to in paragraph 6.

The statement signed by Makea Takau on Resident Commissioner's file 323 states also that Pori's wife was Upoko Takau, the daughter of Makea Takau (Karika).

4. The title of Makea passed from Pori (who died in October, 1839) to his son Davida, and from him to Te-vaerua, and from Te-vaerua to Daniela (on 3rd August, 1857), from Daniela to Apera (in 1866), and after Apera's death to Makea Takau (Queen Makea, the daughter of Davida). The evidence shows that Daniela left no will. (Note: The dates of death in the foregoing paragraph are from the headstones on the various graves.)

5. It will be seen that Enuu, the fifth child, did not hold the title. It appears to be common ground that he was adopted into the family of Vakapora.

6. It was set up by Tinirau that Daniela was the share of his mother Takau, and that he went over to the Karika side, losing for himself and his descendants any rights under Makea-nui.

It is established that Daniela held (or was custodian of) the Karika Ariki title, and that whilst holding that title he became Makea-nui, giving the Karika title over to Pa Ariki. Daniela held the Makea title till his death. The evidence of Tinirau's side is to the effect that Daniela became the Makea-nui because of a wish expressed by his mother, Takau, that all her sons should in turn enjoy that title.

It appears that Pori had two wives when the missionaries arrived here, and because of Christian teachings he decided to divorce or discard one of them. He put Takau aside, keeping his second wife; and, if the evidence is true, Takau, as some compensation, requested that all her children should in turn hold the title of Makea-nui.

The evidence of Pori (Minute-book 5, page 193) states that when the missionary, Mr. Buzzacott, came here Makea Pori had two wives, and that he was required to divorce one. The evidence proceeds:—

So he sent Takau away and kept Kopu. Takau took all her children and effects back to her father's house. She placed her son Daniela in the position of Karika Ariki. Takau's brother married, and his son was Pa Tuaiva, whose son was Tavake, whose daughter is the present Karika Takau. Daniela was in charge of the title of Ariki for some time, and then Te-vaerua Ariki died, and so Daniela went back and took the other Makea Ariki title, and gave the title of Karika Ariki to Pa Tuaiva. When Daniela went back to be Makea-nui the Karika elders gave Ngorio, his son, shares in the Karika lands, and appointed him a rangatira under Karika family. And these lands have descended to me. This land (Vaimutu Uri) is part of these lands. The lands given were those of Te Pou, son of Makea Keu, who died without issue. The lands and title passed to Karika, and the elders gave them both to Ngorio, who thus became Te Pou.

This is the evidence of Pori, the grandfather of the present claimant, Ngorio, and it must have an important bearing on the questions to be decided.

Ngorio's side has been unable to supply the Court with any evidence as to any family land derived or held by his family from the Makea-nui side. Daniela, of course, held the Ariki land by virtue of his office, and he in due course passed them on to the next Ariki. The title and lands held by Tui will be referred to later. The fact that since the time of Daniela his family have not eaten of the Makea-nui lands is very strong evidence that Daniela's family definitely went over to Karika's side, and this was pointed out to Tepuretu several days ago, but he is apparently unable to supply the Court with any evidence on this point which will assist his side.

Anautoa, a leading rangatira of Karika, states that Daniela's family definitely left Makea-nui altogether, and that they are under Karika and holding Karika lands.

7. Makea Takau held office as Ariki for forty years. She died on the 1st May, 1911, leaving a will dated 26th April, 1911, by which she gave her title of Ariki to Rangi Makea, the son of Apera. This will is attached to the Resident Commissioner's file No. 323.

On the 5th April (prior to the making of her will) she sent for the Resident Commissioner, Captain J. Eman Smith, in order to express her wishes regarding the Makea title. On the Resident Commissioner's file above mentioned is the statement, signed by herself, and witnessed by the Resident Commissioner and his Private Secretary, Mr. Twiss. Mr. Savage was present as interpreter. The following is an extract from Makea Takau's written statement:—

I desire to tell the Resident Commissioner my wishes regarding the title of Ariki. I feel that I am sinking, and want to express my wishes to you, the representative of my King. Two of my family are left now— myself and Rangi Makea. If I die I wish Rangi Makea, my cousin, to succeed me. I want you, Captain Smith, to know this and carry out my wishes in this matter.

She then went on to express her wishes in regard to certain lands and property, and some of these are covered by her will.

It is significant that no mention was made by her of Pori, the grandson of Makea Daniela, who was then alive, nor of any other member of that family. She said, "Two of my family are left now," thus expressly passing over Daniela's descendants.

It was stated by Tepuretu (Minute-book 9, page 290) that not very long before her death Makea Takau expressed the wish that on her death the Ariki title should go to Pori, and that Pori declined, as he was then a pastor. If this is correct it is strange that Makea Takau made no mention of Pori