

brought back into the family by Makea Takau. Tui could possibly have set up a strong claim to the Makea-nui title on the death of Rangi Makea, but the fact remains that he signed a consent to the title going to Tinirau. The Court does not hold that the mere holding of a rangatira title under one Ariki precludes that holder from being a successful applicant for another Ariki title. Tinirau is a rangatira under Tinomana on his mother's side. Had it been shown that he had gone over to that side of the family in the same way as Ngoroio's side went over to Karika, he would have forfeited any claim to the Makea-nui title. The whole crux of the question is whether the party concerned has definitely gone over to another family—that is, adopted into that family.

For the reasons above given, and considering all the evidence in this case, the Court is of the opinion that Ngoroio is precluded from holding the Makea-nui title. It will not, however, go so far as to say that it will be impossible in the future for any descendants of Daniela to hold that Makea-nui title. That would depend upon whether such descendant is definitely brought back into the Makea-nui family with the consent and approval of the members thereof.

There are other facts in favour of Tinirau which may be mentioned :—

(a.) He has shown, and his genealogy is not disputed, that he is descended from Makea Pini through the first-born of Pini's children. He has traced directly from Takau, the daughter of Pini. The Makea-nui line is from Tinirau, the second-born of Makea Pini.

(b.) In dealing with the question of succession to the Tinomana title Colonel Gudgeon, Chief Judge of the Native Land Court and Resident Commissioner, stated that although Tinirau should be the Tinomana, yet he was held back because "he was a promising young man, and would some day be the Makea." These words are in Colonel Gudgeon's own handwriting.

(c.) Makea Takau, who reigned forty years, and was a just Ariki, assumed that some day Tinirau would come into the Makea-nui title. From the fact that she did not mention Pori, but said that Rangi Makea was the only other one of the family left, it may be assumed that she intentionally passed over Pori, no doubt for the reason that she considered he was under the Karika family, holding the rangatira title of Tepou.

The Court has fully considered not only all the facts above set out, but also all the evidence at the hearing of this case, and all minutes in the Native Land Court books, and all records and writings which have a bearing on the matter at issue, and has come to the conclusion that the dispute before the Court should be settled in favour of Tinirau.

The judgment of the Court is that an order issue determining and declaring Tinirau to be the person lawfully entitled to hold the title or office of Makea-nui Ariki.

The question of making succession orders to the Ariki lands will be considered in due course.

29th September, 1923.

H. F. AYSON, Chief Judge.

*Approximate Cost of Paper.*—Preparation, not given; printing (475 copies), £22 10s.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1924.

*Price 9d.]*