

*Examined by Rapata Katete.*] The people whom I included in the list paid me money, but I understood it was for payment of the survey charges. I am aware that these people were appointed successors. I included them out of *aroha*. I shared equally with them—that was my wish. If any of these successors die and leave issue I shall not ask for orders. I only ask to succeed where no children are left. I did not ask for the interest of Ngaro Petera when he died. I did not want it. If I had wanted it I should have asked for it. I asked for successors to be appointed to Pauro (deceased). I put in three names—my daughter, my sister, and an outsider—a woman. An order was made.

*Examined by Court.*] The quarrel between Parore and Paikea happened when I was a lad about twelve. I remember many canoes (six) going to that fight—war-canoes. Seventy fighting-men in each canoe—some with more. The canoe was so big that I could not see over the sides. The canoes went eight miles. The dispute was settled without fighting. My father was in command of that expedition. He was their principal man. Some time after the dispute Parore made a gift of this Opanaki 2k 1 to my father. In Parore's whare Parore explained to his grandchildren why he was giving this land away. I was a married man at that time. I was there. Mikaera had died by then. Parore said to me, "I made a gift of this land to your father, but as your father is dead I make a gift of this land to you." I cannot say if any ceremony was held when the gift was made to my father. The gift was made to me in the presence of Parore's grandchildren, one of whom (Pouaka) is still alive, and lives at Dargaville. I claim that this is a gift to my father (or to me) in old Maori custom, for services rendered. Mikaera Urututu left no issue. No will.

MR. WEBSTER: No other witnesses.

RAPATA KATETE (sworn): I am opposing this application. I represent Hipiriona Topia or Titaha, one of the present successors. He is present in Court. The present successors claim to be entitled to succeed through the *take* of money. Because the twenty-two other successors contributed money, Wiremu Rikihana included them in the list. I was present in Court, and heard it stated that all the twenty-three successors were to share equally, even if any of them had only subscribed 10s. The succession order was in favour of the twenty-three in equal shares. Some of the twenty-three have died, and succession orders have been made to their next-of-kin, and some of the subdivisions of this block have been alienated and sold to Europeans. Therefore I do not approve of Wiremu Rikihana's application. If he had been able to stop the alienation of this land by any of the successors I would not have said anything here to-day. I ask the Court to read my evidence before the Appellate Court.

*Examined by Mr. Webster.*] I did not set up my claim as "money" in the first Court. My claim then was through the *tupuna*. In Kaipara Minute-book 13, folios 38 and 39 (date 3/9/1912), I said that Hipiriona had no claim through a *tupuna*, but I was ignorant of the facts then. I explained, however, that Hipiriona was put into title on account of his whare on the land. The statement in Kaipara Minute-book 12/157, of 15/10/1910, is correct. I was there. The land dealt with then is a portion of Opanaki 2k. I agree with the statement that it was Rikihana who admitted the people through *aroha* and money. I did not say "money" then (in 1910)—I said "*aroha*." I object to Mikaera's interest going to Wiremu. We admit Wiremu Rikihana's claim to the hotel-site, but we object to his claim away from the hotel.

*Examined by Court.*] Mikaera's piece is a defined area of 8 acres odd, cut out of Opanaki 2k for himself alone. The source of Mikaera's interest was in Rikihana, but it was for money. The money was the *utu* for the *aroha*. I cannot say how much the money was. I think it was £5, but I cannot say. A man named Pehi Noho subscribed 10s. to be included in the title, and he received 8 acres for his payment; 10s. was hard cash, and the balance for his 8 acres was *aroha*. A man would not make a gift of land and also pay the survey charges. He would expect all the people to pay. In this case I think the twenty-three people all paid for the survey charges. I admit that Wiremu Rikihana's father led the expedition to the assistance of Parore. I admit that Parore made a gift of this land to Wiremu Rikihana's father. I don't admit that Wiremu Rikihana is entitled, but I will leave the matter in the hands of the Court. Pouaka Parore should be here to give evidence. He would know all the facts.

COURT.—Court quotes evidence of Pouaka Parore from Minute-book 12 (Kaipara), folio 291, which shows that Pouaka admitted that Rikihana was entitled solely to Mikaera's interest.

RAPATA KATETE: I cannot understand why the Appellate Court made its order then in favour of my client. He has a whare on this land. I will call—

PAIWIKO ANANIA (sworn): I know why certain people were put into Opanaki 2k. The books show the position. They were put into the block because of a certain fight. Parore showed *aroha* for Rikihana and the people. The interest of Mikaera should go back to Rikihana and the people. I don't know what money the people subscribed.

*Examined by Mr. Webster.*] I cannot say if the people subscribed to the payment of the survey. I was born in 1881. I don't know whether the survey was paid or not.

MR. HENRY LEEF: I rely on the records of the Court in this matter. I was to act for Hipiriona, but cannot call any fresh evidence.

COURT: Decision reserved—Court will need to go through all the Court references.

COURT: Court references examined, and Court will report in favour of Wiremu Rikihana's claim (see folios 332/34).

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