

To Mr. Mitchell.] I am an adopted child of Hemaima Takirere. Her kaingas were at Gisborne and Whakaki. I do not remember the investigation. I was twelve years old then. When I was a baby my adopting parent took me to Whakaki to live. I still live at Whakaki. Te Paea Iho had no interests at Te Whakaki. Te Rauna was adopted by Hariata Puaha as a baby. Hariata brought her up at Whakaki.

Examined by Mr. McGregor.] I made a mistake in saying I was born in 1866; the correct year was 1856. Te Paea Iho II was born on 5th February, 1865.

To Court.] Te Rauna Hape was born a fairly long time after Te Paea Iho II. I do not know whether or not he was born before the title. I do not know much about him. I do not know how big he was when I first saw him. I was living at Gisborne.

Note.—Witness gave his evidence in a rather unsatisfactory manner. He seems to have very little knowledge appertaining to the matters to which he was referred.

Mr. MCGREGOR: I wish to call a witness in support of this list.

COURT: As this is a special inquiry, no objection will be raised, although the procedure is unusual.

TE RAUNA HAPE (sworn): My mother died in 1870. I think I was born in 1867. I was running about when she died.

To Court.] I have never lived on this land, nor has Peta Tiakiwai.

List 2.

Whakapapa read; not challenged.

WEPIHA KARAITIANA: I will call evidence.

TAARE METE (sworn): All of the issue of Pau for whom admission is claimed were alive in 1868. They had a right by ancestry and occupation. I first knew these people in 1865. That was the year in which fighting-pas were erected in this district for protection against the Hauhaus. Te Uhi Pa was rebuilt in that year. I then saw who were living at Te Uhi. Tiopira Kaukau and Ropitini te Rito were the chiefs of the Kihitu Pa, on Ngamotu Block. They and their descendants never lived at Hinewhaki at any time. The hapu name of the people residing at Te Uhi was Ngatikurupakiaka. I was married in 1868 and came to Te Uhi to live with my wife, Wairakau Mete. There were two big houses at Te Uhi, named Kohikohi and Haromi. I know who were living at Whakaahurau. I saw Te Paea Hineaka (List 11) there. I saw Pakitea, Rawinia, and Takahape all at Te Uhi in 1865, and right up to about 1868. After that they went off the block. The descendants of Rakai and Matangirau lived in the Te Uhi Pa permanently.

Examined by Mr. McGregor.] *Re* List 9, I saw Repooma and his wife living at Whakaahurau about 1865. His mother, Heni Potau, was also there. I remember Porora or Mere Porora. Te Teira Whakarara married her about 1866 and took her to live at Mahia.

Examined by Mr. Mitchell.] My permanent home is at Nuhaka, but I frequently came to Wairoa, and was at Waihirere fighting-pa on many occasions. We used to come to that pa for military reasons. The people used to congregate in the pas, as they were afraid of the Hauhaus. Te Uhi Pa was one of the pas at which they used to gather. Kihitu was another. After the Hauhau troubles were over the people scattered and went back to their own cultivations. I remember Teka Pakitea. He was well versed in Court procedure, but his experience was gained after this block was investigated. When various titles were investigated in the district an arrangement was made whereby the members of Pakitea's family received separate awards in separate blocks, instead of pooling their interests.

To Court.] The first Hauhau trouble was at Marumaru in 1865. It lasted perhaps a year. Later on there was trouble with Te Kooti. I cannot say when, but about 1868. It is a fact that outsiders took shelter in large pas like Te Uhi during the troubles between 1865 and 1867. It is a fact that some of the visitors while there did assist in cultivating the land. I have no right to Hinewhaki. I know the kainga called Whakaahurau. I consider that it is on the extreme end of Hinewhaki No. 2.

[Folio 221.]

Mr. MITCHELL: I do not propose to call evidence, but will refer the Court to evidence in rebuttal. The action of the petitioners is nothing less than an attempt to override the action of the elders in 1868. They would seem to assert that the elders were ignorant and idiotic. The persons who are entitled to relief are, I maintain, those who have suffered an injustice right up to the present day, and it is for them to prove their case. Hinewhaki Block consisted of three portions. Nos. 1 and 2 were investigated in 1868. No. 3 was set aside as a reserve and was not dealt with until later, when it was awarded to the owners of both Nos. 1 and 2. M.B. 1/121.—Evidence by Tiopira Kaukau is clearly given and was not contradicted. Page 122 (Burton's evidence) refers to the survey. Tiopira gave the boundary between Nos. 1 and 2 in his evidence, and mentions Whakaahurau. It is clear that some people, by arrangement, went into No. 1 and some into No. 2, and evidently there was some feeling between the two factions. Mr. Burton's evidence makes it clear that the Natives knew all about the survey and about the subdivision of the land, and it is not safe to assume that any one was "asleep as to his rights." It can be assumed that if any brother or sister was left out of No. 2 he or she received an interest in No. 1. Of course, this does not apply to more distant relatives. It is a fact that many persons sought sanctuary at Te Uhi during the Hauhau troubles. Hinewhaki No. 2 was, according to Tiopira Kaukau, set apart for residential purposes. The people entitled to go into the title were the people who had houses and pas there. He did not even include himself. Probably he had no house there.

List 1.—If Paea Iho was alive in 1868 she had no right to go into the title if her elders were alive. It is remarkable, too, that all her children were adopted by people living outside the district. It is to be noted that they have all taken up their residence at Whakaki. Peta Tiakiwai cannot even