

trace his ancestry. M.B. 28/231.—Petera Whakahoro: “Hauraki had no right. Paraone’s right came from his mother’s side.” These people in the list never lived on the land, even if they were born in 1868. The fact that Te Paea Iho’s bones were taken from off the block shows that they had no right.

*List 2.*—An attempt is made to include the names of Pakitea and all of his children, besides his brother and sister. Taare Mete has told the Court of the family arrangement whereby this family’s individual members received separate awards in No. 1, &c. In M.B. 1/122 Wepiha Pakitea (*alias* Te Orakore) received an interest in that block. When Wepiha was succeeded to in No. 1 the surviving brothers of the deceased were appointed to succeed, his own children standing out in their favour. All of the persons now claiming for inclusion are owners by succession to Wikitoria. They only want more shares. It would be an injustice if their request were granted. Owners in occupation would have their holdings reduced. The persons in this list are not resident on the land. The permanent residents on the block, which is already populated by a large number of people, will be seriously prejudiced if their cultivations, &c., are taken from them as a result of strangers coming in.

*List 3.*—I admit that Mere Maupuke has as good a right to inclusion as Marara and Watene. She may have been left out at the time. But she was a very competent woman. She raised no objection to her non-inclusion, and it seems safe to assume that she was a consenting party. But any injustice that was done to her was put right when she was brought in as a part successor to Marara Taku, who left children. Mere may have been left out because she was then childless. Mere Tupaea is now not living on the land. If she is now included she will jam the children of Marara and Watene off of their holdings.

*List 4.*—Heihehi Hemara’s evidence (p. 198) makes it clear that Ripeka had no occupation. She was dead when the title was investigated. The alleged gift by Miriama cannot have been recognized in 1868. Neither Miriama nor Ripeka is in the title, which would make it appear that the story of the gift is an invention.

*List 5.*—M.B. 1/122 makes it clear that Ema Apatari (Apatahi) was selected to represent her family in Hinewhaki No. 1. M.B. 14/66–67.—Wiremu Kaimoana states that Taumaha belonged to Nuhaka, and that her decendants had no right in Hinewhaki No. 2. “The elders put Tipene in through *aroha*. His elder half-brother (Henare) died in 1863.” It is clear from this evidence that the family had no occupation until a long time after Tipene went away from the land. It was many years afterwards that Harete went back there to live. In M.B. 28/228 Paora Koara, a very old man, says, “I gave evidence in 1868, and was conversant, [&c.], at that time.” “A part of the block was given by Matiu to Tipene; Henare to Apatari’s children now occupy this piece.” “Harete Apatari and her daughter occupied after Tipene went back to Ngapuhi.” In M.B. 28/232 Petera Whakahoro admits that Tipene was put into the title through a gift. In M.B. 28/237 Erami Kaihue (seventy years of age) states that he had lived all his life on the block. He says, “Tipene lived under gift.” In M.B. 28/253 Judge Giffedder deals with Timoti. He says, “Tipene’s mother seems to have been a Nuhaka woman. Tipene was brought back and received a gift of land in this block.” Henare Apatari had no right to the land, even if he had been alive when the block came before the Court. It cannot be contended that his children had any right.

*List 6.*—I have no objection to Heni Taura being allowed to come into the title as long as she is only given a share out of the family interest, but I do object to her coming in and reducing the holdings of others. Any alteration which has that effect will perhaps render valueless survey-work which has cost hundreds of pounds. I do not admit the occupation claimed. It is to be noted, too, that no effort is made to include Wihia’s other children. If Heni Taura is admitted, what security is there that they will not make another effort to upset the title? I am instructed by others of the successors to Petera Whakahoro to strongly object to Heni Taura coming in under Petera’s right.

[Folio 228.]

Present and place, the same. Date: 3rd March, 1926.

HINEWHAKI No. 2—*continued*.

Mr. MITCHELL: *List 7.*—I will now deal with this list.

Mr. MCGREGOR: I ask for leave to withdraw this list.

List withdrawn.

MAFEKING PERE: Hoeta Kaihue and Hone Kaihote were put into the title. They were prominent in the proceedings at the time. The witness has stated that Ketua at that time was already dead. That fact accounts for his non-inclusion. Hoeta Kaihue’s importance probably accounts for the inclusion of two of his children, Teretiu and Kingi. Kiri Pahemata was left out, presumably at the instance of the elders. Apikara Pomare, Kiri’s only child, is already in by succession. It has not been proved that Rawinia’s descendants had occupation. Hone Kaihote and two of his children were put into the title. The others were left out, but they have interests by succession. The arrangement was made by Tiopira Kaukau and the elders, and should not now be attacked.

Mr. MITCHELL: *List 8.*—The members of the Kaihote family have not previously sought admission, but they have endeavoured (M.B. 36/9) to have their father’s interest increased. In M.B. 28/237 Erami Kaihue gives evidence. Although born on the land, he makes no complaint as to his non-inclusion. He evidently respected the arrangement made in 1868.

*List 9.*—The claimants in this list are very distantly related to Wikitoria and others in the title. It is unreasonable to suggest that such distant relationships should confer a right. Taare Mete’s evidence shows that Porora went to live elsewhere before 1868. This land was intended as a site for residences of persons actually there, and not for absentees. The claimants under this list have not proved occupation. None of these people set up a case when Hinewhaki No. 3 was investigated. It is only now that they make a claim.