

List 10.—A previous inquiry *in re* a petition by Tiaki Nau and others has been inquired into (M.B. 35, p. 371). I refer the Court to my address in same book (pp. 378 and 379). We claim that Rakai, the ancestor set up, was a nobody. Ruiha had a European husband, and for years was off the block living with him.

List 11.—I refer the Court to Wiremu Kopu's evidence (p. 206). That witness is a grandchild of Hemaima, and he should be well informed. His evidence is against the inclusion of Te Rangi's descendants. Hemaima Tuhi was one of the grantees in Hinewhaki No. 1. She was alive in 1868. That being the case, if any one of the family was then recognized as entitled it should have been Hemaima, and not her children. Her child, Kune, is also in No. 1 (M.B., pp. 122-123). The people who went into No. 1 should not now attempt to crowd out the owners of No. 2 and so destroy the arrangement made by the elders in respect of the two blocks. It is remarkable that Peta Pakuku, who seems to be the only member of his family who has any occupation, does not make any claim for inclusion. He recognizes that he has no right.

List 12.—The claimants in this case are not very closely related to Miriama Tau, who is in the title. On the definition of the relative interests (M.B. 28/214) Taki Hamana admits that Miriama Tau got in by marriage. When she died she left a will devising her interest back to her husband's relatives. The will was contested, but the Kopu family lost the case. In the same minute-book (p. 252) the Court seems to have assumed that Miriama Tau came into the title by virtue of her marriage. The Kopu family have interests in Hinewhaki No. 1 by succession to Pera Tataramoa. They have leased their interests to Epemiha Pona, and now seek to come into No. 2 to the detriment of the owners of that block.

List 13.—The only point I need stress in this case is that Tiopira Kaukau himself prepared the list. He knew best who had a right. He left himself and his sister out, but saw that they got into No. 1.

List 14.—The persons in this list claim inclusion in the title because Karauria te Iwirori got in. Ohi Paea got into No. 1. She was Karauria's full sister, and was also known as Ohi Hinekino. Watene Huka and the other members are not very closely related to Karauria te Iwirori. In M.B. 28/218 Kingi Karauria gives evidence, but makes no claim through Taitau. I prepared the *whaka-papa* handed in, and know that the right was claimed through Wikitoria. None of the people in this list has any right to Hinewhaki, with the exception of one (Ohi Hinekino), who got in through her mother. They belong to Whakaki, and have never previously attempted to get into the title.

[Folio 241.]

Present and place, the same. Date: 5th March, 1926.

HINEWHAKI No. 2—*continued.*

Mr. MCGREGOR: Tiopira Kaukau, who handed in the list of names in 1868, left out, we contend, the names of some persons who had a right to inclusion. Whether or not he did so as the result of an arrangement we do not presume to say. Since then fifty-eight years have elapsed, and the land has passed through various stages of Court procedure and has been petitioned and surveyed. Parliament has seen fit to authorize this inquiry. The duty of the Court is to ascertain whether those people who have been left out have suffered an injustice. Although I have left out of my lists the names of persons who would also be entitled, it was not my intention to deliberately suppress them. In some cases one brother got into the title while another brother was left out. In these cases we claim that there is no necessity to call evidence, as it must be clear that the right exists. We contend that rights by occupation do not become cold until there has been no occupation for three generations. A son who has not occupied, or who has had little occupation, has an inherited right from his father if the latter had occupied. In some cases it is noted that a father and son have both got into the title. If one brother had occupied and another had not, both would be entitled to go into the title, but on definition of interests one might get a larger share than the other.

List 3.—The evidence as to occupation given by Mere Tupaea has not been contradicted, so it must be assumed that Mere Manupuke had a right by occupation. (Mere Tupaea has $2\frac{1}{2}$ shares in the block. She acquired $1\frac{3}{5}$ shares by succession to Makere Haere, and $1\frac{1}{5}$ shares as successor to Neta Haere, who were two of the successors to Marara Taku.) If it appears to the Court that any injustice done has been removed by this award, I have nothing further to say in support of this list.

List 4.—In M.B. 28/211 Paku Mihaere states, "Ripeka lived there and had permanent occupation." "Her children and grandchildren are still on the block."

List 5.—In M.B. 28/228 Paora Koara's evidence states, "Henare Apatari and Matiu gave this piece [Hauariki] to Tipene before 1868." It may be maintained that Henare Apatari dispossessed himself of his rights by this gift, but it is to be noted that Matiu got into the title. In M.B. 28/230 Petera Whakahoro states, "Tipene had a right of his own. I never heard of any gift before the present case." (M.B. 14, p. 65.—"Through *aro*ha Matiu and others put Tipene in"—M.B. 28/232.) The evidence of this witness is contradictory as to the alleged gift, and should be discounted. It has been stated that Taumaha belonged to Nuhaka. In M.B. 8/111 (Napier) Hirini Whaanga states, "Neither Apatari nor his descendants ever occupied permanently" (at Nuhaka). In the same book (p. 89) Ihaka Whaanga states, "Apatari has no right to his block." [Court: But he did get into the title.] In same book (p. 118) Otene Pomare states, "The children of the Wairoa woman (Te Rauhina) stayed at Wairoa." I maintain that Taumaha belonged to Wairoa as well as to Nuhaka. Henare Apatari's children were admitted into the titles of several blocks in the vicinity of Hinewhaki. In M.B. 28/281 Paora Koara states, "Ema Tari and her father, Henare Apatari, occupied on No. 2, but not on No. 1." [Note.—Ema Tari (or Apatari) got into the title to No. 1.] The claimants under