

The petitioner in giving evidence before me stated that she was born in 1873 and so was only five years old when the investigation took place. She said she had "heard that her grandfather was not present at the hearing. Te Kata and Pereniki's wife (apparently not her own grandmother) told me. They are dead. *Probably* the wife was there herself and knew he was not." These statements are easy to make, but impossible of contradiction after the lapse of sixty years, when all the elders are dead. Later in her evidence the witness declared that Pereniki took no steps because it had been arranged that Rihitoto should be left as trustee for herself and the Pereniki family. I am not prepared to accept this wholly uncorroborated statement, which is in contradiction of the contention that Pereniki knew nothing about the hearing. At the hearing Rihitoto gave evidence of occupation and stated that she was the sole owner. No person objected to her claim except one man, who asserted that there was an overlap on part of Te Tawa Block, and the Court dismissed this claim on the ground that it had been settled in the Tawa case.

It is to be observed that the Court at which this hearing took place was a very important Court and dealt with a large number of blocks, mostly, but not all, of comparatively small size. It would be the subject of discussion throughout the Maori community. Pereniki was resident in the locality of Paeroa and attended the Court. The Court minutes show that he was in attendance making a claim in Kohanu Block on 5th August, 1878, and again on 3rd September, 1878, the day following the Muraoteahi hearing. This block is some little distance from Muraoteahi. It contained 12½ acres and the Court awarded four-fifths to Aherata te Mihini. Uringaho hapu of N'Maru, and one-fifth to Pereniki Kokako, Te Matiwari hapu of N'Tamatera. He was also present on 12th September, 1878, at the hearing of Waihou West Block, and received a small interest. On 7th September, 1878, Pereniki was again present giving evidence on his claim to the Koromatua Block, which adjoins Muraoteahi. His claim was from Kurireko of N'Taharua and was rejected by the Court, which awarded the land to the descendants of Maruwhenua, of whom Rihitoto Mataia was one, she being descended from both Kurireko and Maruwhenua. She mentions in her evidence that she lived on Muraoteahi, the adjoining block. The block was awarded in three portions: No. 1 to Keepa Raharui and others named as members of N'Kor hapu of N'Tamatera, No. 2 to Hori te Ruinga and others named as members of Te Urikaraka hapu of N'Paoa, and No. 3 to Rihitoto Mataia, N'Taharua hapu of N'Tamatera.

These circumstances show that Pereniki was in frequent attendance at the Court, and to my mind it is most improbable that he knew nothing about the Muraoteahi hearing. The most likely thing was that he recognized that he could not successfully claim, and therefore did not bring any before the Court. It may be added that the evidence of Pereniki in the Koromatua case and the petitioner before me shows that at the time of the hearing in 1878 there were a number of descendants of Taharua living, any of whom could have objected to Rihitoto's claim if they desired. None of the petitioner's elders seem to have taken any steps at any time to challenge Rihitoto's right.

The assertion in clause 5 of the petition is incorrect and misleading. The Judge did not make such an order. The Court order of the 2nd September, 1878, duly signed and sealed, is that a memorial of the ownership of Rihitoto Mataia of a parcel of land at Ohinemuri containing 120 acres 2 roods and 16 perches, and known by the name of Te Muraoteahi, be inscribed on a separate folium of the Court rolls. The memorial of ownership so ordered issued in due course to Rihitoto Mataia only. I may draw attention to the reference in the memorial to names being arranged according to their hapus and tribes, as it has a bearing on the point that I am now about to discuss.

The assertion in clause 5 and the contention of petitioner's counsel to a similar effect is based upon the following entry in the Court minutes of the Muraoteahi case (Hauraki minute-book 11, page 295):

and

"Ordered that a Memorial of the Ownership of Rihitoto Mataia & N'Taharua hapu of N'Tamatera containing 120 ac. 2 r. 16 p. be inscribed upon a separate folium of the Court Rolls."

The interlineation is not initialled or verified in any way.

It is to be observed these minutes were written by the Clerk of the Court and not by the Judge himself. In my opinion, the interpolation of the word "and" was effected by some unauthorized person and not at the time of the hearing or by the Clerk of the Court. Such a happening has been known on other occasions.

There are several reasons for the conclusion I have come to:—

Firstly, the word "and" is in a different handwriting and different ink from the rest of the entry. That is not only my opinion, but that of the Registrar at Auckland (now Judge Browne) as expressed in a report by him to the then Chief Judge in regard to petitions to Parliament in 1899 and 1900 by the present petitioner under her married name of Rangirumake Haora. The Registrar's report states: "the word 'and' between Rihitoto Mataia and N'Taharua is interlined in the minute-book and is written in a different handwriting and in a different ink from the rest of the judgment. You will notice that in the petition stress is laid upon the fact that the land was awarded to Rihitoto Mataia and N'Taharua." In regard to both the petitions of 1899 and 1900 the Native Affairs Committee had no recommendation to make.

Secondly, the signed and sealed order for memorial of ownership and the memorial of ownership itself are, as already pointed out, in favour of Rihitoto Mataia only. It is incredible that the Judge would have signed these documents if the position were as contended for the petitioner.

Thirdly, any order purporting to be made as contended for the petitioner would be an incomplete order on which no final order could be drawn up for the reason that the individual names of N'Taharua are not given.