

Fourthly, I have no doubt at all that the hapu name "N'Taharua" was for the purpose of showing the hapu to which Rihitoto herself belonged. That accords with the invariable practice of the Court at the time, and was necessary to enable such information to be embodied in the memorial of ownership to which I have already drawn attention.

I have pointed out in commenting upon Kohanu and Koromatua Blocks that the names of the hapus to which individuals found entitled are given. In searching through the records of the many blocks dealt with at the 1878 Court I have not come upon any case in which that was not done.

I may give some further instances. On the same day as that on which the Muraoteahi Block was dealt with (2nd September, 1878) Te Pareoa Block was the subject of Court orders (Hauraki minute-book 11, page 296). Te Pareoa No. 1 was awarded to twenty persons, and after the name of each person is given his hapu—*e.g.*, Hirawanu Karawhiu N'Koi hapu of N'Tamatera, and so as to each person his hapu.

Te Pareoa No. 2 was awarded to nine persons including Rihitoto Mataia, N'Taharua hapu, N'Tamatera Tribe.

On the next day, 3rd September, 1878, a small block named Parahanuti (Hauraki minute-book 11, page 298) was the subject of an order to Rihitoto Mataia, N'Taharua hapu N'Tamatera. On the same date (page 303 of same minute-book) a block called Pukeamaru was the subject of an order in favour of Wini Kerei, N'Huruhuru hapu of N'Paoa and Waata Tipa, M'Kawahi hapu of N'Paoa. On 11th September, 1878 (minute-book 11, page 354), are set out the orders in respect of divisions of Moeheu No. 1 Block to over forty persons, the hapu and tribe of each being given.

These examples are sufficient to show the invariable practice of the Court.

There remains the question whether in fact Pereniki Kokako had any right. There is no evidence that he ever had any occupation in or near Muraoteahi. He is not included as an owner in any of the lands adjoining that block. There are six of these. The only one in which he advanced a claim was Koromatua, and, as already stated, it was dismissed. A small block, Ngahungahu, which was one of the six, was awarded to Takerei to Puhī alone in 1880 and was *purchased* by Pereniki's two children, Mere Raiha and Panipaura, in 1898, transfer being confirmed 14th August, 1901. There was a small block of under 14 acres called Muraoteahi No. 2 which was investigated in 1880. Rihitoto gave evidence that it was a swamp and had never been occupied. She gave in a list of owners, but subsequently amended it to include herself, her husband, William Grey Nicholls, Mere Pereniki, and Te Motui Aramoana. This has every appearance of Rihitoto having included these names through aroha. The fact that Mere's brother, Panipaura, is not included lends colour to that. Pereniki himself was dead at that time, having died on 14th January, 1879.

The petitioner's own evidence showed very little knowledge of the rights of her elders. She was not able to mention any land owned by her grandfather except Opukeko, which is some distance from Muraoteahi.

I have, however, ascertained from the Court records that he was an owner in Waihou West No. 2 with thirteen owners, also in Onekaharau Block, but sold his interest soon after it was awarded to him, also in Kohanu already referred to. Opukeko Block appears to have been sold prior to investigation by Te Awhē and other chiefs, and there is no Native Land Court title to it. Pereniki appears as a part owner in several other blocks, but none of these is in the immediate vicinity of Muraoteahi. I can find nothing in any of those cases tending to show a right of Pereniki in Muraoteahi.

The petitioner's evidence as to her family is that she herself was born at Kotukuwhakatoro, close to this land. I have not been able to ascertain exactly where this place is. Petitioner did not know where her mother was born. Pereniki, she says, was born at Ruawheka, on Ohinemuri Block. She states that when she first remembered things she was living on Muraoteahi with her mother, who had left her pakeha husband, Henry Tizard, the petitioner's own father. From this it appears that petitioner was born at the place she mentions while her mother was living with Tizard there. No inference of right or otherwise can be drawn from this. It appears to me plain from the evidence that the occupation of the petitioners' family began only with her mother when an adult. It is not ascertainable whether the mother went there before or after the investigation of the block. There is not the slightest evidence of occupation prior to that, and I do not think that any Court would find a right established by such occupation alone, even though the claimant had descent from the ancestor. In my opinion, the mother went there to live through relationship to and by permission of Rihitoto, a quite usual thing to happen.

The petitioner admits that Rihitoto and her husband worked and improved the land long before the petitioner sent in her first petition. She further says, "Sometimes I lived with Rihitoto and went to school at Pareoa. My mother had a house as well as Rihitoto. There were others there without right." (This was not intended as an admission that her mother had no right, but it shows that Rihitoto permitted occupation by a number of people.) Petitioner states she was married from Muraoteahi in 1899. "Rihitoto took me because I was the only girl of N'Taharua at that time. My mother stayed there till she was ejected in 1918."

A witness called Wharera Meneta was called for petitioner. He stated he was sixty years old, and therefore was not born at the time of the investigation of Muraoteahi. His evidence is not of any great value as bearing upon the question of right. He states he knew the land about forty years ago, and Rangirumaki and her mother were living there then. That, of course, is not disputed. Witness recollected the time when Tihiatapu Moananui married Petiwai Warena, Rihitoto's daughter. Several others were there (*i.e.*, on Muraoteahi), but without right. Rihitoto lived there. On cross-examination witness said: "When I first knew the land, Rihitoto and Nicholls were living there. Their house had been built by them. They had erected other houses on different parts of the block. The meeting-house was erected by all the people. Rihitoto herself erected the church. There were small houses near the meeting-house occupied by visitors to the hui. Pereniki's people put them up" [Rangirumaki