

uniform and unquestioned previous decisions of the Court (instance, Waipa, Hinuera, Horahora, Maungatautari 1 and 2, Pukekuru, Puahoe, and Te Aroha), and by the next ground of appeal (*b.*), and also by ground (*c.*) inferentially, and in specific words in ground (*t.*). (*b.*) Is a plea "in confession and attempted avoidance of the Maratuaha conquest, and was only set up when it appeared clearly to the litigants that the case of Ngatiraukawa, as a whole, was untenable. However, it was afterwards considered and dealt with by Judge Puckey, as mentioned in Appendix No. 1. With the views there expressed I entirely concur, as do other Judges to whom, at the instance of Judge Puckey, I submitted the matter. (*c.*) Maungatautari was only part of the area left open for occupation by the expulsion of Marutuahu, after which Ngatihaua resided on such part of the land as they thought fit, some more or less on Maungatautari, though mainly at Matamata. (*d.*) Ngatiwhaita did not set up any claim at any stage of the case, except as they were represented by Rewi, if they were so represented. (*e.*) It is not true that the resident Ngatiraukawa were forced to join Rewi. It was only in the last day or two of many months, when Rewi's failure was manifest to every one, that the "resident" theory was thought of or ventilated, and even then they were allowed full license to establish it, if so inclined (*f.*) Simmonds admitted to me, at the meeting in February, the fact that he was allowed four days "to get up his case," and after that he was allowed time to "get up" a new branch of title, much to the annoyance of the counter claimants. (*g.*) If my reply to objection (*a.*) be well founded these victories could have no effect as against Marutuahu, who possessed themselves in disregard of victor and vanquished. If such reply be not well founded the entire judgment is untenable. (*h.*) This person's name is in the Ngatihaua list. (*i.*) Whatever view may be entertained on this objection in general should have no weight in this case in particular by reason of the allegations set out in objections (*j.*) and (*k.*). (*j.*) Facts are as alleged, but there being only one Judge is no objection to validity of proceeding. (*k.*) There was interpretation into English, insomuch that the Clerk—not a Maori linguist—took down the evidence in English. (*l.*) Shall be spoken to later on. (*m.*) and (*n.*) require no answer. (*o.*) This is in relation to the division, and with which I had no concern, though, after careful inquiry into the point, I am satisfied no injustice was done. I fear the pride of Ngatihaua is touched by Ngatikoroki having a trifle larger area than themselves. The division was that of Judge Puckey, reluctantly concurred in by the Assessor, who, by an unfortunate coincidence (having regard to other circumstances), was inclined to deal still more favourably with Ngatikoroki. (*p.*) To some small extent this allegation is true, especially with regard to Wiremu te Whitu; but the position could not well be avoided. To give to every owner the spot where some ancestor or relative, more or less remote, had lived, died, or been buried, would disperse each man's share of land in patches all over the block. (*q.*) Reserved for subsequent remark. (*r.*) Ngatihoura (Wiremu te Whitu) was properly merged in Ngatihaua, who will no doubt not object to his isolating himself if he applies for division, which it is open to him to do. (*s.*) True, but as Thames men the feud of the ancestors had been equally against all the present claimants to the land. Waata was, I believe, selected because of his probable knowledge of their ancient doings among themselves. (*t.*) The Court never heard of this boundary line during the hearing. It was mentioned to me on the 12th February by one of the leading men of those aiding in the conduct of Rewi's case; but his assertion of the line and of its site was met by derisive laughter from all the Natives present. I have referred to the evidence in every case and to every person likely to have knowledge of the matter, and am satisfied no truthful evidence is forthcoming of the existence of such a line as mentioned. Other lines were traceable—one particularly, confirming the judgment and bearing out the opinion of the Court that the absence of right in Ngatiraukawa ceased at the southern boundary of Maungatautari. (*u.*) Reserved for subsequent remark. (*v.*) Haimona was counsel for Ngatihaua, and the "assistance" consisted in telling Haimona that his line of cross-examination was useless, a legitimate opinion for a Judge to express. Unfortunately the Assessor, instead of speaking, expressed himself in a scrap of writing, thrown from the Bench on to the Court table.

(*g.*) and (*u.*) These two allegations, personal to the Assessor, have caused me infinite trouble, I being naturally much impressed with their seriousness. There is no doubt the names of the Assessor's wife and children are in a list of names, and it is equally certain that among 1,200 persons they so went in by one of the numerous names assumed by the female in common with other Maoris, and as such unknown to the Judge at the time. Mrs. Teepa either had a right to appear as an owner, or she had not. Her husband must have had pretty good knowledge of the truth. If he knew the right existed, or was to be set up, he ought not to have acted as Assessor on the occasion. If the right did not exist, but was accorded by Ngatikoroki, then the matter looks still more unpleasant. I am told it is not infrequent for the name of an Assessor greatly looked up to to be entered as an owner, with the assent of all parties, and that more out of compliment perhaps than of title, but the thing does not appear to have been so done in this case, although it is significant, if true, that the names were originally inserted in the list to be proposed by Ngatihaua, but erased from some cause.

Now as to (*u.*) The allegation of bribery rests on the bare assertion made before me on the 12th February, and it was obliged to rest there, as I had no power of compelling evidence to be given, but this much I am satisfied of, that the Assessor, shortly before the opening of the case and during its progress, did receive from a Mr. Moon pecuniary accommodation, and I do not imagine that the distinction between that and bribery can be worth considering—always