

1910.
NEW ZEALAND

NATIVE AFFAIRS COMMITTEE

(REPORT OF) ON THE PETITION OF TUTA NIHONIHO; TOGETHER WITH MINUTES OF EVIDENCE.

(MR. JENNINGS, CHAIRMAN.)

Report brought up 17th August, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 7TH DAY OF JULY, 1910.

Ordered, "That Standing Order No. 219 be suspended, and that a Native Affairs Committee be appointed, consisting of twelve members, to consider all petitions, reports, returns, and other documents relating to affairs specially affecting the Native race that may be brought before the House this session, and from time to time to report thereon to the House; with power to call for persons and papers; three to be a quorum: the Committee to consist of Dr. Rangihiroa, Mr. Greenslade, Mr. Herries, Mr. Jennings, Mr. Kaihau, Mr. Mander, Hon. Mr. Ngata, Mr. Parata, Mr. Rhodes, Mr. Macdonald, Mr. Seddon, and the mover."—(Hon. Mr. CARROLL.)

WEDNESDAY, THE 13TH DAY OF JULY, 1910.

Ordered, "That the name of Mr. Dive be added to the Native Affairs Committee."—(Hon. Mr. CARROLL.)

REPORT.

No. 273 (1909).—Petition of TUTA NIHONIHO, of Waipiro Bay.

PETITIONER prays for a further hearing in connection with the Waipiro Block.

I am directed to report that the Committee have no recommendation to make on this petition.

17th August, 1910.

W. T. JENNINGS, Chairman.

MINUTES OF EVIDENCE.

THURSDAY, 28TH JULY, 1910.

KEREOPA POTAKA examined. (No. 1.)

1. *Tuta Nihoniho.*] You heard the letter read out just now?—Yes.
2. Who wrote it?—I did.
3. Will you explain your object in writing that letter regarding this land? That part of your letter which says you want another hearing of the land—is that correct?—That is what I wish.
4. You are a member of the Whanau-a-Iritekura Hapu: who is possessed of most knowledge of the members of that hapu in reference to this land?—My father Eru Potaka.
5. Why do you desire a further hearing of this land?—Because I consider the award was wrong.
6. *Hon. Mr. Carroll.*] Can you explain to the Committee how it was wrong?—Some portions of this Waipiro Block which were awarded to the Whanau-a-Iritekura Hapu should not have been awarded to them. They had no right to them.
7. Can you indicate clearly the portions that should not have been awarded to them, and why?—Yes. Te Matai is one piece that was wrongly awarded to them.
8. Does Te Matai form portion of this Waipiro Block?—I believe so.
9. Do you not know?—I may be mistaken, but that is my impression—that it was awarded to Te Whanau-a-Iritekura.
10. Are you prepared to show why it was wrong to award it to Te Whanau-a-Iritekura and not to some one else?—There are a number of hapus outside the Whanau-a-Iritekura Hapu. There is the Kahukuranui boundary, which runs right through that piece.
11. Does the Kahukuranui boundary limit the possessions of Te Whanau-a-Iritekura?—Yes.
12. Then to whom should this Te Matai Block have been awarded, according to your idea?—That would have to be settled by a hearing.
13. At the previous investigations was any evidence submitted to show that the Whanau-a-Iritekura should not exceed the boundary of Kahukuranui?—I am not certain as to that. I only became possessed of knowledge in connection with this matter subsequently.
14. From whom did you get your knowledge—your father?—Most of it, yes.
15. Did your father tell you that that award was wrong?—He did not say to me whether it was right or wrong.
16. Did your father give evidence at the previous hearing?—Yes. He was the only witness on behalf of Te Whanau-a-Iritekura.
17. Who was he witness for?—Whanau-a-Iritekura.
18. Did he mention anything at all about the boundary of Kahukuranui and the limitation of the area of Iritekura?—He did not mention that. I did not hear him say anything about it.
19. You say that you want a reinvestigation because a certain portion of the Waipiro Block called Te Matai was awarded wrongfully to Whanau-a-Iritekura?—Yes.
20. The only reason you have given so far in support of that contention is that the boundary of Kahukuranui runs through the block, which limits on the one side the ownership of the Whanau-a-Iritekura Hapu?—That is one of the reasons.
21. Give us every possible reason?—Some of the descendants of Iritekura have been left out.
22. Have they rights to the land?—As I look upon it, they have rights. They have much better rights than others who are put in there simply through *aroha*. They have no descent from Iritekura.
23. That is a second reason. What other reason have you got?—I think that Tuta should be put into the land because *aroha* has been shown to other people. He is a descendant of Pakanui, the man who fought for this land.
24. Do you mean that that gives a right of conquest?—Yes.
25. Do you say that Tuta was wrongfully left out of the land?—That is my opinion.
26. Can you say what part of the block Tuta is entitled to?—I am the only member of my hapu who is advancing this claim.
27. You say that Tuta was wrongfully left out: that means that he has right to get in. On what grounds? You say conquest. Then conquest must be identified with some portion of the block?—It is a difficult question to reply to. This land first of all was conquered by Pakanui and Tuwhakairiora, who conquered Te Waihineiti Tribe, the original owners of the land.
28. Then, as a result of that conquest the land became the property of Pakanui and Tuwhakairiora?—Yes.
29. Did they hold jointly, or was it divided between them?—I heard of no division.
30. Then how did it come into the possession of Iritekura—by descent or otherwise?—I heard that it was a gift.
31. By whom?—By Tuwhakairiora and Pakanui. The gift was made to Iritekura herself.
32. Was all the land embraced in the conquest given to Whanau-a-Iritekura?—That is what I heard. There were other portions outside which were given to others.

33. Did that gift extinguish the rights of Pakanui and his descendants?—I cannot decide that. If the gift is still of effect, then the gift is correct.

34. Then on what grounds do you say that a claim still lives in Tuta through Pakanui?—I look upon it that Tuta's right to be put in is through *aroha*, as other people were put in through *aroha*.

35. *Mr. Herries.*] Does your remark about Tuta being put in for *aroha* apply to Tuta alone, or to his hapu—the other people he represents?—I am only speaking about Tuta himself. It is for him to say who else he wants put in.

36. *Hon. Mr. Carroll.*] Have you any other reasons in support of your contention that there should be a further investigation of this land?—I do not think there is anything else.

37. You said there were other *arohas* in, and on that ground Tuta should be included?—Yes.

38. *The Hon. Mr. Ngata.*] Do you admit the right of Pakanui to this block to be still in existence?—If the gift is of effect, the Pakanui right has ceased. I have heard of other gifts that are not of effect, and I think perhaps this is the same.

39. If that gift is not substantiated, have the Whanau-a-Iritekura any other right?—They have another right.

40. What?—The right of occupation.

41. Any ancestral rights?—Iritekura was the ancestor.

42. Did you know that Iritekura had no ancestral rights in the block?—No, she had none.

43. And yet you allege that her descendants had rights by long occupation?—Yes.

44. With regard to Te Matai, which you mentioned first, Tuta's people are not in any way concerned with that part of the block—I mean, that is not claimed under Pakanui: it is different. Is that claimed by Te Aitanga-a-Mate?—It is a part of the Waipiro Block.

45. Yes, but in speaking about Te Matai you are not speaking about a portion of the block claimed by Tuta as a member of Te Aitanga-a-Mate Tribe?—Yes: it belonged to some other ancestors; I cannot say who they are. I claim it under my ancestors. Yes, it is on the south side of the Kahukuranui boundary.

46. *Hon. Mr. Carroll.*] The gift to Iritekura did not exceed or overlap the boundary of Kahukuranui?—No, it did not cross over.

47. *Mr. Rhodes.*] You state in your letter that the verdict in 1889 was obtained by fraud?—What I say is that portions of land that had no right to be awarded to the Whanau-a-Iritekura Hapu were awarded to them.

48. But that does not explain the fraud?—I look upon that as a fraud. There was no right to include lands of other persons within an award to these people. It would perhaps have been better for me to have said it was wrong.

49. *Mr. Herries.*] Is the only reason that you wish Tuta put in, on account of *aroha*?—*Aroha*, for this reason: if it had not been for Pakanui's conquest, the ancestor of Te Whanau-a-Iritekura would have got this land.

50. You say that none of your own hapu agree with you in this matter now. Is that so?—Yes.

51. Have they not as much knowledge of the case as you?—I do not think they have any knowledge of this place that I have spoken of—Te Matai.

52. If a rehearing takes place, are you prepared to stand up and say before the Court that Tuta ought to go in on account of *aroha*?—Yes.

53. All your friends—your own hapu—oppose you?—It looks like it. They are not in sympathy with this petition.

54. *Mr. Parata.*] When this land was handed over to Iritekura, was there any boundary specified?—That is what I heard.

55. Can you name the boundaries?—I cannot.

56. What was the reason for this gift—there must have been some?—I heard that Iritekura begged for it from them—*i.e.*, from Pakanui and Tuwhakairiora.

57. What was the reason for her begging for it?—Because she wanted land for the occupation of herself and her children.

58. And had she not any land elsewhere—apart from this?—I heard that she belonged to Oreti.

59. She did not belong to this place?—No, she did not belong to Waipiro prior to the time of the gift.

60. *Tuta Nihoniho.*] Did you not hear from your father that in the year 1847 there was trouble between Te Awarau of Te Whanau-a-Iritekura and Hikarukutia of the Te Aitanga-a-Mate about this Waipiro Block?—Perhaps I did, but I do not remember it now.

61. Did you not hear from your elders that about 1869 there was trouble, and the Te Whanau-a-Iritekura were sought to be driven out of Waipiro by Te Aitanga-a-Mate?—Yes, the Aitanga-a-Mate sought to drive out the Whanau-a-Iritekura from Waipiro. I was not born then; I was born in 1871.

62. Have you at any time heard that from 1885, when this land of Waipiro was brought before the Court, down to the present year, I, the descendant of Pakanui, have ever admitted that there was any gift to the Whanau-a-Iritekura?—No.

63. *Paratene Ngata.*] Who have you heard was the original ancestor who owned this land—the portion called Te Matai?—I claim that it belonged to my hapu, Te Whanau-a-te Aotawarirangi.

64. Your father belonged to that hapu?—Yes.

65. Yet your father did not claim that land as belonging to him under that hapu?—No.

66. Nor did any other member of the Whanau-a-te Aotawarirangi Hapu?—No: Whanau-a-te Aotawarirangi did not make any claim, but other hapus did claim that place.

67. Did you never hear your father say that this land, Te Matai, was a gift by the ancestor Tamakari to Tumaiterangi and Te Aringaiwaho, Tamakari being a descendant of Iritekura?—I did not.

68. Is it not a fact that in the year when you wrote this letter which is attached to the petition, you had just had a dispute with the Whanau-a-Iritekura Hapu, because they refused to permit a *hui* of yours to take place at the Waipiro Pa?—Yes; it is true we did have a dispute, but there is no object in bringing that in, because I remained there and so did everybody else, and occupied the whare about which the dispute took place.

69. I am merely asking you about the dispute. That was when your letter was sent?—No, it was prior to that. I wrote that letter on the 20th October, and the *hui* did not take place until the 12th November.

70. Well, Hatara Matehee, one of the persons mentioned in your letter, is still living, and is present. Does he—Hatara—know the object of your letter which was written to Tuta?—I do not know.

71. Your father spoke about this land, before the Court: do you dispute what your father said?—Some of it.

72. But you were instructed by your father?—Yes. I still have his books in my possession.

73. Have you them here?—No.

74. How old are you?—Thirty-nine years of age.

75. This case has been before the Court now for about twenty-five years?—(No answer).

HERA MAURAHU examined. (No. 2.)

1. *Tuta Nihoniho.*] Are you an owner in the Waipiro Block?—Yes.

2. You have heard what has been going on?—Yes.

3. As a descendant of Iritekura, what is your view of the case in connection with this petition of mine for a rehearing of this land?—I ask for only one thing: I want this land reheard.

4. Have you heard the history of this land from your elders and ancestors?—Yes.

5. Have you heard that this ancestor Pakanui had no right to this land?—He had rights.

6. Will you explain, if you can do so, what your knowledge of the matter is?—These are the rights to the land: through Iritekura, and Pakanui and Tuwhakairiora, the two who did the fighting.

7. *Hon. Mr. Carroll.*] Did Pakanui make a gift to Iritekura of the land?—They were just the same as elder and younger brother.

8. Did Pakanui give the land to Iritekura?—I have nothing to say further than what I have already said.

9. *Paratene Ngata.*] Who was your father?—Paratene te Waka.

10. Of the Aitanga-a-Mate Hapu?—Of all hapus.

11. Was he not a descendant of Iritekura?—My mother came from the Iritekura side. My father was of Te Aitanga-a-Mate—that is the hapu name of the descendants of Pakanui.

12. You are older than Kereopa, are you not?—I am forty years of age.

13. Then you were fifteen years old when the land was first heard?—Yes.

TUTA NIHONIHO examined. (No. 3.)

Witness. I am speaking on behalf of those who are associated with me in this petition of mine. What we are asking is that a further hearing should be provided, so that the rights in this Waipiro Block may be inquired into, because a great number of new statements have been made during the various hearings, and there are a number more to be made now. The right to this land Waipiro originates through my ancestor Pakanui. I do not oppose the right of Iritekura. I say that Iritekura had a right to that portion of the land which was given to her by my ancestor Pakanui; but there is a boundary defining that land, which is the Waikawa Stream. The land, crops, and the cultivations and the people on the south side of the Waikawa Stream were given by Pakanui to Iritekura. My opponents, however, claim that the whole of this land—Waipiro Block—was included in the gift. That is what I deny. That is why I am seeking a further hearing, so that the matter may be looked into. I say there never was any person who gave the whole of his land away to somebody else and made no provision whatever for his own children and descendants. A great many false statements have been made before the Courts in reference to this land, and a great many true statements in regard to it were thrown out. All the people who gave false evidence have died. That is why I want a further hearing—to afford an opportunity to the people who will tell the truth to come forward. What I and those with me say is that we want a rehearing to get at the rights of the case. I was awarded 11,000 acres of this land by the rehearing Court, but it was taken out of my hands by an Act that was passed here subsequently.

1. *Hon. Mr. Carroll.*] At one hearing 11,000 acres were awarded to you by the Court; then on petition the Legislature passed an Act ordering a rehearing, and the result was that it deprived you entirely of the land?—Yes. Now I have support from the Whanau-a-Iritekura Hapu; and for all those reasons I ask that a further inquiry should be granted into this matter. It is a different thing making statements inside the Court and making them outside. If we get a further hearing we can bring in all the outside evidence that is collectible. That is all I have to say.

2. You heard the statement made by the first witness that the Waipiro Block included a portion called Te Matai, which belonged to other people than the Te Whanau-a-Iritekura?—That is quite right. That will be found in my evidence in the Court minutes—that this piece was cut out of Waipiro Block. It belonged to Tokomaru district on the south side of the Kahukuranui boundary.

3. But any gift by Pakanui to Iritekura did not overstep the boundary of Kahukuranui, such as is described?—No; no gift of Pakanui crossed over that dividing boundary.

4. Then the Court, in awarding Waipiro as a whole, including Te Matai, to the Whanau-a-Iritekura, would be wrong, at any rate in that respect?—Yes. That place belongs to Tokomaru—that side of the boundary.

5. You do not set up any claim, as a descendant of Pakanui, to the Te Matai portion?—No. That is outside of my boundary, and so also is the portion given to Iritekura.

6. Just give us the history of the investigations. At the first hearing, what was the judgment of the Court?—Judge Mackay and Tunuiarangi held the Court. They gave a wrong decision.

7. What was the judgment of the Court?—The whole block was awarded to the other side—to Te Whanau-a-Iritekura.

8. Then there was a rehearing: who were the Judges?—Chief Judge MacDonald and Judge Puckey, and Tamahau Mahupuku was the assessor.

9. What was the judgment?—They awarded me 11,000 acres.

10. The Court awarded you 11,000 acres bounded by the Waikawa Stream?—No; Kopukookoo was the place they awarded to me.

11. Parts of Waipiro Nos. 3 and 4 were awarded to you, embracing about 11,000 acres?—Yes.

12. What area then was left in the gift to Iritekura of the balance of the block?—I think 22,000 acres. I think the whole block was something like 33,000 acres.

13. Were you quite satisfied with that judgment?—No; but the position was this: Iritekura was a hapu of mine, and so was Te Aitanga-a-Mate, and I thought it was best to accept this, so as to have no further dispute.

14. After that judgment a petition followed?—Yes.

15. Was it the other side—*i.e.*, Te Whanau-a-Iritekura—who petitioned?—Yes.

16. And the result was that the Legislature granted another hearing?—Yes.

17. What Court sat then?—Judges Wilson and Barton were the Judges, but Judge Wilson was an enemy of mine, and he and the other Judge disputed, and the other Judge left the Court. Judge Barton was withdrawn from the hearing, and Chief Judge Seth-Smith went on with the case with Judge Wilson.

18. What was the judgment on that occasion?—The whole of the 11,000 acres which had been awarded to me by the rehearing Court was taken away from me again.

19. And you have been petitioning ever since to get on level terms?—Yes, and if this petition of mine is thrown out I will put another one in.

20. Did Tuwhakairiora and Pakanui join together in that gift to Iritekura?—Yes. My ancestor Iritekura came from Oreti and stopped at Te Kawakawa, and when her children went to collect food they were assaulted by the people of the place. So they cried, and she went to Tuwhakairiora and said, "Give me a place for my children and myself to live on." Tuwhakairiora said, "I have no land here, but go along and occupy the ashes of your brethren." She was a cousin of Pakanui, and that piece of land was given, the boundary of which was Waikawa Stream.

21. She found Pakanui on the land?—Yes, in occupation of Waipiro Block.

22. And he gave her land bounded by the Waikawa Stream?—Yes. This land belonged originally to Te Wahineiti, who were conquered by Pakanui and Tuwhakairiora. That was the "ashes" to which he referred.

23. Are you a descendant of Iritekura?—Yes.

24. Why did you not get into the Whanau-a-Iritekura claims?—I should have been in myself, and Pineamine Waipapa; and Eru Potaka. We had arranged it all beforehand, but it was Rapata Wahawaha who came in and distorted the whole position.

25. But if you are a descendant of Iritekura, how are you left out of her possessions?—I was not claiming under her: I was fighting for the Pakanui side. If the matter as arranged by Pineamine Waipapa and myself had been so finally settled, everything would have been perfectly clear and plain. The father of this young man Kereopa Potaka I know perfectly well.

26. If the land was awarded to Iritekura and descendants, you being a descendant and a resident in that locality, how was it you were left out, notwithstanding that the claim you were advocating was that of Pakanui?—Because we were disputing. I was advancing the claim of Pakanui, and they were advancing that of Iritekura. The 11,000 acres I was awarded I did not put them in, and they did not put me in the part awarded to them, even though they—*i.e.*, Pineamine Waipapa and Eru Potaka—were also descendants of Pakanui.

27. *Hon. Mr. Ngata.*] Is not that disputed by the other side?—I know nothing of their disputing it.

28. *Paratene Ngata.*] Have you on any occasion in any of the Courts in connection with this land given your genealogy from the ancestor Iritekura?—No, for the reason that I was advancing my claim under the ancestor Pakanui. There are old people still living who can give my descent.

29. At the time of the Royal Commission about the Waipiro Block in the year 1889, did not both you and I appear before the Commission, and did you not then ask the Commission to affirm the award of the Court of rehearing, and not vary it in any way, and say that that was the proper award?—I told the Commission that I was prepared to abide by the decision of the Court of rehearing, for the reason that that would put an end to the trouble—because at that time our relations were so strained that we were very nearly coming to arms. That was why I was prepared to accept that award, because I belonged to both hapus, both Te Whanau-a-Iritekura and Te Aitanga-a-Mate, and I desired that the dispute should cease.

PARATENE NGATA examined. (No. 4.)

The Chairman: We shall be glad to hear you make a statement.

Witness: I represent the Whanau-a-Iritekura. We oppose this petition of Tuta's.

The Chairman: On what grounds?

Witness: First of all he states in his petition that he belongs to Waipiro Bay. I want the Committee to understand that Tuta is not living in the Waipiro Block. When he addresses his petition from Waipiro Bay, that may lead the Committee into imagining that he is living on the Waipiro Block; but he is not. He lives at Hiruharama. This is not a new petition. It has been before the House since 1890. This matter has been the subject of petitions to both Houses of the Legislature, and I myself and ex-Chief Judge Seth-Smith have been those who have replied to the petitions as they have come up. Tuta's recent petitions to Parliament I have not come to reply to, because I considered it waste of time. As to Kereopa's letter, the Committee have had its contents read out to them to-day. We deny all the statements in that letter. The origin of that letter was this: A dispute arose between Whanau-a-Iritekura and Kereopa Potaka. He had called a meeting to be held at Waipa, and the hapu as a body were not in sympathy with this meeting, and refused to allow it. It was some tohunga business that they objected to, and so the *hui* was turned out of the pa. That is how this trouble arose and the letter was written. Eru Potaka was the father of Kereopa, and he was an important witness at the first, second, and third hearings of the Waipiro Block. Those were the grounds that he alleged all the time—the gift of Pakanui to Iritekura, and permanent occupation. Up to the present there is still the same ground of claim urged—the gift to Iritekura. Tuta has to-day informed the Committee that he is the descendant of Iritekura; but I and the Whanau-a-Iritekura Hapu totally deny that. He never claimed at any of the Courts that he was a descendant of Iritekura. That is a new statement. About this piece of land called Te Matai: I deny Kereopa's statements that it did not belong to Iritekura. At the first Court Hohaia te Wera claimed that piece. They were claiming on the other side of the Kahukuranui boundary, on the Kaupeka-a-Haunia side; and one of the parties contended that the Kahukuranui boundary was on one side of Te Matai, and the other claim it was on the other side. The Court decided that it was part of Waipiro. At the second Court that judgment was affirmed. At the third hearing the judgment again upheld the first decision. Kereopa is quite a young man, and does not know the history of this land. It was his father who put this land through the Court under the Iritekura rights. His father owned lands on the other side of that boundary, in the Tawhiti Block. We did not claim this piece. I entirely oppose Tuta's petition. All the Pakanui rights were handed over by him to Iritekura, and Pakanui never lived there after he made the gift. He handed over the land and the people to Iritekura, and came away down to Turanga, and he died at Te Wairoa. He never occupied the land after the gift. Tuwhakairiora also gave the land, and never returned to it after the gift. This was not land that was permanently occupied by Pakanui and Tuwhakairiora. It was land that was conquered by them; and, having obtained it through conquest, they immediately gave it to Iritekura and left it, and Iritekura occupied the land—she and her descendants—from former times right down. Tuta's petition alleges that Rapata Wahawaha and other persons were witnesses in support of the Whanau-a-Iritekura case, and he says that their reason was because they bore a grudge against his party in connection with the award in reference to Paraeroa Block. That block contained 1,000 acres. It is right away in the bush, and I may describe it as third-class land. Waipiro contains more than 30,000 acres, and it is first-class land, on the coast side. Rapata Wahawaha and his companions were descendants of Pakanui.

FRIDAY, 29TH JULY, 1910.

PARATENE NGATA further examined. (No. 5.)

1. *The Chairman.*] Have you anything to add to your statement?—Yes, sir. It has been stated by Tuta that it was because of ill feeling that Ropata Wahawaha and his witnesses gave the evidence they did at the hearing of the Waipiro case; it was stated that there was ill feeling in regard to the Paraeroa case, which had taken place prior to this. Now, Ropata and his witnesses who gave evidence at that time were direct descendants of Pakanui—the ancestor whom Tuta alleges in his petition—and they are owners of the land immediately adjoining the Waipiro Block. Their statement was that Pakanui, their ancestor, had no right to the Waipiro Block, that they relied upon Iritekura for their claim; and it was upon the forceful evidence given by these people that Tuta's claim was overthrown. Then I may further explain that Tuta and his hapus are not owners of the lands immediately surrounding and adjoining this Waipiro Block. Their lands are some distance away. The lands adjoining this block on one side belong to Ropata Wahawaha and his associates, and on the further side of those lands are Tuta's and his hapu's lands. That is the manner in which the land has been occupied from ancient times right down to the present.

2. Has there ever been any dispute about the boundaries? Have they ever been questioned?—No, there has never been any boundary in dispute between them. As to Kereopa's letter, Kereopa himself stated to the Committee that the reason why he desires a further hearing of this Waipiro Block is that Tuta may be included through *aroha*. I will simply remark that if this Committee recommend a further hearing of this land, there will be a lot of expense and waste of time, and the ultimate result will be that the award as it now stands will be affirmed.

3. *Tuta Nihoniho.*] You are an owner in the Waipiro Block?—Yes.

4. Under what ancestor were you included in that block?—I was included through *aroha* by certain of the owners in the block; furthermore, some of the persons in the block belong to my own hapu. They also came into the Iritekura genealogy.

5. You and Tamati Tautuhi were relatives of Ropata, were you not?—Yes, nephews.

6. Was this Waipiro Block or the Paraeroa Block first adjudicated on by the Court?—They were heard practically at the same time. I cannot say from memory which was heard first. They were both heard by the same Court.

7. Which was heard first?—I cannot say for certain—all I can say definitely is that they were heard by the same Court; but my impression is that Paraeroa was heard first. I think the judgments were given at the same time.

8. Did you not observe that Ropata contested the hearing of Paraeroa? You yourself were one that took part?—Yes. You had a case, and Ropata and I had a case.

9. Was it because the owners of Waipiro had no knowledge of the position that it was left for you and Ropata to be the witnesses in this case?—Ropata was sent for because he was the owner of the lands immediately adjoining Waipiro Block. He did not come of his own volition.

10. Do you not know that I am an owner in the Akuaku and Ahiateatua No. 2 Blocks, which immediately adjoin this Waipiro Block?—I put you into part of the Akuaku Block by *aroha*.

11. Do you not know that I am in Oroua and Rangikohua Blocks, also adjoining this block?—Yes, you obtained inclusion under the rights of Ropata's ancestors.

12. Who was Ropata? Was he not a member of Te Aitanga-a-Mate Hapu, the owners of these lands?—Yes; he did belong to Te Aitanga-a-Mate, and he gave the main evidence in support of the Iritekura claim and against your claim.

13. At the first hearing of this case before Judge Mackay and Tunuiarangi, in whose whare did Judge Mackay and Tunuiarangi stay?—He stayed at the hotel. The hotel was mine.

14. Were you present at the second hearing of this land?—No, I was shut out. I was the assessor then dealing with the Ngati Maniapoto Rohe Potae (King-country) lands.

15. Do you not remember that two old people named Hirini Kahotea and Henare Muratahi admitted that the boundary of Iritekura's gift land was at Waikawa Stream?—I know that they were members of that hapu, but I have no knowledge of their having given evidence in the Court. In the third Court I was present, and you did not call them as witnesses in support of your case then.

16. Now, from the year 1847 until 1869—when the trouble first began about this land—did you ever hear of the Whanau-a-Iritekura coming to turn any one off this land?—You have made all these statements before, and they, together with our replies, are contained in the minutes of evidence given before the Courts.

17. Did you ever hear of any person being man enough to continually fight about land that he had no right to?—Our denial of your statement is this: that, no matter how you may allege that the Whanau-a-Iritekura were attempted to be driven off, they never left the land; they did not go. You certainly did make those statements to the Courts.

18. You have stated that Pakanui, after making this gift to Iritekura, left this district and came down to Turanga. Can you point out any single piece of land in Turanga belonging to Pakanui?—Te Turanga is the name of a kainga he had at Turanga. When trouble subsequently arose they went down and claimed land and kaingas at Waiapu, and abandoned Turanga. All this has been stated in the Courts.

19. What I want to show is that Pakanui's descendants have no lands left in Turanga?—They abandoned them, having obtained conquest lands subsequent to that time at Waiapu. Those lands have been awarded under those rights.

20. *Hon. Mr. Carroll.*] Just the same, I suppose, as in the case of Iritekura when she came and settled at Waipiro?—Yes.

21. *Tuta Nihoniho.*] Now, as to Himiona Hapai, you know that he was a son-in-law of Rapata Wahawaha?—Yes, he was a son of Hikarukutai, the principal chief of Te Aitanga-a-Mate. He lived on Waipiro Block, and paid rent to the Whanau-a-Iritekura prior to the hearings of this land.

22. Do you not remember that this man Himiona Hapai was guilty of a very reprehensible action, that he was paid £25 to go over to the other side?—He merely gave evidence before the Court in the year 1890. He lived on Waipiro Block from 1878 to 1882, and he kept a store and a hotel and paid rent to the Whanau-a-Iritekura. If he had had rights of his own he would not have paid rent. It is not within my knowledge that he was paid to give any particular kind of evidence.

23. You know that Horomona te Hui is a son of the elder brother of that man?—Yes. His father signed a lease as witness—a lease between Whanau-a-Iritekura on the one hand and Ropata and Tamati Tautuhi on the other.

24. You have stated that it was because there was trouble between the owners of Waipiro and Kereopa that he wrote this letter supporting my petition: did you not hear him state here that he wrote his letter on the 20th October, and that the trouble you allude to took place on the 12th November?—I cannot speak as to dates, but there was trouble between the Whanau-a-Iritekura and Kereopa. There was none prior to that.

25. But that letter was written on the 20th October, before the trouble arose in November?—There is nothing much in that. He could antedate his letter to any date that he chose.

26. *Hon. Mr. Carroll.*] You do not suggest that he did that, do you?—I am just saying that it would be possible for him to do so.

27. *Tuta Nihoniho.*] Does that letter of Kereopa's mean that he desires that I should be put in through *aroha*, or is it that he recognizes my ancestral rights?—I heard Kereopa state to the Committee yesterday that he simply desired you should be put in through *aroha*. He did not claim that you had any ancestral rights.

28. You will notice that that is not what his letter says?—Yes, but what he said yesterday practically contradicts what his letter says.

29. Did you ever say at certain important meetings which were held when there was trouble about some moneys which were not paid by Te Whanau-a-Iritekura to you that it was through you that I, your *tamaiti* Tuta, had lost this land Waipiro?—I have no recollection of any *hui* at which I said that. I have no knowledge of any reason as to why I should say that.

30. *Hon. Mr. Carroll.*] With regard to this boundary of Kahukuranui, do you admit that that is a boundary?—Yes. I and my hapus have rights on the Kahukuranui side of that boundary.

31. Was that laid down before the gift to Iritekura?—Yes, while the land was still in the possession of Te Wahineiti, the people whom Pakanui subsequently conquered.

32. When the gift was made to Iritekura, did it interfere with that boundary?—No, no part of it.

33. Then, when it was included in the Waipiro Block as the estate of Iritekura, it was subject to the claims in consequence of that boundary?—Yes.

34. Is not the position this in regard to Tuta's claims in the Whanau-a-Iritekura portion: It all hangs on the question of the boundaries of the gift to Iritekura?—Yes.

35. If that side alleges and establishes the claim that the whole of Waipiro was included in the boundaries of the gift to Iritekura, then Tuta has no case?—That is so.

36. On the other hand, if he had been able to prove that the boundary was at Waikawa Stream, then of course he would have substantiated his claim under Pakanui?—Yes, he would have got the whole of the block, leaving perhaps a thousand acres outside of his claim.

37. But the whole thing rested on that question as to where the boundary was?—Yes. Tuta was never able to establish that boundary in any of the Courts. The Iritekura rights were so firmly established on that side that Tuta was absolutely unable to refute them. In the Akuaku Block, which is further on again, Ropata stated that his rights to that block were from Iritekura. Tuta's statements there were upset.

38. *The Chairman.*] Do you come by ancestry into this block that is in dispute?—No. I was put in by *aroha* through certain of my relatives who are owners in the land.

39. Is it unusual to include in any block strangers by blood?—It is quite a usual practice among the Maoris.

40. The non-inclusion of yourself and others who are not related by blood to the hapu—would that benefit Tuta?—No.

41. *Tuta Nihoniho.*] You have said that during the hearing of these several cases about this neighbourhood I was unable to refute the statements regarding the boundary I allege at Waikawa Stream: do you mean to say you do not know that in every instance the main ground of my case has been this boundary at Waikawa Stream?—That is what you said in the Courts, but the rights of Iritekura and her descendants proved stronger than your claims to land on the other side of the Waikawa boundary. Therefore your boundary was disallowed.

42. Do you not know that the old people of Te Whanau-a-Iritekura admitted that my statements were correct, and for that reason the land was divided?—I do not. If you had called those old people I probably should have heard them say so before.

43. Do you not know that it was you yourself who shut out these old people so that they should not give evidence in the Courts?—They all went out of the Court, and you never called any of them to give evidence. If you had called them they would have given evidence.

44. *Mr. Herries.*] When Tuta got the 11,000 acres was anything said about the Waikawa boundary? Was that taken into consideration at all?—The boundary was not upheld. The Court simply gave that award. The area so awarded to Tuta was 10,000, not 11,000 acres.

45. If the Court did not uphold Tuta's contention about the ancestral boundary, why did they award him any land at all?—I do not know. That is why we objected to the award and petitioned the House.

46. What boundary did they take? Did they take any well-known boundary, or was it a boundary fixed by the Court?—It was simply an arbitrary boundary fixed by the Court.

47. It was not a boundary asked for by Tuta?—No.

48. *Hon. Mr. Carroll.*] Did Tuta not claim that the boundary of the gift was at Waikawa Stream?—Yes.

49. And was the award in favour of Tuta identical with the Waikawa boundary?—No; it was right away at the other end of the block.

50. *Mr. Parata.*] If Tuta's people had not got 10,000 acres, what would have been the result? There was a little trouble, was there not, about the Waipiro Block?—If they had not awarded that area to Tuta and his people we should not have petitioned Parliament, and the award would have remained as it was.

51. Were not the two parties at that time about to take up arms?—Yes, Tuta was about to take steps of the kind at that time in order to force the Chief Judge to look into the matter.

Approximate Cost of Paper.—Preparation, not given: printing (1,500 copies), £4 8s. 6d.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1910.

Price 6d.]