

this list have houses on the block, built since the title was investigated, but are only living there on sufferance. It is claimed that the Apatari family has a right to inclusion by right of ancestry and occupation.

*List 6.—*

PAEKURA WHAKAHORO (*in reply to Court*): If Heni Taura is admitted, her share should be contributed to by the whole block, and not by myself or my family.

TUAHINE WHAKAHORO: I do not agree to Heni Taura coming in at all. If she is admitted, Pae-kura should give her a part of his share.

PAEKURA: I am not prepared to do that.

*List 7.—*I am satisfied as to this list, and will not now ask for the inclusion of Erihi Whakina.

*List 8.—*

Mr. MCGREGOR: In this case I will be satisfied, as to the Kaihote family, if a more equitable arrangement is made as to the shares of the individual members of the family. Two of them are original owners and owners by succession, while the others only come in as successors.

*To Court.*] The owners of the larger shares are not agreeable to this.

Mr. MCGREGOR: I consider that the families included in this list have been well treated. The only hardship lies in the fact that some get larger shares than others. Ketua was dead before the title was investigated.

*List 9.—*It is admitted that the claimants under this list are not closely related to Wikitoria Mapuna and Ahipene Tamaitimate, who are in the title. Te Paea Ahipene, in M.B. 28, p. 214, states, "Ahipene in the title is my father. Matangirau and his brother (Rakai) owned this pa" (Te Uhi). "Wikitoria Mapuna and Pakitea worked there" (at Te Awahikataka). Pakitea had several children who did not get into the title.

*List 10.—*Erihi Whakina succeeded to her father, Matiu Karihuka, but claims a further interest through her mother, Miriama.

*List 11.—*Te Paea Hineaka was married to Repooma (*List 9*). If latter had a right, his wife may have lived on the land under that right; if not, then we must assume that she herself had a right. My own witness has stated that Te Rangi had no right. If this is correct, Mihi Rapuke must have derived her interest through her father, Te Whio (*List 13*).

*List 12.—*I have nothing to submit to the Court as to occupation by the persons named in this list.

*List 13.—*It is for the Court to decide whether or not the descendants of Te Paratene should be included in the title, and it is important to decide as to the derivation of Mihi Rapuke's interest (*List 11*).

*List 14.—*In Ohuia and Ngamotu these people come in through Taitaui, and it may be assumed that Taitaui also had a right to Hinewhaki No. 2. I am not combating the statement that they had a right through Wikitoria. If the interest did not come through Taitaui, then the children of Paea Nawa had no right.

It has been suggested that the list of owners was settled by arrangement. If the arrangement was inequitable, then it is submitted that it should be set aside. It is a significant fact that those left out are younger members of families. It is very probable that they were not consulted. Many of them would be quite young at the time, but they would be entitled to be put in if their brothers were included. Some people went into No. 2 and some into No. 1. There would have been some amount of justice done if all who were excluded from No. 2 were put into No. 1, but this was not done. We find that in some cases the omission of names has been rectified by succession, but this does not apply to all the persons left out. Most of the occupation is on Hinewhaki No. 2. Nos. 1 and 3 are unsuitable for occupation. It is hard to understand why all of the owners did not go into No. 2, which was a *papakaiinga*. It is maintained that an injustice was done when some people who had cultivations on No. 2 were put into No. 1. Over half a century has elapsed before any steps were taken to reopen the title, but this is probably attributable to ignorance as to the proper procedure to be adopted. Occupation since 1868 need not be considered, but those whose elders or who themselves had occupied prior to that year are entitled to go in. If new names are admitted it does not necessarily follow that the subdivisional-survey work will be wasted. If in the opinion of the Court any of the persons now claiming are deemed to be entitled to inclusion, then it is asked that the matter be reopened so far as to allow a reinvestigation of the title, when the people in the title would have to defend their rights.

*List 2.—*WEPIHA KARAITIANA addressed Court. Does not seek inclusion in the whole block, but only in the portions now owned by Wikitoria's and Ahipene's successors.

*List 1.—*PETA TIAKIWAI addressed Court. Asks that people in his list be awarded a portion of Paraone Ahire's share. Had discussed matter with latter, but they were not agreeable.

MAFEKING PERE: If the petitioners are successful in disturbing the title to No. 2 it will become necessary to revise the list for No. 3, which was awarded to the owners of Nos. 1 and 2. If the petitioners are correct, either the owners made a mistake or the Court did. No evidence has been offered that the Court in 1868 departed from its usual procedure, nor was evidence adduced that it was unable to understand the Native customs prevailing in this district. No evidence has been tendered to show that the elders who got into the title used domineering influence over those who were left out. Rather, we find that Tiopira Kaukau, who prepared the list and handed it into Court, deliberately left out his own name and those of his sister and daughter. We maintain that the petitioners have entirely failed to justify their assertion that their exclusion was wrongful. They have failed to establish their claim to equal rights with the owners. In clause 7 of the petition they refer to disputes and fights. If these occurred, how could rights be equal? The effect of their allegiance to the Queen between 1840 and 1868, the leavening process brought about by Christianity (1850-68), the merging-together of fortunes