

193. *The Chairman.*] A formal one?—Yes. I may state that, throughout all the Courts I have presided at—to say nothing of the one at Taupo—at Waipawa and Cambridge, in every case I made it an invariable rule in no way to allow Judge Puckey or the Assessor to give me the least inkling of their views on the case; nor did I let them have the least inkling of my views on the case; and I preserved silence until they said they were prepared to give me their views; and it so happened that in all cases I fairly agreed with them.

Judge PUCKEY, examined.

194. *The Chairman.*] I do not know whether your special attention has been called to this petition of Piripi Whatuaio about Waotu South?—No. [Petition read.]

195. I should like to ask if you know all the circumstances of this case, Waotu No. 2?—Yes; I think so.

196. With that petition before you to guide you in the general line of information, perhaps you would be good enough to give us your version of this transaction?—I cannot refresh my memory, because I have not my notes as to the number of parties who appeared. The claim was brought by one Te Rei Paehua and others. After a *prima facie* case had been established, counter-claimants were called, amongst others of whom Piripi appeared. There were several other counter-claimants, who withdrew their claims, leaving Whatuaio and his hapu the only counter-claimants, and a small section called Ngatihinemata. No learned counsel appeared on either side. It is true Mr. Sheehan represented a certain section; but he withdrew, and allowed a half-caste named James Ransfield to conduct the case on behalf of the claimants. The counter-claimants were not able to establish any claim on the ground of occupation. A block immediately to the southward of this, called Matanuku, had been previously awarded by the Native Land Court to Piripi's people. Some two or three years previously a survey of Waotu South and Matanuku had been made. It appears that Piripi's people and the claimants of Waotu South were there at the time, and agreed upon this survey-line. It is a remarkable fact that, at one point on the survey, there was a dispute as to the direction the line should run, in order to exclude certain burial-grounds. Some of Piripi's people at a certain point on the line pointed out the direction in which the line should go, and flagged it off. There was a dispute somewhere near a wood, and Piripi's people took away the surveyor's arrows. A discussion took place, and, upon their agreeing between themselves as to the direction in which the line should run, these arrows were returned. I think that is a general outline of the case.

197. Was there anything exceptional in the hearing of this case?—Nothing whatever. There were certain concessions made to Harawira, who appeared as agent on behalf of the petitioners. He had closed his case completely, and was subsequently allowed to call an additional witness. He was also permitted to address the Court prior to giving judgment, although he had only the right to reply.

198. Had he exercised that right of reply?—He had not the opportunity of exercising it; the claimants would have the right of reply.

199. And, although he had no right of reply strictly speaking, you allowed him to speak before judgment was given?—Yes.

200. Has an application been made for a rehearing—a formal one?—Yes; dated the 9th June. An application was handed to me to be given to the Chief Judge. On looking it over I noticed that it apparently was signed on that very day. I asked where the applicant was, and it appeared he was some fifty miles away. I remarked that he must have a very long arm indeed to be able to have signed that application. I thereupon returned the application, and suggested that Piripi's signature should be got to it, as otherwise it might not be considered. About a week later it was brought to the Court with Piripi's signature attached to it.

201. What is the position of the application just now; has it been considered?—I do not know.

202. It was passed to the Chief Judge, I suppose, in the ordinary form?—Yes.

203. *Major Te Wheoro.*] Speaking of the survey that took place where there was a dispute between the two hapus, and it was arranged between them?—Ngatingarongo represented the land to the south, and Ngatihuaia and Ngatikapu the land to the north of the line. Waotu is on the north side of it, and Matanuku on the south.

204. *Mr. Tawhai.*] Is there any land to the north of Waotu No. 2 that was previously investigated and adjudicated to Ngatihuaia?—Yes.

205. Ngatihuaia, in giving their evidence before the Court, did they not allude to the boundary between themselves and Ngatingarongo, and say that Waotu No. 2 belonged to Ngatingarongo?—I cannot say. I was not Judge on that occasion.

206. Was not the evidence taken before that Court produced before the Court in which Waotu was investigated?—It was not produced, but I looked through it, and could not find any point in favour of Ngatingarongo to the land to the south of that line.

207. *Harawira* (one of the petitioners.)] You mentioned that for a time Mr. Sheehan did represent one party in Court, and that he withdrew in favour of James Ransfield, who continued to conduct the case for Mr. Sheehan. Did you not observe, after James Ransfield had taken up the case, that Mr. Sheehan returned and conducted the case in person?—I did not say Mr. Sheehan did not represent a case in Court. I say that he did not appear on behalf of any party. He was present merely to watch the case, and took no active part whatever. Mr. Sheehan was in precisely the same position as Mr. Mangakahia was. During the whole time he only asked one question, but I really forget what it was.