

2B. That the Native Land Court had declared that the Ngatiwairangi, named as one of the eighteen hapus owning the Taupouuiatia West Block, was Ngatiwairangi-Parewhete, and that the Ngatiwairangi, to whom the Pouakani Block—a part of the said Taupouuiatia West Block—was awarded by the Court, did not belong to that section of the hapu.

2C. That the hapus Ngati te Kohera and Ngatiparekawa, whom he had set up in his counter-claim as having an interest in Pouakani, as well as the Ngatiwairangi, Ngatimoe, and Ngatikorotuhou, set up by the claimants, were wrongfully rejected by the Native Land Court from the main portions of that block.

2D. That his personal claim to be included as an owner in Pouakani was also wrongfully rejected by the Court.

2E. That Mr. W. H. Grace, the Government Land Purchase Agent, improperly interfered in the Court, and actively and openly supported the parties opposing him and his people in the above-mentioned claims.

2A. With regard to No. 2A, Hitiri showed that, owing to his absence at Cambridge attending the Resident Magistrate's Court, he had not been in time to bring forward the Raukawa claim before the Native Land Court had decided that Tia and Tuwharetoa only could be ancestors giving title to the Taupouuiatia Block; but it was proved that during his absence he and his hapu were represented by their leading chief Te Takiwa, and that he had had the opportunity afterwards of bringing forward his claim through Raukawa when the question of "hapus" was before the Court, and that he and Tini Waata did set up that ancestor; further, that Tini Waata withdrew his case, admitting that Raukawa gave no title, and that he (Hitiri) also abandoned his claim, saying that Raukawa had never set foot on the land, and the Court gave judgment for Tia and Tuwharetoa only, not having been called upon to decide for or against Raukawa.

2B. To explain No. 2B it should be premised that at the fixing of hapus in the Pouakani Block by the Native Land Court the claimant, Te Rangikaripiripia, set up three hapus—viz., Ngati Wairangi, Ngati Moe, and Ngati Korotuhou, and Hitiri in setting up a counter claim named the same three hapus, adding Ngati Te Kohera and Ngati Parekawa, without specifying any separate Ngati Wairangi, and afterwards admitted that the first three hapus had a claim. He himself never referred to the distinction, either in his evidence sworn before the Court or in that given before the Commission, nor did he mention it in his application for rehearing, nor in his petition to Parliament. But the point was taken up by another witness, and was forcibly pressed by Pepene, the very clever conductor of Hitiri's case, who had seen it recorded in the books of the Native Land Court that the Judge had declared that Ngati Wairangi-Parewhete was the Ngati Wairangi to be included amongst the owners of Taupouuiatia West. It was stated in evidence, and not contradicted, that the affix "Parewhete" was used for the first time at the Taupo Court; and, even assuming that Ngati Wairangi-Parewhete only could claim, we are of opinion that Te Rangikaripiripia, after a variety of complex statements concerning ancestry, conquest, &c., including numerous genealogies, proved descent from Parewhete by the intermarriage of one of his ancestors with a descendant of hers, and we find that his claims were not invalidated by this objection of Hitiri's.

2C. With regard to No. 2c, judgment was given by the Native Land Court in favour of Ngati Wairangi, Ngati Moe, and Ngati Korotuhou, and the claim set up by Hitiri and others for Ngati Te Kohera and Ngati Parekawa was dismissed, as they could not prove occupation, and the Court had decided that occupation as well as descent was necessary, as all the hapus were descended from the same ancestor, Wairangi. Hitiri's evidence before the Commission was shifty and, in some parts, contradictory, and when challenged in cross-examination with having given contrary evidence, and with having set up two different sets of hapus for the same Pouakani Block before the Native Land Court, he admitted that what he had there stated was false, that he had deliberately made such wrong statements because he was suffering wrong and because his opponents also had been swearing falsely, and he only followed suit. On the other side contradictions were also proved, but these were of a comparatively minor character, and we consider their statements to be the more reliable; and we are of opinion that the Ngati Te Kohera and Ngati Parekawa hapus were rightly excluded by the Native Land Court from any interest in Pouakani except by intermarriage.

2D. Hitiri's personal claim to be inserted in the list of owners for Pouakani rests, in our opinion, upon his having resided at Waipapa, within the block, at different times since the year 1874. He claimed to have resided in several other places within Pouakani, but this was sufficiently and distinctly contradicted by the other side, who also showed that he had been but a visitor at Waipapa, living there for a time with his sister and brother-in-law, his own settlement, Te Papa, in the Tihoi Block, having been destroyed by Te Kooti. Judgment was given against his personal claim by the Native Land Court; but the Judge, Major Scannell, in his evidence before the Commission, stated that had he heard in time all the evidence given in a subsequent and similar claim by Te Takiwa, who was admitted as an owner in Hapotea, a subdivision of Pouakani, he would have decided in his (Hitiri's) favour also, as his claim was as good as that of the other. The Judge told Hitiri that he would support his application for a rehearing of this particular claim if he chose to make one, but he failed to do so; and we are of opinion that, though he has lost a chance of proving a right, it is not from any unjust treatment by the Court.

2E. There is no doubt that Mr. W. H. Grace, the Government Land Purchase Officer employed to negotiate with the Natives for the purchase of portions of the Taupouuiatia Block, did assist in Court the party opposed to Hitiri by suggesting questions and giving them advice; and, being himself interested in the Pouakani Block, through his wife (a Native or half-caste), and by reason of his having made large advances to the claimants, amounting to over £600, on his own responsibility, and, further, by his desire to facilitate the sale to Government, it is more than probable that when out of Court he also aided and guided them in the course they should pursue: but the charges made against him by Hitiri and other witnesses of improper conduct were not corroborated by evidence, and we consider that they were mere