

5. In this regard the Court must agree with previous Courts that the identity of Upokorehe hapu remains a matter of doubt. The origin of the name Upokorehe is also in doubt and the subject of many conflicting stories. There seems to be a consensus of opinion that the Upoko (head) belonged to one Taikurere, but opinion is equally united on the point that others besides the descendants of Taikurere are entitled to be called Upokorehe. Mihirangi Kotu, who was called before this Court to give evidence on behalf of the petition and whose family are included in List No. 1, said, "I cannot trace from Taikurere."

6. On the 22nd March, 1895, Judge Scannell (in the case of succession to one Tawhi Rangi) delivered the following judgment, after hearing in evidence Rimaha te Pahau, Hemi Kakitu, Wi te Akeake, Rawiri Makawa, and Mihaera Rehua—all of them elders whose knowledge of the history of this title must have been as nearly complete as it was possible to bring to bear at that time:—

"In this case the Court finds it impossible to get satisfactory evidence from either side. The land was given to the Upokorehe hapu by the Government, but none of the witnesses can give us any satisfactory explanation as to who the Upokorehe are or from what source the hapu comes. All we have from which the Court can derive any guidance is the fact—admitted by one of the witnesses called to support the counter-claimants' case—that for four generations at least the mother of the deceased and claimant in the case—and her ancestors—have lived with Te Upokorehe and at Hiwarau. Under these circumstances the Court is of opinion that the share ought to go to the mother as the nearest of kin now living, and awards accordingly. The successor therefore will be Merihi Haoriri, f.a., Hiwarau."

7. It appears from the evidence given at the hearing of the application for definition of relative interests that some persons were included in the list who were from outside tribes altogether, but who had long occupation at Hiwarau.

8. This, together with all other material that has been searched, confirms the Court in the opinion that the words "Upokorehe Hapu" and "Upokorehe Tribe" used in the *Gazette* notice of 14th November, 1874, cannot be applied in derogation of the rights of the persons named as grantees from the Crown.

9. It does not appear to the Court that a reopening of this matter is justified, as no evidence can now be adduced that could enable any tribunal to detect and correct mistakes (if any) made in the root of title to Hiwarau Block.

[L.S.]

For the Court,
JNO. HARVEY, Judge.

Approximate Cost of Paper.—Preparation, not given; printing (453 copies), £7.

By Authority: E. V. PAUL, Government Printer, Wellington.—1945.

Price 3d.]