of the 7,224 acres. We observe first of all, as we have previously said, that there was evidence to show that the whole of this land was included in the land known, apparently indifferently, as Mokau or Manginangina. Secondly, we do not accept Judge Acheson's description of the land. We think that it may be more correctly described in the words of Mr. Campbell as "basin country—a basin facing west generally and with the slopes into the valley from north and south—some of the ridges are easy topped and some of the country is what you would call fairly hilly, and the balance is broken." Mr. Darby's description of the land given from the plans would seem to be a fair one: he says it is "more or less a basin containing fairly broken country." Apparently Judge Acheson based his opinion as to other tribes being owners of the block largely, if not entirely, upon the configuration of the land. We can see no reason based on Maori custom or any other hypothesis why the configuration of the block, *per se*, raises the inference that other Natives than the Ngati Whiu would necessarily be interested in its ownership or that it could not belong entirely to one hapu. Not only does the mere configuration of the land, as we see it, not of itself justify Judge Acheson's finding, but in our opinion all the other circumstances of the case tend to the contrary view.

38. Judge Acheson says that his Court cannot believe that Wi Hau or any other Ngati Whiu Chief "would have seriously claimed the right to name or to sell the Hokianga side dominated by the mana of famous Tamati Waaka Nene, or the Whangaroa side where Hongi's kinsmen held sway, or the southern side looking towards Okaihau and Kaikohe." But the fact is that Wi Hau and the other Chiefs of the Ngati Whiu *did* sell this land, and all the documentary evidence shows that Waaka Nene and his people and all the other persons referred to by Judge Acheson knew perfectly well that the land had been sold, and, so far from ever making any claim until recent years, seem never to have uttered a protest. Mr. Reynolds was constrained to admit, implicitly, if not explicitly, that the sale was known to Waaka Nene and his people, and that, except for the suggestion in the evidence of one witness (which we consider too nebulous to be seriously regarded) of a protest by Waaka Nene, and except also for the preparation of the alleged Hone Heke petition, there is no evidence of any active steps ever having been taken. It is true that at the time of the sale Waaka Nene was an old man, but there is no suggestion that his intellect was impaired, and he was certainly not the man to stand idly by while lands in which he knew he was interested were being filched away from him. If Waaka Nene had been interested in the land, we cannot think that Wi Hau would have dared sell the land to the prejudice of the rights of that great warrior Chief; nor is it credible that Mr. Kemp would have been a party to a transaction which violated the rights of the great warrior and chief who had been, perhaps of all the Maoris, the greatest and most loyal friend of the Government and to whom the Government was greatly indebted for his help in bringing about the Treaty of Waitangi. The fact that Wi Hau and his fellow-chiefs of the Ngati Whiu did sell this Mokau land, and that the transaction was negotiated by Kemp, who was an officer of the Government, are in themselves eloquent testimony to negative the Waaka Nene people's present claim.

39. We revert now to the question, to which we said we would later return, of the knowledge of all the Maoris in the district of the sale of this land. This is, we think, shown (in addition to the various matters to which we have already referred) by the inferences that must necessarily be drawn from the facts and the chronology of the dealings in lands surrounding the block, inferences which we consider have not been answered by the claimants.