

is the Manginangina Block of 7,224 acres, that land is shown as Government land, which necessarily means land sold to the Crown. In all the proceedings by way of investigation of title the application was, of course, made by the Maoris. The surveyor was the agent of the Maoris, and the Maoris produced the surveyor's plan as part of the evidence before the Court. When, therefore, it appears in all these plans that the 7,224 acres was Crown land, especially when taken in conjunction with all the facts of the case to which we have made reference in this report, the Maoris cannot be heard now to say that they did not know of the sale. Incidentally, we might repeat that, in regard to this very transaction of January, 1859, after Hone Rameka, in giving evidence in the Native Land Court in 1934, had said that his ancestors had sold the main block and told him about the 200-acre reserve, Tamati Arena Napia himself gave evidence and said, referring to the survey in 1858: "The boundary on the southern side was marked by a stone peg placed there by the Maoris. My grandfather, Hare Napia, told me that the Natives who went round with the surveyor placed this stone peg there."

54. The history of all these surrounding blocks, so far from tending to negative, strongly supports Wi Hau's mana and the Ngati Whiu ownership over the whole of this block of 7,224 acres.

55. Even if (as has been suggested) the Maoris did not know of the sale till the Native Land Court proceedings in 1876, they still did nothing for a long period. But the evidence all shows that they knew from the outset and did nothing. As further evidence that they did know (and that they were not owners), though in 1866 and 1875 the Ngati Whiu, the Ngati Uru, and Waaka Nene took steps to have the titles of all the unsold surrounding blocks investigated, no application was ever made in regard to Manginangina. There surely can be but one inference from all this.

56. In view of all the matters set out in the foregoing paragraphs of this report, we feel (but, as to Mr. Reedy, not without hesitation, as is mentioned later) that we are compelled to the following conclusions:—

- (i) It has not been satisfactorily shown that either the Ngati Uru or the Waaka Nene section of Maoris, or any hapu or persons other than the Ngati Whiu, were owners of the land containing 7,224 acres known as Mokau or Manginangina.
- (ii) The Ngati Whiu (or the persons who purported to cede the Mokau Block to the Crown) were the true owners of the whole of the 7,224 acres, and the Chiefs who signed the deed must be deemed to have been fully empowered to sell the land and execute the deed.
- (iii) The boundaries laid down for the land as shown in the plan did not wrongfully include an area of land known or referred to as Takapau.
- (iv) The deed must be deemed to have been properly executed.
- (v) If (contrary to our finding in that behalf) any tribes, hapus, or persons other than the Ngati Whiu were interested in the ownership of the block, it is clear that the fact of the sale was generally known from the outset to all the persons who could conceivably have had any claim and they must be deemed, in view of their inaction and unconscionable delay, to have acquiesced in the sale. It would be contrary, in our view, to all principle that they should, after the lapse of nearly a hundred years, be heard to make their present claim, especially