

or raised by the old Maoris of the day or their immediate descendants, who must have known a great deal more of the place-names and of the boundaries than the members of the present generation.

21. The petition of Mr. Christy and his fellow-petitioners was referred, pursuant to section 16 of the Native Purposes Act, 1937, to the Native Land Court for inquiry, and in 1938 an inquiry was held by Judge Carr, who came to the conclusion that the claims of the petitioners were not justified and that the attack made by the petitioners upon the correctness of the boundary-line as claimed by the Crown had failed. The strength of the case made before Judge Carr was that the two hills, Tikapu and Pukewhatu, had been wrongly placed on the Crown's boundary-line, and the case for the petitioners involved the hypothesis that the sequence of place-names given by the Mahia owners in 1864 was wrong; but if there was one thing more than another that the old Maoris were very careful and particular about, it was the proper description and sequence of the physical features forming their boundaries. It was said before Judge Carr, and has been repeated in evidence before us, that Pukewhatu was a sighting-point for locating fishing-grounds.

22. Before Judge Carr another place-name was mentioned—namely, Waerenganui—but a good deal more has been said about it before this Commission than was said before Judge Carr. It is now said that Waerenganui, which means "a big clearing" (in this case perhaps from 8 acres to 10 acres) is very close to the line as now claimed by the Maoris, and that there is no big clearing on or near the Government line. Even so, there is an old clearing of about 5 acres on Tawapata North No. 2 not a great distance from the Government line at the point at which on the Government line Waerenganui is placed.

23. But there is one point in reference to the difference between the case as presented before Judge Carr and the case as presented before this Commission which may not be without importance. In the case as presented to us, Pakake-a-Mahere, which is said to be a bold whaleback-ridge, is shown to the south of Pukewhatu and not far from the Mangatea Stream. A great deal was made of this particular place. It was said to have been used in conjunction with Pukewhatu as a sighting-point for locating the fishing-grounds; but not a word was said about this before Judge Carr, and, indeed, Rangī Te Rito, who was called as a witness before Judge Carr and who was one of the very persons who had given Judge Harvey the information upon which he had written the names Pukewhatu and Tikapu on the plan in the East Coast Commissioner's office, said in cross-examination that he did not know Pakake-a-Mahere and had never heard of the place. More than that, not a word was said by any of the Maoris to Mr. Harvey in 1924 or thereabouts about either Pakake-a-Mahere or (as far as we can see) even Waerenganui. Nor, indeed, does the petition in 1936 refer to Waerenganui or Pakake-a-Mahere (important as they are now said to be) as wrongly located, but only Tikapu and Pukewhatu. And now, when we know exactly what the case for the claimants is, we find that it involves shifting first Tikapu from perhaps one and a half miles north of Whakaumu-a-Hika-Tupuni to a new line 25 chains south of Whakaumu, shifting Waerenganui and Pukewhatu approximately one and a half miles and two miles respectively to the westward, and shifting Pakake-a-Mahere from about a mile north of Whakaumu to about three miles to the southward of it.

24. There is one other point which perhaps we should have mentioned at an earlier stage. Although the claim made by the Tawapata South Maoris before Mr. Justice Sim's Commission was a different claim from that which is now made, it is perhaps not without significance that that claim seems to have involved the acceptance of the Government line as the correct boundary-line, the area of 5,800 acres then in question being the land between the Government line and the sea.