

Harbour Boards and in 1874 this land was vested in the Napier Harbour Board. It has ceased to be Native Customary land or Native land and the Court has no jurisdiction under Section 24 of the Act of 1909. The Governor can confer jurisdiction under secs. 25/1909 and 124/1913. Secs. 84/1909 and 43/1913 refer to the alleged interests of Natives in customary land. Section 11/1912 and the amendment 13/1914 give power to investigate the title to Native Reserves on the application of the Minister of Lands.

Section 432 of the Act of 1909 forbids the calling to question of any grant or instrument of title issued prior to 1892. It therefore seems that the Court has no jurisdiction to go back and investigate the title to this area called Whanganui-o-Rotu. Therefore applications 97 and 98 are hereby dismissed.

58. It will be noted, incidentally, that while there can be no doubt of the soundness of the decision, both Judge Gilfedder and Mr. A. L. D. Fraser (who appeared for the Natives) assumed that the Whanganui-o-Rotu had been sold to the Crown.

59. On the 9th May, 1916, Waha Pango, Aporo te Huiki, and Hiha Ngarangioue appealed against this decision of 13th April, 1916. The following is a literal translation of the grounds of appeal submitted by the appellants, and shows the bewilderment caused by Judge Gilfedder's dictum that the Whanganui-o-Rotu had been purchased by the Crown in 1851.

This is an application for an appeal by us to the Chief Judge of the Native Land Court in connection with a judgement delivered by Judge Gilfedder in respect of a case—the name of land being Whanganui-o-rotu, that is, a lake. Our application concerns the land under the water of the said lake. Our application appeared in the *Gazette* for the 8th of February 1916. The application number was 136, and the names of the applicants were, Hiha Ngarangioue and Oriwia Porau. It was proceeded with on the 13th of April. This lake was separated (excluded) by Mr. McLean from the land sold in the Ahuriri Block. The year that it was sold by the Rangitiras and the Tribe was 1851. This is the amount with which the Ahuriri Block was bought—£1500. Whanganui-o-rotu was not in the sale. Ahuriri is the block that is set out in the deed of sale—and Ahuriri alone. You will now understand. This lake Whanganui-o-rotu should be carefully examined on the deed of Mr. McLean where it shows that the land reserved and returned by the Government of Mr. McLean is situated by the lake. The names of the reserves are these: Rorookuri, Wharerangi and Puketitiri area 500 acres. You will observe Chief Judge that these three reserves are within the boundary of the sale, that is, within the lake of Whanganui-o-rotu, and hence our appeal and application for an Appellate Court to be sent to us. When the Court opened at Hastings on the 13th of April Mr. Fraser stood up and told the Court that this lake was sold by the elders to the Crown in the year 1851. Mr. Fraser asked Judge Gilfedder to dismiss the (their) application. Judge Gilfedder dismissed it. The Maoris told him that the lake was not sold and that the deed of sale of Ahuriri was here, and the lake was not set out in the deed. Here is the deed—we have it. Mr. Fraser said that the whole of the lake was included in the said sale and that the Court was not to listen to the Maoris. We said that the Chief Surveyor at Napier had made a map, and that he said that the land under the water had not yet been before the Court. The Judge then decided that the lake was included in the sale. Then the Maoris asked to have that deed of sale produced, and asked as to who signed it. We therefore ask that this appeal be heard and an Appellate Court be sent. If the Chief does not agree then we will petition the House. We are applying under the conditions of the second hearing.

GOD BLESS KING GEORGE V!

WAHAPANGO.
APORO TE HUKI.
HIHA NGARANGIOUE AND OTHERS.

60. The following minutes of 11th April, 1919, show the manner in which this appeal was disposed of:—

Extract from Napier Minute Book No. 63, page 212, Hastings, 11th April, 1919.

Present: Jackson Palmer, Chief Judge, Presiding.
Walter Edward Rawson, Judge.
Oka Heketa, Clerk & Intpt.

WHANGANUI A ROTU

Deen. 13/4/16, on Investigation of Title. Appeal of Wakapanga and Aporo te Huiki.

Mr. Grant. Appellants desire to withdraw appeal.

Te Wapango: I and Aporo desire to withdraw appeal. Appeal dismissed. £5 costs to go to Mr. Grant (Harbour Board's Solicitor) £25 balance to go to Aporo Huiki of Puketapu.