

of certain portions clearly established a right to share in it. This joint ownership becomes easily intelligible when the close relationship established between the two tribes by marriage is taken into consideration. Apanui himself had two Ngaitai wives, of whom Te Whaaki, the mother of Te Harawaka, was one, and several other marriages between members of the two tribes, followed by residence on the land, took place in subsequent generations. We do not think any other section of the Whanau a Apanui has satisfactorily established a claim.

We find, therefore, that the Ngaitai and the Whanau a Te Harawaka are the owners of this land, and the names of the persons so entitled are contained in the orders in that behalf annexed to and forming part of this report.

It has been admitted by all parties that in ancient times the three adjoining blocks, now known as Tunapahore, Kapuarangi, and Takaputahi, were occupied by the Native owners as one undivided piece of land. Takaputahi and that part of Kapuarangi now known as Kapuarangi No. 2 are not before us on this inquiry, but we have found it necessary to admit some evidence of occupation of these last-mentioned pieces as bearing directly upon the ownership of the land under investigation. The evidence before us shows that, while the Ngaitai and the Whanau a Te Harawaka were residing permanently on this land, the principal pas, kaingas, maraes, and urupas were on Tunapahore, the hilly country of Kapuarangi being occupied for the most part only during the hunting and fishing seasons. No definite boundaries appear to have been laid down for the purpose of locating the interests of the several owners, nor was there any boundary between the blocks now known as Tunapahore and Kapuarangi.

We find, however, that with regard to Tunapahore the signs of occupation by Ngaitai are for the most part on the south side of the Hawai Stream, and the signs of occupation by the Whanau a Te Harawaka are on the north side of that stream, which divides the block into two approximately equal parts, the southern being estimated to contain 2,821 acres, and the northern 2,628 acres. It will therefore, in our opinion, be a fair and equitable division of the land to take the Hawai Stream as the boundary between the two tribes, and we have made our award accordingly.

With regard to Kapuarangi—that is, the block as originally surveyed, exclusive of Kapuarangi No. 2, which is not before us—we are of opinion that it ought to be divided as nearly as may be into two equal parts. To give effect to our opinion we find that we cannot make use of the lines surveyed in accordance with the orders of the Native Appellate Court. If, however, the block is divided by a straight line drawn from the point where the Hawai Stream crosses the boundary between Tunapahore and Kapuarangi to a point on the southern boundary of Kapuarangi about 80 chains east of the Kapuarangi Trig. Station an equal division can be made. We have accordingly adopted such line in our decision, awarding to Ngaitai and the Whanau a Te Harawaka those parts of the Kapuarangi Block (so divided) which adjoin their respective portions of Tunapahore.

Given under our hands and seals, at Wellington, this 9th day of September, 1903.

[Seal.]

H. G. SETH-SMITH.

[Seal.]

HONE HEKE.

In the matter of "The Native Land Claims Adjustment and Laws Amendment Act, 1901," and of section 18 thereof; and in the matter of a Royal Commission, bearing date the 31st day of January, 1902, and issued by His Excellency the Governor in Council, in pursuance and exercise of the powers in that behalf conferred by the said section, appointing Hugh Garden Seth-Smith, Hone Heke, and Alfred Levavasour Durell Fraser to be Commissioners for the purpose of hearing and determining the several matters in the said Commission mentioned; and in the matter of the block of land known as Maraehako.

WHEREAS by the said Commission the said Commissioners were required to transmit to His Excellency the Governor under their hands and seals their decisions, orders, and opinions resulting from such investigations and inquiry not later than the 30th day of June, 1902, or such extended date as might be appointed in that behalf: And whereas by a Commission bearing date the 16th day of June, 1902, the time at or before which the said Commissioners were to present to His Excellency the Governor their report as aforesaid was extended to the 30th day of June, 1903: And whereas by a Commission bearing date the 29th day of June, 1903, the said time was further extended to the 31st day of December, 1903: And whereas by the said first-recited Commission it was declared that the said Commission should continue in full force and virtue although the inquiry were not regularly continued from time to time by adjournment, and that the said Commissioners, or any two of them, should and might from time to time proceed to the execution thereof and of every power or thing therein contained:

In pursuance and exercise of the powers in that behalf conferred upon us by the said section and by the said several Commissions, we, the undersigned, being two of the said Commissioners, upon inquiry made and evidence taken, do hereby determine and make order that the persons whose names are set forth in the schedule hereto annexed, and the successors of such of them as may be dead, are the owners according to Native custom of all that piece or parcel of land situate in the Te Kaha Survey District, known as Maraehako, containing 1,894 acres, be the same more or less, and delineated in the plan numbered 6568.

Given under our hands and seals, at Wellington, this 9th day of September, 1903.

[Seal.]

H. G. SETH-SMITH.

[Seal.]

HONE HEKE.

I assent.

G. B. DAVY,
Chief Judge, Native Land Court.