

*Appeals Nos. 96 and 97.*—By Te Iwikino Hairuha and others; and

*Appeal No. 99.*—By Waaka Paraone te Ranui and others.

These three appeals ask for the inclusion of certain presents under the ancestral right of the ancestors Tamakaimoana, Hahore, and Te Purewa, and much evidence has been submitted which we will presently consider.

*Appeal No. 93.*—By Erueti Tamaikoha, claiming inclusion in that portion of the land which is named Ohora, as contained within its boundaries submitted by him to the previous Commission and awarded by that Commission to him (*vide* Book 6, page 177), and alleging that when the lists of names were being dealt with by the last Commission the Commissioners withheld this list and read out the list submitted to them by Tupara Kaaho for this land.

Tupara Tamana, *alias* Tupara Kaaho, who opposes these five appeals, contends that no part of Omahuru Block has been included in Paraeroa Block, that the ancestor Tamakaimoana has no right to this land, excepting only to a small portion at Waimahae containing perhaps about 200 acres, and that the right to this land is from the ancestor Hinekura.

Tupara also asserts that neither Te Wakaunua Houpepe, Tamaikoha, Te Wharau Tapuae, or Akuhata te Kaha have any occupation on this land, but that he (Tupara) put certain of their party into the land through "aroa."

We have duly considered the evidence given before us, together with the evidence submitted before the previous Commission, and we will now proceed to deal with the appeals of Te Wharau Tapuae and Akuhata te Kaha.

It is not clear to us that any portion of Omahuru Block has been included in Paraeroa. The portion of Paraeroa Block claimed as part of Omahuru by Te Wharau Tapuae within the boundaries given by him before this Commission does not adjoin the Omahuru Block. It is admitted that the ancestor Tamakaimoana had a small interest in this Paraeroa Block, but there is no strong evidence of occupation of that portion of the block named Waimahae, under that right.

*Re* the ancestor Te Furewa: It is admitted that this man was buried at Tarewakoko by Te Kaaho and others, but that fact in itself alone is not in our opinion proof of occupation of the land by his descendants. There is no satisfactory evidence of occupation by them upon this land.

We therefore recommend that these several appeals, Nos. 96, 97, 99, and 100 respectively, be dismissed.

In regard to Appeal No. 93, by Erueti Tamaikoha, we have read the decision given by the previous Commission upon Tamaikoha's case for the portion of Paraeroa Block named Ohora, and we find that his claim therefor was unopposed by any person, and that the Commission gave judgment in favour of his claim. We are not clear, however, as to why the Commissioners first read out other lists of names and held over the list submitted by Tamaikoha—to whom they had awarded the Ohora portion—until afterwards. It seems to us that this was probably the reason that Tamaikoha felt mortified and asked to withdraw his list and stated that it was his intention to appeal. He did not, however, strongly put forward his case before us, nor tender evidence in regard to occupation and other proofs of rights to the land on the part of himself and party. The persons for whom he claimed totalled 216, as contained in the list of names submitted by him to the previous Commission on the 25th day of February, 1899; the award of that Commission was given on the 11th February, 1902, and the order for the land was made on the 3rd March, 1902.

We are at a loss to understand why no one of the 216 persons contained in that list of names stood up before the previous Commission to urge their claims and protest against the withdrawal of their names, nor appeared before this present Commission to uphold their rights to the land. The names of Numia Kereru and his children are contained in that list, yet on the 5th day of February, 1902, in reply to the objection then made by Tupara Kaaho to his sitting on the case as a Commissioner, on the ground that he was an interested person, Numia stated (*vide* Book 6, page 125) that he was not interested and had no claim.

However, when Erueti Tamaikoha appeared before this present Commission he made no special statement in regard to the boundaries, or occupation, or any other substantial evidence of right, in support of his case, nor did he submit any list of names to us for inclusion in the land. We are therefore of opinion that his case should be dismissed, and we recommend accordingly.

In regard to Pukepohatu Block which was awarded to Tamaikoha and his party by the last Commission, this land is shown in the plan of Paraeroa Block as part of that block. It appears to us, however, that the area of 7,488 acres stated in the face of the order for Pukepohatu Block is the acreage contained in the Pukepohatu Block—adjoining but outside of Paraeroa Block on the eastern side—which is uninvestigated Native land for which no order has been issued, nor claim been advanced, and of which no survey has as yet been made.

The seven persons whose names are hereunder set out are the persons who have been selected by the owners of the land from amongst their number and proposed by them as the members for the Hapu Committee for this block, and agreed to by all the owners present before this Commission sitting at Whakatane on the 8th day of March, 1907:—

1. Tupara Kaaho.
2. Paora Rangiahō.
3. Anania te Ahikaiata.
4. Tamehana te Puia.

5. Te Hira Waikite.
6. Mika te Tawhao.
7. Mihaka Matika.

GILBERT MAIR.  
D. F. G. BARCLAY.  
PARATENE NGATA.