

Native Land Court, Wairoa, 29th January, 1924.

I HAVE the honour to inform you that the Court sitting at Tokomaru Bay on the 9th October, 1923, and the following days held the inquiry directed by you in pursuance of section 55 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, into the following petitions:—

- (1.) Petition No. 314 of 1919, of Wiremu Karaka and nineteen others, praying for reinvestigation of the title of Mangahauini No. 7A Block.
- (2.) Petition No. 265 of 1922, of Horomona Teo Paipa and others, praying that the decision of the Native Appellate Court *re* Mangahauini 7A be cancelled.

Mr. Delamere appeared to support the petition by Wiremu Karaka and others, and Horomona Teo Paipa that by himself and others, and Mr. Cooper in opposition to both petitions.

No fresh evidence was furnished by any of the parties, but voluminous addresses were given, and the Court was supplied with numerous extracts from the evidence adduced at the previous hearings for and against the respective petitions.

As a result of a careful perusal of the evidence and consideration of the addresses I beg to report as follows:—

(1.) *Petition No. 314 of 1919, of Wiremu Karaka and others.*

Mangahauini Block as a whole was investigated by the Native Land Court sitting at Tokomaru Bay on 1897-98, and Mangahauini No. 7 awarded to the Wh'a Kaipakihi—that is, to the descendants of the ancestors Maroro, Kopae, and Korongaungau. Within the boundaries of No. 7 were two small pieces called respectively Waiparapara (now known as Mangahauini No. 7A) and Maungatio, which were claimed as the ancestral lands of Keteiwi, the Wh'a Pakoko ancestor. The Native Land Court decided against the Keteiwi claim, and awarded the whole of No. 7 to the Wh'a Kaipakihi. This award was appealed against, and the Appellate Court in the case of Maungatio varied the order of the Native Land Court. Its decision is as follows:—

“The Court is of opinion that the evidence is not sufficiently conclusive to warrant it in making a specific award to the descendants of Keteiwi of the land claimed at Maungatio, but, as it appears open to doubt that these persons have not some right that would justify their inclusion in the order made by the Native Land Court, it has been decided to amend the aforesaid order in the manner by including the names of those descendants who were previously omitted who are entitled according to Native custom.”

In the case of Waiparapara the decision of the Native Land Court was reversed and the land awarded to the descendants of Rerekohu, a descendant of Te Keteiwi. It was then called Mangahauini No. 7A.

Application was subsequently made under section 50 of the Native Land Act, 1909, for a rehearing of the appeals, and the Appellate Court sat in 1912 in pursuance of the provisions of section 10 of the Native Land Claims Adjustment Act, 1910. The minutes are not clear on the point, but it would appear that the Wh'a Kaipakihi, in referring to Mangahauini No. 7 in their appeal, included 7A, which they have always contended was not a separate block, but a part of No. 7. The Appellate Court, however, held that it was a separate block, and that the appeals relating to No. 7 did not affect it. No inquiry was therefore held by the Appellate Court of 1912 as to the ownership of 7A.

Mangahauini No. 7A, or Waiparapara, is perhaps one of the most valuable pieces of land in Tokomaru Bay. With the exception of 10 acres it is all flat, fronts the main road running round the bay, and is not only eminently suitable from a Native point of view for purposes of cultivation, but has a high prospective value. It was generally admitted that when the common ancestor Tamateakuhakauri divided his land amongst his children Paraheke and Turangakawa he made the Mangahauini River the boundary towards the coast, locating Paraheke to the south and Turangakawa to the north. From Paraheke came Keteiwi, and from Turangakawa came Maroro, Kopae, and Korongaungau. This Court cannot find that any explanation has been offered as to how Keteiwi came to acquire the two small pieces of land Waiparapara and Maungatio right in the heart of the Wh'a Kaipakihi territory. It was claimed that Keteiwi had pas on Maungatio, but no such claim was made with regard to Waiparapara. All the pas in the vicinity of that piece were admitted to belong to the Wh'a Kaipakihi. The Keteiwi pas were at a distance from it, and to retain their right by occupation and working his descendants would be compelled to travel over the Wh'a Kaipakihi land. It is true that the majority of the descendants of Keteiwi who claimed were also Wh'a Kaipakihi, but the intermarriages took place at a comparatively recent date only, and there must have been an interval of some generations when there was no connection of any kind between the two hapus, and it is quite possible, as claimed by the Wh'a Kaipakihi, that Keteiwi's descendants occupied only after the intermarriages.

Before the Native Land Court Wi Pewhairangi was the claimant and the witness who gave evidence as to rights of the descendants of Keteiwi, through Rerekohu, to the two pieces Maungatio and Waiparapara. He was probably the only claimant who was not a descendant of either Maroro, Kopae, or Korongaungau, the Wh'a Kaipakihi ancestors. He gave detailed evidence as to the occupation of Rerekohu's descendants on Maungatio, furnishing the Court with the names of the pas and cultivations and of the persons who occupied.

As regards Waiparapara, or 7A, he alleged that Rerekohu divided it amongst his four wives and his sister Mahana. He did not give any description of the boundaries of those divisions, nor did he even indicate their locality; and, beyond alleging that the descendants of Rerekohu worked on the land, he did not furnish the Court with the names of any of the cultivations. He himself was not living on Waiparapara, but just outside its alleged boundaries. He had his own home and a carved