

tions 24 and 25, Block IV., Waitara.—Appeal of Heni te Rau.—This is an appeal from the decision of the Native Land Court at Urenui, on the 19th day of November, 1902, defining the relative interests in the above land. The land in question (789 acres) was granted in 1884 to sixty-nine persons. It is claimed by the appellant that the land was intended exclusively for the Ngatimutunga Hapu, to be held in accordance with their ancestral rights. On the other hand, it is contended that the land was intended for all the persons of that hapu, and others who returned from the Chatham Islands in 1865, and that the rights should be equal. The Native Land Court accepted the latter view, and made the shares equal amongst all the grantees. This decision is now appealed from. At this distance of time it is difficult to get such information as would enable the Court to say with certainty what was intended. We find, however, that in 1887 an application was made to the Court to partition the land. At that Court the attendance of persons interested was much more numerous than at the present Court, but it does not appear to have been set up by any person at that time that the shares were equal. On the contrary, all the claims set up were on a basis of unequal interest. It is too late now to claim that the shares should be equal, nor do we think that it was intended. Such evidence as is available seems to point to the land having been intended principally for the Ngatimutunga, and that but for their ancestral rights in the district it would not have been awarded. With the exception of Roimata (Te Pahi), none of the persons interested have thought it worth their while to oppose this appeal. The following is the apportionment decided upon." This showed the descent of Roimata from Ngatimutunga.

Roimata stated that her parents belonged to Urenui, but that they went backwards and forwards a good deal from there to other places.

Mr. Tuhata pointed out that Roimata should also succeed to Hene Naera (No. 3 on list) in equal shares with Tiwai (No. 8).

Roimata pointed out that she should not come in because Hene Naera was Tiwai's own mother.

*The Commissioner:* Then, there can be no objections to Tiwai receiving 16 acres.

With regard to No. 4 on list, Wiremu Tamihana, Mr. Tuhata considered that there was no objection to him being recommended.

Roimata stated that she was the sole surviving descendant of Wiremu Tamihana.

*The Commissioner:* I will therefore strike out No. 3, Hene Naera, and No. 4, Wiremu Tamihana, because their interests are both succeeded to by Nos. 8, Tiwai, and 6, Roimata Wiremu Tamihana, respectively. With regard to No. 9, Karetu Wiremu Tamihana, he is Roimata's brother, and can therefore only claim through No. 4, Wiremu Tamihana.

The Court then adjourned.

SATURDAY, 20TH MAY, 1905.

The Court resumed at 9 a.m.

The six names on the supplementary list to 8A, put in by Te Tipi, and Nos. 59 to 64, were connected with the *whakapapa*, Te Tipi stating that Te Kiato and Te Unu had other children besides Te Kurawiniwini. He stated that Waipua is the mother of Riria Waipua (No. 63) and Te Rangihopukia (No. 62). She died in the Porirua district. Her children went to live at Otaki, where they died. Heni Korako left Taranaki at the same time and went to Porirua, and died either there or at Nelson. Nos. 59 to 61, Punakihau, Te Wetu, Tautoe, and Te Ao Marama, died in the South Island, and No. 64, Tetahuhu, died recently at Porirua. Hine Korako resided in the Taranaki District, and was born at Mimi.

Mr. Skinner stated that he had no remarks to make with regard to this.

Te Tipi stated that Riria was alive in 1867, and that she was living at Otaki in that year with her brother, who had an award, and therefore has not been put in as a claimant—in fact, all those numbered on the list 59 to 64 were alive at the time Mr. Richmond's promise was made. None of them left any children, the nearest relative to them was Te Tipi's mother, uncle, and aunts (Nos. 7 to 11 on List 8A).

*The Commissioner:* Please show the connection between Riria Waipua and these five people?

*Te Tipi:* The connection is through Hine Korako (No. 2 on List 8A).

The Commissioner asked if there was any objection to these five persons, Nos. 1 to 5 on List 8, being appointed successors to the claimants appearing under the Nos. 59 to 64 on the list.

No one raised any objection.

*The Commissioner:* Then I shall recommend that these five people be appointed successors. Now, it would be better that each one should succeed to one of the other six, and that the remaining share should be divided amongst them, thus giving them a share and a fifth.

This was agreed to, and the Commissioner then stated that he would recommend that each of the persons, Nos. 1 to 5 on List 8, should received 19 acres and 32 perches each.

Tapuke-o-Niu-Tireni was then sworn.

*The Commissioner:* I notice that No. 1 on List 12 is in the Kaipakopako Reserve, as are also Nos. 2 and 3. No. 4, being a child of the above, is disallowed. As Nos. 5 to 7 are in the Kaipakopako by succession they will be disallowed. Nos. 8 to 14 are all children of No. 2, Te Tapuke-o-Niu-Tireni, who is in the Kaipakopako Reserve, and is therefore disallowed. Nos. 16 and 17 are children of No. 5 and are therefore disallowed.

Tireni then put in a further list of people (see Nos. 18 to 21 on List 12), whom he stated were shown in the *whakapapa*. The first was Rauhuia, who lived at Wai-iti, and died in 1884 at Kaipakopako. No. 19, Waiteri Niutireni, lived at Wai-iti, and died in 1887, and was buried at Wai-iti. No. 20, Heni Wi Kawera, lived at Kaipakopako, and died there. No. 21 also lived at Kaipakopako.

Mr. Skinner asked whether Nos. 20 and 21 were not children of No. 3, Karako Wi Kaarewa; and Tireni replied that they were.