

not only at Tauranga-a-ruru, but subsequently on this very land, known to the Natives as Puke-tapapa, prior to the war. Furthermore, the man Totorewa, *alias* Hori te Wheoro, who both sides agree was the prime mover in obtaining the return of the land, was not of N'Rori but of N'Kaiaua. Erute (or Eruera) te Marepa, another prominent elder, who gave evidence before Judge Holland, and who is shown by Mr. Wilkinson's letters to have been looked on as an owner and an actual occupier of the land prior to 1893, is not of N'Rori, but he emphatically declares himself to be of "Ahiwaru." Kaperete Hohepa, another person admitted to be one of the earliest occupiers, and who still lives on the land, is not of N'Rori.

The three witnesses for petitioners have had no occupation at all, and in my opinion should not be in the title. So little did they really know of the facts that out of a list of twenty-one persons whom they objected to on the sole ground that they were not descendants of Rori, no less than seven turned out to be full brothers or sisters of admitted descendants of Rori in the petitioner's own list. And these were persons of the present generation.

The petition alleges that certain persons were omitted who had right under Rori. This turned out to be one person only, named Hekiera Taierua. He is dead, without issue, and his own solicitors did not prosecute the matter further. I knew this man well for many years. He no doubt belonged to N'Rori, through his mother, but was in point of fact a well-known N'Whatua man with substantial interests in Orakei, Paparoa, and other large blocks of N'Whatua and Te Taou tribal land. No claim was made for him before Judge Holland, and there could be no good reason for including him in land given back under the circumstances under which this was returned.

I have therefore to report that the claims and allegations in Petition No. 49/1917 are in my opinion not substantiated, and I have no recommendation to make.

I undertook, however, to draw attention to the fact that the children of Totorewa already mentioned appear to be omitted from the list of owners found by Judge Holland. They seem to have petitioned Parliament. The file shows that there was a petition, No. 373/14, by them, but what was the result is not known. I do not consider that your reference empowered me to inquire into this.

While I agree with Judge Holland in regard to the persons covered by the name "Ahiwaru," I am not in accord with his view that any member of "Ahiwaru" was entitled to inclusion, though he may have had no occupation whatever. I think it is quite clear that Mr. Wilkinson contemplated occupation as a condition of ownership.

Mr. Wilkinson's letters state emphatically that the land was given for "Ahiwaru landless." Some of the prominent owners found by Judge Holland are not, and never were, landless—in particular Hariata Tutere, or Rangipaata, the person who had the chief occupation of the petitioners' party. She apparently was a person who created a good deal of trouble, and Mr. Wilkinson threatened several times to have her ejected from the land, as he had become aware that she possessed land.

Your statutory reference does not empower any inquiry into these matters, however, and I only mention them in case of any future proceedings.

CHAS. E. MACCORMICK, Judge.

The Chief Judge, Native Land Court, Wellington.

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