

33. After that, nothing was done until 1935, when a petition was in fact presented to Parliament, and it was that petition which by section 16 of the Native Purposes Act, 1937, was ultimately referred to Judge Acheson. It will be remembered that Judge Acheson sent his report to the Chief Judge, who found himself unable to concur in it, and there the matter rested.

34. It is very interesting, however, in view of Mr. Skelton's suggestion that in the deed of 1859 a bogus name was given to the land, that the petitioners themselves in 1935 (and they included Hone Rameka and Hare Werohia) referred to the land which they alleged to have been wrongly sold as "Mokau-Manginangina," and they referred to the land which they alleged was wrongly taken from them as being known to them and their parents as "Takapau," and they alleged that this wrongful taking of their land, Takapau, was caused through wrong boundaries being laid down for the Mokau-Manginangina Block. They said that this wrong survey caused their land, Takapau, to be included in the Mokau-Manginangina sale. When the petition came before Judge Acheson, quite a different case was presented. For the first time, allegations of fraud were made, and the claim was not restricted to the land which in the petition was said to have been wrongly sold and taken away from them, but the petitioners claimed the whole Mokau-Manginangina Block and said that they understood (or, at least, Mr. George Marriner, their principal witness before Judge Acheson, said that he understood) that the land surveyed and sold in 1859 was not the land which is the subject of our present inquiry, but Mokau No. 3, containing 1,500 acres.

35. Now, when the matter comes before us, we are told by some of the claimants that their claim is in respect of Takapau, and when we try to ascertain what land they mean, one statement is that the whole of the 7,224 acres is one block (Takapau) divided by the River Waipapa; another, that Takapau is the portion of the block which lies to the south of the Waipapa River; while others, the Waaka Nene people, say that the northern boundary of Takapau is a line (which they do not give) some distance to the south of the Waipapa River, and that this Takapau belonged to Waaka Nene. Then, again, Keina Poata, one of the witnesses, indicates a line running from Puketotara through the Manginangina Block into Mokau No. 3 on the north, which he says is the approximate line of Wi Hau's western boundary, but it may not be without significance that he said nothing about this line in his evidence at Judge Acheson's inquiry. Incidentally, it may be noted that Napia, one of the Ngata Whiu witnesses, strongly denies that the Waaka Nene people had any interest in any part of the Manginangina Block.

36. In these circumstances, it is perhaps unfortunate that what may be called the Hone Heke petition, if it ever existed, is not available; it might have been consistent with one or another of the present claims, or it might have been inconsistent with them all. Be that as it may, the claims are exceedingly nebulous and unsatisfactory, and, that being so, the lapse of time between the date of the deed and the making of complaints by the Maoris becomes a most important factor: and, even if the Hone Heke petition were found to exist and were actually forthcoming, it would, in all probability, be of little help in view of all the other circumstances.

37. Then there is the question as to the configuration of this land. Judge Acheson says that it was a main watershed block facing north, south, east, and west, and that it seemed to him incredible that Wi Hau and other Ngati Whiu Chiefs should have seriously claimed the right to name and to sell the portions on what he calls the other three sides of the watershed. He thought it more likely that Wi Hau gave the name "Mokau" to the Ngati Whiu side