

They further allege that this land formerly belonged to Taurira Tribe, but that they (Taurira) were subsequently conquered, and disappeared, and that Makoro and Tamaterangi then divided up the land for themselves.

Huræ Puketapu and his party, on the other hand, deny all the statements made, and all the "takes" put forward by Ngati Kahungunu, and also the boundaries alleged by them, and claim that this land belongs to Ngati Ruapani by ancestral right from the ancestor Ruapani, and that Pakatoe was the ancestor who had the "mana" to this land.

A great deal of evidence was given in regard to signs of occupation, pas, whares, and dead, the boundaries of the land, and the fightings upon the land. They deny the statement by Ngati Kahungunu that Pakitua and Ngati Pakitua were placed upon this land to work the food.

Huræ Puketapu asserts that Purakau was a man who had "mana" to this land, and that Te Kapuamatotoru was a "rangatira," and that he sent Purakau to bring the food of this land—*i.e.*, preserved birds, &c.—to him (Te Kapuamatotoru); that this continued until the death of Purakau, and that then Te Kapuamatotoru sent Ironui to bring him the food, that the said food belonged to Pakitua, and that this state of things continued down to the time of Karihanga—grandson of Pakitua—who brought the last contribution of food to the descendants of Te Kapuamatotoru.

Huræ Puketapu further states that upon a certain occasion Tamahore, the son of Karatau, the son of Pakitua, was made great ("ka whakanuia"), to be the great man for Wairauwhenua and Wairauwhenua, and that when Te Kapuamatotoru heard of this, he formed the opinion that this meant that no further contributions of food would be brought to him, and his people then bewitched ("makutu'd") Tamahore so that he died. Huræ also says that Tuhoe fought the people on this land—*i.e.*, Ngati Hore—in consequence of this bewitching, and gave lengthy evidence on this matter.

Huræ further states that a part of this land, Wairau, has been included in the sales of land by Ngati Kahungunu to the Crown in former days, the said sales to the Crown having been made by Heremia te Popo and others, and that certain portions of land were set apart out of those sales as reserves for themselves and others. The whole of the evidence given in this case will be found in the minutes of this Commission. Huræ Puketapu, however, confined his statements to that portion of the land contained within the Waikaremoana Block which is called Wairau.

We will now proceed to weigh this evidence, together with the other evidence given before us at the sittings of this Commission at Te Wairoa and at Whakatane.

(1.) The main dividing tribal boundary between the Tuhoe Tribe to the westward and Ngati Kahungunu Tribe to the eastward is, in our opinion, clearly established, seeing that it is declared by each of the two opposing sides that the mountain watershed-range of Huiairau is the boundary, and Te Whenuanui, one of the principal chiefs of Tuhoe living at Ruatahuna, stated to this Commission at Te Wairoa on the 19th December, 1906, that the Ruatahuna Block did not cross over the Huiairau Range to the south-eastern side; and Te Wao Ihimaera, who is partly of Tuhoe and partly of Ngati Ruapani, stated, "I admit Wi Pere's boundary which runs along Huiairau Range, that is the same as my own boundary." And again he says, "That part of the land at the source of Orangitutaetutu Stream which is in the Ruatahuna Block does not belong to Tuhoe, but to me, on my Ngati Kahungunu side of the boundary."

Furthermore, the evidence of Hori Wharerangi, in regard to the boundary-posts, supports the main boundary given by Wi Pere.

It is, therefore, in our opinion, abundantly clear that the main watershed mountain-range is the permanent ancestral dividing boundary, existing from ancestral times down, as between the tribes of Tuhoe to the westward and Ngati Kahungunu to the eastward of the said main range. We have, therefore, marked the course of the boundary on the plan, from the Waiiau River to Huiairau Range, and on to the source of the Orangitutaetutu Stream, where we will leave it for the present until we have considered the position in regard to the rest of the tribal boundary alleged by Ngati Kahungunu as running northerly on from there, which we will deal with later on.

(2.) In regard to the ancestral claim alleged under the ancestor Ruapani, and the claim advanced under the Tuhoe conquest: The Ngati Ruapani witnesses assert that they have two rights—*i.e.*, ancestral rights under Ruapani, and right by conquest made by themselves over themselves—*viz.*, conquest by Ngati Ruapani-Tuhoe over Ngati Ruapani-Tuturu, and state that the pure Ngati Ruapani lost their right to land thereby. They, however, further assert that they themselves did not lose their ancestral right to this block through that conquest. In the face of these two contradictory and irreconcilable statements we are unable to decide which is their true claim. All that is clear to us is that their ancestral rights to the land are admitted by all parties, there being no objectors whatever, and Tuhoe themselves strongly urge their claims by conquest over Waikaremoana.

A large number of persons, 729 in all, have been included by the previous Commission as owners of the Waikaremoana Block, and whether those persons are all Ngati Ruapani or purely Tuhoe it is, at any rate, plain to us that the persons amongst them who live at Waikare have been given the largest shares in the order.

(3.) In regard to the Ngati Kahungunu case, the main point to be decided is, had they any rights to the land formerly, and if so do such rights still continue, or had they never any rights thereto at any time.

In our opinion, taking into consideration all the evidence given, the sales to the Crown of the lands immediately outside this land, the fact that the land is now lying unoccupied by either of the two contesting parties, the inclusion of the true descendants of Pakitua who live permanently at Te Wairoa—fifty-eight persons in all—to whom large interests have been given, and the fact that the "mana" of Te Kapuamatotoru and his descendants to the food procured upon the land is admitted by the other side.