/8/1883---Wellington and Porirua. J.E.MacDonald Chief Judge and E.W.Puckey, Judge.

ag 148. PARUMOANA.
orirua.

Wi Parata Kakakura-

Plan produced- Mr Wyles explained that he had surveyed the land between high and low water marks by direction of the late Judge Heaphy- This is the plan.

Wi Parata Kakakura, sworn- I live at Porirua and at Waikanae- I claim an interest in the matter before the Court- It is land at low water- only a portion is covered by high water- I claim it by ~~claim~~ conquest of Ngatitoa- With me I admit the others the claim namely:- Wi Neera, Ngahuki Tungia , Raiha Puaha, Hemi Matenga, Hohaia Pokaitara and Hohepa Horomona.

We have occupied this land as a racecourse- We have not lived on it- but all around it- We have not planted on it.

Pipis and pupus grow there and these are protected by us in their season.

No objectors.

Wi Parata said -I will give the names of those who should appear in the order of Court - by and bye.

See page 157.

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age 148. PARUMOANA. Wi Parata handed in a list of names of owners. List read. Wi Parata said I paid £45 for the survey of this claim and I ask the Court for an order to enable me to recover from the other persons benefited. Court directed
age 149. him to obtain a proper receipt.

Court said it would consider matter to be granted and would give its decision in the matter at Wellington on Tuesday the 7th August.

Extract from Wellington Minute Book 1 folio 157.

Wellington. Tuesday. 7th August, 1883.

Present:- J.E.MacDonald, Esquire, Chief Judge.
E.W.Puckey, Judge
Retireti Tapihana, Assessor
J.G.Baker, Interpreter.

PARUMOANA, continued.

Mr MacKay asked leave to produce deeds of conveyance to N.Z.Company.

Court objected to reopen the case.

JUDGMENT.

PORIRUA FORESHORE.

In this case the Court is asked to decide that the title of the applicants to certain land situate between high and low water marks has been proved according to Native custom or usage.

There were no counter-claimants nor was there any objection raised on the part of the Crown.

From the evidence it appeared that the applicants had from time immemorial and certainly before the making of the treaty of Waitangi and down to the present time been accustomed to collect pipis on the land but had never exercised any other right over it.

Under these circumstances if the judgments of the Court in the matter of the Shortland Foreshore be correct and it has not been impeached it is clear that the present applicants are entitled not to the land but to a right of Fishery the collection of pipis being taken by the judgment referred as a "Fishery" and so this Court finds.

Though this Court incidentally finds as above i. e. tha applicants are entitled to an incorporeal hereditament it yet remains to be shown that the Court has any jurisdiction to deal with the title thereto.