

1904.
NEW ZEALAND.

TE AKAU BLOCK

(REPORT OF THE ROYAL COMMISSION ON).

Presented to both Houses of the General Assembly by Command of His Excellency.

COMMISSION.

RANFURLY, Governor.

To Henry Alfred Home Monro, Esquire, of Parnell, and to James Mackay, Esquire, of Paeroa, both in the Provincial District of Auckland : Greeting.

WHEREAS petitions have been presented to Parliament by Honana Maioha and Tuaiwa Ngatipare, complaining of the decision of the Native Appellate Court, given in the year one thousand eight hundred and ninety-four, in respect of the block of land known as Te Akau, situated in the Provincial District of Auckland :

And whereas the Native Affairs Committee of the House of Representatives has reported that such Committee recommends that the whole question relating to Te Akau Block should be referred to the Government for inquiry :

And whereas it is expedient that a Commission should be appointed to make inquiry as recommended by the Committee aforesaid :

Now know ye that I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, in exercise of the power conferred upon me by "The Commissioners Act, 1903," and of all other powers and authorities enabling me in this behalf, and acting by and with the advice and consent of the Executive Council of the said colony, do hereby appoint you, the said Henry Alfred Home Monro and James Mackay, to be a Commission for the purpose of investigating the matters referred to in the said petitions in connection with the said block of land known as Te Akau.

And I do hereby require you, using all diligence, to report to me, under your hands and seals, your opinion resulting from the said inquiry in respect of the several matters and things investigated by you under or by virtue of these presents, not later than the thirtieth day of June next ensuing.

And, lastly, I hereby declare that this Commission is issued under and subject to the provisions of "The Commissioners Act, 1903."

(L.S.) Given under the hand of His Excellency the Right Honourable Uchter John Mark, Earl of Ranfurly; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over His Majesty's Colony of New Zealand and its Dependencies; and issued under the Seal of the said Colony, at the Government House, at Wellington, this first day of February, in the year of our Lord one thousand nine hundred and four.

J. CARROLL.

Approved in Council.

ALEX. WILLIS,
Clerk of the Executive Council.

GOD SAVE THE KING!

PETITIONS REFERRED TO IN THE COMMISSION.

PETITION OF TUAIWA NGATIPARE.

[COPY OF TRANSLATION.]

To the Honourable the Speaker and the Honourable Members of the House of Representatives assembled in the Parliament House at Wellington.

THIS is a petition from me, the petitioner, and it sheweth that the petitioner is a Maori, of New Zealand, living at Te Akau, in the Provincial District of Auckland.

1. It also sets forth the loss which has come upon me and others by reason of the judgment of the Appellate Court which sat at Raglan on the 15th day of June, 1894, presided over by Judges Von Stürmer and O'Brien.

2. The grounds of my objection are, that the said Appellate Court did not examine the evidence written in the minute-book of the Court which sat in the year 1866, at Putataka, Port Waikato.

3. Nor yet the evidence taken before the Court which sat at Raglan in the year 1891. The said Courts, in their minutes of evidence, state the boundaries, the grounds of claim, the kaingas, and the burial-places.

4. The subdivisions named Te Akau Nos. 1, 2, 3B, and 3A Blocks, made by the said Appellate Court of the year 1894, we strongly object to.

5. Therefore your petitioner earnestly prays your honourable Assembly to appoint a Court to investigate the grounds of our claims.

6. Because one of my principal objections to the award of the said Appellate Court of 1894 is in respect of the persons who went to fight against the Queen, inasmuch as their shares were made larger than the shares of those who stayed at home to take care of the land, according to our ancestral rights.

7. Because, also, the ancestral boundaries given at the first Court in the year 1886 were never objected to by the appellants in the Court of 1894.

Therefore your petitioner will ever pray.

God save King Edward VII.!

My name is subscribed hereto.

TUAIWA NGATIPARE.

PETITION OF HONANA MAIOHA.

[COPY OF TRANSLATION.]

To the Honourable the Speaker and Honourable Members assembled in the House of Representatives of New Zealand.

THIS is a petition from us, the petitioners, and it sheweth,—

1. That we, the petitioners, are all Maoris living at Mangere, in the Provincial District of Auckland.

2. It also sets forth the loss which has come upon us, your petitioners, by reason of the judgment of the Appellate Court which sat at Raglan on the 15th day of June, 1894, presided over by Judges Von Stürmer and O'Brien.

3. The grounds of our objections are, that the said Appellate Court did not examine the evidence written in the minute-book of the Court which sat at Waikato Mouth (Port Waikato) in the year 1866.

4. Including the evidence before the Court which sat at Raglan in the year 1891, the said Courts in their minute-books show the grounds of ancestral claims, the kaingas, and burial-places.

5. The subdivisions named Te Akau Nos. 1, 2, 3B, and 3A, made by the said Appellate Court of 1894, we strongly object to.

6. Therefore your petitioners earnestly pray your Honourable Assembly to authorise a Court to investigate our grounds of claim.

7. Because one of our principal objections to the said Appellate Court of 1894 is in respect of the persons who went to fight against the Queen, inasmuch as their shares were made larger than the shares of those who remained at home to take care of the land, according to our ancestral rights.

Therefore your petitioners will ever pray:

God save King Edward VII.!

We subscribe our names hereto.

HONANA MAIOHA, OF NGATIMAHUTA.

REPORT.

To His Excellency the Governor of the Colony of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the undersigned, being the Commissioners appointed by Your Excellency's Commission, bearing date the 1st day of February, 1904, under and by virtue of the provisions of "The Commissioners Act, 1903," to be a Commission for the purpose of investigating the matters referred to in the petitions of Honana Maioha and Tuaiwa Ngatipare respectively, complaining of the decision of the Native Appellate Court in respect of the block of land known as Te Akau, situated in the Provincial District of Auckland, have the honour to report as follows, viz. :—

1. We held sittings at Mercer from the 6th to the 13th April, 1904, and at Ngaruawahia from the 14th to the 28th April, 1904, inclusively, to hear the evidence and arguments of the parties to the said petitions, and of the opponents to such petitions, or of any other persons claiming to be interested in Te Akau Block.

2. We have had before us the records of the proceedings in the Compensation Court held at Port Waikato (Putataka) in 1866; also those of the Native Land Court held at Raglan in 1891, and those of the Appellate Court held at Raglan in 1894; and the further proceedings in respect of the Akau No. 3 Block in the subdivision of that part of Te Akau Block into Nos. 3A and 3B at the sitting of the Native Land Court held at Ngaruawahia in 1897. We have also had access to a large number of other official records bearing on the question.

3. In order to arrive at a clear understanding of the case, we deem it to be advisable to give the history of Te Akau Block, as from the end of the year 1865. The Akau Block now contains 90,360 acres. It is situated on the west coast of the Provincial District of Auckland, between the mouth of the Waikato River and Raglan Harbour. It was included in the Waikato District, as taken by His Excellency the Governor in Council under the authority of "The New Zealand Settlements Act, 1863." In accordance with the provisions of the said Act, a Compensation Court was held at Port Waikato (Putataka), in February, 1866. The Court was presided over by Messrs. Fenton, Rogan, and Monro, as judges (the latter being one of the present Commissioners); Mr. James Mackay (the other of the present Commissioners), to whom had been delegated the powers conferred on the Colonial Secretary by "The New Zealand Settlements Act, 1863," representing the Crown in the said Court. A map, showing about 158,600 acres (extending inland as far as the Whangape Lake) claimed by the Ngatitahinga and Tainui Tribes, was produced in the Court. The case was heard on the claims of Hohua te Moanaroa, Mita Karaka, Manahi Kiwi, Tohi, Tihi, Horomona, Honana Maioha, Renata, Manahi, Wetini Mahikai, Perehita Hauri, and Mohi, on behalf of themselves and other members of the Ngatitahinga and Tainui Tribes—with the exception of Honana Maioha, who appeared on his own behalf as a member of the Ngatimahuta Tribes of Waikato. The external boundaries, ground of claim, and the names of the loyal and rebel owners respectively were thoroughly investigated. It was ascertained that there were seventy-seven loyal and forty-four rebel persons who were interested in the block. The Crown Agent arranged with the claimants that they should receive 94,668 acres, and that 63,932 acres should be retained by the Crown. This arrangement was submitted to the Court, and confirmed by it, an order being made accordingly on the 24th February, 1866, copy whereof is annexed [Appendix A]. No claims of females were either made or investigated. On an accurate survey of the land being made, and some deductions allowed for Government advances in respect of the preliminary survey of the block, the exact area for the loyal Natives was found to amount to 90,360 acres. With respect to the claim of Honana Maioha, the Crown Agent requested that it should be defined. The Chief Judge declined to do so, and added a rather ambiguous paragraph to the order of the Court: "That Honana Maioha's claim is not affected, the land included therein having been confirmed to the Natives." A list of the seventy-seven loyal owners was made at the time, and the Crown Agent would, as in other cases, have caused a Crown grant to be prepared in their favour. The Natives, however, desired to lease the land to Europeans, and, in order to save trouble in executing deeds, wished to have a Crown grant issued to fourteen of their number in trust to divide the land among themselves and the other owners, and with power to lease it for a term not exceeding thirty years. In March, 1868, the Crown Agent instructed his assistant, Mr. Charles Marshall, to proceed to Rangikahu, on the Akau Block, and ascertain the views of the Natives on the question. Owing to the absence of Honana Maioha from the meeting, nothing was accomplished. In July, 1868, Mr. H. C. Young leased the Akau Block for twenty-seven years, at a rental of £800 per annum. A grant, with the names of fourteen trustees, was prepared, but was objected to by the Attorney-General. The Crown Agent had resigned his appointment and left the service of the Government, but in reply to a letter from the Hon. Dr. Pollen, in 1872, he recommended that "the best manner of arranging the difficulty would be for the Native Land Court to investigate the case, and subdivide the land among the various owners, when Crown grants might issue to them." Chief Judge Fenton then requested Mr. R. S. Bush, Clerk of the Resident Magistrate's Court at Raglan, to call a meeting of the Natives interested in the Akau Block, and prepare a list of the loyal Natives whose names were entitled to be inserted in the Crown grant of it. This was done, and some fifteen additional names were added to the list which had been made at the Port Waikato Court in 1866. A copy of Mr. Bush's report is annexed [Appendix B]. Considerable correspondence passed in reference to the issue of the grant; but eventually, on the 23rd October, 1874, a grant was made by His Excellency the Governor in favour of eighty-seven persons of the Ngatitahinga and Tainui Tribes, and Honana Maioha, of the Ngatimahuta Tribe, being eighty-eight persons in all.

In 1891, Judge Trimble held a sitting of the Native Land Court at Raglan for the purpose of subdividing the Akau Block. This resulted in the land being cut up into nineteen pieces, and the relative interests of the respective owners were ascertained. An enormous amount of work was

accomplished by this Court, but a great many boundaries were fixed by arrangements made between the claimants. There were some objections made by the Tainui people to the judgment of the Court in these cases, and applications were made for a rehearing. The Chief Judge held a Court of Inquiry at Raglan in 1893, and a rehearing was granted.

A sitting of the Appellate Court was gazetted to be held at Raglan on the 12th June, 1894. This Court was presided over by Judges O'Brien and Von Stürmer, and it lasted until the 20th July, 1894, when the following order was made with respect to the decision of the Native Land Court in 1891: "Upon rehearing, it is ordered that the said decision, and all orders made thereunder, except succession orders for Te Akau Block, and except orders of appointment of trustees for minors succeeding under same, be reversed by partitioning the said land into three parts, viz. :—

Te Akau No. 1 : 600 acres at Te Kaha Point, awarded to Honana Maioha.

Te Akau No. 2 : 28,152 acres, being sixty-nine shares of residue of block at southern end, to be awarded to the representatives of the thirty persons, as per schedule attached [Appendix C].

Te Akau No. 3 : 61,608 acres to the representatives of the fifty-seven persons stated below, being the balance of the block north of No. 2. [List annexed—Appendix D.]

In 1895, Mita Karaka and other Natives sent a petition to Parliament, complaining of the decision of the Appellate Court in 1894, and requesting that inquiry be ordered to be made in respect of the same. This was not assented to.

In 1897, Judge Johnson held a Native Land Court at Ngaruawahia, for the purpose of subdividing the Akau No. 3 Block. The Court ordered it to be divided into two pieces, now known as Te Akau 3A and 3B Blocks.

A petition was forwarded to Parliament in 1902, which is said to have arrived too late in the session to be dealt with. In 1903, a further petition was presented to Parliament, and the Native Affairs Committee of the House of Representatives recommended that the whole question referring to the Akau Block should be referred to the Government for inquiry. This resulted in the present Commission being appointed.

We are informed that some applications have been lodged in the Native Land Court for further subdivisions of Te Akau Nos. 3A and 3B Blocks, but are held over pending the result of this Commission.

On the opening of the Commission at Mercer, Henare Kaihau acted as agent for the petitioner, Honana Maioha; Pepa Kirkwood appeared for the petitioner, Tuaiwa Ngatipare; Roka Hopere appeared on behalf of some objectors to the petition; Remana Nutana acted for other objectors.

The witnesses examined of behalf of Honana Maioha were himself and Henare Kaihau. The witness examined in support of Tuaiwa Ngatipare was Para Haimona. Roka Hopere at first alone gave evidence on behalf of the objectors whom she represented, but afterwards called Wiremu Hoete, of Ngatitahinga. Remana Nutana gave evidence himself, and called Hami Kereopa in support of his section of the objectors.

The position of the parties then stood thus: Honana Maioha *versus* the Ngatikoata (lately styled the Tainui) Tribe; the Ngatitahinga Tribe *versus* the Tainui Tribe. (In this case a few Ngatitahinga were mixed with the Ngatikoata, but this presumably was by blood-relationship to both parties.)

The allegations in both of the petitions were as follows [*vide* translation of petition, appendix E]:—

1. Clause 3: "The reason of our objection is, that the Appellate Court did not consider the evidence in the minutes of the Compensation Court held at Port Waikato in the year 1866."

2. Clause 4: "Also, the evidence given in the Native Land Court held at Raglan in the year 1891. Those Courts showed the boundaries, the ancestral rights, the settlements, and the burial-places."

3. Clause 5: "The divisions which are said to be [styled] Te Akau Nos. 1, 2, 3B, and 3A, fixed by the Appellate Court in 1894, we strongly object to."

4. Clause 7: "One of our great objections to the Appellate Court of 1894 is, that people who went to fight against the Queen received (or were awarded) larger interests [on the subdivision or allocation of relative interests] than those who remained (loyal) to look after the lands derived from our ancestors."

5. The petition of Tuaiwa Ngatipare contained a further statement, that "no objection was made to the boundaries of the first [Compensation] Court of 1866 by the persons prosecuting the appeal in the Court of 1894."

With respect to allegations Nos. 1, 2, and 5, respecting the minutes of, and the boundaries fixed in, the Compensation Court in 1866, they both refer to the same subject, that is, to the boundary between the lands of the Tainui and Ngatitahinga Tribes. We took a great quantity of evidence on that point.

In the Compensation Court held at Port Waikato in 1866, Te Wetini Mahikai, the principal man of the Tainui, represented and conducted the case for that tribe. In the notes taken by Judge Monro in English, and by the Crown Agent in Maori, he said, "The Tainui boundary is at Tauterei" [Appendix F]. He also supplied the names of loyal Natives and rebels in the block between Tauterei and Raglan.

In the Native Land Court Records, Book 12, page 52: In 1894, Wetini Mahikai, in answer to a question, "If you had given a boundary, what would you have given?" answered, "Te Waipohutukawa to Omowai, where it runs into the Kotuku, thence along Whaingaroa [Raglan Harbour] to the sea, thence along the coast to Tauterei, and back to Waipohutukawa." A question was then asked, "Was that an ancient boundary?" "Yes, it is an ancient boundary. I don't know who laid it down." "To whom did the land north of this boundary belong?" "To the Ngatitahinga." In Book 12, page 60, Native Land Court Record, Wetini Mahikai said, "Waipohutukawa is north of Tauterei, not a mile. Tauterei is the boundary I spoke of in the Court. Waipohutukawa is the real boundary. The book is wrong when it says Tauterei."

The Native Land Court in 1891 adopted the line from Tauterei to Taumatakoi, on the eastern side of the block, and cut up the land to the southward of it into five blocks. Te Wetini Mahikai did not give his evidence so freely about the boundary in the Native Land Court as he had done in the Compensation Court; at the former the ways of the Native Land Court agents were unknown, but in 1891 manufactured evidence had come into vogue. Before the Commissioners, a very intelligent Native named Hami Kereopa was placed in the witness-box by Remana Nutana, who was acting as agent for some of the Tainui Tribe. Hami Kereopa had been placed by the Native Land Court on both the north and south sides of the Tauterei boundary, and had occupied settlements in both places. He, when asked by the Commission, stated that he belonged to both the Tainui and the Ngatitahinga Tribes. He was asked what were his grounds of claim south of the Tauterei line (one of the Commissioners holding up the map, so that it could be seen at the same time, and pointing out the boundary). He replied, "He occupied there in exercise of his rights as a Tainui, and on the north side of the line through his connection with the Ngatitahinga." [*Vide* evidence taken before Commissioners, page 93.] Remana Nutana gave some evidence [*vide* page 102 of same] *re* the Tauterei boundary, but it was not clear, and did not shake anything which had been found in Wetini Mahikai's evidence in previous Courts, or that of Hami Kereopa before the Commissioners.

We are of opinion that the proper boundary between the lands of the Tainui and Ngatitahinga Tribes is a straight line from Waipohutukawa on the sea-coast to Taumatakoi on the eastern boundary of Te Akau Block. We would also beg to draw attention to the fact that the Tainui Tribe did not actually lose more than 1,000 acres by confiscation, and that at least 60,000 acres were taken from the Ngatitahinga Tribe alone. The Ngatitemainu boundary* marches with that of the Tainui Tribe from Puketutu to a point half-way between that place and Taumatakoi, and it was given in evidence that Hakaraia, of Ngatitehuaki, a hapu of Ngatitemainu, had disputed the right of the Tainui Tribe to Taumatakoi, and there had been trouble about his cultivating land in that neighbourhood. If there had been an equitable adjustment of the area confiscated, the Tainui Tribe should have contributed at least 6,000 acres towards it. At the sitting of the Compensation Court, they admitted that out of the thirty-two adult males comprising their tribe, twenty remained loyal and twelve joined in the war. The area south of the Waipohutukawa-Taumatakoi line is about 15,000 acres, exclusive of Honana Maioha's claim, and, although in justice to the Ngatitahinga Tribe that area might be reduced to about 9,000 acres, we do not deem it expedient, after the lapse of thirty-eight years from the sitting of the Compensation Court at Port Waikato, to recommend any alteration in the ancient boundary between the two tribes.

With reference to the boundary between the Te Akau No. 3A and No. 3B Blocks [*vide* map No. 3], we are of opinion that it is misplaced, and should be removed further south to Otangaroa, on the sea-coast, and should extend inland in a straight line to Oteao, and that the decision of the Native Land Court in this case should be annulled. According to the evidence given before us, several houses and cultivation-grounds which belonged to one hapu were given to another. The position of these places is shown on map No. 4 to the southward of the Waikawau Stream. The allegation No. 2 (clause 5 of petition) refers to the houses and settlements above mentioned. It also affects the case of Honana Maioha, which will next come under consideration. The Native Land Court of 1891 in nearly all cases made the boundaries of the subdivisions on the lines of the hapu-holdings, and the houses, cultivation and burial grounds were awarded to the proper owners thereof.

The case of Honana Maioha is one which presents some aspects which do not frequently arise in Native Land Court proceedings. It is a question of *mana* (suzerainty) and old Maori custom affecting a semi-conquered tribe, and is one which the Commissioners approached with considerable diffidence, in the face of Chief Judge Fenton's statement in a memorandum to the Honourable Dr. Pollen, dated the 1st May, 1873, "that the claim of Honana [Maioha] will take a long time to investigate. You remember Mr. Ligar being nearly shot about it in 1852."

Honana Maioha based his claim on conquest; a gift from Takahuanui, who partly belonged to Ngatikoata, to Te Rauanganga, an ancestor of the claimant; occupation; and having the *mana* (suzerainty) over that portion of the Te Akau Block which is situated to the south of the boundary-line at Waipohutukawa and Taumatakoi, and extending to the north shore of Raglan Harbour. The Tainui (Ngatikoata) Tribe dispute Honana's claims, and the question resolves itself into one of the relative status of the parties before New Zealand became a British colony, and also subsequent to the assumption of its Government in 1840.

According to the evidence given before us, and that which we have gathered from the records of previous Courts, the case appears to us to stand thus: The Ngatitahinga Tribe were the original owners of the whole of the Akau Block. A great feast was given at Kawhia to the chief Riki Korongata and the Ngatitahinga Tribe by the Ngatikoata (since called Tainui) and Ngatitoa Tribes. A return feast was given by Riki Korongata and the Ngatitahinga Tribe at Waiwhara, at the south end of Te Akau Block. At this feast some of the hapus of Ngatitahinga did not properly fill the baskets with the food, which formed their contribution to the entertainment. This, according to Maori custom, was an insult to the guests. Riki Korongata was enraged with the hapus of the Ngatitahinga Tribe, who had been lazy in providing provisions, and said to the Ngatikoata Tribe, "Take the land and the people." Thus Ngatikoata acquired a right to a portion of Te Akau Block. Afterwards, the Ngatitahinga killed Whare and Te Paue, of Waikato, and fighting ensued, in which Riki Korongata was killed. After this, Ngatikoata (Tainui) killed a Waikato woman named Wiri. In consequence, a fight took place between Waikato and Ngatikoata at Huripopo. The Ngatikoata were defeated, Huia and others of their chiefs being killed.

* This is the boundary of the award of the Compensation Court which sat at Ngaruawahia in 1867. The Ngatitemainu claim extended further north than the line shown on map No. 4, but the area was reduced on account of the shares of Natives who had joined in the war.

Ngatikoata then fled to Kawhia, and joined Te Rauparaha and the Ngatitōa Tribe. In 1817 they were again attacked by the Waikato Tribes, and Te Rauparaha, with the people of Ngatitōa and Ngatikoata, occupied the Arawi and Whenuapo Pas, south of Kawhia. Te Wherowhero (afterwards known as King Potatau) sent some of his Waikato chiefs to induce the Ngatikoata to leave the pas before the attack, and come to Waikato. One portion did so, but about one-half elected to remain with Te Rauparaha. The Arawi Pa was assaulted and taken by the Waikato Tribes. Te Rauparaha, with the survivors of the Ngatitōa and Ngatikoata Tribes, then proceeded to the southern part of this Island, where they acquired lands by conquest on both sides of Cook Strait. The portion of the Ngatikoata who were led away by the Waikato chiefs went to Matakītaki, near Alexandra, at Waipa, Waikato, where they remained until Hongi and his people of Ngapuhi in 1822, assaulted the Matakītaki Pa, and slaughtered hundreds of its defenders, among whom were several of the Ngatikoata Tribe. On the withdrawal of Te Rauparaha, the Ngatitahinga Tribe went to Kaipara, from which place they were brought back by some of the Waikato chiefs. The Ngatimahanga Tribe, under the warrior chief Wiremu Neera Te Awaitaia, occupied the lands on the south side of Raglan Harbour, extending to the Aotea Block. Te Wherowhero (Potatau) and some of his tribe Ngatimahuta took possession of Kawhia, and Paratene Maioha (father of Honana Maioha) and others of his people of Ngatimahuta occupied Horea, on the north side of Raglan Harbour. Riki, the father of Te Wetini Mahikai, and Kiwi Huatahi were allowed to live on land in the neighbourhood of Horea. Hami Kereopa, of Tainui, in his evidence before the Commissioners, said, "Riki and Kiwi Huatahi were spared by the Waikato because of their connection with Waikato and Ngatitōa. Had it not been so, they would have been killed. If they had been killed, Waikato would have taken possession of the land" [page 92 of evidence before the Commission].

The above was the position of affairs in 1840, when the Queen's sovereignty was proclaimed over New Zealand. Honana Maioha, and some of his relations, and a few of the Ngatikoata (Tainui) were then living in the neighbourhood of Horea. Honana Maioha says the Tainui were there in the capacity of vassals to Ngatimahuta. The Tainui, on the other hand, assert that they were living there in their own right, and as the owners of the land. After the establishment of the Government at Auckland, Tainui, then being protected by law, set up their claims to Horea, and quarrelled with the Ngatimahuta. In 1849 both sides erected pas near Horea, and prepared to fight. The Government deputed Mr. Ligar, the Surveyor-General, to proceed to Raglan (then Whaingaroa) and arrange the dispute. He then made a payment to the Ngatimahuta, which, Honana Maioha says, "was to stop the fighting." The Tainui people, on the other hand, maintain it was a purchase by the Crown of the Ngatimahuta claims. As far as this Commission can ascertain, the Government have never claimed to have purchased any part of Te Akau Block; and in the Compensation Court which was held at Port Waikato in 1866, the Crown Agent was not instructed to make any demand or claim in respect of any Government purchase in connection with Te Akau Block, which he invariably was requested to do in other cases where the Government was interested. Honana Maioha admits having left Te Akau after Mr. Ligar had concluded his mission. He, however, asserts that he left representatives there in the shape of vassals. The occupation by some of the Tainui Tribe of a portion of the southern end of Te Akau Block is not disputed; but it is an established fact that the majority of the people of that tribe reside on and cultivate lands to the southward of Raglan Harbour. After the fighting, Wiremu Neera Te Awataia fixed a boundary between his people of the Ngatimahanga Tribe and the Tainui at Opouturu Creek, in the Raglan district. The same chief also subsequently sold to the Government large areas of land in that neighbourhood.

With reference to the occupation of the southern part of Te Akau Block by Ngatimahuta, Te Wetini Mahikai, the principal chief of Tainui, in his evidence given before the Native Land Court in 1891 [*vide* Book I, pages 238 and 239, Native Land Court Records], said, "Honana has no interest in Horea. What Paekau has said I agree with, that Honana has graves at Wharepuna and Waoku. Honana has graves at Marotaka. I agree as to the gift of the land by the Ngatitahinga to Ngatikoata. I don't know of the gift by Ngatikoata to Waikato." "I saw Honana on the land before the Maori fight at Horea. Honana is right in saying that the dead people at Horea were taken to Oreureu. I took the whole of Honana's dead to Oreureu for burial." [This means he reinterred the remains at Oreureu after exhuming them at Horea.]

Remana Nutana, who conducted the Tainui case before the Commission, said, in reference to Te Hiakai, a chief of the Ngatimahuta, who was killed at Taranaki in 1831, "I omitted to state that previous to Te Hiakai's death he carved a stone at Te Kaha. This was done to mark his boundary. The marks represented tattooing on a human face. Kiwi Huatahi (of Tainui) and his people were living at Te Ūruika, about two miles to the north of this stone. When Kiwi saw this carving he was angry with Te Hiakai. They had a dispute, and Te Hiakai *promised* to go away and never return. Each sang a song, but I do not remember it." In Mr. Mackay's notes, the last sentence reads, "Te Hiakai said, 'I will go away and not return. Each recited a *waiata* (song), but I do not remember it.'" Further on, Remana Nutana says, "Te Tuhi and two other brothers of Honana died, and were buried at Marotaka. Paratene Maioha (Honana Maioha's father) was scraping flax there for three or four years, and then went to Kawhia." Speaking of the Raglan side, this witness said, "Wiremu Neera's right to this land was derived from conquest. They took it from the Ngatikoata (Tainui) and other hapus. Huripopo was the name of the fight. It was Wiremu Neera who, after the peace was made, fixed the boundary of the land conquered by him at Opoturu Creek." [*Vide* page 120 of evidence.] "It is true Te Kanawa, Muri Whenua, and Taiawa were sent by Te Wherowhero (Potatau) to Whenuapo Pa to get their relations out before the fighting. I think it was Te Hiakai who went to the pa at Te Arawi for that purpose. Te Rauparaha had gone away before Whenuapo was attacked." [*Vide* page 112 of evidence.]

At the conclusion of the evidence of the parties concerned on both sides, Wirihana te Aote-rangi, the principal chief of the Ngatitahinga Tribe, was called by the Commissioners to give evidence as to the status of the Tainui Tribe. He said [*vide* page 122 of evidence], "I live at Te Karaka, on the Akau Block. I belong to Ngatitahinga. I am connected with the Ngatikoata on my mother's side. I am a member of the Waikato Maori Land Council." "You were called to state the position of Ngatikoata's rights to the southern portion of the Akau Block. Can you do so?" *Answer*: "Their right was derived from a gift by Riki Korongata at a feast at Wai-whara. Before that feast none of the Ngatikoata were living on this block." "When Te Rauparaha went south, did the majority of them (Ngatikoata) go with him?" *Answer*: "About half of them went—perhaps fifty. Te Wherowhero (late King Potatau) sent Taiawa, te Hiakai, and Murimotu to the pas at Te Arawi and Whenuapo to bring the Ngatikoata to Matakaitaki. They were there when the Ngapuhi stormed and took the pa. A number of the Ngatikoata were killed or taken prisoners. I do not know how many."

Para Haimona, of Ngatitahinga, in his evidence before the Commission, stated, "I have seen Honana living on the southern part of the block. He was threshing wheat at a place just above Waipara. I make no claim to that part of the land, although I could do so through my mother." [*Vide* page 62 of evidence.] The same witness said, "Honana Maioha is also a large owner, but he is of Ngatimahuta." [*Vide* page 65 of evidence.] He further stated, "I would like to say, in conclusion, that the whole of Te Akau rightly belonged to Ngatitahinga, but it was confiscated on account of the Tainui having gone into rebellion. Consequently we lost our lands through the sins of others. The Tainui had sold their lands to the Government before the war. Their lands were south of Whaingaroa (Raglan Harbour). Reserves have been cut out there for them, and awarded to them by the Native Land Court." [*Vide* page 66 of evidence.]

Wiremu Hoete, of Ngatitahinga, gave evidence before the Commission. He said, "If Te Wetini's boundary was accepted by the Compensation Court, at Putataka (Port Waikato) as being the proper dividing-line between Ngatitahinga and Tainui, I do not see any reason why it should not be the correct boundary. He was the leading man of Tainui." [*Vide* page 74 of evidence.]

Remana Nutana, in evidence before the Commission, said, "The Ngatimahuta have no rights by conquest at Raglan. The fight at Huripopo was eight miles distant from the boundary of Te Akau, on the southern side of the harbour. Ngatireko, Ngatitipa, and Ngatimahanga took part in the fight, but the Ngatimahuta took no part. Huia and Toto were two chiefs of Ngatikoata killed there, also a great number of the members of Ngatikoata. It was not a fight for the acquisition of land." [*Vide* page 95 of evidence; also pages 96 and 97.]

Hami Keropa, of Tainui, also connected with Ngatitahinga, in cross-examination by Henare Kaihau, stated [*vide* evidence, page 88], "I have heard that Honana came on to this land with the Ngatihinetu to scrape flax. They worked somewhere on the southern portion. I don't know exactly where. He must have obtained consent before being allowed to do this. I never heard of anybody having objected." "The Waikato had a pa at Horea, but they left it." "I know nothing of any of Honana's people being buried at Marotaka and Wharepuna. The latter was a burial-place belonging to Tainui. I was not very old at the time, and I am giving the information I obtained from my elders. If Te Wetini (Mahikai) told the Court, in 1894, that Honana had dead buried on the southern part of the block, I would not deny it." [Mercer minute-book, vol. i., p. 238, was put in, in which Te Wetini admitted that Honana had graves at Marotaka, Wharepuna, and Waoku.] An elder brother of Honana was, I have heard, buried at Oreureu, on the southern portion of the block."

With respect to the claim of Honana Maioha to a part of Te Akau Block through the gift of it by Takahuanui to Te Rauanga-anga [Native Land Court Records, Book 12, page 193], Wiremu te Wheoro, chief of the Ngatinaho Tribe, in his evidence before the Appellate Court, in 1894, said, "When the party with Takahuanui reached Rauanga-anga's kainga (settlement), then Takahuanui gave his land at Horea to Te Rauanga-anga, lest it might be taken by some other section of Waikato." And he gave the boundaries, "Beginning at Puketutu on Raglan River, to Taumatakoi, to Te Iringa-o-Karewa, turns thence to the sea, westerly to Whakapaetai on the north side of the mouth of Tauterei Stream, thence turns south and along the coast-line to Rangitoto, at the mouth of Raglan Harbour, follows up the coast of the harbour to Puketutu."

The Commissioners do not attach much importance to this gift. Rauanga-anga and a fighting-party of Ngatimahuta and Ngatipou had just taken a Ngatitahinga Pa at Kahuwera, near Waikawau, on Te Akau Block, and Takahuanui, who was related to both Ngatikoata and Ngatimahuta, gave up that which apparently they could not longer hold against the superior forces of Waikato.

In 1891, the Native Land Court awarded to Honana Maioha 600 acres situated north of the Tauterei-Taumatakoi line, being land he made no claim to, and in which he was not interested.

The Appellate Court, in 1894, awarded a similar area of 600 acres; but on this occasion it was placed south of the Tauterei-Taumatakoi line, adjacent to the Kaha Point, and is described in the survey-map as "open poor land." It is within the boundaries claimed by Honana Maioha, but contains none of the settlements or the burial-grounds alleged to be owned by him.

The Tainui witnesses, as a rule, denied the right of Honana Maioha to any land on Te Akau Block, but in cross-examination they were obliged to admit his occupation, and the fact that several of his relations of Ngatimahuta had been buried at the southern end of the block at Wharepuna, Marotaka, and Waoku. [For the position of these places, *vide* map No. 4.] Some of these remains were subsequently exhumed by Te Wetini Mahikai, and re-interred at Oreureu, on the sandhills, because after the land was leased the former graves were liable to be trampled on by cattle. It is well known that in old times the Maoris strongly objected to burying their dead on lands which did not belong to them, especially when, as in this case, the deceased were chiefs or people of importance in their tribe.

The Commissioners are of opinion that the occupation by Honana's father, Paratene Maioha, and subsequently by Honana Maioha and his dependants, of the Horea portion of Te Akau Block (southern end) is indisputable.

The claim of Honana Maioha and the status of the Tainui or Ngatikoata Tribe have been very carefully investigated and considered by us. It appears to us that the claim of the Tainui people to the southern portion of Te Akau Block, through the gift by Riki Korongata, is good; but subsequent events altered their position in respect to it. In that period of unrest and warfare, which by all accounts existed throughout the North Island of New Zealand immediately after the commencement of the nineteenth century, the Ngatitahinga and Ngatikoata Tribes seem to have been worsted in fighting with the more numerous and powerful tribes of Waikato; so much so, that in 1817 the Ngatitahinga migrated to Kaipara, north of Auckland. The Ngatikoata had allied themselves with the celebrated Ngatitao chief and warrior, Te Rauparaha, against the combined forces of the Ngatimahuta and Ngatimahanga Tribes and their adherents of Waikato. It must be borne in mind that the whole of the Hauraki (Thames) and Waikato tribes, of whom Ngatitahinga and Ngatikoata formed a component part, claimed "Tainui" as their ancestral canoe, and were more or less related one to the other. It was, therefore, quite in accordance with Maori war customs for the leading chiefs of the Waikato side to hold a parley with their opponents, and to request persons to whom they were related to come out of the hostile pa or pas before the attack began. Any people thus deserting the garrison of a fortified place would lose prestige with both friends and foes, and when subsequent disputes arose would very probably be taunted by the dominant people thus: "Who are you? I saved you. I brought you out of the jaws of death. (Naku koe i tiki mai i te waha o te parata.) Your prestige was broken by me. (Kua whati to mauri iau.)" One portion of those who deserted Te Rauparaha appear to have settled down under the lordship of Wiremu Neera te Awaitaia, of Ngatimahanga, to the southward of Raglan Harbour. The other division, who were taken in charge by the Ngatimahuta, were not allowed to return to Te Akau, but were carried off to the Waipa, in Waikato, in 1817, where they evidently remained with the Ngatimahuta until the taking of the Matakītaki Pa by the Ngāpuhi chief, Hongi Hika, in 1822, a period of five years. According to their own showing, the Ngatikoata did not return to Te Akau until after the fall of Matakītaki, with the exception of Riki, the father of Te Wetini Mahikai, and Kiwi Huatahi, who were stated in the evidence given before us to have been "spared because of their connection with Waikato and Ngatitao; had it not been so, they would have been killed." The question then naturally arises, if the Ngatikoata, on the south side of the Raglan Harbour, had become the vassals of Wiremu Neera te Awaitaia and the Ngatimahanga Tribe, how could a smaller division of them, occupying land on the northern side of Raglan Harbour, not a mile distant, be other than the vassals of Paratene Maioha and the Ngatimahuta Tribe? The Ngatimahuta and Ngatimahanga were close allies, which is shown by their combined raid on the Ngātiawa, of Taranaki, in 1830-31.

A Maori taken prisoner in war became the slave and property of his captor. He was styled a *taurekareka*. In the case where the original owners of land were defeated, but not captured, and left the district for a time, or retired to some inaccessible part of it, the conquerors taking possession of and occupying their lands, if the refugees, in more peaceable times, returned to their original lands, and were permitted to settle down among the conquerors, they lost their prestige (*mana*), and became the vassals of the dominant tribe. They were then styled *rahi* or *tangata*. A similar case exists in the Thames district. A tribe known as Ngatihako were attacked and defeated by the Ngatimaru and Ngatitamatera Tribes; the remnant fled to the Turua forest and other out-of-the-way places. In the course of time they came from their hiding-places, and were allowed to occupy a portion of their former possessions. During late years the Ngatihako made application to the Native Land Court to investigate their title to the lands they were occupying. Their claims were opposed by the Ngatimaru, and the Courts eventually gave judgment, in some cases awarding a one-third interest to the conquering tribe, and in others one-half.

The claim of Honana Maioha would be larger if his brother Patara te Tuhi had remained loyal, but he joined in the war. The Tainui Tribe are the gainers by this, because the Crown Agent made no deductions from the southern end of Te Akau Block in respect of the interests of those persons of the Ngatimahuta Tribe who fought against the Queen.

We are of opinion that the Native Land Courts in 1891, and the Appellate Court in 1894, awarded to Honana Maioha a much smaller area than he was entitled to; and, in any case, his old settlements and burial-places were not included within the piece allotted to him. He was given land which he did not claim to have occupied, and which is of very inferior quality. According to the evidence given before us, some members of the Ngatitahinga and Tainui Tribes received relative interests in the subdivisions equivalent to areas varying from 1,200 to 1,500 acres for one person.

With reference to the allegation No. 4 (paragraph 7 in petition), that in the Appellate Court, in 1894, people who fought against the Queen received larger shares in the subdivision or allocation of relative interests than those persons who had remained loyal: it was found, on investigation of this question, that it took a wider range than was expressed in the petition; in fact, the validity of the Crown grant itself was questioned. As previously stated, in the award of the Compensation Court in 1866, seventy-seven loyal Natives of Tainui and Ngatitahinga, and Honana Maioha, of Ngatimahuta, were declared to be entitled to 94,668 acres of Te Akau Block (afterwards reduced to 90,360 acres), these being subsequently increased in number to eighty-eight names, and a Crown grant issued to them accordingly. It was asserted in evidence before us that one or two of the persons in the Compensation Court list of seventy-seven were rebels, and were not entitled to any land, and that several others in the Tainui list were the offspring of Taranaki slaves, who had married Ngatikoata women, and the area awarded to them should be reduced in consequence. Also, that the names of three men, whose names appeared in the Compensation Court list of loyal Natives, had been omitted from the Crown grant, and that thirteen new names had thus been

added to the original list of seventy-seven. On inquiring into these statements, we ascertained these objections to the names in the Crown grant were not made during any of the sittings of either the Native Land or Appellate Courts, but have all been raised since the decision of the Appellate Court. In the case of the grantees who were said to be the offspring of Taranaki slaves, it was admitted that their names had been intentionally brought forward by the claimants in the Compensation Court, in order to increase the area to be awarded to them, and to proportionately diminish that to be confiscated to the Crown for the interests of those who had joined in the war. If these people had no claim, which we are far from saying, then the insertion of their names in the Compensation Court list was a fraud on the Crown, who became the loser, and it is a decided gain to the Tainui and Ngatitahinga Tribes. And there is no justice in reducing the area awarded to these people, and giving it to the people who joined with them in deceiving the Crown Agent. If any land was deducted from these people it would properly belong to the Crown. It was urged that Wahu Kereopa, the name of whom appeared in the Compensation Court list, was a rebel. After very careful inquiry, we found that although his father, Kereopa, was the leading man of those of the Tainui people who joined in the war, his two sons and the mother remained loyal. The name of the younger brother, Hami Kereopa, was added when Mr. Bush compiled the list of names for insertion in the Crown grant. The Ngatitahinga people also contended that he was a rebel. It came out in evidence that Wahu Kereopa was engaged in supplying milk to the troops stationed at Raglan, and that Hami Kereopa was employed as a stock-driver by some of the contractors who provided meat for the troops at Te Awamutu. In the other instances where the grantees were stated to have been rebels we received no satisfactory evidence that such was the case. It was universally admitted that Mr. Bush's list of names was made out after meetings which had been duly convened and lasted for considerable time, and that the proceedings were approved by the assembled tribes; in fact, there were no dissentients at that time. The Ngatitahinga were the chief complainants to us in this matter; they evidently were of opinion that the large number of the Tainui claimants had been instrumental in the shifting of their boundary northwards from the intertribal boundary of Waipohutukawa and Taumatakoi, and therefore means should be taken to diminish their shares. It is our opinion that it is rather late in the day to open up this question, especially when it is considered that at the sitting of the Appellate Court in 1894 forty-five of the original grantees were dead, and succession orders had been issued to their heirs. We were further informed that since 1894 there have been many deaths, and there are not more than five or six survivors of the original eighty-eight.

The names of the three loyal Natives who were included in the Compensation Court list, but omitted in the Crown grant, are Mohi te Rukuwai, Rota, and Eruera. Mohi te Rukuwai belonged to the Tainui Tribe. He died shortly after the sitting of the Compensation Court in 1866. He had two sons, both of whom were included in the Crown grant in their own right; their names are Te Waaka and Karaka. Te Waaka died, and was succeeded by his son Te Paki Waaka. Karaka is since dead, and Te Paki Waaka would probably be the proper person to succeed to his interest and that of Mohi te Rukuwai. Rota and Eruera were the sons of a loyal Native named Heta-raka. Rota is dead, and left no issue, but probably would be succeeded by surviving brothers and nephews. Eruera is living. We are of opinion that the omission of these names should be rectified, but the manner in which the question should be dealt with is set out among other recommendations made at the conclusion of this report.

Had the course recommended by the Crown Agent in 1872 been adopted, and a sitting of the Native Land Court held under the Act of 1867 to ascertain the names of the persons entitled to be placed in the Crown grant of Te Akau Block, or had it been dealt with under the provisions of "The Native Grantees Act, 1873," which came into operation on the 1st January, 1874, and which Chief Judge Fenton was always averse to doing, a great deal of after-trouble would have been obviated.

We would most respectfully beg to recommend to His Excellency the Governor that legislative authority should be conferred reversing the decisions of the Appellate Court of 1894, and the Native Land Court, which in 1897 subdivided Te Akau No. 3 Block into Nos. 3A and 3B.

We are of opinion that Honana Maioha has substantiated his claim to the land in the neighbourhood of Horea, at the southern end of Te Akau Block, and we would most respectfully recommend to His Excellency the Governor that a Crown grant should be issued to him without restriction for an area of 1,485 acres, commencing on the sea-coast at the south-west angle of the block awarded to him by the Appellate Court, thence by a straight line to an angle of the main road near to Pangonui Creek, thence crossing the road to that creek, thence by it to the shore of Raglan Harbour, thence to the mouth of the said harbour, and thence along the sea-coast to the point of commencement. This piece of land to be known as Te Akau No. 1 Block.

With reference to the claims of the Tainui or Ngatikoata Tribe to Te Akau Block, we would most respectfully beg to recommend to Your Excellency that an area of 15,212 acres, commencing on the sea-coast at Waipohutukawa, bounded thence towards the north by a straight line ending at Taumatakoi on the eastern boundary of Te Akau Block, thence along that boundary to Puketutu on the shore of Raglan Harbour, thence by the said harbour to Pangonui Creek, thence crossing that creek to the northern boundary of Te Akau No. 1 Block to Te Kaha on the sea-coast, thence by the sea-coast to the point of commencement, may be granted to the thirty persons named in the paper hereunto annexed and marked as Appendix C, or to such representatives of those of them who have died as may have been appointed or may hereafter be appointed by the Native Land Court to be their successors, this piece of land to be known as Te Akau No. 2 Block. We would further beg to recommend that if a Crown grant be issued for the said piece of land, the names of the successors of the late Mohi te Rukuwai may be added to those of the thirty persons or their representatives above alluded to,

We would also most respectfully beg to recommend to Your Excellency that the remainder of Te Akau Block, consisting of 73,703 acres, should be granted to the fifty-seven persons of the Ngatitahinga Tribe named in the paper hereunto annexed and marked as Appendix D, or to such other persons as may have been or may hereafter be appointed by the Native Land Court to succeed to any of the fifty-seven persons who may have died since the issue of the Crown grant. We would also further recommend that if a Crown grant be issued, the names of Rota and Eruera, of the Ngatitahinga Tribe, or their lawful representatives, may be added to the names of the fifty-seven persons or their representatives above alluded to.

We hereby certify to Your Excellency that we have made diligent inquiry into all matters and things as directed in Your Excellency's Commission dated the 1st day of February, 1904, and we most humbly submit to Your Excellency the foregoing report of our opinion resulting from the said inquiry in respect of the several matters and things investigated by us under and by virtue of the said Commission.

As witness our hands and seals, at Auckland, this ninth day of June, in the year of our Lord one thousand nine hundred and four.

HENRY A. H. MONRO, }
JAMES MACKAY, } Commissioners.

APPENDICES.

APPENDIX A.

24th February, 1866.

Ordered,—That a certificate be issued to Totaea Maru for £250 for himself and his claimants. That 94,668 acres be confirmed to the existing loyal owners, extending along the coast from Waikato to Waingaroa, the boundary-line to commence at Puketutu, and proceed northerly, as nearly straight as possible, so as to include the aforesaid quantity. That 63,932 acres is confiscated to the Crown to the eastward of the said line, and comprised within the boundaries shown on the map: if the quantity of land is deficient or superfluous, the above figures are to be increased or diminished proportionately. That Maora Rangituma and Rapata Kaihau's claim is included in Totaea Maru's.

That Honana Maioha's claim is not affected, the land included therein having been confirmed to the Natives. Hona Tara did not appear.

Original copy of the Compensation Court award made by my assistant, Mr. Charles Marshall, at the time.

May, 1904.

JAMES MACKAY.

APPENDIX B.

SIR,—

Civil Commissioner's Office, Auckland, 18th December, 1871.

I have the honour, by direction of the Chief Judge, to transmit herewith the list of names of the owners of the Akau Block. It will be observed that there are some fifteen names added which were not on the list furnished to me with Mr. Fenton's notes of the proceedings of the Court. The names forwarded were supplied by the Natives themselves, and a certificate bearing the signatures of the principal assessors and chiefs is attached, which, however, does not apply to any of the names against which the words "Objected to" in the column of remarks appears.

I have, &c.,

R. S. BUSH,

Clerk to the Bench.

G. S. Cooper, Esq., Under-Secretary, Wellington.

MEMO.—The list of names is missing from the file.—J. MACKAY.

APPENDIX C.

NAMES of Natives who, according to the judgment given by the Native Land Court in July, 1894, are entitled to the southern portion of Te Akau Block, being the representatives of the thirty people of the Tainui Tribe, the names of whom appeared in the Crown grant of the 23rd October, 1874:—

- | | |
|--|--|
| 1. Penehamene Kiwi (dead).
Successors—
Mere Taunua, f.
Renata te Wharepuhi, m.
Miriamia te Kopua, f. | 15. Paora Tipitai (dead).
Successor, Paraone Weka. |
| 2. Wetini Mahikai, m. | 16. Rihia Kahukoti. |
| 3. Manahi te Papaki, m. | 17. Te Whiu (dead).
Successor, Rihia Rangai (dead).
Successors—
Renata te Wharepuhi.
Tuaiwa Ngatipare. |
| 4. Waaka te Rukuwai, m. | 18. Horomona Hapakuku. |
| 5. Tipene Tawera (dead).
Successors—
Miriamia Kereopa (dead).
Ngahuia Kereopa, f.
Maihi Kereopa, m.
Hami Kereopa, m.
Tikao Kereopa, m. | 19. Aihe Mokomoko. |
| 6. Tame Puru. | 20. Te Whareponga. |
| 7. Wairama. | 21. Takatahi. |
| 8. Kepa te Apa (dead).
Successor, Tiriti Moewaka, f. | 22. Hami Whakatari (dead).
Successors—
Wahanga Wetini.
Hira te Waihoroota. |
| 9. Hipora (dead).
Successor, Hika Hone Kingi, f. | 23. Wharekura (dead).
Successors—
Ani Patene.
Tiriti Moewaka.
Makareta (dead).
Successor, Waata Tamepuru.
Paekau.
Wetini Mahikai. |
| 10. Ruu. | 24. Hone Pihama (dead).
Successor, Reupena te Ori (dead).
Successor, Rihari te Whatarau. |
| 11. Iraia. | 25. Hami Kereopa. |
| 12. Hohua (dead).
Successor, Aihe Mokomoko. | 26. Henare Tirotiro. |
| 13. Minarapa te Manga (dead).
Successor, Te Matehaere Henare Ngatai (dead).
Successors—
Pereka Tongariro.
Mere Taunua.
Kokiri Taunua (dead).
Successor, Mere Taunua. | 27. Rihia Pokepoke. |
| 14. Karaka te Rukuwai (dead).
Successor, Waaka te Rukuwai. | 28. Rupena (Te Oranga) (dead).
Successor, Amiria Mahikai. |
| | 29. Paora Ruia. |
| | 30. Wahu Kereopa. |

APPENDIX D.

NAMES of Natives who, according to the judgment given by the Native Land Court in July, 1894, are entitled to the northern part of Te Akau Block, being the representatives of the fifty-seven persons of the Ngatitahinga Tribe, the names of whom appeared in the Crown Grant of the 23rd October, 1874:—

1. Hori Tangirau (dead).
Successors—
Huhana Hori.
Pene Hori.
2. Mohi (dead).
Successor, Kipa te Rua.
3. Reihana (dead).
Successors—
Ngahuia Kahukoti.
Pene te Naue Tangirau.
4. Mita Karaka.
5. Wirihana Tikapa.
6. Tamati Waaka (dead).
Successor, Hera Wirihana te Ao-o-terangi.
7. Hami (Te Ngatangata) (dead).
Successor, Hera Wirihana te Ao-o-terangi.
8. Moko.
9. Mania (Te Haruru) (dead).
Successors—
Wirihana Tikapa te Ao-o-terangi.
Mita Karaka Ngatipare.
10. Parata (dead).
Successors—
Mania te Haruru.
Kaupare Tauwhia (dead).
Successor, Te Mania te Haruru.
11. Ramera (dead).
Successor, Wirihana Tikapa te Ao-o-terangi.
12. Hori Tito (dead).
Successors—
Mita Karaka.
Rawiri te Anau (dead).
Successors—
Moke te Anau.
Tehi te Anau.
Titi te Anau.
Reihana te Anau.
Tahu te Anau.
13. Wiremu Riparipa.
14. Whairoroa.
15. Hemi Waikare.
16. Te Ao-o-terangi (dead).
Successors—
Te Raaku.
Riripete Rangitarure.
17. Te Raaku (dead).
Successors—
Te Rau Kaimakariri.
Winiata Mauriri.
18. Murunamu (dead).
Successors—
Takerei Murunamu.
Atareta Ngatuihi.
19. Wiremu te Mate (dead).
Successors—
Te Rupapere.
Ripeka Ropiha.
20. Te Wikiriwhi (dead).
Successor, Te Moananui Wikiriwhi (dead).
Successors—
Tiahuia Tunui.
Ngakihi Reihana.
21. Rupapere (dead).
Successors—
Wikiriwhi te Rupapere.
Turiwhati te Rupapere.
Hone te Rupapere.
Erueti te Rupapere.
Hihi te Rupapere.
Waiehu te Rupapere.
Peneamine te Rupapere.
Miri te Rupapere.
22. Te Para (Haimona) (original).
23. Te Kawa (dead).
Successor, Hohua te Moanaroa.
24. Haimona (dead).
Successors—
Te Para Haimona.
Tamihana Haimona.
Hohua Haimona.
25. Hone Perekā (original)
26. Paraone (original).
27. Hohua te Moanaroa (original).
28. Rapata (original).
29. Retimona (dead) (original).
Successors—
Te Toenga Retimana, f.
Kehi te Rau, f.
30. Te Matehaere Henare Ngatai (dead).
Successors—
Perekā Tongariro.
Mere Taunua.
Kokiri Taunua (dead).
Successor, Meri Taunua.
31. Ngahaate (dead).
Successors—
Harieta Rangitaumau.
Riripeti Rangitarure.
32. Rihari.
Successors—
Haami.
Mita Karaka.
33. Minarapa (Hapoti) (dead).
Successors—
Mita Karaka, m.
Hita More, m.
Moke te Anau, f.
Tehi te Anau, f.
Titi te Anau, f.
Reihana te Anau, m.
Tahu te Anau, f.
Matena Hetaraka, m.
34. Hetaraka (dead).
Successor—
Ngamako Tirita (dead).
Successors—
Mere Maiao, f.
Huapiri Totaea, f.
Rota Tohekotahi (dead).
Successor, Eruera Hetaraka.
Eruera Haeretu.
Kaumoana Ngapaki (dead).
Successors—
Taruke Taite, f.
Titi Taite, m.
Ngarongo Taipare, f.
Te Pare te Karewai (dead).

- Successors—
Te Ropihi te Koti.
Ropiha Ngakoti (or Te Koti).
Matena te Weweke.
Ngapeka Rangitiria.
35. Te Ranga (dead).
Successor, Minarapa.
36. Totaea (original).
37. Karaka (original).
38. Hohepa (original).
39. Honatana (dead).
Successors—
Kararaina Kahukoka.
Hohapeta Kautewi.
Ramari Karuwhero.
40. Tawhera (original).
41. Hohapata Kautewi (original).
42. Reweti te Hura (original).
43. Tamihana Tunui (dead).
Successors—
Anatipa Tamihana Tunui.
Perehita Ngairo.
Kataraina te Mamae Tunui (dead).^{*}
Maoa Tunui.
44. Hoete Paerangi (dead).
Successor, Winiata Mauriri.
45. Tipene (Maupoto) (dead).
Successors—
Kararaina Kahukoka.
Perepetua te Koru Tahinga.
46. Ihaka Tahinga (dead).
Successors—
Te Rei Karutaene (or Tahinga) (dead).
Successor, Perepetua te Koru Tahinga.
Apikaera Tahinga.
Ani Tahinga (dead).
Successor, Apikaera Tahinga.
Perepetua te Koru Tahinga.
47. Tepene (original).
48. Matutaera (dead).
Successor, Tamihana Tunui.
Successors—
Anatipa Tamihana Tunui.
Perehita Ngairo.
Kataraina te Mamae Tunui (dead).[†]
Maoa Tunui.
49. Huni Rangiahua (dead).
Successor, Turuwihira Tiaho.
50. Hone Toti (dead).
Successors—
Waaka te Rahara.
Waata te Koi.
51. Waaka Taraho (original).
52. Hairuha (original).
53. Wiremu Hoete (original).
54. Apihai (dead).
Successor, Kararaina Kahukoka.
55. Anatipa Tunui (original).
56. Henare Patu (original).
57. Hoete Rea (dead).
Successor, Kararaina Kahukoka.

* MEMO.—“*Re Kataraina te Mamae Tunui (deceased)*: At a sitting of the Native Land Court, held at Raglan before Judge Trimble on the 7th August, 1891, the Court awarded the entire interest of deceased in Te Akau Block to her son Tuwhakara, m., 8 years (*vide* Mercer minute-book, pages 106 and 107). Through an apparent error, however, an order has been prepared and duly signed by Judge Trimble, certifying that Perehita Ngairo, Maoa Tunui, Anatipa Tunui, and Atareta Tunui are the persons entitled to succeed to deceased's interest. (See order referred to attached to file.)”

NOTE.—This is a copy of a minute in Book 12, page 245.—JAMES MACKAY.

† *Vide* memo. *ante re* successor to Kataraina te Mamae Tunui.—J. M.

Correct copy of list in Native Land Court Book No. 12.

JAMES MACKAY.

May, 1904.

APPENDIX E.

TRANSLATION OF THE PETITION OF HONANA MAIOHA, OF NGATIMAHUTA.

To the Speaker and the Honourable Members assembled in the Parliament of the Colony of New Zealand.

THIS is the prayer of your petitioners,* showing,—

1. The petitioners are all Maoris of New Zealand, and reside in the Province of Auckland, at Mangere.

2. This is pointing out the injury inflicted on us by the decision of the Court of Appeal, which sat at Raglan, in the year 1894, on the 15th June, before Judges Von Stürmer and O'Brien.

3. The reason of our objection is, that the Appellate Court did not consider the evidence in the minutes of the (Compensation) Court held at Port Waikato in the year 1866.

4. Also, the evidence given in the [Native Land] Court held at Raglan in the year 1891. Those Courts showed the boundaries, the ancestral rights, the settlements, and the burial-places.

5. The divisions, which are said to be Te Akau No. 1, No. 2, No. 3B, and No. 3A Blocks, as fixed by the Appellate Court of 1894, we strongly object to.

6. Hence your petitioners pray to your illustrious Council to authorise the appointment of another Court to investigate our claims.

7. Because, in addition, one of our great objections to that Appellate Court of 1894 is, that people who went to fight against the Queen received (or were awarded) larger interests than those who remained (loyal) to look after the lands derived from our ancestors.

Hence your petitioners pray for relief.

God save King Edward the Seventh!

Our names are written hereunder.

HONANA MAIOHA, Ngatimahuta.

Correct translation.—JAMES MACKAY. May, 1904.

* MEMO.—This petition is written in the plural, although signed by one person only.

The petition of Tuaiwa Ngatipare is almost word for word the same as that of Honana Maioha. It, however, contains another clause than that of Honana Maioha, as follows:—

“No objection was made to the boundaries of the first [Compensation] Court of 1866 by the persons prosecuting the appeal in the Court of 1894.”

Correct translation of extra clause in the petition of Tuaiwa Ngatipare.—JAMES MACKAY. May, 1904.

NOTE.—This petition is written in the singular, except in one or two places where it applies to others than the petitioner. In the sitting of the Commissioners there were found to be many interested besides the petitioner.—J.M.

APPENDIX F.

EXTRACT FROM EVIDENCE TAKEN IN THE COMPENSATION COURT AT PORT WAIKATO IN
FEBRUARY, 1866.

JUDGE Monro's minute of Te Wetini Mahikai's evidence is as follows:—

“*Te Wetini Mahikai* (of Tainui).—I have heard the statement of the previous witnesses. What they have said is true. The Ngatitahinga are one tribe, but there are many hapus among them. The pieces of land could be pointed out. I know my own, but not those of others. I know Rurunui; it belongs to Hohua, Tangitengoro, and Hapuku. They belong to his hapu alone. His hapu is Ngatitahinga. I have no claim on Rangikahu. The Tainui boundary is at Tauterei.”

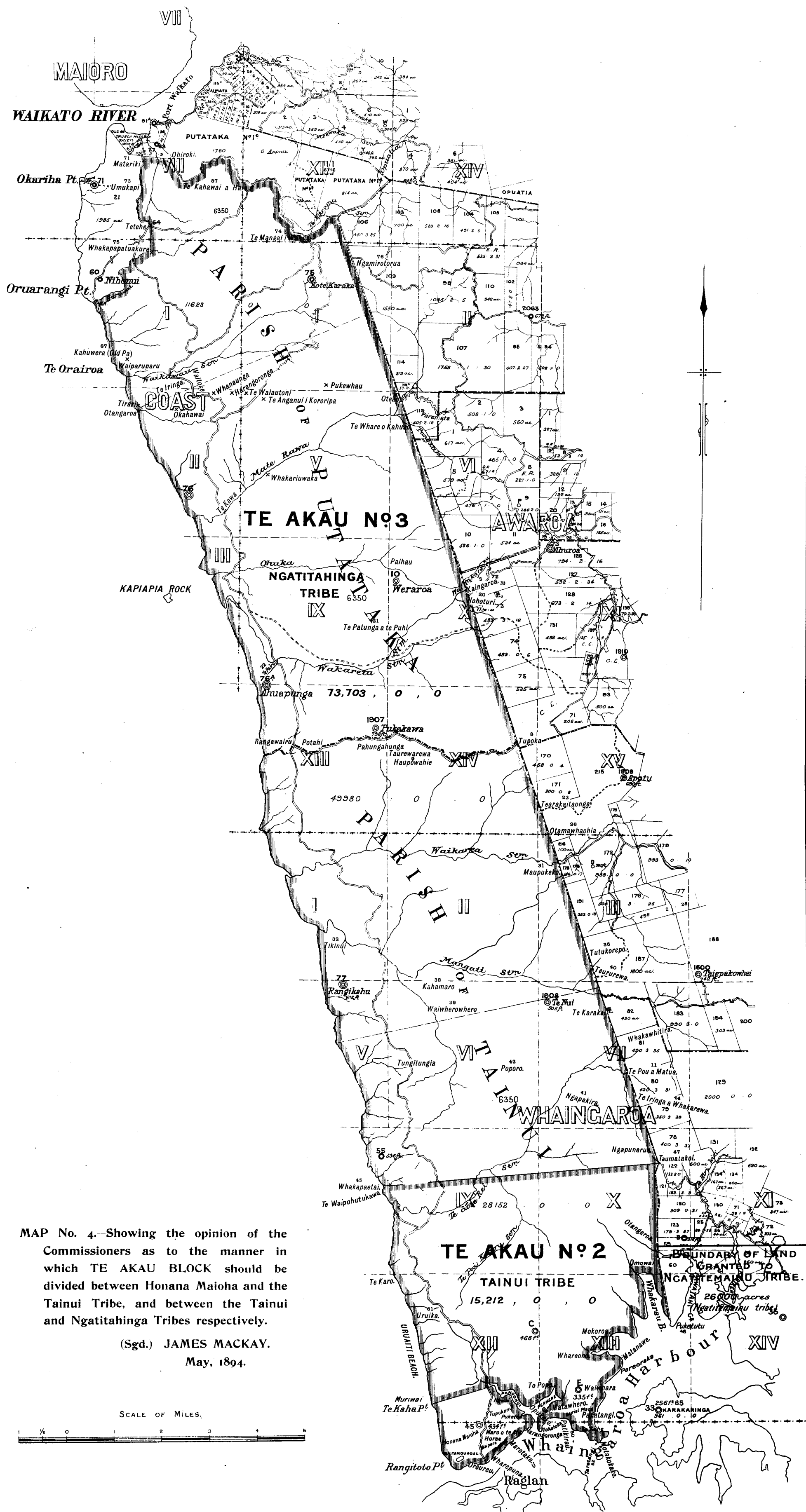
The Crown Agent's (Mr. Mackay) notes show in Maori, “Ko te rohe kia Tainui kei Tauterei,” which, translated, means, “The boundary of the Tainui is at Tauterei.” Mr. Mackay further notes, “Supplied names of loyal Natives and rebels in block between Tauterei and Raglan.”

Correct extract.—JAMES MACKAY. May, 1904.

Approximate Cost of Paper.—Preparation, not given; printing (1,425 copies), £8 1s.

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Price, 6d]



(Sgd.) JAMES MACKAY.

May, 1894.

SCALE OF MILES.

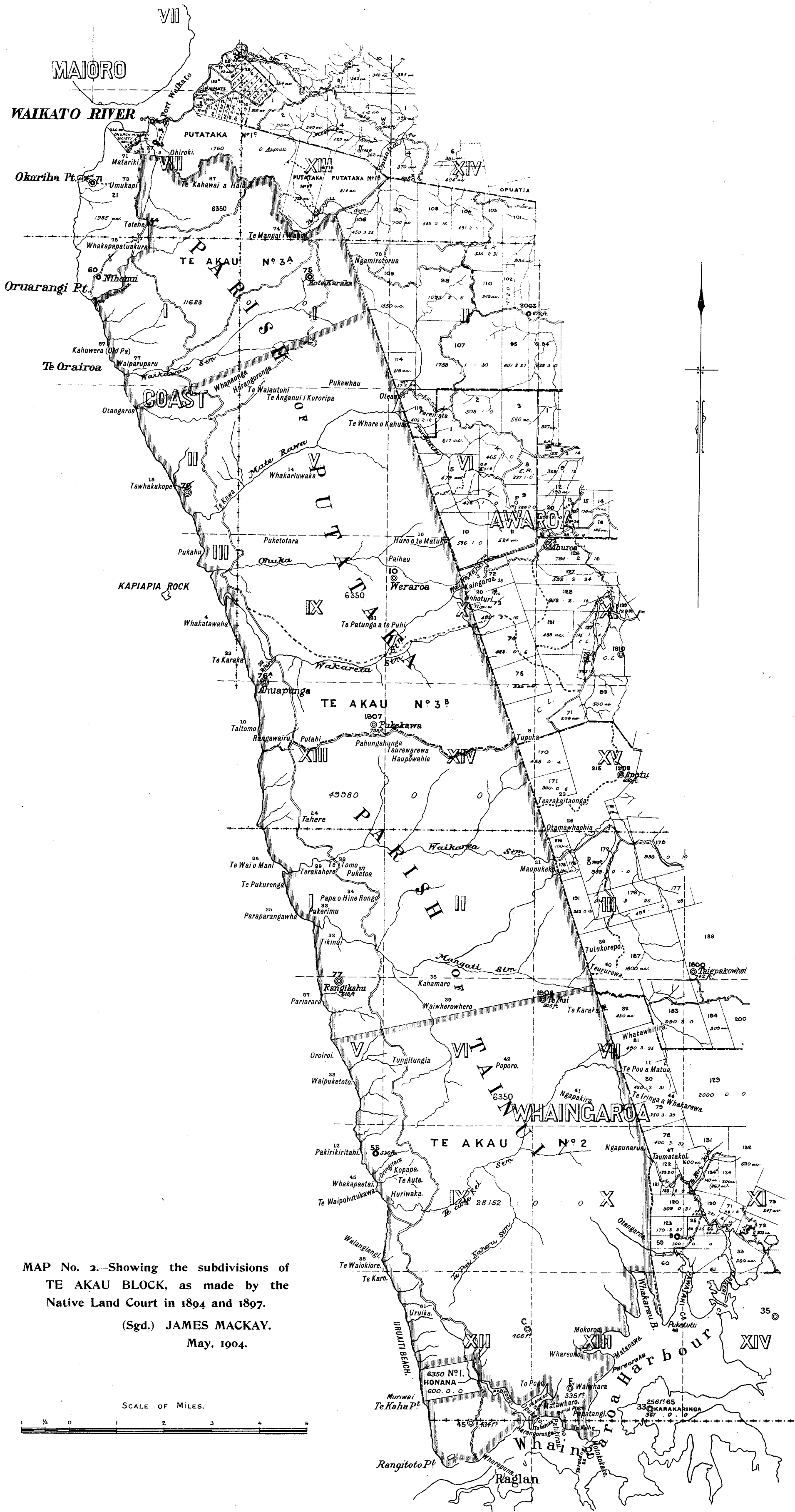
TE AKAU N°3

ADMINISTRATIVE
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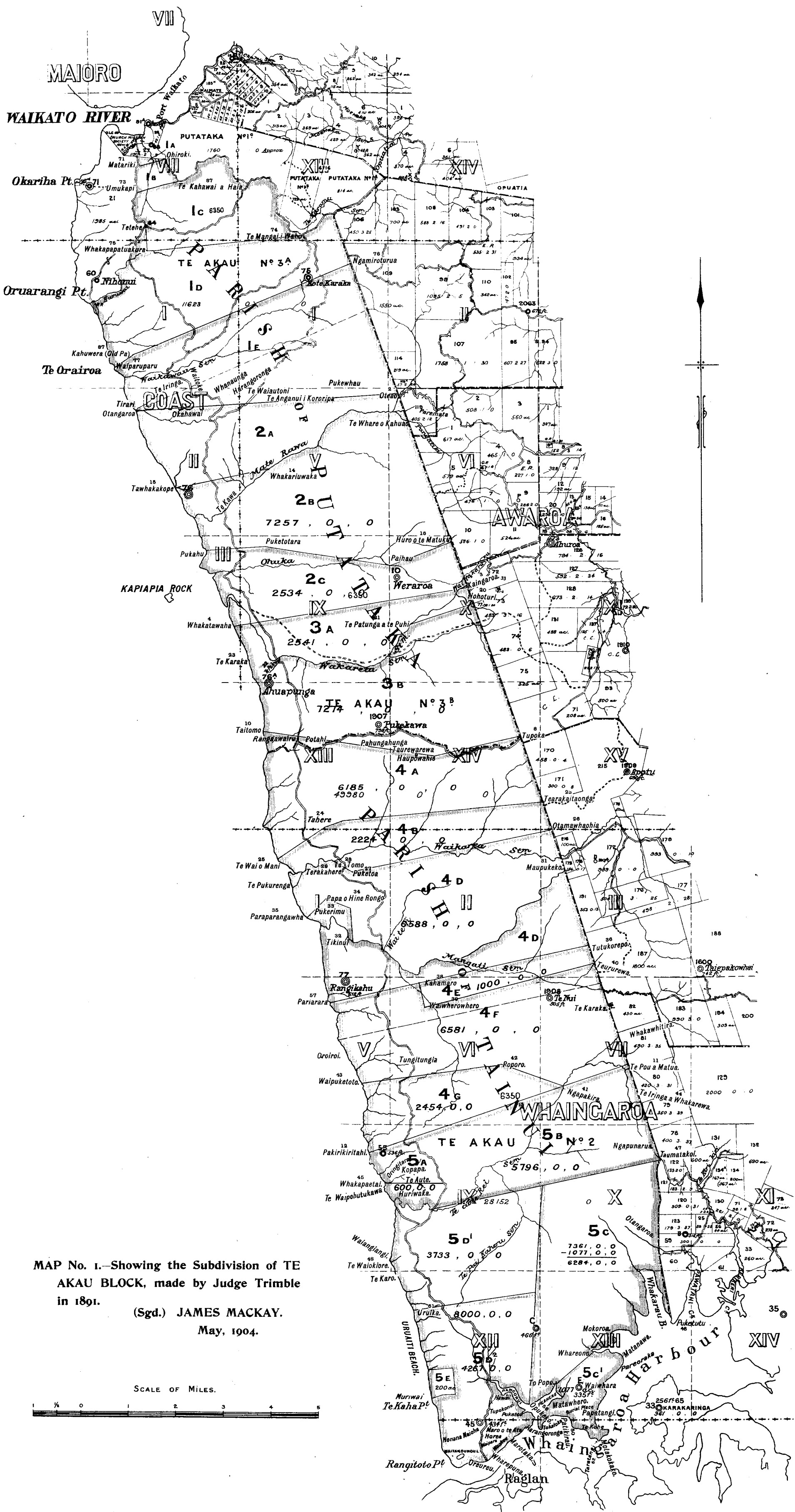
NOTES

TE AKAU N°2

TAIPIRI TRIBE



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MAP No. 1. Showing the Subdivision of TE AKAU BLOCK, made by Judge Trimble in 1891.

(Sgd.) JAMES MACKAY.
May, 1904.

SCALE OF MILES.



