

was continued on the following morning, they unanimously declined to adopt any other course than to leave the entire settlement of their lands to His Excellency the Governor, as they had declared at the public interview with him on the previous day, and to receive back from him so much as His Excellency might think proper to restore.

The Hon. the Colonial Secretary,
(Native Department.)

I have, &c.,
H. T. CLARKE.

No. 6.

Copy of a Letter from Mr. MACKAY to the Hon. W. B. D. MANTELL.

SIR,—

Auckland, 10th January, 1865.

I have the honor to enclose herewith the report made by Mr. H. T. Clarke and myself as arbitrators in the dispute between Te Moananui and the tribe Ngaiterangi, respecting the ownership of lands situated at Katikati, in the District of Tauranga.

As this has already been approved by you, I would beg to recommend that authority should be given for the survey of the land, with a view to carrying out our decision. The arrangement made with the Natives is, that Mr. Clarke and myself are to be present at the survey, to prevent any misunderstanding about the boundaries of the land, also to decide about burial ground and other reserves required within the block. I would therefore suggest that Mr. Heaphy should be instructed to furnish us with a competent surveyor, whenever we require his services for that purpose.

I do myself the honor to enclose a copy of a sketch of the disputed land at Katikati, as drawn by Te Moananui, this will enable you to understand the position of it.

With reference to the dispute between the tribes Tawera and Ngaiterangi, I may mention that we have taken the evidence in the case; but as it is of a very lengthy and conflicting character, we have not yet had sufficient time to consider it and report thereon.

I have, &c.,

JAMES MACKAY, jun., C.C.,
for Arbitrators.

The Hon. the Native Minister, Auckland.

Enclosure 1 in No. 6.

REPORT ON TE MOANANUI'S and NGAITERANGI Claims to Lands at Katikati, District of Tauranga. MESSRS. H. T. Clarke, and J. Mackay, jun., were the arbitrators appointed in this case, the former on behalf of the tribe Ngaiterangi, the latter on the part of Te Moananui, and his people, of the tribe Ngatitamatera.

The investigation and decision of this case occupied five days. The whole of the parties concerned behaved in a most orderly and praiseworthy manner throughout. Te Moananui was the spokesman on the one side, and Hohepa Hikutaia and Te Harawira the speakers on the other.

Decision of the Arbitrators.

1. That Te Moananui claims the block of land commencing on the sea coast at Te Kahakaha, thence to the upper end of the Opeope Swamp; thence by the edge of that swamp to Teroa on the inner side of Katikati Harbour; thence by the coast to Motukouru; thence inland to the summit of Tohureo; thence to the summit of Te Aroha Range; thence along that range in a northerly direction to a point inland from Te Kahakaha; thence to the point of commencement on the sea coast. He also claims a small piece situated on the inner side of Katikati Head, extending from Tuaheka to Opotoki, known as Paparahangi Block.

2. That Ranganui and Waitaha were the original owners of the Tauranga District. That Te Moananui is descended from Ranganui, and that his title is not disputed in that respect, and that Ngaiterangi admit his title by inheritance.

3. That Ngaiterangi came from Hakuranui, south of Maketu, and fought with the various branches of the Ranganui and Waitaha tribes, and then located themselves at Tauranga.

4. That Ngaiterangi proper have no claims by right of inheritance to lands in the District of Tauranga, but they have their claims on right of conquest only.

5. That Ngaiterangi frequently fought against the ancestors of Te Moananui; that on some occasions the former were victorious, and on others the latter were the conquerors. That Ngaiterangi occupied Katikati on several occasions. That in dispute of these conflicts and occupations Te Moananui was personally in possession of the land now claimed by him, immediately antecedent to Hongi Heki's invasion of Tauranga.

6. That Te Moananui left the land now claimed by him just before Hongi's invasion, and that neither he (Moananui) or Ngaiterangi have ever permanently resided on it since that date. That since Hongi's invasion Ngaiterangi have exercised certain rights of ownership over the land in question. That Te Moananui has also exercised similar rights, but not to the same extent.

Recommended that the block of land described in clause No. 1, with the exception of the piece laying between Te Kahakaha and Ngakuriawhaare, should be surveyed and valued, and that the amount of the purchase money should be equally divided between Ngaiterangi and Ngatitamatera.

HENRY T. CLARKE,
Civil Commissioner, Tauranga;
JAMES MACKAY, jun.,
Civil Commissioner, Hauraki;

Arbitrators.

27th December, 1864.

It having been pointed out that there are some burial grounds within the block, it has been agreed to reserve these from sale.

28th December, 1864.

JAMES MACKAY, jun.