

2nd. That Ngatikauwhata is really a section or hapu of Ngatiraukawa.

3rd. That they (the petitioners) were represented in the Court of 1868 by an authorized agent.

And the opinion of the Commissioners is clearly influenced adversely to the petitioners by these premises which seem to have been in their minds.

But I assert that these premises are absolutely false, and are quite capable of being shown to be false from the printed evidence; and I assert that, generally, the opinion expressed by the Commissioners is contrary to the plain tenor and weight of the evidence, as well as to common sense and reason.

I appeal to you, Sir, as the proper and responsible head of the Maori people, to protect them against such an outrageously unjust decision as given by these Commissioners in this case.

And I ask you to take any steps which may appear to you necessary, either to verify the charge I make against the Commissioners, of having decided contrary to the evidence, or of punishing me for having made so serious a charge against persons entrusted with so important and grave a duty as the investigation of title to land.

The Hon. the Native Minister.

I have, &c.,

A. McDONALD.

No. 3.

MEMORANDUM by Mr. A. McDONALD for the Hon. the NATIVE MINISTER, *re* Report of Commissioners on Ngatikauwhata Claims (G.-2A., 1881).

1. IN reference to the statement by the Commissioners, "that Mr. McDonald has led the petitioners and others to believe that, if the Report of the Commissioners were favourable to the claims of the petitioners the Crown grants would be void," and that this statement of Mr. McDonald's "had the effect of causing witnesses to admit the claims of petitioners which they had ignored in 1868:" I have to point out that such a conclusion is quite unwarranted by the evidence. My statement was simply this, viz.: "That if the decision of the Native Land Court in 1868 was bad, all proceedings based upon it must necessarily also be bad, and would be remedied by the Government." How the wrong was to be remedied, I did not say; and I thought, and think still, that the Commissioners exceeded their authority in volunteering the statement that, "in no case could the Crown grants be void or invalid." But, further, my statement was as applicable to Maungatautari as to any other block, because Maungatautari had also been allotted to ten persons, but has since been, and is still, held by Waikato Maoris, who either did not attend the Native Land Court of 1868, or whose claims have been ignored by the issue of the Crown grants. But not one Waikato witness could be got to say that any one of the petitioners had any just claim to Maungatautari, simply because that block had been left by the Ngatiraukawa emigrants to Kapiti, under very different circumstances to those under which the Ngatikauwhata migration left Pukekura and Puahoe. [See evidence of Tuwhenua, p. 7; Raihi, p. 10; Rihia Kauae, p. 13; Hakiriwhi, p. 11; Harete Tamihana, p. 11; Tana te Waharoa, p. 19; Hote Tamihana, p. 18; and the whole of the evidence in the Maungatautari case.]

2. Was Ngatiraukawa a distinct tribe from Ngatikauwhata? This is a question clearly settled by the evidence. Even the witnesses called by the Crown admit it. [See evidence of Rewi (Manga), pp. 32, 33; Hakiriwhi, p. 11; Tapa te Whata, p. 12; Pirihi, Crown witness, p. 14; Reone te Kui, Crown witness, p. 14; Ihaia, Crown witness, p. 15; Piripi, Crown witness, p. 16; Hori Wirihana, Crown witness; and Tana te Waharoa, p. 19; Te Raihi p. 21.]

3. The Ngatikauwhata, being thus shown to have had originally a distinct estate: did they ever lose the right to it? The evidence that they did not do so abounds, not only in the statements of the petitioners, but in the statements of the witnesses called by the Crown. [See Rihia, p. 13; Reone, p. 14; Pirihi, p. 14; Ihaia, p. 15; Piripi, p. 15; Te Ngakau, an expert, p. 12; Hote Tamihana, p. 18; Warena Ahukaramu, p. 20; Te Raihi, p. 21, &c.]

4. The Commissioners lay some stress on the evidence of Major Wilson, as limiting the invitation of Tamihana. I called the family of Tamihana in a group on this point. And their evidence is conclusive against the inference of the Commissioners. [See p. 30 of the Report.]

5. It is admitted on all hands that the mana of Te Waharoa, and, after him, of his son Tamihana, was paramount on the Waikato side of the country; and the families of these chiefs unhesitatingly admit the claims of the petitioners to that side, viz., Pukekura and Puahoe; while the mana of Potatau and his son Tawhiao, and of Rewi, on the Puniu and Waipa side, is equally unchallenged. These chiefs have not yet declared themselves quite clearly; but I, on behalf of Ngatikauwhata, am quite content to accept their dictum, when it suits them to speak, or when they can be made to do so.

I beg to note, for the information of the Hon. the Native Minister, that Te Wiwini, Murapara, and Te Whetowheto, are all names of the same person, being the chief to whom the Ngatikauwhata migration handed over the land in trust. [See Metapere, p. 9; Te Raihi, p. 10; Te Muera te Amorangi, p. 11; Hakiriwhi, p. 11; Reone, p. 14; Rewi, p. 32; and *passim*.]

I beg also to note that Mr. Marshall's idea of tribal distinctions is peculiar. He makes Ngatihinepare a hapu of Ngatihaua; but Hinepare was the eldest daughter (and child) of Kauwhata; while Hana, the ancestor of Ngatihaua, was not born until several generations later. [See p. 8.]

I beg also to note that Hitiri te Paerata and Hone te One seem to be purposely trying to mystify the Commission as to tribal distinctions. They make the original canoe and "tribe" synonymous terms. [pp. 23 and 24.] On this plan we may all be said to be one tribe.

I have, &c.,

A. McDONALD.

8th July, 1881.