

Eleven counter-claims were set up on that day—four of them by members of the Ngati-maniapoto, who said that they had been elected to represent the tribe, but who appear to have made their claims on personal grounds only.

On explanations and concessions being made by Te Heuheu all these counter-claims were withdrawn.

Taonui, who asserts that he alone was the chosen representative of the whole tribe, had been detained at Cambridge by subpoena from the Resident Magistrate's Court, and did not arrive at Taupo until the evening of the 18th January, when he was informed by the other members of his tribe that the boundary-line had been settled. He had a meeting with Te Heuheu before the opening of the Court on the 19th, and endeavoured to induce him to stop the hearing of the case, but Te Heuheu refused to consent to this, and Taonui, whose principal object was to prevent the sitting of the Court at all, appears to have taken but little interest at this time in the boundary-line. Imagining that the boundary question had been settled, he made no objection, as he might have done, to its adoption before the 22nd January, when, there being no opposition, the Court gave judgment for the red line, as delineated on the map referred to in the Commission and attached to this report, which line was subsequently surveyed by Mr. Cussen.

A further objection was made by Taonui to the sitting of the Court a few days afterwards, and again on the 27th March, 1886, when the Court was proceeding to hear the Maraeroa Block, which is in the disputed territory; and he urged the Court's adjournment, stating that the hearing of Taupouiatia was a violation of the promise made by Mr. Bryce.

Major Scannell, one of the Judges at the hearing of Taupouiatia, who was examined by the Commission, states that the presiding Judge, Mr. Brookfield, explained the altered line to Taonui on the 19th January; and that the latter then only objected to Petania, which place proved to be on his own side of the boundary, and that he made no further opposition to the line, but protested against the sitting of the Court at all.

Taonui and other witnesses on his side assert that they were told by the Court that the red line, or altered boundary, ran along the summit of the Hurakia Range. Major Scannell said that the range was not mentioned till the hearing of Maraeroa; but he himself was mistaken as to the position of that range, which was very faintly delineated on the Court map, and imagined that a part of it formed the northern portion of the western boundary of Maraeroa; and it was only when he saw Mr. Cussen's surveyed map, which was before the Commission, that he became aware of its true direction.

Taonui asserted that the yellow line was laid down as the Ngatimaniapoto boundary by Rereahu and three others of his ancestors eleven generations ago, and gave the names of the hills and places along it. On the other hand, Papanui, on the part of Ngatiutwharetoa, swore that the red line was laid down by their ancestors, Tia and Tuwharetoa, fifteen generations ago, but could not specify any of their names.

This last statement is the least worthy of credence for their boundary, as given in their first application was in a different position, further west. They endeavoured to show, by tracing No. 2, that Taonui had also varied his boundary since he applied for a rehearing; but he was then including lands claimed through Raukawa. And in the tracing the divergences are somewhat exaggerated.

There was a great deal of evidence given on both sides to prove that Maoris living between the Pungapunga and Taringamotu Streams (the southern portion of the territory in dispute) belonged to their respective tribes. A great many genealogies were recited, but these mainly proved that those residing there belonged to both sections—in fact, were a mixed race, who could give no exclusive rights to either party.

The red line, in the absence of any objection, was necessarily adopted by the Court; but if Taonui had at any time between the 19th and the 22nd January, 1886, when judgment was given, brought forward his objections to it, as he might have done, he would probably have obtained at least a partial adoption of his boundary, for there can be no doubt that a mountain-ridge is a proper and natural division between two tribes. He lost this opportunity, for he was stubborn, and chiefly anxious to stop the sitting of the Court; but, taking into consideration that he understood no partial hearing of the original Rohepotae Block would be allowed, and that the map on which the altered boundary was shown to him was indistinct as to the position of the range, also that this was his first appearance at a Native Land Court, and that he was ignorant of its rules and customs,—

We find that the portion of the boundary-line between the Ngatimaniapoto and Ngatituwharetoa Tribes which is in dispute should be the red line from its junction with the Pungapunga Stream to Pakihi, which is the commencement of the range, and from thence along the Hurakia Range or water-shed to Pureora, and from thence to Tapororoa, along the north-eastern boundary of the Maraeroa Block.

This line would not include the settlement of Tahorakarewarewa, which Taonui claims, but which is on the eastern slope, about two miles from the ridge and about ten miles from Lake Taupo.

Issue No. 2.

The second question remitted for the finding of the Commission was, "Whether the Native chief Hitiri te Paerata had suffered any injustice in consequence of his claim to a block of land known as Pouakani having, in consequence of some misapprehension, been unsatisfactorily dealt with, and whether he or his people have any just cause of complaint in relation thereto."

Hitiri te Paerata's complaint may be stated under the following heads:—

2A. That he was prevented by his absence in Cambridge, at the opening of the Native Land Court at Taupo, from setting up Raukawa as one of the ancestors through whom he claimed interests within Taupouiatia, in addition to Tia and Tuwharetoa.