

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."