

At the conclusion of the evidence of the parties concerned on both sides, Wirihana te Aooterangi, 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 Waiwhara. 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 Hiaikai, 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.