

who cut him open, tore out his heart and liver, and carried them to Waikaremoana. The said land was asked for the descendants of the persons who were killed, and Sir Donald McLean and Locke acceded to our request. There are two Europeans who are still living now who know of this: they are Captain Preece and the Hon. J. D. Ormond." The chiefs mentioned were leading chiefs of the Wairoa district.

6. Ihaka Maihi Whaanga, son of Ihaka Whaanga referred to in the preceding paragraph, said that "Whataroa was returned by the Government. At the time of Karaitiana's massacre I, with my father and others, went to Whataroa and found that all but one man had left. We searched for bodies, and found them after some difficulty. After that I heard Ihaka and others were making application to have the land given to the people as compensation for the massacre—that is, to the descendants of those who were massacred. The deed was suspected to be done by Te Waru. When the 1,000 acres were given over the relatives of those who were killed were appeased." He then recites the circumstances of the promise of Sir Donald McLean as stated by Kerei te Otutu. In cross-examination Ihaka said that they killed the old man for revenge, but that was not sufficient payment. It was Te Waru who instigated the massacre, and as the land was originally his—or, at least, he and his people lived there and were in occupation—it was quite right to take the land.

7. The Hon. J. D. Ormond was, the Court understands, referred to, but was unable to recollect the circumstances, or at any rate could give nothing that would assist the Court. Mr. Locke, who was referred to, is long since dead.

8. Captain Preece made a declaration that he was stationed at Wairoa in the year 1868, and in the early part of the month of October of that year scouts were sent to Whataroa to ascertain from Te Waru, the chief of that settlement, who had been a rebel in the war of 1865 and 1866, but had surrendered and professed to be a friendly Native, as to the movements of Te Kooti, who was then contemplating occupying Puketapu, near Ruakituri; that, their men not returning, he accompanied an expedition to Whataroa, where they found the settlement deserted and the murdered bodies of the scouts. He then mentions that in 1880 he succeeded Mr. Locke as Magistrate, and that amongst the other records which were in the office was a large book containing the names of the owners of a number of reserves, and that the Whataroa Reserve was entered in the said book as set apart for the families of the said scouts, and that Mr. Locke had informed him that that arrangement was made with the Native chiefs when the friendly Native interests and the rebel Native interests were extinguished in the main blocks. He further mentions that about the year 1890, acting under instructions from the then Under-Secretary for Native Affairs, he forwarded the book referred to, with other records, to the Native Department.

9. The Court applied to the Under-Secretary of the Department for the book, but received a reply that the Under-Secretary could not trace any book in the Department on the matter referred to, but suggested, as some of Mr. Locke's books were in the Napier Magistrate's Court Office, it might be there.

10. Search was made in the latter office, but no trace could be found of the book referred to. However, an old press-letter book of 1872, partly used for Native affairs, contained a copy of a letter dated the 19th August, 1872, to the Hon. Minister of Public Works.

11. *Inter alia*, this letter says, "As regards the question of compensation: By a deed of agreement made between the Government and the loyal Natives of the Wairoa district at a meeting held at Wairoa in 1867, the Government took possession of a block of land lying between the Wairoa and Waiau Rivers and between the Mangapoike and Kauhauroa Rivers on the left bank of the Wairoa River, excepting a block of 500-odd acres at Pakowhai and 25-acre section between the Mangapoike and Kauhauroa Streams on left bank of Wairoa River. The remainder of the block then brought under consideration under the provisions of the East Coast Land Titles Investigation Act, lying between the Waiau River and the Wairoa River and Ruakituri Stream stretching inland to Waikaremoana lake, was returned to the Natives with the promise that the Government would divide it into blocks, taking streams or other natural boundaries, and also decide on the persons to be inserted in the grant for the same. . . . Though the unsettled state of the district and other causes the promise of the Government to subdivide the land and decide on persons to appear on grants has not until now been carried out. On the 3rd of this month I met the Natives, who mustered in great force at Wairoa, in reference to this question, having previously ridden over the country and visited Waikaremoana for the purpose of ascertaining the most suitable boundaries of the several blocks into which it was proposed to divide the land." He then mentions an agreement was agreed by the principal chiefs, which was forwarded to the Department. Probably these records, if still in existence, might have some reference to the reserves to be made (if any).

12. There is also some evidence given by one Hapimana Tunupaura in Wairoa Minute-book, Vol. 3B, page 132, given on the 9th April, 1889, in respect of another block. "This reserve at Whataroa," he says, "was not given back through the Government conquest. The chiefs asked the Government to give this land back. The names of the chiefs who applied for this 1,000 acres at Whataroa are Pitiera Kopu, Paora te Apatu, Tamai Tokotoka Rahurahu, Kerei te Otutu (already mentioned), and myself. This application had been made for some time, but before the arrangements were complete Pitiera Kopu died, and the remaining four completed the business. The reason we asked for this reserve was that Karaitiana Rotoatara, one of our chiefs, had been murdered at Whataroa by Te Waru. His brothers Karauria, Rewiti, and Ahita were also murdered there. This murder was committed when Te Kooti was at Puketapu, and the bodies were buried at Whataroa, and the Government awarded us 1,000 acres at Whataroa in consequence. There are no names on the title to Whataroa as yet. I may at some future time arrange a list of persons entitled to this 1,000 acres."