

the Act the lands thereby released automatically reverted to their former state as existing prior to the passing of the Act—that is, Native lands with ownership unascertained. That was the case with the northern portion of the same area subjected to confiscation under the Act and subsequently released; and there is nothing to show any contrary intention with regard to the southern portion—that is, the area released under the deed of cession. On the contrary, that this was the case is confirmed by the following extract from the Napier minute-book No. 4 on the investigation of title to the four blocks before Judge Rogan at Wairoa in October-November, 1875, namely:—

“The Court wished to know from the District Officer if the land (Tukurangi Block) under investigation was confiscated.

“Samuel Locke, Esq., District Officer, stated this land was confiscated under the East Coast Land Titles Investigation Act, 1867; by deed of agreement dated the 5th April, 1867, between R. N. Biggs, Esq., on the part of the Government, and the loyal Natives of the district, the Government had retained a portion at the mouth of Waiau and at Kauhoroa situated between the Wairoa and Waiau, the remainder of land between Waiau and Ruakituri (*i.e.*, the four blocks) was abandoned by the Government to the original owners.”

The petitioners based their claim upon a statement in a report written by Mr. Locke to Mr. McLean, dated the 5th October, 1869. The following is the statement:—

“Ihaka Whanga, Paora te Apatu, and other chiefs appeared anxious to know whether the arrangements that were made in the presence of Messrs. McLean and Richmond at Hatepe, Wairoa, respecting the lands to be returned to Government Natives at Wairoa would be carried out. Those arrangements were that that portion of the confiscated block not taken by the Government should be returned, with Government certificate, to those loyal chiefs who fought for us at the Wairoa. That arrangement has not yet been carried out. It is very desirable that a matter which has now been pending over three years should be settled without further delay.”

Following this report, on the 6th August, 1872, a deed of arrangement was entered into by Mr. Locke, representing the Crown, and eighteen Maoris (stated to be fifteen loyalists and three rebels). The deed of arrangement recites the deed of cession, and records proceedings at a meeting of loyal Maoris and Mr. Locke, at which it was agreed that lands described in the deed of arrangement, and being the four blocks mentioned, “should be retained by the above-named loyal Natives” (excepting two small areas), and (later in the same deed) “shall be conveyed to the loyal claimants under the following conditions: The whole block shall be subdivided into several portions to the Natives mentioned in the following schedule hereto attached. The whole of the land shall be made inalienable both as to sale and mortgage, and held in trust in the manner provided or hereafter provided by the General Assembly for Native land held under trust.”

That deed of arrangement was carried into effect, and, acting under the title given them by that deed of arrangement, Ihaka Whanga (a loyalist) and Makarini te Wharehuia (a rebel), with the other owners of the Tukurangi Block under the deed of arrangement, leased that block on the 28th July, 1873, to Percival Barker and others for twenty-one years. That lease was subsequently purchased from the lessees by the Crown.

Three years later, at a large meeting of Maoris at Wairoa on the 29th October, 1875, convened for the purpose of discussing the four blocks referred to, with a view to purchase by the Government, Mr. Locke opened the meeting by stating,—

“We have met here to-day to discuss this land question, and also the inter-tribal boundary, before they come before the Land Court, there to be dealt with. We have met here with a view to affording all parties an opportunity of ventilating their opinions on the subject. Those Natives acting in concert with the Government—namely, the Ngatikahungunu Tribe—assert their claim to the land on ancestral grounds, and also because during the period of trouble in the island they adopted the cause of the Government. On the other hand, you, the people of Tuhoe (Urewera), contend that portions of the land so claimed by Ngatikahungunu belong to you, having, as you declare, been either inherited by you from your