

1881.
NEW ZEALAND.

NGATIKAUWHATA CLAIMS COMMISSION

(CORRESPONDENCE RELATING TO THE).

[In continuation of G.-2A., 1881.]

Laid upon the Table by the Hon. Mr. Rolleston, with leave of the House.

No. 1.

Mr. A. McDONALD to the UNDER-SECRETARY, Native Office.

SIR,—

Awahuri, 21st May, 1881.

I did not receive your letter of the 14th April, covering copy of extract from the report of the Royal Commissioners on the claims of Ngatikauwhata in Waikato, until yesterday, on my return from Auckland. As regards the opinion expressed in this extract, it seems to me to be based upon anything rather than upon the evidence given before the Commission. So far as my notes of the evidence go, they seem to be conclusive that the petitioners are, "according to Maori custom," entitled to an interest in the land in question. And I have the assurance of the chiefs and tribes of Waikato, that in their view they (the petitioners) are so entitled. But, unless I am permitted to see or hear the argument by which the Royal Commissioners connect their opinion with the evidence, upon which I presume it is supposed to be based, I would not, I think, be justified in saying that I regard the opinion itself as worthless. I do, however, ask the Government to pause before it accepts the expressed opinion of the Commissioners as conclusive, and I also ask to be supplied with a copy of the report. I feel sure I may say that, if upon a perusal of the report the opinion expressed therein seems to be based upon the evidence, and not merely upon preconceived ideas, my clients will frankly accept the decision, and say no more about it. But now, I must observe that the extract supplied to me, besides expressing an opinion, makes what purports to be a statement of fact—viz., that Ngatikauwhata "were properly represented by an authorized agent in that Court" (of 1868). I say, and I desire to be distinctly understood to say, that the Royal Commissioners have here made a statement which is not true,—which is emphatically untrue. I fear that what I have just written may be considered improper, or even shocking to the official mind; but it is necessary that I should speak plainly, and I use the best form of words I know. I do not wish to be offensive; I suppose the Commissioners believed they were stating the truth; but they have not done so, they have stated as a fact that which is not a fact, and I am bound to inform the Government that such is the case.

I think that even the Native Department must know that the statement of the Commissioners is erroneous. The records of the Native Office will show that, from 1867 to the present time, Ngatikauwhata have done no act, great or small, in reference to their land, except through me as their agent; and that, at the date in question (1868), the hapu was personally present in the Native Lands Court at Rangitikei, and engaged through me in a voluminous correspondence with the Government of that time. It cannot therefore be true that the hapu was at the same time properly represented elsewhere by an authorized agent, unless I have deliberately and habitually misrepresented facts to the Government during all these years.

Moreover, I, and the chiefs of the hapu, made direct oath before the Royal Commission, that no one had been authorized to represent them in that Court of 1868. The Commissioners, therefore, in stating what they have done, really charge me and the other witnesses with perjury. I do not retort by calling them bad names, but I do say that they are two very foolish men. The Government have now before them a distinct issue—viz.: "Were these Maoris entitled, in 1868, according to Maori custom, to an interest in this land?" To this question the Royal Commissioners have answered "No;" all the chiefs and tribes in Waikato have answered "Yes;" and I say that any public meeting of Maoris, in any part of New Zealand, would unhesitatingly answer "Yes;" and I hope the Government will also distinctly answer "Yes," or "No."

T. W. Lewis, Esq., Under-Secretary

I have, &c.,

A. McDONALD.

No. 2.

Mr. A. McDONALD to the Hon. the NATIVE MINISTER.

SIR,—

Wellington, 8th July, 1881.

I have the honor to acknowledge the receipt of a copy of the report and evidence in the claims of Ngatikauwhata in Waikato.

The report intimates, 1st. That the witnesses gave false evidence in consequence of a statement made to them by me.

2nd. That Ngatikauwhata is really a section or hapu of Ngatiraukawa.

3rd. That they (the petitioners) were represented in the Court of 1868 by an authorized agent.

And the opinion of the Commissioners is clearly influenced adversely to the petitioners by these premises which seem to have been in their minds.

But I assert that these premises are absolutely false, and are quite capable of being shown to be false from the printed evidence; and I assert that, generally, the opinion expressed by the Commissioners is contrary to the plain tenor and weight of the evidence, as well as to common sense and reason.

I appeal to you, Sir, as the proper and responsible head of the Maori people, to protect them against such an outrageously unjust decision as given by these Commissioners in this case.

And I ask you to take any steps which may appear to you necessary, either to verify the charge I make against the Commissioners, of having decided contrary to the evidence, or of punishing me for having made so serious a charge against persons entrusted with so important and grave a duty as the investigation of title to land.

I have, &c.,

The Hon. the Native Minister.

A. McDONALD.

No. 3.

MEMORANDUM by Mr. A. McDONALD for the Hon. the NATIVE MINISTER, *re* Report of Commissioners on Ngatikauwhata Claims (G.—2A., 1881).

1. IN reference to the statement by the Commissioners, "that Mr. McDonald has led the petitioners and others to believe that, if the Report of the Commissioners were favourable to the claims of the petitioners the Crown grants would be void," and that this statement of Mr. McDonald's "had the effect of causing witnesses to admit the claims of petitioners which they had ignored in 1868:" I have to point out that such a conclusion is quite unwarranted by the evidence. My statement was simply this, viz.: "That if the decision of the Native Land Court in 1868 was bad, all proceedings based upon it must necessarily also be bad, and would be remedied by the Government." How the wrong was to be remedied, I did not say; and I thought, and think still, that the Commissioners exceeded their authority in volunteering the statement that, "in no case could the Crown grants be void or invalid." But, further, my statement was as applicable to Maungatautari as to any other block, because Maungatautari had also been allotted to ten persons, but has since been, and is still, held by Waikato Maoris, who either did not attend the Native Land Court of 1868, or whose claims have been ignored by the issue of the Crown grants. But not one Waikato witness could be got to say that any one of the petitioners had any just claim to Maungatautari, simply because that block had been left by the Ngatiraukawa emigrants to Kapiti, under very different circumstances to those under which the Ngatikauwhata migration left Pukekura and Puahoe. [See evidence of Tuwhenua, p. 7; Raihi, p. 10; Rihia Kauae, p. 13; Hakiriwhi, p. 11; Harete Tamihana, p. 11; Tana te Waharoa, p. 19; Hote Tamihana, p. 18; and the whole of the evidence in the Maungatautari case.]

2. Was Ngatiraukawa a distinct tribe from Ngatikauwhata? This is a question clearly settled by the evidence. Even the witnesses called by the Crown admit it. [See evidence of Rewi (Manga), pp. 32, 33; Hakiriwhi, p. 11; Tapa te Whata, p. 12; Pirihi, Crown witness, p. 14; Reone te Kui, Crown witness, p. 14; Ihaia, Crown witness, p. 15; Piripi, Crown witness, p. 16; Hori Wirihana, Crown witness; and Tana te Waharoa, p. 19; Te Raihi p. 21.]

3. The Ngatikauwhata, being thus shown to have had originally a distinct estate: did they ever lose the right to it? The evidence that they did not do so abounds, not only in the statements of the petitioners, but in the statements of the witnesses called by the Crown. [See Rihia, p. 13; Reone, p. 14; Pirihi, p. 14; Ihaia, p. 15; Piripi, p. 15; Te Ngakau, an expert, p. 12; Hote Tamihana, p. 18; Warena Ahukaramu, p. 20; Te Raihi, p. 21, &c.]

4. The Commissioners lay some stress on the evidence of Major Wilson, as limiting the invitation of Tamihana. I called the family of Tamihana in a group on this point. And their evidence is conclusive against the inference of the Commissioners. [See p. 30 of the Report.]

5. It is admitted on all hands that the mana of Te Waharoa, and, after him, of his son Tamihana, was paramount on the Waikato side of the country; and the families of these chiefs unhesitatingly admit the claims of the petitioners to that side, viz., Pukekura and Puahoe; while the mana of Potatau and his son Tawhiao, and of Rewi, on the Puniu and Waipa side, is equally unchallenged. These chiefs have not yet declared themselves quite clearly; but I, on behalf of Ngatikauwhata, am quite content to accept their dictum, when it suits them to speak, or when they can be made to do so.

I beg to note, for the information of the Hon. the Native Minister, that Te Wiwini, Murapara, and Te Whetowheto, are all names of the same person, being the chief to whom the Ngatikauwhata migration handed over the land in trust. [See Metapere, p. 9; Te Raihi, p. 10; Te Muera te Amorangi, p. 11; Hakiriwhi, p. 11; Reone, p. 14; Rewi, p. 32; and *passim*.]

I beg also to note that Mr. Marshall's idea of tribal distinctions is peculiar. He makes Ngatihinepare a hapu of Ngatihaua; but Hinepare was the eldest daughter (and child) of Kauwhata; while Hana, the ancestor of Ngatihaua, was not born until several generations later. [See p. 8.]

I beg also to note that Hitiri te Paerata and Hone te One seem to be purposely trying to mystify the Commission as to tribal distinctions. They make the original canoe and "tribe" synonymous terms. [pp. 23 and 24.] On this plan we may all be said to be one tribe.

I have, &c.,

A. McDONALD.

8th July, 1881.