

The following witnesses were called and examined: For the Ngaitai, Hoera Katipo, Wetini Taku; for the Whanau a Apanui, Koopu Erueti, Alfred Francis Puckey; for the Whanau a Te Harawaka, Hairama Haweti.

The claims set up were as follows: The Ngaitai claimed the whole land by ancestral right derived from Torere Nui a Rua, an ancestress who came to this country in the Tainui canoe; conquest over the Ngaariki-ratoawa; and continuous occupation. The Whanau a Apanui claimed the whole land by ancestral right derived from Apanui Ringa Mutu; conquest over a section of the Whanau a Apanui known as Ngaariki-tahaehae; and continuous occupation. The right of the Whanau a Te Harawaka to an interest in conjunction with the other hapus was admitted by the Whanau a Apanui. The Whanau a Te Harawaka claimed the exclusive ownership of the whole land by ancestral right derived from Apanui Ringa Mutu; conquest over the Ngaariki; and continuous occupation.

Ngaitai Claim.

Ancestry.—The Ngaitai claim that this land forms part of the ancestral estate inherited by them from Tai, a lineal descendant of Torere Nui a Rua.

Conquest.—The Ngaitai allege that they remained in exclusive possession of this land until the arrival of a people known as the Ngaariki-ratoawa. This people, a section of the Ngaariki-a-po, of Turanga, were driven away by stress of war from their own home, and took refuge with the Ngaitai at Tunapahore, by whom they were hospitably received, and Pataonga, a Ngaitai chieftainess, was given in marriage to Te Whakapakina, the leader of the Ngaariki migration. Thus the Ngaariki acquired a settlement on Tunapahore, and several of their chiefs obtained a prominent position in the management of the affairs of the united tribes. Subsequently quarrels arose between them, which resulted, after a series of conflicts, in the complete expulsion of the Ngaariki and the resumption of exclusive occupation of the land by Ngaitai.

With regard to the Whanau a Te Harawaka, the Ngaitai allege that the residence of that people on Tunapahore began with the marriage of two women of Whanau a Te Harawaka with men of Ngaitai and their residence at their husbands' kaingas at Hawaii, on the Tunapahore Block. Soon after this a quarrel arose between the Whanau a Te Harawaka and others of the Whanau a Apanui residing at Maraenui, with the result that the Whanau a Te Harawaka left their homes at Maraenui and went to reside with their relations at Hawaii.

Occupation.—The two tribes continued in joint occupation of Tunapahore, occasionally leaving the land on visits to friendly tribes or on hostile expeditions. On one of these occasions, while the Whanau a Te Harawaka were temporarily residing at Ohiwa on the invitation of the people of that neighbourhood, many of them were treacherously killed. The survivors fled to Tunapahore, and sought and obtained refuge among their Ngaitai friends. The joint occupation was thus resumed, and continued until a quarrel arose in or about the year 1856, in which several hapus of the Whanau a Apanui took part against the Ngaitai. Fighting ensued at intervals extending over a period of two years, when peace was made on the intervention of a Native clergyman named Hakaraia. One of the conditions imposed by the peacemaker was that all parties should leave the land. The Ngaitai accordingly retired to Torere, but the Whanau a Te Harawaka, after some delay, refused to leave, and have continued to reside on and cultivate some portion of the land down to the present time.

Whanau a Apanui Claim.

Ancestry.—The Whanau a Apanui allege that this land was first occupied by Motataumaitawhiti, a descendant of Toikarakau, and the rights so acquired were inherited by several generations of lineal descendants down to the time of Turirangi, who gave to his son Apanui Ringa Mutu the mana over this land and over other adjacent territory. At that time the people residing on Tunapahore were known as the Ngaariki-tahaehae, a name which in the course of time was limited to the descendants of Turirangi by his wife Hinetama, while the name Whanau a Apanui was taken by the descendants of Apanui, the son of Turirangi, by his wife Rongomaihuatahi.

Occupation.—The Whanau a Apanui hapus, on whose behalf this claim is made, continued to reside with the Ngaariki on this land until the time of Whakaihu, the fourth in descent from Turirangi and Hinetama, when in consequence of a quarrel the Ngaariki left Tunapahore and settled at Tirohanga. Thus the Whanau a Apanui obtained exclusive possession. The Whanau a Apanui further allege that up to this time Ngaitai had acquired no interest in Tunapahore, though they were frequently in contact with the Whanau a Apanui, either as foes or friends on the field of battle. In consequence of their repeated conflicts with Ngatiporou, Ngatimaru, Ngapuhi, Ngaiterangi, and Whakatohea, and other tribes, the Ngaitai, who had been a numerous and powerful people, had become much weakened; so much so that at the close of an expedition to Turanga as allies of Whanau a Apanui they feared to return to their own kaingas at Torere, and sought the protection of the Whanau a Apanui from the dreaded attacks of their old enemies the Whakatohea. In response to this appeal the Whanau a Apanui assigned to them certain places of residence on Tunapahore, and thus for the first time the Ngaitai became occupiers of this land.

Whanau a Te Harawaka Claim.

The Whanau a Te Harawaka, who derive their hapu-name from Harawaka, the son of Apanui and Te Whaaki, support to some extent the evidence given by Whanau a Apanui as to the early history of this land, but they allege that apart from themselves no section of the Whanau a Apanui Tribe ever acquired any rights to this land, and that in the several contests and transactions with Ngaariki, Ngaitai, and others they (the Whanau a Te Harawaka) and they alone were concerned as owners of the land.

Upon a review of the whole evidence we are of opinion that the balance is in favour of the Ngaitai claim as to the original ownership of the land, but the Whanau a Te Harawaka have by their occupation