

The Commissioners are of opinion that the occupation by Honana's father, Paratene Maioha, and subsequently by Honana Maioha and his dependants, of the Horea portion of Te Akau Block (southern end) is indisputable.

The claim of Honana Maioha and the status of the Tainui or Ngatikoata Tribe have been very carefully investigated and considered by us. It appears to us that the claim of the Tainui people to the southern portion of Te Akau Block, through the gift by Riki Korongata, is good; but subsequent events altered their position in respect to it. In that period of unrest and warfare, which by all accounts existed throughout the North Island of New Zealand immediately after the commencement of the nineteenth century, the Ngatitahinga and Ngatikoata Tribes seem to have been worsted in fighting with the more numerous and powerful tribes of Waikato; so much so, that in 1817 the Ngatitahinga migrated to Kaipara, north of Auckland. The Ngatikoata had allied themselves with the celebrated Ngatitao chief and warrior, Te Rauparaha, against the combined forces of the Ngatimahuta and Ngatimahanga Tribes and their adherents of Waikato. It must be borne in mind that the whole of the Hauraki (Thames) and Waikato tribes, of whom Ngatitahinga and Ngatikoata formed a component part, claimed "Tainui" as their ancestral canoe, and were more or less related one to the other. It was, therefore, quite in accordance with Maori war customs for the leading chiefs of the Waikato side to hold a parley with their opponents, and to request persons to whom they were related to come out of the hostile pa or pas before the attack began. Any people thus deserting the garrison of a fortified place would lose prestige with both friends and foes, and when subsequent disputes arose would very probably be taunted by the dominant people thus: "Who are you? I saved you. I brought you out of the jaws of death. (Naku koe i tiki mai i te waha o te parata.) Your prestige was broken by me. (Kua whati to mauri iau.)" One portion of those who deserted Te Rauparaha appear to have settled down under the lordship of Wiremu Neera te Awaitaia, of Ngatimahanga, to the southward of Raglan Harbour. The other division, who were taken in charge by the Ngatimahuta, were not allowed to return to Te Akau, but were carried off to the Waipa, in Waikato, in 1817, where they evidently remained with the Ngatimahuta until the taking of the Matakītaki Pa by the Ngapuhi chief, Hongi Hika, in 1822, a period of five years. According to their own showing, the Ngatikoata did not return to Te Akau until after the fall of Matakītaki, with the exception of Riki, the father of Te Wetini Mahikai, and Kiwi Huatahi, who were stated in the evidence given before us to have been "spared because of their connection with Waikato and Ngatitao; had it not been so, they would have been killed." The question then naturally arises, if the Ngatikoata, on the south side of the Raglan Harbour, had become the vassals of Wiremu Neera te Awaitaia and the Ngatimahanga Tribe, how could a smaller division of them, occupying land on the northern side of Raglan Harbour, not a mile distant, be other than the vassals of Paratene Maioha and the Ngatimahuta Tribe? The Ngatimahuta and Ngatimahanga were close allies, which is shown by their combined raid on the Ngatiawa, of Taranaki, in 1830-31.

A Maori taken prisoner in war became the slave and property of his captor. He was styled a *taurekareka*. In the case where the original owners of land were defeated, but not captured, and left the district for a time, or retired to some inaccessible part of it, the conquerors taking possession of and occupying their lands, if the refugees, in more peaceable times, returned to their original lands, and were permitted to settle down among the conquerors, they lost their prestige (*mana*), and became the vassals of the dominant tribe. They were then styled *rahi* or *tangata*. A similar case exists in the Thames district. A tribe known as Ngatihako were attacked and defeated by the Ngatimaru and Ngatitamatera Tribes; the remnant fled to the Turua forest and other out-of-the-way places. In the course of time they came from their hiding-places, and were allowed to occupy a portion of their former possessions. During late years the Ngatihako made application to the Native Land Court to investigate their title to the lands they were occupying. Their claims were opposed by the Ngatimaru, and the Courts eventually gave judgment, in some cases awarding a one-third interest to the conquering tribe, and in others one-half.

The claim of Honana Maioha would be larger if his brother Patara te Tuhi had remained loyal, but he joined in the war. The Tainui Tribe are the gainers by this, because the Crown Agent made no deductions from the southern end of Te Akau Block in respect of the interests of those persons of the Ngatimahuta Tribe who fought against the Queen.

We are of opinion that the Native Land Courts in 1891, and the Appellate Court in 1894, awarded to Honana Maioha a much smaller area than he was entitled to; and, in any case, his old settlements and burial-places were not included within the piece allotted to him. He was given land which he did not claim to have occupied, and which is of very inferior quality. According to the evidence given before us, some members of the Ngatitahinga and Tainui Tribes received relative interests in the subdivisions equivalent to areas varying from 1,200 to 1,500 acres for one person.

With reference to the allegation No. 4 (paragraph 7 in petition), that in the Appellate Court, in 1894, people who fought against the Queen received larger shares in the subdivision or allocation of relative interests than those persons who had remained loyal: it was found, on investigation of this question, that it took a wider range than was expressed in the petition; in fact, the validity of the Crown grant itself was questioned. As previously stated, in the award of the Compensation Court in 1866, seventy-seven loyal Natives of Tainui and Ngatitahinga, and Honana Maioha, of Ngatimahuta, were declared to be entitled to 94,668 acres of Te Akau Block (afterwards reduced to 90,360 acres), these being subsequently increased in number to eighty-eight names, and a Crown grant issued to them accordingly. It was asserted in evidence before us that one or two of the persons in the Compensation Court list of seventy-seven were rebels, and were not entitled to any land, and that several others in the Tainui list were the offspring of Taranaki slaves, who had married Ngatikoata women, and the area awarded to them should be reduced in consequence. Also, that the names of three men, whose names appeared in the Compensation Court list of loyal Natives, had been omitted from the Crown grant, and that thirteen new names had thus been