

“ The hostile party then continued its course, destroying numbers of the residents on the way, and ultimately reached Wanganui a tera, then occupied by the Ngatikahununu, who, alarmed at the approach of the invaders, had fled to Wairarapa, where they were pursued and slaughtered in large numbers, the fugitives escaping to Aarere (Ahuriri), from whence they finally took refuge at Nukutaorua, on the Maihia Peninsula. After the raid was over, the war-party returned north, but Rauparaha, who had perceived the value of the country, had conceived an idea of leaving the ancient possessions of his people at Kawhia for the purpose of settling at Kapiti. After a period of repose and rest in commemoration of the southern victories, Rauparaha began to prepare his plans for returning to Kapiti. After making the necessary arrangements he started south and was joined at Taranaki by a party of Ngatiawa under Wi Kingi Rangitakei, Rere te Wangawanga, and ultimately settled down at Kapiti about the year 1820. About six years (1826) after this, Rauparaha was attacked at Waiarua (Kapiti) by a large party of the former owners as well as members of other hapus. A number of tribes joined in the attack, including people from the South Island. The attacking party were repulsed with great slaughter, and no further attempt was made after this to dislodge Te Rauparaha's party.

“ For many years, until the arrival of additional migrations from the North Island about 1827, the country south of Kapiti was not much occupied by the invaders. The first people to take possession of the Port Nicholson district were the Ngatimutunga. About this time also the Ngatitama and Ngatiawa settled at Ohariu and other places on the coast south of Porirua.

“ A few years before the Ngatimutunga migrated to the Chathams, Patukauwenga, one of their principal men, made a present of part of the Hutt district about Whaiwhetu to Te Matehou in payment for revenging the death of some of the Ngatimutunga killed by Ngatikahununu, and on the Ngatimutunga leaving for Chathams in 1839 the Ngatiawa, who had been living for some time in the Wairarapa, where they had gone on a fighting expedition, returned to Wellington and took possession of all the district formerly owned by the Ngatimutunga, and were found in possession by the New Zealand Company in 1839, to whom they sold this territory in the same year.

“ Tupawa, who conducted the case on behalf of the claimants, contended that some of the hapus of this party took part in the early conflicts that led to the conquest of the Port Nicholson district. This, however, is not supported by reliable evidence, and it is deemed impossible for the then existing state of affairs that such was the case. According to the testimony of Kere Ngataierua, chief witness on that side, the hapus who it is now asserted were joint owners of the territory sold to the company did not arrive in the district before the year the land was sold, and that they came at the invitation of the Ngatitama, who were residing at Ohariu. This, it is asserted by the other side, did not confer any territorial rights, as the land had been already disposed of to the company.

“ The statement that all these hapus were residing at Tiakiwai is not borne out by the evidence given by the other side; neither is it supported by the testimony of Europeans who arrived by the ‘Tory.’

“ It is stated by those who were competent to form an opinion at the time that there were only three or four families living at Tiakiwai and Pakuao in 1839, and this is borne out by the evidence now given before the Court.

“ The hapus described by Kere Ngataierua as inhabitants of Tiakiwai in 1839 do not appear to have taken up their abode there until about 1847, at the time of the hostilities between the Natives and Europeans at the Hutt, and it is asserted that the partial cause of this is that they were engaged in roadmaking.

“ One point that has been argued in favour of the contention that these hapus were owners of the land at the time it was sold to the Company is the subsequent setting-apart of lands, in which reserves they claim to be interested, by Colonel McCleverty in 1847; but this cannot be accepted as a proof of ownership as no inquiry was then made into the matter. All that Colonel McCleverty did was to award land to the people whose cultivations were scattered about amongst the settlers' sections, to induce them to relinquish these lands in order to render them available for Europeans who had purchased them from the New Zealand Company. It will have to be borne in mind that these hapus had then become resident in the district (about six years) and would probably have made cultivations about the district by that time, which would probably give them a right to be considered at the time the awards were made. But any right they may have acquired is confined to these awards, and does not confer any right of tenure to any other portion of the territory included in the sale to the Company in 1839. It does not appear, however, that they placed much value on these reserves made in 1847, or looked on them as their own, as they shortly after shifted to the Hutt Valley and occupied land belonging to the Government, where they remained until their final departure from the district.

“ The only hapus that would have been justified in making a claim to the territory sold by the Ngatiawa in 1839 were the Ngatitao; but the only part of the country they preferred a claim to was the Porirua district, for which they received a final payment in 1847. It will be seen, therefore, that although the Ngatitao and the other hapus conquered the district in 1817 they made no attempt to prefer a claim to the land against the resident hapus at the sale to the Company in 1839, but allowed them to sell such portions as they were considered to be entitled to. The Court is therefore of opinion that the Port Nicholson Block at the time it was sold to the Company was the property of the hapus of the Ngatiawa and Ngatitama then in occupation, and that the four hapus—viz., the Ngatitu, Ngatironganui, Ngatirangitahi, and Ngatiruru—had acquired no rights of ownership through residence over the land in question that would justify a claim being now preferred on their behalf.”⁽¹⁾

(1) Wellington Minute-book 2/130 (Native Land Court).