

## MEMORANDUM ON THE

of their respective claims; and the Agent for the claimants was requested by the Court to communicate, in the interval, with all absentee claimants who might desire to avail themselves of this indulgence. His Honor the Chief Judge also expressed a hope that, during the interval of the adjournment, some arrangement might be come to between the parties as to the proportion and quantity of land to be given to the admitted Ngatiraukawa claimants in respect of their unsatisfied claims in the block.

Mr. A. McDonald, the accredited Native Agent, forthwith repaired to the Rangitikei District, and put himself in communication with his Native clients. Dr. Featherston and Mr. Buller, on behalf of the Crown, proceeded also to the district, in the hope of coming to some amicable arrangement with the admitted claimants.

Finding that the time allowed by the Court was insufficient, the Attorney-General moved Mr. Judge Maning to grant an extension, and the Court was accordingly further adjourned to the 25th day of September. Meanwhile, Dr. Featherston held meetings with the various sections of claimants, and made definite proposals to them, which were accepted by some and rejected by others.

At Oroua, where the first meeting took place, the Ngatiapa Chiefs who accompanied the Commissioner's party proposed that an award of ten acres each should be made to the recognized non-sellers of the three admitted hapus. This offer was at once rejected. Dr. Featherston then proposed an award of such a block or blocks as would give to each of the claimants—man, woman, and child,—one hundred acres of land, and that the wishes of those concerned should be consulted in the selection of such award. After some discussion, this proposal was unanimously accepted by the meeting, and Hoeta Kahuhui (one of their own party) was delegated to attend the Land Court and signify their assent.

Te Ara, Te Kooro, and a few other claimants, were unavoidably absent from this meeting. Te Ara's husband (Takana) was, however, present, and signified his acquiescence.

Another meeting, with similar proposals, took place at Matahiwi, on the Rangitikei side, on the following day; but Dr. Featherston's offer was rejected, the claimants stating that they would take nothing except at the hands of the Court. Before leaving the meeting, Dr. Featherston reminded the Natives of the day on which the Court would sit again in Wellington, and advised them to be in attendance on that day.

The Court sat, according to appointment, on the 25th September. Mr. McDonald did not attend, nor was any fresh evidence offered on behalf of the rejected claims. Ratana Ngahina, and Hakaraia Koraho, of Ngatiapa, and Hoeta Kahuhui, of Ngatikauwhata, were examined by Judge Maning as to what had taken place at the various meetings in the district, and further Native evidence was taken as to the absolute requirements of the hapus for whom provision was about to be made.

After a brief adjournment, Mr. Judge Maning delivered the following elaborate judgment:—

This is a claim made by a Native named Akapita, for himself and others, to certain lands situated between the Manawatu and Rangitikei Rivers, and which has been referred to the Native Lands Court by the Governor, under provisions made to that effect by "The Native Lands Act, 1865."

The claimants ground their title firstly on conquest, stating that the land in question was conquered from the Ngatiapa Tribe, the original possessors, by the Ngatitōa Tribe, under their Chief Te Rauparaha, who subsequently gave, or granted, this land to the Ngatiraukawa Tribe, his allies, of which tribe the claimants are members; and secondly, failing the proof of the right by conquest, the claimants claim under any right which it may be proved the Ngatiraukawa Tribe, or any sections or hapu of that tribe, may have acquired either by occupation or in any other manner.

This claim by Akapita is opposed by the Crown on the grounds that the original owners, the Ngatiapa, have never been conquered, and that the Ngatiraukawa, as a tribe, have not acquired any right or interest whatever in the land; and, moreover, that the land claimed by Akapita is now the property of the Crown, having been legally purchased from the right owners.

A great mass of evidence has been taken in this case, from which, after eliminating minor matters and everything which has no very important bearing on the matter for decision, the following facts appear to remain:—

Before the year 1818, and to that date, or thereabouts, the Ngatiapa Tribe were possessors of the land in question,—its owners by Maori usage and custom, the land being a part of the tribal territory or estate.

On or about the above date, the Chief Rauparaha, with the fighting men of his tribe and a party of Ngapuhi warriors armed with firearms, left his settlement at Kawhia and marched to the South, with the intention of acquiring, by conquest, a new territory for himself and tribe. In the course of this expedition he passed through the country of the Ngatiapa, remaining only long enough to ravage the country and drive back to the fastnesses of the mountains the Ngatiapa, who, with some parties of allies or kindred tribes, had attempted resistance, but were at that time obliged to retreat before an enemy armed with firearms.

The invaders then passed on to the southward, and, after a series of battles, onslaughts, stratagems, and incidents attendant on Maori warfare, but not necessary further to notice here, Te Rauparaha, with the assistance of his Ngapuhi allies, succeeded in possessing himself of a large territory to the North and South of Otaki, the former possessors of which he had defeated, killed, or driven off.

After the inroad in which Rauparaha had laid the foundation for a more permanent occupation and conquest, and being therefore, as it would appear, desirous to collect around him as many fighting men as possible—a great object of every Native Chief in those days of continual war and violence—he returned to Kawhia with the purpose of collecting the remainder of his tribe, who had been left at Kawhia, and of inviting the whole tribe of Ngatiraukawa to come and settle on the territory which he had then but partially conquered.

It is to be noticed here that on the return of Rauparaha to Kawhia he was met by the chiefs of the Ngatiapa Tribe on their own land, and that upon this occasion friendly relations and peace were established between them, he returning to them some prisoners he had taken in passing through their country when advancing to the southward; presents were also exchanged, and the nephew of Te Rauparaha, Te Rangihacata, took to wife, with all due formality, a chieftainess of the Ngatiapa Tribe,