

The Native Land Court in 1891 adopted the line from Tauterei to Taumatakoi, on the eastern side of the block, and cut up the land to the southward of it into five blocks. Te Wetini Mahikai did not give his evidence so freely about the boundary in the Native Land Court as he had done in the Compensation Court; at the former the ways of the Native Land Court agents were unknown, but in 1891 manufactured evidence had come into vogue. Before the Commissioners, a very intelligent Native named Hami Kereopa was placed in the witness-box by Remana Nutana, who was acting as agent for some of the Tainui Tribe. Hami Kereopa had been placed by the Native Land Court on both the north and south sides of the Tauterei boundary, and had occupied settlements in both places. He, when asked by the Commission, stated that he belonged to both the Tainui and the Ngatitahinga Tribes. He was asked what were his grounds of claim south of the Tauterei line (one of the Commissioners holding up the map, so that it could be seen at the same time, and pointing out the boundary). He replied, "He occupied there in exercise of his rights as a Tainui, and on the north side of the line through his connection with the Ngatitahinga." [*Vide* evidence taken before Commissioners, page 93.] Remana Nutana gave some evidence [*vide* page 102 of same] *re* the Tauterei boundary, but it was not clear, and did not shake anything which had been found in Wetini Mahikai's evidence in previous Courts, or that of Hami Kereopa before the Commissioners.

We are of opinion that the proper boundary between the lands of the Tainui and Ngatitahinga Tribes is a straight line from Waipohutukawa on the sea-coast to Taumatakoi on the eastern boundary of Te Akau Block. We would also beg to draw attention to the fact that the Tainui Tribe did not actually lose more than 1,000 acres by confiscation, and that at least 60,000 acres were taken from the Ngatitahinga Tribe alone. The Ngatitemainu boundary* marches with that of the Tainui Tribe from Puketutu to a point half-way between that place and Taumatakoi, and it was given in evidence that Hakaraia, of Ngatitehuaki, a hapu of Ngatitemainu, had disputed the right of the Tainui Tribe to Taumatakoi, and there had been trouble about his cultivating land in that neighbourhood. If there had been an equitable adjustment of the area confiscated, the Tainui Tribe should have contributed at least 6,000 acres towards it. At the sitting of the Compensation Court, they admitted that out of the thirty-two adult males comprising their tribe, twenty remained loyal and twelve joined in the war. The area south of the Waipohutukawa-Taumatakoi line is about 15,000 acres, exclusive of Honana Maioha's claim, and, although in justice to the Ngatitahinga Tribe that area might be reduced to about 9,000 acres, we do not deem it expedient, after the lapse of thirty-eight years from the sitting of the Compensation Court at Port Waikato, to recommend any alteration in the ancient boundary between the two tribes.

With reference to the boundary between the Te Akau No. 3A and No. 3B Blocks [*vide* map No. 3], we are of opinion that it is misplaced, and should be removed further south to Otangaroa, on the sea-coast, and should extend inland in a straight line to Oteao, and that the decision of the Native Land Court in this case should be annulled. According to the evidence given before us, several houses and cultivation-grounds which belonged to one hapu were given to another. The position of these places is shown on map No. 4 to the southward of the Waikawau Stream. The allegation No. 2 (clause 5 of petition) refers to the houses and settlements above mentioned. It also affects the case of Honana Maioha, which will next come under consideration. The Native Land Court of 1891 in nearly all cases made the boundaries of the subdivisions on the lines of the hapu-holdings, and the houses, cultivation and burial grounds were awarded to the proper owners thereof.

The case of Honana Maioha is one which presents some aspects which do not frequently arise in Native Land Court proceedings. It is a question of *mana* (suzerainty) and old Maori custom affecting a semi-conquered tribe, and is one which the Commissioners approached with considerable diffidence, in the face of Chief Judge Fenton's statement in a memorandum to the Honourable Dr. Pollen, dated the 1st May, 1873, "that the claim of Honana [Maioha] will take a long time to investigate. You remember Mr. Ligar being nearly shot about it in 1852."

Honana Maioha based his claim on conquest; a gift from Takahuanui, who partly belonged to Ngatikoata, to Te Rauanganga, an ancestor of the claimant; occupation; and having the *mana* (suzerainty) over that portion of the Te Akau Block which is situated to the south of the boundary-line at Waipohutukawa and Taumatakoi, and extending to the north shore of Raglan Harbour. The Tainui (Ngatikoata) Tribe dispute Honana's claims, and the question resolves itself into one of the relative status of the parties before New Zealand became a British colony, and also subsequent to the assumption of its Government in 1840.

According to the evidence given before us, and that which we have gathered from the records of previous Courts, the case appears to us to stand thus: The Ngatitahinga Tribe were the original owners of the whole of the Akau Block. A great feast was given at Kawhia to the chief Riki Korongata and the Ngatitahinga Tribe by the Ngatikoata (since called Tainui) and Ngatitoa Tribes. A return feast was given by Riki Korongata and the Ngatitahinga Tribe at Waiwhara, at the south end of Te Akau Block. At this feast some of the hapus of Ngatitahinga did not properly fill the baskets with the food, which formed their contribution to the entertainment. This, according to Maori custom, was an insult to the guests. Riki Korongata was enraged with the hapus of the Ngatitahinga Tribe, who had been lazy in providing provisions, and said to the Ngatikoata Tribe, "Take the land and the people." Thus Ngatikoata acquired a right to a portion of Te Akau Block. Afterwards, the Ngatitahinga killed Whare and Te Paue, of Waikato, and fighting ensued, in which Riki Korongata was killed. After this, Ngatikoata (Tainui) killed a Waikato woman named Wiri. In consequence, a fight took place between Waikato and Ngatikoata at Huripopo. The Ngatikoata were defeated, Huia and others of their chiefs being killed.

* This is the boundary of the award of the Compensation Court which sat at Ngaruawahia in 1867. The Ngatitemainu claim extended further north than the line shown on map No. 4, but the area was reduced on account of the shares of Natives who had joined in the war.