

Kapuarangi entirely to the Whanau-Apanui. You will see the importance of that judgment, because whoever was entitled to Kapuarangi was also entitled to Tunapahore. The next circumstance also referred to 1895, and that was the original investigation of the Takaputahi Block, which is the further adjoining block. I would like to point out to you the boundaries of the blocks which our clients claim. [Boundaries explained on plan to Committee.] Upon that investigation the Ngaitais' claim was dismissed, and a half-claim to the westward or southward, as the case may be, which is the blue line indicated in the plan, was awarded to the Whanau-Apanui, and the balance of the block was awarded to the Whakatoheas. Now, the significance of that judgment is that the allowance of the full claim of the Whanau-Apanuis to that block of land was based on their ownership of the Tunapahore Block in question. The next step in the matter, as I have mentioned, was an appeal in 1898 held before a Native Appellate Court. Before the Appellate Court all the parties were represented, and the Native Appellate Court awarded the whole of the Tunapahore to the two hapus of Whanau-Apanui. The Court declared that the Whanau-Apanui had much the best right to the occupancy of the land. So there is the judgment of the Native Appellate Court awarding the whole of the land to the Whanau-Apanui. What they did with regard to Kapuarangi was to affirm the previous judgment, and to allow 9,000 acres to the Ngaitai. With regard to the Takaputahi Block, they awarded the whole of that to the Ngaitais. They say, "The whole block is awarded to Ngaitai, with whom will be included the persons for whom Wi Pere claims." We have, therefore, four considered judgments in our favour. We have, first, the initial judgment of Judge Mair in 1885; secondly, we have Judge Scannell's judgment in the Kapuarangi Block, in which he in the most emphatic terms declares the right of the Whanau-Apanui to Tunapahore; then we have the judgment in the Takaputahi in 1895, which also sets up the title of my client to Tunapahore; and lastly we have the judgment in 1908 in the Native Appellate Court of Judges Edgar and Johnson, who solemnly affirm and award us the whole of Tunapahore, to the exclusion of every one else. One could hardly imagine a stronger position from the point of view of adjudications of competent Courts. Here are four solemn judgments, one substantially awarding our claims, and the other three awarding them in the whole. Well, that position was disturbed by the Commission I have referred to—a Commission set up under the Act of 1901, and which was to have consisted of Judge Seth-Smith, Mr. A. L. D. Fraser, and Hone Heke. Unfortunately, Mr. Fraser was not able to act, but the other Commissioners sat, and their judgment was as follows: They excluded entirely the Whanau-Apanui, and awarded the block to the Ngaitai and the Harawaka, drawing a line at a point which I will indicate. They took the Hawai River as the boundary, and awarded the western part to the Ngaitai and the eastern part to the Harawaka. Approximately that divided the block into about two equal portions. With regard to the Kapuarangi they did the same thing—they divided the block into two portions, and awarded one half to the Ngaitai and the other half to the Harawaka. It will be seen, then, that the judgment of the Commission was a complete and entire reversal of the previous judgments of the Native Land Court, and I shall ask the Committee's indulgence later on to refer to the judgment, because I can find no reason at all for the exclusion of the Whanau-Apanui and the inclusion of the Ngaitai. I desire now to establish my second ground before returning to the judgment, and the second ground I repeat for the benefit of the two members who were not here at the commencement of my address, and it is this: that both the Ngaitai and the Whanau-Apanui depend as to their title to Tunapahore on occupancy, and whoever was the occupant of Tunapahore was entitled to the land; and I shall call to the attention of the Committee the evidence as found by the Judges on that point. I desire to sketch very briefly the nature of the Whanau-Apanui claim, only to the extent of showing that it was based on occupancy. The Whanau-Apanui claimed to represent the ownership of the original inhabitants—of the original primeval inhabitants of this district, claiming their descent from Muturangi, a descendant of Motatau, centuries before the arrival of the Tainui canoe. This is how the Whanau people acquired the tribal name of Ngaariki, and afterwards changed this tribal name to Apanui. This is important, because the Whanau claimed first to have been the Ngaariki and afterwards to have changed from the Ngaariki to the Apanui. Now, the origin of the name Ngaariki came about in this way: The common ancestor of the Ngaariki and the Apanui was Muturangi, the descendant of Matatau, whom I have just now named. His daughter married Tuariki, and from that, Tuariki, the tribal name was taken of Ngaariki, and the tribe was named Ngaariki for four generations at least. Then, at the expiration of those four generations the land was owned by Turirangi, one of the Ngaariki, who gave the mana of this land and other lands to his son Apanui by Rongomaihuatahi. It will thus be seen that Apanui, founder of the tribe so named, was the descendant of the original inhabitants of this part of the country, commencing from Matatau through Muturangi and Tuariki to Apanui; and there was therefore—and this is of some importance—a long and continuous occupancy of these lands by the Ngaariki and then by the Apanui, as I propose to explain. We have it, therefore, that this territory was given by the ancestor Turirangi to Apanui. Now, Turirangi had two families, one by a wife named Hinetama, and the descendants of that marriage acquired the resident name Ngaariki-Tahaehae; but the descendants of the other marriage—namely, Turirangi and Rongomaihuatahi—and the descendants of that marriage of which Apanui was the first son, called themselves afterwards Apanui. Now, it has to be remembered, therefore, that in the gift of this land by the common ancestor Turirangi to Apanui the Apanui and their relations the Ngaariki—namely, the children of the first marriage—resided together on the block; but quarrels ensued, and the result was that the Ngaariki, the children and descendants of the first marriage of Turirangi, were expelled from the block, and the land was retained by my clients the Apanui. That occurred about four generations from the marriage between Turirangi and Hinetama. Now, the Ngaitai were strangers to this piece of land. According to our story, their sole acquaintance with this piece of land was, as explained in the report of the Commissioners, as follows: "In consequence of their repeated conflicts with Ngatiporou, Ngatimaru, Ngapuhi, Ngaiterangi, and