

Whakatohea, and other tribes, the Ngaitai, who had been a numerous and powerful people, had become much weakened—so much so that at the close of an expedition to Turanga as allies of Whanau-a-Apanui they feared to return to their own kaingas at Torere, and sought the protection of the Whanau-a-Apanui from the dreaded attacks of their old enemies the Whakatohea. In response to this appeal the Whanau-a-Apanui assigned to them certain places of residence on Tunapahore, and thus for the first time the Ngaitai became occupiers of this land.” This is what we allege.

*Mr. Bell:* That is under the Whanau claim.

*Mr. Skerrett:* That is quite clear. I am going to deal with the Ngaitai claim. All I have done is to state the case of my clients. According to my clients the Ngaariki were for many generations in possession of this land; secondly, they are the Ngaariki under another name; and, thirdly, according to their contention the Ngaitai only recently and in quite modern times came into possession of part of Tunapahore as guests under the hospitality of the Apanui, the Ngaitai being pressed by the Whakatohea, and being afraid to return to their own kaingas. Now, I desire to put before the Committee the Ngaitai claim, because I want to show that that is founded on possession, because if I can show that the Ngaitai founded their claim on possession, then I can show this Committee that there can be taken only one view of their claim, and that is that they have none. That is why I am pressing this point—my whole object is to show that the Ngaitai claim must be shown by possession of the block, because I can show by judgments of the Court that the Ngaitai could never have been in possession of this land; they did not know the position of the pas and the cultivations, because those pas were known and pointed out by my clients the Apanui. If I can show that their claim must be founded on possession, then I can show you that they have no claim at all. Now, I propose to show the Ngaitai's claim, and hope to do it as fairly as possible. I understand the Ngaitai base their claim upon an ancestress, Torere-nui-a-rua, who landed at Torere in the Tainui canoe. Torere is just near a pa. [Place pointed out on plan.] That unquestionably and indisputably is their land. Now, I would point out this: that the Ngaitai claim that they were in possession of this land Tunapahore for twenty-six generations, with the exception of one generation, which I will presently mention, and two short intervals which need not be considered. I pause here to ask the Committee to consider whether, if it is true that this tribe was in possession of this land Tunapahore during twenty-six generations almost continuously, with the exception of one generation, does this Committee, or could any intelligent Committee, believe that they would not have known all about the pas on the block? This Tunapahore Block only contains about 1,000 acres of habitable land, therefore the extent to which the pas and kaingas would go would be only about 1,000 acres; and if that is true—and this is the whole basis of the Ngaitai claim, that they were in possession of it for twenty or twenty-five generations—then it is incredible that they should not have known of the pas on this small block of land. I will quote from Judge Scannell's judgment on the Ngaitai claim. He says, “Ngaitai claimed that the Kapuarangi Block formed part of the tribal estate from the time of their ancestress Torere-nui-a-rua, who landed at Torere from the Tainui canoe twenty-six generations ago, down to the present time, and during all this time has been in their exclusive possession, except during the time of the Ngaariki-Rotoawa occupation, to be referred to further on, and two short intervals—once when the tribe visited Hauraki, and again during the visit to Turanga, the absence on each occasion being only for a comparatively short period, and that on their return each time they found the land unoccupied and resumed occupation.” The history of the Ngaariki-Rotoawa is then stated by Judge Scannell as follows: “As already mentioned, Ngaitai claim that Tunapahore and Kapuarangi were part of their tribal estate from the most ancient times, and that the Tunapahore, or coast portion of the land, was occupied by the bulk of the tribe from generation from the days of Torere-nui-a-rua down to the times of Karoku—a contemporary of Apanui—a period of fifteen generations, when a refugee tribe from some part of the Turanga district, whence they had been forcibly expelled, called Ngaariki-Rotoawa, came to Tunapahore, having travelled along the coast through the Ngatiporou and Whanau-Apanui districts unmolested; that these refugees were hospitably received by Ngaitai, and located on a part of the Tunapahore Block, which the Ngaitai vacated for that purpose. On the marriage of one of their important women, Patunga, with the Ngaariki chief Whakapakinga, which appears to have taken place immediately after the arrival of Ngaariki, a part of Tunapahore—only according to the Ngaitai evidence—was at first given up to Ngaariki, but eventually the whole of that block was, it is said, left to them, the Ngaitai, with the exception of a few persons related to Patunga, retiring to Torere. The Ngaariki-Rotoawa, according to Ngaitai, continued to live at Tunapahore till Whakaihu, the child of Whakapakinga and Patunga, grew up to manhood, and became chief of the tribe, when dissensions, the cause of which it is unnecessary to enter into, arose between the two tribes, resulting finally in the expulsion of Ngaariki first from Tunapahore, afterwards from Tirohanga, where they had settled, and eventually from the district, Ngaitai resuming occupation of Tunapahore, and residing on the land down to the year 1858, when they went to Torere, this latter migration, they say, being the consequence of a quarrel with Whanau-Apanui, brought about by that tribe encroaching on their land at Tunapahore, where a few of them had settled at first in consequence of the marriage of two of their women with two chiefs of Ngaitai, and this led eventually to a claim being made to Tunapahore by the whole of the Whanau-Apanui—or Whanau-a-Harawaka—and that when peace was made in 1856 it was on the conditions that Ngaitai should go to Torere and Whanau-Apanui to Marae-nui, Ngaitai carrying out their part of the terms, but Whanau-Apanui disregarding them.” Now, it will be seen from what I have just mentioned that the whole claim of the Ngaitai is founded upon a long continuous possession of this piece of land; secondly, that they allege that their possession was interfered with at the time of the reception of the refugee tribe—that is, the Ngaariki. What they do not know, or what they do not mention, is where the Ngaariki came from. No one knows, according to the Ngaitai evidence. According to the Apanui, “They were our people