

APPENDIX.

JUDGMENT OF THE NATIVE LAND COURT *RE* RANGI MAKEA ARIKI (DECEASED) ON THE APPLICATIONS FOR SUCCESSION TO THE ARIKI TITLE AND ARIKI LANDS.

DELIVERED AT AVARUA, 29TH SEPTEMBER, 1923.

Claimants: (1) Tinirau; (2) Ngoroio.

THE main question for the Court to decide is as to the person properly entitled to succeed Rangi Makea in the office of Ariki.

The following is a summary of the principal events from the time of Te-Pa-Atua-Kino down to the present time, based on the findings of this Court thereon from the evidence adduced in this case, and from various documents and records which will be referred to.

The Court's findings may in some respects differ from tradition, but it must be remembered that the Court is bound to a very large extent by sworn evidence rather than by statements made at various times by persons who were not on oath, and who probably were, in some cases, interested in giving a particular version for their own purposes.

1. Genealogies given by Tinirau and his witnesses show that Te-Pa-Atua-Kino had three wives, from whom have sprung the Ariki families of Makea-nui, Makea Karika, and Makea Vakatini. Tinirau's side assert that Te-Pa-Atua-Kino's first wife was Puara, and his descendants are the present Makea-nui line; that the second wife was Pouna, from whom have sprung the present Karika line; and that the third wife was Ngamarama Apai, from whom the Vakatini line is descended.

Tepuretu's evidence, given on behalf of the Mataiapos and Ngoroio, is to the effect that Te-Pa-Atua-Kino's first wife was Pouna, and the second wife Puara. He does not show any third wife.

The questions raised by the difference in evidence on these points between Tinirau and Tepuretu are—first, whether the present Vakatini line sprung directly from Te-Pa-Atua-Kino; and, secondly, whether Karika or Makea-nui is the senior line; but it is not necessary for this Court to give a definite finding on these questions in order to settle the matters which are at issue in this particular case.

2. Keu was the son of Te-Pa-Atua-Kino and Pouna. From Keu the Karika line is descended.

Pini (or Puni) is the son of Te-Pa-Atua-Kino by Puara, and from him come the Makea-nui descendants.

There is a question as to how the title of Makea-nui came to be bestowed on Pini. Tepuretu asserts that the Mataiapos of Tupapa, who were then at Arai te Tonga, but attached to Pa Ariki of Takitumu, took Pini and made him an Ariki because his mother, Puara, was grieved that the child of Pouna and Te-Pa-Atua-Kino was an Ariki and her child was not.

The following extract from the judgment of Judge MacCormick *re* Sections 33, 35, 36, and 37, Avatiu (Minute-book 5, page 167A), is of interest, though not of particular importance in this case:—

The Court believes that the evidence of Raea Rupe is the most correct of all the witnesses for Makea. He says, "When the fight took place between Ngati Makea and Takitumu, Makea was driven out. After peace was made, Pa and Kainuku and the Mataiapos of Tupapa got Makea to come back, and the land was given back to Makea and the rangatiras as if there had been no conquest. He went back into the position he had been in before the conquest. According to some writers, this Makea was Pori, although it was Tinirau who was taken into captivity.

This took place after the establishment of Pini.

Tinirau's version is that Te-Pa-Atua-Kino had issue from each of his three wives, and that to save any trouble or jealousy he bestowed the title of Ariki upon the first-born of each wife, and also gave them their portions of land.

Tinirau's evidence is supported by the judgment of Colonel Gudgeon in the case of Sections 83 and 84, Takuvaine (*vide* Minute-book 2, page 22). In this judgment the Court said:—

Makea Te-Pa-Atua-Kino divided his authority and Arikiship between his three sons, creating three titles instead of one—viz., Makea, Karika, and Vakatini—each of whom should be independent of the other.

Whichever version is true, the undisputed fact is that Pini became an Ariki, but without Mataiapos, as it is shown clearly by the evidence that the Mataiapos of Tupapa remained attached to the Arikis of Takitumu until Christian times.

Makea Tinirau was the son of Pini (or Puni), and it was during his time that the Gospel came to Rarotonga. During the building of a large church at Avarua, in which the whole island joined, a dispute arose between the Mataiapos of Tupapa and Takau, a leading Mataiapo of Pa Ariki, in regard to certain of the work, and because the Mataiapos considered they had been insulted they left Pa and joined Makea (said by some writers to be Pori). Prior to that they were not under the Makea Ariki in any sense. They owed the whole of their allegiance to Pa and Kainuku of Takitumu, and their lands were in Takitumu. This point will be of importance when we consider the terms of the alliance between Makea Ariki and the Mataiapos, as a very important question in this case is as to the relative powers of each at the present day.

In Minute-book 4, page 316, in the case concerning the Te Areroa partition, Tepuretu gave evidence as follows:—

I will speak first of the first coming of the Mataiapos of Tupapa. When they all lived under Pa Paretu the work doing at Takitumu was the building of a church. All the Arikis and Mataiapos of Takitumu did the work. When work was finished Pa Paretu came to see it, and found it carelessly done. Vakapora's work was especially bad, and that Ariki tore down the bad work, and this action greatly annoyed the Mataiapos, and that is why the Mataiapos left Takitumu and came to Arai-te-Tonga. Makea Pini was at Arai-te-Tonga, and six Mataiapos left Takitumu and came to Arai-te-Tonga. Taraarc, Vakapora, Uirangi, Te Ava, Tamaiva, and Tepuretu were the six.