

forefathers or acquired from your enemies through the right of conquest. . . . This land—that is, up to Waikaremoana Lake—was confiscated during the time of the rebellion, the principal owners of the land having allied themselves with the enemy of the Government. On the restoration of peace some little time elapsed, when the Government relinquished its hold to a large tract of the country so confiscated, in favour of the Natives of the district who had throughout preserved their allegiance to the Crown. Subsequently thereto action was taken to effect the transfer of this land to the Government, and now the question arises, To whom does the land belong? With whom rests the power of legally conveying this land to the Government? It is to meet these questions that the necessity occurs of having the land dealt with primarily by the Native Land Court. The adjustment of this question is one of no small difficulty. Both parties strongly urge their respective rights to the land on account of ancestral connections.”

Then, at the close of the meeting, Mr. Locke said,—

“This land was confiscated after the first fight at Waikare. A meeting was held at the Hatepe for the purpose of coming to a final settlement of the interest of the Government Natives in the land confiscated. On the occasion of that meeting payment was made to them in liquidation of their claims to the portion taken over by the Government. The Government then became the sole proprietor of that land, the whole of the Native title being completely extinguished. The remainder of the land, being that which is now under discussion, was returned, with the proviso that the principal chiefs among the Natives on the side of the Government be appointed to look after the land. On peace being made with the Urewera Natives they submitted a claim to this land in conjunction with Ngati-Kahungunu Natives, to whom the land had been returned. Had the Government acquired and retained this land before the restoration of peace with the Urewera no claim of theirs would have ever been heard of to the land in question. The Government were evincing no small consideration for the Urewera Natives in sanctioning at all the investigation of the claim put forth by them, considering the grounds upon which they assert their right, being, as they were at the time, in rebellion when the land was confiscated and dealt with.”

Mr. Locke's utterances were relied upon in support of the petitioners' claim. From the foregoing quotations it can be seen that Mr. Locke had described the terms of the agreement made by the Crown at Hatepe in several ways, as follows: (1) That that portion of the confiscated block not taken by the Government should be returned, with Government certificate, to those loyal chiefs who fought for us at the Wairoa; (2) that the Government relinquished its hold to a large tract of the country so confiscated, in favour of the Natives of the district, who had throughout preserved their allegiance to the Crown; (3) that at meeting at Hatepe the land withdrawn from confiscation “was returned with the proviso that the principal chiefs among the Natives on the side of the Government be appointed to look after the land.” The two last statements were made at the Wairoa meeting of Maoris in October, 1875, and were not disputed, and during the speeches made by the Maoris no claim was put forward of any agreement or bargain that had been made by the Crown to grant the lands under discussion to the loyal Maoris as sole owners; but throughout the meeting the Ngatikahungunu loyalists claimed through ancestry only. Again, at the investigation into the title to the land at the Native Land Court, the Ngatikahungunu relied, and succeeded, upon ancestry.

As agreed to at the Wairoa meeting of Maoris, the Native Land Court first dealt with two undisputed blocks on the 3rd November, 1875—viz., the Rotokakarangū and Putere Blocks—Toha Rahurahu nominating the owners in the latter block. The claims to the four blocks, in the following order—Tukurangi, Ruakituri, Taramarama, and Waiau—were heard on the 4th, 5th, and 6th November, when the Court decided “that, owing to the conflicting nature of the evidence, it was desirable that some one should go on to the ground; but, at any rate, no judgment would be given till a proper survey was made; that the Court would return to Wairoa for that purpose when the surveyors were prepared to put in a duly certified plan.” On the 12th November, while the Court was still sitting on other business, Wi Hau Taruke and Hetaraka Whakaunu came into Court and stated, “We come to the Court and wish to say that we have withdrawn, on the