

*Mereta Ngarangi* (examined by Mr. McDonald) sworn: I am of Ngatikauwhata, from Hinepare. I was born at Pukekura. I did not go to Kapiti. I have not been to Kapiti. I have lived at Pukekura from my birth until now. My mother told me Pukekura belonged to Ngatikauwhata. My mother was not a half-caste. She told me that Tapa and his friends have a proper right to Pukekura.

*Hori Puao* (examined by Mr. McDonald) sworn: I am of Ngatikauwhata, from Hinepare. I was born at Waikato, at Maniapoto. I know Pukekura. It belongs to Ngatikauwhata. My parents told me so. Down to my own days it is theirs. I never went to Kapiti. I was here in 1868, at the Court. Had Tapa and his companions been here then I could not have excluded them from the land, because the land belonged to them.

By the Court: I was at the Court in 1868. I did not mention the interest of Kauwhata then because Waikato interest was too strong. I saw Parakaia at that time. Harete and I were acknowledged by Parakaia. I did not hear Parakaia on behalf of the absentees. Parakaia's intention was to drive us off the land, and he did not appear on behalf of the absent Ngatikauwhata.

By *Major Mair*: [Statement at former Court (1868) read.] I cannot alter those statements. They were not quite true, because a person sitting here interfered. I was sworn to speak the truth on that occasion. I was not aware that the decision of that Court was wrong. I learn this now. I do not say that what I said before was wrong, but now I find these people petitioning Parliament I think I was wrong. I knew some of the Ngatikauwhata lived at Kapiti; that they had a claim to this land. Tamihana Whareakaka is one. When I said Ngatikauwhata, who migrated to Kapiti, had no claim, it was to rebut Parakaia's statement. It is true that Parakaia had made no statement before the Court, but we knew quite well that his object was to dispossess us of the land. I ask the Court to receive my statement to-day in preference to that made by me in 1868.

*Tapa te Whata*, re-called by the Court, sworn: I was at Kapiti, in 1868, when the Court sat here. I know Parakaia. He is not Ngatikauwhata. He was Ngatiraukawa. These tribes were not connected. There is no connection between them. I remember Parakaia leaving Kapiti to attend Cambridge Court in 1868. I know he brought forward Ngatikauwhata claims them, but he did so on his own account—he did not represent me. I would not be pleased to receive from Parakaia what he had no authority to obtain for me. Had we engaged him as our agent it would have been right, but there was no reason that we should.

*Te Raihi*, recalled by the Court: I have sold my share in Ngamako. I am not a grantee in Pukekura. I received none of the proceeds of Pukekura, and I think I should come on that land now. I am in the Crown grant of Maungatautari. I have sold all my rights in Maungatautari and Ngamako No. 2.

*Hakiriwhi*, on former oath, by Court: I have sold all my interests in Puahoe, Maungatautari, Ngamako, and Pukekura.

*Alexander McDonald*, sworn: I was agent for Ngatikauwhata, and some other hapus, in 1868, in litigation pending between them and the Government *re* Manawatu. I saw a *Kahiti* announcing sittings of the Court, at Cambridge on 3rd November, 1868, and at Bull's on 4th November, 1868. I wrote to Mr. Richmond. Parakaia had been a claimant in Rangitikei-Manawatu, but his claim had been disposed of at a Court held at Otaki. Mr. Richmond assured me that if the Ngatikauwhata remained at the Rangitikei Court their cases at Cambridge would be adjourned. Ngatiraukawa, of whom Parakaia was one, started, and I met them at the Rangitikei River, with the Minister's letter, and urged them to stay. He refused to stay. I can swear that he went not only without authority, but against their urgent solicitations to stay, and that in no respect whatever was he authorised to speak for Ngatikauwhata, and I never heard until now that he ever represented himself as a Ngatikauwhata, or put forward any claim on their behalf. On the contrary, we were told that he had preferred the claims of Ngatiraukawa, and had been signally defeated. I did not consider that the Ngatikauwhatas had been in any way affected by Parakaia's claim, and Ngatikauwhata have never lost an opportunity of bringing their case before the Court. I have no further witnesses to call.

This closes the appellants' case.

*Te Ngakau* (as an expert): The only reason I speak now is because of the remark that Potatau had given them an invitation to return. My difficulty is whether he asked them to come to Pukekura or to Maungatautari. Another difficulty is this—does Pukekura mean all the land hence to Ngamako? I understand this plan of the land. I see the divisions between these blocks; and I refer again—did Potatau ask them to come to Pukekura or to Maungatautari?

*Tapa Te Whata* said: We were called by Potatau to come to Pukekura and Rangiaohia.

*Te Ngakau* said: That statement is true. Porokoru said to Maungatautari. Potatau said "No. Te Waaka will be disturbed; rather let them go to Pukekura." Potatau said it all remains with Tamihana. That is why I know that they are right. Had they lost their land by conquest the word of Potatau would not restore to them their rights. I understand that the return of Ngatikauwhata, under the circumstances, was improper. All that land belongs to me. The right of conquest would abolish claims of Ngatikauwhata while it was in possession of Ngatimaru, but when Ngatimaru were driven off by a portion of Ngatikauwhata those who left previously would be privileged to a share of the success in the discretion of the last conquerors, the Kauwhata. Potatau invited them back because they left Pukekura in a peaceable manner. Had they left the land because of any disturbance they could not have returned; but, on the other hand, had they left in peace they could have returned in the face of Potatau, or against Potatau's will, or if Potatau had forbidden them.

*Major Mair* said on behalf of the Crown he would bring evidence to show that the decision of the Native Land Court was a just one—that when Ngatikauwhata went away through pressure and on the invitation of Rauparaha, the trust reposed in the resident friends had been destroyed by Ngatimaru—that Ngatihaua retook it without the assistance of the emigrants; that because Ngatikauwhata did not come as invited they lost their interest, except in the discretion of the last conquerors; and that the Native Land Court awarded the land to those who had possession of it, and who had the mana.

Court adjourned.