

and had come on behalf of the whole of Ngatiraukawa. The Courts in 1866 and 1867 were adjourned at his instance, the grounds for his application he specified as not having enough followers and some land troubles at Manawatu. At least thirty people were with him. He told me distinctly and repeatedly that he had come to represent, and on behalf of, all the Ngatiraukawa tribe. I never heard of any absent tribe claiming land in Waikato other than Ngatiraukawa.

By the Court: I concur entirely with the views relative to Native customs expressed by Major Wilson relative to this transaction.

Examined by Mr. McDonald: I remember my negotiations for Ahuaturanga Block, and that I reported the steps to Government. I cannot recall the particulars. I remember stating that I wished to see Ngatikauwhata respecting this land as well as Ngatiraukawa; my arrangements were complete with the latter, and the joy of Rangitane (*sic*) at the recovery of their ancient boundaries. Awahou is at the mouth of Manawatu. Awahuri is about twenty miles away. The share of Ngatitooa was taken by Rauparaha and Matene te Whiwhi. Ihakara and Taratooa considered Ngatikauwhata as Raukawa at that time. Parakaia was not a principal in the transaction *re* Awahou. Sometimes absentees are represented at meetings of Natives by men selected by the absentees. I heard no protest in this case. It would not be according to Maori custom for the survivors to disregard the expressed wish of such a chief as Tamihana. The titles to lands to a very great extent depend on the word of some chief. The claim of a people has frequently rested on the word of a chief who has said, respecting his ancestor, "This is for you." Claims of this nature have been recognized by the Court when confirmed by other evidence. I never heard of a claim set up upon an invitation which had not been accepted.

By the Court: I think a great change had, in my opinion, taken place in complexion of the title to land here between the first migration and the present time.

By Mr. McDonald: Ngatihaua lost, I believe, about sixty men at Taumatawiwi, which released the land from Marutuahu. Ngatihaua acquired the land. Emigrants would, in my opinion, lose their interests in land by the loss of it, and their claim would only revive by consent of the reconquerors, in whom the *mana* would vest. If the Ngatikauwhata had reconquered them (the lands), the *mana* would vest in them. In Taumatawiwi there were several tribes assisting Ngatihaua—Ngaiterangi and others. Pukekura was, before Taumatawiwi, partly in possession of Ngatikauwhata. Those of Kauwhata who assisted Te Waharoa would, in all probability, return to the ancient tribal settlements by consent of conquering chief. I think the principal parties in a battle would take all the land conquered, notwithstanding the former occupation of that conquered land by some of the allies. I know there were some Ngaiterangi in the battle as allies of Ngatihaua, because they had been assisted by the Ngatihaua on a former occasion. Te Waharoa would not do anything with the conquered land without consent of his tribe; with the consent of the tribe he might give it away to friends.

Court adjourned.

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TUESDAY, 5TH FEBRUARY, 1881.

*Hori Wirihana* (by Major Mair), sworn: I am a grantee in Pukekura. I am of Ngatikahukura and Ngatihaua tribes. I can explain my claim to it through ancestry and through conquest:—Kauwhata—Hinepare—Whatumoana—Tu Puketerangi—Puke—Te Kakaa—Kaeingariki—Pareanutaua (f.) = Marekapunui (of Ngatikahukura)—Whakapau—Tohe—Hakunui—Hori Wirihana. This is my claim in the male line and my ancestral claim on this land. It also gives me a claim on Puhoe and on confiscated lands. It was not by order (consent or word) of Wiwini that my parents went on to Pukekura. They went there to live through their own ancestral claim before Taumatawiwi (I have heard) Te Matepakeha was a sub-hapu of Ngatikauwhata. Ngatiteao, Ngatiwerewere, and Ngatipare also lived there (Pukekura). These are hapus of Ngatihaua, and occupied the pa of Huiteringiora on this land. After Kaipaka battle they all left this land and went to Maungakawa and Kawehetiki. This Kaipaka battle was that in connection with Ngatiapakura. Disturbances had arisen on account of Ngatimaru at this time. They ended in a battle. I have heard that Te Whakaete was the first man killed. I do not know this of my own personal knowledge. Whakaete was a Waikato and grandfather of Te Wheoro. Ngatikoura went to revenge his death. Ngatikoura was defeated at Putoetoe and at Mangapiko. After this all Ngatihaua went to avenge their death. There were many hapus of Ngatihaua. Ngatihaua were also defeated at Kariarube. After this Te Waharoa is said to have made peace. I cannot say whether it was peace or a cessation of hostilities. After that Marutuahu behaved very arrogantly towards Ngatihaua. Many small battles occurred. After that Ironui and Te Tiwha arranged a great fight at Maungakawa against Marutuahu. Here Takurua was killed. He was of Marutuahu. One hundred others of Marutuahu were killed. After the fighting Waharoa said he was dissatisfied with that kind of fight, and called it murder. Waharoa and Pohepohe agreed to go to Tauranga for assistance from Ngaiterangi. It was at this time the final separation between Ngatihaua and Marutuahu took place. A very heavy rain occurred in Waikato in that summer. The rivers were flooded. Ngatimaru said some of Ngatihaua will go for eels. It fell out so, and thus Ngatihaua were slaughtered by Marutuahu. Revenge was taken, and Te Manutu was killed at Hamilton (where it now stands). Intercourse ceased between Ngatihaua and Ngatimaru after this. Te Waharoa then brought Ngaiterangi from Tauranga, and Taumatawiwi was fought. Marutuahu were defeated, and Ngatihaua victory was complete. The land came back to its former position or owners. Each hapu went back to the lands of its ancestors. My parents then went to Pukekura, and we have lived there until this day. These people returned to their ancient lands by their own free will and not by order or assent of Waharoa. I cannot speak certainly on this matter. I was a child at that time. Te Waharoa's assent may have been obtained. In Maori custom, after a battle of this kind, the chiefs would consult and assign to the several hapus the localities they should occupy. There were several hapus, of whom mine was one. Ngatiwerewere, Ngatikoroki, Ngatikahukura, Ngatipare, and others went and located themselves without direction. Their own chiefs had the authority for them. My wife's name is Heni, of Ngatikauwhata. She was here at the hearing of Pukekura in 1868. She was not agreeable to have it surveyed and leased. She stopped the survey