

1881.

NEW ZEALAND.

NGATIKAUWHATA CLAIMS COMMISSION

(REPORT OF THE; TOGETHER WITH MINUTES OF EVIDENCE).

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1.

The UNDER-SECRETARY, Native Department, to Mr. F. M. P. BROOKFIELD.

SIR,—

Native Office, Wellington, 6th January, 1881.

I have the honor, by direction of the Hon. the Native Minister, to forward herewith a Commission signed by His Excellency the Governor in Council, and issued under the seal of the Colony, appointing you and H. T. Kemp, Esq., of Auckland, to be Commissioners for the purpose of inquiring into the alleged claims of certain Natives to land in the Waikato.

The file of Native Office papers (N.O. 80 1786) bearing on the subject is transmitted herewith.

The remuneration for your services when engaged on the Commission will be at the rate of three guineas a day, with expenses of transit in addition.

I have, &c.,

T. W. LEWIS,
Under-Secretary

F. M. P. Brookfield, Esq., Solicitor, &c., Auckland.

Enclosure in No. 1.

ARTHUR GORDON, Governor.

To all to whom these presents shall come, and to Frederick Morris Preston Brookfield, Esquire, and Henry Tacy Kemp, Esquire, greeting:

WHEREAS Tapa te Whata, and other persons named in the Schedule attached hereto, on or about the nineteenth day of July, one thousand eight hundred and seventy-seven, addressed a petition to the House of Representatives of New Zealand, wherein they alleged,—

1. That, in the month of August, in the year one thousand eight hundred and sixty-eight, they received copies of two *Kahitis* (*Gazettes*), notifying that a sitting of the Native Land Court would be held on the third day of November, one thousand eight hundred and sixty-eight, at Cambridge, Waikato, and also that another Court would be held on the fourth of the same month, at Bull's, Rangitikei.

2. That, because they had claims to lands which were to be disposed of before the Court at Waikato, as well as those to be disposed of before the Court at Bull's, they were in a difficulty on account of the closeness of the dates published in the *Kahiti*.

3. That they then wrote to Mr. Richmond, Minister for Native Affairs, at Wellington, and asked him, "Are we to remain to attend the Court at Rangitikei, or are we to go to the Court at Cambridge?"

That Mr. Richmond replied, "The Government have noticed the clashing of the Courts; but do you remain at the Rangitikei Court, and the Cambridge Court will be put off to a future day."

4. That, in accordance with what the Native Minister said, they remained at the Rangitikei Court.

5. That a long time afterwards they heard that no adjournment of the Cambridge Court had taken place, and that the land to which they had claims had gone to other people.

6. That they applied for a rehearing of the case of the land, and that the Government replied, "The time allowed by law within which a rehearing can take place has passed by; you will have to make your application to Parliament."

7. The petition further prayed that relief might be granted by allowing an investigation of their title to the land in question:

And whereas the Native Affairs Committee of the House of Representatives, to whom the said petition was referred, reported on the seventeenth day of August, one thousand eight hundred and seventy-seven, as follows:—

"That it is clear that the petitioners did not attend the Court held at Cambridge in consequence of a request from the Government that they should remain at the Rangitikei Court, a distinct assurance that the claims before the Cambridge Court to blocks of land in which they were concerned would be adjourned, being made by the Government at the same time. That the Committee are of

opinion that the petition discloses a real grievance, arising out of circumstances which do not attach any blame to petitioners. That the Committee is not in a position to say whether or not the petitioners have any real claim to the lands which were dealt with, as they allege, to their prejudice at the Court at Cambridge. That it appears that most of the land claimed by the petitioners has been alienated to Europeans by the persons in whose favour the judgment of the Cambridge Court was given, and therefore it will be impossible to reinstate them in possession; but the Committee would recommend such legislation this session as will enable the Native Land Court or other competent tribunal to determine whether the petitioners did own any portions of the lands referred to, and if so to what extent, and that it should be left to the Government to determine in what way any claims which they may be found to have had shall be satisfied."

And whereas it is expedient that a Commission should be issued to inquire into the said claims:

Now, therefore, I, Arthur Hamilton Gordon, the Governor of the Colony of New Zealand, by and with the advice and consent of the Executive Council of the said colony, having full confidence in your impartiality, ability, and integrity, do hereby appoint you the said Frederick Morris Preston Brookfield and Henry Taey Kemp to be Commissioners by all lawful ways and means to inquire whether the said petitioners or any of them did own or were interested in any lands in respect of which the Native Land Court held at Cambridge on or about the third day of November, one thousand eight hundred and sixty-eight, and following days, made any order or adjudication; to ascertain and inquire to what extent such persons or any of them were so interested (if at all); and for the purposes aforesaid to call before you and examine, on oath or otherwise as may be allowed by law, all or any person or persons whom you shall judge capable of affording you any information in the premises, and also to call for and require the production of all records, maps, plans, books, deeds, or instruments that you may think necessary for the purposes aforesaid or any of them. But it is expressly declared that, before you proceed to inquire into the matters herein mentioned, you cause at least ten days' notice in the Maori language to be given to each person concerned, stating the day, time, and place on and at which you will be prepared to enter upon such inquiry; and such proceedings may be adjourned from day to day, or from place to place, as you may think convenient; and generally to make all such inquiries in the premises as you shall think expedient and necessary to give effect to this Commission. And you are hereby required, within three calendar months after the date of this Commission, or as much sooner as the same can be done, using all diligence, to certify to me under your hands and seals your proceedings and your opinion touching the premises. And, with the like advice and consent, I do hereby declare that this Commission shall continue in full force and virtue, and that you the said Commissioners shall and may from time to time proceed in the execution thereof, at such place and places and at such times as you shall judge convenient, although the same be not continued from time to time by adjournment.

Given under the hand of His Excellency the Honorable Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Her Majesty's High Commissioner for the Western Pacific, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, and issued under the Seal of the said Colony, at the Government House, at Wellington, this sixth day of January, in the year of our Lord one thousand eight hundred and eighty-one.

Approved in Council.

H. A. ATKINSON.

FORSTER GORING,
Clerk to the Executive Council.

SCHEDULE.

Tapa te Whata, Hoeta Kahuhui, Rena o te Wharepakaru, Karehana Tauranga, Matiu te Wheoro, Henare Poaki Mereti, Takana te Kawa, Kereama Paoe, Akapita Tetewe, Tamihana Whareakaka, Kauwhata Tapa, Eru Tahitangata, Hema te Ao, Himiona te Oha, Matapere te Whata, Kooro Renao, Rahira Kahuhui, Nere Otu, Mokena Manako, Heni Peti Rangiotu, Merehira Tauranga, Ruiha Kinomoerua, Hanatia Heipora Manako, Rehara Kauwhata, Maka Renao, Emiri Manako, Pere Kinomoerua, Tino Tangata, Harata te Oha, Erana te Rangitiora, Hori te Matakau, Ani Patene Hori, Ihaka Renao, Pere Himiona, Heni Himiona, Maraera Himiona, Haimona Renao, Hori te Hoeta, Kaumatua Hoetu, Hanita Renao, Epiha te Moanakino, Wetini Tangata, Ramari Kahuhui, Hepi Moihi, Metapere Hareini, Marara Hoeta, Ngataraka Hoeta, Tura Hoeta, Waeroa Hoeta, Rangitou Hoeta, Ani Hareini, Areta Hemokanga, Weti Pekamu, Pape te Rama Apakura, Miriama te Rama Apakura, Makereti Weti, Wiremu Pekamu, Ratima Pekamu, Turuhira Pekamu, Whati Pekamu, Ema te Aweawe, Manaroa te Aweawe, Te Aweawe, Arapera te Umutiritiri, Rangimarie Aweawe, Ngaruinga Aweawe, Raimapapa Hemokanga, Pareauha Ahitana, Hepi te Wheoro, Mekeruki te Whakaaewa, Mokena Pahurahi, Hakaraia Whakaneke, Tapa Ahitana, Teo Ahitana, Rangitapuake Ahitana, Hara Tame, Rangirea Makeruki, Penehira Rangitiora, Penehira te Apa, Himiona Penehira, Ruera te Nuku, Arapera te Nuku, Teietu Turanga, Moringa Turanga, Wiremu Tereputuputu, Te Retimana te Hapoki, Hore te Hapoki, Te Wani Turanga, Hinetini te Kingi, Moihi Winiata, Tatiana te Kawa, Pekamu Aterea, Te Ara Takana, Te Raika Kereama, Mereaina Kereama, Herewini Kereama, Rongokaneke Kereama, Te Otene Kereama, Te Hapoki Teretui, Rangihuia Takahia, Ko te Ngoro Takahia, Taimona Pikauroa, Raiha Paoe, Rangihuia te Paea, Moutere te Koroheke, Paramena te Tewe, Perenara te Tewe, Ngarati te Tewe, Akata te Tewe, Teraiti Tonihini, Meropa Tametima, Moihi te Kotu, Romana Kotu, Tonihini Tuaeia, Rapaera Tuaeia, Rawiri Tuaeia, Makarita Tuaeia, No Teraiti, Te Whiu Meropa, Rubia Haremene, Rangipikitia Akapita, Merehira Akapita, Te Ngaere Perenara, Te Oti Haremene, Erenora, Rubia, Te Harenui Rubia, Te Raiti Perenara, Hohepa te Tihi, Witariona te Tihi, Haramona Raweibo, Himiona Pouhaere, Mohi Heremia, Perenara Mohi, Rawiri Heremia, Tame Rawiri, Makarita Paramena, Mere Mohi, Irihapeti te Hotene, Netahio Hipirini, Karauti Heremia, Ihakara Ngatahuna, Ruruhira Ngatahuna, Miriana, Wereta Rarua, Tepehara Rarua, Marana Tamihana, Wiriharai te Angiangi, Wiremu te Kohu, Hapurona Ngawaero, Pini Whareakaka, Ripera Pini,

Hone Pini, Parakipane te Kohu, Wiremu Parakipane, Te Muera te Naku, Peia Poriki, Pohutu Turiwhati, Hohepina Parakipane, Rititia te Kipihana, Amiria te Hiakai, Petera te Au, Ruiha te Naera, Te Uawhaki, Tata Pini, Mihipeka Pehara, Tuangahuru, Tepora Ngaroha, Ruta Roha, Anahira, Turanga, Raita Manewha, Wiremu te Manewha, Wikitoria Turanga, Ihaia Turanga, Hemara Turanga, Pohē Turanga, Arama Karaka te Umutiritiri, Meihana Henare, Poihipi, Reihana te Piki, Rota te Hiakai, Manahi te Hiakai, Mata Karaka te Umutiritiri, Arama Karaka Tamaiti, Hineikakea, Piripi te Au, Wiremu Rikihana, Euereta Rikihana, Pairoroku Rikihana, Warahi Mokowhiti, Rikihana te Wairoa, Mata Ranginui, Tioriori Rikihana, Raita Rikihana, Hineikakea te Hiakai, Karepa, Mohi te Tawharu, Waiata te Wharu, Hapeta te Rangikatukua, Manahi Paora, Reweti te Kohu, Henare te Hatete, Watene te Punga, Tamatatai Haruru, Hona Taupo. All Ngatiwehiwehi, per Manahi Paora.

No. 2.

Mr. F. M. P. BROOKFIELD to the Hon. the NATIVE MINISTER.

SIR,—

Auckland, 16th March, 1881.

I have the honor to forward you herewith the Commission issued by His Excellency the Governor to Mr. H. T. Kemp and myself relative to claims made by certain Natives to lands adjudicated upon in the Native Land Court held at Cambridge in the month of November, 1868, together with the minutes of evidence taken by us, and our report thereon, and to request that you will lay the same before His Excellency

I have, &c.,

The Hon. the Minister for Native Affairs, Wellington.

FRED. M. P. BROOKFIELD.

Enclosure 1 in No. 2.

REPORT of the COMMISSIONERS.

To His Excellency the Honorable ARTHUR HAMILTON GORDON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Her Majesty's High Commissioner for the Western Pacific, Governor and Commander-in-Chief and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same.

SIR,—

The Commission with which your Excellency has honored us was placed in our hands on the 10th day of January last. The notification in the Maori language that we should sit at Cambridge, in the District of Waikato, on the following 1st day of February to make the inquiries intrusted to us, was printed on the 12th day of January, and copies were immediately despatched to the petitioners through their recognized agent, Mr. A. McDonald.

Before entering upon our formal report we beg to call the attention of your Excellency to the fact that Mr. McDonald, who has conducted the correspondence with the Government on account of the petitioners, has led not only the petitioners, but also the Natives who were declared by the Court sitting in 1868 to be owners of the several blocks an interest in which is claimed by the petitioners, to believe that, should our report be favourable, all Crown grants which have been issued respecting these blocks, and all subsequent dealings with the land, will thereby become void, and that the land will revert to them as joint owners. Finding that this statement had such influence with those who supported their claims in the Court of 1868, and who then ignored the claims of the petitioners, as to lead them now to admit the claims of the petitioners, we took an early opportunity of disabusing their minds on that point, and of informing them that in no possible way could the Crown grants be upset, and that all that the petitioners could obtain (if anything) would be compensation in either money or land from the Government. Mr. McDonald then handed in a written protest against that statement, with a request that it might be attached to the minutes of evidence; and that accordingly has been done. Having made this preliminary statement, we have the honor to report,—

1. That in the Native Land Court held at Cambridge in November, 1868, only four blocks of land outside the confiscated boundary-line were adjudicated upon—namely, Pukekura, Puahoe, Ngamako No. 2, and Maungatautari Nos. 1 and 2.

2. That the petitioners are described as belonging to the Ngatiraukawa Tribe, whilst those who appeared before us as claimants describe themselves as being of the Ngatikauwhata, and ignore any connection with the former tribe, alleging that they themselves are a distinct tribe, and have been so from ancient days, when they numbered from 800 to 1,000 warriors. This, however, is strongly denied by members of other tribes, who assert that until a very few years ago they never heard of such a tribe as Ngatikauwhata, and that the claimants are, in fact, only a hapu of Ngatiraukawa. The object of this statement on the part of the petitioners will appear when we consider the question as to whether they were or were not represented in the Court of November, 1868.

3. The claims of the petitioners divided themselves into three classes:—

(a.) A tribal claim to Pukekura, Puahoe, and Ngamako No. 2, by 142 individuals, viz.: Tapa te Whata, Hoeta Kahuhui, Rena o te Wharepakaru, Karehana Tauranga, Henare Poaki Mereti, Takana te Kawa, Kereama Paoe, Tamihana Whareakaka, Kauwhata Tapa, Himiona te Oha, Matapere te Whata, Kooro Renao, Bahira Kahuhui, Nere Otu, Mokena Manako, Heni Peti Rangiotu, Merehira Tauranga, Ruiha Kinomoerua, Hanatia Heipora Manako, Rehara Kauwhata, Maka Renao, Emiri Manako, Pere Kinomoerua, Tino Tangata, Harata te Oha, Erana te Rangitiora, Hori te Mataka, Ani Patene Hori, Ihaka Renao, Pere Himiona, Heni Himiona, Maraea Himiona, Haimona Renao, Hori te Hoeta, Kauramatua Hoetu, Hanita Renao, Epiha te Moanakino, Wetini Tangata, Ramari Kahuhui, Hepi Moihi, Metapere Hareini, Marara Hoeta, Ngataraka Hoeta, Tura Hoeta, Waeroa Hoeta, Rangitou Hoeta, Ani Hareini, Areta Hemokanga, Weti Pekamu, Pape te Rama Apakura, Miriama te Rama Apakura, Makereti Weti, Wiremu Pekamu, Ratima Pekamu, Turubira Pekamu, Whati Pekamu, Ema te Awe-

awe, Manaroa te Aweawe, Te Aweawe, Arapera te Umutiritiri, Rangimarie Aweawe, Ngaruinga Aweawe, Raimapapa Hemokanga, Pareauha Ahitana, Hepi te Wheoro, Mekeruki te Whakaaewa, Mokena Pahurahi, Hakaraia Whakaneke, Tapa Ahitana, Teo Ahitana, Rangitapuke Ahitana, Hara Tame, Rangirea Mekeruki, Penehira Rangitiora, Penehira te Apa, Himiona Penehira, Ruera te Nuku, Arapera te Nuku, Teieti Turanga, Moringa Turanga, Wiremu Tereputupu, Te Retimana te Hapoki, Hore te Hapoki, Te Wani Turanga, Hinetini te Kingi, Moihini Winiata, Tatiana te Kawa, Pekamu Ateara, Te Ara Takana, Te Raika Kereama, Mereaina Kereama, Herewini Kereama, Rongokaneke Kereama, Te Otene Kereama, Te Hapoki Teretiu, Rangihuia Takahia, Ko te Ngoro Takahia, Taimona Pikauroa, Raiha Paee, Rangiwihua te Paee, Moutere te Koroheke, Ruruhira Ngatahuna, Wereta Karua, Tepehara Raru, Wiriharai te Angiangi, Wiremu te Kohu, Hapurona Ngawaero, Pini Whareakaka, Riperata Pini, Hone Pini, Parakipane te Kohu, Wiremu Parakipane, Te Muera te Naku, Peia Poriki, Pohutu Turiwhati, Hohepina Parakipane, Petera te Au, Ruiha te Naera, Te Uawhaki, Tata Pini, Tuangahuru, Tepora nga Roha, Anahira, Turanga, Raita Manewha, Wikitoria Turanga, Ihaia Turanga, Hemara Turanga, Pohe Turanga, Arama Karaka te Umutiritiri, Meihana Henare, Poihipi, Reihana te Piki, Mata Karaka te Umutiritiri, Arama Karaka Tamaiti, Hineikakea, Warahi Mokowhiti, Mata Ranginui, Karepa, Reweti te Kohu, Henare te Hatete, and Tamataai Haruru.

(b.) A tribal claim to Maungatautari, by fifty-six individuals, viz.: Matiu te Wheoro, Akapita te Tewe, Eru Tahitangata, Hema te Ao, Paramena te Tewe, Perenara te Tewe, Ngarati te Tewe, Akata te Tewe, Te Raiti Tonhi, Meropa Tametima, Moihini te Kotu, Romana Kotu, Tonhi Tuaia, Rapaera Tuaia, Rawiri Tuaia, Makarita Tuaia, No Teraiti, Te Whiu Meropa, Ruhia Haramene, Rangipikitia Akapita, Merehira Akapita, Te Ngaere Perenara, Teoti Haramene, Erenora Ruhia, Te Harinui Ruhia, Teraiti Perenara, Hohepa te Tihi, Witariona te Tihi, Haramona Raweiho, Himiona Pouhaere, Mohi Heremia, Perenara Mohi, Rawiri Heremia, Tame Rawiri, Makarita Paramena, Mere Mohi, Irihapeti te Hotene, Netahio Hipirini, Karauti Heremia, Marana Tamihana, Ruta Roba, Wiremu te Manewha, Rota te Hiakai, Manahi te Hiakai, Piripi te Au, Wiremu Rikihana, Enereta Rikihana, Pairoroku Rikihana, Rikihana te Wairoa, Tioriori Rikihana, Raita Rikihana, Hineikakea te Hiakai, Mohi te Tawharu, Waiata te Wharu, Hapeta te Rangikatukua, and Hona Taupo.

(c.) A personal claim to Maungatautari, by seven individuals, viz.: Ihakara Ngatahuna, Miriana, Rititia te Kipihana, Amiria te Hiakai, Mihipeka Pehara, Manahi Paora, and Watene te Punga.

4. The claim (b) was altogether withdrawn by the petitioners, who stated through their acknowledged agent that they did not intend to prosecute their claim.

5. With respect to Class (a) we took a mass of evidence, the result of which is as follows:—

The petitioners rest their claim upon two grounds: 1. The fact that in about the year 1828 they or their ancestors left Pukekura or Rangiaohia, as the whole of the district appears to have been then called, in a quiet peaceable manner, and went to reside at Kapiti, where they could obtain better food and also buy guns and ammunition. They further allege that they left with an intention to return, and left some of their friends on the land with the injunction, "Occupy till I come," and that their friends did so occupy up to the sitting of the Court in 1868. And (2) the fact that in or about 1866 Wi Tamihana, whose authority over this land appears to have been supreme at that time, invited them to return and occupy.

As to the first ground, the fact of the exodus to Kapiti is undisputed, as is also the fact of their leaving some of their friends on the land; but it is alleged on behalf of the Crown and the opposing Natives that, after that exodus, according to Maori custom they lost all right and interest in the land—(a) on account of ceasing to occupy; (b) on account of the land becoming the possession of Ngatihaua by right of conquest.

As to point (a), it is proved to our satisfaction that petitioners did abandon possession in or about 1828; that neither they nor any person or persons on their behalf have ever returned to the district with the view of permanent occupancy, though one or two have made casual visits for a few months at a time and then returned to Kapiti; and those who were left behind at the time of the exodus were only those who had intermarried with other tribes, and by that means had, so to speak, become absorbed and ceased to have any separate existence as a distinct tribe.

As to point (b) the evidence taken is somewhat voluminous, and also exhaustive. We find that for some years before the exodus the Ngatimaru Tribe, through fear of the Ngapuhi, had come to live among the Ngatihaua and Ngatiraukawa in the district called Rangiaohia, and had so lived in a friendly and peaceable manner; but after the lapse of a few years various quarrels took place between Ngatihaua and Ngatimaru, which resulted in sundry skirmishes in which sometimes one tribe had the advantage and sometimes the other. And it was during the time of these skirmishes that the whole of Ngatiraukawa, with the exceptions previously mentioned, left and went to reside at Kapiti; and in our opinion they left not only in order to obtain better food and ammunition, but principally because, being few in number, they feared they would be attacked by Ngatimaru and altogether exterminated. (See also Rewi's statement on this point.)

About this time Ngatimaru, through their victories over Ngatihaua, became the owners of the whole district by right of conquest, and erected several pas in different localities, thus asserting their rights as conquerors. And even supposing that Ngatiraukawa had at that time any rights, such rights would cease upon that conquest. In 1830 was fought the great battle of Taumatawiwi, in which Ngatihaua, assisted by Ngaiterangi, attacked Ngatimaru and conquered them with considerable loss of life, and took their pas which they had built, the result being that Ngatimaru left the district in the hands of Ngatihaua, who have ever since occupied it, and who were the tribe that had the land surveyed for the Court in 1868, and who were the claimants for title in that Court, and it is distinctly stated that none of the Ngatiraukawa, except the few who were left behind, took any part in that battle. The district thus came into the hands of Ngatihaua, and, by right of conquest, became their property, Ngaiterangi not laying any claim to it.

It was attempted to be argued, on behalf of the petitioners, that, inasmuch as those Ngatiraukawa who were left behind took part in the battle, their rights (if any) became restored, and that through them—they having been left *quasi*-trustees—the rights (if any) of those who went to Kapiti were also

restored. But it was contended, on the other hand, that those who remained behind, being few in number and being absorbed into the Ngatihaua, had lost their tribal right, although they might have some personal interest, and that in fact the Ngatihaua, being the more powerful tribe, became the owners according to Maori custom.

Mr. McDonald, finding he could not substantiate his contention, abandoned it, and admitted, on behalf of the petitioners, that, supposing those who remained had a tribal right to any of the district as conquerors after the battle of Taumatawiwi, those who had gone to Kapiti could not have returned and settled on the land without their consent; but he urged that they did subsequently invite them to return, though that invitation was not accepted, and he contended that this invitation did restore any rights which the Kapiti Natives had before the battle. And stress was also laid upon the fact—which was not disputed—that both Te Waharoa, the principal chief of Ngatihaua, and also his successor in power, Wi Tamihana, had from time to time urged them to return, and that the latter had even gone in person to ask them to return, although all these applications were made in vain, and the Kapiti Natives have never occupied this district in any portion of it since their exodus in 1828.

Matters appear to have remained in this state until 1840, in which year the Natives put themselves under British rule; and whatever rights petitioners or their opponents had then, such and no more would they have in 1868, when the Native Land Court sat, subject, however, to any arrangements they might have come to amongst themselves; and it was with the view of ascertaining whether any arrangements had been so come to that we entered into the question of how far the invitations to return, unaccompanied by acceptance and occupation, would affect the rights of the petitioners.

It is distinctly stated, and admitted to be true, that between the years 1860 and 1868 various invitations to return and occupy the land were given to the Kapiti Natives by Te Waharoa, and afterwards, and up to the date of his death, by Wi Tamihana, and that the latter, even on his death-bed, expressed a desire that they should return; but we learn that, according to Maori custom, the bare acceptance of such an invitation, unaccompanied by actual occupation and cultivation, would not confer any right or title, and that even if they had returned and occupied they would have been mere serfs, and have been obliged to go and do where and what they might have been required by those two powerful chiefs. Moreover, Major Wilson states that Wi Tamihana, in 1866, stated to him when negotiating for this land that he had offered to let those living at Kapiti return and occupy Pukekura, provided they returned before Christmas of that year; that they did not so return, and therefore he entered into negotiations respecting it.

We now come to the question whether or not the petitioners had an opportunity of attending the Court held in November, 1868; and here will be found the reason why they are so anxious to put themselves forward as a distinct and separate tribe, and not to be considered as a hapu of Ngatiraukawa. They allege that they never authorized any one to appear on their behalf at the Native Land Court held at Cambridge in November, 1868, and that the application to Mr. Richmond in 1868 was made by Ngatiraukawa, and not by them. It will be found on reference to the papers relating to this matter, and also in the petition presented to the House of Representatives, that everything has been done in the name of Ngatiraukawa, and a reference to the evidence taken by us will show that several of the parties who now repudiate all connection with Ngatiraukawa are those who signed that petition, and are therein described as being members of that tribe. It will also be seen that several of the witnesses who were claimants in the Court in 1868 now state that if Ngatikauwhata had then come forward and made a claim they would have admitted them as owners; but if Ngatiraukawa had come they would have opposed their claims. We find also, in reference to the question whether petitioners were represented in the Court in 1868, that a chief named Parakaia (since dead), with about forty men, appeared in that Court representing himself as agent and representative of Ngatiraukawa, and applied for an adjournment of that Court; that on two previous occasions—namely, in 1866 and 1867—he appeared in a similar character in reference to these blocks, and on each occasion obtained an adjournment; and that in 1868, finding he could not obtain what he applied for, he put forward claims on behalf of those Natives living at Kapiti, called evidence in support of them, and finally, finding them untenable, abandoned them. We find also that one of the petitioners, Watene te Punga, was present in that Court, was called by Parakaia as a witness, and was sworn, but refused to give evidence.

The above remarks apply principally to the three blocks, Pukekura, Puahoe, and Ngamako No. 2, but all those with respect to the right acquired by conquest will apply equally to the claim set up by the seven petitioners named before. These seven were represented by a woman named Winia, but, although she made a statement asserting her own claims through an ancestor named Tuakere, she utterly failed to support her assertions, and most of the witnesses she called in support of her case had never even heard of such an individual. Her parents and those whom she represented were amongst those who went to Kapiti in 1828, and lost their rights in the same way as the others.

We have therefore the honor to report,—

1. That, in our opinion, prior to the year 1840 the petitioners, whether known as Ngatikauwhata or Ngatiraukawa, had lost all their right, title, and interest to the district known as Rangaiohia, which included Maungatautari Nos. 1 and 2, Pukekura, Puahoe, and Ngamako No. 2.
2. That up to the year 1868 those rights had not been in any manner restored.
3. That at the sitting of the Native Land Court in November, 1868, the petitioners had no interest whatever in the above-mentioned lands.
4. That they were properly represented by an authorized agent in that Court.
5. That they are not entitled to any compensation whatever.

Before closing this report we cannot avoid expressing our regret that the statement as to what the effect of our report, if favourable to the petitioners, would probably have upon the Crown Grants should have been made to the Natives generally and impressed upon their minds, as we are informed it was, by Mr. McDonald at a meeting held at Maungatautari a few days before we commenced our investigation, because we have no doubt that it caused many of the Natives to give statements before us directly contrary to those which, on reference to the records of the Native Land Court, we find were made before that Court in 1868.

We attach to this report the whole of the evidence which we have taken in the course of our inquiry

Given under our hands and seals this 14th day of March, 1881.

(L.S.)
(L.S.)

FRED. M. P. BROOKFIELD.
H. T. KEMP.

Enclosure 2 in No. 2 MINUTES OF EVIDENCE.

ROYAL COMMISSION *re* Ngatikauwhata claims to certain lands at Waikato, the titles to which were adjudicated upon by the Native Land Court of New Zealand, sitting at Cambridge, in the District of Waikato, on the 3rd day of November, 1868, and following days.

TUESDAY, 1ST FEBRUARY, 1881, AT THE RESIDENT MAGISTRATE'S COURT, CAMBRIDGE.

Present: F. M. P. Brookfield, Esq., and H. T. Kemp, Esq., Commissioners; James Davies, Esq., Interpreter, and W. Bridson, Clerk.

The Courthouse was found too small to accommodate the great number of people assembled, and an adjournment was made to the public hall, a short distance off in the same street.

Public Hall, Cambridge. *Present*: The same.

The nature of the inquiry about to take place was explained by the Commissioners, who expressed a hope that the several witnesses who would be called would have an uninterrupted hearing of what they may have to say respecting the several blocks of land to be inquired into—viz, Pukekura, Puaohoe, Maungatautari, and Ngamako No. 2, which were the blocks of land the titles of which were found by the Court which sat on the said 3rd day of November 1868.

Alexander McDonald said: I appear on behalf of Ngatikauwhata.

Major Mair said: I appear on behalf of the Crown.

The Commission was read first in English and afterwards translated into Maori.

The claimants were asked if Mr. McDonald appeared with their consent and authority. They replied he did.

Commissioners said that they would hear the claims to the several blocks above named supported by such evidence as Mr. McDonald would call; that Major Mair would examine the witnesses so called; that Major Mair would then be allowed to produce such evidence as he could obtain; that Mr. McDonald would have the privilege of examining Major Mair's witnesses, and at the conclusion of the inquiry it would be their duty to report to the Government.

[Panuitanga produced in Court and sworn to by Alexander McDonald the agent for claimants.

W. Bridson, clerk.

HE PANUITANGA.

Akarana, 12 o Hanueri, 1881.

KI a Tapa Te Whata, me ona hoa, nga Tangata o te Hapu o Ngatikauwhata, na ratou nei te Pitihana i tuku ki te aroaro o te Paremete, i te 19 o nga ra o Hurae, 1877, mo etahi whenua i roto o Waikato, a ki era atu tangata katoa hoki e pa ana ki taua mea:

Kia mohio mai koutou, ara, kua oti maua te whakatu e te Kawana hei Kai-whiriwhiri, hei Kai-patai i te koutou paanga ki nga whenua i whakawakia e te Kooti Whakawa-Whenua-Maori ki Kemureti, i te 3 o nga ra o Noema, 1868, tae noa ki te otinga o te whakawa a te Kooti mo aua whenua: He panui ano hoki tenei, kia matau ai koutou, ka tu te Kooti ki Kemureti, a te 1 o nga ra o Pepueri, 1881, a me haere mai koutou me a koutou korero ki reira a taua ra.

F. M. P. BROOKFIELD, Komihana.

H. T. KEMP, Komihana.]

Alexander McDonald sworn: I served the notice of this sitting [copy of which is produced] on the heads of the families of petitioners, that is to the principal persons named in the schedule to the Commission which has just been read.

Mr. McDonald asked for a list of the blocks of land, the titles to which were found by the Court which sat in November, 1868, with the names of the persons in whose favour orders were issued, also for permission to examine the plans. [Consented to.]

The Court said it would hear any statement the claimants were desirous of making, not in the way of evidence but explanatory.

Kauwhata, of Ngatikauwhata, said: I salute the Court.

Takana Te Kawa said: I salute the Court—the Court to discriminate between the white man and the Maori. We are rejoiced that you have come to look into our matters. The people of Waikato shall know why we are here before them, and the reasons for the claims of Ngatikauwhata.

Hoeta said: I salute the Court, the Waikatos, and the Ngatiraukawas. We have been looking for this day all these years. We have to-day seen each other's faces. I will reveal our reasons for coming here. 1. For the confiscated lands. 2. For the lands adjudicated upon in my absence.

Tapa Te Whata, the principal claimant, said: I salute the Court. I have desired this day of inquiry. I salute the Waikatos. I have thought over you; this day we have met. Though you do not salute me I salute you. The first thought will be of confiscated land, and the second of the lands wrongfully taken away by adjudication during my absence.

Kereama Paoe said: I salute the Court—the substance of our request to the Government, Give a careful consideration to our claims to land given in our absence—some of us were absent, we lived at great distances. This is the evidence of our claims being heard to the lands given by the Court in our absence. In 1863 I asked for a Court to inquire into our claims to the confiscated lands.

Hakiriwhi, of Waikato, saluted the Court: Greetings to you, Tapa, and to your friends. I speak of the lands adjudicated upon in 1868—viz., Maungatautari, Pukekura, Puahoe, and Ngamako No. 2. Tapa and his friends have a claim on these lands, and all the way up to the confiscated line. I say Tapa is right, because they went away quietly and left the land in possession of our fathers. Maungatautari was taken by me by conquest from the Marutuahu, also the other side of Maungatautari (adjacent) Pukekura was brought before the Court by me. It was publicly notified. Ngatikauwhata did not come to the Court. They may have had some difficulty. This is why Tapa desired a rehearing. I am pleased he has come. It is right for him to urge his claim.

Rihia Te Kauae, of Waikato, said: I cannot agree that McDonald and his people of Kauwhata have any right to speak about Pukekura and the lands referred to in that document. What I say is, Commence to adjudicate on the confiscated land in Waikato. We have all been summoned to attend the Court that the nature of the claims may be discussed.

Hori Karaka, of Waikato and of Ngatikauwhata, said: Greetings to you the Commissioners sent by the Government. I agree to the investigation of the lands to which Tapa and his friends lay claim. They were not present in 1868. They were hindered by the Rangitikei Court. Their claims to these lands should be heard.

Tuwhenua, of Waikato, and Ngatihaua, said: Greetings to the Court. I reverence the Court, because the lands heard in 1868 were awarded to the wrong people. This is the reason—ten people only were put in the Crown grant for the whole of the owners. Those grantees sold the land; all the people left out suffered a wrong. It is right to rehear these lands. Rihia's statement relative to the rehearing is wrong. I and Rihia should fix our claim on Maungatautari. Pukekura and the other lands named belong to Ngatikauwhata. They were left by Ngatikauwhata, in charge of their friends who stayed behind when they went to Kapiti. Hakiriwhi's statement of the justness of Ngatikauwhata's claim is correct.

Heni Mohi, of Waikato, said: Blessings on the Court which looks on past events on the error committed, and looks to redress. Ngatikauwhata is right. I am pleased with them. They were absent from Cambridge in 1868. All the people with them suffered a wrong then. This people, Ngatihaua, were present at that Court. Some of the Ngatihaua were absent like Ngatikauwhata. The young people and the children were here. The elders and fathers were with the Hauhaus. Ngatihaua got the land because they appeared in Court. Those of Ngatihaua who were with the Hauhaus were like Ngatikauwhata. They got no share of the land. I dissent from the Court in 1868.

Harete Tamihana said: The words spoken at Maungatautari by Ngatihaua were "Come Ngatikauwhata, come to Pukekura." I agreed with that invitation. A word said to have been spoken—omitted by Hakiriwhi and Raihi—at that meeting was, "I am not agreeable that Ngatikauwhata should come here for these lands." I was left, as chief, carefully to guard these lands. They went away of their own freewill. I exclude Ngatikauwhata, of Raukawa. I may say who of Ngatiraukawa were welcome back. I reverence this Court. I do not know whether I shall be righted or not. If this Court will protect my interests I will give it my support.

Te Raihi, of Waikato, said: Ngatikauwhata have two claims—the confiscation by the Queen and the decisions of the Court in 1868. The Court sat at Ngaruawahia to hear confiscated lands in 1867 (about). Some of Ngatiraukawa remained here. I include myself with them. I wish to speak of my claim to Rangiaohia and Pukekura. Mr. Mackay hindered my words and they were not uttered. The portion of the confiscated land which was restored by Mackay was a quarter of an acre; that is to say, a very small piece at Hakarimata and Pirongia. What I did not then say I would like to say now. Ngatikauwhata are right in coming here. Our relationship still exists, notwithstanding the fightings of former times. It is for the Court to examine the nature of these claims. Two principal points appear; the lands granted to us and the confiscated lands. I shall say no more at present. I will hear the claims of the Ngatikauwhata.

Court adjourned until 10 a.m. to-morrow.

WEDNESDAY, 2ND FEBRUARY, 1881.

A. McDonald said: We wish to commence with Pukekura. I wish to make clear the reason for this coming of Ngatikauwhata—that is this portion which comes from Kapiti—they left a portion at Kapiti. Those who went to Kapiti went at a time of great disturbance. They went there because of the reported fertility of the land, and to purchase guns. They left their land here in possession of Ngatikauwhata. Differences afterwards arose here. The migration found troubles there also. There was fighting at Kapiti; and there was fighting here. In both places enemies to Kauwhata appeared. A long time after there was war between the Natives and Europeans here in Waikato. In the beginning of it Ngatikauwhata sent messengers to Auckland from Kapiti (1863) I was sent. I went to the Government. Sir W. Fox was the Minister. I said, "Should this be a great war, and confiscation follow, what will become of the land of Ngatikauwhata and other persons living at Kapiti?" Mr. Fox said, "Go and say to Kauwhata, 'Sit still; should confiscation be in Waikato their lands will be carefully sought out [Court: ascertained and protected]'" I had a Maori companion. I said to him, "Let us see Manga and the other fighting chiefs, and hear what they have to say." Government told us we should find it impossible to do as we desired. We left for Wellington on Mr. Fox's promise of protection for our lands in Waikato. We returned to Kapiti. In 1867 I asked the Government—Mr. Richmond, I think, was then Minister—what should be done relative to the promise made by Mr. Fox? He said the lands had been allotted to those entitled to compensation. I said, "We did not hear of the investigation which had been held in Waikato." He said, "Petition the Parliament." We then commenced our appeals for our lands which had gone by confiscation. We afterwards heard that, in 1868, a Court would sit here, and on the following day a Court would sit at Rangitikei. I asked Mr. Richmond to direct Ngatikauwhata. He said, "Remain at Rangitikei and I will have Waikato Court postponed." We afterwards heard the Court here at Waikato had not been postponed. We were then told to petition Parliament again. This was our second petition. The first was relative to confiscated land; the second was relative to the lands we lost through non-attendance here. From 1869 to 1877 we

regularly sent our petition year after year to the Parliament. In the last year, 1877, we obtained the admission that we were entitled to a hearing of our claims *re* confiscated land and the lands we had lost. We were told to take the answer of Parliament to Waikato. That Government went out. Mr. Sheehan was the next Minister. He said, "Go you to Waikato with the word of Parliament, I will give effect to it." He did not do so. Another Minister took office. We then ceased to *tohe* (trouble) the Parliament, and addressed the Minister. We have now before us the opportunity of expressing our claims before this Commission. This Commission is the answer to our prayer relative to lands lost through absence from the Native Land Court of 1868 only; our confiscated land question remains. Pukekura is the land before the Court now

PUKEKURA.

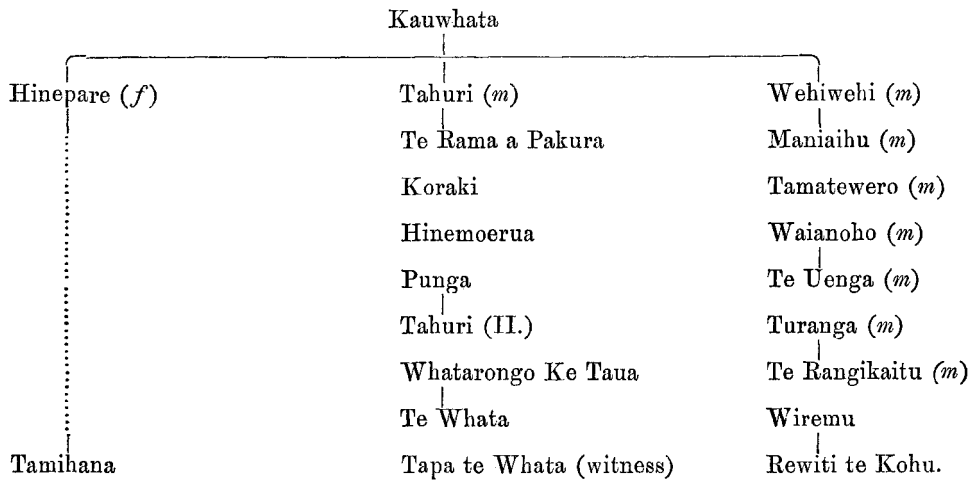
This is the land of Ngatikauwhata—as a distinct tribe. I hold the document appealing against decision of 1868 (the Court has a copy) Application for rehearing was sent to the Court, but the reply was, "It came too late." This is the petition to the Parliament, which resulted in 1877 in the concession that our claim should be heard. Many of the people who signed that petition did so to get other lands than those now before the Court reheard. I do not appear for these other people, but for Kauwhata alone, in the four blocks disposed of by the Court in 1868. There are about 149 persons for whom I claim an interest in Pukekura, and I allege that they were wholly unrepresented at the Court here in 1868. I believe there are others who would have a claim to this land also. I do not claim Pukekura as the land of Ngatikauwhata solely, but that the interests of the 149 petitioners are represented in this block.

1. This is part of Ngatikauwhata tribal estate.

2. The 149 petitioners are Ngatikauwhatas, and have not forfeited their claim to this estate.

I propose to call evidence to support these two points. I call—

Tapa te Whata (examined by Mr. McDonald), sworn: That is my name. I belong to Ngatikauwhata. Kauwhata was my ancestor on the male line. I can give my genealogy from him:—



I was born here. I heard that I was born at Pukekura. I was very small, but remember my father going to the South. Te Whata is dead. I am his only surviving child. I heard my father say that Pukekura belonged to Ngatikauwhata. He said, "Pukekura belongs to Ngatikauwhata." We have other places here, but Pukekura is our principal place. Rangiaohia is another. I sent a map of our claims in Waikato to the Government. [Map produced.] This is the map showing our claims. I know the boundaries of our claims (blocks). I did not send that as the claim of ourselves alone, but of Ngatikauwhata at large. Pukekura is within the lines drawn by us. These boundaries describe our tribal claim in Waikato. Waikato was a general name applied to all the peoples living in the district drained by the river. I have heard of Ngatiraukawa, of Ngatimaniapoto, of Ngatihaua, of Ngatiwhakaterere. I have never heard that Ngatikauwhata is a section or hapu or portion of Ngatiraukawa. My father said Ngatikauwhata had possessions here distinct from Ngatiraukawa. My father explained to me that the lands marked on the plan I sent to the Government were Ngatikauwhata. Pukekura is within the land marked; so is land which has been confiscated. When my father went away he did not give up his possessions in Waikato. He went backward and forward. I heard—we all heard—the invitation to my father from the chiefs of Waikato to return. Te Wherowhero was one of those chiefs. Potatau went to Kapiti. I cannot say the year—before the death of my father. He died in 1861. Te Wherowhero, Kiwitahi, Porokoru and Haunui—these people went to Kapiti. I did not see Tamihana Tarapipipi at Wellington. I heard he went there. I heard of his words to Kauwhata. They were an invitation to Kauwhata to return to Waikato. Since then I have seen the Waikato chiefs. I saw them once at Te Kuiti in 1872; that was the second time. I don't know the year Tamihana went to Wellington. Had we seen Tamihana in Wellington he would have come overland and marched or marshalled us back here, instead of going as he did by sea. I have never heard Waikato chiefs express any desire to disconnect us from the land here. It is on their consent that we found our claim. In 1872 the Waikato chiefs gave me the mat I now wear in token of my ownership and right. Tawhiao and Manga gave me this mat. All the chiefs were at Te Kuiti when they acknowledged my claim to Rangiaohia. I have never heard any opposition to our claim.

Examined by Major Mair: Ngatikauwhata were a distinct people from ancient time. They were a great tribe. They counted 800 or 1,000 fighting men in former times. These are the lands of Ngatikauwhata which I have marked on the map. Ngatihaua had their land at Maungakawa. Ngatihaua know where their lands are. Ngatiapakura know where their possessions are. Ngatikoroki can point

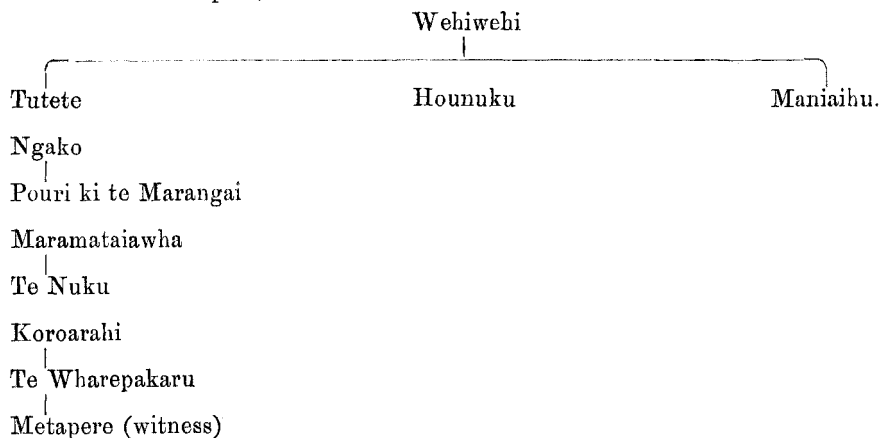
out their own lands. I have not a perfect acquaintance of the lands of these peoples. They have lands, but I can't point them out. The chiefs I named as inviting us to return, belonged to Ngatihaua, that is, to us. My father accepted their invitations. He did not say "What fat has that land that I should return to it?" Wi Tamihana appointed us to live at Pukekura. I cannot say the year—about 1866. It was the year he went to Wellington.

Examined by the Court: Tamihana asked us to return because he knew (1.) This land belonged to us; (2.) Because of our relationships. These are the only reasons I know of for his invitation. We never returned to cultivate food—our relatives did that for us. We have planted food at Pukekura and Rangiaohia—*i.e.*, some of us who went to Kapiti—I did not. I can't name the year. It was before Wi Tamihana went to Wellington. We frequently came to plant food here and returned again. On the last occasion we were overtaken by the Waikato war. We came, planted, and stayed long enough to eat the food. When the war overtook us, we fled to Kapiti. The chiefs invited us back through love. Peace was made throughout the country. Those chiefs were joint claimants with us in Pukekura and the lands generally.

Examined by Mr. McDonald: Tamihana was a Ngatikauwhata. Kauwhata had three children. Tamihana was connected with Kauwhata through Hinepare—Kauwhata's eldest child. Tawhiao is descended from Wehiwehi. Manga is descended from Tahuri.

Reveti te Kohu (examined by Mr. McDonald), sworn: I am descended from Kauwhata by the male line from Wehiwehi, the third child of Kauwhata. My father is still alive at Kapiti—too feeble to travel. He said Ngatikauwhata had landed property here. I heard Tapa's evidence. I have nothing to add to it.

Metapere Tapa (examined by Mr. McDonald), sworn: Te Wharepakaru was my father. He is dead—I heard him speak of these lands. Wharepakaru was the principal man of Ngatikauwhata. My father descended from Hinepare, the eldest child of Kauwhata. He was from Wehiwehi also:—



My brother is alive and present. My father told me of his going to Kapiti. He went with all the other chiefs of Ngatikauwhata. They left here and went to Taupo; about twenty of Ngatikauwhata went on to Kapiti, leaving the rest behind. Wharepakaru was one of the twenty. There was no Government in New Zealand then. Rauparaha called us. I am speaking of the first expedition (about 1828-29). I have heard my father say that he enjoined those of Ngatikauwhata (*Murupara alias Te Wiwini*), who remained here in Waikato, "I leave my land with you and the Ngatikauwhata who remain behind." These words implied placing the lands in trust, "My land is in your hands to be taken care of." He intended to return.

Examined by Major Mair: Ngatimaru did not follow Ngatikauwhata to Taupo. No battle was fought at Taupo. Ngatikauwhata did not stay at Taupo. There was no fight. We were not chased by Whatakaraka.

Examined by the Court: I have heard of Whatakaraka; he was not a Ngatikauwhata. I think he was a Ngatimaru. I was one of those who went with the body through Taupo. I was nearly married then.

Metapere, recalled (examined by the Court): Te Wharepakaru was my father. He lived all over the country, Rangiaohia, Pukekura, and all round. In the speech he made to the people when leaving Te Wiwini and others, he said, "I am going, I leave the land (with you) in your care." My father left no commands with any of the Waikatos all along the River. He pointed out to whom the Waikato lands belonged. The fights you allude to between Ngatihaua and Ngatikauwhata were long previous to this time. I never heard of the Ngatihaua and Ngatikauwhata fighting against each other. Taumatawiwi was with Marutuahu. Ngatikauwhata took part then with Ngatihaua; they were one—fighting against a common enemy. I have heard of Parakaia, he belonged to Ngatiraukawa. He was a chief man of that tribe. Parakaia had no connection with us. I heard that he was at a Court here in 1868. We were told that Court would be adjourned. I did not hear what he said at that Court. We asked to have it postponed. Parakaia did not tell Ngatikauwhata that he would appear here on their behalf. He had no authority from Ngatikauwhata.

Examined by Major Mair: Murupara belonged to Ngatikauwhata. There are some of his descendants present. [Pointed out.] They belong to both Ngatikauwhata and Ngatihaua. Tamihana is one. Te Raihi and Murupara, Te Hakiriwhi are all of these people. Others of Tamihana's children are at Maungatautari.

Takana Te Kawa (examined by Mr. McDonald) sworn: I am of Ngatikauwhata. I am from Hinepare. My father is dead. I was born at Rangiaohia. Te Kawa, my father, was with the emigrants to Kapiti. I did not hear him say that he gave up his interest in Waikato lands. I was then young, and required to be carried, except on good roads. My father said that he would come back here. I heard

him say so. My father lived at Kapiti, but he returned, and died at Rangiaohia. Visits were interchanged between this and Kapiti—some even returned and died here. I have heard of Ngatihinepare tribe. I am of that tribe. We were called Ngatikauwhata at Kapiti. Here we were called by the several children of Kauwhata—namely, Ngatiwehiwehi, &c. Ngatiwehiwehi were called Ngatikauwhatas because of their father, Kauwhata, so also Ngatihinepare. I have never heard the Waikato chiefs forbid the return of Ngatikauwhata, but, on the contrary, they have called us to return. I have heard of Parakaia Te Pouepa. He was not sent by Ngatikauwhata to represent their claims in Cambridge Court in 1868. He had no authority from any of us to appear as our agent. I heard from Parakaia that he was coming to that Court. I saw Potatau at Kapiti. I heard what he said to Ngatikauwhata. He said, "Each of your hapus here return to his own place or possessions" (or, "I have no objection to your coming to your ancient land") I know the Ngatihaua. I have never heard of fighting between Ngatihaua and Ngatikauwhata. We did not go away to escape any evil, or flee as refugees. Up to our arrival at Kapiti none pursued us. My father died about the time of the Waikato war against the Europeans. He might have died at Rangiaohia. I left him there. Three brothers of mine returned here with Potatau. They remained here until they died. Haunui and Porokoru went to Kapiti; Potatau went first; Porokoru and Haunui went afterwards. When Porokoru and Haunui returned, my parents and friends returned with them, and lived and died at Rangiaohia. I returned to Kapiti.

Examined by Major Mair: Ngatikauwhata went to Kapiti in search of provisions and guns. Rauparaha invited us and promised us food and guns and everything else. Pukekura and the land here gave a certain kind of food, but those lands at Kapiti gave rare food, such as sharks, guns, and white men. None of Ngatiraukawa went with Ngatikauwhata. I do not know whether Waikatos had guns then; Ngapuhi had. I do not know whether Ngatipaoa and Ngatimaru had firearms then. Some of Ngatikauwhata returned to Pukekura and planted. My father was one who returned. Te Kawa was another, Hoera Pokorahi, Panitaua, and Rangitaiki and Hone. Te Wherowhero's invitation was given with the intent that we should all return.

Kereama Paoe, sworn: I am of Ngatikauwhata. My father was Paoe; he is dead. I was born at Otawhao (Te Awamutu) My father did not accompany the first expedition under Tapa's father. He went after the fight at Taumatawiwi. He then lived at Otawhao. Afterwards he went to Kapiti and died there. He was not driven away by the people of this place, but because of his affection for the people who had gone before. Our parents and my brothers and sisters were there. I never heard Ngatikauwhatas at Kapiti say they would never return here; on the contrary, I heard them say they would return. I went away peaceably.

Mr. McDonald said: I will now call witnesses from the resident Natives.

Te Raihi (declared): I will speak the truth. I live at Tamahere. I am a younger brother to Tamihana; we were cousins, sons of brother and sister. We always lived together. I never heard him forbid Ngatikauwhata to return. Tamihana went to Wellington without me. All those who went with him are dead. Te Waharoa and Tamihana had such affection for Ngatikauwhata that they invited them to return.

Raihi said: I wish to explain. The name of the vessel of Wi Tamihana and Murupara was called "Kauwhata." She was bought for the purpose of bringing the bones of the people (my fathers) who had died at Kapiti to Pukekura. The vessel was wrecked before that object was effected.

Examined by Major Mair: I was present at the investigation of Pukekura. I spoke then. I know the land and those to whom it belongs. That land belonged to Ngatikauwhata. Those left behind were put in possession of Pukekura—none of those who left. Some Ngatihaua were included.

Examined by the Court: In 1868 I appeared in Pukekura on behalf of the resident Ngatikauwhata. I said nothing for those absentees; they stayed away. I was one engaged in giving the names for the Crown grant. I cannot remember whether I was he who gave the names to the Judge then. I do not remember to have said anything of those at Kapiti. I did not see Ngatikauwhata go to Kapiti. I do not know whether I was born then. I did not go to Kapiti. I have forgotten my statement to the Court in 1868. You have the books and know [Statement read from the Minute-book.] I said the names given were all I then recognized, because those who had gone to Kapiti put in no appearance. Ngatimaru were our enemies at Maungatautari. Ngatimaru took Horotiu. I do not know that they took Pukekura. They were afterwards driven away by us. [Further statement read, and admitted by witness.] Ngatikauwhata were living at Pukekura then, and took part in the fight against Ngatimaru, and returned to it afterwards. We looked on Maungatautari as ours by conquest after that battle. I then lived at Pukekura and Maungatautari—sometimes at one place, sometimes at the other. I never lived at Pukekura by right of conquest, only at Maungatautari. I do not know the term conquest can be applied to Pukekura. I claim my interest from ancestry—from Kauwhata.

Court adjourned.

THURSDAY, 3RD FEBRUARY, 1881.

Rawiri te Hutukawa sworn: I am of Ngatikauwhata, from Wehiwehi. I came from Kapiti just now. I was born here. I went to Kapiti at the time of Kuititanga. They were fighting when I arrived there (1839). Mr. Williams had come here with Christianity. I shared in the lands of Wehiwehi at Kapiti. Wehiwehi was a son of Kauwhata. Kauwhata had a right to land here, and I have a right to his lands here. I am a proper claimant to them. Many went with me to Kapiti.

Examined by Major Mair: One hundred of us went together. That is Maori counting. This was a migration subsequent to the great one, which was much earlier. We went because of our affection to those who had gone before. We left some behind us here. Te Muera, Wiremu, and others were left here by us. Those left were about my own age, and chiefs of Ngatikauwhata, descendants of Wehiwehi. This is the first time I have returned here. I was here when the first migration took place. I was here at the time of Taunatawiwi. Taunatawiwi was a Ngatihaua fight with Ngatimaru. Ngatimaru were defeated and fled, and left the land in the possession of Ngatihaua. Ngatihaua took up their abode at Maungatautari. They did not live on Pukekura. Ngatikauwhata and Ngatihinepare lived

on Pukekura, and they have held possession of it to the present day Te Raihi and some others now in Court live there now Many of Ngatihinepare are living there.

Examined by the Court: Pukekura was not taken by Ngatimaru at all. Ngatikauwhata assisted Ngatihaua against Ngatimaru. It was the resident or remaining members of Ngatikauwhata who assisted to drive away Ngatimaru.

Te Muera Te Amorangi (examined by Mr. McDonald) sworn: I am of Ngatikauwhata, from Wehiwehi. I have just now come from Kapiti. I went to Kapiti the year Awahou (Manawatu) was sold to the Crown (1866) I shared in the Wehiwehi lands at Kapiti. I was born here. I heard of Taumatawiwi. I went to Tauranga to see my sister when that battle began. I did not remain there, but returned to Pukekura and lived there until I went to Kapiti. I have a good right as a descendant of Kauwhata to the lands of Pukekura and Rangaiohia.

Examined by the Court: Ngatikauwhata did not leave this for fear at the time of Ngatihaua's fight with Ngatimaru. We joined Ngatihaua at Taumatawiwi and all the fights. Those left behind at the migration to Kapiti were Wairoa and Kanapa, Wiwini and other chiefs.

Examined by Major Mair: I was at Kapiti during the European war. I came here to Pukekura after that, and returned again to Kapiti. I cannot tell the year.

Examined by the Court: When Governor Hobson arrived, Ngatikauwhata, who remained behind, lived here. They intermarried and lived with Ngatihaua.

Hakiriwhi (examined by Mr. McDonald), sworn: I am of Ngatihaua and half-caste of Ngatikauwhata. I live at Tamahere. Waikato is my home from my birth until now. I know Pukekura perfectly well. I am a chief of Ngatihaua. According to our custom Pukekura belongs to Ngatikauwhata. I have heard of Te Waharoa. He was one of our fathers—a principal chief of Waikato. He and Te Wherowhero were principal and equal men. Tamihana succeeded. Wi Tamihana was a half-caste of Ngatikauwhata. I have seen Waharoa and Tamihana. I always heard their conversations. I heard what Tamihana said of those who went to Kapiti. He had a vessel called "Kauwhata," which he intended for bringing back the Ngatikauwhata from Kapiti—also the bones of those who had died there. I never heard him say that Ngatikauwhata were not to return here. According to Maori custom, Tapa and his companions have a right to Pukekura.

Examined by Major Mair: Ngatikauwhata said they went to Kapiti to obtain guns, and for white men. They handed over their land to us. Wharepakaru was the man who handed it over to us. Wharepakaru said to Wiwini, "We leave the land to you." He then went away, and we have quite understood that ever since—that is, to hold for them. Wiwini belonged to Ngatihaua half-castes of Ngatikauwhata. Wiwini according to Maori custom was a real Ngatihaua, and we are also Ngatihauas. In olden times we were half-castes, now we are called really Ngatihauas. I am in the Crown grant of Pukekura. I gave evidence at the hearing of that land. I cannot remember my evidence then. You have it in the books. [Minutes read relative to claim, and assented to.] One claim was by conquest, and one by ancestry I did not live on Pukekura by conquest, but by ancestry We said at that Court that Ngatihaua had no right to Pukekura. I and Te Raihi said so. [Minutes of witness's former evidence read to him by Major Mair.] That was my statement, although there is a contradiction between that statement and what I now say I have said the land was given to Te Whetowheto Murupara. Wiwini was another name for the same man.

Examined by the Court: The land was taken by Ngatimaru. We retook it. We went to Tamahere. Ngatikoroki went to their own place. Hinepare went to Pukekura. Waharoa was the great (Ngatihaua) chief who presided over our return, and located us. Waharoa was from Kauwhata. I cannot say that any of Kauwhatas came from Kapiti to assist us to retake the land.

Examined by Mr. McDonald: Had Tapa and his companions been here at the investigation (1868), we could not have excluded them from Pukekura. I would not have admitted Ngatiraukawa.

Examined by the Court: Tamihana's invitation was because of their natural right. The sanction of Tamihana and Waharoa was not necessary Wata Tahī was a half-caste Hinepare and Haua; so also were Reweti Waikato, Hori Puao, Piripi Whanatangi, Hemi, and Wi Te Whitu. It would be said that the Kauwhatas who remained from Kapiti migrations were Ngatihauas. Te Waharoa would not be an owner of Pukekura as a Ngatihaua, but as a Kauwhata. Title would not be lost by occupation (by consent) of strangers. Had Waharoa been alive at the first hearing, Ngatikauwhata would have received a share of the proceeds of the land. Tamihana and Waharoa always exhibited their affection to any member of Kauwhata who returned, though he were ever so humble.

Harete Tamihana (examined by Mr. McDonald) sworn: I am daughter of Wi Tamihana and Wiki-toria—their eldest child. I was born at Matamata, and have lived there to the present day I have heard of Ngatikauwhata tribe. I have heard of Pukekura from father and mother. They were both Ngatikauwhata. From my childhood they expressed great affection for the people of Ngatikauwhata. Waharoa was dead a long time. My father, Tamihana, died before the Court of 1868. I was present at that Court. Had Tapa and his friends been present they must have shared in the land, as will be seen by my statements then.

Examined by the Court: I am one of the grantees by descent from Kauwhata. I had no other claim. I well remember my statement at that time. I did not say I claimed by conquest; that statement applied to Maungatautari. A portion of Maungatautari was included in the Pukekura Block. To that portion my claim was by conquest. My claim to Pukekura proper was from ancestry, others claimed by conquest. [Statement at former hearing read.] What I have said to-day is that I was ignorant of the proceedings of the Native Land Court in those days. That was my first examination by a Court. I was without any knowledge. I was sworn, but I did not understand an oath. This is the true statement. That was a wrong statement.

Examined by Major Mair: I did not include Kauwhata in the list of grantees, because I did not know their names.

Examined by the Court: It was because of Parakaia's opposition that I brought forward conquest. I did not wait to hear Parakaia's statement. [Mr. McDonald said he had brought this evidence to show what would have been done had this part of Ngatikauwhata been present.]

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.

FRIDAY, 4TH FEBRUARY, 1881.

Case for the Crown.

Major Mair said: I will call some of the grantees, beginning with—

Rihia Te Kauae, sworn: I know Pukekura; I will tell the Commissioners what I know about it. I do not claim Pukekura for myself, but for my friends who are in the Crown grant. Our claim is from conquest. Marutuahu were living here at Horotiu. They began to steal our food and show other indignities, and to kill us. I turned in defence and began to kill. I killed Te Hou and Tuanui. This was after the emigration to Kapiti. After this I went to Maungakawa. They followed me there. We had a battle there. They killed one of our men named Pou Rangatira. We fought again, and killed one of theirs. I do not know his name. We killed Takuraa, the chief man of Ngatimaru (Marutuahu). Waharoa was so pained by the death of Takuraa that he went to Tauranga. I and my father stayed behind and fought again with Marutuahu, and killed about 200 of them. When Te Waharoa heard of these two battles—viz., our battle with Marutuahu and a battle with Ngapuhi—at Tauranga, he collected 1,000 Ngaiterangi and came to Maungakawa, and then made the descent on Taumatawiwi. Marutuahu was defeated. We then retook Maungatautari, Pukekura, Patetere, and all the surrounding country, and we lived on it from that time until the present. When Maungatautari, Pukekura, and country were divided out Pukekura was allotted to Wiwini by Ngatihaua. I am a true Ngatihaua. Te Wiwini said “Pukekura for me, if you like, because it was my ground”; but I was not aware that Wiwini had any previous right. Had Te Waharoa not consented, he could not have gone there, notwithstanding his former right. At the time of the division and after an especial piece was marked off for Ngatiapakura; this was because we had defeated them at Rangiaobia, and wished to make peace with them. This we did, and gave this piece to seal it. This piece was at a little distance from the barracks at Huikokako. It was Te Waharoa cut this piece off for them. I will give the names along the boundary-line, beginning at Huikokako, to Putoetoe, to Matai Korari, to Mangaohoi, and by that stream to Te Awamutu. This was the gift to Ngatiapakura. Another portion was set off for Ngatikoura, Ngatiruru, Te Patukoukou, Ngatiparehaehaeroa. These pieces were cut off from the whole reconquered block. The boundary of these began at Puahoe to Aratitaha. This Puahoe is the land “Puahoe” as known to the Court. Maungatautari and the rest of the country we kept for ourselves—that is, for Ngatihaua and Ngatikoroki. Te Waharoa, the father of Wi Tamihana, was the person who divided this land. Te Ngoungou assisted him. Te Ngoungou was of Ngatihaua. Rawhirawhi and Te Tiwha were other presiding chiefs of Ngatihaua. I do not know that Waharoa gave any land to Ngatikauwhata; that means, he did not do so. Wi Tamihana invited them back, but they did not come. Ngatikauwhata, who remained behind, were entirely intermingled with us, that is, were absorbed in Ngatihaua. There was no land allotted to them (Ngatikauwhata) at the division by Waharoa. According to Maori custom those who went to Kapiti have no right on the land at Pukekura and Maungatautari; but Te Raihi and Hakiriwhi, being half-castes of Ngatihaua and Ngatikauwhata (and more the former than the latter), they resided upon the land, and they could invite them back to share in their portion as allotted by Te Waharoa. Te Waharoa, and those chiefs of Ngatihaua I have named, held authority over all the land. The portion I spoke of at first was under the authority of Porokoru, Te Puata, and the chiefs of Ngatiruru. I do not know why Ngatikauwhata went to Kapiti. All I know of is our battle at Waotu, Ngatiraukawa, and Marutuahu. I do not know that Ngatikauwhata shared in this battle. I was a child then. Ngatikauwhata went to Kapiti when I was a child. At the time of Waharoa's allotment after Taumatawiwi, I was a child on the back, but able to walk some distance. Our fathers gave me this information. By the time I had grown up I knew all about it. The name of Ngatikauwhata had been entirely lost in Ngatihaua until the white men came, and it suddenly reappears under European influences. The name had been quite lost before that.

Examined by Mr. McDonald: I did not say that I was a witness to prove the title of the grantees, but to support the title of Ngatihaua. Part of Pukekura belongs to me, part to another man of Ngatihaua. I am speaking of Ngatihaua as a people. We had this land adjudicated upon. We conducted the case. I heard that Pukekura was awarded to certain persons, but I have nothing to do with that. I brought forward those people to be upon the grant. That land was awarded by the Court to Ngatihaua. Horotiu is land; the term is not confined to the river; it includes Cambridge. I know the boundaries of Horotiu. Marutuahu had their pa at Haowhenua. That is not within the Pukekura Block. Haowhenua Pa commanded Pukekura and all the surrounding country. Marutuahu knew that while they lived there they commanded the whole country. When we retook it we did the same. This is what Marutuahu thought. I do not know whether any people lived at Pukekura before Haowhenua, but my grandfather died there before it was built. The woman who said she had lived there (Pukekura) at Taumatawiwi fight said wrong. Had she lived there then, Marutuahu would have killed her. She lived here, then at Horotiu and Maungakawa. This land at that time was occupied by Marutuahu and us; we had not then begun to fight. I hear the Ngaiterangi say to-day that it was because of their assistance that we won Taumatawiwi. It was through Te Waharoa's influence that Ngaiterangi joined. This is why he had the honor of the victory. It was through this prestige that he had the disposal of the land. Raihi and others were settled on the land from that time of allocation; they are Ngatihaua. Wiwini was Ngatihaua and Ngatikauwhata. I never heard that Waharoa should say, “What is Te Wiwini to me that I should respect him?” Te Waharoa did exercise his authority respecting Putoetoe. His authority was sufficient to overrule Wiwini's right to Putoetoe. There are many hapus of Ngatihaua. Te Waharoa had the *mana* over all of them. Wi Tamihana succeeded him. No hapu dare object to Waharoa or Tamihana; they exercised equal authority.

Examined by Major Mair: The Marutuahu lived here for some time, and built pas, and planted. Haowhenua is at Maungatautari. Marutuahu gave it the name. I suppose they intended (as the name implies) to sweep up the land. They went to Pukekura and surrounding country to search for food, because the inhabitants had left. Marutuahu came up the Piako and crossed to Maungatautari at the present bridge. They came in a friendly manner at first, and so to Maungatautari. When Marutuahu went to Maungatautari, Raukawa were their enemies. Some of Marutuahu lived at

Maungakawa, and some lived at Maungatautari; after that they fought with us. Haowhenua had been built for a fighting pa before the battle, when Waharoa told them not to fetch the dead to him. Haowhenua was built against Ngatiraukawa. They had two pas; the other was Ngatokoi; it lay about three miles south of Haowhenua. Taumatawiwi lies below Pukekura. I am related to Ngatikauwhata, and I am not. I claimed it (Pukekura) before the Court of 1868, as did Ngatihaua and Raihi. Hakiriwhi and I placed the names on the Crown grant of Pukekura.

Reone te Kwi (examined by Major Mair), sworn: I heard part of Rihia's evidence. I am a Ngatihaua. I know Pukekura. My first knowledge of it was when I went there for fear of Ngapuhi. We left all this land here and went to Pukekura. Ngatikauwhata had left Pukekura before this; why, I do not know—not because I drove them off. Another section of Ngatikauwhata lived at Pukekura, but not that section to which Te Raihi and his friends belong. They joined with Ngatihaua, who went there against a common enemy. We stayed there some time, and then, with Ngatikauwhata, retired to Maungakawa. I mean those Ngatikauwhata who remained behind under their chief Te Wiwini. Marutuahu came to Waikato from fear of Ngapuhi. They commenced to provoke us, and occupied Horotiu. Then they went to Maungatautari to occupy it because they had defeated Ngatiraukawa—not this Ngatiraukawa, but another—those to the south. When Haowhenua was completed by Marutuahu, they built other pas. One was Mapiharau (near Cambridge here). They occupied this land. Ngatokoi was another pa. Another was at Maungakawa, called Kaipaka. Kaipaka was about half-a-mile from our pa Kawehitiki. These four pas took the whole of the land about here, and it became the property of Marutuahu. Rihia's statement that we were conquered and lost our land, and afterwards retook possession of it, is correct. Maungatautari had been taken by Marutuahu from Ngatiraukawa; we added it to our first possessions. Pukekura was included in the reconquest. At the time of Marutuahu's conquests there were no Ngatikauwhata living at Pukekura. Some of them were living there when we retook it. After our conquest Ngatikauwhata had possession of Pukekura. When we were fighting with Ngatimaru, Ngatikauwhata could not live at Pukekura lest they should be killed. They joined with us. This Ngatikauwhata is Raihi's party. What Ngatikauwhata says of Wharepakaru's and Murupara's statements respecting Te Wiwini—respecting the leaving of the land to Te Wiwini and Te Waharoa—was heard nothing of until after the conquest by us. That was the time I heard that they had left the land peaceably. Ngatikauwhata was a distinct tribe from Ngatiraukawa, and equal with them. We were children when Te Wharepakaru spoke to Wiwini, and would not know. After the retaking of the land from Marutuahu we were grown up and heard it. I believe they had been spoken when Ngatikauwhata left for Kapiti. I arrive at this conclusion because, after we had retaken Maungatautari and Pukekura from Marutuahu, we were informed that Ngatikauwhata had left peaceably. Ngatikauwhata who remained would have the privilege of inviting their friends back. We, as Waikato, had nothing to do with that. Kauwhata being gone, were conquered the land. Those who went away peaceably would be privileged to return, because the land was reposed in trust of some of the mutual friends (Ngatikauwhata) who remained. The battles would have nothing to do with the interest of those who left peaceably. I claim by conquest, but that claim was defeated by the statement of the rights of Ngatikauwhata. The Ngatihaua would not have been able to keep Ngatikauwhata away. The title of Ngatikauwhata (of Kapiti) remained unimpaired by whatever happened. I am a Ngatihaua, and one of the principal men amongst them. I have a relationship with Ngatikauwhata, but so far off that I am disposed to question whether there is any. On the division of the land, Ngatihaua did not interfere with the interest of Ngatikauwhata on Pukekura.

By Mr. McDonald: The land has been sold by persons who made little of Wi Tamihana's words. It would not be right for those people to trample on the words of Wi Tamihana; that is why I say they are crazy. My statement of Marutuahu coming here is correct. There was not a tribe who did not fear Ngapuhi then. After the residence of Marutuahu they began to affront us. Their fighting with Ngatiraukawa was before the time of offering indignity to us. I cannot explain the boundary between the claims of Ngatiraukawa and Ngatikauwhata. Ngatihaua land was on this (north) side the Waikato River.

Pirihī Tomonui (examined by Major Mair): I am a grantee in Pukekura. I am a Ngatihaua. Ngatihaua is a general name including many hapus. I know all about Pukekura.

By the Court: Ngatihaua took possession of all the land round Maungatautari and Pukekura after Taumatawiwi. Ngatihaua occupied these lands. The conquest enabled us to occupy the land in common. I was young at Taumatawiwi. I took no part in it. My father did. He was killed and buried at Kariaruhe, a place adjacent to the battle, Ngatihaua having taken permanent possession of Pukekura. When Wi Tamihana got a ship to fetch back Ngatikauwhata was the first I heard of that name Kauwhata. That is the only word I heard of Ngatikauwhata. Of the Ngatikauwhatas who remained here Murupara was the chief man. Pukekura belonged to the Ngatikauwhatas who remained behind. Wiwini would have the discretion of restoring the claim of those who left and went to Kapiti. Ngatihaua could not have interfered with the return of those emigrants. The word of Waharoa would be the occasion of the return of Ngatikauwhata. Had Wi Tamihana not been a Ngatikauwhata they could not have come back. Had all the Ngatikauwhata here been killed, then Ngatikauwhata of Kapiti could not have come back.

Examined by Major Mair: Kariaruhe is in Pukekura. My father died there, wounded by Ngatimaru. He died, but we Ngatihaua had taken the land, all of it. Pukekura belongs to Ngatikauwhata, who remained upon it.

Examined by Mr. McDonald: Pukekura is the land of Ngatihaua, although only ten names appear as grantees. All Ngatihaua were present at the Court in 1868. Only the Hauhaus were absent. They did not participate because of their absence. Had they come they would have participated. The notices of that Court had been circulated. If Ngatikauwhata had come from Kapiti to that Court we could not have refused their claim on account of the word of Tamihana. I would have objected but for that. Ngatimaru built a pa called Haowhenua, it was near Pukekura. I was not present at the Court of Te Aroha. I was at Hamilton. I did hear of it, but did not see it.

By the Court: I think Grey was the Governor when Tamihana got the vessel to go for Kauwhata.

By Mr. McDonald: My sole claim to Pukekura is by conquest. Had I been killed it would have been lost.

Ihaha Tioriori (by Major Mair): I belong to Ngatikoroki and Ngatihaua, but principally Ngatihaua. I am equal in these tribes. I know all about Pukekura. At the battle of Kaipaka, Wiwini and Ngatikauwhata left Pukekura. Wiwini and Ngatikauwhata fled from Pukekura through fear occasioned by the battle of Kaipaka. They took up their quarters at Maungakawa. Before the battle of Kaipaka they lived on friendly terms with Marutuahu on Pukekura. After they went to Maungakawa a fight took place between Ngatihaua and Ngatimaru. One person was killed on each side. After this Marutuahu came to us at Maungakawa and we killed and flayed four persons. Peace was made. After this an army of Waikatos went to Haowhenua. Waikato was defeated. Te Waharoa assembled the people against Marutuahu in Haowhenua. Ngatihaua was defeated. Our heads, the heads of our slain, were brought here and put into the Marutuahu *hangi* and stood up as spectacles. Then we turned and killed Takurua and 1,000 of Marutuahu. Marutuahu then returned to avenge the death of Takurua, and suffered another defeat. We fought another battle, and Marutuahu was fought also; then came Taumatawiwi, when we retook Maungatautari, Pukekura, and the surrounding country. Ngatikauwhata returned to live at Pukekura, and we lived on Maungatautari and adjacent parts, and also on Pukekura. The rights of Ngatikauwhata emigrants were preserved by the resident Ngatikauwhata, and because they left peaceably and were invited to return by Wi Tamihana, who provided a vessel for them to come in. The Ngatikauwhata who went to Kapiti make their claim justly. Kariaruhe is at Maungatautari, in that block, a part of Pukekura. I was here at the adjudication of Pukekura. I did not bring forward any interest of Ngatikauwhata to Pukekura, but Wi Tamihana did—that is, Tamihana's word. Ngatikauwhatas who resided here did prefer the claim of their friends. The answer sent to Tamihana's invitation was that they would return by-and-bye.

The Court adjourned.

SATURDAY 5TH FEBRUARY, 1881.

Major Mair applied for the adjournment of Pukekura, to enable him to produce evidence which he could not obtain sooner than Monday next.

Mr McDonald said he would not object, provided the next case should not be Maungatautari.

Hori Wirihana said: I wish Pukekura to be concluded before another case is called. I am a grantee.

Te Raihi said: All the people are here for Pukekura, let it be finished first.

Te Ngakau said: It would be well to adjourn the Court until Monday, rather than commence a new case such as Puahoe. We should thus have an opportunity of refreshing ourselves.

The Court informed the Natives that the decision in any case which comes before it will be communicated to Wellington. This was explained, to remove an impression which Major Mair thought was commonly entertained, that a decision would be announced at the close of each case, as is the practice of the Native Land Court.

Court adjourned.

MONDAY 7TH FEBRUARY, 1881.

Piripi Te Whanatangī (examined by Major Mair), sworn: I am a grantee in Pukekura. I belong to Ngatikoroki and Ngatihaua. The parts of Pukekura I claim are Rua-o-Hineruru and Kariaruhe. The ground of my claim is conquest. It was adjudicated on in 1868, on this ground of conquest. Ngatiraukawa, headed by Parakaia, opposed our claim. When it was retaken from Ngatimaru I resided on it, and have lived in undisturbed possession ever since. Te Wiwini and Ngatikauwhata who remained from the exodus have resided also on Pukekura up to the present day.

By the Court: I do not know the reason of Ngatikauwhata exodus to Kapiti.

Major Mair: Wiremu Tamihana succeeded to Wiwini's authority in Ngatihaua and Ngatikauwhata.

Examined by Mr. McDonald: I am of Ngatikoroki. Te Whata Kaupeka was killed at Kariaruhe and Rua-o-Hineruru, so they came to me. We lived peaceably with Wiwini. I heard Wi Tamihana's invitation to Ngatikauwhata to return—Wiwini's also. I never heard them recall or rescind that invitation. It is not Maori custom that children of chiefs should fail to carry out promises of fathers. The names of ten persons were put in the certificate and Crown grant.

By the Court: We did not do that. Ngatiteao, Ngatikahukura and Ngatihinepare, and other subsections of Ngatihaua were living here at the time of the first Governor. These with Ngatikauwhata were recognized as Ngatihaua. They had all been engaged in retaking the land. I heard of the Ngatikauwhata emigration. I did not see it. I lived at a different place from that of their departure. Ngatikauwhata made themselves distinct from Ngatihaua by their going away. I heard the names Ngatiraukawa and Ngatikauwhata; they were then one. They were generally considered one people. Te Waharoa being the great authority here, and Wi Tamihana invited those people to return. Kauwhata could not have returned without the invitation of Waharoa and Tamihana, because it was through my side and our bravery that the land was retaken. Ngatikauwhata emigrants could have no claim to this land but for the invitation of Wi Tamihana and Te Waharoa. Our bravery got it back. Waharoa would not think of telling the remnant of Ngatikauwhata to go and join their friends at Kapiti.

Mr. McDonald said: I admit that if the emigrants had never been invited back by Tamihana and Waharoa, then the land had gone to the conquerors, and rightly so.

Major Mair said: Attention of Court should be directed to the fact that the Kauwhata going were known as Ngatiraukawa, while Kauwhata, who remained, were known as Ngatihaua.

Piripi (examined by the Court): Those who remained of Ngatikauwhata became intermingled with Waikato. The south boundary of Waikato tribes was in the line of Maungatautari and Maunga-

kawa. Ngatiraukawa commenced there. I do not know the boundary of these last-named (Ngatiraukawa) on the other side. I did not know until I went there that Ngatikauwhata lived at and owned Rangiaohia. After they left they were known as Ngatiraukawa, while those who remained were known as Waikatos. Ngatiraukawa and Ngatikauwhata are two distinct peoples. I remember one instance in which they joined against a common enemy. Had any one been desirous of buying Pukekura in 1840, when the first Governor came, they must have bought from Wi Tamihana.

Major Wilson (examined by Major Mair), sworn: John Wilson is my name. I have been in this district since 1864 or 1865, and have been in communication with the resident Natives since that time. I know something of their customs and manners relating to land. There was no official interpreter attached to the forces here, and I was usually called upon in that behalf. I wished to obtain leases of Maungatautari, Puahoe, and Pukekura. Horahora and Puahoe I arranged with Ngatikoroki. Pukekura I arranged with Tamihana, Raihi, and others of Ngatihaua and Ngatikahukura. These Ngatikahukura were half-castes of Ngatikauwhata. I was told that Tamihana had the mana of the land; I should go to him first. I saw him (as sent by the tribes) relative to Pukekura, in 1866. He told me he had no objection, but that he had sent to Otaki for Ngatikauwhata, whom he called Ngatiraukawa; that should they return by Christmas of that year, I could not have Pukekura; if not, I could have it, and Hori Puao would then arrange the matter for me. They did not return, and I arranged with Hori Puao and Ngatihaua for a lease of this land. A Court was called to sit at Cambridge, in 1866 or 1867, to adjudicate on these lands. Parakaia and forty or fifty Ngatiraukawa came from Otaki and asked the Court to adjourn for the absence of Otaki Ngatiraukawa. The claims were adjourned accordingly. A second Court was fixed, and Parakaia and his people came again. I fed them. He again objected, and the claims were again adjourned. In 1868 he raised the same objection again for the third time, and the Court told him that they had treated the claimants so on two former occasions, and now he must plead, as the case must go on. He conducted the Ngatiraukawa case very ably, and acknowledged, when decision was given against him, that the Court was right. Parakaia is a Horahora grantee, and another Ngatiraukawa (Ropata te Ao), is in Puahoe. Horahora would not have been investigated at that time had Parakaia's name been excluded. It took two days to influence the Koroki to admit his name in the grant. Ropata te Ao's name was similarly put in Puahoe, after a long persuasion with Ngatikahukura. I knew these Natives well. I consider no true Ngatikauwhata were left here at the time of the migration to Kapiti. I arranged with the dominant tribes for these blocks; but I took into consideration the claims of the subject people. When arranging for land, I went over the boundaries of what I wanted; and when I arranged for Pukekura, Tamihana's land was surveyed out of it, about 1,000 acres. Maori conquerors usually assert their whole right, and Ngatikauwhata who remained sided with Ngatihaua against Parakaia and Ngatiraukawa in Pukekura. The relatives here of Te Watene, one of Parakaia's associates, left him out of the land. Parakaia said he represented Ngatiraukawa. We heard not of Ngatikauwhata as Ngatikauwhata, and as a separate people. It was the general impression that Parakaia was representative of all the southern or Kapiti tribes. I had never heard of Ngatikauwhata as a tribe or other than as a hapu of Ngatiraukawa. I would think Tamihana's intention was to give the land to the absent Kauwhatas. They have not come to the invitation, only to oppose the local claimants.

Examined by Mr. McDonald: I remember the Act of 1865. I think that some lands were excluded from its operation. Oroua is between Rangitikei and Ohau Rivers. About 1865 or 1866 I saw Tamihana about Pukekura. He was of marked authority here. No particular person has succeeded to him. His authority died with him. According to Native custom none has now or ever had sufficient authority to disregard his act of disposal of lands. When he died all his acts were disregarded every man was a law to himself after his death. I cannot cite an instance. According to old Native custom a man could go and take a lease from Natives, and rely upon it as much as at present he may rely on the decision of the Court. At that time it did not matter how many names were in a Crown grant; now it is not so—everybody wants his name in. Perhaps it would have been easier for me to have obtained my lease should the Court have awarded it to a tribe. Pukekura has not been quite alienated yet. All the grantees have not sold. The Court told the Natives to be careful in their choice of grantees, as they would be able to rob them. The matter was postponed thus for several days. It is not correct, as stated by Piripi, that the names for the Crown grant were chosen by the Court, and not by the Natives. When I speak of Ngatikauwhata, I mean a man of a very small admixture of outside blood. Had the resident Ngatikauwhata been true ones, they would have accompanied their friends to Kapiti. I do not think those who remained could have shared in the Kapiti lands without invitation. Had resident Ngatikauwhata proposed sale of land by consent of Tamihana, Ngatihaua could not oppose it. Any other disposition of land (other things equal) would have been equally valid. I wished to get the lease, and that is why I was glad to get Parakaia's name in Horahora. He got his name in, and he sold it to me. I think Ropata, who got his name in Puahoe, has sold his interest. The expression of satisfaction by Parakaia had no relation to the fact of his having got into the grant by my exertion. I attended all the Courts. Parakaia, in 1868, was one of the applicants for adjournment. I heard of no application for adjournment by those in the South.

William Nicholas Searancke sworn: Many years ago I acted as Land Purchase Commissioner. In 1857 I was appointed to the District of Wellington. I had a great deal to do with Ngatiraukawa. I knew Parakaia te Pouepa very well. I made his acquaintance while negotiating the purchase of Awahou at Manawatu. I know several of Tapa te Whata's party. This block was claimed by Ngatiraukawa. I completed the purchase for about £1,700. The principal parties were Ihakara Tukumarū, Nepia Taratoa, and Hukiki, all of Ngatiraukawa. I saw the subdivision of this money—by Ihakara principally—into small sums for the separate hapus. I cannot remember all the subdivisions, but some was given to Ngatitōa, Muaupoko, and some to sections of Raukawa living up the Manawatu River. Some was set aside for the tribe living at Awahuri, and a portion for the Natives of Rangitikei. Altogether, the money was broken up into seventeen parcels for the sections of the tribe. I had nothing to do with Pukekura officially. While Resident Magistrate of Waikato, in 1866 and 1867, Parakaia came to me he said he had come to look after Ngatiraukawa interests in lands to be brought before the Court,

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.

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—Kauingariki—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 Huitierangiora 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

Examined by Mr. McDonald: The land belonged to Kauwhata formerly, and my claim to it arises through the marriage of Marekapunui with Te Pareanutaua; this is the marriage which gave Ngatikahukura a claim to this land, three others of Ngatikauwhata married with Ngatikahukura men. The marriage of these women into Ngatikahukura did not extinguish their claims to Pukekura. Ngatiteao was the hapu of Te Wiwini—there are two Ngatiteao hapus; I cannot explain them. Ngatiwerewere belonged to Ngatihaua, they were also Ngatikahukura. Ngatiwerewere were mixed, and went to live on this land. Ngatipare was also Ngatihaua. Ngatikahukura were a separate people from Ngatihaua. Waharoa was not at the battle of Kariaruhe; a battle took place at Hamilton. Ngatikauwhata went to Pukekura after Taumatawiwi. I never heard of Te Waharoa's word about the location of Ngatikauwhata on Pukekura. Waiwhakaata was the place in Pukekura to which Ngatikauwhata returned. I was here at the Court, in 1868. My uncle had this land (Pukekura) brought before the Court, and Te Waata Tahi conducted the case. [Names of certain persons read from Panui (notification) of 1868.] I know those persons; that Parakaia was not he of Kapiti. Tapa te Whata and his friends did not come to the Court. Ngatiraukawa, under Parakaia Pouepa, opposed our claimants. I knew at that time that Parakaia to Pouepa was a Ngatiraukawa and not a Ngatikauwhata. I have heard some of the witnesses before this Court. It is not long since I heard, for the first time, of the word of Wharepakaru to Wiwini. It was an argument between my parents and Wiwini's men about an eel weir, somewhere about 1857, or earlier. Heni withdrew herself from the Crown grant, because the influence of Tamihana and his children had declined; or rather because Wi Tamihana's mana had ceased when I came on it. Harete was the person appointed to represent the interests of Tamihana's family. There were twenty-six names in the certificate; the ten were chosen from that number. Heni, my wife, was not of that twenty-six. None of Tamihana's children (males) were in that twenty-six. Harete was not appointed a ruler of the whole people, she was appointed to represent the interest of her parent, Wi Tamihana. Harete appointed herself, she claimed in her own right. My wife and Tamihana's two sons had a claim to the land, but they gave no evidence during the hearing (1868). My wife did not agree to the disposition of the land, and that is why her name was not in. Heni claimed the land for Ngatikauwhata. There are no Ngatikauwhatas in the Crown grant, but there are half-caste Ngatikauwhatas in it. My wife has never received any of the proceeds of the sale or lease of Pukekura. If at the time of the Whakawa (Court) Parakaia to Pouepa had been appointed to represent the Ngatikauwhata people they would have been defeated. Had they (Ngatikauwhata) been here to sustain their own interests they would not have been defeated.

By the Court: I did not hear Parakaia say at the Court of 1868 that he appeared for Ngatikauwhata. I heard him say he appeared for all Ngatiraukawa of Kapiti. Parakaia's claim on Pukekura was by Ngatiraukawa. Raihi and others opposed him; the half-caste Ngatikauwhatas here opposed him also. Parakaia and his Ngatiraukawa friends lost their case. Parakaia called witnesses from amongst his own people. The Ngatikauwhata half-castes here were on the same side and working in concert with the resident Ngatihauas against Parakaia.

Major Wilson, recalled at the request of certain Natives through Mr. McDonald.

Te Ngakau said: I was desirous of asking questions while Major Wilson's evidence was on my mind. I have forgotten the questions I meant to ask; there may be some present who remember the questions they wished to ask Major Wilson.

Harete Tamihana said: I wish to ask about the evidence of Major Wilson and of Mr. Searancke. [No question was asked.]

Mr. McDonald said he would like the Court to hear the statement of Tamihana's son.

Hote Tamihana: I am grandson of Waharoa, and son of Tamihana. I know Pukekura well. I had it surveyed, but was not present at the Whakawa (Court). Whilst I was surveying that land I considered it belonged to me—that is, to me as chief of our family connexions who had an interest according to Native custom. My parents were the persons who exercised the mana over this land, Pukekura, and it has come to me. I have others who claim on this land. Tapa te Whata is another. Notices of the Court in 1868 were sent all over the country. They (Kauwhata) did not appear, and I said this land belongs to me only. When Ngatikauwhata went away I was left in charge of the land for them. If they (Ngatikauwhata) had any claim to this land why did they not put in an appearance? If the Government were the occasion of their not appearing then the Government should compensate them for their loss.

By the Court: When Raukawa went to Kapiti they were fighting with Marutuahu. Raukawa and Kauwhata did not fly in fear of Marutuahu. Raukawa and Kauwhata went to Kapiti before Taumatawiwi. I was not born then. My parents and grandparents gave me the word that the land was left in my charge. When the pakeha system prevailed came the confusion. In my opinion Ngatikauwhata and Ngatihaua are so connected that they should be equal on this land. They are one people. The pakeha customs have divided us. This land belongs to Ngatikauwhata, of which I am a branch, and I was left to guard it. They who left and went to Kapiti were great chiefs, those who remained also were chiefs. I was not present at the 1868 Court, because of Tawhiao's word, but I surveyed the land and sold it. I received some of the money. I considered that as Kapiti people did not appear I could keep the money, but it was a theft. I gave them no money. When I had the money I did not think about those at Kapiti. The money is all gone now. How can I share it with them now?

Taingakawa, alias Tana te Waharoa (examined by Mr. McDonald), sworn: I am son of Tamihana. I know Pukekura. I was not present at the Court of 1868. I was with the King then. I heard from my father and grandfather that Pukekura was the land of Wiwini and Ngatikauwhata. I heard that this land was awarded by the Court to the men you have named. [Read from copy of order.] That land would be properly the land of the descendants of Kauwhata. I have heard from my father that there were descendants of Kauwhata at Kapiti. Had my father been still alive this land would not have gone to the people you have named, it would have gone to Ngatikauwhata.

By Major Mair: Harete gave me a portion of the money for Pukekura. I think it was less than £8. She alone gave me any money for Pukekura. Hakiriwhi gave me £4. The share in Pukekura belonged to Harete. I got some money from her—about £7. I forget the amount. If any Pakeha

gave me any money for Pukekura let him say so. I did not accept that money as payment for my share. It was owing to Tawhiao that I did not attend the Court. I was at that time the conductor of all matters relative to all the natives around. We did not attend the Court of Turangaomoana. It is in subsequent affairs that I have taken my part in the adjudication and sales of land.

Tuna Te Waharoa said: I would like to say that if Pukekura were being adjudicated upon by itself I would say that the people of Tapa have a right to it, but their rights in other parts outside are in my hand alone. What I mean is that in Pukekura Tapa has a right, but at Maungatautari, Manukatutahi, and Aratitaha he has no right. No other persons have a right but myself, they are in my hands alone. Outside Pukekura Ngatikauwhata have no claim. My ancestors said Ngatikauwhata had a right to Pukekura. I have heard my father say that he had invited them to return to it from Kapiti. I know that Ngatikauwhata are relatives of Ngatiraukawa, but I look on them as two distinct tribes. They are all called Ngatiraukawas.

Mr McDonald said: I have no more witnesses to call relative to the interest of Ngatikauwhata in this land. Witnesses are to be obtained relative to proportionate interest with others, but I am content to wait until the attendance of these persons can be compelled. At present it would be impossible to get a meeting of the tribe which would effect this or value of interests without the authority of law. Those on whom we relied are beyond the influence of my people.

Court adjourned.

WEDNESDAY, 9TH FEBRUARY, 1881.

PUAHOE.

Harete Tamihana said: I and others who have given evidence *re* Pukekura desire to hear the decision of the Commissioners before proceeding with Puahoe.

Commissioners informed her that their duty was to report their decisions to the Governor, and that if she and others declined to go on with their claims they could only report the matter so to the Governor.

Te Ngakau followed in a similar strain to Harete.

Mr. McDonald said: Ngatikauwhata from Kapiti have given their evidence *re* Pukekura, now the Commissioners will take the Puahoe Block. The boundary given by Ngatikauwhata is the great boundary of a tribe. The subdivisions of the several blocks laid off are not those boundaries recognized by the Maoris, but by the Court. I shall give [produce] the same evidence in Puahoe as I did in Pukekura. The witnesses in Puahoe are Porokoru, Haunui, and Potatau. Should it appear that they are dead, I shall call their children. If they give evidence against me, I shall have nothing to say afterwards. If they prove me to be right in my opinion I shall be right. I call—

Hoeta te Kahuhui (by Mr. McDonald), sworn: I am of Ngatikauwhata. I am from Kauwhata by my father and my mother. My father's name was Kahuhui. He was one of the emigrants to Kapiti. He left his lands here in Waikato undisturbed. I have seen my father, Kahuhui; he has spoken to me about this land. It was he who told me he had left this land well. There was no disturbance when they left. They did not leave because of any fighting. There were people on the land when they left it; they were their relatives. I never heard that they were not to come back, nor have I heard that I was not to return or come back to this land. I have heard that I may come back. Potatau was the first person who invited us back; he himself went to Kapiti. His word was, "Let Ngatikauwhata return to Maungatautari and Rangiaohia—their own lands. This was a long time before the Native Land Court (about 1846) Rauparaha was alive then. After Potatau, Porokoru, and Haunui came to my settlement and said the same words (in our house called Te Rere-o-Waikato) to all our people. Rauparaha was then dead (1852) Ngatikauwhata replied and consented. My brothers came here after that. I have forgotten the year; it was some time before the Waikato war with the Pakeha. I heard from them after their arrival here. I heard of the Whakawa (Court) here in 1868. I did not come to it because of Rangitikei Manawatu Court. A notice from Ngatikauwhata was received by the presiding Judge of that Court. The land was heard notwithstanding our remonstrance. I was very angry, and sent a petition to the Government. This Commission is the result of that petition, and I stand here and say I have a right to Puahoe, and the right extends to all Ngatikauwhata as well as to me.

Major Mair: You say your father went to Kapiti, what was the reason?—Because there was food and guns and Pakehas.

Who were the relatives you left here?—Ahukaramu, Ngata, Reweti Waikato, and others; Te Hape also. These are all.

To what tribe is Ahukaramu?—To Werokoukou hapu.

What tribe is Ngata?—To Ngatikauwhata.

To what tribe is Reweti Waikato?—Ngatiruru.

What tribe is Hape?—Ngatihinetu.

Are these the people your fathers left in charge of the land?—Yes, these are they; and also other members of Ngatikauwhata Tribe.

Did any of your people come on Potatau's invitation?—We assented, but no one returned.

Who came to Porokoru's invitation?—Hoera did. He came and then returned to Kapiti, and told us that the whole of the land had been given to us, and twenty of us came back.

What land was given to you?—Rangiaohia, and on to Whanake. Whanake is within Puahoe.

Who were the twenty people?—They were Ngatikauwhata. Their names are Teretiu, Pukarahi, my uncle, and their wives, children, and grandchildren.

Were they not Ngatiraukawa?—No, they were full Ngatikauwhata.

Are Kauwhata a distinct tribe from Ngatiraukawa?—Yes, a distinct people.

Where did the twenty people settle?—First they lived at Rangiaohia, and after at Te Whanake.

When did they come?—Before the Waikato war. They were pursued by the soldiers, and fled to Taupo.

When was this?—After Orakau.

Did they remain at Taupo, or come back to Whanake?—They all died at Taupo except three, who are now at Kapiti; others are with the Hauhaus—they were children who survived. I do not know where those with the Hauhaus are living.

By the Court: Did you know Parakaia?—Yes; he came here in 1868 for Ngatiraukawa alone.

Do you know that he asked the Court, on behalf of Ngatikauwhata, to adjourn Puahoe?—No; I never heard so.

Had Parakaia succeeded in getting a decision for Ngatikauwhata, would you have recognized it?—No.

Is there any tribal connection between Ngatiraukawa and Ngatikauwhata?—There is no relationship at all—they are from different ancestors, who were not related.

When at Kapiti had you not to help Rauparaha to keep the land?—Yes; Rauparaha invited us to live on his land, but we did not go. We went to Kapiti, which was Rauparaha's land.

Did not Rauparaha prepare the land for you?—Yes; he had taken all the surrounding land.

How many of you went to Kapiti?—I cannot say I heard 140 of them.

How many were left here?—I never heard.

Were those left related to Ngatihaua?—Of those who remained, some were married to Ngatihaua. I never heard that those who went to Kapiti said to those who remained, "Stop, and be food for Waikato.

Examined by *Raihi* (through the Court): Do you know how Porokoru and Haunui are descended from Kauwhata?—No; and I do not know that they are one with Ngatihaua.

Mr. McDonald said: All the others from Kapiti will be able to say just the same as this last witness. If necessary, I will call more of them; if not, I will call local evidence.

Paoe said: We have nothing to add. [*Paoe* is the son of a man who left more recently than the first emigration.]

Te Ngakau was invited to question the first witness. He declined to say anything until he heard the decision in Pukekura.

Wiremu te Whitu said: I wish to make a statement *re* Ngatikauwhata. (Sworn.) I am a Ngatikauwhata and Ngatihaua. I should be called now a Ngatihaua. Some parts of this land, Puahoe, belonged to Ngatikauwhata half-castes of Ngatihaua; and Ngatikauwhata have a claim on Puahoe—the half-castes on both sides, and the Ngatikauwhata proper, have claims on it, but not the Ngatihaua proper. I have said these words lest the half-castes should be excluded from the land—especially the children of *Wi Tamihana*.

Mr. McDonald said: I will now call—

Warena te Ahukaramu (examined by *Mr. McDonald*), sworn: I am of Patukoukou, Ngatikoura, and Ngatiruru. I am a Waikato resident. I came last from Napier. I have no residence there. I have an old house there, but no land. I went to Napier before the (European) Waikato war—about six months previously I lived before that permanently at Waikato. I was here at the Kapiti migration. I heard of it from my parents. I was born before the migration. I was a child in arms. I never heard that the Ngatikauwhata emigrants were driven away, but that they went of their own accord. I have a claim on Puahoe as a Ngatikauwhata. This land belongs to Ngatikauwhata who come from Kapiti. I have sprung from them. I did not hear of the Court in 1863; all I heard was that Puahoe was sold I was not at that Court.

Examined by Major Mair: Is this the first time you have come here since the war?—I have been here twice since I went to Napier—once at the Compensation Court in 1867, and now I received a notice of the Ngaruawahia Court, but not for Puahoe.

Did you get a grant at Ngaruawahia Court?—Yes.

What land did you get it for?—For Rangiaohia, to Orakau, to Kihikihi, to Awamutu, to Pireke, and *Te Rapa*, and *Hukanui*.

Did *Hukanui* belong to Ngatikauwhata?—I belong to Waikato really

Who are your relatives in Waikato?—*Te Wherowhero*, *Tawhiao*, *Katea*, and *Reweti Waikato*.

What relation is *Reweti* to you?—A *matua*.

Do you know *Wini Kerei te Whetuiti*? No; I do not know him. Who is he?

Ngata (unbaptised), affirmed: I am of Ngatikauwhata. I am come from Puahoe. I have a settlement there. I did not go to Kapiti. I have always lived in Waikato. I saw *Tapa*, the leader of Ngatikauwhata from Kapiti. All those who come from Kapiti have a claim on this land, Puahoe. I was not at the Court in 1868. I say decidedly that *Tapa* and his friends have a claim on Puahoe.

Examined by Major Mair: Are you of Ngatikauwhata only?—No; I belong to *Werokoukou*, to *Ngatikoura*, and *Ngatiruru* also.

Where were you at 1868 Court?—At *Te Kuiti*.

Have you any claim to Puahoe?—Yes.

Have you a claim on Puahoe from *Werokoukou*, *Ngatikoura*, or *Ngatiruru*?—Yes, through all. Yes; and I have a claim through Ngatikauwhata by father and mother; also by *Werokoukou* through father and mother; also by *Ngatiruru*; also by *Ngatikoura*.

What tribe is your father?—Of Ngatikauwhata only

What tribe is *Werokoukou*?—Of Waikato and Ngatikauwhata.

Why did not you attend the Court of 1868?—I was at *Te Kuiti*.

By *Mr. McDonald*.—Have all your four hapus a right to this land?—Yes.

Has Ngatikauwhata a claim by ancestry?—Yes.

Has *Werokoukou* a claim by ancestry?—Yes, the same.

Has *Ngatikoura* a claim by ancestry?—Yes, the same.

Has *Ngatiruru* a claim by ancestry? Yes, the same. They all have their right in that land through *Kauwhata*.

Did you hear of *Ngatiapakura*?—Yes.

Had they any claim in Puahoe?—I do not know

By the Court: Had Ngatihaua desired to sell land they could have done so by themselves.

Tana Te Waharoa, sworn: I am son of Tamihana. I was in the Court this morning. I heard what the witnesses said, but paid little attention. I know the Puahoe Block. I was not at the Court in 1868. I have a claim on Puahoe through ancestry, by Kauwhata, and conquest. [Mr. McDonald said, "If there is a claim by conquest, my claim must fall to the ground."] When Ngatikauwhata went south they left the land with Paiwaka (*alias* Katea). Afterwards Tauunatawiwi was fought, and Te Waharoa was the fence around all this land. All Ngatihaua appointed him the guard. I do not object to Ngatikauwhata by the conquest, but I do object to Ngatiraukawa. Tapa and the other Ngatikauwhata have a claim on this land because of the manner in which it was left to Waharoa and Paiwaka.

Examined by Major Mair: Who is Paiwaka?—Paiwaka died about the same time as Waharoa; he belonged to Werokoukou.

Has he left any children?—Nuimoa, *alias* Te Katea, was the son of Paiwaka.

In what way did Ngatikauwhata leave Puahoe to Waharoa and Paiwaka?—The word was, "Your land: take charge of it." He left it in a friendly way.

Was not this land taken by Ngatimaru?—No; nor were the people driven off it. If it had been so we should all have been consumed.

Did not that land belong to Ngatiraukawa?—Yes, formerly.

Who took it from Ngatiraukawa?—Ngatihaua and Ngatimaru did.

Did it belong to them, therefore?—Yes, they became the owners.

How did Ngatimaru cease to be owners?—Through the war between Ngatihaua and Ngatimaru, when Ngatihaua took it.

By the Court: I am a half-caste Ngatihaua and Ngatikauwhata. The resident Ngatikauwhata did assist Ngatihaua to retake the land. Te Waharoa and the Ngatikauwhata did assist Ngatihaua to reconquer. Ngatikauwhata and Ngatihaua had intermarried then, and mixed up as one tribe at that time. I do not know how many Ngatikauwhata *tuturu* (full-blood) were in that battle. I never heard of any only the half-castes were those I heard of. At the time of the fight there were no Ngatikauwhata proper living on this land. Afterwards some returned. I never heard that any Ngatikauwhata proper remained behind the migration; only half-castes remained. Some returned after Taumatawiwi (1830) and went to Pukekura, and some to Rangiaohia, and remained there until they died.

Examined by Mr. McDonald: Have you heard of Ngatihinepare?—Yes.

Are they half-castes?—No.

Were any of Ngatihinepare left behind?—Yes.

Is Hinepare of Ngatikauwhata?—Yes.

Have you heard of Ngatiwehiwehi?—Yes.

Are these half-castes?—Some of them.

Is Ngatiwehiwehi of Kauwhata?—Yes. I did not know the names of these hapus before you named them. Portions of these hapus are half-castes.

Examined by the Court: I heard of those hapus before, but always knew them to be half-castes of Ngatikauwhata.

Te Raihi (by Mr. McDonald), affirmed: I am a younger brother of Wi Tamihana. Taingakawa, *alias* Tana te Waharoa, is my son (nephew). I heard his statement. It is nearly all correct. One thing was wrong, viz., when he said that Ngatiraukawa had lived on Puahoe. Ngatiraukawa never lived on the land of Ngatikauwhata. I am Ngatihaua. The people who have now come from Kapiti (Tapa and Co.) have a just claim to Puahoe.

Examined by Major Mair: Which is Kauwhata's piece in Puahoe?—[Looking on map.] The whole of that land belonged to Ngatikauwhata.

Did not Ngatiraukawa live on some of the adjoining land?—I do not know that they did.

Did not Ngatiraukawa once occupy Rangiaohia?—I am not aware of it.

Did Ngatikauwhata alone occupy Puahoe?—Te Whanake is the proper name of the land described in that map. Puahoe is outside. If a portion of Maungatautari is within that plan, then Ngatiraukawa did occupy that portion; if not, then they did not.

Did Ngatikauwhata alone occupy Whanake?—I do not know who did formerly. In our time it has been occupied by Werokoukou, Ngatiruru, and Ngatikoura, and perhaps some of Ngatikauwhata. These hapus are of Ngatikauwhata, and Ngatihaua is related to them. I am a Ngatihaua and Ngatikoura. Ngatikoura are also Ngatihaua.

By the Court: If Ngatikauwhata get anything through this Commission of inquiry I want to share with them. [Names of grantees read over.] At the present time it is not right that Puahoe should go to those persons. Some of these names are wrongly in. I do not know anything about the selection of these people. I was at the Court, but I took no interest in this land in 1868. I am not sure of the hapus of them all. If they all belong to Werokoukou and Ngatihaua they are right. We took no interest on behalf of those at Kapiti. We thought notices of the Court *re* Pukekura, also Puahoe, had reached them three, and, as they did not appear, I did not consider we had any more to do in the matter. It was not for us to protect the interests of absentees. I now hear for the first time the reasons for their absence, and appear on their behalf. At that Court the object of every one was to have his name in the grant. I could not get in myself, how could I then get absent people in?

Warena recalled: Nothing elicited.

The Court adjourned.

THURSDAY, 10TH FEBRUARY, 1881.

Hape te Pahere sworn: I am of Ngatihinetu. I am also of Ngatikauwhata and Waikato, and live in Waikato. My parents did not go with the migration to Kapiti. I know the Puahoe Block. My settlement is there. I have always lived there. I was not at the Court in 1868. I had gone to

Rangitikei then. I saw the arrival here of some of the Ngatikauwhata before the Waikato war. They were Pukarahi, Teretiu te Kawa, Hoera Herengutu, Keita (an old woman)—there were twenty in all. Some of them are now dead. All I have named were adults; they are all dead now. Some of them died at Rangiaohia, some at Taupo. I was present when they died, and I buried them. I have a claim on Puahoe. My name is not in the Crown grant. I did not appoint the grantees. Tapa, and the other Otaki people who have come here, have a claim on Puahoe. I went to Rangitikei, when the Court sat here in 1868, to see Tapa and his friends. They were then engaged at a Court there.

By Major Mair: Is not Ngatihinetu a sub-tribe of Ngatiapakura?—Yes.

Are you certain that you have been living all these years on Puahoe?—Yes.

Have you not also lived at Aratitaha?—Yes.

Who settled your people there at Aratitaha?—Tawhiao.

Were not Ngatihaua living there just before you?—We and Ngatihaua are living there together now. Ngatihaua and we went there at the same time.

Were any of Ngatiruru or Werokoukou and Ngatikoura?—Yes, we all went there at the same time, at Tawhiao's word.

Have those hapus any claim on the land?—Yes, they have.

Through whom is your claim?—Through Kauwhata.

Not through any other Tupuna?—I do not know the names of my other ancestors through whom I claim.

Are any of Ngatiapakura or Ngatihinetu in the grant?—There are some of Ngatiapakura, but none of Ngatihinetu in the grant.

By Mr. McDonald: Whence is the claim of Ngatiapakura?—They got their claim through money.

Have they no other claim?—I do not know.

Did you ever hear of a grant to Ngatiapakura by Waharoa?—No.

Did you ever hear that he had granted land to them at another place?—Yes, at Mangapiko.

What is Mangapiko?—It is applied to a river and the land.

Is it near to or far from Puahoe?—Some distance away. Mangapiko is the boundary between Puahoe and Pukekura, and runs into the Waipa.

This closed the case for claimants.

Case for the Crown.

Major Mair said: I propose to call some of the grantees and a few outsiders to prove that the judgment of the Native Land Court was a correct one.

Reweti Waikato sworn: I am of Ngatiruru. I am a grantee of Puahoe. I had it surveyed and brought before the Court. There was no opposition, except from one person. I have forgotten his name. I know it quite well. He was a Ngatiraukawa, who came from Kapiti. Ropata te Ao is the person I refer to. He opposed on behalf of Ngatikauwhata (the people in the Court). No one came to oppose my claim—no one at all. Ropata te Ao took part in the hearing; by this I mean he gave evidence, but he did not oppose me. I had his name put in the grant because he came from Kapiti. Parakaia opposed me in Court, and also sought me to assist him in getting the lands of Ngatipehi Tukorehu. I did not consent to this request. My claim on Puahoe is the people who are sitting on it. I have a claim through———. I cannot remember the name. I got all this land by conquest from Ngatiraukawa. Afterwards I conquered Ngatimaru here. The block was surveyed immediately before the Court. It was unopposed. I conducted the survey. Every one named their own persons, and I named mine for the Crown grant. I only wrote my own name. I did not call out in Court a list of the persons for the Crown grant.

Examined by Mr. McDonald: Which of the people here is your claim through?—(No answer)

Give the name of the ancestor?—Ngatikauwhata.

Who was defeated when you conquered?—Ngatiraukawa and Ngatipaoa.

Who were Marutuahu?—Ngatipaoa, Ngatiraukawa, Ngatimaru, and others.

[Major Mair recalled attention of witness to evidence at former Court in 1868.]—I deny the correctness of that evidence as read. Everybody gave his own name into that Court.

Examined by Court: Ropata te Ao is one of the hapus of this tribe here, who have come from the South. He does not belong to Ngatikauwhata. I know the name of his tribe, but I have forgotten it. He belongs to Ngatiraukawa of Kapiti.

Rihia te Kanae sworn: I am of Ngatihaua. I was at the Native Land Court here in 1868. I know Puahoe. I know its history. It belonged to Ngatiraukawa and Ngatikauwhata formerly; afterwards war was between Marutuahu and Ngatiraukawa; it ended in the land going to Marutuahu. Marutuahu turned on us (on Ngatihaua). Marutuahu occupied as well as conquered. Sometimes one side won, sometimes the other, until Marutuahu gave in. We then lived on the land from Maungatautari, Pukekura, Aratitaha, and Whanake. Those who lived at Puahoe, Aratitaha, and Whanake, were Ngatiruru, Werokoukou, Ngatikoura, and Ngatiparehaehaeha; they occupied the land, and are still living there. These hapus were then known as Patukoukou, but their great name was Ngatihaua. It was Reweti and Ngatihaua that had the land surveyed and brought before the Court. All Ngatihaua brought it before the Court. Parakaia, of Ngatiraukawa, claimed the land in Court for Ngatiraukawa. Parakaia lost his case. Parakaia said the decision of the Court is correct, the land was taken by Waikato out of the hands of Ngatiraukawa. Ngatiapakura proved their title to a portion of Puahoe, through a battle between us and them, when Ngatiapakura were defeated. Then Te Waharoa gave them a piece of land to end the dispute—to heal the breach for the sin. By sin, I mean we had killed some of our own people, Ngatiapakura. The Court gave the land to Reweti and his hapus, and to Ngatiapakura; the names in the grant were to represent many other people.

Examined by Mr. McDonald: What do you mean by "e noho koa he iwi"?—The tribe at large were to be outside the grant, certain persons in to be their trustees.

Was it explained that they were to be grantees and not trustees?—[No answer.]

Are you in the grant?—No.

Are you of the iwi (tribe)?—Yes. The Court told us that the ten would be trustees, but we found out that they did more than trustees should.

Is there any other name outside Werokoukou and Patukoukou?—Yes. Waikato is a greater name than Ngatihaua.

Have you any other claim than conquest, if that is not sufficient?—No. My claim by conquest is complete in itself

Is your conquest by Ngatihaua?—Yes; that is my claim.

What is your hapu in Ngatihaua?—Ngatiwerewere—the most influential.

Did Ngatikoura take part in the conquest?—This conquest was by Ngatihaua.

Who were the leaders?—Te Waharoa, Pohepohe, and Te Hura.

Did Waharoa give Ngatiapakura some land?—Yes.

Do you know Ngatihinepare?—Yes, by report.

Examined by the Court: I understood Parakaia to appear in Court in 1868 for Ngatiraukawa and Ngatikauwhata. He said he did. I did not hear him apply for an adjournment of Puahoe. I remember the Court in 1866. I was present at it. Parakaia was not there. He only attended one Court; that was in 1868. I never heard of Parakaia objecting to Court because of absence of Ngatiraukawa and Ngatikauwhata.

Hori Wirihana sworn: I am one of the grantees of Puahoe. I am of Ngatikahukura and Ngatiwerewere. I claimed through ancestry and conquest. Kauwhata was the ancestor through whom I claimed. This is portion of what was taken from Marutuahu. They left and we took possession; and I have heard of one conquest before that from Ngatiraukawa. Puahoe and adjoining blocks were portions of the district we conquered and hold until this time.

Examined by Mr. McDonald: Would you have admitted any other hapu than those connected with Kauwhata?—No.

Had Tapa and his friends been at the Court in 1868 would they have shared in the land?—Yes; I do not object to Tapa.

Examined by the Court: Kauwhata, from Kapiti, would have been admitted because of our one ancestor, and notwithstanding their absence and our battles without their assistance to recover the land. They would have been recognized by us had they been here at the Court in 1868.

By Major Mair: I was at Court in 1868. We did not exactly know then how to carry out the law. Some of our friends amongst the Hauhaus were shut out as well as Kauwhata from Kapiti. I got money on Puahoe. I sent none to Kapiti. According to Maori custom, we ought to have sent a share to our friends at Kapiti, but we did not do so.

Hitiri te Paerata sworn: I am of Ngatitekohera, Ngatiwairangi, Ngatiwhaita, Ngatiparekawa, Ngatitamahura, Ngatikapu, Ngatingarongo, and Ngatiparetekawa. Ngatitekohera is the principal one. I know something of the wars in this country in my father's time. One of the Ngatirongo called Whatakaraka died. He was killed by Ngatimaru. Ngatirongo is a hapu of Ngatiraukawa. This was the occasion of Ngatiraukawa leaving for Kapiti. They were grieved on account of this man being killed. It was not from fear they went. The whole tribe went, and for this reason, the killing of Whatakaraka. Ngatikauwhata went forth then for the same reason. Ngatikauwhata and Ngatiraukawa are one people. Ngatimaniapoto are also of Waikato, and came in the same canoe (Tainui) Ngatikauwhata and Ngatiraukawa were known as one people. Ngatiraukawa are from Kauwhata, and Ngatikauwhata have come from Raukawa—doubly they are one people.

Examined by Mr. McDonald: For what reason are these people the same tribe?—The tribes I have named are from Tainui. Ngatihaua is the same.

Is that why you say they are one tribe because they came in the same canoe?—One tribe: Tainui is the canoe. Canoe and tribe are synonymous terms.

In later times were they divided?—Lately they are divided into Waikato, Ngatiraukawa, and Ngatimaniapoto.

Where did Ngatihaua come in?—They are from Waikato.

Was there only one migration?—Yes, only one. Rauparaha had gone previously

Was Rauparaha's a separate tribe?—Rauparaha's was the Ngatitoo hapu of Raukawa.

Did you ever hear of Whatanui?—I have. He was a chief of Ngatiraukawa.

Was his the party you call the sole migration?—Yes, this was the great migration after the death of Whatakaraka.

Did you ever hear of Mokowhiti?—Yes. I cannot say that Whatanui and Mokowhiti went together.

Did you never hear that they went in separate parties?—

Do you know of what hapu Whatanui was?—Yes, of Ngatikohera.

What hapu was Mokowhiti?—I do not know

What hapu is Ngatikohera of?—Of Ngatiraukawa.

By the Court: Whatanui's party went south *via* Taupo. They stayed at Taupo several months and planted food. They lived with my fathers at that time. Te Heuheu gave them protection lest they should be pursued. We are perfectly familiar with all these things, and I can vouch for what I say. Te Whatanui started from his pa Hangahanga when he left for the South. Hangahanga is between Otautahanga and Aratitaha in the Maungatautari District. Hangahanga was stormed by Waikato, but not taken. Ngatiraukawa went away quietly

Hone te One sworn: I belong to Ngatiapakura and Ngatihikairo. Ngatihourua, Ngatimahanga, Ngatihaua, Waikato, Ngatiraukawa, and Ngatikauwhata are other hapus to which I am related. I do not know whether I am in the grant of Puahoe. I have a claim to it. I claim it through conquest. I took it from Ngatiraukawa and Ngatikauwhata. I gave evidence before the Court in 1868. Parakaia was there as an opponent of Ngatihaua to take Maungatautari. I was only in the Court for about five minutes, and arrived just as Parakaia was finishing his evidence. I replied to the claims of Parakaia. He was defeated through what I said. I said it was through my strong arm that Puahoe and Maungatautari were taken. I (Ngatiapakura) was the enemy of Ngatiraukawa. Ngatihaua and all

the people here assisted to take this land. The taking of these lands was the cause of Ngatiraukawa, Ngatikauwhata, and Ngatiwhakaterere leaving for Kapiti. I will not conceal the truth.

Examined by Mr. McDonald: What battles did you fight? What pas did you take?—We took some pas on the Puniu River: Whakarekehone, Piriata, and Hangahanga; these are all I know. The remains are still there.

Did you ever hear of Huiturangi Pa?—I believe it is the same as Hangahanga. Hangahanga is at Puniu.

Did all these pas fall in one day? No; they were taken on different days.

Give the names of some of the chiefs who took these pas.—Te Wherowhero, Te Rauangaanga (father of Te Wherowhero and Te Waharoa.

Did you (Ngatiapakura) fight with Ngatihaua? I did not fight. Ngatiapakura did fight with Ngatihaua. Ngatihikairo have never had any quarrels with Ngatihaua.

Did you hear of a piece of land being given to Ngatiapakura to make peace? No.

Was Te Wherowhero a Ngatihikairo? Yes.

Was Waharoa a Ngatihikairo? Yes.

Is Te Raihi a Ngatihikairo? Yes.

Was Raukawa a Ngatihikairo? Yes, formerly

Was Rauparaha a Ngatihikairo? Yes.

Is Ngatikauwhata a Ngatihikairo? Yes.

This closed the case for the Crown.

Tapa Te Whata said: I would like to explain Hone te One's evidence.

The Court said he could do so in the morning.

Court adjourned.

FRIDAY, 11TH FEBRUARY, 1881.

Mr. McDonald asked leave to produce evidence to show that the pas through which the last witness desired to prove conquest had no connection with the case of his clients.

The Court intimated that such evidence is quite immaterial.

Tapa Te Whata said: I would like to explain *re* the pas spoken of by Hone te One's. [Matter explained to him as quite irrelevant.]

Puahoe closed.

NGAMOKO No. 2.

Mr. McDonald said: The evidence relating to Pukekura and Puahoe relates to the whole country claimed by my clients. I am not aware that I have anything new to offer. The divisions into the blocks known to the Court are not recognised or known to my clients. Our claim is that shown on the map forwarded by me to the Government and by the Government transmitted to the Commissioners. I will call—

Tapa Te Whata sworn: I am the claimant, and gave evidence in the Pukekura claim. I know the land called Ngamoko No. 2. [Map (Chapman's map of Waikato) with ink line showing our claim to land in Waikato.] Ngamoko No. 2 is within the lines traced. That land Ngamoko No. 2 is mine—Ngatikauwhata. I heard that the title to this land had been found by the Native Land Court, in 1868. I did not come to that Court here because we were engaged in land matters at Rangitikei, and were assured by the Native Minister, Mr. Richmond, that our land would be protected if we remained at Rangitikei. We gave notice to Mr. Richmond, and he told us to remain where we were. Had we been able to have come I would have put in a claim to it. The promise of the Native Minister is the only reason for our absence from here in 1868, and I think I should have established my right had I been here. What I have said about Pukekura applies to the whole district delineated on the plan by me.

By Major Mair: I occupied Ngamoko No. 2 at the same time as I occupied Pukekura.

Had you cultivations there?—My parents had cultivations there.

When did they cease to occupy it? When they went to Kapiti; that is, those of them who did go. Those who did not go remained and cultivated.

Were any other hapus occupying or living there?—No hapus other than Kauwhata or those related to us occupied it.

Te Ngakau said: I would like the Court to know that the persons who would be able to prove or upset the statements of Tapa are not here. I can say something about it myself.

[He was told that if he has anything to say he should say it now, or if he has any questions to ask he should do so now. The Court desires to hear what Manga and Wi te Wheoro have to say relative to this land, and for that purpose will adjourn to Te Awamutu. If he chooses to wait he is welcome to do so.—He elected to wait.]

Mr. McDonald said that he was unable to produce any more information here—that the evidence adduced in the former cases be taken as read, and would ask permission to produce further matter at another time.

Major Mair said: I would like to ask Tapa another question.

Tapa recalled.

By the Court: You said your parents cultivated Ngamoko No. 2?—Yes.

What sort of a place is it?—A mixture of swamp and dry land.

Hote Tamihana said: I object to the intention of the Court removing to Te Awamutu. We were told the Court would sit here, and we have come. We do not know how we are to get to Te Awamutu to hear the evidence and question it of others at Te Awamutu.

The Commissioners said that, after going to Te Awamutu, if Mr. McDonald or Major Mair required the evidence of any persons here, they would come back here again.

Major Mair said he would be satisfied with the Court accepting the evidence in the former cases as read.

Charles Marshall said: I know something of the Waikato people. I cannot speak of anything prior to 1830. Taumatawiwi was in 1831. I have no objection to tell the Court what I know

Charles Marshall (sworn) said: I have lived in the Waikato since 1830. The battle of Taumatawiwi was fought in 1831. When I came here I heard that the district round Maungatautari had belonged to Ngatiraukawa, but that they had been driven away to Kapiti. In Taumatawiwi, Marutuahu tribes were defeated. I then lived at Pirongia. I saw the Ngatihaua visiting—coming and going—with Ngatikoroki and Ngatipou. I never saw nor heard of Ngatiraukawa living on these lands at that time. I heard they had been driven away. In 1833 I knew of no Ngatiraukawa here, nor of any Ngatimaru, except those married to Ngatihaua. I was not in the habit of going about much at that time, but once I went to Hauraki through the Waikato district, by way of Maungakawa and Kaueriki. The Ngatihaua pa there had been burned down. I saw the body of a man hanging from a tree. This was the work of Ngatimaru. I heard that this pa had been attacked by Marutuahu, assisted by Ngapuhi. It was said that three of this war party had been killed, and this body hanging in the tree was of one. I saw the pa had been burnt. I saw the head of a man stuck on one of the posts. We slept there, and next day went to Matamata. When near Matamata I saw the head of another man on one of the posts of the pa. On we went to Waiharakeke and Hauraki. The only people I saw there were Ngatihaua. They were people I knew well; and had any Ngatiraukawas been there I must have seen them and known it. I believe the whole of Ngatiraukawa had already gone to Kapiti, and abandoned all claim to the land. I heard, of late years, prior to the death of W Thompson, that he had invited or sanctioned the return of some of them to Waotu, not to Maungatautari. I had nothing to do with Native Land Courts in 1866 to 1868, and did not attend them. In my opinion, the Ngatiraukawa, of Kapiti, would have no claim on the land after the conquest by Marutuahu and the reconquest by Ngatihaua; and should the Government have been desirous of buying the land, the resident Ngatiraukawas—or “take” in a state of serfdom—would have had no voice in the sale; that is, the Ngatihaua could have sold without permission of Ngatiraukawa, but Ngatiraukawa remnant could not have sold without permission of Ngatihaua. The absentees would not have been acknowledged in any way. I never heard of the name of Ngatikauwhata until quite lately—just a few days back. The people were always known as Ngatiraukawa.

By Mr. McDonald: To what tribe did you first attach yourself when you came to Waikato?—Ngatipou, a large tribe.

Did you know Te Waharoa?—Yes, very well; have lived with him.

Did you ever hear of the ship “Kauwhata”?—No.

Did you ever hear of the ancestor Kauwhata?—No.

Have you heard of Maniapoto?—Yes. I would not deem them Ngatiraukawa.

Have you heard of Ngatiwhakateru?—No.

Have you heard of Ngatitukorehu?—No.

Have you heard of Ngatihinepare?—Yes. They are hapu of Ngatihaua—a family of that tribe.

Can you tell us who Haua was?—He descends from Hekenui.

You never heard of the ancestor Kauwhata?—Never.

Court adjourned.

SATURDAY 12TH FEBRUARY, 1881.

At the Resident Magistrate's Court, Cambridge.

Present: F M. P Brookfield, Esq., H. T. Kemp, Esq., Commissioners. Mr. Marshall, on behalf of the Crown, in the absence of Major Mair.

Court adjourned until 11 a.m., to allow the people to attend the opening of the Native Land Court.

At 11 a.m. the Court resumed.

MAUNGATAUTARI.

Court explained that its duty would be to find if any of those who signed the petition claiming as members of Ngatikauwhata, and prevented from attending the Native Land Court in 1868, had any good grounds of claim to this land, and that as Mr. McDonald had concluded the cases for which he had been engaged by the petitioners, it would be their duty to elect some other person, or if more than one party claimed, to arrange themselves under distinct Kai-whakahaeres (agents).

Tuwhehua said it would be well, as Ngatihaua do not wish Maungatautari disturbed, if the Court would adjourn until Monday, so that we may ascertain who and on what grounds the members of Ngatikauwhata wish to disturb the title of Maungatautari. We would like to discuss this matter outside before it comes before the Court.

Arekatera said it would be well if a list of the persons of Ngatikauwhata and Ngatiraukawa who now claimed an interest in this land could be given by the Court, so that it would be known with whom arrangements could be made outside.

The Court explained again that with the Crown grants it had nothing to do, and that the claimants must not expect that they (the Crown grants) will be interfered with in any way.

Winia Pohotiraha: I agree with what *Tuwhehua* said: let the Court adjourn that we may talk the matter over.

Tana te Waharoa said: We have arranged this matter long ago. We are all here, both Ngatihaua and Ngatikauwhata. Why should we defer this matter longer?

The Court said it would like to discover who of those signing the petition to the Government were claimants on Maungatautari.

Mr. McDonald said: There are seven of the petitioners who claim separately on Maungatautari as Ngatiwehiwehi, though included in the general term Ngatiwehiwehi. There are fifty-six

others who withdraw—with one exception, a man named Matiu te Wheoro, who is so ill as to be unable to attend, at present living at Awahuri. These last are known to me as “Mateawa.” I do not think Matiu has any claim on Maungatautari.

Kereama Tauwhare said: If Maungatautari is reopened, then let Kawhia be reopened. I took them both by conquest. If he comes back on Maungatautari, he should come back on Kawhia; and if Maungatautari, Pukekura, Puahe, and Ngamako go back to Ngatiraukawa, then let all Waikato come back to us. We conquered Waikato. The Government took Waikato. All I agree to admit Ngatiraukawa on is Pukekura. I only admit him there because he was connected with Waharoa. Had Waharoa been a Ngatiraukawa, I should have driven him to Kapiti with the others.

Court adjourned.

MONDAY, 14TH FEBRUARY, 1881.

Mr. McDonald said the Natives are desirous of attending the Native Land Court to-day, and desire me to apply for an adjournment until to-morrow.

Mr. McDonald then made protest relative to the opinion expressed by the Commissioners respecting the effect on the Crown grants already issued for the blocks of land the subject of this inquiry.

The Commissioners told him if he put it in writing it would be attached to the records. He promised to do so.

PROTEST *re* NGATIKAUWHATA CLAIMS, WAIKATO.

SIRS,—

Cambridge, 12th February, 1881.

You have been pleased this day to state, as by authority, that however favourable to the petitioners your report may be, it cannot have the effect of disturbing existing Crown grants, and can only result in a money compensation.

In making this statement you have taken away the only motive which has induced the petitioners to persevere, and have rendered them and their witnesses careless in the prosecution of their claims. You have thus seriously damaged the petitioners' case while it is yet under investigation. For it is certain the petitioners would not have taken the pains and trouble they have done if they had not the hope to retain an interest in the original home of their people.

Moreover, I respectfully submit that, in making the statement in question, you have altogether exceeded your authority under your commission, which is limited to the inquiry whether or no the petitioners had any interest in the land on the 3rd November, 1868, and, if so, to what extent.

I submit that, in making this inquiry, it is not necessary nor right to take into consideration any interests which may have grown up since that date.

May I ask you to be so good as to attach a copy of this paper to your report to His Excellency the Governor?

I have, &c.,

A. McDONALD,

Agent for some of the Petitioners.

The Hon. Commissioners.

The Court adjourned.

TUESDAY, 15TH FEBRUARY, 1881.

Akapita te Tewe said: I appear on behalf of fifty-six claimants in this land—for Mateawa. I signed the petition to the Parliament as well as the others. I would like to postpone my evidence, because the others have gone to the other Court, and some have not yet come from Kapiti. I did not expect the other cases would have been concluded so quickly. I would like now to withdraw my claim altogether. My friends have not come to assist me. I, therefore, wish to lay it aside. I withdraw our claim as a separate hapu.

Mr. McDonald said: Akapita is the agent for the fifty-six Natives claiming to be interested in Maungatautari, and has acted as such since 1867. The other woman represents the seven others. I think he withdraws his claim as separate from the claim preferred by the seven persons represented by Winia Pohotiraha for Ihakara Ngatahuna and others.

Akapita te Tewe said: None of the fifty-six will now ask to be heard in this matter. I am of Mateawa hapu of Ngatiraukawa. I live at Tauranga.

Mr. McDonald said: Winia wishes me to appear on her behalf until she has prosecuted her claim in the other Court now sitting here. Her uncle is also there.

Mr. McDonald said: As Akapita has withdrawn his claim, I bring forward the claim of Ihakara Ngatahuna and six others to an interest in Maungatautari. I am acting for him while he is engaged at Captain Symond's Native Land Court. When he has finished there, he and Winia Pohotiraha will prosecute their own claim here. I now ask for a list of the grantees in Maungatautari. I ask for these names because I believe Ihakara does not want to set them aside, but to have his name included, because of his relationship and because of the words of the fathers.

Winia Pohotiraha here arrived and took up her claim. She said, “We discussed this matter outside with Tuwhenua on Saturday, and we have concluded that we should prosecute our claim to this land. I will state my claim. I claim from my ancestor Tuakere—Hore—Waimahoe—Te Rama—Whaianoho—Te Umu Ki Katikati—Pohotiraha—Winia Pohotiraha. This is my claim.”

Winia Pohotiraha sworn: The statement I have just made is quite true. I belong to Ngatiwehiwehi. This is a distinct tribe in itself, but descended from Kauwhata. I lived first at Kapiti, married a husband and went to live with him at Rotorua. To-day I am living at Mangawhara, near Hinuera. My parents lived at Kapiti; they are living here now also. My parents and my brothers are at Maungatautari. They have always lived at Maungatautari. They did not go to Kapiti with the exodus. They were living round here (at Maungatautari) at the battle of Taumatawiwi; some were living at Patetere. My relatives took part in Taumatawiwi. They assisted Ngatihaua. After that battle they lived at Maungatautari. After the battle they returned to their several plantations, and they have lived there permanently until the present day. We have intermarried with Ngatikoroki. The six who claim with me are all near relatives, sisters and brothers. We are all full-blooded Ngatiwehiwehi. My claim is not for Ngatiwehiwehi, but a personal one through Tuakere.

Examined by Mr. Marshall: My relatives have lived on this land continuously.

Have you not participated in the sales of lands, and also in the adjudication of titles by the Court?—I have seen no *Kahitis* for 1868.

Where were you in November, 1868?—At Kapiti; no notice came to me there.

How long before that time did you leave this?—I had been a long time there before the Court. My friends were living here.

Did not your relatives all go with you?—No, some went with me, and some remained behind.

Were your friends recognized as claimants in this land by Ngatihaua?—I do not know. I did not. The lands were falsely named in the Panui (notification), so that we did not recognize it.

[Panui examined, and the claim for Maungatautari found.]

Are you connected with Ngatikoroki?—Yes. They are the people of Ngatihaua, with whom we intermarried, but we claim from Tuakere.

What tribe was Tuakere?

Your name is not in the petition?—No, because I come in under those represented by Manahi Paora.

Where is Ihakara Ngatahuna?—Here in Court.

Where did he come from to attend this Court?—He came from Kapiti, for the Court to deal with Rangiaohia.

Where has he been ever since Ngatimaru were driven away?—He went to Kapiti, and came back and cultivated here up to the time of the Waikato fight with the Europeans.

By the Court: My father was a descendant of Tuakere. He was of Ngatikoroki. My mother was of Ngatitukorehu, from whom Ngatikoroki are descended.

Te Ngakau said: May I ask a question? Did you, the descendants of Tuakere, place the Ngatihaua on this land?—I do not know. Tuakere was my ancestor.

Was it through Tuakere that Koroki lived on Maungatautari?—If Ngatihaua are descended from Tuakere, he placed them on it.

Give the genealogy, showing the descent of Ngatihaua from Tuakere?—That is for the Ngatihaua to do.

Te Ngakau said: I am a Ngatihaua and Ngatikoroki, and we know of no person called Tuakere. Ngatihaua and Ngatikoroki are one and the same people. [*Te Ngakau* was told to confine himself to questioning the witness.]

Winia (examined by Mr. McDonald): Whose were the conquests over these lands?—Ours—Ngaiterangi, Ngatitukorehu—assisted by Ngatihaua.

You said you were Ngatiwehiwehi, what have you to do with Ngatiwehiwehi?—Ngatiwehiwehi and Ngatikoroki assisted to conquer; therefore, I say, the conquest was by me. We assisted Ngatihaua.

Did you hear that Ngatikauwhata had been driven away?—I have heard that Ngatihaua said so, but it is incorrect. Ngatikauwhata were a very brave people and able to hold their own.

You said that Ihakara is here?—Yes; my uncle Ihakara is here.

Examined by the Court: I have not said that any of Ngaiterangi are now living at Maungatautari. I do not think there are any of them there now. I do not know what became of Ngaiterangi after the fights. I cannot explain who of Ngatihaua became Ngatitukorehu.

Ihakara Ngatahuna sworn: I live at Kapiti. I belong to Ngatikauwhata. *Winia* is my daughter (niece) I have lived at Kapiti since Ngatikauwhata went there. I signed the petition to Parliament. I claimed an interest in Maungatautari in 1868, and still. My claim is through my ancestor Tuakere. The statement by *Winia* is mine. I heard of the Court here in 1868. I did not come to it because we had a Court at Rangitikei at the same time. The portion of Ngatikauwhata who were living here supported our claims to this land then. I knew Parakaia. I knew of Parakaia coming here then. I would not come with him. I was waiting for Ngatikauwhata. Parakaia came here to appear on behalf of Ngatiraukawa. There is only a very distant connection between Ngatikauwhata and Ngatiraukawa. They were divided in Tawhiao's time. Ngatiraukawa came from Turou. Ngatikauwhata came from Whatihua; this was previous to the time of Kauwhata. I have never lived at Maungatautari. I do not know who were living at Maungatautari. When we went to Kapiti, Ngatikahukura and Ngatihinepare were living there. Ngatimaru were there when I left. I do not know by my own knowledge who were the residents then at Taumatawiwi. I heard that *Wiwini* (or *Murupara* or *Te Whetowheto*) was living there. He was a Ngatikauwhata. I heard that Ngatimaru were living at Maungatautari just before Taumatawiwi. All that I state is by hearsay. I do not know how many of us descendants of Tuakere have lived at Maungatautari. Those who remained intermarried with Ngatihaua. My two sisters married into Ngatikoroki; one married *Tioriori*; that is all I know about it. It was some time after the battle of Taumatawiwi that I came here with my sisters. I did not bring them, they came here for husbands. I came here and cried with them, and returned home in about a month. I came twice in that way. There were no Ngatimaru here then. Ngatikoroki, Ngatikahukura, and Ngatihaua were here then. They cried to me to come back to Manukatutahi. I was living at Piraunui before Taumatawiwi. I was told to come by Manukatutahi because it was a safer route. Had *Te Waharoa* and *Tamihana* been alive now I should have appeared here as I do this day.

Examined by Mr. McDonald: Ngatimaru and Ngatihinepare were you say living together when you left for Kapiti.

Were they living peaceably?—Yes.

Were Ngatimaru and Ngatihaua fighting before Ngatikauwhata went to Kapiti?—Yes, when *Takurua* died Ngatikauwhata were at Taupo.

Who was *Pohotiraha*?—My elder brother.

Did *Pohotiraha* go with you to Kapiti?—No, *Pohotiraha* was by the same father and mother as I was. He was at Rotorua when I went to Kapiti.

Who was *Marae Ariki*?—He was a brother of my mother.

Where did he live?—*Marae Ariki* lived with Ngatihaua.

Did he go to Kapiti?—No, he died here.

When did Pohotiraha go to Kapiti?—Not till some time after the exodus. He got to Kapiti at the time of the Haowhenua battle here.

Do you know Mokowhiti?—I have heard he was a grandparent of mine.

Did he go to Kapiti?—No, he died here.

Was there any talk of the migration to Kapiti?—It was the result of consultation and also of an invitation.

Did you hear of the birth of a child on the way to Kapiti?—Yes, of Porirua, named after a place.

Where is Porirua now?—At Taranaki. He married a woman there.

Had Marae Ariki a child?—Yes; she called it Kapiti.

Mr. McDonald said: My people disapprove of the action of this woman, and will not allow me to appear on her behalf, as it disturbs their general claim to this part of the country

Winia Pohotiraha said: I would like to hear a statement from Raihi relative to the conquest by Ngatihaua before I proceed further. My other witnesses are not disposed to give their evidence until Raihi defines the boundaries of the conquest.

Wiremu Haumu sworn: I am also known as Marae Ariki. I am of Ngatikauwhata, and live at Mangawhara, near Hinuera, just across the river from Maungatautari. I did not come from Kapiti. This is my place of residence. I did not sign the Ngatikauwhata petition. I have a claim on Maungatautari. I did not see that Court in 1868. I was then with the Hauhaus. My claim is both through ancestry and conquest. Tuakere is my ancestor. Winia has a claim to Maungatautari. She is my niece. Her claim is the same as mine, through ancestry and conquest. She has given her ancestors, and her statement is correct. The claim through conquest is based on the assistance rendered by our relatives to drive out Ngatimaru. I saw the battle of Taumatawiwi. Ngatihaua and Waikato were then engaged against Ngatimaru. About fifty of Ngatikauwhata were engaged. These Ngatikauwhata were full-blooded and were not half-castes. Marriages had taken place. The Ngatikauwhata who were engaged there were those who remained behind when the others went to Kapiti. After the battle, Ngatikoroki, Ngatikauwhata, and Ngatihaua lived on the conquered land. Ngatikauwhata lived on Pukekura. I lived at Maungatautari. I, with Ngatikoroki, Ngatiwehiwehi, and Ngatihaua, lived at Maungatautari. I returned to my own plantation, and Ngatikauwhata returned to Pukekura. Our chiefs did not allot us to any special places. Had we desired to sell our land to the Pakeha we could have done so, whether Te Waharoa had been agreeable or not.

Examined by Court for Tuwhenua: Tuakere was the ancestor of Winia:—Tuakere—Hore—Waimahoe—Te Rama—Whaianoho—Te Kaukau or Umu—Paora Pohotiraha—Te Winia. I was living at Patetere when Marutuahu took this land. There were 100 of us living there then. Did you and Ngatitukorehu come and drive away Marutuahu?—Yes, with Ngatihaua. Ngatihaua and Ngatitukorehu never fought between themselves before they fought together against Ngatimaru. Ngatitukorehu are not the same as Ngatiraukawa. Tukorehu was a brother to Kauwhata. We are now known as Ngatitukorehu. Some people call us Ngatiraukawas. The war paths made were by Ngatitukorehu. Ngatihauas are also descended from Tuakere. Our claim by conquest on this land arose after the battle of Taumatawiwi. Ngatihaua were the principal tribe fighting against Ngatimaru then. Had Waharoa ordered us to get up and assist him in that fight we should have instantly obeyed. We have not been in the habit of sending Tamihana or Waharoa presents of food. Had they called us to cultivate food for them we should have obeyed, because they were themselves of Ngatikauwhata.

Hori Wirihana sworn: I am of Ngatikauwhata, of Ngatiwerewere, and Ngatikahukura. What Winia says of her ancestral claim is correct. The name of Tuakere has been given to a certain stone on Maungatautari. The stone is near Hautapu. Tuakere was a child of Kopere. Since that stone was called after Tuakere, seven, nine, or ten generations have passed. I never heard of any fighting between Ngatiraukawa and Ngatimaru just before Taumatawiwi. I heard of some fighting a long, long time ago.

Tuwhenua (by the Court): I say Winia claims through Tuakere. Claims through ancestry still hold good over Maungatautari. I say that all the half-castes are interested in this land through the later conquests because Ngatitukorehu were engaged in Taumatawiwi. Ngatitukorehu have claims on Maungatautari, at Waniwani and Whareturene. Wiremu Haumu is not a grantee in this land; that is why they are petitioning. They were with Hauhaus. I did not see Wiremu Haumu at the Court in 1868. I did not hear Raihi and others say to Haumu, "You are like something I would put in my waistcoat pocket." Haumu and friends had plantations at Maungatautari since Taumatawiwi. Te Waharoa placed us at Mangawhara. I cannot say why Waharoa restored that land to us—to the chief Marutietie. They were both Ngatikauwhata. Waharoa was the supreme authority over the land, and could give this land to us. The land belonged to Waharoa and his ancestor Kauwhata. I am related to Kauwhata. I have no claim to that land. I set up a case for myself when that land (Mangawhara) was before the Court, but my own words caused me to be defeated. If you (Ngatihaua) were to claim on Maungatautari through conquest and not ancestry, I would most assuredly send you away. I could not put you out of the claims disposed of by the Court. Because Parakaia came to lay an independent claim we relinquished ours. We joined with Ngatihaua and the people about Waikato to defeat Parakaia's claim then. I have not heard anything of Waharoa dividing out the land. Had he so spoken, I dared not oppose his wishes. He was a chief of Ngatikauwhata, of Haua, and all the half-castes. I heard from Wi Tamihana Tarapipipi, son of Waharoa, that his claim on Maungatautari was from ancestry. At that time the land was not subdivided. Pukekura and all these lands were one estate. His words *re* ancestry had particular reference to Pukekura. I have been at Maungatautari from my birth until the present day. I live on what is known as Maungatautari No. 1. The name of the pa is Te Whareateatua. I was born there. Had Waharoa ordered us to another part of the district we should have obeyed him.

Te Ngakau (by the Court): Horahora was the part of Maungatautari belonging to Ngatikoroki. Waniwani, Whareturene (a pa), and other places were also belonging to Ngatikoroki. I have already said those places belonged to Ngatitukorehu also. I can explain the name Ngatitukorehu. Tukorehu is some ten or more generations off.

Court adjourned.

WEDNESDAY, 16TH FEBRUARY, 1881.

Major Mair reappeared on behalf of the Crown.

Maungatautari continued.

Winia Pohotiraha said she did not care about the evidence of Raihi, and would call—

Wiremu te Whitu, sworn: I live at Maungatautari, where I have resided ever since I was born. I am of Ngatikahukura and Ngatihaua, also of Ngatikauwhata. I did not sign the Ngatikauwhata petition to Parliament. Winia has a right to Maungatautari through her ancestor Tuakere.

Examined by Major Mair: Was Tuakere a Ngatiraukawa, or a Waikato? Tuakere was a Ngatikauwhata.

Can you trace her descent?—No. Winia can give her own. I can give mine from Tuakere.

Examined by Winia: Had Tuakere any right on Maungatautari?—Yes. To a small piece round the stone "Tuakere"; that is your claim to that particular piece.

Examined by the Court: The stone "Tuakere" is at Hautapu River. The stone "Tuakere" is not within Maungatautari, but on the Waikato River, on this side. Maungatautari is on the other side of the river. Winia has a claim on the other side of Maungatautari, but not on this. I heard all about these claims from my father. I do not know them personally.

Examined by Tuwhenua (through the Court): Are not Ngatihaua the chiefs of Maungatautari?—I know they are, but they are half-castes of Ngatitukorehu.

Was it through Ngatitukorehu that these hapus, Ngatihaua, Ngatikoroki, Ngatiwerewere, Ngati-pare, Ngatihourua, Te Ruarangi, and others have a claim to Maungatautari?—Yes, it was through Ngatitukorehu they obtained their claim, for they all descended from Tukorehu.

Are Haua and Hape from Tukorehu?—Yes.

Where are their plantations or pas on Maungatautari?—On Pukekura.

Did Te Oro live there?—Yes, on Pukekura and other places outside. He was an ancestor of yours and mine.

Where were Ngatiraukawa in Te Oro's time?—At Arowhena, at Waotu, at Tokoroa, at Whakamaui, and other parts.

Who were living on Maungatautari in Te Oro's time?—Ngatihaua and Te Oro were living then at Pukekura. Maungatautari was then unoccupied. We are all speaking from hearsay.

Have you seen a plantation by Wiremu Haumu or his mother on Maungatautari?—I have not, but I have seen that of his sister. She was married to Waata Tahī. I have seen Wiremu and his parents planting at Maungatautari. They would plant one year, and then return to Patetere.

Can you say whether Ngatikoroki, Ngatiwerewere, and Ngatikahukura saw the plantations of Wiremu Haumu?—Yes, I can say they did. He planted there, and Ngatikoroki and Ngatikahukura, Ngatiwerewere saw them.

Te Ngakau, affirmed: I have seen the stone "Tuakere," by the side of the Waikato River. "Tuakere" is a stone. I was not under that ancestor, Tuakere, but I took that land. I have no claim on that land by ancestry. My claim is by conquest. If Winia had a claim in 1868 she would have been in the Crown grant; as she had none, she is not in it.

Examined by Major Mair: Who conquered Maungatautari?—Ngatihaua and Ngatikoroki.

When?—I cannot say the month or the year. It was after the migration of Ngatikauwhata to Kapiti. We took it from Marutuahu.

Examined by Mr. McDonald: Are Ngatihaua and Ngatikoroki separate tribes?—They are one people. Ngatihaua is an offset from Koroki. Haua was a child of Koroki. They are one tribe.

Did you hear of Ngatiwerewere?—Werewere was son of Haua, and Ngatiwerewere is a hapu of ours—of Ngatihaua. The whole of Ngatihaua, including its recognized hapus, have a claim on Maungatautari.

Did you hear of a division amongst those hapus?—I have heard that you had divided the land—that is, the Europeans.

Which is your hapu?—I am of all of them. Maungatautari belonged to all these hapus. Since you white men came it has been divided. I did not agree to them. I say the land was common property of ours. There are no divisions, either into blocks or hapu lands.

Hohaia Ngahiwi sworn: [*Winia* said, "Hori Wirihana will conduct my case."] I live at Hamilton. I am of Ngatikoroki and Ngatihaua. I did not sign the Ngatikauwhata petition to Parliament. I did not know Tuakere. I do not know him as an ancestor. I saw Wiremu Haumu at Maungatautari since Taumatawiwi. I have heard of Paora Pohotiraha. I do not know whether he was Winia's father. Wiremu Haumu and his companions lived at Te Whareateatua and Whareturere. These places were pas of Ngatikahukura, Ngatikoroki, Ngatiwerewere, and Ngatitehura. I do not know which part of Maungatautari Whareturere is in, whether No. 1 or No. 2. I do not know about the divisions of this land. Whareturere is on this side of Maungatautari. I live there sometimes. These pas are about a mile and a half apart. I do not know why Wiremu Haumu lived with these people. I do not know their connection by ancestry. I do not know what Winia's claim on Maungatautari is. She may have one, but I do not know it. I do not know the nature of the claim of Ihakara Ngatahuna. Where does Miriama come from? I do not know her. I do not know Rititia te Kipihana. I do not know Amiria te Hiakai's claim. I do not know Watene te Rua. I do not know Manahi Paora. Were he a descendant of Paora Pohotiraha I should know him. The only persons I know as living at Maungatautari are Wiremu Haumu and Paora Pohotiraha.

Examined by Major Mair: What tribe are Wiremu Haumu and Pohotiraha?—Ngatimokai of Ngatiraukawa; they were related to Ngatikoroki.

Who put them there?—I do not know who asked them—they were related.

Did they live there long?—Yes.

Who were their relatives?—We were all related. [*Winia* said Paora Pohotiraha was half a Ngatiraukawa, but the land was not Rankawa.]

When did Wiremu Haumu cease to live there?—At the time of the Mataipuku war (1837-8)—after Taumatawiwi. He did not return to Maungatautari. He lived at Patetere.

Is he alive now?—Yes. I saw him yesterday.

PUKEKURA.

Mr. McDonald said: I can produce the family of Tamihana now to give evidence as to the limit stated in Major Wilson's evidence *re* the return of Ngatikauwhata.

Tana te Waharoa, sworn: I came from my mother to attend this Court. I went to Korakonui from Maungatautari to my mother. I told her what Kauwhata had said at Maungatautari *re* Pukekura. I said, "Ngatikauwhata have come to Pukekura." I said to her, "After the adjudication I shall have something to say to them." She said, "Return and restore Pukekura to Ngatikauwhata. If I were not so old, I would myself attend that Court."

Mr. McDonald addressed the Tamihana family (Hote Tamihana, Harete Tamihana, Raihi, and Hakiriwhi): Did the invitation of Tamihana cease at the time stated by Major Wilson?

Raihi said: No. I am his younger brother. He should have said that word to us and his children if he said it at all, instead of to a stranger. The word of Wi Tamihana to me was Maungatautari was to be restored to Wi Haumu and his mother; and, at the Court on this land, Haumu was put in. Haumu was dead at the time of the Court, but the Crown grant was issued in his son's name as well as ours. We went in with him. We carried out the wishes expressed by Tamihana. There is another dying request of Wiremu—namely, Ngatihinerangi should be grantees for Turangaomoana. Te Wharepaku left this land in our charge when he went to Kapiti.

Examined by Major Mair: Why did you not exhibit your reverence for Tamihana before the Court of Pukekura in 1868?—I did say then that the Crown grant should be made to Ngatikauwhata, so that they might remember their friends at Kapiti.

Did you say this in Court?—I said outside, when we were arranging the names for the grant, that this land should go to Ngatihinepare that they might remember their friends at Kapiti.

By the Court: I said the other day that the notices (for 1868 Court) had been served at Kapiti; and if they did not come, what is that to me? [Minutes read.] What I say to-day confirms that. I corrected the names of those (in the grant) who remained behind; but as the *Kahiti* had gone down to the absentees, I left them to look after themselves. I have only known since this Court opened that that there was a reason for their absence; then I said, "It is right." They have still a right, and that is why I stand up now to speak these words.

Harete Tamihana, sworn: I agree with what is correct only of what Raihi has just stated. I disagree with his word—the comparison which he made *re* Pukekura and Mangawhara; they are two distinct pieces of land. *Re* Pukekura, Ngatikauwhata left it peaceably *Re* Mangawhara, it was formerly part of Maungatautari, and had been taken by conquest. Te Waharoa had the chief authority over it (Mangawhara) Raihi should not have made it appear that the words of Tamihana applied to these two pieces alike. Pukekura was left in peace, but about Mangawhara there were difficulties regarding conquest. Because Raihi did not make this clear, I have made this statement. The words of Wi Tamihana to Major Wilson respecting Pukekura were not limited to the Christmas time stated by Major Wilson.

MAUNGATAUTARI—*continued.*

Raihi, examined by Court: I do not know about Tuakere. I do not know about your claim to Maungatautari. You are a Ngatiwehiwehi, and so am I. I do not know anything about the ancestor she sets up to claim Maungatautari. I do know whether she has any claim on Maungatautari; she has on Pukekura.

Hohaia Ngahiwi, recalled, examined by Tuwhenua (through Court): Do you know whether these people—Ngatihaua, Ngatiwerewere, Ngatikabukura, and all the hapus of Ngatihaua, have claim to Maungatautari?—Yes, I know they have; and I can show how They conquered it. Wi Haumu and Paora Pohotiraha had no claim there by conquest. I said I supposed they were through relationship.

Do you know whether the claim preferred by Winia is correct?—I do not think so.

Who brought you as evidence?—I do not know.

How long did Wiremu Haumu and Paora Pohotiraha live on Maungatautari?—Several years.

Did not they shelter with Ngatihaua for fear of Ngatimaru?—I do not know I said I supposed it was through relationship.

When did you first see them there?—During the fighting of Ngatihaua and Ngatiwhakaue, and Marutuahu.

Did Haumu and Pohotiraha share in the fight of Taumatawiwi?—I do not know Had they joined, I should say they had a claim on Maungatautari; but, as they did not fight, they certainly had no claim on the land.

Claimants' case (except Pakeha's evidence) closed.

Case for Crown.

Rihia te Kawae, sworn: I am of Ngatihaua, and live at Maungakawa, Maungatautari, and other places. I am in the Crown grant of Maungatautari. Maungatautari belonged to Marutuahu. Ngatihaua and Ngatikoroki took it from them, and we have held it from that day until the present. We brought it before the Court in 1868, and received Crown grants for it. I know nothing about Winia's claim. She has none. I have never seen Winia living there. I never saw her before she came to this Court. I know nothing of Haumu and Pohotiraha having lived there. I knew Haumu, but I did not know Pohotiraha. Haumu belongs to Ngatitehihi of Ngatiraukawa. He has lived always at Patetere. Haumu was here, in Cambridge, at the Court in 1868. He did not claim Maungatautari in that Court. [Names read.] I know Ihakara Ngatahuna—he is of Ngatiraukawa. I do not know Miriama. Rititia Kipihana is a southern woman. I do not know Amiria Hiakai, nor Watene te Punga. I have seen Manahi Paora—he is of Ngatiraukawa. I do not know Mihipeka Pehara.

Have any of these people a claim on Maungatautari? No; they have none.

Examined by Mr. McDonald: Do you know that Paora Pohotiraha is a Ngatiraukawa? I have heard so.

Is he a Ngatitehihi? I said Wiremu Haumu was one; I do not know that Ngatitehihi was of Ngatiraukawa.

Was Haumu a Ngatiwehiwehi?—I do not know

Was Te Ihihi the name of a man?—I do not know Te Ihihi is a very old name.

Examined by Winia Pohotiraha: Was Tuakere our ancestor?—I did not say so.

Did you not say "Let us go to Maungakawa, to share in the land of Tuakere?"—I did so; but the ancestor I named was Putangimaru. I do not know who was the father of Tuakere. Putangimaru married a Ngaiterangi woman, from whom sprung my ancestor, a very long time ago.

Piripi te Whanatangī, sworn: I am of Ngatikoroki, and live at Maungatautari. I am in the Maungatautari grants (2). I am also grantee in Pukekura. My claim is by conquest from Marutuahu. I was one to bring it before the Court in 1868. I gave evidence then. I have occupied the land ever since the conquest. My father died on the land. I know Winia. I did not know her when I took this land. After I got the Crown grant, I learnt something about her. I recognised her through her genealogy. Since the Native Land Court has been in operation, genealogies have become of importance. She has never lived on Maungatautari—Wiremu Haumu has, through his relationship to us. He was a Waikato, or a Ngaiterau. Haumu did not live on these parts in 1868. He lived at Patetere then. He offered no claim to Maungatautari at the Court in 1868. [Names of seven co-claimants with Manahi Paora read.] I do not know anything about those persons.

Examined by Winia: Are we from Tuakere?—Yes. I have said it was your genealogy that enlightened me, and that I only discovered it lately. I thought I was the descendant of Tuakere because

I have lived on Maungatautari as the descendant of Tuakere since the earliest period down to the fighting; not on Maungatautari proper, but on the other side of the river.

Examined by Mr. McDonald: Was it because of your ancestral claim that you returned to Maungatautari?—No; through conquest.

Was it your personal conquest?—I and Waikato conquered. My father was a chief, and Ngatikoroki, Ngatihaua, and Waikato were conquerors.

Why did you go back to Maungatautari after the conquest?—Before the conquest I lived at Tuakere; after it, at various parts. I went there to that place because it was the last of my conquests.

Who cut it off for you?—Other places were located upon—I took this piece because it was vacant. I did not then know I could claim it. It was not old associations took me there. I do not know what was my claim on Maungatautari before Marutuahu went there.

[*Major Mair* said: I can call twenty or thirty more witnesses to speak to the same purpose. I do not think it necessary to occupy more time.]

By the Court: The ancestors spoken of are very old indeed. Were we living according to Maori custom, we should bring forward those ancestors to prove our title as well as our conquest. I have only just now known of this woman and her friends making any claim to this land.

[Paper document, dated 12th November, 1857, handed in by Mr. McDonald for Winia. Paper read in Maori.]

Piripi said: This paper was written about two years ago, at the Court, in 1879, and purports to be the minutes of a Maori meeting (relating to land at Hauraki) held in 1857 [Paper found to be irrelevant, returned to Mr. McDonald.]

Court adjourned.

THURSDAY, 17TH FEBRUARY, 1881.

Winia Pohotiraha said: Pakeha has not come. He is a very old man. I sent for him. I will pass over him, and call—

Ngarangī, alias *Meri Ngahaerenga*, sworn: I am of Ngatikahukura. I live at Pukekura and Maungatautari. I do not know about the ancestor Tuakere. I heard the name was applied to a horse. I believe it was given to the horse in memory of an ancestor. Ngatiwaihorō gave this name to a horse. A hapu was called after the same name. I claim on Maungatautari through my ancestors. I do not know the nature of Winia's claim on Maungatautari. I saw Paora Pohotiraha and Wiremu Haumu at Maungatautari—at Whareturere—a very long time ago; since the people went to Kapiti. Wiremu Haumu had a sister married to Waata Tahi. Winia is daughter of Paora Pohotiraha.

Examined by Major Mair: Who was Waata Tahi?—Of Ngatikahukura.

What brought Wiremu Haumu to Maungatautari?—I do not know, unless it was to see his sister.

Examined by Tuwhenua:—Did you see Paora at Whareturere?—Yes, he found Ngatikoroki living at Maungatautari. Whareturere is a pa of Ngatikoroki.

Have Ngatihaua, Ngatikoroki, Ngatiwerewere a claim on Maungatautari?—Yes.

Have you heard of Taumatawiwi?—Yes; but I do not know whether Paora Pohotiraha was personally engaged there. I heard that his people had been—namely, the Ngatikauwhata and Ngatiwehiwehi.

Where were these people living?—At Pukekura, with Ngatikahukura.

Were they not half-castes of Ngatihaua and Ngatikauwhata?—Yes, of Ngatihaua, Ngatikauwhata, and Ngatiwehiwehi.

Who was the chief man of these people?—Te Waharoa.

Has Winia had any cultivations on this land?—I have not seen any of hers there.

Examined by the Court: I was not horn when Taumatawiwi was fought. Such evidence as I have given has been hearsay. I cannot vouch for its truth.

Examined by Mr. McDonald: Was Te Waharoa a half-caste of Ngatihaua and Ngatikauwhata?—Yes.

Winia said: I have no more witnesses to call.

Major Mair said: I have no more witnesses.

The Court adjourned until 10 a.m. on Monday next at Te Awamutu.

MONDAY 21ST FEBRUARY, 1881.

Courthouse, Te Awamutu.

Mr. McDonald said: I came here on Friday last. Rewi had gone to Hikurangi. He left a message that very urgent business required that he should see Tawhiao. Wikitoria, widow of Wi Tamihana, is too unwell to attend this Court. She has sent a written statement to be presented to the Commissioners by her children. I know nothing at all about Te Wheoro. Winia Pohotiraha told me that, if she were not here this morning, her absence might be taken as an indication that she had abandoned her claim. She is not here. I have been obliged to rely on such evidence as I could command to support the claims of my clients. In each case this has been secondary evidence as compared with what should be obtained from parties residing in the King country where the Queen's writ does not run. I think I am now inclined to leave the decision of the Commissioners to rest on such evidence as is before them. I have no knowledge as to the nature or character of the evidence to be obtained from Rewi. If the Commissioners can see their way to do so, I shall be glad if they can wait for such evidence as he may be willing to give.

Commissioners declined to receive the written statement from Tamihana's widow

Major Mair said: Rewi told me that Mr. McDonald had invited him to make a statement before this Court. He asked my advice. I recommended him to tell the Commissioners that he was willing to make a statement. I wrote the letter to that effect for him. I have no idea as to the nature of the evidence he proposes to give.

No further evidence being forthcoming, Court adjourned *sine die*.

TUESDAY, 22ND FEBRUARY, 1881.

Commissioners instructed Mr. McDonald to acquaint his clients that they (the Commissioners) will attend at the Courthouse at Te Awamutu on Wednesday, the 2nd March next, to hear what Rewi may have to say.

WEDNESDAY, 2ND MARCH, 1881.

At the Resident Magistrate's Court, Te Awamutu.

Present: F. M. P. Brookfield and H. T. Kemp, Esqrs., Commissioners.

Court opened at 10 a.m. and adjourned until 11.

Court resumed at noon.

Te Waharoa said: The Ngatihaua are absent. We did not all know of the sitting. I propose that our people be warned to attend, and that the Court be adjourned until then.

The Court said: Ten days ago we announced our intention of sitting to-day, and the business must go on.

Mr. McDonald said: I do not want to support the application, at the same time the Court should know that the people did not anticipate that any business would be done to-day.

The Court explained that the attendance of Manga to-day is as much a surprise to itself as it can be to the people represented by the speaker, but the business must proceed. The family of the speaker, Waharoa, is well represented.

The Court explained the object of its visit, and

Rewi said: I will not speak of things of former times, but of the mission on which Mr. McDonald has come. Afterwards I will speak of former times. First I speak of Tapa's coming to receive the money for Rangiaohia—to ask for it. I said: "I do not consent to your having [receiving] money for Rangiaohia, Puahoe, and Pukekura: no, should the day come when we become united, then we will investigate it" [your claim]. To this word Tapa assented. I then said: "I give you Rangiaohia, Pukekura, and Puahoe, but the decision rests with the people owning those lands." I mean the people who lived on these lands—not those in the Crown grants for them. Those who had the arrangement of Pukekura were Te Waharoa and Whetowheto [Murupara]; those who could speak of Puahoe were Haunui and Porokoru; those who could speak of Rangiaohia were Hori te Waru and Hone Papita. These were the old men of the day. I do not know what Waharoa and Murupara said. Of Puahoe I will now speak. Potatau first spoke to Ngatiraukawa about coming back. He went to them by sea, and spoke to them about returning; also Ngatikauwhata. Afterwards Porokoru and Haunui went to fetch them. After that Potatau told me to send Tukorehu to fetch them. Tukorehu went to fetch Whatanui's bones, and the people Ngatiraukawa—in connection with the lands from here to Kihikihi, Orakau, Otautahanga, Aotearoa, and Taupo. Te Whatanui is buried at Taupo. This is what I said to Tapa, and he to McDonald. What I mean by the words "in connection with these lands," is that they should leave their lands at Kapiti without selling them, but come here and take possession of these lands, and sell them or retain them, as they thought proper. They did not come. Tapa said, "Will it be well to investigate this land?" I said, "Yes, if you and your European are willing to investigate the matter, well." Under any circumstances, after they left, the land could not belong to them, but to the residents. That ends the talk with Tapa. After the land was confiscated, Tapa asked me for money on account of these lands, and I said, "I do not agree." This was in 1868. I think it was before the Court. Tapa had already heard of the sitting. I cannot remember whether it was before the Court or not. Tapa came to me. On account of my being angry he went back. He did not attend the Court. Had they returned on our invitation, they would have had great mana over the land. Tapa returned home, and then McDonald came. McDonald went back to Kapiti, and returned again with Tapa. First time McDonald had twenty people with him. Second time he came with Tapa and Tamihana Whareakaka. I said on both occasions, "Let the land be investigated, as I had consented to Tapa." On another occasion I wrote from Waitara, and McDonald and Tapa and others came. I said, "Your word is right about the investigation of these lands, but let the investigation be clear." I take this to be the investigation. I now consent to it. If McDonald's case is clear, and recognised by us, then we agree; if not, then we do not. If he has any double-dealing in this matter, then we dispute it.

Examined by Mr. McDonald : Were you at the Native Land Court in 1868 ?—We were then at war with the Europeans, and could not attend.

Where were you when Tapa came to you first ?—At Te Kuiti.

You say you sent for Ngatiraukawa and Whatanui to come and live on these lands from Pukekura to Te Awamutu and Kibikihi ?—Tapa would have gone to Rangiaohia and Puahoe, not to Pukekura—that is, wherever I would send him, except Pukekura. The other people would speak for it.

Was it on Tapa's first visit that you said it would be right to investigate these lands ?—Yes, investigate it not after my fashion, but after the European fashion ; if your case is good—good ; if not, of no avail.

You say Tapa came for money ?—I said, "I do not agree to give money, but if you agree to have the land investigated, have it investigated."

Did you mean you would not give money or that you would not sell the land ?—Whether the land was sold or confiscated I would still retain it. I would not sell the land under any circumstances.

Was that your reason for saying "I will give no money." ?—Yes.

Did you hear that some people came back on Haunui's invitation, or Porokoru's ?—Yes, they came—five came.

Did you go to object or hear of any one objecting to their residing here ?—How could they object when we invited them ? Hoani te Waru and Hone Papita did not consent—both have been dead a long time. Wharekawa, child of Hori te Waru, is alive. They died after the European war. Wharekawa is at Hikurangi. I say these two did not consent, because they said nothing. (Their silence meant dissent.) They had no power to say "No," because we had agreed to it. They lived at Mangakopara. I should have opposed Tapa in the Court, had he endeavoured to sell the land ; but had it been his purpose to retain the land, I should not have opposed him.

Examined by the Court : The name of Raukawa was not spoken of in connection with Ngatikauwhata. They were a distinct people from an early period. Before Taumatawiwi there was no Ngatikauwhata people separate from Ngatihaua. They lived with Ngatihaua. They had no distinct estate. I am a Ngatikauwhata. Do not ask me if we had any land separate from Ngatihaua at Puahoe, Pukekura, Maungatatauri, and Ngamako. Ngatikauwhata lived with (among) Ngatihaua, Ngatikahukura, Ngatiteao, and with us. We are the descendants of the marriages of Ngatikauwhata into these peoples. When Ngatikauwhata went away and left these lands they left them to us, and so became our property. Ngatiraukawa went to Kapiti because of the death of my father Whatakaraka. I was then at Taupo. Piraunui, at Waotu, was the pa they left to go to Kapiti. They really went because of my intended revenge for the death of my father who had been shot. My word is now that he (Ngatikauwhata) should stop at Puahoe and Pukekura. Our opinion is that these people should cease to agitate respecting these lands now. Go back to Kapiti and discuss this matter. [True interpretation of expression maintained.] Let us see the decision of Puahoe and Pukekura, and then the other lands may be further discussed. Personally I assent to Mr. McDonald's claim. The people at large do not. Ngatikauwhata left their country and their land, and their claim is not revived. Their claim was lost. They did not accept my invitation, and now only can they come back under my own mana. We should decidedly object to their coming stealthily, or to raise money on the land. My consent is necessary. Mine is the mana.

Statement by Mr. McDonald : Had these people been here in 1868, and had we come back to claim this land by occupation, we should have been admitted ; if not, we could have had no claim now. I contend that had we been at Court in 1868 we should have been admitted to the title to this land. These people now find a good reason for our absence, and they say we should have been admitted had we been here.

Adjourned *sine die*.

