

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).

Tuwhenua 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 Tuwhenua 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