

book, and showed the Court very positively that when he had surveyed the land he surveyed the outer boundaries of the block. It was attempted to be shown on the trial that Mr. Ellison had surveyed land other than that which he was expected to survey; but Mr. Ellison proved that certain Natives were with him on the survey and over the whole land, and showed conclusively to the Court that the survey made by—

130. *Sir G. Grey.*] What were the names of the Natives?—Paora Torotoro and Rewi Haokore.

131. What did the Court find with respect to the knowledge of these two persons?—The Court found, in the case of Paora Torotoro, that he did understand the transaction; but in the case of Rewi Haokore there was no evidence to show that he did or did not understand it. I do not know whether these were the exact words or not.

132. Were you aware that the Natives did not admit that the portion of the land claimed was included in the sale?—I was not aware of it until shortly before the action commenced.

133. You did not know in the beginning of your connection with the transaction?—No; certainly not. The question was never raised. I think the action was commenced in 1874. I think the question was raised in 1873.

134. Did you purchase the land?—Yes.

135. Was there nothing in the deed that gave you warning that that land was included?—No. I inspected the grant, which showed the area of the block to be 3,570 acres, I think.

136. Who was it you purchased it from?—From Paora Torotoro and Rewi Haokore.

137. Did Mr. Braithwaite have nothing to do with the transaction previously?—Yes; he had a lease of about 3,410 acres, being all the block except 360 acres.

138. Which is the disputed piece?—The 360 acres.

139. Were you aware that Mr. Braithwaite did not lease that piece?—I was aware that it was not included in Braithwaite's lease, because I had previously searched the Registry Office.

140. Then you did not believe that you were purchasing only what Mr. Braithwaite leased?—Yes; Braithwaite offered me £500 to include the whole block in the purchase.

141. Then you purchased from Paora Torotoro?—Yes; Paora Torotoro and Rewi Haokore.

142. What did you say was the name of the second Native who was found not to be included?—Rewi Haokore. He was found not to be included. I think the finding of the jury was, that it was not proved that he understood the deed or not.

143. And he was one of those who sold to you?—Yes, one of those who sold. The decision was made by the Court of Appeal, and argued in Wellington and decided in my favour. The appeal was only on behalf of the one plaintiff Rewi. There was no appeal on behalf of Paora.

144. How many Natives were interested in the block altogether?—Only two. It was granted to them.

145. Did this man sign the deed without giving you warning?—What man?

146. Rewi Haokore?—The question was never raised until some time after the signing of the deeds.

147. Was the deed interpreted to him?—Yes.

148. Who was the interpreter?—Henry Martyn Hamlin. He is dead since.

149. *Major Te Wheoro.*] Who sold the whole block to you? Paora Torotoro and Rewi Haokore.

150. Which did Mr. Braithwaite lease?—He was leasing the whole block excepting the 163 acres. I think it was 3,410 acres.

151. Was the land surveyed which was leased to Mr. Braithwaite?—Yes.

152. When were the 163 acres surveyed?—At the same time as the other.

153. Was this not excluded from Braithwaite's piece?—Excluded from what?

154. From the block?—It was not excluded from the block. I am informed that Braithwaite had a lease previous to that land being Crown-granted; but I am not aware of that from my own knowledge.

155. Who ordered this survey?—I do not know at all. The survey was made some years before I had anything to do with it. Mr. Ellison says it was the Natives who ordered the survey, but I do not know from my own knowledge.

156. Is this land near Moteo?—The whole land, I understood, was known as Moteo.

157. When you bought this land how many Natives were living upon it?—I am not at all aware. I was not on the land at the time of the purchase, nor for some two or three years afterwards.

158. Where is the place of Paora Kaiwhata?—Paora Kaiwhata lives about a mile and a half further from Napier than this land along the river-bank.

159. Has Henare Tomoana any claim to this land?—Not that I am aware of.

160. Did Henare Tomoana say anything to you about this land when he had heard that you got it? Did he not ask that he should have some acres out of it?—I do not remember. I do not think that Henare Tomoana and I conversed about this portion until after the action in the Court.

161. Was it after the case was tried in the Court that Henare Tomoana spoke to you?—I am not certain, but I think it was somewhere about that time.

162. *Mr. Henare Tomoana.*] Did Paora Torotoro and Rewi Haokore both sign their names at the one time?—I believed they both signed at the one time.

163. Do you know when they signed?—One at Paora Torotoro's place, and the other at Tareha's house.

164. Which house of Tareha's?—I could not say. I think it was at the pa.

165. How many miles away from the pa?—About three miles. I am not certain whether they were together on that occasion or not, or whether they executed at that time a mortgage of the land.

166. Do you not know that the Natives were living on this land?—I do not know. At that time I think they were living on land sold to Neal and Close, now sold to Bennett. The land was called Omaranui. Some called it Kohurau.

167. When did you find out that the Natives were living on the land?—I could not say for certain. I should think it was some time about 1872.