

1888.  
NEW ZEALAND.

# NATIVE AFFAIRS COMMITTEE.

(REPORT ON THE PETITIONS OF HITIRI TE PAERATA AND OTHERS, TOGETHER WITH MINUTES OF EVIDENCE.)

*Report brought up 17th August, 1888, and ordered to be printed.*

## REPORT.

ON PETITIONS:—No. 204, TAONUI HIKAKA and 128 Others (No. 1); No. 416, HITIRI TE PAERATA and 110 Others; and No. 260, TE PAPANUI TAMAHIKI and 96 Others.

PETITIONERS, who claim to be owners in a block of land called Tauponuiatia, state that when the Court sat to adjudicate upon that land some of their people were unavoidably absent, and the land was awarded wrongfully to other Natives. Petitioners applied for a rehearing, which was refused. They now pray that a rehearing may take place.

I am directed to report as follows: That, as the matter is now under investigation by the Supreme Court, the Committee has no recommendation to make.

17th August, 1888.

### [TRANSLATION.]

Nos. 204, 416, me 260.—Pukapuka-inoi a TAONUI HIKAKA me etahi atu 128 (No. 1); HITIRI TE PAERATA me etahi atu 110; me TE PAPANUI TAMAHIKI me etahi atu 96.

Ko nga kai-pitihana e ki nei e whai take ana ki tetahi poraka whenua e karangatia ana ko Taupou-nuiatia, e mea ana i te ngaro atu etahi o ratou iwi i te wa i noho ai te Kooti ki te whakawa i taua whenua, a i whakataua hetia te whenua ki etahi atu tangata Maori. I tonu nga kai-pitihana kia whakawhakia tuaruatia, a kahore i whakaaetia. E inoi ana ratou inaia nei kia whakawakia tuaruatia ano.

Kua whakahaua ahau kia ki penei: No te mea kei te whakawakia tenei keehi e te Kooti Hupirimi. Kahore he kupu a te Komiti.

17 o Akuhata, 1888.

## MINUTES OF EVIDENCE.

THURSDAY, 9TH AUGUST, 1888. (Mr. KELLY, Chairman.)

HITIRI TE PAERATA examined.

1. *The Chairman.*] You ask for a rehearing of your case by the Native Land Court, as you were not able to attend the sitting of the Court?—Yes.

2. Is this the land in respect to which Mr. Brookfield has instituted proceedings to upset what was done at the Court. Is not the matter before the Supreme Court, for if so the Committee cannot report upon it?—We have gone to the Supreme Court.

*Mr. Carroll:* The action before the Supreme Court is simply a suit for an injunction to prevent the issue of any order or anything being done with the block, pending, as I understand it, a settlement here.

*The Chairman:* Simply that the land should go back to its original position.

*Mr. Taipua:* Cannot the petitioner give evidence as to outside matters?

*Mr. Carroll:* That is, matters outside the petition itself, but still in support of the petition.

*Major Jackson:* Yes; everything he says must be in support of the petition.

*The Chairman:* The principal prayer of the petition is for a rehearing.

*Mr. Taipua:* The object of bringing the matter before the Supreme Court was to prevent any action whatever being taken with the land.

3. *The Chairman.*] In that case nothing can be done while that action is pending. I would, however, ask the witness, Has your counsel advised you to petition this House?—Yes; our lawyer and the whole of us together.

*Mr. Taipua:* They would inquire in the Supreme Court whether this affair had already been inquired into by a parliamentary Committee.

*Mr. Carroll:* The petitioners are setting up their case in two Courts: in the Supreme Court and before this Committee, having the one object—to get a rehearing of their case.

*Major Jackson:* The best way will be to let the petitioner state his case from his own point of view.

4. *The Chairman.*] Very well, the Committee are ready to hear what you have to say, petitioner?—I come here to convey to you my grievance and the wrongs complained of by all the hapus of my people in connection with this block. The Ngatiraukawa think that a great grievance has come upon them, and that a great injury has been done to them, in consequence of the decision that has been made by the Court in regard to this block. There was also an injustice done to the Ngatimaniapoto Tribe. I wish to explain this matter in order to show the Committee that I am not the only one who has a grievance in this case, for there have been petitions from these people also presented to this House. I come to represent my own district, commencing at Pouakani as far as Hurakia; that is the portion of the block that I was interested in. As I said, I can explain the matter on behalf of the Ngatimaniapotos also, commencing at Maraeroa; thence as far as Tuhua. I am quite capable of explaining the matter in regard to the Ngatimaniapoto, for we are both concerned in the block. I am also quite capable of explaining the matter between ourselves and the Ngatituwharetoa. The boundary of the Ngatituwharetoa commences at Kuratau on the south, and to the eastward Ngatiraukawa. We are residing on a portion of the block. The division-line crosses Lake Taupo and abuts on the line of the Tatua Block. The line commences at Hingati across Taupo Lake to Whangamata; thence to the boundary-line, Tatua; thence to the Waikato River. Whangamata and Tatua were awarded to us by the Court formerly—to myself and the hapus of the Ngatiraukawa. I wish to point out that this is a portion of the block that I want a rehearing for. We are all exceedingly grieved over the judgment given by the Native Land Court. I do not take notice of the age at which I have arrived, or of the journey I have had to encounter in order to explain my grievances before this Committee. This is the second time we have come here on these matters and to explain our grievances before your honourable House. I hope your honourable House will be able to explain matters to your petitioners as may relieve them of this trouble; that is the tenor of what I have to say.

5. *Major Jackson.*] Was any opportunity given to you and your people, or to the Ngatimaniapoto, of giving evidence?—We were not there when the first award was made of external boundaries.

6. That was really the award that kept them and you out?—Yes.

7. Then, you say that you had no opportunity, neither had your people an opportunity, nor the Ngatimaniapotos, of giving evidence when that first decision was made?—No.

*The Chairman:* But he says there was another hearing, and they were there.

*Major Jackson:* That was at the subdivision.

8. *Hon. Mr. Ballance.*] Did you see the *Gazette* notice of the first hearing?—Yes; I received the *Gazette* notice; but we were prevented from attending by a case which was proceeding at the Resident Magistrate's Court at Cambridge, where we had also to attend; we were therefore prevented from attending the Native Land Court.

9. Did you take any steps to inform the Court that you were detained at Cambridge: did you explain the reason of your absence?—Yes, Taonui and I sent a telegram to the Judge.

10. Did the Judge refuse to postpone the case until you were present?—It would appear so, for he did not take any notice of what we stated in our telegram, but went on with the case. We applied to postpone the case until we got to Taupo, for we were detained by having to give evidence in the Resident Magistrate's Court at the Waikato.

11. Then, you did afterwards appear before the Court?—Yes; we went there afterwards.

12. *Major Jackson.*] But not before this decision was given?—The judgment was given before we arrived there.

13. *Hon. Mr. Ballance.*] Were you present in Court before Taonui?

*Mr. Carroll:* Afterwards.

14. *Hon. Mr. Ballance.*] Was Taonui there?—He was conducting the case for the Ngatimaniapotos and myself in regard to the Ngatiraukawas.

15. Was not the reason the Court would not hear Taonui because he had insulted the Court?—He spoke to the Court in a proper manner. He asked time to negotiate and report to the tribe.

16. *Mr. Carroll.*] He asked the Court to reopen the case, and give an opportunity for bringing further evidence?—Yes.

17. *Hon. Mr. Ballance.*] The Court refused to comply with the request made by Taonui?—Yes; the Court would not take any notice of what he stated.

18. *The Chairman.*] Who were the Judges?—Mr. Brookfield and Major Scannell.

19. *Major Jackson.*] You asked the Court to reopen the case and take fresh evidence?—Yes.

20. And the Court would not allow it?—No.

21. What was done?—Taonui was sent out of Court.

22. *The Chairman.*] Is Mr. Brookfield your solicitor now?—Yes. Mr. Brookfield told me that this case had been explained to him since both by John Grace and Taonui; that the interpretation in Court was different.

23. *Mr. Carroll.*] He afterwards found out that what Taonui said was correct?—Yes.

24. *Hon. Mr. Ballance.*] Was Mr. Brookfield then Judge or solicitor?—He is now acting as solicitor.

25. *The Chairman.*] You say that the whole matter is now before the Supreme Court, in the hands of Mr. Brookfield, on your account?—Yes.

26. *Mr. Carroll.*] Was Taonui allowed time to investigate his claim?—No; Taonui persisted in claiming a right to a rehearing, and he was arrested by order of the Court for persisting. He was arrested for the manner in which he left the Court. He said, "If the Court does not give me an opportunity of stating my case I will leave the Court." The Court took it as a contempt, and he was arrested.

27. *Major Jackson.*] But was it because they would not hear his evidence that that was done?—Yes.

*Hon. Mr. Ballance* : The Court did hear him. I have no doubt but Taonui kept on persisting until it was regarded as contempt.

*Major Jackson* : They would not open the case for him.

*Hon. Mr. Ballance* : No doubt he kept on persisting until the Court intimated disapproval ; and he was eventually arrested for contempt.

28. *Mr. Carroll.*] Who was the interpreter?—Grace.

28A. Who was the Government Commissioner?—Grace.

29. *The Chairman.*] Not the same Grace?—No ; his brother.

30. *Mr. Carroll.*] Who was acting on behalf of the Ngatituwharetoa?—Lawrence Grace.

31. He that was member?—Yes.

32. *The Chairman.*] They were three brothers—the three Graces?—Yes.

33. One being member for the district?—Yes.

34. The other two, one being Native Agent and Land Purchase Commissioner, and the other interpreter to the Court?—Yes.

35. *Mr. Carroll.*] Had the Government any interest in that land—Tauponuiatia Block—Yes.

36. Are you quite clear as to the portions of the block to which claims were made?—I am not quite clear which part they claimed ; but I heard it from outsiders.

37. Was Mr. Grace the Government Agent at the time the Court was sitting?—Yes.

38. Was it he who gave the money to the Natives?—Yes.

39. Were the Government paying money to the Ngatituwharetoas and the Ngatiraukawas?—Yes.

40. Were these the people to whom the Tauponuiatia Block was awarded?—Yes.

41. Was the land awarded to the people at that time unawarded before by the Court?—Yes.

42. Is Mr. Grace son-in-law to Te Heuheu?—Yes ; he has married Te Heuheu's daughter. Another of the Graces is also married to a relative of Te Heuheu.

43. Is that the interpreter?—John Grace is the interpreter ; William Grace is the Government Agent ; and Lawrence Grace was the member.

44. Is Te Heuheu the chief to whom this land was awarded?—Yes.

45. *Major Jackson.*] You stated first that the wife of Lawrence Grace was the one admitted in the claim. William Grace has a wife : was she also admitted in the claim?—Yes ; they were admitted as claimants.

46. Has John Grace a wife?—Yes.

47. Was she admitted in the claim?—Yes.

48. Then, the three wives of the three Graces were admitted in the claim?—Yes.

49. *The Chairman.*] Are they not women of great rank?—Yes.

50. Were they entitled to be admitted?—In those places, where they had a right.

51. *Hon. Mr. Ballance.*] Is not William Grace's wife related to Rewi?—Yes, she is related to Rewi.

52. Is she related to him on the Ngatiraukawa or the Ngatimaniapoto side?—Through the Ngatimaniapoto.

53. Is she not more Ngatituwharetoa than Ngatiraukawa?—She is more closely related to Ngatiraukawa.

54. If they succeeded in getting their names inserted, would she have been entitled because she was a Ngatiraukawa?—It would have been right to admit her claim to those portions which she had a right to.

55. *Mr. Taipua.*] Was Rewi admitted?—No.

56. As a claimant?—No.

57. *Major Jackson.*] Was it through Rewi she claimed or through the others?—I have already said that the three Graces excited our suspicion by the way they were conducting matters.

58. What I asked you was whether she claimed through Rewi or the others?—I do not know.

59. *Mr. Taipua.*] Was it through Mr. Grace that her name was admitted to these blocks?—I cannot say whether it was through his influence.

60. *Mr. Taiwhanga.*] What year was it that the Court sat?—1885 : in December.

61. Is not this land under the control or within the border of the King Country?—Yes.

62. Do you know if there was a large meeting held in 1886 in the Waikato?—Yes.

63. Were you there?—No.

64. Did you not hear that they made application to Mr. Ballance to have the surveys of that block stopped?—Yes ; I did receive a letter that you sent word to stop the surveys.

65. Do you know the reason of my asking Mr. Ballance to have these surveys stopped?—Yes.

66. What did you gather from my asking Mr. Ballance to have the surveys stopped?—I quite agreed with you.

67. Did I not explain to Mr. Ballance that it was quite contrary to the provisions of the Treaty of Waitangi?—Yes ; I understood it so.

68. *Mr. Taipua.*] Were you included in the first notice that was given in the *Gazette*?—Yes ; it was our Committee that included me, because they knew that I was principal owner in that portion of the block which belonged to us.

69. Who were the members of the Committee that included you?—Hare, Poihipi, Hohepa Ruruka, Tehuiatahi, Matuahu, Paurini, Tamahiki.

70. Did they include your name?—Yes ; and when I heard of their second meeting I was absent again. I was not at the first meeting. I was absent from the meeting of Ngatimaniapoto ; the second meeting of their Committee was in reference to the external boundary of the Tauponuiatia Block. Some of the old chiefs were there ; that was the occasion when they asked for an investigation of the external boundaries.

71. How many were on the list of names that asked that this land should be investigated?—There was Te Heuheu and some others. I do not know the whole of them.

72. Was it the first investigation or the second that you petitioned about?—Both the first and the second.

73. What was wrong in the first investigation?—It was in the Court making their award while we were absent. Those people who were there had arranged as to whom the block was to be awarded, and, having done so, presented their claims to the Court. The thing was not arranged between the two or three contending parties, but arranged between those who were present in the Court. The other objection was owing to the objection raised by the Court to let us reopen the case.

74. Were the names of all the ancestors included in these blocks?—No; the Ngatiraukawa ancestors were not included. The only name of the Ngatiraukawa was that of Tuwharetoa.

75. What was your object in reopening the case again?—So that our tribe should get a fair share of the property.

76. Were you not sent for to arrange matters in the Committee held outside the Court?—I was referred to by the Committee of the Ngatituwharetoa to arrange matters. The Graces were also there. They went on to urge them to allow the Ngatiraukawa, or their ancestors, to be admitted. They would not agree to that. I went back to the Court. A day or two afterwards they said they had no opportunity of getting into the Court, and the matter was sent back to the Committee.

77. What was your opinion as to the reason why the Court would not agree to hear you?—Because it seemed to support Te Heuheu's people and the Graces. That appeared to me to be what the Graces were doing every day I was there, for when I went to dispute before the Committee they were there; if I went before the Court I found them there also.

78. How do you know that the interpreter did not give the right interpretation?—I heard it from Mr. Brookfield.

79. From whom did Mr. Brookfield hear that the interpreter did not give the right interpretation?—He heard it from Mr. Davis, a native interpreter.

80. Do you know the ancestral boundaries of that block?—I know the boundaries belonging to my own people.

81. If you know of any discrepancy in the first award you had better relate it?—I do not know anything further than what I have already related.

82. In the division of the block, were the divisions wrongly made in regard to ancestral rights?—I objected also as to the external boundaries between some of the hapus. I commenced to make my objections as to the boundary called Pouakani. There are no such boundaries as were awarded or made by the Court (that is, for external boundaries) commencing at Tapararoa; the boundary-line is a straight line from Tapararoa to Pouakani, thence to the Waikato River, or to the source of the Waipa Stream. I objected because some of our land was included in what was awarded to Ngatituwharetoa; and the portion to the south-east was given to Ngatiraukawa.

83. Was that the reason why you asked for a reinvestigation to take place for that portion of the block?—Yes.

84. When this second investigation took place, to what did you object?—The first objection I had to make was the award made to Ngatiraukawa; that was one of the first wrongs; the other objection was given the second time, and was that the Ngatiraukawa were admitted again into another block.

85. Who were the Ngatiraukawa that were admitted?—It was owing to the ancestor's name, Wairangi, for he was in no way related to Tuwharetoa or to Tia. He belonged altogether to Ngatiraukawa.

86. Do you think these persons would have a right to that portion of the block?—Ngatiraukawa would have a claim according to the award made by the Court.

87. What is the reason, in your opinion, that the Court allowed them to become claimants to that portion of the block?—I believe it was because these Natives had received money from Government owing to the action of the Graces in the second instance.

88. Do you know that, or is it only hearsay?—I saw it myself.

89. Did you inform the Court that you had cemeteries in that portion of the block?—Yes; we told them where our cemeteries were situated; we pointed out our houses, our cultivations, our fortifications: the Ngatiraukawa explained where their cemeteries were, also their houses, cultivations, and former fortifications; and when the Assessors and the interpreters went on to the land to see if the boundaries were right they found that what we stated in Court was perfectly correct.

90. And that the evidence of the opposite parties in these respects was incorrect?—Yes; the Assessors and the interpreters told the opposite parties that what I said was correct. But what they brought forward—the marks or signs of cultivations—were nowhere to be found. When the matter was before the Court it made its award quite contrary; it awarded us but small portions of the block notwithstanding that our representations were correct as regards our claims on account of long residence and various other grounds. It also included Ngatiwairangi, about two hundred of them, in the places which were awarded to us.

91. Did you hear Grace say anything about the land being awarded to Ngatiwairangi?—I heard it stated that Grace should say that the greater part of the block was going to be awarded to Ngatiwairangi. That is what we thought; that Grace and the Government had the whole management of the matter, and they awarded where and to whom they thought proper.

*The Chairman:* The Court could not have done anything outside the evidence.

92. *Mr. Taipua:* Did your people receive any money from the Government?—No, none at all.

*The Chairman:* If they did they could not go in for a rehearing.