

SESS. II.—1897.
NEW ZEALAND.

THE HOROWHENUA BLOCK.

MINUTES OF PROCEEDINGS AND EVIDENCE IN THE NATIVE APPELLATE COURT UNDER THE PROVISIONS OF "THE HOROWHENUA BLOCK ACT, 1896," IN RELATION TO DIVISION 14 OF THE SAID BLOCK.

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

THE NATIVE APPELLATE COURT, LEVIN.

MEIHA KEEPA RANGIHIWINUI, CLAIMANT. WARENA HUNIA AND OTHERS, COUNTER-CLAIMANTS.

THURSDAY, 25TH FEBRUARY, 1897.

THE Court opened at 10.15 a.m.

Present: A. Mackay, Esq., Judge, presiding; W. J. Butler, Judge; Atanatiu te Kairangi, Assessor; A. H. Mackay, Clerk.

The Court announced that all cases notified in *Panuis* dated the 14th January, 1897, and 8th February, 1897, were now before the Court, and would be taken in the order in which they were set down unless sufficient grounds were shown for altering the arrangement.

Judge Wilson appeared and asked that his evidence might be taken first if none of the parties would be prejudiced thereby.

Sir W. Buller appeared with Mr. Beddard for Meiha Keepa te Rangihwinui.

Mr. John Stevens appeared for Warena Hunia, Wirihana Hunia, and others, and announced that Mr. Stafford was with him to advise and argue upon any points of law that might arise during the progress of the case. He would also watch the case on behalf of the Public Trustee.

Sir W. Buller asked if Mr. Stafford represented the Crown.

Mr. Stafford replied that he did not, but that he would advise Mr. Stevens on questions of law.

Sir W. Buller urged that the Public Trustee could not be a party to the case, and protested strongly against his being represented.

Mr. Stafford stated that he appeared merely to watch proceedings on behalf of the Public Trustee, and to interpose if necessary, and if the Court would allow him to do so. In addition to this he appeared with Mr. Stevens, to advise and assist him on questions of law.

The Court: The Public Trustee has no status before this Court.

Mr. D. Scannell appeared for Hera te Upokoiri, and to some extent for Rakera Hunia, but would not take part in the case unless their brothers did anything prejudicial to their rights, or unless it became necessary for him to take action under section 4 of the Horowhenua Block Act.

Colonel McDonnell appeared for Raraku Hunia and three others.

Mr. Baldwin appeared on behalf of Nepia Pomare and others, direct descendants of Te Whata-nui, to oppose certificate of title being granted to Kemp in Section No. 14, or to others in any of the other sections.

Sir W. Buller contended that Mr. Baldwin's clients had no standing unless they had sent in an application within the time allowed by the Horowhenua Block Act.

Mr. Baldwin argued that his clients and any others could claim a beneficial interest in the land under "The Equitable Owners Act, 1886." The inquiry could not be confined to any particular persons or hapus.

Sir W. Buller again contended that the jurisdiction of the Court was limited to the persons whose names appeared in the certificate of 1873 and the forty-eight added by Parliament, unless an application had been made in the time allowed, and they were confined to certain reserves agreed to by Kemp in No. 11.

Mr. Baldwin suggested that if the Court was in any doubt, a case should be stated for the opinion of the Supreme Court as to whether the provisions of the Equitable Owners Act were to be confined to the Muaupoko.