

some of them have been there so long that they do not actually know to which hapu they belong. Supposing there are some people found in that position, could they not come in with the Ngatimutunga? If a man of some other tribe had married into the Ngatimutunga, would his name be considered?

*The Commissioner* : If a man is in that position, and is considered now to be a member of the Ngatimutunga Tribe, I should take his case into consideration, and should recommend it to the favourable consideration of the Government. If any Native belongs to any other tribes that have not been satisfied I could not deal with them; but I understand that there is land for the Ngatitama, Ngatiawa, and Taranaki. If any of these Natives come forward and wish to make a claim I will take a note, and draw the attention of the Government to it.

*Mr. Martin* : I wish to draw attention to the fact that I represent some Ngatitamas, and I also wish to draw attention to the fact that by-and-by their land may be in the same position as the Ngatimutunga's.

*Mr. Kensington* : They all made their claims at the proper time and received awards. Mr. Skinner reminds me that though the Commission is set up to deal purely with the Ngatimutunga, yet there are 600 acres still left—

*Mr. Fisher* : As far as the Ngatitama are concerned this is a matter for the Native Land Court to find out who are the beneficiaries.

Mr. Martin here handed in a list of the claimants for whom he appeared—ten in number—all adults, and members of the Ngatimutunga Hapu. (See List 9, Appendix C, (1).)

*The Commissioner* : Where do these people live?

*Mr. Martin* : Motueka.

The Commissioner then took the addresses.

*The Commissioner* : Well, the cases of Mrs. Brown and Mrs. Hopere will take some time, and Mr. Hutchen has asked me to take his first as it is a short case, and he does not want to put his client to the expense of remaining here.

Percy Frank Bayley was then sworn.

*Mr. Bayley* : I reside at Eltham, and am the father of the claimant Charles Bayley, whose mother was Henrietta Uruhenu, who is now dead. The son was born on the 23rd March, 1873. Henrietta Uruhenu's mother was Haurangi Pihuka, also dead. They were Ngatimutungas of the Chatham Islands, and came over at the latter end of 1869 or in 1870. I cannot speak personally as to my son's rights.

*Mrs. Brown* : Before Mr. Hutchen goes on I should like to enlighten the Commission that the case he brings on now is gazetted to be heard on the 23rd of this month, and has nothing to do with this claim. I am the successor with regard to the land under dispute in that case, and I would ask the Commissioner to put this case on one side, and let it come at its proper time.

*The Commissioner* : The Commission has before it the claims of the Ngatimutunga, and this is a Ngatimutunga claim. I have nothing to do with the case elsewhere.

*Mrs. Brown* : I represent these people of whom Mr. Hutchen is speaking, and until the 25th of this month he has no right to speak.

*Mr. Hutchen* : That is a mere assertion on the part of Mrs. Brown. She has nothing to support it.

*The Commissioner* : Mrs. Brown, you must not interfere. I have no right to debar any person appearing before me as a Ngatimutunga. Your proper course is to cross-examine the witnesses. Remember, Mr. Bayley, you are still upon your oath.

*Mrs. Brown* : Bayley, you put in an application for your brother on the 22nd of December last.

*Mr. Bayley* : I might have.

*Mrs. Brown* : Was it not adjourned?

*The Commissioner* : Wait a moment. Was this application put in as a claim for succession?

*Mr. Kensington* : No. They are referring to a case in connection with some Urenui land, and not with reference to this particular Block. This Commission is dealing with a particular block of land, and I think that any other case with regard to any other land should not be considered. This Commission is confined to land only in Block VIII.

*The Commissioner* : That is so. I need not repeat to you Mr. Bayley, as you were here yesterday and heard the proceedings, that if your son or any of your people have had awards from the Compensation Court that debars you from making any claim as a Ngatimutunga. You say you have made application for a succession order. Now a succession order to whom?

*Mr. Bayley* : I do not know. The succession order was put in by my brother.

*The Commissioner* : Well, what land was it for?

*Mr. Bayley* : That I cannot tell you.

*The Commissioner* : I am beginning to think that you have no claim at all.

*Mr. Hutchen* : I can give you the information you are seeking. Mr. Bayley knows nothing at all about it. The conflict between Mrs. Brown and Mr. Bayley is with regard to a West Coast reserve which was not issued under an award by the Compensation Court at all, therefore, I think, this will not be a bar to putting in a claim here.

*The Commissioner* : Mr. Bayley would be barred from making any claim here if he had participated in a reserve made by the Crown. This inquiry is instituted with respect to Ngatimutunga claims, and I distinctly stated that if any of the claimants had received awards or were beneficiaries in any land awarded by the Government that would be a bar to any claim on their part.

*Mr. Hutchen* : The position as you put it yesterday is different from the stand Mr. Kensington is taking this morning. I understood you to say yesterday that these Natives who had awards of the Compensation Court in their favour would be barred from putting claims in here to-day. Now the position taken up by Mr. Kensington this morning goes beyond that. He says all Natives who participated in any land whatever are barred. This is a different position altogether. Now this 3,000 acres was set aside for Natives who were kept out of awards before the Compensation Court.