

*The Commissioner:* I know personally that they were living at Urenui, because I saw them there in 1879, before Te Whiti commenced ploughing, and Martin's wife went there at the same time.

*Mrs. Brown:* That is so. She arrived in 1875. The country was then in a state of trouble. I went to Te Puniu and saw his father and mother, who thought that Te Whiti would give them some land, and now they have the presumption to put in a claim.

*The Commissioner:* I have struck out the whole of his children, and do not allow his claim either, as he has land at Urenui.

*Mrs. Brown:* The list that Sir W. Fox put in contains the names of Kanakas and others. It was simply a list of those who were living at Urenui.

*The Commissioner:* Well, I must take this *whakapapa* as *prima facie* evidence. No one has objected to it. I have myself no power to object to the evidence that has been put in. You are making a very grave charge against Sir William Fox, and stating that he did not do his duty properly.

*Mrs. Brown:* My contention is this, that there was no Court sitting at the time the list was handed in.

*The Commissioner:* These Commissioners constituted the Court, and they were the persons to decide. Their decision cannot be appealed against.

*Mrs. Brown:* I think the Commissioner does not quite grasp what I am contending, for my contention is that there was no Native Land Court to ascertain who were the proper persons.

*The Commissioner:* When the Compensation Court sat they formed the tribunal to determine what land the Natives were to get. Their decisions, however, seem not to have been quite satisfactory, as they were not always carried out. The decision of the Commissioners who were appointed was final, and I do not see that it interferes with what you get.

*Mrs. Brown:* Yes, it does; it makes the shares smaller.

*The Commissioner:* No. The Compensation Court gave the Natives what they were entitled to. I will consider these two cases—namely, Ngapaki Parana and Eruini Pihopa (Nos. 6 and 7 on List 9). If they get anything it will be 8 acres each. Te Wareangi Kapurangi and Te Whaka Ririka Kapua Rangi (Nos. 9 and 10 on list) are shown in the *whakapapa* as children of Aramama Riwai and Mere Wairai-hana. Arama died about 1864, consequently he would not come within Mr. Richmond's promise, that having been made in 1867. They are therefore struck out.

Te Tipi put in a list of six names which were added to List 8A, and numbered 59 to 64.

Mr. James Martin was then sworn, and stated that he resided at Whakapuaka. He gave evidence with regard to List 11, and said that he appeared for the children of his elder brother, Wi Parata, who based their claims as descendants of Ngatimutunga through their father, Wi Parata te Kakakura.

*The Commissioner:* These seem only to be entitled to their share in 16 acres, because their father is living, and he is entitled only to 16 acres.

*Mrs. Brown:* stated that she was willing that List 13, put in by Piripi te Aho, should be added to hers, as they were all the same people, and were, in fact, the Ngatimutunga proper.

*The Commissioner:* I suppose what you want is that if there is an award of land it should be put into one block.

Piripi te Aho stated that he wished his list to be included with that of Heni te Rau (*Mrs. Brown*).

*The Commissioner:* There are two lists, Nos. 12 and 13, not yet gone into by Mr. Fisher, and I will therefore adjourn to 10 o'clock to-morrow to enable information to be got with regard to these.

FRIDAY, 19TH MAY, 1905.

The Court resumed at 10 o'clock.

*Mr. Skinner:* Mr. Commissioner, you yesterday received a communication from the Under-Secretary of Lands, requesting that Mr. Percy Smith, who, you are aware, has a full knowledge of the Chatham Islands, should be asked to give information with regard to the dates upon which the Ngatimutunga left New Zealand for the Chathams, and the date upon which they returned to New Zealand. I communicated with Mr. Smith, and he is now here to give this evidence.

*The Commissioner:* The best way is to let Mr. Smith tell his own story, and if there is anything you want brought out afterwards you can ask questions. The other day, *Mrs. Brown*, you produced three lists authorising you to appear for the Ngatimutunga residing at the Chathams, and therefore you can ask Mr. Smith any questions you like upon that subject only.

Mr. S. Percy Smith was then sworn.

*The Commissioner:* You have heard Mr. Skinner say what information he wants from you, and the best way will be for you to make your own statement. I do not think I need to put it into Maori, as it alone concerns *Mrs. Brown* and the Crown's representatives.

*Mr. Percy Smith:* I will try to be as brief as possible. Owing to trouble with the Waikatos, nearly all the people in this place immigrated to the neighbourhood of Port Nicholson. This would be about the years 1820 to 1830, and amongst those, of course, were the Ngatitama, Ngatimutunga, and many other hapus, who came from the northern part of the district about the year 1834. You will remember quite well that a very great battle was fought here, the date of which has been given as 1817, but from investigations which I made myself extending over some years I found the date was about 1821 or 1822, and it was after this that Te Rauparaha and others left Kawhia. The fact is, notwithstanding that Te Rauparaha had beaten the Waikatos in this great battle, there remained a great fear that there would be a great inroad of the Waikatos into the district. This did take place, and in consequence the Ngatimutunga immigrated to Port Nicholson and its neighbourhood. The reason of their going to the Chatham Islands, as far as