Memorandum for the Members of the Native Affairs Committee.

I desire to add to my evidence given before the Committee that, as I acted not only for Rewanui but for her sister, Mrs. Moffatt, and her mother, Erina, I feel strongly that it would not be in the interests of these Natives to reopen this case. From my experience of matters of this kind, I am satisfied that if the matter goes again before the Court and is settled as the result of a contest, the major part of the fund will be dissipated in expenses. There is considerable rivalry among the various claimants, especially in view of an approaching inquiry, as to the ownership of another block in the locality. I believe the real reason for wishing to reopen this question is the misapprehension on the part of the Natives moving as to the effect of the arrangement come to on the relative degrees of mana claimed by the parties to the arrangement. Personally, I do not think the arrangement come to can or ought to affect the relative rights of the Natives in any other block, and, on behalf of Erina and Mrs. Moffatt, I ask that the matter should be left where it is. The Court at Woodville brought a large number of Natives there, where they had to live mostly in hotels at great expense. The settlement of the case saved them, I feel sure, a large amount of money, individually and collectively.

So far as I could judge as to Hare Rakena's claim, it was mainly an assertion of personal mana. The objection taken by his relatives seemed to me to be substantially borne out by an examination of the lists of names in the various blocks in the district. With the exception of Hare Rakena, who was given every opportunity by the Court to establish his claim in open Court, no single claimant who attended the Court expressed the smallest dissatisfaction with the agreement, the terms of which were discussed from day to day as we made progress, and were fully understood by all the Natives.

I suggest that the Committee should see the evidence of Nireaha Tamaki, given at the instance of the Court, as to Hare Rakena's claim, and indeed the whole minutes of the Court's proceedings.

C. B. MORISON.

Mr. MYERS, Barrister and Solicitor, examined. (No. 2.)

55. *The Chairman.*] We shall be glad to hear you in reference to this case, Mr. Myers?—As one of those who have had charge of this case for the Crown throughout the whole of the proceedings, I may perhaps, by a short history of it, be able somewhat to assist the Committee, although I do not think I can assist it very much. The proceedings in regard to this land commenced, I think, in 1893, when Nireaha Tamaki brought an action against the then Commissioner of Crown Lands, in which he claimed that 5,184 acres should be declared to be land owned by the Natives under their customs and usages, and an injunction was claimed against the selling or otherwise disposing of this land. A statement of defence was filed, and certain questions of law were stated for the opinion of the Supreme Court, and removed into the Court of Appeal for argument. The merits of the case were not at that time gone into. The Court of Appeal, in 1894, decided these questions of law in favour of the Crown, against the plaintiff. Leave was granted to the plaintiff to appeal to the Privy Council upon the usual terms. These terms involved the finding of security for costs. The plaintiff did not proceed with his appeal, but later on he applied *ex parte* to the Privy Council, through his solicitors, asking for leave to appeal without giving security. That leave was granted in June, 1895, but for many years the plaintiff and those who were associated with him allowed the matter to remain quiescent, and it was not until many years afterwards that the matter came before the Privy Council. The Privy Council reversed the decision of the Court of Appeal on the questions of law. Up to that time you will bear in mind that the merits of the case had not been gone into. Those who were advising the Crown came to the conclusion, and always have been of opinion, that the Crown had a very good defence upon the merits. They were of opinion that the plaintiff could not establish his claim to this land, but to have proceeded further would have meant the expenditure of an enormous amount of money, and probably another appeal to the Privy Council on the merits; and an arrangement was come to between Tamaki and the Government that the whole claim should be compromised by a payment to those who were entitled to it of a little over £4,000—£4,566. I think that was really meant to be a payment of £5,000, from which there was to be deducted the amount of costs which the Government had already paid to the Natives through their solicitors in respect of costs awarded against the Government by the Privy Council. An Act was passed in 1901—the Native Land Claims and Laws Adjustment Act—section 27 of which purported to effect a settlement of this action and everything connected with it. Up to that time nothing had been heard of those acting with the claimant, Rewanui Apatari, or any one in this matter, except Tamaki. As soon as that Act was before the House Rewanui Apatari took steps in the Supreme Court to have herself joined with Tamaki, and to take away from Tamaki and give to herself the conduct of the action in the Supreme Court, and she also took steps to have set aside the discontinuance which Tamaki filed under the Act of 1901. The Supreme Court went into the matter and found that others besides Tamaki were interested, and had contributed to the costs of these proceedings, and the Supreme Court set aside the discontinuance. At the same time Ereni te Aweawe commenced a new action, based upon exactly the same facts, and setting out the matters in the same statement of claim as in Tamaki's action. Neither Ereni nor Rewanui nor Nireaha Tamaki took any steps in these proceedings until, in 1903, steps were taken on behalf of the Crown to have these actions disposed of once and for all, and the Supreme Court was moved by counsel for the Crown to set aside these actions. In April, 1903, the Chief Justice made an order that if the different plaintiffs did not proceed at once the proceedings in the actions should stand dismissed. Now, none of them, after that order was made, took action in the matter, and so the actions stood dismissed by that order. However, the Government were always willing to effect a settlement with the Natives, which settlement had been prevented by the action of Rewanui and Ereni, the very people who are now objecting to the agreement that