

Blocks had not been surveyed. Years afterwards a surveyor was sent to cut the dividing-line between these two blocks. He was not acquainted with the locality, and the Natives in the vicinity pointed out to him the line which he cut, and which excluded the land in dispute from Kaihinu No. 2 and threw it into the Mangatainoka Block. Regarded as a portion of Mangatainoka, it would at that time have been in the position of *papātupu* land, as a portion of Kaihinu it would be Crown land, and, although the Crown has never receded from the position first taken up, it is now giving way in order to save any further waste of money in unduly prolonged litigation. For purpose of a settlement, the land is deemed to be a portion of Kaihinu No. 2 Block. The owners of Kaihinu No. 2 Block were ascertained in 1871 by the Native Land Court, and the Court, in dealing with the question under the statutory powers conferred upon it by the Acts of 1901 and 1903, adopted that finding, and admitted no one into the title except such as were entitled to come in as successors to deceased owners of Kaihinu No. 2, as ascertained in 1871. Evidently Hare Rakena could not show any right to ownership or right of succession in Kaihinu No. 2 Block under the order of 1871, and that was, no doubt, the reason why the Court shut him out. If this wrangling goes on it must be evident that the whole of the money involved in the case will very soon disappear. Mr. Wi Pere appears to be under the impression that this matter could be settled by some non-statutory process; without an Act of Parliament behind it no valid settlement could be effected.

*Mr. Wi Pere:* Of course the petitioner's reply to my question was very plain. It could have gone to the Council and been settled without any expense.

*Mr. Sheridan:* Mr. Morison, I think, said that Mr. Moffatt had, on behalf of Rewanui and the other petitioner, Erini te Aweawe, retained him to act in the Court at Woodville. The practice amongst the Natives of retaining an agent in writing is not always followed. I was present in Court when the proceedings were opened, and saw each agent stand up and announce the names of his clients. Mr. Morison informed the Court that he represented Rewanui and others. His statement was called out in a loud voice by the interpreter, Mr. L. M. Grace, and no one challenged it, although Rewanui was present in Court. That Mr. Morison was in earnest in his desire to do his best for his clients will be apparent from the fact that from the very first he objected to the Crown being represented or appearing at all in the Court.

112. *The Chairman.*] On the score of economy?—I suppose so. However, the Judge overruled his objection. Mr. Morison did not want the Crown to interfere at all. The Court was occupied with the case for several days, and Mr. Fraser, Mr. Morison, and Mr. Myers spent a whole night going into the question of unverified accounts concerning which the Natives interested were unable to supply information. As for myself, I could make neither head nor tail of the accounts, and had to give the matter up. Judge Brabant was specially selected to hear the case as a Magistrate of the highest standing, and consequently having a judicial mind and a large experience in dealing with involved accounts and cross-claims. I do not think it would have been possible to pick out a better man for the purpose. The Appellate Court, consisting of Chief Judge Seth-Smith and Judge Palmer, was equally strong; I do not know where you could get better men for the occasion. I was surprised at the able manner in which the case was dealt with by both Courts.

113. Has any of this money been paid?—Only a few pounds for expenses to the Natives. Rewanui has had £20.

114. Would not that be an admission on her part that she was agreeable to the settlement?—We do not want to tie her down in that way. She came down here and stayed at a hotel, and I advanced her £20 because I knew that she was entitled to a large sum of money. I do not want to take any advantage of her on that account.

115. *Mr. Herries.*] Supposing this matter was opened by statute and the Court considered this land was part of the Mangatainoka Block, these people might be thrown out altogether?—Yes.

116. *Mr. Hone Heke.*] They were also included in Mangatainoka. Is that not so?—I am not aware.

117. *Mr. Herries.*] But, in the case of Mangatainoka, was that not brought under the Equitable Owners Act of 1886?—No; it was under the 17th section of the Act of 1867, which provides that the names of all owners shall be placed on the back of the certificate of title.

118. If there was a process to enable this case to be settled by Parliament, would it not, in your opinion, be beneficial to all the parties?—That is what has been done. I am only concerned in paying out the compensation, and matters would be simplified very much for me if you could make an order to pay the entire amount to Rewanui.

119. I mean the beneficiaries in the tribe. Would it not be better if no law were passed at all to settle this matter, but that we should allow the beneficiaries in the tribe to be ascertained?—As to the division of the residue after providing for the costs? No, the share would be so very small. As to the costs, that is where all the trouble comes in, and that is where men with brains are required to decide. The settlement of the costs, at all events, should not be disturbed.

120. You think the costs should be paid according to the award of the Court?—Yes.

*Mr. Wi Pere:* The matter of this land in 1886 or 1885—I do not know which—was placed by me before Mr. Hall and another Minister, and Mr. Ballance and I went into the question, and found that it was land lying unowned, and that the Crown had no right to hold it, because the block had been surveyed on one side and not on the other, and then there was a conveyance by the Maoris of the Tararua mountains above it. There was a lake there—Ngamaea Lake—and the boundary-line ran along that lake. The case which was taken to England related to about 10,000 acres, and when the case was thrown out there and brought back to New Zealand it was handed over to me that I might probe into matters. I went to the Premier and told him that we must fix up the trouble. He said that the area was 5,000 acres, but I said it was 10,000 acres. We argued for some time then, and I said, "If you know me to be a man who tells lies, then you