

MINUTES OF EVIDENCE.

TUESDAY, 5TH JULY, 1881.

Petition No. 61, from Paora Kaiwhata and others, read.

Mr. TOMOANA M.H.R., examined.

1. *The Chairman.*] Mr. Tomoana, I see your name on this petition; and no doubt you know the case from your own point of view. I want you to state the case to the Committee?—Yes; I know all about the case. I have not much to add to what is stated in the petition. What is stated there are the principal points on which I can speak. I can only speak about the claim of the Natives to that block, and their settlement on the land. It was through the Government offering the Natives to have that difficulty settled that the Natives agreed to do so. The Natives also thought at the time that Government would consider on their behalf the interest they had in the land, and make such arrangements as would suit them. The Natives on their part did all they could to settle the matter when Mr. Rolleston went there; and the Natives thought that would be a final settlement of the question, if they gave up one thousand acres, as asked for by the Government. The Natives did not think that it rested with Mr. Sutton as to whether the bargain was completed or not. They thought, by giving up one thousand acres into the hands of the Government, the Government had power to settle the whole question. It was only when the arrest of the Natives took place that they felt troubled about the matter, because when that arrest took place the Natives were living on the land. The officers who arrested the Maoris did not tell them to go off the land, or give them any warning; but they were seized all on a sudden, and men, women, and children were bundled into a coach. If the Government had not entered into these arrangements with the Natives, and also promised they would settle the question, the Natives would never have gone off the land. That is why the petition prays for the return of that land to the Natives. When these Natives were arrested they were able to take some of their provisions away, but most of their food on the land was trampled under foot by horses and cattle; and the desire of the Maoris at the present time is that contained in the petition, their application to have the land back again. They want their land back. That is all I have got to say.

2. *Mr. Bryce.*] Were you one of the original owners yourself?—Yes.

3. Are the names upon the petition the names of those who were other owners?—Yes.

4. Did they dispose of the land by way of sale to Mr. Sutton?—No.

5. Are their names to be found on a deed of conveyance, conveying that land to Mr. Sutton?—No.

6. Did the petitioners convey this land to any European by way of sale?—The petitioners did not sell this land.

7. Is there any conveyance within your knowledge, signed by Natives, purporting to convey this land to Europeans?—Yes.

8. Do you allege that these Natives who signed the conveyance were not really the owners of the land?—No; what I say is this: the petitioners did not sell that land; those who sold the land are persons in the grant of Omaranui. Paora Torotoro was one of those who sold. His name is mentioned in the petition, but only as one of those present at the meeting between Mr. Rolleston and the Natives.

9. What I am anxious to get at is the legal position of this land. Was the land conveyed to Europeans by Natives who had the legal right to convey—by Natives who had received the grant?—The grantees did not know what piece was included in the sale.

10. But nevertheless their names are to be found in a conveyance comprising this land?—I have heard the names of Kewi and Paora were attached to the sale; but in that sale those persons who are in the grant knew well that piece was not included in the sale; so did also the people who were living on the land.

11. What I understand from you is, they intended to sell one piece of land, a larger piece; but a smaller piece was included without their being aware of it at the time?—Yes.

12. Was this question ever before the Supreme Court—this question as to the title to this land?—Yes.

13. Was that allegation you have just made—namely, that the Natives were not aware of the smaller piece being included—was that allegation repeated before the Supreme Court?—Yes.

14. Was evidence adduced as to the alleged act?—Yes.

15. What was the decision of the Court?—The Supreme Court gave judgment in favour of Mr. Sutton. It decided the land belonged to Mr. Sutton.

16. When Mr. Rolleston and I visited Napier, with a view to a settlement of this matter, if possible, was that fact at all concealed, that the legal right to the land vested in Mr. Sutton?—No.

17. Then, was not this the position which Mr. Rolleston and myself took up in the matter: We understood it to be the direction or wish of the Assembly, as expressed by the Native Affairs Committee, that a compromise should be effected, if possible, in order to get this matter settled?—Yes.

18. I will put it plainer, so as to revive your recollection. Did I not say we understood it would be desirable that the Natives should concede something, that Mr. Sutton should concede something, and that the Government, on their part, should concede something, with a view to obtaining a settlement?—Yes.

19. And then I proceeded, did I not, to ask the Natives what they would offer on their part?—Yes.

20. And then, having received their offer—I need not go into the various offers made—having received it, did I not close the meeting by saying I would endeavour to arrange the matter with Mr. Sutton?—I do not know about that word of yours.