

with the assistance of the Natives. When he had done the outside boundaries, on the suggestion of Mr. Braithwaite and the Natives he did survey the boundaries of Braithwaite's lease.

258. As you listened to the evidence of the surveyor in Court, did you hear him state who the Natives were that consented to the survey being made, and actually pointed out the boundaries and assisted him in the survey?—I did hear him state the names of one or two Natives, but I cannot remember who they were. He said there were Natives present in the place at the time.

259. Did you ever hear of a dispute among the Natives themselves about ploughing a portion of this land?—No.

260. Do you remember, on one occasion, Tareha and his people going on to this land armed with guns to fight for a piece of it that was being under the plough at the time?—I never heard of such a thing. I do not think such a thing could have occurred without my knowing it. I never heard of Tareha going anywhere with guns. If that occurred I think it must have occurred long before the land went through the Court.

261. I mean before the land went through the Court, but since ploughs were in use?—I do not know. It may have been.

262. *Mr. Tomoana.*] Was that land mortgaged first before it was bought?—Yes; the whole of the land was mortgaged.

263. Was it not leased before that?—A portion was leased some years before that—four or five years, I think.

264. Whom was it leased to?—Mr. Braithwaite.

265. Was it after the land was leased that a survey of it was made?—Yes, it was; and then a new lease was executed after the survey. It was an informal lease which existed three or four years, I think, before the survey. The land was then surveyed, and a new lease was then made for twenty-one years from that date.

266. Whom was the second lease in favour of?—Both were in favour of Braithwaite, as far as I remember. I only know that from rumour.

267. When that land was under lease, what was Braithwaite's occupation at the time?—He was a bank manager in Napier.

268. When the second lease had been drawn up, whom was the land mortgaged to?—To me.

269. Was it to you Braithwaite mortgaged the land?—Braithwaite never had the ability to mortgage. He was the lessee. He only held a lease of the land.

270. Do not you know of a previous mortgage to any other person over the same land?—There could not possibly be one. Braithwaite might have mortgaged his lease, but he could not mortgage the land. He could not put any mortgage upon it that would affect the Natives.

271. Did you not know that a Mr. Maney was connected with a mortgage over that land?—No, I never heard of it. Maney had nothing to do with the land for some years after that.

272. Was it after you had got possession that Maney had anything to do with it?—Braithwaite sold to Maney two or three years afterwards.

273. *Major Te Wheoro.*] You had not bought the land at the time it fell into Maney's hands?—I had bought the land five years before that. Maney had never anything to do with it until three or four years after I had sold to Braithwaite. I am not quite certain as to the dates.

274. Did not Braithwaite tell you that Ngatihira—this portion, the 163 acres—was to be excluded from the sale? When you got the land, did not Braithwaite inform you the 163 acres was cut out of the block?—Certainly not. When I sold to Braithwaite, he instructed his solicitor to prepare a conveyance for the whole block, including the 163 acres, and threatened me with legal proceedings providing I did not sign a conveyance for the whole block. He found, on reference to the writings between us, that I had sold what was leased to him only. He then offered me £500 extra to include the whole of the block. I said "No; I wished to stick to the bargain simply."

275. *Captain Russell.*] With reference to the question asked you now, that there were two surveys, was there not one when the land was originally leased, and one when the land went under the Land Transfer Act?—The survey for the Land Transfer Department was a very recent one, indeed—only in the last year or two. I do not know how it happened, but I got my land through the Land Transfer Department without any fresh survey. There has lately been a survey made by the Bank of Australasia. There was no survey before my certificates were issued. I think probably the Land Department has got a little more particular since.

276. *Sir G. Grey.*] Who was the interpreter who interpreted and explained the deed of mortgage to the Natives?—Mr. Martin Hamlin, I believe.

277. Who was the interpreter who explained the deed of sale?—The same gentleman, Mr. Martin Hamlin, I believe. As far as my memory serves, Mr. Hamlin was the only interpreter who had anything to do with the contract.

278. *Mr. Sheehan.*] You were aware at the time of the purchase of the block that you bought the whole of the land, including the reserve?—Yes, the whole block. There was no question about it.

279. Was there not a survey of the land made for the purpose of the Land Transfer Department before your certificate was issued?—I have a very strong impression, almost amounting to a certainty, that there was no survey made at the time of issuing my certificate. The only surveys I know of at the present moment are the original survey, and Mr. Rochfort's survey of the remaining portion of the block for Land Transfer purposes. I do not think these 163 acres have ever been surveyed more than once.

280. Did you buy the block entirely on your own account, or with Braithwaite?—Quite on my own account, and in opposition to Braithwaite.

281. *Sir G. Grey.*] Has the order of the Court of Appeal in reference to the payment of costs been carried out?—It has not. I have been put to the expenses of two actions in the Supreme Court and one in the Court of Appeal in this matter, and very large expenses in connection with the Sheriff, and have not recovered a single penny except the taxed costs of the appeal, which were paid, I understand, by a gentleman who had executed a bond. I believe I have been put to expenses amounting to £500 or £600, which I am entitled to recover from the other side. There is one little matter I have