

27. *The Chairman.*] Has it ever been alleged that this line was drawn through for the purpose of deceiving the Maoris, and making them believe that the conveyance was for only the larger portion of the block?—I do not think so. I understood that the line was put in there for the purpose of allowing Braithwaite to get a more complete lease than he otherwise would. The Crown grant was for the whole block, and Braithwaite's deed was for 3,410 acres.

28. Did you say the Sheriff was here?—No. The gentleman who was Sheriff then is not here. Another person has been appointed Sheriff.

FRIDAY, 25TH JULY, 1879.

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

29. *The Chairman.*] What is your name?—Henare Tomoana.

30. Are you acquainted with the matters referred to in the petition?—Yes.

31. Would you be good enough to state to the Committee, as I understand you desire to give evidence on the matter, what you know?—I have something to say with reference to the contents of the petition, but cannot remember it all at present. I cannot say all I would wish to say as the matter is pending in the law-courts. The Natives were grieved about the land owing to the manner in which it was Crown-granted. They know that really that piece of land was not included in the survey of the block. Although the case has been in the Supreme Court and judgment given against the Maoris, they are still of that belief. I could give evidence on that point.

32. Will the witness explain in what way this case is pending in the Supreme Court? It is alleged in the petition, if I understand it rightly that the case has been disposed of?—I refer to the judgment of the Court, which is still hanging over the block in question. All I have got to say is that it is only the small block of 163 acres that is in dispute. The dispute does not relate to the larger piece or to the whole block. The Maoris fully believe that the 163 acres were not included in the block, and that it was intended to be kept out when the land passed the Native Land Court. That was the only cause of the trouble, and that is how I got drawn into the matter. When the Crown grant was issued and the 163 acres were found to be included, we were surprised and knew nothing about it. The surveyor of the block published an account in the *Wananga* saying that he had not included in his survey the 163 acres. The dispute rests solely on that small piece.

33. Does the Crown grant, as a matter of fact, include the 163 acres?—I cannot say for certain. I have heard so.

34. Assuming, then, that the Crown grant includes this 163 acres, was the 163 acres intended to be included in the survey?—No; it was not surveyed, according to my belief.

35. Does the tracing which, I presume, appears on the Crown grant, show that this land is included?—I do not know.

36. I was going to follow up that question by asking how it was included in the map without a survey having been made; but there is no use asking that question. Do you remember an attempt having been made by the Sheriff of that district to execute a certain writ of ejectment with respect to this land?—Yes.

37. Was the Sheriff resisted in his endeavour to perform that duty?—Yes; the Sheriff was resisted.

38. I will ask the witness whether he resisted the Sheriff in the execution of that duty; but at the same time tell him that he has no occasion to answer such a question lest it might criminate himself?—I was the principal person. I was at the head of those who resisted the Sheriff in the performance of his duty. It was I myself who told him to go back.

39. What would have been the consequence if he had persisted in the performance of the duty assigned to him?—There would have been no violence committed. If he had persisted in remaining there he could have done so. My object was to have the matter brought to Court.

40. Now, with respect to another point: the conveyance was signed by certain Natives—were they the real owners of the land?—No; they had a claim over a portion of the block. Those who are occupying the land claim this portion (the 163 acres). The occupants of this piece are not in the Crown grant of the block. They cut this piece out, specially for themselves. When the block was surveyed they arranged for this block to be left out of the survey. When the case came to be put through the Native Land Court they did not appear. They were under the impression that that piece had been excluded. That was why I took up their case for them. I felt grieved for them. They had no other land to live upon.

41. If then they had known that this piece was included in the Crown grant they would have asserted their claim to the ground?—Yes.

42. *Mr. Carrington.*] You said that the surveyor published in the newspaper that the 163 acres were not included in his survey?—Yes.

43. How is it that the plan is on the Crown grant, if the land had not been surveyed?—I do not know. In his (the surveyor's) publication in the newspaper he said that he had excluded the 163 acres from his survey, and knew nothing about it being included.

44. *The Chairman.*] What is the name of the surveyor?—Mr. Ellison.

45. *Mr. Carrington.*] Can you account for the plan appearing on the Crown grant?—I cannot account for the piece having been included in the block. All that I know is that at the time the Maoris knew nothing of it being included.

46. *Hon. Mr. Nahe.* Did the occupants of this small piece claim with the grantees of the whole block?—No. These people, the owners of the small piece, lived on it, and the grantees of the block lived at another settlement altogether. The grantees in the block also state that they were not aware that this piece was included.

47. Do the grantees state that they are not owners of this small piece?—Yes.

48. Have the grantees sworn in the Supreme Court that they have no right to this small piece?—I do not know. They have acknowledged that they have no claim there.