

and speaking from his own knowledge, or from what he has heard?—I am speaking from my own knowledge. I have heard the subject discussed generally

85. You were not present when the instructions were given?—I was not present.

86. Then it is hearsay evidence?—I have heard, but not at the time the thing was done.

87 I wish to know whether the witness understands what "pending before the Court" means. The case had been tried in a lower Court, and the decision had been appealed against in a higher Court, and that Court on hearing the case gave judgment in favour of Mr. Sutton. What does the witness mean, then, in saying that the matter is before the Court?—I was referring to what was stated in the petition of the judgment given in the Supreme Court.

88. As you now understand that the case is not pending before the Supreme Court, but that that Court has given its final decision, do you think it right to resist the officer sent by the Court to obtain possession of the land?—In my opinion, considering the statements of the different Natives that they did not part with that land, I felt grieved for them, and I thought I was perfectly justified in acting as I did.

89. Notwithstanding that the Court had decided that they had parted with their land?—We would abide by the law. We would not resist the law if we had known that the purchase of this block was free from unfair dealing. The Maoris are not aware that this block has been sold. Mr. Sutton has many large blocks. They give up all claim to them. This smaller piece they have not sold.

90. *The Chairman.*] I understand that the witness's answer may be shortly stated that the Natives understand that they have a right to maintain their original claim notwithstanding the decision of the Court?—I admit that it was wrong to oppose the law, but had the judgment been according to our ideas we should have no longer opposed the Court.

91. *Sir W. Fox.*] If you are told that the land is Mr. Sutton's, will you still oppose the Sheriff?—I cannot give an answer to that. I am the only one here. My people are all at their places. I should have to consult them. In my opinion, as we all know, all the occupants of this piece have no other land to live upon, and, though we are wrong in opposing the law, it is only fair that the Government should give them this small piece of land. That was the application made to Dr. Pollen.

92. So far as you can see at present, you are inclined to persist in the line of action that you have taken up?—I will persist in applying to the Government to exclude this piece from the sale. Let the Government compensate Mr. Sutton.

93. *Mr. Russell.*] It does not seem to me quite clear about the survey. He says that no instructions were given to include that piece. Does he know that instructions were given to exclude it?—Yes, instructions were given to exclude that piece.

94. To whom?—To Mr. Ellison.

95. Who attended the survey with Mr. Ellison to show him the boundaries?—Muopoko conducted the survey of the land; but he is dead.

96. Who gave Mr. Ellison instruction to exclude this place?—The person who is dead, Hoera; Hamahana, who is also dead; and Hohaia.

97. How do you know that these men instructed Mr. Ellison?—Such were the statements in the Supreme Court in the case with Mr. Sutton.

98. To whom was this land granted?—To Paora Torotoro, Rewi, and, I think, to Hare.

99. Was it possible for Paora Torotoro to sell this piece without consulting Hohaia and Hcera, knowing that this small piece was in the block?—No. He knew that the small piece was outside. Paora did not sell this small piece; he only sold the larger one.

100. That is, in effect, that he did not know that the smaller piece was included?—Yes.

101. *Mr. McMin.*] I wish to know if you yourself have any right in this piece of land?—I was acting on behalf of the Natives.

102. *Mr. Sutton.*] Do you remember a surveyor attending the Supreme Court in Napier and giving evidence?—I am aware of his appearing in the Supreme Court, but I do not know what he said.

103. Do you not remember the surveyor producing his book showing that he had surveyed the whole block?—No.

104. In reference to the burial-ground, are you quite certain that the burial-ground is on this piece or on the Omaranui Block, near where the fight took place a few years ago?—There are two burial-grounds: one at Omaranui and another at the small piece on the 163 acres. The burial-ground has been at Omaranui since the young people went there to live. The burial-place on the small block is a very ancient one.

105. Is it fenced in or cultivated?—The place is fenced in. There is no cultivation on it. The Maoris are not fond of cultivating on burial-grounds.

106. Is not the pa on the part of Omaranui and immediately in front of Te Mingi Pa?—The pa that I have spoken of is on the Omaranui Block.

107. Is it not a fact that these people who are all living there have gone there during the last two or three years, and belong to Tareha and Paora Kaiwhata's pa?—No.

108. How many houses are there on the land?—I could not remember them at present.

109. Do you think there are more than four or five?—I do not know. Before Mr. Sutton got that land, and when I was young, Natives occupied that block.

110. *Mr. Hobbs.*] Why do you think that the Government should compensate Mr. Sutton?—It was a proposal from Dr. Pollen. It was said that the Maoris should receive some money, and that Mr. Sutton was to get the land. That was the reason I spoke about compensation.

111. Did you hear Dr. Pollen make that promise?—I almost forget, but I believe that he said so.

112. *Hon. Mr. Nahe.*] Do you know the copy of the *Wananga* in which the surveyor's notice appeared about the survey?—No.

113. What did the notice contain?—The words in the paper were to the effect that he surveyed that piece of land, and was not aware of the small piece (163 acres) being included in the former piece.

114. Why did you persist in resisting the Court which gave that land to Mr. Sutton as against yourselves?—Because the Natives are so strong in stating that that block, the small piece, has not