

Granted. Case adjourned accordingly.

Commissioner's Court resumed at 2 p.m.

*Mr. Locke, examined by Mr. Harris:* I do not understand that the deed of cession was signed with the object on the part of the Natives to protect the land against outsiders. I was present at the opening of the Commission. The object of the deed of cession was that a Commission should be appointed to find out the lands owned by loyal Natives within the boundaries, and that the land owned by rebels within those boundaries should be taken by the Government. The deed is before you. I was present at the meeting referred to by Paora Parau at Whakato, when Mr. Richmond was present. It was not stated at that meeting that the troops would be withdrawn. I never heard from any Government authority that there was an understanding with the Government that three blocks containing five thousand acres each should be handed over. I do not remember ever seeing a Government map with five thousand acres in each block shown. I am not aware that an important map is missing. There was a useful map in existence showing every little block that passed the Commission. I consider that the deed of cession is binding on those that signed it, and I am also of opinion that it is binding on the people of this district, speaking generally. I recollect a petition, presented by Mrs. Hardy and Pimia Ata, relative to Rakaukaka. I cannot state the year; it really referred to the boundaries of Patutahi. I forget whether I gave evidence or not before the Committee of the House. I cannot say that Mrs. Hardy's signature was disputed in the petition; it was not the ground of the petition, which was that a portion of their land, called Rakaukaka, had been included in the land taken. The acreage in the minutes of the Commission held in 1869 do not appear to have been written at the same time as the other part of the minutes; 57,000 acres appear to have been filled in by some one else; but I would remark that the acreage was shown on the sketch-plan at the time it was produced before the Commission. The sketch-plan referred to now shows fifty thousand and some odd acres, and there is also the mark of an erasure having been made. I am not prepared to say when the erasure was made further than that it now corresponds with Mr. Bousfield's later survey. There was no opportunity for an actual survey being made at the time the sketch-plan was made, owing to the disturbed state of the district. The back boundary was sketched in; the river part was done by survey. Before 1875 there was a question in dispute relative to the back boundary of Papatu and Rakaukaka. I do not remember any others; there may have been others, but these were the prominent ones. I was here when Mr. McLean came here in the "Luna," and held a meeting with the Natives on the 13th April, 1875. The question of disputes and overlaps then cropped up, and I was deputed to inquire into and report on the Papatu and Pipiwhakao matters. I went on the ground at the back of the Papatu with Mr. Harris's brother and Henare Turangi. I do not remember who the others were. Mr. Harris (Eruera Harete) was not there. It was well known that I was going there. After the settlement of the deed of cession there were certain matters in reference to the Patutahi Block in dispute brought up by certain Natives. There was a money-payment made to Mrs. Hardy, her sisters and others, on account of a matter disputed in the case of a piece of land that had been surveyed by them and overlapped by the ceded boundaries. I am not aware, of my own knowledge, that any particular spot was asked for or given for the purpose of locating troops. There was a feeling to locate troops on all those blocks. Troops never were located there. The question of the overlap of Papatu was referred to Judge Rogan. The Court did not arrive at a decision owing to the Assessor and Judge not agreeing. That I am aware of. The Papatu Block has since passed the Court. I am not aware that there was any claim for the overlap, or that the question was raised. The overlap has been sold by the Government since the case was before Judge Rogan at Makaraka. I am not aware of the land owned by the Ngaiteaweawe Hapu in the Patutahi Block. I do not recollect the hapu; the tribes were dealt with under the tribal names. I am aware that you are a member of the Ngaiteaweawe Hapu. I admit that tribes have certain well-defined boundaries held under the name of the tribe, and that hapus have subdivisions within the boundaries of that tribal claim. It is the case that a chief often divides his land among his children, each of whom becomes the head of division given him, and not as the individual owner of the soil. I believe that the decision of the Native Affairs Committee with regard to your petition was that it should be referred to the Government for inquiry. I believe, according to Native custom, that you would be an owner in other portions of the Patutahi Block besides the Tapatohotoho. I am aware that, under the Treaty of Waitangi, you, as an aboriginal native, are protected in your rights to land. I could not say whether you have forfeited your right to this land, as you have not signed the deed of cession.

*Mr. Locke, by the Commissioner:* I was present at the opening of the Commission Court, 1869. I must have been in the Court at the time when the announcement was made by Mr. Atkinson and Mr. Graham. I cannot state that the area mentioned in the minutes of the Commission of 1869 were announced. I think there is no doubt that the area has been altered from 57,000 to 50,746, so as to correspond with the actual survey on the sketch-plan. I remember the sketch-plan being produced in Court. The reason that Waimata was returned to the Natives was because it was above the Waimata, the acknowledged highest point on the Arai River to which the Patutahi advances. [Mr. Locke then pointed out the front boundary on the sketch-plan, and stated that the reason that the back boundary was not surveyed at the time was that the country was too disturbed to allow it to be done.] The Tapatohotoho or Arai Block is adjoining the Patutahi Block, and is shown on the sketch-plan included in that part claimed by the Government. I cannot say when Mr. Harris first made application about this land, but it must have been after 1875. I do not think it was brought up at the meeting with Sir Donald McLean. There never was any decided intention to form a military settlement. There was no objection to the arrangement announced by Mr. Atkinson and Mr. Graham before the Commissioner's Court in 1869. There is no question in my mind as to whether the block, referred to as Te Arai in the minutes of the Commission of 1869, is the same as Tapatohotoho.

Commissioner's Court adjourned until further notice.