

entered into between the Government of the colony and the Natives named in it, and that it had twice been declared to be valid by Acts of Parliament, and that the Court could not now go behind it so as to inquire whether any error had crept into it, and that the only persons who could now be recognised as having interest in the land were those named in the agreement, or the successors of any who might now be dead. Manaena then, as I informed you in my telegram of the 6th July instant, objected to the Court proceeding with the investigation, in which he was supported by Apirana and others, and they and their followers then left the Court and refused to give any information whatever. Later in the day the Court proceeded to inquire who are the persons entitled to that subdivision of the block called Te Kuta, and received much assistance from another chief named Toha, who stated who of those named in the schedule to that block were dead and who were their successors, and an order was made accordingly. On the 9th July Toha called upon me and stated that his people were very angry with him for having adopted that course, and that consequently he should refuse any further assistance. I explained to him fully that their refusal to state who were the successors of any deceased person could do no good, and that if they still declined to assist the Court on the following morning, all I could do would be to have all the original names read over, and if no information was given that any of the persons mentioned were dead orders would be made in their favour, as per original agreement, and it would then remain for the successors to come forward and assert their claims, thus entailing much trouble and expense. The only reply was that they had made up their minds, and would not assist. On the following day Manaena, Toha, and other chiefs appeared in Court and protested against the proceedings, and said they should go home, which they did; but prior to their doing so I again pointed out to them the state of the case, and requested them to render assistance, and told them they could afterwards petition Parliament in the matter if they were advised to do so. They, however, still refused, and left the Court. The names were then read over in each subdivision, and orders made for certificates of title to issue according to original agreement, the estate being antevested from the 12th September, 1870, the date of "The Mohaka-Waikare District Act, 1870," coming into operation. There was no antevesting order for Te Kuta. I have since been informed that the Natives have determined to petition Parliament, praying that the order made be annulled; that the agreement of the 13th June, 1870, may be declared void, and a new investigation as to the loyalty or otherwise of the Natives named in that agreement entered upon, but that existing leases may not be interfered with; and it is in view of such action that I have ventured to trouble you with this report. Of course, it is unnecessary for me to point out to you the difficulties which would arise if the prayer of any petition to the above effect should be granted.—I have, &c., F. W. BROOKFIELD, Judge Native Land Court.—The Hon. the Native Minister, Wellington.

29. *Mr. Carroll.*] Could you inform the Committee on what information the Court proceeded after the names were withdrawn to fix the original names; did they go on the agreements or on the books—which were known to be Locke's books?—I am not able say. I can only say that the Court was in possession of the agreement and all the Government papers on the subject; whether they were in possession of Mr. Locke's books or not I am not aware.

30. Is it not a strange thing that since then his name does not appear?

31. *Mr. Graham.*] But did it appear before?—Toha's name was inserted in the schedule after 1870 by order of the Native Minister, Hon. Mr. Sewell. The Court possibly excluded his name, but I have no information on this point. That decision of the Court is the present legal position of the matter, and brings it up to date.

32. *Mr. Carroll.*] Can you tell me whether the Native Land Act Amendment Act was passed because of applications or petitions to have these lands reinvestigated?—The reason the amendment was necessary in the Act of 1881 was that grants ordered by the Act of 1870 could not issue, the Act of 1870 having been repealed with a number of other temporary measures before the action to be taken under it was complete.

33. Why was it necessary for the Court to investigate and ascertain who the owners were if that question had already been settled under the agreement under the Act of 1870?—Because, if the grants had issued to the persons named in the schedule to the agreement, a number of these persons being dead, the Court would have to declare who were their successors. The Act of 1881 enabled the Court to make one complete work of the whole title. That is pointed out by Mr. Brookfield. The Court, as decided by the Judge, had no authority to go outside the schedule.

34. But you are aware that several petitions and applications had been made by the Natives to the Government prior to the passing of this Act with a view to the object of getting the claims reinvestigated and the ownership properly adjusted?—I am not aware of that, and I do not find that there are any applications of the sort on record; there have been applications since the Court sat.

35. No petitions?—No; I think it is very unlikely there would be, because the petitions of the Natives probably arose out of the action of the Court.

36. With reference to this £400, did you ever get a receipt for that?—There must have been a receipt. I could get you the receipt at any time from the Treasury.

37. I wish you would; it might be useful to know who the money was paid to?—I will do so.

38. There is another question I want to ask: whether Locke's books in reference to this Mohaka-Waikare Block and the list of names are official books of the Government department?—They are the property of the Native Office. All books of that sort are official records, but whether they are here or in Napier I am not able to say; but, if they are here, I fear they are not available immediately, because they would be among very old records, for which there is no room available, or in the vaults of the Government Buildings.

39. But they would be in use since 1870?—Yes; I will ascertain whether they are in Napier or here. If they are here, and you wish me to produce them, I will do so.

*Mr. Carroll:* Yes; I shall be glad if you will do so.

40. *Mr. Graham.*] I want to know whether Tareha appeared before Mr. Brookfield in 1882?—He was dead before that date.

41. When were the Crown grants issued?—I do not know. I do not know that they are issued yet. The issue of grants is in another department.

42. Are you aware whether Toha's name is included?—I shall obtain copies of the orders of the Court in which the grants would have been made, or copies of the grant.

43. It appears to me he found that his name had been inserted when he came before the Court?—Yes.