APPLICATION BY NGATIRAUKAWA, UNDER SECTION 8 OF "THE HOROWHENUA BLOCK ACT, 1896," THAT CERTAIN RESERVES BE SET APART FOR THEM IN HOROWHENUA No. 11.

Mr. Morison: I propose to open shortly, or as shortly as possible. The first fact I wish to emphasize is that there were two distinct branches of Ngatiraukawa—one represented by Te Whatanui, the other identified with Te Rangihaeata, two distinct sections (*vide* Horowhenua Commission Report, page 315, for skeleton genealogy showing different lines from Parikohata and Pariraukawa). Ngatipariwahawaha was the name applied to Te Whatanui's people as distinguished from Rangihaeata's. Whatanui and people occupied near Horowhenua Lake. Rangihaeata and his people occupied southern portion of block. There was a boundary laid down between Whatanui's and Te Rangihaeata's people by Topeora, Rangihaeata's sister, known as "the Mahoenui boundary," running from Rakauhamama, on the beach, through the Rakauhamama Lagoon eastward to Mahoenui. When Horowhenua was investigated by the Court the Muaupoko did not claim south of this boundary. They did not claim Rangihaeata's land. Boundary given on page 305 of Horowhenua Commission shows that this boundary was recognised by Muaupoko. I will show by Kemp's testimony that no claim was made prior to 1873 for land south of this boundary. In 1873 Mr. Travers was appointed a Commissioner by the Government to inquire into the dispute between Kemp and the Ngatiraukawa. My examination of Kemp on his evidence before Mr. Travers appears on pages 185 and 186 of Horowhenua Commission [evidence read]. History of block shows that the only disputes were about land within these boundaries. My contention is that Kemp's evidence corroborates evidence I shall refer to that Mahoenui boundary was the division between the Whatanui and Rangihaeata sections. After Court of 1873 an application was made by Ngatiraukawa for a rehearing. It was optional for Government to grant or refuse application. Ngatiraukawa remained in occupation of land south of Hokio Stream. They were principally Whatanui's people, but Te Puke was there. Muaupoko raided Ngatiraukawa, and burnt their houses. There were two burnings—once before and once after Court.

I will refer to Raniera te Whata's evidence (Horowhenua Commission, page 101) [read]. In 1873, for about three months, the Muaupoko and Ngatiraukawa were under arms. Both built pas; the Ngatiraukawa pa was south of Hokio. The Ngatiraukawa of Otaki came up to support descendants of Whatanui. Early in 1874 Sir Donald McLean came up to Otaki to endeavour to settle the dispute. Refer to evidence of John Stevens (Horowhenua Commission, page 220, questions 240 to 250) [read]. This will show that there was a serious difficulty. I can place before Court an official report of what took place at Otaki (G.–3, 1874). [Reads from report to show that Sir Donald McLean negotiated separately with two distinct branches of Ngatiraukawa.] What took place was this: After meeting Sir Donald McLean persuaded Ngatiraukawa to accompany him to Wellington. Hunia went with separate escort. What took place in Wellington Nicholson gives in detail in his evidence. An agreement was come to for settlement of claims of both sections of Ngatiraukawa. Two agreements were signed on different days (*vide* Horowhenua Commission, page 9). First dispute apparently settled was that with Rangihaeata's people, on the 9th February, 1874 [reads agreement]. This is quite different from settlement with Whatanui's people, made on the 11th day of February, 1874. I wish to emphasize that the Mahoenui boundary is identical with that claimed by Kemp, before Mr. Travers, as his southern boundary. Ngatiraukawa made persistent claims to land awarded to Muaupoko. Sir Donald McLean came to Otaki to settle it, and took the people to Wellington. The Government paid £1,050 in cash. Kemp undertook to provide certain reserves [Kemp's undertaking read]. The fact that it was stipulated by Government that the reserves should not be sold or mortgaged showed that the reserves were intended for the occupation and maintenance of the four hapus, not merely nominal reserves, but of a substantial nature, for the benefit of these people.

I will refer shortly to report of Horowhenua Commission *re* these reserves. The Commission did not distinguish between Whatanui's people and Rangihaeata's people [reads from page 11 of report]. They erroneously treat the two agreements as one. People in Schedule 3 are, with one or two exceptions, different from those who signed the agreement of the 9th February, 1874. No reasons for saying that persons in Schedule 3 should have the 80 acres because an agreement was made with another set of people altogether. The Legislature has recognised that it cannot be a carrying-out of the agreement of the 9th February, 1874. This Court is now empowered to fix the extent of reserves, Parliament having recognised the justice of giving the owners of No. 9 the 80 acres and to the four hapus of Ngatiraukawa reserves in No. 11. Parliament would not have passed the clause if it had not intended that the four hapus should get something substantial. If Parliament had had definite information it might have fixed the limits of the reserves as it had for the 80 acres. I claim for my clients that the words in agreement "between Papaitonga and the sea" cannot be words of limitation, but must simply indicate generally the locality. They indicate an eastern and western limit. No indication that "between Papaitonga and the sea" means that we must not go north of Papaitonga.

I am going to ask the Court to give my clients all the land lying between Papaitonga and the sea—the Mahoenui boundary on the north and Waiwiri Stream on the south. It cannot have been intended by the Government, the Natives, or Kemp that these reserves should be other than substantial reserves. It was not intended to confine the reserves to valueless sandhills.

I will now point out evidence given before the Royal Commission, upon which I rely: Horowhenua Commission, page 42, *et seq.*, Warena te Hakeke; page 70, Donald Fraser; page 101, R. te Whata; page 104, M. te Rangimairehau; page 109, Kerehi Tomo; page 113, H. McDonald; page 187, Kemp; page 198, J. McDonald. These witnesses were all called by others, not by me. I will read evidence of those called by me: Horowhenua Commission, pages 202 to 206, Nicholson [read]. (The arrangement made in 1874 was an alternative to a rehearing. In those days the granting or refusing of a rehearing was looked at as a question of State policy, and not from the