

confiscation of land, but through what was termed a further confiscation by the Crown granting to Europeans an area of 4,500 acres that had earlier been set aside especially for return to the Ngati-Apakura.

While I felt that the submission by Mr. Jones, however ingenious, could not prevail, I elected to allow the petitioner to present his case in the way that he saw it, and it thus became necessary for the Crown to inquire in detail as to the claims made by the petitioner. These claims appear in the ten paragraphs of the petition, the main one being paragraph 2, which contains the allegation that, of the total area of 314,364 acres stated to have been returned to the Maoris, the Sub-tribes Ngati-Apakura and Ngati-Puhiawe were entitled to an area of approximately 4,500 acres in the Parish of Ngaroto. Paragraph 3 of the petition then proceeds to state that several years after 1867 the Government resumed the ownership of these lands, which were returned to the sub-tribes mentioned, because they failed to occupy them. These are the principal allegations contained in the petition, and, if unfounded, the claim in the petition falls to the ground.

The area of approximately 4,500 acres is defined in the schedule of the petition, which sets out various allotments in the Parish of Ngaroto comprising a total area of 4,502 acres 0 roads 30 perches. The petitioner when asked to show why these particular allotments had been selected as the lands alleged to be set aside for the sub-tribes mentioned, was hopelessly at a loss to offer an explanation. The largest area in the schedule is called the Mangaotama Block, comprising 3,000 acres. This was defined by the petitioner in evidence as being comprised within certain metes and bounds deposed to, but the Crown was able to show that the block known as the Mangaotama comprised an area of 200 acres only. If there was a block known to the Maoris as Mangaotama containing 3,000 acres, it was certainly not known on the records of the Native Land Court by such name.

The Crown presented a list of the allotments comprising the 4,502 acres referred to which showed that they were all either granted to Maoris or were not set aside for Maori occupation and that the areas on the edge of Lake Ngaroto referred to in the petition were areas that were reclaimed land and were not surveyed until 1907, so that no possible claim to these reclaimed lands could have arisen in 1867.

One suggestion contained in the petition as to why these sub-tribes were not granted land is that the members of the sub-tribes were endeavouring to have the greater portion of the lands which had been confiscated returned to them, or compensation paid by the Government. At the hearing a further reason was suggested: that the sub-tribes were unaware that lands had been made available by the Government of the day for Maori occupation and grant to occupiers. It was suggested that the N'Apakura were completely dispersed and unaware of their rights, but as against this the Crown was able to show that in the investigation of the Puahue Block, which adjoins the confiscated land area, members of the Ngati-Apakura were well aware of the investigation and appeared and gave evidence. There can thus be little doubt that the members of that sub-tribe were well-aware of what was going on in connection with confiscated land.

It is noticeable also that the N'Hikairo, another sub-tribe related to the N'Apakura and N'Puihawe, were fully aware that lands had been made available for displaced Maoris, and they sought and obtained grants on the west of the Waipa River and elsewhere. It is a fair assumption that if this sub-tribe knew that lands were being returned, the same knowledge must have been shared by the N'Apakura. The probability, therefore, is that, although the N'Apakura knew all this, they withheld from sharing in the lands made available to them and others.