

time or other, but I would point out that we have been stripped of the benefit of four judgments by the judgment of an informal tribunal which has been held long after the period when the evidence was fresh, and which has not heard the evidence which was brought before the Native Land Courts which gave judgment in the matter; and we therefore ask that the matter should be delegated to a further tribunal. We suggest that it be referred to two Judges of the Native Land Court, who should, if they see fit, determine the matter after hearing further evidence or after hearing counsel on behalf of either party. I think they should review the judgments on the evidence, including the judgment of the Commission, and decide who are the owners of the Tunapahore Block. I may add that the Kapuarangi Block has lately become of no importance, because Ngaitai has sold its portion of the land to the Government and got the proceeds. There is only one other observation I wish to make, and that is this: As another reason for opening the case, incredible though it may seem, the whole of the kaingas and cultivations of the claimants are given away by this judgment to their opponents, which seems to me to be extraordinary on the face of it. That is what has been done in this matter. Now, an attempt has been made to alter this. There was a petition to this House by the Harawaka, and it was suggested that the matter should be left to the Hon. Messrs. Carroll and Ngata. The Harawaka submitted the claim to Mr. Carroll, Mr. Ngata being unable to attend to it, and he awarded the kainga referred to 170 acres, and Mr. Ngata has extended that to 270 acres.

*Hon. Mr. Ngata:* Mr. Carroll's award was prior to the recommendation of the Committee.

*Mr. Skerrett:* I do not think it is a matter of very great importance. The fact I want to mention is this, that the award to the Harawaka was merely an award of the kainga referred to as part of the cultivations, and was not intended to affect their claim, or the claim of Apanui, who got nothing under this award, to the other portion of the land. Under all these circumstances we ask with some confidence that this matter should not be permitted to remain in its present position, but should be referred to some competent tribunal. I think the Committee will see from the brief statements I have made that it is not surprising that the Apanui, whom I represent, should feel themselves to have been grossly and cruelly outwitted by the claim of the Ngaitai, founded on occupancy which, to use the language of the learned Judge, was incredible. I do not think I can be of any further assistance to the Committee. May I ask this: Do the Committee think it would be of any use for me to call any evidence in support of this petition? The facts are common ground. We have discussed the matter on the basis of the judgments and proceedings of the Courts, and not upon extraneous matter.

*Mr. Herries:* What is the position of the Harawaka?

*Mr. Skerrett:* I suppose the Harawaka concur in this litigation. There is some one here representing them.

*Mr. Herries:* Are they prepared to have the matter reopened, and possibly lose what they have.

*Mr. Skerrett:* Yes.

*Mr. Bell:* These Apanui who are now petitioning are not in the block at all, so they have nothing to lose.

*Mr. Herries:* Is the claim on occupancy and ancestry?

*Mr. Skerrett:* Yes.

*Mr. Herries:* You lay more stress on the occupancy?

*Mr. Skerrett:* Yes, that is the only proof that is capable of ancestry. The Ngaitai claim from Torere-nui-a-rua, and they claim consistent occupation except during a disturbance by the refugee tribe whom they expelled. There is one very curious thing: That one tribe was expelled is certain, because the dates agree. It agrees pretty well with the date when the Apanui say they put out their neighbours. We say we turned them out; the Ngaitai say they turned them out. The Ngaitai say they were in occupation of Tunapahore, and we say we were.

*The Chairman:* With regard to taking further evidence, the Committee will decide that later.

WEDNESDAY, 26TH OCTOBER, 1910.

(2.)

*Mr. H. D. Bell, K.C.:* I am afraid I was right, sir, in wishing to go on with my address yesterday before the Committee rose, because I see that I shall scarcely have the same judges to address as my learned friend Mr. Skerrett had. I hope, however, to make my position with regard to the Ngaitai clear, and I also hope to be as brief as he was. I desire to make it clear at the outset that, while as to the Ngaitai, whom I represent, there is no possibility of mistake, there is just this possibility of error as to the petitioners. The Apanui as a tribe have been left out, and Harawaka, a sub-hapu of Apanui, have been admitted. When speaking of the Apanui the Commission sometimes mean the whole tribe and sometimes mean the hapu of Apanui who were admitted.

*Mr. Herries:* The judgment in the contest between the Apanui and Ngaitai.

*Mr. Bell:* The general contest. Whanau-Apanui, of course, means the whole tribe. In the list Apanui means the hapu which was admitted. I am unable to avoid possibly apparent confusion, and want to make it plain that that difficulty may present itself. The Harawaka who were admitted were descended from Ngaitai through the lady who married Harawaka. Mr. Skerrett put the matter in this way: He said that a tribe named the Ngaariki had been in occupation before the arrival of the Tainui canoe, and then upon the arrival of the canoe marriages took place as the result of which Apanui are the Ngaariki. That is to say, he claims