

1869, and that descendants of others cannot now be admitted even though those others may have had an actual right. Te Warena was the sole representative in his line of descent, and that as he left no issue his share belongs to the other grantees or their representatives." This latter part is the part I particularly wish to draw the attention of the Committee to—Mr. Earl's admitting their right. "This argument does not commend itself to the Court. It is entirely opposed to what this Court believes to be the invariable practice—that is, to admit as successors all persons in equal degree in the line of descent from which the right came. And no one with the least knowledge of the Orakei case will attempt to deny that Uruamo and Te Tinana had the very strongest of rights to the land. So had the other descendants of Tuperiri traced out by Te Watene. He expressly admits that. Mr. Earl suggests that they were excluded by arrangement, and may have been compensated elsewhere. He admits their right, and that their exclusion is inexplicable except upon some such assumption as he suggests, but there is no evidence that the Court knows of to support it. And the Court does know that much injustice has been done in the past in respect of Orakei, and it has no intention of assisting in doing what it considers would be adding to that injustice. Judgment will therefore be in favour of all the descendants of Tuperiri and Tahatahi traced out by Te Watene Tautari, which, of course, will include Te Hira Pateoro. This will admit a large number of persons, but most if not all of them are already owners of Orakei." Another point to which I especially draw the attention of this Committee is that the Judge who gave this decision was Judge McCormick, who was born and bred in the district, so that I would point out that those words of his are words which should be given considerable weight, because he is speaking of his own knowledge, having lived in the place all the time. "Judgment will therefore be in favour of all the descendants of Tuperiri and Tahatahi traced out by Te Watene Tautari, which, of course, will include Te Hira Pateoro. This will admit a large number of persons, but most if not all of them are already owners of Orakei." But I would point out to the Committee that this case which I am now putting forward is not one with a slight foundation, but it is an important case with firmly established grounds, and deserves all due consideration. I contend that all the descendants of Tuperiri should be given equal interests in this land, which would be following out the decision already given by Judge McCormick in connection with that half-share of Hori Winiata (deceased) in this same block. Now, recently I took the Hon. Dr. Rangihoroa to address a gathering at Reweti, in the Kaipara district. All the Ngati-Whatua assembled there, and I stood up myself upon that occasion and spoke to some effect, somewhat as I am now speaking. I said this: that this tribe Ngati-Whatua and the tribe Te Taou territory commenced at Oneonenui and extended down to Tamaki, and that the birthplaces of ourselves and our ancestors are there at the present time at Oneonenui, on the western side—on the coast. What I meant by saying that was that the Ngati-Whatua Tribe and all its hapus were one and the same people and tribe all throughout that district. In the year 1869, when the hearing of this important case of ours was taken, only one portion of the tribe was included and the other section was left out. This is what I said then at that time—there were two interests, one a right one and one a wrong one. One side was proposing to sell their land to the Europeans. I am representing now what I said on that occasion, and I say this is the last occasion on which we can deal with this important matter—the line that was put in on the first occasion and the line that was left out. I would not stand up here in the Parliament to-day and put forward this contention if I did not equally believe and if I had not already done so amongst my own people. No one attempted to stand up and oppose my contentions on that occasion. So that I desire to say to the Committee to-day that I am at the present moment taking no surreptitious or unjustifiable action in putting forward my contention that these people should be included. What I desire is to obtain the inclusion of the widows and indigent people in this land to go with the people who have already been included. I say, Mr. Chairman and gentlemen, that the persons on whose behalf I have come here are a number of young children growing up and being born year after year, and my opponents have not got equally the same number of young children as we have. I am not putting forward the present case and asking for the inclusion of persons who have not got families of their own—that they should be considered. This matter has been a subject of contention since the first year, in 1904, down to the present time. The people whom I represent are not people of property and means; the large majority of them are children without means, and are not able to provide funds for the bringing-forward of this case before Parliament year after year, and therefore I am doing it on their behalf. I would just like to say this: the year before the partition of the land was made we held a large meeting at Christmas-time, and the Orakei rents were the moneys which paid for the expenses of that meeting. We had 40 acres in wheat and 20 acres in potatoes, and all together worked and planted those. This will show, I contend, the position of the land before the partition was made—that it was land held in common by the tribe.

WEDNESDAY, 11TH SEPTEMBER, 1912.

OTENE PAORA'S evidence continued. (No. 2.)

*Witness.* I think my last statement yesterday was in regard to the occupation in common of all the hapus of Ngati-Whatua prior to its partition. Now we have all seen the nature of the report of the Royal Commission in regard to the particulars, and I ask each individual member of this Committee to pay special attention to the wording of the report of the Commissioner, Sir Robert Stout, and the Commissioner, the Hon. Mr. Ngata, in regard to the partitions with reference to this block. It would be proper to set aside to-day the partitions they have made. Now I should like to deal with the question of the hapu named Te Urioteaotawhirangi. It was through this hapu that Toukararai and other ancestors obtained their right to this land—