

75. *Hon. Sir J. Carroll.*] You said there were some sales being effected over that land?—Yes, by my opponents.

76. Actually sold?—They have received payments of £50 apiece, £40 apiece, and so on; this man has signed, that man signed, and so on; and the lawyers approach me to sign in regard to the half-acre we got as successors. They catch me at every corner of Queen Street, and drag me in to sign away my living.

77. *The Chairman.*] In your picture of the journey to Jerusalem you said something had been lost and was now found: who were the lost party?—We were.

78. And when did you make this discovery?—In the year 1904; and during all that time down to this you have not turned your eyes to us: do so now.

79. In 1869 did your mother's people apply to the Court to make a discovery?—Yes.

80. The Judge did not turn his eyes to you at that time?—The Judge said the Act was wrong, that is why he could not turn his eyes towards us.

NGAPIPI REWETI examined. (No. 3.)

1. *The Chairman.*] What is your name?—Ngapipi Reweti.

2. Are you an owner?—Yes.

3. Will you please state your case?—I am making a statement not only on behalf of myself, but on behalf of all the other owners of Orakei whose names are signed here to this document—this authorization to appear for them. [Witness's authorization was put in.] Now, certain of the reasons why we object to this petition of Otene Paora and others are these: In the year 1869 the award of Orakei was given and the names of the hapus whose names appear in the Crown grant. From that time down to the present, which is some forty years, we have always looked upon it that the award of the Native Land Court was correct, and that is why we consider that we are correct in opposing the petitions which have been presented to Parliament asking for a further hearing of the Orakei Block. Secondly, the ancestors of these persons who are now petitioners were present at the time that the Court first heard the matter in 1869, and made no objection to the award, nor did they make any application to be included in the land. Then, when these ancestors died, the descendants of these ancestors for the first time decided to ask for that which their elders had not asked for—a further hearing of Orakei. Now, this was trampling upon the manas held by their ancestors. It was practically an assertion that they knew more than their elders did. Thirdly, neither these ancestors nor the petitioners made application or objection to the House during the lifetime of the elders. Fourthly, when the land was partitioned they were present and their elder, and through Paora Kawharu they all agreed to the then partition. Paora also agreed to it, and accepted the portion awarded to him. Evidently when the Orakei Block was leased no objection was made, and the petitioners—that is to say, their parents—also leased, and they themselves at the present day are leasing the portion owned by them, and are drawing the rent-moneys. The petitioner himself is the person who draws the rent-money. Now, I should like to make a statement in regard to the allegation contained in the petition, in regard to paragraph 2 of the petition. I desire to say this: Paragraph 2 of the petition states that the title to the block was investigated by the Native Land Court in December, 1869, when the Court found for those amongst the members of the tribe. Now, this is the award of the Court: Extract from judgment (Judge Fenton) on investigation (Auckland Minute-book, Orakei No. 2): "22nd December, 1868.—The Court has found that there are no concurrent rights or titles which ought to diminish their estates or interests, and it therefore decided that one or more certificates of title shall issue in favour of these tribes (Te Taou, Ngaoho, and Te Uringutu), or in favour of such persons comprising them as shall be determined upon on hearing further evidence, or as shall be agreed to amongst the members of the tribes." What I want to point out is that the award was made in favour of hapus, and not in favour of individuals: no name of any chief was mentioned such as put forward by the petitioner. Here is another portion in the Minute-book: Extract from Minute-book, page 235, 22nd December, 1868. The full judgment is printed, and is inserted at the end of Minute-book. Taken from the *Daily Southern Cross*, 5th January, 1869: "Orakei.—The Chief Judge delivered an interlocutory judgment of the Court in this case, and it was ordered that the claims of Hereraka, N' Paoa, Hori Tauroa and party, Wi te Wheoro, be dismissed, and that an interlocutory order be made in favour of Taou, Ngaoho, and Uringutu Tribes; that one or more certificates be issued, the nature of the quantity of land and persons to be named therein to be determined upon a further hearing or by arrangement between the parties." I would point out that that award was also made in favour of hapu names and not in favour of individuals, and that it was ordered that these three hapus were to select and to submit to the Court the list of names for inclusion in the title, but the name of no ancestor was mentioned under which the persons submitted for inclusion were to be traced. Now, this is the statement made in Court at the time when the names were submitted for inclusion in the title: "Proceedings prior to issue of certificate of title.—Extract from Minute-book, 9th February, 1869: Mr. MacCormick (for Apihai and others) said that Mr. Sheehan, representing Tautari and his people, and Mr. Hesketh, representing Arama Karaka and his people, had agreed to an arrangement. We have agreed that the Crown grant should be issued to Apihai to hold the land in trust for persons to be named as tenants in common, and that the land be made inalienable for any purpose whatsoever. I propose seven persons on behalf of my clients, Mr. Sheehan four, and Mr. Hesketh one. I propose that the *cestuis que trust* representing my party be Apihai te Kawau, Warena Hengia, Te Reweti Tamahiki, Eruena Paerimu, Paora Tuhaere, Paramena Nganahi, and Ribana Terewai. Mr. Hesketh: The name of the person I propose as *cestuis que trust* is Arama Karaka Te Matuku. Mr. Sheehan: The names of the persons I propose as *cestuis que trust* are Wiremu Watene, Ngawaka Tautari, Te Rata Makura, Te Waka Tuaea, and Taierua." I want to point out, in reply to the statement