SESSION II.

1912.

NEW ZEALAND.

NATIVE AFFAIRS COMMITTEE:

REPORT ON PETITION OF OTENE PAORA AND THIRTEEN OTHERS (No. 23, SESSION II, 1912); TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE.

(MR. YOUNG, CHAIRMAN.)

Report brought up on the 27th September, 1912, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

FRIDAY, THE 2ND DAY OF AUGUST, 1912.

Ordered, "That Standing Order No. 219 be suspended, and that a Native Affairs Committee be appointed, consisting of fourteen members, to consider all petitions, reports, returns, and other documents relating to affairs especially affecting the Native race that may be brought before the House this session, and from time to time to report thereon to the House; with power to call for persons and papers; three to be a quorum: the Committee to consist of Mr. Bell, Hon. Sir J. Carroll, Mr. MacDonald, Mr. Mander, Hon. Mr. Ngata, Mr. Parata, Hon. Dr. Pomare, Mr. Reed, Mr. Seddon, Mr. F. H. Smith, Dr. Te Rangihiroa, Mr. Wilson, Mr. Young, and the mover."—(Hon. Mr. HERRIES.)

REPORT.

I AM directed to report that, in the opinion of the Committee, this petition should be referred to the Government for inquiry, and the evidence taken thereon laid upon the table of the House.

27th September, 1912. J. A. YOUNG, Chairman.

MINUTES OF PROCEEDINGS.

TUESDAY, THE 10TH SEPTEMBER, 1912.

The Committee met at 11 a.m., pursuant to notice.

Present: Mr. Young (Chairman), Mr. Bell, Hon. Sir J. Carroll, Hon. Mr. Herries, Mr. Mander, Hon. Dr. Pomare, Dr. Te Rangihiroa.

Minutes of the previous meeting were read and confirmed.

Petition No. 23/12—Otene Paora and others: Petitioner and opposers of petition attended. Petitioner made a statement in support of petition, and as he had not completed same at 1 p.m. the Committee adjourned until 10.30 on Wednesday, the 11th September, the petitioner to then continue his statement.

WEDNESDAY, THE 11TH SEPTEMBER, 1912.

The Committee met at 10.30 a.m., pursuant to notice.

Present: Mr. Young (Chairman), Mr. Bell, Hon. Sir J. Carroll, Hon. Mr. Herries, Mr. Mander, Hon. Mr. Ngata, Mr. Parata, Hon. Dr. Pomare, Mr. Seddon, Mr. F. H. Smith, Dr. Te Rangihiroa.

Minutes of the previous meeting were read and confirmed.

Petition No. 23/12—Otene Paora and others: Petitioner continued his statement and was questioned by Ngapipi Reweti, for opposers, and by members of the Committee.

Ngapipi Reweti made a statement in opposition to the petition, and was questioned by Otene Paora and members of the Committee.

Wiremu Watene was called, and was questioned by members of the Committee. Examination of this witness had not concluded when the Committee adjourned until 10.15 on Thursday, the 12th September.

THURSDAY, THE 12TH SEPTEMBER, 1912.

The Committee met at 10.15 a.m., pursuant to notice.

Present: Mr. Young (Chairman), Hon. Mr. Herries, Mr. Mander, Hon. Mr. Ngata, Mr. Parata, Hon. Dr. Pomare, Mr. Reed, Mr. Seddon, Mr. F. H. Smith, Dr. Te Rangihiroa.

Minutes of the previous meeting were read and confirmed.

Petition No. 23/12—Otene Paora and others: Consideration of this petition was continued.

Wiremu Watene was again called, and his examination was continued. He was questioned by members of the Committee and Otene Paora.

Resolved, on motion of Dr. Te Rangihiroa, That deliberation on this petition be adjourned.

FRIDAY, THE 27TH SEPTEMBER, 1912.

The Committee met at 11 a.m., pursuant to notice.

Present: Mr. Young (Chairman), Hon. Sir J. Carroll, Hon. Mr. Herries, Mr. MacDonald, Hon. Mr. Ngata, Mr. Mander, Mr. Parata, Hon. Dr. Pomare, Mr. Reed, Mr. Seddon, Mr. F. H. Smith, Dr. Te Rangihiroa, Mr. Wilson.

Minutes of the previous meeting were read and confirmed.

Petition No. 23/12—Otene Paora and others: Deliberation.

After discussion, the Hon. Mr. Herries moved, That the Committee has no recommendation to make with regard to this petition.

And on the question being put, the Hon. Dr. Pomare moved, That the question be amended by the deletion of all the words after the word "That," for the purpose of inserting the words "this petition be referred to the Government for inquiry."

And the question being put, That the words proposed to be omitted stand part of the question, the Committee divided, and the names were taken down as follow:—

Ayes, 5: Hon. Mr. Herries, Mr. Parata, Mr. Reed, Mr. Wilson, Mr. Young.

Noes, 7: Hon. Sir J. Carroll, Mr. MacDonald, Mr. Mander, Hon. Mr. Ngata, Hon. Dr. Pomare, Mr. F. H. Smith, Dr. Te Rangihiroa.

So it passed in the negative.

And the question being put, That the words proposed to be inserted be so inserted, it was resolved in the affirmative.

And on the question as amended being put, it was resolved in the affirmative, That this petition be referred to the Government for inquiry.

MINUTES OF EVIDENCE.

TUESDAY, 10TH SEPTEMBER, 1912.

THE petition and departmental reports were read.

OTENE PAORA examined. (No. 1.)

1. *The Chairman.*] Does the petitioner desire to have the report translated to him?—Yes, I should like to have that done.

The petition was translated to the petitioner by the Interpreter.

2. *The Chairman.*] Does the petitioner desire to make a statement?—Yes.

3. What is your name?—Otene Paora.

4. Do you wish to add to what you have in the petition?—No. Just a word or two, then I will sign what is contained in the petition—the genealogies mentioned in my petition, and the hapu built by my ancestor Uruamo on the block. The first occupation upon that block was by the Uruamo. He felled the first bush on the land and occupied the first land. Uruamo was my grandpa. Uruamo and certain other persons in the year 1840 went to Orere to make peace in regard to the strife between the Ngati-Whatua and the Ngati-Paoa. Now, there had been fights upon twelve different occasions between Ngati-Whatua and Ngati-Paoa in connection with this land in the Auckland District. When Te Taou and the other members of the tribes reached Orakei, the peace which was then made has obtained down to the present time; and I would point out that at the time of this journey of which I speak the Christian religion had not been established in New Zealand, and that religion has been instrumental in establishing peace; so this will show that this act of Uruamo before that time in taking upon himself the responsibility of journeying amongst strangers to make peace showed what mana he must have had and what standing he must have held. When they came back they lived upon Orakei. The boundary of the original Orakei is on the further side of Kohimarama; so it would be about half a mile from Orakei to the boundary of the soil of Ngati-Paoa. That I mention is evidence of the fact that he was the person who first occupied this land after he had made the peace to which I have referred, and that occupation has continued down to the present day. When the boundary-line was laid down certain statements were made about that peace-making. Ngati-Paoa attended at the time this boundary-line was being laid down and endeavoured to have it set further back, and we the Taou said, "No, let it remain where it is." Ngati-Paoa in the first Court in 1869 said that when Uruamo went there he asked that Orakei should be given to them. That was the case put forward by Ngati-Paoa in the Courts of 1869, but it was not upheld by the Native Land Court; but the Native Land Court did establish the contention put forward by our side that it was Uruamo who made the peace and prevented the further shedding of blood as between these two tribes. The petition which was presented in regard to this matter in 1904 was upheld by the Native Affairs Committee. That was presented by Hone Heke. When I say it was upheld, the Committee recommended that it should be further inquired into by the Government for consideration. In the year 1911—that is to say, last year—my petition was thrown out by this Committee by five votes to four. I presented the same petition to the Native Affairs Committee of the Legislative Council, and they recommended it to the Government for consideration. In the year 1908 a Royal Commission went to Auckland and held an investigation into the Orakei Native Reserve. This is a copy of the report. [Report put in.] I should like to refer to certain paragraphs in this report, which I consider support my present contention, viz.: "The title to this land was investigated in the year 1869 by the Native Land Court, and an important judgment dealing with the history of what may be termed the peninsula, of which it is a part, was given. It is the only land on the peninsula owned by the remnants of the once powerful tribes who occupied the territory between the Manukau Harbour and the Hauraki Gulf. It is plain that at the time of the investigation of the title it was thought only fitting and proper that this small remnant of land should be preserved for the ancient tribes of Ngaoho, Te Taou, and Te Uringutu, more generally known as Ngati-Whatua. By the certificate and order issued by the Native Land Court it was made inalienable, and the Crown grant that was issued on the 8th July, 1873, followed the Court's order, for it said, 'Provided that the land shall be absolutely inalienable to any person in any manner whatsoever,' &c." [Paper G.–1P, 1908, put in.] What I want to point out is that now certain of my co-owners in this land have sold. Now, under this representation it was found that this land was to be preserved for those ancient tribes and hapus. I contend that my friends who have taken this action have permitted the canoe of my ancestors and tribe to float about. I contend that I am right in maintaining that this report upholds my present claim. Now, Tuperiri was the ancestor under whom the Native Land Court heard this matter. I claim that all the descendants of Tuperiri should be included in this land. Some of them only have been put in, and some of them have been left outside to swim about in the sea, or where they like. I say that if this Government does not uphold this petition, then it would be better that this Government should build a canoe and put on board that canoe those descendants of Tuperiri who are not included in this land, and let them drift away into the ocean. Now, to quote the Native Land Act of 1909, Part V [Act quoted and put in], I maintain that Part V of this Act was the outcome of the recommendations made by the Royal Commission presided over by Sir Robert Stout and the Hon. Mr. Ngata, and

Part V provides for the ascertainment of equitable owners. Now, what harm can possibly result to my friends on the other side—that is, to those opposing me? The only possible harm that can result to any one is to the Europeans who are leasing parts of the land. That is not what I am asking. I am not asking to be given the right to do injury to any one. All that I am asking is that we who have been left out should be included back in the land as co-owners with those who at present are owners of that land. Now, I say that in the report of Messrs. Stout and Ngata —even though the position of the lessees of the Orakei Block is specially referred to—the deeds of lease of this Orakei Block have not been provided or drawn in accordance with the special Act of 1882, or the Native Reserves Act of 1882, which governs the Orakei Block. I say even though the report advised those Europeans as to that wrong which had been committed by them, they have now committed a still further wrong: that is to say, that certain of my opponents have signed contracts to sell with those Europeans who desired to purchase this land which I say is not competent for them to purchase; and I maintain and point out to this Government that it would be a much more justifiable action to include in this land the proper owners than to give effect to any purchasers or speculators of any portion of this land at such ridiculously low prices as £90 to £100, and so on, per acre. The lowest value that could be placed upon that land is not less than £200 per acre. In the year 1908 a certain person named Hori Winiata died, and the Native Land Court sat to ascertain who were the proper persons to succeed that person Hori Winiata. Now, the interest of Hori Winiata was only a half-share, and had been 26 acres, and that was a further occasionally contested case, and the principal lawyers of Auckland were my opponents at that hearing. We disputed over this matter and contested this for three entire weeks, and the Court gave judgment in my favour as against the lawyers who were opposing me. The award made by the Court as a result of that hearing was that deceased Hori Winiata had no descendants of his own. The Court awarded the interests. The Court went back to the ancestor to trace the nearest of kin through him. Now, I say this is a matter which distinctly merits the consideration of this Committee. Is it correct that only those thirteen persons were entitled to succeed under that ancestor, or should the others that I have contended be so included? I say that this case is very similar to other cases in which it has been deemed necessary to constitute a Royal Commission to inquire into the matter, and subsequently pass legislation to deal with the matter. I will now read the report with regard to Hori Winiata (deceased): "The deceased left no issue of his own, his parents are dead, and his brothers and sisters, if he ever had any, are also dead without leaving any issue. He came into the title as part successor to Warena Hengia, one of the grantees, who died without leaving any near relative. By mutual arrangement after the case had been heard, the deceased and Te Wira te Kawau were appointed the successors to Warena Henga (Ad. 14/25, 30). It is admitted by all parties before the present Court that the proper successors to Hori Winiata must be the next-of-kin of Warena Hengia in the line from which the latter derived his right to the land. That is undoubtedly the manner in which Maori custom has usually been interpreted by the Native Land Court in succession cases. There are a large number of claimants. It will be convenient first to deal with the case of Awatapu Paraone. He claims to be next-of-kin both of Hori Winiata and Warena Hengia, tracing himself from Ngautukerei, who he says was maternal uncle of Hori Winiata and half-brother of Warena Hengia by their father Hengia. The Court is of opinion it must reject this claim. The whakapapa is entirely uncorroborated. It conflicts in important particulars with Hori Winiata's evidence on the succession to Warena Hengia in 1883, and it seems clear from the records relating to the Orakei case that Warena Hengia's right came from his mother Hinerai o te Weta and not from Hengia. Watene Tautari, the surviving elder of the Orakei people, denies the whakapapa given by Awatapu, who admitted that he and his elders have belonged to Ngati-Paoa for at least three generations. A strong claim to Orakei was made by Ngati-Paoa when the title was first investigated, but the Court rejected it. This perhaps is an attempt to revive that claim. For the reasons given, the case of Awatapu Paraone is dismissed. The second claim is by Te Hira Pateoro, who relies on the evidence given in 1883. The Court is satisfied that evidence was incorrect as far as the descent of Warena Hengia was concerned. Warena's own evidence on the investigation of title to Orakei shows that he was a descendant of Hukatere through Tangihua, sister of Tuperiri, and that he was unaware of his connection with Waheakeake, who apparently had left no descendants. Te Hira Pateoro is, however, entitled to share in the succession as a descendant of Tuperiri. The Court cannot help him with regard to his exclusion from the succession to Te Hira Kawau. But he was undoubtedly wronged by the action of Paora Tuhaere and of his own sister Kirihipina Pateoro, who consented to the order. The Court thinks that Meri Tuhaere, the children of Kirihipina and the Rewetis, who benefited by that wrong, should now make some allowance to Te Hira on the present succession. It would be an act of justice. The third claim is that of Te Watene Tautari, all the other claimants except the two already referred to accepting his evidence and relying on it for their cases. Though there are one or two discrepancies between his whakapapa and that given at the investigation, yet they are not material, and the Court finds that the proper successors are the descendants of Tuperiri and his sister Tahatehi; latter is not shown in whakapapa given before the Court, but she appears in that recorded in the minutes of the investigation and in the printed table attached to the Orakei judgment. And Te Watene expressly admits the right of her descendant Hori Waiwhatu, now known as Hori te Paerimu. There appears to have been another child of Hukatere—namely, Waitaheke. Watene Tautari is descended from him as well as from Tuperiri. No claim, however, has been made in that line, and the Court has not found it referred to as having any right upon the investigation of title. Te Watene at first claimed that no one except the representatives of the original grantees should be admitted to the succession, but afterwards withdrew that. Mr. Earl, however, advanced the same contention, his point being that the persons who had right were settled on the investigation in

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 Paetoro. 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. Rangihiroa 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—

through this hapu-name. Rata married Pakiorehua, and their children were Rupekatau and Toukararai. Toukararai married Hukatere and begot Tuperiri, and Rupekatau begot Tohunga, and Tohunga begot Whakairinga and Paretaua; Titoki begot Eruene Pairimu, and Paretaua married Paewhenua, second child of Tuperiri, and Paretaua also married Whakaoriki and begot Uruamo. This is the ancestor from whom we descend to-day. Under him the land was originally awarded at the first hearing, and we claimed that Toukararai was the ancestor through whom the right to the land has descended. Tuperiri's right was obtained through conquest, because he came through that Ngati-Whatua and to fight against the tribe of Ngaiwai, who were the original owners of the land. That is why we claim the original right to the land, and so do the old people before us. Toukararai was the original owner of the land. This will be found in the minute-book containing the Court's judgment. Now I will go back to Rupekatau, the elder brother of Toukararai. Eruene Pairimu was one of the first to get the Crown grant, so after the descending of the ancestor to him the award was granted: he was a descendant from Rupekatau, the elder child. I want to explain to the Committee here—I want to give the descent from Rupekatau in order to satisfy the Committee that we, the present petitioners, are also entitled to claim as descendants of Rupekatau. I am not claiming that we should have any larger interest, because of that fact through him, but what I desire to say to the Committee is this: that we have not only rights through the ancestor Tuperiri, but a second and further right through the ancestor Rupekatau, the uncle of Tuperiri. Tuperiri begot Paewhenua. The evidence I am giving is contained in the Auckland Minute-book No. 7. Paewhenua married Paretaua. I do not think I need say any more about that until I come to be cross-examined by my opponents. I may then have something to say. I want to show that Eruene Pairimu had rights. Haekopa married Titoki, so as to trace right down. Whakaariki married Paretaua, who was a younger brother of Paewhenua and also descendant of Tuperiri, and begot Uruamo. No one at the present time living can possibly deny this statement. The mana of Toukararai was the ancient mana or right to the land. Now, as Rupekatau was an elder brother, what difference can there possibly have been between them as to a right? That is all I wish to say as to that. I will now deal with another question. The hapu named Ngatimarua was the hapu of renown and bravery of the Ngati-Whatua Tribe. It was through their prowess that Ngati-Whatua obtained their land, right throughout the Kaipara district and down to Tamaki. This is borne out by the evidence contained in the Court minute-books. It will be found in Books 9 and 10, and Book 2 of the Kaipara district. Now, Marua had four children, their names being Muriwhakaroto, Te Atiakura, Potapuaka, and Marua. Now, I myself can claim descent from each of these four ancestors. Paora family mentioned in the petition also descends from each of these ancestors. It will be found stated in the Court minute-books that Ngatimarua was the prowess and bravery, renown, &c., amongst the Ngati-Whatua Tribe. I give this evidence in order to illustrate the fact that these were the people through whose prowess, bravery, and so forth we as descendants obtained the right we claim, and which we now hold at the present day. I do not claim that we should have more than the other descendants of Tuperiri, but wish to show that we have this right, in addition to the descent from Tuperiri. That is all I have to say about that. I think this statement that I have already made will show that we, the petitioners, have moral rights, are entitled to further directions, and have greater mana than those who are now in the land and selling to Europeans. There are eleven heads of families amongst we petitioners—that is to say, women who are the mothers of families. Now, amongst my opponents there are only six women who are the mothers of families. I will ask the Committee to take into consideration that fact—that children are being born day by day. The Council's Act was framed for that particular purpose—for providing for purposes such as this. What was the object of that Act—I mean the Maori Councils Act? The Acts have been passed by Parliament for the purpose of upholding and assisting and furthering the welfare of the Maori race. I say that if those Acts were passed with that intention on the part of the Government when they passed them—namely, the upholding and the furthering of the interests of the Maori people—then this is a particular case in which this should be done. Now, I hope and pray that this Government, seeing that I have been for a long time past contesting with the other Government—eight years now—without any means of support, will, and that the present Committee will, give due consideration to this petition, as in the case in ancient times when certain persons journeyed towards Jerusalem. Now, if certain persons were lying by the side of road and were taken no notice of, and a strange person came along who was not in such a violent hurry to get to Jerusalem as those who were relatives of the wounded man, but if he stopped and attended to these persons, and from that time down to this the action of that strange man has been recalled and still continues so to be—as a Maori saying which says, "We have been lost but now are found"—I am trying to evidence what I have to say: Joseph was persecuted by his elder brothers, and they were about to throw him into the pit when they changed their mind and sold him to a party of travellers. Well, that is somewhat similar to the present position—my ancestors were thrown out and should have been included, and I therefore hope and pray that we may be succoured and saved, as was done by the Government of Egypt to that person to whom I refer. Now, I desire to thank the Committee exceedingly for the kind and patient hearing which it has given to me during this long statement which I have made. I did not speak to such great lengths on my similar petition of last year, but the Chairman of the Committee of last year said that what I then stated was perfectly clear. But when the Committee came to vote upon the question of my petition of last year my petition was thrown out by five votes to four. I then presented my same petition to the Legislative Council, and the finding of the Committee of the Legislative Council was a recommendation that the Government should hold an inquiry into the circumstances. Again I thank you, Mr. Chairman and members of the Committee, for the kind and patient hearing which you have given me, and I hope that any thrusts that may be made against

me by my friends on the other side or members of the Committee will be confined to the statement which I have made.

The Chairman: Has the opposing side, Ngapipi Reweti, any question to ask?

Ngapipi Reweti: Yes.

The Chairman: What is your name? Ngapipi Reweti: Have you any questions to ask the witness Otene Paora?—The official paragraph in the petition of the petitioners states that this petition is put forward by himself and others, thirteen in number. I want to ask him what are the names of those thirteen persons. Are they persons joined in the grant, or persons outside of that Crown grant?

Witness: Some of them are in as owners by succession to Hori Winiata, as the Committee will remember I stated yesterday.

1. *Ngapipi Reweti.*] The petitioner asked the Committee to uphold the decision given by Judge MacCormick. That is what he said yesterday, but he went on to say that because Judge MacCormick was born in Auckland and lived there permanently, that he knew of his own personal knowledge all the arrangements that had been made in connection with the Orakei Block. Why, then, does the petitioner ask this Committee to set aside what had been previously done by Judge MacCormick? Why, then, was this petition framed to object to the award of the Native Land Court, seeing that it was Judge MacCormick who continued these things as contained in the Crown grant, commencing from the year 1869, and which continue without alteration down to the present day?—It was not Judge MacCormick. MacCormick was a lawyer. This MacCormick had not then been a Judge, and the MacCormick to whom you refer was father of Judge MacCormick—I do not mean his actual father, but he was a member of that family.

2. *Hon. Sir J. Carroll.*] I think what he meant was, why should he disturb the action of Judge MacCormick, who confirmed and carried into effect subsequent actions dated as far back as 1869. Is that what you mean?—Yes. Judge MacCormick distinctly states in his judgment, which has been read, that a great many injustices and wrongs had been done in connection with the Orakei Block, and that he was not going to add further wrong or injustice to what had previously been done.

3. *Ngapipi Reweti.*] Seeing that Judge MacCormick in his award made no alteration in his previous awards, are you willing that that award should be upheld?—This award.

4. You say Judge MacCormick made no alteration in the award from 1869 right down?—Judge MacCormick had no power to make any variations in the previous award. The only power that Judge MacCormick had was to deal with the succession of Hori Winiata's half-share, and he says that he discovered that much injustice had been done. The Court admits now that much injustice had been done in respect to Orakei, and has no intention of doing anything that would be adding to that injustice.

5. Now, you have made a statement about the hapu called Te Urioteaotawhirangi. Now, this hapu's name is not contained in any minutes in reference to this Orakei Block. The only hapus having rights to Orakei are Te Taou Ngoho and Te Uringutu. How, then, did Te Urioteaotawhirangi obtain any right to be included, as you contend, in the Orakei Block?—In reply to that, sir, I ask to be allowed to read an extract from a decision which was given in 1869 from Decision-Book 2, Maki, and Te Wheoro case, paragraph 2, which is as follows: "The case of Maki is more doubtful. He does not appear to have lived with Apihai for a great number of years, and his claim apparently is in no way inferior to Paerimu, except that his father did not intermarry with Apihai's tribe as Hohop Parerimu did. Parerimu's wife, who gave birth to Ernena Paerimu, the claimant, was Titoki of Te Urioteaotawhirangi, the hapu of Ngaoho, to which Toukararai, whose name was often mentioned, belonged." I would point out that you will find that judgment in Orakei Minute-book No. 2. That is my answer to the question, that in the year 1869 the right of Titoki was recognized by the Court in the judgment as coming from Te Urioteaotawhirangi. If the Chairman will permit me to do so, I can at a subsequent time turn it up—the judgment which was contained in that book of important judgments of the Native Land Court.

The Chairman: We have it here.

Ngapipi Reweti: I have no further questions, Mr. Chairman, to ask the petitioner, but I desire to make a statement if you will permit me.

The Chairman: You will get a chance to do so presently; meantime the Committee will ask Otene Paora questions.

6. *Mr. Parata.*] Is the Uruamo family descended from Toukararai?—Yes.

7. Your petition says that the two hapus were originally Te Taou and Ngaoho: did the Court find in favour of these—the original family who are descended from these two?—Yes.

8. *Hon. Sir J. Carroll.*] You say the block was originally investigated in 1869?—Yes.

9. And I think you defended the petition in 1873?—Yes.

10. What year was it in which the first petitions were presented to the House with reference to the original title?—1904. But Poata Uruamo made application in the year 1891 under the Equitable Owners Act.

11. 1891, was it not?—He made application, anyhow, under that Act, and the Court dismissed his claim.

12. And the Court threw out his claim?—Yes.

13. Do you know on what grounds?—Well, the Court held that that application did not lie under the provisions of the Equitable Owners Act.

14. It could not affect a private Act, I suppose?—The desire which we hope to establish in connection with Orakei could not have been brought forward under the Equitable Owners Act, 1886.

15. The Court had no jurisdiction to hear it under the Equitable Owners Act?—That must be so, seeing the Court dismissed the case. I have an extract amongst my papers with reference to the matter.

[Extract from Auckland Minute-book 4, page 66.—"Application from Renata Poata Uruamo under the Native Equitable Owners Act, 1886: Application read. Chief Judge: 'I see an order for certificate was issued on 10th February, 1869, to Natives, so that the case clearly does not come under the Act of 1886. Upon the certificate a Crown grant was issued to Apihai te Kawau, on trust for several other Natives, dated the 8th July, 1873: this also shows that the case does not come under the Native Equitable Owners Act, 1886.'—Application dismissed."]

16. How did Poata Uruamo claim—on his own behalf, or on behalf of the other members of the tribe?—For the family of Uruamo.

17. Was it just confined to that?—I could not say for certain, because I was quite a child then.

18. Did he claim that the owners under the original award were trustees for the people, or that the Court had committed an error in omitting the name of Uruamo?—Well, I was too young at the time to know. I cannot say what grounds he desired to place before the Court. All I know is that I have read the minute, and know the Court dismissed the application. The Court held it had no power to deal with that application under that Act. So I am unable to say what claim he intended to put forward, because his evidence was not contained in the minutes.

19. I suppose you would not have been born at the time?—Oh, yes.

20. Pehaps you were too young at that time to know what arrangements had been come to?—I was then old enough to be away working in the bush. I am speaking of 1886. I was born in 1870.

21. And you would not be in a position to know, in the arranging of the list of names under the original partition to be submitted to the Court, as the owners of the Orakei Block, what transpired between members of the hapus or the tribes before the Judge?—No, I can only speak of that by hearsay.

22. What did you hear with regard to the arrangement which was made?—I say that they were left out when the names were submitted for inclusion in the title. There are two common practices among Maori people—one is jealousy. Secondly, I say that this Court of Orakei was the first Court held in New Zealand as the outcome of the treaty which was framed at Kohimaramara. I admit that these people did not have the same knowledge of affairs as those who had previous intercourse with Europeans. Paora tu Haere was Government Commissioner at the time, and was selling land for the most trifling absurd sums.

The Chairman: I would remind Otene Paora that he must confine himself to the answering of questions

23. *Hon. Sir J. Carroll.*] The land was awarded to the Te Taou and Ngaoho Tribes, and to the members of those two tribes?—Three tribes—Te Taou, Ngaoho, and Te Uringutu.

24. The Court undoubtedly directed these people to arrange amongst themselves the list of owners they were to put in?—Yes.

25. All the prominent old men of the tribe were alive then and present?—Uruamo was dead then.

26. In 1869?—Yes, before then; before the sitting of the Court. His children were alive, Aperahama and Tahana, and others.

27. Would it have been possible at that time that the list of names was arranged and agreed to voluntarily by all those concerned?—Yes; but the arrangement arrived at was not a correct one, as they were not all provided with interests. Some were trying to obtain all for themselves and turn others out.

28. When that list of names was handed in to the Court as comprising the owners of that land were there any objections made?—No.

29. Then your claim at the present before the Committee is this: that, considering that land was originally intended to be a permanent reserve for the tribes—that the fact of only thirteen owners being included suggests that that block was to be held in trust for the descendants of those tribes who may be in or outside the tribe?—Yes, that is my desire.

30. That is intended by the original rights of those who were not included in the ownership?—Yes.

31. The land has been partitioned since?—Yes.

32. And several of the original owners have died?—Yes.

33. And successors have been appointed since?—Yes.

34. There are several lessees of the various interests concerned?—Yes.

35. And I think you mentioned that certain interests have been sold?—Yes.

36. Well, now, what do you want Parliament to do in order to do justice to those on whose behalf you claim have not been included in the title: do you propose that the balance of the land should be reopened for investigation in order to reinclude them at the expense of those who have held the land?—That is what I want.

37. Do you ask to have the land made hapu?—That would be the proper course.

38. Then, of course, there would be difficulties, as some of the land has gone?—But those moneys paid by those Europeans have been wrongly paid. It has been fraudulently stealing the land of the people.

39. Coming back to the case of Uruamo: he evidently was the leading man of the tribe?—Yes.

40. When this block was investigated by the Court he was dead at the time?—Yes.

41. Perhaps that accounted for the omission of any of his descendants—the head of the family was gone?—It looks like it.

42. Then we may presume that the direction of the Court to the Natives living at that time was a direction to the remaining head of the several sections of the tribe to fix the list of owners?—Yes.

43. *The Chairman.*] Uruamo was your grandfather?—Yes.

44. You claim that he was a man of importance and that he went journeys to other parts of the country on behalf of the tribe?—Yes.

45. What year did Judge Fenton hear the case in?—1869.

46. Uruamo died previous to 1869?—Yes.

47. But no one appeared at this Court to claim on behalf of the children of Uruamo?—Aperahama stood up and made a statement in the Court, and put forward his claims on the same ground as put forward by Watene Tautari.

48. And Judge Fenton did not recognize him?—No, I cannot say that it was at Judge Fenton's instigation that the names were left out, but it may have been the result of the arrangement made outside, about which the Hon. Sir J. Carroll examined me—as between the heads of the families to submit the names to the Court.

49. Still, the Judge must be responsibile for the judgment of the Court?—I maintain that because the Judge saw that certain proper owners had been left out he therefore placed a restriction upon this land so that it could not be alienated, and that it was to be held for the benefit of the tribe at all times.

50. Would that give Uruamo and his family the right to live upon it?—Yes, it being restricted land.

51. You as the descendant of Uruamo have no interest in this land?—None of the family of Uruamo were included in the original title, but some have come in as descendants of the interests of Hori Winiata.

52. It is not a question of your right to live on the land, but it is a question of a right through your ancestor not being recognized?—I do not ask for a large interest. I claim that we should all have equal division.

53. Do you object to any of this land being alienated from the Maori people?—I entirely object.

54. *Hon. Dr. Pomare.*] You say there were thirteen trustees appointed for the people?—Yes, that is right.

55. What is the sex of those people?—They were all males.

56. Were not any women with equal rights to that land with those that were included in that title?—Certainly there were—mothers.

57. Why were they not included?—When the list of names was arranged they kept them out.

58. Then you hold that this land was practically held in trust for the whole tribe?—Yes.

59. In equal shares?—Under the ancestor Tuperiri.

60. Then you would be agreeable to have all those who were left out participate equitably—all the tribe?—Yes.

61. *Mr. Bell.*] Is your object to retain to the tribe all the land which has not been already alienated and make it absolutely inalienable?—Yes, I say that with regard to the whole of the block, because these sales were wrong sales: they were made through thieving.

62. You do not want any sales or leases to take place in the future of this particular land?—It would be quite desirable to lease. The report of the Royal Commissioners contains their remarks in regard to the leasing of the land, and I am quite satisfied that the land should be so leased under the terms and conditions of that report. The Commission recommended that the land should be cut up into one acre, half-acre, and quarter-acre and small sections, and put upon the open market for lease, in order to obtain the highest rent—to be dealt with in the same manner as the land was dealt with at St. Helier's Bay. The people who purchased this land, Messrs. Earl and Kent, purchased a piece of land called Pukapuka, and they paid £90 per acre, and now they are selling it at £700 per acre.

63. This Orakei Block has not been partitioned?—It has been partitioned, and that partition is objected to by the Royal Commissioners in their report.

64. *Hon. Mr. Herries.*] You told the Hon. Sir J. Carroll that nothing was done to remedy the evil you complain of since 1869 until the petition was sent in in 1904, except an application to the Equitable Owners Court?—Yes.

65. You did not give the reason for that: what was the reason?—Simply ignorance. I was simply a labouring-man away in the bush, working for Europeans, and as I now stand I am one of the most expert contractors among the Maori people. When my parents died then the mana fell upon me to carry out these affairs, in order to provide for the interests of the children who are now living at the kainga—about one hundred of them.

66. When did you first discover that you were wronged?—Well, I simply heard it casually, as my years grew from time to time, from my elder brother, but finally ascertained the whole ins-and-outs of it in 1904.

67. But none of the thirteen petitioners over discovered it before?—They were all young people; I am the oldest one of the number at the present moment.

68. You ask us to believe that none of you discovered it until 1904?—Yes.

69. *Mr. F. H. Smith.*] You were born in 1870?—Yes.

70. *Mr. Parata.*] You said there were thirteen men put into the title?—Yes.

71. Did they have any sisters left out—I mean full sisters?—Yes, some of them.

72. And did they have any brothers left out?—Yes.

73. And they are not in now?—No. That is why I am bringing forward this petition.

74. *Dr. Te Rangihiroa.*] With regard to the thirteen being all males, what sex is Paramena Nganahi?—Male.

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, represenitng 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 Rihana 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

put forward by the petitioner that those persons were to be trustees on behalf of the tribe. We can all see for ourselves but one person there was to be trustee, and that was Apihai. He was to be trustee for the persons who were put in the Crown grant, and not those outside the Crown grant as the petitioner now contends. Then objectors were called for, and none appeared. This was the year that that was issued: "Ordered that a certificate of title issue to Apihai te Kawau, and that the names of the following persons appear in the grant as *cestuis que trust*, and that they be tenants in common and not joint tenants." I want to point out that the Court awarded those thirteen persons to be tenants in common and not joint tenants. "With the thirteen names." That the land be made inalienable in any way whatsoever, and that the grant be to the above-mentioned persons and their heirs as tenants in common, and not as joint tenants." That was stated there. This is an extract from the Native Land Court certificate of title No. 11, Auckland (Vol. xiii), dated 9th February, 1869: " . . it is hereby certified that Apihai te Kawau, of the district aforesaid, aboriginal Native, as trustee for Apihai te Kawau, Arama Karaka te Matuku, Warena Hengia, Te Reweti Tamahiki, Eruena Paerimu, Paora Tuhaere, Paramena Nganahi, Reihana Terewai, Wiremu Watene, Ngawaka Tautari, Te Ratu Utakura, Te Waaka Tuaea, and Taierau, tenants in common, is the owner according to Native custom of," &c. Then there is this extract imposing restrictions under the Native Land Act, 1865: " . . it was ordered that the presiding Judge do report the opinion of this Court . . that it is proper to place the following restrictions and conditions on the estate to be granted in the above-named block—that is to say, that it be made inalienable in any way whatsoever, and that the grant of the said piece of land be made to Apihai te Kawau, his heirs and successors, to be appointed under the Native Land Act, 1865, chief of the Taou, Ngaoho, and Uringutu Tribes, in trust for Apihai te Kawau, Arama Karaka te Matuku (rest of names in full), and their heirs as tenants in common and not as joint tenants." I want to point out that this extract substantiates my contention, as opposed to that put forward by the petitioner, when he mentioned the name of a person as paramount chief. In 1869 this proved conclusively that the only person recognized there was Apihai te Kawau, and they were old people and men of knowledge. Crown grant dated 8th July, 1873, under the Native Lands Acts; area, 689 acres: "Grantee, Apihai te Kawau, an aboriginal Native, chief of the Taou, Ngaoho, and Uringutu Tribes, and his heirs, to hold unto the said Apihai te Kawau and his heirs upon trust for the said Apihai te Kawau, Arama Karaka te Matuku, Warena Hengia, Reweti Tamahiki, Eruena Paerimu, Paora Tuhaere, Paramena Nganahi, Reihana Terewai, Wiremu Watene, Ngawaka Tautari, Te Ratu Utakura, Te Waka Tuaea, and Taierau, and their heirs, as from the 10th day of February, 1869; provided that the said land shall be absolutely inalienable to any person in any manner whatsoever, and provided further that it shall be lawful for the said Apihai te Kawau or his heirs to surrender the grant for any of the purposes of the Native Lands Act, 1865, or any Act amending it." I would point out one of the persons who was included in the Crown grant was Watene Tautari. He is the only person of those put in the Crown grant who is still alive, and he thoroughly knows the whole position of those who were put in, those who were left out, and why they were left out, and so forth. I do not propose to call him to give evidence, seeing that I have been appointed as the mouthpiece on behalf of those opposing the petition. I have only brought him here so that you could see him.

4. *Dr. Te Rangihiroa.*] It is for the Government to say whether he will give evidence or not. The Committee may call him?—That rests with the Committee. In conclusion, I just desire to explain a few matters to the Committee. I desire to say when the petition of the petitioner and his companions was read out I was right from the start to its finish. This was the same petition which was thrown out by the honourable members of this Committee or the Native Affairs Committee, and the honourable members of the Government of the Dominion of New Zealand. I think that if this petition had been in any way different from that which has been already dismissed during last year—if the petition had in any way varied from that of last year—then it would have been a rational act on the part of the petitioner; but, in my opinion, this kind of proceeding is derogatory to the dignity of the honourable members of the Committee, and is trampling upon their great mana, seeing that they have already given an adverse decision on this same petition during last year. In conclusion, I desire to thank the Chairman and honourable members for having listened to what I have said.

The Chairman: Otene Paora, you can now question the witness.

5. *Otene Paora.*] You admit that the land was restricted land?—Yes.

6. And you knew that that was a desirable thing—to have the land so restricted?—It was the old people who placed the restriction upon it, and therefore it still obtained.

7. Therefore, you desire to see that restriction continued for the benefit of our tribe?—In regard to myself, I can say so. I have no right to speak on behalf of the other people.

8. *The Chairman.*] You have the authority?—I was empowered to oppose the petition.

9. *Hon. Sir J. Carroll.*] And the Model Suburb?—I have no authority from them to ask that there be any modification made in regard to the law in regard to the block.

10. *Otene Paora.*] The question I ask is this: do you consider that the restriction should be continued on this land in order to preserve it for our descendants for all time?—Yes, I am willing, if it can be so accomplished.

11. Why do you have any trouble in saying "if it can be so accomplished"?—I am willing that the land should be restricted for the benefit of our people for all time.

11A. Why were you so hesitating in admitting that just now?——

The Chairman: I take it that that authority which has been put in is evidence, and it, as an authority, sets out clearly that the opposers are against the alienation to the Auckland City Council, and that they are also opposing the claim of Otene Paora.

12. *Otene Paora.*] Why were you hesitant just now about saying that you desired the restrictions on the land to be absolutely continuant? What do you mean by saying, "Yes, if that can be done." It is for the Government to say what can be done. The Government might not have the restrictions on the land for ever. Is not the reason that you hesitate about giving a straight-out reply that you have sold and instigated others to sell?—It was not I that advised some of them to sell.

13. But it is you who have been going about with the lawyers and advising them (the Natives) to sell, and taking their signatures, and the Natives getting £50 and £100 deposit?—I am not the only person who has gone about with the lawyers; only now and again.

14. *Hon. Dr. Pomare.*] There are thirteen original owners put into the grant?—Yes.

15. You say those are the only individuals entitled to this land?—Yes.

16. Did those people who were in the original title have any brothers and sisters?—Well, I do not know.

17. Is it not a fact that they did have brothers and sisters?—I do not know. If you call upon the witness who was there he will be able to tell you. I only gather from what I got in the minutes of the Court.

18. Are we not likely to suppose that they did have brothers and sisters? There is a large number of them—thirteen of them—and it is quite possible to suppose that they did have brothers and sisters?—It may be.

19. Well, then, if there were brothers and sisters to these individuals included in the title, why were they left out?—The title was given to the three hapus, and from those three hapus they have got to be apportioned out. Only those three hapus are the owners of this land.

20. But some of the hapus are left out?—No, three were put in.

21. No; some of the members of those hapus were left out?—You have to be appointed from inside those hapus—inside the grant.

22. Every member of those hapus should participate?—Extract from judgment of Fenton, J., 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 decides 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."

23. They agreed that those tribes should be represented by certain individuals for the tribes?—It says, "in favour of those 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." The thirteen were the ones agreed to by the members of the tribes.

24. *Mr. Parata.*] Where is the place called Orakei?—That is the original name.

25. You stated that the present petitioners did not make any objections in the Court?—Yes.

26. Was it not because the Court had no jurisdiction to ascertain the titles of the block that they could not bring another objection?—Oh, yes, the Court had jurisdiction. The Court called on objectors, and no names were handed in, nor any claims for any one, and no one put up. All the others were present at the time Aperahama and the others mentioned. The persons who stood up were—Kepa: "I understand the arrangement and have no objection to it." Nopera: "I know nothing of the matter." When the challenge was given no one stood up to object.

27. *Mr. Bell.*] At the time in 1869 when Judge Fenton settled this the ancestors of the present petitioners were not members of one of those three hapus?—Oh, yes, they were members.

28. Well, then, will you read again the agreement—when the representatives came and agreed that the names should be inserted. Which hapu were they members of—some of each of those three hapus?—Oh, yes.

29. Read that agreement again?—"Extract from Minute-book, 9th February, 1869: Mr. McCormick (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 trust be Apihai te Kawau, Warena Hengia, Te Reweti Tamahiki, Eruena Paerimu, Paora Tuhaere, Paramena Nganahi, and Reihana Terewai. Mr. Hesketh: The name of the person I propose as *cesquis que trust* is Arama Karaka te Matuku. Mr. Sheehan: The names of the persons I propose as *cestuis que trust* are Wiremu Watene, Ngakawa Tautari, Te Ratu Utakura, Te Waka Tuaea, and Taierua. Paora Tuhaere said that he wished more names to be put in the grant, and that he thought those members of his tribe whose names were not inserted would get no share of the land."

30. All that seems to go to show that this syndicate of trusts were themselves to be trustees?—Only one man was appointed to be trustee.

31. That seems to show that those who were put in were *cestuis que trusts* and not on behalf of others?—"In common and not joint tenants."

32. What effect do you put upon that—"not joint tenants"? I notice you stress that point. Why were they made tenants in common and not joint tenants. You see that is an argument?—As far as I can understand it, it is for themselves who have been named and not for another person.

33. That is what you understand the law to be?—I am no good in the law. It is only what I have been instructed in. That is how the matter stands.

34. *Hon. Sir J. Carroll.*] Were there other estates belonging to those hapus outside of Orakei?—Yes.

35. Were they awarded to those thirteen, or to other members of tribes?—To other members, and one or two of these in the grant named.

36. Name those blocks?—Ongarahu Block; Maramatawhana—some are interested and some are not; Otakanini—some are interested and some are not.

37. Did the Uruamo family—or, rather, were they put into those blocks besides the Orakei?—Yes, they are in Uruarua, and they are in a place called Te Hiore Kata, &c. Only themselves—no others.

38. Were those blocks heard by the Court about the same time as Orakei?—I do not know the date.

39. Do you know anything about the land sold stretching away to Kaipara?—This is the Waitemata. This was sold by Kawau te Tinana and Horo and Te Reweti Tamaki.

40. Were the members of those three hapus mentioned in the judgment of Orakei?—Yes.

41. Those names you have read out do not include any of the thirteen?—They are the ancestors.

42. Was it possible, do you think, or can you say, that those who are claiming for inclusion now in the Orakei—left out and belonging to those tribes—were they participating in other lands belonging to those tribes to the exclusion of those in the Orakei Block? Can you show that any of the people on whose behalf the petition claims are included in the grants of other blocks belonging to these three hapus?—No, I do not know. I am not in a position to say.

43. *Hon. Mr. Ngata.*] Do you say that the Uruamo are not entitled to be included?—No, he was not. His name was mentioned in the meeting held by the others outside the Court. They discussed the matter, and found that he had no right to be put in.

44. Why—had he no occupation? All you are prepared to admit is that Uruamo was a member of the tribes mentioned in the certificate?—I do not know whether he was or was not. The old man (Wiremu Watene) knows all about that.

45. *Mr. Bell.*] When that agreement was come to one man objected on the ground that he thought that the people he represented would be excluded from any interests in the land unless the names were put in?—Yes, I understand that.

46. You thought your people would be excluded unless the names were put in?—That is what Paora Tuhaere said he wished—that more names be put in; and he thought that those members of his tribe whose names were not inserted would get no share of the land.

47. That rather looks as if he knew that they were all to get a share of the land but that he was afraid he would be swindled?—He only explained that.

48. Which shows he seems to have thought that whether the names were in or not they were to get a share of the land?—If they did not get their names in they would get no share.

49. How many people are opposing this petition?—Twelve people.

50. Are you interested in this thing yourself?—Yes.

WIREMU WATENE examined. (No. 4.)

1. *The Chairman.*] What is your name?—Wiremu Watene.

2. *Hon. Mr. Herries.*] Do you know what took place when the Court sat at Orakei?—Yes.

3. How was the list of names arrived at?—It was done by arrangement.

4. How was it done—between the members of the tribes or between the lawyers?—The members of the three hapus. The three hapus appointed the three lawyers.

5. The three hapus met and settled the names?—Yes.

6. Did they understand whether the names of those who were to be put into the title were to be owners or trustees?—Apihai te Kawau, the trustee, arranged for the other names.

7. Were they trustees or owners?—Absolute owners.

8. Was Uruamo's name mentioned to go in?—That was fought out.

9. Apihai insisted that the children of Uruamo should be included. Who disagreed with that?—Paora Tuhaere and the other persons.

10. Were you present at the Court when Paora Tuhaere got up and made a statement that he was afraid his descendants would lose the land?—They discussed the matter at the Native settlement, and, having decided what was to be done, took the matter into the Court and tested the matter at Court.

11. Did you hear of any objections to the names?—No, I did not hear that.

12. *Hon. Dr. Pomare.*] Do you maintain that this land was for the thirteen owners absolutely?—Yes.

13. Do you think that it was an equitable arrangement?—No, it was not.

14. Why?—The reason was this: other members of those hapus had been included in lands at the Kaipara. Other members of them were included at Orakei, and the ancestor of this boy here (Ngapipi Reweti) was put in only in Kaipara land, and the father of the petitioner was put into the Kaipara land.

15. Were some of those owners not included in some of the Kaipara land?—In some lands. I myself, for example.

16. Did the thirteen owners have any brothers or sisters?—The grandfather of this boy (Ngapipi Reweti) was an elder brother of Paora Tuhaere. He was not included in the land.

17. Were there any others?—No.

THURSDAY, 12TH SEPTEMBER, 1912.

WIREMU WATENE'S evidence continued. (No. 5.)

The Chairman: Call Wiremu Watene.

1. *Hon. Dr. Pomare.*] The witness is one of those included in the original title?—Yes.
2. Did you have any brothers or sisters?—They are all dead.
3. Were they living at the time you were put in?—My younger brother was.
4. Why was he not included?—They were put into our other lands in Kaipara.
5. Were you left out of the Kaipara lands?—I was not put in.
6. Up to the present time?—I have to succeed them in those lands.
7. *Mr. Parata.*] When the arrangement was come to by the people concerned in this block in 1869, was that an arrangement that those of the hapu who had kaiangas at Kaipara should have the land there, and those at Orakei should have Orakei?—That was so.
8. Was that the reason why Paora Tuhaere, the elder brother, was not put into the land at Orakei—that he had land at Kaipara, in the Kaipara district?—Yes.
9. Did Paora Tuhaere get into the original Kaipara land originally?—I cannot reply; I cannot say.
10. Do I understand you to say this, that the difference between these hapus is because of those who have already got their lands in different parts? There was a sort of division. Some got lands at Kaipara and some of the same tribe got their land (say) in the Auckland District?—That was the arrangement made—that was the arrangement made in connection with the three hapus, Te Taou, Ngaoho, and Te Uringutu.
11. *Hon. Dr. Pomare.*] You say the arrangement was that the Natives included in the Kaipara land should not participate in the Orakei land?—Yes.
12. Then, why were some of the grantees included in the Kaipara lands?—I myself was simply included in those lands as a successor to my younger brother.
13. But the others besides you?—I do not think any one of them was included at the hearing prior to Orakei.
14. But the Orakei was the first case heard?—No. Pukeatua and other blocks were the first heard.
15. But you do not deny that some of the other grantees were included in the Kaipara lands?—As successors.
16. Not before?—Some of the other lands there, prior to that time in which the descendants of Uruamo were included—they were put in.
17. Then they did not stick to their bargain: the bargain was of no use?—It was then—in the days of the elders—the chiefs.
18. *Hon. Mr. Ngata.*] Was Eruena Paerimu included in all the Kaipara land?—No.
19. Was Arama Karaka?—Yes, he was put in.
20. And members of the Reweti families, besides Paora Tuhaere?—The Wiremu Reweti was included in Kopironui.
21. Were any of the members of the Uruamo family present when this arrangement was made?—Yes. Aperahama was there and Tahana Uruamo.
22. The arrangement was not made in open Court, was it?—No; the arrangement was made at Ohaku.
23. Do you admit that in the course of their evidence in the Orakei case the occupation by Uruamo was given in evidence in substantiation of their case?—No.
24. Perhaps you do not know what evidence was given at this Court?—I do not.
25. How old were you then? Somewhere about twenty, more or less.
26. At the time of the Court?—It commenced in 1868.
27. Did you take part in the proceedings then?—I was present there.
28. Did you take part in the proceedings?—I was there.
29. Did you take part in the proceedings?—No, I was present there.
30. *Mr. Parata.*] Where was the permanent kaianga of the Uruamo family?—Kaipara.
31. Were they a Kaipara family or Orakei family?—Kaipara; they were born there.
32. It is stated in the evidence that Uruamo was the man who cleared the bush at Orakei: is that correct?—That is absolutely a false statement made to the Committee.
33. You deny that. Is that true or not?—I heard from my elders that it was my own elder who first of all cleared the bush off that land.
34. *Hon. Mr. Ngata.*] What is the name of your ancestor?—Whatarangi.
35. *Mr. F. H. Smith.*] In what year was the bush felled?—I do not know. My father's name was Wiremu Tautari.
36. *Hon. Dr. Pomare.*] Did Uruamo occupy at Orakei?—Yes.
37. And did his son?—Yes.
38. Did you know Orakei?—Right down to the present time. I was born there, and am still living there. Apihai was a chief and was in there, and it was they who performed this work.

The Chairman: Otene Paora, do you want to ask any questions?

Otene Paora: Yes.

39. *Otene Paora.*] You have said that you did not give evidence in the Court of 1869: is that true?—Yes.
40. Now, on the 16th October, 1868, did you not, at 10 a.m. on that date, give evidence before the Court? Now, I have here an extract which says that you were sworn at 10 o'clock on that day. You are William Watene, are you not?—William Watene is my name. William Tautari was my father.
41. Will you say that Uruamo was not a chief?—I do.

42. Well, can you deny the statement made by your father, William Tautari, where he mentioned the names of the chiefs, Whatarangi, Uruamo, Nopera, and others?—That is right: they were.

43. Now, the lands of the Uruamo family which you say were at Kaipara—what part of Kaipara were they situated in?—Hiorekata.

44. There were other kaingas, were there not?—Ongarahu.

45. Where else?—Muriwai.

46. That has been sold, has it not?—Yes; Muriwai was sold.

47. By whom was it sold—was it by the Uruamo family? Who were they?—Hori Winiata.

48. Were you not one of the sellers?—I was.

49. Who owns the Ururua Block now? You say those were the lands which the Uruamo family held. Why did you put them out of Orakei—was it because they owned those lands? Do you not know that I know perfectly well as I stand here to-day who are the owners of that Ururoa Block? Of course, you do. Are the Rewetis, Wharepouri, Apihai, and Hori Winiata, and a portion of Hori Winiata's interest was awarded to you, as one of his successors, and you sold it?—Yes.

50. Now, will you tell me how many acres the Uruamo family owned in the Ururua Block: had they 1 acre, half an acre, a quarter of an acre, or none at all?—Somewhere about 60 acres.

51. I am asking about the Ururoa, not Ongarahu?—But they are two separate blocks.

52. Now I am asking about Ururua. Well, now, how many acres would the Uruamo family get in the Ururua Block?—Sixty-six.

53. Does that 66 acres represent one share, or is it 33 acres in one share?—33 acres.

54. And how many shares in a block altogether?—Fifteen.

55. And is the whole of that fifteen shares property of the Uruamo family?—It is the property of the persons who were arranged to be the owners.

56. That is the descendants of the people?—Yes.

57. Well, then, the Tuperiri's: where is the permanent block belonging to the Uruamo family? at Kaipara; and for that reason you keep them out of the Orakei Block?—Hiorekata.

58. Do you know the permanent history of that block—do you know who it originally belonged to?—I do not.

59. It did not belong to Tuperiri, then?—No.

60. Do you not know it belonged to my father Paora Kawharu?—I do.

61. And do you not know that Paora Kawharu gave it to his brothers-in-law?—I do.

62. Then where is the kainga to which you refer when you state that land had been set aside for the Uruamo family at Kaipara and keep them out of Orakei?—Pukeatua.

63. All Uruamo's descendants are in there. How many acres does one share of the Pukeatua Block represent?—I do not know; I have forgotten.

64. That land has been sold, has it not?—Part of it sold and part of it will remain unsold.

65. By whom was it sold?—For the persons to whom it was awarded by succession—the descendants of Uruamo and others.

66. Te Taou Hapu, generally speaking. You sold and others sold?—Yes.

67. And it is only our family who still retain their interest?—Yes.

68. Then what kainga is it to which you refer in Kaipara? You state you set apart for the Uruamo family, and therefore you keep them out of Orakei Block?—It was the descendants of Poata Uruamo and others who sold their interests there.

69. Did you not know it was the hapu generally who sold their interests? Pukeatua sold his interest, and I am the only one retaining mine. I want to know whether the land is in Kaipara which you state was set apart for Uruamo and his family, and if that is the reason you keep them out of the Orakei Block?—I cannot answer that question.

70. You say that you did not hear the old people at the time of the first hearing in 1868–69 stating the rights of Uruamo—of conferring rights upon them in Orakei Block?—I did not.

71. At the time of hearing of succession of Hori Winiata (deceased) did you not appear in Court to oppose my case, and you opposed it in this way: that it was through the arrangement made by Paora Tuhaere and the chiefs that Uruamo and his family were kept out of the block at the time of the first hearing; and that for that reason you stated to the Court at the time of the application for succession for the interest of Hori Winiata, the proper successors to Hori Winiata were the twelve and a half grantees. Then the Court asked you this question—did not the Court say this to you: "Seeing that Paora Tuhaere and the other chiefs at the time of the first hearing committed a wrong in keeping the Uruamo family out, do you not think it would be right for you now to follow up and substantiate that wrong?" Should you not reply to that Court that it was not your evidence to follow up that wrong, and therefore to withdraw your case—that is, you withdraw your claim that the whole of the other twelve successors should be included?—That is what I said.

72. *Mr. F. H. Smith.*] Was the witness there at the petition in 1869?—Yes, 1868 and 1869.

73. Well, his father was the man who gave the evidence in 1868. In what year did he die?—In 1884.

74. The witness was not one of the original grantees: it was the father?—My name, William Watene, is in the Crown grant.

75. And your father was also in the Crown grant?—Yes, and my uncle.

76. It is evident to me that they had three shares?—Yes.

77. *Otene Paora.*] Well, the boiling-down of the thing is this: You originally opposed my claim for succession to Hori Winiata and claimed your people should be put in, and eventually withdrew that claim. Because of the Court cross-examining you you withdrew your claim. The Court asked you so many and such strong questions that you saw your error, sat down,

and withdrew your case. Now, I request you, seeing that you are a sole surviving elder—we are all young people—to adopt the same rangatira position that you took up then, when you withdrew your case of claiming succession to Hori Winiata, and withdraw your opposition to us now?—No, because we have now reached the high and walled pa.

78. Do you not remember a certain occasion about a year ago now when I said this to you: I said, "I am at liberty to address you in our big house at Orakei if you people will fix a day for the discussion to be held." I am asking you the question because you state now, because we have reached the Court—which previously we had not reached—you would have done what I ask now?—No, you have been my opponent all along.

79. *Mr. F. H. Smith.*] At the time of the partition of this land what relations had you that were not included in 1869—the Court of original investigation?—Oh, a number. My younger brother and other relatives.

80. *The Chairman.*] Do you object to any of the Orakei lands being sold or alienated from among the present people?—When the Acts of the Council were recently issued I became frightened and I said, well, I would be willing to sell at a proper price.

81. Would you be willing to sell to the City of Auckland, the Corporation?—To the whole world—the white man, the Maori, the black man, &c.

82. Would you sell to the Auckland City Council in the open market?—No. I am frightened of the City Council. They want three partitions.

83. But you will sell to every one else except the City of Auckland?—It depends upon what price they pay; but I am certainly not going to agree to the proposal to pay one-fourth to the Maoris and withhold three-fourths themselves.

84. If the price of the City Council is good enough will you sell to them?—Yes.

The Chairman: That closes the case.

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