

*Cross-examined by Raimona Petera*: The first payment made by the Crown on this account was £259 6s. 9d. You received £15 on one occasion out of it. I have already said that this was first paid on account of rent. Afterwards about £1,200 was paid on account of purchase of this block alone—none of this was on account of Lot 31. It was all paid to the owners of this lot.

*Re-examined*: The Crown have promised certain reserves out of this block, but did so in the expectation of purchasing the whole. If the non-sellers obstruct the settlement I think the Crown will be held discharged from any obligations so contracted. I produce the Crown grant.

Raimona Petera desired to give evidence in opposition.

RAIMONA PETERA (sworn): We agree to give 5,000 acres in satisfaction of the Crown claim. I oppose any further surrender, because the hapus occupying the land refuse to alienate it. This was one of the first blocks dealt with by the [Compensation] Court. The ten persons named in the grant were really trustees—they were nominated by those interested in the land.

The first dealings with the land were of the nature of a lease to a private party; then the Government interfered, denying the legality of that lease, and accepting one themselves. This lease lasted some time, rent not being paid for the whole time. Then purchases were made, not openly, but by separate dealings with the individual grantees, of which the remainder knew nothing. It was not till all the money so received had been spent that this came out. I therefore oppose any further surrender of land in satisfaction than the 5,000 acres.

*Cross-examined by Captain Mair*: I had conversations with you at Whakatane and elsewhere, but refused to consent to alienate. I heard of your having conversations with Hataraka and others, but was not present. I did agree to the general direction which the line was to follow. You first demanded 6,000 acres, and promised some "consideration"; then you asked half of the block, and we demanded £300. Other propositions have been also made, one of them involving the surrender of the Tuwabawata Reserve.

After some discussion as to the nature of the grant and the position of the grantees under the "habendum," in which it appeared that no trust whatever was expressed or implied in it, Raimona called—

HATARAKA PATUTOHORA: I come into this grant by succession. There has been much disputing over the sale of the land. It all began with Tomeniko and the Crown officers. I objected to the sale from the first. Tomeniko alone at that time agreed to sell. As for Harata, the rest of us assigned her a portion of 1,000 acres and cut it off for her. Tomeniko then induced the four others to sell. I think it ought not to have been sold at all without the consent of all the ten grantees and their hapus behind them. The ten ought to have consulted their people. I opposed the sale at Whakatane, before any money had passed on account of the purchase. I then offered to refund the rent-money paid by the Crown, but this was refused at first, but eventually accepted on my insisting. I asked three years' time to collect the money, but this was not agreed to. The time asked for was reduced successively to two years, one year, eight months, then to six months, and that was allowed me.

Soon after this Tukehu agreed to return our own land to us, and we soon afterwards went back to it. Then there was a meeting on the subject of this land at Otamarakau, and Tomeniko and I met there. I maintained my refusal to alienate this block. The Crown Agent then joined us. Soon after this Tomeniko took payment for his interest. Then I had an interview with Mr. Bryce, but would not change my mind.

I consider that 5,000 acres would be a fair allowance to the Government—leaving 5,000 acres to us five who had not sold, and the balance—3,675 acres—to the hapus (*i.e.*, to those interested, but not named). If not, let the Crown give us £300 and take the half of the block to the south and east, leaving us that to the north and west, where there are hot springs, and near which lie our settlements and cemeteries.

PAORA PATU (sworn): I remember the first hearing of this case at Matata before Major Mair and Mr. Wilson as Commissioners. Captain Mair and Mr. H. T. Clarke were also present. This was confiscated land. These parcels were returned by the Crown to the chiefs and their people—Rokoroko, Tomeniko, and others. I was not included.

Messrs. Mitchell and C. O. Davis negotiated a lease for twenty-one years, but it did not run out, because the parties began to sell. Then Harata Paraone asked for her share, and the other nine assigned her 1,000 acres, which she sold to the Crown, and we have our offer of 5,000 acres to the Crown upon this transaction.

I do not think that the five sellers ought to have done so without the consent of their co-grantees, and without a judicial subdivision of the block.

I concur in the offer made by the last witness for the settlement of the question.

Raimona Petera applied for adjournment of the case till 2 p.m., with a view of adducing additional evidence in support of his contention.

Captain Mair opposed the application.

The Court declined to allow any additional evidence to be brought forward, on the ground that the case had been deliberately closed on Saturday, but consented to postpone the delivery of its judgment till the afternoon sitting.

The Court announced its decision. They could not admit that the mere extra-judicial agreement among themselves, by which the interest of Harata was estimated at 1,000 acres, was anything more than a mere private transaction, which could not affect the equality of the interests of the whole of the ten grantees. The judgment of the Court must therefore be for the amount asked on behalf of the Crown by Captain Mair—*viz.*, 6,837 acres 2 roods.