

the objection that the payments to storekeepers were in part for spirits supplied, and the objection [*see* Complaints Nos. 133 and 134] that the interest of outsiders was disregarded.

On the whole, I am of opinion that the complainants failed to establish either their particular complaints, or any other ground for impeaching the good faith of the transaction.

In explanation of the circumstance that the Commissioners have reported separately upon this important case, I beg to state that, during the short time after the close of the case which, before separating, the members of the Commission were able to devote to personal conference thereon, we found that there was likely to be a difference of opinion between the European and native members of the Commission. We therefore determined to accept that state of things without further discussion, which could only have been carried on by letters. On such a subject it is next to impossible that the genuine opinion of natives can be coincident with that of Europeans; and it appeared to us highly desirable that the Houses of Assembly should have before them, if possible, the pure judgment of native minds; and that the European Commissioners also should be absolutely free to express themselves from their own point of view. As regards Judge Maning and myself, our views will be found to agree as regards the particular case, but on some of the general questions involved there is a certain divergence of opinion.

C. W. RICHMOND.

VIDE.—Mr. Commissioner Maning's separate Report on this case.

REPORT ON CASE NO. XIV.

COMPLAINTS NOS. 18, 30, 48, 74, 82, 101.—*Ex parte* WAAKA KAWATINI, PAORO TOROTORO, AHERE TE KOARI, HENARE TOMOANA, PENE TE UA, KARAITIANA, RAIHANIA (*Ohikakarewa*).

The subject of these complaints is a block of land containing 1,520 acres, on the lower part of the Ngaruroro, adjoining the Pakowhai and Heretaunga blocks. The Crown Grant is to ten persons, including Tareha te Moananui (the principal chief of the district), Karaitiana Takamoana, and the complainants Kawatini, Torotoro, and Ahere te Koari. The complainant Pene te Ua, under the name of Mamairangi, is also one of the grantees. This purchase, like that of the Petane and Pahou blocks, was made through the agency of Mr. Maney, and settled for by him, as he states, in account-current with the different grantees. The purchase only comprises eight of the ten shares; those of Karaitiana, and of a deceased person nearly connected with him, being outstanding. The prices paid for the different shares varied:—For the share of Heremia Hunahuā, the first purchased, £300 was given. Tareha insisted upon receiving, and was paid, an equal amount. For the other shares the prices ranged from £120 to £150.

Foremost amongst the complainants (Nos. 18 and 30) are the two old chiefs, Kawatini and Torotoro. They are large land claimants, and, having come forward at the earlier Lands Courts, their names are in many grants. On the issue of certificates in their favour, credit was freely given to them at the various stores. They acted with the folly and improvidence to be expected in persons suddenly put in possession of individual rights of great pecuniary value, for the exercise, or even for the proper conception of which, no previous training had in the least degree prepared them. They now appear complaining of every sale they have made—Kawatini, the elder and less civilized man, uniformly denying his execution of the deeds of conveyance to which he is proved to have put his cross. In this case, as in those of the Pahou and Petane blocks, we could make nothing of their complaints, except that they had received payment in goods and not in money, a considerable proportion of the charges against them being for spirits.

Ahere te Koari (No. 48), as in the case of the Petane block, admitted that his complaint was a mere experiment upon the Commissioners.

Pene te Ua, an intelligent young man belonging to the more advanced class of natives, disputed Maney's counter-account against him. On this we reserve our observations, proposing to report separately on Maney's accounts. The other grounds of complaint on Pene's part appeared to us not to be made good. Raihania (No. 101) is quite a young man, not named in the grant. He acts as the scribe of Kawatini and Torotoro. His grief was the usual one of outsiders—the improvident alienation by the grantees of the ancient possessions of the *hapu*. Karaitiana Takamoana took high ground and a high tone. He insisted on the ancient prerogative of the chief, claiming *Ohikakarewa* as a "*rahui*" of his own, and totally ignoring the operation of a Crown Grant in extinguishing the native title. It was however evident, on his cross-examination by the Commissioners, that in the case of Pakowhai, which is a very valuable block adjoining *Ohikakarewa*, and granted to himself alone, he took a different view of the effect of a Crown Grant. His Maori title to *Ohikakarewa* was, he pretended, superior to that of Tareha, a man certainly better born than himself, and reckoned the highest chief in this particular neighbourhood. He said that he had put Tareha into this grant. Tareha was not in Court whilst Karaitiana was giving his evidence. Karaitiana's protest against this sale illustrates some of the difficulties attending the introduction of individual titles amongst a people scarcely prepared to receive them.* We report it accordingly, but to admit its principle would be to nullify the Native Lands Acts, and probably to ruin a large number of *bonâ fide* purchasers in this province. The complaint of Henare Tomoana which was conjoined with Pene te Ua's (No. 74), was in the same strain as that of his brother Karaitiana.

Assuming Mr. Maney's account to be correct, he has paid or credited for the eight purchased shares in this block £1,370—not an inadequate price if we consider the risk and difficulty which must always attend the purchase of the undivided shares of natives, and the circumstance that this block is swampy

* I do not think Karaitiana believed in his own protest.—F. E. M.