

44. He was under the impression that it was inserted. This £400 was paid to the loyal Natives for land; it was not in connection with anything else?—I only know what appears in the papers. It would appear from Mr. Ormond's telegram that it was probably paid to Tareha and a large number of Natives. The receipt would probably show the persons having claims who were paid.

THURSDAY, 26TH JULY, 1888.

Mr. T. W. LEWIS, Under-Secretary Native Department, in attendance and further examined.

45. *The Chairman.*] You said in your examination yesterday that you could furnish some further information to the Committee?—I was requested by the Committee yesterday to produce the receipt for the £400 which Mr. Ormond referred to in his evidence: I produce the original receipt:—

*Voucher No. 1.*—Whereas it was agreed on by the Government to give to certain claimants in the block known as the Mohaka-Waikari Block the sum of four hundred pounds (£400) as a full and final settlement for the said block, as set forth in deed of agreement dated the thirteenth day of June, one thousand eight hundred and seventy. Now we the undersigned hereby acknowledge to have received, this tenth day of February, one thousand eight hundred and seventy-one (1871), by the hand of Samuel Locke, Esq., Resident Magistrate, the said sum of four hundred pounds (£400), being a full and final payment of the same.—Tareha, Renata Kawepo, Te Waka Kawatini (his x mark), Na te Retimana, Te Kapui (his x mark), Pahira te Paea, Anaru Kune, Werahiko, Piripi (his x mark), Ko te Nakatahari, Aperahama te Ruakowhai (his x mark), Hoera te Paretutu (his x mark), Whakarite (her x mark), Ratimati Akitai, Epanaia, Perahama te Iwiwhati (his x mark), Maihi Tarapuhi, Manaena Tini, Moanaroo, Te Wirihana Ponomai (his x mark), Rahira (her x mark), Hemi Puna, Watarore, Toha, Ripeka Poporo (her x mark), Apirana, Horiana Hinehou (her x mark), Tame Tuki (his x mark), Hemi Taka (his x mark).—Witness, H. M. Hamlin, Licensed Interpreter, Clive. Karaitiana Takamoana (his x mark).

46. *Mr. Ormond.*] Are any of these signatures Toha's?—Yes; Toha's name is here.

*Mr. Carroll:* That is his signature; there is no doubt about it.

*Mr. Lewis:* I will give the Committee the other information that I have. I find that the Crown grants have not issued, but the orders for them were made by the Court. I have received a telegram from Mr. Brooking stating that orders were made in July, 1882.

Telegram (Urgent), 25th July, 1888.—John Brooking, Registrar Native Land Court, Gisborne to Under-Secretary, Native Department, Wellington.—Orders made in July, 1882, affecting lands in Mohaka-Waikare District, as follows: For certificates under Act, 1880, and "Native Land Act Amendment Act, 1881;" for Te Kuta, Tangoio South, Pakuratahu, Aropaoanui, Tutira, Tataroatara, Purahotangihia, Awa-o-Totara, Waikare, Tatarakina, Tarawera, Kaiwaka, and Heru-o-Turei. Toha's name appears in orders for Tekuta, Awaototara, Waikari, Tangoio South, and Tatarakina. No records of orders having been sent you, but list of them was included in my report of May, 1887.—JOHN BROOKING, Registrar.

47. *Mr. Ormond.*] Would you compare, and see in what blocks of those named by Mr. Locke in his letter of the 18th February, 1871, Toha's name appears, and in what blocks it does not?—I have done so. Mr. Locke, in his letter, states that Toha's name should be inserted in the certificates for the following blocks, viz.: Te Waikare, the Kuta, the Awa-o-Totara, and the Heru-o-Turei. Mr. Brooking informs me his name appears in orders for Te Kuta, Awa-o-Totara, Waikari, Tangoio South, and Tatarakina.

*Mr. Carroll* (addressing Mr. Ormond): Heru-o-Turei is a distinct block; he is left out of that. He is put into one that you do not name, and he is left out of one that you do name.

*Mr. Ormond:* One block was specially given to Tareha as a recognition of the great services he had rendered to the colony.

48. *Mr. Graham.*] The Crown grants you say are not issued?—No.

*Mr. Carroll:* The Court could not go outside of the agreement; they had simply to decide who were the successors to the deceased owners.

*Mr. Ormond:* That is the whole case.

*Mr. Carroll:* The petition applies for a declaration of the trust.

*The Chairman:* Might that not be done in respect of the blocks that he is in?

*Mr. Carroll:* But he asks for a decision upon the whole.

*Mr. Graham:* But he accepted that money at the time.

*Mr. Carroll:* That was for a different purpose; the money was paid for their claims to the lands that were retained by the Government.

*Mr. Ormond:* It was a final settlement of all claims in these blocks.

49. *The Chairman.*] What does the certificate of the Court say; would it say they are to be held in trust?—That is in the office of the Court at Gisborne. It would not say "to be held in trust," because no certificates are issued for lands "to be held in trust." Inconvenience has arisen from every order where the words "in trust" have been used; they have been of no use, and have given a good deal of trouble.

*The Chairman:* It appears to me that for the names in this schedule the lands are to be held in trust.

50. *Mr. Carroll.*] The paragraph which Mr. Lewis read puts that, as it appears to me, beyond doubt, namely, "That the whole of the land should be made inalienable both as to sale and mortgage, and held in trust in the manner provided, or hereinafter to be provided, by the General Assembly, for the Natives under the trust." Have you heard, Mr. Lewis, the whereabouts of Mr. Locke's books?—They are in Napier, in possession of Captain Preece.

51. Were the books before the Court?—There is a minute of Mr. Preece's which would lead me to suppose that the books were before the Court. I will read it:—

Copy of minute on No. 88/1207, by Captain Preece, R.M.—For the Under-Secretary.—The name of Apirana Tukotahi was not in the list of owners who were put in the Purahotangihia Block, in accordance with the agreement between Mr. Locke, R.M., and the loyal Natives, dated the 13th June, 1870, *vide* Mohaka and Waikare papers, but I found his name marked in pencil in Mr. Locke's Mohaka: Waikare book containing a copy of the original list; and when the Native Land Court sat in Napier in July, 1882, under the provisions of the 7th section of "The Native Land Act Amendment Act, 1881," I brought the matter under the notice of Judge Brookfield, but he would not allow Apirana Tukotahi's name to be included, because it was not in the original list.—GEORGE PREECE, R.M., 10th July, 1888.