

*The Commissioner* : Nothing of the kind. You misunderstand the case. Yesterday I said "have had awards from the Compensation Court or had received land from the Government." In speaking of the matter I may have generally said "Compensation Court," but I also said "if they had received land from the Government." Now, if they had received land at Urenui, either by the Compensation Court or otherwise, they are debarred from coming into Court.

*Mr. Hutchen* : Henrietta Uruhenu was an adult at the time of the sitting of the Compensation Court here, and her claim was excluded on the ground of absence. She has never been included in any awards, and Mr. Bayley, as her successor, has therefore a claim.

*The Commissioner* : This case must stand down, and I would like to see the Government Gazette in which the notice of this case appears.

*Mr. Hutchen* : Will you hear my evidence?

*Mrs. Brown* : I strongly object to any evidence being taken before its proper time, as I have a solicitor who is appearing for me when the proper time arrives. I am contesting this succession. I have already succeeded—nearly twenty years ago.

*Mr. Hutchen* : Well, sir, I do not agree with Mrs. Brown's statement. She has succeeded in proving wills; her claims have been proved under wills which have been decided by the Supreme Court to be abortive.

*Mrs. Brown* : I say adjourn this case until the 25th, when my solicitor will then appear to contend the legality of Mr. Hutchen's clients' claim to a succession order against mine.

*The Commissioner* : What has a claim with regard to a succession order to do with this case?

*Mrs. Brown* : Quite so, that is my point.

*The Commissioner* : Mr. Hutchen put in an application yesterday for a portion of the 3,000 acres, and said that if the Commissioners' recommendation was considered by the Government he wished to have that piece cut off.

*Mrs. Brown* : The position is this: I succeeded to the land to which Mr. Hutchen refers. It has nothing to do with the 3,000 acres.

*The Commissioner* : This case must stand down.

*Mr. Hutchen* : Will you take in Mr. Bayley's claim as successor to Henrietta Uruhenu, though you do not take that, say, of Haurangi?

*The Commissioner* : Will that suit you Mrs. Brown.

*Mrs. Brown* : I still think that the case should wait until the 25th.

*Mr. Hutchen* : Mrs. Brown has nothing to do with this. Mr. Bailey has a claim through Henrietta Uruhenu. She had no land, and therefore Mrs. Brown cannot have a successful claim. If you took evidence we could discuss the claim later on. What I suggest is that you would hear my witness who would prove Mr. Bailey's rights, and the question of whether he could claim, would be left over until all witnesses had been heard.

*The Commissioner* : It appears to me that there is not much to be heard about Charles Bayley, because it has been decided who was the father and who was the mother. This other question, however, I am not clear about. If Matire has been included in any award she is not entitled to any land, and Mr. Bayley is not entitled as a Ngatimutunga, and if he wishes to prove his claim as a successor to her he must do so in the Native Land Court.

*Mrs. Brown* : That is my point.

*The Commissioner* : As far as that is concerned, somebody must have had land, or else there would have been no succession claim applied for; I therefore conclude that Matire and Rihi Mohio must have had land, and therefore no claim can be put in here by their successors as Ngatimutungas to be granted land out of the 3,000 acres. The woman Henrietta did not participate in any award, and therefore Mr. Bayley should claim in respect of Henrietta alone. The best thing you can do, Mr. Hutchen, is to let the case stand down and bring me the Gazette in which the notice of this case appears, and I will then see what is being applied for. If application is being made to succeed to some land through the Native Land Court, then, not being landless, the claimant is barred from putting in a claim to this Commission. I allow Mr. Bailey's claim through the mother Henrietta; but the claims through Matire and Rihi are barred, because land was held by them elsewhere.

*Mr. Hutchen* : Yes, that is so; but the land was not held under a Compensation Court award, that is my point.

*The Commissioner* : That makes no difference. It is the same thing to the Crown. Supposing the Compensation Court awards 300 acres to a man, or he gets 300 acres in a reserve, he then has the land, and you cannot give it to him twice over.

*Mr. Hutchen* : You will find, sir, that a great many Natives who had awards were also included in West Coast reserves. I will mention one that is in my mind at this moment: Teira Manuka, had considerable awards made him and had land granted him in respect to these.

*The Commissioner* : That may be, but it is outside the scope of my Commission. I have stated distinctly—and I wish to have no further arguments—that any person who had had any other lands awarded him cannot appear. Finally, I am prepared to recommend 16 acres to Charles Bayley out of the 3,000 acres in respect to his claim as successor to Henrietta, and I reject the claims of Matire and Rihi Mohio. No *whakapapa* was given, but Bayley's descent from Ngatimutunga is undisputed.

Roimata Wiremu Tamihana here put in a list of claimants containing eight names. (See List 10; the claimants' abode being Urenui.)

*The Commissioner* : I will by-and-by go into the question of successors of the dead people.

*Mr. Kensington* : Mr. Mackay, the question was raised just now as to the grant Mrs. Brown received. I should just like a little evidence given as to whether any of the land was not in full satisfaction of her claims for the Ngatimutunga. Mr. Skinner can give this evidence.