

*Mrs. Brown* : I should like to give a reply to Mrs. Albury's (Mrs. Hopere) request which she made before the adjournment that I was to prove that my people had any claim, and that my lists should be examined to ascertain how many of the claimants are absentees. Now, I consider that, as I am the petitioner in this case, Mrs. Albury should prove her points before I show my hand.

*The Commissioner* : It is immaterial who gives her evidence first, as you are all assumed to be claimants. As your list is first, Mrs. Brown, we will take it first. You will all of you have to prove who your people are, and you will all be strictly examined.

*Mrs. Brown* : Considering that Mrs. Albury has a new list she should give her evidence first.

*The Commissioner* : All you have to do is to prove all you can and to let Mrs. Albury do the same.

After consulting with the Under-Secretary of Lands the Commissioner decided to adjourn until the morning so as to allow the names appearing on the lists to be compared with Mr. Fisher's book.

SATURDAY, 13TH MAY, 1905.

The Commission resumed at 10 a.m.

*The Commissioner* : Mr. Hutchen, after going through the lists Mr. Fisher points out that Henrietta Uruhenu had an award of land.

*Mr. Hutchen* : Henrietta Uruhenu is entirely different from the other three women whom Mr. Bayley claims to represent. Inasmuch as these three women had small allocations made to them in a block of 788 acres at Urenui, as members of the Ngatimutunga Hapu, and Henrietta Uruhenu was not included in that block. I find that she had subsequently awarded to her by Judge Smith 16 acres at Waitotara. She was included with a large number of others, but this was not an award to the members of the Ngatimutunga Hapu; and before final decision is made upon this claim I shall ask to have a search of the records made to show in what right this land at Waitotara was granted, because I am under the impression that it was made to her certainly not as a member of the Ngatimutunga Hapu, but as representing her father's tribe. It seems extraordinary to me that she alone of the Ngatimutunga should have been awarded land in a block at Waitotara in which she had no interest whatever. Her mother was not included in this grant, and she is the only Ngatimutunga. I believe it will be found that she got that land through her father.

*The Commissioner* : Did her father belong to the Ngatimutunga Tribe?

*Mr. Hutchen* : No; her mother, Haurangi.

*The Commissioner* : Well, you see Waitotara was always in the confiscated district, and the Court had power to award, and the Government did award, land to Natives in other places than that to which they belonged. They often asked for this to be done themselves.

*Mr. Hutchen* : That is why, sir, I ask you to have the records searched to ascertain in what right she received that award.

*The Commissioner* : I have no wish whatever to deprive your client of the land if she is entitled to it. I wish to give everybody fair play. I was Crown Agent for the whole of the proceedings in the Waikato, and therefore I am familiar with such matters. Your request seems reasonable, however, and I will ask Mr. Fisher to look up the records and will do so myself, and will let you know the result.

*Mr. Kensington* : I think it will be better that Mr. Fisher should give evidence as to the names included in the list of grants already issued, and also I would like to point out that in many cases minors have claimed for an award of land, and these minors can only participate by virtue of their succession. They would therefore have to prove that the original people for whom they are claiming were entitled to participate.

The Commissioner assented, and Thomas William Fisher, Reserves Agent, was then sworn.

*The Commissioner* : After the adjournment of the Court yesterday evening, did you go through the list of the Natives?

*Mr. Fisher* : Yes.

*The Commissioner* : Will you shortly state the result?

(Mr. Fisher then gave certain information with regard to the typewritten list of claimants (see Appendix C, No. 2).)

The information given by Mr. Fisher was agreed to by the Natives who represented the claimants whose names appeared on the lists.

*The Commissioner* : I am pleased with the way the Natives have admitted that the information is correct, and I think, considering the short time which Mr. Fisher has had in which to go through these lists, he is to be congratulated upon the information he has been able to obtain, and I have to thank you Mr. Fisher for the same. I can do nothing about these children; but as there are a large number of them, I am inclined to make a recommendation to the Government in order that such a large number shall not be left landless.

*Te Tipi* : I think that all those appearing on my list who are over twenty-one years of age should be entitled to a full share.

*The Commissioner* : A man being alive may have ever so many children and the rights are then vested in the parents, if those parents have had awards, the children cannot put in a claim; but in view of the circumstances of the case, and as there are such a large number of children in this family, which it seems to me should be settled on the land, I shall make a recommendation to the Government in regard to them, because I think it would be manifestly unfair to leave them without any land if we are able to give them some. The great difficulty is that the land has been sold, and it is questionable whether we shall be able to meet the wants of all those who are able to prove their claims.

The Commission then adjourned until 9 o'clock on Monday morning.