OFFICIAL

BEFORE THE WAITANGI TRIBUNAL

IN THE TE ROHE POTAE DISTRICT INQUIRY (WAI 898)

HEARING WEEK TWO – DAY FOUR, THURSDAY 13 DECEMBER 2012

TE TOKANGANUI-A-NOHO MARAE, TE KUITI (DAY ONE – TWO)
WAITOMO CULTURAL AND ARTS CENTRE (DAY THREE – FIVE)

Hui Commenced: 10 December to 14 December 2012

Tribunal: Judge D J Ambler
Sir Hirini Mead
Professor Pou Temara
Mr John Baird
Dr Aroha Harris

Crown Counsel: Geoffrey Melvin
Stephanie Jones

Lead Counsel: Glenn Tootill
Karen Feint
Dominic Wilson
Yashveen Singh
Tavake Afeaki
Jason Pou
Spencer Webster
Mark McGhie

RECEIVED
Waitangi Tribunal
21 May 2013
Ministry of Justice
WELLINGTON

Tom Bennion
Kirikaiahi Albert
Moana Tuwhare
Cameron Hockly
Rebecca Sandri
Bernadette Arapere
Bryan Gilling
Gerald Sharrock
Terena Wara
Jude Murdoch
Te Atareiha Thompson
Annette Sykes
Alex Hope
Darrell Naden
Eloise Lonnberg
Eve Rongo
Gene Bagsic
Claire Savali
Hemi Te Nahu
Campbell Duncan

Witnesses:

James Pākau
Nigel Te Hiko
Paul Meredith
Frank Thorne
Dr Helen Robinson
Dr Donald Loveridge
Jim Taitoko
Moana Jackson
Piripi Crown
Toroa Pohatu
Toiamoko Manaia
Meto Hopa
Dr Alex Frame
Dr Paul Christoffel
Daniel Ormsby
Moepatu Borell
Tom Roa

TAKEN BEFORE JUDGE D J AMBLER

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	HEARING RESUMES ON THURSDAY 13 DECEMBER 2012 AT 8.57 AM	
	KAUMĀTUA	
	...ki te whānau a Kēmara kua tau nei (inaudible 08:58:07) i runga i a rātau. Nō reira e te whaea, e Betty, moe mai i te pō, o te whare o Tokanganui-a-noho. E mihi ake tēnei ki a tātau, koutou e noho i te arohatanga pupū ai. Titiro (inaudible 08:58:44) kua areare ia a tātau, e whai (inaudible 08:58:57). Nō reira, kua tangihia, he mihi ki a rātau kua mene ki te pō. Ki a Taonui, kei te haere tonu ngā mihi kei te whānau kia ai, ko te wehenga o te whaea, Betty, nō reira e kui. Koutou ngā mate o tēnei wiki katoa, haere koutou, haere ki te putahitanga o Rehua ki (inaudible 08:59:44) Arahia, moe mai, moe mai, takoto. Nō reira koutou, te hunga o (inaudible 08:59:59) ki a koutou Kapiti hono, tātai hono, tātau te hunga ora i raro i te tuanui o tēnei whare, kua tae mai nei te whakarongo i ngā kōrero panuinia ana, e uiuinia ana, kia ora mai tātau katoa. Nō reira, he inoi i te kaihanga.	I wish to express our deepest sympathies who at this time are bereaved. So, with that, the dear matriarch Betty, rest in peace, rest in the great halls of Te Tokanganui-a-noho. And again I wish to acknowledge all those that are here and we appreciate all the love shown so far. I wish to reach out – I wish to – do not wish to be a burden but I shall fulfil my duties, so with that I wish to acknowledge all that has been said. To our dearly departed, in particular Betty, I remember names of Taonui, our greetings and our acknowledgements still continue to you the matriarch Betty, so with that my dear, rest in peace. And to all those who have lost ones during the week, return to the place of your origin and rest the long rest, the everlasting rest. To all those who are in the spiritual realm, to you, with all that binds and connects us, for those who are here present, under the auspices of this great house here, now is the time to listen to all what has been said and again I wish to acknowledge all those present. So with that I shall lead us in prayer.
	KARAKIA	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	WAIATA	
	Ka waiata ki a Maria Hine i whakaae Whakameatia mai Te Whare Tangata Hine pūrotu Hine ngākau Hine rangimārie Kō te Whaea Kō te Whaea O te Ao (x 2)	
	KARAKIA	
	PIRIPI WARETINI	
	Kia ora koe e te Matua, te Amorangi ki a ia, ka mihi rangatira. Just a couple of housekeeping notes, very briefly, there's a black wallet that has gone missing, just a black wallet if you come across that, just take it back to Dawn. Also, there's some ladies sunglasses that were found, so if you're missing	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	some sunglasses, kia ora rā. This is probably more a message for the whānau ringawera, but the plugs were taken out last night which meant that Jenny had a busy time reconnecting everything this morning.	
0905	Also if someone can let Carey Manual know if I can meet with her a bit later, thank you very much. Kātahi rā ka tukuna atu anō kia koutou e te Kaiwhakawā.	
	SIR HIRINI MEAD	
	Kāti tēnā, tēnā tātau. Tēnā tātau e hui nei i tēnei rangi. I te tuatahi ka mihi ki tō tātau kaiwhakarite, e koro a tēnā koe. Puta mai i a koe tētahi kōrero mō tētahi raruraru i pā mai inanahinei, i a Hare. Nā i kurua mai e ia tētahi kōhatu ā pā tonu mai ki tōku rae, ā nō reira i tēnei rā, e tū ana ahau ki te whakahoki atu i taua kōhatu rā ki a ia. Ka whakahoki atu ki a ia tētahi kōrero, he kōhatu tēnei nā tētahi i hoatu ki a ia māna hei whiu mai ki te tēpu nei. Nā ko taku ki a ia, whakahokia atu taua kōhatu rā ki te tangata nāna i hoatu ki a ia. Ana ka mutu, horoia ōna ringaringa mai i tērā kaupapa nā te mea ki taku whakaaro, e hara nōna te hē, engari ngā ētahi atu kē i kō atu i tērā kōhatu ki a ia. Nā, ko taua kōhatu e pā ana ki te reo. Nā ko ngā whakarite a te tēpu, mehemea he Māori te tangata kei te kōrero mai, e mōhio ana a ia ki te reo, ka ākina e ia kia kōrero ki te reo, nā ka kōrero. Ko ngā pātai ka whiua atu ki a ia kei roto i te reo, nā te mea he tangata matatau ki te reo. Nā ka hoki ki a tātau whakataukī e mea rā, "He ao te rangi ka uhia. Mā te reo ka tau te tū mai a te Māori." Ka huri ki tērā o ngā reo. Ko ngā kai whakatakoto kōrero he Pākehā. Ko tō rāua reo ko te reo o	Now I do wish to address a matter which was brought up yesterday. Now, the issue was put forward to me, to us, so at this stage I wish to reply to that particular issue. I do wish to say this, "It is an issue – it was an issue that was given from someone else, was given by someone else to you which was thrown back to us." Now I wish to say this, "Now I ask if you to return this issue back to the person who gave it to you, and at this stage I do wish, I do ask that you wash your hands of this particular issue." For me, I do not think it was he that was at fault, so the issue needs to be taken back to the person who issued this issue. Now this issue in regards to the language, the Māori language. Now from us on behalf of the table, well if there's, if the person is Māori who is speaking or giving evidence who knows te reo Māori, then we encourage that particular discussion in te reo Māori to continue. Now questions, the questions that were brought yesterday were all in te reo because of that person's knowledge and skills within the Māori language. Now I go back to a proverb and saying that the language will

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	tauiwi. Nā ka tū mai tētahi ki te pātai kia rāua ki roto i te reo Māori, ka whakahēngia a ia. Ka ākina ia pērā anō i a Meto rā, ka ākina a ia kia kōrero i te reo e tika ana mō ngā kai whakarongo. Anā koira te whakatau a te Kaiwhakawā. Koia te rangatira e pā ana ki ngā whakahaere o tēnei huihui. Ko tana e whakatau ai, koira. Ki te kī a ia me peke tātau ki te marama ana ko pēke tātau ki te marama. Me ruku rānei ki roto i te wai, anā ko ruku tātau ki roto i te wai. Engari ko te whakaaro kia kaua e homai ērā tohutohu kia tātau. Kāti, koinei e te iwi, ēnei take. Kia tau te rangimaria i waenganui i a tātau. Kia ahau, kua tau. Nō reira hurinoa tō tātau whare, tēnā koutou, tēnā koutou, kia ora tātau.	endeavour to come through. Now for those who are giving evidence in Māori or Pākehā or English within their reo that they are comfortable with regardless if it is in English – now it – now this particular person did ask questions in te reo Māori. Now this was an issue was – now in regards, use an example of Meto in regards to the Māori language being spoken. So that is the request through the wishes of the Judge for he, for he is the rangatira for all proceedings within this hearing. If that's his request, then that is his request. Now – but for us, please we do not need to receive that kind of instruction. So with that, that's the issue which I want to bring forward, and I do wish to bring this matter and resolve it now, with all due respect, and with that I do say thank you.
	JUDGE AMBLER	
	Tēnā koe e te rangatira e Tā Hirini. Ā ka haere hoki ngā mihi kia koe e Hōne, e te rangatira, nau nei tō tātau hui i whakatuwhera, nō reira tēnā koe, tēnā tātau. Āe, e tika ana kua ea tērā kaupapa, nō reira me haere tonu. Engari, e paku whakamārama taku ki a tātau.	Thank you very much Sir Hirini and thank you Hone for leading us in prayer and to us all here, good morning. Now I hope that sort of resolves issues at this stage. I just want to bring a point which I want everyone to be aware of.
0910	I appreciate that for some that there is an underlying concern as to the ramifications of my direction to Mr Hope yesterday in terms of the reo and I just want to make a few points. First, throughout this process it is necessary for me to make directions from time to time, to make rulings. You can be assured that when counsel think I am wrong they will bring it to my attention and so I think you should take some confidence in the abilities of the lawyers here to raise proper issues for the Tribunal to consider.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Secondly, Ms Sykes has properly asked me to make a ruling in writing and I will do that, but I am not going to take up our precious time today in going through those reasons, but I do want to say this. First, as Ta Hirini has explained, the ruling I made relating to the prospect of questions being asked of professional historians in te reo where those professional historians do not speak te reo and we would be relying on this to be filtered through the translator, for those historians to understand the questions and that is the extent of what it relates to and I will explain in writing why I have made that ruling. Importantly, it does not relate to the use of the reo in our proceedings in general and as you will have observed, for those of you who have been coming since 2006 when Ta Hirini and I first arrived, I - and we encourage and exhort you to use the reo in as many occasions as is possible and, In particular, in terms of claimants and witnesses wishing to express themselves in the reo. That's all I wish to say today. We can move back to our eminent witness, Dr Loveridge and our eminent counsel, Mr Bennion, who looks like he's just walked out of the shower.	
	TOM BENNION	
	Sir, I blame my smartphone but I'm happy to let the Tribunal know that I do take some care about my appearance, if it's imperfect.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	I'm sorry, that's probably not appropriate but there we are. Just remind us of which document you're taking Dr Loveridge through at this point?	
	TOM BENNION	
	Well, I was talking about the March 1883 and I think he was wanting to refresh his memory on that one, on what he'd written about that. I'll just start my questioning again and see where he wants to go with that. I want to put some general questions, Dr Loveridge, about the March 1883 events and I'm going to take you to a bundle of documents about that too. Now, I know you've written in A90, I think, you reply to Marr, you've written that in detail. But, I'm not going to take you to parts of your report, but if you want to refer me back to that, I'm happy to go there as well.	
	DR DONALD LOVERIDGE	
	Yes, okay.	
	TOM BENNION	
	Can we just though start with a background point. I'm looking at page 61 of your A41 which we went through yesterday, your A41 report, page 60.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Page 60.	
	TOM BENNION	
	Sorry, if you just go to page 61, page 61 you set out a quote from the New Zealand Herald?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
0915	The editor also commented, now the editor is commenting on Kāwhia and says, "Somewhat of the same course will have to be pursued in regard to determine what will be the best route for the railway through the interior. Several parties should simply be sent out." Now, and the quote goes on to say, "If steps are not taken with this with you in a few weeks the season will be lost," and it also says, "We are convinced there will be no obstruction." So, at least as far as the New Zealand Herald is concerned or the editor, there might be obstruction but they're suggesting there won't be if something happens quickly, if you send some people out, then it's likely there won't be any obstruction. That's what's being said?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	I'm not quite sure that's what's being said. He's not saying that if we do it quickly there may not be obstruction. He's saying, on whatever grounds that's not explained, that we don't think there will be obstruction and the Crown should proceed, that's his view, the editor's view.	
	TOM BENNION	
	Hursthouse then sent out is consistent with what this newspaper thought might be a good approach.	
	DR DONALD LOVERIDGE	
	Well, except that Bryce met with Wahanui before he issued Hursthouse with his instructions and here this is the point about the A90 report which I wrote this year, that there's a good deal in there that I didn't deal with in my A41 report in 2006.	
	TOM BENNION	
	Hursthouse being sent out though is consistent with what the Herald is talking about, isn't it? Following up the Kāwhia incident with a – just sending people out and saying, "We don't think there will be obstruction now."	
	DR DONALD LOVERIDGE	
	Well I mean, Bryce was preparing to send out Hursthouse and he made preparations to send out Hursthouse and other people and custom to look at the, to do the trig survey.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Those plans were in motion when he met with Wahanui on the 7th of March.	
	TOM BENNION	
	Okay, let's go to the sending out of Hursthouse and the plans as you say were in motion. Now from yesterday's discussion there's nothing in writing or any record of any positive approval from Wahanui. You're saying it's a sort of silent consent or tacit approval because he didn't say no, is that what you say happened?	
	DR DONALD LOVERIDGE	
	What, as far as we know from Wahanui's letter to Bryce later on, I think it's the 15th of March, he said "This needs to be discussed among the people before anything specific can be said about it."	
	TOM BENNION	
	Yes, and he asked for more time, didn't he?	
	DR DONALD LOVERIDGE	
	He asked for more time to discuss it, yes.	
	TOM BENNION	
	Okay, now, do you have document A78(f) in front of you? That's a bundle that I provided in the first hearing week.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Excuse me for a minute. Is that the one that says, "Document bundle for cross-examination, Dr Loveridge"?	
	TOM BENNION	
	No	
	DR DONALD LOVERIDGE	
	No?	
	TOM BENNION	
	It's got Marr, the first page should record Marr document A78(a)(b)3.	
	DR DONALD LOVERIDGE	
	No I do have it now thank you. So, this is from – it's gone the wrong way.	
	TOM BENNION	
	It's a collection of documents from various parts of the record.	
	DR DONALD LOVERIDGE	
	Oh, this is A78(f)?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes, and the first page should read “Royal Commission on Licensing.”	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Thank you, now just before I get onto that, maybe we can cut through this quickly if I can just put some general propositions to you. When Hursthouse goes into the area, Marr records that he first enters on the 12th of March and crosses the bridge, so he’s clearly in the aukati area and he’s sent back.	
	DR DONALD LOVERIDGE	
0920	I'm afraid she’s wrong about that. I commented on that in my A90 that I think she’s misread one particular source. Nothing else indicates that he tried twice. All the other evidence indicates that he only made one excursion on the 13th. I'll take you to that if you like.	
	TOM BENNION	
	Yes. So we're looking at your A90 report?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	At my A90 report. Let's see.	
	TOM BENNION	
	Are you at page 11?	
	DR DONALD LOVERIDGE	
	I got some – I'm just finding that I'm sorry, got too many pieces of paper to move around here. Ah, yes if you look at page 11 footnote 34, Ms Marr stated that, "Hursthouse first attempted on the 12th, and was turned back." As far as I can tell she's misread, slightly misread an article of July, she cites an article in the Taranaki Herald of 19th July '83 which is quoting from a report writer Mr Blackett who seems to be connected with the surveys, sorry a letter to the Ministry of Public Works. Looking at that I think it's quite obvious that that Blackett will have his dates wrong.	
	TOM BENNION	
	Right, so how many times does he attempt – he gets turned back on the -	
	DR DONALD LOVERIDGE	
	On the 13th.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	On the 13th?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	He tries again doesn't he, to proceed without authority?	
	DR DONALD LOVERIDGE	
	No.	
	TOM BENNION	
	You don't think he's – at what occasion does, for example, is it Rawiri, come and grab his bridle?	
	DR DONALD LOVERIDGE	
	I'm sorry, there is -	
	TOM BENNION	
	Find his horse.	
	DR DONALD LOVERIDGE	
	He does on the 13th and he's turned back.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes and on the -	
	DR DONALD LOVERIDGE	
	And then it's after the meeting that he tries again and he's stopped by Mahuki. I'm sorry that's there.	
	TOMORROW BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Yeah, that's the second time after the 16th of March meeting.	
	TOM BENNION	
	Right, so he tries twice?	
	DR DONALD LOVERIDGE	
	Well he tries twice in this, he tries once and then there's the meeting with, Bryce comes down and has the meeting at Whatiwhatihoei on the 16th then after that he tries again. He's escorted by Wetere and he's stopped by Mahuki somewhere south of Ōtorohanga, I can't remember where.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Right, and in his reports back to Bryce, he says that he tells the people stopping him that he's under orders and he can't listen to them, he's under orders from Mr Bryce and he can't listen to them, that's what he -	
	DR DONALD LOVERIDGE	
	That's what he, well he says he's under orders and that he -	
	TOM BENNION	
	Yes, and he says, “I can't listen to you.”	
	DR DONALD LOVERIDGE	
	Yeah, well basically, yes, mmm.	
	TOM BENNION	
	So he never says, “There's been a meeting, I thought this was approved.” He never said that does he?	
	DR DONALD LOVERIDGE	
	Well he doesn't record that in his letter, no.	
	TOM BENNION	
	No, he's very clear that he's under orders from Bryce.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	That's right, yes.	
	TOM BENNION	
	And that he cannot listen to them. That's the term he uses isn't it?	
	DR DONALD LOVERIDGE	
	Ah, yes I'm sorry I can't remember the exact phrase.	
	TOM BENNION	
	Well let's just go into this bundle A78.	
	DR DONALD LOVERIDGE	
	Okay.	
	TOM BENNION	
	F, A78f and I – this is an early attempt at a bundle from ~~my~~ me unfortunately and so it's not – it's got some pagination but it breaks a bit. You see there's a page starts at page 1604 and then 1605, yes?	
	DR DONALD LOVERIDGE	
	Where would that be in my document?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	At the very start is, again 1604, top right, top right -	
	JUDGE AMBLER	
	Top right-hand corner.	
	DR DONALD LOVERIDGE	
	Oh, yes I see it, yeah. This is the Royal Commission and Licensing Fee.	
	TOM BENNION	
	So you're reading it from an iPad, sorry.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	is that right?	
	DR DONALD LOVERIDGE	
	Yes I am.	
	TOM BENNION	
	Okay, can you go through to, maybe it's searchable, can you	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	go through to, you see the sequence of pages starting 482, about three or four pages in?	
	DR DONALD LOVERIDGE	
	482?	
	TOM BENNION	
	Top right-hand corner, sequence of pages 482, extract Marr document bank Te Mahuki, yes?	
	DR DONALD LOVERIDGE	
	Ah, yes.	
	TOM BENNION	
	Got that?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Okay.	
	JUDGE AMBLER	
	Sorry what have you moved to Mr Bennion?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	To page 7 of the, it's page 7 on the iPad if someone's following that Sir, I didn't have a running page number in this document bank, which is my mistake. Can I, can you -	
	JUDGE AMBLER	
	Well look, sorry my document only goes to 12 pages so I must have something different.	
0925	**DISCUSSION – PAGE NUMBER**	
	JUDGE AMBLER	
	My document only goes to five pages, so I must be totally different. It says part 1. You ask your question, Mr Bennion, I'll catch up.	
	TOM BENNION	
	Here's Hursthouse's telegram to Bryce or letter to Bryce and I'm looking at page 501 if you're at the top right-hand corner.	
	DR DONALD LOVERIDGE	
	Wait a second. F501.	
	TOM BENNION	
	There is at least at this stage a running number on the top	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	right-hand corner, 501 and it is a telegram.	
	DR DONALD LOVERIDGE	
	Sorry, this will take me a minute.	
	TOM BENNION	
	Page 26 I'm told in the PDF.	
	DR DONALD LOVERIDGE	
	Sorry, this is taking a long time to scroll, I'm afraid.	
	JUDGE AMBLER	
	Can I just be clear, do neither cross-examining counsel or the Crown have made a hardcopy made available for the witnesses? You can't really assume that Dr Loveridge is going to come along and know everything that's going to be thrown at him, so between you, and I'm really looking at you Mr Bennion, you really need to make sure there's a copy for the witness to look at. Do you think you're there, Dr Loveridge?	
	DR DONALD LOVERIDGE	
	I'm there, but I'm having trouble looking at exactly what is where. Sorry, I'm just – it might be easier to work from Marr's document bank than this.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Shall I put it to you? I'll give you the exact words and his proposition and maybe we can move that way.	
	DR DONALD LOVERIDGE	
	Almost there.	
	TOM BENNION	
	Are you on the page I'm talking about?	
	DR DONALD LOVERIDGE	
	I've just reached 501, that is not the start of the telegram. Where's the start of the telegram or have you just picked out one page? Oh, I see, so the telegram starts on 499.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	This is, let's see, okay, so the telegram starts on 499, this is the beginning of Wilkinson's report to Bryce by telegraph of the 13th of March.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes, so it's Hursthouse reporting back to Bryce, yes?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And on page 501 it says, and I'm looking at the bottom half of 501, "We tell you again, go back without further ado. I said I have been sent by Mr Bryce and cannot go back for your telling," I think maybe.	
	DR DONALD LOVERIDGE	
	Hold on, let me see.	
	TOM BENNION	
	I must obey his orders and cannot listen to you.	
	DR DONALD LOVERIDGE	
	Sorry, I haven't found it, just one second please. "I have been sent by Mr Bryce and cannot go back," yes, okay, "For your telling, I must obey his order and cannot listen to you, to yours."	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes, so, "I must obey his orders and cannot listen to yours," yes?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Okay, so no suggestion of any kind that permission has been given by Wahanui but rather that orders have come from Bryce and that is all Mr Hursthouse is responding to.	
0930	**DR DONALD LOVERIDGE**	
	Hursthouse had written orders from Bryce dated, I think, the 8th of March, they're quoted, they're there in the document bank, they're referred to in the document bank, I think the original is there, I think, but, yeah, I mean Hursthouse is working off those written orders, yes. I don't know if he was present at the meeting or whatever.	
	TOM BENNION	
	So, at this stage we have him turn back at least twice or he's turned back once at this stage?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Turned back once, yes.	
	TOM BENNION	
	He tells them, “I can’t listen to your orders, I'm under orders from Mr Bryce. I can’t listen to your orders,” and then he tries again to cross, doesn’t he?	
	DR DONALD LOVERIDGE	
	Well, yeah, he gets on his horse again. I think someone takes the bridle and stops him, yes.	
	TOM BENNION	
	So he’s physically stopped and then I think it’s Mr Meredith says it was his great great grandfather who actually holds the bridle of the horse. Now, on page 516 I'm going to just persist with this bundle for two more sessions.	
	DR DONALD LOVERIDGE	
	Okay, so we’re still in the bundle, 516.	
	TOM BENNION	
	I have a hardcopy if you wish to use that instead.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I prefer a hardcopy, just for the use of reference. Thank you.	
	TOM BENNION	
	Do you see on page 516 there is then a – it's part of a telegram to Rewi Maniapoto on the 14th of March?	
	DR DONALD LOVERIDGE	
	Yes, this is Bryce's letter to Rewi, is that right?	
	TOM BENNION	
	Right, and he says of Hursthouse at the bottom of that first page, he says, "He went with my full authority."	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And if you turn the page, "And in accordance with law." This is a question I put to I think Ms Marr, what law?	
	DR DONALD LOVERIDGE	
	Bryce is acting, as I understand it from what he's saying, he's citing his authority as the Minister of the Crown to make	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	these orders.	
	TOM BENNION	
	He's not referring to any particular statute is he? Or are you aware of any particular statute he could've possibly been referring to.	
	DR DONALD LOVERIDGE	
	He's not referring to anybody for the statute here in the letter obviously he's just referring to law. I don't know what he thought he was citing. I suspected maybe something from Public Works Act but I'm not going to be more specific than that.	
	TOM BENNION	
	What if I said to you actually there was no law that supported this action?	
	DR DONALD LOVERIDGE	
	I'm sorry, I really can't comment, I don't know what he thought he was doing. He doesn't specify at any point that I'm aware of.	
	TOM BENNION	
	If it was the case that there was no law supporting his action, nevertheless, Rewi Maniapoto might have thought he had some legal right to be in Maniapoto territory, Hursthouse had	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	some legal right to be there.	
	DR DONALD LOVERIDGE	
	Rewi might have thought that?	
	TOM BENNION	
	Well, he's getting a telegram from Bryce saying, "I sent Hursthouse in accordance with law."	
	DR DONALD LOVERIDGE	
	Yes, why would we think that Rewi thought that?	
	TOM BENNION	
	So that would give Rewi the impression that there was some law allowing Hursthouse to go into Maniapoto territory.	
	DR DONALD LOVERIDGE	
	Oh, I see what you mean. Well, that's from the letter Bryce is saying, "Yes, there is a law and I'm acting in accordance with the law."	
	TOM BENNION	
	All right. If the arrangement was with Wahanui or you say Wahanui had a meeting with Bryce and perhaps gave an impression there wouldn't be obstruction, why is Bryce sending a memo to Rewi Maniapoto saying –	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Well, this is after there was obstruction.	
	TOM BENNION	
	"He went with my full authority and in accordance with the law." Why is this necessary to Rewi Maniapoto?	
	DR DONALD LOVERIDGE	
	I'm sorry, I don't quite follow the question.	
	TOM BENNION	
	No, why isn't he sending a telegram to Wahanui saying, "This seems to cut across the agreement or understanding we had."	
	DR DONALD LOVERIDGE	
	I'm sorry, I think he did send one to Wahanui.	
	TOM BENNION	
	Well, do we have a telegram to Wahanui saying, "This cuts across the understanding that we had?"	
	DR DONALD LOVERIDGE	
	I think we do, actually, I think we have the telegram, I'm sorry. Look, I would have to check that out. My impression	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	at the moment without access to my document bank or to my notes and everything is that he sent this one to Rewi of which we only have the English version and he sent one to Wahanui which we only have the Māori version, I believe.	
	TOM BENNION	
	Okay, well we might follow that.	
	DR DONALD LOVERIDGE	
	But I'm open to question on that.	
	TOM BENNION	
	Well, I'd be interested in that if you can, if we can get back to that perhaps later.	
0935	**DR DONALD LOVERIDGE**	
	I'll have a look in the break and see if I can find it.	
	TOM BENNION	
	Okay. Now in the telegram he also says, and I'm just – this is the telegram in which he says, "I can clear my path, clear my own path," and I'm just -	
	DR DONALD LOVERIDGE	
	Yes this is on page 518, "Wahanui, I would say, um, it is for you and Wahanui to –	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Put this obstruction aside.	
	DR DONALD LOVERIDGE	
	– put this obstruction aside and to lead my path, which is a good path clearer. Truly I can clear my own path but it is better that you should, you should do it."	
	TOM BENNION	
	Now thank you. Clear my own path.	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	What is Bryce referring to in context and from what, what you understand?	
	DR DONALD LOVERIDGE	
	~~Motioning~~ Marching through I suppose, going ahead, just ignoring any obstruction that, that is attempted.	
	TOM BENNION	
	Right.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	And again I think we need to sort of be clear headed that Bryce, Hursthouse was obstructed but it was done in a very polite and easy going sort of manner. They just would not let him proceed. And I should correct myself, I think I said earlier he was escorted by Wetere, but that was on the second time after the 16th of March meeting. He was with – I think he just had another surveyor and, and a guide or somebody with him at this point, yeah.	
	TOM BENNION	
	All right. Can I go to page 526 of this bundle? There's just two more references here, 526 do you see that?	
	DR DONALD LOVERIDGE	
	Not yet just a moment, yes.	
	TOM BENNION	
	And you see, this is Hursthouse writing to, telegraph to Mr Bryce on the 15th of March?	
	DR DONALD LOVERIDGE	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	And it says, "I think you (that's Bryce) should come here tomorrow as soon as possible. There is not the least chance of my getting through on the actions of Manga and Wahanui for a long time. I believe your presence and telling them, 'It must be done at once,' would enable to go on at once." Am I right about that?	
	DR DONALD LOVERIDGE	
	Yes sorry I'm just reading it. Yes, well that's what it says, yes, and that is fine to...	
	TOM BENNION	
	All right, so to summarise whether there was a discussion with Wahanui, you think there was a discussion, it's not raised by Hursthouse and Hursthouse finds after trying twice to cross the aukati, at least twice, that he's got to call the Native Minister in to tell them that it must go on at once."	
	DR DONALD LOVERIDGE	
	Well he's tried once. He's tried once and has been firmly turned back and Wahanui of course wouldn't speak with him and so he's now writing – Bryce is saying that the only way things are going – the only way things are going to proceed is if Bryce himself personally comes and discusses this with him.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	Now if I come to page 527 of this bundle and it's the last reference, I then just – you see 527 top right.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Yeah. I want to just turn – there's a divider and then I just want to turn the page to a new section, and this is the last part of this bundle we'll use. You see it's, it's a, an extract from H17(g).	
	DR DONALD LOVERIDGE	
	This is labelled 24 appendix (c)?	
	TOM BENNION	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Page 24 appendix (c), yes.	
	TOM BENNION	
	Yes, and you see there's – it's a Māori and English translation of 15th of March 1883 meeting, and I think -	
0940	**DR DONALD LOVERIDGE**	
	This is Te Reti's document report to somebody.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Yes, yes.	
	TOM BENNION	`
	Yes. So, this is a meeting to discuss Bryce's journey to Mōkau with his two Europeans, that's the English, yes?	
	DR DONALD LOVERIDGE	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Now, I'm just interested here about two or three lines down, "Secondly, with reference to Mr Bryce's letters, let them be read out."	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	I'm assuming that would include the telegram to Rewi Maniapoto, is that what they're reading out?	
	DR DONALD LOVERIDGE	
	I don't know whether there was – whether it's referring to those letters or it's referring to some other letters. It's not specific.	
	TOM BENNION	
	Now, the next speaker is Tū Potahi and his discussion begins this way, "Stoppages have been attempted before a stoppage was attempted at Maungatawhiri and Waikato suffered. A stoppage was attempted at Waitara and people were killed and land suffered." This is a comment from someone who clearly feels intimidated, isn't it?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	He was certainly aware that there had been problems in the past when people have tried to stop surveyors.	
	TOM BENNION	
	In context, this is a comment from someone who clearly feels intimidated, isn't it?	
	DR DONALD LOVERIDGE	
	This person does, yes.	
	TOM BENNION	
	Okay, thank you. Now, just lastly on that matter Ms Marr says that in the Whanganui Herald, shortly after this event and I appreciate that's perhaps a paper that's not friendly to Mr Bryce.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	But in the Whanganui Herald shortly after this event, it says, "Look, this is surprising evidence that the Kīngitanga isn't disunited." Do you remember that?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I don't think that refers to the Kīngitanga at all.	
	TOM BENNION	
	Let's just refresh ourselves. Page 753 –	
	DR DONALD LOVERIDGE	
	Of?	
	TOM BENNION	
	Of Marr's report, A78.	
	DR DONALD LOVERIDGE	
	Sorry, we are talking about the Hataraka article, the article about Hataraka's account of the –	
	TOM BENNION	
	No, we're talking about the –	
	DR DONALD LOVERIDGE	
	Sorry, I don't think I have Marr's document bank.	
	TOM BENNION	
	Have you got Ms Marr's report with you?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I've got a report, yes, sorry, and that's at – I think I have it.	
	JUDGE AMBLER	
	You're taking us to her report?	
	TOM BENNION	
	Yes, I am, Sir, page 752.	
	JUDGE AMBLER	
	752.	
	TOM BENNION	
	And 753. Do you see at the bottom page 752, the opposition Whanganui Herald owned by Mr Ballance, Native Minister.	
	DR DONALD LOVERIDGE	
	No, I don't, I'm on 752 but I don't see any reference to the Herald.	
	TOM BENNION	
	The bottom, last paragraph on 752.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I'm seeing this, okay.	
	TOM BENNION	
	Claimed that the stoppages were practical proof that the chiefs of the territory were still Kīngitanga and were not ready to allow Government surveys until terms were made with their king. The Herald claimed this evidence of unity and support for the King might be surprising to the Government. So, in one paper in the colony at that stage, there's a discussion saying, "I'm not sure your policy is working, the Kīngitanga may be more united than you think."	
	DR DONALD LOVERIDGE	
	I think I would want to look at that article before commenting on it. This is just her summary of it. Is this in her document bank or is this available otherwise? I mean if she said that, yes, fine, but if we're going to discuss that, I'd like to see the article.	
	TOM BENNION	
	Are you suggesting she hasn't accurately recorded it? She, as we know, she's pretty thorough with her –	
0945	**DR DONALD LOVERIDGE**	
	I'm not suggesting. I'm just saying that all she has done is given us her summary of that point. I'd like to see the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	context at that point in which was made by the paper, and what, what they're basing their comments on before I would comment on that.	
	TOM BENNION	
	Just, just while we're – let me, let me think about that, but can we just come to page 753?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Well, no we'll just move on this basis. If, if she's correct in what she's put, then we have a significant paper in the colony at the time saying, "Kīngitanga seems to be united and this is evidence of it." That's what the paper's saying, if she's correct in quoting it.	
	DR DONALD LOVERIDGE	
	Well again, I will take it as what you've said there, but, um, again, lots of newspapers are saying all sorts of things about whether or not the Kīngitanga is alive or, or not. Again, this is one example of what has been said, and there's a huge amount of comment going on, because it's not by no means, clear to anybody at this stage apparently, exactly what is going on.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	So by the same token, papers that are saying, "The Kīngitanga is falling apart," should be read with the same -	
	DR DONALD LOVERIDGE	
	Oh absolutely.	
	TOM BENNION	
	– careful eye, yes?	
	DR DONALD LOVERIDGE	
	Absolutely yes.	
	TOM BENNION	
	And in fact, probably a better guide as to what's going on is what people do on the ground and respond to?	
	DR DONALD LOVERIDGE	
	Certainly yes.	
	TOM BENNION	
	Yes okay. Just while we're on page 753, we've got a comment from Ms Marr about half way down that first main paragraph, "It was suggested the Government take the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	railway by Taupō instead."	
	DR DONALD LOVERIDGE	
	I'm sorry where is that?	
	TOM BENNION	
	You see the sentence beginning, "It was suggested the Government take the railway by way of Taupō instead."	
	DR DONALD LOVERIDGE	
	Sorry I can't see it yet.	
	JUDGE AMBLER	
	Page 753, the first paragraph.	
	UNIDENTIFIED SPEAKER	
	Half way down.	
	DR DONALD LOVERIDGE	
	Oh I see. It was suggested that the Government take the railway by way of Taupō instead.	
	TOM BENNION	
	Yeah.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes as I said, there is I think, we mentioned this yesterday, that there's, there is a, a lobby that wants it to go by way of Taupō rather than through the King Country.	
	TOM BENNION	
	Right.	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	All right. Now let's move to the petition, oh no. Sorry, the – I'm ahead of myself. Let's go to the letters of – the exchange of letters of 16 -	
	DR DONALD LOVERIDGE	
	Oh yes, yes.	
	TOM BENNION	
	– March 1883. Just two points on that very quickly. There's, there's a, there's been discussion about what was intended in the letters around a reference to a petition to Parliament.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And I think you've, you've correctly made the point that Bryce hadn't seen the petition so he couldn't be agreeing to its detail.	
	DR DONALD LOVERIDGE	
	Well the petition didn't exist at this point, yes.	
	TOM BENNION	
	Yes, yes, although you – I think you also say, "There's been some work on it," but we don't – there's no evidence Bryce had seen any, any paperwork.	
	DR DONALD LOVERIDGE	
	I don't think I said – I said that it was discussed at the meeting on the 15th March and at that point Wahanui was – that Te Reti, the account that we looked at.	
	TOM BENNION	
	All right.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	That Wahanui was saying, "This is what I think we should do."	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Which would suggest that they haven't begun to formulate it specifically at that stage to me?	
	TOM BENNION	
	Yes. Did Bryce understand or might've had an idea at that stage that it might've been a response to his proposals of the past about a reserve?	
	DR DONALD LOVERIDGE	
	The letters themselves, and I say, there's transcripts of the letters in the appendix to my A90 report. In the letters themselves Bryce said that, I think his comment was that if you suggest new laws which are good, we will, we will give them serious consideration. So I – he seems to be thinking that he's going to be – there are going to be proposals for legislation in the petition. Whether he thought they would be asking for a revision of the 1883 Native Reserves Act, I can't say specifically.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	While Bryce may not have seen the petition, because it wasn't in existence -	
	DR DONALD LOVERIDGE	
	Mhm.	
	TOM BENNION	
	– from the, from the Maniapoto side, they were talking about controlling their own land. That, that was – that – their context wasn't it? What they would do in the future on their own land.	
	DR DONALD LOVERIDGE	
	They were talking amongst themselves about that yes.	
0950	**TOM BENNION**	
	Yes, so, when they were saying, "We're going to suggest some change in law to you and we want you to take that to Parliament," they would've had no apprehension or concern that there couldn't be a law simply dealing with the area. It wasn't a matter of our land is already under some sort of series of legal requirements and we've got to adjust those. It was a blank slate which was being put forward for legal change, wasn't it? In terms of control of that area.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Well, again from what Bryce has said, no, I would say that he is certainly under the impression and that's all I'm talking about, he is under the impression that they're asking for revisions or extensions of the existing laws. That appears to be what he took away from it to the extent that after the petition came through, that's exactly what he did or that's what Parliament's response was to change some of the existing laws and add the Native Committees Act, so I don't know if I can say much more than that.	
	TOM BENNION	
	Okay.	
	DR DONALD LOVERIDGE	
	We have very limited resources, our sources are drawn here.	
	TOM BENNION	
	There is a question about what was perhaps thought about – no, let me just leave that, all right? Oh, then secondly on that area, he says that he will hold back on surveys. That's one of his undertakings?	
	DR DONALD LOVERIDGE	
	What he said was and again if I cannot, I will go through my appendix in A90 which has the letters, it's on –	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Well, let me just short circuit this, I will keep that minor surveys for a time. This does not refer to trig surveys and stations which had nothing to do with title.	
	DR DONALD LOVERIDGE	
	As to surveys it will be well for the principle men of Maniapoto generally to apply to the Court for surveys and determination of title to land. This is the only way to avoid confusion in the hope that this will be done shortly, I will keep back minor surveys for a time. This does not refer to the trig surveys and stations which have nothing to do with title. This is Bryce's letter of 16th of March 1883 to the chiefs in response to their letter and I'm on page 64 of my A90 report. This is the English text, not the letter in Māori which was sent to the chiefs.	
	TOM BENNION	
	Do you know what legal power Bryce had to even survey in the Maniapoto district at this time?	
	DR DONALD LOVERIDGE	
	Well, his – as I've pointed out again, I'm talking about A90, I'm sorry, we're sort of at cross purposes here, he had already, his policy at this time was not to allow applications for surveys to be acted upon, applications to the Court for surveys. He had stopped them in the south around Mōkau.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	There was many complaints in the newspapers about him doing this, so – and again this is getting into areas I'm not –	
	TOM BENNION	
	So that's a reference to survey applications, surveys associated with applications to the Land Court?	
	DR DONALD LOVERIDGE	
	And arising from Land Court proceedings, because of course down at Mōkau there had been proceedings in 1882, Fenton had sent to hear ~~the~~ an application for some lands of Maniapoto lands and Bryce, as I said, had been heavily criticised for not allowing associated surveys down there to proceed and as we know he wasn't allowing any applications to be accepted for the rest, affected the rest of the Rohe Pōtae at this point, as to exactly the legal position, I'm afraid, that's about all –	
	TOM BENNION	
	Just to be clear, you think that's a reference to surveys that are associated with the applications to the Land Court?	
	DR DONALD LOVERIDGE	
	Well, that's the context he's saying and that's the only area where the Court had sent, in relation to Maniapoto. But, I think he is saying, yes, that minor surveys he's saying surveys in relation to Land Court applications, I can't think of	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	what else he might be referring to there.	
	TOM BENNION	
	And just two quick more matters on that. Ms Marr makes much of the fact that these letters are not recorded in official papers or anything of that nature and you say in A41 there are a curious -	
0955	**DR DONALD LOVERIDGE**	
	Oh sorry, where are you – what are you referring to?	
	TOM BENNION	
	Oh, if you go A41 page 71.	
	DR DONALD LOVERIDGE	
	71, well again as I say, I only touched upon those in passing. I would prefer that we discuss my A90 report in that respect. But that – go ahead sorry.	
	TOM BENNION	
	Yes, no I've looked at both. Let me just put this to you.	
	DR DONALD LOVERIDGE	
	Yeah,	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	They're not, they're not published at the time and, and Bryce never or no, Bryce never responds to the Hataraka accounts does he?	
	DR DONALD LOVERIDGE	
	Not that I'm aware of no.	
	TOM BENNION	
	No. When the petition comes to Parliament, Bryce is on the select committee considering that petition?	
	DR DONALD LOVERIDGE	
	He's on the Native Affairs Committee.	
	TOM BENNION	
	That considers the 1883 petition?	
	DR DONALD LOVERIDGE	
	Yes, yes.	
	TOM BENNION	
	Yes, and he never mentions this agreement at all, does he?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I can't recall – well I, I don't know if the proceedings are available to begin with. We certainly had the conclusion of the, we certainly have the conclusion of the committee, but I don't think we have the, their proceedings, so I don't know if it was raised, and I'm open to correction on that again, but I think that's right.	
	TOM BENNION	
	If he didn't – Ms Marr says he didn't.	
	DR DONALD LOVERIDGE	
	Where does she say that?	
	TOM BENNION	
	At page 877 and page 78 of her report.	
	DR DONALD LOVERIDGE	
	So 877 of the, her own volume.	
	TOM BENNION	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I don't see her saying that. Can you point me exactly -	
	TOM BENNION	
	Well just, just take at the top of the page, she says, "The Committee included Native Minister Bryce."	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Four Māori members. Says, "Committee minutes are still available and were printed." So looks like we have, have minutes, and I'm just, just grabbing my cross reference here...	
	DR DONALD LOVERIDGE	
	I don't see any, any statement there that -	
	TOM BENNION	
	Yeah right, I'm just finding the page.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Okay.	
	TOM BENNION	
	I'm just going to have to put it to you because I can't – you're right, I can't see the statement there. If the minutes don't record any comment by Bryce about the petition, about the agreements of 18, of 16 March 1883, do you think it's unusual that it wasn't raised at that time?	
	DR DONALD LOVERIDGE	
	Well I don't know if they were not. Again I – she did not -	
	TOM BENNION	
	I'm put it to you if, I'm putting it to you on this basis, we have the minutes it seems.	
	DR DONALD LOVERIDGE	
	It seems.	
	TOM BENNION	
	If reading the minutes, we find there's no reference to the petition by Mr – to the letters of 16 March by Mr Bryce, is – would that be unusual?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well -	
	TOM BENNION	
	Given, given, well a period on 16 March?	
	DR DONALD LOVERIDGE	
	Well I would have to, I think I would have to read those minutes before I ~~recommend~~ would comment on that.	
	JUDGE AMBLER	
	Well I think Dr Loveridge, it is a valid question. It is hypothetical but the – it is asked on the basis that if it cannot – there is no reference in the minutes to the earlier correspondence, what do you make of that? Is that unusual or -	
	DR DONALD LOVERIDGE	
	Um, again very hypothetical. If there is nothing in the minutes and again, are these verbatim minutes of proceedings? I don't know. You would think he, you would think he would raise that. He may – even if he had simply – I don't know, did he describe what had happened? I don't know. I'm struggling to think of a reasonable way to answer that question.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	So we would need to have an understanding of what you would expect the minutes to disclose and the context of discussions recorded?	
	DR DONALD LOVERIDGE	
	Well I, I think if I read them, I could probably give a more sensible answer to you.	
	JUDGE AMBLER	
	All right, there is a footnote reference -	
	DR DONALD LOVERIDGE	
	Yes there is.	
	JUDGE AMBLER	
	– Mr Bennion.	
	TOM BENNION	
	Yes Sir. I should have got myself a (inaudible 10:00:05) bundle.	
1000	**DR DONALD LOVERIDGE**	
	I don't know if that's in Ms Marr's document bank. She has a cross reference to most of her footnotes to her document bank, so that we can look. I have a copy on my laptop, so...	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Sir, can I just park that issue and consider whether I want to take that further? I just think we need to move on.	
	JUDGE AMBLER	
	Yes. One of your co-counsel might well be able to search the document bank to see if footnote 2933 comes up.	
	TOM BENNION	
	I'll just check whether legal aid can cover that. Yes, Sir, can I come back if we need to. I then want to come to the December 1883 survey agreement for survey.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And I wanted to discuss both the discussions which came to a conclusion that a survey should proceed and then separately I've got a brief question about the actual agreement with the surveyors, the letters of agreement. I think if we go to the Crown bundle from the first, from first hearing week which is the H24 bundle.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes, I have that.	
	TOM BENNION	
	And I think we have the Herald report of the 1st of December 1883 at page 158, again at page 158.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Now, I'm looking at page 159 and the comment from Mr Bryce to the meeting about half way down, "It was also desired to give Maoris power to inquire into their own claims. That was a proper course insofar as possible the wishes of the petitioners has been carried out. Native Land Court has approved and simplified, lawyers and agents have been excluded. Means have also been arranged for committees to inquire into titles. When you want a committee there will be no difficulty in obtaining it. All difficulties are now removed."	
	JUDGE AMBLER	
	Sorry Mr Bennion, just give me that page again?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Page 159 of the Crown bundle. Bryce was then referring to the Native Committees Bill, Act of 1883 or 1882?	
	DR DONALD LOVERIDGE	
	He's referring to the Native Land Court Amendment Act, I think that's the right title, of 1883 and the Native Committees Act.	
	TOM BENNION	
	Yes, now the Native Committees Act provided that where a tribal boundary was in dispute, there could be a committee look at that and they could forward their conclusions to the Court to consider?	
	DR DONALD LOVERIDGE	
	There's no reference to tribal boundaries in there, I don't think, I'm sorry, I don't have a copy of that in front of me, but I don't think that's what it says.	
	TOM BENNION	
	Here's the wording from the section 14 of the Native Committees Act of 1883 where disputes have arisen as to the location of a boundary between lands claimed by the Natives the committee may make such inquiries as it	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	thinks fit, report their decision, certified in writing to the Chief Judge for the information of the Court. Does that accord with what you understand?	
	DR DONALD LOVERIDGE	
	Is that the only reference to dealings with the Court in that Act? I'm sorry, but as I said I don't have a –	
	TOM BENNION	
	You're saying you're unfamiliar with the Native Committees Act of 1883?	
	DR DONALD LOVERIDGE	
	I'm familiar with it. Again, I haven't looked at it for a little while. That is certainly one of the sections but there are other sections, I think, we're getting to –	
	TOM BENNION	
	Okay, we'll we're going to have to proceed on the basis of if this is the section, section 14, which deals with the committees inquiring into titles.	
1005	**DR DONALD LOVERIDGE**	
	Mmm.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	That's very limited isn't it? Where disputes arise and the location, as to the location of the boundary between lands claimed by natives, committee makes inquiries, reports it to the Chief Judge of the Court for the information of the Court. That's, that's a fairly limited power isn't it?	
	DR DONALD LOVERIDGE	
	Oh it is yes, mmm.	
	TOM BENNION	
	Yes okay.	
	DR DONALD LOVERIDGE	
	I should point out to you and I raised it in, I think it's in my A41 if - and probably elsewhere that at the same time, the Native Land Court Amendment Act, one of the clauses of the Native Land Court Amendment Act was designed to free up the Court to, to, let me find exactly what I'm talking about. Let me see.	
	TOM BENNION	
	Well let's, okay carry on.	
	DR DONALD LOVERIDGE	
	Yes I'm just finding out here that the, these two Acts, Native Land Court Amendment Act and the Native Committees Act were dealt more, more or less as a single package by, by	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Bryce. They presented at the same time and he discusses both of them in the course of it. One of the, one of the measures in the Native Land Court Amendment Bill – I'm sorry I'm looking at page 93 of my A41 report here. This is discussing the contents of the original Bill. One of the provisions was a clause that the Court could adjourn the hearing of any case from time to time and from place to place, and it shall be the duty of the Court by the best ways and means, without reference to legal formalities, to ascertain and determine the ownership of native land. I think that is meant as a, a companion piece to the Native Committee's Act, but you are right, the, the actual wording of the Act, even if there's more than we prefer to hear, is quite limited.	
	TOM BENNION	
	If section 14 is as I say it is, then what you've just given me, which says, "The Courts spread out to look at things as it needs to," means that section 14 is essentially redundant isn't it? You don't even need it?	
	DR DONALD LOVERIDGE	
	It's a -	
	TOM BENNION	
	It takes the matter no further legally.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well it doesn't compel the Court to listen to what it's told.	
	TOM BENNION	
	So Court could listen to a group of Māori who come before it under the Native Land legislation, can listen to a group of Māori who come before it and say, "We've, we're fixing a boundary," and that group could present a report saying, -	
	DR DONALD LOVERIDGE	
	Well look I'm -	
	TOM BENNION	
	"We've talked about this and here's our conclusion." It's the same thing isn't it?	
	DR DONALD LOVERIDGE	
	I'm looking at my – again I looked at my A41 on page 94. According to my, my summary of the Native Committee's Act, the committee's were empowered to make inquiries, to ascertain the, the names of owners to a block of land being passed before the Native Land Court to ascertain the successors of a ~~native~~ deceased~~,~~ native owner or to deal with boundaries, boundary disputes as you've mentioned. But I'm not, you're quite right, the, the Court is not compelled to listen to them.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes, in fact it takes the matter no further from what the Court can do anyway, isn't that the point?	
	DR DONALD LOVERIDGE	
	It doesn't, it does not put any burden on the Court to, to listen to the committees.	
	TOM BENNION	
	Mmm.	
	JUDGE AMBLER	
	Now I've, I've listed the -	
	TOM BENNION	
	Yes.	
	JUDGE AMBLER	
	– relevance of your questioning because you started with this report in the paper from the 1st of December 1883?	
	TOM BENNION	
	Yes.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	So you are going to educate me shortly.	
	TOM BENNION	
	Yes Sir, I'm looking for my reference to – Mr Bryce subsequently says, "Section or the Native Committee's Act takes us no further. It makes no change to the law in essence?	
	DR DONALD LOVERIDGE	
	Where, where does he say that?	
	TOM BENNION	
	Yes and I'm looking for my reasons to -	
	DR DONALD LOVERIDGE	
	I'm sorry, out here.	
	TOM BENNION	
	Okay let me come back to that if I need to, but if that's -	
	DR DONALD LOVERIDGE	
	But as I say.	
	TOM BENNION	
	If he made that comment, he's correct isn't he?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I'm saying there's nothing in, in either of those Acts we're discussing, that compels the Court to take account of what the committees' put in front of it if you like.	
	TOM BENNION	
	All right.	
	JUDGE AMBLER	
	And the relevance of that in terms of this newspaper article on the 1st of December?	
1010	**TOM BENNION**	
	Sir, it's just the point, let me just put it to Mr Loveridge. So, do you think the Maniapoto listeners would've appreciated that in terms of the committees that were being discussed, they essentially had no real power at all?	
	DR DONALD LOVERIDGE	
	Well, yes, I think they would've realised that because we have recorded comments by Wahanui and John Ormsby after the session saying exactly that, after the session and before this meeting.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Where do you see that?	
	DR DONALD LOVERIDGE	
	I'm going to find it for you, it might take a second. Here we go, I'm in A41 and at page 100 I discuss exactly that, which is this is a letter which Wahanui wrote to the newspapers at the end of August of 1883 after that legislation was passed and he's saying, and this is a letter from the Waikato Times of 30 August 1883, sorry, did I say A41 page 100, okay.	
	TOM BENNION	
	Sorry, page?	
	DR DONALD LOVERIDGE	
	Page 100, and if I can just, while you're checking that out, I'll just read the second paragraph where he refers to the Native Committees Bill, he says, Wahanui, "The Native Committees Bill is not in accordance with our petition, because the petition states that we are to manage our own affairs and after we have settled land claims then the Government will be asked to send some person vested with power to give ~~the~~ effect to our arrangements but not until then." That's what the petition says. "Further this Bill takes altogether from us our authority. What we have to say is this, 'Our lands are still under custom and so are the people,	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	therefore we say leave the men from our lands to us and abolish the land process altogether."	
	TOM BENNION	
	Sorry, where are you reading from?	
	DR DONALD LOVERIDGE	
	I'm on page 100 and I'm reading from – I've transcribed –	
	TOM BENNION	
	It's A41?	
	DR DONALD LOVERIDGE	
	Yes, yes.	
	TOM BENNION	
	You're reading the main quote Wahanui stated, yes?	
	DR DONALD LOVERIDGE	
	I've copied, I think that's all of the letter, I can remember offhand.	
	TOM BENNION	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	But that's from the Waikato Times of 30th of August and I thought we also had a comment by Ormsby. I can't see it here, I don't know, it may have been something I've come across since then that it's to the same effect.	
	TOM BENNION	
	He's talking about the Native Committees Bill, isn't he? It hasn't been passed at that stage?	
	DR DONALD LOVERIDGE	
	Pardon?	
	TOM BENNION	
	Hasn't been passed at that stage?	
	DR DONALD LOVERIDGE	
	Oh, you'll have to look at the Bill to get the date.	
	TOM BENNION	
	Well, if he's talking about the Native Committees Bill, he's talking about something that's not yet in force, is he?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well, again, I don't know, I can't recall what date the Act is actually passed.	
	TOM BENNION	
	Well, if Wahanui is referring to an Native Committees Bill he's referring to something that hasn't yet been passed.	
	DR DONALD LOVERIDGE	
	Which is essentially, I think which is the same as the Act, I don't think there are any amendments in the house.	
	TOM BENNION	
	Oh, it was watered down, wasn't it?	
	DR DONALD LOVERIDGE	
	I don't think so, but again, let me –	
	TOM BENNION	
	I don't want to take you back, but it was watered down, but anyway, okay, I don't think it makes much difference.	
	DR DONALD LOVERIDGE	
	I don't think it was changed, but again I discussed it, it's somewhere in my A41, somewhere around page 96, 97, I think, let me see. I haven't noted that any – because when I wrote A41 I had the Bill and the Act in front of me and I don't	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	know any actual changes to the text of the legislation, that's all I can really say at this point.	
	TOM BENNION	
	Did Bryce refer to another piece of legislation that had been passed called the Native Land Division Act of 1882? Well, I put it to you he didn't.	
	DR DONALD LOVERIDGE	
	Did he refer to it when? In –	
	TOM BENNION	
	In any of his discussions with Maniapoto at this time, did he refer to the Native Land Division Act of 1882?	
	DR DONALD LOVERIDGE	
	I cannot recall any record of him having done so.	
	TOM BENNION	
	Are you familiar with that Act?	
	DR DONALD LOVERIDGE	
	Only very generally.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Do you know that it allows a tribe or a hapū to apply for a division of land?	
	DR DONALD LOVERIDGE	
	I would have to refresh my memory by looking at it, but if you say so.	
1015	**TOM BENNION**	
	Well I just want to put this to you briefly, the Native Land Division Act, section 11 says, "In a case of a grant to a tribe or hapū, it's a possibility that, that either a number of people or a small number of people even, could apply to have the land divided up, subdivided. Were, were you aware of that?	
	DR DONALD LOVERIDGE	
	As I say in general terms, I have not looked at that for a while.	
	TOM BENNION	
	In any of the material you've looked at, there's no – Bryce never mentioned anything of that nature, did he, to, to Maniapoto?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Not that I can recall.	
	TOM BENNION	
	Okay. In terms of the intended application for the external boundary to the Court, it's discussed in these meeting, in this meeting, you appreciate or do you accept that once the application went in, any person or group could turn up as counter claimants and that you counter-claim, yes?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Yes?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And Bryce had no way of controlling that?	
	DR DONALD LOVERIDGE	
	Not that I'm aware of, no, no.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	So, so he was indicating that he will control when applications might get put – which applications might get put in front, in front of the Court, when.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	He was indicting that wasn't he?	
	DR DONALD LOVERIDGE	
	I think so yes.	
	TOM BENNION	
	Yes, but once they went in, he had no control over counter-claimants applying?	
	DR DONALD LOVERIDGE	
	Not as far as I know.	
	TOM BENNION	
	Yes. Do you think Maniapoto understood that complication?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	He, Bryce took pains to explain it to them at the December meeting. It's in that letter – I think it's in the, where is it? I'm looking at the 1st of December letter in -	
	TOM BENNION	
	In, in the bundle?	
	DR DONALD LOVERIDGE	
	Yeah page 1, let me see. Okay, I'm looking at page 161.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	This is Bryce speaking. They're in the middle of discussing the whole boundary and application business. "I understand you mean to answer to the application on Ngāti Hikairo. Your reason is that their land encroaches on your claim." And he says, "It will be for you to determine where the boundary is. The evidence of Wahanui and friends will be heard as well as others. Boundaries in that way will be fixed. I do not, but I do not understand here others should prevent them from having their claims decided by the Court. That will be the means of hearing the boundary defined. The application of the Ngāti Maniapotos will be simultaneous with the Ngāti Hikairos. There will be no difficulty in the matter."	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes, but he's got absolutely no control over either the, the number or the nature of counter-claimants, has he?	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	So, if I understand the point that it was intended that this go up as a survey for tribal boundaries and there might be several tribes, but he had no control over hapū coming forward as counter-claimants, did he?	
	DR DONALD LOVERIDGE	
	No.	
	TOM BENNION	
	You familiar with the Waimarino block and what occurred there in general terms?	
	DR DONALD LOVERIDGE	
	In general terms, yes.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Or the Court generally. So let me just go to the bottom of the same page you're on, 161. Here's Taonui, "I wish to speak in connection with Wahanui. Let there be only one survey the subdivisions to stand back. Tribal boundaries to be arranged first. No other surveys to take place to authorise by the natives. A committee will arrange all these matters. There's no way the Native Land legislation of the time assures any of that will happen in that order?	
	DR DONALD LOVERIDGE	
	In specific terms, no, no.	
	TOM BENNION	
	Well let's be specific. "There will be only one survey. That will rely on Bryce holding back applications." Yes?	
	DR DONALD LOVERIDGE	
	Well there will be one survey made under the application that, that -	
	TOM BENNION	
	Yes, but if someone wanted to set up a counter survey, it would depend on Bryce letting that through to the Court or not, -	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Presumably yeah, right.	
	TOM BENNION	
	– that application to the Court or not, yes?	
	DR DONALD LOVERIDGE	
	Yes.	
1020	**TOM BENNION**	
	Okay, so the subdivisions to stand back, well, the Native – are you familiar with what happened with the Taupō-nui-a-Tia block?	
	DR DONALD LOVERIDGE	
	Yes, yes.	
	TOM BENNION	
	Okay, so the Court could proceed to make subdivisions, couldn't it, when it had an application in front of it and determined it, yes?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes, so that wasn't under control, couldn't be controlled by Bryce?	
	DR DONALD LOVERIDGE	
	No.	
	TOM BENNION	
	Tribal boundaries to be arranged first. That's not under control because any hapū could turn up and say, "We're a counter claimant?"	
	DR DONALD LOVERIDGE	
	Well, yes, depending on how the Court proceeded, yes.	
	TOM BENNION	
	Well, it would be at the discretion of the Court, wouldn't it?	
	DR DONALD LOVERIDGE	
	Yes, well, again, I don't know if it's at the absolute discretion of the Court. They would certainly have the initial presentation of the boundaries from the four tribes.	
	TOM BENNION	
	A committee will arrange all these matters, that's a	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	committee that has no weight, no power to order the Court to take its advice, right?	
	DR DONALD LOVERIDGE	
	That's what Taonui is saying, yes, yes.	
	TOM BENNION	
	So if we take everything Taonui is saying there, do you think when he makes those statements he thinks there is going to be some control over those matters?	
	DR DONALD LOVERIDGE	
	At that point he says that, yes.	
	TOM BENNION	
	That's the tenor of that whole meeting, isn't it? From the Maniapoto point of view?	
	DR DONALD LOVERIDGE	
	That's what's said, yes.	
	TOM BENNION	
	But they have no control over those matters and do you think that's clear to them?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Sorry, I'm looking at something else here, just a moment. Again, well, again, we have what Bryce said at the December meeting, again when he's discussing it with them on the 18th of December, I'm looking at page 177 of the bundle, this is –	
	TOM BENNION	
	In the bundle, yes?	
	DR DONALD LOVERIDGE	
	In the same bundle that we're looking at here, this is a report of in the New Zealand Herald of 19th December about the second meeting with Bryce a bit later in the month and again he returns to the same point. I'm ~~at~~ on page 177.	
	TOM BENNION	`
	Yes, I'm looking half way down there, let me put this to you from Bryce. The application is to determine tribal boundaries as between tribe and tribe, but you've just accepted there's no control on that.	
	DR DONALD LOVERIDGE	
	No, that is the application which the Court will deal with, I think is what he's saying.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Afterwards will come applications for subdivisions between hapū and hapū, but hapū can be counter claimants, you accept that?	
	DR DONALD LOVERIDGE	
	But again, you're going to have a subdivision on the basis of that, of the counter claims.	
	TOM BENNION	
	Well, a hapū, if the application goes in a hapū can turn up as they did in Waimarino and say, "We're a counter claimant."	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And that might then cut out their interest, yes?	
	DR DONALD LOVERIDGE	
	Yes, yes.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	But Bryce isn't giving any – he's indicating that this can be controlled in some way but there's no control.	
	DR DONALD LOVERIDGE	
	Again he is saying that once the thing is in front of the Court, the Court will proceed on the evidence put before it.	
	TOM BENNION	
	Did he ever say to Maniapoto, "You may put in tribal applications but I cannot guarantee that they won't turn into hapū subdivisions. You can't, let me be clear, you won't in the end be able to control this process once you apply." He never says, in fact, his indications are quite the contrary, aren't they?	
	DR DONALD LOVERIDGE	
	He's giving a simplified version of it, I suppose you could put it that way.	
	TOM BENNION	
	Well, he's opening the King Country, it's an important version that he's giving, isn't it?	
	DR DONALD LOVERIDGE	
	And he's telling them that the Court will deal with the applications in front of it.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Do you think, let me just go back to page, at the bottom of page 161, sorry, at the top of page, I've lost my reference. At one stage do you remember that the Maniapoto say or Bryce says to Maniapoto, “Listen, I know people think that the petition of 1883 is an application to the Court, but it’s not, you’re going to need to apply on a separate form.”	
	DR DONALD LOVERIDGE	
	I think that’s right, I can’t remember exactly his exact words. Here, it’s page 162.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Let’s see, what is required to give effect that is sufficient to be done today, what is required to Get One.	
	TOM BENNION	
	It has been suggested to me that Māori may consider petition to Parliament, sufficient application. That’s not the case.	
1025	**DR DONALD LOVERIDGE**	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yeah there is -	
	TOM BENNION	
	Yes?	
	DR DONALD LOVERIDGE	
	That was a document drawing public attention to the desire of the natives to fix the boundaries.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	The application must be made in form to the Court, in a form to the Court.	
	TOM BENNION	
	So Mr Bryce knew the land laws and how they operated because he's telling people what's occurred with amendments to them.	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	But he's dealing with people who are unsophisticated in the detail of what's required in the Land Court isn't he?	
	DR DONALD LOVERIDGE	
	Well if you're going by, if you're by the 1883 petition, they had a fairly good knowledge of what was going on in the Land Court and they didn't like it.	
	TOM BENNION	
	Are you agreeing with me?	
	DR DONALD LOVERIDGE	
	Um, um, sorry, can you ask me again? I can't remember.	
	TOM BENNION	
	Is he, is Mr Bryce dealing with people who have a detailed understanding of matters such as the Native Land Division Act of 1882 and the implications of making an application to the Court, including the possibility of counter-claimants?	
	DR DONALD LOVERIDGE	
	I think they are, and again going by the petition, makes fairly specific comments about what they don't like about the existing state of the land laws and that has to be based on a reasonably good knowledge of how the Court proceeds.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Well why then are people making statements that they'll organise the tribal boundary first?	
	DR DONALD LOVERIDGE	
	Well Taonui is saying that. That is how they want to proceed.	
	TOM BENNION	
	Is it reasonable to read these documents as - and these discussions as the Native Minister indicating that the tribal boundary can go first, and that can be controlled and that he can control or there can be control exercised from Maniapoto leaders over subdivisions over counter-claims?	
	DR DONALD LOVERIDGE	
	I think what he's saying is that you can put in your claim, but the Court will deal with it in a certain way and again the form of the application is a joint application for the boundary. It will be very helpful if we had the actual application in front of us to see what was said on the application. But the understanding is certainly that the first step is a survey of the boundaries of that boundary.	
	TOM BENNION	
	All right. Okay, let's move on to the question of trig stations	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	and what the survey covered.	
	JUDGE AMBLER	
	Mr Bennion how is your time going because -	
	TOM BENNION	
	Sir, I'm -	
	JUDGE AMBLER	
	You're close, if not over yet, to two hours but you tell me how you are going?	
	TOM BENNION	
	Sir, I've had discussions with my friends. I'm not making as much progress as I thought. I think I'll need another hour.	
	JUDGE AMBLER	
	All right.	
	TOM BENNION	
	And I think I'm – I think that'll be accepted with my friends, although they may in the last half hour reconsidered. I've slowed down somewhat, more than I thought. But I think, I think that's the case that, that time's available.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	UNIDENTIFIED SPEAKER	
	Yes Sir we're comfortable.	
	JUDGE AMBLER	
	Just before you move off this topic, while I have you Dr Loveridge at page 159, Mr Bennion has taken you through two or three items of legislation that applied to Māori land at the time.	
	DR DONALD LOVERIDGE	
	Yes.	
	JUDGE AMBLER	
	Some of which had recently come into force, and half way down the bottom, half way down that quote on page 159, we have Bryce explaining what has been achieved, and he says, "All," he says, "All difficulties are now removed." And I just wondered, how should we regard that? Is that, do you think that that is accurate? Is it political puffery? Does he genuine believe that all difficulties that the four tribes at that point I think had raised and the petition had been removed?	
	DR DONALD LOVERIDGE	
	I would be inclined to sort of put that in the category, in being sweeping political statement. A sweeping political statement rather than a specific. He knew very well that the Crown certainly had not granted all of the requests made in the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	petition, although the Parliament had not responded by dealing with all the issues raised in the petition at that point. So I think what he's saying is that he took these to be the main requests, and that the Crown, the Crown, Parliament has dealt with those. We may consider that an exaggeration.	
1030	**JUDGE AMBLER**	
	Mr Bennion.	
	TOM BENNION	
	Thank you Sir. I just want to deal with the issue of trig stations and just to preface this briefly, remember in the 16th of March letter 1883 Mr Bryce says, "Surveys are a separate matter from trigs, the trigs can go on, surveys are separate."	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Yes, and trig stations can help inform a survey.	
	DR DONALD LOVERIDGE	
	Again, not being a surveyor, all I can say is my understanding is that the trig is an overlay which establishes	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	points of reference over a survey over a large area and that, then when another surveyor coming in can use those trig stations to cut down the time needed to make an exact survey.	
	TOM BENNION	
	Okay, can I come to page 122 of your A41 report.	
	DR DONALD LOVERIDGE	
	Page 122?	
	TOM BENNION	
	Yes, and do you see in the middle of page 122, this is a discussion about the survey work that's going to be undertaken, and I'm looking at the sentence in opening that Rewi noted that he had approved to the trig survey being made, understanding it would be paid for by the Government, yes?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Smith agreed this was the case noting the work was already underway, outline the parts of the external boundary that still needed to be delineated. Now, I just want to be clear here,	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	so the agreement for survey in 19 to 20 December 1883 is an agreement that Maniapoto will pay for the external boundary survey.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And the Government will be undertaking trig work.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Now, I'm in the same sentence, only the portion from Pirongia to Ruapehu had been done to date, the rest would take about a year and the trig 18 months, yes?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Now, this is in the context of your comment that Maniapoto agreed to the external boundary survey and to apply to the Court, they didn't proceed with that application to the Court, so they changed their mind about that.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Later on, yes.	
	TOM BENNION	
	Yes, and had they proceeded with it, perhaps in 1884, ’85, there might’ve been, the problem of Taupō-nui-a-Tia might not have arisen or may not have arisen in the same way?	
	DR DONALD LOVERIDGE	
	That’s what I think.	
	TOM BENNION	
	That’s your conclusion, yes.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Now, just straight away there, there’s an indication that the external boundary survey will take 12 months, the Government’s trig survey will take 18, so there’s already an indication that the Government’s trig survey is extending the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	date, isn't it?	
	DR DONALD LOVERIDGE	
	As I understand it, the trig survey, the boundary survey could proceed without any reference to the trig.	
	TOM BENNION	
	All right, so if the boundary survey could proceed without reference to the trig, I want to take you to two things, I want to take you to my bundle that I put in for this week which is A17, oh, I17 and I17(a), do you have those in front of you?	
	DR DONALD LOVERIDGE	
	Is that bundle of documents for cross-examination, Dr Loveridge, is that I17?	
	TOM BENNION	
	That's I17. I had everything but the number and I17(i) is that little article from the New Zealand Herald of the 20th of December 1883, do you see that's a two page -	
1035	**DR DONALD LOVERIDGE**	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes okay, two page item, and do you have in front of you the map book, plate 9.	
	DR DONALD LOVERIDGE	
	Uh huh.	
	TOM BENNION	
	I need you to have that as well.	
	DR DONALD LOVERIDGE	
	This one?	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Now at page 122, and we're here thinking about the external boundary survey?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Sorry, 122 of A41.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Yes okay.	
	TOM BENNION	
	We're here talking about the external boundary survey. Do you see that the portion from Pirongia to Ruapehu had been done to date?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Do you see, that would take us from most of that northern boundary down to well south of Lake Taupō yes?	
	DR DONALD LOVERIDGE	
	Yes, well depending, that's -	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	Which map are you looking at?	
	TOM BENNION	
	Oh sorry. I'm looking at map - if I look at plate - let's refer to plate 9, yes?	
	DR DONALD LOVERIDGE	
	This is the, this is the map that was attached to the 1884 Native Land Settlement Bill.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	In terms of the external boundary, that would take us from, from north of Alexandra, Te Awamutu right through to south of Lake Taupō, yes?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Pretty much yes.	
	TOM BENNION	
	Yes. On the western side of the, of the King Country there, we have a coastline, don't we?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Down to the beginning of the confiscation boundary?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	In Taranaki, all right. And did you see on plate 9, there's a – we come and land on the confiscation line. We have a dotted line going across east. That's Te Rohe Pōtae boundary line. Let me -	
	DR DONALD LOVERIDGE	
	Yeah I know there is line. I can't see it on my copy in this map very well, but yes. That's from, let's see – as I just say, this copy isn't very good, but yes I'm aware of, of that line. It cuts about half way down of that red line. The red line block	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	is the 1884 railway district and the Rohe Pōtae line cuts approximately through the middle of that southern lake yeah.	
	TOM BENNION	
	Yes.	
	JUDGE AMBLER	
	So which part of the map are you referring to Mr Bennion?	
	TOM BENNION	
	I'm looking at the – Sir if you see the confiscation line at the West Coast coming in under the words "Mōhakatino -	
	JUDGE AMBLER	
	Yes the Taranaki confiscation line.	
	TOM BENNION	
	And then I – then the, then there's a, acute angle, and there's a dotted line running east down towards Ruapehu.	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	So let's be clear, at the 20th of December 1883, 19, 20	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	December, in terms of the, of a sketch plan in the external boundary, the work to be done relates to this southern boundary area because the survey for all the other lines is quite simple to, to conclude isn't it?	
	DR DONALD LOVERIDGE	
	Well again, depending on what, what he means by the portion being done today, whether they needed to go back over that and confirm the positions, I don't know. I mean as I understand it to mean that all of that section from Pirongia to, to south of Ruapehu is an area which is, that the values have been defined on the other side of the line if you like, through surveys for land court and whatever proceedings.	
	TOM BENNION	
	Mmm.	
	DR DONALD LOVERIDGE	
	So we had that, we had the coastline as you say, and again, I guess do they need the survey coastlines? I don't know. We saw, the remaining, I think what he's saying is the real work to be done is that bottom line. And I should say that his estimate was actually quite excessive because according to Ballance, when, when Ballance came into office in September of 1884, he told the house that, that the whole boundary was essentially, had essentially been completed except there were some niggles to do with boundaries in the, in one of the Mōhaka blocks. He is, he says that at that point it was virtually completed. So we're looking at nine months	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	or eight months, rather than a year that was estimated.	
	TOM BENNION	
	Okay. Can I take you to I17(a), I17(a) that 20th December discussion about survey?	
	DR DONALD LOVERIDGE	
	That's the Herald article?	
	TOM BENNION	
	Yes, and you see I've provided the PDF on the front. I wasn't sure how to transfer it, so I gave you the transcript on the -	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	– on the second page. Do you see that?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And in the middle of that, it's Percy Smith meeting in front of	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Rewi's house to discuss the survey, and John Ormsby asks if a sketch survey of the boundary was made, would it suffice for the purpose of a Certificate of Title.	
	DR DONALD LOVERIDGE	
	Yes.	
1040	**TOM BENNION**	
	Do you see that? Mr Smith says, "Not until the trig survey was completed to connect with." Now I want to put to you that in fact the sketch sur, a sketch survey of the boundary could've been completed and apply, and provided to the Court in very short order, couldn't it?	
	DR DONALD LOVERIDGE	
	I suppose again there is a -	
	TOM BENNION	
	Well let me take you to I17 my other bundle.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	You see that the first two pages show sketch plans for the Waimarino block.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Do you see that?	
	DR DONALD LOVERIDGE	
	Those are the actual sketch plans submitted yeah.	
	TOM BENNION	
	Yeah?	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	Now do you see page 2, “The sketch plan for Waimarino 1886, 1887?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Now do you see that it shows in a very crude way, internal	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	rivers?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And very crude in terms of internal detail, yes?	
	DR DONALD LOVERIDGE	
	Ah, yes I -	
	TOM BENNION	
	Yeah. Do you know that – how quickly the Waimarino sketch plan was put together? If I say it was put together in, in a matter of weeks, does that sug – that's reasonable?	
	DR DONALD LOVERIDGE	
	That area of course had been I think had been surveyed already. Where there was a quick survey, I don't know.	
	TOM BENNION	
	Yes we certainly got a river forming part of the western boundary, yes? And other blocks giving previous surveys of other blocks -	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yeah.	
	TOM BENNION	
	Yeah, providing detail, okay. I want you then on this bundle I17 to go through to page 16. Do you see page 16?	
	DR DONALD LOVERIDGE	
	This is the Customs report?	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	And he's reporting on his triangulation, do you see that?	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	And just beside page 16 on your left is page 15, and you can see the triangulation result, yes?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	There's oh, the – that, that match -	
	TOM BENNION	
	I've repeated it as the very large of the attachment as well, so you can see this, the full page 19, so you can see full sketch map. Do you see that?	
	DR DONALD LOVERIDGE	
	Oh yes, yes okay.	
	TOM BENNION	
	Right.	
	DR DONALD LOVERIDGE	
	A sketch map yeah.	
	TOM BENNION	
	Yes, so in terms of, in terms of the external boundary and the sketch map approach, when John Ormsby asked the sketched survey of the boundary was made, would suffice for the purpose of a Certificate of Title, he's told, "No, you've got to complete the trig first."	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Mmm.	
	TOM BENNION	
	He was given an understanding that the two things would have to go hand in hand, yes?	
	DR DONALD LOVERIDGE	
	That, well I guess he's saying that until the trig is done, that a sketch is not acceptable, is that, is that what he's saying?	
	TOM BENNION	
	Well what I want, what I want your comment on is the fact that Mr Carson's sketch work a trig survey -	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	– goes right across and through the interior of the Rohe Pōtae establishing 43 trig stations. You see his report on page 16?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Let's see.	
	JUDGE AMBLER	
	Can you just give us the date of the report?	
	TOM BENNION	
	Yes I think it is 1880 – I have to provide the first page Sir. It's -	
	DR DONALD LOVERIDGE	
	I don't think the report is itself is dated. It's attached to -	
	TOM BENNION	
	Oh Sir, yes I haven't provided this.	
	DR DONALD LOVERIDGE	
	– something else I think.	
	TOM BENNION	
	Wait a second. Yes it's page 10 Sir you'll see.	
	DR DONALD LOVERIDGE	
	Oh yes okay, it's -	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	1884.	
	DR DONALD LOVERIDGE	
	It's that why, it's from the, it's his annual report for the 1883, '84 fiscal year, so I don't think it gives a specific date but it would've been put before the house in August of 1884, something like that, I think.	
	TOM BENNION	
	So my point is this, you're critical of the Maniapoto not proceeding forward with their application in delaying it and that being a problem, but actually the problem is that the Government tells them, "You're going to need to have the trig survey done in conjunction with this," and the trig work continues right across the middle of Te Rohe Pōtae.	
	DR DONALD LOVERIDGE	
	I'm not critical of Maniapoto for making that decision. I'm just saying they withdrew their application.	
	TOM BENNION	
	Well let's, yeah let's explore that a bit further.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yeah.	
	TOM BENNION	
	So, let me just on page 16, you see this, "Mr W Cousin, half way down, commenced to work on the west of Lake Taupō at the beginning of April and he covered the country west of the lake and down to the west of the Waikato River comprising an area of 500,000 acres, minor triangulation of a four to six mile site.	
1045	**DR DONALD LOVERIDGE**	
	Yeah.	
	TOM BENNION	
	So he didn't – in terms of the sketch boundary for the survey, he didn't even need to be on the west side of Lake Taupō did he? If you have a look at plate 9? It's got nothing to do with the external boundary does it?	
	DR DONALD LOVERIDGE	
	No, well there is no trig survey inside, inside Te Rohe Pōtae, yeah.	
	TOM BENNION	
	If you're having a line that cuts through the middle of Lake	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Taupō, as your external boundary, there's no need to be making for boundary purposes, there's no need to be running trig stations on the western side of Lake Taupō is there?	
	DR DONALD LOVERIDGE	
	Not that I'm aware of.	
	TOM BENNION	
	Yeah, and when you look at Cousin's report, do you see – I'm looking at page 30, when he's trigging or doing trig work on the western side of lake Taupō, he runs into Tūwharetoa leaders and has engagement with them and Wahanui and Taonui assist with letters and discussion to say, "It's all right. This is okay. This is what we've agreed to.	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	
	Yeah, okay. And you see on page 31 of the report or 18 of the bundle, there's a description of the country following the triangulation, how good it is in the interior, all those sorts of matters. What's valuable, what's also not valuable.	
	DR DONALD LOVERIDGE	
	Yeah.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes, okay.	
	DR DONALD LOVERIDGE	
	I'm not against as the triangulation has not sufficiently advanced to give a detailed description.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	My impression actually is that a lot of the detail given in that map is from Kerry's map of the King Country which was published earlier on, but again I have not sat down and compared them closely.	
	TOM BENNION	
	All right. Now, just while we're there, do you know if Taupō-nui-a-Tia, the Taupō-nui-a-Tia application later on in 1886 makes use of this trig work on the western side of Lake Taupō?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	That's it, I (inaudible 10:47:25) on that.	
	TOM BENNION	
	Now this map of, produced by Cousin's is of interest. I want to bring you to, back to your report at A41 page 144, 146.	
	DR DONALD LOVERIDGE	
	144 yes.	
	TOM BENNION	
	146.	
	DR DONALD LOVERIDGE	
	I'm sorry, 146.	
	TOM BENNION	
	And in A41.	
	DR DONALD LOVERIDGE	
	Yes, so 144, 146.	
	TOM BENNION	
	Yes to 146.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	146 okay.	
	TOM BENNION	
	Right, and there you say that – you record the events where the Atkinson Government (inaudible 10:48:17) to discuss pre-emption.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And that, put it this way, spooks Maniapoto and you call this a faux pas from the Atkinson Government but Ballance can't – the Ballance or the land administration comes in with Ballance and, and then he sets a new course.	
	DR DONALD LOVERIDGE	
	Well again, Ballance does bring in the proposal for pre-emption.	
	TOM BENNION	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	~~Especially~~Specifically in the context of, of putting land under the cover of pre-emption in order to wait until a land administration system is brought in (inaudible 10:48:49).	
	TOM BENNION	
	Right, so coming back -	
	DR DONALD LOVERIDGE	
	In fact, sorry in fact he wanted to bring in a land administration system immediately.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	But, but was talked in -	
	TOM BENNION	
	I'm interested in the pre-emption that Ballance brings in.	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	And you talk about that in page 152 of A41.	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And in particular, I'm looking at the, the quote – on the left-hand side in 151, it says, "It was planning to – the question was whether it was planning to introduce a Bill this session to reserve to itself all dealings in native lands for a distance of 10 miles of either side of the route. The Native Minister replied, "The first was under consideration with regard to the second. It was intended to submit proposals to the house during the present session," yes?	
	DR DONALD LOVERIDGE	
	Let me see.	
	TOM BENNION	
	So about, about -	
	DR DONALD LOVERIDGE	
	Yes I'm just coming -	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	And then on 152, the top, he introduces the bill that at this stage is called, “The Native Land Settlement Bill” yes?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
1050	Yes, and the map we have at plate 9 is the map produced with that.	
	DR DONALD LOVERIDGE	
	Yes it was attached to the original bill yes.	
	TOM BENNION	
	And the map we have at plate 9 is the map produced with that bill.	
	DR DONALD LOVERIDGE	
	Yes it was attached to the original bill yes.	
	TOM BENNION	
	Okay, now you’ve got a quote at page 152 from Ballance in the house, second reading of the bill.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Yes. He says, "The Government had intended to take land within a certain distance of the railway but gradually our views became expanded. We thought we could do justice for the colony. We should take in at any rate that extent of country which would be served by the railway. We then thought the best boundaries we could make would be ~~b~~ boundaries enclosing the watershed in connection it." Took a map, traced a line to give the railway that land which seemed to be benefited by it," yes?	
	DR DONALD LOVERIDGE	
	That's what he says, yes.	
	TOM BENNION	
	Yes and he's referring there to this plate 9 isn't he?	
	DR DONALD LOVERIDGE	
	I think so.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	No, and I would assume he was yes.	
	TOM BENNION	
	Now I want you to look closely back at my I17 and you can look at either page 15, which is a, is a close up of Cousin's map or page 19 which is the, which is the whole map shown.	
	DR DONALD LOVERIDGE	
	That one yes.	
	TOM BENNION	
	And if you look closely, Mr Cousin's sketch map of the King Country is the northern area shown in this Native Land Settlement Bill entirely.	
	DR DONALD LOVERIDGE	
	Maybe it's the area within – the boundaries are marked down the, the map. It shows the Rohe Pōtae, let me see.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well look closely, it is exactly the same map.	
	DR DONALD LOVERIDGE	
	It is yeah, yeah.	
	TOM BENNION	
	Yes. So Mr Ballance has taken Mr Cousin's trig survey of the Rohe Pōtae which Maniapoto agreed to and inserted that entire area as the pre-emption area under his Native Land Settlement Bill.	
	DR DONALD LOVERIDGE	
	Yes he has, mmm.	
	TOM BENNION	
	Now he says at page 152 in that quote, "We thought the best boundaries we could make would be the boundaries enclosing the watershed in connection with the North Island Railway. Do you see the route of the railway shown on that, on plate 9?	
	DR DONALD LOVERIDGE	
	Yes the – it's the blue line from – is it, is that right? The blue – the other – those are the at that point, the lines that were projected, so the lines yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Right. And you see that from the mountain ranges shown, that Mr Ballance is just not correct here because he's enclosing far more than the watershed in connection with the North Island Railway.	
	DR DONALD LOVERIDGE	
	In terms of the Rohe Pōtae block, he's including the whole block.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	I again, I'm not entirely sure what the watersheds are in the south of the district, no.	
	TOM BENNION	
	But in terms of the northern area of the district, his statement to the house is quite wrong isn't it?	
	DR DONALD LOVERIDGE	
	In terms of the watershed, yes.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	So why on earth would he make it?	
	DR DONALD LOVERIDGE	
	I don't know especially~~. I suppose~~ given that the map is in front of the members with the bill, so I mean again I don't think there was any, any doubt as to what, what he was talking about, what area he was including.	
	TOM BENNION	
	No, but I put this to you. Maniapoto agree in December 1883 to a survey of the area, and in conjunction with that, they're told, "You're going to need a trig survey across all of your area, the interior of it as well."	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And the result of the agreement to that is that in 1884, Mr Ballance says, "All of that. Thank you for that survey and the trigs. All of that I'm going to put under pre-emption, and I'm going to tell the house, that's not quite what I'm doing. I'm just taking the watersheds." That's what happened isn't it?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well I'm not quite sure I take your point. He has included the whole of the Rohe Pōtae in the railway district. It was what he had discussed, what he discussed with Wahanui apparently, and already discussed the bill by this point.	
	TOM BENNION	
	Why would he tell the house – I don't know what – we hadn't – we thought about what area to include?	
	DR DONALD LOVERIDGE	
	Mmm.	
	TOM BENNION	
	– in pre-emption. He should've more acutely said shouldn't he, "We thought about what area to include for pre-emption and we decided on the entire area that Maniapoto agreed to have surveyed in December 1883.	
	DR DONALD LOVERIDGE	
	Plus the rest of the –	
	TOM BENNION	
	Plus the south.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Plus the area, a larger to the south of that.	
	TOM BENNION	
	Can you see how to Maniapoto, that would've been a gross breach of the December 1883 understands about an external survey for tribal boundary purposes?	
	DR DONALD LOVERIDGE	
	Well I think again, he's very clearly indicated on this map where the boundaries are.	
	TOM BENNION	
	Yes but he's misleading the house isn't he about why he's got those boundaries.	
	DR DONALD LOVERIDGE	
	I -	
	TOM BENNION	
1055	Is he misleading the house when he says -	
	DR DONALD LOVERIDGE	
	Here, the description he gives is not a very good description of the -	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Well it's misleading isn't it?	
	DR DONALD LOVERIDGE	
	Well -	
	TOM BENNION	
	"We then thought that the best boundaries we could make would be the boundaries enclosing the watershed in connection with the North Island Railway." That's not true at all.	
	DR DONALD LOVERIDGE	
	Well it does include the – all of those and include some others as well. I take that I guess that's what he means, but again it -	
	TOM BENNION	
	It's misleading, highly misleading. He's taking in 100s of 1000s of acres -	
	DR DONALD LOVERIDGE	
	Okay.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	– outside the watersheds isn't he?	
	DR DONALD LOVERIDGE	
	Well he is yeah mmm, mmm.	
	TOM BENNION	
	Yes okay, and this is the pre-emption area that runs right through to the 1890s isn't it?	
	DR DONALD LOVERIDGE	
	No it's, it is abolished with the – when the 1886 Act comes into effect on the 1st of January 1887. Later on it is picked up and used by the Atkinson Government.	
	TOM BENNION	
	Yes.	
	DR DONALD LOVERIDGE	
	Yeah that is, that is the area they decide to apply for pre-emption to**,** yes.	
	TOM BENNION	
	Right, so, so coming back to your contention that Maniapoto delayed, this would be a pretty good reason for the – well one reason is, "The Government said you need to do a trig survey in conjunction with your sketch plan," and that wasn't	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	really required was it? A trig survey of the whole interior of the Rohe Pōtae for a sketch plan for the external boundary.	
	DR DONALD LOVERIDGE	
	Apparently not no.	
	TOM BENNION	
	What do you mean, “Apparently not?”	
	DR DONALD LOVERIDGE	
	Well again I don’t understand the technicalities of surveys and what exactly you need for this specific kind of survey that -	
	TOM BENNION	
	Well compared to the Waimarino block which I put in front of you -	
	DR DONALD LOVERIDGE	
	Mmm.	
	TOM BENNION	
	– that sketch plan is extremely rudimentary and is put together in a matter of weeks isn’t it?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Had there been a trig survey over the Waimarino block?	
	TOM BENNION	
	Well we've already gone over the ground that they only really needed to deal with the southern end. They had, they had natural boundaries on the western side and they said they'd already done from Pirongia to Ruapehu on the eastern side.	
	DR DONALD LOVERIDGE	
	Yeah and again they –it looks as if they had finished the southern boundary by approximately August if not before, yeah.	
	TOM BENNION	
	And in relation to that southern boundary, can you just go to plate 9 again which – so that's the one they, they really had to do the work on. The Waimarino block actually comes significantly over that southern boundary, doesn't it?	
	DR DONALD LOVERIDGE	
	Yeah.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	So that's the one boundary that gets ignored later on isn't it?	
	JASON POU	
	Sir just in terms of that final question that was asked by Mr Bennion, I didn't hear an answer from Mr Loveridge. I'll be relying on this transcript and I think the question was, "Was that the only boundary that was ignored," and I'd like to know whether or not Mr – Dr Loveridge agrees or disagrees.	
	DR DONALD LOVERIDGE	
	Sorry I thought I had answered, but could you repeat the question please?	
	TOM BENNION	
	I think you said, you said, "Yes," in answer to question.	
	JUDGE AMBLER	
	Just for clarify, just repeat the last question.	
	TOM BENNION	
	Yeah okay. So the southern boundary is the one which requires the survey work, yes?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And that is the boundary which has intruded on significantly by what becomes the Waimarino block in 1886?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Yes. Just while we're on that, I don't – in your reports, you don't deal with why that happens or how, how it happens?	
	DR DONALD LOVERIDGE	
	No I don't no, no.	
	TOM BENNION	
	Okay. All right. Sir I wonder if we take morning tea. I've just got, I've just got two small matters left and I just want to recollect my thoughts, thanks.	
	JUDGE AMBLER	
	Yes, right, take the break, well back at 20 past kia ora.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	HEARING ADJOURNS: 11.00AM	
	HEARING RESUMES: 11.21 AM	
	TOM BENNION	
	Another half hour or so, but my friends seem to be happy with that because it's dropping off some of their questions, but I'll proceed as quickly as I can, Sir.	
	KARANGA - TUTI BARRETT-ARANUI	
	Tēnā rā koutou, tēnā rā koutou e whakatikatika nei e, e te ao wairua e, tēnā rā koutou.	The kuia is...
	JUDGE AMBLER	
	Mr Bennion, I followed the cross-examination of the last patch quite closely but I just wondered if you could illuminate, for my benefit, the key points that arise out of this question of the survey and the survey plans that you've taken us through.	
	TOM BENNION	
	Sir, what I was putting to Dr Loveridge was that having agreed to an external survey and trig work, they did agree to trig work also, Maniapoto then discover that the entire area that's then subjected to this work is included in the Native Land Settlement Bill and Mr Ballance, for reasons, seem a little unclear or maybe we go as far as – well it must have been dismaying to Maniapoto, decides to include their	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	entire December 1883 agreement area within his pre-emption legislation and then says to the House, "We don't know, we're not sure how much we'll put under pre-emption, we'll just take out to the catchments," but that's not what he's doing. He's taking the whole of the Rohe Pōtae. It's a clear, in my submission which we'll come to I guess, it's an astounding about face or reneging on the understandings of December 1883. It's very difficult to read it in any other way, that Maniapoto might feel that they've now been set up for their land to be taken in circumstances or control of what happens to it in circumstances that they never envisaged. So, I was going to explore that a little bit further now with Dr Loveridge.	
	JUDGE AMBLER	
	All right.	
	TOM BENNION	
	Because I appreciate Dr Loveridge goes on to say there's a further history with Mr Ballance about what he subsequently does and I'm going to explore that a little bit now.	
	JUDGE AMBLER	
	Yes, I raise that with you for two reasons. Firstly, I'm conscious that the submissions are going to come some months later.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Yes.	
	JUDGE AMBLER	`
	And secondly it's not patently obvious to me from the pleadings as to this particular point, but you continue.	
	TOM BENNION	
	Yes, Sir, can I say that it arises in part from starting to put together the puzzle that's always been there about how the Rohe Pōtae fits with Waimarino and fits with Taupō-nui-a-Tia and I'm not sure we have any one report that's put all the pieces together. We really have to piece it together from the reports we get. That's my submission. Okay, Dr Loveridge, can I just to preface the next part of the discussion, can I take you to your A68 report, page 26. A68, page 26.	
	DR DONALD LOVERIDGE	
	Yes, just a second, please. Sorry, what page?	
	TOM BENNION	
	Twenty six, twenty six and I'm looking at footnote 50. Do you have that?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes, I do, yes.	
	TOM BENNION	
	Now, I realise this is–1885, but I want to put a general proposition to you. Do you see footnote 50 talks about an English visitor to the King Country in March of 1885?	
	DR DONALD LOVERIDGE	
	Um, yes.	
	TOM BENNION	
	And he reported that the chiefs he spoke to all appeared to have a fixed idea that when they were in a position to do so they would lease their lands and not sell them. Asked why, one replied, "Well, when we begin to lease that we'll get a sufficient income for our purpose and when the lease has fallen in whatever number of years then our children and grandchildren will be enormously rich in consequence of our not having dispossessed of our lands which will then be increased in value of the railway passing through." Now, I just want to put to you as a general proposition that those statements record not just an intention about land transactions, but about a broader vision, about control, management, a future plan for the territory, is that fair?	
	DR DONALD LOVERIDGE	
	Well, yes, this is from, as I said, I think that someone is	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	referring to this article in the New Zealand Herald that says, "My supposition," but we don't know anything about the person doing it. But certainly, I mean Maniapoto say repeatedly they want to lease land.	
	TOM BENNION	
	So, when we come to the issue of pre-emption, we area also not just talking about a price for land, but the impacts of that on a broader vision such as this, aren't we?	
	DR DONALD LOVERIDGE	
	I'm not so sure I follow you.	
	TOM BENNION	
	So, if people are not in control of the price at which they can deal with land or they are forced to deal with one agent, that upsets that vision that we see set out in footnote 50, doesn't it, has implications for that vision, doesn't it?	
	DR DONALD LOVERIDGE	
	Well, it depends if they have a leasing option, what is to stop them from pursuing that option?	
	TOM BENNION	
	Yes, and if they have one person seeking to purchase in fixing the price and say that has an impact on the ideas expressed in that vision.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	If, I take it, you're sort of taking us to the idea that the Crown would, that the Crown might use that pre-emption for purchasing, is that right?	
	TOM BENNION	
	Yes, I'm just talking about the fact that pre-emption is not just about a price for the Government forcing a price or fixing a price for land and it's purchasing, but that it has broader implications about how people might have felt they would deal with land and about therefore their broader vision for the future, for their territory.	
1130	**DR DONALD LOVERIDGE**	
	Well, again, this – let's sort of back up a bit here. The initial Bill that's put in, that Ballance puts in, provides – puts pre-emption on the railway district and provides for a system of managing land which is one of the stages in this Land Board idea that all alienations will take place through the mechanism of a board or some similar thing, that the owners will decide what they want to do and then we'll use that board as an agent for leasing or selling or whatever. Now, when Wahanui makes his address to the House, Ballance immediately stands up and says, "Well, okay we won't proceed with that plan we'll just leave the pre-emption in place and we'll bring in another plan of a similar nature next year." There is no discussion of the Crown proceeding	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	~~with the~~to purchase within the Rohe Pōtae certainly.	
	TOM BENNION	
	My point is simpler than that. My point is simply that if one drops a pre-emption law on top of that quote if you like, where one agent, the Crown, fixes the price and the Crown is the only person that one can deal with, that has implications not just for – it's not just a matter of how much one gets for the land, but it affects a broader vision about dealing with land and how to deal with land and how that might manage the community.	
	DR DONALD LOVERIDGE	
	Any kind of system impacts on that. As I say, I don't believe there was any intention by the Crown to use pre-emption to make purchases within the Rohe Pōtae and they didn't during the period of this Bill.	
	TOM BENNION	
	Well, this Bill clearly covers it, doesn't it? It applies pre-emption to the Rohe Pōtae.	
	DR DONALD LOVERIDGE	
	It applies pre-emption to the Rohe Pōtae. There is a clause in there but Crown, not prejudicing the Crown's right to purchase –	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well, let's come back to your A41 and I want to go to page 160, and there's an interesting little incident around this legislation.	`
	DR DONALD LOVERIDGE	
	Sorry, 160?	
	TOM BENNION	
	160. There's an interesting incident around this legislation which I'm going to suggest to you is very telling about what Mr Ballance will and won't accept in terms of Māori control. Do you see at 160 you talk about what happens to the Native Land Settlement Bill now the Native Land Alienation Restriction Bill when it gets to the legislative council?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	And you know that Cathy Marr deals with this in a little more detail in her report?	
	DR DONALD LOVERIDGE	
	Yes, she does, yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	So, just very briefly, Mr Ballance drops out of the Native Land Settlement Bill, the whole system of boards or management of that nature and by the time he gets to the legislative council it simply is imposing Crown pre-emption and it's a very brief piece of legislation, yes? And the legislative council adds a clause that if the Crown is going to purchase, its negotiations will be conducted publicly and by the representatives of the tribes and hapūs recognised by the Native Committees under the Native Committees Act 1883?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Right, now let's be clear here, Mr Ballance, if he had done nothing and if his Government had simply done nothing, the Act would've gone through and it would've said, "Crown has pre-emption and it can negotiate it, but it's going to do it publicly and it's got to do it under the Native Committees Act." That's true, isn't it?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes, all right, but he doesn't do nothing, he very actively organises with Mr Bryce to appeal to the legislative council not to make this amendment?	
	DR DONALD LOVERIDGE	
	Yes, it's rejected by just about everyone in the House as far as you can tell.	
	TOM BENNION	
	All right, and his reasons for this are not that – well, he just doesn't want them to be arbiters of ~~as a~~ price, is that the idea?	
1135	**DR DONALD LOVERIDGE**	
	I think the response is and I'm speaking from memory here that they don't think that the Native Committees are an appropriate mechanism for dealing with purchase and that Ballance wants, he wants a different system for that. He wants owners' committees to be the ones to make decisions about purchases, not these general district level Native Committees.	
	TOM BENNION	
	Well, the Native Committees under the Native Committees Act that Mr Bryce has assured Maniapoto are appropriate.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes, but he wasn't talking about purchase. All I'm saying here is that Ballance has a pretty specific programme about how he wants the system to work and he wants all the power to be concentrated in the hands of the block committees if you like.	
	TOM BENNION	
	But that's not what he says to the House at all?	
	DR DONALD LOVERIDGE	
	I'm sorry, I don't again have that in front of me at the moment.	
	TOM BENNION	
	Isn't it the case that here's a simple opportunity for him to allow a fetter on the Crown's pre-emption which will have Native Committees working publicly, negotiating with the Crown and he actively tries to take that option out of the hands?	
	DR DONALD LOVERIDGE	
	Yes, he does actively take that off –	
	TOM BENNION	
	Yes, and this again is in the context of a piece of legislation	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	where he's included a whole lot of Rohe Pōtae district?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	So when in 1885 in subsequent periods when he's talking about the Native Committees and he says, "Gee, I'm interested in those Native Committees, I think we should get further legislation in the House," it's disingenuous isn't it? He had a clear opportunity here to allow the Native Committees to operate and he just was having none of it.	
	DR DONALD LOVERIDGE	
	I think you're assuming that in 1885 that if he had brought down legislation that they would've included such a clause. The Crown is always extremely reluctant to have any impairment on its ability to deal directly with owners under pre-emption. Rightly or wrongly, I'm not defending it~~that~~.	
	TOM BENNION	
	So there is a consistency here that owners setting the price or the Crown, the owners or the price being the market price if you like, is something that Mr Cadman and the subsequent Atkinson Government has a real problem with?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Oh, yes.	
	TOM BENNION	
	And Mr Ballance also?	
	DR DONALD LOVERIDGE	
	Well, he doesn't, in terms of his other system he wants to put in place and does put in place.	
	TOM BENNION	
	Why on earth would he turn down this amendment then? It makes no sense, does it?	
	DR DONALD LOVERIDGE	
	No, I don't know.	
	TOM BENNION	
	It's inconsistent with his –	
	DR DONALD LOVERIDGE	
	I don't think it, I don't really think it is, but you're right, you would've thought he would've supported it rather than	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	opposed it. But again as I say, I think it's because the question of whether the Crown should have that sort of a restraint on it's negotiation with owners.	
	TOM BENNION	
	Can I just take you to finish the story with Mr Ballance, can I go to A68 and page 134.	
	DR DONALD LOVERIDGE	
	134?	
	TOM BENNION	
	134 and this is in the – this is much later, this is in the 1891 period.	
	DR DONALD LOVERIDGE	
	Sorry, what chapter are we in? December of 1891, yes.	
	TOM BENNION	
	Yes, and I mean it's after Mr Ballance's proposals and his legislation and his disappointment about what happened with those.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well, it's four or five years later.	
	TOM BENNION	
	Yes, and I'm just looking at the top of page 134, well, I'm looking at the bottom of page 133, "It would not be permitted," Ballance declared, "That the Natives should continue to hold the keys of the country and block settlement wait till their lands were enhanced enormously in value by the labour and exertions of the colonists." He assured the New Zealand Herald's reporter, that the Government would see that the rights of the public in these lands in the King Country were duly conserved. I'm just wanting your comment on what does he mean by the rights of the public in these lands of the King Country?	
	DR DONALD LOVERIDGE	
	Well, this is the stage where the Crown is negotiating with the tribes about getting them to give the Crown a privileged position in the purchase of certain blocks. The proposal seems to be generally, as far as the information we have that the offer that the Crown was offering, if they could be allowed to purchase selected blocks along the railway, that they would remove the restrictions on all the other lands within the railway district, and Ballance here, the policy now, and this is 1891, the policy now of the Government is that they turn back the clock and said that that Maniapoto and the other tribes should be required to co-operate in making provision for the Crown to acquire certain lands.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
1140	**TOM BENNION**	
	Right.	
	DR DONALD LOVERIDGE	
	I don't think I can make it clearer than that in summary.	
	TOM BENNION	
	Yeah bottom, bottom line is that Mr Ballance is not adrift from Mr Cadman at that stage is he?	
	DR DONALD LOVERIDGE	
	No he's not.	
	TOM BENNION	
	He's saying, "Pre-emption's, this is going to happen, unless you move out of the way and we see rights of the public in those lands."	
	DR DONALD LOVERIDGE	
	Ballance is prefer – I mean there, as I pointed out in this report, there's several, several factions within the cabinet and the Liberal Caucus. There are those, there ~~was~~ were those like Rees who want a land board system ~~(inaudible 11:41:07) who want a Lambert system.~~ There are those like Cadman who want just a continuation of Crown purchase if	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	you like. Ballance seems to have been thinking that what they should do is require Māori to put their unused lands through the Crown on perpetual lease.	
	TOM BENNION	
	Mmm.	
	DR DONALD LOVERIDGE	
	So I mean there's a huge number of ideas floating around, but yes the party line if you like here, is that the Crown is going to maintain pre-emption and pre-emption purchase and that here they're willing to explore one alternative way of doing that, yes.	
	TOM BENNION	
	Okay, now just two, two short matters and then I'll, then I'll finish. The – I want to come back to my bundle I17, I17 page 5. Do you see it's a report of Mr Wilkinson of June 1891?	
	DR DONALD LOVERIDGE	
	Oh yes, yes.	
	TOM BENNION	
	Yeah so this is one of his, one of his many reports on the, on the King Country. I just want to explore very briefly what the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	state of the King Country was according to Mr Wilkinson in 1891. Do you see under "Social Position" on page 5 there, "With regard to the social position of the natives, more especially of the upper Waipā and King Country, there is not much change since my last report. The absence of much European settlement in their midst is in a measure the cause of their not making rapid progress. The record for temperance still holds (inaudible 11:42:33) and crime is very rare among them, and they're largely for sheep rearing," and he's got 12,000 sheep there, yes?	
	DR DONALD LOVERIDGE	
	Yes, yes.	
	TOM BENNION	
	Now I want you to come to the top of page 7 and you see from the bottom of page 6 and over, he's talking about the Māori census. See bottom of –	
	DR DONALD LOVERIDGE	
	Oh yeah, yes I can see it yes.	
	TOM BENNION	
	Yes. And the top of page 7 there or 4, the second sentence. He talks about, the sentence says, "This however must not	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	be looked upon as absolutely correct (that's his numbers) because the king natives, wherever they were living, refused to give any information whatsoever regarding themselves, their cultivation or the livestocks. So it turns from districts where they're living, so far as they're concerned estimated. So in this period in 1891 in the King Country in general, King natives are still refusing to give figures to Government officials." Is – that's what it's expressing?	
	DR DONALD LOVERIDGE	
	Yes definitely yeah, yeah.	
	TOM BENNION	
	All right.	
	DR DONALD LOVERIDGE	
	I mean well he says King, I don't know that we can absolutely – they may have another sort of similar view. It was fairly common at the time.	
	TOM BENNION	
	All right.	
	JUDGE AMBLER	
	Mr Bennion just to be clear, you said 1891?	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes, and at page 5, it refers to AHR 1897 but the report actually relates to the 1891 year does it?	
	DR DONALD LOVERIDGE	
	Yes this is in 1885 report yes.	
	TOM BENNION	
	Oh that must be my error Sir in recording the -	
	DR DONALD LOVERIDGE	
	Yeah there's an – you can see the date of, the date of Wilkinson's report is 10 June 1891.	
	JUDGE AMBLER	
	Yes all right thank you.	
	TOM BENNION	
	That's my error in carrying over the number. I put a seven instead of a one.	
	JUDGE AMBLER	
	Okay thank you. Sorry about that.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Now I'm quickly going to page 8 or page 5 of the report, "And the Native Land Laws Commission is mentioned there. This is the Rees Commission?	
	DR DONALD LOVERIDGE	
	Yes.	
	TOM BENNION	
	Okay, and the statement there, "The chiefs and people refused however, to give their views or make any suggestion whatsoever to the commissioners." Now don't give me a reprise on the Rees Commission because I kind of accept what you've got there. But it's very clear isn't it that Maniapoto come to the Rees Commission and very organised in terms of saying to that commission, "We are not talking –	
	DR DONALD LOVERIDGE	
	Right.	
	TOM BENNION	
	– about amendments to these Native Land Acts until we solve this pre-emption question.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Absolutely yes.	
1145	**TOM BENNION**	
	Right so they're together as one on that one?	
	DR DONALD LOVERIDGE	
	Well there's the people who are presenting to the Lands Commissioner and certainly they appear to be all the main people.	
1145	**TOM BENNION**	
	And here, I'm just looking at this last bit of Wilkinson again on the same, under the Native Land Laws Commission, the last sentence, "It is to be regretted that they acted in this way because they and the Urewera tribe may be said to be the only tribes in New Zealand whose lands are at present and what I call a virgin or intact state and he goes on to say, "Therefore, laws on native lands will have a far more important bearing upon them and their lands than those of any other tribe in New Zealand." So, he's still recording a very separate group, very – a carefully governed group with a very clear agenda about pre-emption, yes?	
	DR DONALD LOVERIDGE	
	No land has been sold or leased legally at least in the King Country up to this point.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	TOM BENNION	
	Now, just concluding then, so, in terms of the end result here, the Crown gets its railway and it gets it with pre-emption imposed along the route of the railway and it gets some bonus in terms of price there and being able to fix the price, yes?	
	DR DONALD LOVERIDGE	
	Are we talking about 1891 or –	
	TOM BENNION	
	Subsequently when the Crown purchases, what it ultimately gets.	
	DR DONALD LOVERIDGE	
	Yeah, well, from 1888, as I said, the Atkinson Government re-imposes or imposes pre-emption on the railway district after it had been abandoned and from there on the Crown was purchasing under its pre-emptive monopoly.	
	TOM BENNION	
	In terms of the things that Maniapoto seek from the early days, that the agreement about external boundary survey committees to arrange matters, fair price, they get none of those things?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yeah, well, they can lease. There's the – I think there's the principle of restraint that under the Crown pre-emption from 1888 onwards, basically, their only option in terms of alienation is sale to the Crown. There are no other options, unless – well, there's hence occasionally that there's some illegal leasing going on but nothing specific like that.	
	TOM BENNION	
	Sir, that's all I –	
	JUDGE AMBLER	
	Did you recover footnote 2933, the document you wanted to...	
	TOM BENNION	
	This is apparent in the minute of the Native Affairs Committee?	
	JUDGE AMBLER	
	This is from Marr A78, pages 877 to 878 and you referred to footnote 2933.	
	JASON POU	
	Sir, I note that's in Ms Marr's document bank A78(a) volume 1, it's at page 153 which is actually page 235 of the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	PDF Sir.	
	TOM BENNION	
	It says, I understand - so that's the minutes of the Native Affairs select committee. I'm happy to just leave it on the basis of – I put the matter to Dr Loveridge that it was odd for Mr Bryce not to mention it. He had some comment on that and he said well he'd like to see the minutes. I think I'll just leave it at that, Sir.	
	JUDGE AMBLER	
	Leave it on this basis, we have – we know where the document is and Mr Melvin, well, Dr Loveridge will have an opportunity to review it and Mr Melvin may want to raise it with him in re-examination if no one else raises it.	
	JASON POU	
	And if it helps, Sir, because I was going to pick up on it and I might just leave it now. I've emailed it to Ms Dornan so that it can go into your cloud or however it's going in so that everybody could have a look.	
	JUDGE AMBLER	
	It sounds like it's already there.	
	JASON POU	
	One is a handwritten one, the one I found was the actual	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	AJHR reference that I've pulled off and sent it through. I'm not sure if – we couldn't locate that in the document bank Sir, so that's the minute followed by the petition.	
	JUDGE AMBLER	
	Thank you. Now, is it Ms Rongo?	
	JASON POU	
	Sir, sorry, just to interrupt this once again, there was another reference to Whanganui Herald article that Dr Loveridge said he wanted to read. I've also tracked that down too, Sir, and I've sent that through and that related to perceptions of the cohesiveness of the Kīngitanga that were written by, and I think Ms Marr says by the paper that was owned by Ballance at eight, was that page 852 I think it was Sir.	
1150	**JUDGE AMBLER**	
	Page 852 of Marr.	
	JASON POU	
	Of the Marr report. Mr Bennion got into some discussion with Dr Loveridge about whether or not he trusted the way that Ms Marr reports her sources and how thorough she was. I've tracked down that report and that's there too Sir, but oh the Herald article, not the report Sir.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	Thank you.	
	GLENN TOOTILL	
	Sir just before Ms Rongo starts, we've got a bit of list and it has reduced from yesterday but I can advise that based on the estimates, it will go into the next session. Just in your hands in terms of whether you're happy with that or whether you want to claimant counsel to finish in this session in order to give the Tribunal -	
	JUDGE AMBLER	
	No I think we are comfortable for you to go into the next session.	
	GLENN TOOTILL	
	Okay.	
	EVE RONGO	
	Tēnā koe Dr Loveridge.	
	JUDGE AMBLER	
	I have been told not too far.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	GLENN TOOTILL	
	Well Sir based on the estimates, it will take up about half of the next session.	
	EVE RONGO	
	Tēnā koe Dr Loveridge. Now I'll be picking up on where my learned colleague Mr Bennion finished off with regards to pre-emption. The documents you'll need in front of you are your A68 report, excellent, and the – may also be helpful to have the stage 1 map book available to you. It's a large document A70.	
	DR DONALD LOVERIDGE	
	No I have that yes.	
	EVE RONGO	
	Yes that's it, and now can you turn to page 206 of your A68 report?	
	DR DONALD LOVERIDGE	
	206 yes.	
	EVE RONGO	
	206 and I'm looking at 231.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes.	
	EVE RONGO	
	Now just four lines down, with the sentence starting, “Private individuals.” You say, “Private individuals could not legally acquire, use or occupy Māori lands because of the Crown’s assertion of its pre-emption right,” is that correct?	
	DR DONALD LOVERIDGE	
	Yes.	
	EVE RONGO	
	Okay you were discussing the Aotea block there weren’t you?	
	DR DONALD LOVERIDGE	
	Um, yes, yes.	
	EVE RONGO	
	Okay, now I’d just like to establish the area covered by pre-emption. I know you’ve been through this with Mr Bennion but this will be really quick. If you can turn to page 19 of that same report? Okay that map highlights the areas covered by pre-emption 1884 is that correct?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	This is the map that's in, in the map book, the big -	
	EVE RONGO	
	That's correct yes.	
	DR DONALD LOVERIDGE	
	– big coloured one, yeah, yes.	
	EVE RONGO	
	It's the same map.	
	DR DONALD LOVERIDGE	
	Same map, same colour on the PDF.	
	EVE RONGO	
	Okay so the boundary is marked in orange is that right?	
	DR DONALD LOVERIDGE	
	Yes, this is the boundary that was used for the, the 1884 Act. There was – this was the map that went with the bill and they used it for the Act.	
	EVE RONGO	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	And it's often referred to as the 1884 railway district.	
	DR DONALD LOVERIDGE	
	Yes that's certainly when I refer to it. What happened, this was abolished in 1886 with the Native Land Administration Act from the 1st of January '87 but when they re-imposed pre-emption in 1888, they used the same boundary for pre-emption. Now but again we have this complication that there's an overlap of several different forms of pre-emption being imposed, two different forms, and it gets a little hazy in the early 90s as to exactly what is under pre-emption what is not, and then in 1894, the whole country is put under the pre-emption, so that boundary, well, sort of disappears, yes.	
	EVE RONGO	
	That's correct and the pre-emption goes up until 1901?	
	DR DONALD LOVERIDGE	
	Well the 1900 Act, the Māori Land Administration Act system replaces it basically.	
	EVE RONGO	
	Is imposed so pre-emption stops in 1901, is that correct?	
	DR DONALD LOVERIDGE	
	1900 yes basically, yeah.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	EVE RONGO	
	Okay thank you. So now I just want to compare the area that pre-emption was applied to the Te Rohe Pōtae district inquiry. Are you familiar with those boundaries?	
	DR DONALD LOVERIDGE	
	Um, fairly yes, um.	
	EVE RONGO	
	If you flip over the map book, you'll see plate 8 I think it is. It may assist you -	
	DR DONALD LOVERIDGE	
	Where, this one?	
	EVE RONGO	
	– in comparing the regions. So we, if we exclude the area north, the Whaingaroa rohe -	
	DR DONALD LOVERIDGE	
	Yes.	
1155	**EVE RONGO**	
	The Te Rohe Pōtae District Inquiry basically fits squarely	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	within that, that railway district, doesn't it?	
	DR DONALD LOVERIDGE	
	Yes, as far as I know, all of it fits within the – the inquiry district fits entirely within that railway district, yes.	
	EVE RONGO	
	Excellent, okay. Now, I just want to go back to what you were saying about when pre-emption applied.	
	DR DONALD LOVERIDGE	
	Yes.	
	EVE RONGO	
	So pre-emption with 1884, when did that stop with the 1884 Act?	
	DR DONALD LOVERIDGE	
	It stopped with the passage of the – the Native Land Administration Act came in as of the 1st of January 1887, so at that point the boundaries disappear, if you like.	
	EVE RONGO	
	Yes, and is that when it goes to – that when it's the national whole of New Zealand?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	No, well, the Native Land Administration Act it covers the whole of New Zealand or the north island anyway, and as I say, then it's when they re-imposed pre-emption in 1888 solely on the railway district.	
	EVE RONGO	
	Right, okay, so throughout that whole period it applied to the Te Rohe Pōtae district inquiry?	
	DR DONALD LOVERIDGE	
	Yes, as far as I can tell, yes.	
	EVE RONGO	
	Okay, so that would be from 1884 right through to 1901?	
	DR DONALD LOVERIDGE	
	I think for all intensive purposes with one or two niggles here and there, it applies from – and from August, is it August or September of 1884 through to 1900 –	
	EVE RONGO	
	Thank you, okay. Now, moving on to your earlier quote on page 206 where you conclude that private individuals could not legally acquire use or occupy Māori lands because of Crown assertion of its pre-emptive right. I just want to make	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	sure I've got a full understanding of the Crown's pre-emptive right. Now, it means that Te Rohe Pōtae Māori could not sell their land to anyone besides the Crown, is that right?	
	DR DONALD LOVERIDGE	
	That's right, yes.	
	EVE RONGO	
	Okay, it also means that Te Rohe Pōtae Māori couldn't lease their lands?	
	DR DONALD LOVERIDGE	
	They couldn't enter into any contract for alienation for their land, with sale, lease, mortgage, anything, yes.	
	EVE RONGO	
	Yes, mortgage, right, so no licenses?	
	DR DONALD LOVERIDGE	
	I don't think so, no.	
	EVE RONGO	
	They couldn't receive any royalties?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	No, again, I'm open to correction on the legal details of this but to the best of my knowledge, no.	
	EVE RONGO	
	Okay, so in your report A41 and A68, you don't look into mortgages at all, do you?	
	DR DONALD LOVERIDGE	
	Not really, no, there's no readily accessible data on that.	
	EVE RONGO	
	Okay, and the advances to Settlers Act, you don't look at that either in those –	
	DR DONALD LOVERIDGE	
	I look at that in my A – the 20th century, the one we're not dealing with here.	
	JUDGE AMBLER	
	A93?	
	DR DONALD LOVERIDGE	
	A93, thank you, yes.	
	EVE RONGO	`

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Okay, that was A93.	
	DR DONALD LOVERIDGE	
	~~Just on~~To some extent, yes.	
	EVE RONGO	
	Thank you, okay. Now, Dr Loveridge, Te Rohe Pōtae Māori opposed the act of pre-emption, didn't they?	
	DR DONALD LOVERIDGE	
	They ~~imposed~~opposed, well, as I say, it appears that in 1884 they told the Government they were not going to proceed with their application as soon as they got the Atkinson Government started talking about the imposition of pre-emption, when Ballance brought in pre-emption with the 1884 Act, as I said, it was on the basis that this would be replaced very shortly with a new regime for land administration, and I can't put my hand on it, but Wahanui and some of the others agreed to it simply on that basis as a protective mechanism that they did not want people dealing with their lands so they were agreeable to that.	
	EVE RONGO	
	Okay, so they agreed on pre-emption because of its protective mechanisms but they didn't, but they opposed the impact that pre-emption had on them and their ability to do what they wanted to do with their land, is that correct?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Well, I think it suited them at that moment because they hadn't decided how they wanted to have titles ascertained or if they were going to take their land to the Court and you know, a three year, or whatever period of time it took was reasonably agreeable until those decisions were made. As soon as the new Atkinson Government brought back pre-emption in 1888 they made it very clear that well, again, insofar as it protected them, until things were ready to go, that's okay, but as soon as they were ready to sell, to deal with their land, they started to protest very vigorously against the continuing and position of pre-emption.	
	EVE RONGO	
	Thank you, and can I get you to turn to page 207 of your A68 report?	
	DR DONALD LOVERIDGE	
	Yes.	
	EVE RONGO	
	So that's page 207 of your A68 report, paragraph~~age~~ 232.	
	DR DONALD LOVERIDGE	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	EVE RONGO	
	At the bottom of that paragraph you've got a written submission from John Ormsby where he was talking to the Stout Ngata commission in 1907.	
	DR DONALD LOVERIDGE	
	Yes.	
1200	**EVE RONGO**	
	And in your report you've said that for nearly 25 years Ngāti Maniapoto had endeavoured to establish satisfactory methods of utilising our lands, but notwithstanding all our efforts, the laws affecting native lands have proved harassing and entirely against progressive settlement. You then go on to conclude that one will be hard pressed to find a better summation of the impact which Crown policies had on the King Country and its occupants in the two decades which followed the opening Rohe Pōtae to the Crown and settlers in early 1880s. Is that what you say?	
	DR DONALD LOVERIDGE	
	That's what I say yes.	
	EVE RONGO	
	Okay. Okay thank you Dr Loveridge, those are all the questions I have for you today.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Thank you.	
	MARK McGHIE	
	Kia ora Dr Loveridge. I was just wanting to start with the conclusion of a couple of your reports, the conclusion to the A41 report, where you say, “Setting aside a couple of -	
	JUDGE AMBLER	
	Just pause Mr McGhie.	
	DR DONALD LOVERIDGE	
	So can you take me to -	
	JUDGE AMBLER	
	Which page?	
	DR DONALD LOVERIDGE	
	Yes.	
	MARK McGHIE	
	It’s in the summary. I can say 41A page 12.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I'm sorry are we in the summary or the report?	
	MARK McGHIE	
	Oh the summary repeats the report conclusion -	
	DR DONALD LOVERIDGE	
	Oh it does ~~sir~~certainly, now just – I can't find, be on the same page as you.	
	JUDGE AMBLER	
	We have got our – the report open, so perhaps I think you got the right – I have got the same paragraph numbers. Can you refer to -	
	DR DONALD LOVERIDGE	
	Oh okay yes Sir I can.	
	MARK McGHIE	
	I've got the summary open at the last paragraph of the summary.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yeah what's the paragraph number? Does it have one?	
	MARK McGHIE	
	1X not 1X.8	
	DR DONALD LOVERIDGE	
	Yes I have that. That's on page 207 of the report.	
	JUDGE AMBLER	
	Yes thank you.	
	DR DONALD LOVERIDGE	
	Yes.	
	MARK McGHIE	
	Your conclusion apart from two specific instances, the Crown consistently live up to the promises and undertake and made by its representatives during the course of the King Country negotiations.	
	DR DONALD LOVERIDGE	
	Yes.	
	MARK McGHIE	
	That was your A41 report. Do you still hold to the same con,	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	conclusion?	
	DR DONALD LOVERIDGE	
	The same basic conclusion yes. In terms of as I said, the specifics of the agreements made up 1886, in 1885, 1886.	
	MARK McGHIE	
	What it's referring to is yesterday the Crown opening submissions paragraph 29. They got a heading "1885 undertakings" which flowed from Ballance's meeting at Kihikihi. The Crown committed to pay compensation for land it took for the railway to limit takings to such land that was reasonably required for safe and efficient railways et cetera. Do you think the Crown lived up to those undertakings?	
	DR DONALD LOVERIDGE	
	I suppose I'm aware in terms of the amounts of land taken. I realise there were areas beyond the one chain for various reasons.	
	MARK McGHIE	
	There are a number of commitments which came from Ballance's meeting, not just about the amount of land taken. To minimise harm the railway might cause. To ensure Rohe Pōtae Māori decides some economic benefit. Have you looked at those? Do you think the Crown kept to those?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I have not looked in detail at all of those. My – again I believe that they kept the main parts of them, but I'm open to correction on this. This was a quickly written, a fairly narrowly focussed report. You know, there may well be more, especially on that area, that I don't have full information on.	
	MARK McGHIE	
	You hadn't considered those undertakings at the time?	
	DR DONALD LOVERIDGE	
	Well I was, because again I had no secondary sources to read on them other than I think Justice Smith mentioned them, and there was nothing to work with at that time, and I have not dealt with them myself in my reports, so I again, if I'm wrong, I am open to correction.	
	MARK McGHIE	
	Your A90 report, in the conclusion of A90 at paragraph 86.	
	JUDGE AMBLER	
	Just pause.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Sir at what page?	
	JUDGE AMBLER	
	Can I have the paragraph and number, paragraph again?	
	MARK McGHIE	
	86, the final paragraph.	
	DR DONALD LOVERIDGE	
	Yes.	
1205	**MARK McGHIE**	
	You appear to be saying the Crown can really have its cake and eat it too, that it always had this policy of buying extensive land which I think the Government said in 1884 which Ballance repeated in 1885, 1886 and is what happened, but then you're saying Ballance wasn't ~~per~~deceptive when he didn't go to Māori at Rātana and at Kihikihi until Māori did. He didn't say he was going to – the Crown was going to buy extensive land, did he?	
	DR DONALD LOVERIDGE	
	This is my conclusion about the specific issue of whether Ms Marr has said that Ballance completely changed their	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	policy on Crown purchase within the railway district.	
	MARK McGHIE	
	But you're saying the Crown didn't change its policy, but –	
	DR DONALD LOVERIDGE	
	Well, I'm – they didn't change their policy, they said very clearly at the beginning –	
	MARK McGHIE	
	The policy is different, isn't it, from what Ballance said at Ratana and Kihikihi –	
	DR DONALD LOVERIDGE	
	Well, I've looked at that, it's – I've discussed that in the report what he said in the –	
	MARK McGHIE	
	Yes, I'm just wondering how you can get to that conclusion when the Crown policy didn't change, yet Ballance didn't go to Rātana and Kihikihi and tell Māori that the Crown policy was to buy extensive land?	
	DR DONALD LOVERIDGE	
	Well he did at – let me see.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	MARK McGHIE	
	In the Crown openings yesterday, the Crown seemed to acknowledge it.	
	JUDGE AMBLER	
	Just pause Mr McGhie, the witness is trying to find the relevant part of his report.	
	DR DONALD LOVERIDGE	
	Over here, um, well, I discussed the meetings at the – let's see, at Ratana and at Kihikihi at, let me see, we'll find the – I note that it's on page 44 of my A90. I'm referring in para 59 to the Ratana meeting. Ballance explained that his likely plans for a land board system which he was planning to lay before Parliament and then he goes on to discuss sales and leasing. He simply didn't say they weren't going to buy for their lands, but why would he, I mean if a policy has been announced and is in place, why would he then stand up and say, "Well, no, the policy hasn't changed."	
	JUDGE AMBLER	
	So, just whereabouts on that page?	
	DR DONALD LOVERIDGE	
	Sorry, I'm at para 59 at the top of the page.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	MARK McGHIE	
	Where Ballance speaks about leasing land?	
	DR DONALD LOVERIDGE	
	Well, again he talks about his plans for the land board system which he was hoping would make it – not make it necessary for the Crown to purchase land to open it up for settlement. That was his stated view on that.	
	MARK McGHIE	
	He's hoping, but does he make it clear to Māori if they don't lease their land the Crown is going to want extensive land? He doesn't make that clear, does he?	
	DR DONALD LOVERIDGE	
	Well, again he – I'm speaking in terms of what's been said by Ms Marr. He does not – he does not say the Crown is going to purchase, he's saying it's preferable for all concerned if you're leasing your land under the new system and then again ~~if —~~when he's taking about at Kihikihi later this is further down the page, and again he's not talking, he's saying that what you should do is lease your land through the boards when we set them up.	
	MARK McGHIE	
	The Crown's submissions yesterday at paragraph 16.5.4 the Crown acknowledged that at Kihikihi Ballance, they say it's a	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	proposal, the Crown would retain the ability to make direct purchases, but this power was expected to be used sparingly?	
	DR DONALD LOVERIDGE	
	Yes, that's what he says, "I am not anxious that the Government should purchase land."	
	MARK McGHIE	
	But that's not the Crown policy, is it? Ballance is not relaying the Crown policy to them which is extensive land purchases.	
1210	**DR DONALD LOVERIDGE**	
	No, he's saying he's not anxious that they are going to, they have said they are going to purchase land, he's saying that with the new policy he's hoping they will not have to purchase land.	
	MARK McGHIE	
	Obviously Ms Marr is saying what he expressed in Parliament in 1885 is different from what he said to Maori at Rātana and Kihikihi which is quite correct.	
	DR DONALD LOVERIDGE	
	No, what she says is that Ballance puts forward a completely new policy which is not the case, in my opinion, I've discussed it.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	MARK McGHIE	
	He does seem to be saying different things at different times. He's saying one thing at Parliament, saying something quite different at –	
	DR DONALD LOVERIDGE	
	Well, I wouldn't agree with that, no.	
	MARK McGHIE	
	I –	
	JUDGE AMBLER	
	Sorry, just before you leave that, I want to be clear on this, you disagree with Marr's thesis that there was a sudden change in policy, that's right?	
	DR DONALD LOVERIDGE	
	Yes, well, she says that Ballance, when he stood up in Parliament on that occasion, he basically put forward a new policy and I discussed that and I don't agree with that.	
	JUDGE AMBLER	
	Okay, so the point is that throughout this period the Crown had a policy of extensive land purchasing?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes, quite clearly and again right from the beginning of their term of office, that they were going to purchase quantities, large quantities of land along the railway.	
	JUDGE AMBLER	
	When you say commencement of their office, what year are you talking?	
	DR DONALD LOVERIDGE	
	I'm sorry, the Governor in this speech , I wonder if he knew the new Stout Vogel Government comes into power.	
	JUDGE AMBLER	
	Yes, what date?	
	DR DONALD LOVERIDGE	
	That is early September of 1894, I've quoted it in my report, from that point, but again the thing was as I pointed out we have a large railway district which is much larger than the Rohe Pōtae. That is only part of the railway district in the south where any titles have been ascertained and the Crown did not purchase until titles had been ascertained.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes.	
	DR DONALD LOVERIDGE	
	So that is where the purchasing took place as they said it was going to.	
	JUDGE AMBLER	
	Okay, but leaving to one side Ms Marr's point which you disagree with, in terms of what Ballance tells the tribes at these two meetings, are you saying to us that he is as open to them about the Government policy as he is to his colleagues in the House?	
	DR DONALD LOVERIDGE	
	Well, the meetings were held from his point of view to discuss the native land disposition Bill that he's going to introduce, the new system.	
	JUDGE AMBLER	
	Of boards?	
	DR DONALD LOVERIDGE	
	Yes, well, some sort of land administration system of some description. That's what was talked about. Crown purchase was raised at various points which I've discussed.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	Yes.	
	DR DONALD LOVERIDGE	
	And that was he responded when it was raised.	
	JUDGE AMBLER	
	All right, but your reading of the material, does he give a sense to the people gathered at those two meetings of the Crown policy of extensive land purchasing?	
	DR DONALD LOVERIDGE	
	Well, not explicitly.	
	JUDGE AMBLER	
	Thank you. Mr McGhie.	
	MARK McGHIE	
	I wanted to move on to the answers to my written questions, just to clarify some of those answers.	
	JUDGE AMBLER	
	Just tell us what the document is please?	
	MARK McGHIE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	This is Dr Loveridge's written responses to questions of clarification. I'm not sure what – it's A68, I'm not sure what the suffix is.	
	DR DONALD LOVERIDGE	
	Yes, this, I think, I answered one set of – I made one document answering all the questions because some of them overlapped on several reports. So, my copy of this has A41(f), A68(f), A89(c) and A90(c) so I'm not quite sure where it is.	
	JUDGE AMBLER	
	No, I need to be led to the right document, because I've got one which is A68(c). Can someone help? I have a document that is 24 pages long, it's headed up "Responses of Dr D Loveridge to the Tribunal," sorry, that's the statement of issues, I'm in the wrong one.	
	MARK McGHIE	
	Sir this appears to be a 32 page book.	
1215	**JUDGE AMBLER**	
	Yes sorry, I am with you now. I have a reference as A41(f). It has got – that is the first number that is given to it because it relates to several, or four reports.	
	TOM BENNION	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Sir, what is the document number?	
	JUDGE AMBLER	
	A41(f).	
	TOM BENNION	
	A41 thank you.	
	JUDGE AMBLER	
	But you may also have listed it as A68(f), A90 - A89(c) or A90(c). Mr McGhie.	
	MARK McGHIE	
	At page 12 of that document.	
	DR DONALD LOVERIDGE	
	Yes.	
	MARK McGHIE	
	First question asks about the circumstances of why the four tribes didn't go to the Native Land Court in 1884. I think in your report you said it was because the Atkinson Government stated its intention to restore the Crown's right of pre-emption.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	That seems to be the trigger for it, but there's also in June of 1884, Ballance, I'm sorry Bryce at that point, received a letter from Wahanui and the reasons given for withdrawal for the application in that letter - I'm sorry this is, it's not a letter from Wahanui. It's a letter by Wilkinson telling Ballance that they had decided to withdraw their application because – I actually have a copy I'm pretty sure. This is Ballance's reading, read this in the house in 1885, and the reference is "Parliamentary debates, volume 52, 1885, volume 52, page 517." And the letter is - this is Wilkinson's report.	
	"I'm informed that at a meeting of some of the Ngāti Maniapoto natives held at Te Kuiti a few days ago, it was decided that the applications previously sent in for a hearing of the Ngāti Maniapoto country in the land Court should be withdrawn in order that it might be dealt with by the Native Committees first.	
	MARK McGHIE	
	I'm sorry what was that last sentence?	
	DR DONALD LOVERIDGE	
	I'm sorry, um, "In order that it might be dealt with by the Native Committees first."	
	MARK McGHIE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	So your -	
	JUDGE AMBLER	
	The document you read from, what – is that referenced to the -	
	DR DONALD LOVERIDGE	
	I have ~~sighted~~ cited it in my A90.	
	JUDGE AMBLER	
	Oh thank you.	
	DR DONALD LOVERIDGE	
	I just had a copy with me because I - I think it was mentioned by someone, so I brought a copy along. So the specific, the specific point, the reason given at that point according to Wilkinson is, doesn't refer to pre-emption, although I'm fairly certain that there was an element. If they did send an application or if they send a letter to the, to the land Court to suggest, "Well we haven't found the file of the Land Court which holds the application and the correspondence," so I would assume it's in there if it was – but this is what we have. So I say, "Yes," this happened when -	
	MARK McGHIE	
	Yes but -	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	– when the Atkinson Government started discussing pre-emption. As I say, it doesn't seem to be referred to specifically in that letter.	
	MARK McGHIE	
	So there may have been more than one reason why that -	
	DR DONALD LOVERIDGE	
	There may well have been yes.	
	MARK McGHIE	
	I asked about the, the costs of the railway and the contribution by, by Māori or the contribution from the resale of their land. I think you said that you hadn't looked at that particular question closely.	
	DR DONALD LOVERIDGE	
	I'm sorry where are we in the, in the document?	
	MARK McGHIE	
	We're looking at the – page 15.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Oh yes okay.	
	MARK McGHIE	
	I think it came out of your report that all the money for the construction came from the tax payer.	
	DR DONALD LOVERIDGE	
	Yes.	
	MARK McGHIE	
	We're suggesting that under the 1886 Act, the proceeds from resale of the land bought with that loan, were to be used to construct the railway and that the Government had actually opened an account in the, the special account in the public accounts to put money in and use it for the construction.	
1220	**DR DONALD LOVERIDGE**	
	Yes, it gets, as I understand it again, I haven't gone into this in huge detail, as I understand it, the 1886 Act which authorised the loan for a million pounds for the railway specifying that a separate account under the Public Works account would be created, out of which all that money for construction would be taken and that the proceeds from sale of lands acquired using the money for, I'm sorry, the Act allowed for 100,000 pounds to be used for the purchase of Māori land within the railway district. That's later increased I think to 200 and something, 216,000 a year or two later, but	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	the idea was that all of the returns from the sale or whatever of that land would be put back in and used for construction of that railway. The problem is that that arrangement seems to have been done away with in the 1890s. The provision itself is done away with I think in 1892 and in 1897 the whole Public Works thing is done because by that point they had spent all the money and weren't finished with the railway.	
	MARK McGHIE	
	We referred some documents to you, A68(e) which has got in it records of that account.	
	DR DONALD LOVERIDGE	
	Again, there's very little or not return certainly within the inquiry district during the 1890s, mainly because almost all of them are involved I think with being leased rather than sold.	
	MARK McGHIE	
	But this account is not closed until 1913 in the final year there's still money going into it and being taken out of it.	
	DR DONALD LOVERIDGE	
	There's money going into the general account, certainly.	
	MARK McGHIE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	No, well, into this North Island main trunk railway loan application Act 1886 Amendment Act 1889 account.	
	DR DONALD LOVERIDGE	
	That's the one that increases the amount of money for purchase?	
	MARK McGHIE	
	That's to take the proceeds from the resale of the land.	
	DR DONALD LOVERIDGE	
	The proceeds are to go back into that account for use for construction~~?~~.	
	MARK McGHIE	
	Yes.	
	DR DONALD LOVERIDGE	
	Yes, as I say, I think very little actually did during the '90s, and after that it seems to, as far as I'm aware again, this probably needs to be looked at more closely, that it just simply goes back into the general account after that.	
	MARK McGHIE	
	Well, we referred the documents to you which showed that	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	the account was open until 1913.	
	DR DONALD LOVERIDGE	
	Okay, well, again I haven't gone through them all and I don't really know how to ever respond to that other than to say I think it's something that probably needs to be sat down and properly analysed.	
	MARK McGHIE	
	So, those figures in Bolton which you acknowledge are 269,423 as the sum, I think on page 16 at the bottom of the page –	
	DR DONALD LOVERIDGE	
	Yes, that's the total she gives it again but that table has no footnotes and I simply did not have time, the time when I had to answer these questions, to sit down and work my way through it myself, so yes, she does say that certainly. I mean I'm not suggesting that all of the proceeds from those lands didn't go back into the Government's hands and some of them clearly were ~~air~~ ear marked for the construction of the railway.	
	MARK McGHIE	
	Yes, well, there was this specific account which presumably was used for construction purposes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Well again I really haven't got much to say about that.	
	MARK McGHIE	
	Those are my questions, Sir.	
	JUDGE AMBLER	
	Just before Ms Feint begins, can I just understand this, is there not a very good record of purchasing and sales figures during the period of the railway construction?	
	DR DONALD LOVERIDGE	
	There are records, for example, there's an annual return put out by the Government every year, which is the lands sold and leased and during the period from 1896, I believe, to 1891 is a separate section identifying lands purchased within the railway district using the funds from the loan, so I think that you could quite simply reconstruct all those details. It would be a fairly larger sort of exercise. I haven't done that is my point, yes.	
1225	**JUDGE AMBLER**	
	No, I think something along that line was discussed at some stage and it was a big, it was a very big task, wasn't it, Mr Melvin?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	GEOFFREY MELVIN	
	Yes, as I understand it, the report that Mr Parker has done, the Crown researcher, Crown Law researcher, I think goes some way in providing information but it doesn't provide the entire picture and more work would be required.	
	JUDGE AMBLER	
	Thank you.	
	DR DONALD LOVERIDGE	
	I think that's the case but I would have to say I haven't seen anything which deals with this whole issue as a single, that it tabulates sales and works out exactly what money ended up in what account and all that sort of thing, which would probably be quite useful to do.	
	JUDGE AMBLER	
	Thank you, Ms Feint.	
	KAREN FEINT	
	Thank you Sir. Tēnā koe Dr Loveridge. I act for Tūwharetoa.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	You're going to have to speak up in this whare, Ms Feint.	
	KAREN FEINT	
	Sorry, I said tēnā koe Dr Loveridge, I act for Tūwharetoa. Before I start I'll just signal I'm going to be working off your A41 and A68 reports and your answers to the statement of issues which is A68(c) and Stirling's Taupō report which is A53.	
	DR DONALD LOVERIDGE	
	I don't have that.	
	KAREN FEINT	
	All right, so you'll need to be provided with a copy of that and finally, Sir, I filed two hard copies of 8(a)HR documents which I must apologise, I should've given them to staff at morning tea so they could've circulated them. One is from 1882 and one is 1886. So, do you have A53, Dr Loveridge?	
	DR DONALD LOVERIDGE	
	Sorry, A?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	KAREN FEINT	
	Bruce Stirling's report?	
	DR DONALD LOVERIDGE	
	No, I don't. I have these 8HRs I was just given, but I don't have his report.	
	JUDGE AMBLER	
	Can you rustle up a report, Ms Feint?	
	DR DONALD LOVERIDGE	
	Yes, I have it now, yes.	
	KAREN FEINT	
	All right, Dr Loveridge, as you know, Tūwharetoa is named as one of the four tribes and I just wanted to understand from you what your sense is of who from Tūwharetoa was involved in the four tribes negotiations?	
	DR DONALD LOVERIDGE	
	My general sense of it and overall view of it is that it's principally that a portion of Tūwharetoa, principally the ones whose main area of lands are within the Rohe Pōtae.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	All right, but you can't help us with names or hapū?	
	DR DONALD LOVERIDGE	
	Well, not particularly, we have the odd sort of reference to the people involved and I can't sort of give you that offhand. It would be very, as several people have said it would be enormously useful if we had the petition from 1883 with the original names on it which would give us a much better sense of who was participating.	
	KAREN FEINT	
	Yes, it would be, but you would agree that that's an important gap that we need to plug in terms of the evidence that's going to be placed before this Tribunal?	
	DR DONALD LOVERIDGE	
	I would agree, yes.	
	KAREN FEINT	
	One thing we do know, however, is that Te Heuheu was not one of those chiefs who supported the four tribes.	
1230	**DR DONALD LOVERIDGE**	
	Well I think he, he certainly didn't support the – as they called themselves at various points, The Confederation itself. I suspect he shared some of their, some of their views about things, but he wasn't, wasn't party in supporting the group	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	itself. He – well he complains, as soon as the boundary is, is announced in the petition, he begins to complain and continues to do so for two years.	
	KAREN FEINT	
	So when you say, "He certainly shared some of their views." What sort of views do you think that he would've agreed with them on?	
	DR DONALD LOVERIDGE	
	I think he probably, probably would've agreed with much of the petition of the views about the nature of the Court and those sorts of things.	
	KAREN FEINT	
	Well in, in reality, the views of, and I'm just using the same shorthand as you to save confusion, the four tribes were essentially the same as the Kīngitanga weren't they?	
	DR DONALD LOVERIDGE	
	Well the general -	
	KAREN FEINT	
	At least in terms of objectives if not strategy?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes I would say so. I mean I think it's a generally held view among Māori during this period that this is a major problem.	
	KAREN FEINT	
	And to what extent did – I noticed that you've recorded Stirling's report in your bibliography but I wasn't clear to what extent you've consulted that.	
	DR DONALD LOVERIDGE	
	So which report are you referring to?	
	KAREN FEINT	
	Stirling's Taupō, Kaingaroa 19th century report.	
	DR DONALD LOVERIDGE	
	Which report of mine are you referring to, is my question sorry?	
	KAREN FEINT	
	Oh, both your A41 and A68.	
	DR DONALD LOVERIDGE	
	Yes I mainly do look on that for his comments about (inaudible 12:31:57) the application, the Taupō-nui-a-Tia application.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	KAREN FEINT	
	Sorry I didn't quite catch that.	
	DR DONALD LOVERIDGE	
	Oh sorry. I mainly do look on Stirling for his, his material on the application in 1885, the application to the Land Court by Tūwharetoa.	
	KAREN FEINT	
	All right but you didn't research yourself Tūwharetoa's involvement in the Kīngitanga move?	
	DR DONALD LOVERIDGE	
	No I didn't no.	
	KAREN FEINT	
	At page 90 of your A41 report, you say there, it's at the – that last paragraph in your paragraph 7, you described Te Heuheu's the leading representatives of the tribe as a whole -	
	DR DONALD LOVERIDGE	
	I'm sorry I must be on a different page from you. In page 19 of my A41 report?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	KAREN FEINT	
	No 90.	
	DR DONALD LOVERIDGE	
	9 sorry, 90. And the last paragraph?	
	KAREN FEINT	
	The last paragraph of paragraph 7?	
	DR DONALD LOVERIDGE	
	Oh yes.	
	KAREN FEINT	
	You just got a comment there referring to Te Heuheu as the leading representative of the tribe as a whole?	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	And I just wanted to, I mean and that's undoubtedly so in terms of his mana and status but what I wanted to put to you was that it's not really that helpful to was that it's not really that helpful to consider the actions of Tūwharetoa as a whole, given the situation on the ground in the 1880s with	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	the split between the western and eastern sides of the lake.	
	DR DONALD LOVERIDGE	
	Yes I'm, you're probably right. This is – was a general comment~~,~~ as much as anything about his status, yes.	
	KAREN FEINT	
	Because your, I think you've referred in your report to the 1881 hui at which the boundary of the lake, sorry, the boundary going through Tauranga, Taupō was agreed as the boundary between the Kingite lands on the western side of the lake?	
	DR DONALD LOVERIDGE	
	Yes that was the report. I made that comment in the context of the boundary which was being discussed for the Rohe Pōtae in the early '83 I think.	
	KAREN FEINT	
	And it's also for practical purposes, the boundary between the customary lands on the western side and the lands that had been through the Native Land Court or alienated on the eastern side.	
	DR DONALD LOVERIDGE	
	Yes basically.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
1235	**KAREN FEINT**	
	So, from a Tūwharetoa point of view then, that boundary is always going to be a source of tension, isn't it?	
	DR DONALD LOVERIDGE	
	I would think so.	
	KAREN FEINT	
	And in your A68 report at page 63.	
	DR DONALD LOVERIDGE	
	Yes, just a second. I'm juggling several binders here, page 63, sorry, page 63.	
	KAREN FEINT	
	Page 63.	
	DR DONALD LOVERIDGE	
	Sixty three, yes.	
	KAREN FEINT	
	You say at, in the very last sentence of that page, that Te Heuheu Tūkino had from its inception, that's from the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	inception of the Rohe Pōtae, protested against the inclusion of any Tūwharetoa land in such a district and particularly a district in which most of the land would be Ngāti Maniapoto's without the consent of his iwi as a whole. And I just wanted to put to you, I don't think that statement is accurate, because the boundary in fact represents the Kīngitanga boundary which he most definitely agreed to having Tūwharetoa lands put there under.	
	DR DONALD LOVERIDGE	
	Well, he's, again, my impression is he's protesting against that being included in the Rohe Pōtae which overlapped Tūwharetoa's rohe.	
	KAREN FEINT	
	Let me put that to you in a slightly different way. It's known isn't it that Tūwharetoa agreed to pledge their lands on that Kīngitanga boundary –	
	DR DONALD LOVERIDGE	
	To the King, yes.	
	KAREN FEINT	
	Prior to the Rohe Pōtae alliance negotiations.	
	DR DONALD LOVERIDGE	
	Well they did – I don't know, perhaps they saw the nature of	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	the assertions being made by the four tribes as being something new. My only point that I made is that he consistently protested against that specific inclusion of the Tūwharetoa section in the Rohe Pōtae. He does that on several occasions.	
	KAREN FEINT	
	And I'm certainly not contesting that, but I suppose I'm just saying it's – I don't think it's as simple as saying there was a protest against inclusion of Tūwharetoa land within that boundary because that land was clearly Kingite land and as you've pointed out earlier, the Kīngitanga objectives were objectives that that section Tūwharetoa subscribed to. So, I suppose, well, let me put it to you, is this proposition is that it was really, there was an ongoing tension between tribal mana and protecting tribal interests and the objectives and strategies of the political alliances at various points in time.	
	DR DONALD LOVERIDGE	
	Well, perhaps again, it might be useful to sit down again and look at exactly what he says in his various letters and petitions and he might get a better sense in that, that was – I'm only saying what was my impression from reading those documents and it may well be a little simplistic but I'll be quite happy to accept that.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	So, it's not a topic on which you claim in depth expertise?	
	DR DONALD LOVERIDGE	
	I have listed the documents I have consulted on that and those are as far as I have gone.	
	KAREN FEINT	
	Thank you, going back to your A41 report, page 33.	
	DR DONALD LOVERIDGE	
	Page 33?	
	KAREN FEINT	
	Yes.	
	DR DONALD LOVERIDGE	
	Yes.	
1240	**KAREN FEINT**	
	You're discussing there the May 1882 meeting that Bryce held with the Kīngitanga?	
	DR DONALD LOVERIDGE	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	KAREN FEINT	
	And my question was you don't record Te Heuheu as having been in attendance at that hui although Stirling says that he clearly was.	
	DR DONALD LOVERIDGE	
	Well, I don't know what evidence Mr Stirling draws on that. I was drawing on the newspaper accounts, so...	
	KAREN FEINT	
	Do you want me to take you to what he says?	
	DR DONALD LOVERIDGE	
	Well if you like, all I can say is he's not mentioned, as far as I can recall, I'm sure I would've mentioned him if he had been present in the newspaper accounts.	
	KAREN FEINT	
	Well, in that case, can we go to Stirling's report, page 791.	
	DR DONALD LOVERIDGE	
	791?	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Mhm.	
	JUDGE AMBLER	
	This is A53?	
	KAREN FEINT	
	A53, yes.	
	JUDGE AMBLER	
	Just bear with me Ms Feint, A53 seems to have been sent to us in two parts.	
	KAREN FEINT	
	Yes, it's in volume 2.	
	JUDGE AMBLER	
	Yes, and volume 1 ends at 787, so we'll just see if –	
	KAREN FEINT	
	I think today we don't need volume 1 at all. It's just volume 2 we're referring to.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	791, can I go to it on there? Is it going to work? No, must be near the start. Sorry, I'm not familiar with this machine, so we're having a bit of trouble scrolling through. Page 791?	
	KAREN FEINT	
	In fact, no, go to the bottom of page 792 is easier.	
	DR DONALD LOVERIDGE	
	791, okay, one more, there we go.	
	KAREN FEINT	
	So, can you see there it' says in that bottom paragraph that Te Heuheu attended the hui and some of his kōrero was recorded?	
	DR DONALD LOVERIDGE	
	He's citing Bush's report in footnote 2037, it's the ibid in his, I take it to be in his footnote. So, he's citing Bush's report and –	
	KAREN FEINT	
	No, sorry, I think you're still back on 791, I'm on 792.	
	DR DONALD LOVERIDGE	
	Well, sorry, I went back to 791 to find out he's got a citation ibid and New Zealand Herald, and the ibid appears to be in	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	reference to the Bush report, I was just trying to clear that. Okay, no, it would appear that I missed it then. I'd want to go back and look at that, oh, okay, well, he's found an account that I didn't have because I don't see that I've cited, no, here we go, no, well, according to my notes I'm at A41 page 34, footnote 76, New Zealand Herald 17 May is an editorial and not a report on the meetings, so I'm a bit vague on that, I'm not quite sure where the reference to Te Heuheu is. I'd need to go back and look at them, but no, I haven't clearly, if he was there, I've missed it, but we'd need to go back and look at the material, I think.	
	KAREN FEINT	
	Okay, well, let's move on.	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	Now, I had thought that, so after the National Park inquiry you supplemented your A41 report to look beyond 1885.	
	DR DONALD LOVERIDGE	
	Well, I did another report from 85 onwards, yes.	
1245	**KAREN FEINT**	
	Right, and my question is why didn't you, as well as going	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	beyond 1885 look prior to 1882 at the Crown's relationship with the Kīngitanga?	
	DR DONALD LOVERIDGE	
	My, well, I'm not in charge of the Crown's research programme and I don't have any say on how they decide to extend their funds. My initial suggestion was that I completely revise A41 and then proceed to carry on to 1900, but resources and time were not sufficient for me to do that so in the end the only alternative – well, the final decision was that I would proceed from 1885. My own preference would've been to do that and go back and work through everything again.	
	KAREN FEINT	
	Because and I know this is a counter factual, but it's a reasonable supposition isn't it, that if the Crown had reached some sort of conciliation with the Kīngitanga that what eventually transpired in terms of the Rohe Pōtae negotiations may not have proved necessary.	
	DR DONALD LOVERIDGE	
	Well, as a counter factual, that's one way to speculate. I would think that something completely different would've happened. So, we can all think of alternative scenarios, that's probably one of them, yeah.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes, well, I suppose the things that interested me about Marr's report was that McLean and Grey at various points actually got reasonably close to reaching some sort of agreement with the Kīngitanga although nothing of course transpired.	
	DR DONALD LOVERIDGE	
	Well, they did, yes. Well, again, looking at it, it seems likely they were getting close to some sort of agreement, but they didn't in the end, yes.	
	KAREN FEINT	
	No, indeed they did not and I guess that's one of the key issues for the Tribunal. Can I move onto a new topic now, I want to take you to A –	
	JUDGE AMBLER	
	Sorry, I'm a little unclear on that last comment, because I'm not sure the extent to which we are closely examining what wasn't concluded between McLean and Grey and Kīngitanga, so from the Tūwharetoa perspective, is there a point you're wanting to bring to our attention?	
	KAREN FEINT	
	Yes, there is, because from the Tūwharetoa perspective the claim is, and this is reflected in their statement of claim, that the Tūwharetoa leadership was divided by the Rohe Pōtae	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	negotiations and we know that some chiefs supported them but others, notably Te Heuheu, did not and so I suppose from Tūwharetoa's point of view, their perspective is, well, if the Crown have acknowledged their authority of the Kīngitanga and allowed for self-government within the Kīngitanga boundaries then what eventuated may never have transpired and that that was a –	
	JUDGE AMBLER	
	I'm just not sure that that's framed, has been framed as an issue for the Tribunal. I may be missing something here, Ms Feint, but what we're concerned with really is events from the end of 1882 onwards in terms of Crown dealings with those of Te Rohe Pōtae. But if you think I'm missing a point in terms of the issues that have been raised as to the earlier negotiations of Tāwhiao, just make that clear.	
	KAREN FEINT	
	Well, are you asking, is that framed as an issue in the statement of issues, because I understood that it was but I can't point you to which one it is off the top of my head. It's certainly the way that the Tūwharetoa statement of claim is –	
	JUDGE AMBLER	
	Okay, that's what I need to know, thank you.	
1250	**KAREN FEINT**	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Right, now Dr Loveridge, I've – where were we? Right, A68, page 64.	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	I wanted to move to a discussion of the Poutū hui and I'll just signal – so I've got the AJHR report of that hui which is the 1886 hardcopy that was handed to you at the start of this session.	
	DR DONALD LOVERIDGE	
	May I ask, is this all – mine is in several pieces, so the first one is the Scannell report, I18 and the second one is something else?	
	KAREN FEINT	
	So, yeah, so the first one, the Scannell report we've skipped over in the interest of time and we've straight to the one that's got that heading Native Meeting Poutū Taupō.	
	JUDGE AMBLER	
	Can you give us the page reference in I18.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	No, no, it's the document that I handed up at the start.	
	JUDGE AMBLER	
	Yes, that is –	
	KAREN FEINT	
	Oh, that is I18?	
	JUDGE AMBLER	
	Yes, it's filed as I18. It's 20 pages long. How far through is this – I see, it's page 15, I think, it's not paginated.	
	DR DONALD LOVERIDGE	
	I'm not sure if I've got the whole thing. I've got two pieces of paper.	
	KAREN FEINT	
	Right, it sounds like – it sounds as if the two reports have been combined, so there was one from 1882 which we're not looking at and then there's one from 1886 which is only five pages long.	
	JUDGE AMBLER	
	Yes, there's a document headed up 1886 New Zealand Native Meeting Poutū Taupō report by Inspector Scannell,	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	RM.	
	KAREN FEINT	
	That's it.	
	JUDGE AMBLER	
	I18. It's 15 –	
	DR DONALD LOVERIDGE	
	I don't think I have 15 pages, if anything I've got ~~1~~6 pages.	
	JUDGE AMBLER	
	Can someone, one of the staff come and assist Dr Loveridge?	
	DR DONALD LOVERIDGE	
	Sir, sorry, I'm just a bit puzzled as to exactly what I've got here.	
	JUDGE AMBLER	
	Yes, the second document is a six page document. What's happened is that the two here have been combined into one document for our purposes.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	I have a six page document but I have a three page document.	
	KAREN FEINT	
	Can I approach Sir and I can find it?	
	DR DONALD LOVERIDGE	
	Right, Ms Feint, have you got another copy? Apparently the copy given to Dr Loveridge has pages missing.	
	KAREN FEINT	
	Right, yes, I do, as it happens.	
	DR DONALD LOVERIDGE	
	Thank you. So, sorry, this one is six pages.	
	KAREN FEINT	
	Yes, that's right.	
	JUDGE AMBLER	
	That's right. Yes, you've got the front page, Native Meeting Poutū Taupō?	
	DR DONALD LOVERIDGE	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	Thank you.	
	DR DONALD LOVERIDGE	
	And then we have the report of 17 September ’85, is that what we’re referring to?	
	KAREN FEINT	
	Yes, that’s it.	
	DR DONALD LOVERIDGE	
	Yes, okay.	
	KAREN FEINT	
	So, just to frame where we’re going with this, on page 64 of your A68 report you discuss this hui and you say in the middle of the paragraph there, paragraph 61, “It would appear that the meeting was somehow taken over by adherence of the Kīngitanga for despite the presence of hapū supporting the Government, such as Ngāti Te Rangiita of Tūwharetoa, resolutions were passed including an acknowledgement of the King as the head of the Natives,” and so on?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes.	
1255	**KAREN FEINT**	
	So, if you look at the report, the AJHR report, there's a report from Inspector Scannell who was the resident magistrate at Taupō and a former –	
	JUDGE AMBLER	
	Hoihoi tātau mā. Kia tau te whare. Kia ora.	Judge is asking for quiet, please.
	Repeat where you're at too, please?	
	KAREN FEINT	
	So he's saying the document commences with a report from Inspector Scannell who was the, I assume RM means resident magistrate at Taupō.	
	DR DONALD LOVERIDGE	
	I think so, yes.	
	KAREN FEINT	
	And he was a former military man and then he encloses within that a more detailed report from a clerk named Thompson who had attended the hui?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes.	
	KAREN FEINT	
	Now, if you turn back to the first page, you'll see in the third paragraph there that it says there are about 1000 people who attended the hui, so it was a very large meeting?	
	DR DONALD LOVERIDGE	
	Yes, that's what it says, yes.	
	KAREN FEINT	
	Included people from Tūhua, upper Whanganui, Pātea, Taupō and portions of Raukawa and Maniapoto tribes?	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	And if you turn over to the back page, at the very last paragraph it says that the bulk of those present belonged to the Tūwharetoa and Ngāti Tama tribes.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	I'm sorry, this is page 2?	
	KAREN FEINT	
	Page 6 in that final paragraph.	
	DR DONALD LOVERIDGE	
	Yes, yes.	
	KAREN FEINT	
	So it was a very large hui, yes?	
	DR DONALD LOVERIDGE	
	Well it seems to have been, yes.	
	KAREN FEINT	
	And if you go back to page 1 and look at the penultimate paragraph, it says, "The two chiefs who were mainly instrumental in convening the meeting were Tōpia, Tūroa and Hōri Rōpiha who are able and influential men among the natives, but they have a powerful engine at their command, that of fanaticism." So, they were Kingites, weren't they, because they had accompanied the King to England?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	I believe so, yes.	
	KAREN FEINT	
	So, I suppose one question is why do you suggest in your report that the meeting was somehow taken over by Kingites if in fact it was called by the Kīngitanga –	
	DR DONALD LOVERIDGE	
	Well, there seems to have been, from what you've just read, there seems to have been a substantial representation of Tūwharetoa in general there and we have the, we were told that most of those present including Te Heuheu signed a document affirming their submission to the King.	
	KAREN FEINT	
	That's right, and –	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	So, if we go back up to paragraph 4, it says, "With the exception of that part of the Tūwharetoa tribe residing on the eastern and northern sides of the lake, all present agreed to adopt the resolutions put forward." You see that?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	And then in the next paragraph it says, "All were unanimous in agreeing that all the tribes were to unite as one people," sorry, I should've said with the exception of those named, namely Te Rangiita and then it records the resolutions that you've noted in your report to acknowledge Tāwhiao as the King of all the Natives, to withdraw the adjudication of lands from the Native Land Court to allow no survey sales or leases of land, to allow no spirits to be sold or stores for the sale of European goods, to be kept within the boundaries of what they call the King Country. So, the result of that hui was clearly a commitment by the vast majority of those attending to the Kīngitanga kaupapa, wasn't it?	
	DR DONALD LOVERIDGE	
	Yes, and I guess that is where my comment arises because then Te Heuheu turns around and there are further discussions and shortly afterwards we have the application to the Court for Taupō-nui-a-Tia.	
1300	**KAREN FEINT**	
	Absolutely, and perhaps after lunch we can get on to a discussion about that. Do you want break now Sir or is 1.00	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	o'clock not lunch hour?	
	JUDGE AMBLER	
	Yes have you finished on that topic?	
	KAREN FEINT	
	Not quite. Do you want me to -	
	JUDGE AMBLER	
	Yes.	
	KAREN FEINT	
	– finish with this document?	
	JUDGE AMBLER	
	Yes thank you.	
	KAREN FEINT	
	All right. So if you turn over to the enclosure which is the Thompson report Dr Loveridge.	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Can you see on page 2 in that middle paragraph, it starts by saying that when Tōpia Turua opened the meeting, he introduced several resolutions and then it lists what they all are?	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	And just draw your attention to the 6th resolution which was to discuss the Rohe Pōtae of Tūwharetoa and they refer to the boundary laid down by Wahanui. And then if you turn over to page 3, can you see at the bottom of that page, there's a speech by Te Heuheu?	
	DR DONALD LOVERIDGE	
	In the very last paragraph.	
	KAREN FEINT	
	Yes.	
	DR DONALD LOVERIDGE	
	Yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	KAREN FEINT	
	Which is his famous Kiwi- Weka speech~~with respect~~?	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	Are you familiar with that?	
	DR DONALD LOVERIDGE	
	I'm familiar with this version of it, yes.	
	KAREN FEINT	
	And what's your interpretation of that speech?	
	DR DONALD LOVERIDGE	
	I know I've discussed this somewhere and I can't, I can't remember where. I can't – I have mentioned this at some point. My response to what's here is that it's rather enigmatic.	
	KAREN FEINT	
	Well its metaphorical isn't because he's -	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	It certainly is yes.	
	KAREN FEINT	
	He's speaking of his land as if it was a Kiwi's egg and he says, "I've given the boundary and the land to him, to the Kiwi. My mana is also with him," and it seemed to me that the "him" he's referring to must be the king.	
	DR DONALD LOVERIDGE	
	That's possible. I've not been able to help very much on this.	
	KAREN FEINT	
	Okay, all right that might be a convenient place to break Sir.	
	JUDGE AMBLER	
	All right so you -	
	KAIKARANGA KAI	
	E te iwi e Kua reri te tēpu Haere mai, hikoi mai, haere mai e E te iwi, e te iwi, haere mai e	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Kia ora. We will adjourn until 20 to Ms – quarter to. Ms Feint you have taken a bit over half an hour already and you had estimated half an hour. How much more have you got to go?	
	KAREN FEINT	
	Well I was just going to get on to discussing the Taupō-nui-a-Tia application. I'm not sure how long that would take because I don't know how familiar Dr Loveridge is -	
	JUDGE AMBLER	
	Oh well, just give some thought to that over lunch.	
	KAREN FEINT	
	Thank you.	
	JUDGE AMBLER	
	Thank you.	
	HEARING ADJOURNS: 1.04 PM	
	HEARING RESUMES: 1.46 PM	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Mr Bennion, you're are looking more and more like a junior prefect with your top button undone. Can you tidy yourself up please?	
	GLENN TOOTILL	
	Sir just before we start, can I just register an appearance for Mr Burgess from our office?	
	JUDGE AMBLER	
	Who, who is he with?	
	GLENN TOOTILL	
	Ms McCaw Lewis Sir, Mr Burgess.	
	JUDGE AMBLER	
	I see yes thank you.	
	MS MANUEL	
	Tēnā koe Sir, Ms Manuel here. I forgot to put in an appearance. I came on Tuesday from Koning Webster Lawyers Sir.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Thank you. In terms of time estimates Ms Feint?	
	KAREN FEINT	
	Yes I've had a look at what I've got left and I think we can move very rapidly indeed now, so -	
	JUDGE AMBLER	
	What does that mean?	
	KAREN FEINT	
	I'm loathed to be condemned. I probably say 10, 15 minutes.	
	JUDGE AMBLER	
	And what do we have left Mr Tootill?	
	GLENN TOOTILL	
	Sir I don't – Ms Sykes has just returned. Her estimate was for half an hour.	
	JASON POU	
	Mine was for half an hour too Sir but I don't think I'll need more than 15 minutes. I was just going to ask Mr Loveridge if it was a compact and if it was dishonoured and if he answered "Yes" to both of those, I was all over and could go	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	home Sir. You could give the "Yes" now if you'd like.	
	JUDGE AMBLER	
	Ka pai. Ms Feint, you're moving on to a new topic.	
	KAREN FEINT	
	Yes from -	
	JUDGE AMBLER	
	Well can I just tidy one thing off with Dr Loveridge?	
	KAREN FEINT	
	Mhm.	
	JUDGE AMBLER	
	While I have you there, if you push your button, Ms Feint took you to page 64 of document #A68 where you talk about this hui and the meeting was – you say the meeting was somehow taken over by adherence of the Kīngitanga, and given what Ms Feint has taken you through, do you still hold to your comment that it was somehow taken over by adherence?	
	DR DONALD LOVERIDGE	
	No I think I would have to agree with her that it was principally a Kīngitanga meeting.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	All right.	
	DR DONALD LOVERIDGE	
	I think again, my impression when I looked at it was that it was a movement of a larger meeting of various tribes and that the Kīngitanga had inserted itself but I think probably I haven't picked up the nuances of that -	
	JUDGE AMBLER	
	Yes so on reflection, you see those key Kīngitanga interests there. All right thank you.	
1350	**DR DONALD LOVERIDGE**	
	Can I, can I make one point here? Just earlier you were asking me about the Kiwi's Eggs speech. I know I mentioned it at some point and I just wanted to just for the record, if you look at A41 on page 195, 196, I've discussed it there and the word I use was "enigmatic" so.	
	JUDGE AMBLER	
	Yes all right, thank you. Ms Feint?	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	I think that's the word you used before lunch as well.	
	DR DONALD LOVERIDGE	
	It was yes, yeah.	
	KAREN FEINT	
	And I think you had already, very fairly acknowledged that it was principally a Kīngitanga hui. Just one question I didn't ask you before the break was, that if you read through the notes that Thompson took, appears that there were adherence from the Kīngitanga as well as loyalists and supporters of Te Rohe Pōtae alone, and there was a fairly robust discussion.	
	DR DONALD LOVERIDGE	
	Yes that was what I'm saying.	
	KAREN FEINT	
	Yes.	
	DR DONALD LOVERIDGE	
	I picked up the wrong point over that. There were a lot of people, non-Kīngitanga people there as well and I focussed on those I guess, yes.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	But nonetheless, as Inspector Scannell said on page 1, all we – with the exceptions of those named, all were unanimous in agreeing to the resolutions?	
	DR DONALD LOVERIDGE	
	That's what he reports, yes.	
	KAREN FEINT	
	Right, and just before we move onto the new topic, I just wanted to explain the confusion about the document I18 before lunch, Judge, because I'm not sure that I made it clear what the rest of it was, and what transpired was that I discovered yesterday you can download HAHR direction from the Internet, and – but when you do so, it comes as a whole file and that's why that first document was 19 pages long, and I said in my covering note when I filed it this morning, the document I was actually looking at was document number 9, which was at pages 7 to 8 and it was a letter, a report from Major Scannell to the Native Department dated 28th of April 1882.	
	JUDGE AMBLER	
	Thank you.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	And I don't need to go through it because we've already skipped over that material but that was the report in which he reported the 1881 hui had decided the Kīngitanga boundary would go the lake at Tauranga, Taupō. So Dr Loveridge, having considered the Poutū hui and the resolutions thereof, as you yourself said before the break, it seems the puzzle is, why was it that within a month of that hui occurring, so that hui took place – let's just check dates, September 1885, took place over several days in earlier September and the Taupō-nui-a-Tia application was filed by the end of October. So the, the real question is, why was the Taupō-nui-a-Tia application filed so soon thereafter, and I think that's what you yourself mentioned.	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	And it seems, does it not, that one of Te Heuheu's motives was to protect the tribal rohe of Tūwharetoa?	
	DR DONALD LOVERIDGE	
	That's why I take from –	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	– to protect the mana of Tūwharetoa?	
	DR DONALD LOVERIDGE	
	That's what I take from his various letters and petitions and what is said around the time, yes.	
	KAREN FEINT	
	And indeed, if we look at the map that you have in your A41 report at page 181?	
1355	**DR DONALD LOVERIDGE**	
	Yes.	
	KAREN FEINT	
	That thick black line around the boundary indicates the initial extent of the claim as it was submitted with the application?	
	DR DONALD LOVERIDGE	
	I'm a little unclear about that. I understood that the boundaries given in the original application had been cut back, so I'm not sure what exactly that one refers to. This map in the original has – it shows the boundary adjustments agreed to in Court in 1886, which are mostly in the north west, I'm not terribly sure, but as I say I was under the impression that the initial application was for a larger area that it was then reduced to this boundary shown here and then there were further adjustments in January 1886, that's	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	my understanding of it.	
	KAREN FEINT	
	Yes, and you are correct about that. Just for the assistance of the Tribunal that the best map illustrating that is attached to Bruce Stirling's summary which is A53(j) but unless you want to go there now, just to save time, we'll just move on.	
	JUDGE AMBLER	
	Move on, I'm not sure of the significance of that.	
	KAREN FEINT	
	Were you present when I referred Paul Meredith to the letter that Rewi Maniapoto had written after he heard about the Taupō-nui-a-Tia application?	
	DR DONALD LOVERIDGE	
	I can't remember, I may have been.	
	KAREN FEINT	
	Okay, would you agree that the concept that had evolved through the Rohe Pōtae negotiations of fixing an external boundary for tribal lands and then having a tribal title for the hapū to control thereafter was one that had resonance, not only for those within the four tribes alliance but also for iwi in the surrounding district?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	It may well have done, yes.	
	KAREN FEINT	
	Are you familiar with the traditional kōrero that Tūwharetoa gave in the National Park inquiry about their understanding of what the application was intended to achieve?	
	DR DONALD LOVERIDGE	
	My only presence at the National Park inquiry was to present my report.	
	KAREN FEINT	
	All right, thank you. But you do say, if we move now to the answers, to the statement of issues of A68(c) and I'm looking at 4.15.	
	DR DONALD LOVERIDGE	
	This is the clarification...	
	KAREN FEINT	
	Sorry?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Is this the clarification?	
	KAREN FEINT	
	It's your responses of Dr Loveridge to the Tribunal's statement of issues, 68(c).	
	DR DONALD LOVERIDGE	
	Oh, yes, I see, yeah.	
	KAREN FEINT	
	Paragraph 4.15.	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	And you've agreed there that the Crown did actively promote the Taupō-nui-a-Tia and Waimarino Block applications and said that the Crown wanted the land to be put through the Court as quickly as possible. Are you familiar with the extent to which the Crown did actively promote the application?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	I'm familiar with – in terms of Mr Stirling's report, his comments in there, on the Taupō-nui-a-Tia application	
	KAREN FEINT	
	So you're familiar with the influence that the Grace brothers wielded and the –	
	DR DONALD LOVERIDGE	
	I'm familiar with his description, yes.	
	KAREN FEINT	
	Are you familiar with the discussions between Ballance and Lawrence Grace who was a member of Parliament as well as the son-in-law of Te Heuheu?	
	DR DONALD LOVERIDGE	
	I can't remember the specifics of it.	
1400	**KAREN FEINT**	
	All right, can I ask you to turn to Stirling at page 899?	
	DR DONALD LOVERIDGE	
	Again, I don't have Stirling, it was on the laptop that I had before.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	KAREN FEINT	
	Did someone take your laptop?	
	DR DONALD LOVERIDGE	
	Yes.	
	JUDGE AMBLER	
	It was page 899?	
	KAREN FEINT	
	Yes.	
	DR DONALD LOVERIDGE	
	Is that the – okay. So page 899, yes.	
	KAREN FEINT	
	Yes, and at the top of the page you'll see there's a quote there and a footnote 2254?	
	DR DONALD LOVERIDGE	
	Um –	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	And if you look at the footnote it says that there's a letter from Lawrence Grace to Ballance dated the 6th of January 1886.	
	DR DONALD LOVERIDGE	
	This is Grace reviewed the public objects which Ballance had previously expressed a great desire to effect and he proceeds to list them.	
	KAREN FEINT	
	And you see there's a list of four objects?	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	So would you agree that those were Ballance's objects?	
	DR DONALD LOVERIDGE	
	Well, that's what Grace says. They were presumably – is there a reply quoted on that from Ballance? I don't think there is.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Put it this way, from your own understanding of Ballance's policy objectives, would you agree that that's broadly consistent with it?	
	DR DONALD LOVERIDGE	
	I'm looking at Ballance's reply, a summary of Ballance's reply at the top of page 900, just a second. Ballance doesn't seem to have entirely agreed with what Grace is saying, so I'm a bit – as far as I can see, looking quickly at that.	
	KAREN FEINT	
	So my question was from your knowledge of his public policy objectives would you agree that those are broadly consistent?	
	DR DONALD LOVERIDGE	
	Yeah, broadly, um, yes, broadly.	
	KAREN FEINT	
	And if you go up to page 886.	
	DR DONALD LOVERIDGE	
	886?	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Mhm. Are you at page 886?	
	DR DONALD LOVERIDGE	
	Yes, I'm just there now, yes.	
	KAREN FEINT	
	So if you see at the bottom of that page, William Grace sent a telegraph from Taupō to the Native Minister Ballance and he reports in there that the leading chiefs had signed the application for the tribal boundary and they're ready to carry the case through the Court in accordance with the plan arranged by us.	
	DR DONALD LOVERIDGE	
	Yes.	
	KAREN FEINT	
	Which suggests there's a certain element of Government collusion in arranging the application, does it not?	
	DR DONALD LOVERIDGE	
	Well, it certainly suggests that there is an agreed plan between the chiefs signing the application and the Crown.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	But the letter, the telegraph is from William Grace, not from the chiefs?	
1405	**DR DONALD LOVERIDGE**	
	Well he's, that's what he is saying, yes.	
	KAREN FEINT	
	Are you familiar, and please tell me if you're not, because we can then just move on with, with Stirling's recitation of the 108 claims that had already been filed in the Native Land Court for the Taupō district?	
	DR DONALD LOVERIDGE	
	Sorry with his, with his what?	
	KAREN FEINT	
	With – there were 108 applications that had already been filed in the Native Land Court for the Taupō lands, which	
	DR DONALD LOVERIDGE	
	Yes I guess I remember that. It's referred to here at – on this page we've just been looking at. It's page whatever that is, page 886.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Are you familiar with Stirling's evidence that Ballance withdrew the gazette so that although those claims had been scheduled for title investigation in November 1885, that didn't take place?	
	DR DONALD LOVERIDGE	
	I recall that he wouldn't let those applications proceed. I'm assuming, well it certainly would follow that they were all claims made to lands which hadn't been before the Court yet, which is not, not all of the area, because a fair bit of land within the Taupō-nui-a-Tia block, had already been in front of the Court.	
	KAREN FEINT	
	That's right.	
	DR DONALD LOVERIDGE	
	Yes, so – and I'm not entirely clear just exactly what areas those 108 claims refer to.	
	KAREN FEINT	
	But presumably the reason why Ballance didn't want them to proceed to hearing in November 1885 is because of the decision to advance the Taupō-nui-a-Tia application as a single tribal title.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well I think so again, it's exactly the same thing he did with the Rohe Pōtae, holding back, holding back claims.	
	KAREN FEINT	
	So should we refer to Stirling for the more detailed evidence of that sequence of events?	
	DR DONALD LOVERIDGE	
	Of which sequence of events?	
	KAREN FEINT	
	Of the lead up to the submission of the Taupō-nui-a-Tia application.	
	DR DONALD LOVERIDGE	
	Oh yes certainly, yes.	
	KAREN FEINT	
	And once the application had been made, things moved very quickly indeed didn't they, because the application was filed at the end of October '85.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes.	
	KAREN FEINT	
	And the hearing commenced before the Court the 14th of January 1886.	
	DR DONALD LOVERIDGE	
	Yes, it was gazetted early in December I believe and then heard in January, yes.	
	KAREN FEINT	
	And there was judgment given with days?	
	DR DONALD LOVERIDGE	
	I believe so, the initial judgment, yes.	
	KAREN FEINT	
	And thereafter, it moved straight to the subdivision for title?	
	DR DONALD LOVERIDGE	
	Again, I believe so yes. I'm not sure with the timing of that but it was fairly soon afterwards.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Would you agree with the proposition that once the application was before the Court, Tūwharetoa lost control of the process very quickly, and the land, notwithstanding that they actually had a tribal committee who was deciding how to allocate the subdivisions, the land purchase officers moved as soon as judgment had been given?	
	DR DONALD LOVERIDGE	
	Loss of control in, in what specific sense do you mean?	
	KAREN FEINT	
	Well loss of con – well the failure to prevent land being sold once the title was individualised.	
	DR DONALD LOVERIDGE	
	One thing that puzzles me about that I'm not aware of any – I mean when, when, excuse me, when the Court tries and Maniapoto went to the Court, they, they did not like land purchase officers being around so they said, and asked Ballance to defer, to defer any Crown purchasing until ascertainment was completed. That doesn't seem to have happened in Taupō-nui-a-Tia. I'm not aware of any, of any such appeal to the Crown, and so I'm, again I'm, I'm not quite sure, was this because they were prepared to go ahead with that or not, I don't know.	
	KAREN FEINT	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Maybe part of the explanation is that the purchase officers were, was John Grace who was married to a local woman.	
	DR DONALD LOVERIDGE	
	Or perhaps, but again I'm not, I don't think I can really answer that, that question, and -	
	KAREN FEINT	
	So would you agree this Stirling that at the face of Taupō-nui-a-Tia closely resembled, replaces the Aotea block once the land was before the Court?	
	DR DONALD LOVERIDGE	
	Well, there's no Crown purchasing in the Aotea Block until after the initial ascertainment is finished, that's two and a half years, I think, so I guess not, on that particular point.	
1410	**KAREN FEINT**	
	Right, thank you Dr Loveridge, I have no further questions.	
	JUDGE AMBLER	
	Thank you, Mr Pou?	
	JASON POU	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Hello Dr Loveridge. I'd just like to have documents A68 and A41 in front of you.	
	DR DONALD LOVERIDGE	
	Yes.	
	JASON POU	
	Open A68 to page 15, paragraph 7. At that paragraph and you're talking about the turning of the sod in April 1885.	
	DR DONALD LOVERIDGE	
	I'm still not quite there, sorry, what page was that again?	
	JASON POU	
	Page 15, paragraph 7 at the bottom?	
	DR DONALD LOVERIDGE	
	Page 15? I'm sorry, are we in A41?	
	JASON POU	
	I'm in A68, sorry.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	A68, sorry, I couldn't find it. On page 15, yes.	
	JUDGE AMBLER	
	Page 15, 15.	
	DR DONALD LOVERIDGE	
	Yes, sorry, again, can you...	
	JASON POU	
	So at page 15, paragraph 7, you say, "At this historic moment," and you're talking about the turning of the sod ceremony in April 1885.	
	DR DONALD LOVERIDGE	
	Yes.	
	JASON POU	
	You say that Ngāti Maniapoto and the allies and the four tribes controlled all of the Rohe Pōtae whose boundary had been surveyed in 1884," so that's – and the rest of the paragraph there, basically what you're saying is that everything that's happening within that boundary is controlled by Maniapoto and the four tribes?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes, I made the exception that the Crown claimed some land at the purchase.	
	JASON POU	
	But even that ownership is under the authority, essentially practical authority of Maniapoto and the four tribes because the Crown aren't asserting, practically in the authority –	
	DR DONALD LOVERIDGE	
	At that point, yes.	
	JASON POU	
	Now, if I go to – we go to the other report, A41, at page 10, large Roman numeral I, paragraph large Roman numeral I.2.	
	DR DONALD LOVERIDGE	
	Yes.	
	JASON POU	
	You say there that by the beginning of 1885 the situation changed beyond all recognition. The King Country had come within the jurisdiction of British law, all be in it, only after an act to provide amnesties. Now, there you're saying they're under the control of the Crown but in the other report you're saying they aren't, in the two seem inconsistent, would you like to comment on that?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Sorry, I'll just refresh my memory here.	
	JUDGE AMBLER	
	Which paragraph Mr Pou, which part?	
	JASON POU	
	It's Roman numeral large I.2 on page 10 of A41.	
	JUDGE AMBLER	
	At the beginning of it?	
	JASON POU	
	Yes, Sir, it says within barely three years by the beginning of 1885 and the two seem inconsistent in your later reports you're saying everything is still under the mana of the tribes and in your earlier report you seem to say that that's changed prior to...	
	DR DONALD LOVERIDGE	
	Well, I think I'm talking about two different things. I'm just saying that here I said that he British law was certainly entering into the area in some respects.	
	JASON POU	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	But not practically.	
	DR DONALD LOVERIDGE	
	Not on, again, not on – there's not much for the Crown to exercise there, it's put in place by this stage the Native Committees Act which is a Crown statute, it's put in place the proclamation of December 1884 which is again a Government statute. There are elements, I'm not saying that the entire Crown legal system has been imposed and has been applied, I'm saying that the step has been taken where the Crown has begun to come in on that.	
	JASON POU	
	Because that sentence, that beginning sentence seems quite hyperbolic, you just say the situation had changed beyond all recognition and when I read paragraph 7 in your other report it seems that nothing has really changed. Everything is still happening under the mana of Maniapoto and their mates.	
	DR DONALD LOVERIDGE	
	Well, I've listed here at page 10 which we were discussing, the various things that had happened over those three years. I'm saying there is substantial change, but again that doesn't change the type that Maniapoto were still in control of the land and still had not gone to the Court for ascertainment and various other things. Perhaps you know again if I had rewritten the whole thing I would probably have rephrased that to a certain extent, but I think the main – the main point	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	that I made there.	
	JASON POU	
	Now you make reference in that paragraph to the Amnesty Act that was being used?	
	DR DONALD LOVERIDGE	
	Yes.	
1415	**JASON POU**	
	Now, that Amnesty Act, while it looks kind of benign on its face, when I step back and look at it, it seems – it seems like the way in which the Crown intended to treat rebels, "If you come underneath us, we will grant you amnesty," is that your perception as to how it was being used?	
	DR DONALD LOVERIDGE	
	I wouldn't put it quite that way. I think it was just saying, "We are no longer going to pursue any possible criminal – any criminal treatment of people who work against the Crown." The Act specifically talks about political acts taken by Māori, so it isn't, maybe in part, well, certainly in part they're just wanting to put things behind them.	
	JASON POU	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	But doesn't it, you know, in terms of the practical exercise of authority that was occurring, doesn't it actually say and didn't they use it in a way that says, "This will only apply to you so long as you submit to our law."	
	DR DONALD LOVERIDGE	
	Well, it doesn't actually put it that way, it's just because ~~there's~~ it's a blank ~~in~~et amnesty, they decide in the end to not make any exceptions, I think there are one or two exceptions for ~~accepting~~ specific criminal things, but what they say is okay, everybody is covered by this amnesty regardless of anything else.	
	JASON POU	
	But again my assertion is the implication is that the law now applies and it's put forward that way. For the Amnesty Act to apply to you, you have to admit that you come under the Act, which means that you have to admit that you come under the sovereignty of the settler Government.	
	DR DONALD LOVERIDGE	
	And yet it did not ask anyone to make that statement as far as I know.	
	JASON POU	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	The Act didn't, but that's how it was being applied.	
	DR DONALD LOVERIDGE	
	I think you're referring to what Grace said to Wahanui earlier on, that's to that effect exactly, but as I say I'm not aware of any – once they decided to go with the blank in amnesty in February that's the way they perceived it.	
	JASON POU	
	Because Mr Bennion took you to a reference and it read out, and I won't go there because I can't remember what it was, but in particular you remember your discussion with Tū Potahi and Mr Bennion pressing you to admit that Tū Potahi was accepting that he was intimidated, do you remember that?	
	DR DONALD LOVERIDGE	
	Oh, yes, yes, at the meeting in 15th of March, yes.	
	JASON POU	
	And essentially the Amnesty Act was one way of holding out to absolve them from that intimidation, wasn't it? "You won't suffer these things against you, so long as you submit yourself to the Crown and come underneath, you will be granted amnesty.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well, again the Act is a ~~–~~ blanket for them, any political Acts done before that date there's – and they're talking about something else, they're talking about obstruction of surveyors at that point.	
	JASON POU	
	Now, also in that, within the situation changing beyond all recognition in that paragraph I.2, you talk about the fragmentation of the Kīngitanga.	
	DR DONALD LOVERIDGE	
	Yes.	
	JASON POU	
	Do you see that?	
	~~**DR DONALD LOVERIDGE**~~	
	~~Sorry?~~	
	JASON POU	
	Sorry, I'm just finding my place in the other. I know a lot of people have explored with you this over the times, but do you think that fragmentation was something that the Crown were trying to achieve?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	It's something the Crown wished ~~to~~ would happen, wanted to happen.	
	JASON POU	
	And did they take steps to affect that?	
	DR DONALD LOVERIDGE	
	Just simply by negotiating separately with Maniapoto and the other tribes, they're simply going in that direction.	
	JASON POU	
	And that they tried to make Tāwhiao irrelevant?	
	DR DONALD LOVERIDGE	
	Oh, yes, well, I mean their argument is that he, quite consistently all the way through that is that Tāwhiao is a prominent leader, but they did not recognise any kingship or anything like that and therefore they're just proceeding on that premise before and after 1882, that's what the Crown is sort of arguing, yes.	
	JASON POU	
	Because during that time when you're talking about the divisions and the fragmentation of the Kīngitanga and I'll take you back to your A68 document, paragraph P6, your preface 6 paragraph, there' you've got a quote.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	What's the page?	
	JASON POU	
	It's page 8, Sir.	
	DR DONALD LOVERIDGE	
	Page 8, yes.	
1420	**JASON POU**	
	In there, instead of talking about a divisional, a fragmentation or a diminishment of the Kīngitanga, you're talking about a resurgence of the Kīngitanga during the 1880s and the 1890s.	
	DR DONALD LOVERIDGE	
	Yes, yes in later in the 80s and the 90s, and I discussed it at various points in 'A68. Certainly nothing comprehensive of -	
	JASON POU	
	But that would imply that those radical changes that you're asserting that are happening in 1883, 1885, aren't really necessarily, the fact is that you're referring to like the divisions and the Kīngitanga, the imposition of authority aren't, aren't necessarily the radical change that your report	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	seems to imply.	
	DR DONALD LOVERIDGE	
	Well I think there are. What I'm saying is that, that I think the king, the Kīngitanga hit a very low point in the mid-80s and they do recover as time goes on.	
	JASON POU	
	But they're hitting a low point but they're surging at the same time.	
	DR DONALD LOVERIDGE	
	No, no I think, I'm saying the late 80s is when as I see it, is when the resurgence starts to, starts to become apparent.	
	JASON POU	
	Okay so not in 1883 when the sods have been turned at the time that you're saying, because let's be very clear. You're saying that the change happens within three years of 1885. So we're actually talking about, not the late 80s. We're talking about the early 80s there.	
	DR DONALD LOVERIDGE	
	In, yeah 80s.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JASON POU	
	Yeah so, in the, in your A – I'm getting lost in the numbers. In your A68 report, you're saying, "There's a resurgence happening in that decade," but in your A41 report, you're saying, "There seems to be a diminishment, a fragmentation, a carving off."	
	DR DONALD LOVERIDGE	
	Oh, this – ~~he sets~~P6, the paragraph we're discussing, that is a quotation from my A41 report, and what I'm saying is, and here I think I said fairly consistently that there is, seems to be the Kīngitanga seems to have hit a low point in the mid-80s, '85, '84, '85, it bounces back from that later on. I'm – my impression is that it's later, later in the 80s it begins, and that it fairly goes on fairly steadily from there.	
	JASON POU	
	So you have a radic – so then you're saying, "It diminishes at the beginning of the 80s and comes back at the end of the 80s." So you, you have a radical change that corrects itself. Is that what you're saying?	
	DR DONALD LOVERIDGE	
	No I think still a ~~dramatical~~ radical change because even in resurging from their low point I don't think the Kīngitanga exerted the influence in the 80s and 90s that it did in the late 80s and 90s that it did before 1882.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JASON POU	
	The fact that there is a resurgence in the face of a Crown intent desire and action to try and divide it, does that show the intention of, of Rohe Pōtae Māori and what they were trying to achieve?	
	DR DONALD LOVERIDGE	
	Yeah in what sense?	
	JASON POU	
	In terms of maintaining the cohesion, maintaining their ability to exercise their sovereignty authority within their own boundaries.	
	DR DONALD LOVERIDGE	
	I'm not entirely sure that you can talk about cohesion within Rohe Pōtae Māori after, even with the Kīngitanga resurging, because there's still a great many points of difference between the four tribes Coalition Confederacy as they called themselves, and the Kīngitanga throughout that period. It's really going into the 20th century that that seems to change again., ~~things have changed again.~~	
	JASON POU	
	So there's a resurgence and are you saying that it comes back or you're saying it's still surging into the 20th century?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Well my impression, and this is my, just my impression from the research that I've done, that there is a reconciliation in the 20th century around the time of the First World War if not, a bit before that.	
	JASON POU	
	So there's a resurgence in 18, in the 1880s between 1880s and 18 -	
	DR DONALD LOVERIDGE	
	Of the Kīngitanga, yeah.	
	JASON POU	
	And then it continues to resurge but as you're saying -	
	DR DONALD LOVERIDGE	
	It comes down -	
	JASON POU	
	– it continues into the 20th century?	
	DR DONALD LOVERIDGE	
	Largely yes. Well again it's not so much a resurgence of the Kīngitanga, as I said, as reconciliation between the different	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	groups. But again only my impression, mmm.	
	JASON POU	
	I will take you to the Whanganui Herald article that was referred to at page 752 Sir. That's the document, one of the documents that I filed to everybody except Ms Syme, sorry. Just reflecting on my growling Sir.	
	DR DONALD LOVERIDGE	
	Okay yes, oops.	
	JASON POU	
	And in particular, if you can just go and read page 3.	
	DR DONALD LOVERIDGE	
	Okay.	
	JASON POU	
	And just to help, I just want to – I'll read out in this Ms Marr's summary, rather than having everybody go there.	
	DR DONALD LOVERIDGE	
	Well I'm – so you're going to read my summary.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JASON POU	
1425	No I'm – I'll have you read the piece of paper because remember Mr Bennion took you to Ms Marr's report. We didn't have a copy of the newspaper article.	
	DR DONALD LOVERIDGE	
	Oh yeah, yes.	
	JASON POU	
	This is the newspaper article rather than having you juggle 65 reports in front of you, I thought you do trust me to read these paragraphs, do you (inaudible 14:25:18)? accurately?	
	JUDGE AMBLER	
	We will get it up just so -	
	JASON POU	
	Okay.	
	DR DONALD LOVERIDGE	
	So you're going to read from Ms Marr's report.	
	JASON POU	
	Mr Tootill wants an answer from you as to whether or not	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	you trust me.	
	DR DONALD LOVERIDGE	
	I'm certainly prepared to listen to you read it.	
	JASON POU	
	And this is Ms Marr's document A78 at page 600, oh 752 sir sorry. And just at the last word on 752, "The Herald claimed this evidence of unity and support for the king, might be surprising to the Government and it also revealed the Government strategy of relying on Wetere in opposition to Wahanui and the king and not working, was not working." Now if you read this, this article hear, it does seem to be saying that at this time in 1883, that these allegiances are being re-established and indeed that what it explicitly says, doesn't it?	
	DR DONALD LOVERIDGE	
	Well it says a lot of things in this article. It's their major editorial. Which piece are you referring to specifically?	
	JASON POU	
	Just page 3, it says, "Since the Waikato meeting, he has addressed himself to the task of convincing Te Wetere who's allegiance to the king seems to have been re-established." So it seems that they're coming together in 1883?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Well that's what the, the newspaper is saying.	
	JASON POU	
	And, and – but that's essentially the inference that we're drawing, and yes I agree that's what the newspapers are saying and we agree.	
	DR DONALD LOVERIDGE	
	Mmm.	
	JASON POU	
	And I think Mr Bennion said quite, quite objectively that this was a newspaper that might not have really been a pro-Bryce?	
	DR DONALD LOVERIDGE	
	Yes, yes, mmm.	
	JASON POU	
	But there is evidence to show that there's this growing cohesion, though isn't there?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Well no, you got evidence that the Herald thinks there is. They don't – they're talking about various – the telegrams relating to the first stoppage, um, where are we here?	
	JASON POU	
	And the use of the Crown, the Crown's use of Te Wetere to try and drive wedges in between the Kīngitanga?	
	DR DONALD LOVERIDGE	
	Just one second.	
	JASON POU	
	Sorry. And just because I did hear those booings in the background there, and the fact that Te Wetere had chosen not to be used as a wedge between the Kīngitanga, just in case you fellas are feeling stink to the Weteres.	
	DR DONALD LOVERIDGE	
	Yes.	
	JASON POU	
	And, and that's something –	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	Just pause, whereabouts in this document -	
	JASON POU	
	I'm on page 3 Sir.	
	JUDGE AMBLER	
	Of the Herald article?	
	JASON POU	
	Of the Herald article.	
	JUDGE AMBLER	
	How far down?	
	JASON POU	
	Basically that page 3 and it's – you can start Sir with, "Since the Waikato meeting, he has addressed himself to the task of convincing Te Wetere whose allegiance to the king seems to have been re-established. The refusal to allow the survey to proceed distinctly comes from the Ngāti Maniapoto to which tribe both Rewi and Te Wetere belong and the advice to await the arrival of Tāwhiao shows that nothing will be done without his consent." I mean, and that – while that might be the opinion of the Herald, on the basis of what's happening around them, it seems to be a reasonable	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	inference to be drawing, doesn't it?	
	DR DONALD LOVERIDGE	
	Well as far as I could see, just having looked at this very quickly, I've read it before but just looking at it here, they're assuming that because Te Wetere was present ~~then~~ when the surveyor was turned back, and I'm not sure that that's correct, but they're referring to whatever report they're referring to here. They take it from that and then go off and conclude that this is evidence relating to the, the Kīngitanga. I, well again, this is the newspaper looking on the darkest side of things they can as far as Bryce is concerned, and so I don't know how much, how much weight we can put on it, and – but I would agree that Ms Marr's summary is a fairly good one, yes, mmm. Subject to that, that caveat.	
	JASON POU	
	Well I'll leave that there. Thankfully a lot of the topics I think have been covered quick admirably by Mr Bennion, but one thing I did pick up from the opening submissions that were done by Crown counsel who said that the Crown aren't here to be adversarial. Do you remember him saying that?	
	DR DONALD LOVERIDGE	
1430	Um, I think I was doing something else while he was reading the submission, but I'm sure he did. I won't argue with you.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JASON POU	
	Now when I read your report in particular the one A90 about – which relates to Ms Marr's works.	
	DR DONALD LOVERIDGE	
	Mmm yes.	
	JASON POU	
	It does seem adversarial in terms of you refer to what she says, you say that those - "Ms Marr alleges, she makes allegations." Now when I'm in the criminal Court, that's how I refer to the police in how they refer to my clients. So it does seem that you have taken an adversarial approach to seeking to correct Ms Marr.	
	DR DONALD LOVERIDGE	
	Well can I say in the first place, I'm not the Crown?	
	JASON POU	
	No I know you're not, but you're their witness.	
	DR DONALD LOVERIDGE	
	I may consult preparing evidence on this. I tried, I hope I haven't misrepresented Ms Marr's report. I try to be, to be fairly clear about what I was talking about and, and describe when I say, when I describe what she said as an allegation	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	because she is alleging something. So I'm not trying to be offensive in any way, but I did respond to what I considered to be contestable parts of her evidence. Now again, that's, that was my response, not the Crown's.	
	JASON POU	
	And in terms of the spirit of working together, which of her inferences do you agree with?	
	DR DONALD LOVERIDGE	
	I – as I've -	
	JASON POU	
	Because I couldn't find you agreeing with her inferences. I can find you agreeing with facts, in which she say yes that happens but -	
	DR DONALD LOVERIDGE	
	Can't – Ms Marr's evidence was put in I think three or four months after, three months, two months after mine. I did not have it in front of me in order to appraise what was being said so that I could incorporate that in my report. Some, you know some of it I do agree with but I'm just saying that those points I didn't agree with.	
	JASON POU	
	Which points do you agree with her inferences? I mean that	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	would be helpful for us going forward so we can see where the agreement is.	
	DR DONALD LOVERIDGE	
	I don't think I can do that sitting here. It's a 1600 page report for starters and mine is ~~over a~~several 100 pages. That would be a fairly large task.	
	JASON POU	
	You can understand, however, how a perception can be obtained just in reading because – and I know you're focusing on the disagreements, that it does seem to be an adversarial approach.	
	DR DONALD LOVERIDGE	
	Well I'm sorry if that's the reaction to it. Anything a historian puts into this Tribunal is open to being contested, and sometimes historians do the contesting as well as lawyers. That's all I can really say.	
	JASON POU	
	Sir I'll end there. Ms Sykes has just got a few wash-up questions I think.	
	JUDGE AMBLER	
	Kia ora.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	ANNETTE SYKES	
	Sir I apologise to the Tribunal. I got held up in Court this morning defending criminals and I want to deal with a much more collegial approach to my friend Mr Loveridge. I thank you for your many reports and many years in the Tribunal and your acute intellectual critique of much of this period, but I want to really focus on three aspects of your evidence that arise from your answers to the Statement of Issues, and I'd ask you if you could have that particular document in front of you. I'm also going to refer to -	
	JUDGE AMBLER	
	Is this 6, A68(c) is that right?	
	ANNETTE SYKES	
	Yes A68(c) Sir.	
	DR DONALD LOVERIDGE	
	Yes I have that.	
	ANNETTE SYKES	
	And I'm also going to refer – Sir I don't have a document number but it's the Te Rohe Pōtae Stage 1 Map Book, plate 1.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	Yeah it's A107 I think.	
	DR DONALD LOVERIDGE	
	This one.	
	ANNETTE SYKES	
	Yeah thank you.	
	DR DONALD LOVERIDGE	
	That's -	
	ANNETTE SYKES	
	And if I could ask general terms and I'm – if other counsel have explored them, the first is a term "tribe". Would you agree that that's a very difficult term to the Māori mind and does not of itself as a descriptor, really come to grips with the complex traditional relationships that underpin hapū and iwi?	
	DR DONALD LOVERIDGE	
	I would certainly agree with that, yes.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	ANNETTE SYKES	
	So when you use the term “four tribes” you could actually be talking about 80 tribes or 90 tribes if we accept that at some level, there are many entities that contribute through whakapapa to Ngāti Maniapoto, in the same way there are many entities that contribute to the whole of Ngāti Raukawa, Ngāti Hikairo and Tūwharetoa.	
	DR DONALD LOVERIDGE	
	Certainly I’d used the term that was used, they used themselves in the petition, as my starting point for the use of the term “four tribes”.	
	ANNETTE SYKES	
1435	So there is some difficulty though in that and there is a key issue for my claimants is whether it’s four or five tribes or four tribes and would you accept that that’s really beyond your expertise to assist us and coming to a conclusion around that.	
	DR DONALD LOVERIDGE	
	Well beyond my expertise.	
	ANNETTE SYKES	
	Thank you. Now the next question I like to ask is, “I understand you conceded sovereignty was not – was not ceded by the peoples of this reason at least up until 1860.”	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	That's where I left you yesterday and you said that in answers to questions of Mr Bennion.	
	DR DONALD LOVERIDGE	
	I can't – I'm sorry I'm not – I can't -	
	JUDGE AMBLER	
	And you would have to remind me of specific -	
	ANNETTE SYKES	
	Well I'll put it to you, would you accept that for many people of this region, both those that were supporters of the Kīngitanga and those that were not supporters of the Kīngitanga that at least until 1860, they did not agree to the construct of the session of sovereignty?	
	DR DONALD LOVERIDGE	
	I'm a bit out of my depth there because I have not looked at that specific issue for that specific period.	
	ANNETTE SYKES	
	Okay. Well, can I take you to your questions and answers, responses and three, question three on page 1, and you are talking about here, "How did the Crown regard the aukati?" And in your response you said, "Prior to the opening of the King Country in the mid-1880s, New Zealand Government saw the aukati as a boundary defining an area within which it	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	could not for the time being, exercise its authority.	
	DR DONALD LOVERIDGE	
	Yeah.	
	ANNETTE SYKES	
	Can I just pause there? Would you accept that of itself could be interpreted that there was an agreement at least until that stage that there was no practical exercise of sovereignty being able to be applied in this region?	
	DR DONALD LOVERIDGE	
	I'm referring here specifically to the period from, well, from 1865, but I think we did discuss the question of what preceded that and I think with the establishment of the king movement from the late 50s, there again is some rejection of Crown authority and I won't go into the details of that. Prior to that, the Crown did claim authority and in a very limited way, exercised it or tried to exercise it and sent in the, you know, resident magistrates and ministers and various things.	
	ANNETTE SYKES	
	There's one thing though for one party to claim the assertion of sovereignty and for another party to a compact or a Treaty to agree that there has been in effect a consent to that assertion of sovereignty, by implication or by actuality?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Well yes, I mean I'm talking here about what the Crown, the Crown's – I was asked to comment on how the Crown regarded the aukati, and that's what I've done.	
	ANNETTE SYKES	
	Well you actually weren't at 3.5. You were also asked, "How did the Crown and Rohe Pōtae Māori regard the aukati." So the question actually moved from one of asking you in your research to look at the question from the Crown perspective. It was broadened in the Statement of Issues to actually look at what was the contemplation of Te Rohe Pōtae Māori and I note you don't actually respond to that in your answer.	
	DR DONALD LOVERIDGE	
	Well again, the problem is, I've looked in very little detail in the period before 1883 in any of my reports, and again, I thought that was a question more for counsel than for myself.	
	ANNETTE SYKES	
	Can you look at 3.5? It's not actually about prior to 1883.	
	DR DONALD LOVERIDGE	
	Oh sorry, I'm looking at 3.6 sorry. Ah, -	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	ANNETTE SYKES	
	It's actually asking you to look at – and this question is quite important as I think it's one of the key issues before this Tribunal. That's why I'm concerned that you did not even attempt to give a response for that part of the question.	
	JUDGE AMBLER	
	I'm sorry, I'm a little lost Ms Sykes. What part of the question isn't addressed?	
	ANNETTE SYKES	
	So it goes, "How did the Crown, and the word is "*and* Rohe Pōtae Māori," and if you look at the response Sir, it's very much in my submission, deals with the first part of the question, "How did the Crown regard the aukati." I'm asking Mr Loveridge if he'd like to amplify now, in light of his research, how did Rohe Pōtae Māori regard it?	
	DR DONALD LOVERIDGE	
1440	Referring, well this again refers fairly specifically to the aukati. I'm sorry I thought I had answered that question. Um, in terms of the Crown certainly, from, from sometime~~hing~~ in '83, abused, what did I say, ah, was considered by the Crown to be increasingly irrelevant? I think it's a progressive, develops as time goes on and my only comment I could make there about Rohe Pōtae Māori was again, Wahanui~~i~~'s, action in 1885. So I'm not – I did not	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	attempt to sort of summarise developments from 1883 to '85 and I'm not too sure, I'm not sure I could do a really good, a good summary of that even now.	
	ANNETTE SYKES	
	So you would defer again to other peoples expertise as to what Te Rohe Pōtae Māori believed for that -	
	DR DONALD LOVERIDGE	
	Well I – I'm sorry.	
	ANNETTE SYKES	
	– for that part of the question?	
	DR DONALD LOVERIDGE	
	Well this is far as I was – I thought I should go with answering this at the time. Um, I dealt with, I mean I discussed, I brought forward the evidence I found relating to these matters in the reports. I did not think in this particular forum if you like, was a place to spend three pages summarising all that evidence. I opted for a short answer.	
	ANNETTE SYKES	
	I see that brevity.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Mmm.	
	ANNETTE SYKES	
	A sole of work perhaps, but can I actually ask you to look at plate 1, and I just want to, in terms of the questions I've been exploring with you -	
	DR DONALD LOVERIDGE	
	Yes.	
	ANNETTE SYKES	
	. – the aukati was put in place as an effort by Te Rohe Pōtae Māori to set quite clear boundaries wasn't it, about where the King's sovereignty would lie and where the Queen's sovereignty would lie?	
	DR DONALD LOVERIDGE	
	It was certainly set down to mark the area, which in no way come under the Crown's influence through the Court or through purchase or anything else.	
	ANNETTE SYKES	
	And in questions from Ms Feint, in the Māori mind for kinds of boundaries to be drawn through quite significant taonga like Lake Taupō. Lake Taupō's a life-force of the people of	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Tūwharetoa so in the Māori mind, it would certainly be very unusual wouldn't it, to draw an aukati going half way through the life-force of the mauri of the people, wouldn't it?	
	DR DONALD LOVERIDGE	
	Well again, that is where it's laid down to the best of my knowledge and so I can't really comment.	
	ANNETTE SYKES	
	But that's where it's laid down subsequently by virtue of external boundaries negotiated in a Land Court hearing. In the initial aukati as Ms Feint took you to in that map, it did not go through half of Lake Taupō. It actually excluded Lake Taupō didn't it?	
	DR DONALD LOVERIDGE	
	Sorry which map were you referring to?	
	ANNETTE SYKES	
	That's the one at – it's your document A41 page 181.	
	JUDGE AMBLER	
	A41.	
	ANNETTE SYKES	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yeah, and that's the Taupō-nui-a-Tia boundary.	
	JUDGE AMBLER	
	What page, sorry what page is that?	
	ANNETTE SYKES	
	181.	
	JUDGE AMBLER	
	Thank you.	
	ANNETTE SYKES	
	And it's also on plate 1. You can kind of see it but it's a very busy map, the one that I'm looking at on plate 1.	
	DR DONALD LOVERIDGE	
	Well, um, Ms Feint took me to the whole, the point, the boundary through the middle of Lake Taupō was laid down by Tūwharetoa themselves in 1881 'cos as far as I know, and she seemed to be implying.	
	ANNETTE SYKES	
	Well, I'm putting it to you that that's where it ended up and that will no doubt be matters that will be contested by them, but I'm just exploring some general, general observations. Are you aware from a geographical perspective for instance,	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	that Lake Taupō is the same size as Singapore, in geographical land map?	
	DR DONALD LOVERIDGE	
	I don't know how big Singapore is clearly.	
	ANNETTE SYKES	
	But Singapore actually fits into Lake Taupō, and -	
	DR DONALD LOVERIDGE	
	Ah, certainly, certainly take your word for that.	
	ANNETTE SYKES	
	And if you look at that region, this whole Aotea district at plate 1, could be seen as a significant part, almost one third of Belgium, it has been described by one historian, Mr Boast. So we're actually looking at a vast track of land, and it really depends on perspective as to whether or not you're setting an external boundary or whether or not you're actually describing a state that could operate within Aotearoa, isn't it?	
	DR DONALD LOVERIDGE	
	Well again, all of the evidence I've seen refers to an external boundary.	
1445	**ANNETTE SYKES**	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	And just for clarity, Ms Feint has kindly reminded me that actually on the original Kīngitanga boundary, Tūwharetoa sought the aukati to go as far east as Titiokura which of course would include the lake and would not have severed it in the way that the external boundary that was eventually enforced by the Māori Land Court did, which is consistent with the Māori mind view of relationships to land and relationships to taonga. But, getting back to what I'm saying, the aukati then for the Māori mind was an effort to define state within a state, a boundary that would confine the laws of the king and exclude the laws of the Queen. Would you agree with that?	
	DR DONALD LOVERIDGE	
	Generally, yes.	
	ANNETTE SYKES	
	And I'm suggesting to you that between the period of the original aukati being declared and the eventual negotiated boundary in the Land Court records, that Māori mind, that Māori world view did not change. What in effect was trying to occur was the concurrent acceptance under Pākehā law of that Māori world view. Would you care to comment?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well, as I would go to the 1883 petition here again, we have a fairly clear statement of what was wanted. It doesn't mention an independent state, but it does certainly specify the desire to retain full control over that area.	
	ANNETTE SYKES	
	And it's more than full control, it's under their own sovereign, under a King?	
	DR DONALD LOVERIDGE	
	Not in the 1883 petition, he's not.	
	ANNETTE SYKES	
	Not in the petition but in the original Kīngitanga boundaries.	
	DR DONALD LOVERIDGE	
	Well, it's going back to the 1867 or whatever it was, yes.	
	ANNETTE SYKES	
	Now, if I can take you again to your answers and Ms Feint, I think, took you to page 11 of your statement of issues.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Just before you go there, Ms Sykes, can I take you back Dr Loveridge to 3.5 –	
	DR DONALD LOVERIDGE	
	Yes.	
	JUDGE AMBLER	
	– of your answers of statement of issues. Where you say Wahanui's handover of the taiaha in November of 1885 was seen as a final formal acknowledgement that the estrangement between the Crown and Rohe Pōtae Māori had ended, when you say "was seen as" are you saying was seen as by the Crown or by Rohe Pōtae Māori or both?	
	DR DONALD LOVERIDGE	
	Simply by the Crown, I'm unsure to the extent of which that would apply to Rohe Pōtae Māori. I just can't speak for –	
	JUDGE AMBLER	
	That's clear, thank you.	
	DR DONALD LOVERIDGE	
	There wasn't a, sorry, there wasn't a statement made as far as I know about Wahanui, explicitly saying what he meant by that.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	All right, that's clear, thank you. Sorry, Ms Sykes.	
	ANNETTE SYKES	
	Thank you Sir, and I won't be much longer Sir. I've only got this last question which links to the same issues, Dr Loveridge, it's paragraph 4.11, page 11.	
	DR DONALD LOVERIDGE	
	Yes.	
	ANNETTE SYKES	
	And again it's coming back to what I see as the gravamen of what we have to grapple with. It was put very well by Ms Harris in questions to other witnesses this week. It's the convergence of the Māori world view with the administration of Pākehā law in the Land Court and I'm suggesting to you that in A, one of the key intentions for the Rohe Pōtae leaders was to maintain their ability to exercise tino rangatiratanga and mana motuhake over lands to be defined within that external boundary and your comments do not really go to grapple with that fundamental issue which is still about separate laws under a separate king being administered for the mutual wellbeing of those who committed to the compact to administer the lands to ensure that Pākehā law does not encroach into their tikanga.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Well, as I said back in my first line, I think it was very clear that the Rohe Pōtae leaders wanted a boundary survey in order to define in the first instance an area which they wanted the Government to recognise as being under their own control.	
1450	**ANNETTE SYKES**	
	So that would be consistent wouldn't it with the original intention that you've just conceded. That didn't change because they drew a boundary, and I don't want to get into the details of whether the boundary was right, the boundary is wrong. I don't – that's not my intention. What is really important to my claimant is that the definition of that specific geographical area was about coming to terms with their desire to assert statehood within Aotearoa, New Zealand at that time for those particular peoples of Te Rohe Pōtae.	
	DR DONALD LOVERIDGE	
	All I can do is work with the, the documents before me in which I refer to, and I don't think, I don't think they go that far. I, I couldn't say anymore than that really.	
	ANNETTE SYKES	
	Thank you, I've no further questions.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Thank you.	
	JUDGE AMBLER	
	I believe that's all from the claimant counsel thank you. Right, Dr Harris?	
	SIR HIRINI MEAD	
	Kia ora Dr Loveridge. I've got a, a general sort of a question that extends over all of your reports, and I don't think you need to refer to them yet until after the question, you might need to refer to one or two of them. Now you've done a lot of research and that's evident in these reports that you've presented to the Tribunal, and the summaries that you have talked about before us, and so this question is worded something like this, "In all of the documents that you looked at, the events that you wrote about, the activities of Government ministers and officials. Did you find evidence of these ministers and officials mentioning the Treaty of Waitangi, and reflecting on whether the Government was ever constrained in its actions by a concern for the Treaty?"	
	DR DONALD LOVERIDGE	
	To – as for the first point whether it was mentioned, the treaty is – comes up quite frequently during this period and Parliament debates and in newspaper articles, and in all sorts of materials. Um, it is certainly there being, being thought of and discussed, and there is points by those people including ministers and officials.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	SIR HIRINI MEAD	
	Mhm.	
	DR DONALD LOVERIDGE	
	As I said before, I think we – during the late 19 century, people are often, as I said referring to the Treaty, there is a very limited interpretation among settlers, among Europeans and settlers, as to what that, what the Treaty actually means. They speak of it primarily in terms of land, of the Crown's obligations in relation to land. It's often mentioned when pre-emption is being discussed, article 2 has been mentioned. .certainly article 1 and article 3 are mentioned frequently.	
	SIR HIRINI MEAD	
	Mmm.	
	DR DONALD LOVERIDGE	
	The – there's very little attention given that I've seen to the implications of the first part of article 2.	
	SIR HIRINI MEAD	
	Okay, was there any sort of policy that they were following?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	In the sense that, that they sat down and wrote all their documents stating all these points, no.	
	SIR HIRINI MEAD	
	Yeah.	
	DR DONALD LOVERIDGE	
	It's not very clearly formulated. As I said, overall it seems to me to be very consistent, the approach people take, but I certainly – I can't think of any one sort of document that encapsulates what they're saying.	
1455	**SIR HIRINI MEAD**	
	Okay, well, saying and actually performing I guess are two different things. What would be your view as to whether the Crown was making real attempts to comply the Treaty, is there any evidence of that?	
	DR DONALD LOVERIDGE	
	Again, it means – it depends on what you define as complying with the Treaty. They're defining it in quite a different way, that it's being defined today by the Tribunal and by people today and most of the references I say is in terms of – in terms of land, dealings with land, but the problem there is that of course that as far as pre-emption goes, the Crown had abandoned pre-emption in 1863, 1862 and later on decided that no, I guess we can still assert the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Crown's right of pre-emption. The Treaty is discussed there but there's a fairly selective approach to what – where the Treaty takes you on a point like that. I'm thinking in particular of James Carroll who in 1891 in the Commissions Report says that pre-emption is dead, basically, but the Crown gave away its right in 1863 and it won't work now and then a few years later saying, "Well, we're going to draw upon article 2 in order to protect Māori from speculators." So, it tends to be a fairly moveable sort of feast for the Crown during this period.	
	SIR HIRINI MEAD	
	Well, in terms of the Treaty itself and looking at the issue of Te Rohe Pōtae wanting some form of self-government, was there ever any talk in the evidence that you saw of the Government considering article 2 and tino rangatiratanga or that section in the 1852 constitution that allowed for Māori districts. Was there any discussion in anything that you saw?	
	DR DONALD LOVERIDGE	
	I would say in response to that that the Crown's position is that – was that at that time that article 1 overrode everything, that the Crown had sovereignty and Parliament had it from the Queen passing it onto them and that everything had to be subordinated to that. I noticed, I think and I think I'm right in saying that in one of the questions I was asked in questions of clarification someone asked that question about the Native Districts provision of the constitution and Stout	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	who was premier at that point sat down and just wrote and said, "Well, it was always up to the Crown whether that should be adopted and it's never been expedient or useful to adopt that provision."	
	SIR HIRINI MEAD	
	So, it's been about Kāwanatanga only, just that part –	
	DR DONALD LOVERIDGE	
	I think that's a fair way to put it. As for – well, the Crown was sort of kept coming back to this issue of Māori self-governance. I prepared a report for the Whanganui Tribunal on that very issue of the constitution and what the Crown tried to do over the next 15 years up to the wars, the initial – once they spent a lot of time arguing over who controlled Māori affairs at that point because the Governor retained control over Māori affairs and the Parliament maintained its control over all the money, more or less and they spent a great deal of time arguing who should be doing what, but they did put in place the institutions, what Grey called the new institutions, but they in fact sort of start in 1858 gradually. They tried to put them in place and put them in place in a good fair part of the country. In 1865 the – I reported in there, for example, J Fitzgerald was Native Minister in the Well Government, put forward a proposal to create his solution to the governance issue was to create Māori provinces with the same authority as a European province, if you like. One of them was named Maniapoto, apparently. He had sort of assigned –	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	SIR HIRINI MEAD	
	That's interesting.	
	DR DONALD LOVERIDGE	
	I put a map in that report, I don't have it with me, I'm afraid, but certainly Fitzgerald was fairly ahead of time in many ways. He's the one who made that quite famous speech in 1862 about the Treaty and about the place of Māori in the Government of New Zealand if you like.	
	SIR HIRINI MEAD	
	The Treaty calls, thank you.	
	JUDGE AMBLER	
	Kia ora, nō reira me hikitia, ka hoki mai i te rua tekau minita pahi i te toru karaka, 3.20 we'll recommence.	
	HEARING ADJOURNS: 3.00 PM	
	HEARING RESUMES: 3.27 PM	
	JUDGE AMBLER (Audio inserted)	
	Can I just follow up on what Professor Mead was discussing with you Dr. Loveridge and that was, you mentioned a report that you prepared.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	If you look in the preface to my A68 report on page 7 there's, a full reference is given there. It's the the title of the report is, the title is "The Development and Introduction of Institutions for the Governance of Maori 1852-1865". And the, sorry I haven't put a Wai number in there, sorry, that shouldn't be too hard to fine.	
	JUDGE AMBLER	
	Thank you and I just wanted to check is that on the record of inquiry? Apparently not according to the staff.	
	GEOFFREY MELVIN	
	Sir, it may be a report that the Crown has suggested be added to the record of inquiry but I'd have to check.	
	JUDGE AMBLER	
	Yes those should've been added by now, I think It's probably one that should be added, the Crown would agree?	
	GEOFFREY MELVIN	
	Yes Sir	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	- and the claimants would agree? Alright.	
	PROFESSOR POU TEMARA	
	Tena koe Dr Loveridge you've been sitting there answering questions for the last two days. I only have two questions to ask you. I want to follow up on the questions by Sir Hirini Mead to touch on some of the things he talked about and some of your answers to those questions. He talked about the place of the Treaty in the 1880s and what that played in the -issues that confronted The Rohe Pōtae. One thing that comes out of your report for me and from the report of Dr Marr is that the Rohe Pōtae had outstanding leaders. Leaders ah who emerged to defend the very land that they owned, that they saw could be lost to them, and one of the lines that i remember from the last two days "We can survive without the railways, but we cannot survive without our land". That really tugs at the Māori heartstrings. They were so good that they tried to use scriptures, passages from the scriptures to prick the very consciousness of the Crown. To get a sense of fairness. They were also opposed by equally outstanding leaders in the Crown. You talked about, in answer to [...~~(missing audio)~~(Audio Inserted)] Sir Hirini's questions, you talked about some people, some good people, some good representatives of the Crown who are willing to concede, who showed compassion, sympathy, for what might happen to the Māori of Te Rohe Pōtae, but despite that, the machinery of the Crown moved into top gear and your report, Dr Marr's report, shows me that they were successful in dispossessing Te Rohe Pōtae of its lands and if I were to look at Te Rohe Pōtae now, all that is left to	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Te Rohe Pōtae are the lands upon which their maraes stand and not much else. In that regard, the Crown was successful. Your answer to that?	
	DR DONALD LOVERIDGE	
	I think, I would certainly begin by agreeing with you very much about the quality of the leadership at that time. Wahanui is simply an outstanding person in my opinion in everything he tried to do. I think a certain amount, a good amount of credit should be given to John Ballance. I do believe that in the mid-1860s he was quite sincere about wanting to put in place a system which would primarily have seen land alienated by lease rather than sale, long-term lease and even later on when he was premier, his idea was again and it's fairly clearly articulated that his preferred plan was for all of the land to be alienated by perpetual lease, very long-term lease of some description and again he was very aware of land loss, by the perils of land loss if you like. But even someone like that, as you say, there is machinery in place that wants to again to grind its way through. Even someone like that finds it very difficult to, to get around it I think.	
1530	**PROFESSOR POU TEMARA**	
	So are you agreeing that it was a successful machinery and it dispossessed Te Rohe Pōtae?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	They are certainly left with very little land.	
	PROFESSOR POU TEMARA	
	Yes. The next question that follows on from that is one of the questions. Where is the charity, the sympathy, the aroha in all this?	
	DR DONALD LOVERIDGE	
	There is not a lot, there is not a lot of it, other than a personal expression because Ballance often, often makes the statements. People in office, then as now I think, are in pursuit of their own policies. I think something that hasn't, in my own work and then the other work that's been, that hasn't quite been made clear, is that John Ballance was an advocate of land nationalization as it was called. The basic idea being that, that all the land acquired by the Crown should remain with the Crown. It should, it should only be leased in future to settlers. There should be no disposals to settlers and that that system should be used to lease out land to small farmers and all these sort of thing, and that very much colours his, his policies about Māori landlords and these sorts of things, and he's in office, um, three years, and in that time he spends almost all of his time, in, in Parliament fighting for – fighting to get his land, his Crown land legislation through and his Māori land legislation through. Um, it leaves little time for other things I think in many ways, and so he – his view being that these, these programmes will benefit everybody, European farmers and Māori, and that that is his focus in the time he's in office. And the same	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	thing happens again when he's in office as premier. The politicians tend to be very policy driven. They have things to do and the short space of time to do it and they drive. Now I don't that excuses him for not having the compassion perhaps, but I'm just – that would be my, what I would say ~~with~~ about that.	
	PROFESSOR POU TEMARA	
	Thank you Dr Loveridge, thank you very much.	
	JOHN BAIRD	
	Dr Loveridge, thank you for your frank replies. You had considerable discussion with Mr Bennion about whether the Crown had misled the tribes or not, and whether its behaviour had been threatening or not. I'm not asking you to go into that sort of detail again. My question is, from your research over the period that you've researched Te Rohe Pōtae, do you think that the Crown acted in good faith or not?	
	DR DONALD LOVERIDGE	
	I think that within sort of the early, the early 80s with Bryce and Ballance, that in general, it goes, it was going into negotiations with the intention to fulfil the agreements that were made. I think as I've said, I believe that they, they did their best to fulfil those. We tend to hit a real problem when	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Governments changed, not so much with the change from the Bryce Government– to the Ballance, but in particular after, after the Ballance Government went out of office, that, that the system Ballance had tried to put in place simply, simply collapsed, didn't work, and the new Government apparently seemed to think it had a blank slate, it could go in and do whatever it considered it was going to do. So I would see, whether well, I don't know if I can describe that that day, that's politicians doing what they do. And in the context of again that no Government seems to think it's entirely bound by the actions of its predecessors that is then as now again that they seemed to think they have a great deal of, of ability to, to change things. I think the, the effect of that is – can be described, is bad faith, whether that's the actual intention of the people doing it. I'm thinking of pre-emption mainly here, is another thing I suppose.	
	JOHN BAIRD	
	Thank you.	
1535	**DR AROHA HARRIS**	
	Kia ora Dr Loveridge and thank you for your evidence. Just – I just want to add to what Mr Baird has just asked you, was Bryce going into Kāwhia in good faith? How should we understand that in the context of operating in good faith?	
	DR DONALD LOVERIDGE	
	I think Bryce thought the Crown had a right, I take the points of the Major today, but the Crown thought it had a right to do	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	anything it wanted within the King Country as it did anywhere else in the country that it could perform the things that it did elsewhere. The only reign on that was they did not want to ~~insight~~ incite violence, I think, and Bryce in the end sat down and discussed the whole survey exploration issue, then he discussed the Land Court issue and this sort of thing.	
	DR AROHA HARRIS	
	But there is this preliminary step?	
	DR DONALD LOVERIDGE	
	There is that preliminary step that where after the negotiation with the King fails, he takes – he says, "We own a town site in Kāwhia, we have a right to go in there. We have a right to regulate harbours," and he just, on that, I realise some people see that as using the word intimidating in that respect. I don't quite see it that way as you've seen in my reports.	
	DR AROHA HARRIS	
	Okay, I'll possibly come back to that. I've got a few questions for you, I'm going to ask you just one question from your A90 report and then I've got a couple of broader questions and then the rest of my questions will really be about A41 and I have my curtain raiser question is that I noticed today that you modified your view of the 1885 hui at	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Poutū.	
	DR DONALD LOVERIDGE	
	Yes.	
	DR AROHA HARRIS	
	And in your answers to clarification, answers to questions of clarification which is I have as 41(f) this is the document we had out earlier that has got a number of different document numbers but I have it as A41(f) and on page 5, where you comment on page 15 of – it's not A41, where you comment on page 15 of – you're talking about the Marr report and your answers starts with, "I think in retrospect that this is put too strongly."	
	DR DONALD LOVERIDGE	
	What page are we on?	
	DR AROHA HARRIS	
	I'm on page 5 of A41, so it's question, your answer to question 13 starts with, "I think in retrospect that this is put too strongly."	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes.	
	DR AROHA HARRIS	
	So that's two specific places where you've modified what you're thinking. So, I just wanted to ask you if there are any other places you want to tell us about that we have modified your thinking?	
	DR DONALD LOVERIDGE	
	I must say that especially after what we've been through this afternoon and yesterday and today, I desperately wish I'd been able to persuade people to let me re-write A41 and just review everything and re-think it through and take it backwards and take it through – generally speaking I will stand by everything I've said in here.	
	DR AROHA HARRIS	
	Okay.	
	DR DONALD LOVERIDGE	
	Again, I can almost put things differently, and you can always sometimes have a bit of a brain freeze and not put them the way you wanted to in the first place, but I'm fairly, having been back through all my reports for this session, I'm fairly happy with them.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR AROHA HARRIS	
	Okay, thank you, so my one question on A90 is about this term “Sacred Compact” and on page 5 of A90 you identify it as Cathy Marr’s preferred label?	
	DR DONALD LOVERIDGE	
	Yes.	
1540	**DR AROHA HARRIS**	
	So, I've got a couple of questions here, my first question is and sorry I'm just bringing it up. Okay, so my first question is what are your thoughts on the other terms that she also uses and just in the paragraph from her report that you quote, she talks about solemn undertakings, she uses chiefly understanding, solemn agreement, good faith compact and quoting compact from the times and then compact with an important sacred aspect, so she’s actually using a number of different terms and I was wondering how you saw those other terms.	
	DR DONALD LOVERIDGE	
	I do think, I must say the Sacred Pact, that term has a lot of baggage attached to it, it’s been argued through all the various reports, the Smith and McLintock and all these things. You notice that both the titles of the Smith and McLintock reports don’t just use Sacred Pact, they refer to a dozen different possibilities, if you like. I'm thinking of just to	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	make that point, for example, McLintock, the full title of McLintock's report in 1853 is an examination by Dr H McLintock, Parliamentary historian of the facts concerning a sacred or solemn pact covenant, pledge or Treaty said to have been made between the Government of New Zealand and the Māori chiefs of the King Country. I mean all of these things seldom confine themselves to a single phrase. People I think will struggle all the way along to think how this can be described in English, certainly, and there seem to be a number of variations from – in Māori usage in referring to whatever it is we're talking about. I keep coming back to this, my impression, my impression which still remains that what we have is a series of agreements made step by step which lead to certain outcomes in 1885 and '86 if you like and I don't know what else to sort of call them, we have a series of agreements, seen differently from both sides, apparently and I'm not quite sure whether it would be useful for me to put a single description on that. There are agreements made step by step entered into by the Crown and I think by Māori with the intention of fulfilling their terms. So, we have the Rohe Pōtae agreements, I guess, is how I would put it.	
	DR AROHA HARRIS	
	Okay. Okay, so agreements, plural?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes.	
	DR AROHA HARRIS	
	Okay, I want to turn to the couple of broad questions I said I had and the first one I want to pick up on some discussion that's already been had yesterday and again today about newspapers.	
	DR DONALD LOVERIDGE	
	Yes.	
	DR AROHA HARRIS	
	And you answered some questions yesterday about newspapers and not being, being careful to know there are newspapers that aren't on papers passed and other sources, so you're really talking I think about methods, but I guess I'm interested in how historians could and maybe should read newspapers and really this is a question about the politics of newspapers.	
	DR DONALD LOVERIDGE	
	Yes.	
	DR AROHA HARRIS	
	At that time, I mean they come with their own baggage. I've	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	got some notes somewhere. I think we already know that Ballance had a controlling interest in the Whanganui Herald, Vogel had a share in the Daily Southern Cross, Fred Whittaker, the lawyer and Parliamentarian bought into the Waikato Times, the Herald was established, you know, had an editorial policy in its early years for taking a hard line against the so-called Native rebellion, so how much of that should we be thinking about as we're reading the newspapers and I guess in a way selecting, I mean one of your points yesterday was we need to be careful selecting and select broadly.	
	DR DONALD LOVERIDGE	
	Yes.	
	DR AROHA HARRIS	
	But at the same time it seems to me that sometimes we also take newspaper reports at face value and other times we don't, we think we need to be more careful than other times.	
	DR DONALD LOVERIDGE	
	Yes, newspapers are an, enormously valuable sources, of course, everyone who uses them recognises. I think it's clearly the job of the historian using them to be aware of those elements of ownership and policy and that sort of thing. There is a bit of a problem here that there is very,	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	very, little literature on the subject of – very little examination of these issues of political control and the effect of the political views of owners on the editorial line taken over a longer period of time.	
1545	You can sometimes look at it and think, well, this is a Government newspaper or this is an opposition newspaper, but it's very difficult sometimes to get a sense, for example, I think – I know very few of the names of the editors that I keep quoting, I don't know who they are because they're seldom named in the newspaper itself. I don't know sort of who is telling them what to do or if anyone is telling them what to do. We all know that newspapers during this period are – well, there's two fundamental roles, I think. One is advertising mediums and local news and this sort of thing and the other one is political positions. If you read them during election campaigns, sometimes you get a very clear idea, but the problem is of course that you can't read every single newspapers because you can't read every single article when you're looking for specific things relating to the subject you're writing about such as matters Māori in my case. But, as I say I think there is a responsibility to try and at least get your head around those issues and do something about it and to make it clear where any problems might arise, if you like. As for selection, we're sort of spoilt for choice nowadays, nowadays you don't have to burn your eyes out reading microfilm day after day after day, but I think again regardless of all those problems, again in many cases we have documents and accounts that are simply not available from any other source at all and so you have to sort of get in and	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	dig. I was trying to make a list the other day of all the letters Wahanui wrote to the newspapers and it's a fair number and I'm sure I haven't exhausted that particular possibility. Just lots of things that just don't seem to show up anywhere else in the record. I'm sorry, have I answered the question? I'm going on a bit.	
	DR AROHA HARRIS	
	Yes, I think you have. I was just going to point out though that Māori don't, with a few exceptions Māori don't own newspapers and don't have the distribution. I mean even the Māori language newspapers are often Government owned.	
	DR DONALD LOVERIDGE	
	Often, yes, yeah.	
	DR AROHA HARRIS	
	Yes.	
	DR DONALD LOVERIDGE	
	I was—, Paul Meredith did, of course, I think it's A57 from memory, of the précis of some of the articles in some of the newspapers. I didn't actually find too much in there that – and some of the things he had were apparently just translations of material from the European newspapers, but I would think it would be awfully nice if someone would front	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	up with some money to do a more serious exercise in that direction. It would be nice to see, I appreciated the précis and I know it was very hard work to do them, I would like to see translations, verbatim translations of key articles more so, I think, that would be quite useful.	
	DR AROHA HARRIS	
	On page 61 of your A41, I hope –	
	DR DONALD LOVERIDGE	
	Sorry, I'm just trying to think where.	
	DR AROHA HARRIS	
	You make or you might remember this comment, you make the comment about the New Zealand Herald having quite good information about what Bryce is thinking. Why do you think that is?	
	DR DONALD LOVERIDGE	
	I don't know. Perhaps one of the reporters was friendly with Bryce or a member of his entourage, I don't know. Again, not enough information really. Again, I don't know who the person is we're talking about, because they don't name people in articles. You get certain spells that – here and on other occasions that you get the impression that the person	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	writing has a very, a fairly intimate knowledge of what ministers are discussing amongst themselves and with their officials. Not just here, there's other occasions of different times as well. There's one very strange one where there's a correspondent of the Otago Times for example. I think it was in the early '90s, seemed to have a very good idea what the Government thought it was doing and when nobody else was riding with that confidence, if you like, and predictive value –	
	DR AROHA HARRIS	
	But you seem to think it's somebody inside the newspaper approaching politicians and not politicians trying to get their stories in the paper?	
	DR DONALD LOVERIDGE	
	Hard to know, my impression was that they weren't – my impression was it was a reporter approaching the politician, because I didn't get the sense that he was just handing out press releases or something like that, he's commenting on certain aspects, but seemed, knowledgably if you like.	
1550	**DR AROHA HARRIS**	
	Okay. I've got another broad question and again this was canvassed yesterday and again today and that's the period that yesterday you described as an interlude in Crown sovereignty and so this is the – you had the discussion with Mr Bennion about the Crown reasserting sovereignty or restoring sovereignty and –	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes.	
	DR AROHA HARRIS	
	– you were asked about the period between, depending what date you take, you could take 58 or 60 or maybe 65 and ending somewhere in the middle of the 1880s.	
	DR DONALD LOVERIDGE	
	Yes.	
	DR AROHA HARRIS	
	And that's a long interlude.	
	DR DONALD LOVERIDGE	
	It certainly is, yes.	
	DR AROHA HARRIS	
	I mean in 1885, it's not so much an interlude but it actually, half of the time that the Crown was claiming sovereignty.	
	DR DONALD LOVERIDGE	
	That's a generation in between more or less.	
	DR AROHA HARRIS	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yeah, and even by 1900 it's a third of the time since they'd passed since 1840 so it seems to me to be a long interlude and I was wondering how anxious it may have become for the Government especially.	
	DR DONALD LOVERIDGE	
	I think there's always pressure on the Government during – speaking of the period to 1865 to the early '80s and again I haven't been able to sort of – wasn't able to spend the time I wanted going through that myself, but from what I read on these and from what was going on in the early '80s, I think it's very clear that there's a lot of public pressure to sort this out, if you like. People want the Crown to do something about it in terms of negotiating and working out some sort of an agreement with the King in the first place and later on whoever will negotiate with them. I mean we have overtures from the claim, we have overtures from the Grey Government and Sheehan and then the Bryce Government steps in and again the same thing, so there is a lot of – obviously the politicians are responding to pressure from some sorts, mmm.	
	DR AROHA HARRIS	
	How would you characterise the relationship between Māori and the Government during that period? Let's call it the period of the interlude.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well, there isn't much of a relationship with the people inside the aukati. Again, they're not stopping, for the most part not stopping people from going back and forth. The Crown is not saying that the aukati is a firm boundary and nobody may cross it or anything like that. Because people are – there's trade going through and there are people moving back and forth. One thing I was quite surprised to see is I think in 1866 or '67, when settlers of the Waikato asked the Crown to put a firm aukati so nobody could cross the line. They don't seem to have thought that was a good idea. But other than that, I mean –	
	DR AROHA HARRIS	
	Was that because they preferred Rohe Pōtae law?	
	DR DONALD LOVERIDGE	
	I don't know, well, the people in the Waikato looking into the aukati, saying we want this firmed up, – I don't know how many people it was or whatever, but I was taken by surprise by that. Well, it's pretty hard to generalise about everybody else, Māori outside the aukati. The Crown is at this point pretty much, well, again in this report I've referred to, what happens in 1866 after all the experiments with the institutions and this sort of thing, the Crown really winds the clock by the new Stamford Government comes in and pleads austerity and takes all the money away from those developments that have been taking place and almost winds the clock back to 1858, going back to the resident magistrate system, basically. So, I mean we have an interlude from	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	18656 to the early '80s with the exception of McLean's proposals which never turned into legislation to put in front of the house about Native Councils and we have that long interlude where the Crown is simply not thinking about local Government, the Māori Governance if you will, and then we get into committees with Bryce then nothing much happens after that until 1900. So, you know, the Crown, I think, all you can really conclude from that is that the Crown is going, thinks it's going to treat all Māori the same way it treats settlers and whatever. I mean they are not thinking in terms of exceptions in governance and this sort of thing. That's not a very clear way to put it, I'm afraid. I don't think I can start on a topic that large.	
1555	**DR AROHA HARRIS**	
	That's okay. I'm not getting a sense that things were tense. I would've expected some tension.	
	DR DONALD LOVERIDGE	
	Yeah there's spots, there's spots of tension, issues arise and people react and this sort of thing, but no I think once sort of it becomes clear that the world war is not, the war is not going to be started again after 18 – well of course there's fighting in various places and up until about 1870. Once, once that stops and it becomes fairly clear fairly quickly there's not going to be anymore fighting, if you like, yes I would say there's not a huge amount of tension outside of, outside of, outside of (inaudible 15:55:43).	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR AROHA HARRIS	
	So when, when people start negotiating so say if we take, I think in your report, you refer to Tāwhiao's second goodwill to all the one that brings them out of the Waikato -	
	DR DONALD LOVERIDGE	
	Yes.	
	DR AROHA HARRIS	
	– he goes to Auckland, if we go from there and some negotiations begin after that.	
	DR DONALD LOVERIDGE	
	Yeah.	
	DR AROHA HARRIS	
	Are they, there would've been some tensions around those? There would've been some – I mean people, I think both sides by then have made it clear that you know nobody wants to take up arms -	
	DR DONALD LOVERIDGE	
	I think -	
	DR AROHA HARRIS	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	– doesn't mean that there's an absence of heated discussion and debates that we're – you can't find agreement, that kind of thing.	
	DR DONALD LOVERIDGE	
	I'm sure there are some people who are tense. They're also, um, generally speaking, I do think, I agree with various other people who have pointed out that Tāwhiao's visit to Auckland, his tour if you like, of the (inaudible 15:56:38)Waikato and Auckland, seems to have, you know taken down much of whatever tension remained, because you know, he's very overtly going out and saying, "You know, we are at peace now, and there's no intention on our part of doing anything," and –	
	DR AROHA HARRIS	
	But he's also got terms about maintaining his -	
	DR DONALD LOVERIDGE	
	He does yes.	
	DR AROHA HARRIS	
	– maintaining the, the Kīngitanga.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes, and well not the ones the Crown's putting forward apparently, 'cos more, there's a ground in essence putting forward terms to bring the king under the Crown's umbrella if you like yeah, yeah.	
	DR AROHA HARRIS	
	Okay. Sorry, I will leave that one there. Just, I want to ask a little bit more about Ballance, and you said, you say in your report, and I'm starting at page 186 and it goes over to 187 so I'm still in A, I'm still in A41.	
	DR DONALD LOVERIDGE	
	Okay 186 yes.	
	DR AROHA HARRIS	
	So this is where you're saying that Ballance was very careful to explain that the ideas he was putting forward were his own and that had yet to be accepted by Parliament?	
	DR DONALD LOVERIDGE	
	Yes. I think it's very, I've seen very few reports of meetings between member, you know, the Crown's representatives and Māori during this period, whether that qualification wasn't made in some form or another.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR AROHA HARRIS	
	Well we heard from Doctors Robinson and Christoffell yesterday and Dr Robinson said she hadn't seen anything that said that Ballance explicitly said, "These are ideas that have to go before Parliament, and I can't be responsible for –"	
	DR DONALD LOVERIDGE	
	I can't agree with that statement. I refer to it in the various points in my reports.	
	DR AROHA HARRIS	
	So do you want to step us through the evidence –	
	DR DONALD LOVERIDGE	
	Let me see, um, -	
	DR AROHA HARRIS	
	– that you've gotten, apparently she didn't?	
	DR DONALD LOVERIDGE	
	Let me, I have to look for this. That page you looking to is a summary of what I've been discussing, so let me see.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
1600	**DR AROHA HARRIS**	
	I can't find it.	
	DR DONALD LOVERIDGE	
	I'm thinking here specifically on page 171, all I can find on it. This is again part of the discussion on – I'm pretty sure we're still on the, I think we're on the 5th of February meeting and again he's talking about rates and his Land Board proposals here. Mr Ormsby has asked that in answers similar to the answer that "I propose to give him with regard to the rating Act shall be given to the other subjects. These answers are contained in my speeches, those answers, with the explanations I have given on the official report of my speeches will be the best replies you can get. He will see that most of the questions are proposed legislation and will be dealt with in the Bill which we propose to circulate before the session so there will be ample time to discuss them amongst yourselves" and then it goes on, he's qualifying this and I will have to go back through the whole piece to get the other qualifications and certain things he's saying specifically as minister, "This is what I say will be done," but when he's talking about proposals he's fairly clear that these are proposals.	
	DR AROHA HARRIS	
	And you think on that basis they know that he's not making a specific promise?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I think he makes it quite clear that he's describing his proposals to them when he's talking about things like the Native Land Disposition Bill. He's saying, "This is the purpose of all these meetings," he's going to, is to tell them what he plans to do. I think that's fairly clear and again I would have to go back and go through all of the reports but I certainly was my impression that he was very clear on that point and as I say, he then proceeded to do that.	
	DR AROHA HARRIS	
	And back at your conclusions that I've lost the page number.	
	DR DONALD LOVERIDGE	
	185, was it?	
	DR AROHA HARRIS	
	186 was it? Actually, I think it's on the next page on 187. It's on that basis that you conclude at para, Roman numeral 8.6 that Rohe Pōtae Māori had agreed to enter into ordinary Parliamentary processes?	
	DR DONALD LOVERIDGE	
	Well, again, if and again what I'm saying is my impression is that one of them, the main elements that adduced them to	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	accept the railway was Ballance's proposals about land legislation, so I think they are saying, "Yes, this is acceptable, we will enter into private Parliamentary regime if this is passed."	
	DR AROHA HARRIS	
	So they'd become citizens alongside everybody else?	
	DR DONALD LOVERIDGE	
	We will accept, I mean the Government's whole purpose in this whole exercise is to persuade Rohe Pōtae Māori to step under the umbrella again if you think of that phrase again and this ~~seems~~ appears to be a fairly crucial point. Why did they agree to the railway? They didn't agree immediately, they went away and talked about it. We don't – have very little information about what they talked about, this is what I'm concluding.	
	DR AROHA HARRIS	
	So, agreeing to the railway is equivalent to agreeing to enter into Parliamentary processes in these circumstances?	
	DR DONALD LOVERIDGE	
	Well, I'm speaking here in the context of the Native Land disposition proposals that Ballance is making, that again that why did they agree to the railway, and I think this is the principle reason.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
1605	**DR AROHA HARRIS**	
	Okay.	
	DR DONALD LOVERIDGE	
	Or a major reason I should say, yes.	
	DR AROHA HARRIS	
	I've got a similar question about the earlier discussion over the fragmentation or split or division of that king movement, and I was wondering again what your evidence is for the low point.	
	DR DONALD LOVERIDGE	
	I think putting it in those terms is my general impression.	
	DR AROHA HARRIS	
	Okay.	
	DR DONALD LOVERIDGE	
	I think going through everything that I've gone through, that is a very general impression of the pattern of events we're looking at here.	
	DR AROHA HARRIS	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	But you also said this morning that the newspapers were saying all sorts of things.	
	DR DONALD LOVERIDGE	
	No the newspapers say all sorts of things about – there's a constant sort of from 1880s through to well for another decade, they keep saying, "Well the king movement's about to collapse," in fact it goes into the, after the turn of the century when, when the king accepts a seat in the Legislative Council. Several newspapers pop up and say, "Well that's the end of the king movement, this sort of thing. It's a constant referring and I'm not basing it on newspaper (inaudible 16:06:28) opinion. I'm – my general impression overall is -	
	DR AROHA HARRIS	
	Excluding the newspapers?	
	DR DONALD LOVERIDGE	
	Well to a certain extent, but principally just in terms of what, what was going on, and the numerous times there are sort of interactions between the Crown and the king, the king movement and the four tribes and the king movement. I can't sort of put my finger down on any single piece of evidence and say, "Well this is – this proves this is the lowest point in this relationship." As Ms Sykes pointed out, there's some, a lot of things involved in this relationship. This is just purely my own impression.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR AROHA HARRIS	
	Okay. Okay, just got one more question, and it's about Wahanui's handing over the taiaha, and in your responses to the Tribunal Statement of Issues, you, I think you used the term, you say that the Crown understood it, like people understood it as the end of the estrangement between the Crown and Rohe Pōtae Māori.	
	DR DONALD LOVERIDGE	
	As I say, that's what seems to have been understood by, by the Government and by most, many people if you like, yeah.	
	DR AROHA HARRIS	
	So you think the relevant Crown representatives at the time understood that kind of exchange, kind of you know, it's a very Māori world exchange?	
	DR DONALD LOVERIDGE	
	I'm not, I'm not convinced of that.	
	DR AROHA HARRIS	
	But -	
	DR DONALD LOVERIDGE	
	It is portrayed certainly in, well most, well some of the newspapers much more so than others, but you see very -	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	certainly I don't recall seeing any comments in the papers about the significance of the gift, as the gift exchange if you like, as a gifting. There's much, they're talking about Wahanui coming in and handing over the taiaha to Ballance if you like.	
	DR AROHA HARRIS	
	But the ending of a 20 year estrangement would be a fairly significant, carry a significant weight wouldn't it?	
	DR DONALD LOVERIDGE	
	Well it does seem that way. As I say, it is seen as an important gesture of – a symbol of the end of that estrangement.	
	DR AROHA HARRIS	
	So people, okay so I'm, I'm a bit lost here, so -	
	DR DONALD LOVERIDGE	
	I think I am too.	
	DR AROHA HARRIS	
	Well, so they can – people can understand it as the end of the interlude, if you can call it -	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes.	
	DR AROHA HARRIS	
	– if you can call it, but don't – but can't comprehend the kind of impact it has that are in the Māori or the significance of it?	
	DR DONALD LOVERIDGE	
	Well I think they're interpreting it as a, they're not interpreting it in those terms. They're seeing it as a symbol. This is, this obviously, the taiaha is a symbol of the aukati and the authority related to the aukati and the king and Wahanui's and there's simply – if he gives this to the Government, what does that tell you? And they think it tells them that this is Maniapoto, Wahanui specifically showing, making a concrete demonstration that the interlude is over.	
	DR AROHA HARRIS	
	And you don't think that the relevant Crown representatives at the time would've -	
1610	**DR DONALD LOVERIDGE**	
	I've come across no particular evidence of that. I mean what happened basically was that Ballance put it in the library and then there was a ~~kafuffle~~ kerfuffle over whether, you know, they should or not because Grey, I think, was complaining	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	that this was a fraud, Grey and others said this is not what Wahanui said and in the end it ended up in Otago as we know it's in the museum in Wellington now. It's very, very interesting.	
	DR AROHA HARRIS	
	So that would've been the Parliamentary library that they put it in?	
	DR DONALD LOVERIDGE	
	Yes. They were going – I think they actually built a stand to put it in, a glass shelf or something and as I say, there was this political people trying to score points on each other, Grey particularly trying to score points on Ballance and in the end, for some reason, an Otago member walked away with it. I don't know exactly what we make of that, but certainly it was not – you know, I think you can conclude it wasn't seen by the politicians involved as being something so important that it should have ended up somewhere in Parliament regardless, if you know what I mean.	
	DR AROHA HARRIS	
	But Parliament is a fairly important Pākehā institution, isn't it? That might actually be –	
	DR DONALD LOVERIDGE	
	Well, they let it go, they let it go out of Parliament, that's my point. If they understood all the implications of it, wouldn't	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	they have wanted to, regardless of anything else, make sure that it was kept there. This is just me.	
	DR AROHA HARRIS	
	Well, it would depend a little on what they were fighting about, squabbling about with Grey.	
	DR DONALD LOVERIDGE	
	Well, as I understand, this is from memory, it's been a while since I looked at that, that basically Grey and others said this was a fraud that this was not, this taiaha was not a significant ~~artifact~~ artefactand Ballance was being diluted or whatever by Wahanui. I understood that to be the essence of the argument. Ballance denied that, but in the end, as I say...	
	DR AROHA HARRIS	
	So how well do you think the key Crown people at the time, people like Ballance dealt, Bryce during their time, understood how the Māori world operated and understood those symbolic gestures?	
	DR DONALD LOVERIDGE	
	Well, I think I would say to begin with, as far as I know, neither of them spoke Māori and would've been reliant on their officials like Wilkinson, for example, who did for	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	information and information from other sources of varying kinds, but I – maybe it's just the documentation but I do get the impression that there's a fairly restricted understanding of certainly there's a fair, I suppose, workman like understanding of Māori social and political organisation. I'm really not sure how much beyond that it went. I don't know if that's – I mean we have, as I say, we have I would think almost the only people in Parliament. There might be half a dozen people sitting in Parliament who spoke Māori and had some long-term contact with Māori. Ballance was from Whanganui and Bryce, they were both from that same area, so they would've had fairly extensive contact with Māori during that. But I think Ballance for example, from memory, was criticised for not having much of a background with Māori when he came into office. I think I've referred to that in A41 somewhere, but I just have –	
	DR AROHA HARRIS	
	Yes, it would be hard to know what that really meant though, in the context of its times compared to today, it might actually be, you might actually be fairly knowledgeable by today's standards.	
	DR DONALD LOVERIDGE	
	By today's standards, perhaps?	
	DR AROHA HARRIS	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yeah.	
	DR DONALD LOVERIDGE	
	I guess I can't really sort of – I just don't get the impression overall that there's a great depth of knowledge there.	
	DR AROHA HARRIS	
	Okay, thank you, I'll leave it there. Kia ora.	
	JUDGE AMBLER	
	Tēnā koe Dr Loveridge. Thank you for your reports and your evidence and the way you have answered questions. I want to just start with a few smaller points to clarify and then move to three or four bigger issues that I'm interested in and if you have document A41 in front of you.	
	DR DONALD LOVERIDGE	
	Yes.	
1615	**JUDGE AMBLER**	
	At page 22, half way down we have reference to Rewi, I'm not sure what report this is from, but it says, "Rewi's response was immediate and positive. There is only one thing that is tying us down just now. It prevents us from having one law amongst us." And I wasn't clear on what that was, what he was referring to.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	These are, this material here is from the reports on Rewi's meeting with Bryce earlier in 1882.	
	JUDGE AMBLER	
	Yes.	
	DR DONALD LOVERIDGE	
	Let me see, um, he's responding there to – Bryce is, it's actually Bryce's usual introduction in this sort of meeting where he stands. In this case he says, "There must, if our canoe is to go safely in smooth waters, be only one sovereign and one set of laws which are to apply to both races." I assume that that is what Rewi is responding to. I can't think what else he would be – he's saying there, presumably he's referring to the issue of the sovereignty.	
	JUDGE AMBLER	
	All right.	
	DR DONALD LOVERIDGE	
	That would be my reading of it.	
	JUDGE AMBLER	
	In one part of your report, you refer to the, I think it's the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Native Reserve Act, is it 1882.	
	DR DONALD LOVERIDGE	
	Yes, ’82 yes.	
	JUDGE AMBLER	
	Basically, not being taken up, and I’m assuming that was, that is understood to be primarily because the lands would then be controlled by the Public Trustee?	
	DR DONALD LOVERIDGE	
	That’s certainly my impression. It seems that the matter was, it wasn’t just over sort of immediately rejected. It was discussed at various points. There’s reports later of it being considered in ’83 and ’84 either, although I don’t know how reliable some of these reports are, but again I think that was the principle objection. This is very much on sort of the lines of the West Coast Settlement Reserves model which I think that came after the Native Reserves Act but this whole idea that, that long, any sort of long-term tenure had to be in hands of the Public Trust or should be in the hands of the Public Trustee so that it could be bestowed on perpetual leases of different kinds or very long-term leases.	
	JUDGE AMBLER	
	Yes and as you were discussing, it was pivotal to how Ballance saw the world.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	It's certainly part of it, and ~~basis~~ Bryce's to to a cert.., to a fairly large extent, they're both pretty much on the same page when it comes to that, that whole question of land and land nationalization.	
	JUDGE AMBLER	
	All right, can we move forward to the, the meeting on the 16th of March 1883, and the article attributed to Hataraka?	
	DR DONALD LOVERIDGE	
	Yes.	
	JUDGE AMBLER	
	And I have read that. I do not have it handy but I have read several times in the letters that were exchanged between Bryce and Wahanui and others, and I don't quite see the controversy of Hataraka's version of events and I just wondered because there are, there are – Mr Melvin took Mr Meredith through this the other day.	
	DR DONALD LOVERIDGE	
	Mmm.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	There are elements in the article attributed to Hataraka that are consistent with the letters, and then there are, there are some, one or two points that you don't find in the letters, but can you just explain to me what, why it was seen as such a controversial version of the meeting, and why the newspaper dubbed it, "The curious compact?"	
	DR DONALD LOVERIDGE	
	Well the, the herald, the editor of the Herald, whoever is -	
	JUDGE AMBLER	
	This is the Whanganui Herald?	
	DR DONALD LOVERIDGE	
	Yes, sorry, the Whanganui Herald.	
	JUDGE AMBLER	
	Yes.	
	DR DONALD LOVERIDGE	
	As I say, there's the article that appears on the Saturday issue, and on Monday there's an editorial so they sort of, the two of them both go together, and this – ~~because~~ he calls it ~~is~~ a compact, and it's a term used by the editor in this. And the main compact he's focusing now, what he sees as the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	difficult part, is that an explicit promise – Hataraka says that Wahanui absolutely insisted that nothing would happen unless, unless the Crown agreed that Wahanui would have absolute and final say on whether or not there would ever be a railway or roads built by the Crown inside Rohe Pōtae. That's what that letter that Hataraka talks about them signing. He says that Wahanui said this verbally, it was then written down that he insisted that Bryce sign it on the spot. That's the compact.	
1620	**JUDGE AMBLER**	
	Yes, I understand that, but I don't understand why that would've been perceived to be so controversial given that we'd had this 20 year approximate interlude and there seemed to have been no progress from the Pākehā settler's perspective within the district. Why was it seen as controversial that Wahanui might be saying there will be no movement on this?	
	DR DONALD LOVERIDGE	
	I think it's simply saying that Wahanui would have – the idea that Bryce, a minister of the Crown had agreed that Wahanui alone would have the final decision on this particular matter which is obviously a fairly important matter.	
	JUDGE AMBLER	
	When you say Wahanui alone, you mean Wahanui on behalf of the Rohe Pōtae people?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	I'm sorry, the way it's portrayed in the letter is that Wahanui personally and alone would have that, that's what Hataraka says that he himself will have the say on this matter, that Bryce agreed to this, explicitly and in writing and of course what the editor says is, "Well, we'll have to see this letter won't we? Then we'll decide how much damage has been done to Bryce's ability to be a minister." Yes.	
	JUDGE AMBLER	
	I see, okay, but stepping back from that apparent or that claimed acknowledgement by Bryce that Wahanui alone would have the say, if we see in the context of an acknowledgement that the Crown needed to negotiate and agree with Rohe Pōtae Māori as to the railway, I mean that's not a controversial concept, is it?	
	DR DONALD LOVERIDGE	
	Well, Bryce himself is prepared to negotiate when he has to.	
	JUDGE AMBLER	
	Yes, and the subsequent conduct is consistent with that.	
	DR DONALD LOVERIDGE	
	Yes, but I think again it's the idea that – and again this is the newspapers reading of it that this is an absolute outrage that a minister should put such an agreement to accept	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Wahanui's decision in writing and you know, more than – they're not the only newspaper, several others picked this up, copied the article and make the same and related points of the same kind, but if he said this or if he wrote this, this is an outrage that he should not have done that to make such a commitment without, if you like, further consultation with his fellow ministers.	
	JUDGE AMBLER	
	Yes, and these are these editorials which are really targeted at challenging Bryce or driving in a certain direction.	
	DR DONALD LOVERIDGE	
	Mmm, well, some are supporting him and saying, "We can't possibly believe this." There's three or four I think editorials on the subject and they cover a fair range of opinion.	
	JUDGE AMBLER	
	All right, no, that's helpful. The December 1883 agreement between Percy Smith as assistant surveyor general, I think –	
	DR DONALD LOVERIDGE	
	The 19th, I think it was.	
	JUDGE AMBLER	
	Sorry?	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	December 19th I think is the actual agreement.	
	JUDGE AMBLER	
	Yes, December the 19th. This is what is sometimes called the Aotea agreement and I was just lost as to where that – you see, the interesting thing in this inquiry is that one of the themes to me is the use of names and that titles for events and we've heard a lot of, I mean in terms of individual's names changing to do with events, both positive and negative and I just wasn't clear on where that Aotea agreement name came from?	
	DR DONALD LOVERIDGE	
	I don't know, it's an odd one because you would think that to use – I mean at this time we don't have an Aotea Block, all we have is a Rohe Pōtae through the whole thing.	
	JUDGE AMBLER	
	It's not a contemporary label, is it?	
	DR DONALD LOVERIDGE	
	I don't recall having seen that particular phrase being used in the 80s.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	I thought I'd read somewhere that it was suggested that the Waitangi Tribunal that inquired into the Pouākani Block, well at least had used the name but –	
1625	**DR DONALD LOVERIDGE**	
	I don't recall, I must say simply that I haven't seen any that I can remember, I can think of. I haven't seen any contemporary mid-80s sort of reference to that phrase.	
	JUDGE AMBLER	
	Moving slightly forward and I have got my dates slightly wrong here, but I think it is, I think it is in 1888. There is a comment from John Ormsby that they now want individualization of land. You might recall I raised this with Dr Christoffell and Dr Robinson and it's an odd statement that seems to be inconsistent with what came before and after, and I just wondered if you had a comment on that.	
	DR DONALD LOVERIDGE	
	I have dealt with that in ~~1886~~ my A68 which I can find if you like. Sorry I'm over reported here. Yes I'm on A68 page 87.	
	JUDGE AMBLER	
	Yes.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	And I'm discussing here that this is, this is where the new Minister Mitchelson came out to, to meet with Maniapoto and the others to discuss what was going to happen now that the – what was going to happen when the Native Land Administration is, excuse me, Native Land Administration system is gotten rid of, and this is April of 1888 and the minister comes and he explains, they discuss what is going to be done. Wahanui states that they wanted to discuss the land law Mr Ballance rates and the purchase of land by the Crown. He then, Ormsby then stepped in and said various things and he said, um, then he goes down a bit further, what he said they thought was needed was an alteration of the law because the laws in the past were made as if Māoris were children, now things were different ~~in this~~. In Mr Ballance's time the Native Land Administration Act was passed by the wishes of the natives at that time. The opinions of the people have altered. At that time the natives of this district did not wish for individualization of title, referring to 1886 or '85 not entirely clear, but that the land should be vested ~~and happens~~in hapus and~~in~~ committees, and committees were appointed. It is now~~t~~ the, well it is now their desire that all the land should be subdivided and individualised. Now the cry is that the old law was a bad one and that a new law be made. And then he went on to discuss the, the 1886 Act. I should mention here that Mr Meredith identified a letter I hadn't seen before. It's a letter of 1st of June 1888 which is Wahanui writing to Ballance about this same subject, his comments on the Act. But this is the context of Ormsby's remarks that they had ~~then~~ been – I take it to mean, that they had been in the Court and now wanted to proceed along this different direction, and they –	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	then they say that this is what we want. This is what we want you to do. As part of that, we want, we want to proceed with individualization and these are the things we want you to do.	
	JUDGE AMBLER	
	Yes it – I mean we have only got the version in English here.	
	DR DONALD LOVERIDGE	
	Yes.	
	JUDGE AMBLER	
	Which poses its own problems, but the impression I had overall was that this was at a time when they were reacting to the, the pre-emption –	
	DR DONALD LOVERIDGE	
	No this is before pre-emption.	
	JUDGE AMBLER	
	I thought the pre-emption came in 1884?	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Well this is before the session in 1888 and we're in -	
	JUDGE AMBLER	
	Yeah.	
	DR DONALD LOVERIDGE	
	This is Mitchelson before the session going out to talk to Māori and this is I think, I think is it March, um, April. He sees there in April, the session starts a couple of months later and it's during that session that pre-emption is imposed, so this is what they're saying before. As I said that he didn't seem to discus that idea with them, re-imposing pre-emption.	
1630	**JUDGE AMBLER**	
	Several people have discussed with you the – this question of a split from the Kīngitanga and what you put as a split from the Kīngitanga, and I am still not entirely certain where you end up because you seem to emphasise this in your reports, and I am looking at page 65 of document A41 where you say, "For what it is worth it is my impression that the four tribes spoke for all of the former King supporters who chose to break away from Tāwhiao at the end of 1883 in order to negotiate directly with the Crown concerning the future of the King Country." In other words, it defined itself by stepping away from the King's authority, which means that as the Crown's authority was gradually accepted it would inevitably tend to lose focus as a distinctive body, but there are a lot of other references and I just wondered if perhaps you, as the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	claimants are, you have missed some of the nuisances of the whakapapa relationship between these key players and I guess the subtleties of the role of the King and Kīngitanga and the role of the tribal leadership. So I really am offering you an opportunity to comment because I do not know if you have really commented fully.	
	DR DONALD LOVERIDGE	
	I think from the passage that you've just read, I think pretty much still encapsulates my view on this. I think it's pretty much beyond debate that the group that identifies itself as the four tribes, certainly I no longer, referring back to the King, on matters of land, he said, "We do not accept your authority in this matter, we will decide what's going to happen with the land."	
	JUDGE AMBLER	
	I did not – well that is the point that I am trying to get my head around, I am not sure that the Kīngitanga conceived of itself as controlling the land at the tribal level. Was it not at a higher level than that?	
	DR DONALD LOVERIDGE	
	Well it's at a higher level, I mean the King very consistently throughout the '80s certainly, is saying there shall be no surveys, there shall be no sales releases without my permission, there shall – and yet (missing audio 16:32:40) we have all the things that are happening. It certainly says there shall be no railways without (inaudible 16:32:46) my	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	permission and yet we have the four tribes going through the series of negotiations with the Crown up to ’85, ’86 and they're certainly not accepting that, his authority on those issues.	
	JUDGE AMBLER	
	All right -	
	DR DONALD LOVERIDGE	
	And certainly I entirely accept that I've missed many of the nu~~is~~ances here on relationships but I think that's fairly straight, that's fairly clear.	
	JUDGE AMBLER	
	All right, but in terms of how, what you see as these two groups get to that point, what I was interested in was Wahanui and Tāwhiao at that meeting with Bryce in late 1882, were Wahanui, sorry and Tāwhiao was there, and Tāwhiao essentially defers to Wahanui and I just wonder how you interpreted that because to me that seemed to be a recognition of the local tribal leadership.	
	DR DONALD LOVERIDGE	
	There may well be something to that but again that did not stop the King ~~maybe~~ later from complaining about what they did. So he seemed to think that they should be listening to him on those big, big issues if you like.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	JUDGE AMBLER	
	Well I think there is certainly some tensions are there not, as there are with Te Heuheu and other leaders. What does not seem to happen though is that we do not seem to have Wahanui in his communicating with Crown officials and attendance in Wellington, he does not seem to explicitly say, "We have left the King."	
	DR DONALD LOVERIDGE	
	No that's true, it's not a subject ~~to~~ he dwells upon (inaudible 16:34:40) at all.	
	JUDGE AMBLER	
	All right. Wahanui himself, you have picked up on him being such a towering figure and both in terms of Ngāti Maniapoto, the Rohe Potae, Maori generally and the Crown and I just wondered how bigger a figure he is in that period 1882 to 1886 nationally because the impression I get is that, from your evidence and from others, is that a lot of the changes to the legislation happened as a result of, of what the Rohe Pōtae leadership are lobbying for. Is that, is that a fair comment?	
1635	**DR DONALD LOVERIDGE**	
	I think he has a very significant effect on these things. Certainly I mean, he was in, he went to Parliament in 1883 and 1884 and remained the entire session as the guest of	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	the Government. As we know, he spoke at the bar of the house and through the Legislative Council in 1884, and I think I recall someone pointed out that that was quite, quite unique.	
	JUDGE AMBLER	
	Mmm.	
	DR DONALD LOVERIDGE	
	It wasn't entirely unique. There were other occasions at least one that I can think of when, when other Māori did that but certainly it was a, he was seen as a, a very important at that, at that point. Quite – much, much to do in the 1880, excuse me, much of the business of the 1884 session was about matters directly relating to the Rohe Pōtae, the railway, the railway decisions had been made, and the, and Ballance's legislation and the bill and all that. So you know, that made - clearly he was there and, and many other – there's a petition by Māori members and other chiefs in Wellington then they petition the council the host and the council to hear Wahanui personally. So you know he's seen by them as being an important figure who should be heard personally by the Crown.	
	JUDGE AMBLER	
	And what we have is a high level of, of interaction or relationship between Wahanui in particular and Crown ministers from 1882 through what, till I guess his death in the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	1890s. Does it last that long?	
	DR DONALD LOVERIDGE	
	I would say that his relationship with Ballance seems to be very close in the period '84, '85, '86. Once all those decisions are made, there's less reason for direct contact, it was taken to be less reason - I don't get the impression that the Atkinson Government —which followed the Stout-, Vogel Government, had as much direct contact, whether that's because as I say, because there are fewer decisions to be made or whether it's for some other reason, I don't know.	
	JUDGE AMBLER	
	Mmm. And he, he certainly seemed to be consistent and I would have thought, quite a formidable negotiator in terms of the stance he took right in the house itself and, and his correspondence throughout that period.	
	DR DONALD LOVERIDGE	
	Mmm, it's, just a very interesting person. One thing though, I'm not quite sure of what the sort of connections are. He seemed, he mainly uses Ormsby in meetings to speak or he will stab at an, make an address and then Ormsby will deal with the, with the details. There's obviously a relationship that we haven't – there's records, records of Wahanui writing letters back to Ormsby reporting what's going on in Parliament and that sort of thing, but certainly he's a, just a	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	dominating figure.	
	JUDGE AMBLER	
	Mmm, mmm. If we come to the question of the railway, I am not sure if you were here in the first week when I raised with the reporter writers Mr Sarich and Mr Cleaver that once the railway was through the district, it was effectively game over for Rohe Pōtae Māori in – at a, in a military sense, not they were wanting to take a military approach, but in terms of being able to police their borders. The aukati was over once the railway was through. That is, that is fair enough?	
	DR DONALD LOVERIDGE	
	Yes, yes.	
	JUDGE AMBLER	
	And for the Government, it was seen as a pivotal policy of – in terms of Public Works?	
1640	**DR DONALD LOVERIDGE**	
	Oh absolutely yes. It's certainly seen as a, a vital component of colonial development and growth, yes.	
	JUDGE AMBLER	
	I just want to be clear or I want you to correct me if I've got it wrong in terms of the fiscal equation here, because we received evidence in the first week about the main trunk line	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	and the significance borrowings by the Government.	
	DR DONALD LOVERIDGE	
	Yeah.	
	JUDGE AMBLER	
	And what I had taken from that evidence is that the Crown's ability to buy land within this district and other parts of the country opened up by the railway and on-sell that land and make some profit out of that, was a critical part of paying for the railway. Am I right there or –	
	DR DONALD LOVERIDGE	
	I wouldn't agree with that. It was certainly an element, but again the – from the mid-80s onwards the Crown policy about disposal of land if you like is a lease policy, primarily, that what happens is when the Crown, Bryce landed, then sort of opens it up piece by piece for people to come in and they can apply for it. If there's more than one applicant they will alter the lot, get under the barrel and then once a person is accepted as the – has the ballot, he then has to make a choice. There are three ways you can alienate the land. The first one is you can buy it, you can pay cash for it at whatever price the Crown says. The second one is that you can take it on perpetual lease from the Crown, sorry, that's the third one. The second one is you can lease it from the Crown for a period of I think it's 25 years. If within the first 10 years you decide to buy it, you can then turn around and purchase it and then the third one is a perpetual lease of	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	some description and my impression is that a very substantial amount of the land in the railway district is leased, it's not sold, so that the immediate returns are not that high. I mean the Crown's policy was to borrow. They were saying, "We will borrow as much as we need to borrow for colonial development, railways, roads, development of land," and don't forget, of course, when it sells land, the Crown is guaranteeing roads and things like that with it, that you're paying that Crown's price but you're getting something back from that which the Crown has to pay for. So, the Crown is floating along on large loans. Yes, I think in the longer term and I think eventually all of the leases that converted into sales of some description, they're freehold, this is the big cry in the 20th century of the freehold all this land that was under lease, put under lease by the liberals and eventually sort of 10, 20, 30 years along yes, there's, I think if you added it all up and no one has done that, it will be quite substantial, but they're not sort of thinking, we will pay for this as the money comes back in, we will pay for this railway. The real money that, as they see it, as putting people on the land yet opening, you know, developing land, generating produce and traffic on the railway, you know, generating business and all that sort of thing. The cry of the period is that we must put every single acre of land in the country into production.	
	JUDGE AMBLER	
	Yes.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes.	
	JUDGE AMBLER	
	All right, so the sale of land may not have been integral to the railway going through, but from the Crown's perspective settlement by settlers was?	
	DR DONALD LOVERIDGE	
	Yes.	
	JUDGE AMBLER	
	And I raised this with you earlier today, I think, but it does seem that in the engagements that Bryce and Ballance in particular have with Rohe Pōtae leadership, they're not really explaining the extent to which settlement is an integral part of the railway, are they?	
	DR DONALD LOVERIDGE	
	They're not focusing on that. Ballance certainly is going in there, when he went in '85 he's saying, "We want to build the railway," that's it for now. Of course he's also saying at the very same meeting, you need to take your, "~~I~~if you want to make good use of your land and get a profit from it, if you like, a return from it, then you need to put it through the Court and then that land you can lease it and do all these sorts of things through ~~the~~ his system," that he's talking about. So, settlement is there but it's not upfront at this time	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	because the Government's first priority all the way, right up through this period is to get the railway built.	
	JUDGE AMBLER	
	Yeah.	
	DR DONALD LOVERIDGE	
	– I think. That would be, how ~~would I~~i would put that.	
	JUDGE AMBLER	
	Yes and I think Wahanui expresses surprise doesn't he in Parliament. It must be 1884 -	
	DR DONALD LOVERIDGE	
	He – yes I, he's -	
	JUDGE AMBLER	
	There is a reference to that.	
	DR DONALD LOVERIDGE	
	He says something to – oh he's asked about this, "Did you understand that settlement will follow the railway.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Mmm.	
	DR DONALD LOVERIDGE	
	And, well he's – he's saying, "We have not made any promises about land to date. You know we have not promised to get or sell land that we have not yet decided if we are going to take it to the Court."	
	JUDGE AMBLER	
	Yes and what struck me was that in Wahanui's correspondence and his attendance in Wellington, in Parliament, was, he does not seem to be, saying, "Yes we really want a railway," and he does not seem to be saying, "Yes we really want settlers and settlement." The railway as people have said is the bargaining chip.	
	DR DONALD LOVERIDGE	
	Yeah, yeah, mmm.	
	JUDGE AMBLER	
	So if we come to finish off, just in terms of some of the bigger, bigger points, you – it seems to me the difference between you and Ms Marr is that you do not see there as being a single compact recognised by the key players at the	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	time.	
	DR DONALD LOVERIDGE	
	Well or even, she seems to have sort of, is now, is arguing that there, yes there was a series of agreements. She's talking, she thinks it's a place under this overarching agreement.	
	JUDGE AMBLER	
	Mmm.	
	DR DONALD LOVERIDGE	
	I would not – I don't think there was the overarching agreement. There is certainly a series of agreements made, and I mean I have to say, my impression of the four tribes, Maniapoto and the four tribes, is that they're very, very careful about what they're doing during this period. It's one step at a time. We're going, "Okay yes, an exploratory survey, okay do that," in response to Bryce says he won't allow any surveys. Then their petition was put in. They think, drew it themselves and put it in and six months or six to eight months later, "Okay we're going to have an external, we're going to have a boundary survey, whether there were other applications there are and that." It's very much, a very conservative approach. Once, we're not going to commit ourselves to anything until we've thought it through and until we understand what's going to happen, and I find it you know, very difficult to think that they would've put it to the Crown that early in the piece, that this is the overarching –	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	"We want you to agree to all these things," and I certainly don't believe the Crown thought it was partly to any such overarching agreement.	
	JUDGE AMBLER	
	All right.	
	DR DONALD LOVERIDGE	
	I just – it strikes me that it's a very, very conscious approach, and with good reason I think.	
	JUDGE AMBLER	
	Yes and following your, your approach, I guess we can – you are saying that you can identify some explicit matters of agreement. There are perhaps matters that are implicit -	
	DR DONALD LOVERIDGE	
	Perhaps yes.	
	JUDGE AMBLER	
	And we, we need to explore what those might be. The, the petition seems to be the most careful articulation of what the people wanted.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	I think so yes.	
	JUDGE AMBLER	
	Yes.	
	All right well look thank you once again for your answers. There is nothing else that come up for the panel. Aroha?	
	DR AROHA HARRIS	
	(inaudible 16:49:20)	
	JUDGE AMBLER	
	Yes.	
1650	**DR AROHA HARRIS**	
	Kia ora again. I just – you said earlier that you thought Ballance was very consistent or spoke consistently with his policies about land and he was talking to Māori or in Parliament.	
	DR DONALD LOVERIDGE	
	Mmm.	
	DR AROHA HARRIS	
	I'm struggling to be convinced of that, and not because of any argument that's been put forward, but because he had	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	different audiences and different pressures and he was a politician, so I imagine that in the heat of a debate in the House, you might get a different conversation with him than in the quiet of a meeting with Wahanui. I –	
	DR DONALD LOVERIDGE	
	Well, having looked at the debates and looked at the meetings, what we know of what was said at the meetings, which is often not complete, I answer it by the consistency. I've discussed it to some extent in A90, yes, in that question about the Crown purchase policy, just that it seems to me certainly in that context meeting with Europeans, meeting with Māori in the House, it seems to me there's a fairly strong consistency there.	
	DR AROHA HARRIS	
	But is some of the consistency – is it consistency by omission, sometimes? So, is he consistent by what he's not saying?	
	DR DONALD LOVERIDGE	
	I think he's articulating his policy. One thing you might want to look at is there's that – we're constantly going back to the account of the meeting at Kihikihi on 5th of February, that's part of an 80 page volume of what Ballance said to Māori around the country in all kinds of things and I think again, reading through that I get that same – he's saying the same	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	thing to people. No, I can't – what is he leaving out? It's a good question, but I think he's articulating fairly clearly, what's involved and what he hopes the outcome will be, so...	
	DR AROHA HARRIS	`
	Okay, thank you.	
	TOM BENNION	
	Sir, I just had a clarification from a question that you raised with Mr Loveridge and I'm not sure if I recorded it right but I wondered if there had been a misunderstanding over one issue. Shall I raise that now?	
	JUDGE AMBLER	
	Yes.	
	TOM BENNION	
	Yes, you asked him a question about Mr Ormsby in 1888 and what was a context for his comment that individualisation was sought at that time. Now, I understood the answer to be along the lines that this was a period when pre-emption was not operating, but I think that was the answer given but I might be wrong on that, but that's what I thought would occur and I didn't understand that that was actually the situation.	
	DR DONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Pre-emption, I suppose – well, theoretically I suppose it was still in place because they hadn't quite got around to cancelling the Acts, yes, I'm sorry, that's correct, but they're talking about removing that Act, that's the whole purpose of that conversation. So, pre-emption as applied under the 1886 Act is off the table and they're discussing what comes next.	
	TOM BENNION	
	All right, but in terms of law it's still in place?	
	DR DONALD LOVERIDGE	
	Yes, I'm sorry, yes.	
	TOM BENNION	
	Just clarifying. That was all the question.	
	JUDGE AMBLER	
	Yes, because I think the evidence earlier, in answer to Ms Rongo was that it was from 1884.	
	DR DONALD LOVERIDGE	
	Yes, I'm sorry about that, I lost traction.	
	JUDGE AMBLER	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	That's fine. Mr Melvin? Perhaps first, how long do you think you'll take?	
	GEOFFREY MELVIN	
	It's not extensive, Sir, perhaps 10, 15 minutes.	
	JUDGE AMBLER	
	Thank you.	
	GEOFFREY MELVIN	
	Dr Loveridge, my friend Mr Bennion discussed with you in yesterday's session the notes had a discussion with you about the notes from a ministerial meeting in the papers of Harry Atkinson, this is at – who was then a colonial treasurer, this is at page 28 of your A41 report.	
	DR DONALD LOVERIDGE	
	Yes.	
	GEOFFREY MELVIN	
	And that the notes that Mr Atkinson wrote included the sentence, "Question is one of vigorous versus temporising policies."	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Yes.	
	GEOFFREY MELVIN	
	In light of all the surrounding circumstances and context, what do you think the limits of a vigorous policy would've been?	
	DR DONALD LOVERIDGE	
	Well, I think all I can say is that Bryce did take a~~ny~~ vigorous policy after – in going to Kāwhia in opening up Kāwhia. My impression is that at that point and as later he would not have taken a vigorous policy that would in fact take them into direct conflict with the people involved, if he would've backed off, if he had been confronted and then tried something else, probably, but...	
1655	**GEOFFREY MELVIN**	
	Just then moving to the events at Kāwhia, I've heard Mr Bennion yesterday, refer to Native Minister Bryce arriving in Kāwhia, this is his visit there in February 1883.	
	DR DONALD LOVERIDGE	
	Yes.	
	GEOFFREY MELVIN	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	In, in a steamer, and my friend said it was – it's a symbol of imperial power. Do you know, do you have a comment on that?	
	DR DONALD LOVERIDGE	
	I think I did comment at the time, I mean this is - New Zealand has had steamers for 25 years by this point. I have no idea what kind of a steamer it was. It's probably – the Government ran several small ones around the coast, if you do all various things that they did, and I assume it's one of those, but I had no details on that.	
	GEOFF MELVIN	
	And, and given the purpose of the, the visit, would there have been a more appropriate way for him to travel to Kāwhia?	
	DR DONALD LOVERIDGE	
	Oh no, that's the only way he could get to Kāwhia unless he was going to travel along the roads to Kāwhia which was sort of – would probably have the challenge I think at that point, possibly. And again, the point of the exercise was from his point of view, was to open the harbour to, open the harbour to ~~shift~~ ships again, get buoys put down and whatever else you need to for ships.	
	GEOFFREY MELVIN	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	And my, my friend put it to you that Mr Bryce's visit to Kāwhia or, or at least taking a steamer there anyway, I'm not sure whether it was one or the other or both, but he put it to you that it was not just forward but aggressive? Now Ms Marr in her report #A70(a) 8at page 718, says this, "The visit when it did take place in early February 1883, was not a defiant challenge, even though Bryce was late and willing to give that impression, it was polite, low-key and more in the nature of a temporary ministerial goodwill visit?" Can you comment on, on that interpretation -	
	DR DONALD LOVERIDGE	
	Sorry a temporary ministerial -	
	GEOFFREY MELVIN	
	Goodwill visit. Can you comment on that interpretation against the proposition that was put to you yesterday, that it was not just forward, but aggressive?	
	DR DONALD LOVERIDGE	
	Well I mean as I say, he, he went there. I'm sure it was seen as symbolic that a native minister would, would go to Kāwhia, to Kāwhia. But again it's a very, it seems almost to be a social occasion. He meets with people and, and then just gets in a carriage and goes to Alexandra. It is very low-key, seems to be.	
	GEOFFREY MELVIN	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Now I just want to address the issue that's been put to you by, by various counsel as well as I think members of the Tribunal, and this is about the ~~divi – the~~ relationship between the Kīngitanga and Ngāti Maniapoto, four tribes. At what point do you think that Bryce or the Crown considered there was a, a division?	
1700	**DR DONALD LOVERIDGE**	
	Well there had been talk of divisions within the Kīngitanga for many years actually, certainly, certainly during the late '70s and early '80s; there is any number of, of claims from newspapers and from others, that there are internal divisions in there. It appears that in early, that late December, early January 1883, the Crown seems – begins to think that there is in fact, you know, in reality there is some sort of division in there. This is – Bryce writes to Wahanui as we know. Wahanui responds then there is the meeting of the four tribes to discuss boundaries and all sorts of other things and as we know to discuss a range of issues relating between, that stand between the four tribes and the Crown. I think there's also discussions of the amnesty, the possibility of the amnesty where Bryce is discussing with them about what is to be done then the amnesty is put through. I think I would look at the amnesty, the point that the amnesty is being probably the turning point where the Crown is beginning to think seriously that there is a division.	
1700	**GEOFFREY MELVIN**	
	It was put to you this morning by my friend Mr Pou, I think,	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	sorry, no, it was Mr Bennion, and this is in relation to the record of the meeting the chiefs had on the 15th of March 1883 so Te Reti's notes where it was put to you that the chief Tū Potahi, his comments were those of someone who was intimidated to which you agreed.	
	DR DONALD LOVERIDGE	
	Yeah, well, that he certainly was apprehensive, did I agree, if I agreed to intimidated ~~it~~ – certainly he was apprehensive, yes, about what might happen if they blocked a survey.	
	GEOFFREY MELVIN	
	Are you revising your –	
	DR DONALD LOVERIDGE	
	I'm sorry, I just can't remember exactly what I said to Mr Bennion, but whatever it was is what I would say.	
	GEOFFREY MELVIN	
	Well, yeah, I recall you as you agreeing with the statement that he was a person who felt intimidated.	
	TOM BENNION	
	If it helps, that's my record as well.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	Sorry, I'm a bit ~~blurred~~ blurry at this point.	
	GEOFFREY MELVIN	
	But the question is what's your view on whether Wahanui felt intimidated based on the record we have in Te Reti's notes.	
	DR DONALD LOVERIDGE	
	He mentions in those notes that yes, there had been problems when the placey~~e~~ had been barricaded, but he then goes ahead and very firmly says we should let them through and that will be the starting point where we will then move to a petition to deliver to the Crown which ~~s~~he then discusses the pros and cons of – from there I don't get a sense of intimidation from him.	
	GEOFFREY MELVIN	
	There was a discussion this morning still with my friend Mr Bennion regarding the minutes of the Native Affairs Select Committee.	
	DR DONALD LOVERIDGE	
	Yes, yes, I haven't seen those yet.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	GEOFFREY MELVIN	
	Right, I was going to ask if you've had an opportunity to –	
	DR DONALD LOVERIDGE	
	No, no.	
	JUDGE AMBLER	
	Is that an important matter that you think Dr Loveridge needs to follow up on?	
	GEOFFREY MELVIN	
	Well, I'm not sure myself, Sir, until I read the –	
	JUDGE AMBLER	
	And I can't even remember what the point was to do with them.	
	DR DONALD LOVERIDGE	
	I think the point was that whether Bryce had in fact discussed what had happened to date with the committee or something like that. I'm going to look at them anyway.	
	JUDGE AMBLER	
	It was whether he'd raised the fact of the exchange of letters.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	DR DONALD LOVERIDGE	
	The point was what he actually said to them. I think Ms Marr said that he hadn't, hadn't discussed those things. I think that's right.	
	TOM BENNION	
	Yes, I think that's right, Sir. I'm – I think I put the question on the basis if it was the case he hadn't discussed it was that – did Mr Loveridge think that was odd and I'm not sure if we got an answer on that.	
	JUDGE AMBLER	
	Well, we'll leave it, I think it would be appropriate for Dr Loveridge to have an opportunity to just review the minutes and file any view.	
1705	**GEOFFREY MELVIN~~TOM BENNION~~**	
	Thank you Sir. All right, thank you Sir. In your – Sir Hirini this after this afternoon put a question to you which I've recorded as being that, the Government's response to the Treaty of Waitangi was that it's been about kāwanatanga only, and you said it's – that's a fair way to put it. You then went on to, if you recall, to discuss some actions the Crown had taken over time, in respect to the issue of .self-governance.	
	DR DONONALD LOVERIDGE	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Yes.	
	GEOFFREY MELVIN	
	I, I just wanted to clarify well two things, can you clarify whether that was a qualification on your – the original statement that that's a fair way to put it?	
	DR DONALD LOVERIDGE	
	I know I don't think there's, my point was the, the aim of the Crown in those exercises was, was to bring Māori into the, into the European system if you will, in the same way that the offer was made to Tāwhiao in 1882, that the offer is principally listing the terms under which he would become a Legislative Council. In other words, come into this, come into the system. So they were trying in these matters I've been discussing at that point, to find a way to bring Māori into the system of governance of the colonial Government if you like.	
	GEOFFREY MELVIN	
	Right, I think that does helpfully clarify what you were saying. Then there was the, I think the call to afternoon tea, and I'm just not sure whether you had finished your answer or whether there, there was anything else you wanted to add.	
	DR DONALD LOVERIDGE	
	Um, can't remember what, what I -	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	GEOFFREY MELVIN	
	You might just be struggling to remember what you were -	
	DR DONALD LOVERIDGE	
	I saw, I was giving a very, very brief summary of what I dealt with in that report that I referred you to, referred to. I'm not, I can't remember quite how far I got with that. My, as is discussed in the report, what happens is that these measures are put in place in the late '50s early '60s. They run their course through Governor Grey's tenure as governor then in 1866 a new Government simply dumps them, were left with very much the same system that was in place in the, in the late 1850s before the reforms began. They, it was decided they were too expensive and that they weren't working, although that's not very clearly defined. I think, I can't remember whether I got to that point, but that was, that is what the report's about.	
	GEOFFREY MELVIN	
	Yes. And then I think a final question and this is about the, the end of the period of estrangement, that the period of estrangement of the, of Ngāti Maniapoto with the Crown. Can you clarify whether you describing that as a single event or a process?	
	DR DONALD LOVERIDGE	
	Well I think that the estrangement moves towards an end	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	through the whole process we've been discussing at this hearing of – through, from the beginnings in approximately '83 through to 1886. By the time you get to the end of this process of the service of agreements and actions, that that – and then, well we have Wahanui presenting the taiaha at that point. So it is a, a process, very much I think.	
	GEOFFREY MELVIN	
	Thank you very much Dr Loveridge. Sir that concludes the Crown's evidence for these two hearing weeks.	
1710	**CROWN CASE CONCLUDES**	
	JUDGE AMBLER	
	Kia ora. Again, thank you very much Dr Loveridge for your evidence and the day and a half or more that you have been delivering your evidence to us. That's greatly appreciated. I am going to just suggest that someone tomorrow, I see we have Daniel Ormsby speaking. I am not sure if he is the right person, but it will be helpful if someone at some point could explain what Dr Loveridge has asked in terms of the relationship between Wahanui and John Ormsby, and that may well already be in some material somewhere, but that is an interesting point that could be addressed. Well it has been a long day and you have been a very tolerant and patient audience. We are going to close. Following the closure, we will just take a break for a couple of minutes but I am going to be meeting with counsel just to talk about some planning issues for next year, and you can stay if you like, otherwise we are recommencing in the morning at 9.00 am.	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Nothing else that needs to be raised, no?	
	Nō reira e mihi ana kia koutou. Noho pūmau ki te whakarongo ki ngā, āe, whakarongo i ngā kōrero. Nō reira e mihi ana kia koutou. Ka hoki atu kia koe	Thank you very much. Thank you for all being patient and of course my acknowledgements to everyone here.
	WAIATA	
	Hoki wairua mai E ngā tīpuna Ki runga i ō iwi Ki runga o iwi Ki roto i te aroha nui He mahara tēnei Kia koutou ngā tīpuna Hoki wairua mai Titiro ki ngā marae tapu O tātau kei runga Kei reira koutou E moe reka ana I roto i te moenga roa Ki runga i te atamira Hoki wairua mai E ngā tīpuna	We turn back in to the spirits of the old people And be with us your people Within everlasting love And again to our dear ancestors Please be with us here in spirit Cast your eyes upon these sacred lands In there, rest at peace with the land And within your deep and everlasting sleep And within the tears that we shared Again, may our ancestors be here with us in spirit

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	PIRIPI WARETINI	
	Kia ora rā kōrua, e kui mā. Kia noho, kia kore rā anō tēnei te noho kirikau noa. Tēnā rā e tōna kirikau noa kua kakahuria a ia e te tokorua rā i te kinaki. Tēnā ka hurikau noa te rakau kia koe e te matua e Hōne kia aukati tonu mai mā tēnā atu ki a ia Te Runga Rawa.	Thank you very much, both you two. I'm just aware of the dear gentleman next to me here has been sitting very patiently. But the ladies have performed this waiata support for our last person who gave evidence. And again, I will pass on to you Hōne to close up our proceedings for today.
	Nō reira e mihi ana kia koutou. Noho pūmau ki te whakarongo ki ngā, aē, whakarongo i ngā kōrero.	
1715	**HŌNE (KAUMĀTUA)**	
	E te tēpu e tū iti ana, e tū whakamā ana hoki. Nōku tēnei whakaaro, e hara i te tangata kē engari nōku tēnei whakaaro. Ko ngā kupu i whiua ki runga i a koutou i mua, e Tā Henare, e Hirini, te Kaiwhakawā matua Judge Ambler, tēnei au me ōku tungange e noho nei i runga i te pai o Maniapoto e tuku whakapāha atu ana kia koutou, ko Te Roopu Whakamana i te Tiriti. Nō reira kua kinohia te kino, kua ririhia te riri. Ā muri, takahia ki raro (inaudible 17:15:31) ki te aro me te rangimaria. Kia tau anō hoki te whakahau a tō tātau Ariki ki runga i a tātau. Ā me īnoi tātau.	To the Tribunal panel, stand strong, stand undivided. Now I just want to reflect on the discussions that were raised up earlier this morning. And to you Sir Hirini, to you Judge Ambler, and here I stand for the rest of my brothers of Maniapoto, and we wish to thank you the panel, and of course the Tribunal members. Now let's leave the anger and leave the anger to what was said, that was said before hand. For now, it is time to reconcile and may we be replenished with the blessings of our Lord. And let us pray.
	KARAKIA	
	E Pā Te Matua Kaharawa, kei mua, kei muri koe i a mātau, kei runga, kei raro. Hei arataki i a mātau i runga i te huarahi.	Dear Lord, you are in front, you are behind, you are above, b below with us at this time, for we are forever seeking your

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Ko au whakahau me tō māramatanga. Kua tō te rā i runga i a mātau mō tēnei rangi, e ara mai ana anō āpōpō. Nō reira e Te Matua Kaha Rawa, metia mātau kia hari i roto i au mahi pai i mahia e (inaudible 17:16:37) e koe mō mātau mō te tangata. He pono ko koe tō mātau Ariki mai i tēnei whakatipuranga ki tērā whakatipuranga, tō mātau, kaiārahi kororia ki tō ingoa tapu, āmine	enlightenment. As the sun is set for this day, and as we await the awakenings of tomorrow, so dear to my Lord above, may your grace be upon us. May your grace forever shed upon us, the people, through faith, it is through your faith and your blessings, glory be to your name, amen.
	WAIATA	
	Au e Ihu, tirohia Arohaina Iho rā Whakaaetia ake au I tō uma piri ai I te wā, i te wā E āki, e ake ai Ēnei ngaru kino nei I te wā e keri ai Ēnei awha kaha mai Tiakina mai ahau I te wā e rurea nei Aratakakina e Koe Roto te Marino nui Aua au e waiho noa Awhitia mai rā e Koe	

TIME	TE REO AND ENGLISH (VERBATIM)	INTERPRETATION OF TE REO INTO ENGLISH
	Hipokina iho au Raro i ōu parirau Ranea tonu ana mai Tau aroha atawhai Kaha ana mai ko Koe Ki te muru i ngā hē Puna o te oranga Whakahekea tēnei wai Kia pupū i roto nei Tae noa ki te mutunga Āmine	
	KARAKIA	
	Kia tau mai hoki kia tātau te atawhai a Ihu Karaiti, me te aroha o te Atua, me te whiwhitahitanga i te Wairua Tapu, āianei ake, ake, ake āmine.	
	COURT ADJOURNS: 5.23 PM	