

under instructions from the Government) appeared to watch the interest of the members of the Muaupoko Tribe generally, and especially of those members who were not represented by solicitor or agent; Mr. Stevens for the Hunia family and the members of the Ngatipariri hapu; Mr. A. L. D. Fraser for the Crown, Mr. Marshall for certain members of the Muaupoko Tribe; and several Natives appeared to watch their own interests.

On the opening of the inquiry the Commission was read aloud both in English and Maori to those present, and the Maoris were informed that the Commissioners were prepared to hear any persons who wished to bring any matters before them; and all persons were warned that if they wished to be heard they must come before the Commissioners, as it was possible that if they did not do so now they would not have any other opportunity of bringing their grievances in relation to this block before any tribunal. We were throughout the inquiry careful to give the Natives every opportunity of bringing before us any matter they wished, the more so as the position of Sir Walter Buller, who represented a large number of those interested, seemed to us to be peculiar. He was appearing professionally for Kemp and a large number of the tribe, whilst the interests of Kemp and the tribe were diametrically opposed to each other; Kemp being admittedly in the position—as to the bulk of the land—of a trustee who could not give an account of his dealings with the trust property, whilst the tribe were in the position of *cestui que trustent*, examining their trustee as to his dealings with their property. And Kemp was not only in this position but was actually claiming, and through him Sir Walter Buller was claiming as his own property, part of the tribal land in antagonism to the tribe.

The evidence before us consisted of the statements, on oath, of the various witnesses, which is forwarded herewith, the minute-books of the proceedings in the various Native Land Courts which have inquired into or adjudicated on the matters relating to the Horowhenua Block, and the official files of correspondence and papers in the Native Land Court Office and in the Native Department. These books and files are public records, and we have therefore not had copies made of them; but they must be read with the oral evidence given, as forming the evidence upon which we have based our opinions.

We regret that we have to report, speaking generally, that the evidence is most unreliable. The Natives themselves seem to have made it a practice to discuss, before going into the various Courts, the testimony which they should give, and to have built up that testimony, not according to facts, but according to the exigencies of the case which they wished to make in the Court. As an illustration of this we may refer to the evidence of the person who has the most intimate knowledge of the history of, and the dealings with, the land in question—Major Kemp.

In 1872–73 the Native Land Court was inquiring into the question: What tribe or tribes was or were entitled to this land? Kemp and Hunia (Kawana) were then firm friends, and it was to their interest to show that the Ngatiraukawa had not occupied certain portions of the block. Before us Kemp and Hunia's representatives are in the conflict. In 1873 Kemp swore positively that he and Hunia had built a certain pa. Before us Kemp swore that Hunia had had nothing to do with that pa; that he (Kemp) had built it, and that the pa Hunia had built was at another place altogether. His attention was drawn to what he was reported to have said in 1873; he admitted that he was correctly reported, and, when asked for an explanation of the discrepancy of the evidence of 1873 and that which he now gave, he stated that what he swore in 1873 was false, and that he and Hunia were then friends, and that he (Kemp) had sworn as he did in order to defeat the Ngatiraukawa claims, and because those who were conducting the arrangements in 1873 had said that all must speak so as to tell one story. Kemp also admits that a woman named Kiritotara gave false evidence in 1873, and that she did so at his (Kemp's) instigation. Kemp's demeanour when giving evidence did not give us the impression that he was honest. To his own solicitor's questions he gave at once clear answers, but to those of the persons cross-examining him his answers were most evasive. Another Native, claiming to be a chief of Ngatipariri, named Paki te Hunga,