

The money owing by Kemp should, if recovered from him, be divided as to the sum of £500 received for timber on Subdivision No. 3 in equal shares amongst the original owners of that subdivision, and the balance, £1,500, in equal shares amongst the persons mentioned in the fourth schedule hereto attached.

Warena Hunia also received from the Crown the sum of £2,000, but this should be treated as part of the purchase-money for the share of Kawana Hunia in the tribal land. Certain of the Natives interested gave a deed of release to Kemp in October, 1892. This deed forms one of the exhibits to the evidence. It was prepared by Sir Walter Buller on Kemp's behalf. The Natives had no independent advice, and were not parties to the preparation of the deed. They were asked to meet, and a considerable number did so, when Sir Walter Buller explained the deed to them, and a number signed it. Other Natives subsequently signed it, but we are satisfied that, whilst the deed was truly read to them, they were not aware what were their legal rights, and what were Kemp's liabilities to them. Broughton, an educated and intelligent half-cast, tells us that he was sent for, and came from his work thinking he was about to sign a petition to Parliament. He came to where the Natives were, and heard Sir Walter Buller reading the deed, and signed it when requested to do so. He did not know its contents. After we adjourned a number of Natives came to us to repudiate their alleged signatures to the deed, and we feel confident that no Court would recognise this deed as a bar to an action for accounts by the Natives against Kemp.

(4.) What moneys (if any) are legally or equitably due or owing by, or or should be refunded by, the nominal owners, or either of them, to Her Majesty on account of any dealing or transaction with Her Majesty in relation to the said block, or any portion thereof?

(5.) What moneys (if any) are legally or equitably due or owing by either of the nominal owners to the other of them by reason of any dealing or other matter aforesaid?

(6.) Who are the persons for whose benefit it was arranged between the said Keepa te Rangihwinui and the late Sir Donald McLean, in the year one thousand eight hundred and seventy-four, that one thousand two hundred acres of the said block now represented by division number nine should be set apart?

(7.) On the division by the Native Land Court as aforesaid, was division number fourteen of the said block in the first instance vested in the said Keepa te Rangihwinui for the purpose of carrying out the said arrangement between himself and the late Sir Donald McLean, and, if so, should the said Keepa te Rangihwinui have returned it to the registered owners when, at the request of the persons claiming to be interested under the said arrangement, division number nine was set apart in lieu of division number fourteen?

(8.) Whether at the time of any dealings with any portion of the said block by any person other than Her Majesty, or any officer or servant of the Government of the colony acting on Her behalf, the land so dealt with was subject to any duly published and then subsisting notice under the provisions of "The Government Native Land Purchases Act, 1877," or any other Act relating to the acquisition of land from Natives by the Crown?

(4.) The Crown has no claim against either Kemp or Hunia.

(5.) Whirihana Hunia and Warena Hunia are entitled to receive from Kemp, in common with the other members of the tribe, their share of the amount Kemp owes the tribe.

(6.) The names of these persons are set out in the third schedule attached hereto.

(7.) Yes.

(8.) On the 26th June, 1878, by Proclamation published in the *New Zealand Gazette*, under the provisions of "The Government Native Land Purchase Act, 1877," it was notified that money had been paid by or on behalf of the Queen for the purchase or acquisition of, *inter alia*, the Horowhenua Block, and further that negotiations in respect of such purchase had been entered into by or on behalf of Her Majesty. No notice of this Proclamation or