

210. I suppose you have heard that part of No. 11 was let to Hector McDonald; how many years has the lease been in existence?—The land has been leased since, I should think, about 1868 or 1869. Hector came first to Horowhenua either in 1864 or 1865.

211. Did Kawana Hunia receive any rents from the land before his death?—Yes; he received rents. On two occasions I got from old Hector McDonald a sum of £10 to take to Hunia, and I think a sum of £5. It was for rent, but for what portion I do not know. The first lease to Hector was on the south side of the stream.

212. Did Hunia enter into any kind of negotiations with McDonald, or take any part in making any lease over Horowhenua?—I could not say, but I know there was a disturbance with him at some time. I think, at his instructions, some cattle were killed, and there was a Court case at Wanganui, and some of them were taken there.

213. That was before the burning of the houses?—Yes; it was late in the sixties.

214. Subsequently to the cattle killing, can you state any circumstances which show that Hunia had to do with the block, and what part he took—whether a prominent part as leader of Muaupoko?—I did not pay much attention, but I know that a great number of Muaupoko were always up and down, living sometimes for months with Hunia, and he would come and stay here for a time.

215. Who was Hunia's mother?—A chieftainess of Muaupoko.

216. And Kemp's father was a chief of Muaupoko?—Yes.

217. In your opinion, was this woman equal in rank to Kemp's father?—I can only say from hearsay, and from being at various meetings, and understanding the language. They generally speak of rank. From all I could hear, Kawana's ancestors were of equal rank with, if not greater than, Kemp.

218. In your capacity as attorney for Warena, have you made any demand on Kemp for rents he is alleged to have received, and for money he is alleged to have received for the sale of land?—Anything I have done I did through Barnicoat.

219. You never instructed him to ask for an account to be rendered?—Yes; that was the reason we took action at the Supreme Court.

220. In response to Mr. Barnicoat's demand, what transpired? Did Kemp agree to render accounts?—There are the records of the Court. The Court ordered a division of the block and a valuation, so as to get at what the rents were. The Native Land Court was instructed by the Supreme Court at Wanganui.

221. Was this division made in the Native Land Court, after the case between Warena and Kemp was contested in Court, or was it arrived at by agreement outside the Court?—It was a division made upon evidence in the Court; any arrangements outside were not carried into effect.

222. This was a contested case in the Court?—Yes; a long case.

223. And the Court decided that Warena was entitled to half, and Kemp to the other half?—Yes.

224. In this case do you remember whether anything was said with regard to a trust—whether they were awarded this land in trust, or in their own right as Native chiefs?—In the first case, in the Supreme Court at Wanganui, there was no mention at all about a trust, and there was no mention about a trust in our outside negotiations.

225. *The Chairman.*] I understand you to say that the first Supreme Court action was for accounts: on what did Hunia base his action for accounts?—He thought he was entitled to half the land which was being leased, and Kemp drawing all the money. I could not tell you the details, because I left everything to Mr. Barnicoat.

226. *Mr. Stevens.*] Nothing was said, either in the Supreme Court or in the Native Land Court, as to the existence of a trust?—The first I heard of a trust was, to the best of my recollection, after the land was divided into two. I heard nothing of a trust in the Supreme Court, nor was their any mention of a trust outside.

227. Was any mention made in the Native Land Court, when the land was being divided—was it said by anyone, or did the Court indicate that the portions were awarded to Kemp and Hunia, separately, in trust?—Kemp himself said, after the division, that the land did not belong to them; that they were trustees for the land. That was in the Land Court at the time it was made.

228. Then Kemp understood that he was a trustee?—I looked at it this way: that, if we had been put out of the block altogether, Kemp would not have been a trustee; it would have been all his own; but, seeing that we got a portion, he became a trustee.

229. Did you understand that the Court had awarded this land to Kemp and Warena absolutely in their own rights, and that, according to Native custom, they had nothing to do but sell the land and pocket the money—was that the intention?—No; I am quite sure it was not the intention, so far as Warena was concerned.

230. What was your own opinion with regard to the position of Kemp and Warena? Did you consider they were trustees or not, or did you consider that they held the land according to Native custom?—I considered, and I spoke of it, when I took the power of attorney from Warena. I said, "What are you going to do with the people on the land; you have an absolute title between you?" He said, "They are my people, they will never be shifted; I will see that my people are not shifted." I never had any idea in my mind that he was going to take the whole of the land, and drive the people off it.

231. Then your idea was that he was going to make proper provision for the people?—Yes; hence the negotiations. When Kemp offered to give them 7,000 acres, I said, "No; we had better give them 8,000."

232. Were the section of the people directly under Warena agreeable to the proposal which Warena made with regard to the settlement of themselves on a portion of this land?—So far as I know, they were.

233. You never heard any objection from the Ngatipariri?—No.