

agreed to, that they were of the first-class—that, had they been in the title, instead of having 105 acres, they should have had 150. Accordingly, I calculated up how much land was required to give them 105 acres each, and this block of 4,620 acres was set apart. Then the Ngatiraukawa appeared on the scene, stating that, as far back as 1874, or sometime, there was an agreement made between Kemp and the late Sir Donald McLean by which, as they said, 1,200 acres were to be given to a certain family of the Ngatiraukawa connected with the late Te Whatanui. I did not know anything about that at all until Mr. Lewis appeared, and he had the agreement with him. I then put this question to Muaupoko: I said, "In my opinion, this agreement of Kemp and McLean is quite *ultra vires*. The land was vested in Kemp, but the certificated owner had no power to alienate one acre of it, and it is of no value whatever as a legal document; but it is for you to say whether you desire to repudiate the document or to give effect to it." They were unanimous to give effect to it; they had all known more or less about it and were satisfied to give effect to it. The next question was, where they were to be located. I cannot tell what may have been working in the Muaupoko's minds, unless there was some outward indication of it; but I myself believe it was myself who selected No. 14, in fulfilment of this agreement, and I did so for certain reasons, only one of which I suppose is material to this Commission, and that was that, being at the bottom of the land and adjoining the Ngatiraukawa estate, it would not interfere in that position with any internal arrangements the Muaupoko desired to make with their land. There was a young man, named Nicholson, who was understood to be one of the persons to whom this land was to be given as having been related in some way to Whatanui, and he intimated that he would not accept that 1,200 acres in satisfaction of the claim. I thought he was very foolish, since, in my opinion, the Muaupoko were not obliged to provide any land at all; but he said he would not take it, and I must say the impression on my mind then was, that what he was aiming at was not getting any particular 1,200 acres, but getting the whole block recast in the Native Land Court, with a view to review the decision of 1873. I may have been wrong, but that was the suspicion in my mind. Therefore, I recommended strongly and urged on the Muaupoko to set apart another section—No. 9—adjoining the 100 acres that had been allotted to them in 1873, because I thought, "Well, the Ngatiraukawa, if limited to this section, may go to Parliament and say, 'This is not a fulfilment of the agreement; it is detached altogether from our land; why should we be put there'?" Therefore, I said it would be a judicious thing for the Muaupoko to lay off the other section, and the Muaupoko agreed to this and acted upon it, and I understood that every one agreed. Mr. Lewis, as I said, came up to Palmerston and acting, as I thought, in the interests of the Muaupoko, I represented to him that this agreement did not state to whom it was to be given, and therefore the Muaupoko could not possibly know who had or had not authority to accept or reject any particular 1,200 acres in respect of the agreement, and urged upon him to make a choice in order to leave the other section open for disposal by the Muaupoko; but he declined to take the responsibility of making a choice, and therefore when we had to go to Court to get all the subdivisions confirmed, there did not appear to be any alternative. My recollection was, that No. 14 was kept open till the last, and was last disposed of by the Court, in the hope that somebody would say, "We will take No. 9 in satisfaction of this agreement, and that then some disposition could be made of No. 14." But, as no choice was made till the Court was ready to go, it did not appear to me that there was any alternative than to make both sections in Kemp's name, for the purpose of fulfilling, by the cession of one of them, this agreement. I take great blame to myself that I did not take any further precaution in the matter, but I had not at that time any right to doubt Kemp's *bona fides*—and, perhaps, have not now. The Muaupoko did not distrust him, and I had no reason to do so. I have not mentioned the 800 acres which was given to Kemp to pay off a debt incurred about some work at the Wanganui River. Including this 800 acres given to Kemp, every soul in the title got some piece or other of land. Provision had been made for the Ngatiraukawa claim, so far as I knew then, and provision had also been made for those omitted persons, so that, as far as the law was concerned, no further claim could be made on the Muaupoko from anywhere. Then, there was the question of the section for the railway and No. 11. Whatever may have been in the Muaupoko's mind at the time, I am in my own mind quite clear about it that everybody in the title got a piece of land; but there were a number of residents on the block, and I considered that, as a matter of course, any Native Land Court would provide that they should get a location around the spot actually occupied by them. But I thought, if they go into the Native Land Court to try and divide Block 11, it would bring the whole 143 people in again, and I considered that a large part of Block No. 11 had not been occupied by these residents; that it had been under lease for many years—part forest and part swamp; and there was the lake, and I thought they would have great difficulty in establishing a right to any part of No. 11, excepting just that spot which each occupied as against the other owners in the title; and therefore I considered they would be acting in a most judicious manner in leaving it in the hands of Kemp. And I was of opinion that most of the Muaupoko present—by far the greater majority, as I thought—were in favour of giving it to Kemp on the understanding that it was to be an absolute title to him, and that they trusted to him to reconvey to them what would be right and just. I do not think I should advise the same thing again; but I did so then, and I did it in the full faith that this man, who had been the certificated owner for so many years, would see right done. I forgot to mention—I think it must have been before Block 11—the question of the mountain part came into the matter. There was a long discussion about it, and, at last, was personally between Wirihana and the Muaupoko, and he agreed to hand it over to Ihaia Taueki. It so happened that at the moment he was expressing his consent to hand it over to Ihaia, Kemp and I came into the barn, and heard him; and I remember what Kemp said, "There, listen to what your grandson says; he is giving you the land." At all events, it was allotted to him; they say now, as a trustee, but I did not hear anything of that. Coming back to No. 11, the proposal was to vest it in Kemp, and the only objector was Wirihana Hunia; he would