

to anything. However, they came to nothing, and we went into Court; and then it was that I was employed by Fraser to interpret the proceedings or anything else for the solicitor employed for Warena—Mr. Barnicoat. Of course, that at once put me in a position on the opposite side to Kemp, but I was offered employment, and of course I took it; but beyond that, and beyond that, as I hope I honestly did my duty, as interpreter I had no interest in the matter. There were great arguments in the Court before Judge Trimble. After these negotiations had failed, for the first time I heard the question of trust raised in the Court, and there were tremendous arguments about it, and Judge Trimble decided he could not take the question of trust into consideration, and he sent out valuers and made a valuation. I understood from Judge Trimble at the time that these valuations were not made upon the applications either of Kemp or Warena, but for the purposes of the reference by the Supreme Court. I understood that was the reason why he thought it necessary to send out expert valuers. At any rate, they were sent out, and the valuations brought into Court. With all this I had nothing to do; my business being simply to interpret the proceedings, and I did so.

399. *The Chairman.*] You have not told us how Warena Hunia's name came to be in the certificate of title together with Kemp's in No. 11 only?—I thought I said there were great discussions. It was proposed by a very considerable majority of the Muaupoko, that Kemp's name alone should be in. Wirihana began to raise a discussion, and insisted that his brother's name should be put in instead of his own, because his brother had children, and I remember a great many of Wirihana's arguments, "Where am I to get my land? If I do not get it here, where am I to get it?" It has been stated in the Supreme Court, and here, there, and everywhere, that it was never discussed at all; that somebody handed me a bit of paper in Court. When application was made for an order in favour of Kemp alone for Block 11, the usual question was asked, "Is there any objection?" Wirihana said, "I object." It has been stated over and over again that this was the first the Muaupoko had heard of any proposal to put Warena into the title, and that I handed a bit of paper to Kemp. I do not think the Commissioners can think that credible; that, if it had never been mentioned before, the Court were going to agree so speedily. The thing had been discussed *ad nauseam* outside, but had not been agreed to. The majority, it seems to me, was so large that they ventured to make the application, thinking that the objection would be removed; but it was not so, and they went into an adjoining room and discussed the matter, and agreed to put in the name Warena with Kemp.

400. Where is the Aorangi Block?—Beyond Palmerston, near Feilding.

401. *Sir W. Buller.*]—Are you perfectly certain you are stating the facts correctly, or are you not trusting to a somewhat defective memory?—No; this thing has been so drilled into me that this is about the twentieth time I have given evidence, and I think the evidence I have given has been always the same.

402. I will call your attention to the evidence you gave in the Supreme Court. In reply to a question, you say: "I find great difficulty in distinguishing what took place in my mind and what has taken place since. I find great difficulty in doing so, and what I have heard since." May not these facts which you have stated as facts within your own knowledge be what you have heard, and have become thoroughly engrained in your mind as though they were facts?—I do not think I have stated anything but what I know to be fact.

403. You admit that your memory is defective?—Not that I know of.

404. Why did you state that in the Supreme Court?—What I understand I said is this: that I cannot recollect some circumstances as to whether they occurred before or after a certain point of time, but I can trust my memory as to what I said and did myself.

405. The question put by Mr. Edwards is this: "Now, at the discussion about No. 11?—Which, there were so many. You say there was an objection to Warena's name?—A number of names were mentioned to be put in. Did you know No. 11 at that time?—I had been in it. I had been to the lake. I knew a few Muaupoko were now living there. Was the tribe living there?—I do not know what you mean by the tribe; a few were living there. I say the 146 were not there, and a great many of the 106 were not resident there. The few who resided there resided about the lake, about eight or nine families. There may be more."—I cannot endorse a report of that sort; the Judge is fallible, like other people. Some circumstances which have occurred have been so dinned and drilled into me that I cannot say whether they occurred at a particular time or whether I have heard of them since. But I have no doubt at all as to what I said and did myself. I should not like to say what I did or did not hear the Natives say.

406. You admit there was a discussion in the barn before you came into Court as to what names should be put in?—Yes; those discussions took place over a considerable period of time.

407. You admit those names were proposed by the tribe?—Yes.

408. And, in the end, you understood that all had agreed that the title should go in the name of Kemp alone, and you made application accordingly?—I said, according to my observation, most of them did agree.

409. The majority was such that you felt justified in going into Court, and asking that the order should be made in Kemp's name alone?—Yes.

410. Was it in your mind that the effect would be to give the whole of this block absolutely to Kemp to do what he liked with?—Yes; that was my belief. I believed the effect of the order would be to vest the land in Kemp, or any one who was put in, absolutely. If they had been scoundrels they could have disposed of the land and robbed the people.

411. You believed that the majority in naming Kemp intended to give him the land absolutely in this way?—Yes; absolutely beyond their own control.

412. Then you made the application in the Court: the Court was acting in an executive capacity as regards the voluntary agreements come to out of doors, if satisfied that there was no objection?—Yes.