

413.—And I take it, you applied to the Court for a certificate in favour of Kemp for the whole of this 15,000 acres, on the ground that there was a voluntary agreement among all the owners that he should have it?—Yes.

414. Whereupon an objection was made in Court by Wirihana?—Yes.

415. You remember the retirement from the Court into a private room: on whose motion was that—on that of the Court or of the Natives?—My belief is that the idea came from the Court originally, and that we adopted it.

416. Can you be sure now whether you were or not in the side-room?—Well, one cannot be absolutely certain to anything.

417.—You remember saying you were not in the room before the Native Affairs Committee?—No; I believe I did not go into the room with the parties, but I went in while they were there; that I went into the room I am perfectly positive.

418. Are you prepared to contradict what Kemp stated took place in that room?—What did he say?

419. I will read the evidence: “Major Kemp (by Edwards): I am chief of the Muaupoko Tribe, and this tribe, too, the Wanganui Tribe. You are the person in the certificate of title of Horowhenua?—Yes; I remember the subdivision, in 1886, at Palmerston North, by the Native Land Court; I was my *Gazette*. Were you present?—I was ill. As soon as I was well, I came. It was adjourned, because of my illness. Were you there on the 25th November, 1886?—Yes; a number of subdivisions were made that day?—Yes; 105 acres for each man of the tribe, and some acres for some others. It was an arrangement amongst the whole tribe. Where made?—At our settlement at Palmerston—some in their own houses, some in a barn. It was not a settlement. I stayed at a private house; the tribe were in the barn. Who were present at the arrangement?—The tribe; they settled what each should have—all of them. That does not mean all the tribe?—All that were there. There were not many absent. The portions of the block near the bush were settled. Wirihana Hunia was there; not Warena. Wirihana is chief of the Ngatiawa Tribe. As to the portion near the bush, what took place at the meeting?—It was arranged outside, and then taken into Court. The portions towards the bush were divided—all the numbers. Mr. Palmerston cut it up on the map. This was as to the land on the other side of the railway?—Yes. That was taken into Court and confirmed. Anything about No. 11?—That was the last that was decided; that was left till the other subdivisions had been made.” [Witness: I do not admit that.] “On what part of the block did the Muaupoko live?—On No. 11, alongside the lake, from their ancestors down to the present day. How long resided there the tribe?—The settlements were there from their ancestors, I know, down to the present time. Have they their whares?—What tribe would live outside? They have permanent whares there; there are fortified pas there too. You could see the heaps of shells handed down from past generations; the other portion the birds and the rats occupied. They, in the certificate, each got a piece of land in the other part of the block?—Yes; and I myself cut off a piece from them, who were forgotten; two pieces left for me to do what I liked with—one for descendants from Whatanui, the other for those who were forgotten. They each got a piece outside where they resided. What kind?—Bush land, where they used to catch birds. When they came to No. 11, what was done?—That was cut off, and it was left, and the tribe selected people to go in it.” [Witness: I do not agree with that.] “Was there anything said about it at the meeting?—Yes; as to the two blocks—one of 13,000, and this of 15,000 acres. What was said as to No. 11?—The tribe settled that I should be in No. 11? In my opinion, a majority of the tribe, but at any rate a sufficient number to warrant my going into Court and asking for it in his name, with the voluntary consent of all. When it was settled that I was to go in, it was taken to Court; when we got into Court Alexander McDonald gave me the name on a piece of paper. Then Raniera and others thought it was Wirihana, and they said they were not agreeable that it should be put in. When application was called as to No. 11, was anything said or done in Court?—Yes; then the piece of paper put in front of me; that caused trouble; I suggested that we should go to the back. When the block was called on, was there anything said in Court?—When I got to the back—another room than the Court—I said to Raniera and the others, ‘Let Warena be in; he is only a young fellow; let him be in as a companion to me.’ They said, ‘Very well; that is your reason.’ Then we all came back into Court; a good number had been left there; we were not five minutes outside. When we got in, I stood up to address the Court. I stood by the side of the table, and spoke to my tribe in the presence of the Court sitting. I said, ‘Formerly all your heads were under my hands, pressing you down; but on this day your heads have been lifted up; you have all got lands for yourselves; but, if any of you release any of the land you have got, you shall not have any of the land in this other part; but, if any man man keeps his land, then he can have a piece in this—a share in this other piece.’ I was saying this to let the tribe know they had occupation rights. The other parts had been cut off for other people, but this was to be kept for those who had occupation rights on Horowhenua. I addressed them for a long time. Then I stopped, and addressed the Court. I said, ‘This land Warena and I are to be in,’ and I said, ‘Let it be clear—if a man holds his land in the one block, he is not to have land in this block.’ I wished it to be known that the people had rights in this block; that the land was for the tribe—not for us two only. It was after this that trouble came, through the knowledge of the Europeans that it was said it was for us two only.” [Witness: May I point out what appeared a most curious inconsistency in Kemp’s evidence on this point? According to the evidence just read, it was I who applied for an order for No. 11, and Sir Walter Buller says that was the last block applied for. Yet, in his evidence before the Commission, Kemp swore that, having quarrelled with me about the railway, I had nothing to do with the matter at all. I entirely agree with that portion which says that Kemp distinctly told the people, both outside and inside the Court, that if they sold the shares they got in No. 3 they would get nothing in No. 11.]

420. Substantially what I have read is right?—Yes; it is about right, subject to a few corrections.