

the descendants of Whatanui. We consented. No one objected. If there had been any objection it would have been made. Kemp asked the people for No. 14 for himself. He asked us for it outside and in the Court. Kemp came to our meeting-house from Palmerson's house when he asked us for No. 14. I cannot say what part of the building he sat in when he entered. I explained that to the Court as nearly as I could yesterday. He sat down near my father, some little distance from the door. The whole tribe was in the barn when Kemp asked for No. 14. If you had asked me if the whole tribe had consented I should have said "Yes." They called out "Aye" when he asked for it. I said in reply to Mr. McDonald, yesterday, that no one objected in the barn, and the tribe called out "Aye" in the Court, and said that none of them objected to Kemp having No. 14 for himself. As to whether silence means consent among Maoris, all I can say that it did on that occasion, and does generally when a tribe is assembled. There was no reason for any of us being afraid to object because Kemp was a chief. It was the tribe who gave him the land in the first place. I do not know what other tribes mean when they remain silent. I am only acquainted with the customs of my own tribe. It was when the Hamua Block was under consideration when Kemp and McDonald quarrelled. I do not know the number of it. I was at the Pipiriki meeting. I know who stood up to explain the object of the meeting. Kemp did so. Many people welcomed Kemp and the other visitors, if that is what you mean. I saw Waata Muruahi at the meeting, but did not see him stand up to speak. I did not see or hear Te Paki speak at the meeting. If Ru Reweti said he did, that is his version. Do not attempt to identify me with him. I disapprove of Kemp's promise of reserves for Ngatiraukawa. It was a personal promise and was not confirmed by the people. They were not consulted about the matter. Kemp has told the Court his right to the part he promised to Ngatiraukawa. I am not going into them again. He has rights in the locality in common with the tribe, and was bound to consult the tribe.

Cross-examined by Hamuera Karaitiana.

*Witness*: It was the tribe who agreed to the land at Ohau being given to the descendants of Te Whatanui. Kemp was to hold it as trustee. It was first agreed to outside, then McDonald took it into Court—Mangakahia's Court. I mean now the parcel at Raumatangi. The descendants of Whatanui had refused the section at Ohau. It was never proposed to make Kemp a trustee for No. 14, because the descendants of Whatanui refused it before the proceedings had reached that point. Kemp told us that he had offered it to them, and they had refused it. I know what your object is: You are trying to get me to say that Kemp was a trustee, but I will not do so. Kemp was awarded No. 14 because he had not been allotted any interest in any of the other divisions. I will not say that No. 14 is the only part of the block he has any right to. I say that silence means consent at meetings.

Re-examined by Sir W. Buller.

*Witness*: I never heard any murmurs of discontent after the meetings at which No. 14 was given to Kemp for himself. I was the only one who could object, and I did not object. I never heard any objection made to Kemp having No. 14 for himself until the time of the Commission.

To *Assessor*: I was at the Court of 1873. It awarded 100 acres to the descendants of Whatanui. Sir Donald McLean asked Kemp subsequently to set apart a further area of 1,200 acres for the descendants of Whatanui—the direct descendants—in fulfilment of a promise made by Kemp to Pomare, and for another reason, which was the promise made by Taueki, who was a chief of rank. He and Te Whatanui lived at Horowhenua on terms of the closest friendship. Te Whatanui lived permanently at Horowhenua. He died and was buried there. Taueki died at Horowhenua. His wife's name was Kahukore. They lived at Horowhenua permanently. So did their ancestors and elders before them. Their descendants have continued to occupy. Ihaia and Hereora were the children of Taueki. The hill block was the only part of Horowhenua awarded to Ihaia. Kemp wished that No. 11 should be allotted to Ihaia for him to distribute among us. The hill block was put in his name as trustee for Muaupoko in the same way as Kemp is trustee for them in No. 11. I do not know what land Ihaia got for himself at the division of 1886, but I will consider him when he and Kemp surrender their trusts in Nos. 12 and 11 respectively.

To *Court* [Horowhenua Commission, page 100, question 99, read out.]: The answers I have now given are replies to the Assessor's questions. If the evidence I have now given differs from the statements I made before the Commission that will be for the Court to consider.

JOHN MONRO FRASER sworn and examined.

*Witness*: I am a Native Agent, and reside at Hastings. I know Kemp, the resident Muaupoko, and the Horowhenua Block. I acted as agent for Kemp and the tribe from 5th March, 1890, to the 23rd July, 1892. I appeared in the Native Land Court at Palmerston, in 1890, with Mr. S. Baker, solicitor, for Kemp. I also appeared in Wellington, in 1890, before a Committee of the House of Representatives with Kemp and others of the tribe. I continued to act as agent for Kemp until the rehearing Court sat in 1891. I took charge of Kemp's case at the rehearing Court. The great bulk of Muaupoko were present at both Courts, and I was in constant communication with them. When rehearing Court gave judgment, Barnicoat, solicitor for Warena Hunia, spoke to Ru Reweti and myself as to effecting a settlement, and intimated to us that the Hunia family would agree to accept 3,000 acres. I confirm Ru Reweti's evidence as to meeting at Pipiriki. It took place in May, 1891. Was a large meeting. I was present and remained in settlement until the meeting broke up. I heard all the discussions. Slept in the meeting-house. The first evening we arrived, before Donald Fraser had arrived, Kemp informed the Natives that a proposition had been made by Barnicoat on behalf of Warena, that 3,000 acres should be given to the Hunia family in satisfaction of their claims, but that he would not consent