

the section first proposed for the descendants of Whatanui. [Question 366 read.] I remember saying that we wanted Ngatiraukawa to have No. 14, so that they would not interfere with us. [Question 367 read.] I don't remember saying that. [Question 368 read.] I did not understand what time Mr. Stevens was referring to in that question. I saw the plan used by Mr. McDonald in 1886, showing the Ohau section, township, No. 9, and other divisions. I did not see all these divisions on it. I did not see No. 9 on it. I saw a map in 1886 in our house at Palmerston. I could not have said "No" to Stevens's questions if I had known he referred to 1886. I heard from the people that No. 9 was on McDonald's plan, but it was after the Ohau section. I do not remember telling the Commission that No. 9 was the first section cut off. The people and McDonald told me that No. 9 was on the map. I think McDonald showed me in our house. Sometimes we looked at the map. I did not go to see No. 9 on the map. The reason McDonald told me that No. 9 was on the map was that Nicholson had refused the Ohau section, and No. 9 was laid off in consequence. I did not know in 1886 that the Ngatiraukawa would prefer the Raumatangi land. I did not know it until the Otaki Court in 1895. I knew that they had lived for years at Raumatangi, but not on the 1,200 acres. They had stock on the 1,200 acres, and have now, in common with others. I first heard at Otaki Court of dispute between the descendants and collateral descendants of Whatanui. They were talking about the land after 1886, but I don't know whether they selected a section or what they did.

The Court adjourned till the 25th instant.

THURSDAY, 25TH MARCH, 1897.

The Court opened at 10 a.m.

Present: The same.

No. 1, Horowhenua No. 14, resumed.

HIMIONA KOWHAI's cross-examination by Sir Walter Buller continued.

*Witness* [Horowhenua Commission, page 168, question 305, and reply, read out]: I remember saying that. [Question 306, and reply, read out.] I said that. [Question 307, and reply, read out.] I admit that I said that. [Question 308 read out, with reply.] I think I said it was for the descendants of Whatanui. I meant that. [Question 309, and reply, read.] I said that. [Question 310, and reply, read.] I said that No. 9 was cut off first, but I was mistaken. My mind went back to 1874, when Kemp and McLean made an agreement on behalf of descendants of Ngatiraukawa. [Latter part of question read.] I don't remember whether I said that. I think I said that the Ohau section was set apart first, and that in consequence of Nicholson refusing it No. 9 was selected. I know that what I am saying now is opposed to what I am reported to have said before the Commission, but this is the correct evidence. The agreement between Kemp and McLean was that some land should be set apart in the locality of Raumatangi for the descendants of Whatanui. It was only when the Court sat at Palmerston that it was known the land was proposed to be given to them at Ohau. [Horowhenua Commission, page 167, question 272, and reply, read.] I remember saying that. [Question 273 read, with reply.] I said that; it referred to No. 11. [Question 274, and reply, read.] I said that. [Question 275, and reply, read.] I remember saying that. [Question 276, and reply, read.] That is right. I meant when the land was taken before the Court at Palmerston nothing was said indicating a trust in No. 11. There was as regards some of the other divisions. There was nothing said at our kainga indicating that Kemp and Warena were trustees on behalf of the tribe in No. 11. I was at some of the meetings; others I did not attend. I don't remember whether I was at the meeting when No. 11 was discussed. I don't know what was done about it outside the Court. I remember No. 11 being taken to Court. If a trust had been suggested in No. 11 outside the Court I should have heard it. Up to the time the land was taken into Court nothing was said indicating that No. 11 was to be held by Kemp and Warena in trust. It was in the Court that I heard that Wirihana wanted his name put into No. 11. At our discussions outside the Court I understood that Kemp's name only was to be put in. Wirihana may have proposed outside the Court that his name should be put in No. 11. I cannot recollect. I don't quite remember saying in the Supreme Court that Kemp made a speech outside the Court, and that Wirihana replied to it. I don't remember now whether Kemp made a speech or whether Wirihana replied to it. I cannot remember everything. [Supreme Court case, page 39, line 91, *et seq.*, read.] I remember giving these replies to Barnicoat. I had forgotten that I said it. I was a follower of Te Whiti in 1886; that is why I did not pay much attention to what was being done at the meetings. I went to Parihaka after 1886. I heard what was going on, because everything was done in our house, but I don't remember what was done, because my thoughts were with Te Whiti. I was at the Pipiriki meeting in 1891. I heard Waata Muruahi speak at that meeting. Donald Fraser and J. M. Fraser were at the meeting. Waata Muruahi asked Kemp and Warena to give back No. 11. He also asked Ihaia to give back the parcel he had. He asked Kemp to give back the Ohau section that you are occupying now. The meeting-house was full. All the people had assembled when these requests were made. Kemp, Wirihana, Donald Fraser, Ru Reweti, and J. M. Fraser were all there. In my belief they all heard them. Waata Muruahi stood up and spoke in his natural voice, loud enough to be heard by all present. I was some little distance from Waata. In reply to Waata's requests to him, Kemp said, "*Katahi au ka mohio he nanati tenei i taku kaki.*" I don't know what Kemp meant by the words he used. He will know. [Horowhenua Commission, page 275, question 290, *et seq.* (Waata Muruahi's evidence), read to witness.] I am not quite clear about that evidence. It may be true. The purport of the Pipiriki meeting was to ask Kemp and Wirihana to give back No. 11, Ihaia to give back the land awarded to him, and Kemp to give back the Ohau section. Waata Muruahi was not at Parihaka at the time of the