

*The Court* agreed.

*Mr. McDonald* : Subject to calling Sir Walter Buller, that closes my case.

*Mr. Stevens* asked to be allowed to open his case to-morrow.

*The Court* agreed.

The Court adjourned till the 26th instant.

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FRIDAY, 26TH MARCH, 1897.

The Court opened at 10 a.m.

Present : The same.

No. 1, Horowhenua No. 14, resumed.

CASE OF WIRIHANA HUNIA AND WARENA HUNIA.

*Mr. Baldwin* informed the Court that Mr. Stafford was anxious to be present when the points of law were discussed, and asked if sufficient notice could be given to Mr. Stafford.

*The Court* said the legal points would not be made known till the case was concluded, and that notice of the time could be sent to Mr. Stafford.

*Mr. Stevens* said he would not go into the evidence at any great length in opening his case. It would be necessary for him to adduce evidence refuting the claims of Kemp for maintenance of his title. The first allegation was that No. 14 was not cut off for Ngatiraukawa. He would bring evidence to disprove this allegation. He would also call evidence to disprove Kemp's assertion that he asked Muaupoko for No. 14 for himself. He would prove, further, that Kemp did not make any application to the Court on the last day of the Court for an order in favour of himself and for himself absolutely for Section No. 14, and that he did not apply for the land for himself on the day that the square foot was ordered. He contended that Kemp had not the assent of all the registered owners or their representatives to his keeping No. 14 for himself. If the Court did not hold that it was necessary for all the owners to agree to a voluntary arrangement, then he would have little hope of proving his case; but he hoped that the Court would say that it was necessary, and that it was and is necessary in all cases where there is a semblance of a trust, that sufficient notice should be given to all owners of what was intended to be done. He would show that Kemp did not give notice to all, but attempted to make a clandestine arrangement. He called Wirihana Hunia.

WIRIHANA HUNIA sworn and examined.

*Witness* : I reside here and at Rangitikei. My father's name was Kawana Hunia. He was a Muaupoko and a Ngatiapa, and was also member of other tribes. He belonged to Ngatipariri section of Muaupoko. He was a member also of other hapus of Muaupoko. He had two brothers, both younger than himself—viz., Te Wirihana Ngapapa and Te Rakena Komarua. Te Wirihana was also known as Wirihana Maihe. Hare Rakena te Komarua died at Te Wairoa. Wirihana Ngapapa is buried on Horowhenua No. 11. His tombstone is still standing. I resided at Horowhenua formerly; after Wirihana died I was brought here. I was very young—an infant. I was brought up at Horowhenua by some of the elders of Muaupoko—Himiona te Hopo, Te Rangirurupuni, Hanita Kowhai, and others. I grew up at Horowhenua. I was brought to Horowhenua to take the place of my uncle, Wirihana, as a Muaupoko. My father and uncles were related to Muaupoko through their mother, Kaewa, who married Hakeke. When Kaewa's children were born it was arranged that Kawana Hunia should be chief of Ngatiapa, and Wirihana was sent back to his Muaupoko side as a chief of Muaupoko. I was sent to Horowhenua to be a chief of Muaupoko. My younger brother was to be a chief of Ngatiapa. He was taken by Aperahama Tipae and other chiefs to bring up. I remember a sitting of the Native Land Court at Foxton in 1873. I was there. I remember that Kawana Hunia, Kemp, and Peeti te Aweawe took the leading part before the Court and at the meetings outside the Court. Kemp's name was put on the face of the certificate. I can explain why my father's name was not put on the certificate as well as Kemp's. Kawana Hunia did not know that it was proposed to put Kemp's name only in the certificate. It was done secretly by Kemp, Te Whatahoro, Rangimairehau, and others in a tent on a Sunday. Kemp did not consult my father about the certificate; he had his name put in secretly. When Kemp, Hunia, and the people went into Court Hunia found that the names had been arranged secretly by Kemp. Hunia in Court objected to what his friend Kemp had done. The Court said that Hunia's objection was reasonable, and that it would not be right to award the land to Kemp only. Kemp and Hunia's lawyer, Mr. Cash, also objected to this being done. Kemp then suggested to the Court that he and Hunia should both be put in the title. Hunia rose and said he would not consent that his name should be put in in the Court, and added that his name should be agreed to outside the Court. He then left the Court, after making certain remarks which I forget. He was very angry with Kemp for deceiving him, and did not pay any further attention to the matter. He said that Kemp had deceived him in the matter of the list of names. He did not return to the Court. After this Kemp became intoxicated and tried to conciliate his friend Hunia. I heard Hunia say outside the Court, "I am not like you. I brought you from your Wanganui tribes to act for our elders and parents who were being pressed by Ngatiraukawa. I will now await the result of your work." I heard Kemp say there was nothing in his name having been selected as a caretaker for their joint land. He said he could only carry out the wishes of the people, and could do nothing of his own motion. Kawana Hunia subsequently made numerous applications for subdivision of the land. He wished to have Kemp's certificate cancelled and another investigation of the title to Horowhenua. I believe correspondence from him to this effect will be found in the Government offices. About two months after his death a *Kahiti* notice appeared of an application by himself and others regarding Horowhenua. The whole of the Muaupoko assembled at Foxton when the application came before the Court. Kemp and I also went there. The Muaupoko told us