

Cross-examined by Sir Walter Buller.

Witness : I am the Paki te Hunga who gave evidence before the Royal Commission last year. [Horowhenua Commission, page 158, question 408, and reply, read.] I remember giving that reply. [Question 409 and reply read.] I admit that I gave that reply. [Question 410 and reply read.] I remember saying that. [Question 411 and reply read.] I said that. [Question 412 and reply read.] That is true. I made that reply. I did not hear Donald Fraser contradict me when he gave his evidence. If Donald Fraser and Wirihana do deny it I will reassert it. [Page 158, question 3, D. Fraser's evidence.] Donald Fraser was trying to shield himself when he said that. I still say that Donald Fraser and Wirihana gave me a false statement to make in Court. I say this positively, on my oath. I knew that the statement was false at the time. I wanted my son-in-law, Eruera te Kahu, to conduct for me. Donald Fraser and Wirihana told me that there was no opening for another case, as there were only two in the title, but that I must say that the land belonged to Warena, as the different inquiries were held. I discovered that I had been wronged—that my *tamariki* were claiming the land for themselves. That is why I gave the replies I did to A. L. D. Fraser. I did not like to tell Wirihana and Warena that it was a lie, and that I would not say it in Court, because if I had claimed the land for myself we would have been beaten by Kemp's side. I therefore went into the witness-box and swore what was false in order to save Warena and defeat Kemp. The Court did not find it out. I confessed it myself. I admit that I was not justified in making the statement I did to the Court, because I knew it was false when I made it. I regretted it afterwards down to the time of the Commission. I did not know at the time that my offence rendered me liable to imprisonment. The reason that I regretted making the statement is that I found out that I had been injured by the land having been absorbed by Warena, Wirihana, and Kemp. I refer to Kemp getting the railway, the 800 acres, and the township. When I gave the evidence I have referred to I was speaking of No. 11. My *pouri* was caused by my children having taken the land, and my confession was because of my *pouritanga*. I regretted losing the land, and I also regretted having spoken falsely in Court.

Re-examined by Henare te Apatari.

Witness : I have no right to Horowhenua through Te Riunga. Her principal rights are at Tamaki. Te Riunga had rights at Ohau. When this land was undisturbed the different hapus occupied the portions they were entitled to, but when the territory north and south of Horowhenua was taken by Ngatiraukawa and other tribes the Muaupoko, including Kawana, were confined to the portion left. That is why I contend that I have the largest rights to it.

Wirihana Hunia asked to be allowed to put certain questions to the witness, as Mr. Stevens was absent.

The Court said he could put his questions through the Court.

Wirihana decided to defer putting his questions till No. 11 was before the Court.

Henare te Apatari announced that his case was closed.

Hamuera Karaitiana asked to be allowed to commence his case at 2 p.m.

The Court informed him that he could commence his case at 2 p.m.

Sir W. Buller stated that he wished to say something on the question of the accounts.

The Court said he might mention the matter at 2 p.m.

It was ultimately decided to go into the question of accounts on Monday next; addresses of counsel to follow.

Sir W. Buller suggested that the Court should hear argument on questions of law and fact on Tuesday next, as Messrs. Stevens and McDonald would be away on that day. He and Mr. Stafford might agree on certain issues and submit them to the Court; but at any rate they could bring them before the Court, and it was possible that this course might assist the Court.

Mr. Stafford said it was impossible that he could attend on Tuesday next. He thought no one could be prejudiced by the Court disclosing the points it considered must go to the Supreme Court.

Sir W. Buller objected to the course proposed by Mr. Stafford—that the Court should make known what was in its mind.

The Court said Mr. Stafford and Mr. Baldwin might meet and decide upon the issues of law and fact from their point of view.

Mr. Stafford said the points of law he intended to submit were so apparent that no evidence could affect them. They would not take five minutes.

Mr. Baldwin strongly supported what Mr. Stafford said. He would like Mr. Stafford's assistance in preparing the case for submission. If Court would disclose the issues in its mind, he and Mr. Stafford would meet and decide whether they had anything to add to them.

Mr. Stafford read paragraph 13, statement of claim between Kemp and Warena Hunia, and said that this was one of their points, and was uncontrovertible. Their other issues were on the same basis.

Sir W. Buller said he was convinced from what Mr. Stafford had said that it was impossible for Mr. Stafford and himself to agree, and that they must submit their cases to the Court.

The Court was still of opinion that Mr. Stafford and Mr. Baldwin should prepare their issues of fact and law, and that Sir Walter Buller should do the same, and submit them to the Court. The questions in the mind of the Court were upon matters that had occurred previous to this case.

Mr. Baldwin said he would like to put in a copy of the pleadings in the Supreme Court case, *Warena Hunia v. Kemp*.

The Court requested counsel to submit their statements of law and fact in writing, and intimated that argument would be heard upon them on Tuesday next.