

section should be allotted to Kemp for his own use and benefit. As in the former cases, I submit that this allegation does not need evidence of counter-claimants to insure its rejection by this Court. See also report of Royal Commission, page 32, question 220, where Kemp says that Muaupoko had nothing to do with granting him Section 14. See also Rangimairehau's evidence, Report of Commission, page 99, questions 52, 53, and 56; Makere te Rou, page 103, questions 218 and 219; Kerehi Tomo, page 108, questions 429 to 439; Kerehi Tomo, page 118, questions 4 to 8; Hoani Puihi, page 127, questions 349 to 361; Waata Tohu, page 146, questions 27 to 31; Paki te Hunga, page 156, questions 341 to 345; John Broughton, page 359, questions 307 to 310, also 320.

ADDRESS BY HAMUERA KARAITIANA, CONDUCTOR FOR RIHIPETI TAMAKI AND PARTY.

[Translation.]

Kemp claims to be the sole owner of No. 14 upon three grounds: First, that the land has been vested in him for nearly ten years without objection by any one, until the Royal Commission sat, when, he alleges, he first heard of any objection. In reference to this ground of claim, I would point out to the Court that Kemp himself has explained the reason for his having held No. 14 for so long a time (*vide* his evidence on page 177 of Otaki Minute-book No. 13). He there says that No. 14 is for the descendants of Te Whatanui, and not for himself. Second, Kemp claims that No. 14 belonged to his ancestors, and that it has come down to him from them. I ask the Court not to take this ground of claim into consideration, because the present inquiry is not an investigation of ancestral rights. Third, Kemp alleges that No. 14 was given to him by the whole tribe in 1886—first, in order that he might transfer it to the descendants of Whatanui, and afterwards for himself absolutely. Witnesses on behalf of Kemp have stated that No. 14 was given to Kemp, and that he was to transfer it to the descendants of Whatanui; they have also testified that No. 14 was given to Kemp for himself.

The Court will see that Kemp has himself shown the inaccuracy of the latter evidence, by stating in 1890 that the people gave him the land to transfer to the descendants of Whatanui. I urge the Court not to consider any of the grounds of claim set up by Kemp, because if it had been true that No. 14 had been given to Kemp for himself, no other ground of claim would have been set up on his behalf. I contend that the claim by gift is new. If the gift had been made in 1886 it would not have been forgotten by Kemp in 1890. I ask why Kemp should have forgotten his proper claim to this land in 1890, and only thought of it again this year. In my opinion, the application of those who are opposed to Kemp's claim, that their land should be returned to them, is reasonable. Kemp has admitted that he holds No. 14 as trustee.

ADDRESS BY HENARE TE APATARI, CONDUCTOR FOR PEETI TE AWEAWE AND OTHERS.

[Translation.]

I will not occupy the time of the Court for long in reviewing the evidence that has been adduced before it. I have not the advantage possessed by my legal friends who are intimate with the statutes under which the Horowhenua Block has been dealt with for many years past. The opinions that I can give the Court will therefore be unimportant as compared with theirs. I will first refer to Kemp's claim. Sir Walter Buller, in opening the case, set up the following grounds of claim: First, the length of time that Kemp had held No. 14; second, Kemp's ancestral right to No. 14; third, the gift by the whole tribe to Kemp of No. 14 for himself in 1886. Of these three claims set up by Kemp, the only one he and his witnesses seemed to rely upon was the giving of the land to himself in 1886, and, as regards this, let the Court refer to the evidence given by Kemp before the Court in 1890, and reported on page 177, Otaki, Vol. 13. He stated there that he held No. 14 on trust for the whole of Muaupoko; and I submit that he acted as a chief should, in making that admission on his oath. I will leave the two first grounds of claim set up on Kemp's behalf in the hands of the Court, and will comment upon the third. The Court will note that Kemp and his witnesses say that Muaupoko gave him the land to transfer to the descendants of Whatanui. It was confined to the eastward of the railway-line, and was called No. 3. Kemp has also stated that it was in consequence of the objection made by Te Aohau and Hare Pomare to the land that it was not given to the descendants of Te Whatanui.

Now, why should Kemp listen to objections raised by these people, who are not owners of the Baumatangi 100-acre section, and who were not supported by Wiremu Pomare, of Auckland, the person Kemp said the 1,200-acre section was for? If Te Aohau and Hare Pomare had agreed to accept the land east of the railway-line it would have been finally located there. It would not have been said then that there was not sufficient land east of the railway to enable the 1,200 acres to be laid off there, nor would it have been asserted that the land to be given to the descendants of Whatanui extended westward to Waiwiri Lake. I submit that the Muaupoko understood that the section called No. 3 was to be given to the descendants of Te Whatanui. This, taken with the evidence given by Kemp in Vol. 13, page 177, will satisfy the Court that he held No. 14 as trustee for Muaupoko. There is nothing to show that Kemp asked Muaupoko for No. 14 for himself. According to his own evidence there would be no necessity for him to do so, as he alleges that it is his by right of ancestry. The question of title was not gone into when it was arranged that No. 14 should be given to the descendants of Whatanui, to ascertain that the land was Kemp's, and that he had the right personally to give it away—on the contrary, the evidence before this Court is that the tribe gave it to Kemp to transfer to the descendants of Whatanui.

I will call the attention of the Court to the following evidence: Kemp stated that the Muaupoko, at a meeting in Palmerston in 1886, consented to his having No. 14. Te Rangimairehau said that the Muaupoko at that meeting agreed to Kemp having No. 14. Raniera said that none of