

The Court said it was of opinion that the majority of the owners were benefited by the expenditure. They would have to bear, at any rate, a part of the law-costs.

Mr. McDonald intimated that, if the majority of Muaupoko were willing to accept the responsibility of the expenditure, he would beg his clients to do the same.

Sir W. Buller said Mr. Fraser had sworn that the statement of accounts had been made out with the consent and approval of his clients, whose names were before the Court.

Mr. McDonald said he would prefer the evidence of some of the prominent members of Muaupoko.

Sir W. Buller said he was quite willing that this should be done.

The Court suggested that Mr. McDonald should call witnesses from the other side.

Mr. McDonald said he would call Hoani Puihi.

HOANI PUIHI SWORN.

Witness: I am one of the chiefs of Muaupoko. I reside at Horowhenua; have done so for many years. I know that Sir Walter Buller claims a sum of £2,098 8s. 7d. I have not had a copy in Maori of the statement of accounts furnished by Sir Walter Buller. I remember giving evidence in 1891 about the Horowhenua rents. I was on Wirihana's side then; I am now with the tribe. I saw the statement of accounts when Fraser was drawing it up. Fraser explained to me that Kemp had taken £2,098 of the old rents to pay Sir Walter Buller. If the amount was properly owing to Sir Walter Buller I would not object to it. Kemp was justified in spending the amount in connection with his dispute with Warena Hunia. I approve of the expenditure of £125 in purchasing sheep for Raniera te Whata. I did not derive any benefit from the sheep. I have not heard whether the tribe approved or disapproved. I consider I should have some of the money, because I did not get any of the sheep. Raniera distributed some of the sheep to others. My daughter got a hundred sheep. She and her husband kept them. I did not receive any benefit from them. I think a part of the £50 should be refunded to those who did not benefit by the sheep. I heard that Kemp paid £50 to Kiritotara and others to support their claims to Ruatangata. I think that part of it should be returned to us. I heard that Kemp paid Wirihana Hunia £100; if it was part of the rent it would be right. As to the second payment of £100, the tribe should have been considered. I heard of the third £100 paid to Wirihana Hunia. If it came out of the rents or royalties from Horowhenua the tribe should get some part of it. When the statement of accounts was made out he did not consider the question as to Muaupoko taking them upon their shoulders. The £1,000 was fairly distributed by Makere. It is only lately I have heard that Kemp paid £100 to Rangimairehau. If it came out of rents of Horowhenua he was not entitled to the whole of it. Hapeta Taueki was not entitled to the whole of the £100 paid to him. I know that the £300 was given towards the cost of meeting-house. All the people agreed to it.

Mr. McDonald said he would withdraw his objection to this item. He had no further questions.

Cross-examined by Sir W. Buller.

Witness: I do not know that any of the sheep given to Te Aue were consumed at our meetings. Her husband sold them in Wellington. Part of the £170 paid by Kemp to Warena Hunia should be returned to the tribe. Any moneys paid to individuals should be accounted for to the tribe. I know there is a sum of £800 still to be distributed among the members of the tribe. I think that in making a distribution of that sum the Court should take into consideration amounts that have been paid to individuals. I do not expect Wirihana Hunia or others to refund the amounts they have received, but they should be considered when the £800 is divided. The same principle should be applied to the sheep received by Raniera te Whata and Te Aue, and also to the £100 received by Te Rangimairehau, if he cannot satisfy the Court that he expended it on behalf of the people. I ask the Court to take into account the £33 paid by Kemp for horses for Wirihana. I heard in 1873 that Kemp had paid £515 to Cash for costs on behalf of the tribe. I heard that Kemp paid Mr. McDonald £75. I heard that Kemp paid Edwards £940, and £52 10s. to Skerrett. I entirely approve of those payments. They were made on behalf of the tribe. I approve of the payments made by Kemp to Mr. Baker, Messrs. Bell, Gully, and Izard, Mr. Cuff, Court fees, &c.; they were made in the interests of the tribe. I also approve of the payment of £631 to Mr. John Fraser; it was on behalf of the land. I approve of the payment by Kemp of £250 for expenses of Muaupoko in 1873, and the payment of £20 to Renata Kawepo; they were made on behalf of the tribe. I approve of the expenditure of £200 for expenses of members of tribe in Wellington; they were there in the interests of the people. I approve of the expenditure by Kemp of £30 in getting rehearing, and of the £150 spent in food for the people, although Ngatipariri did not participate in those moneys. I approve of the expenditure of £300 in 1891, £150 in 1892, £100 in 1894, £100 in 1895. Kemp was working for the tribe. I do not object to the £25, Kemp's personal expenses in attending the Commission last year. I approve of the expenditure of £500 for Kemp's personal expenses from 1886 to 1896. I did not some time ago, because I thought Kemp was to blame for our not getting our sections in the township. I am satisfied now that Mr. Ballance deprived us of them. Kemp was justified in taking out of the rents £30 he paid you for defending Paki. I approve of the payment of £130 to Ru Rewiti for clerical assistance.

Re-examined by Mr. McDonald.

Witness: If the £800 is not sufficient to satisfy the parties who have not participated in the rents, I do not know what can be done.

Sir W. Buller asked the Court to go on with the question of accounts to-morrow.

Mr. McDonald said he was ready to go on if necessary, but would prefer to adjourn till Monday, as arranged this morning.