

admitted before us that at the Native Land Court he committed deliberate perjury. His story is that, prior to the sitting of the Court, he had prepared his evidence, but that shortly before the Court sat he had told the members of the tribe what he proposed to say; that they had objected, and had urged him to alter his story to agree with that which they were going to tell, and that he had done so.

A large amount of the testimony is hearsay, and it is evident to us that matters in connection with the block have been so much discussed amongst the Natives that it is impossible for them to sever in their own minds facts which they know from statements which they have heard. This remark does not only apply to the Natives, but also to the Europeans, who have no possible object in giving false testimony. Mr. Alexander McDonald, a cautious, intelligent, experienced, educated man, stated that he was not clear about various matters about which he was questioned, and that he had the greatest difficulty in severing facts which occurred years ago from matters which he had heard since. Mr. Wilson, a Judge of the Native Land Court, who presided at a Court in 1886, when this block was subdivided, and who gave very positive evidence as to what occurred before him in 1886, is, we think, undoubtedly wrong in his recollection. We refer to Mr. Wilson's evidence especially, because he is above suspicion, and it is a striking instance of the difficulty, nay, almost impossibility, of arriving at the truth in connection with the history of the block. Mr Wilson's evidence, given before us, shows that a piece of land (subsequently forming part of what is now Subdivision 14) was set aside for Kemp to hold absolutely and in his own right, and that that piece of land was the last one which was cut out of the block. The evidence of Mr. McDonald and other witnesses is to the effect that—and we have no doubt that their evidence is correct—Subdivision No. 14 was not cut out for Kemp absolutely, and that it was not the last, but the third, section that was cut out: and this is corroborated by an inspection of the plan which was before the Court in 1886, on which the subdivision is distinctly marked No. 3, and the alteration from 3 to 14 is shown. That plan and the evidence also shows that Subdivision No. 14 as now existing—which, according to Mr. Wilson's recollection, is Kemp's private property—was not marked off until after the Court of 1886, when it was marked off owing to a deficiency in area of another block.

That Mr. Wilson's memory is playing him false is, we think, shown by the following correspondence: In 1895 the Under-Secretary for Native Affairs telegraphed, in consequence of a dispute between Kemp and Hunia, to Mr. Wilson, stating that Kemp asserted that there was an understanding on the part of the Natives when the block was before Mr. Wilson in 1886, that the portion known as No. 11, awarded to Kemp and Hunia, was to be held by them in trust for the Muaupoko; and asking Mr. Wilson whether, so far as he was aware, there was any such understanding, or whether the land was intended to be owned by Kemp and Hunia simply. Mr. Wilson replied from Gisborne that he was unable to answer the question there, but would telegraph after he had consulted his notes in Auckland. Subsequently he telegraphed to the Under-Secretary from Auckland (presumably after consulting his notes), stating that there was a large attendance of Natives interested when this block was subdivided, that Major Kemp appeared and acted for the tribe throughout in a fiduciary capacity, that an apparent—but only apparent—exception was Lot 10, of 800 acres, awarded to Kemp for himself only; but this was done to enable him to recoup certain expenses incurred in respect of the block, for which, as he (Mr. Wilson) understood, Kemp had rendered himself personally responsible.

Nor can implicit reliance be placed upon the minutes of the earlier Native Land Courts. An inspection of the minutes of the Court of 1886 will show alterations of numbers until it is impossible to say positively to what subdivision number the evidence opposite to it refers; it will show alterations and interlineations manifestly made at a different time and by a different hand to that which wrote the original minute. Mr. Wilson tells us practically that the minutes are valueless; that the clerk who took these minutes was new to the work, and omitted what he thought was immaterial; that the clerk altered