

some of the Ngatiraukawa on the Horowhenua Block, and considerable excitement existed amongst the Natives. Pā were built and the members of the Ngatiraukawa Tribe assembled to assist their relatives whose houses had been burned; but, through the intervention of Sir Donald McLean, hostilities were prevented. The Ngatiraukawa had endeavoured to obtain a rehearing for the purpose of reviewing the decision of the Court of 1873. Sir Donald McLean sent for Kemp, and members of both Ngatiraukawa and Muaupoko attended in Wellington. When dealing more particularly with Section No. 9 we shall have to refer at length to what took place then; all we need to say here is that, after the meeting between Sir Donald McLean and the Natives in Wellington, no further troubles occurred between the tribes. Nothing further of note took place until the happening of the events which led up to the sitting of the Court in 1886. The Wellington-Manawatu Railway Company wished to obtain land running through the block for the railway. Friction had arisen as to the letting of some of the land by the Natives, and proposals were being made for the sale of the land by the Natives. Ultimately a Court sat at Palmerston in 1886, for the purpose of subdividing the block. When dealing with the individual history of each subdivision of the block we shall refer at length to the proceedings of this Court in connection with it, and we, therefore, only refer to the matter generally. The procedure seems to have been this:—The Natives outside the Court agreed to certain subdivision for certain purposes, and the Court simply made orders carrying into effect the arrangement which the Natives had made. We have again, we regret to say, to draw attention to the extraordinary attitude adopted by the Court on this occasion. The Judge says, in effect, that the Court sat administratively, to blindly carry out, without investigation, inquiry, or explanation, either to the Court, or by the Court to the Natives, of the effect of what was being done. Mr. Wilson states that he considers that, as a matter of law, he was bound to carry out these arrangements, and that it was no part of his duty to inquire into particulars of them, or to ascertain that the Natives were aware of the legal effect of their acts. We are quite unable to understand by what reasoning the learned Judge arrived at the opinion which he holds, and we venture to suggest that not only is that opinion erroneous, but that it was the duty of the Court to ascertain who were the persons interested in each subdivision, and to take care that if a title issued in the name of any one of such persons, the title was subject to such conditions and restrictions as would prevent a fraudulent holder of that title depriving those interested with him of their lands. The Court subdivided the land in such a way that the title to all the subdivisions issued to Kemp, except Subdivision No. 12, which is comparatively a valueless country, and the title to which was issued to Ihaia Taueki, and of Subdivision No. 11, the title to which was issued to Kemp and Hunia jointly.

Up to the time of the sitting of the Court of 1886 there is no suggestion that Kemp, who held the certificate directed in 1873 to be issued, held the land otherwise than as a nominal owner for and on behalf of the Muaupoko Tribe. And, with the exception of subdivisions numbered 1 to 10, which the tribe voluntarily gave to Kemp, the Court, by its orders in 1886, neither added to, nor subtracted from, the character in which Kemp held the land under the prior certificate; but the orders of the Court had this serious effect, that they were the cause of certificates of title being issued to Kemp under the Land Transfer Act without any restrictions, so that Kemp was placed in a position to make a title as if he were the absolute owner.

It will, perhaps, be most convenient to deal with the history of each block set apart by the Court of 1886 in the order of their number on the plan; premising that what is now No. 14 was originally No. 3, and, further, that the titles to subdivisions numbered 9 to 14 appeared to have been altered after the Court sat, and without any consent to such alteration except the consent of Kemp and Hunia. We cannot ascertain under what authority this alteration was made.

A plan of the block, being a copy on a reduced scale of the one which was before us, is attached.