

inconsistent with the land being the absolute property of Warena. In 1890 the land was subdivided by the Court, the title of that on the south side of the Hokio Stream being issued to Warena Hunia, and that to the north to Kemp. From this time Warena Hunia, probably at the instigation of his brother Wirihana, asserts an absolute title in himself, though he has not, as against the tribe, exercised acts of ownership. Natives continued to run their sheep in common over the land. Hunia brought an action in the Supreme Court against Kemp, claiming, not that Kemp was a trustee, but that Kemp and he were joint owners, and demanding accounts from Kemp. This action was never proceeded with; why, if Hunia honestly believed in his claim, it is hard to say, but easily understood if Hunia feared that the Court would add members of the tribe as parties to the suit, so that Hunia's true position as a trustee would be determined. We cannot find a vestige of evidence to show that Hunia held this land in any other way than Kemp held it before 1886—viz., as a trustee for the tribe.

The larger portion of the block to the north of the Hokio Stream has been leased by Kemp, and he or his nominees have received the rents.

The portion of the block to the south of the Hokio, with the exception of the State farm and village settlements, has been continuously, and still is, in the occupation of the Natives.

On the 21st October, 1893, Warena Hunia executed a transfer to the Crown of 1,500 acres of this subdivision in consideration of the sum of £6,000. No part of the consideration was paid them. On the transfer being produced at the Land Transfer Office for registration, it was found that registration was forbidden by a caveat. Proceedings were taken in the Supreme Court by Kemp and other members of the tribe to establish the fact that Hunia was a trustee, and the Court of Appeal upheld the decision of the Supreme Court that Hunia was such a trustee. Notwithstanding that registration of the transfer could not be effected, the Crown, on the 1st day of September, 1894, paid Hunia the sum of £2,000, the voucher for which is as follows:—

## NEW ZEALAND.

Treasury Voucher, No. 25368.

Received for audit 22nd August, 1894.

Native Land Purchase Department.—Dr. to Warena te Hakeke.

Wellington Provincial District.—Manawatu District.

Part of Horowhenua No. 11 Block. 1,500 acres; price, £6,000.

Audit.—Aug. 23, 1894.—For payment.

1893.

J. C. G.

Oct. 21.—Payment on account of his interest in the above-named block of land ... .. £2,000

Claimant: Warena te Hakeke.

Address: Bulls.

Approved: J. McK.—20/8/94.

Total ... .. £2,000

I CERTIFY that, to the best of my belief and knowledge, the foregoing account is true and correct in every particular, and that the payee has signed the deed of conveyance to Her Majesty.

P. SHERIDAN.

Native Land Purchase.—August 20/94. Approved: P. Sheridan.

RECEIVED from the Paymaster-General, by cheque No. 39, on Bulls, countersigned this 1st day of September, 1894, by C. E. Nicholas, Esq., the sum of two thousand pounds in full payment of the above account.

Witness: C. E. Nicholas.

WARENA TE HAKEKE.

I certify that the payee has been satisfactorily identified by me.

DONALD FRASER.

There is, we think, no doubt that the officers of the Crown knew at the time of the payment that this was a trust property. Attention had been twice drawn to the matter by questions in Parliament, and, indeed, the light in which the officers of the Crown viewed the matter is shown in a memorandum enclosed in a letter, dated 12th July, 1894, from the Under-Secretary for Native Affairs to the Chairman of the Native Affairs Committee of the House of Representatives, as follows:—

Report on petition of Major Kemp Rangihwinui re Horowhenua Block. An analysis of the title of the Horowhenua Block does not disclose any evidence of a trust, or of any implied trust, after the partition of 1886 which had the effect of for the first time bringing the land under the European title. The facts, otherwise, so far as they go, appear to be very clearly and fairly set out.