

extended from the railway towards the hills. It crossed the Ohau. I see by the plan that it now runs down to Waiwiri Lake. The reason of this is that when the other divisions had been laid off the area was found to be short. There was not sufficient land inland of the railway to contain the whole of No. 14. After No. 6 had been surveyed, this parcel took in part of what was originally intended for No. 14, and what would have been the inland portion of it. The boundaries of No. 14 had therefore to be extended westward to Papaitonga, in order to include the required area of 1,200 acres. This was done by the surveyor, not at my request, but because he could not lay it off as originally intended. [Plan used by Court of 1886 shown to witness.] That is my signature. I wrote it after it was found the alteration was necessary. Mr. Palmerson, the surveyor, brought me the plan for my signature. I did not see Warena sign it. I cannot identify the signature on the plan purporting to be Warena's. [Horowhenua Commission, page 9: Agreement made between Kemp and Sir D. McLean read to witness.] That is the agreement I referred to when I said Sir Donald McLean and I came to an agreement. It is the same agreement that I asked my people to confirm. They agreed to give the descendants of Whatanui 1,200 acres only, on the ground that they had 100 acres already. It was in fulfilment of this agreement that the 1,200 acres was given to the descendants of Whatanui at Raumatangī. When the meeting was held at Kupe, Pomare came to it. I was not present. When I went to Auckland I saw Pomare, before the land went to the Court. I said to him, "If I win our land at Horowhenua I will remember you." I referred to the land at Raumatangī given by Taueki. Pomare replied, "If you will give effect to the promise of our elders, I will not go to the Court." I remembered this when the title to the land was investigated. When the land came before the Court in 1872 and 1873 it was awarded to me. Then I wrote to Pomare asking him to come down as I had won the land. He did not reply. I wrote three times and received no reply, so I concluded that he was *pouri* at his tribe, the Ngatiraukawa, having been defeated. When Kawana and others were arrested for burning houses, I followed them to Wellington and found they had been released on bail. Sir Donald McLean asked me to dine with him. After dinner I wished to leave; Sir Donald McLean detained me as he had something to say to me. He said, "I wish to speak to you about Horowhenua." I asked him what he wanted done with Horowhenua, and he replied, "I want you to cut off a piece of it." I would not consent, because the land had been awarded to me. Sir Donald McLean asked me if I had not made a promise to Pomare. Then I thought that Pomare had not treated me fairly, he had not answered my letters, but had instead gone to Sir Donald McLean. Sir Donald McLean asked me to give 1,400 acres in fulfilment of my promise to Pomare. I refused at first, but ultimately offered him 1,200. Sir Donald McLean insisted, so I gave way, and the agreement was written. McLean said, "Put it in Pomare's name." I said, "No; he has not behaved fairly to me, let it be for the descendants of Whatanui." I meant Pomare, his brothers, sisters, children, and grandchildren—Hare Pomare, Tiaho, and others. I heard afterwards that the descendants of Whatanui were quarrelling among themselves. The morning after my promise to Sir Donald McLean I went to the Government offices, and found Matene Watene, Karanama, and others were waiting to receive £1,500. After their business was over I went in. Sir Donald McLean turned to me and said, "I will read the agreement, so that Matene ma may hear it." After it was read, Watene asked that his name might be put in. I refused, and he said I was quite right. Lately the descendants of Te Whatanui have been quarrelling among themselves. This was in 1890, and was the first I had heard of any quarrel. [Horowhenua Commission, page 9: Receipt signed by certain Ngatiraukawa, acknowledging the receipt of £1,500, read to witness.] I consulted my tribe about my having agreed to those reserves, and they repudiated it altogether. They have never agreed to it down to the present time. It was a voluntary promise of my own. I did not receive any money for it.

Cross-examined by Mr. McDonald.

*Witness*: I have admitted that in the Court of 1873 our lawyers advised us all to tell the same story. I was new to Courts at that time. I had previously been a fighting man, and wished to fight still. We were advised to go on a particular line, and followed it. I don't know whether it was true or false; I accepted it as they gave it to me. I swore what I considered I was justified in swearing to. In 1890 I was endeavouring to get my people into the land; you were trying to prevent it. I may have said more than I did in 1873. [Vol. 13, page 178: Portion of evidence of Court of 1873 read to witness, relating to Te Mauna. Witness's evidence relating to Mauna at Court of 1873 (vol. 1, page 255) and Court of 1890 (vol. 13, page 178) read to him by the Court.] The questions were put in that way, and I answered them as they appear in the minutes. It was you and Te Wirihihana who made my object in 1890 different to what it was in 1873. You and Wirihihana turned against me, and it became necessary to go into the rights to the land. I then questioned Hunia's *take* to the land. In 1873 I gave my own rights in Court, not Hunia's. I claim the 1,200 acres now before this Court, because the tribe agreed at Palmerston to my having it. If it became a question of ancestral rights I could establish my rights against all comers. It is mine by law now; you are trying to get it away from me. It was awarded to me in 1886 for myself. My object in coming to the present Court is that by my evidence I may obtain an assured title to No. 14.

*Question*: Is not the object you have at present in view sufficiently great to influence your evidence, as your evidence was influenced in 1873 and 1890 by the objects you then had in view?—

*The Interpreter* could not make the witness understand the question.

*Witness*: I admit that my object is to obtain a title to No. 14. The matter is now before this Court, and is in its hands. I do not wish to influence the Court improperly by what I say. I do not ask the people to support me. They gave me the land themselves. You are trying to induce them to withdraw from their promise. I repeat that I do not ask the people to support me. I have not attempted to mislead the Court as to the differences that took place between us in 1886. I have told the exact truth about our quarrel on that occasion. I told this Court that you ceased to act for