

until he had seen the people. He then laid the matter before them, and said it was for them to come to a determination. The Natives deliberated, with the result that they agreed to accept the proposal. Next day Donald Fraser, Warena, and Wirihana arrived at Pipiriki. Rangimairehau intimated that object of meeting had been explained to them by Kemp, and that the people on Kemp's suggestion had agreed to give the Hunia family 3,000 acres. Donald Fraser replied that he did not recognise the rights of the tribe to speak on the matter, and said that the tribe must understand that he could only negotiate with Kemp. Kemp explained that whatever was the wish of the tribe he would give effect to. After further discussion, Wirihana and Donald Fraser left the house together to consult. On their return Wirihana took up the discussion, stating that he would not consent to accept the 3,000 acres unless his family obtained a portion of the lake. Kemp became angry at this request, refused to listen to it, and further said that he had had enough of the deceit of that party. There was nothing done in respect of the settlement, for which Donald Fraser has often expressed sorrow to me. No. 6, for *rerewaho*, was spoken about. My recollection is that Ngataahi was the first to bring the matter up. She asked when the list would be settled and they would receive their land. I replied to her that we had no list. The list for that block had not yet been settled; that a list had been handed in to Trimble for Court by McDonald, and which was objected to as not comprising the persons for whom the land was intended. I also said that list of names would be gone into after the troubles in connection with No. 11 had been settled. I remember Paki te Hunga making a violent speech. He was anxious, and demanded that list should be settled then. Kemp replied that as soon as his troubles were over in No. 11 he would settle the names for No. 6. There was no other subject discussed in the presence of Te Paki and others. That was all that took place. I remember the evidence of Waata Muruahi before the Commission, which has been read by you. It is incorrect. Kemp made no request to the people to give him No. 14. It is absolutely incorrect. From the 5th day of March, 1890, until I arrived here three weeks ago, I have never heard any individual of Muaupoko, or any agent of any of them, allege that No. 14 was held by Kemp in trust. After Paki and others had left the meeting at Pipiriki I addressed the people with reference to a further petition to Parliament, then about to assemble. They instructed me to get Mr. Bell to prepare a petition. This was done, and I attended Parliament with Kemp and a large number of the Muaupoko during the whole session. The matter was only dealt with in the last hours of the session. I had the assistance of the Hon. Mr. Cadman in passing the Bill prohibiting dealings with Horowhenua, on the distinct understanding that I should do my best to bring about a settlement of the disputes within the twelve months. The blocks discussed at the Pipiriki meeting were Nos. 6 and 11. The only block ever discussed before or after the Pipiriki meeting was No. 11. Up to date of the passing of the Bill in both Houses I had been in constant communication with Kemp and the Muaupoko. On no occasion was it ever suggested by any member of the Muaupoko that No. 14 was held by Kemp in trust. Have always understood from Kemp that the land was absolutely his own property. After the passage of the Horowhenua Block Bill of 1891 I proceeded to carry out my promise to Mr. Cadman to endeavour to settle the difficulties. I had correspondence with the Government on the subject. I also was in direct communication with Kemp at this period. It was agreed by Kemp that the matters in dispute should be left with the then Chief Judge of the Native Land Court. I succeeded in getting Donald Fraser to agree to that course, he being representative of Warena Hunia. He agreed, and I at once wrote to Mr. Cadman enclosing a copy of the letter I had addressed to Donald Fraser on the subject. These letters are on the file. I produce letter I received in reply to my letter to Native Minister. [Letter put in and read.] I wish to explain to the Court, with reference to that letter, that Kemp distinctly acquiesced, and told me that he agreed to the matter being left to the settlement of the Chief Judge. On receipt of letter from the Minister I severed my connection with Kemp. It is fair to Kemp to say that he always objected to the word "arbitration." He certainly never agreed to the disputes being referred to arbitration. The word "arbitration," perhaps, ought not to have been used in my letters, but I meant a settlement by the Chief Judge. That is all the evidence I desire to offer in the present case.

Cross-examined by Mr. McDonald.

*Witness* : When I wrote the letter to the Minister I considered I understood Kemp's instructions. I think Kemp objected to the term "arbitration." I do not think he intended to repudiate his instructions. I first appeared in the Court of 1890, about the 5th day of March, some days after the case had commenced. I was not personally aware of the negotiations that had taken place between Kemp, Donald Fraser, and Warena at the opening of the case, or any negotiations prior to the 5th March, 1890. I heard afterwards that negotiations had taken place. Mr. S. Baker and Major Kemp told me so. I cannot recollect Donald Fraser's version of the negotiations, although he told me what they were from his point of view. I never heard from any one that the negotiations broke down because Kemp could not be got to say what he would do with the rest of the land after Warena took his; but I gathered that this was unlikely, because the attitude taken up by Fraser and Warena was that No. 11 belonged to Kemp and Warena absolutely. They ignored the tribe entirely. This was in Court.

Cross-examined by Mr. Stevens.

*Witness* : Warena made the application for 3,000 acres for his family through his solicitor, at Palmerston. Wirihana was present at the Pipiriki meeting. He asked for a portion of the lake, including the place on which a *whata* stood. I heard the question discussed as to the *whata*. The people did not admit that it was Wirihana's *whata*. I think they said it belonged to one of the wives of Hoani Puihi. I cannot recollect that there was anything said about who erected it. I did not hear Wirihana say at Pipiriki that his father had erected the *whata*. I am certain that