

the section that was No. 3 on the 25th November. I never knew it by any other number. I can't say whether I had anything to do with fixing the number for the square foot. [List for No. 13 shown to witness.] That is my handwriting, so I presume I had. No part of the list referring to No. 14 is in my handwriting. I admit that it appears to have been handed in by Kemp on the 3rd December. I believe it was first put into the Court on the 25th November. When I applied for confirmation of the order for Ohau section, on 3rd December, I did not tell the Court I had seen the agreement. The Ohau section is not far from Horowhenua Lake. It might be near enough to the lake to comply with the agreement. I express no opinion on that point. I repeat that I made the application for the Ohau section on my own responsibility, very likely without consulting Kemp. I consider that I had authority to do it, and I supposed it was necessary to have the former order confirmed. [Horowhenua Commission, page 80, questions 451 to 456.] I have resided in this district since 1886. I have frequently seen members of the Muaupoko Tribe during this period. I don't remember ever telling any member of the Muaupoko Tribe that I considered Kemp held No. 14 in trust. I have never during the period told any members of Ngatiraukawa that Kemp held No. 14 in trust. Until a few days before the Commission I never mentioned to you that I regarded Kemp as a trustee for No. 14, although I knew you were in occupation of the land, or part of it. I gave evidence before a parliamentary committee when No. 11 was before the House in 1892. I assisted Mr. Barnicoat, and briefed evidence for him at the Court of 1890. Mr. Barnicoat employed me. I don't remember who asked me to give evidence before parliamentary committee. Mr. Stevens and Donald Fraser were present. I don't remember any special occasion on which I mentioned the question of trust in No. 14 to Stevens, Donald Fraser, and Barnicoat, but I remember saying to Barnicoat that I wondered when the question would crop up. I cannot fix in my mind any time that I mentioned the question of trust in No. 14 to Donald Fraser. If he says I never spoke to him about it I will believe him. I can't remember the time, but I feel sure that I must have done so or Fraser would not have known about it. I would not mention it to Kemp after 1890, because we became bad friends. We were on opposite sides in the Horowhenua question.

Mr. McDonald : I don't propose to make any statement.

To Court : There were three parcels brought before the Court on the 25th November—the railway, the township, and the 1,200 acres at Ohau. I don't think there were any other sections shown on the tracing; certainly No. 9 was not. I can't remember when the agreement came up. Sievwright attended the Court of 1886. He was there several days. I think he went away and returned. If he says there were three parcels brought before the Court on the 25th November he must refer to those mentioned above. If I wrote to the Railway Company on the 26th November, 1886, stating that orders had been made for three parcels, I referred to the same sections. I don't remember writing. [Letter produced, and read by Court.] I am positive that on the 25th November the land at Raumataangi was not shown in the tracing. I can't remember the exact date on which Lewis was in Palmerston.

Mr. McDonald called Te Aohau Nikitini.

TE AOHAU NIKITINI SWORN AND EXAMINED.

Witness : I am a Ngatiraukawa. My permanent residence is at Horowhenua. I live now at Wanganui. I am one of the descendants of Whatanui, and one of the claimants under the agreement of 1874, between Kemp and Sir Donald McLean. I remember the Court of 1886 at Palmerston. I remember the first day the Muaupoko went into the Court. Mangakahia was the Assessor. The first application was for the railway; second, the township; and third, the 1,200 acres at Ohau. The 1,200 acres at Ohau was, I understood, cut off for us, the descendants of Whatanui, to fulfil the agreement made between Kemp and Sir Donald McLean. I can point out the section on the map. At the time the 1,200 acres was mentioned it was not on the Court map, but was shown on a small map that you had. I saw it on your map at the time. It was all east of the railway then. It has since been extended west of the railway. When Kemp applied for an order for the 1,200-acre section at Ohau in his own name, to enable him to fulfil the agreement, the Court called for objectors. I stood up and said that I had something to say to the Court. The Court asked me if I was in the certificate. I replied, "No," but it was proposed to set apart the land for us. The Court refused to hear me. I persisted, and the Court told me that if I continued to do so I would be arrested; so I told the Court I would communicate with the Government on the matter. After I sat down, the Court said that Kemp's application would be complied with. Later on, on the same day, we, the descendants of Whatanui, and some others of Ngatiraukawa, met at the Royal Hotel, and asked Kemp to attend. He went to the hotel, and Waretini said, "The reason you are asked to come here is that we are dissatisfied at you placing our 1,200 acres at Ohau, whereas we want it near our kainga and burial-place at Raumataangi." Kemp said that he had consulted Muaupoko about it, and they would not consent. I then told Kemp that McLean had told us when the agreement was made that our 1,200 acres should be at the Hokio Stream. Kemp said it was quite true, but he could do nothing against the wish of the people. We did not return to the Court on that day. The Court was over before our meeting. After I left the Court, on the same day, I sent a telegram to Lewis, thinking he had gone to Wellington, but I found that he was still in Palmerston. When I saw Lewis I told him I had wired to him at Wellington for the agreement, and asked him to procure it, as I knew it contained a condition that the 1,200 acres should be near the Horowhenua Lake. The next morning, I think, Lewis came to our house before breakfast and called me out, and told me that I was right—the agreement had arrived. We went to his hotel, and he showed me a telegram saying that the 1,300 acres should be near the Horowhenua Lake. He said he would speak to Kemp. That was the last time I saw Mr. Lewis; but the same day, or perhaps the next, I saw Kemp, and he told me that he had seen Lewis, and that