

It was for them to consider whether they should give back any portion of the land to the people. I never heard of any chief who had a present of food given to him keeping it all to himself. [Horowhenua Commission, page 166, question 266, and reply, read.] I remember saying that before the Royal Commission, and it is what I thought at the time. No. 11 was awarded to Kemp and Hunia. The actions of Kemp and Warena since the decisions given by the Supreme Court and Appeal Court show that those decisions did not settle the Horowhenua trouble. I did not consider myself as free to communicate with Kemp after those decisions as I was previous to 1890. The whole tribe has been kept in a state of turmoil from 1890 till now. We did not know what to do until these proceedings were open to us. I was hurried to give evidence before the Commission. My mind was unsettled by the illness of my wife, who was in labour. Her child was born on the evening of the day I gave evidence before the Commission. I mean this Court to understand from my evidence that the Ohau section was selected for the descendants of Whatanui before the Raumatangi section. I have never objected to Hector McDonald's leases. I know no difference between his leases and Sir Walter Buller's. Kemp leased the land in both cases. I did not object to either. The township section was granted to Kemp under certain conditions. I did not make any application to Kemp for any part of the money received by him for the township, because I did not know how to proceed. I heard it stated by others that Sir Walter Buller had purchased part of No. 14. I may have heard this before the Commission sat, but I heard Sir Walter Buller say so before the Royal Commission.

*To Assessor:* I have stated that I was at some of the Muaupoko meetings in 1886, and that my thoughts were with Te Whiti. I consented to No. 11 being awarded to Kemp and Warena, and to No. 12 being awarded to Ihaia Taueki, but I did not speak; I remained silent, and the people agreed that two only should be in the title. If the majority had not agreed I would not have done so. We placed reliance upon the two chiefs. It was for them to do what they thought right. It is quite true that we gave the land to them because they were chiefs. I can trace Kawana Hunia and myself from Pariri. [The Assessor gives Whakapapa.] I admit that is correct. I am a younger relative of Kawana. My elders from Pariri down to my father occupied Horowhenua permanently. I am quite equal in rank to Kawana, but he obtained an ascendancy over us by the prominent part he took in preventing the Ngatiraukawa getting the land. I have now ceased to rely upon the chiefs, and am doing the best I can for myself. I do not know under what Act Horowhenua was divided. I was very young when the title to the land was ascertained in 1873. I do not know that we looked upon Kemp as a trustee in 1886 as he had been previously. I did not know in 1886 whether Kemp was to be a trustee in No. 11, when it was proposed that it should be vested in him alone. I did not know that Kemp and Warena were trustees in No. 11, because it was not so stated, whereas it was mentioned in other divisions. I don't know whether Ihaia Taueki would have been a trustee if No. 11 had been awarded to him. No. 14 was awarded to Kemp to enable him to convey it to the descendants of Whatanui, and for that purpose. No. 14 belonged to all of us—that is to say, the descendants of Pariri. We derive our rights to it from Pariri. I know of Te Riringa; her interests were at Tamaki. I do not know that she had any rights here. It is not true that Pariri was a Hamua. I did not hear that it was one of the conditions of Kemp's agreement with McLean that the 1,200 acres for descendants of Te Whatanui was to be at Raumatangi. They are not living on it now. They live on No. 11. I don't know why they do not live on No. 9. I don't know that Kemp still holds No. 9, because the Ngatiraukawa were fighting over their relative interests in that section in 1895. I did not hear that Kemp had written to the Government asking them not to accept any list of names for No. 9, but to leave the matter to be settled by him.

*Mr. McDonald* said he wished to call Sir Walter Buller.

*The Court* said it understood that Mr. McDonald wished to examine Sir Walter Buller on his pamphlet, and it was not then decided whether or not the pamphlet was to be put in.

*Mr. Baldwin* objected to the pamphlet being put in, and said he would object to Mr. McDonald examining Sir Walter Buller on it. He contended that Sir Walter Buller could only refresh his memory from the pamphlet.

*The Court* said it considered it inadvisable that the pamphlet should be put in in any shape. The pamphlet contained only hearsay evidence, and Sir Walter Buller was cross-examined on it before the Royal Commission.

*Mr. McDonald* said he did not wish to examine Sir Walter Buller on his pamphlet. He wanted to put questions to him about what he said at the bar of the House.

*The Court* said that if Mr. McDonald wished to examine Sir Walter Buller there was plenty of material in the evidence of the latter before the Royal Commission.

*Mr. McDonald* said he would not call Sir Walter Buller if the Court did not consider it necessary or advisable. He did not intend to call any other Maori witnesses, but he would like to put certain questions to Sir Walter Buller before the case closed.

*The Court* did not see any necessity for calling Sir Walter Buller to repeat what he had already stated on oath. It did not know what questions it was intended to put to Sir Walter Buller, but, so far as it could see, he was not a material witness in this case, because all he had said was obtained from some one else. He was not in New Zealand in 1886.

*Mr. Stevens* said he had a great many questions to put to Sir Walter Buller, all of which were relevant to the case, and he hoped Sir Walter Buller would be put in the box. He thought Mr. McDonald had made a mistake in not taking out a subpoena for him.

*Mr. McDonald* said he was glad he had told Sir Walter Buller he intended to call him. It was more courteous to do as he had done.

*The Court* agreed with Mr. McDonald. As Sir Walter Buller had offered to give evidence there was no necessity to subpoena him.

*Mr. McDonald* asked that the question of calling Sir Walter Buller stand over until Monday.