

Muaupoko at that meeting assented in audible tones to Kemp having No. 14. Ru Reweti stated Te Kiri was the only person who spoke, and she said, "Who can oppose Kemp's application for No. 14?" The Court will also weigh this evidence: Ru Reweti said he did not hear Waata Muruahi refer to No. 14 at the Pipiriki meeting. Mr. J. M. Fraser said he heard Waata Muruahi speak at the Pipiriki meeting, but that he only welcomed the visitors, and did not refer to No. 14.

It is a matter for consideration by the Court whether these witnesses are to be believed—that the Muaupoko Tribe consented to Kemp having No. 14. I would ask who this tribe of Muaupoko were who consented to give No. 14 to Kemp? The consent of Rangimairehau and Raniera cannot be held to bind the Muaupoko Tribe.

All this evidence has been manufactured since 1886. Kemp made it quite clear in 1890 that he and Warena held No. 11 in trust, and the people knew that No. 14 was part of No. 11. They did not know that the boundaries of No. 14 had been extended west of the railway to Waiwiri. All parties to this case have admitted that they knew No. 14 was given to the descendants of Whatanui, and that it was owing to the refusal of Te Aohau and Pomare to accept it that the matter was not concluded during the sitting of the Court in 1886. It was said afterwards that Kemp asked Muaupoko to give him No. 14 for himself. Now, I refer the Court to the evidence of the witnesses before this Court, some of whom have asserted that No. 12 was given to Ihaia Taueki as trustee, whilst others have stated that it was given to him for himself. This is similar to the evidence regarding No. 14: some say that it was given to Kemp for the descendants of Te Whatanui, whereas others allege that it was given to Kemp for himself. Both sections are held under similar titles, and it cannot be said that No. 12 only is subject to a trust. I submit that both sections are held in trust for the tribe. If the claimants will submit a list of names of the persons who agreed to Kemp having No. 14 in 1886, I will admit the gift so far as they are concerned, and it will be apparent that they gave away their own rights in it.

I will now speak on the matter in reference to which I said in the beginning of my address that my opinion would not be of much value to the Court. In 1873 an order was made for the issue of a certificate of title under the Act of 1867 for the Horowhenna Block. In 1880 an Act was passed for the Native Land Court, which provided that the cancellation of all certificates issued before 1880 should be notified in the *Kahiti* in connection with partitions. The Court could only issue orders to individual owners of Horowhenua on partition, after notification in the *Gazette* of the cancellation of the certificate. In 1886 the Court sat to subdivide the Horowhenua Block, and made orders on partition while the certificate of 1873 was still in force; and I contend that those orders are invalid, because the certificate was not cancelled until after they were made, and this has caused all the complications that have arisen in connection with the Horowhenua Block. There are many other legal points bearing upon this case, but I will leave them in the hands of the Court.

I will now remark upon the plan, which it is said was approved by Kemp and Warena. The Court partitioned the land, and marked off the divisions on the plan, and the Muaupoko looked upon the location of the several sections as final. Subsequently the surveyor, in carrying out the partition on the land, extended No. 14 westward of the railway to the Waiwiri Lake, which he had no authority to do without the consent of the owners of the land. The Judge did not notify in the *Kahiti* a time and place for exhibiting the altered plan, so that the people interested had no opportunity of appearing to express their approval or disapproval of it. The only persons who heard of the alterations and approved of them were Kemp and Warena, and they did so on their own responsibility, and without the knowledge of Muaupoko. I submit that this was absolutely illegal, because the extension of Section No. 3, afterwards No. 14, to Waiwiri was wrong; it was done without the knowledge of Muaupoko. The extension was not shown on the plan in use when No. 3 was set apart for the descendants of Whatanui. The change of number from 3 to 14 has also been made since; and I hope the Court will seriously consider the effect of the changing of the numbers of sections, and the alteration of the boundaries of No. 14.

It is not necessary for me to further prolong my address, as the Court has a fuller knowledge of the matters before it than I possess.

ADDRESS BY P. E. BALDWIN, COUNSEL FOR THE CROWN.

May it please the Court: In addressing the Court on behalf of the Crown, I think it would be well to preface my remarks by stating what, as I understand it, weighed with the Crown in becoming a party to these proceedings. The chief reasons for the interference of the Crown were these: In the first place this Horowhenua Block has been a constant source of public trouble for a very lengthy period of time. Petitions to Parliament have been presented in the last seven sessions, legislation has been repeatedly demanded, and the interference of the Executive Government has been invoked. This investigation, moreover, is taking place under a special Act, and is of grave public importance. In the second place, the Crown, as a result of these proceedings, will be called upon to grant to certain persons titles under the Land Transfer Act, and is entitled to be well satisfied that its grants are made to the rightful owners, where it is suggested, and there is a reasonable suspicion, that persons other than the rightful owners are making efforts to obtain titles for themselves. In the third place, and most important of all, the proceedings in this case are to be final and conclusive. From the decision of this Court there is no appeal on law or on fact. In order, therefore, that these final proceedings might be, if possible, more solemnly and more satisfactorily final than if they had been left to the various private parties interested, some of whom may have been unable or unwilling to be represented, or unready to enter upon the contest themselves, it was deemed advisable that the Crown should appear and lend the Court such assistance as it was able, with a view to elucidate the truth.