183. There was no record whatever of it?—I do not think so.

184. I wish to know if there was any record made of what any division was for? Was there any record of No. 2?—I cannot say what is in the minutes of the Court. Whatever was done is in the minute-book. I cannot say without consulting the minutes.

185. You told the Commission that when the Natives came with a voluntary arrangement you were bound to follow it, because the statute was mandatory. I wish to have this correct, because in 1880 it was distinctly permissive. Do you remember that in 1880 the Court "may" do it?—It was mandatory.

186. You remember the section says "may"?—Yes.

187. You accepted that as mandatory?—Yes. I have had this question thrashed out years ago about the meaning of the word "may."

188. There is another section (36) which says "it shall be the duty of the Court": that is mandatory?—Yes.

189. Did you proceed to inquire whether it was necessary to make restrictions on any one of these divisions?—No.

190. Although in section 36 you were instructed that it was the duty of the Court?—But that does not apply to voluntary arrangement.

191. Why do you say that?—In a matter of voluntary arrangement you have to follow the arrangement and not vary it.

192. Then the reason why you did not make inquiry was that it does not refer to voluntary arrangement?—Yes.

193. You say that Kemp intimated to the Court that he wished No. 11 to be issued to himself and Warena to prevent it being sold?—Yes.

194. Did it occur to you to place any restrictions on the sale of No. 11?—No. It would have been contrary to the spirit of the arrangement, because if any restriction had been placed on it, it could have been removed by the Governor and the land would be saleable. It was a question of honour among them.

195. Was it not for the reason that you knew the whole block was proclaimed that you did not place restrictions on the sale?—I do not know what that proclamation would be. I did not know there was one. To have put restrictions on the land would have formed no part of the voluntary arrangement.

196. You consider that you were barred by that arrangement?—The question never arose in my mind at all. It was a voluntary arrangement we were carrying out; it was not a case for restrictions; they would have defeated the voluntary arrangement and they could have been removed.

197. Do you consider you had power to put a restriction on any portion of the block?—I did not consider about it, but I should think I had not power to add to their arrangement or to take from it.

198. It has been stated by several witnesses before the Commission that the first division cut off for the Whatanui in the Court was what is now known as No. 14. Is that correct?—No; I am certain it is not correct. They are mixing up what was done out of the Court with what was done in the Court. I cannot account for it in any other way. I know that No. 9 was the first piece proposed to be handed over to the descendants of Te Whatanui; that afterwards I heard there had been some talk of giving No. 14, but that was never done in the Court. We never gave them No. 14.

199. Do you remember that, on the first plan you had there, No. 14 was all east of the railway line?—My impression is that it was east of the railway line, but I would not like to say that my impression is correct.

200. Can you tell the Commission what was the first division that was arranged in Court, after the second Assessor arrived?—I cannot tell what was the first. I know that No. 9 came on in the early stages before No. 14 in the Court.

201. Then, of course, it would come before No. 10, and possibly before No. 6?—Yes; before No. 10.

202. It was stated in Court, I believe, that the 800 acres was for Kemp alone, to defray certain liabilities?—Or to hand the land itself over to the lawyers; it was to defray their account. It was understood it would take that amount to defray it.

203. Was it stated emphatically in Court what No. 14 was for?—Yes; that was for Kemp himself. It was cut off for him. On the application of Kemp that was cut off for himself, with the consent of the tribe, and challenged for, and an order was made in his favour.

204. That was stated emphatically by Kemp himself?—It was clearly stated and understood.

205. Do you remember who it was came into Court and objected to the first award for the Whatanui?—I do not.

206. You remember that someone did?—Yes; and I considered they had no *locus standi.*

207. Who did you hear from some considerable time afterwards that the Whatanui had got No. 14?—I said there was talk of their getting No. 14. It was mentioned in my Court that there was a proposal that they should have No. 14. It was not brought up in Court to make the change, but I understood that Kemp was offering them No. 14 instead of No. 9 to satisfy them.

208. *Sir W. Buller.*]—The minute-book is defective and somewhat meagre; but is not this the right interpretation of the minutes as suggested by the Chairman of the Commision. First of all, on the 25th November certain blocks were called on and orders made. Then, owing to the difficulty about the Assessor's wife, the Court had to adjourn to the 1st December. On that date the application was made for subdivision 9. When that took place Mr Lewis made a deposition in regard to it. Objectors were challenged; none appeared. An order was made in favour of Kemp for 1,200 acres