

name was Palmerson. He showed the divisions on the Court plan. The Native committees were all outside the Court. I do not know what took place among them. The application had been made under the old Act of 1882, but we were sitting when the Act of 1886 came into force. I gave Kemp his choice of which legislation he would come under. He chose the old Act. He was entitled to the choice. I do not think it made any difference which Act we proceeded under. The orders would show which Act they were issued under. I had ample jurisdiction under either Act to give effect to voluntary arrangements. We sat, I think, for a couple of days. On third day the Assessor received a telegram that his wife was ill, and that he must return. On my advice the Assessor left. Simultaneously the Clerk of the Court, Mr. Buckle, was removed from my Court. I sent for another Assessor, who arrived in a few days. His name was Kahui Kara-rehe; he was an inexperienced Assessor. I see by the minutes that the Court opened on the 25th November. I have never read them through since I signed my orders. Nor have I seen the map that was before us in 1886 since I approved it. Before the first Assessor left several partition cases were brought before us—three I believe. Whatever was done with first Assessor was considered by me to be null and void, because the partition of Horowhenua was not complete and had to be commenced *de novo*. When we sat after second Assessor arrived the first thing done was to call over the partitions that had been previously made. The new Clerk of Court was quite inexperienced. I think it is marvellous how well he kept the books considering his inexperience. I trusted entirely to my own notes, which I kept several years, along with about a hundredweight of notes of other blocks, and then burnt them. I only preserved those having historical value. I saw no reason for keeping them, as I was no longer a Judge, and the time for rehearing having long expired. I treat my private papers in the same way, and have done so for the last thirty years. It is different now; the Judge's notes go into the Registrar's strong-room. At second sitting of Court orders were made for partitions previously made. The first orders were not all confirmed. I made fresh orders to date from the time they were made. Objectors were challenged.

*Mr. Stafford* stated that minute was to effect that first orders were confirmed.

*Judge Wilson*: The minutes are incorrect in this instance. The Chief Judge of the Court was in Palmerston at the time, and reminded me that the partitions made at first sitting were invalid; but I had already taken action. I challenged objectors before making the orders; I always do so. The original title for Horowhenua was cancelled by the partition made in 1886. Kemp was a trustee under the original title to Horowhenua. The partition of Horowhenua did away with that trust. At the second sitting, which commenced on the 1st December, 1886, we made minutes for orders for the three blocks we had dealt with at the first sitting. I think the order for the railway portion was not made until nearly the last. Then there was an order for a 4,000-acre block in connection with some scheme for a village settlement that had been partially arranged between the Government and Kemp. This block was passed before us. Then there was a piece of 1,200 acres to be put in Kemp's name for the purpose of enabling him to carry out an arrangement with McLean *re* Whatanui's descendants. With respect to this 1,200 acres, Kemp stated to the Court that he wanted a partition made for that piece of land, because when Sir D. McLean was alive he had asked Kemp to set apart 1,200 acres for Whatanui's descendants, but that he (Kemp) had not consented during McLean's lifetime, but that now that his friend was dead he wished to comply with his wishes. The original area was to be 1,300 acres, but, as Whatanui's descendants had already received 100 acres, I believe Kemp considered 1,200 would be sufficient. Kemp indicated on the Court plan about where he wanted the parcel located. I cannot say whether this was in the morning or afternoon. There was some question raised as to the land not being of the proper quality as soon as locality was indicated. This was raised by a descendant, or some one purporting to be a descendant, of Whatanui. Nothing further was done in this matter just then. Mr. Lewis came and took the 1,200-acre block out of the hands of the Court. He had a meeting of persons interested, in the Courthouse, but did not succeed in arranging the matter, and brought it back to us. On referring to the minutes, I find that Mr. Lewis did appear at the first Court. He did not then indicate where the block was to be located. I cannot remember whether Kemp indicated the location of the land intended for descendants of Whatanui at first Court. The only location I ever heard of was where No. 9 is now.

*The Court* suggested that the proceedings at first Court should be dropped altogether.

*Witness*: I find by minutes that position of No. 9 was mooted at first sitting. At some time or other Mr. Lewis removed the 1,200 acres from our jurisdiction. We had statutory power to do this. He kept it about a week—or, at any rate, some days—and then came back and asked for an order to enable Kemp to carry out some promise. I cannot remember whether he came back personally. I think he went away and sent some one else—at any rate, we were asked to put the 1,200 acres in Kemp's name. When we made the second series of orders for the blocks dealt with at first Court we did not give them the same numbers; but the first clerk, who was in Wellington, knowing that the second clerk was inexperienced, thought that he had made a mistake in numbering the three blocks of land, but, knowing that we had made fresh orders for them, he took upon himself to scratch out the new numbers and put in the old numbers, and that without reference to me. Eventually, the Registrar at Wellington sent me the orders for inspection, and I altered them. I also wrote a letter to the Chief Judge complaining of the clerk meddling with my orders.

*Sir W. Buller*: I now put in record No. 87/445.

*Witness*: The initials on the record are mine, the corrections are mine. The alterations were made and initialled by me shortly after the Court. I cannot say exactly how long. My letter of complaint would show the date. The land for Whatanui's descendants came on third in the morning, but could not be completed then because boundaries were not decided on. Other blocks were dealt with in the meantime, and in the afternoon the land was awarded as No. 9. There was a hitch at first.