

the Court as being for Whatanui's descendants, but it never was awarded to them. It was taken away and brought back as No. 3, where 9 now is. We altered it to No. 9. Nos. 1, 2, and 3 came before my Court on the 25th November, 1886, at Palmerston. No. 3 was for the descendants of Te Whatanui. No. 3 was proposed to be where No. 14 now is. Kemp wished to give them No. 14, but they refused it. Since I have seen the minutes *re* No. 3 of 25th November, 1886, I assume that it was the No. 3 where No. 9 is now. My own notes are gone, but the fee-return would show whether there were two fees paid for No. 3. I cannot recollect Mr. McDonald handing me a tracing showing the position of No. 3. He may have had one. We could not have made two orders for what is No. 14 and taken two 20s. fees for it—the same piece of land. It would be quite possible to change the number of a section. No. 3 was not changed to No. 14. No. 3 was intended for descendants of Te Whatanui until it became No. 9. It was dealt with by us for a time as No. 3, but other numbers came in, and when we finally dealt with it it dropped in as No. 9. There was no delineation on plan that I know of of what No. 14 is now when it was No. 3. There may have been a tracing, but I never saw it. I went by the Court plan, and was guided by my own notes. The clerk and the interpreter may have got muddled about the tracing and named it in the minutes. I cannot say what locality was referred to in the minute, "The Court orders 1,200 acres to be delineated on the plan." My impression is that it referred to what is now No. 9 and not to No. 14. I cannot remember how far the offer to give No. 14 to descendants of Whatanui went, but I know we never awarded No. 14 to them. If the minutes read that the order on the 25th November was made for No. 14, then I cannot indorse it. We antedated the orders for convenience. The first orders were, in my opinion, and in that of Chief Judge, invalid. The 1,200 acres for descendants of Whatanui had not been delineated on the plan on 1st December—that is plain from minutes. I apprehend that objectors were challenged before the orders were made by the new Court. There being no minute to that effect is nothing, as a great deal was omitted by the clerk who took them. My own notes occupied a much larger space. As regards No. 3, anything we did on 25th November lapsed. I can swear that we did not award it to the Whatanuis. Both No. 9 and No. 14 were objected to—No. 9 because it was sandy. What I understood was that they wanted the 1,200 acres to join the 100 acres and extend towards Waiwiri Lake. I do not know who objected to No. 9. Nicholson's objection appears to have been made after the land was brought back to us by Mr. Lewis at the second Court. The objection was to what is now No. 9. Kemp or McDonald pointed out to me where the Whatanuis wanted the 1,200 acres. I was never present at any place where a proposal was made to subdivide No. 11. Some one purporting to be a descendant of Whatanui certainly objected to No. 9 on the ground that it was sandy, and the situation was altered accordingly. The objection was made at the second sitting of the Court. I do not think there is any minute of it. The objection made by Nicholson at first Court appears to me to apply to what is now No. 14, and intensifies in my mind that Kemp said in Court that No. 14 had been offered to Whatanui's descendants and that they had refused it. I am sure I never made any order for it to descendants of Whatanui. My memory may be defective; it is quite possible that it is. There was an abortive attempt to put No. 14 through for descendants of Whatanui, but it failed, notwithstanding what appears in the minutes. This is shown by Lewis taking it out of our hands. The orders for two 1,200-acre sections were not made to Kemp, so that the Whatanuis might have the choice of which section they would take. I refused to sign the order for No. 9 until survey was altered in accordance with my order. The descendants of Whatanui had a vested right in this section. No. 14 was not handed to Kemp for descendants of Whatanui. They never had a vested right in that block. No. 3, afterwards No. 9, was awarded to Kemp for them. I cannot swear that No. 14 was ever No. 3, or that it was never No. 3. If No. 14 had been No. 3 on the 25th November, 1886, the Government could not have taken it out of our hands to give it to descendants of Whatanui. They took it out of our hands because we had not disposed of the matter. If the order for No. 3 on the 25th November, 1886, had been an effective order, the Government could not have interfered with it, or traversed our order. I am firmly convinced there was no order on the 25th November, 1886, for No. 3—over the section now known as No. 14. As I read the minutes, Nicholson's objection on the 25th November, 1886, related to what is now No. 14. Kemp said first that the Ngatiraukawa objected to No. 14. Nicholson's objection followed. The Court overruled Nicholson's objection because he was not an owner. There was no delineation on the plan of No. 14 until the order was made for it. I do not know how to explain it, but I know that No. 14 was never awarded to Kemp for descendants of Whatanui. I do not care for the minutes. I cannot indorse them as regards No. 14. I had every confidence in Buckle, who took the minutes, but I cannot be responsible for them. No. 14 was not delineated on the plan on the 25th November, 1886. I don't think so. No. 14 was delineated on the plan on the 3rd December, 1886, when it was awarded to Kemp for himself alone. This was some days after the 1,200 acres was awarded to him for the descendants of Whatanui. I do not know how many days. No. 9 was the block I wrote to the Survey Department about, because it was wrongly surveyed. Long after the Court was over I entered into correspondence with the Survey Department with reference to No. 14 being extended across the railway westward. The order for No. 3, made on the 25th November, 1886, related to land west of the lake adjoining Raumatangi, 100 acres. No. 3 became No. 9 on the 1st December, 1886. I am not prepared to swear that No. 3 was not No. 14, but that is my recollection, that it was not. I won't say that Nicholson's objection was to No. 14. It was Kemp who said there was an objection to No. 14. I will swear that when what is No. 14 came before the Court Kemp and one of Whatanui's descendants said it would not be accepted. The boundaries were not defined on that day—25th November, 1886. The application from Major Kemp on the 3rd December, 1886, for confirmation of that order, &c., does not refer to any of the orders, or anything that was done on the 25th November, 1886. It was not a confirmation of any order made on that date, nor did it refer to anything done on the 18th December, 1886. The Court opened on the 27th November,