

1886, and adjourned to the 1st December, 1886. Nothing was done, there being no Assessor. On the 1st December, 1886, Kemp applied for an order for 1,200 acres, for the purpose of enabling him to fulfil an agreement with the Government. This was in the morning. [Vol. 7, pages 187 and 188]. This was the same 1,200 acres that McDonald applied for on the 25th November, 1886. It was No. 3 then, and was christened No. 9 in the evening. The minute says fee, 20s., paid on the 25th November, 1886, as No. 2. The minute is in pencil, but coincides with what I have been saying. I cannot explain why clerk altered No. 15 to No. 14; it is a mistake of his. I don't think the minutes of the Court militate against my memory; they are simply bald. I apprehend that my memory is more reliable than the minutes. I received a telegram from the Under-Secretary for Justice.

Cross-examined.

*Sir W. Buller* submits that the telegram should be put into witness's hand, if he is to be cross-examined on it.

*Mr. Stevens* is quite willing to wait until the telegram arrives.

*The Court* states that the file, to which the telegram referred to is probably attached, has been sent for, and will most likely be here to-morrow morning.

*Mr. Stevens* will leave the matter where it stands until it is known whether the telegram is available, and ask permission to be allowed to complete his examination of the witness later on.

Cross-examined by *Mr. Baldwin*.

*Mr. Baldwin* will not touch upon the telegram.

*Judge Wilson*: Major Kemp was the sole certificated owner of Horowhenua when it came before my Court in 1886. There were 143, including himself, on the back of the certificate. Kemp had the whole conduct of the proceedings. He was releasing himself of his trust. *Mr. McDonald* was, I think, Kemp's agent. They were not the only persons who took part in the proceedings. The objectors among the owners had their rights, one Native did object on the part of a section. There were several adjournments of the Court to enable the Natives to discuss Kemp's proposal. On *Raniera's* objection, the name of *Ihaia Taueki* was substituted for that of Kemp in one of the divisions. I told the Commission that in No. 11 I asked for information, but was told practically to mind my own business. There was evidence taken as to the voluntary arrangement. Kemp and McDonald were both on their oath when they made their statement about the arrangement. The Court was perfectly satisfied that there was a voluntary arrangement. The proposals were unchallenged. All those in the Court expressed their approval of them loudly. The assent of the tribe generally and the lack of objection convinced the Court that there was a voluntary arrangement. I never witnessed a more unanimous proceeding. On the 25th November, 1886, McDonald came into Court with a voluntary arrangement as to three sections. The Court gave full effect to the arrangement as regards two sections. There was no tracing before the Court that I know of. I do not remember seeing any tracing. I acted upon the Court plan, not upon any tracing. I have no doubt there was a tracing, but it was not an official document. My memory may be defective, but it must be taken for what it is worth. No. 1 was ordered in favour of Kemp for Manawatu Railway. I do not know what the consideration was to be, or who was to receive it. I do not think the tribe was to get anything out of it. The railway company got it for almost nothing. The second order was for No. 2—the township block. The locality was pointed out to the Court on the plan, not on a tracing. No. 2 was put on to the Court plan by *Mr. Palmerson*. I think the railway was shown on the plan when it came from Wellington. The order was made for No. 2 on the 25th November, 1886, exactly as it was asked for. *Lewis* said what the block was for—a township. *Mr. Lewis* said there was an agreement between Kemp and the Government relating to the town. It was not produced, but I understood that all the owners were to benefit by the township. I expressed a hope that they would benefit. Kemp was a trustee in No. 2, although it was not so stated. I cannot say that No. 3 was originally applied for in the position that No. 14 is in now. [The following was read from the evidence of the Horowhenua Commission: Page 181, answers 318 to 323; page 32, answers 205 to 207; page 191, answers 241 to 242; page 142, answers 334 to 343; page 161, answer 92; page 258, answers 298 to 299.] My impression still is that Kemp said he had offered what is now No. 14 to the *Ngatiraukawa*, and that they had refused it. At the same time, there is a good deal in the evidence you have read, which supports *Buckle's* minutes that an order was made. It seems to me that no application was made to us, but that they came into Court and told us that No. 14 had been offered and refused. I cannot swear that no application was made, or that no order was made, but my memory is that there was none. I would not have allowed the Government to take the matter out of our hands if an order had been made. If an order was made for 1,200 acres where No. 14 now is on the 25th November, 1886, it was not an effective order. The *Ngatiraukawa* objected to it or it probably would have been awarded to them as No. 3. It was afterwards awarded to Kemp for himself. The order made for the 1,200 acres on the 25th November, 1886, was, I believe, for No. 9. The minute-book says so. My impression is that it was originally No. 3, and afterwards became No. 9. I am pretty sure we made no order for No. 3 over ground that was afterwards No. 14. I do not know where I ordered the 1,200 acres to be delineated on the plan on the 25th November, 1886. On the 1st December, 1886, No. 9 was brought before the Court as No. 3 by Kemp and *Lewis*. We could not have done anything in the matter unless *Lewis* had brought it back. I believe *Lewis* removed the matter from our Court, in open Court, but he may have done it outside the Court. The Court considered the notice of removal sufficient, and did not delineate the 1,200 acres on the map. I do not think there was any order made for 1,200 acres to Kemp on the 25th November, 1886, before *Lewis* removed the question from the Court. [Horowhenua Commission, page 134, questions 86 to 97, read.] That refers to the second Court. I made the order for No. 2 on the first day of the second Court also. When the second Court sat we made fresh