orders for the parcels we had awarded at the previous Court. No. 6 was awarded to Kemp as a trustee. If he has not carried out the trust I am sorry for it. No. 11 was awarded to Kemp and Warena Hunia as trustees. No. 12 was awarded to Ihaia Taueki as a trustee.

The Court adjourned till 10 a.m. of the 2nd instant.

TUESDAY, 2ND MARCH, 1897.

The Court opened at 10 a.m.

Present: The same.

No. 1, Horowhenua No. 14, resumed.

Special license granted to Henare te Apatari, who is authorised to appear for Paki te Hunga and party.

JUDGE WILSON cross-examined by Mr. Baldwin.

Witness: Native Land Court minutes, Vol. 7, page 200, "Application by Major Kemp," &c.: the word "confirmation" is a mistake. I repeat that I know of no application having been made for what is now No. 14 on the 25th November, 1886. Something was said about it. No. 14 came before my Court on the 1st or 2nd December, 1886, after No. 10 had been disposed of. Kemp applied for an order for that land to himself for himself; that is the first application I remember for No. 14. Kemp mentioned No. 14 at the first Court; he said he had offered it to the Whatanuis, and they had refused it. He wanted to cut off a piece for the Whatanui people, and he then said that he had offered what is now No. 14 to Whatanui's descendants, and they had refused it. The order for 1,200 acres on the 25th November, 1886, was for No. 3—now, I believe, No. 9—that is my impression, but will not swear it. I am sure that No. 3 was not No. 14. I am certain of it; I am on my oath, but I will not swear to it one way or the other. The first application for No. 14 was made either on the 1st or 2nd December. There was no order made on either of those dates. The application stood over till the last day of the Court. I did not hurry the matter. I gave plenty of time to the people to object, and challenged very carefully because Kemp applied for the land for himself. I made the usual challenge. In this case I would be most careful to challenge objectors, because a chief was asking us to excise a piece of land for himself. I am sure objectors were challenged on the first day No. 14 came before the Court. I repeat that the clerk was wrong in using the word confirmation; there was no order to confirm. I should have had no shock when Kemp asked for the 1,200 acres if I had not been under the impression that he was to have most of the 800 acres, but I have since ascertained that all went to the lawyers. I felt almost inclined to query it, although I had no right to question any voluntary arrangement. We were careful to put this agent and spokesman on oath as a protection to the Court, so that they should not go outside and say there was no arrangement. Objectors were challenged before each order was made to give any of the owners an opportunity of objecting. I rested satisfied with the application in No. 14 without further evidence. We were satisfied that there was a voluntary arrangement, and the application was sufficient. The evidence of the voluntary arrangement given in the first Court was applicable to the second Court, although the orders of the first Court were bad. The second Court commenced *de novo*, one of the members of it was not a member of the first Court. I say this notwithstanding the fact that minutes of the 1st December, 1886, state that McDonald was on his former oath. The evidence of the first Court would be in the mind of the second Court. I would of course make the Assessor aware of that evidence, if he had not been satisfied with my explanation he would have objected. [Horowhenua Commission, page 138, question 203, read.] All that is in the second Court. In making the order for No. 14 we must have acted on the evidence given in the first Court as well as that given in the second Court. There was very little evidence regarding it in the second Court, and this was given after No. 10 was disposed of. I think Kemp said in making the application that he was entitled to the 1,200 acres for what he had done, or something to that effect; I cannot recollect exactly. At any rate, he asked the Court to award it to him for himself, and objectors were challenged before the orders were made. Before I left Palmerston I knew that Kemp would get nothing out of the 800 acres, because the lawyers tried to grab it at once. I did not consider it my duty to explain to the people that Kemp was getting a very substantial interest in No. 14. If Kemp had asked for 10,000 acres I would have been particularly careful to ascertain that the owners agreed to it. I think that is all I could have done. I thought so then; I think so now. I was not empowered to disturb the voluntary arrangement even by imposing restrictions. I took the voluntary arrangement as it came to me, and gave effect to it. The arrangement was made by the owners, not by outsiders. I have no doubt that McDonald was present in Court on the 3rd December, 1886, but I think Kemp made the application for No. 14, but McDonald may have done so. Kemp was certainly present, and I know he made the application on the 1st December, 1886.

Cross-examined by HENARE APATARI.

Witness: I don't know that all the persons interested in Horowhenua were present at my Court of 1886. I should think it unlikely. There was no objector to No. 14 being awarded to Kemp. I was not present when the tribe selected Kemp as owner of No. 14. I was in Court. Kemp brought No. 14 before the Court. He claimed it, and asked to have it awarded to him. He claimed it on account of having done so much for his people in connection with this land. He said his people consented to his having it. He said nothing about his ancestral rights to it. There was nothing said about Kemp being entitled to it by occupation. No. 14 came before us as part of the voluntary scheme for partition of the whole block.

Mr. Stafford asked if the telegrams from Judge Wilson to the Under-Secretary *re* Horowhenua, and which the Court had sent for, had arrived.