

contradiction of this allegation. (2.) Allegation of Rangimairehau and Raniera te Whata that at a certain meeting of Muaupoko outside the Court, and previous to the final allocation by the Court of the Ohau Section, at which meeting these witnesses allege I was present, Major Kemp proposed that the Ohau Section (now No. 14) should be allotted to him (Kemp) for himself as his individual share of the Horowhenua Block, and that Muaupoko then and there agreed to that proposal, as signified by a total absence of dissent on the part of any one whomsoever. Evidence will now be adduced in contradiction of each and every clause of this allegation. (3.) Allegation by Judge Wilson that on a certain day, apparently the 2nd December, or, as fixed by Major Kemp, on the day and immediately after the award by the Court of 1886 of one square foot to one Wiremu Matakara, Major Kemp, in that Court, applied in the ordinary way for 1,200 acres to be awarded to him (Kemp) for his own individual use and benefit, but that the Court did not at that time make any award or order on the application. Evidence will now be adduced in contradiction of this allegation; but I desire to say that in contradicting his Honour Judge Wilson it is not in any way intended to do more than attribute to him most grievous lapses of memory and excessive indulgencies in an apparently lively imagination. (4.) Allegation of Judge Wilson that on a day succeeding the above-referred-to alleged application of Major Kemp—viz., apparently on the 3rd December, 1886—Major Kemp again applied in Court for the said section of 1,200 acres, and that it was then awarded to him by the Court as applied for—viz., for his own individual use and benefit. Evidence will now be adduced in contradiction of this allegation, but again without imputation of more than lapse of memory and indulgence in a powerful imagination on the part of his Honour Judge Wilson. I will now present myself as a witness.

ALEXANDER McDONALD sworn and examined.

*Witness:* I live at Shannon. I will confine my evidence as strictly as possible to No. 14. I have been connected with this block since about the middle of 1886. My especial business then was to obtain a title to the railway-line running through the Horowhenua Block. I waited upon Kemp, the sole certificated owner, and after some negotiation proceeded to Wellington with Kemp, as he wished to see the Government on the matter. He submitted through me certain proposals to the Government, to which he said if the Government would agree he would make application to the Court to partition the block, that being considered necessary precedent to any title in fee-simple being granted for any part of the block. The proposals were considered by the Government, Mr. Ballance being Native Minister, and, as I thought, generally agreed to by Mr. Ballance; whereupon Kemp signed an application in Mr. Lewis's office for partition of the Horowhenua Block. Kemp shortly afterwards fell very ill. I was informed that his life was despaired of. In consequence of his illness the sitting of the Court was adjourned from time to time. My impression is that several months elapsed before the Court sat to hear the application. The Court opened in Foxton early in November, or late in October, 1886. Kemp arrived in Palmerston, and I had an interview with him. He was still extremely ill, and on crutches. I suggested to him that I should go to Foxton, and move the Court to adjourn to Palmerston. He agreed. I went to Foxton, and waited upon Judge Wilson in his private room, and informed him of my object in going to Foxton. He told me that some one had already appeared in his Court and made the same application, and that he had consented. I then said that neither Kemp nor Muaupoko had any plan of the land to be partitioned, but presumed the Court would have a plan. If the Court would allow the Muaupoko to take a tracing off the plan I believed it would greatly facilitate partition. The Judge told me I could take a tracing when the Court reached Palmerston. I returned there the next day, and informed Kemp of what I had done. I made arrangements for comfortable lodgings for Kemp at Palmerston, and business began. The Court came to Palmerston about the 11th or 12th November, and, so far as I can recollect, the Muaupoko were then in Palmerson's barn, and in tents. I will now say something about the outside meetings, so often referred to. The outside meetings commenced, so far as I can recollect, about the 12th November, but there was neither then nor at any other time thereafter any meeting called for any specific purpose. The people lived there as they would in their own kaingas. There was always somebody there, but I should say never at any one time were all the owners who were in Palmerston present together. Something would be proposed to the persons who might happen to be present in the barn, and more or less agreed to. Then somebody else would come in who had been wandering about the town or elsewhere, and the matter that had been partially arranged had to be gone into again, and so it went on continuously night and day. Under these circumstances I say that up to the 25th November only three things had been so completely agreed to that I could feel myself justified in going to the Court and saying that they had been agreed to. One of my means of satisfying myself of the general consent was the use of tracing of the block. Kemp had employed a surveyor, a Mr. Palmerson, in whose house he lived, to take tracing from the Court plan. He took three separate tracings. When anything was proposed and any considerable consent given to it, I got Palmerson to put the proposed subdivision on a tracing, which for purposes of future reference I will call No. 1 tracing. When that matter became, as I thought, more fully agreed to the subdivision was transferred to No. 2 tracing, and when it was finally agreed to it was put on to No. 3 tracing. No. 1 and No. 2 tracings were both in view of any one who chose to look at them in the hall of Palmerson's house, so that if any objection was made the objector and Major Kemp knew what was objected to. On the afternoon or evening of the 24th November these three sections I have referred to as having been agreed to up to this time had been transferred by Palmerson to No. 3 tracing. I do not recollect whether I intimated to the Court that we were ready to go on with part of the partition on the following day or whether the Court informed Kemp through me that he would be required to go on on the following day, but the minutes of the Court show that we went to the Court on the morning of the 25th November. I now propose to take the minutes of the Court as they are. I accept them as correct. [The minutes of the Court, read as follows: Vol. 7, page 182, "Major Kemp: I