

orders, but to treat the orders of 25th November as abortive, all that I can say is that he acted contrary to the Chief Judge's advice. I do not know anything about the dates of the orders. [N.O. 87/515, "Mr. Buckle's minutes have nothing to do with it," &c., read.] I still say that the words in the minutes are practically the words used by Judge Wilson, and that he referred to something that took place on the 25th November. I verily believe that it was at my suggestion the 1,200 acres at Ohau was originally selected for the descendants of Whatanui. I did say in my letter to the *Manawatu Farmer* ["Many years ago when Sir George Grey," &c., down to paragraph 10, read out]. I admit that that is in my letter. My suggestion was that the 1,200 acres should be placed on the Ngatiraukawa boundary; it was not placed exactly as I suggested it. I do not suggest that Sir George Grey would have cared for Ohau without Waiwiri. I thought the 1,200 acres would have extended to Waiwiri when I made the suggestion. It was afterwards put east of the railway. My suggestion was made before anything had been done. One of my reasons for suggesting the locality for the 1,200 acres was that I thought the Ngatiraukawa might sell it for a public park. I thought it desirable that it should be a public park. I think so still. [Horowhenua Commission, page 163, question and answer, read.] That is true. I said it. The 1,200 acres shown on Palmerson's tracing was all east of the railway, as shown on W.D. 508. I had forgotten how it was delineated until I saw the plan. [Horowhenua Commission, page 163, questions 151 to 153 read out.] I said that, and say so still. I told the Commissioners that my impression was that the fact that the area east of the railway was not sufficient for all the sections was discovered before the Court rose in 1886. When I gave my evidence there were no maps before the Commission—they arrived afterwards; and the Chairman asked me if I could identify the plan that was before the Court in 1886. My strong impression still is that the 1,200 acres at first extended across the railway to Waiwiri.

*Mr. Baldwin*, at this stage, asked the Court to adjourn from this evening until Monday, especially as the building was required to-morrow for other purposes.

*Sir W. Buller* agreed.

*The Court* said, under the circumstances, it would adjourn at its rising until the 22nd instant.

*Witness* (to Mr. Beddard): I understood in 1886 that the orders made could not contain a trust. That was my reading of the law. I understood that the persons named in the orders were absolute owners as far as the Court was concerned. [Horowhenua Commission, page 74, "I went to Muau-poko," &c., read.] That is quite right. I considered that the Land Transfer certificates which would follow on the orders would not contain a trust. In 1894 an action was brought by Kemp to have a trust declared. I don't remember what my evidence was in 1890 about going into the side room to talk about No. 11. I don't deny that I said in 1890 that I did not remember the incident at all. [Vol. 13, page 232, 22nd March, 1890: "I don't remember anything special about No. 11. I don't remember Kemp and others going into another room."] I may have said that. After Kemp went into Court in 1890 he said he was a trustee. That was the first time. I heard him say so. [Supreme Court case, page 31.] I said in my evidence there that Kemp and others went into a room, and that I went too. I remembered the incident then. [Witness' evidence before the Supreme Court read.] I don't think that shows a variable memory. The incident was called to my memory after I gave the first evidence. I did not attach any importance to it. I don't care what you think about the character of my evidence. [Vol. 13, folio 232, read out.] Apparently I did not remember the incident then. I do not like to dispute the Court minutes. The question of going into the room has been an important question since. It was the most ordinary circumstance at the time. The question of putting in the names was not decided in the room. Objection was withdrawn there to the two names going in. It had been discussed at length previously. It had been so far decided that Kemp's name alone should be put in that I felt justified in going to the Court and asking for an order. While I don't question the accuracy of the minutes of the Court, if my credibility is to be judged by them I think they should have been shown to me, and I should have been asked if I was correctly reported. I think that if the reference is to a room it must mean the side room of the Court, but I am not sure; it may mean a room in Palmerson's house. I said in the Supreme Court that I was in the room in 1886, and that nothing was said about a trust in Court either before or after we retired to the side room. Nothing was said that would indicate a trust until 1890, except that it was impressed upon Kemp and Warena that they were to act fairly to the people. [Supreme Court case, page 31, question 68, read.] That is true. I was not surprised at the judgment of the Supreme Court; I was gratified at it. I have always said that Kemp and Warena would be scoundrels and robbers if they defrauded the people, although No. 11 vested in them absolutely, as No. 2 did in Kemp. In my opinion, the Court would have been wrong in making any order if it had been informed that there was a trust. I don't know that very much depends in this case on what was said in Court on the 1st December, 1886. Nothing was said in the Court to indicate that No. 9 had been accepted unanimously by the descendants of Whatanui. I did not hear any such statement made. I would not have paid any attention to it if there had. Lewis was the only person there who could accept it, and he did not do so. If Judge Wilson says that No. 9 was definitely accepted in Court by the descendants of Whatanui he says that which is not true. It is quite likely my story differs from Judge Wilson's. I say that it was not Raumatangi that was before the Court either on the 25th November, 1886, or the 1st December following. It was the Ohau section that was before the Court on those days. Judge Wilson was not correct if he said that an order was made for No. 9 on the morning of the 1st December. I think I did cross-examine Judge Wilson on what took place on the 1st December. I was telling Judge Wilson what my recollection was, but he stopped me, and said he preferred his own. My story, I consider, is a wonderfully full and accurate one, considering the time that has elapsed. My memory has been refreshed by reading the minutes. Wherever my letter to the *Manawatu Farmer* agrees with the minutes it may be taken as correct; any part that does not coincide with the minutes is wrong. I wrote it