these descendants of Te Whatanui that they should take the land at Ohau. (*c.*) An expression of dissent with that land, and a demand by them of an alternative section near their own homes at Raumatangi. This is also true. [*Vide* Appellate Court minute-book, Vol. 31, page 243 (Raniera), page 195, &c. (Kemp).] (*d.*) That this suggestion was communicated by the descendants of Te Whatanui to the assembled Muaupoko before the Court sat. This is utterly false. [*Vide* Appellate Court minute-book, Vol. 31, pages 362–368 (Nicholson), page 130 (Rangimairehau). Horowhenua Commission, page 89, question 95 (Rangimairehau); page 106, question 345 (Makere te Rou); page 90, question 195 (Kemp).] (*e.*) That, upon being informed by Mr. Lewis that such was the tenor of the agreement between Sir Donald McLean and Major Kemp, this was agreed to by the Muaupoko. This is also utterly false. Mr. Lewis did not know at the time he gave evidence in Palmerston whether any particular locality had been arranged. [*Vide* Appellate Court minute-book, Vol. 7, page (" Muaupoko never agreed "); Vol. 31, page 324 (McDonald); Vol. 31, page 367 (Nicholson). Appellate Court minute-book, page (Kemp); contra, Vol. 31, page 253 (Raniera); Vol. 31, page 143 (Kemp).] (*f.*) That a section was accordingly arranged for them at Raumatangi, cut off, and marked on the plan. This is also untrue. [Kemp, page 194; contra, Court tracing and plan, McDonald and Nicholson's evidence, Native Land Court minute-book, Vol. 13, page (Kemp), Vol. 14, page ; Appellate Court minute-book, page .] (*g.*) That the matter was taken into Court on the first day the Court sat, and explained on that basis by Major Kemp. This completes the false theory, and is also without any foundation. [Native Land Court Minute-book, Vol. 7, page , McDonald and other witnesses quoted.] The extract I quote proves its utter falseness.

This brings us down to the opening of the Court at which Judge Wilson was Judge and Mangakahia Assessor. This Court sat on the 25th November, 1886. In the first place, it would seem that the Court proceeded about the partition of the block in a very irregular way. To begin with, the proceedings were not translated. [Horowhenua Commission, page 99, question 39 (Rangimairehau); page 271, question 134 (Raniera). Appellate Court minute-book, Vol. 32 (Himiona Kowhai).] This certainly points to Mr. McDonald's continuous employment. Having been given their choice of having the partition proceeded with under the Act of 1886, which had then just come into operation, or under the Acts of 1880 and 1882, which had been kept alive for the purpose of pending proceedings, the Natives elected to have the partition carried out under the Acts of 1880 and 1882. Under section 10 of the Act of 1882 it was made a duty on the part of the Court to either obtain a surrender of the original certificate of title or make an order for its cancellation. This Judge Wilson entirely omitted to do. [Appellate Court minute-book, Vol. 31 (Judge Wilson).] The evidence is clear that he did not obtain the surrender or make any order for the cancellation of the certificate of title, or, indeed, even purported to cancel it, until after the Court had ceased to sit. This it is probable invalidated the whole of the proceedings. In the second place, Judge Wilson stated that the proceedings in this Court were intended to be in pursuance of what he understood was a voluntary arrangement under " The Native Land Court Act, 1880," section 56. Such alleged voluntary arrangement was not reduced to writing, nor was there, so far as appears from Judge Wilson's evidence, any proper evidence before the Court of any such voluntary arrangement, or of the assent of the registered owners. [Appellate Court minute-book, Vol. 31, pages 45, 46, 60, 68.] As a matter of fact, it is manifest that if the Judge had made any inquiries he must have learnt that the consent of only a fragmentary number of owners was given to any arrangement at that Court. Nor did the Judge consider it necessary to exercise any judicial discretion in giving effect to such voluntary arrangement. He said that he acted merely administratively, and merely purported to record what he gathered was a voluntary arrangement. [Appellate Court minute-book, Vol. 31, pages 67, 69, 70.] It seems quite clear, also, that this proceeding invalidated everything that the Judge did, and that all his orders issued at the Court of 1886, in regard to the subdivision of the Horowhenua Block, were invalid.

Turning to the minutes of what took place at this first Court, which I shall call Mangakahia's Court, it must be noted that these minutes were kept by an experienced clerk. This clerk was not present at the subsequent sitting of the Court. It seems also from his minutes that the Court made use of not only a plan but a tracing.

It is undisputed that in that Court applications were made for three orders, and, after objection had been challenged, that the Court purported to make such orders. The minute-book is clear on this point. The first order was manifestly for the railway-line. That was in Major Kemp's own name. This is not disputed. The second was for 4,000 acres to be sold on conditions; it was placed in the name of Kemp as trustee; but it would appear that, even if he had strictly adhered to the conditions mentioned, Major Kemp would have obtained substantial benefits. It is also clear that a third block of 1,200 acres was ordered in Kemp's name, to fulfil the agreement for the descendants of Te Whatanui. In this block, also, Kemp was to be trustee.

Mr. Lewis's evidence recorded in the minute-book shows that at that time the parties present did not know whether the agreement mentioned any particular location for the 1,200 acres. A significent allusion to Nicholson, moreover, in the minutes, coupled with Nicholson's own evidence and the evidence of Mr. Alexander McDonald, together with the evidence disclosed by the tracing and the list of names handed in, shows clearly that this land must have been the land at Ohau. As this is an extremely important point I will now cite the evidence proving this beyond a shadow of a doubt. I would also draw attention to the fact that in the original plan this section is marked No. 3 first, and subsequently No. 14; and in the tracing No. 2 first, which it was, and then No. 3, which it was according to the minutes when transferred to the plan, and then No. 14, showing beyond a doubt that this was the third section dealt with by the Court. The schedule upon the tracing shows, further, three things—(1) That No. 9 was never anything but No. 9; (2) that No. 9 was not cut out of the block until a very late stage of the proceedings; (3) that No. 9 was, when No. 11 itself was cut off, not contemplated, the area of No. 9 having first been included in No. 11; and, on the cutting out of No. 9, 1,200 acres, the area of No. 11 being altered from 16,407 acres to 15,207 acres.