

in connection with the block have been so much discussed amongst the Natives that it is impossible for them to sever in their own minds facts which they know from statements which they have heard. This remark does not apply only to the Natives, but also to the Europeans, who have no possible object in giving false testimony. Mr. Alexander McDonald, a cautious, intelligent, experienced, educated man, stated that he was not clear about various matters about which he was questioned, and that he had the greatest difficulty in severing facts which occurred years ago from matters which he had heard since."

The following evidence was given by Judge Wilson before the Native Appellate Court in support of the contention that No. 14 was set apart for Major Kemp absolutely: "I am a Judge of the Native Land Court. I presided at a Native Land Court held for division purposes in 1886. . . . The partition was taken by voluntary arrangement, but all that was said was on oath. No ancestral title was proved; the partition was agreed to by the owners. The whole scheme of partition was discussed by them, but it was only disclosed to the Court bit by bit. . . . I see by the minutes that the Court opened on the 25th November. I have never read them through since I signed my orders, nor have I seen the map that was before us in 1886 since I approved it. Before the first Assessor left several partition cases were brought before us—three, I believe. Whatever was done with the first Assessor was considered by me to be null and void, because the partition of Horowhenua was not complete, and had to be commenced *de novo*. When we sat after the second Assessor arrived the first thing done was to call over the partitions that had been previously made. The first orders were not all confirmed. The original title for Horowhenua was cancelled by the partition made in 1886. Kemp was a trustee under the original title to Horowhenua. The partition of Horowhenua did away with that trust. . . . No. 14 is correctly marked No. 14 on the plan. It was so marked when I had done with it; I know nothing of any previous number on it. On the second map as approved No. 14 crossed the railway and extended to Waiwiri Lake. The effect of the alteration was to encroach on No. 11 as awarded to Kemp and Warena. Entry on page 200, Vol. 7, reads: 'Application from Meiha Keepa te Rangihiwini for confirmation of that order for 1,200 acres in his own name, as shown upon tracing before Court.'"

With reference to the aforesaid entry Judge Wilson stated, "That is the order for No. 14 to Major Kemp for himself. I do not know how the word 'confirmation' came to be there, but I think the clerk took it from the interpreter. Major Kemp probably used the word 'whakatuturu,' and the interpreter rendered it 'confirmed.'" Witness explains that before Kemp applied for No. 14 in his own name, a section containing 800 acres had been awarded him for the purpose of paying certain legal expenses, and the application for No. 14 following so closely afterwards caused him to hesitate before making the order, as he had considered that part of the 800 acres was for Kemp. The order was therefore left to the very last, to give the Natives time to think of it and object, and as no one objected the order was made. If there had been any objection it would not have been made. Witness stated that he had since heard that the 800 acres was devoted to the purpose for which it was intended, and in that case the 1,200 acres would not be too much for Kemp for his personal share in the block; the witness continuing, "I was specially careful to challenge in No. 14, because I was then under the impression that No. 10 was for Kemp. I say again that No. 14 was for Kemp himself. As a Court we had nothing to do with what anybody got so long as all agreed."

In reply to Mr. McDonald Judge Wilson said, "I repeat that No. 14 was awarded to Kemp for himself, after an award had been made to him for the descendants of Te Whatanui. If No. 14 had not been properly awarded to Kemp, it was open to any of the owners to apply for a rehearing. No. 14 was not awarded by any Court to Ngatiraukawa. From memory I say that I never made an order for any part of No. 14 vesting it in Kemp for the Ngatiraukawa. No. 14 did not cross the railway until after the survey. The order finally made to Kemp for No. 14 was confined to the eastward of the railway. I did not make any order to Kemp on the 25th November, 1886, for the portion of what is now known as No. 14, east of the railway, for the purpose of its being conveyed to the Ngatiraukawa. It was spoken of in Court, but no order was made until after No. 10 was dealt with. We were told in Court that part of what is now No. 14 had been offered to the descendants of Te Whatanui outside of the Court, and that they had refused it. Kemp said in Court that he had offered the land that afterwards became No. 14 to the Ngatiraukawa, and that they refused it. After No. 10 was disposed of Kemp applied to the Court to award No. 14 to him in accordance with their agreement. Objectors were challenged. There is no minute of this."

In reply to Mr. Stevens witness stated, "It would be a voluntary arrangement if the people gave Kemp any part of the block for himself. The award of No. 14 to Kemp was part of the voluntary arrangement. No. 14 was not a gift to Kemp; it fell to his share. The 800 acres given to Kemp was allotted to him for a purpose. It was different with the 1,200 acres (No. 14)—that was for him personally. The 800 acres was to pay legal expenses. It was attempted to place No. 3 where No. 14 now is, but it was taken out of our hands, and afterwards brought back as No. 9. The section now numbered 14 was never No. 3 to my knowledge. The alteration from 3 to 14 was not a consequential alteration. No. 14 was before my Court to be made No. 3, but it was not made so; an objection was made and it was taken out of our Court, then came back as No. 3, where No. 9 is now. No. 14 was spoken of to the Court as being for Te Whatanui's descendants, but it never was awarded to them. I cannot remember how far the offer to give No. 14 to descendants of Te Whatanui went, but I know we never awarded No. 14 to them. As regards No. 3, anything we did on the 25th November lapsed. I can swear that we did not award it to the Whatanuis. The objection made by Nicholson at first Court appears to me to apply to what is now No. 14, and intensifies in my mind that Kemp said in Court that No. 14 had been offered to Whatanui's descendants, and that they had refused it. I am sure I never made any order for it to descendants of Te Whatanui. My memory may be defective; it is quite possible that it is. There was an abortive attempt to put No. 14 through for the descendants of Whatanui, but it failed, notwithstanding what appears in the minutes. The orders for the two 1,200-acre