

of Whatanui. [Horowhenua Commission, page 162, questions 124 to 128 (Nicholson's evidence); read.] I remember that. [Horowhenua Commission, page 162, question 129, read.] If Mr. Nicholson says he said that I would not contradict him, but it would not convince me that it had been settled. [Horowhenua Commission, page 163, question 155, McDonald's evidence.] I suppose I said that. I would say the same now. It was settled on the afternoon of the 1st December that No. 9 should be allotted to Kemp for the same purpose as the Ohau section had been awarded to him on the 25th November. My reason for asking the Court not to confirm No. 14 on morning of the 1st December was that it was in contemplation to make another section for the same purpose as that which had been made on the 25th November, and I thought it quite possible that when second section was made some sufficient acceptance of it would have been forthcoming. The Ohau section could then be dealt with otherwise than was originally intended. I swear that in substance I made that statement in Court when I intervened. Up to the 3rd December no sufficient acceptance had been made so far as I know, therefore I asked the Court to put both in Kemp's name, to enable him to satisfy the agreement of 1874 by the cession of one of them to the descendants of Whatanui. The minute-book indicated that something arrested the proceedings of the Court (*vide* vol. 7, page 188.) [Horowhenua Commission, page 163, question 151.] No. 14, as shown on W.D. 508, was put on the plan by Palmerson. It was originally all east of the railway, and corresponded with the section shown on the tracing. The final impression on my mind is that the fact that there was not sufficient land to satisfy the orders east of the railway was known before the Court rose in 1886. There was no application made for No. 9 on the morning of the 1st December. It was made in the afternoon. My intervention was on the morning of that day. The Ohau section had been delineated on the Court plan before the 1st December. I understood on the morning of the 1st December that the Court was going to confirm its order for the Ohau section as it had done for the others. When the matter came on in the afternoon it was a different application for a different section—the Raumatangi section. I explained to the Court that this was the section that I had told it in the morning it might be necessary to make. I won't attempt to explain why there is no minute of my explanation of the afternoon of the 1st December. I consider the minute is clear that some explanation must have been made. I swear that I made the application of the afternoon of the 1st December. I had not then been made aware of the terms of the agreement of 1874. I understood that there had been some objection to the section at Ohau. I was aware at that time of the purport of the agreement. I assume that I became aware of it on the morning of the 1st December. I consider there was a chance of the Ngatiraukawa refusing the Raumatangi section on the 1st December. By "obstinate refusal" in my letter I meant the objection raised by Nicholson in Court. I knew that the people connected with Whatanui were the only persons interesting themselves in the 1,200 acres, but there were other members of the Ngatiraukawa who were talking about the Horowhenua Block. I can't remember who they were. I think Ransfield was one. I don't know yet that the descendants of Whatanui have accepted No. 9. I heard before the Royal Commission sat that an Order in Council had been issued giving the Native Land Court jurisdiction to deal with No. 9. I believe I gave evidence before the Appellate Court in 1891. [Appellate minutes, Vol. 14, p. 321: "Do you know the piece set apart for descendants of Whatanui?" &c.] I suppose I said that if it is in the minutes. I meant that it was afterwards agreed that No. 9 should be allotted, not that Ngatiraukawa should get both. [Horowhenua Commission, page 83, question 15, and answer, read.] I suppose I gave that answer. I had not seen the minute-book at that time. I have now. If Judge Wilson says that Kemp made the application for No. 14 on 3rd December I must differ from him. My memory was not so definite in 1890 on material points as it is now, since I have perused the minutes, and my memory has been refreshed. [Vol. 14, page 71: "I was not engaged as conductor," &c.] If I said that, then my impression was wrong. [Further extracts read.] I remember giving that evidence. The division of the Horowhenua Block was done by voluntary arrangement—I mean that the people agreed to the divisions. They were completely under the influence of Major Kemp, and did not often dissent from his proposals. As part of the voluntary arrangement, No. 11 was awarded to Kemp and Warena Hunia. I did not understand that the land was given to them absolutely. They were under a moral obligation to the people, although the fee-simple vested in them. I do not remember saying in the Supreme Court that there was a moral obligation on the part of Kemp and Hunia with regard to No. 11. I remember saying, in reply to Mr. Edwards, that there was no mention in the Court of 1886 as to a trust. If there had been anything said to me about a trust I should have mentioned it to the Court of 1886. I said something in the Supreme Court to the effect that there was a moral obligation on the part of Kemp and Hunia in No. 11. [Extract of McDonald's evidence before Supreme Court read, pages 29 and 30.] I considered that there was a moral obligation on Kemp to provide for the people occupying No. 11. They would be satisfied with any partition he made of it. As they were satisfied that he should nominate the persons for the quarter-acre sections in the township, I can only specifically refer the obligation to Kemp, because, before we went to Court, Warena's name had not been mentioned. After the retirement to the room, I understood that Warena was to hold the land under the same condition as Kemp. I thought at the time that he had the legal power to do what he liked with the land. If Kemp and Warena had sold No. 11 it would have been a terrible breach of the confidence reposed in them by the people. The last paragraph of my letter to the *Manawatu Farmer* expresses my present opinion of the position of Kemp and Warena. I meant the legal position. [Horowhenua Commission, page 83, question 16, read out.] I remember giving that evidence. It is true. I am of the same opinion now. The award for No. 11 was made before the order for the Ohau section. When I applied for what is now No. 14, on the 3rd December, I indicated that I wanted confirmation of the order made for it on the 25th November. I cannot remember what the number of it was on that date. It was still No. 3, as far as I know, on the 3rd December. It was