

residents. He considered he was the best man to say who the *ahika* were. He has always told me that he wished the Court to determine who the permanent residents were. I am sure it has never been Kemp's object to get rid of Warena and keep the land himself. When taking my retainer from Kemp, I made myself generally acquainted with what had taken place. I didn't know that Southey Baker acted for Kemp and Barnicoat for Warena in 1890. I don't know whether this became known to me afterwards. I can't say whether I had studied the minutes of the Court of 1890. I did afterwards. I advised Kemp to get the trust declared, upon the information received from him that he and Warena were trustees. It seems to me that the settlement of the matter so nearly arrived at in 1890 would have been plundering the tribe. The tribe were only too thankful to get what they could, believing they were at the mercy of Kemp and Warena. I advised the tribe that they must have all or none, and that I would endeavour to get redress from Parliament. I am not responsible for anything that has happened since the action. It was brought, and succeeded, after we had failed in Parliament. It was Warena who appealed. I did my best to keep the Muaupoko out of the law. I went Home in April, 1886, as Commissioner for the colony at the Colonial Exhibition, and remained in England until about May, 1890. I went Home again in February or March, 1893, and returned to the colony in the beginning of 1894. My return to the colony in 1890 was shortly after the Court of that year, if that Court sat from February to April. I was not aware then that the question of trust had been raised at that Court. I stated before the Commission that, before going to England in 1886, I got a verbal promise from Kemp that when he had perfected his title to the land at Papaitonga he would give me a lease of Papaitonga Lake. [*Vide* Horowhenua Commission, page 242.] When I came back to the colony—about May, 1890—I was uncertain whether I would remain or return to England. I held directorships that made it almost necessary for me to live in England. Up to the beginning of 1892 I never thought of asking Kemp to fulfil his promise. Events made it advisable that I should remain in the colony, and, as nearly as I can remember, about February or March, 1892, I came up the coast for a trip with my children. We drove from Otaki to Papaitonga, which I had not seen since 1863. I was charmed with the scenery, and there and then asked Waretini and Perawiti, two of the owners of Waiwiri East, to let me have a piece of land on the lake. I don't think that I had then seen Kemp since my return from England. After friendly talk, both Waretini and Perawiti said I should have 10 acres; but the owners would have to decide upon price. They pointed out boundary between Waiwiri East and Horowhenua No. 14, and showed me that they were the owners of nearly all the open frontage of the lake. I remained with them an hour, and left with an understanding that owners should meet and decide the price, and send for me to come up. I told them that I would give any price they liked to ask, as I wanted a little home there. A few days after I got a wire asking me to come to Otaki. I found all owners of Waiwiri East assembled. They told me that they had decided I should have 30 acres, and that I was to pay £10 an acre for it. I agreed, and proposed to prepare transfer at once, but Waretini and Perawiti wanted all the money. In the end it was decided that I was to have 60 acres, and I got it. After that I went and saw Kemp at Wanganui. It was after I had bought the land at Papaitonga that I went with Kemp to Mr. Cadman's office. I did not know then of Kemp's evidence before the Court of 1890. I did not see the evidence until after I was retained in 1892.

*Mr. Stafford* asked to be allowed to cross-examine the witness to-morrow, as he was suffering from a bad cold.

*Sir W. Buller* put in a written memorandum of his objection being put to him about his relations with Kemp.

The Court adjourned till 9 a.m. of the 30th instant.

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TUESDAY, 30TH MARCH, 1897.

The Court opened at 9 a.m.

Present: The same.

No. 1, Horowhenua No. 14.

Case called on and adjourned till 2 p.m., the Courthouse being required for sitting of Appellate Court to hear argument on the application of Rangipo Mete Paetahi to succeed to the interest of Kawana Hunia in Horowhenua No. 11 (part of). (For proceedings, *vide* Wellington Appellate Court, Book No. 7, folio 50, *et seq.*)

Horowhenua No. 14 resumed.

*Mr. Stafford* wished *Sir Walter Buller* to explain the memorandum he had put into Court.

*Sir W. Buller* said the memorandum conveyed what it expressed—nothing more nor less.

*Mr. Stafford* wished to know what *Sir Walter Buller's* objections were.

*Sir W. Buller* said he would object to reply to any questions affecting his relations with Kemp as his legal adviser.

*Mr. Stafford* said *Sir Walter Buller* should withdraw the memorandum from the Court.

*Sir W. Buller* declined.

*Mr. Stafford*: Before putting my questions to *Sir Walter Buller*, I may say that I know I shall be met by objections to be raised by *Sir Walter Buller* on two points—the question of privilege between solicitor and client and the existence of a trust—and I will ask the Court to take a note of every question *Sir Walter Buller* refuses to answer. I intend to call Kemp, Rangimairehau, and Raniera te Whata. I therefore ask that these persons be ordered to leave the Court.

*Mr. J. M. Fraser* asked the Court to allow him to point out that Kemp, being a party to the suit, could not be asked to retire.

*Mr. Stafford* contended that the Court had power to order anybody out of Court.

The Court concurred with *Fraser's* contention as regarded Kemp, but as it did not specially apply to the other two they could be requested to retire.