

Sir W. BULLER cross-examined by Mr. Stafford.

*Mr. Stafford.*] You said, in your evidence before the Commission on the 21st April, 1896, page 242, "I was in practice," &c., to "elsewhere"?—Those words are accurate as reported.

Did you or did you not, from 1874 to 1886, except when you were in England, act as Kemp's solicitor?—I did not say so.

[Last question repeated.]—From 1874 to 1886 I acted as Kemp's solicitor, off and on.

As such, would you not know Kemp's position in connection with the Horowhenua Block?—I presume I would.

As a matter of fact, did you not know in that capacity that he was the sole certificated owner of Horowhenua?—Undoubtedly, of the 52,000 acres.

Did you not know that there were 143 registered owners, including himself? As a professional man, did you not know that he was trustee for the registered owners?—I knew that Kemp was trustee for the 143 owners, including himself.

What month in 1886 did you leave England?—I think in April.

You say that before you left for England you had a verbal promise from him to lease Papaitonga?—Kemp promised to lease me Papaitonga and the adjacent lands.

Where did the conversation take place?—I don't know, or when.

It must have taken place between—what year did you get it in?—I can't tell you. I don't know what year it was.

What did you intend should be inferred from your words?—Exactly what they mean.

Was anything said about the term?—I believe not.

Anything about the rent?—No.

Why did you fix on Papaitonga?—Because of the beauty of the scenery.

Was not Kemp in a position to grant you a lease for twenty-one years?—Yes, no doubt.

Why did you not take the lease at that time?—Because I did not choose to, I suppose. Particulars were not gone into.

Had not this verbal promise for the future a reference to partition of this block?—It may have had. I cannot say.

Why was lease deferred?—I cannot say.

What grounds had you for supposing that Kemp would have a right to lease you Papaitonga?—I don't know that I had any grounds.

Were you not angry when you found Kemp had leased to Bartholomew?—Certainly not.

[Horowhenua Commission, page 242, question 3 read: "I got a verbal promise from Major Kemp," &c.]

Was it not then in your mind that after subdivision you would get Papaitonga?—It may have been. It appears to have been at time of Commission.

What right had you to suppose that Kemp would get Papaitonga?—Kemp may have told me that Papaitonga was his part of the estate. I don't remember. It was a vague verbal promise.

When did you return from England?—In May, 1890.

Do you remember when you first saw Kemp with reference to carrying out his promise?—I think it was in May, 1892, after I had secured from Ngatiraukawa the whole of the open frontage to the lake.

When did you get your retainer from Muaupoko?—On the 18th July, 1892. I think it was signed by Kemp on that date, and subsequently by the members of Muaupoko Tribe.

Were you at that time solicitor for Kemp?—The retainer was from Kemp and others.

Was not Kemp trustee for the others?—I am not going to say in the witness-box.

Were you Kemp's solicitor before you took the retainer?—No. I went out of practice before I left for England in 1886. I think I called on Mr. Cadman with Kemp on the 18th July, 1892. I told Mr. Cadman I went as Kemp's friend, not as his solicitor. After leaving the office I determined to act for Kemp and the tribe, and immediately took my retainer.

May I take it that you commenced to act as solicitor for Kemp after retainer was signed?—For Major Kemp and the Muaupoko Tribe.

Did you then make inquiries as to partition of this block?—I commenced to make inquiries about No. 11, with regard to which I understood I was specially retained.

Did you not make general inquiries as to the other divisions?—I did at a later period.

What were those inquiries, and when made?—I made the inquiries usually made by a solicitor, but I do not remember when and where.

Did you not peruse the minutes of the Native Land Court of 1886?—I have perused them, but when I cannot say, except that it was after I was retained.

Was it not before the 19th October, 1892?—I do not remember, but I do not believe I did. I thought I had full information about No. 11 to enable me to take necessary steps.

Did you, between the time of your retainer and the 19th October, 1892, peruse any records relating to No. 14?—I may have done so, but I do not remember. I think I remember perusing some papers relating to a right of way round Papaitonga Lake before that period.

Am I to understand that between your retainer and the 19th October, 1892, you did not peruse the records or minutes relative to the subdivision of the Horowhenua Block?—I may have done so.

Would it not have been necessary to make you acquainted with Kemp's position?—I have no doubt that I took every precaution as to his position. As a matter of fact, I did satisfy myself that Kemp had an untrammelled title under the Land Transfer Act.

Would not a perusal of the records and the minutes be the most satisfactory means of ascertaining what the subdivision was?—That is a matter of opinion.

In what other way did you ascertain the particulars?—I don't know how I obtained the particulars, but I got sufficient information to enable me to go to Parliament as solicitor for Kemp and the Muaupoko.