

Had you prior to the taking of any of these leases, transfers, and mortgages searched the minute-books relating to subdivision of Horowhenua?—I cannot say. I believe I had. I had certainly searched the title for No. 14.

Did you not know prior to the taking of the leases, &c., that several of the subdivisions of Horowhenua Block were given to Kemp in trust?—I believe I did prior to some of them. I knew that Kemp held No. 6 in trust, and that he and Warena held No. 11 in trust for the tribe. I had so advised him. I believe I also knew that Ihaia Taueki held No. 12 in trust. I knew, further, that there were a number of the divisions in which no trust was mentioned.

Did you not know that where Kemp was intended to be a trustee the certificates of title were issued without any notice of the trust?—I knew that the certificate of title for No. 11 was to Kemp and Warena; there was no trust mentioned. I know that No. 6 was in Kemp's name, and that he admitted he was a trustee for the *rerewaho*.

Was not No. 2 in the same position?—It was in Kemp's name, but he sold it to the Crown.

Was not No. 9 in the same position?—I believed it was, but it was referred to the Native Land Court by Order in Council. I believe that No. 10 was vested in Kemp, and transferred by him to Sievewright.

Under these circumstances, why did you not inquire whether there was any trust in No. 14?—I did make all such inquiries as I thought necessary. When I searched the title I was aware the old trust had become extinguished by a partition of the block, and that certain new trusts had been created in 1886. The only blocks in which it was ever suggested to me that a trust existed were those subdivisions enumerated by you—viz., Nos. 6, 9, 10, 11, and 12, No. 2 having long before been disposed of by Kemp to Government.

At what date did you first know this?—It would be impossible for me to say. It was after I was retained by Kemp and the tribe. In regard to No. 14, I never had a suggestion from any one, either from any member of Muaupoko Tribe or any one of Whatanui's descendants, or from A. McDonald or Donald Fraser, or any one else so far as I know, till a question was put to me at the bar of the House by a Minister of the Crown in October, 1895. A caveat was lodged against No. 14 about a month later, not by a Native, but by an officer of the Government.

Was it before you took your first lease that you knew these subdivisions were held in trust?—I cannot say.

Did you know it before you were retained?—I think not—at any rate, I had not full information on the subject.

Did you know that the subdivisions were held in trust before you took your lease of the 31st October, 1892?—I presume I was aware of it then, because I had prepared the deed of release and discharge.

Knowing that a number of these subdivisions were in trust, should you not have inquired if No. 14 was in trust?—I have told you that, as a prudent solicitor, I had made all the necessary inquiries. [Horowhenua Commission, page 249, question 56, read.] I understood that that question referred to No. 11—I say that on my oath—and to other blocks. Not No. 14.

You knew at some time before some of the transactions between you and Kemp took place that some of the divisions were in trust. Why did you not inquire whether there was a trust in No. 14?—I searched the title, and made all necessary inquiries from Muaupoko.

Did you ascertain from the minute-books that some of the divisions were held in trust?—I think not. I satisfied myself from other sources that No. 11 was held in trust for the tribe.

Did you ever ask Kemp whether No. 14 was held in trust?—I may have done so. I have no recollection of asking specifically if there was a trust, but when I took my first lease from him I got him to sign a statutory declaration that he did not hold the land in trust. He did the same in all subsequent transactions between us, and all those deeds were passed by a Trust Commissioner, after being satisfied that no trust existed. There was no appeal in either case, although means of appeal were provided by law. I have said that I presumed I knew that some of the divisions were held in trust before my last dealings, because before that I had drafted the deed of release, but I cannot say for certain.

As a cautious man, do you not think you should have inquired of Kemp on that point directly as to No. 14?—As a cautious solicitor, I made every inquiry necessary.

Do I understand that you were contented with searching the Land Transfer Register?—I searched the Land Transfer Register, and made such other inquiries as at the time I thought necessary or expedient. I swear that I was absolutely satisfied that Kemp owned No. 14.

Were your inquiries directed to ascertain whether there was a trust or not?—There was no occasion to make inquiries about a trust, because I knew there was no trust.

Did you inquire whether there was a trust or not?—I satisfied myself that there was no trust, so I presume I made inquiries. I don't remember.

I understand you made inquiries that satisfied you there was no trust?—At this distance of time I cannot remember what inquiries I made. I assume that I made all the inquiries requisite to satisfy me that Kemp was absolute owner, and not trustee.

The Court adjourned till the 31st instant.

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WEDNESDAY, 31ST MARCH, 1897.

The Court opened at 10 a.m.

Present: The same.

No. 1, Horowhenua No. 14, resumed.

*Sir W. Buller* explained that he inadvertently forgot to mention yesterday that No. 1 was vested in Kemp in trust to convey to the railway company in the same way that No. 10 was