

50. *The Chairman.*] What is the lease—the area?—The whole of it. The unexpired term is fifteen years for the improved part, but the unimproved portion I have only just come into possession of. It was under a timber lease to Mr. Peter Bartholomew. No improvements of any kind have been made since, except the building of a cottage. That is to say, there are 1,200 acres at £6 10s. an acre. I was wrong in saying I had the whole of it. Mr. Peter Bartholomew has 100 acres, and on the expiration of his lease it falls to me for six years.

51. *Mr. Baldwin.*] And your mortgage is over Mr. Bartholomew's land as well as over your own?—Over the whole.

52. *The Chairman.*] That mortgage is registered?—It was originally registered. The effect of the Act was to destroy all my titles, which at present are floating as it were between heaven and earth, until the Native Appellate Court gives its final judgment; but as soon as that is given the Chief Justice has said the mortgage is to be registered.

53. *Mr. Baldwin.*] I would like to get the exact amount Sir Walter Buller charged Major Kemp for his own costs and expenses. I will ask you now, Sir Walter, can you give the Committee approximately the amount you actually paid to Major Kemp, the cash you paid to other persons on behalf of Kemp, and the sum—the portion of the £6,810—which represents your own costs and charges?

*The Chairman.* : What will that have to do with the amount awarded by the Supreme Court for Sir Walter Buller, leaving out Major Kemp's?

*Mr. Baldwin.* : I should submit to the Committee that Sir Walter Buller, instead of suffering by this legislation, has earned a very considerable benefit by it.

*The Chairman.* : But you say that Major Kemp's estate should pay the amount decreed by the Supreme Court for his own costs in the action.

54. *Mr. Baldwin.*] Yes. I say Sir Walter has received or charged—I do not say improperly—against Major Kemp a large sum, and that the sum includes any costs he has been put to?—It is quite impossible, without the dates being given, to state the amounts asked for. All I have to say is that I have given the solicitors for the estate full particulars, and have asked that the costs may be submitted to the taxing-master. They are on the usual scale, and I will only take what the taxation gives me.

55. This sum of £6,810 is payable to you under a trust, is it not?—The will has not been proved yet.

56. Who is the executrix in the will?—The successor, Major Kemp's daughter, is the executrix.

57. Who are the solicitors?—Messrs. Borlase and Barnicoat, of Wanganui.

58. And who the legatees?—Under the trust my advances, costs, and disbursements are protected in the first instance, and provision is made for other just debts and funeral expenses. I am speaking from recollection. The military decorations, accoutrements, and presentation sword go to testator's nephew. A life-sized painting of himself he bequeaths to the Town of Wanganui, to be placed in the public Museum. The rest of his estate goes absolutely to his daughter Wiki.

59. Is that your recollection of the contents of the will?—Yes. The will was not drawn up by me.

60. *The Chairman.*] Can you charge the estate with the £335 which the Court decreed as your costs in the action?—I assume I can charge everything I pay or advance.

61. I mean your own costs?—As to the amounts which I have paid Sir Robert Stout and Mr. Beddard, I take it I have a perfect right to charge on the mortgage, but not my own costs. I never dreamt of it. I cannot charge the amount of £335 petitioned for to Major Kemp.

*The Chairman.* : You appreciate my question, Mr. Baldwin?

*Mr. Baldwin.* : I appreciate your question, Sir. If the Committee is satisfied that Sir Walter Buller has received very full remuneration himself, I take it that will affect this question. My reason for urging this is that immediately you give relief to Sir Walter Buller you will have Major Kemp's representatives applying for £6,000 for costs, and the Muaupoko appealing for tens of thousands for expenses they have been put to. I shall ask Sir Walter Buller, with your permission, to produce the statement showing what proportion of this £6,800 are costs actually owing to him for his services. We have nothing to do with taxing-masters?—I say all costs charged were fairly earned by me, and can have nothing to do with this matter. I could go through every account, but it might take some time. The accounts extend over a period of some years.

62. I only want you to go back subsequent to the sitting of the Horowhenua Commission—that is, the accounts from October, 1896. That is all I ask for?—It has nothing to do with this matter.

63. You took, I suppose, considerable interest in the Horowhenua legislation?—I suppose I did; I had reason to.

64. I presume you saw the Horowhenua Block Bill, 1896, as introduced by the Hon. Mr. McKenzie?—Yes.

65. I draw your attention to clause 6: "Every dealing the registration whereof has been cancelled as aforesaid shall, after the expiration of three months from the date of the coming into operation of this Act, be entitled to be reregistered on any new certificate of title issued under the provisions of this Act for the land the subject of such dealing, unless within the said period of three months proceedings to set aside such dealings are commenced by or on behalf of the persons named in the Fifth Schedule hereto, or the successors of any of them deceased, or some one of them." That is in the Bill as introduced by Mr. McKenzie?—I believe so.

66. By that the attack was to be made within three months, and to be made by the registered owners or some one of them?—That was the proposal.

67. And had that proposal been carried out you would have had a remedy for costs against those persons?—That is so.