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evidence, p. 83.

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Buller did read those books at that time, *then he had clear and distinct knowledge that Major Kemp asserted that he held No. 14 in trust*. Be that as it may, however, it is manifestly clear that, at any rate with regard to No. 11, Sir Walter Buller knew in 1891 that Major Kemp was clothed with the office of a trustee, and as I read his evidence he was equally aware of the same fact with regard to Nos. 6, 9, 1, and 2. During all this time, too, Sir Walter Buller took no step to have his verbal arrangement with Major Kemp carried into effect. He was asked for a reason about this, but was unable to give it. And it was only in May, 1892, after Sir Walter Buller had secured the freehold of a portion of the other block, Waiwiri, adjoining the Papaitonga Lake, that he seems to have bethought himself of his verbal arrangement with Major Kemp. It is very difficult to find out from Sir Walter Buller what steps he took prior to entering into negotiations with Major Kemp to inform himself whether Major Kemp was trustee or not. Sir Walter Buller declined to pin himself down to any statement at all. He admitted that he might have seen the minute-books. He implied that he had seen the certificate of title of the whole of the blocks, and he further said he made the inquiries usually made by a solicitor, but he did not remember when and where. In another place he says he made no more inquiries than the Trust Commissioner made; and, again, he states in another place that he took no steps whatever to ascertain whether or not there was any question of trust as regards Subdivision No. 14 beyond obtaining Major Kemp's statutory declaration as by law required. And, again, he says that he never asked Kemp whether he was trustee except in the way of getting him to sign a statutory declaration, and that he is not aware of asking any member of the tribe as to the position of No. 14. And yet all this time Sir Walter Buller was aware that in one, at any rate, and probably all the other blocks held in exactly the same position, the owners appearing in the certificate of title as absolute owners were trustees for the members of the tribe.

The Horowhenua Commission, in reference to this matter, reported as follows: "The only conclusion that we can come to is that Sir Walter Buller knew, prior to his leaving in 1886 for England, that the whole block was held by Kemp in one title in trust for the tribe, and that on his return he, notwithstanding, did, without making inquiry to ascertain that the trust was extinguished, purchase part and lease other parts of the trust property." Surely that is true on Sir Walter Buller's own evidence, and it is the result that will suggest itself to any reasonable man.

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But the emphatic and the significant point of the whole matter is, I again repeat, this: *If Sir Walter Buller did read the minutes of the Court of 1890 he must have known that Kemp asserted that he was trustee of No. 14*. And the inference is almost irresistible that he had read those minutes prior to May, 1892, the date when Sir Walter Buller first entered into his dealings with Major Kemp. These dealings consisted of a transfer of a small portion of the land, some 11 acres, and a lease of some 500 acres. Later on I will have something to say about the consideration-money for this lease, but at present I am only concerned with the one point—had Sir Walter Buller notice of a trust when he took these dealings or had he not. In the month of July, 1892, Sir Walter Buller—to use Mr. H. D. Bell's phraseology—supplanted Mr. Bell as Kemp's solicitor, and took active control of matters in connection with the Horowhenua Block, which has resulted at present in landing Kemp in a liability of several thousands of pounds for costs, and in dissipating some £9,000 of the Muaupoko money. Now, it is a remarkable fact that before rushing into the vast expense Sir Walter Buller never approached Warena Hunia to get from him a definite answer, Yes or No, as to whether he would do anything for the tribe prior to this huge expense being incurred for legislation, litigation, and public petitions. Sir Walter Buller's explanation is this: that he knew that Warena Hunia would not agree. He was pressed in cross-examination how he knew that fact; and, taking care as far as possible to safeguard himself, he suggested the information which had led him to neglect the simple step of approaching Warena Hunia in the matter. Sir Walter Buller says:—

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"Mr. McDonald put it to me whether I thought it was reasonable that I should put the people to great expense without consulting Warena as to the prospect of his giving up the land. Mr. McDonald asked me if I had read the minute-book. I would like to read two passages from it [Otaki, No. 13, page 263, Wiri-hana's evidence]: 'I heard that all the Muaupoko agreed to give their interest in this land to do what they liked with,' &c., to 'left out.' Same volume, page 268, Baker's address: 'I intend to put in a declaration of trust by Major Kemp (section 41 of Act of 1886 quoted). The object is to secure the land for Muaupoko Tribe,' &c., to 'present Court.'"

"The reading of the minute-book strengthens my contention that it was no use approaching Warena. I got the fullest information before I went to Parliament. I never heard till the Royal Commission any suggestion of a moral obligation on part of Kemp and Hunia. At the time I advised Kemp to go to Parliament in 1892 I had satisfied myself that it was useless approaching Hunia, seeing that he had declared himself to be absolute owner. In the early part of 1892 I had read a pamphlet containing a statement of Warena Hunia regarding Horowhenua Block, on page 3 of which appears the following paragraph: 'Subdivision No. 11, containing 14,975 acres, was awarded to Major Kemp and myself, our shares being undefined, &c.' In the face of such a statement as that it was utterly useless to communicate with Warena Hunia. I had the pamphlet in my possession in 1892, when we were fighting before the Native Affairs Committee, and I never did attempt to treat with Warena."

I submit that in these admissions of Sir Walter Buller there was *the amplest evidence that he had notice of a trust in respect of No. 14*. Hitherto there has perhaps been nothing more than the strongest circumstantial evidence to prove that he knew; but at this point we have certainty. *Here we have Sir Walter Buller's own direct admission*. How do I make this out?

Otaki minute-
book. Vol. xiii.,
p. 177.

In the first place the minute-book (Otaki, No. 13), which Sir Walter Buller had read prior to going to Parliament in 1892, contains Kemp's own statement that *he held that land not for himself, but for the Ngatiraukawa*; and in Warena's pamphlet, which was in Sir Walter Buller's possession in 1892, which he admits having read early in 1892, there is a statement *that after*