

222. *Mr. McDonald.*] Do you remember the discussions that took place at Wellington between yourself and Mr. Lewis, I being present, and between yourself and Mr. Ballance, I also being present, in 1886, about the sale of the 4,000 acres, and the application to partition the block?—Yes.

223. Do you not remember it being particularly mentioned and discussed that an application by you to partition the block would have the effect of destroying your existing title under the Act of 1867, by which you were sole certificated owner? Was that not clearly explained to you? That it would have the effect of reducing you from the prominent position you hold to that of an ordinary owner in the block?—I do not recollect anything of the kind. I did not hear it from you nor anyone else; neither did I hear or understand that my sending in an application to have this block cut up would destroy my certificate of title to the whole block given in such-and-such a Court.

224. Nor that it would place you in the position of being a simple owner of undefined interest?—No; I do not remember.

225. Was it not distinctly and perfectly understood by yourself and the Muaupoko present at the meetings before the Court in 1886 that every title to be issued by that Court must necessarily be a freehold title—could not be anything else?—They understood that, when the land was subdivided, the different pieces allotted to them would be theirs. They knew it was to be subdivided on their account.

226. *Sir W. Buller.*] With regard to the last question, you say you understood that every allotment made was in respect of distinct ownership, and that when the allotment was made the land belonged to them; therefore, you understood that when the Court gave effect to the agreement for allotting you Block 14, it became yours?—Yes; because there was no one else to put a name in.

227. Did you understand also that there were certain trusts created?—Yes.

228. Then, when the 15,000 acres (Block 11) was allotted to you and Warena, did you understand that it was given to yourselves, or was there a trust?—No.

229. What did you understand?—What I said to the Muaupoko was, “Oh, Court! this land that was brought before the Court in 1872 I firmly fixed in their heads then and now; and now I have lifted up their heads towards this land, and I have said if any of the Muaupoko people sell any of the land allotted to them, they should have no other land in Block 11. I said, ‘If you keep this land that has been allotted to you—105 acres each—you shall have the other in Block 11.’” I said this in Court. Judge from that, then, whether I intended to keep the block or not.

230. Was it understood by all the Muaupoko that this big block of 1,500 acres, containing their homes and cultivations, was given to you simply as caretaker?—I said this before the Court; but the other people said they wanted it for themselves.

231. The tribe perfectly understood that?—Yes.

232. There was another block of 4,000 acres allotted to you. You told us that was a trust block for the *rerewaho*, or those who had been left out?—Yes; I arranged that, and the tribe assented to it.

233. You only took it as caretaker for the *rerewaho*?—Yes; I arranged that, and then gave the arrangement to the Court, and said what I wished; and the Court passed it.

234. You still hold that 4,000 acres as caretaker for the *rerewaho*?—Yes, for those I know of.

235. Are you prepared to lay before this Commission a list of those who ought to be beneficiaries in this block?—Yes; the Commissioners can look at the names I have already given, and put in any others, and I will revise the list, and tell the right names.

236. There is another block of 1,300 acres; what is your opinion in regard in that? Was it allotted to Ihaia Taueki for himself, or in trust for the tribe?—It was not given to him in his own right, but as caretaker for the tribe. I said I was very pleased to see his name put in as sole caretaker, because I trusted him. If it had been given to the tribe it would have been swamped.

237. When the block, which was in the end occupied by the descendants of Te Whatanui, was allotted to you, did you understand that you were to keep it as your own, or that you were to transfer it?—I understood from the Court that, when I was giving that block (No. 9), it was not given for myself personally, but to hold, as trustee, for the descendants of Te Whatanui.

238. What did you say about a lawyer coming in to write and transfer the land?—I asked whether I had power to transfer this land to the different persons to whom it had been allotted. The Court said “No, you will have to get a lawyer to transfer these different blocks to the people for whom they have been allotted.” I asked what they would charge, and they said a large sum. I said, “I shall lose a lot of money,” and I did not do it.

239. You understood, and the tribe understood, that, with regard to this block, what was asked for was a certificate that should operate as a trust—viz., for the 13,000-acre block, the 1,200-acre block for the descendants of Te Whatanui, and the 15,000 acres to be a permanent residence for the tribe?—Yes.

240. Now, with regard to Block 14. You said, in answer to the Chairman as to whether you considered yourself a trustee or owner, that the land was yours; that you were the Rangaitira, and you were in the Crown grant. Can you point out “those who are in your heart?”—If one behaved badly, I have the power to put him out.

241. In this respect, are you trustee or owner of this land?—This land is mine, but I remember those who are left of my brethren and relatives.

242. But, it is entirely in your will as to whether you will put them in or not?—Yes.

243. Do you know what a caveat is?—Yes.

244. Do you know whether caveats have been lodged by members of the Muaupoko tribe against all the trust blocks?—Yes; we took the caveat to Mr. Edwards.