

407. You have always looked upon them as trustees?—Yes; what I understood was that they had been put in as caretakers.

408. I am going to read you what you gave on oath in 1891, from the Court records. [Reads from Native Land Court minute-book.] Did you give that evidence in 1891?—Yes.

409. Was it true or false?—That speech was given to me for me to make.

410. But it was absolutely untrue was it not?—It was perfectly wrong.

411. Did you know it was untrue?—Yes.

412. *Sir W. Buller.*] Who gave you that false statement to make?—Donald Fraser and Wirihana.

413. *The Chairman.*] You never received any of the £6,000 purchase-money?—No.

414. *Mr. Stevens.*] Did you ever contribute anything towards the conduct of this case—the difficulty that arose with regard to survey or lawyers fees? Have you paid anything to Warena or Wirihana?—No; I had no money to give.

THURSDAY, 2ND APRIL, 1896.

DONALD FRASER examined.

1. *Mr Stevens.*] You were present at the Court at Palmerston and gave evidence?—Yes.

2. Did you hear the last witness make a statement to the effect that yourself and Wirihana Hunia had told him to say what he did say in the Native Land Court at Palmerston in 1890? His statement was that you and Wirihana had told him what to say in that Court, and what he did say there was false. Will you explain to the Commission what transpired between yourself and Paki te Hunga with regard to the case before the Court?—I never briefed any evidence for any of the witnesses on Warena's side because Mr. McDonald was specially retained by me as interpreter for Mr. Barnicoat, who was conducting the case, and he briefed all the evidence. Warena was very seldom there, only once or twice during the case, and I have no recollection of ever interfering with the briefing of the evidence of any of the witnesses. I left that entirely to Mr. McDonald.

3. Was the statement made by Paki to the effect that you told him what to say true or untrue?—It was untrue.

4. I understand that Paki said yesterday that he was not informed of the sale made to the Government by Warena of 1,500 acres. Did you have any conversation with Paki on that subject?—Yes, on several occasions; more than twelve months before the sale I told Paki that the Government, through Mr. Butler, had approached me and wanted a piece of land for a State farm. I told them it would be necessary to sell a piece to defray expenses of all these Courts in connection with this block.

5. Expenses of conducting the business as against whom?—Kemp. On more than one occasion I told him so, and he never made any bother about it. I did not do it as a matter of right, but as he was one of the men on the list that Warena handed in to Mr. Cadman of those who were to get this 3,000 acres that Warena intended to cut off for their homes. I therefore told him and Hoani Puihi.

6. Why did you think it necessary to sell a piece of land, in order to provide money to conduct the case against Kemp?—There was no other means of getting money, and the expenses had been running on.

7. Do you know where Kemp obtained his money for the purpose of paying his expenses in the matter?—He obtained £3,000 which he had in the hands of the Government, which I asked Mr. Mitchelson to retain to pay survey-fees with, and he was also obtaining money from the rents. Shortly after we took up the case he got £1,700 rent-money, that had accumulated in a lump sum.

8. *Sir W. Buller.*] When you say “conducting the business as against Kemp,” what do you mean? Was it in resisting Kemp's action for the purpose of forming a trust?—No, not at all.

9. What do you mean then?—The business was this: when we first assembled to divide the land in 1890, I did my utmost, as I stated in my former evidence, to get the matter settled out of Court, as between Kemp and myself—acting for Warena. That failed after three or four attempts, all through the fault of Kemp not coming to the point.

10. Were these attempts made before the Partition Court of 1890?—During the time it was sitting.

11. But no attempt at settlement was made before the partition came on in 1890?—No.

12. In that Partition Court it transpired that the question of a trust was discussed—whether it was a trust or private land?—That was the first I heard of the trust in Court.

13. Is it not a fact that at that time Kemp insisted that the whole of No. 11 was trust land?—No; he could not possibly have done so, because he wanted to keep 8,000 acres for himself and Warena, and give 7,000 to the people.

14. In the Court was anything said about this? Did he not allege that the land belonged to the tribe, and he and Warena were only there as caretakers?—Yes; I could not say exactly from memory what he said. It was at Judge Trimble's Court.

15. Warena alleged at that Court that No. 11 had been given to himself and Kemp absolutely, and they were entitled to have it divided: was that not so?—Those acting on his behalf said so.

16. Mr. Barnicoat argued that there was no trust at all—that the whole of it belonged to the two chiefs, to do as they pleased with?—Yes.

17. And outside, during the sitting of that Court and subsequently, attempts were made to effect a compromise, and those efforts failed?—Yes.

18. After that, you are aware that Kemp presented petitions to Parliament over and over again, alleging the trust, and asking for remedial legislation?—Yes; I know he sent certain petitions to Parliament, and so did Warena.