

6. Do you know the circumstances under which they returned from Waikanae to Waitara, and whether that return had been long contemplated by them?—They had contemplated such return from the time when they originally left. I first heard of their contemplated return on my arrival at Waikanae in the year 1839. One reason was that a collision had taken place a few weeks before with Ngatiraukawa, supposed to be at the instigation of Te Rauparaha. Another reason for their return was that the limits of the land in their possession at Waikanae were very narrow, from my first acquaintance with them they always spoke of their return to Waitara as only a question of time. The immediate circumstances which led to their return in 1848 arose out of the disturbances at the Hutt.

7. Was any one occupying the land when they went back?—Not being at Waitara at the time I can only give secondary evidence on that point. I have never heard of any other occupation of Waitara prior to the arrival of the English colonists, and certainly not since, than that which I have previously alluded to.

8. To whom did the land belong at the time of their return?—From my reply to a previous question to the effect that Waikato never occupied the Waitara country, consequently it follows that in my opinion at the time of their return it belonged exclusively to the tribe under William King and that portion of the Ngatiawa who returned with him.

9. It has been stated that William King returned to Waitara in defiance of Sir George Grey, are you aware whether William King was in any way bound to remain at Waikanae, and whether Governor Grey had any right to dictate to him as to what part of his possessions he should reside in?—I have heard that William King returned to Waitara in defiance of Sir George Grey's expressed wish to the contrary. I never did hear from Sir George Grey himself that he had made any official communication to William King to that effect. I know as a fact that William King in opposition to the expressed wish of the Resident Magistrate at Waikanae took his guns, gun-powder and ammunition with him. He did this as a necessity for he expected that he might be engaged in war with the Waikato. I have no reason to suppose Sir George Grey had the right to dictate to William King as to whether he should reside at Waikanae or Waitara. I see in some papers which have been laid before this House a document signed by Major Richmond, then Superintendent of Wellington, in which he stated that he paid a visit to William King in July, 1847, and that he (William King) expressed himself as being anxious to do nothing which would be offensive to the Government, and he would be sorry to do anything which would be displeasing to the Authorities. At the same time I have heard that Sir George Grey had expressed a wish that he should not return there.

10. Are you acquainted with the nature of native tenure of land?—I ought to express some diffidence in replying to that question, but I may observe (in reference to the tenure acknowledged by the natives of the southern half of this Island with which I am acquainted,) that there is little or no difficulty on the subject.

11. What opportunities have you had of becoming acquainted with the subject?—The opportunities I have had of becoming acquainted with the subject arose from the fact of my having resided for four years in a Maori Pah in which there were from five to six hundred men. My attention was particularly called to the subject at that time by the constant disputes about the purchases of land made by the New Zealand Company in Cook's Straits, I was frequently applied to by Mr. Commissioner Spain to assist him in elucidating Maori customs about land. I may further state that after the collision at Wairau I made it part of my business to inquire into the subject, and after careful enquiry I came, in 1845, to a conclusion on the subject, which the experience of the last fifteen years has not tended in the slightest degree to alter.

12. State what you think to be the rights of the tribe in respect to land belonging to it?—I think that the right of each tribe to lands extends over the whole of the tribal territory and entirely precludes the right of any other tribes over it. Such absolute tribal right may be classed under two heads :—1st. The territory which has been in the possession of the tribe for several generations, and to which no other claim had been previously known. 2nd. The territory acquired by conquest, occupation, or possession.

13. State what you understand to be the rights of individual members of the tribe in respect to land?—I believe that the rights of the individual members of the tribes are limited to those portions of the lands of the tribe which they have either cultivated or occupied, or on which they have exercised some act of ownership which is acknowledged as such by the tribe. I must be understood to mean that their title to such lands was simply that of holding for their own use and benefit. Their right was a good holding title as against every other member of the tribe. They might exchange land among themselves, but no one could alienate without the consent of the tribe. In the year 1845 I drew up a paper on the tenure of native lands which I gave to Sir George Grey, who promised to return it. He told me he sent a copy of it to the Colonial Office. He did not return the original to me, I understand that it was burnt with other papers at Auckland.

14. What do you understand to be the rights of the chief of the tribe in respect to land belonging to the tribe?—While looking over some papers a few weeks ago I accidentally discovered my original pencil notes, which formed the rough draft of the paper on this subject to which I have just alluded; which I now produce, and with the permission of the Committee will read, as they must be conclusive as to what my opinion as to individual title was in the year 1845 :—

“The chief of the tribe, since he has no absolute right over the territory of the various *hapu*, nor over the lands of individual freemen of his own *hapu*, cannot sell any lands but his own, or those belonging to the tribe which are undoubtedly waste lands; nor can he do this in opposition to the opinion of the chiefs of the *hapu* of the tribe, if they consider the territory and thus the independence of the tribe impaired by so doing. Allowing this very questionable right of the chief to alienate any part of the territory of a tribe, it can scarcely be allowed to any chief of a *hapu*, even should he act