

in accordance with the various individuals of the *hapu*. It must be remembered that a tribe, however subdivided into *hapu* is one, and cannot allow its integrity and strength to be impaired by the independent act of one *hapu*, which it is bound to identify with itself in all things, and to protect, if involved in any quarrels or difficulties. These remarks are more decidedly applicable in the case of ordinary freemen—*tutua*, who cannot alienate that land which is absolutely their own for all practical purposes, but is not to be disposed of in a manner contrary to the supposed interests of the tribe. There can be no doubt on this subject."

—The notes which I have now read to the Committee imply that the chiefs have power over some portions of the land. Fifteen years ago, I set it down as a questionable right or power; I view it in the same light now. I limit such right of chiefs to deal with lands obtained by conquest only; and do not consider that it extends to any land which has become vested in the tribe by long possession. I wish to guard myself in reference to what I am saying on this subject, by premising that I am speaking of tenure to land as it existed prior to the establishment of the British Government in the Colony, and not since that event. The chief of a tribe must be regarded as holding his position by a double title. His just title must arise from his undoubted descent through a long line of well known ancestors from the original head of the tribe. His second title depends on a more democratic principle, that is, he must be the acknowledged and the elected head of the tribe. The chief is the representative of the territorial right of the tribe, not because he is descended from numerous ancestors of noble blood, but because he has been acknowledged as such on account of his personal qualifications and influence, and has in fact been recognised as the guardian as well as the mouth-piece of the rights of the tribe. I have no doubt whatever on this subject. I understand that whatever rights to land existed previous to the treaty of Waitangi among the natives are still rights with them, being guaranteed by that treaty. I investigated Maori titles to land irrespective of the influence which may have been exercised by the Government, and eight or ten years previous to the establishment of British sovereignty.

15. Who is the acknowledged chief of that portion of the Ngatiawa tribe resident at Waitara?—I have no hesitation in stating positively that Wm. King is the acknowledged chief of that portion of the Ngatiawa at Waitara.

16. Are there any other chiefs of that portion of the tribe who possess equal or nearly equal powers with Wm. King?—The only other chief who, were Wm. King to die, and in whose power it would be to forbid such a sale of land is Te Patukakariki—a man older than W. King and head of the Ngatihinga and Ngatituaho *Hapu*.

17. What rank does Te Teira hold in the tribe?—The only rank Te Teira holds is simply that of a freeman of the tribe, called by the natives *tutua*; he could not by any stretch of language be called a chief; I knew him and his father four or five years, and during that time I never heard him or his father attempt to speak at any Runanga or meeting of the natives.

18. To what *hapu* does he belong, and who is the principal chief in that *hapu*?—Te Teira belongs to Ngatihinga and Ngatituaho *hapu*, and Te Patukakariki is the chief.

19. Do you know the position of the block of land in dispute at Waitara?—The only difficulty I have in answering that question arises from my never having seen the official survey boundaries. It has been described as a block of land containing about 600 acres situated on the south bank of the Waitara; this land I have seen and been over; but I do not know the precise boundary line of the Government. It is three years since I was on the land.

20. Can you state who were the owners of that block of land previous to the present dispute?—I will state what I have heard on the subject. I have direct information from persons stating that they are claimants to that land, and I am only giving my opinion on that information. I have no hesitation in saying that the land belongs to that portion of the Ngatiawa tribe, of which William King is the chief. This portion of Ngatiawa is divided into four *hapus*, namely—Ngatikura, Ngati-uenuku, Ngatihinga, and Ngatituaho, who have principally resided at Waitara since 1848 under William King. With regard to the block of 600 acres (apart from the tribal right as represented by Wm. King,) I have been informed (speaking within the mark,) that there are a hundred claimants who assert rights to that land, it having been the land of their ancestors, and having been in ages past, in some parts at least, defined by stone marks. I know the names of a number of claimants. I could quote a great number. I am prepared to prove that there are a hundred persons now living at Waikanae, Port Nicholson, Queen Charlotte's Sound, and Massacre Bay, having valid claims.

21. Do you know any of them personally, and what is your opinion of their veracity?—I have known the greater number of them personally. I have had no communication with them since this dispute has arisen, except with those in my own immediate neighbourhood. The veracity of those natives I believe there is no room to question.

22. Have all the owners of that land with whom you are acquainted agreed to the sale of it?—I was lately informed by two persons at Waikanae, who had just returned from Waitara, that many of those persons with whom they had held conversation had not consented to the sale of the land; I believe that there are, say ninety out of a hundred claimants who have not consented to the sale of the land.

23. Can you say how many have agreed, and how many have not agreed, to the sale of the land in question?—According to the information which I have received, there are only ten or twelve persons who, having any valid claims, have consented to the sale of the land. There are eighty or ninety, perhaps a hundred others, who have never consented to it.

24. You have stated that certain owners of the disputed land did not agree to the sale of it, do you know whether their consent has been asked?—I have been positively told by two or three claimants that their consent was never asked.