

river Waiongana. Even those small claims the Natives disputed, as the land was occupied by a sister of his. The extent of the land as represented to me is not much larger than the floor of this House. I communicated the result of my inquiries to Riwai who was disappointed at it.

34. In investigating Riwai Te Ahu's claim, was he present, and had he the opportunity of examining the witnesses on whose evidence his claim was negated by you?—I believe I have answered that question already. He was not present, and indeed it would be of little use if he had—as he knew almost nothing about his claim, which he referred wholly to me.

35. Believing that Patukakariki has possibly a claim to the disputed block, why have you not endeavoured to ascertain it, and to treat with him?—He has had frequent opportunities of preferring his claim. I have already read a letter dated 18th March, 1859, inviting him and others to come forward and prove their claims.

36. How was that letter published and circulated?—It was not published at all. It was written by me to the Chiefs of the district, without being otherwise notified than by being put into their hands.

37. Was a copy delivered to Patukakariki?—The letter was addressed to Wm. King, Patukakariki, and all the people at Waitara.

38. Is not Patukakariki the head of the *hapu* to which Te Teira belongs? If he is not, who is?—I have never recognised him as such. I know the contrary. I admit, however, that he is a chief of some importance. The principal chief of these *hapus* died some years ago. Ropoama, at Queen Charlotte's Sound represents them.

39. Suppose that Patukakariki's claim is a good one, is he bound to prefer it? and if he does not, what law will bar its future assertion?—I really do not think that I am called upon to state what his claim is. I had to hear his title adduced, which universal custom recognizes as the manner in which he should prefer his claims.*

40. You have instructed Mr. Parris to give more credence to the claims of modest and retiring claimants than to such as are more urgent. Are not those of Patukakariki and the Otaki claimants of the former class, and Te Teira rather of the latter?—No, I think not.

41. If a claim such as Patukakariki's may be, is an undivided claim in joint tenancy, how can the claimant be compelled to sever it? and can compensation be forced on him if he refused to sever and to sell?—I believe that there is no local enactment that would force him to do so.

42. Have you or Mr. Parris kept any official record of the various interviews and investigations with Natives with reference to Te Teira's sale, and of the evidence of the title taken thereat?—Not certainly of every interview.

43. Has any record of evidence been kept by either of you?—Evidence of that description has been preserved by Mr. Parris.

44. Can you produce it?—I can.

45. Will you?—I will.

46. You have heard of the 11 claims mentioned by the claimants as existing at Otaki; have you investigated them?—I have not investigated those claims, with the exception of the one to which I have referred in answering a previous question.

47. You will remember being examined in writing by a Commission issued by His Excellency in 1856, one question put to you was "Has a Native a strictly individual right to any particular portion of land, independent of the Tribal right over it." I find among the answers in the negative "McLean." Is that you, and was that your report on the question?—(Appendix 1856, B. No. 3.) I am the Mr. McLean, and that is the reply which I made.

48. Did you ever hear of a Meeting at which Te Teira offered to give up to the parties opposing the sale, some lands belonging to him outside the block in exchange for the lands he was offering to the Government?—I did not hear of a meeting at which any proposal of that nature was made in reference to the land he was offering to the Government. I am aware that there was a meeting at which there was some discussion about the accommodation of their claims. This was a considerable time prior to the purchase.

49. What do you mean by Tribal right?—I suppose it means the right of a Tribe.

50. Will you describe the meaning of Tribal right in regard to the transfer of land?—It varies so much in different parts of the country, I should wish to know what particular part of the country you refer to—as the custom which prevails in one place does not in another.

51. What is the general rule?—There are very wide exceptions.

52. Is the rule or exception wider?—The exception is the wider.

53. When a *hapu* alienates, who represents it, and is the consent of all its members necessary?—In some tribes the different *hapus* must be consulted, in others the chiefs; much depends upon the personal character of the latter. I did not say that *hapus* or subdivisions of tribes had not a right of transfer of property. The various *hapus* or families which compose a tribe most frequently have the right of disposal, but not always: the custom varies.

54. How do you discover what the rights of the parties are?—You must discover them by inquiry of the people in the district where the land is situated and elsewhere.

55. If Patukakariki is the head of the Ngatihinga, could an individual sell without his consent?—A certain number of claimants could sell, but not invariably without his consent.

* The above are the words given by the reporter, admitted to be not quite correct; Mr. McLean's impression of the answer is as follows:—"I really do not think that I am called upon to answer that question; he never adduced any claim. I am not aware of any local law that would be a bar to his claim, but it is customary that such claims should be preferred. Mr. Fox's recollection of the answer is as follows:—"He would not be barred by any local law; but there is an universal custom."