

54. *Mr. Taipua.*] Supposing the chief of a tribe was a man of authority, what would you consider the value of his mana and his authority over the people? Would he have a smaller share than the others?—That is a question which it is impossible to explicitly answer. It would depend entirely upon other circumstances.

55. Now in the case of former land purchases, when the chief sold the land, had members of the tribe power to dispute those sales?—They would most likely have done so if they had chosen, or had the present condition of affairs existed then. There have been sales by chiefs disputed before now. There was a case in the Hawke's Bay District, in which this land is situated, in which the action of some of the chiefs in selling land in a surreptitious manner led to a quarrel of a serious nature. This kind of proceedings also led in time to the Land League being formed—through the chiefs selling the land and appropriating the proceeds without considering the rights of the hapus.

56. *The Chairman.*] Selling the land without considering the rights of the other members of the tribe?—Yes.

57. *Mr. Taipua.*] With regard to the former land purchases, have you heard of minor individuals disputing the right of the chiefs to sell the land?—I have not heard of minor individuals doing so.

58. Was not the mana and the interest of the petitioner's father, Tiakitai, in the land mentioned before the Court?—It was alleged that he had authority, but the evidence did not prove that he had any, but the contrary.

59. *The Chairman.*] You have had a good deal to do with Native claims in the South Island? Yes; I have had considerable experience in dealing with Native matters.

60. Did you recognise the mana of chiefs in any arrangements made there with regard to the land?—The lands in the South Island are on a different footing altogether. There is no question of that kind likely to arise.

61. Have you sat as Judge in many cases in the North Island?—Not many. I have been engaged during the last three years in that capacity, and have taken every opportunity to study the question.

62. And you do not know whether it was customary in the North Island to recognise the mana of chiefs by the Judges of the Court?—I could not say off-hand, because we have not the advantage of having these judgments published.

63. *Mr. Ormond.*] Are there any recognised rules laid down for the guidance of the Court in receiving evidence as to Maori customs?—There are no rules laid down by the Court, for the reason that it is impossible to do so, owing to the diversity of the tenure. The only rule that has ever been laid down is with reference to the rights of the Natives in the year 1840. The rule laid down in this case is that the Court should be considered as sitting in the year 1840, at the time British sovereignty was proclaimed over New Zealand, and that any right derived subsequently to that time could not be recognised.

64. Does each Court adopt its own view as to what Native custom is?—Yes, if it is compatible with the evidence.

65. Would different evidence as to Native custom guide in each case the decision of the Judge?—The Court would rely upon the main recognised conditions of tenure held by the Natives, and decide according to the evidence given in support of it.

66. Every Judge acting on some principle in his own mind as to Native custom?—Yes; there are certain established conditions of tenure that are always recognised; but there are many circumstances which would, of course, either add to or detract from the value of the claimant's title, subject to those conditions of tenure.

67. There would be guiding principles that would actuate the Judges in dealing with Native subjects?—There are certain recognised systems of tenure that we always adopted, such as hereditary rights, conquest, and occupation; also the right acquired through gifts.

68. Would all the Judges act and give judgment on a similar view of those questions?—Yes.

69. Mana would not be included in those considerations?—No; not mana alone.

70. Would not mana, as a Native custom, be something that all the Judges would have the same opinion on?—I never heard that mana alone would give a special right; it would have to be based on hereditary right, occupation, or conquest, to create a substantial claim.

71. You spoke of purchases in the Hawke's Bay District—of cases where the chiefs exercised authority that the people disagreed with?—Yes.

72. Have you any knowledge of the early purchases there?—I have a knowledge from having perused the correspondence on the subject.

73. Are you aware of the purchase of the Waipukurau Block and other purchases of that kind?—Yes.

74. Are you aware that Te Hapuku acted as salesman there?—Yes; but if the rights of the persons who had subordinate interests had not been recognised that sale would never have been effected.

75. Do you know whether Te Hapuku exercised the right of mana only in that and many other purchases that took place at that time in 1847 and 1848?—He exercised an authority over his people as his chief. He was the negotiator on behalf of his people, and if the rights had not been recognised those sales could not have been carried out, as it would have resulted in the Government having to compensate the Natives whose rights had been ignored.

76. He was the man who effected the sale?—Yes, on behalf of his people.

77. Have you any knowledge of the share that went to him of the purchase-money?—No; I could not say off-hand. I know it was through his influence that the price was raised; I do not know what he received.

78. He gave out what he chose to the people under him, and that was mana?—He made a distribution of the money, I presume, that was satisfactory to the other Natives.