

79. *The Chairman.*] Your opinion, as published in the judgment you have given, is that Major Mair was wrong when he said, "We consider that the mana of Te Whatuiapeti was not destroyed, and we have ample evidence that the two chiefs named did in the past generation exercise paramount influence and power over all the hapus living on the coast from Cape Kidnapper to Castlepoint." Do you think he was wrong in giving that judgment?—He was wrong in coming to the conclusion that Te Whatuiapeti's mana was not destroyed, as it ceased over the land when he handed over the property to the Natives who subsequently occupied it. And as regards the influence of Tiakitai and Te Aroatua, it was not proved in evidence in the same Court to have existed.

80. Do you think if the Court was sitting in 1840 there would be any attempt made to upset that mana?—If the Court had been sitting in 1840 no such claim would have been preferred.

81. How many claims were sent in for hearing in regard to this block?—There were three or four claims; all the claimants in the first case applied for a rehearing.

82. Was there any claim set up against the 2,500 acres that had been awarded?—Yes; there was a claim of Henare Matua objecting to the award made to Tiakitai and Te Aroatua. The Court had the evidence of the half-brother to the petitioner to the effect that had the award been made to him alone he would have handed the land back again to the people to whom it belonged.

83. *Mr. Taiwhanga.*] If a chief objected, would the tribe be strong enough to survey or sell any block of land?—They would, probably, out of deference to their chief, refrain from doing anything to annoy him. On the other hand, if they had an independent right irrespective of the chief, and desired to have their land dealt with by the Court, they would do so.

84. Now, if Te Hapuku had a mana over the land and disposed of it, the subordinate chiefs would not have the power to object to his disposal of the land?—I have already stated that Te Hapuku's right was questioned; if not in the first case, it was subsequently. In consequence of Te Hapuku's surreptitious sale of the land the people resented it, and a serious quarrel and loss of life ensued.

85. I am not alluding to surreptitious sales: I am simply alluding to established customs of the Natives.—I have answered your question by the example quoted. The Land Purchase Department and the Government frequently elevated persons of the Native race into positions that they were not entitled to occupy. There is one paragraph in the petition to which I would like to refer. It states "That the late Sir Donald McLean, acting as Land Purchase Officer for the Government, purchased the Tautane Block from your petitioners, Te Teira Tiakitai and others, and that your petitioner, Te Teira Tiakitai, received not only part of the purchase-money, but a part far exceeding the amount paid to any of the owners." That appears to me to be a concoction. As a matter of fact, the Tautane Block was not sold by Tiakitai. He was admitted afterwards, and received a sum of money. He did not know that his name was on the list until I told him. It was a kind of receipt for an additional sum of money that the late Sir Donald McLean agreed to give the people because they were dissatisfied with the payment of the first sum to certain persons.

86. *Mr. Ormond.*] Who was that money paid to?—The sale was arranged in Wellington, and a sum of money paid to the person who effected the sale, and Sir Donald McLean paid a further sum. It was then that Tiakitai possibly got a small sum. There was not very much to divide amongst any of them. The deed does not go into details to show how much he received. He did not know that his name appeared in the document until I told him.

87. *The Chairman.*] Why did he get any money if he was not in the deed?—It is difficult to say. There is no certainty that he did receive any money. It was not an unusual thing to obtain the signatures of all the persons present at a meeting. The petitioner himself says that he received money, but that is not corroborated. There are no details attached to the deed to show that he received any. It is merely an assumption that he did.

88. I understood you to say that he received a small sum of money afterwards?—I presume he received a sum of money inasmuch as his name is appended to the receipt. I could not say how much it was. With regard to the names attached to the deeds of sale, it was not an unusual thing for every one present at a meeting to sign. They used to assemble in large numbers when they heard of a sale, and every one present would sign irrespective of whether they had a right to the land or not. The money would likely be paid over to the principal men, and distributed by them to their friends.

89. *Arini Tonore te Teira Tiakitai.*] You have stated that Te Hapuku sold the land without the consent of his people, and that eventually his people disputed his right to sell: do you not know that it was the chief who disputed with Te Hapuku?—The chief, aided and abetted by the people; it was not their dispute alone. They disputed it on behalf of themselves and their people.

90. Do you not know that it was the chiefs Tareha, Te Moananui, Renata, and Karaitiana who objected to Te Hapuku selling the land?—Yes; on their own behalf and on behalf of the people.

91. You say that the chiefs derive their assistance from the people, and the people derive their assistance from the chiefs?—Yes; one is necessary to the other.

92. Should not the chiefs have a larger share in the land on account of the mana?—The chiefs as well as the people, are entitled to land through hereditary rights, conquest, occupation, gifts, and other substantial claims.

93. Do they get nothing for their mana?—Not for their mana alone. There are many influential chiefs who have no land at all, or very little land, and yet they may have mana over the people.

94. Can you mention any chiefs in Hawke's Bay who had mana and yet no land?—I have not got a list of all the chiefs here to enumerate them, nor have I gone sufficiently into their history to know.

95. *Mr. Carroll.*] Supposing the people enjoyed the mana of the chief, would that not give him a right to the land?—Yes, possibly so; but other circumstances would have to be considered. It is impossible to answer abstract questions.