

115. In forming an opinion upon Native rights in the Native Land Court you do not identify influence with mana. You would not hold the great influence of a chief among his tribe to be mana?—No; the question before us would be the relative rights of different tribes and hapus. Mana has no connection between the relative rights of tribes and hapus.

116. You do not, in your own mind, estimate influence with mana? You can understand a Native having great influence and no mana?—Yes.

117. You can understand a chief having mana and having no influence?—Yes.

118. *Mr. Carroll.*] Would mana alone carry with it a right to the land as you understand mana?—The mana is certainly a something over the land which gives the person using it an influence over and an interest in the land.

119. Without occupation?—Yes. The same man may have mana over a number of different blocks which he has never set foot on.

120. *Mr. Taipua.*] Have you got copies of the judgments delivered by the Court relating to land in this district in the years 1868 to 1873?—I may have. I do not suppose that I have all of them; but, in almost every case of any importance whatever, the Judge takes care to get the judgment printed in the newspapers, and copies of that report are attached to each file of papers relating to the block.

121. Do you know if special importance was attached to the mana of any people in any of those judgments?—I could not name any case on the moment.

122. Do you not remember a judgment given by Judge Fenton in the case of Renata Kawepo?—I have a recollection of the circumstances of that case.

123. Did not that judgment recognise the mana of Renata Kawepo?—It did.

124. *Mr. Parata.*] Did the petitioners apply for a rehearing of the block under consideration?—Yes; I granted a rehearing in the case of Porangahau.

125. Were the rehearings for the whole block, or were they only to apply to the 2,500 acres?—The rehearings were made in respect to every person interested in the whole block, and in respect of the whole block.

126. And the rehearing opened up the question of right to the whole block?—It reopened every question involved.

127. *Major Jackson.*] Supposing a Native claimant had any land awarded to him in 1845 or 1846, or any time before the Native Land Court was established, and that it could be shown that he had land awarded under some mana, would not the Court take into consideration that mana, and the fact that he had been awarded land?—I do not quite follow the question.

128. Supposing on account of his mana he sold a portion of a block of land and was paid the money, and afterwards distributed that money as he liked amongst his people; and supposing the balance of that block came before the Native Land Court twenty years afterwards, would they ignore his mana over that land, or would they take into consideration that when the Natives had the matter entirely in their own hands, he had a title to that land,—would the Court not acknowledge that?—That transaction would be almost conclusive evidence that a particular person was entitled to mana.

129. *Mr. Carroll.*] Is Judge Fenton's rule *re* 1840 a hard-and-fast one, or is it subject to relaxation?—I do not know what particular rule you refer to. It is hardly fair to call it the rule of Judge Fenton. It has been followed by the Native Land Court. The rule that I am referring to is to the effect that after 1840, when English law came into force, no interest in land could be acquired by conquest or the exercise of force. That is the only rule I know of. Whatever the relative rights of persons in 1840 were, they exist; they can be established by evidence.

130. No title could be acquired by force?—No; no title could be acquired by force after 1840.

131. How would it apply in a case of this kind: After 1840, and before the passing of the Act under which the Native Land Court was constituted, a gift was made by one Native to another—a transfer of property according to Maori title, otherwise than property acquired by force?—I suppose the transferee would have a right to come in as one of the owners. A stranger might come into a tribe and have a piece of land allotted to him, and when the block went through the Court he would be recognised as an owner. Of course his rights would be limited in respect to allowance for occupation. No doubt Natives did transfer their interest and allow others to come in and take share in the tribal property.

132. *Mr. Hutchison.*] In the case of Renata Kawepo, mana was recognised?—Yes.

133. Is that a printed judgment?—Yes.

134. *Mr. Ormond.*] Can it be seen?—I do not think it could just now conveniently. A copy is on the file of papers.

135. *Mr. Hutchison.*] What was the mana there recognised?—Judge Fenton, without any hesitation, admitted the right of mana. Then Renata Kawepo claimed to have a particular portion of the land awarded to him in respect of this mana. The Judge recognised the right of mana. Under the Native land laws existing persons declared to be joint owners have the right to say to the Court we should like our portion of this block set out to ourselves as distinguished from the rest of the owners. Renata claimed to have a piece set out in respect of his mana. Judge Fenton replied, "I cannot do that, because I do not exactly know what value to set upon your mana, and I do not care to go into the subject." Then, if I remember right, Renata went to the Supreme Court and tried to upset the proceedings, because he had claimed to have his interest set out apart for himself, and the Court neglected to do it. Thereon Renata applied to the Supreme Court, and claimed that he (Renata) had a right to the value of the share. My impression is that the Court held that he was right, and sent the case back to the Native Land Court for revision.

136. Can you say whether that mana was influence apart from possession?—I could not say the ground upon which the claim for mana was made. I have no knowledge of the basis of the claim.