

residing at a distance, and having no particular interest in the locality, the more I became satisfied that the purchase was a good one. * * *

COMMISSIONER'S RE-
PORTS AND SPEECHES.

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.

D. McLean, Esq.
(Evidence.)

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

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

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.

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.

Then the sum of your evidence is this: That there are no settled rules or principles guiding alienation of land, and that in such matters the exception is wider than the rule?—The Natives have no fixed rule. The custom varies in different districts.

What are the rules of alienation in the Ngatiawa tribe?—In the Ngatiawa a family of three or four people has been regarded as empowered to dispose of its common property.

Have they long enjoyed this right?—It has been for the last eighteen years.

You have referred to the alteration of the Native tenures owing to disputes. By whose consent and in what manner have the ancient tenures been altered?—The original occupants have in many cases been swept off the country. The tenure has been changed in Taranaki by the Waikato conquest.

What evidence have you of such alteration?—The evidence of living witnesses who took part in the conquest.

When you say the tenures were altered, do you mean, not that the laws by which the lands were held were changed, but that the ownership changed hands?—I mean that there was an entire change. The right of the original proprietors became vested in the conquerors.

Has King ever made a claim of proprietary right?—William King has never made such a claim to my knowledge.

Under the peculiar circumstances of the Taranaki case, had King, in your opinion, any right to interfere with the sale by another *hapu* of their lands?—Decidedly he had not.

Has any similar interference by the Chief been recognized in Taranaki, either in favour of King, or of any other?—Never in connection with any of the purchases made there.

Having regard to previous transactions, do you consider that the Government ought to recognize any but proprietary claims in Taranaki?—I do not think that the Government should recognize any but proprietary claims.

Have I rightly understood you that notwithstanding the Waikato conquest, the British Government has respected the separate proprietary rights in Taranaki of the several sections of the Ngatiawa?—You have rightly understood me.

Has the Government allowed the exercise, or has the exercise hitherto been attempted, within the block comprised in Mr. Spain's award, of any general tribal right, or right of chieftainship, so as to interfere with the rights of the several *hapus* or families to dispose of their lands to the British Government?—No; no general rights of that kind have been exercised; but the rights of the subdivisions or different *hapus* of each tribe have been recognized.

Did William King assert any claim to the Bell Block, and if so was it allowed, and did he receive any of the payment for that land?—He asserted a claim, but it did not entitle him to receive any part of the payment given for the land.

Is there any country belonging to the Puketapu tribe North of the Bell Block, towards the Waitara?—The country north of the Bell Block belongs to the Puketapu tribe, their boundary goes to within about two miles of the Waitara river.

Has William King ever set up a claim over the whole country between Waitara and the Bell Block?—He has constantly done so. The only claim he does set up is that general claim over the whole country between Mokau and Waitaha.

How many millions of acres have you purchased, during the last twenty years, at other places than Taranaki?—The various purchases in these islands with which I have been connected amount to about 20,000,000 or 25,000,000 of acres.

Has the validity of any of these purchases ever been disputed?—In very few cases indeed. There has been no serious dispute in any. The validity of the purchases has never been disputed in any important particular.

Have you neglected in the Taranaki case any investigation, inquiry, or precaution which you adopted in those undisputed cases?—Every precaution was used. A great deal of trouble was taken to obtain a knowledge of the different claimants.

Did you advise the Governor that the title of the sellers of Te Teira's block was good, before the purchase of the block was made?—I advised the Governor to accept the offer, and proceed with the purchase of the block, because it appeared to me that Te Teira had an unquestionable title.

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