tion of Native lands. I only heard three or four cases in my capacity of Judge, and Mr. Fenton never liked my system of apportioning interests. I had a great deal of work to do as Civil Commissioner—more than I could get through in the troublous times of the war—and so I resigned the Judgeship. I settled a very troublesome case—one of Dr. Shortland's legacies—connected with the Island of Waiheke. That is all I did as Judge. I was appointed with Messrs. Fenton and Rogan as one of the Judges of the Compensation Court, which dealt with compensation to loyal Natives for lands in the Waikato that had been confiscated under "The New Zealand Settlement Act, 1863." We firstly settled all the land round about Auckland—Mangere, Pukekohe, and along the Great South Road extending to the watershed range between the Waikato and the Thames Gulf—that is, all north of the Miranda, Esk, and Surrey Redoubts. Subsequently it was necessary to appoint a Crown agent for conducting these cases in the Court, and, as the Rev. Mr. Turton was then incapable of undertaking the work, I was appointed and represented the Crown in all the cases that were heard in the Waikato. Our first sitting was at Port Waikato, and subsequently there was a very large Court at Ngaruawahia, which sat from the 1st January, 1867, till the 31st March of that year. Judge Fenton conducted the Court at Port Waikato, and Judge Rogan at the Ngaruawahia. In the case of the latter Court there were some thirteen or fourteen hundred claims to be disposed of. Only some five or six of these were heard in Court; all the remainder I arranged out of Court; and the lands, with the exception of one or two large blocks, were allotted in sections. This had to be done without any maps or surveys, and yet no question respecting any title in the Waikato has since arisen. There have been no difficulties, nor any Supreme Court cases, over these arrangements.

533. No litigation?—No litigation at all.

534. Then, generally as regards your ideas, we may take it that this pamphlet of yours, published in 1887, and the draft Act contained in it, embody the fruits of many years of thought on the subject on your part?—Yes; and I may also point out that in that pamphlet I made provision for the settlement of those troublesome incomplete purchases and dealings on the east coast of this Island.

535. Now, can you state when and how the individual system came into vogue?—Of course, among the Natives the unit was the family, then the hapu, then the tribe. Not very much before 1868. Under the first Act there was nothing done.

536. That of 1862?—Yes.

537. In 1865 the land was all vested in the tribes by name, or in the names of ten of the owners?—Yes.

538. In 1867 the names of all exceeding ten had to be indorsed on the certificate?—Yes.

539. Then, in 1873 it was made requisite to have the names of everybody?—Yes, they went to the other extreme then.

540. Would you say under whose auspices or influence these changes in the law were made?—I think Judge Fenton drafted that Act.

541. I may tell you that Mr. Baber gave the credit entirely to Mr. Fenton?—I am of opinion that Mr. Fenton drafted both Acts—that of 1867 and that of 1873.

542. That brought about a new principle in connection with tribal holdings; instead of the owners being mere tribes they become mere lists of individuals?—Yes.

543. And these were distinct from tribal holdings?—Yes; and thus caused one great difficulty—an almost insuperable one. For instance, I know of one place on the East Coast where there were about thirteen hundred owners in the certificate. There were memorials of ownership in 1873. Subsequently they substituted certificates of title. There are cases where the numbers of Natives brought in are so large that it is utterly impossible to get a title, because, even if you went about it with the utmost zeal, you would never complete it, the reason being that the Natives die off in large numbers on that coast, and for the interests of these people the names of successors require to be filled in. Under these circumstances it is impossible to complete the title. There is, for instance, a little piece of land on the west side of the river at Turanganui, the area being 10 acres only, and yet there are three hundred persons in that.

544. It is close to the township?—Yes.

545. Is the individual holding brought into existence by the Acts of 1867 and 1873 in accordance with Native custom?—According to Native custom, the lands were generally divided amongst the hapus of the tribe, and there was very little subdivision over and above that.

546. The Native custom is tribal and communal holding?—Yes; they all have the right to cultivate and occupy.

547. That is to say, they all have the usufruct?—Yes.

548. It belongs to the people?—Yes.

549. In dealing in ancient times, according to the ancient traditions of the Maoris, as between Europeans and Maoris, was it considered that every man, woman, and child ought to sign the document?—No; the Maoris were so numerous, and with the imperfect facilities that prevailed then for getting at all the people a title could not have been obtained in that way. Take, for instance, the case of a great public document—the Treaty of Waitangi—and see what a small number of Natives signed it in proportion to the strength of the tribes concerned in it.

550. Of course, the chiefs would not allow the women and children and common people to sign?—In those days the women, except those of high rank, would take little part in such matters.

551. Then, in what you propose in your pamphlet—that is, that the representative people, the trustees, or whatever you like to call them, should act for the body of the owners—you are seeking to return to the Native custom and usage in dealing with the land?—In the case of reserves, I would have no trustees, but group them into families.

551A. That also was the custom?—Yes. The mother might be in one hapu and the father in another.