603. To take evidence into the conflicting claims of title as between Wiremu Kingi and Te Teira?—Yes. The Court, however, gave no judgment; it was such a serious matter. We did not hear King's case, because he was in the bush at the time— *i.e.*, secreting himself. We only heard Taylor's side, Ihaia Kirikumera, Tamati Tiraurau, and others, friends of Taylor (friends of the Government, as they were called then), alone giving evidence. In those days Natives were "friends of the Government" who were inclined to sell land to them. That was the great division between these so-called friends of the Government and the others—the land leaguers or land retainers.

604. That was, as it were, the line of demarcation between the friendly and the opposing Natives?—Practically it was.

605. Then, having heard the evidence of Taylor and his friends, what was the result?—There were three Judges, of whom I was one; Mr. Monro (the best of us) was another, and Mr. Rogan was the third. Ought I to tell you the rest?

606. Well, it was a public Court I suppose, and this is a matter of history?—Yes, it should be known. We were so much struck with the facts elicited in evidence that we adjourned the Court and made a communication to mutual friends that some of the Ministers ought to be sent down and prevent judgment being given. A Minister did come down, and asked for an adjournment for a week, which, of course, we were very glad to give, and at the expiration of the week there was no appearance of anybody, so there was no judgment.

607. I suppose we may assume, as a matter of historic fact, that the evidence given proved that the land really belonged to William King?—I will tell you, and as a lawyer, Mr. Rees, you will at once understand the position. Some six generations ago there was an influential chief whose name I forget. I have still got the pedigrees by me, and Waitara was his. That was admitted by everybody. He died, leaving two daughters, what we call co-heiresses, and Taylor and King traced their descent from these two girls, so that, according to our own and the Native law, King's and Taylor's rights were equal to that extent. But then there was this distinction between the two: that William King had the advantage of one or two antecedent generations over Taylor, and consequently had the right to conduct all sales in respect of the land as long as he lived. After his death, Taylor would take King's place.

608. Then, during King's lifetime he had the mana over the land according to Native custom?—I do not like the word "mana" as applied to land. As applied to land it is the invention of the pakeha; I would prefer to say that, being nearer in descent to the ancestor I have mentioned, he had an absolute right of forbidding any sale.

609. According to Native custom?—Yes.

610. And the Judge, finding this to be the case, and that it was a very grave political matter, communicated with the Government through a mutual friend, and the Government then took such steps as they thought advisable?—That is so.

611. In regard to complications which have arisen, where the law has been to some extent broken, or where there are claims of alleged fraudulent dealing between Natives and Europeans, do you consider it would be advisable to elect a tribunal having power to deal with such disputes upon a broad basis?—Oh, yes.

612. And that from such tribunal's decisions there should be no power of appeal?—I should prefer that there should be no power of appeal in any case as the result of my experience. When I provided for an appeal under the Act of 1865, which I may say was my Act, my idea was simply this—the means of communication and other things being then very different from what they are now: that when the Natives were prevented by floods or difficulties of that sort from getting to the Court, or where they had not received notice or been made aware of the sitting of the Court, my intention was, in cases of that kind, and not for every case, there should be opportunity afforded for appeal.

613. Not for the multitudinous reasons that are now urged as causes for appeal?—That was never in my contemplation, nor in that of my friends, Mr. FitzGerald and Mr. Richmond, illustrious men of the days that are gone. There were giants in those days. I suppose it is a fundamental principle of human nature to be *laudator temporis acti*.

614. Now, in regard to the Act of 1865, when the title was ascertained under that Act, the certificates had to come under one of two forms; they were issued either to the tribe by name, or, in the case of a block of less than 5,000 acres, the ownership was to be reduced to ten individuals?—Was there a limit of 5,000 acres in it?

615. Yes. A certificate could not issue to a tribe by name for less than 5,000 acres. Do you know of any instances in which certificates were given to tribes by name?—I think there were two. That chapter of the Act has been very much misunderstood, partly because it has been construed and looked over and amended by persons who knew nothing about the Act. I might suggest the present Chief Justice (Sir James Prendergast) when he was Attorney-General. Perhaps, as it has been so misunderstood, its meaning might have been better expressed. At any rate, the intention of these clauses was simply this: At that time the great bulk of the Natives of New Zealand would not recognise a Crown grant. They would not have anything that implied a connection by the Crown with the dealings in respect of their lands, or that their right was improved by a grant from the Crown. These clauses were put in for that reason, so that if any tribe would not accept a Crown grant, and in order that intertribal quarrels should be settled, we should issue a title to the tribe without any reference to the Crown whatever.

616. The certificate, in fact, would go in the name of the tribe, whatever it might be?—Yes; and the boundaries were defined so as to provide against intertribal rows.

617. Then it was found, was it not, that under the Act of 1865 most of the certificates were issued in the names of individuals, and that these individuals, instead of being trustees for the people behind them, as they were intended to be, dealt with the land as if it belonged to themselves?—That is another question that has been misunderstood. As one illustration is as good as twenty, I will confine myself to one case as showing what was meant. I will take the case of the Ngatihaua