

land there. I divided the money myself. I took a great deal of trouble getting the names of the Natives from the chiefs and in writing them down. They never disputed the boundary.

775. In those days you did not have that trouble in getting the title to land there is now?—No. Money was very scarce in those days, and the sale of a block of land was a matter of great importance. The Natives were collected together for a month or six weeks before you arrived to carry out the transaction with them.

776. There was no private dealing with the Natives; it was all public dealing?—It was all public dealing. I did have one difficulty in respect of a small block of land. That was a disputed block. Takerei, this chief whom I mentioned before, found ten or fifteen young men to survey this block, which was called the Mokau Block, and the Mokau Natives who were non-land-sellers sent messages to these people who were surveying, telling them to desist. Finally a party of them, all armed with spears, came on the ground. I had commenced the survey, my party being with me, and the opposite party came along as we were proceeding along the land to mark off the boundary between this block and a portion of the land belonging to a party of the Mokau people. There was a great number of reserves in this block that my Natives admitted to belong to the opposing party. I was careful in a rough survey to distinctly mark off all these reserves, and to cut them out. When I got a certain distance the two parties closed together, Te Waru, the head chief of the objecting Natives, being a well-known fighting-man. He was dressed in a light costume, and had a spear in his hand. I said to him, "Is this land yours?" He said, "No," and, putting his spear into the soil, added, "This land is yours;" and then, moving the spear about half an inch, "but this is mine. I am going to die here, and these people are prepared to do exactly as I tell them." I saw at once that it was a very serious matter. I said, "Now, you have come here at my request. The land is very valuable, but it is not nearly so valuable as the men who are upon it. You are going to be very disagreeable over this matter. Now stand on one side." And I then told the other chief to stand on the other side. I said, "We want the direction of that line. I have come here now to mark off the boundaries." The direction of the boundary was then marked on the ground. I then said, "I may return in a week or a fortnight. I will give you fair notice when I am coming. The survey will remain." They then went in to the missionary, and Te Waru said, "Rogan is a wiser man than we thought. Write to McLean that that man has saved all our lives. I would be dead but for him. I had made up my mind to fight if the other party went an inch further." In what I did I was justified to a certain extent, for £100 of Government money had been paid on the land. The Natives honourably acknowledged that the money was paid, and up to the present day that block remains very much in the same position as it did then.

777. Then, in truth and reality, in the old public dealings with the Natives there was a great deal of honour and extreme fairness exhibited?—Yes, to a great extent.

778. There were not the same accusations of fraud, perjury, forgery, and cheating which have grown up since?—No. It was that circumstance to which I have referred that caused me to be appointed a Land Purchase Commissioner. I was only temporarily employed at that time. I was removed from there to other parts of the country, chiefly the Kaipara. I had the whole of that country placed at my disposal. I had surveyors appointed to do what I directed them; and I may say I purchased nearly the whole Kaipara district, some of the land being purchased at 8d. an acre, some at 1s., and some at 2s. 6d. This was in 1858.

779. When you were appointed Judge of the Native Land Court you say that the custom of the Judges was to avail themselves of the man's knowledge of the boundaries, and so on?—I do not know what the practice of the other Judges was, but my own was not to take a large party and go on the ground if they could settle the boundary satisfactorily in Court. But where there was anything in the shape of a disputed survey I found it necessary for me, or some officer belonging to the Court, to go on the ground and investigate the matter, in order to save time. I never had any difficulty at all with such matters. I think I may decidedly say that I never had a dispute before me which was not satisfactorily settled by going on the ground in that way.

780. I think you always attempted, did you not, to get fair and equitable arrangements amongst the Natives themselves, and even between Natives and Europeans?—Yes.

781. Of course I am alluding now to the case of the Makauri Block, in Poverty Bay?—Yes.

782. I think the upsetting of your arrangements in respect of that block has absorbed about £15,000 in costs and delays?—Indeed! I took a great deal of trouble in connection with the Makauri matter. I went on to the ground in the first instance, after having some little trouble about it previously. I had a survey of the boundary, and also a subdivisive survey, which satisfied me as to the only fair subdivision of the estate that could be made amongst the Natives. It was a mere matter of arithmetical calculation as to what quantity of land each party should have. It gave me a great deal of trouble, and I endeavoured, with all the power and strength of mind I possessed to settle that Makauri affair satisfactorily; but I am afraid it was a signal failure.

783. Your work was not a failure, for we have carried out the arrangement based upon it, but only after litigation in all the Courts of the colony, and in the Privy Council as well. After litigation costing £15,000, and twelve years of delay, your suggestions have been adopted?—I am glad to hear that they have been carried out. I do not know of any other principle upon which a settlement could be made.

784. In relation to Native-land laws, can you state how it was that legislation ran in the direction of forcing individualism on the Natives, instead of allowing them to deal in the old style, collectively, and through the heads of the hapus and families? These laws ended by making them a mere collection of men, women, and children?—The impression made on my mind is that the first Act which went in this direction was the Act of 1865, in which ten Natives formed the limit for carrying out a transaction.

785. You will remember that a tribe could take a title under that Act by name, but if individuals were put in the deed the number was limited to ten?—Yes, and the effect of its operation was