

no mistake may be made, and that no possible error may be allowed to creep in. That is my own practice, being fully conscious of the importance of our work. I look upon it myself as a noble work; and when I was asked to take up this work I thought the matter carefully over, and concluded to accept it, although my friends advised me not to do so. I saw that, even if it were against my own personal interests, yet it was my duty to do so. I have a love for my work, and I am intensely interested in it. I claim to be familiar with the Maori customs and usages.

1809. In relation to that, can you state what is the Maori custom as regards tribal holdings or individual holdings?—According to Maori custom, there can be no question that there is no such thing as individual holdings. The lands belong to the tribe, and its chiefs are representative of that tribe. Although I do not say that the chief had mana over the land he had mana over the people, and was the representative man of the tribe. The tribe consisted of all persons who were able to bear arms; and, of course, the adult women of the tribe were included in the strength of the tribe for obvious reasons. There was no individualising of interests; but the owners of the block, as I look upon it, were all equal. In fact, you may call them an association, because they were all equal members of the tribe. There was no such thing, according to ancient Maori custom, as that any particular part of the land would belong to any particular individual. The individual might have the using of it, and it might descend to his children after him, in order to be roughly cultivated, after their fashion in those days. Particular portions of the tribal land might be used for particular purposes. There were particular places for catching birds, particular places for snaring rats, and so on; for, of course, these were articles of food to them at that time, and therefore important. These plots that particular persons occupied descended to their children simply as an act of user, but the whole of the land still belonged to the tribe—it was the property of the tribe. Now, to show you the great power which the chiefs wielded in the old times, many times since I have been attached to the Native Land Court I have received evidence of presents of food made to the chief of the place. This present is made practically to the whole of that particular tribe, or section of that tribe, and, according to Maori custom, that present should be returned in kind. Sometimes the chief is unable to do that, and sometimes he gives land instead. He gives the land as the representative of the people, who are not, however, mentioned in the transaction. No one ever disputed the right of the chief to do these things. The chief had power and might; and power and might were paramount then. The man did what he had power to do, and his power was as much as the people gave him and recognised.

1810. Do you know instances, Judge Ward, in which you yourself were concerned, where it has been found possible to settle all the individual interests in a block amongst the owners themselves, and by their own arrangement?—Yes; I can mention many. About eighteen months or two years ago I sat for about two weeks at Waitotara, and during those two weeks we got through as much work as ordinarily would take the Court from six to eight months to dispose of.

1811. In settling the interests of the people?—Yes. I refer to cases of partition. My practice is, in all cases of partition, to invite the parties to come forward, and then to say to them in Maori—for I do not need an interpreter, because I can convey to them exactly what I mean to say—“Now, this is your land. You have asked the Court to partition it. In partitioning your land we may happen to run the boundary through your plantations, through your gardens, and may thereby cause you great inconvenience. I would ask you, therefore, as the owners, to go outside, quietly think the matter over, and all parties give and take. Do not approach each other in an aggressive way, but in a friendly spirit, and thus see if you cannot arrange this matter yourselves. I ask you to do this, and I impress upon you the importance of doing it.” They then go away, and return the following morning to tell me what they have done. Sometimes they will say, “We have all agreed in this case, and we have done so-and-so,” whereupon they state the terms of agreement, and, all parties agreeing, we confirm it, and the matter is settled. When I have sent the first party away to make their divisions I call on another case, and make a similar statement suited to the varying circumstances of the case; and they retire. And so on. We have in this way had four batches of cases being worked out simultaneously by the Natives, great numbers of them being concerned in the settlement. In the meanwhile we will go on to succession cases and other business of less importance, so as not to interfere with the conferences of the Maoris outside among themselves. I consider we were doing good work, because we were getting them to work for us and for themselves as well. I was determined they should be satisfied with the decisions, and that those decisions should be fair and just. Adverting now to what I said a few minutes ago: As soon as the Court opened next morning I would ask, “Well, how have you got on with your business?” Then they would say, “We have arranged this case, and divided the block into such-and-such areas.” And then they would give us their division, indicating on the plan their proposals and so forth. I may say I always took with me some tracing-paper; it is a very useful thing. It does not take an officer of the Court more than a few minutes to run over the boundary. I give the tracing to the proper people, and then they know what they are doing. They show me where the boundaries agreed upon would be, and state their reasons for so determining them. If we consider it to be a fair thing I put it to them, all being present. First of all I would find whether it was a fairly representative meeting, and then ascertain whether all were agreed upon it, sometimes there being little matters to adjust. This being done, I then declared the division as confirmed; and after that comes the definition of the individual interests in it. I would say, “I shall now ask you again to go out, and amongst yourselves arrange this matter also if you can. If you cannot, then come back into the Court and we will take your evidence and decide. But it would be preferable for you to arrange it yourselves.” They then retire, and, perhaps, at 2 o'clock they will return with the lists prepared, and, all being agreed, it is fixed and settled. In the meantime we will have been taking other cases, and the people concerned in them would ask for more time. Of course that would be conceded. And so we went on for a fortnight, getting through cases which would take six or eight months if we acted differently. Instead of contesting with each other we got them to take each other by the hand and help each other along.