

ing to trusteeship of Maori children? What is the effect?—I think there ought to be some provision by which Native trustees should file statements of their accounts, so that their actions as trustees should be supervised, either by the Judge or by some other independent and competent officer. I am afraid that in many cases these people who are very anxious to become trustees—for I notice in travelling about that there is a great deal of competition in respect of it—when they get the trust moneys into their hands, instead of providing for the children, they use it for themselves. In other words, they simply collar the money and keep it. I really do think something must be done in this matter, as I am afraid gross injustice is often practised.

1843. Speaking about trustees for the children, by what right do so many children, while their parents are alive, get into the muniments of title?—They ought not to, in my opinion, for this reason: The land is the property of the tribe or hapu, which is the section of a tribe; and, as the tribe consists of all adult persons, none except adult persons should own land, and the ownership should be confined to such persons. Children under sixteen should not be put in.

1844. For that reason, that they do not form a component part of the tribe for the purposes of defence or of increasing the population?—That is the law; they do not count. They are coming on, of course. A boy becomes of age as soon as he can bear arms, and a girl when she can bear children.

1845. You think that the putting of the names of all these children in these titles is not according to Native custom?—I am sure it is not. It is directly contrary to it. You will see that these children in course of time will become paupers. That is not so if they succeed to their parents' interests. The principle is, supposing there are eight or nine children, and that the parents are in the title, they put in the eight or nine children as well—it may be that they are all under sixteen. In course of time perhaps they all die, and then the father or mother come and claim to be successors to their own children.

1846. Only in cases where these were their children?—Yes. They have no right to do it. I refuse to allow them to do it. In some partition cases I have said, "What is the use of doing that? You have had the children put in. They are still minors, and they have no rights." They put them in in anticipation of their growing into rights. In cases of partitionment of the land, what rights have they now? There is no such thing, according to the Native custom of inheritance. There is no inheriting, because there is no individual ownership of the land.

1847. You simply succeed to a place in the tribe?—Yes. The Maoris recognise that. Supposing a woman marries away from her tribe and remains away, she abandons her rights there. Supposing a man remains away, and his children also for two generations, he ceases to be a member of the tribe; but they may receive him back.

1848. That is to say, incorporate him again?—Yes.

1849. Then, if there were a body to give titles and to conduct tribal dealings, would not a great deal of the difficulty, and expense, and trouble incidental to the present system pass away?—Yes; we should get through our work much more quickly in every way. If it were an understood thing that these people were expected to find their titles, and come into the Court merely to get the titles confirmed, or for the Court to ascertain them when they were unable to do so, it would be more satisfactory, and certainly less expensive to the Maoris. There would be finality about that. They should not go behind their own acts. That is one reason why these people at Waitotara so readily came to an agreement. I was told that they were a cantankerous lot, so I determined at once to take the bull by the horns. There was no appeal in those cases. There was appeal in a Wanganui case, and the people to whom it was granted now wish that they had relied on my previous judgment. I have been very successful in dealing with the Maoris.

1850. The instances you have given are exceptionally favourable?—I am speaking generally.

1851. Do you think, from your knowledge of the Native-land law, that any amendments should be made of that law, or should the present system be remodelled, and a new principle set up?—That is a great question.

1852. Of course, it is a question of policy for Parliament and for the State?—It is.

1853. You would sooner rely on the opinion you have expressed on the other points, and leave the Government and Parliament to decide what it should be?—It might be a good experiment, but experiments are expensive things. There is power under the Acts to deal with the Maoris as I dealt with them at Waitotara. I do not know that the power actually existed at that time, but I did not mind that, for I knew I was right. I was fairly carrying out the spirit of the Act. I have studied the Act pretty carefully, and I thought I grasped the spirit of the Act when I acted as I did at Waitotara. I am not afraid of doing what I think right, although it may be an unusual course. A great deal is said about Maori custom. As a matter of fact, the ancient Maori custom is not invoked so much as you suppose. The habits of the Maoris have become so much changed, and they have become anglicised in dealing with things. In many matters what are called Maori customs are not really so. They are very much anglicised by colonial ways and modern ideas. I do not know whether, after all, that is not right to a great extent, because to keep them down to the old Maori custom, in many instances, would scarcely be right to the Maoris, who have advanced considerably in civilisation; but as to the main principles about the tenure of land, and so forth, that is right.

1854. Maori custom, you mean?—Yes. The practice is the only law; it does not matter whether it is the Maori law or the common law of England. The Maori had that which he could hold. Possession was the evidence of the tribal ownership.

1855. I suppose no one man could hold possession without his tribe?—He could not do it; it is utterly impossible. This has been done over and over again: A man has gone on to a block of land and taken fruit from it, and his own tribe claimed this land because of the acts of the individual. This was given us in evidence the other day. A man was beaten off his land and escaped to the Wairarapa. After many years he came back to this very block. He found two persons there and killed them; and now the tribe claim that they had reoccupied the land through the personal action