

28. *Mr. Fox.*] Was a taua ever preceded by anything of a judicial investigation?—Not that I am aware of.

29. *Mr. Heale.*] But it was preceded by some arrangement?—Yes, in so far as that the injured party would call his friends together to form a taua.

30. *Mr. Forsaith.*] Was there not some enquiry generally among the friends of the injured party prior to the taua?—It was confined to the friends of the injured party.

31. *Mr. Heale.*] Was not notice of some kind given?—Not perhaps formal notice, but the party to be attacked was generally apprised of the taua.

32. *Chairman.*] Was any opportunity afforded of making redress before the taua?—No; they took the law into their own hands.

33. Has the taua been discontinued since 1857?—In the district in which I reside, the custom has become obsolete; I don't know an instance in the last two years; they now resort to the whakawa.

34. Is the whakawa a recognized institution among them?—It is.

35. Of what kind?—All quarrels and disputes arising from slander, adultery, &c., are thereby settled.

36. How is this whakawa constituted?—There are generally two or three selected out of the tribe at public meetings, to sit in whakawa. The choice of these is generally ruled by the known ability of the party; rank is not recognized in the selection.

37. Is the authority of this whakawa generally recognized among the natives?—Not so much now as it used to be: I allude to the last two years. The penalties they inflict are so exorbitant that it is impossible to pay them. I have known in a case of adultery a man fined £100.

38. Do you mean then there is less submission to authority now than previously?—Certainly: the whakawa has not fallen into disuse, but the Natives do not pay so much attention to it now as they used to do.

39. Are you speaking of this whakawa as an old institution of former times, or as an institution imitated from Europeans?—Imitated from Europeans. I have said that the taua was formerly the mode of redress.

40. *Mr. Domett.*] Did you find that the chiefs paid the same submission to the whakawa as inferior men?—I have never heard any decisions given against a principal chief, though they applied to the whakawa for redress.

41. *Mr. Heale.*] Does that apply to the period before 1857 or since?—Since.

42. *Chairman.*] The taua was the sole mode of redressing injuries before that time?—It was.

43. *Mr. Fox.*] Did the institution of these whakawas exist prior to Mr. Fenton's arrival?—I think not: I first heard of it from the Natives, as arising from Mr. Fenton.

44. *Chairman.*] You consider that a great improvement on the previous system?—Certainly.

45. *Mr. Heale.*] Are you aware of the nature and mode of action of the Native Department in the Waikato district prior to 1857?—I have never known any other action on the part of the Native Department in the Waikato, except that of making presents to chiefs, and loans.

46. *Mr. Forsaith.*] Have you known of any interference or assistance by personal action on the part of the Native Office by letter or otherwise to assist or direct them in settling their differences?—I am unable to say what they may have done in Auckland; but no such interference has come to my knowledge in the Waikato District.

47. *Chairman.*] Have you known ill consequences result from the resort to the taua and the general effect of that system?—It occasioned a great insecurity of property, but no case of actual bloodshed has come to my knowledge; doubtless such has occurred, but not within my knowledge. The taua was directed not merely against the actual offender, but against his relations. In cases of adultery, for instance, they frequently robbed the husbands.

48. *Chairman.*] Were tribes often involved in quarrels arising out of these tauas?—When land was concerned, different tribes were frequently involved in the quarrel, and it had the tendency of leading to war.

49. Have you known any instance of actual war?—There has not been an instance of war at Waikato since 1847. A very important land dispute occurred near me in 1858 between two powerful tribes, Ngatimahuta and the Ngau Ngau, which was agreed to be referred to the decision of Mr. Fenton.

50. Was his decision submitted to?—He declined to decide it, being a land question. Some of the Native monitors and I compromised it by allowing the disputed land to remain as a common. This was at the suggestion of Mr. Fenton, and in accordance with it.

51. *Mr. Forsaith.*] Were tauas more readily got up against Europeans than against Natives?—I think not, they generally exercised a very equitable system of justice.

52. Did they consider the taua applicable to Europeans as well as Natives?—Certainly; I was myself subject to one.

53. *Mr. Fox.*] What were the circumstances of that taua?—It arose about a piece of land I had leased. The dispute was who was to get the rent. The taua came down armed and I compromised the matter by presents.

54. *Chairman.*] By what rule did they measure reprisals in cases of tauas?—A rude custom of their own; no regular scale; in fact measured by the cupidity of the leaders of the taua.

55. *Mr. Heale.*] Prior to 1857 was there any Governmental machinery in the Waikato district adapted to direct the Native mind in their desire for civil institutions?—None that I am aware of; prior to Mr. Fenton's appointment there was a Resident Magistrate, but he could not speak a word of Maori, and was perfectly ignorant of Native customs, habits, and laws.