

505. Who kept the book in which the record of each block was made?—The Record Clerk.

506. Did you make any entries in that?—I did, frequently.

507. Was it part of your duty?—It was mainly the duty of the Record Clerk, but whenever a press of business occurred, which was frequently, I made up the entries.

508. Were you conversant with the practice of the Court under the Act of 1873?—Yes, I think so.

509. I want you to look at the Act. Look at clause 21 down to clause 32. Clause 21 says, "For every district established under this Act, the Governor in Council shall appoint some competent officer (hereinafter called the 'District Officer')." That was done, was it?—Yes.

510. Then it continues, in the first subsection, "To prepare for record a general skeleton-map of the district assigned to him, distinguishing the different tracts of country in possession of the various tribes or hapus of the Natives at the date of the signing of the Treaty of Waitangi, and the nature and tenure thereof." Can you say whether this part of his duties was ever carried out by the District Officer?—I cannot say. I only know from personal knowledge of one or two that it was not. I never saw it done.

511. Well, then, subsection (2) of section 21 says that another of his duties shall be "to compile, with the assistance of the Assessors and of the most reliable chiefs of the district, or with the assistance of such other person or persons as he may consider to be trustworthy, accurate and authentic information relative to the district aforesaid, defining the intertribal boundaries by their Native names, giving the estimated acreage of such tribal land, with a description of the course and direction of the principal rivers running through such land, and the names and positions of the various mountains, lakes, or other salient points in the general features of the country. They shall also supplement the information by tracing the genealogy and names of the various families or hapus to which the different portions of the original tribal land shall have descended." Can you say whether these statements were compiled by the District Officers? Did you ever see them?—Never.

512. Clause 22 provides, "The result of such inquiry shall be entered in a book to be kept in the office of the Court of the district, and called the 'local reference-book.'" Did you ever see such a book?—No, I never saw one.

513. You are conversant with these sections following down to section 32, are you not, as to reserves, &c.?—Yes; I think I know them.

514. Can you say generally whether these sections were complied with by the District Officers, and by the Court, acting upon the recommendation of the District Officers?—I cannot say that they were. I only know that the District Officer was acquainted with the claims, and the practice was, for about a year after the Act came into force, to publish a list of claims received. Subsequently to that the practice was to send the District Officer a copy of each claim, upon which he made a minute whether he thought there was any objection to it.

515. That was the practice after the first year?—Yes: after the first year we simply got a report upon each claim from the District Officer.

516. Following on the Act, look at section 33, which says, "Before any claim to land shall be investigated by the Court, and before any award in partition of any land shall be made by the Court, it shall be necessary that a survey of such land shall have been made, and approved maps thereof, in duplicate. Such surveys and maps shall be made in conformity with the provisions of this Act, and of any rules in force relating to surveys." Now, are you aware what was the practice of the Courts in respect to these surveys? Did they require a survey before they sat to adjudicate upon the title?—The Judges endeavoured to get plans certified by the District Officer as well as the Chief Surveyor; but it was not always the case. It was very seldom the case, I may say. The practice had obtained for so long of hearing claims upon sketch-maps that it continued.

517. Can you say anything of the practice of the Court, whether it was possible or practicable to obtain a complete survey of a block to be adjudicated upon, before determining the title?—I cannot say. I only know that in a measure it was deemed to be a disposal of the case if the correct survey of the land could be obtained before it came before the Court. The conflict of boundary was such an important matter that a correct survey was almost impossible, and I think it was deemed so.

518. The question of boundary was the important question for the Court to determine?—Yes—one of them.

519. I now call your attention to section 35, which requires that "a copy of such application shall be sent at the same time by the applicants to each of the tribes, hapus, or persons named in the application, or believed by the applicants to be interested in any portion of the land comprised in the application. And the applicants shall satisfy the Court at the sitting thereof for the hearing of the claim that such notices have been duly served upon such persons or parties; and in the minutes of the proceedings of the Court shall be entered a note of the manner in which the Court was so satisfied." May I ask if you know of any cases where section 35 has been complied with?—I know of instances where the latter part of the clause has been acted upon by the Court; but I have never known the Court to be satisfied with the former part of that clause.

520. Can you say whether or not, from your own knowledge, section 35 was not strictly and rigidly adhered to?—Do you mean my own opinion?

521. What you know of the practice of the Court?—I know it was deemed to be impossible that the Natives themselves could send a notice of the blocks to be adjudicated upon by the Court to the other parties, persons, or hapus interested.

*Mr. Stewart:* Does the witness say that the section was or was not complied with?

522. *Mr. Bell.*] He says he does not know any case where it was complied with. (To the witness:) You say you know of some such case: was it the practice of the Court to make such a minute?—No, it was not. You mean by the Clerk of the Court? No, it was not.