with the tribe or family than act under the English law, of which they have very little knowledge. I should have thought that the system of district Commissioners, something analogous to the Goldfields Commissioners or District Magistrates applied in India, would have enabled the Crown to have elected Boards of Natives, having all the necessary functions that would be requisite in guiding in the disposal of Native lands that were not required for Native occupation, so that the fullest revenue could be derived for the owners beneficially interested. It would be unquestionable then that all titles emanated from the Crown. The purchaser would be able to give the highest value for the lands he would require—no incidental expenses. Whether the lands were dealt with under the waste land laws of the day are details with which I have no concern. I am almost ashamed for having inflicted such a statement upon you. I have not had time to deliberately consider, as I should like, the specific views I should have liked to put before you. I do not think I need generalise further. I think you might be of great service to us in the smaller matter by making recommendation to the Government as to a reduction of the fees to be paid to the Commissioners, and give to the applicants a fixed time when these applications might be brought before the Commissioners. That we should not be compelled to bring these cases before the Commissioners until a change is made. I do not say whether the Government should not consider a recommendation made by this Commission, or whether the application would be more properly made direct to the Government. If it would be of any use to the Commissioners I would be quite willing to formulate a series of illustrations of the difficulties of title that are represented in this district that actually have to be dealt with. It would require a little time, but I could furnish such a document to the Commissioners if they thought it would be of any value to them.

92. *Mr. Rees.*] The Commissioners are very much obliged for the assistance you have rendered. I think I may say that we shall be glad to receive the statement you mentioned. Do not be afraid of it being too prolix, for the more information we get the greater will be the extent of view we shall have to judge from. The remarks you have made are of considerable importance. You have had experience in these matters, and have been having cases adjudicated upon before the Commissioners (Messrs. Edwards and Ormsby). There are two or three questions I should like to ask you. What is your opinion regarding the efficiency of the Native Land Court in its present constitution? Do you think it is efficiently and economically worked in the interests of the Natives? —I think it is too uncertain to be advantageous to the Natives, because its movements are so erratic. That is perhaps, in truth, caused a little by the Native habits. The Natives are often themselves unprepared to go on with their cases. Still, the system has resulted in this: that the Native Land Court,—no one knows when it is going to do anything. There is a great waste of time, endless adjournments, waste of time to the Natives. Of course the country has to pay for the Courts.

93. Are you aware of cases that have been adjourned from time to time during the last year or two?—I do not know that I can say so of my own knowledge, except the special case of Poututu, which is quite an exceptional case.

94. Do you know anything of the expenses the Natives are put to in attending the Courts?—Of course they must be put to great expense. Probably it would be more true to say that their friends are, for the burden to a great extent falls upon their friends. It is notorious that, where Natives have to be kept in a European case, the expense of maintaining them is considerable.

95. *Mr. Carroll.*] How long has the Poututu case been before the Native Land Court?—That has been going on for a very long time. It has been going on within a very short time of the passing of the Poututu Jurisdiction Act. I think it is fair to say that the delays have in a great measure been the faults of the parties. The Judges are not responsible for the present appeals; the Europeans are mainly responsible. The Poututu case is not at all a fairly typical case to take.

96. *Mr. Rees.*] Can you say professionally whether, in your own opinion, there is any certainty in the present law as to what verdict will be given in the Supreme Court or Court of Appeal under the Native Land Acts?—No professional man, however high his opinion, could give a reliable opinion upon the present Native-land laws. There are no judicial decisions given in either Courts that would enable him to give a reliable opinion. Then, the Judge-made Native-land law has grown on what it has been built upon. Unless the Appeal Court takes up a strong position, as Mr. Justice Richmond did in the Poaka *v.* Ward case, there is no way out of the labyrinth in which Native titles have got. Mr. Richmond threw aside all his former judgments.

97. If clause 16 were given the effect you suggest, it would validate transactions in contravention of the Acts where restrictions were imposed?—No. I should not go so far as that. If the transfer had been taken in violation of a Proclamation, or where restriction had been specifically imposed, that would be void, because it would be in direct contravention of a prohibitory enactment. All that I urge is that transfer of land held under memorial of ownership should be treated and be deemed to be treated exactly on the same footing as if they had been Crown grants.

98. If you purchased land held under Crown grant in the face of restrictions you would not be entitled to it: why then should you in the case of memorial of ownership land?—From 1873 down to Mr. Bryce's Act, it was perfectly legal and proper for any persons to purchase or acquire shares in memorial of ownership land; the only difficulty was in carrying through the procedure to the title. There was no impropriety whatever as to sales, and merely placing memorials of ownership on the same footing as Crown grants would not let in any illegal transactions. If there was any doubt about it there could be provision made to guard against anything of the sort.

99. What was the intention of the previous Act?—It was intended that in all cases where there was special restriction they should be guarded. There was an implied restriction in every Native title—*ergo* no title passed.

100. It made the law worse than it was before?—Yes, it deceived everybody who had to interpret them.

101. You spoke about the 20th of March—that no applications could be lodged?—Yes. I believe that is the date. The 20th of September was the date according to the Act, and the period was extended.