

106. *Mr. Rees.*] What about the money paid by the Europeans?—The European has broken the law.

107. *Mr. Rees :* If the European has bought fairly he should get something for his money.

108. *Mr. Rees.*] Supposing a proper transaction has been completed, and the money paid, and the Natives themselves satisfied, but some particulars of the law have not been complied with—where mere technical difficulties exist—what should be done then?—Where no dispute exists, the title should be legally completed. The Commissioner should meet both parties, and get their acquiescence. The cases I refer to more particularly are where only a few of the owners have sold out of a large number. These sales should not be validated.

109. *Mr. Carroll :* There was some provision in the Act of 1886 bearing on incomplete transactions.

*Mr. Rees :* That Act was supposed to make provision, but it did not do so. This was shown by the *Poaka v. Ward* case.

*Witness :* The following is a brief summary of my views: (1.) The Native Land Court should be altered, and Committees should inquire first into the title of the land. (2.) Technical defects should be remedied, the Court to adjudicate upon disputes between Europeans and Maoris in cases where differences of opinion existed. (3.) In blocks of lands of large areas and a great number of owners the owners to choose from themselves persons to act in conjunction with a Government officer in dealing with the land. In cases where there are even twenty or thirty owners the same course to be followed. Such lands as Mangatu and Tahora—164,000 and 210,000 acres respectively—should be dealt with in this way. I may speak about Mangatu to-morrow.

GISBORNE, 7TH MARCH, 1891.

WI PERE, examination continued.

110. *Mr. Carroll.*] This block was conveyed to twelve persons?—Yes.

111. How many people were owners?—About seventy, perhaps more.

112. Some of the owners who signed to the trustees are, I believe, dead?—Yes, and some of the twelve also.

113. Have applications been made to the Native Land Court for successors to be appointed—not to those of the twelve who are dead, but to the people, now deceased, who signed to the twelve?—Yes.

114. What was the result of the application?—They were told that they had no status at all—that the Court had no jurisdiction to appoint successors, because the land belonged legally to the twelve. Hence it is that I believe that a new arrangement should be made—a new system adopted by which the Court may be empowered to appoint successors to these people. The arrangement made in the first instance is going on all right, but the only thing wanting is that the owners have power of getting successors appointed by the Court to the deceased persons. It is only when we find that some of the owners have died and the Native Land Court cannot appoint successors that difficulties arise. Therefore it is that we apply to the Commissioners, hoping they may recommend the Government to take some steps in the matter. If things go on as at present, and no successors be appointed, into whose hands will the land eventually revert?

*Mr. Rees :* Application might be made to the Supreme Court.

*Mr. Carroll :* All the owners except twenty-five have signed to the twelve. The Court regarded the arrangement as a voluntary one. The Natives had no power to give a deed at the time—in fact, they never were owners. No trust is declared. All the names are down in the Court books of those who assented and those who dissented.

*Mr. Rees :* This is a proper matter to be brought before the Commission.

118. *Mr. Carroll.*] If this Commission recommends that all the persons be made the legal owners, but the management of the land left to the twelve, will that be satisfactory to you?—Yes; if you can get an Act passed it would be well. Something should be done to reinstate or place the people in the true position of owners, still leaving the control of the land to the twelve. I think that would do. Also, that the necessary provision be allowed by law for appointing successors to deceased owners.

119. *Mr. Rees.*] The Court clearly has power to appoint successors for deceased trustees. When successors are appointed, successors should also be appointed to deceased trustees, but those successors need not necessarily be the next-of-kin of the trustees deceased, but persons chosen by the people to act as trustees?—The Court to have power, in fact, to appoint successors for those trustees who die or resign.

120. Are there many cases in a similar position?—Yes, there are a number of cases even worse than this one of Mangatu.

Lieut.-Colonel PORTER sworn and examined.

*Witness :* My name is Thomas William Porter. I am at present an officer of the Native Land Court Commission under Judge Edwards. I am a settler. I am a Lieut.-Colonel in the New Zealand Militia.

122. *Mr. Rees.*] Have you been resident for any length of time in the East Coast district?—On and off I have been acquainted with this district, with short intermissions, since 1864.

123. Are you acquainted with the working of the Native Land Court in this and other districts?—Yes; I have had great experience in this and other districts. I have been for a number of years Government Land Purchase Commissioner, and have had a great deal to do also privately buying Native lands. I am connected on Mrs. Porter's side with Native interests in land.

124. In regard to the working of the Native-land laws as at present existing, are you aware that a state of confusion is existing owing to the contradictory meanings given to the different