

acting. Formerly it was as I suggest; but since the new rules have come into force the Judges have ordered that, whether parties are having their case heard or not—so long as the case is before the Court, every party concerned has to pay every day.

258. *Mr. Mackay.*] You mean, whether it is under action or not?—Yes. Once the various parties have appeared before the Court and stated they have a claim before the Court, although nine or ten of them are remaining silent, they have each to pay £1 a day while the first man's case is going on—that is to keep the thing alive.

259. Is that not intended to repress irrelevant evidence?—Yes, that is the reason; that was the original intention—to exclude groundless cases, or restrain them from being brought forward. Subsequently the receivers of the money thought it a good way of raising money, and insisted on the charge whether the case was good or not—whether or not the parties have a substantial claim.

260. What would you suggest in lieu of this daily charge for repressing irrelevant evidence?—The remedy I suggest would be this: that when the various claims before the Court were concluded, and the Court about to give judgment, it would then be in a position to determine whether there were good grounds for bringing them forward, and, in such cases, compel the losing parties to pay costs as in the ordinary Courts.

261. *Mr. Rees.*] Just the same as in the European Courts?—Yes.

262. *Mr. Mackay.*] How would such costs be recoverable?—The Court could issue an order that these costs should be paid—make demand for the money.

263. But if there were no effects?—The claim would then remain perpetually owing until it was liquidated. But in the Court proceeding to investigate certain claims to land, the various parties lodging such claims should at the outset sign an agreement or make a deposit of money in the Court giving security for the costs.

264. *Mr. Rees.*] Do you think, in relation to these disputes which you have heard of as existing between Natives and Europeans, the Court, after hearing all the parties, should have absolute power of finally determining and settling such cases—every sort of dispute?—I thoroughly concur in that opinion—that there should be a tribunal appointed that would have absolute power to settle finally all matters with regard to land that are in dispute between Europeans and Natives. There are a great many blocks of land in that position, where the Europeans claim to have acquired a certain interest and the Natives to retain a certain interest in the same block. The Europeans are persisting in the endeavour to get the Native owners who have not assented to their leases or sales to so assent, and the Natives refuse, and there the trouble remains. With regard to these lands in dispute between Europeans and Natives, a law should be passed fixing a time when no other transactions could take place between the individual Natives and Europeans—to specify a time within which, if the transactions were completed, well and good, but, if not, that after that the parties would be debarred from doing so. If the transactions were not completed within the time specified, then the matter could be handed over to the Court to deal with it absolutely, and dispose of the difficulties as they then existed. In that case the European would get the portion of the land he claimed, and the Maoris would obtain the portion they claimed, after which the land would come under the new law. In cases where the troubles were solely of a technical character—infringements of the law in which there was no fraud or no injustice on one side or the other—the Court would have power to settle these disputes by rectifying the errors. If there are no more questions to put, I would like to say something with regard to the Native Land Court. The Native Land Court is the most important matter affecting the whole of the Island. It is the door by which the entry is made on to the Native lands. The Judges at the present time are too few. They are not sufficiently numerous to deal with the whole of the Native lands of the country. There are many parts of the colony where the Natives are unable to have their claims dealt with by the Native Land Court. The Judges are drawn from end to end of the colony, either to deal with large cases, or with cases in which influence is brought to bear to have them dealt with. The Courts sit, and return year after year to the same localities—to large centres of population. The business of the Court is not concluded. The Native Land Court first deals with this land when it is in its original state, and makes an order in favour of the owners. If a European is interested it will then make a subdivision of the land between the European and the Natives, but it will not turn its attention to making a subdivision between the hapus who are the owners of the land. Lands that have passed the Court years ago are in that unsettled condition, the Court returning year after year and dealing with some of the subdivisions, but not finally settling the matters in dispute between the owners. This is one of the reasons why so much expense is incurred in connection with the Court. What the Court should do is, that when it has made the first ascertainment of title it should not leave off there, but go on with the question of subdivision between the various hapus owning the land. I think, also, the number of Assessors should be increased; and that they should act towards the Court somewhat in the position of Justices of the Peace; that, in cases of the original investigation of title, where there would be no great difficulties involved, these Native Assessors, as a sort of lower Court, should deal with the titles; that they should have the power to appoint successors to persons dying intestate, but that important cases, and those in which difficulties were involved, should be relegated to the Judges. These Assessors should act solely in Native districts. In these lower Courts which I mention the Native Assessors who acted should have no interest in the lands adjudicated upon. And along with the Assessors there should be a European clerk and an interpreter. This lower Court would have the necessary maps and records, and carry on its functions in Native districts throughout the colony. The ordinary payment could be made to the Clerks and the Assessors for their work. I think this lower Court, acting under the Judges, would act well in having the Native titles determined throughout the Island. This is simply an idea of my own. But the probabilities are that it is an idea that would not be acceded to, because the European idea might favour more the system of Committees acting in concert with an officer of the Government.