

Commissioners to inquire into such matters as are to come before the present Commission—that is to say, the obtaining of information from the Natives of the country with regard to their lands; the making of inquiries with regard to lands over which disputes exist between Europeans and Natives; the ascertainment from the Natives themselves of the opinions they entertain with regard to the operations of the Native Land Court; the making of inquiry from the Natives themselves as to the best mode of administering lands in their possession over which the Native title has not been extinguished, and as to their opinion with regard to the conduct of surveys; the making of inquiry with regard to the leasing of lands to Europeans, and the question of the heavy duty that has to be paid; and, finally, the making of inquiry with regard to cultivations, whereby the prosperity of the colony generally may be enhanced. These are all matters of the weightiest importance, and requiring grave consideration. Therefore it is that I would ask the Commissioners to allow me a day to reflect upon these matters before coming before them to give my evidence. The difficulties that have arisen are of long standing, and in some cases I want to refer to records I have, so as to be able to place my views clearly before the Commissioners. With regard to some of these matters, the Natives have been anxious that they should be properly represented in the House, and for years past they have made repeated applications to Parliament to enable them to have counsel to assist them to deal with their affairs. Therefore it is that, as I have had but little time to consider the matters, I cannot condense my views at the present time, and lay them before the Commissioners.

The Commissioners signified their willingness to meet the convenience of the witness, and by mutual arrangement his further examination was deferred till Monday, the 16th instant, at 10.30 a.m.

AUCKLAND, 12TH MARCH, 1891.

EDWARD FAWKNER TIZARD sworn and examined.

334. *Mr. Rees.*] What are you, Mr. Tizard?—I am a settler living at Devonport, and owning land at the Thames.

335. In regard to the complications arising between Natives and Europeans with respect to land-titles, can you give any evidence to the Commission?—As regards that, it really affects the whole of the difficulties with the Natives. I take it that my claim and grievance in reality are that the law as set forth in our statutes is not carried out. If it were carried out I apprehend that there would be no difficulty. If you will allow me to read a letter that I wrote to the Chief Judge of the Native Land Court, it will show my views.

336. Perhaps you would first of all mention the circumstances under which the matter arose?—I have two or three small pieces of land, upon which I lived at the Kopu, Thames district, and I was carrying on negotiations for the acquisition of some small pieces adjoining, for the purpose of increasing my road-frontage—one piece being 15 acres in extent, another 30 acres, I think, and another about 4—when a change in the law prevented me from completing these negotiations. I made representations on the subject, and was persistently told that I would have to go with the matter to the Commissioner's Court.

337. You mean the Commissioner's Court of Mr. Justice Edwards?—Yes. I declined to do so because the incidental expense would run away with the whole value of the land. The transaction to which I refer was this: I bought certain shares in a small piece of Native land. When the Native Land Administration Act of 1886 was brought into force, I had to stop my negotiations, as I could not then go on with the purchase. I applied for a certificate to go on with the purchase to its completion. It was not refused, but I was told that, on account of there being no time to get through with the matter, it could not be dealt with. The result was that I did not get a certificate. The next thing that occurred was that the Natives applied for subdivision, under which they would have taken an order for themselves. I heard of it, and in the course of conversation in the Court with the Natives themselves they agreed as to the area I should get, and the piece of land that should be given me for the shares I had purchased. I naturally thought the whole thing then settled, but subsequently I found that the order was issued in the names of the Natives from whom I had purchased their interest.

338. So that the title was vested in them by the certificate of the Court?—Yes, as it stood. Then I applied to Judge Scannell, and he told me to apply to the Chief Judge. I accordingly saw the Chief Judge, and he told me he would refer the matter to Judge Scannell, which he did. Judge Scannell was willing to do anything that he could; but the law would not permit him to make an order. He said it was a legal matter, and he would therefore prefer that the Chief Judge should settle it, as he was a lawyer. The Chief Judge then told me that I must go before Mr. Justice Edwards's Commission and get a certificate from that Commission. Ultimately I wrote this letter, putting the whole facts before the Judge. [The witness then read an extract from the letter, and was proceeding, when Mr. Rees ruled that the matter was not relevant, as it dealt with the proper interpretation to be placed upon the law.]

339. In relation to your purchase, no objection was made by the Maoris?—No.

340. You say that, on the contrary, they agreed to it?—Yes.

341. Have you the Trust Commissioner's certificate that they did?—Yes. [Certificate produced.]

342. Then you say that nothing stands in your way for obtaining a title?—Nothing at all.

343. You purchased in accordance with the law as it stood at the time, and the Natives themselves assented in the Native Land Court; the land was then cut out, and the certificate of the Trust Commissioner issued, but that the title was made out in the name of the Natives?—Yes, it is issued in their name as owners, whereas they are not the owners now that I have bought it. I have two or three other cases of small blocks almost on all-fours with this one.