

Isaac, who was an uncommonly clever fellow. The land at Pukekohe was sold by the Government to private individuals under Sir George Grey's regulations, at 10s. an acre, and most of the purchasers took possession. Soon afterwards Mr. Isaac walks into our office, and tells us we had done wrong. We inquired, "How?" He answered, "You have sold our reserves." We asked, "Where are they?" "Under Pukekohe Hill," he replied. Then I remembered the expression that the man had used when he sold the block, but which had never been put in the deed. The Maori words rendered into English were, "In length as far as from Papakura to Mr. Cole's house." There were only two settlers living at Papakura then—Mr. Cole and another man. Isaac was right. We had sold this land. Judge Richmond at that time was Colonial Treasurer, and he said, "We must give it up and compensate the purchaser." That accordingly was done, and the land reverted to the Natives. Isaac—poor man!—went into rebellion, and the land was confiscated. That was the only serious mistake.

448. Was that the same Ihaka who was concerned with William King in Taranaki?—No; he was in the rebellion up here.

449. Do you consider, Mr. Baber, that the recent method of dealing—putting down hundreds of Native names, and making it necessary to have the consent of every man, woman, and child, interested in these lands before the transaction can be completed—is in accordance with Native custom?—It is not.

450. Do you consider it an advantageous method of dealing with Native lands, either for the Natives or for Europeans?—Quite the reverse.

451. Are you aware that the putting of these indiscriminate multitudes of names into the conveyances has led to considerable expense in obtaining titles?—I have not been concerned as an agent. As far as I can learn, it has almost put a stop to dealings between the races. I am told that no one is fool enough to buy Native land now.

452. Have you also heard that, by reason of these immense numbers of owners, and through dealings being had secretly and privately, allegations of fraud, perjury, and forgery have been made, whether true or not?—I have heard so.

453. Is it matter of public report?—Yes.

454. Do you consider that under such a system the Natives can get anything like proper value for their land?—They do not. Besides, it is very injurious to them, their women and children.

455. Do you, from your experience, think it would be wise to revert to the old system, by which these arrangements should be made in public, and carried into effect by representative Natives?—If you would allow me I would defer answering that to the very last, because I am not prepared for some questions. But, respecting the present Native Land Court and the operation, I think, of the seven or eight Native laws we have in force now—

*Mr. Rees*: There are more than that.

456. *Mr. Mackay*.] There are nearer thirty?—I know of only seven or eight myself. However, some time ago I had the curiosity to look into the proceedings of the Native Land Court, in the year 1888, and this document is a rough abstract compiled from the *Government Gazette*. Here you will find that the Natives never had any confidence in that Court. That is proved by their moving for 120 appeals during one year—all gazetted.

457. *Mr. Mackay*.] You mean applications for rehearing?—Yes; rehearings and appeals against decisions. Out of these 120 the Chief Judge granted nineteen. And in many others the appeals were not heard, the fees not being paid, and the applications being therefore dismissed. Five guineas, I think, is the fee. Then, look to the column "Prevention of frauds." Is not that an abominable Act—a disgrace to the statute-book, if I may use the expression? Look at the number there—197 cases in one year. These are cases heard before the Commissioner or a Resident Magistrate for the prevention of frauds. After the whole thing has been settled, and the money supposed to be paid, then the poor purchaser is hauled up before the Commissioner to prove that he is not a rogue. There is another column which deserves special attention, and that is "Partitions." Now, I have seen lately large numbers of petitions for partitions of blocks amongst a hundred Natives.

458. And more than that?—Yes.

459. Do you mean to say that after these partitions of the land amongst the men, women, and children interested, every owner will settle on his particular 10 acres or so?—No; they will continue to use the whole block communistically as before.

460. *Mr. Rees*.] In relation to these partitions, do you think that if a large block were partitioned off amongst the Natives interested, and all the fees paid, anything would be left to the Natives at all?—Nothing. It will be spent beforehand. I will leave this document with you. It shows the proceedings of the Native Land Court for one year. [Document received, and marked "A."] There is one more observation I would make with your permission. It relates to a very serious matter. There is no finality to the proceedings of the Native Land Court. A few days ago one of the Judges told me in the course of general conversation that the Chief Judge was about to reopen judgments given by Judge Rogan eight years ago. It was Von Stürmer who told me. That is all I have to tell you. I am not a lawyer, but I can tell you that the Native Land Acts are most disastrous to surveyors. They have to lie out of their money. They cannot get it. The lien given them over the land is not negotiable.

461. And they cannot enforce it?—I do not know about that; but there is nothing to go upon. Some of them give up the attempt. Some years ago I executed a survey of the Orakei Native Reserve; but I had hardly less trouble to get my money than that which is experienced in these other cases. It was nearly two years before I got it; and yet these people are as straightforward and honest as could be.

462. Do you think it would be wise to revert to the old system of dealings, by which arrangements for leases or sales were made in public with the Natives, to be carried into effect by representative people?—I do not know. What do you mean by "representative people"?