

579. In what way?—Formerly, if a European paid money on land the Native would not repudiate the bargain; but when the Native Land Acts said that all these transactions were illegal, and that there were no means of recovering money paid on deposits, the Natives were taught to repudiate bargains.

580. In fact, you say it offered a premium to dishonesty?—Yes. I know a case up North where a man had purchased land. A certain portion of this was awarded to him under the old Land Claims Act, and another part was taken by the Government. I do not know whether you are aware that when a man was found to have land in excess of that quantity which he was assumed to have bought the Government took the surplus. In this particular case the Government took one piece, the European was given another, and the chief who had been dealt with was returned a third piece. And this chief, until lately (he is now dead), maintained that it was the pakeha's land—that it was not the Government's or his. Now the Natives see they can make a bargain and afterwards break it.

581. Under the Native Land Acts?—Yes; that was one defect; it taught the Natives to be dishonest and to repudiate bargains.

582. Do you think that under the present system of Native-land laws, and the administration of those laws, it would be practically possible to settle the country?—No, it would be impossible, owing to the incidental troubles and restrictions of various kinds that exist now. First of all there is the investigation of the title. When that is done you have to go before a Trust Commissioner; and, under another Act, after the Trust Commissioner makes his inquiry, you have to go before the Native Land Court, where again inquiry is made into the *bona fides* of the transaction. The other day I had a case or two before the Trust Commissioner. A few days afterwards I saw a notice that these same cases were again to be brought before the Judge. The same Judge was sitting as Trust Commissioner. He called the cases on, and began to inquire where the purchase-money had been paid. I said, "Excuse me, but you are not sitting now as a Trust Commissioner." He replied, "Oh, pardon me, I had quite forgotten that I am sitting now as a Native Lands Commissioner." I brought two Natives before the Court who had signed the deed. One of them was very sulky, and said he must be paid his expenses. I said, "All right; I will give you your expenses." The other was a woman, and she got up and said, "I shall not give evidence unless I am paid £2." These instances only show the opportunity that is afforded the Natives to levy blackmail. These witnesses had to be paid to give evidence in an inquiry into the *bona fides* of a transaction upon which the Judge had previously satisfied himself while sitting as Trust Commissioner.

583. Do you consider that any Act which provides for every individual signing and making these documents it is possible that the country can be settled?—It never can be. It is utterly impossible. If it is merely a matter of ten, a dozen, or twenty signatures it would not signify; but when it comes to six hundred, seven hundred, and to thirteen hundred names, as in one case that I have mentioned, the thing becomes impossible.

584. Do you consider that it would be in the interest of the whole of the people interested in these blocks to cut up the land so as to subdivide it amongst these immense numbers of owners?—It would be practically impossible. They would frequently have long narrow strips like roads.

585. Take that case at Gisborne, where there were 300 owners for a small piece of land?—No, it could not be done.

586. Then, as regards very many of the larger blocks, would not the whole value of the land go in subdivisive surveys and other costs?—Yes. First of all the subdivision is sketched on the map, and the surveyor lays off the areas; then his map has to be examined by the Survey Department, and, after that, go before the Judge again. He has to be satisfied before the certificate is made out. It is a cumbrous, roundabout system.

587. Would the blocks be useful to anybody if cut up as I have indicated?—They would not be fit for settlement. They would be long narrow strips. I have seen land cut up into strips a mile long, with only a few chains of frontage. Of course, another thing in the scheme would be the laying-out of public roads. I think I have made provision for that also. Section 84, page 53 says: "The District Surveyor shall from time to time lay off within the district such lines of road as may appear to him to be necessary either for present or future requirements. And he is further required to ascertain approximately the position and area of any lands which may hereafter be taken for railways or other purposes within the meaning of the Public Works Act." There is another provision I inserted. I found that in some of the highway districts where the Natives have only a small piece of land they are not able to pay rates, and I therefore put in section 70, page 51: "Lines of road surveyed by any District Surveyor through or over any 'reserved' or 'disposable land' which may be required now or hereafter shall be vested in the Crown, but in return for the cession of such lands for public roads by the Native owners free of charge no highway or other rates shall be levied on any reserved land." That is for highways, not for railways. I do not know that there is anything more to inform the Commission upon.

588. *Mr. Mackay.*] Would you permit dealings with the "disposable lands," as it were, in the way of free-trade, or would you approve of the resumption by the Crown of the pre-emptive right of purchase in respect of Native land?—That is very unpopular with the Natives. When the Native Land Administration Act was in force the Natives would not listen to it on that ground.

589. *Mr. Rees.*] Would you say that if they were given what you may call free power to dispose of their land under regulations drawn up under the present Native-land laws they would be satisfied?—I do not think so. I have drawn this proposed Act of mine largely with the view of the Natives assisting in working it; and under it, when any person desires to buy land from the trustees, the trustees have to go before the Natives interested and ascertain how many assentients and how many dissentients there are to the sale. Supposing a settler wants a block of 1,000 acres: a certain number of the Natives, representing, say, 300 acres, might say, "We will not sell." In that case they would have to cut off this quantity, and make it up from other pieces of land. That is my proposed way of disposing of the lands. I would not have the Natives sell if they were not willing.