

sellers, who got new titles and the money too. Of course the Sydney purchase was gone, and Sir John Allen and the other two gentlemen lost their money; and, of course, all respect for New Zealand titles was gone too. I was not present during the discussion in the House of Representatives; I state simply what I was told. Then there was that case of which we have all heard—that of Grice and Benn, for whom Mr. Walker was agent.

685. The Pukekura case, Grice and Benn against Ani Waata?—Yes.

686. Such things as that, if the dealings were carried on by the Board, would be impossible, because the Board would ascertain to whom the land belonged, give a title to the land, and receive the money for those who were rightly entitled to it?—I think so.

687. And the trustees would have to fight any question of title?—Yes. A knowledge of these cases of all descriptions that come to my mind during a long career as Judge of that Court has settled my mind absolutely in the direction you have mentioned—that the true system is a system of agency. Of course I take for granted that the Government would put good men on this Board, and that the Act would preclude Government interference in any form whatever.

688. And provide for necessary precautions?—Yes.

689. But would you not say that the titles given should be absolute?—Yes.

690. And that the only question of quarrel, if quarrel there should be, would be as to the Natives entitled to the proceeds?—Yes. If any loss happens to anybody from the operation of the Court, I look upon it as the business of the Government to compensate the honest sufferer. I do not think he ought to suffer just because some Government officers had made a mistake, and when the man proved that he had done nothing wrong. Then, if you do what I have indicated, you will make New Zealand to have a much happier appearance. I think so, at any rate. I observe—I do not know if it was intentional on your part—that in most of your questions—in fact, all through them—you speak of Parliament doing this or that, not the Government. I suppose that was done by intention. I entirely approve of that. If you can make these things permanent it will be a triumph. The less the Government have to interfere the better.

691. *Mr. Rees*: Of course, my idea personally in framing these questions, and I believe that of the other Commissioners also, is to remove the matter as far as possible from the sphere of party politics. We are quite agreed as to that, if it can be achieved. That would be a grand thing.

*Mr. Mackay*: The object is, in fact, to have automatic machinery, as near as possible, to do the work.

692. *Witness*: Absolutely excluding the Government. I wanted to take this opportunity, having present a member of the House who has had a legal education, to remark how objectionable it is to see in so many Acts the formula, "It shall be lawful for the Governor in Council" to do such-and-such things. I always strove to get these things eliminated when I was in the Legislative Council. Take the case of the Sheep Act, a most important statute, which is read by all interested in farming pursuits, whether they are educated or uneducated. You have clauses there dealing with ear-branding and important things of that kind, and then you read, "Provided always that these clauses shall only come into operation upon Proclamation to be made by the Governor in Council." How is a settler living perhaps remote from the centres of settlement to get to know whether the Governor in Council gives his authority for any of these provisions to come into effect? You do not find it in the English Acts.

*Mr. Rees*: There it is only found in relation to subsidiary and minor things—things of a very minute nature. It is a great mistake to devolve powers of legislation to the Governor in Council.

*Witness*: Yes; it is a great temptation to the draughtsman who gets weary of his work to get rid of difficulties in that way.

*Mr. Rees*: It is also a great temptation for Committees of the House to get rid of difficult questions.

693. *Mr. Mackay*.] Have you thought of the question of the Public Trustee being trustee for all Native reserves?—Is that the law now?

694. Yes, for the Native reserves that have been made in the South Island—at Greymouth, Hokitika, and Westport?—It was not so in the old days.

695. *Mr. Rees*.] The office has grown up within the last eight or ten years, throwing these things into the hands of public servants who are almost irresponsible?—I object to anything of that sort very strongly.

696. *Mr. Mackay*.] Would you be in favour of all Native reserves at present under the control of the Public Trustee being transferred from him to a Native Land Trustee, who would be more in touch with the Natives?—Would you not give the authority to this Board—the central Board which I have spoken of? I strongly advocate that. I would put in its hands the administration of all Native lands, with power to appoint its own officers. I would not have independent officers as you suggested, *Mr. Rees*. Let the Board have its own people and deal with them.

697. Who should be under the control of the Board in the same way as the railway staff is now under the control of the Railway Commissioners?—Yes. It does one good to hear there is a chance of some such thing.

HONE PEETI sworn and examined.

698. *Mr. Rees*.] You are an Assessor of the Native Land Court?—Yes.

699. How long have you been an Assessor?—I was first appointed in January, 1875.

700. Before that time had you had experience in the working of the Native Land Court?—I was not thoroughly conversant with the working of the Native Land Court prior to that date.

701. Had you means of knowledge of the way in which contracts were made between Europeans and the Natives regarding land before any Native Land Court existed?—What I am acquainted with is the purchases made by the Government before the time of the Native Land Court.