informed the Commissioners that I made an attempt, after I found that the men who acted as Judges disregarded precedents, to have men appointed who had had a legal education, and who therefore, of course, would have a religious regard for precedent. I observed that under the present system a rule of that sort was entirely disregarded through the men who are appointed having for the most part had no legal training.

714. *Mr. Rees.*] And who know nothing of the Maori language or the habits and customs of the Maoris?—Exactly so. As a rule, if you appoint men with long experience, such as you may find among the Registrars of our Courts, the appointment would be to the public advantage. You may think that impertinent.

715. *Mr. Rees.*] Any suggestion of the sort, so far from being impertinent, is very pertinent indeed to the subject in hand?—I remember perfectly well the remark of Mr. Richmond, now Justice Richmond, long before he was called to the Bench. It was in Colonel Browne's time, and the remark carried great weight and authority. He said, "The Maori difficulty is a great difficulty, but one that can be dealt with easily if I can only find the men." That was very true indeed. Another point I have to speak upon was a question as to whether I desired an appeal to the Supreme Court, and I think I said I would defer giving an answer to the question. I have been thinking it over, and my idea is that the less you have to do with the Supreme Court the better. All the principles which guide the one tribunal, and which are founded on the original principles of equity, are entirely absent from the Supreme Court. The Supreme Court has the advantage of being guided by a long series of decisions from the learned men who have gone before us; and I say with all respect, men whose minds have been trained in that direction are almost incapable, at first at any rate, of beginning at the beginning and asking themselves, "How did this principle arise?" They find it, and apply it; but when they are forced into the position they make one for themselves, and go to first principles. I think that that is about as unfit a tribunal as can be to deal with Native matters.

716. *Mr. Rees.*] You consider that in dealing with these Native lands, and attempting to apply our system of administration to Native customs, we must resort to first principles?—Yes, until you have established a common law. The Native Land Court must respect its own precedents, or you will never build up a system of common law. I will, if you please, send you a dictum, of which I have a copy.

717. Thank you; it may be of use as illustrating the difficulties connected with this matter?—You also asked me, with reference to the Heretaunga case, about the Equitable Native Land Act.

718. We did not ask you about the Act, but about principles?—I think it an absolutely just principle, which you cannot abandon. Of that Heretaunga case I know nothing. But I do know of cases in which titles to ancestral land have been given to one individual (one or more) by the consent of the people who owned the land; and the individual said, "Yes, the grant shall be in my name, and I will hold it till it is divided amongst the true owners." He subsequently makes leases and sees that it is done to his own advantage. Then, when advised that as grantee he should make a will, he does so, setting up his own devisees. There is also a purchasing-clause in the lease in favour of the relations of the grantee, the real owners standing aside altogether. Therefore we must have some safeguard of the sort I have indicated. The Equitable Claims Act of 1886 suffices, I think. I was going to say, with reference to these wills, which seem to create some confusion, that I am strongly inclined to think there ought to be some authority to control, or restrain, or guide Natives in the making of wills. I think that Native wills containing the statutory attestation-form should be regarded with grave suspicion. Another thing I would suggest: The Act guards the interests of people by providing that Native interpreters must be uninterested in respect of anything they have to do with in respect of land, such as the interpreting of a deed. I think this rule should be extended to solicitors. If a solicitor is employed he should not be allowed directly or indirectly to acquire any rights in the land. I do not know that human nature is different in solicitors from what it is in interpreters.

JOHN ROGAN sworn and examined.

749. *Mr. Rees.*] How long have you been connected with Native transactions in any way whatever—with the Natives or with Native transactions?—For about forty years.

750. That is, since 1850?—Since 1850; yes.

751. I believe you were one of the first three Judges of the Native Land Court?—Yes, I was the first judge appointed.

752. These three were yourself, Mr. Fenton, and Mr. James Mackay?—Yes.

753. I suppose that was under the Act of 1865?—Yes.

754. Prior to that you had been conversant with Native matters for about fifteen years?—Yes.

755. Were you aware of the manner in which these transactions between Natives and Europeans—whether those Europeans were private Europeans or Government agents—were conducted?—Yes.

756. Would you be good enough just to describe the steps through which any transactions passed as a general rule?—With regard to private transactions at that period (1850) I knew little or nothing, but in Taranaki somewhere about 1848—a little beyond the period to which I just now limited my knowledge of the Natives—I was witness to public transactions connected with the purchase of Native land in the vicinity of New Plymouth.

757. For the Government?—Yes, for the Government. I was not absolutely employed by Sir Donald McLean at that time, but I was attending the Court because I was an officer in the New Zealand Company's service. I was requested by Mr. William Halse, the resident agent, to attend the meetings. Therefore I gained an intimate knowledge of all their transactions, and the way in which they were conducted.