

seen in connection with the Heretaunga Block. It was a very valuable block, and, of course, every ten people whose names were included for one or other of its subdivisions had absolute power to dispose of the same. The principle, of the ten persons considering themselves absolute owners, spread throughout the country. It was this that gave so much offence to the Natives in Hawke's Bay, for in many cases the ten chiefs whose names were registered for a block of land got the whole of the money, and did not share it with the other Natives; and yet perhaps a hundred others, who might be equally entitled as the chiefs who received the proceeds, would derive no benefit whatever from the transaction. A great many accusations of fraud were made, and dissatisfaction was rife among the Natives. At that time the first object with the Europeans of the colony was the extinguishment of the Native title to land; and the next idea was, that the country would never be prosperous until the title of every Native in the whole country had been ascertained. I am speaking of the general opinion of the time.

786. And it was embodied in the legislation?—Yes. At the present time we hear nothing about the extinguishment of the Native title, and we hear nothing about the individualisation of the Native title, because it has become a practical impossibility. Therefore I believe the subsequent Act of 1873 was made for the purpose of rectifying these errors.

787. The Acts of 1867 and 1873?—Yes.

788. *Mr. Mackay.*] Did not the Act of 1873 also enlarge the scope of these difficulties, and thus increase them, by that clause in it setting aside 50 acres of land for each man, woman, and child in the hapu?—I am not aware that that increased the difficulties, because I do not know that that particular part of the Act was ever carried out.

*Mr. Rees:* I do not think it was; because recently the Native Department ordered the Trust Commissioners not to certify to deeds unless it is carried out.

790. *Mr. Mackay.*] Did not the Natives know there was such a clause, and did they not put forward more names to be inserted in the orders of the Court, the certificate of title, or Crown grant, in consequence of that clause, than were entitled to be put in?—I am not aware that they did.

791. *Mr. Rees.*] The individual dealing with the land, of course, rendered the Trust Commissioner's Court necessary?—Yes.

792. It rendered necessary all the restrictions and safeguards which the Act raised up?—Yes.

793. And did it not, in your opinion as an expert—as a Native Land Purchase Commissioner and as a Judge of the Native Land Court—open the way for fraud and deceit in many cases?—I believe it did.

794. And thence, of course, litigation arose?—Yes, litigation arose.

795. Now, if the old public dealings had been maintained—dealings tribally, and by hapus, and in public—would there have been any necessity for the Trust Commissioner's Court?—I do not think there would have been the slightest.

796. There would have been no necessity for deeds to be signed in some cases by hundreds of people living in different parts of the country?—No.

797. The expenses of those old transactions were much less than are the expenses now of making deeds?—Oh! very much. There is no comparison. In my transactions I extinguished the Native title to the whole of the Kaipara district, and to many other parts of the country, and yet would have only one Native Assessor with me. I did it all myself, calling in respectable people as witnesses. I have had as much as £2,000 to pay to a number of Natives who had been collected at a particular place for a week or two, and in those days it was a matter of some consequence to get £2,000 in cash to a place like the Kaipara. Of course, I had a policeman with me, and I would arrange with two or three settlers to be there on the appointed day in order to witness the signatures, and that was done at no expense to the country. I got the signatures of these Natives, and then paid over the money.

798. It is very different now?—Yes.

799. And in purchases conducted tribally—not by individuals—I suppose you could arrange with the tribes about the reserves to be made for them?—Yes. In my case I was particular with their reserves, and had them surveyed beforehand, except in one or two cases.

800. Because that was the matter of primary importance?—Yes, for the future.

801. Now, with your knowledge of the state of affairs, do you believe that under the present system of Native-land laws the settlement of Native land can go on profitably to the Natives or to Europeans?—No; and I have watched it. Of course, I have been out of the world, as it were, for the last ten years; yet Natives come to me very often over these matters. Possibly it may be that a Native chief will come to me, and, being generally complimentary, will say, "Your way of dealing with these matters was very much better than it is now." The Natives, after assembling at a particular place for a month, and after having spent their time and money for months, together have come to me and said that when they thought the matter in hand was settled some one has proved to be dissatisfied, and has applied for a rehearing, with the result that the whole thing, as it were, is passed over, and another hearing is granted. There was a case of that kind before the Court recently. There were several men in the grant, and they were about to sell the land, when, fortunately for those who were intending to purchase, they were advised not to do so—in fact, I spoke about it myself to them; and suggested that they should be very careful of their money until the whole thing was completed. They are very thankful now that I gave them that advice. They have their money, and there may be several hundreds of Natives interested in the land in question, instead of merely the few who were selling.

802. Do you think it will be necessary to revert to the old public tribal dealings in some fashion or form before any real settlement can be come to, or to some method of dealing in that way—tribally, and by hapus and families?—In order to do anything with Native land it will be necessary to come to some different arrangement from that now existing. My own idea is, that