

recover the cost of his survey is precisely the same that is provided by clause 85 for the Surveyor-General to recover the Government's costs, with an additional proviso that the Court may award the Surveyor-General 'a lesser sum where the amount is disputed:' thus showing that he must prove his claim in open Court the same as I had to do. And I contend that the Government can have no lien or 'outstanding claim' until they have done this."

957. In answer to that, you say, Judge Smith writes back that he has exhausted the law on the subject and can do nothing further?—Yes; notwithstanding that mine ought to be registered as well as the Government's, the Government still register theirs, and leave mine unregistered. He does not say that I am to get any relief, but merely that he has exhausted the law on the subject. Then, again, even supposing they were registered under the Land Transfer Act—I myself do not see how it can be—but supposing they were, in one case there are 157 children as owners—no adults at all. There are 2,000 acres in all. There are eighty trustees for these children. The land is awarded to these 157 children; then the Court appoints eighty trustees to take care of the land awarded to these children. I suppose you must wait for the children to become of age before anything can be done. Of the eighty trustees some are trustees merely for one child, some for two children, and some for twenty different children; so you could not call them tenants in common.

958. Tenants in common with equal undefined interests. That brings us to another point. Passing to this question of the ownership of land by children, and so on, is it, in your opinion, possible, while all the people are put in as owners—men, women, and children alike—in these large blocks of land, that any dealings can be had in respect of such land if all the people interested have to sign the deeds?—I do not think it is possible. They are continually dying, and fresh successors being appointed, so that the names of the owners are perpetually changing.

959. So that the owners to-day may not be the owners to-morrow?—Just so. One dies, and another is appointed in his stead, and generally there is some short time in which nobody has been appointed the successor.

960. And there is no title for anybody?—Just so.

961. You have mentioned a block of land in respect of which there are 157 children as owners. What is the area of it?—Two thousand acres; less than 13 acres for each owner.

962. Could that block be subdivided without the whole value of the land going to defray the cost of the surveys?—I believe that it would cost more than the value of the land to cut it up into 157 thirteen-acre pieces, giving access to each piece. In affording this access, the allotment of 13 acres to each owner would be reduced considerably—perhaps by a reduction of 2 acres from every 13.

963. Would it, then, be possible without immense expense to obtain titles to the land, if they wished to dispose of it?—It would take, I should say, a great deal more than double the value of the land to get a title to it.

964. Now, supposing that, for blocks of land like that, three or four of the trustees were chosen to act in concert with a Government Commissioner to conduct dealings in respect of the whole block, could that land be then easily and economically disposed of, either by sale or lease?—Yes. They would not require to have so much land taken for roads; and, the proportion taken for roads being less, the expense of surveying would also be less, so also would the expense of getting the deeds signed be less.

965. And there would be no dispute as to title?—Of course there would not be, as they would all agree beforehand.

966. *Mr. Mackay.*] Your answer, I suppose, has reference generally to Native lands the owners of which wish to lease or sell, and is not merely given with regard to a special block of 2,000 acres, or to one in which 157 children are the owners?—The answer I gave would apply to all blocks of nearly the same area. I know of many cases in which the partition has been brought down as low as 13 acres to the individual. I was supposing that, if the trustees were uniting to sell on behalf of the Natives, they would not divide the block into small portions, with perhaps a dozen or so owners in one block, but would cut them up into larger areas.

967. Would not the same principle of a few of the owners acting in conjunction with the Government Commissioner hold good also in respect of the large blocks?—Of course it would. The case to which I referred more immediately happens to be an individual case of my own.

968. You have heard the evidence given by Judge Puckey. Do you think it would be a difficult thing to get the Natives to see that this is an easy and proper method of dealing with their land? I do not think it would be so difficult as Judge Puckey seemed to think. Of course he has had more experience than I have had, and more opportunities of judging their temperament and desires, but from my mixing with them I think they are all very much opposed to the Native Land Court. Nearly all the Natives I come in contact with speak against it.

969. What is your experience of their feeling regarding the Native Land Court?—That they are all decidedly against it, and they are talking of getting up petitions to have it done away with. They complain of the great loss of time they are put to in attending the Court, and of the great uncertainty as to when particular cases will come on for hearing. Perhaps five or six or a dozen cases will be gazetted for one Court. The Court that is now sitting here has been going on since September, I think, and only one case has been before it as yet, and the hearing of that case is not over yet. Then, of course, the parties to the other cases which were gazetted at the same time have all to hang about until such time as the Court is ready to hear them. They complain of no defined time being fixed for the hearing of a case, and of their having to hang about until their case comes on.

970. Do they complain of the fees?—I think not. If the Natives get to know that a certain fee is the fee of the Court, they are not inclined to quibble about it, for they take it for granted that they must pay, and they prepare themselves to do it. I do not think the Natives are so badly off for money as they profess, and as some people think they are. I believe that in cases where all are together and all interested, when they know that they will have to pay the survey-fees before they