

and all titles were given by these bodies, and so as to preclude all individual dealings with the Natives themselves?—I think that would go a long way towards remedying the defects and difficulties, that the land should be really as it now is nominally, vested in the Crown, and that the Crown should deal with it and give indefeasible titles to the European purchasers, so that the purchasers should derive their title from the Crown instead of from the Natives.

1192. Then you say it would be wise, in your opinion, to stop all individual dealings between the Europeans and the Natives themselves, as far as the giving of a title was concerned, and to let all titles be derived from the Crown?—Yes, I think it would be wise for two reasons: First it would prevent fraud, both on the part of intending purchasers and on the part of sellers. I know of cases in which, through one or two persons among a numerous body of owners have been able to commit grave frauds upon the purchasers. Under the present system purchasers, although having obtained the interest of the greater number of the owners of the block, are practically helpless unless they have the consent of all the owners. I know of cases, also, where personation has taken place to a very great extent. I know of cases where dead men have been made to sign deeds in order to get in outstanding interests. All this would be obviated—all chances of fraud and forgery would be obviated, if the title was to be obtained from a person appointed by the Legislature to give it.

1193. *Mr. Mackay.*] In fact, you would prohibit all dealings except through —?—Except through a recognised official, and I would make these dealings indefeasible when once they were carried through.

1194. *Mr. Rees.*] You think that would be for the interest of the Natives as well as for the interest of the Europeans?—Undoubtedly it would.

1195. Would it be a cheaper method than that at present in operation?—It would be a cheaper method: it would save a very large amount of expense which purchasers will endeavour at present to deduct from the purchase-money, so that it is now a discount on the value of the land. It would also prevent the Natives from selling their individual small interests for comparatively small sums of money, thus losing their interest in the land for a pound or two, which is no sooner received than it is spent.

1196. *Mr. Mackay.*] In some cases, hypothecated to the storekeeper before it is received?—Yes. It would be for the protection of the vendors, and also for the protection of the purchasers.

1197. *Mr. Rees.*] It would be to the interest of the State also, would it not?—Undoubtedly. Anything which will simplify dealing with the land will induce settlement, and therefore be in the interest of the State. A large amount of land that is now tied up would be opened for settlement if a system like this were instituted. I believe, too, from what I know of the Native feeling, it would meet with the approval of the Natives themselves.

1198. A very considerable portion of the time of the Courts has been for some years past taken up with the consideration of these Native-land troubles, has it not?—Yes, very much of the time of the Supreme Court, in the North Island, and also of the Court of Appeal on appeals, and very large sums of money have been spent in litigation by both Europeans and Natives.

1199. And it can hardly be said yet what constitutes a good title?—No. I consider that the decisions in *Matthews v. Brown* and *Poaka v. Ward* have rendered titles derived from this source more uncertain than ever, and that, unless an alteration is made in the law, litigation will be ever increasing in regard to Native titles.

1200. Do you think it would be wise that, instead of including everything in one statute, two Acts should be passed?—Yes; I think that one statute should be passed doing away with the old law, and introducing a fresh system for future dealing with Native lands. I think another statute should be passed for the purpose of constituting a tribunal and a system for dealing with old titles obtained under the old system.

1201. Do you think it would be wise to give to such a tribunal, set up under the second Act of which you speak, power to act as a species of arbitrators between the parties, so as to insure finality for these matters in the best way they can?—I think so. I think this tribunal should consist of men of such reputation and standing as would justify the Legislature in making their decisions absolutely final.

1202. *Mr. Mackay.*] Would you suggest that there should be assessors—one for one side, and one for the other?—I consider this would be unwise, and would only lead to dissatisfaction, because if you give the parties in each particular case the right of nominating assessors, we know from our own experience that the parties so nominated would, in fact, be mere advocates, and not judges, and it would place the President in a very false position if he had to decide between two contending arbitrators.

1203. *Mr. Rees.*] Would you suggest that three Judges should be appointed for such a tribunal?—Yes; I think three Judges should be appointed.

1204. Having complete power to deal with all disputed titles to land derived from the Natives?—Yes.

1205. *Mr. Mackay.*] And to determine absolutely?—Yes, to determine absolutely, without the right of appeal.

1206. *Mr. Rees.*] Then, you would give them also not merely the power to decide, but the power to make titles to carry out their decisions?—Yes. I think that the Act of 1889, under which Judge Edwards was appointed, was a wise step in that direction; and, although, unfortunately, it appears that its provisions are insufficient for the purpose, I would give the Court the power of validating titles, and of issuing certificates which would have the effect of grants for the titles which they validated, and I would also give them the power of declaring that titles which had been adjudicated upon, and which proved to have been defective through any cause other than technical defects, were bad, and to refuse titles to any such persons as they thought should be refused them.