1374. Crown grants?—Yes; it only applies to lands Crown-granted, which is different, of course, from the case of a certificate of title or memorial of ownership not under the Act of 1865.

1375. Would you mind just saying what number of owners, or could you give us an approximate idea of what number of owners, there is in the Te Ngaere Block?—Over a hundred, but I do not think it would be material to put more than fifty or sixty in the order. They wish to sell because it has been such a source of trouble.

1376. *Mr. Rees:* What is the area?

Mr. Rennell: About 6,000 or 7,000 acres.

Mr. Rees: What do the Government pay?

Mr. Rennell: About £200 a year.

Major Brown: It is of no use to the Government because it is swamp land. It is not worth the lease the Government have over it, to expend the money necessary to reclaim it.

1377. *Mr. Rees:* Do you know of any other blocks that have been in the same position besides Te Ngaere?

1378. *Major Brown:* No. There is another; but I was not present at the hearing, therefore I cannot say whether the Natives were persuaded to do the same thing. That was the Pukengau Block. It was passed in the name of Te Rahui, and afterwards, on a rehearing, the boundaries and names were altered, and passed through the Court. I know nothing of that case, however, as the Natives did not complain.

1379. Were the names of the Natives in this Te Ngaere Block ascertained and entered in the books?—No.

1380. They simply ascertained Hone Pihama and put in his name for the whole of the owners?—Hone Pihama and Tukarangatai. Tukarangatai is willing to do justice in the matter.

1381. There is no dispute as to the facts?—No.

1382. Do you think that in all such cases provision should be made by legislation to enable the whole of the beneficiary owners to come in and have a portion of the legal estate, and participate in the benefits arising therefrom?—Yes. At the time that this block passed the Court—it only passed in 1878—trustees could not be appointed, and Judge Heaphy therefore suggested this course; and he pointed out to them that where there was a conveyance of a block in which there were twenty owners, it might happen that owing to the death of one of the owners a succession order had to be applied for, and the whole thing to be completed over again, and that all this would be avoided by taking the course he suggested. Mr. Gage was the Assessor of the Court, and Mr. Dalton was the interpreter. The Judge said to Mr. Dalton, "You must interpret this to the owners." Mr. Dalton said, "I cannot do that, your Honour." Judge Heaphy then rejoined, "Well, then, you must just do the best you can;" in reference to the owners trusting to the honour of the trustees.

1383. *Mr. Carroll.*] But the Judge, being aware there were more owners than the two, advised them to put in only the two so as to facilitate any intentions they had with regard to the block? I think that is their particular hardship in this case: that they acted on his advice, and now find themselves in a difficulty?—Yes, and acted in accordance with his wish.

1384. *Mr. Rees.*] Supposing they could have been made trustees on the face of the document, and the Judge, or some other persons, were able to see to the disposal of the money, then it would have been simple enough?—Yes.

1385. That would be better, too, and far easier than for eighty or ninety persons to sign the deed?—Yes.

1386. But in all such cases such precautions are not taken?—No; and they could not be.

1387. In the Poverty Bay district, trust deeds were signed by many of the Natives in that way, and there the Natives have immense areas of land. In these cases the Native Land Court doubted—Mr. O'Brien and Major Heaphy being, I think, the Judges—whether the Natives could assign any land by the way of trust under the Act of 1873. I therefore went down to Wellington and argued the case before the Chief Justice, and he decided that they could not, because their only power under the Act was to assign in the way and under the restrictions mentioned in the Native Land Act of 1873, and trust deeds did not come under that Act. It must be a sale or lease only, and, therefore, in this particular case the trust deed was held to be absolutely inoperative in respect of land held under memorial of ownership or certificate of title under the Act of 1867. In the case of lands held under Crown grant it would apply, for then they are held according to European custom. But where the holdings are according to Native custom, this custom does not authorise them to assign in trust. You would say this, Major Brown: that in such cases as this, if there be others, these Natives should be permitted to enrol their names as owners, and to have a voice in determining the destination of the land, and to share in the enjoyment of the proceeds of the land according to the rights of ownership?—Yes.

1388. *Mr. Rennell:* The Government at one time authorised me to endeavour to purchase this land from Hone Pihama. Hone Pihama said that one of his reasons why he would not sell was because it was not his to sell. It was tribal land. He gave other reasons, but that was one reason. He is now dead.

[At this stage Mr. Thomas Mackay entered, and took his seat beside the other Commissioners.]

1389. *Mr. Rees:* And this letter of Major Brown's states that Hone Pihama's daughters are now altogether with Te Whiti?

1390. *Major Brown:* They will not take the rent, nor will they sign for it.

1391. *Mr. Rennell:* They are very pronounced Te Whiti-ites.

1392. *Major Brown:* Mr. Sinclair appeared for them in Court; but I have heard them state that Mr. Sinclair has no authority from them. At the same time, I believe he has a tacit authority; but the real point is that, as followers of Te Whiti, they deny his right to appear for them in the Native Land Court, or to do anything for them.