

1488. Of course it is hard to make the Trust Commissioner the person to decide what the value of the land is. It would become impracticable, but no doubt this is done, more with the intention of getting the Commissioner to see that everything is aboveboard.

1489. *Mr. Marshall*: In that particular case he found eventually that the price was inadequate, but he said it was *bond fide* so far as the purchaser was concerned. It might have been an element of fraud, but there was nothing brought forward against the transaction being *bond fide* on the part of the purchaser, and so the certificate was granted.

1490. *Mr. Carroll*: Now, in respect of the general dealing with waste lands lying in large areas and owned by large numbers of Natives, the tendency of feeling amongst the Natives is in the direction of appointing a Committee among themselves to deal with the land by way of lease or sale. That seems to be the opinion of the Natives wherever we have gone. They recognise that to lease their land through the present system, under which it is necessary to have every one of three or four hundred owners attach his or her signature to the deed, besides conforming to all the other requirements of the law, would mean the eating-up of the proceeds in costs, and that the owners would get very little for themselves. They feel that by having a Committee to settle all the preliminary questions and to act for the whole body they would be able to avoid that expense, and upon the tribe and the European agreeing as to terms they could the very next day give effect to that agreement by means of this committee system. The question is, if such a system were adopted would it be better to associate with the Committee a Government officer, or would you let them work by themselves?

1491. *Mr. Fitzherbert*: It is a question I have never given any consideration to before. It has never been suggested. I am really not prepared to give an opinion offhand. Without thinking it over further, I could not express an opinion one way or the other. There is a great deal to be said on each side.

1492. *Mr. Carroll*: A great deal of the difficulty would be removed if you could depend on the Natives acting in each case?

1493. *Mr. Marshall*: And unless they were unanimous as to the Committee elected, it could not be worked very satisfactorily.

1494. *Mr. Fitzherbert*: I rather gather, from what you have said, that they are to decide the terms of the lease by general discussion, and the Committee are to be the hands, as it were, to carry it out.

1495. *Mr. Carroll*.] Yes; they are to be the executive?—If they are merely to be the signatories to the lease there would not be much question about it, because some tribunal would have to be satisfied that the Natives for whom the Committee was acting were assenting parties to the transaction. I thought *Mr. Carroll* meant that some half-dozen men should sign in place of three hundred—that is to say, for all the owners—and in that case there would not be much benefit in having a Government official for merely manual execution.

1496. But the assistance of this official would afford some guarantee that each individual among the owners would receive his fair proportion of the proceeds of the transaction?—That is a subsequent thing. That, of course, is the difficulty.

1497. But the performing hand shall be the Committee?—Yes. I presume the Committee would consist of a comparatively small number, not exceeding a dozen. The whole object would be to keep the number reasonably small.

1498. *Mr. Mackay*.] They would give effect to the wishes of the body of owners as regards the quantity of land to be dealt with on lease, and perhaps the proportions of rent that each one on the list should receive. If there is any change in the law after our report goes in in reference to the alienation of land, they would have to be provided with special forms of leases and special forms of conveyances. You see, the point that has evidently been aimed at by all parties is that finality should be arrived at with regard to these transactions, and that there should be no subsequent question as to their validity?—The effect would be very much as if you took twelve persons and put them on the roll, and recognised them as the persons clothed with all necessary authority for executing the deed. It would not do to go behind these people to see what authority they had. It would be fatal to have any question arise as to their authority to execute.

1499. The great thing is to provide a safe and prompt method of dealing with their land, either by sale or lease, and to assure finality for it?—No doubt.

1500. That the title, whether it is to lands which are conveyed from one Native owner to another, or from a Native owner to a European, shall be as good a title as a Crown grant?—Yes; I quite see that the difficulty to be overcome is as to the carrying that into effect, supposing that in case of a lease the tenant has the disadvantage of paying his rent to the ten or twelve persons who have executed the deed.

1501. The tenant would pay to the Government officer, who would see to the due distribution of the money among all the beneficiaries.

1502. *Mr. Carroll*.] Of course that comes afterwards. Still, it is a point that requires a lot of consideration. You have on one side the fact that every owner is entitled to his share. You have to see that they get their money. On the other hand it would be loading the European with a lot of unnecessary trouble and inconvenience if he had to pay to each and every one. If you place the money in the hands of the Committee some of it would not reach its proper destination. Then, if you issued power to the Government officer to receive and distribute the money the Committee would think that in a partial sense some of their independence was gone?—As I say, it opens up a question that calls for careful consideration. From what I have seen I think the Natives individually are averse to having their rents collected for them and handed over. I am speaking for those who have been landlords up the Coast. They resent rather the appearance of a Government officer in the affair.