

1666. By whom were they told to do so?—By the Judges. I have been present when this has been done.

1667. Then, when the ten were so elected they proceeded to deal with the land, did they not?—They proceeded to deal with it both by lease and also by sale.

1668. Did the Judges, when speaking about people being chosen from the hapus for these purposes, say anything which would lead the people to suppose that the ten were to hold in trust for the others?—They certainly did. That was the idea, no doubt.

1669. But there was no word of trust put in the certificate?—I do not think there was, either in the certificate or in the Crown grants, but that certainly was the idea—that in conveying to the ten these were to represent the twenty, thirty, or forty others who had proved their title to the land, and these had to decide who the ten were to be.

1670. Then, the Act of 1867, of course, provided against sales, and put the names of all the owners of the land on the back of the instrument, the names of the ten appearing on the face of it as before?—I think that subsequent to the passing of the Act of 1867 there has been land passed through the Native Land Court in respect of which only ten names were put in the Crown grant. I think it was clause 17 of the Act of 1867 that specified that the ten should be put in the grant, and all the remaining owners on the back of the certificate.

1671. *Mr. Carroll.*] There were blocks investigated under the Act of 1867 in respect of which clause 17 was not acted upon?—Yes; that is what I wish to convey.

1672. *Mr. Rees.*] I did not know that. Then, this provision of the Act of 1865 was continued under the Act of 1867?—Yes.

1673. Under the Act of 1873 a memorial of ownership came to be issued instead of a certificate of title, and then all the owners' names had to come in—men, women, and children. We have heard of instances in which names have been assigned to children yet unborn, and put in as owners, and cases where men and women have been put in to meet contingencies. Do you know of such cases?—Yes. It was done in the Porangahau case (land situated between here and Wellington), and in the case of the Whakapunake Block, in the Wairoa district.

1674. In relation to the Act of 1873, is the individualisation of titles—that is, putting in every man, woman, and child as having different interests in a block—according to Native custom, or is it according to Native custom that the land is owned by the tribe or the hapu?—I think the Maori rights of ownership are merely by ancestry, conquest, or occupation.

1675. And under those rights the tribe or hapu owns the land?—Yes.

1676. Now, under the Act of 1873, and in the case of a large block of land for which there are many owners, comprising men, women, and children, is it practically possible to complete the title?—It is almost an impossibility where there is a large number of owners like that.

1677. Is it a very expensive undertaking to obtain the signatures of a large number of Natives when they are scattered over the country?—It is very expensive indeed, and it is very difficult to get the Natives. In such cases, before you can complete the title several of the Native owners die, and then there is the trouble in connection with the successors, who may be living all over the district. All this makes it very difficult indeed to complete anything.

1678. *Mr. Carroll.*] Last, but not least, there is the chance of not getting the remaining signatures?—Just so. Two or three of the Natives may object to sell or lease, and according to the present Act the transaction cannot be completed unless you get the signatures of every one who is interested.

1679. *Mr. Rees.*] Can you speak as to the old method of dealing among the Maoris—that is, the method pursued in the olden times?—Before the Native Land Court was established?

1680. Yes?—They were very simple transactions in those days. You had to deal with the chief. That has been my experience in the Wairoa, when, as a lad, I accompanied my father. In two or three instances the chief gave my father a piece of land, and it was never disputed afterwards. In fact, just the other day a piece given to him as a school reserve was taken into the Native Land Court, and the Natives were perfectly willing to give so much in support of the school when the arrangement was entered into many years ago with my father. Yet no one else but the chief was spoken to about it in the first instance. In fact, no one else dare attempt to interfere in those days.

1681. *Mr. Carroll.*] But I suppose the chief invariably submitted the proposal of the pakeha to his people or council?—No doubt it would be talked over by the hapu.

1682. *Mr. Rees.*] Do you not think it would be wise to return to the principle of the ancient mode of dealing, if it could be regulated by law—the trustees to divide the money fairly among the people?—I am afraid the day has gone by for that. You would never get the Natives to agree to that. I am not speaking merely because I am doing business among the Natives.

1683. Supposing it could be done, and that the Natives saw it was advisable on the score of economy to so deal with their waste lands, do you not think it would be advisable also in the public interest to return to a simpler method of dealing than that which is now practised?—Of course, if it can be done, and the Natives are agreeable; but I think it would be difficult to get them to agree. You would find a great number of them dissenting from it.

1684. Because they have been so long accustomed to the individual right under the Act of 1873?—Yes, and other Acts.

1685. *Mr. Mackay.*] But if they were notified that, after a certain time allowed them to consider their position, there would be compulsory power for that purpose?—Oh! of course; but I hardly think that is the right way to treat the Natives. I think a great many of us found by our experience of Mr. Ballance's Act of 1886 that the Natives objected to it very strongly indeed. In fact, I know that several petitions against it were sent to various members.

1686. I was coming to that point. Can you state from memory what were the grounds on which they objected to that Act?—They objected to it because they were not allowed to lease or sell land as they thought proper.