

published in the *Gazette*. The Court should be held as near as possible to the lands that are to be investigated or adjudicated upon. If a *Gazette* notice should be issued notifying a sitting of the Court at this place, I do not think it right that the Court should proceed to deal with cases of titles from other districts; but that it should move on to Waipawa and other parts of the district, where applications were to be made, or cases heard, so that the Natives should have the opportunity of attending the Court without leaving their own settlements. The Court is composed of only four souls, and surely it is better and more convenient for the Court itself to move about in the prosecution of its duties than to require thirty, forty, or fifty Natives to come long distances to attend its sittings. Then, too, associated with the necessity of making these long journeys there are the hardships incidental to the Natives having to live in tents, especially during winter time, while they are so attending the Court. I think that altogether they are very badly treated.

1740. Would you give the Judge the power of associating with himself at any time any Native tribunal, for the purpose of ascertaining tribal or hapu boundaries, or other such matters as require to be determined?—Yes, I think I would.

1741. *Mr. Mackay.*] And that these matters should be decided on the ground itself?—In almost all these cases the Court should go on the land.

1742. *Mr. Carroll.*] Mr. Justice Richmond, in his report, says, “The Court needs *tentacula* wherewith to seek out and grasp for itself all the facts of the case. It would not be well to throw upon the Judges of the Court the duty of investigations which, to be effective, should be made on the spot. This is rather an administrative than a judicial function, and might be committed to some officer of the Native Department in each district appointed for this duty by the Governor’s warrant”?—It strikes me that that would be successful.

1743. *Mr. Mackay.*] In cases where there are disputes, would it not be well for the Judge to go himself on to the spot for the purpose of satisfying himself as to the facts?

1744. *Mr. Carroll.*] This suggestion is to hand that duty over to another body which the Government could put into motion, and not to commit it to the Judge.

1745. *Mr. Rees.*] I suppose you would say that the charges for duties of this simple nature would be small, and that the result of such a plan of working would be to the advantage of both Natives and Europeans?—No doubt it would be of great advantage not only to the Natives and Europeans who were immediately concerned, but also to the colony in general.

1746. *Mr. Carroll.*] That is another point, Mr. Hamlin. In the case of a block of land in which we will say there are a hundred owners, holding undivided shares, would you be in favour of any individual in that number being allowed to sell his share of such land?

1747. *Mr. Rees.*] Before individualisation or partition?—Well, I should be very sorry to be the purchaser.

1748. *Mr. Carroll.*] Do you think that has been the cause of all this confusion?—No doubt it has caused a great deal of it. The practice of Natives selling shares in land which is undivided has undoubtedly been the cause of all the trouble.

1749. *Mr. Mackay.*] And that sort of thing, you think, should be prohibited in the future?—I think it would be a very good plan to prohibit it until subdivison has taken place, excepting, I should say, in cases where the block has been subdivided into hapu interests. Then, as I said just now, if you have the land subdivided into the hapu claims you could not but make all the owners equal.

1750. Share and share alike?—Yes.

1751. *Mr. Carroll.*] In regard to defective titles, you would be in favour of some tribunal which would settle once and for all the matters in dispute?—Just so.

1752. And the Court should say, “We find that the Native in this dispute,” or the pakeha, as the case may be, “has established his right to the land, and we therefore give the land to the pakeha claimant,” or *vice versa*, as the finding may be, the point being that there shall be finality in the judgment of the Court?—No doubt that is the proper method. With regard to what Mr. Rees asked me just now about cases in which the large majority of the owners have signed, I think something should be done to settle all such cases.

1753. Then, supposing the Court found that two-thirds of the owners of a block had signed the instrument of sale or lease to a European, and the European was found entitled, you would allow the Court to give him two-thirds of the block straight away, and a perfect title to it, and the balance of the Native owners to also receive a perfect title for the remaining third of the land; or, if the European is found not to be entitled, to so settle the matter as to make it clear that he has no title?—Yes, I think so.

Mr. MATTHEW ROBERTSON MILLER examined.

1754. *Mr. Rees.*] You are an estate agent and auctioneer carrying on business in Napier?—A stock and station agent.

1755. How long have you been in business in Napier?—Close on nineteen years.

1756. Can you state whether the operation of the different Native-land laws has been in favour of the progress of settlement in this district, or has been inimical to it?—For the last five or six years there has been an almost complete cessation of transactions with regard to Native lands. Nobody will look at anything with a Native title, because the Acts are incomprehensible. Even lawyers themselves are puzzled by them, and this of course has frightened clients. That feeling exists outside still. If the law was simplified, there is no doubt that there would be more buyers now than there have been for many years; but as it stands at present every one is afraid to touch Native land. It has been a regular curse to the colony. Nineteen years ago a large and very powerful syndicate authorised me, with the consent of the Government of the day, to treat with the Natives for about a quarter of a million of acres of land situated between Taupo and Rotorua. Well, the Government changed its policy while these negotiations were proceeding. I was permitted to have the Government surveyor, Mr. Mitchell, with me.