1777. *Mr. Mackay.*] Is it *papa* land?—Yes.

1778. *Mr. Rees.*] Then, you would say generally that, owing to the state of the Native-land laws, the whole settlement of the country is retarded?—Yes. I do not know whether it would be good for the legal profession, but, in my opinion, it would be a good job if all the Native Land Acts were burned.

1779. That is exactly what the profession want to see.

Mr. James Wren Carlile examined.

1780. *Mr. Rees.*] You are a barrister and solicitor practising in Napier?—Yes; I have been practising here for the last sixteen years.

1781. Have you had, during that time, opportunity of seeing the operation of the Native-land laws, and the working of the Native Land Court?—There is hardly a question that has arisen under these Acts that I have not had to consider in some form or another. I have had a very extensive practice in connection with Native titles, both while acting for Natives and also while acting for Europeans.

1782. Before entering into particulars, do you consider that, speaking generally, the Native-land law in relation to the ascertainment of title, and the alienation of land from Natives to Europeans, is in a satisfactory condition?—Oh, no! not altogether; but I think this last Act of 1888 is perhaps more workable than those which went before it. It is certainly more workable than the system that prevailed from 1873 up to 1888.

1783. As regards the certainty of titles under the present law, what do you say?—Of course you are all aware, I think, that great uncertainty has arisen in connection with the Acts that were in force from 1877 to the end of 1886, because there is a great number of titles depending on them, and the subsequent legislation, which was intended to work retrospectively, has given rise to great disputes, especially in the case of Poaka *v.* Ward. That has really made any title, even though it be under the Act of 1889, which was intended to remove ambiguities and to make the law clear as to future dealings, liable to be attacked. At any rate, if a person took a title from the Natives, even where the land has been surveyed, but belongs to less than twenty owners holding under a memorial of ownership, he would not be safe. Although that Act, as I have just said, was intended to clear up ambiguities, yet Chief Justice Prendergast's opinion, in his recent judgment, shows that this is the difficulty now: Where Native land is held by less than twenty owners under memorial of ownership, you cannot get a title. Poaka *v.* Ward does not deal with that point, but the language made use of by the Judges in that case has given rise to this view.

1784. In relation to such titles, do you consider that Europeans were justified in believing they were dealing under the law?—Most certainly. I think that the regulations brought into operation by the Act of 1888 led almost everybody to think that it referred to land held under memorial of ownership. Lawyers may for some time have had some doubt about it, but even lawyers, after the passing of the Act of 1888, thought they were tolerably safe in advising people that it appeared to apply to past transactions.

1785. In such cases as those you have mentioned do you consider, as a professional man, that the public were, on the advice of the profession, justified in thinking they were safe?—Certainly, in many cases. Of course, care must be exercised to see that the titles are valid.

1786. But there were a good many cases of this class?—Oh, yes! to my own knowledge. I do not suppose that there was a lawyer in the place who had occasion to advise in these cases who did not advise that there was great probability of obtaining a good title.

1787. In relation to any Court to be established you would draw a distinction between the jurisdiction of the Court?—I think it would be rather dangerous to leave to the Court itself the question what are the technicalities interfering with the getting of a good title, which ought to be remedied. I think the Legislature ought to define the technicalities which the Court shall have power to ameliorate.

1788. And then the Court should be confined to a particular class of cases with which it could deal?—The Court could decide whether any particular case falls within any prescribed class. I think care would have to be taken not to make the discretionary power of the Court too great. I do not myself feel sure that you would gain by substituting any other tribunal for the Supreme Court. I think the men you select ought to be equal in calibre and intelligence to the Supreme Court Judges. You will need active and ready men, conversant with those affairs that are in dispute.

1789. You think that great care should be exercised in the selection of the Judges?—Certainly.

1790. In regard to the future method of dealing with Native lands, what would you suggest?—As to that, I think that there should be some such scheme as that which you are popularly reported to be thinking of—that is, some such scheme whereby for the future, and where the land has not already been dealt with, the Government should, as it really did before 1865, have the power of stepping in and selling or leasing Native land, and of equitably dividing the money amongst the Natives, after providing proper reserves for them to live on. But I think the alternative should be left with the Natives of individualising their titles and selling individually, because there are plenty of Natives who are quite as capable of owning land in severalty and of dealing with it as any European. I do not think that the present Act is altogether bad; and, providing that there were less than twenty owners in a block, they would be able to deal together in respect of it, because it is only increasing the expense of subdivision to require that the land should be divided into absolutely single ownerships. Supposing half a dozen Natives of tolerable intelligence might all agree well together in regard to the administration of the land they were holding in common, what is the use and what is the sense of compelling them to divide their land into individual portions before they can make a title? Why should not all together sell? The present Act says there must be not more than twenty owners. It would never do to reinstate the European system of trusteeship under the