1907. The questions would be of considerable importance in many instances?—Yes; and of difficulty in one or two cases that I know of. But I venture to submit to the Commission that whatever process they may have to suggest to Parliament should be a process by which the complainant Native should be the person to put the matter in question, so that there might be a validation Act except as to such as were complained of by the Natives; the reason being that if there is to be an investigation into every title the limits of human life prevent the prospect of speedy termination.

1908. Now, do you consider this, Mr. Bell: that in respect of these cases of both classes which we are considering—that is to say, the non-contentious class and the contentious class—a Commission or Court competent in power and jurisdiction to deal with both classes of cases should be erected by the Legislature?—Yes. I hope that will be done; but I hope also, as I have said, that its functions will be limited to contentious cases, in which the contention appears by the act of the Native or subsequent claim. I must add this: that I do not see why a Court is necessary for non-contentious cases.

1909. I understood you to say there should be some tribunal to decide whether there was fraud or not?—Yes; that is the proposition I made. By far the larger number of cases in which there is technical defect—and this is well understood—could be remedied immediately by the use of proper language in the enactments; and as to all those cases, I would suggest that an Act should be passed so worded as to remedy such defects, with this provision: that it should not come into force for a limited time after the passing of the Act, and that within this limited period any Native concerned in the titles might apply to the tribunal to be constituted, alleging that the acquisition of the land was effected by fraud or some such practice, and that such titles in respect of which such applications have been made should then be referred to the tribunal; the others would be remedied by the enactment.

1910. Would not that cover all cases—that is, the Act would silently validate all cases, whether there were technical faults or mere omissions and mistakes, and also cases in which illegality and fraud were alleged, but in regard to which the Natives were not careful to take the position of applicants?—Yes; because I do not think there is any case in respect of which fraud was practised, or in which a breach of the law has been committed, in which the Natives are not ready to object.

1911. Do you not think that it is going too far, where there may have been breaches of the law, or *quasi* or legal fraud, to afford opportunity for validation in such cases if the Native does not happen to know what is required of him, or fails to come forward?—By the terms of the enactment which I suggest the title would not be validated if there was legal fraud in connection with it.

1912. That would be the distinction, then? You speak of breaches of the law; but I must remark that by far the larger class of cases are cases in which there is no real breach of the law—where the actual process of acquisition of the title was that authorised by the Act of 1873, and where they are only awaiting completion?—In such cases there was in no sense a breach of the law. There must be a gradual process before the assent of all the Natives is obtained.

1913. I want you to draw a distinction between these two classes?—That is, one class in which there has been no breach of the law. There is another class of cases which may be said to involve a breach of the law in one sense, but which is not really a breach of the law—where attestation of a document has been defective by some act or omission of the witness, or of the person in charge of the deed, but where the deed has subsequently been submitted to and approved by the Frauds Commissioner.

1914. And where there is no contention?—That is another class, where there has been no breach of the law, but a non-compliance with specific requirements of the law. I give this instance. I am not prepared to give others at the present moment, but these are cases which can easily be remedied by enactment, and still there should be reserved to any Native thereby affected the right of claiming to have the matter investigated by the tribunal. As to all other cases, they would be submitted to the tribunal, because the enactment would not be so worded as to validate them.

1915. Now, as to the nature of this tribunal, have you thought of that at all? It is of considerable importance that the leaders of the profession should be consulted as to this; and I propose to ask you and Sir Robert Stout this question as to the nature of this tribunal. Have you thought about that? It is a matter of very great importance indeed?—I have not for the present purpose, but I thought the matter over very carefully in 1889, and it seemed to me that at all events one member of the Commission must be a lawyer. The reason was this: that the distinction between a breach of the law, in the sense of a defiance of the law, and a mere omission to comply with a statutory enactment—and, again, the distinction between a breach of the law in the first sense, and such a proceeding as the actual acquisition under the Act of 1873 of the title—is one well understood by lawyers, but is not very clearly expressed in some of the judgments which have been delivered in the Courts. The danger that I anticipated in 1889 was that laymen might take the case of Seymour and Macdonald to mean a great deal more than it does mean to a lawyer. That case has been followed by others and preceded by others which are dangerous to the purpose which the Commission would desire to see established, and for those reasons I think one member at least of the tribunal should be a lawyer.

1916. In regard to the other members, do you think that three would be a good number, of whom the Chairman or President should be a member of the legal profession?—I think it is necessary that one should be a Maori, and I do not think it would be satisfactory without that. I think it would be a good thing if some man of common-sense, as opposed to lawyer's sense, should be another member, and I certainly think it would not be wise to have more than three members altogether.

1917. Do you think, then, that a tribunal composed of one member of the legal profession of standing and experience, some mercantile man, and a member of the Maori race would be likely to inspire confidence in the public mind as to the administration of these complicated cases? Do you think that the European population and the profession would have confidence in such a tribunal for deciding cases of that class, seeing that such a tribunal of some sort must be raised?—I think that