

*Mr. Rees* : They do not know, and have to pay over £100.

2011. *Mr. Carroll.*] They do not hold individually, but collectively, and they have to pay on the assumption that it is £100?—There is another matter which is severely felt in the Native Land Court. All orders and other records of the Court are drawn and settled by the Court, the parties not necessarily being present. If a mistake is made it will in many cases result in a costly action, perhaps, years afterwards. In the Supreme Court the parties draw up their orders, &c. It is the duty of the Registrar so far as he can to see that the order drawn up coincides with that pronounced or minuted by the Judge. If he makes a mistake there is a simple remedy : the party aggrieved brings the other party before the Judge, who sets aside the erroneously-drawn order, and the correct order is then drawn up, and, if desirable, may be dictated by the Judge. A similar process also enables omissions made *per incuriam* to be supplied. The proceedings are thus made regular. Something of the kind ought to be done in the Native Land Courts.

Mr. THOMAS WILLIAM LEWIS examined.

2012. *Mr. Rees.*] How long have you been connected with the Native Department, Mr. Lewis?—I anticipated some of these questions, and so I have refreshed my memory on the subject. I became private secretary to the late Sir Donald McLean on his assumption of office on the 28th June, 1869, and I became Under-Secretary of the Native Department on the 1st March, 1879.

2013. Ten years afterwards?—Yes; and I was placed in charge of the Land Purchase Department from the 30th June, 1885. I entered the Government service on the 22nd July, 1863, in the Defence Office, and, that being a department in a measure connected with the Natives, my experience of the Natives dates from my entrance into the Government service, but my intimate connection with the Native Department commenced in June, 1869.

2014. Now, perhaps it would be better if you could give the Commission, before it proceeds to ask you any questions, any ideas that you yourself have formed as to the Native Land Court and the Native-land laws, in respect of the method of alienating Native lands, so that it might be certain that the Commission did not suggest in the first instance any answer which should be given. The members of the Commission will put questions to you afterwards, but they would be pleased if, in relation to the Native Land Court, and in relation to the Native-land laws, and the method of alienating Native lands, you would give us any ideas that, in the course of your experience, have suggested themselves to you. Then we can ask questions as to your suggestions subsequently?—I shall be very glad to do so.

2015. Do not be afraid at all to make your answers diffusive, because we want to acquire a mass of information upon these matters?—I would premise my statement by saying that the position I have occupied enables me to look at the matter from several different standpoints. For example, the Natives, when they have complaints to make in connection with the Native Land Court, or, indeed, in respect of other matters, generally do so through the Native Office. All the petitions to Parliament relating to Native affairs I have to report upon, and many of these petitions also relate to Native Land Court questions. Then, my official connection with the Native Land Court, and my intimacy with the Judges, enable me likewise to look at the matter from their point of view. There is, moreover, what may be called the Government point of view, which is distinct from both of those, and in regard to which also my departmental position compels me to look at these questions from. Another point of view which assists me in arriving at conclusions on this matter has been that of land-purchaser, and in that position I may be said to take the view of the general public on the question—in this way : It is my duty as officer in charge of the Land Purchase Department to purchase land from the Natives, and the first question that arises in connection with such purchases is as to the certainty of the title. I shall not enter further into detail on that point at present. I simply wish to show at the outset that in the course of the remarks I may make I may speak first from one point of view and then from another, but it will be borne in mind by the Commission that I approach the subject from many standpoints, which few others not in the same position could do. In the first place, my opinion is that the whole object of appointing a Court for the ascertainment of Native title was to enable alienation for settlement. Unless this object is attained the Court serves no good purpose, and the Natives would be better without it, as, in my opinion, fairer Native occupation would be had under the Maoris' own customs and usages without any intervention whatever from outside. Therefore, in speaking of the Native Land Court, this test to it must, I consider, be applied—viz., that there should be a final and definite ascertainment of the Native title in such a way as to enable either the Government or private individuals to purchase Native land. As to the Court, I shall first speak of matters that have occurred to my mind in connection with the Court itself. The ground of decision of any Court must necessarily be the evidence before it; and, from all that I have heard from those who are intimately acquainted with the Native Land Court, and from the Judges particularly, the great difficulty that the Court has to contend with is the unreliability of the evidence, and, according to some of the Judges, the persistent perjury that is resorted to by the witnesses. This is a matter that is obviously very difficult to reform. I think it might be met to some extent by the Court having the power to commit for short periods of imprisonment any Natives whom the Court was satisfied were guilty of making wilful and corrupt statements when on oath before it. I make these suggestions certainly not as being inimical to the Native race, as I think that the great obstacle that almost every good Native has to contend with in the Native Land Court in the ascertainment of title is this disregard for the truth of the evidence offered to the Court; and the Natives themselves bitterly and frequently complain of false evidence. Owing to the evidence being given in Maori and interpreted into English, it is obvious that in an ordinary trial in a Court of justice it has been found impossible to obtain a conviction. It would, perhaps, be only necessary to apply the remedy I have suggested in one or two cases, and I believe the power, when exercised with good judgment, would have the effect of materially altering the nature of the evidence given before the Native Land Court. Bearing in mind that the foundation of all settlement in the country is the ascertainment of title, in my opinion the Natives should not be allowed to keep