

through the form of obtaining the consent of a Judge of the Supreme Court to the purchase itself. I would leave the matter of the investment of the money as the law provides at present.

2022. You simply recommend that, in so far as Government purchases are concerned, these restrictions should be taken away, and that it would be for the good of the public?—Yes; they should be entirely taken away, in so far as the Government are concerned. As to the suggestions I have made with regard to the practice of the Court, I should say that, although I have sometimes appeared before the Native Land Court, yet I have not had any extensive practical experience of the working of the Court; but my position as one receiving information from so many different quarters, as well as a theoretical knowledge and my own observation, I think, enable me to offer the suggestions.

2023. *Mr. Rees.*] The experience, at any rate, of others communicated to yourself?—Yes; and I have myself had a very great deal to do with Native-land legislation in many ways, and all these questions have come up in connection with that legislation. But I thought it necessary to say that I have not had much experience in the way of appearing before the Court myself. I have noted down, as a suggestion, that claims sent into the Court should contain the names of claimants and the grounds of claim, as well as a full description of the land in respect of which the claims are made.

2024. That is to say, that written claims should be sent in?—Yes. At present an application can be made by any one individual who may furnish a description of the land, and he may appear for himself, or a great number of others, but that is not known until after the Court sits. For the purpose of preventing claimants altering their cases, or important grounds of their claim, as the case goes on, it would be a good thing, and would save the time of the Court very much, if, when the claim was sent in, the grounds upon which it was based were stated, and the names set forth of the persons who constituted the claimant party. Then the counter-claimants, within one month after the appearance of the advertisement of the claim, should be required to send in their grounds of counter-claim, together with the names of all the counter-claimants. The next thing I would suggest is one that is difficult to obtain by legislation or anything else. It is this—if the Commission can suggest any way by which it could be obtained, it would be of great value—that only evidence relevant to the issue should be admitted by the Court, and that the Court should not allow the evidence to be unduly multiplied or extended. This extension and multiplication of the evidence, and the introduction of irrelevant matter, form the subject of general complaint by the Natives, by the Judges, and by the public, and certainly, too, affect the Government very considerably, seeing that cases in the Native Land Court which ought only to last a month, or a little more, run into five or six months, to the great cost and trouble of everybody concerned. The problem is, how to curtail this cost. I think it might be done by curtailing the evidence that the Court felt, when it was being given, was not relevant to the issue before the Court; and evidence that was relevant to the issue should not be allowed to be multiplied and extended indefinitely. I might say further in connection with this that what I believe has led to the Court admitting evidence of this sort, and listening with extreme patience to long-winded stories that the Judges consider not to be relevant to the issue, is because, if a Native is dissatisfied with the judgment of the Court, he immediately applies for a rehearing, or appeals to Parliament; and it is more particularly, I think, appeals to Parliament that have led the Judges to give every license to the Natives, so as to take away from them any possible ground of complaint.

2025. But they have not succeeded?—No.

2026. These cases have increased rather than diminished?—I think it would be a good thing if Parliament could in some way strengthen the hands of the Judges by indicating to them that they were not to allow cases to be extended beyond what was in their judgment necessary to secure justice. There is another matter of practice which has come before me in my official capacity on more than one occasion, and this is that in its decisions the Court has placed contending parties in the same block and in the same division of the block. This has led to very serious trouble, and I consider that legislation should compel the Court to make a partition of the land in such cases—an arbitrary partition if necessary—so as not to include in the same block parties who could not agree upon any division or who could not live together amicably.

2027. Persons with distinctly contrary rights?—Yes; and not only that, but who are absolutely inimical to one another.

2028. *Mr. Carroll.*] Opposing parties altogether, although belonging to the one tribe?—Yes. The decision of the Court may be absolutely correct that a particular piece of land, consisting of, we will say, 10 acres, belongs to certain Natives; but if they are found to be strongly opposing each other the Court should make its division so as to put together the people who are in sympathy with each other. It would save the Court, and the Government, and every one else concerned a very great deal of trouble if the Court did so. It will be evident to the Commissioners that where the parties are disagreeing with each other, as in these cases, it is almost impossible to deal with them from a land-purchase point of view. I think that rehearings, as at present allowed, should be abolished. The Chief Judge at the present time has power to make amendments in decisions, and that power might be perhaps with advantage extended, and parties dissatisfied with such amendments, or with original decisions, should have leave to appeal; but the appeal should, I think, be to a Court of Appeal.

2029. Do you mean the Supreme Court of Appeal?—No; I mean a specially-constituted Court of Appeal, which might consist of the Chief Judge and, if it were thought necessary, a specially-appointed Judge and a specially-appointed Assessor. Such Court of Appeal might be constituted in any way that was thought to be necessary—that is a matter of detail; but the Court of Appeal should have powers analogous to what are, I understand, the powers of the Supreme Court of Appeal—viz., that it should deal with the case on the evidence already taken, or having what I understand to be the right of the Supreme Court of Appeal to take fresh evidence if it thought fit, or, if it considered it necessary, to refer the case for readjudication. I think it would be a good thing if this Court of