Appeal simply sat in Wellington; but that also is a matter of detail which might easily be settled. What I consider should be done in addition to this is, that in the first hearing of the case the Natives should have every facility; every difficulty which it is possible to remove should be removed out of their way, and the Court should study their convenience in the place of sitting. I think, too, the Court of Appeal should be a Court of higher level than the ordinary Native Land Court, and those appealing should go to it. In fact, I would not make appeals anything like so easy as they are present. I doubt whether any one realises that until recent legislation it would have been competent for any boy in a Native school to block the whole business of the Native Land Court by simply taking and filling in an application for rehearing in every block passed through the Court. The law required that all such applications should be gazetted. The mere sending-in of the application, without any responsibility attaching to the person sending it in, was sufficient to stop the entire business of the Native Land Court in relation to that particular block until decision had been given. Recent legislation has removed that to some extent by making a fee of £5 payable, but I think it will be evident to the Commission that it is undesirable, in respect of cases costing perhaps thousands of pounds to hear, and which occupy a considerable amount of time, and in which the interests of the country are largely concerned, that any Native who chose should be allowed, merely by paying a fee of £5, which may be paid for him by interested parties, to stop the whole proceedings and reopen the whole question. I think the question of rehearings is probably the most important of all, or, at any rate, one of the most important questions affecting the Native Land Court. There is another general question that I should like to bring before the Commission. At the present time the law is stringent in preventing dealings with land that has not passed through the Native Land Court—the Native Lands Frauds Prevention Act, for instance; but it is certainly the case that a coach-and-four could very easily be driven through its provisions. I mean, in this way: Any Native in New Zealand, so far as I know, could legally go and cut any timber upon any timbered land, and if he could get any European to support him he could remove such timber as he liked, so long as he was doing it in his own name.

2030. That is, always before subdivision?—I am speaking of Native land before it passes through the Native Land Court at all.

2031. And afterwards until the title is ascertained?—Yes; until it is ascertained any Native may go on any Native land.

2032. *Mr. Mackay:* That is according to their communal ideas.

Mr. Rees: Except that in the old days a man would be knocked on the head if he went on another's land. They take advantage of our laws to perpetrate gross wrongs.

Mr. Lewis: Speaking generally, according to Maori custom the persons having the best claim to any land are those who are occupying it; but until their rights are decided by the Court they could only prevent any other Native from making free with the timber, or other products of the land, by using force, and thus breaking the law.

2033. *Mr. Rees.*] They could not do so by going to the Court—that is clear?—So far as I know, at present there is no legal protection for such a case.

2034. There is none; it has been so decided in the Supreme Court?—It has led already to bloodshed and loss of life in different places. I therefore consider that a provision somewhat to this effect should be passed: that no dealings with land, or the produce of land, or occupation other than residence and cultivation according to Maori custom, shall be lawful until the title has been ascertained by the Native Land Court—that is to say, any sale of flax, or timber, or gum, or other natural product of such land, shall be illegal; and any person selling or purchasing such produce shall be liable to a penalty of, say, £100 for each offence; and any person erecting a timber- or flax-mill on land the title to which has not been ascertained shall be liable to a penalty of £100. Further, that it shall not be lawful to depasture sheep, cattle, or horses on land the title to which has not been ascertained by the Native Land Court; and any sheep, cattle, or horses so depastured shall be forfeited to Her Majesty, and the owners be liable to a fine of £50. The object of some such provision is not to lock up the land, and prevent dealings with the land or its products, but to facilitate *bonâ fide* and lawful dealings and occupation, which are much retarded now by Natives who are only some of the owners, or who even may not be owners at all, complicating matters, and creating trouble and ill-feeling by illegal arrangements with Europeans for the produce of land not through the Court. Some such provision is needed, first, to make it to the interest of Native owners to get their land through the Court, and the title ascertained, and thus promote legal dealings and settlement; and, second, to protect the estate from spoliation until the owners are legally ascertained. Five or six years ago, when the Hon. the Premier was Native Minister, the Native Land Court, as at the present time, attracted a great deal of attention, more especially from the large number of petitions addressed to Parliament complaining against the Native Land Court Acts and the Court. I then addressed a memorandum to the Native Minister, suggesting a scheme which I thought might work side by side with the Native Land Court, and on the one hand tend to popularise the Court, while, on the other, if the scheme was found workable (which would depend on the Natives), would very much facilitate the operations of the Court, and the final determination and settlement of Native title. The scheme, though it was viewed with some favour by the Hon. Mr. Ballance and the then Premier (Sir Robert Stout), was not made public, and the legislation of 1886, although it introduced several reforms in the working of the Native Land Court, which have much improved the Court, followed generally on the old lines. Although matters have altered considerably since the memorandum was first written, and large blocks of land to which I think the scheme proposed might with advantage have been applied have been otherwise dealt with, I am of opinion that it may be worth a trial, one merit of it being that it involves no cost to the State; and if it is adopted and carried out successfully by the Natives it would save both them and the country some thousands of pounds annually. The Hon. the Native Minister, to whom it has been submitted, instructed me to indicate in detail how it would work out in practice. This I have done in a supplementary memorandum; and I have Mr. Cadman's permission to submit both the memo-