

inferior to himself, and required to answer questions which he regards as insulting, he has indignantly left the Court, thus depriving it of evidence material to the case. All persons appearing before the Court stand necessarily on an equal footing; but, knowing as I do the strong feeling of rank entertained by old chiefs, I consider that in the Runanga an old chief's susceptibilities would not be so likely to suffer, and in my opinion the truth would be more likely to prevail. "It has been repeatedly urged during the recent debate on the Native Land Disposition Bill that the remedy for many of the grievances of the Natives would be the individualisation of their title, and that this would also tend to promote the general settlement and progress of the colony, and the prosperity of both races. This can be readily admitted as a theoretical proposition, but I venture to say—and any one acquainted with the subject would confirm the statement—that under the present system, and at the rate of progress now made, it would take very many years to individualise Native title in the Native Land Court, owing, as I have already pointed out, to the way in which nearly every claim is contested. I have not mentioned the subject of applications for rehearing, which are becoming more numerous every year. The longer the time a case has occupied, and the more care devoted by the Court to its investigation, the more certain it apparently is that an application and agitation for rehearing will follow. I think this unsatisfactory state of things would be remedied by the system I propose. It is also my opinion that the scheme proposed would tend to facilitate subdivision and individualisation of title by the Court, and would bring the Natives into harmony and sympathy with the Court, instead of their present antagonistic and dissatisfied state of feeling with regard to it. In conclusion, I would remark that it may be said that the Natives have at present power to do all that I propose, and that the Court would gladly ratify the unanimous decision of the claimants as to the title of any block. This I am aware of, and it is the fact that the most satisfactory decisions of the Court have been in cases where the Natives themselves have agreed as to owners, which proves to my mind that the principle of leaving the Natives to settle amongst themselves the ownership of land could well be extended in the manner I have pointed out." This memorandum was written by me nearly six years ago, the date attached to it being the 15th August, 1885. Although many blocks have since then passed through the Court, yet I think that the larger blocks, which are now in an extremely unsettled state, would possibly have been satisfactorily settled under such a system as this. Six years' additional experience rather strengthens than weakens the convictions which I held when I wrote that memorandum.

2036. *Mr. Rees.*] I was going to ask you if you have had any reason to recall any portion of that argument?—I think not.

2037. You have been strengthened in the solidity of your argument by what has taken place since?—I think I have. In replying to this last question, I would say that I believe the scheme could with the greatest possible advantage have been applied in such districts as the Rohe Potae, where the Ngatimaniapoto Tribe could have arrived at such a settlement as would have been satisfactory to all concerned. It would also have worked well in the Taupo district, where the Ngati-tuwharetoa Tribe could have so dealt with their lands. The hearing in connection with the Rohe Potae Block commenced on the 28th July, 1886, so that it has been in progress about five years, and, for the practical purposes of dealing with it, it is but little advanced; whereas, I think, if it had been dealt with under such a plan as I have mentioned, the title could have been ascertained, and comparatively without cost to the Natives, in one-quarter of the time.

2038. And without cost to the country?—Yes. I should like to add in connection with this memorandum that it is evident that the whole success of such a scheme would depend entirely on the Natives themselves. The advantages and inducements it offers them to be fair and to endeavour to arrive unanimously at right conclusions are so great that I think they would override any temptation to mere cupidity and selfishness. For instance, in respect of a valuable block of land, the Natives know what would be the cost in attending the Court in connection with it. They know that there would be the Court fees to pay, and that the expense of attending the Court and the costs of the agents must swallow up a very considerable proportion of the monetary value of the land. Under this scheme of mine they have the whole matter in their own hands, and would be enabled to make such a division as all would be satisfied with—each one getting what he was fairly entitled to—while it would cost them practically nothing at all. That inducement of itself being so very great, I am of opinion that if the scheme was properly explained to the Natives, by some one who was interested in seeing it carried out going among the Natives and urging them to endeavour to give effect to it, and if they fell in with it, and consented to take it up, it would lead to the ascertainment of their title in a very short time. There is this other advantage that might be mentioned: There would be no question then of lands not being able to be dealt with by the Court, because the Natives in the different districts could deal contemporaneously all over the country. And, moreover, I might add that I suppose no people who ever existed have been so capable of dealing with their lands judicially, and of perceiving and arriving at conclusions respecting them, as the Maoris themselves. In my opinion, it is an occupation that would be extremely congenial to them.

2039. *Mr. Mackay.*] There is no doubt about that?—In the course of my experience as a land-purchase officer I have had occasion frequently to have large meetings of the Natives, at which every person interested in the title had a right to be present and to speak; and I have found that, whether it was a man or woman, young or old, they were all capable—and highly capable, too—of conducting their own business and of looking after their own interests; and I think they would be found equally so in arriving at questions of title under this scheme. I hope I do not weary the Commission?

2040. *Mr. Rees.*] Certainly not. What we want is to get information of different lights and different shades on the subject committed to us for investigation?—One other advantage of this scheme which I think would tend to make it successful is this: that the majority would not be tempted to oppress the minority, or the minority to prove obstructive, because the whole result of their time and labour would be thrown away if the decision was not fairly unanimous.