

for each such offence, to be recovered summarily by proceeding before a Resident Magistrate or two Justices of the Peace. (30.) Such expenses of the Runanga as the Chief Judge may approve as necessary to the investigation may be made a lien upon the land investigated, and the Chief Judge shall direct accordingly." Of course I do not propose to say that these clauses are sufficiently perfect, but they generally sketch out, I think, the whole of the proceedings. I think it would be found that some such scheme working side by side with the Native Land Court would tend to facilitate the operations of the Court. For instance, those Natives who might not feel disposed to bring their lands under the scheme for settlement by the Runanga would be more ready to bring them before the Native Land Court and to press them on to a decision, in order to demonstrate that the Court was the best tribunal for the purpose; and, on the other hand, those favourable—assuming the Natives were favourable—to the system of inquiry which I have indicated would have an interest in showing that if trusted they were worthy of such trust, and would endeavour to make the scheme a success. What really we desire to arrive at in connection with the ascertainment of the Native title by any scheme that may be devised is reasonable speed in arriving at decisions, which cannot be said to be the case at present, and finality in the decisions when they are arrived at, which also does not exist now; and also—which is of the utmost importance—that every decision should declare at the earliest time possible the relative interests of all the owners in any block of land investigated.

WELLINGTON, 13TH MAY 1891.

Mr. THOMAS WILLIAM LEWIS (examination continued).

2042. *Mr. Rees.*] When the Commission adjourned yesterday afternoon, Mr. Lewis, you had just finished one portion of the subject you were dealing with, and we understood you to say that there were some other points with which you wished to deal before we proceeded to ask questions?—Yes. I do not exactly remember the point at which I left off. I think, however, I left off yesterday by expressing the opinion that the object we desired to attain was reasonable speed in arriving at decisions by the Native Land Court, and that there should be a declaration by the Court at the earliest possible stage of the proceedings of the relative interests, and that, furthermore, there should be finality in the judgments and orders of the Court. I could enlarge upon each of these points, and submit illustrations of the difficulty in which the Government and, much more, private purchasers are placed in the purchase of land before the relative interests are declared. For example, in respect of the Rohe Potae, a large block in the Waikato, which, as the Commission is aware, the Government and the public have been most anxious to acquire for settlement, although the Court has been sitting on that block for about five years, yet in comparatively few of the cases are the relative interests determined; and the Land Purchase Department finds itself in this difficulty: that when interests are bought the non-sellers immediately turn round and say, "Oh! the shares you have bought are simply those of persons admitted through *aroha* (love), and they have really but little interest in the land." It is obvious that the only way in which the Government can deal with a block of land before the relative interests are determined is by the assumption, unless in exceptional cases, that the interests are equal; and what I have mentioned will show the immense importance to every purchaser of Native land, both as a matter of security to the purchaser and of justice to the Natives, that the Court should, in giving its decision, declare the relative interests of the owners.

2043. *Mr. Carroll.*] Or, would you put it in this way: that the relative interests should first be defined before any sale was permitted?—That I should be quite prepared to concede if it were not for the delay that would thereby arise in the acquisition of land for settlement. The Commission is aware that the Land Purchase Department of the Government has been pressed by the public to acquire lands for settlement, and the department is met by the difficulties in the title. When the land has passed through the Court, and the owners are ascertained, the Government have considered it inadvisable to wait for the ascertainment of the relative interests, as possibly a very long delay might occur, and have proceeded in several cases to purchase land; but a risk is thereby run which is obviously unsatisfactory to the department purchasing.

2044. And to the Government?—And to the Government. I may say that generally, in the purchase of large blocks, when the cases have come before the Native Land Court for partition the matter has come out fairly satisfactory, but not so satisfactory while the purchase is going on as it would be if the relative interests were known, and each person was dealt with according to the value of his interest.

2045. *Mr. Mackay.*] The interest to be defined afterwards?—I mean that if the relative interests are determined beforehand then you know what you are buying, but if they are not determined you do not know for certain what the interest is that you have acquired until the Native Land Court has determined it. I may illustrate what I mean by stating what is done. We will suppose we are dealing with a block in which there are, say, five hundred owners. In the purchase of that block, speaking generally, the Crown has to assume that the owners hold in equal shares. The purchase goes on until, say, two or three hundred or more interests have been acquired. When the Crown desires to realise, as it were, upon its purchase, it applies to the Native Land Court to cut off an area equivalent to what, in the opinion of the Court, the Crown has acquired.

2046. *Mr. Carroll.*] I understand you to suggest this: that it would be better if the relative interests were first defined before any sale proceeded, or any purchase?—Undoubtedly, if it were not for the delay,

2047. But the Government cannot stand the delay, and, as it cannot stand the delay, that, no matter what purchases it may have made, whether they be large or small, they should be taken on the basis of equal shares?—That is the general rule laid down when the purchase is started. There are exceptions.

2048. The question arises whether that would be satisfactory to the Natives. Of course it  
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