suits the Government right enough?—Any one acquainted with the purchase of Native land knows that the shares are not necessarily equal, and it is obvious that you may pay more or less than you ought for them on the basis of equal shares; but it would be really making the land-purchase officer a Court to decide the relative interests if we made a difference in respect of each share purchased.

2049. *Mr. Rees.*] Is there any criterion by which the Native Land Court can judge of the relative interests?—Yes; I should say the same kind of evidence that decides the question of ownership would enable it to decide the question of relative interests.

Mr. Mackay: In the case of the Government taking land under the Public Works Act, the Court awards a sum *in globo* for the damage, and then makes award not only for the sum, but for the proportions.

2050. *Mr. Rees.*] I am asking if there is any rule by which the thing is done. Is there anything beyond the mere arbitrary decision of the Court as to what is the individual interest?—I should say that the whole principle under which the Court acts is bound to be more or less arbitrary. I take it that when colonisation started in New Zealand we found the Maoris holding under a tenure of their own, which was the right of the strongest, and which was liable to be shifted and altered from time to time. With that right, there was undoubtedly the right of the chiefs to give away large tracts of land, and then possibly those who had the strongest claims were those who were the strongest and best able to hold them; and the introduction of the law which clothed the Maoris with a title, and which started upon the assumption that every Maori in New Zealand owned land, compelled the Court necessarily to act more or less arbitrarily in its decisions. Starting with the assumption that the object of the Court is to clothe the land with a title that will enable it to be dealt with, you are met at once by the necessity for deciding the relative interests to enable the proceeds to be properly divided amongst those entitled to participate in them. That division may be, and probably must be, a more or less arbitrary division, governed as far as it can be governed according to Native custom by principles of equity. What I wish to make clear is this: that when the Native Land Court has gone the length of declaring that a certain block of land is owned by five hundred persons, it has done comparatively little that facilitates the acquisition of it by purchase, unless it declares, in the judgment of the Court, according to the evidence before it, the relative interests; or, in other words, in what proportions these five hundred people should receive payment for the land.

2051. That supposes the individual right of each?—You open up by that remark a rather large field of inquiry, in this way: There may be persons who have occupied and cultivated the land, and who have done so from time immemorial. The basis, as I understand, upon which the Native Land Court goes in the ascertainment of title is this: The Court considers that when New Zealand became a British colony in 1840 that fixed the title of the Natives at that time; so what the Court sets itself to inquire into is, who were the owners of the land, according to Native custom, in 1840; and it is those owners, or the descendants of those owners, who are entitled to be declared by the Court to be the owners at the present day. In point of fact, the title is not assumed to have changed since that time. This is the point I was coming to: There may be, therefore, persons who were owners according to Native custom in 1840, but since then they may have had visitors amongst them, or others who were admitted as having a certain right in the land, and who were admitted by the Natives themselves under what is known as *aroha*. Now, those persons who may be admitted into the title through *aroha* are rightly considered by the Maoris to have a much smaller claim than the persons who own otherwise according to Maori custom, and that is a class of cases where the Court will, having admitted, at the request of the Natives themselves, a number of names through *aroha*, subsequently say that these persons so admitted have only infinitessimal claims.

2052. *Mr. Carroll.*] Excepting in a very few instances, according to my understanding of Maori law, there was no actual individual ownership. There were family holdings, and many family holdings made up one large tribal holding. One family might own a larger portion of the tribal territory than another family or hapu. We will take, for instance, a portion of the Wairarapa—the block called Ngawakaakupe. This is a block containing about 60,000 acres. Although the whole of the Wairarapa hapus formed into a tribe to protect all their respective estates within the tribal boundary, still they always acknowledged that this block belonged to the section called Ngatihikawera. That has been admitted by them in Court, with the exception of a few claims along the borders—claims for inclusion into the portion along the boundary. As, therefore, that hapu was too weak in itself to hold its property against any invading party, still, in confederation with the other hapus, who had also holdings to protect, they formed a tribe to resist aggression from outside. But still, in subdivision you find one hapu owning a larger piece of land than another hapu. All the adult members of that family would share equally, excepting where some of their relations have intermarried into other families, and have not been constantly lighting fires on the land, but coming back occasionally and rekindling fires at intervals. They would be still, according to Maori opinion, those who had weak claims, and their proportion of the hapu estate would necessarily be small?—Quite so. I would remark that I quite agree with what Mr. Carroll has said, and that is what I meant by saying that the Native Land Court, in deciding the ownership, should at the same time decide what those differential interests were.

2053. If you push the question further, and say, What is the exact area to which each individual was entitled? there is no answer to it?—But when the land is being dealt with, and you are apportioning the purchase-money, it becomes necessary to have an authoritative decision as to what the relative shares of the owners are.

2054. *Mr. Rees.*] In relation to the Native Land Act of 1865, which introduced ten people into the ownership, was there anything like individual dealing in Native land in New Zealand? Was it not all done by the chiefs of the tribe?—So far as I am aware, it was.

2055. Then, the processes of our statute law have compelled this distinction of the individual ownership?—Undoubtedly. I think that I will reserve anything further for what might be