

2084. Then, the fault, to your mind, is this: that the Trust Commissioner does not conserve the interests of the Maoris, because he is only too ready to put his certificate on a deed?—I do not wish to make any reflection on the Trust Commissioner. On the contrary. But I take it that the Trust Commissioner, with the fact before him that the purchaser has in good faith paid the whole of the purchase-money on a valuable block of land, would feel himself bound by that fact in a way he would not be if his inquiry was altogether preliminary to the payment.

2085. What is the risk that the purchaser contemplates under the hands of the Trust Commissioner which causes him to pay a lesser sum for the block of land than he otherwise would? Is it the risk of a close scrutiny or not?—No; but you can conceive of cases where a man who had received all his money for a piece of land could go and declare before the Trust Commissioner that spirits or ammunition had formed part of the payment. That would invalidate the deed. He might, as the law stands now, say that he had no other land, and thereby put the purchaser to considerable difficulty in proving that he had. There could, I think, be no difficulty in proving that the price of Maori land sold to private individuals is very much less than would be realised by the same land sold by Europeans.

2086. Certainly their money goes, and you think this is to some extent due to the process of appearing before the Trust Commissioner, and the risks attendant upon that?—Yes, obviously; because, in the case of a man buying land from a European, I assume that he would not pay his money absolutely away until he saw that his title was perfectly secure; but in the case of the Trust Commissioner, one of the subjects he has to inquire into is as to the consideration that has been paid. Consequently, the whole of the payment has usually been made before the inquiry takes place. Then, it has to be remembered that, although the law does not allow purchasers to deal for any land where there are more than twenty owners, even if we take the case of twenty owners in a block the negotiations for a purchase may last a very considerable time before they are completed. You may have some of the Trust Commissioners insisting—and, perhaps, properly so—upon the person who has sold being brought before them; and in all cases where there are a number of sellers that difficulty would of itself make a serious difference in the price.

2087. Supposing the Trust Commissioner was removed, and there was no Native Lands Frauds Prevention Act, what form of inquiry would you have; or would you admit that an inquiry was necessary into the *bonâ fides* of the transaction?—I cannot see, myself, what good the inquiry is, because I assume that, in respect of any transaction not *bonâ fide*, or in which the Frauds Commissioner would have power to refuse his certificate, the wrong would have its remedy under the ordinary law.

2088. In the Supreme Court?—Yes.

2089. That would necessitate any Maori who thought he was suffering from fraudulent practice going into the Supreme Court?—Yes; and I assume that transactions generally as between Europeans and Maoris would be fair and equitable. I assume that in the great majority of cases the Maori knows what he is about when he is signing a deed.

2090. You assume that there is no necessity for all this protection, and that it would be sufficient to leave the European purchaser to obtain a receipt for the money he has paid?—Quite so. I first of all assume that the protection afforded by the Frauds Prevention Act is quite infinitesimal, and that the Maori has to pay very dearly for it by the reduced price he gets for his land—that, in point of fact, he receives a pennyworth of protection at a cost, we will say, of a pound. I think that, in cases where Europeans are allowed by law to purchase, the nearer the transaction is assimilated to ordinary transactions between Europeans the better prices the Natives will get for their lands. It will be more satisfactory to the European as well.

2091. Then, would the European have to go into the Native Land Office and find out if the Maori with whom he was dealing for land had sufficient land left to live upon; or who is to make these inquiries, assuming that there has been fraud, and that it is necessary that the Maori should not be allowed to denude himself of all his landed property?—I should say there would be no difficulty in the Maori going and getting a certificate from the Native Land Court that he is the owner of such-and-such land, just in the same way as he would get a succession order.

2092. Yes, but he may sell all he has got without going to the Native Land Court?—You may say the same thing is possible now. If a deed is executed now in respect of Native land, and the purchase-money is paid, and then the Frauds Commissioner satisfies himself that the Native had sold all his land, he would refuse his certificate, and the purchaser would be defrauded of his purchase-money.

2093. But you were saying that there should be a different state of things—that there should be no Trust Commissioner?—Quite so. The Native Land Court's certificate, obtained before purchase, would meet the case. I understood your line of question to be that the Maori would lose nothing, because there would be no risk to be run by the purchaser. Your last remark shows a very evident risk that the purchaser would run. He would run the risk of the Maori denuding himself of the whole of his land. In respect of that risk, or any risk that he runs, the purchaser makes a difference in the price to be paid, and, in my opinion, it will be found that the unknown risk, although it may be but a very small one, will lead to the purchaser making a larger deduction on that account.

2094. I wanted to see if you had anything in your mind wherewith to replace this protection?—The Native Land Court should before purchase certify as to the Maori having a sufficiency of other land for maintenance than that proposed to be sold: beyond that no other protection is necessary, and, at all events, it is not, I think, given by the Lands Frauds Prevention Act.

2095. In buying the interests of Natives in a block of Native land, does the Crown take any trouble to find out whether the Natives selling to it have other land to live upon?—Yes, it is an almost invariable rule that reserves are made—in fact, I may say it is the invariable rule, without any exception, that the Crown is aware that the Native selling has plenty of other land.