

2161. It seems to be outside the power of any Legislature to discriminate between such cases—It can only be done by a tribunal inquiring into the merits of each case that one can be discriminated from the other. Take the case of *Paraone v. Matthews*, where it was held in the case of Land Transfer lands that unless the Native title was registered the dealing could not be registered. A large number of deeds have been shut out by the registration office because the succession orders have not been registered before the dealing. While there was no fraud, illegality, or anything else involved, it simply happened that the purchasers, through no fault on the part of themselves or their lawyers, had not registered the succession orders, not knowing that they were bound to do so.

2162. And they were not allowed to register the deeds signed by the non-registered successors?—No; the deeds were shut out, and in some cases the whole of the expenses had to be gone over again through this little flaw. In some cases the persons dealing have not been able to do it.

2163. *Mr. Rees.*] Some of the Natives may have died in the meantime?—Yes. The difficulty has been amended now, so far as regards transactions after the Land Transfer Act of 1889.

2164. That Act leaves the operation of the Native question open, but closes it as against the European. The man must have registered prior to making his own title?—The effect of the Amendment Act is that it is not necessary to have the succession order registered after the passing of that Act, but it does not validate those that were executed before.

2165. You think that is a class of cases which should be rectified by such a tribunal as we have spoken of on examination of the facts?—Yes.

2166. The Legislature has provided for the rectification of subsequent transactions, but not as to prior transactions?—Yes.

2167. Do you think it would be wise, in relation to Maori dealings, where numbers of Maoris hold land in common—that is to say, tribal land—to find a simpler method of dealing than that which is in vogue at present? Supposing there are a hundred owners in a block of land, instead of the whole of these owners having to sign, would it be advisable to have a Board like the Waste Lands Board, but partly appointed by the Government and partly elected by the Maoris, to carry into effect what the owners desired to have done with their land, and the Board having the power to give statutory titles?—I think it would be a very good thing in theory, but I do not think it would work, because you cannot get the Natives to assent.

2168. Would there be any other difficulty if the Natives assented?—No, I do not think there would; but I cannot imagine that the consent of the Natives, if obtained now, will be permanent. Very soon some will say they never gave it, and will take advantage, through their members in Parliament, at a time of close party-fighting, to force the Government to give back the management of the lands.

2169. *Mr. Carroll.*] How would it do, do you think, to revert to the principle that was laid down under the 17th section of the Act of 1867, with slight alterations, which enabled ten or a less number of the owners to be put on the face of the certificate with power to act, and the rest of the owners being registered on the back of the certificate?—I do not think that the indorsement of the owners would work at all. It has created a great deal of confusion. I think the proper way is for the Native Land Court, or whatever tribunal it is, to issue titles for each block in such a manner that as few owners are included in the orders as possible, but that all the owners in that block should be included.

2170. That is to say, the principle of the Act of 1865?—Yes; that was the intention of the Act of 1865.

2171. There is this to be looked at: There are large tracts of land throughout New Zealand owned by Natives, the character of which land is very poor—hilly land, and weighted with an enormous number of owners. Now, there would be a difficulty in cutting up that land into convenient areas. There would be the cost of surveying, and other expenses contingent upon that, and after all this is done the land may not realise the expenses incurred?—Yes; that is true.

2172. The Act of 1867 did work unsatisfactorily, because there was no control whatever over the ten by the registered owners?—Just so.

2173. The ten received the money and disbursed it in whatever way they liked. They were not responsible to the original owners. Supposing the principle of that Act were altered so that the ten should merely be the performing hands for the rest of the owners; that they should execute sales or leases, but not to be the recipients of the money; that each individual should be paid his share of the money, and that previous to this each individual's interest should be defined by the Natives themselves and the Court, so that they may know probably how much each one will get—how would that act?—I do not see why you should restrict the number to the ten. I do not see why you should not include the *cestui que trustent* along with the rest.

2174. There is only this reason: that the trouble of having to get all the signatures would be great, and that you would have to run all over New Zealand for them; whereas if the Native owners in a block selected some of their number to act as an executive, the trouble and cost would be minimised?—I could not alter my view about that. I certainly think the Maori idea of trusteeship is one with very loose limits, and that you cannot provide for one Native having authority to act on behalf of others with any certainty that the *cestui que trustent* will be fairly dealt with. I am afraid it would not require very much inducement to cause the selected Natives to lease or sell against the wish of the *cestui que trustent*.

2175. *Mr. Rees.*] Supposing a Government officer or the Commissioner for the district had to receive the money and distribute it?

2176. *Mr. Mackay.*] Such a man, for instance, as Mr. Rennell, on the West Coast?—That, I think, is the best system. But, as far as the contracts are concerned, they should be with the Natives themselves.

2177. *Mr. Rees.*] Supposing a man like that had to receive and distribute the money, and that there were a Board to give titles, how would that work?—Well, I should say it would work very well, subject to the approval of the Natives.