

2178. If the Maoris assented?—Yes.

2179. *Mr. Carroll.*] Of course, wherever they see there is any advantage to be derived from it they will go in for individualisation. We shall be leaving the door open to any limited number of Natives. But what is suggested is only to provide for cases where it would be ruination to go in for subdivision, as, for instance, in the back parts of the country, and waste land. That is the simplest method that would be fruitful of results both to the Europeans and the Natives.

2180. *Mr. Rees.*] You would have no Trust Commissioner in that?—I think I would have considered that the plan would work well had it not been for the experience in connection with the West Coast Settlement Reserves. I certainly expected when the Public Trustee was appointed to manage those lands for the Natives on the West Coast that it would work most satisfactorily; but there certainly has been a great deal of trouble, from whatever cause it has arisen.

*Mr. Rees:* But the Public Trustee never sees the Natives, or comes into contact with them; but the Board would?

2181. *Mr. Carroll.*] Mr. Samuel explains it in this way: that that failure was because the Public Trustee and the administrative officers under the Act held themselves to be responsible only to the Government. They do not hold that they are in any way trustees for the Natives, or administering the interests of the Natives. In all their work they act in the same manner?—I certainly never understood that. I thought the Public Trustee acted on behalf of the Natives in the first instance. I cannot think, looking to our experience of the Maoris in the past, that they would consent to hand over the whole of the administration of their lands to a body like the Waste Lands Board. Of course, I think it would work if it can be done.

*Mr. Carroll:* The Natives would not hand it over to any such Board appointed by themselves, where the powers were similar to those of the Waste Lands Board.

2182. *Mr. Rees.*] What is proposed is a Board appointed partly by the Government, and partly elected by the Natives, for the purpose of carrying into effect the will of the Natives themselves with regard to their lands. The Natives would say what they wanted done with the land, and the Board would carry it into effect, a Government officer receiving and distributing the money accruing from the land. However, if the Natives would assent, you think it would be a simplification of the present mode of land-dealing, do you not?—Oh, yes! but I do not think the Natives will assent. It must be remembered that successors often entirely repudiate what their predecessors have contracted to do. And I think "The Native Land Administration Act, 1886," was a dead-letter.

2183. Is there anything else you would like to suggest?—No.

2184. *Mr. Carroll.*] Can you suggest any system which you think would be an improvement upon the present mode of dealing with Native lands? We are trying to find out and elaborate such a system?—I have always thought—though it seems almost impossible to do it—that a Royal Commission travelling about the country and ascertaining definitely the hapu boundaries, with power to individualise each member's interest, is the proper way. The internal subdivisions are then accomplished with facility. Bringing the Natives to the Courts has not worked well. It is worth trying if bringing the Courts to the Natives would not succeed better.

2185. *Mr. Rees.*] That is valuable, too, because one of the subjects we have to consider is as to the constitution of the Native Land Court, its practice and procedure, with the view of ascertaining how they can be altered, amended, or reconstituted for the purpose of improving its mode of working. No doubt, in its present state the Court is very unsatisfactory, and it has been suggested by some witnesses that Native Committees should act in concert with the Native Land Court, the Committees to do all the preliminary work, such as deciding tribal and hapu boundaries, individual interests, and so forth. And, again, others have suggested that some District Commissioner should perform that work along with the Maori Committee, leaving the Native Land Court to act as a Confirmation Court or Court of Appeal?—Yes.

2186. A variety of opinions have been expressed by those who thought over the matter, both Europeans and Natives, and we want to get whatever suggestions we can obtain, so as to select what is practicable?—I think it creates great complication to have too many tribunals. If one tribunal could be set up for the whole it would be best. The thing requires simplification.

2187. *Mr. Carroll.*] The cardinal points would be simplicity, inexpensiveness, and justice?—Yes. I think that the question is to decide whether the Natives are to be allowed to sell their lands. If it is not thought advisable for them to alienate their lands, then that limits the field tremendously. But if the policy should be to allow them to alienate their lands, the whole process should be made as simple as possible. It is quite clear that the number of tribunals dealing with Native lands cause, in ways that one cannot foresee, enormous expenses to everybody concerned. For that reason I do not know what to say about your proposed Native Land Court of Appeal. I think one tribunal ought to do the whole business.

Sir ROBERT STOUT, K.C.M.G., examined.

2188. *Mr. Rees.*] You have twice been Attorney-General of New Zealand, have you not, Sir Robert Stout?—Yes.

2189. Irrespective of your position as Attorney-General, have you ever, in the practice of your profession, examined into the nature of the Native-land laws of the colony?—Yes; and I have been concerned in a great number of Native cases. I was concerned in several as far back as 1878 and 1879, and of course I have been concerned in many others since then.

2190. Generally speaking, what is the condition of the Native-land law at the present time? I mean, is it in a simple and easily-understandable condition, or is it in a condition that is complex and difficult to understand?—It is in an exceedingly complex—in fact, an almost chaotic state.

2191. Do you think that at present that portion of the Native-land law which refers to the alienation of land from Maoris to Europeans is such as to enable them to deal easily and safely?—No; it seems to me that at present the only portion of the community that really can deal in