incidents of it absolutely, but I think t ere was a case before Judge Richmond as to the effect of the memorial of ownership.

2216. The memorial of ownership, too, would appear to be intended only for the ten, as in the Heretaunga land under the Act of 1865?—No.

Mr. Rees: Renata Kawepo proposed a case at one time to his tribe, as the Natives would not give the necessary agencies. Dr. Buller was to take it up, but he went Home. I drew the declaration for Dr. Buller, who was acting in that particular case for Renata Kawepo. I remember Dr. Buller asking me to draw the declaration, and I remember drawing it in his office.

Mr. Carroll: Dr. Buller was the solicitor on the record, and Mr. Bell was the counsel.

2217. *Mr. Rees.*] Then that never was tested?—No.

2218. Did Sir Donald McLean anticipate the confusion which would arise by getting the individual Natives to sign the deeds—having immense numbers of people to sign them?—No; because his aim was to arrive at partition, thereby producing limitation of numbers: and this was avoided. In fact, I think the Act of 1873 was not done justice to—that is to say, that the partition under it was not encouraged as was intended by Sir Donald McLean. That was the whole aim of the Bill.

2219. *Mr. Carroll.*] Was it in consequence of that aim that he placed the checks on alienation which do appear in the Act?—Yes. He wanted absolutely to get all blocks of Native land reduced into some practicable size before he would allow any person to interfere.

2220. But European purchasers seem to have got underneath the Act, and they went on purchasing individual shares, waiting until they got a majority of them, and then applying to the Court for partition?—Yes, but that was not the intention.

2221. *Mr. Rees.*] Sir Donald McLean's intention, I suppose, broadly, was to compel the Natives by that species of coercion to deal as individuals?—In the first instance, if I may say it, to deal as sections, and then as individuals. He wished to avoid the old state of things—as the issue of grants in trust had shown that the Natives whose names appeared proved to be greedy—and yet not to compel the insertion of more than a certain number of names in the grant.

2222. Ten was nearly always the number fixed?—Not by Sir Donald McLean: he wanted partition so as to get a reasonable number in each section.

2223. *Mr. Carroll.*] In fact, he had in his mind hapu holdings or family holdings?—Yes.

2224. *Mr. Rees.*] The policy was to issue the deed to a section, but making the assent of every individual necessary?—That was imperative in order to avoid litigation. If his scheme had fructified, there would be no difficulty in obtaining the names and signatures of the twenty persons in a block, and then in the testimony of living men you could have passed a title that it was not possible to destroy. That was his aim—not to leave any unascertained title for future question.

2225. *Mr. Carroll.*] You say that Europeans set the law at defiance?

Mr. Rees: No; they hardly set the law at defiance. The principle was wrong, and it could hardly be made good.

Mr. Carroll: It was never intended that Europeans should purchase individual shares. But to make it complete it was necessary that the people, or a majority of them, should assent to the sale.

Mr. Rees: It wants more than that—not only that a majority should assent, but that every one of the majority must sign the deed after subdivision, or else you must have another subdivision.

Mr. Carroll: I think, under the Act there is provision for tribal assent.

Mr. Rees: That is, after subdivision.

Mr. Curnin: On the question of the selling of lands under the Act of 1873, the assent of so many being ascertained, you could apply to the Court, and then the Court would make an order for subdivision of the dissentients' part.

2226. *Mr. Rees.*] Two orders, one for those who assented, and one for those who dissented?—Yes, and those who assented got an order for a freehold.

2227. They had afterwards to sign again. The Kotarapaia case seemed to favour that, but Judge Richmond afterwards said he did not intend that. However, that was the view Sir Donald McLean held which you now mention?—Certainly.

2228. The course of recent legislation—from 1873 onward—has been what is called free trade in individual Native interests—the purchase of individual interests everywhere?—With the legislation since that time I have had nothing to do.

2229. You have not been conversant with the principles of these recent Acts?—No; I have not had to do with them. I always thought that the principle of the Act of 1873 was an equitable one, and ought to have worked well.

2230. Then, Sir Donald McLean did not hold the belief that under tribal titles you could go and deal with every individual?—Oh, no! His first aim was partition amongst the tribe. I judge that from his instructions to me in drafting the Bill.

2231. Then, do you consider from what took place between Sir Donald McLean and yourself in relation to that law that he held the belief that the dealing between Natives and Europeans in respect of Native land should be either by the tribe or by the hapu?—He did not think it practicable, and therefore vetoed, the bringing of the tribe and the individual European purchaser face to face.

2232. He did not think tribal dealings were practicable, but that hapu dealings were?—Yes.

2233. Then, regarding the Native Acts passed since 1873, you do not know, Mr. Curnin?—No, I do not know anything about them.

2234. *Mr. Mackay;* There are those questions with reference to surplus lands that Hone Peeti mentioned at the Bay of Islands. Perhaps Mr. Curnin can give some information relative to those points.

2235. *Mr. Rees.*] Great complaints were made to us in the North as to the Government having injured the Natives in two ways: first, by taking what were called "surplus lands"—that is to say,