The trustees and the whole of the Natives would have to work the thing out before the Commissioner. Of course, the Commissioner would not allow a contract to buy land at some ridiculously low sum. He would see that the business was done fairly as between the Natives and the European. One great advantage of this method would be that the European, on the completion of the transaction, would be enabled to at once enter into possession.

590. Could not that be done under simple regulations, a valuation of the land being taken, and the Natives consulted as to how much they would sell, and ample reserves being made?—So long as the Natives made the bargain; but they would not allow Europeans to make bargains on their behalf without consulting them, no matter at what price they valued the land.

590A. For instance, the Natives might object to sell to a particular person, whom they did not like to have near them?—Yes.

591. Is there anything else that occurs to you?—Another mistake that is made at present is to disturb the sittings of a particular Court, removing the Judge or Judges away to hear cases at distant places. Now, in the Thames district there is no doubt that the most convenient place for the sittings of the Native Land Court is at Shortland, because the Natives can come there from Waiheke, Cape Colville, Coromandel, the Waikato, and other places very conveniently, seeing that it is approachable by steamer, and by land conveyance. But now and then certain Natives, acting under the influence of publicans and storekeepers, get up in Court and ask that the sittings be held at Paeroa or some other place, and if the proposal is assented to all the rest are put to great trouble, expense, and inconvenience. That is one of the matters that require attention. For instance, in the cases in which I am now engaged the Chief Judge goes so exhaustively into these matters that he does not allow himself sufficient time for the purpose. No sooner does he get to the Thames than he has to leave again and act elsewhere. The whole thing is drifting into utter confusion. Under this proposed system of mine, there would be a great deal less expense in surveys. As it is now, it frequently happens that the survey is made of a certain block, and then afterwards the adjoining blocks have to be surveyed as well, and some of the same lines gone over again. Then again the Maoris dispute about a boundary, one saying it is here, and another that it is there, instead of first of all settling these disputes on the ground, and making the survey after the boundaries have been settled.

592. You refer to the survey for boundary, and not for mere subdivision?—Yes. The surveys now cost a great deal more than they did in the early days; but I will say that they are now done much more accurately because the surveyors are better men as a rule than we had formerly.

AUCKLAND, 18TH MARCH, 1891.

FRANCIS DART FENTON sworn and examined.

593. *Mr. Rees.*] You were the first Chief Judge of the Native Land Court, were you not, Mr. Fenton?—Yes, so-called. Mr. Domett was Commissioner of Crown Lands, and to a certain extent fulfilled the duties under the Act of 18 , which I also fulfilled under the Act of 1865. But perhaps a comparison can scarcely be made between the two, as the issue of a certificate under the Act of 1858 had no effect until it was approved by the Governor, and Mr. Domett had to see that everything was correct before he allowed the Governor to sign.

594. You remember the passing of the Acts of 1862 and 1865?—Oh, yes: I made a mistake. It was the Act of 1862 I was speaking of, not the Act of 1858.

595. The Act of 1862 was in reality the first Act reserved for the assent of the Crown, and it paved the way for the Act of 1865?—There was a preceding Act, which had had little or no operation—that is to say, Mr. Richmond's Act, called the Territorial Rights Act. It was, if I remember aright, disallowed in England.

596. That was still further back—in 1856, I think. It had little practical operation?—None, I think.

597. You have seen the commission under which we are sitting, have you not?—Yes, I presume that I have.

598. Here is a copy which you may keep before you?—I wish I had had longer notice of the Commissioners' intention to examine me.

599. We did not know that you were in town until a day or two since. You know that complications have arisen between Natives and Europeans in regard to their mutual dealings about Native lands?—Yes.

600. They seem to fall into two classes, one class comprising cases in which particular requirements of the law have not been complied with, although the dealings are fair and just as between the Natives and Europeans. The other class of cases seem to consist of those in which there are matters really in dispute between the Natives and Europeans?—Matters of a fraudulent nature, do you mean?

601. Sometimes of that nature, and sometimes where the law itself is in default; sometimes cases in which there have been restrictions, and in which purchases have been made in defiance of the restrictions; sometimes cases in which there have been Proclamations, and in which purchases have been made in defiance of these Proclamations?—There are such cases, but those are more numerous where errors have been made by the Land Court. Of course, you cannot manage large transactions of that kind without making errors.

602. Do you think, in relation to that class of cases where no fraud is alleged, but where the dealings have been in good faith and fair and honest, do you think it right that power should be given to some tribunal to rectify all such errors?—There can be no doubt about that—certainly I do. It was the want of some such tribunal that caused the Taranaki war. If there had been such a tribunal there would have been no war at Waitara. The remarkable thing is that I had to sit on that case afterwards.