

1643. When the titles are completed, or are supposed to be completed, do you find that even then they are absolutely safe, or that, in some cases, they are still open to attack?—More often than not they are open to attack—in fact, so much so that I make a point of never advising a client to lend money on the security of land held under title from the Natives, the title to which has been acquired by Europeans.

1644. Can you state from your own knowledge of the profession generally in this district whether this is their common feeling with respect to that?—I know it is in most cases. Most of the practitioners here who have any reputation at all will not give any guarantee of safety to their clients in dealing with Native matters, by reason of the absolute uncertainty existing with regard to titles to Native land, even when they are supposed to be completed, and when all the formalities of the law have been practically complied with.

1645. Do you know anything of the working of the Native Land Court through attending its sittings?—No; I have practically no experience in that respect. I have attended the Court on a few occasions, but I cannot say anything that would be of any use to the Commissioners with regard to that branch of your investigations.

1646. Do you think it would be wise in the public interest that a Court should be appointed to settle definitely all questions of title that are now outstanding?—I should say it would be a very great boon to the colony.

1647. Are you aware of cases in respect of which there are technical matters—matters of omission and so forth—which might be used to invalidate titles to land?—Yes, I think there are.

1648. Are you aware of the existence of another class of cases in which it is alleged by Natives and Europeans that there are serious causes of complaint, not merely technical matters, but cases in which there are allegations of wrong-dealing and illegality?—Well, in a general way I have heard of such cases, and I believe that such cases do exist.

1649. You are aware that there are two classes of cases—one class in which there are mere technical informalities, and in respect of which there is no allegation of wrong-dealing, and another class in which there are serious matters of contention between the parties?—Yes.

1650. Now, in relation to those two classes of cases, what would you suggest to the Commission for dealing with such cases? First of all, in cases where there are merely technical omissions or non-feasance as to minor details, would you consider it fair and just to put them on a sound and satisfactory footing?—I should think it would be very desirable that a Court of some sort or another should be established for the purpose of validating all these simple technicalities, where there is nothing else requiring to be put right between the parties who have been dealing. In such cases it would only be an act of bare justice to do so.

1651. In regard to cases involving contentious matter, do you think that to have some tribunal to settle these on their merits would be advantageous, such a tribunal to give final decisions?—Yes; and such a tribunal should certainly give final decisions.

1652. Do you think that the Europeans whose titles are so situated would sooner have them finally settled than allow them to remain in their present position?—I think they would sooner have them finally determined—in fact, I am sure of it so far as my knowledge of these cases goes.

1653. Do you think it advisable, in regard to future dealings with Native lands, that a simpler method than that now in vogue for the alienation of Native titles to Europeans should be adopted?—Yes, distinctly so.

1654. Is there any other point beyond these to which your attention has been directed at all?—No, I cannot pretend to suggest anything to the Commissioners, for the simple reason that I have never considered in what way these things should be done; but that there would be a great advantage resulting from the reforms you indicate I think there can be no doubt.

1655. You are perfectly clear as regards the former questions you answered—that is, as to the deplorable state of operations in respect of Native land at present, and their probable results. You are quite clear as to that?—Yes.

1656. As regards all past transactions, you think that a strong tribunal should be erected to settle whatever is at present in suspense?—Yes.

1657. And as regards future transactions you consider that a simpler and more certain method of dealing with Native lands should be adopted?—Yes, I do.

1658. Is there anything further you would like to suggest?—No.

Mr. JOSIAH PRATT HAMLIN examined.

1659. *Mr. Rees.*] You are a licensed interpreter?—I am.

1660. How long have you been resident in Hawke's Bay?—Since 1871.

1661. And have you been a licensed interpreter all that time?—Yes.

1662. For how long a period have you had any means of obtaining any knowledge concerning the working of the Native Lands Acts and the means of dealing with Native lands?—Ever since 1869, before the memorial-of-ownership system came into force.

1663. Prior to 1873 the Acts in force were the Acts of 1865 and 1867?—Yes.

1664. Can you state that you know anything at all as to how the Native Land Court commenced the system of giving tribal lands to ten people, under the Act of 1865? Did you ever hear, or do you know, how that came about; because we find very great difficulty in accounting for it?—Do you mean that you wish to know how the Court managed in those times?

1665. No. Do you know on what ground the Native Land Court, instead of giving the land to the tribe by name, which was one of the provisions in the Act of 1865, gave the tribal lands belonging to large numbers of people to only ten of the owners, or less? Did you ever hear the reason stated for the Court doing this?—I cannot say that I have heard the reason for that. Of course I have been present in Courts when a hapu or a tribe have proved their claims to certain lands, and they have then been told to settle amongst themselves outside the Court who were to be the ten whose names should appear in the certificate.