

1687. I suppose that was because the total control was taken out of their own hands?—Yes. They wished to have the management of their own lands themselves. They did not want the Government to interfere.

1688. *Mr. Carroll.*] In respect of every block of land that passes through the Native Land Court now, are you not aware that, as a rule, a considerable number of Natives are put in as owners?—Yes, I am well aware of it. A very considerable number in some cases.

1689. Would you say, more than there used to be?—A great deal more.

1690. And that fact operates so as to practically prohibit land-dealings with the Natives?—Yes.

1691. Do you think, if the whole of the owners in a block of land were to select a number of themselves to act as a Committee to carry out their wishes in regard to leasing or selling, that that would do away with a lot of expense, and facilitate all such transactions?—No doubt it would if you could get the Natives to have confidence in that Committee or selected body. If it can be done, there should be something attempted in this way: have the land passed through the Native Land Court, and the owners ascertained by the Court, and then make the Committee of which you speak responsible to the others for their shares of the purchase-money or the rent, as the case may be. It might be worked that way.

1692. Could it not be worked in this way: that the Committee to be selected by the owners should be only the performing hand—that is to say, the body to carry out the deed which it was the wish of the people should be entered into, but that they should have nothing whatever to do with the proceeds of the land?—Then, would you divide the proceeds of the land amongst all?

1693. Yes?—I believe that could be done, and a very good idea it would be.

1694. It would work satisfactorily?—I think it would.

1695. But the Court, or some tribunal appointed for the purpose, should be allowed to ascertain the respective interests of the owners without actually individualising them, and the owners to select a number of themselves to act as a Committee?—Out of the owners of each block, like?

1696. Out of the owners of the whole block?—Just so; but you would not select for the Committee people whose interests lay in other blocks?

1697. No.

1698. *Mr. Mackay.*] One member of the Committee could be chosen from each hapu of the tribe?—Yes, or one from each family.

1699. *Mr. Carroll.*] Then, the duty of that Committee should be limited to the actual carrying-out of the wishes of the people? In the case of a lease, the terms and conditions would be settled by the people themselves in runanga, and it would then remain for the Committee to transact business with the European, and give effect to any document that might be drawn up in accordance with the wishes of the people?—In fact, the Committee would just act as agents for the other people?

1700. Yes; but, as I said before, the Committee must not interfere with the proceeds beyond receiving their individual shares?—If the thing were worked in that way it would be of great assistance, no doubt, and I think it would act very well indeed for the Natives.

1701. Would you associate with any such Committee a district Government officer, to be a sort of public guarantee that the money would find its way ultimately into the hands of the owners?—Yes.

1702. *Mr. Mackay.*] According to their shares?—Just so. Yes, I think it would be a good plan. There should be some responsible person to act in this way.

1703. *Mr. Carroll.*] Some paying hand. The Committee could not be constituted that paying hand, because the other Natives would be jealous?—It would require some responsible person to act between them and the other owners.

1704. *Mr. Rees.*] What is your opinion as regards the history and proceedings of the Native Land Court? Do you think that during the last ten or fifteen years the law has improved in efficiency or not?—I can find nothing that will compare with the perfect mystery it is in. It is a perfect cobweb, and I will go as far as to say that the legal gentlemen themselves cannot see their way through it, or recommend to their clients what should be done under it. It is the most disgraceful condition into which Acts of Parliament could bring the law. Every fresh Act has made a worse mess of it than it was before, and has plunged everything connected with Native-land dealing into greater confusion than before. I think, while speaking about that, the best way to ameliorate matters, if it can be done, would be for Parliament to pass a short Act to validate everything that has been done honestly and straightforwardly, and then that Parliament should pass a short Act providing that thenceforth Native-land dealings should be according to Maori custom. According to Maori custom there are only three *takes* or rights to land, and these are ancestral, conquestal, and occupational. The ancestral rights should be supported by occupation, and conquestal rights should also be supported by occupation. My experience has been—and, of course, one of the Commissioners is well aware of this fact—that there is only one ancestry for all the Native people from Gisborne to the Wairarapa. It comes very hard on Natives who have occupied certain land for a long time to have to share it with others merely because these belong to the same ancestry. I have in mind a case of that sort in respect of a block of land at Hastings, in the Te Aute district, where people from Wairarapa and Wanganui were put into the block although they had never seen the land.

1705. *Mr. Carroll.*] You mean to say that there are three recognised kinds of Native-land tenure—conquest, occupation, and ancestral—but in every case occupation should govern the others?—Just so.

1706. That conquestal rights should not be allowed without occupation?—Yes; and the same with regard to ancestral rights.

1707. That would clear away a lot of these difficulties. It would simplify the work of the Native Land Court in the ascertainment of the title, do away with a lot of extraneous evidence