

--The cost in any case would be the same. If the Maori applied for the subdivision he would have to pay so much for getting it done, and if the pakeha applied he would have to pay just the same.

*Mr. Rees.*] That is, supposing in all cases the individual interests should be sold?—Yes.

*Mr. Carroll.*] Do you not think it is possible for an intelligent Committee to be appointed with advantage to assist the Court in its investigations?—You mean a Committee that will help to investigate the title?

Yes. To which the Court at any time could submit certain issues for settlement?—It might be done; but I do not think it will be of any advantage. It will not shorten the proceedings at all.

If the Court had some means within its power whereby it could empanel a Maori jury, when the occasion required it, to decide certain matters of fact, do you think that that would be satisfactory?—I think that is unnecessary. There is another thing to be considered: *papatipu* lands (lands held under Native tenure) are becoming very scarce now.

*Mr. Rees.*] How can anybody expect, in cases where a European purchases an undefined share in a block of Native land, or a share defined but not cut off, that, either to the European who buys or the Native who sells, such a dealing as that can yield the real value of the land, having in view all the incidental expenses—the Court fees, and the cost of the survey to determine the exact locality of the interest which is the subject of the transaction?—There may be something in what you say, but I do not see how you are going to devise any other means.

*Mr. Carroll.*] Then, supposing that, in a block in which there are fifty owners, twenty Europeans acquire distinct shares, what will be the position of those unhappy Europeans?—It will be the Court's duty to mark off each man's piece.

*Mr. Rees.*] Would not each European fight for the best piece?—They must leave it to the discretion of the Court to say which piece each shall have. That is a very far-fetched case, however; I do not think such a case will be found in New Zealand.

I can find you plenty such. I can refer you to the Makauri case, in which the costs amounted to about £18,000 after fifteen years of litigation. It was in every Court—in the Native Land Court four times for subdivision, four times in the Supreme Court during fourteen years. How would you prevent any Europeans who purchased certain Native lands, and who then began to contend amongst themselves, from carrying their case from the Native Land Court into the Supreme Court?—But the dividing of the land amongst them by the Native Land Court ought to be final.

Do you suppose that, if questions of law arise, any European who thus bought Native land would be content to take the Native Land Court's decision if he thought he was aggrieved?—If it was the law he would have to do so.

It is impossible, Mr. Grace. The individual dealings with tribal lands have been the source of all the difficulties amongst and with the Maoris. And this Commission will report that to the Parliament, and it will not report that it is advisable that any one out of seventy, eighty, a hundred, or two hundred Native owners in a block of land shall be able to involve the whole people in litigation because he wants to sell or lease his share of the land—at least, that he shall not be able to do so until his share is cut out.

*Mr. Carroll.* : As subdivision must precede any action on the part of individual owners.

*Mr. Rees.* : In case any individual wants to sell or lease his share, absolute subdivision must precede any transaction in respect of such disposition of the individual interest, so that he shall not be able to launch the whole of the other people into trouble and litigation.

*Mr. Grace.* : Under one of the late Acts you will find it provided that no block can be purchased unless the land therein is subdivided so as not to have more than twenty owners in it. If there are more than twenty owners they could not sell.

*Mr. Rees.* : But the Acts are nonsense. Every Act of the Assembly bearing upon Native land is simply nonsense, if it is not worse. It is not a pleasant thing for Europeans to confess that their own Parliament has made bad laws, but this Commission does confess it. And this Commission is going to tell the Parliament it has been altogether wrong, and will have to reverse its course.

*Mr. Grace.* : We want a simple Act—one that can be worked and understood.

*Mr. Rees.* : That is quite right, Mr. Grace. I may say that the Commissioners are quite of your opinion that agents, whether they be lawyers or simple agents, and, in fact, Native agents more often than lawyers, because they know the Maori custom better, are probably useful in the Native Land Court; and the statements which are made as against the *kaiwhakahaeres*, or Native agents, are really brought about, it seems to us, because, either from zeal or less worthy motives, they are sometimes found transgressing what is their duty. Of course, lawyers in all Courts are open to blame in certain instances, and that might be obviated or cured if the Judges of the Court had a little more authority and a little more strength of mind to stop anything when they thought it was going wrong.

*Captain Richard Thomas Blake.* : My experience with the Natives and matters connected with Native land really began in 1872. I was then appointed by Sir Donald McLean to act as a Deputy Civil Commissioner on the West Coast. I left the Government service in 1877, and from that time began my experience with dealings for Native land in the Native Land Court. I have had experience since then in connection with many large blocks of land and very toughly-contested cases in the Native Land Court. We are all agreed that the present laws require to be rightly amended, and consolidated in one Act. I need not go into details. A Royal Commission should be appointed to inquire into and set at rest for ever all disputed transactions between Natives and Europeans or between the Natives and the Government, such Commission to have the fullest powers to make its decisions in accordance with equity and good conscience, irrespective of technical law points. Would it be right for me to make suggestions as to the *personnel* of such proposed Commission?