

*Mr. Carroll.*] No will should be allowed to be executed unless executed before a Justice of the Peace or other responsible person?—Yes. I hold strong opinions upon this subject. No Maori will should be recognised in anything unless properly executed, and attested before two witnesses in the presence of a Resident Magistrate or a Judge of the Native Land Court. If any Native wishes to dispossess his natural heirs he should be put to some considerable trouble in doing so.

*Mr. Rees.*] It should be made certain that that was his deliberate intention?—Yes. With regard to trustees, the law relating to trustees requires to be altered, so as to give absolute protection to the interests of minors. With respect to survey-liens, I am a surveyor myself, and I do not see any necessity for altering the law. I would allow the law at present in force for the protection of these liens to remain as it is, but I would have provision made that there should not be more than one survey authorised and made chargeable against the one piece of land. With regard to Court fees and agents' charges, I think it should be enacted that in all cases brought before the Court the Court may make an order against the land so dealt with for payment of Court fees and agents' charges. I think this would assist the Natives themselves, because no agent would care to take up a case in respect of any land unless the money was right. If the agents were put on the same footing as the surveyors, so far as their fees were concerned, it would only be right and just. Any act of a Committee acting for any party before the Court in a first hearing, a rehearing, a subdivision case, or a case for individualisation of interests, should be binding on themselves and the other persons of the party as to any agreement for the payment of their agent's charges for conducting their case.

Why do you not say that in all cases it should be binding? Why do you not propose that the arrangement which may be made by the Committee properly appointed by the people shall be binding upon them?—I shall come to that presently. My experience of the Native Land Court has shown me that a few of the people interested in any case bear the whole of the expense connected with it. Over a hundred people may be interested in the case, and four or five of these people bear all the expense, and the others get into the title without any expense. I say, therefore, the Court might make an order on the land according to the individual interests in it of each of the owners in the said party. My object in this is not only to protect the agents, but to insure a means of making each person pay his share of the expenses. As the law is now, a few only bear the expense, and the majority get off without paying anything. In all blocks of land where incomplete leases or sales have been made—that is, where some of the owners have sold or leased and some have not—the Court should make subdivision between the sellers and non-sellers, or lessors and non-lessors. I have had large experience in free trade for Native lands, and I must say I do not, and never did, believe in free trade for individual interests in Native lands. Then, I think that immediate steps should be taken towards preventing any further sales or leases taking place by Natives to Europeans until new legislation has been fully introduced directing and regulating how such transactions may be carried out. It should also be enacted that no Native owner should be allowed to sell or lease his interest in any block of land before the same shall have been individualised and allocated. In all cases where a Native has succeeded in getting his interest individualised and allocated he should be free to do as he likes with the same. In respect of all lands which have not yet been subdivided or individualised, it should be lawful for the owners, or a majority of them, to appoint certain persons from amongst themselves as a Committee to give effect to the wishes of the people respecting the disposal of their land, the portions to be made permanent reserves, the pieces to be apportioned to families or individuals as farms, the parts which may be leased, and the portions they wish to have sold. Of course it is for the people to say what the reserves are for, some of them being rather touchy on the question of education reserves. These divisions should be submitted by the Committee to the Court in order to be confirmed. Should there be any opposition made to the scheme of divisions submitted by the Committee, the Court should thereupon inquire into and decide upon the objections advanced by those opposing the Committee's proposals. It is recommended that the Government should appoint a Commissioner to each district, whose duty will be to assist the Natives and their Committees in arranging amongst themselves matters connected with hapu boundaries, and all other things necessary to be done towards marking off and determining the lands for reserves, farms, leases, and sales. I do not hold that the Judge should be that person. I think he should be an independent person.

A person having administrative functions, and not judicial functions?—Yes. In respect of all lands agreed upon by a hapu to be sold or leased their Committee should have power to execute all deeds of conveyance or lease required in the disposal of the said lands. All such deeds to be executed before the Commissioner, who should certify to the transactions being just and fair. All moneys payable on sales or leases should be paid to the Commissioner, who should lodge the same to a special account. As to matters of detail, of course regulations would have to be provided, directing how moneys received by the Commissioner on sales and leases should be paid out to the owners in proportion to their individual interests. No one should have power to give credit to any Native owner against the security of lands. Payment of duty on leases should be extended over the whole term of the lease, instead of being payable in advance.

If, by the proposed new system, the expense can be reduced very largely, would it not be wise and just that that 10-per-cent. stamp duty should be also reduced?—I am of opinion that the 10-per-cent. duty is excessive; 5 per cent. should be ample. I am satisfied that with new legislation, empowering Committees to be appointed to assist the Court, and the Court being given power to accept and confirm decisions come to by the Committees, and to empower Committees to execute deeds of conveyance or leases before a Commissioner, expenses would be very much reduced, and should be more than provided for by the 5-per-cent. duty. It would both simplify the proceedings and reduce the expenses very much. When a man has got his title individualised and allocated he should have power to do what he pleased with it.

*Mr. Rees:* With his own, unless for some particular case or purpose restrictions are imposed.