takes have been made partly through misapprehension as to the nature of the proceedings and formalities required by law to vest a freehold estate in a purchaser of Native land, and partly from the opinion which appears to have prevailed that, as to some of the formalities, it was of no consequence whether they were observed or not. Again, changes in the law have prevented the completion of some transactions which, had the law remained unaltered, might, and in all probability would, have been completed. The only adequate solution of this question is to establish a tribunal competent to inquire into each case, and make such order as the justice of the case may require. As in many cases it will be necessary to make a partition of the land between sellers and non-sellers, the tribunal should have all the powers of the Native Land Court. The orders should be final and conclusive, and should have the effect of conferring an indefeasible title, capable of being registered under the Land Transfer Act. On the other hand, if any transaction were found tainted with fraud, a declaration to that effect should be final and conclusive, and the intending purchaser should not be allowed to litigate the question in any subsequent proceeding.

4. This seems to be a matter rather political than legal; I have therefore nothing to say about it beyond what I have already said with reference to No. 1.

I have, &c.,
H. G. Seth Smith, Chief Judge.

J. M. Geddis, Esq., Secretary, Native-land Laws Commission.

No. 11.

Judge E. W. Puckey, Cambridge, to the Native-land Laws Commissioners.

Sir,— Cambridge, 29th April, 1891.

I forward herewith an outline of the Opuatia case, which I mentioned to the Native-land Laws Commission at Cambridge immediately after Mr. Moon had given his evidence. I am sorry it is only an outline. The facts are accurate, but the details in figures are approximate. I could not attend to the matter while in Auckland, as I had weightier interests (to myself) to attend to, and I find I have not my note-book containing the case here with me, so that what is written is from memory only. I hope you will see your way to recommend some legislation to give relief to the applicants. I am, of course, not in any way interested in the case otherwise than as an *amicus curiæ*.

I have, &c.,
E. W. Puckey.

The Chairman, Native-land Laws Commission, Wellington.

Opuatia Block.

The title to this parcel of land is a Crown grant under the Native Lands Act of 1865, and was vested in ten grantees. Area, about 46,000 acres. The survey was made, I think, in 1866, and was paid for out of the proceeds of the sale of a piece of land called Purapura, which was the property of a Native called Wetere te Hauwae. It was adjudicated on by the Native Land Court, his Honour Mr. Chief Judge Fenton presiding, and was, by consent, awarded to Waata Kukutai, who was not the owner, in order to facilitate the transfer. The survey-fees amounted to above £1,600. Some few years back the ten grantees executed a deed in favour of about a hundred and forty persons, who, with the original grantees and the successors of such of them as have died, are now the legal owners. Mere Kataraina, one of the owners under the deed referred to, and the representative of the former owner of Purapura, Wetere te Hauwae, has applied to the Court for a division, and asked the Court to award her, in addition to her own share, as much as will satisfy her claim on account of Purapura Block, sold to pay the survey, amounting now, with the principal and interest added, to over £4,000. The area claimed out of the block was 19,000 acres. Since the execution of the deed above mentioned, a majority of the owners signed a document setting forth that they recognised the fact that Mere Kataraina was the representative of Te Wetere, and that what was paid for the survey was a debt owing to her by the tribe. It was recognised by the Court that in the absence of a voluntary arrangement the Court could not make an order as prayed. The claimants were advised to appeal to Parliament, and the case is now standing over for a future sitting of the Court.

No. 12.

Judge Mackay, Wellington, to the Native-land Laws Commissioners.

Memorandum *re* the Simplification of the Present Native Land Court Procedure, and the Promotion of a System that will enable the Natives to effect an Amicable Settlement of their Land-questions without the Intervention of the Court.

The following suggestions may prove serviceable as an alternative mode of procedure for enabling the Natives to adjust their own land-titles:—

The course that I would suggest is the jury system, as it will be probably found that this form of procedure will commend itself as a satisfactory mode of settling these questions. The scheme could be carried out somewhat as follows: The Judge of the district, with the aid of the Runanga, could prepare a list of all the eligible men suitable to act as jurors, and arrange them in alphabetical order; and the procedure for forming a panel could be assimilated to the usual custom observed in such cases, six to form a jury, each party to be entitled to challenge three of the number empanelled. With the consent of the parties, a jury of any greater or less number than six to be empanelled for the trial of any case: a similar right of challenge to either party, of one-half the number of jurors. Each jury to elect their own foreman or chairman. The verdict to be a unanimous one, and if the jury should be unable to agree to a verdict after a reasonable time, the Chief Judge to have the power to discharge the jurors at his discretion, and quash the proceedings, or refer the case, with the consent of the parties, to the Native Land Court to determine the points at issue. On the other hand, if a verdict is arrived at in the manner provided, the Chairman to report the same to the Chief Judge,