counter-claimants, each fighting his own battle, and each calling his own witnesses, and cross-examining those of each of the other parties; all of which tends to protract the proceedings to a considerable extent—in fact, compels the case to be heard as many times over as there are counter-claimants. The proceedings in many cases might be considerably shortened if the parties were compelled, antecedent to the trial, to settle the precise issues to be tried, or, at any rate, to put them in a definite shape.

Another difficulty the Court has to encounter is the impossibility of obtaining evidence free from the taint of interest. Many years ago evidence of this kind would not have been received in a Court of law, nor is hearsay evidence now admissible, except in a few cases. The difficulty of obtaining independent testimony is owing to the unwillingness of the Natives to give evidence in connection with tribal rights other than their own, as considerable objection exists against meddling with matters of this kind outside their own immediate families; and this is not to be wondered at, as any interference of this nature in olden times would have provoked a quarrel. Hearsay evidence is also compulsory, as the Court for the purpose of determining the tribal title has to deal with events that took place antecedent to the establishment of British government in 1840, this being the point of time fixed on at which the Native title became crystallized. It is no light task, therefore, to deal with a question sufficiently intricate in itself, without these additional disadvantages to contend with.

Another cause that increases the work of the Court in disentangling and expeditiously settling the cases referred to it is, that since land has become known to the Natives as a commodity wherewith to obtain money, the love of gain frequently leads to claims being preferred by parties who have no right whatever.

The Court needs outside aid wherewith to seek out and grasp for itself all the facts of the case before it; and this assistance might be afforded by a body elected by the Natives themselves if this body could only be induced to co-operate judiciously. Hitherto the action of the Native Committees has been rather to frustrate than to facilitate the settlement of Native title by the Court; but, if confidence could be established in the Native mind with regard to the impartial action of a body to be constituted by themselves, its assistance would prove a valuable adjunct to the Court, and effect a saving of both time and money.

As it is contemplated to amend the existing Native-land laws, I beg to point out a few matters which should receive attention while the business is in hand. Provision should be made to punish perjury in the Court, as it is highly necessary that steps should be taken to put a stop to the wholesale lying that takes place; and for this purpose the Court should be empowered to commit to prison any person wilfully and corruptly giving false evidence on oath before it.

Another matter which requires a more stringent form of procedure, as a deterrent, is the mode of dealing with applications for rehearing. Only a very small percentage of these applications is genuine; a large number consist of speculative attempts to disturb the original decision, and others are made out of pure wantonness, and at the instigation of designing individuals, who hope to profit by the extra work created by a fresh sitting of the Court. The fee on application should be increased to £50, and should it be found that such application is not a genuine one the Court should be authorised to inflict a fine in addition.

It is important also that the Court should be empowered to appoint or remove trustees for land set apart for cemeteries, or dedicated for the public use of the Natives in the localities where such lands are situated. As matters now exist, trustees are chosen for the purpose of holding such lands, and ultimately, owing to there being no means of creating a trust, these persons get into the title as sole owners, and there are no means of removing them. The result of this is, that these persons frequently dispose of the property; but should they retain it, on their death it gets into the hands of their next-of-kin. At present the Court has no authority to appoint trustees for lands of this description.

Clause 5 of "The Maori Real Estate Management Act, 1888," requires amending as regards the power conferred on a Judge of the Supreme Court to consent to the execution of a lease or conveyance by a trustee of a minor. This authority was formerly held by a Judge of the Native Land Court. The present condition of the law creates a dual proceeding, to the detriment and loss of the persons concerned, owing to the expensive and complex form of procedure required by the Supreme Court; and no good purpose is served by it.

Another important matter that requires attention is, that Natives should be prevented from obtaining probate in either the District or Supreme Court; now that the Native Land Court is empowered to grant probate under clause 2 of the Act of 1890, and rules have been specially framed for the conduct of business, which provide, *inter alia*, that notice of every application for probate shall be published in the *New Zealand Gazette* and the *Kahiti*. The rules further provide that a period of two months must elapse after notice before probate can be granted, to enable a caveat to be lodged. All these precautions to prevent fraudulent wills from being accepted are set at naught by parties being able to go to either the Supreme or the District Court, and obtain probate without notice; hence the necessity for putting a stop to such proceedings.

9th May, 1891. A. Mackay.

No. 13.

The Secretary, Chamber of Commerce, Auckland, to the Native-land Laws Commissioners.

Gentlemen,— Chamber of Commerce, Auckland, 20th April, 1891.

I have the honour, by direction, to forward you copy (enclosed) of resolutions passed at a meeting of members of this Chamber, held on the 16th instant, *re* amendments in Native-land laws, &c., commending same to your favourable consideration. I have, &c.,

The Commissioners, Native-land Laws. J. Young, Secretary.

P.S.—This Chamber has received communications from Messrs. Kemp, Tizard, and others upon this subject, and shall be happy to place at disposal of the Commissioners.—J.Y.