had to deal with. In the first place, it has never been the usage for natives to employ professional assistance on a sale of land. In former days, on cession to the Crown, the thing would have been absurd, and the old practice continues at the present time although the natives are holding under Crown Grant and execute conveyances in English form—so, at least, it is in the Province of Hawke's Bay, and so, I believe it to be, in the North. In the next place the extreme simplicity of transactions makes technical advice of a good deal less importance than in England: not, however, that the natives do not often greatly need the advice of a sound and honest man of business. They themselves are averse to the employment of lawyers; at least, if they have to pay them. Whether taught by instinct, or experience, or under the influence of a groundless prejudice, we found them obstinately refusing the services of the solicitors practising at Napier. Few solicitors are acquainted with the Maori tongue. In addition to a solicitor, an Interpreter would be wanted, adding to the cost and difficulty of transactions; and, after all, a lawyer could in few cases do more on the side of the vendors than any ordinary man of business could do. I remember only one case in which loss actually occurred to a native through the want of proper legal advice, and that was not on a sale of land. Paramena Oneone advanced a large sum of money, without security, to a man named Harrison, for the purchase of a threshing machine. On Harrison's bankruptcy the machine was seized by his assignees, and the native lost some hundreds of pounds. In several other cases, natives were left for a time without security, which a solicitor on their behalf would undoubtedly have required; but no loss ensued. Reservations or exceptions in favour of natives have been improperly omitted from the deeds of conveyance. But in these cases on the omission being ascertained by us, undertakings were at once given to make good the defect. On sales by natives, I may observe, in conclusion, legal advice appears not to be much sought for on the side of the purchaser. More than one large buyer gave the Commissioners to understand, that he only resorted to a solicitor for the formal work of preparing conveyances, and never for advice. The solicitor in an important transaction complained to us that he was not taken into the confidence of his so-called clients. This seems to show a state of things in which the lawyers have been pushed aside altogether in arranging the terms of contracts, both parties preferring to do business without them as far as possible. Such are the considerations which induce me to lay small stress upon the absence of legal advice on the side of the native vendors as an indication of fraud, and a ground for impeaching sales.

Having now gone through the princpal heads of imputed fraud, I have to state that, in my opinion, nothing was proved under those heads which ought, in good conscience, to invalidate any purcase investigated by us. I agree with my colleague, Judge Maning, that the natives appear to have been, on the whole, treated fairly by the settlers and dealers of Hawke's Bay. I express this opinion as a member of a tribunal not enabled, nor pretending, to draw legal conclusions. Some of the stricter principles of an English Court of Equity may possibly be found to have been infringed upon in transactions examined by us. But it will be difficult for any Court to apply ordinary rules in circumstances so peculiar.

I further agree with Judge Maning, that the mere desire to repudiate for the sake of gain has been largely at work. I believe it was thought that the Legislature, in appointing our commission, was inviting repudiation. In no other way can so large a number of complaints of fraud, supported by so little tangible evidence, be fully accounted for. We were, in effect, asked to believe, that not one single honest transaction in the purchase of land has taken place between persons of the two races. We found the Maori of Hawke's Bay pretending to say of his Pakeha neighbours, "There is none that doeth good; no not one." All, from the Superintendent downwards—public officers, missionaries, lawyers, dealers, interpreters, squatters, were, I may say without exception, included in one sweeping condemnation; and were characteristically supposed to be acting in concert, like members of a tribe, to plunder the Maori. Just as in particular cases before us the attempt of individual native witnesses to prove too much was constantly ensuring their total discredit, so, taking the whole mass of cases, the huge exaggeration of the complaints is their refutation. Karaitiana Takamoana, in the Hikutoto Case (No. XXIII.), gave the only example of the spontaneous repudiation of an unconscionable demand. Ahere te Koari twice withdrew [*see* cases No. XI. (Petane), and No. XIV. (Ohikakarewa)] from what he found was an unsuccessful experiment upon us. In one or two other cases I thought I perceived something like a blush on the face of a complainant. But in general, on such questions as were raised before us, the Maori shows that he belongs to "an age prior to morality."

II. Yet I am far from thinking that the Maoris of Hawke's Bay have no real grievances in the matter of their landed rights. These are, however, to be found under the second general division of complaints—complaints, namely, of the operation of the Native Lands Act, and of the procedure thereunder of the Native Lands Court. They are, of course, political grievances; and may be ranged under the following heads; complaints:—

1. That the issue of a Crown Grant for tribal land has extinguished the native title in favour of a few individuals; the community interested acquiescing in complete ignorance of the effect of what was being done.
2. That the Court has unduly favoured alienation by refusing to impose restrictions, when asked for by natives interested, and in other ways.
3. That lands excepted from cession as reserves, have been dealt with by the Native Lands Court, and transferred as private property to a few persons.

II.—1. No one can doubt the expediency of legislation to promote the breaking up of tribal property. But, in effecting this, justice or at least good policy, requires two things: first, that the native ownership be ascertained; secondly, that the general consent of the native owners to the extinction of the native tenure be given. Simple as are these requirements, they have been disregarded in the