

240. Could you suggest any means by which this mode of dealing could be stopped?—Two courses suggest themselves, I might say three. The resumption by the Government of the purchase of Native land would stop it altogether.

241. The exclusive right?—Yes. The second remedy is to make the offence of negotiation with the Natives before the land goes through the Court penal, but that proposed remedy is open to two very grave objections. First of all, it would be almost impossible to give effect to the provision, the means of evading it are so ample and so easily handled. The second objection to it is this: that amongst the class of people who desire to acquire Native land there are some people who hold themselves bound, as a matter of conscience, to obey the law strictly and to the letter. They are the very best dealers, and who make a fair bargain and give a fair price. There is another class, who make the hardest bargain, and stop short at almost nothing. Therefore, I think, a penal provision would have the effect of operating against the respectable class of Native-land buyers, and would not affect those against whom allegations might be fairly made of unfair dealing. The remedy I would suggest, I think, would meet the case completely, and would save Parliament from the necessity of passing a law to imprison men for being desirous to acquire a homestead. The Committee will bear in mind that the mischief arises mainly from the payment of moneys before the investigation of title. Now, that can be stopped most effectually by adopting two provisions. First of all, the law which at present bears upon the point should be made clear and distinct that all moneys so paid before investigation of title are not recoverable at law. On that point I may state that an opinion does prevail that these moneys are not recoverable; but I know they are recoverable. I have seen them recovered in a Court of competent jurisdiction; and in cases where people have been in doubt of their position in this matter this device has been resorted to. In paying a Native money for a block of land a promissory note has been taken and transferred to a third party, who becomes thereby an innocent holder, and hence entitled to recover against the Native. Therefore my proposal would be to make it absolutely clear and distinct by statute that all moneys paid before investigation of title should be utterly irrecoverable. The second is a remedy which, almost of itself, would suffice, but it could be worked in with the first one. At present, on the completion of a deed in relation to Native land, the document of title is taken before the Native Lands Frauds Commissioner, and he makes inquiry into the facts in relation to the transaction—as to the consideration, as to the fact of its having been paid, that there has been no breach of trust in the transaction, and, generally speaking, that the deed is one understood by the parties. I would suggest to add to these inquiries by the Frauds Commissioner the following inquiry: Was any portion of this consideration-money paid directly or indirectly, either in the shape of money, food, or clothing, to these people before the completion of their title? And upon that point I would suggest that affidavits be required from the actual purchasers, not from the purchasers acting by their agents, because a good many of the class of people who go in before the completion of the title would not scruple in this matter, but the actual purchasers, men of good standing, capitalists, who would shrink from making a false affidavit that money was not paid before the investigation of the title. It may be by declaration or affidavit—either one will do, because, as the Committee are aware, the making of a false affidavit or declaration is equally perjury, and punishable by fine and imprisonment. Under that provision I have every confidence that the evil, though it would not be absolutely repressed, would be reduced down to limits hardly worth while considering.

242. *Mr. Hobbs.*] About the Survey Department you remarked that the Government were in a measure to blame. I should like to know how the difficulty would be avoided if the parties themselves got persons to survey the land?—The Government have got power under the existing law, and can appoint their own surveyors.

243. Is it not a fact within your own knowledge that many parties have had a survey executed in spite of the objection of the Government?—Yes.

244. *Hon. Mr. Bryce.*] Not legally?—Yes. I remember one case in connection with this very Patetere Block. When I was in office in 1878 I was interviewed at Cambridge by a deputation, who stated that a survey was being made by a surveyor and interpreter named Drummond Hay. I told him that if he went on any further with the survey in that district I would at once telegraph to Wellington to have his license cancelled as a surveyor and interpreter. He expressed great penitence, and sent away at once to stop the surveyors and bring them in, but the messenger, I afterwards learned, took fourteen days to travel thirty-five miles, and by that time the surveys were completed. That is one case. I might mention what the general practice is now with regard to these things: A European purchaser, or intending lessee, having seen a piece of land that he would like to have, and having made some preliminary arrangement about the terms and so on, gets the Natives to agree to the land being surveyed and put through the Court. He makes a bargain with a surveyor—nearly always private persons doing the work now; he gets an authority from the Natives to survey the land; the head of the Survey Office in the district agrees to the survey, and the surveyor is entitled to go to work.

245. *Mr. Hobbs.*] Have not these illegal surveys been all recognized by the Government?—Yes. The survey being completed, the plan is sent back to the office from which the authority came to survey, the measurements are checked and worked out by the Government officers, and compared with existing surveys. The plan is then returned to the Native Land Court, with the certificate on the face of it that it is correct, and sufficient for the purposes of the Court.

246. Have you not heard of some surveys even being carried out at night or by stealth?—Yes; I have heard of surveys by candle-light. There was one case which gave several Governments a lot of trouble—the Ruakaka Block on the Thames River. I know, as a matter of fact, that a miner's lantern—made by breaking a bottle at the neck and inserting a candle—was largely used in taking points and ascertaining bearings.

247. *Hon. Mr. Bryce.*] You spoke of surveys being authorized. Were there not means until lately whereby a private lien might be established over Native land?—Yes; there was a printed form of lien which described the block and boundaries as nearly as possible, and on the foot was an agreement by the Native people to pay so much for the survey.