

248. That system being now abrogated, there can be no private liens over Maori land in respect of surveys?—No; because the surveyor, as a rule, is protected with regard to his lien by the Europeans desirous of purchasing the block.

249. Do you know of any authority being given now for surveys of the kind you have described without the expense being borne by the Government?—Yes.

250. I mean now?—Yes; I know of a case that has occurred since I came down here, a fortnight ago, in which the office has given authority for private surveys.

251. Yes, guaranteeing the expense?—Unless you have made any fresh departure within the last few days, I know it is so, because it was shown in two cases recently before the last Court.

*Hon. Mr. Bryce*: I know two cases anterior to the date of the new departure. I may inform the Committee that the Government have broadly accepted the responsibility of paying for all surveys in the first instance. That is in view of the responsibility of establishing private liens in respect of surveys; and that gives the Government—first, a more distinct right to be particular as to the surveyor who is authorized; and, secondly, it enables the Government reasonably to tax the arranged costs.

*Witness*: I may state to the Committee that in 1872 a very valuable paper was laid on the table of the House by the late Mr. W. S. Moorhouse on this very question. In that report he raised for the first time the theory that the Government should take charge of all surveys.

*Hon. Mr. Bryce*: I said that the Government had accepted the responsibility of all surveys; but cases may occur, exceptional cases, in which the Government could not do so. For instance, we have had applications to survey down to three or four acres, in which case the survey would cost more than the total value of the land. That would be an exceptional case.

TUESDAY, 31ST JULY, 1883.

Mr. J. SHEEHAN, M.H.R., further examined.

252. *The Chairman*.] You are aware we have a great many petitions from various parts of the country asking that lawyers and agents should be excluded from the Court. Supposing they were excluded, has the Court any machinery of its own by which it could arrive at a definite and just conclusion?—I have heard that there are some petitions sent in to Parliament, and which have come before this Committee, having for their prayer the exclusion of lawyers and agents from the Court. I think it will be found that the great majority of those petitions come from the losing side. In the case of the Waotu South Block I have pointed out to the Committee that no lawyers appeared until the owners had been found by the Court's judgment; when, at the request of all the parties found to be entitled, I took in hand the subdivision of the block amongst themselves, and in the course of the operation satisfied myself that the experiment of leaving Natives to conduct cases themselves would not be successfully worked.

253. The question I asked was this: Supposing agents and lawyers were excluded from the Court, has the Court itself any machinery by which it could arrive at a definite and just conclusion?—I do not think the Court as at present constituted has any machinery of the kind. The Court consists generally of one or two European Judges and the Native Assessor. The other officers of the Court are the Clerk—who, by no means, can be an assistance to the Court in determining the title, because his function is to take down the evidence—and the Interpreter, who can be of no assistance, because his impartiality must be above suspicion. The Court would soon be more in disfavour than solicitors and agents are if it tried itself to conduct the investigation; so that, assuming that solicitors and agents were excluded from the Court, then it would come to this: the Natives themselves would conduct their own cases before the Court; and I have seen a good many instances of the kind. The older class of the people, like Whatuaio, have no notion whatever of the method of conducting a case or bringing out their evidence before the tribunal. There are always a few young men amongst the sections appearing before the Court claiming particular blocks, who, by contact with Europeans, and having acquired a knowledge of the English language, are very much superior in ability to conduct the cases. I have known some very clever men of that stamp, but I do not always find that each side has one of them.

254. I understand that it is your opinion that the Court could not dispense, without serious inconvenience, with the services of lawyers and agents?—It is my opinion.

255. Judge Puckey stated in evidence that for five years, between 1873 and 1878, the Native Land Court conducted its business successfully without lawyers and agents. As I understand it, you differ from that opinion?—Yes. Besides differing from Judge Puckey, I may say that he is labouring under a mistake in regard to the practice between 1873 and 1878, because the practice of the Court was not uniform. In some Courts lawyers and agents did appear, and in others they did not; but in nearly every case heard between 1873 and 1878 agents did appear.

256. Here is another question I asked Judge Puckey: "Supposing you reverted to that system, would it have a tendency to cheapen law in your Courts? and he says, I think it would as a general thing." As I understand you, you do not concur in that opinion?—It might in certain cases, if the professional man employed understands his work, and is anxious to do that work as expeditiously as possible for his clients. His exclusion from the Court would not tend to reduce the cost or shorten the trials. It is to reduce the cost, I understand, that the Chief Judge altered the practice in regard to solicitors, by requiring them to fix a lump sum before taking up the case or appearing. That might have a beneficial effect in some instances where the case is not a very important one, and is likely to run over a number of days. It has also an objectionable side, because, supposing a block of considerable magnitude, like, to last long, were to be under investigation, and I were to file a declaration that my total fee was £500, including all expenses, it might