

547. Do you state that, practically, they have not power of dealing with their land themselves under this Bill?—I should think not. None at all.

548. Have you studied that part of it relating to local Committees?—They have power to say whether they will sell; but, having expressed their inclination to sell, it appears to me there is no power left them in any way.

549. Have they not the power of saying what portion shall be used for roads and surveys?—I cannot say: it is all subject to those rules to be made by the Governor in Council. But we do not know what they are.

550. If the Committee had power to say what proportion should be used for this purpose, would not that be a safeguard?—No. What the Board does is subject to rules made by the Governor in Council. The Governor in Council is the chief authority.

551. I shall repeat my question: if the Committee had the power of saying what proportion of the money which is the price of the land should be used for roads, would not that be a safeguard?—Nothing could guard them; for all that is subject to rules made by the Governor in Council.

552. You know that a positive provision in the Act cannot be overridden by the Governor in Council?—If it says so.

553. I am asking you whether, if it is laid down positively that the local Committee shall say what proportion of the money may be used for this purpose, that would not be a sufficient safeguard, and a power which could not be overridden by the Government?—I do not think so: it appears to me that the Governor in Council has supreme authority in this Act, and the Board are to be guided by the regulations of the Governor in Council.

554. But a positive provision cannot be overridden by the Governor in Council?—Not if the Act says so.

555. That is the question I ask you: if it is laid down that the Committee shall determine what proportion shall be used, is not that safeguard sufficient for the Natives?—You mean the local Committees.

556. The local Committees. But I would direct your attention to the fact that you said that the power of charging for roads laid off was oppressive. I now ask you whether, if the Committee have the power to say what portion of the money be so expended, this will not be a sufficient safeguard for the Maoris?—Yes, if they have absolute power, and there is no superior authority, it would be sufficient. But, as I look on it, there will be two superior authorities, the Board having got the report of the Committee, and being guided by the orders, rules, and regulations. Clause 31 says, "A Board being guided by such report, and by any regulations, rules, or orders made under the Act, and having regard to any such objections and suggestions, may proceed in such manner as it may deem best to make sale or lease of the land the subject thereof: And such Board is hereby empowered to lay off such roads, make such surveys, and generally to perform all acts, matters, and things which they may deem fit for carrying into effect disposition of land under this Act."

557. "Having regard to such objections:" does not that limit the power of the Governor in Council?—I should think not. I should think that the Governor in Council under this clause, if it thought fit, could do what it liked.

558. What is the meaning of "having regard to" objections?—Practically, when you have been "ordered" by the Governor in Council, by "Proclamations in the *Gazette*," whether they exceed the law or not, they are taken as law, and will be taken as law by all these Boards.

559. Will they be taken as law if they are contrary to any express provision of the Act?—Yes, by many persons. But they will have the same force as the Act itself. The clause says, "Such orders, rules, and regulations, when gazetted, shall have like effect as if the matter thereof had been enacted herein." The new clauses are as follow: "62. The Governor in Council may from time to time make such orders and general regulations as may be deemed fit for prescribing and regulating (a) the areas in, and the estate, term, or interest for, and the conditions upon, which land may be conveyed or leased under this Act; (b) the reservations, conditions, and limitations to be made by or contained in any conveyance, lease, or contract made under this Act; also like orders or regulations to be special to any particular land, or to land in any prescribed district. 63. The Governor may make such other rules and regulations as he may think fit for the better enabling this Act to be given effect to, and for regulating the procedure of persons engaged under it. Such orders, rules, and regulations, when gazetted, shall have like effect as if the matter thereof had been enacted herein."

560. Would the regulations made by the Governor in Council be accepted as law by any one if those regulations were contrary to the positive provisions of the Act?—I think so.

561. You do?—I have seen notices in the *Gazette* that several lawyers, myself among the rest, have objected to. I allude to one order put in under which one honourable member who is now present put restrictions upon a large tract of Tauranga land. There was no authority for it.

562. Then it was illegal?—There was no authority for it.

563. Then it was illegal?—I should not like that to be put down so. It may be without authority of law but not contrary to law.

564. Then, you will only go so far as to say that there was no authority for it, and yet you will not say that it was illegal?—Well, I think I might go so far as to say that it was illegal. It was illegal. I think I may carry it as far as that.

565. You say that no Maori will recognize a Board constituted as this is?—I think so.

566. Would not that depend on whether the Board was carrying out the wishes of the people or not?—I do not see how that could be known, because it is the cart before the horse.

567. But assuming that the Board was so constituted as to carry out the wishes of the people as expressed through the Committees, would not the Board then be recognized by the Natives?—If it was constituted for a purpose, yet did not effect that purpose, or they thought it would not