

by the Ngatihaua and other allied hapus. It had never been divided among the people. It was not ancestral land. It was obtained by force of arms in 1831. Nine years afterwards there was the land still undivided. They made a certain rough arrangement among themselves that this hapu should have that piece of land, and that this piece of land should belong to a certain other hapu. The Court sat, and found that there were, say, forty owners of a certain block. I told them that we could only put ten in the grant, and that they must subdivide into four pieces. They objected to that on account of the expense of survey. I said then that no grant could issue, and the case was adjourned. They came afterwards. They agreed on a subdivision into two pieces, and that ten should go into one grant and ten into the other; and that the people who were cut out should be provided for somewhere else. I explained the effect to them. I remember it all perfectly well. I recommended them to be cautious as to what they did, for the grantees when they got the grant could sell and do anything they liked with the land, and those outside would be entirely at their mercy. They said there was no danger, that it was all right, that the others were provided for. Afterwards it was found that certain sets of the owners sold, and other sets of ten did not sell. They were prudent. But now those who had sold (having eaten their pudding) came in and claimed title with those who had not sold their grant. That was the general character of these transactions. It was never intended that there should be trusts. The grants were founded on an arrangement assented to by the whole of the people in the presence of the Court. There was another class of cases, slightly different, in which they had already sold the land or agreed to sell it in a large block, rather than go to the expense of survey. "It is only a question of money," they said, "let us have ten in as it is, and we will divide the money: let it be sold." These proceedings were at the early date or commencement of the existence of the Court. We were all men of some experience. We had a belief that, however, Maoris might behave to Europeans in the way of "sharp practice" (that is the nice phrase for it, and it is not a bad phrase to use), they would not resort to it as against each other. It was not so. Our confidence was misplaced. We found they cheated each other.

662. Now, in that latter class of cases, these people might not improperly be called trustees—not in the legal sense, but in a moral sense—for the remainder?—Trustees of the money.

663. Then, you think they have not always been faithful to an implied trust?—No.

664. Now, looking at the Committees as proposed to be constituted under this Bill, do you see any danger of similar abuses of implied trusts?—I think I expressed myself favourably of the Committees of management, provided they have nothing to do with the money, as to fingering of it in any way.

665. I will not go further into that, because I put the same question to you yesterday, and it appears to me you have sufficiently answered it?—I have since then thought over the matter, and I am rather confirmed in that view. I have before me a Bill which I drew to enable certain Maoris to settle their private estates. It was intended to be an Act for the Settlement of certain Lands in the District of the Bay of Plenty belonging to the Members of the Ngatiwhakaue Tribe.

666. We will come to that presently, but I had proposed to ask you, if you will be kind enough to give us your ideas on the subject generally—that is, what a good Native Land Act, in your opinion, should be, you rather demurred to do so yesterday. I am anxious to have your opinion on the subject, and, if you would wish to enlighten the Committee, I am sure they would also like to have the benefit of your experience. I wish to give you the opportunity of expressing your opinion. I think what you were going to read just now will probably form some part of your reply. Perhaps you would not object to answer that question after giving your other evidence. Meantime I will pass from that general subject, and ask you about the block of land which you described as having been cut up and sold for the benefit of Maoris on the line of the Helensville railway—the Helensville railway now going through it—how was the sale of that land managed; was there any exceptional expense or higher charges connected with it?—The large item, I think, was for surveys.

667. What was the quality of the land?—Alongside the railway it is very bad. They are cultivating it now, but I would not like to undertake it. Towards the sea it is a better quality of land. There is a very large quantity of valuable timber on it. It has been very recently purchased for the timber upon it.

668. I presume that the land sold brought rather low prices?—I think it did not sell at first, or very little of it; they did not sell at all, I think, for many years. It was in 1867 or 1868 it began. It has been dropping off gradually ever since. Whether it is all gone now I am not certain.

669. Were the upset prices high?—I do not remember. I only remember the general result. Mr. MacCormick was the gentleman employed in doing it. He told me he looked on it as a failure.

670. Was it, in your opinion, a favourable block of land to try such an experiment upon? You can answer that from your present knowledge if you like?—From my knowledge of the Provincial District of Auckland, excluding the East Coast, which I do not know much about, I should say there are very few blocks upon which it would be wise to try such an experiment. The quality of some of the land is very poor, with the exception of some blocks and the totara forests, which are only valuable for timber; but these totara lands, after the timber has been taken off, in a space of two or three years, become totally barren. Going towards the the land becomes better. With the exception of the Rangtioto Valley and some of the forest lands and the scattered fertile places, I do not think there is any land you could experiment on in the way you suggest. It would not pay for the fencing.

671. *Sir G. Grey.* I did not hear the last bit of your evidence. You said you could do nothing with the land ultimately?—With the exception of these oases, I do not think there is any land that would be remunerative to the seller if cut up for farms as Taupaki was cut up.

672. The mode of disposal could scarcely improve the quality of the land. Might it not be a bad investment for the purchaser by whatever method he purchased?—I should say, speaking briefly, of