

16. Well, in cases in which it did so, it might have been a disadvantage to Europeans, I presume?—It might have been; but there might have been circumstances which we cannot contemplate where it might have been advantageous to both races, and the Bill provides for an inquiry.

17. Do you think it desirable to shut up these lands for fourteen years in the hands of persons who are in illegal occupation?—Generally I think it would be sound policy to recognize some such claims after inquiry, more especially since we are supposed to be taking a new departure, which is intended to prevent all private transactions with Native land.

18. Do you think it could possibly be advantageous to those who have been already shut out, because they would only occupy lawfully, to be shut out for fourteen years longer by those who have been in unlawful occupation?—My opinion is that that would be a less evil than to sweep away the property of a man who had gone *bona fide* on to the land and occupied it with the consent of the owners.

19. In what way would it be necessary to sweep away his property?—I think it would follow, if this Bill became law, without some such provision, that his property, which depended on occupation, would be found to be swept away. I am assuming, of course, that the Native owners of the land have been consenting parties to the occupation.

20. Does unlawful occupation give property to the persons occupying?—I do not place that construction upon the term “lawful,” as if they were acting contrary to the express provisions of a law in this occupation. I am not aware that there is any law to prevent their occupation of the land.

21. I will put the question in another way: Does a deed which is absolutely void give any title at all?—I am not a lawyer; but I should say not. This Part VII. proceeds upon the assumption that there is no title. The meaning, or, rather, the assumption, is that there is no title.

22. I will now ask you one or two questions in respect of the removal of restrictions in clauses 60 and 61, in which it is provided that, inquiry having been made in the case, the Judge or the Commissioner should forward to the Governor his report on the application, with such recommendation as he might think fit, for the consideration of the Governor in Council. Would there be any objection, inasmuch as the land is Native land, which cannot be sold at present, but which afterwards is allowed to be sold, that it should be then sold subject to the ordinary land regulations of the colony, so that every one of the Queen's subjects might have an equal chance of acquiring it?—You ask me whether I think there should be, in cases of restrictions removed, open competition, so that every one should have a chance, &c. [*Sir G. Grey*: Yes.] That is my own opinion. There may be cases, however, where parties have a clear right, or had a legal right, to make these purchases. These clauses are intended to meet such cases.

23. Can you give any instance of such a case?—There is one case, referring to land in the Tauranga District, where two of the most eminent lawyers in the colony have given an opinion that the party had a right to go in and acquire by purchase.

24. *Mr. Ormond*.] By purchase, do you say, or by lease?—By purchase.

25. *Sir G. Grey*.] Could you have these papers laid before us?—Yes.

26. *Hon. Mr. Bryce*.] I do not quite understand the new clause. Is it intended, when restrictions are removed from a block, that that block shall come under this Act; or is it intended, as you suggested, that it shall be a means for the purpose of concluding transactions?—Yes: that is the intention.

27. Then, it is not set out under this head?—No; I see it is not. There is an omission here: it is intended to validate such transactions.

*Sir G. Grey*: I do not understand the meaning of the Native Minister's answer; for here it refers to everything.

*Hon. Mr. Bryce*: I am puzzled myself. Let us take a block of land on which there are restrictions: then, if these may be removed by the process set forth here, what is to become of that block? Is it to go under the general machinery of this Disposition Bill, and be disposed of by the Land Board constituted under this Bill; or is it, more correctly speaking, for the purpose of enabling private transactions which are now in progress to be concluded? Because in the latter case, that would be selling the land under a system not contemplated by this Act, or outside this Bill altogether: judging from what the Native Minister has said, I think it must be intended to do both things—first to enable transactions in progress to be concluded, then, after these are done with, to enable the restrictions to be removed from the blocks which would go under the ordinary provisions of this Bill, or this Act.

*Hon. Mr. Ballance*: I would like to explain: The Governor has now power to remove these restrictions without inquiry, where it is desirable to allow transactions to be completed. Then, we assume that the Commissioner will report accordingly, and the Governor will give effect to that report. The restrictions will be removed, and the parties will be enabled to complete their purchase. The extended power is simply to enable the Court judicially to sit on such cases, and to investigate them. Then, with regard to other cases where restriction might not be removed, the land will then remain in the same position as Native reserves, and will be dealt with as reserves would be for the benefit of the Natives beneficially interested. That is the position.

28. *Hon. Mr. Bryce*.] But that will leave one class of lands unprovided for altogether. There are certain lands on which restrictions exist, that are much like other Native lands, but are not reserves under the Act we have at present, nor would they become so. What I want to know from the Native Minister is this: Is it intended to remove restrictions from all those lands where they are uncomplicated by private transactions?—You mean where no private persons intervene? [*Hon. Mr. Bryce*: Yes.] But that class of cases is not dealt with in this part of the Bill; this only applies to cases where individuals have been trying to acquire these reserves.

29. Then, where restrictions are now on lands uncomplicated by private transactions, these restrictions would then in effect amount to a positive entail?—Not necessarily; they might be dealt with in another way.