

Dr. Shortland and others have recommended that each Judge should have a district assigned to him, within which his work should be confined; and amongst the chief reasons in favour of such a plan, it has been urged that the Judges would thereby acquire valuable political influence among the Natives of the district and more knowledge in land matters than any of themselves; and, also, that they would know the character of the people better, and whether their statements could be relied on. But I think that the objections to this plan have greater weight. If the Judge is to possess political influence, he would be bound to exercise it in the direction approved by the Government of the day, who only can determine what is required for the preservation of peace and for the civilization and well-being of the Maoris, and thus he would become a Government agent, which is not the position a Judge should occupy. His functions should be simply judicial, for he must be guided in his judgments only by strict evidence; and if he does not keep aloof from the Natives who have claims before the Court, it will be almost impossible for him to preserve his character for impartiality. The Maoris are a peculiarly suspicious race, and it is difficult to prevent them from discussing their claims, if they have access to the Judge. The Ngatihaua objected to Mr. Fenton's sitting on the "Aroha" case, because he had resided so much amongst them, and knew them so well; and one of the principal chiefs of the Ngatimaru complained that he had seen him talking to Te Raihi, a chief of the opposite party, whilst the case was going on, and though told that he was not sitting on the case, the other replied that that was no matter, that he was the chief of the Court, and should not listen to statements made privately. The Arawas also objected to Mr. Smith's sitting in a Court held in their country, as they said he knew too much about the people; and Hemi Tautari, though content with his own Judge, says "that many Natives would prefer a stranger to investigate their claims." So that, on the whole, I believe the present system had better be maintained.

Assessors.

There is an opinion amongst many of the Natives that I have questioned, that the Assessors are not of much use in Court, that they are too much in awe of the Judge, and do not exercise any influence on the judgments, that they "sit like dummies," or are like the pictures in a photographer's window, only there "to be looked at;" another, who had recently lost his claim, says "they are so partial, and are deceivers." One of the grounds on which application was made for rehearing of the Waihi case, was that the Assessor had fraternized with the other side, and the Native counsel, to whom the matter was referred, recommended a rehearing, because, amongst other things, "the Native Assessor was too intimate" with one of the parties. But scarcely one of the objectors would like to see the Assessors excluded—on the contrary, I gather that there is a craving desire amongst the Natives of intelligence for more general employment in the administration of those laws that apply to themselves, though they feel that their ignorance unfits them to be associated with European officials. Can no steps be taken to train the rising generation so that they may take part in their own government? Instead of diminishing the numbers or duties of the Assessors, I think that it would be an advantage if, in important and difficult cases, such as the "Aroha" or "Manawatu," their numbers were increased to five or more, and the unanimous assent of Judges and Assessors should still be required. Juries can be dispensed with altogether; there has been but one instance in which a jury has been demanded, and then it did not give any satisfaction to either party.

Interpreters.

Complaints are made of the conduct of some of the Licensed Interpreters, and of the expense they entail, particularly in contested cases. They are said to have deceived their employers; to have procured signatures to deeds in an improper manner; to have urged the survey of lands, and the bringing forward of unfounded claims for their own advantage; to have prompted witnesses to state falsehoods; to have interfered in opposition to the wishes of the owners, and prevented lands from being reserved, &c. But the services of agents speaking both languages cannot be dispensed with. There are men amongst them of high character and repute, and if more were licensed, the Natives would fall into the hands of some of the inferior class, and fare worse. But the Judges should have power to cancel, or at least summarily to suspend, the licenses of those found to have been concerned in improper transactions. Their charges are sometimes very high. In the rehearing of the Aroha case, Te Wheoro states that the Ngatihaua expenses amounted to £575, of which upwards of £300 was claimed by the Interpreter. But the Court can tax their bills, if the Natives only knew that they had such protection.

English Counsel.

The Natives are almost universally opposed to the employment of English counsel in contested cases. They say that these know nothing of Maori law and custom, and only protract the sittings and increase the expenses of the Court. If one side employs them, the other must do the same; but they would like to see them altogether excluded from practising in the Court.

Fees and Expenses.

The Natives, of course, wish to avoid paying the fees of the Court, but these do not add much to the expense of a suit, unless the case is a very protracted one. The total amount charged as Court fees for the 3,607 cases that have been heard amount to £6,085 10s. 8d., of which £3,517 2s. was in arrears on the 30th December, 1870. But the expenses outside the fees of the Court are often very heavy. In the Aroha rehearing, the expenses on the Ngatihaua—the losing side—were, as already stated, £575, and those of the Ngatimaru could scarcely have been less. In the case of the Owharoa Block at Ohinemuri, of 155 acres, the agent's charges against the Ngatikoe were £70 7s., chiefly for payment of witnesses; but I was informed by the agent that he had little hopes of getting the money, for as that party had lost the suit, there was no land to give as security.