facts of the case. It would not be well to throw upon the Judges of the Court the duty of investigations which, to be effective, should be made on the spot. This is rather an administrative than a judicial function, and might be committed to some officer of the Native Department in each district appointed for this duty by the Governor's warrant. A Report of this officer on every application for a certificate of native ownership, or of cession, should be presented to the Court. This Report should be open to exception by the parties interested, and should be confirmed, over-ruled, or remitted for amendment to the reporting officer, as the Court might think fit. But there should be no jurisdiction to proceed without such a Report.

There is another reason for connecting an administrative department with the Court. The work of individualising native title, or in other words of partitioning the estates of the native tribes, cannot be properly performed by a Court which initiates nothing, but proceeds, as the Native Lands Court has hitherto done in most cases, only on the application of some particular claimant. In the instance of the Ahuriri natives, when the Native Lands Purchase Department ceased its operations there remained intervening between the Ahuriri block on the north, and Te Hapuku's on the south, a most valuable tract of land still subject to the native title. The area of this district, which stretched southwards to Te Aute, and ran back between the rivers Ngaruroro and Tuetaekuri to the boundary of the province, was more than a quarter of a million of acres, and it comprised the best agricultural land of the Province of Hawke's Bay. Surely the partition amongst the native owners of this magnificent estate ought to have been supervised by some Executive Department connected with this Court, and should not have been abandoned to the hap-hazard process of division which has actually been resorted to. A work of the kind cannot be properly dealt with piece-meal, for no single grant ought to be issued without considering what grants have been already made, and to whom; what claimants remain unsatisfied; and what land is left to meet their claims. Without proper machinery for the purpose, and, it would even seem, without legal powers (for the provisions of the 24th section of the Act of 1865 is wholly inadequate), the Native Lands Court has had cast upon it this work of parcelling out a whole country amongst its native owners. It would be little less than a miracle if some forward claimants have not got greatly more than their due; others coming off far short of their proper shares.

In the foregoing proposals, I find myself on several points in substantial agreement with the suggestions of Sir William Martin and Dr. Shortland. I agree with them in thinking that Commissioners of Inquiry, prosecuting their investigations on or near the spot, would be better suited for the ascertainment of native ownership than a tribunal on the model of an English Court of Judicature. The peremptory procedure of such a Court is. for reasons already stated, certain to be the instrument of occasional injustice, and to create well-grounded dissatisfaction. At the same time, the jurisdiction of the Native Lands Court having to a great extent been accepted by the Maori people, its abolition would be inexpedient. It is a great point gained to have secured any sort of submission to such a jurisdiction. Those who framed, and those who have been working under, the Native Lands Acts, may well congratulate themselves upon this achievement. It is practicable, and therefore the preferable course, to supply the patent defects of the Court in some such way as I have suggested.

As regards the important suggestion made by Sir William Martin and Dr. Shortland, that the purchase money arising from the sale of native land should in all cases be paid into Court, the necessity for such a rule would, I think, be removed if the principles on which I have been insisting were acted upon in legislation. Were it made necessary in the purchase of native land to obtain a certificate from the Court of the cession of the native title, purchasers would have to deal with the whole body of owners, and to pay over the money publicly to the chiefs in the old style. The creditors of individuals would have no hold on the fund whilst undistributed, the property being in the community, like that of a corporation. In the distribution of the money the natives would have to agree amongst themselves as to the shares. The Court, if entrusted with the division of the money, could do nothing more than give effect to such agreements (it being simply ridiculous to pretend that there are any definite principles applicable in the matter), and it is desirable to leave the entire responsibility with the natives themselves.

In conclusion, I may perhaps be allowed to say that although the work of the Commission is seemingly imperfect, inasmuch as we left unheard a large proportion of the complaints presented to us, I am yet of opinion (an opinion shared in, I have reason to be believe, by those who conducted the cases on behalf of the native complainants) that the Commission has practically attained its only possible end, in the collection of a mass of authentic material as a basis for future legislation. In the cases heard the evils of the existing state of the law are, I believe, so far as the province of Hawke's Bay is concerned, fully exemplified; and I think it will be found that every important question affecting future legislation has been raised which the experience of transactions in that district could suggest.

Nelson, 31st July, 1873. C. W. Richmond.
