

1883.  
NEW ZEALAND.

# NATIVE LAND COURT

(CORRESPONDENCE RELATING TO THE CONSTITUTION AND PRACTICE OF THE).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

## No. 1.

The UNDER-SECRETARY, Native Department, to the CHIEF JUDGE, Native Land Court.

SIR,—

Native Office, Wellington, 26th May, 1883.

In view of the attention which will no doubt be specially given during the coming session of the General Assembly to the Native Land Court, and the need which apparently exists for some improvement in its constitution and practice, I am directed by the Hon. the Native Minister to state that he will be glad to receive from you a report on the subject generally. You are also invited to offer any suggestions that may tend to remedy the state of things of which you have recently publicly complained.

Mr. Bryce considers that you will be able to suggest improvement in the way of lessening the cost of determining titles, which is at present, if rumour is to be believed, unreasonably large, arising not from the fees of the Court—which are sufficiently low—but from the cost of the lawyers and agents employed by the parties, and the heavy expenses consequent upon the prolonged sittings of the Court, owing to the duration of some of the cases.

It has been asserted that valuable Native estates have been entirely swallowed up in the expenses of determining the title, and that in all the cases under the present system the expenses attending the investigation of Native titles are a very heavy tax upon the Native claimants.

Mr. Bryce considers that the suggestions your knowledge and experience will enable you to offer, and, should you be able to favour him with it, an exhaustive report upon the working of the Court, would be most valuable at the present time.

I have, &c.,

T. W. LEWIS,

Under-Secretary.

His Honour the Chief Judge, Native Land Court, Auckland.

## No. 2.

The CHIEF JUDGE, Native Land Court, to the Hon. the NATIVE MINISTER.

SIR,—

Cambridge, 22nd June, 1883.

In reply to a letter of the 26th May, forwarded here, asking my views as to measures projected for improving the constitution and practice of the Native Land Court, and as to some kindred matter, I have the honour to submit:—

1. Unless the views of my brother Judges are being directly taken, I should, before expressing any opinions, have desired the advantage of conferring with them, but, as we are situated, that is out of the question.

2. The main business of the Court, *i.e.*, the investigation of Maori tribal titles to land, is of necessity a work of time and patience, owing not only to the vague origin and nature of such titles, but to the character of the evidence by which they are sought to be established, being assertion mostly legendary, and therefore equally the subject of manufacture and denial.

3. No doubt, at the end of a hearing, it may often be plain that much time has been unnecessarily occupied, but interference during the progress of a cause is in this Court difficult, and liable to be viewed with distrust by the party checked if he be a Maori conductor, and the more so if he does not get a judgment in his favour. To compare the duration of a hearing in the Native Land Court with one in any other is unfair, for, quite apart from the magnitude of the interests at stake—precluding anything like summary inquiry—and the vagueness of the subject, there is this material difference: In other Courts the issue is not only settled or well understood, but it is between plaintiff and defendant only, while here, besides the claimant, there may be a dozen counter-claimants, each fighting his own battle and each calling his own witnesses, and cross-examining those of each of the other parties.