

30. Under this Bill?—I assume that where restrictions are placed on land it is in the position of a Native reserve.

31. You are not asserting that that is a legal position?—I am assuming that that is the virtual position. In the first place I ask myself why there are restrictions on land at all but that the Natives should not be allowed to alienate them.

32. Restrictions might be put on for various reasons?—That is the main reason.

33. What we want to know is whether it is intended, in cases of lands outside those on which private transactions have existed,—whether it is intended to remove restrictions: I would point out that these lands are not legally reserves at present, whatever they may be ultimately?—This clause will not interfere with the right of the Governor to remove restrictions where there had been no dealing, without any inquiry at all. The Governor's power will remain the same as before. If it was desirable to remove restrictions he could do so. The Governor will have the same power to do so here.

34. It would be so undoubtedly were it not for these sections: these sections are restrictive?—Yes.

34A. Under what these sections prescribe this necessarily would take place?—I think that you will find that the preamble does limit it: "Whereas it is desirable that the removal of restrictions on the alienability of land should be dealt with only after due and formal inquiry."

35. Then what I wish to point out is that he would cease to have the power; this land would not be a reserve, it would be entailed and remain in an unprofitable state?—I do not think so. I do not think clause 61 goes so far.

*Hon. Mr. Bryce*: Then look to clause 60. Of course I only want to get the ideas of the Native Minister on this matter.

36. *Mr. Hobbs*.] Do you not think there should be some finality in these cases? With that view do you not think it would be better to have the names of all persons interested just as in the Special Powers and Contracts Bill?—I would have no objection to a course of that kind being followed if it should be thought the better way of proceeding; but I am inclined to think that this would be the better course. I may say at once that the whole object of this part of the Bill is to remove restrictions where private purchase had taken place, and only then after formal inquiry made into the *bona fides* of the purchase.

37. *Colonel Trimble*.] Has your attention been called to the Native Land Division Act of 1882 and the Reserves Act of 1882 while you were preparing this Bill?—Not specially.

38. Are you aware that in the provisions of these Acts great care was taken to place the taking off restrictions in the hands of the Court only, and that no power was given to the Governor in Council in regard to taking off restrictions or interfering with the judgment of the Court?—I am aware that that is one way of removing restrictions—by subdivision.

39. But the point of my question was this: Not that it was one way of getting rid of restrictions, but did not the Court deal with the matter absolutely without referring its decision to the Governor in Council?—Yes; the Act of subdivision removes restrictions.

40. Are you aware that the policy of Parliament for some years past has been to take power from the Governor in Council and place that power in the Courts of law?—I am not aware of it.

41. Would you not judge from the Acts of Parliament that they were at any rate in that direction?—No; on the contrary, I should say that the tendency was to place larger power in the Governor in Council.

42. Will you tell me to what Acts you refer?—Generally to the policy of the Legislature.

43. At any rate in those two Acts that is not the case?—I think it is; but I may state that I am no advocate of the policy of giving large powers to the Governor in Council. I am in favour of positive legislation where it can be conveniently had.

44. Then, would you be good enough to explain to the Committee—that being the principle upon which you say you are acting—how it is that these points to which I am going to refer to are—

*Hon. Mr. Ballance*: I would say at once that I am quite willing to meet you on these points. But I say, at the same time, that it is rather irregular to ask, in a Select Committee, questions as to the general policy of the Bill. That was matter for the second reading.

*Colonel Trimble*: I am going to refer to certain clauses.

*Hon. Mr. Ballance*: The usual way in Committee is to take the Bill clause by clause. If you think proper to suggest amendment you can do so; or if you do not approve you can sweep the clause away altogether.

*Colonel Trimble*: I was about to put a series of questions to the Native Minister; but, seeing that he objects, it would be waste of time to do so.

*Hon. Mr. Ballance*: I will say at once that I am quite willing to meet you on the clauses, going through the Bill clause by clause; but I say at the same time that it is rather irregular to ask questions in Committee upon the general policy of the Bill.

WEDNESDAY, 19TH AUGUST, 1885.

WAHANUI, Chief of the Ngatimaniapoto, examined.

45. *The Chairman*.] You come here to speak about this Bill. Will you tell the Committee what you have to say upon it?—I have been considering it for many days past. Should I wait to be asked questions?

46. You can state your opinion about it?—The reason I speak about this Bill is on account of the statement contained in my own petition. I stated to Mr. Bryce formerly that I am to have the administration of the whole of the lands in my district; I have made the same statement in my petition. I told Mr. Bryce on that occasion that when my petition reached the House I wished him to bring forward a measure vesting the whole authority in me—I mean in ourselves. When I came to