

MINUTES OF EVIDENCE.

GISBORNE, 6TH MARCH, 1891.

EDWARD FRANCIS HARRIS SWORN and examined.

1. *Mr. Rees.*] What are your name and occupation?—I am a licensed interpreter. I am a Native (half-caste) of this district. I have had considerable experience in the investigation of titles before the Native Land Court, and in transactions between Europeans and Natives. In the old days, and up to about ten years ago, the proceedings at original hearings were not lengthy—say, from three days to six weeks, including adjournments. Lately these proceedings have been growing in length. They now last for months. The expense to the Natives is very great, both to the Natives attending the Court from a distance and to those resident in the vicinity where the Court sits, because the latter have to bear a great part of the sustenance of the visitors. This arises from no legal claim, but from Native custom and hospitality. Both the parties feel the burdens heavily. The visitors are not now so numerous, and they help to some extent, but it is still a heavy burden. Formerly all parties attended, which caused neglect of cultivation. It is not so now; some attend and some stay at the kaingas to plant food and harvest. Those who remain have to intrust their interests to the attending parties.
2. Can you tell whether the fees paid by the Natives in the Native Land Court are oppressive, or, like the fees paid in the Supreme Court, very light?—My opinion is that the fees are oppressive in the Native Land Court, and the enforcing of them is often a cause of injustice to the parties.
3. In what way?—In this way: An owner wishes to have his name inserted, but he is not allowed to state his case or set up a claim unless he complies with the regulation providing for the payment of the Court fees.
4. Then, if he has not the money to pay the fees, he loses the chance of being put in as an owner in his own land?—Yes.
5. Do the fees demanded by the Native Land Court become a serious matter to the Natives in proportion to the value of the land?—Yes, very serious in proportion to the value of the land, especially so in protracted cases.
6. Have these fees to be paid on more than one occasion?—They have to be paid every day. Supposing there are six parties before the Court, they have to pay £1 a day. Sometimes there are as many as eight separate parties, and they have to pay £1 a day each. The Judges have a discretionary power as to enforcing fees, but they very rarely remit them. They are very chary of using that power.
7. Are there any cases in which the fees have been remitted?—Comparatively speaking, the cases in which the fees have been remitted are very few.
8. Now, in the case of surveys, the Court, I believe, is very particular in regard to surveys under the Act?—The Act is very particular and stringent in regard to surveys.
9. For original hearings, does the cost of the survey bear any large proportion in relation to the value of the land?—My experience is that the cost of the original surveys has been very limited. I should say the expense does not bear a large proportion to the cost of the original hearings. As far as the survey of the land goes it has nothing to do with the value of the land. If it is first-class land it might not cost as much as poor, rough land that would not be easily accessible. There is a scale laid down showing the charges to be made, but that has only been done within the last two or three years. Previously the surveyor had so little security for his money that he had to charge full fees, in the hope of being some day recompensed. The law has now been altered, and he is able to do it under the Government scale if he likes.
10. The cost of the original survey would be a proper and to some extent a moderate cost?—I will not say that. The Government scale is very high, but if the surveyor had a few years ago what he has now the work could have been done very much cheaper.
11. Now, in the cases of subdivisive surveys, can you speak of the expenses incurred?—The cost of subdivisive surveys would be very excessive if the land was cut up into very small pieces.
12. I suppose the charges are very excessive now where the land is cut up into small sections?—In some cases the surveys of small subdivisive blocks cost more than the value of the land.
13. Is that where there are a large number of owners?—Exactly. In fact, there are a large number of blocks where the areas could not be individualised, and leave a margin of profit.
14. Irrespective of the fees of Court?—Yes. Irrespective of the fees of Court, there would be no margin of profit.
15. Of course you are aware of the taxes that are to be paid—the 10½ per cent., that is fixed by law—we shall not require evidence upon that. But when Natives come to deal with their land, after they have got their title from the Native Land Court, is the individual dealing between European and Native very expensive?—It is expensive.
16. Would it be possible in many of the larger blocks of land to subdivide the lands according to ancestral boundaries of the land and still preserve frontage to roads, streams, &c.? Suppose in a block of 20,000 acres, owned by eight or ten hapus, would it not be almost a matter of impossibility to so subdivide that land as to allow of proper road-frontages to any good roads?—I think it would be very difficult to give access to every individual portion if the land was owned by a large