

that translations and records of Court evidence should be strictly correct. I think, indeed, that all Land Court interpreters should pass a certain grade before they are permitted to act as Court interpreters. I am led to make these remarks not only because a non-Maori speaking Judge requires correct literal translation, but from the fact also of having seen most miserable examples of interpretations and interpreters. And in the same manner also Native Assessors should be chosen with discrimination, and none but men of ability should sit in Court. The fact of an Assessor being a chief only, with no other qualification, is not sufficient to entitle him to sit in Court. The Assessor should be the means of assisting the Judge in questions of Maori custom and usage. Just and competent Judges and Assessors will curtail the fearful number of rehearings, which have hitherto been too common.

Now, as to the second subject—the proper method of dealing with Native lands—this to me is the most difficult subject by far. If we recognise the apparent equality of Natives with Europeans the solution is easy—viz., remove restriction and permit free trade, placing the Maori on the same footing as the European in every respect. But if the welfare of the Maori is to be admitted linked together with the welfare of the country, the question becomes very grave and difficult indeed. It has indeed been so much handled, and with such baffling results, that I may be excused at feeling a certain amount of hesitation and misgiving regarding the question, and with some delicacy in advancing ideas not entirely original, crude, and handled by a “prenticed hand.”

In the first place, then, I will base my suggestions on the assumption that the State shall not permit direct private dealings with Native lands, but will reserve that right to itself. This principle pure and simple, as exercised towards the Natives, has endeavoured to inflict a great wrong; but, applied with certain rights, it becomes sound in principle, and in that form only I uphold it. And before we (the Native owners) can do so willingly I ask, Let there be equitable measures passed for the dealing with Native lands. I hold that the Native has a right (all things being equal) to the full ownership and enjoyment of his ancestral inheritance, and a measure that will grant him such privileges is just to him and a benefit to the State. He would be protected and yet not be a hindrance but a help towards the prosperity of the country. Therefore I think this can be brought about in the following manner—that is, as to sales, the State shall be the sole purchaser.

When the ownership to a block of land has been determined and become negotiable, as I have shown in this communication, if a sale of the block is desired by any number of owners, not limited as to number, or a purchase is desired of the owners by Government, such owners shall, through a Commissioner appointed, notify all the owners through some local public medium, expressing such desire and appointing a certain time and place where owners shall meet and discuss the desirability of, or terms of sale (or, in case of leases, the terms and conditions of lease), or what area should be set apart by those willing for a reserve for the use of owners. But special provision must be made for any one or more owners who may desire to be exempted, whose interests may then be partitioned off. Majority in any case shall not coerce a minority. Then the balance of the block can be sold to the State as may be agreed upon. In case of disagreement value to be assessed by two valuers, one to be chosen by the Natives, either voluntarily or, if a difficulty arises, by election, who may or may not be an owner, and another valuer selected by Government; and, in the event of their disagreeing, a third independent valuer shall be mutually agreed upon, who shall decide between the other valuers, and, if desired by the other valuers, by evidence as to real value. Price to be so finally fixed. After an agreement has been arrived at, notes stating the exact terms and nature of transaction shall be taken by or supplied to the Commissioner, together with a schedule of owners purporting to have consented. It shall then be the duty of the Commissioner to fix a day on which the arrangement will be submitted for confirmation of same before him, as I have already indicated. Any one owner can be taken to sign the deed. Proceeds of sale or lease to be paid by a responsible Government Commissioner to each owner individually, according to their relative interests.

As to leases, the same method as for sale applies, only with this difference: that leases should be negotiable with private individuals, if desired.

The foregoing scheme, of course, is intended where the whole or a bulk of the owners desire a sale or lease of a block, but should not exist to bar the right of any single owner wishing at any time to sell or lease independent of the other owners. This method as outlined is simplicity itself; starts itself in a simple manner; gives notice to absent owners to meet and discuss the matter in a body, to which no unfair dealing can be imputed, and, in the event of disagreement, valuers give finality. Objectors can claim exemption and be partitioned off. The one owner to give effect to the deed being a formality, as all the terms have been settled by the owners in a body, or alternatively by their valuers, tribunal giving effect to the transaction being simple and unimpeachable.

As to costs, all original surveys, or surveys desired by owners themselves—all legitimate costs which may come under agents' commission only—should be charged against the owners, to be paid in money or land as desired. But all subdivisional surveys carried out after a lease is effected—all highway rates—should not be borne by owners where there are lessees occupying the land. No charge should be made against owners for such public works as roads or bridges except where they come under the legitimate operations of Road Boards.

One Commissioner for each district will be sufficient, whose duties shall be to give effect to the machinery and arrangements agreed upon; to hold open inquiries for the purpose of validation; to perform the same functions as a Frauds Commissioner, but shall in no way act as Government agent for the purchase and leasing of Native lands.

I entirely condemn Committees. They will become either only formal, docile instruments in the hands of a superior guiding mind, who may or may not be honest, or they may become merely obstacles from sheer ignorance simply. In both instances injury will result to the owners. It is my opinion—which I hold strongly—that any set of Committees, with an equal number of Commissioners at their head, may degenerate into legal swindling machines, say nothing of the cost to the country.