

prepared to say what course, under the circumstances, he will feel it his duty to take, I do not see what steps I can take in the direction referred to in the letter until he has intimated to me that he intends not to sit.

The Hon. the Premier, Wellington.

I have, &c.,

JAMES PRENDERGAST, Chief Justice.

No. 53.

The Hon. the NATIVE MINISTER to Mr. Commissioner EDWARDS.

SIR,—

Native Office, Wellington, 18th February, 1891.

I have the honour to forward herewith a memorandum by the Mayor of Gisborne, dated the 13th instant, with reference to the rules of the Native Land Commissioners' Court, for your perusal, and for any remarks you may wish to make thereon.

I have, &c.,

A. J. CADMAN,

Native Minister.

His Honour Mr. Commissioner Edwards, Wellington.

No. 54.

Mr. Commissioner EDWARDS to the Hon. the NATIVE MINISTER.

SIR,—

Wellington, 23rd February, 1891.

I have the honour to acknowledge the receipt of your letter, No. 189, of 18th February, covering a memorandum from the Mayor of Gisborne as to the rules of the Native Land Commissioners' Court.

In reply I have to say that the question of service of notice upon the Natives interested has been frequently under the consideration of the Commissioners, and that while the power of making rules was vested in the Commissioners it was felt by them to be impossible to abolish that notice, although the Commissioners fully recognise the inconvenience and expense attending service, and the fact that if it could properly be dispensed with the popularity and usefulness of the Commission would be largely increased.

I am assured by Mr. Commissioner Ormsby, who is necessarily better able than myself to judge, that *Gazette* notices such as are used according to the practice of the Native Land Court could not be relied upon to give notice to the Natives interested.

During the recent sitting at Gisborne it was found that many of the Natives whose interests were claimed resided in very remote parts of the colony, where there is little postal communication, and I should think it in the highest degree improbable that *Gazette* notices would have reached them.

A certificate of the Commissioners has the effect of divesting lands at present vested in the Native owners, and it is contrary to the spirit of the English law that persons should be divested of their property without notice, and without reasonable opportunity of being heard.

On framing the rules, the Commissioners, upon whom the responsibility then lay, had also to take into consideration the probability that if notice to the Natives were dispensed with there would sooner or later be a crop of claims for compensation by Natives who had been divested of their lands without a hearing.

I regret, therefore, that I cannot take the responsibility of recommending that personal service of notice upon the Natives should be dispensed with.

With regard to the question of advertisement, I think that the notice at present required to be inserted by applicants in the *Gazette* and *Kahiti* might be dispensed with, but I think that the notice required to be inserted in the local papers is necessary to give notice to possible counter-claimants.

I do not understand why it is suggested that this notice is not sufficient for that purpose.

The question of fees is a matter of finance, upon which I do not feel qualified to express an opinion.

I may, however, point out that the fees have been greatly overestimated in the letter of the Mayor of Gisborne.

It is quite impossible that the inquiry into the alienation by ten Natives of their interests in any block can properly occupy more than three days.

The estimate of the cost of inquiry into five blocks exceeds in this item alone the probable cost by £65.

Further, no objection is made by the Commissioners to including the notice referring to several blocks claimed by the same applicant in one advertisement, and the cost of advertising five blocks need not therefore be anything like five times the cost of advertising one.

Speaking roughly, I should say that the cost of dealing with five blocks of the value of £1,000 each has been overestimated by the Mayor of Gisborne by at the least one-third.

I agree with the Mayor of Gisborne that the number of persons who are interested in this question is very large.

I also agree with him that the powers at present given to the Commissioners are quite inadequate to enable the difficulties which at present exist to be settled.

The inadequacy of the present legislation was pointed out by me in correspondence with your predecessor very soon after my appointment, and during the last session of Parliament I prepared and forwarded to your predecessor the draft of certain clauses which would, I believe, enable the Commissioners to finally settle all disputes as to title, at the same time doing no injustice to the Native vendors, with notes explaining the meaning and object of each clause.

I return the memorandum enclosed in your letter.

I have, &c.,

The Hon. the Native Minister, Wellington.

W. B. EDWARDS.