

Mr. White.
—
March 15, 1879.

868. Certainly.—The reason I gave a general objection is, that I did not believe the law contemplated (I am speaking now my opinion of the law as having administered it as Returning Officer)—I did not believe the law contemplated the introduction or admission of so many Natives on the list unless they qualified themselves according to what I understood was the law—that is, individualized their title. I did not think the Native Lands Act, giving a communistic title, entitled them to vote under our law. That is why I gave a general objection—because they had not individualized. There are only two men in this district I am aware of who have individualized their title.

869. From your official position, you make this statement with some degree of authority. I will put an extreme case for the purpose of getting your opinion: Supposing two Maoris held a block of land under Crown grant in common, and the value of that land was £1,000, is it your opinion that these two men would have no right to claim to be on the electoral roll?—Do you mean this to be a Crown grant under the Native Lands Act?

869A. Yes. Then I should say the two would not be entitled. I am giving an extreme opinion upon an extreme case. To carry out my view, these two men should have their title individualized by the Native Lands Court, because from my experience in purchasing Native lands I am quite satisfied it might be that one man might own nine hundred and ninety-nine pounds' worth of that property, and the other man only one pound's worth. I have seen one man, where there have been, perhaps, thirty or forty to take it, take £150 out of £700, and another half a fig of tobacco.

870. But the question is the position in law while they hold in common. I will change the question a little, and put it in this way: If two Europeans held a farm of the yearly value of £1,000 as tenants in common, do you think they would be entitled to be on the electoral roll?—Yes; because their titles are individualized. Before they go into that title each one knows what his share is; whereas the Natives do not know what their share is. I make that distinction because one is under a general law and is governed by general known principles, and the Natives have an especial law which has not come into general practice amongst the Natives themselves. It is only on trial, and is a special law.

871. I will read an extract from a document that was submitted to me by Mr. Williams at Russell, and I will ask you whether you recognize it as being your production. This is it: "Mr. White says,—No. 1 is really a householder. No. 2 has left—no longer resident; believe freehold qualification a bogus. No. 3, school-teacher in a Government schoolhouse. Query: Does such qualification entitle to a vote? Every one of the remainder are either owners in common of Native lands, having no individual right—" Do you recognize that as a part of the memorandum you made?—I think I do.

872. In reference to the total number (which you do not remember) upon which Mr. Williams sought information, I will ask you whether you think it exceeded a hundred? That is merely a guess on my part.—I really could not say; it was a large number. I am labouring under this difficulty of not being able to see for myself. Many of these things do not press themselves upon my attention or memory in consequence.

873. I think I understood you to say, Mr. White, that in sending this memorandum you had no idea that Mr. Williams would accept it as conclusive evidence that these men ought to be objected to?—Certainly not. I cannot conceive such a thing; because in the matter of my own duty I would not take any man's opinion—only as a guide, not as a rule.

874. I may say, Mr. White—and I see no reason for concealing it—that Mr. Williams stated in evidence that his personal knowledge only extended to twenty-two claims, and he relied on you almost absolutely in reference to the names of the people in this district. I state that for your information. You will see the importance of that point even now. In reference to the Putoetoe, you express an opinion (it appears in the memorandum) with regard to that block of land, to the effect that there was no record of such a block in the Mongonui office. Do you remember expressing that opinion?—Yes; I must accept that as very likely the case; because, though I cannot exactly remember the individual names, I know many blocks, and have caused them to be marked on this list that there is no record of them in this office, and I do not recognize them by name. They may have passed through the Court, and they may not; but you will observe from the way in which I gave that information—"that there is no record in this office"—that it was for the Returning Officer to find out that there was. I gave him positive information of certain Natives. I gave him other information which he was to fortify if he could. With respect to such as is given, "No record in this office," that would imply that he would find out himself; and then I gave as a general objection, "No individualization of title;" and I was confirmed and fortified in my opinion by the Revising Officer in 1876, who struck off the Natives as not having individualized their claims. That fortified me in the opinion I had held for years.

875. In saying that there was no record of such a block in the Mongonui office, did you mean Mr. Williams to understand, as an inference, that no such block was in existence?—No; that I had no record of it; that I could not possibly say who was on it and who was not, because I had no record of it.

876. You say with respect to one Utika Huru that you do not recognize the name. His was the name of a man objected to subsequently to your writing the memorandum?—What did I say about him?

877. That this Utika Huru claims for two hundred acres at Waimanoni, and that he has not that grant. Mr. Williams says he acts on information supplied by you. Mr. Williams's observation is, "So Mr. White says—not on the grant for which he claims."—Will you allow the interpreter to find it on the list? and, in all probability, he will find opposite to it a cross, which denotes that he is not upon the grant for which he claims.

The Interpreter (after making search): There is a cross against the name here.

Witness: Against every name there is a cross where the name is not on the grant. An "O" means that a man claims for land in respect of which there is no record of the block in the Mongonui office. There is one who claims for Te Kau. To my knowledge it has never been through the Court.

878. *The Commissioner*.] I come now to some household qualifications. There is one Heta Raka Komene, and there is a cross against him. The cross means that he is not on the grant for which he claims?—Yes.