

3. What class or classes of cases have arisen which exhibit the defects in the present system of alienating or disposing of interests in Native lands, or in which non-compliance with existing laws has created or complicated defective titles where such lands have been equitably acquired or dealt with after the titles thereto have been investigated by the Native Land Court, and where such complication or defect still exists, and what remedy, if any, should be adopted in respect thereof. Provided that the said Commissioners shall not have power to inquire into any particular case within the terms of this clause unless the parties interested shall consent to such case being brought before the Commission, nor shall the Commissioners inquire into any such matter where the existing title to any such land is directly or indirectly the subject of legal proceedings in any Court or before any authority empowered to deal with or investigate the same.

4. The principles on which interests in Native lands should in future be alienated or disposed of by or on behalf of the Native owners, and the manner, terms, and conditions in which the same can be carried into effect.

5. And generally to inquire into any other matter or thing necessary to elicit full information in the premises.

It is now for us to suggest first the remedy we propose for the difficulty and suffering produced by the existing laws and those which have preceded them, and then to place before your Excellency our proposals for the future.

ANSWERS TO QUESTIONS IN COMMISSION.

(The first and third must be read together.)

I. All cases under these sections may be thus classified :—

- (a.) Cases in which contracts have been made, and titles have been supposed to be completed with satisfaction and fair dealing on both sides, but where some technical or formal omission in the fulfilment of a provision of the statute, not essential in its nature, renders the deed invalid, but where there is no allegation of illegality or fraud or other contentious matter.
- (b.) Cases in which there is a contention or contentions between the Native and European, or where the common or statute law has been broken by the European or his agent in the acquisition of the land or the title thereto.
- (c.) Cases where titles have been partially acquired under some existing law, but their completion has been prohibited or delayed by a subsequent Act. And these may be subject either to the conditions of (a) or (b).

II. The remedy proposed :—

- (a.) The establishment of a Court to be called “The Native Land Titles Court,” having both judicial and administrative powers, as well as the powers and authority of arbitrators in all cases, and who shall have power to give titles in every case except those where fraud or illegality are alleged.
- (b.) Such Court to consist of three Judges to be appointed by Parliament, who shall hold office for a specified period—two to be Europeans and one of the Native race. Term and salary to be fixed by the Act.
- (c.) In class (a), and cases under both (c) and (a) combined, the Court shall, after due inquiry, confirm the title of the purchaser, lessee, or mortgagee respectively.
- (d.) In class (b), and (b) and (c) combined, the Court shall hear and decide every case upon the merits; but where fraud or illegality is alleged the Court shall report to Parliament, with its opinion.
- (e.) The Court shall validate and carry into effect any agreement come to between the Natives, or a majority of them, and the Europeans, where such agreement is, in the opinion of the Court, fair and proper.
- (f.) In all cases where necessary or advisable, subject always to the former clauses, the Court shall act as arbitrators, and give such decisions as to it seem just.
- (g.) All decisions of the Court to be final, and to be carried into effect by the Court. In all cases where necessary the Court shall have full power to make partitions as the parties, or some of them, may desire, and as the Court shall deem advisable and just; to execute deeds; &c.

This suggestion is by no means original. In addition to the many Commissions which, by Royal warrant and Act of Parliament, have been created, one was suggested by Sir George