

479. Yes, subject to taxation, and settled according to the land-laws of the colony, and free from the complications which at present exist?—I think it would do.

480. Do you not think it would simplify our dealings with Native land?—I think so. If you substitute leasing for purchasing you will do away with a source of quarrel amongst the Natives themselves and stop speculation, because the people who apply for these lands will take them up in order to settle upon them.

AUCKLAND, 16TH MARCH, 1891.

HAMIORA MANGAKAHIA, examination continued.

481. *Mr. Rees.*] You were good enough to tell the Commissioners you would obtain certain documents, and arrange your thoughts for to-day on these subjects upon which we desired information from you?—I have received some of the documents I referred to; others bearing upon the laws I have not obtained as yet. I would like to speak upon the points that have been written down for me (the subjects set out in the Commission), and then the evidence on other points may be elicited by the Commissioners putting questions to me. The first point in the memorandum that I have to speak upon is with reference to troubles and disputes between Europeans and Maoris in regard to land purchases and leases, and also with regard to mortgages. I am aware of very great difficulties existing throughout the Island in reference to these particular points—that is, with regard to disputes as to leases, sales, and mortgages. I have heard that there was a Commission appointed similar to this to inquire into these matters. When I heard that the Commission was appointed it occurred to me it would be a good plan for the Commission to be appointed to inquire into all such matters—disputes and so on. My idea is that a Judge of the Supreme Court and two Assessors should sit and inquire into all disputes between Europeans and Maoris; that in the selection of Assessors great care should be taken in getting the best men available; that the persons who would constitute that Court should have been in no way previously connected with any matters that were to come before them, and be neither directly nor indirectly concerned in any lease, conveyance, or mortgage that might come before them for consideration; that all the individuals should be able to say that they were entirely untrammelled in any way, and the Europeans should also say that they were in no way personally interested. This, of course, relates to that part of the subject concerning disputes between Europeans and Natives. All these difficulties could be embraced and dealt with under the one heading—that is, “Appointment of a tribunal to settle these disputes.” That Court should have very large power for finally settling matters that would be brought before it. That is all I have to say upon that branch of the subject. Now, with regard to the Native Land Court, my idea is that all of the laws in connection with the Native Land Court from 1865 up to 1890 should be repealed. The difficulties will rapidly increase, instead of being diminished, if these laws are not repealed, because there is a continual changing of these laws, and a constant taking of clauses from one Act and then putting them in another, and then afterwards repealing them; and then, with all this, there are amendments going on, the effect being to so complicate matters that the greatest confusion prevails. Therefore it is that I think these laws should be repealed—not that what has been done hitherto should be affected by such a provision. With regard to all lands that are in their primitive state, these should be dealt with under that new law; but nothing should be done to interfere with existing rights if it could be avoided. Then, from the various Native Land Acts that have been passed from 1865 to 1890, select such portions as are deemed to be good, and embody them in the new law. But in cases where any of the provisions of the old laws would be embodied in the new law, not to say that such-and-such a clause was taken from such-and-such an Act—not to quote these old Acts at all, but that the new law should be entirely new, without any reference to old Acts—that is, with regard to the operation of the Native Land Court. I am excluding at present any reference to the subdivision of Native lands. I think that the Court for subdividing Native land should be a distinct and a minor Court, as regards the Native Land Court for dealing with Native claims. I see in numbers of the *Government Gazettes* that are published applications from Natives to have their interests cut out, in order that they may get a Crown grant or a certificate of title for their individual share, so as to deal with the individual interest; but the sittings of the Court are not held. I have seen in my own travels as an Assessor that great numbers of these applications for subdivisions have been made; but the Courts have been unable to attend to them owing to the number of rehearings and other matters they are called on to attend to. Many who wished to have their interests individualised have been unable to get it done owing to the Court being engaged at other work. For the Court for subdividing lands there should be two Assessors, an European clerk, and an European interpreter, and the name of that Court should be “The Court for subdividing Native land in New Zealand.” Then, in that Court a plan of the land to be subdivided should be produced, and access should be had to the books which contained the evidence of the former investigations. Persons eligible to act as Assessors of the Native Land Court should be appointed to this Court, and also the clerks and interpreters of the Native Land Court. The scale of pay to be provided to be the same as provided in the Native Land Court. Having now spoken about the Subdivision Court, I wish to refer to something I omitted in regard to the first matter of reference. I have a written memorandum of the various points, and after concluding my evidence I will hand this memorandum in. I am aware that there are some points in these Acts of the past that are good if time could be taken to select the provisions that should be adopted; but I think, with regard to the good points in these Native-land laws, I may have to leave that subject at present, because it may come up for discussion at an important meeting which is to be held at Heretaunga, in Hawke’s Bay. Recently Wi Pere, Mr. Carroll, and myself have had a meeting with reference to these laws, and I have a written memorandum with me on the matter. What was being collated from the various Acts will be read over at this meeting in Hawke’s Bay, and then what the meeting at Hawke’s Bay approves of will be immediately submitted to the Commissioners