

WAIMATE NORTH, 2ND APRIL, 1891.

HONE PEETI, examination continued.

*Witness* : The Commissioners will remember that I broke off my evidence in Auckland because I wished to conclude here what I had to say. Let me follow in the path that Wi Katene took up here to-day—that is, with reference to the Native Land Court. I have truly seen that the troubles arising from the Native Land Court from the beginning are now rapidly increasing. The persistent making of new laws is the cause of the difficulties so increasing. Scarcely can two years pass without there being new laws made, which add more and more to the difficulties that have already arisen. Another thing that I see is that new regulations have been made with regard to lands in the southern part of the Island. I do not know in what manner or by whom these regulations are made. If the regulations were made in this way: that the Judges would meet and assemble the Assessors together, and lay down regulations for carrying on cases according to Native custom, then the position would be better. But they do not do that. Another great burden that is placed on the people is the demand for heavy fees. In former times the weight to be borne was much lighter, for small fees were requested, and then afterwards, although fees were charged, they were not demanded; but now the weight has become very heavy indeed, because the payment of large fees is insisted upon. The only single thing that remains now in all the Native-land laws is the name that the cases are to be tried according to Native custom. The name is the thing that remains, and that too shall be gone from us in a little time. Even that at present is getting shaved away, and I cannot tell how soon—perhaps in a year or two—the Native custom will be altogether neglected, and the Native Land Court will deal only as a European Court. It will deal wholly and solely with the English law. As things are going now, every vestige of Native custom in the dealings with our land will be swept away. Another very serious thing is, that in cases where the Native owners do not wish their interest in the land individualised the Court takes upon itself to individualise the land by dealing with blocks with twenty owners in them. We find that the fees to be paid are very oppressive indeed, and the people are also subjected to great trouble in having to attend the Court, travelling night and day from distant places, and they are at the same time reduced to great inconvenience through having to obtain food—perhaps fruit—sufficient to last them for the month or so that will elapse before they can return to their places of abode. Another objection to the Native Land Court is the continual adjournments that are made from one place to another, and from one time to another. I do not say that the Judges are altogether responsible for these adjournments, for the conductors of the cases before the Court frequently apply for the adjournments to be made. Another trouble that we experience is owing to the persons who conduct cases for us in the Courts taking the whole conduct of the cases upon themselves, and not consulting the general body of the owners. In that way the conductor of a case is enabled at the close of the case to put in a list of names which he himself approves of, leaving out other owners, perhaps, whom he does not care for. This affords the conductor the opportunity of inserting the names of persons as owners in respect of the land for private or personal reasons of his own; because the persons who conduct these cases are people of more ability than the others, and consequently have the control pretty well to themselves. Then, there is another trouble with lawyers conducting cases in Court, for the Native conductors of cases try to follow the example of the lawyers by adopting the same mode of procedure. What I mean is, that the conductors prolong the cases just as the lawyers would, so as to get large fees. In that way the one class follows the other. Another thing is that the agents, who are licensed, prevent to a certain extent persons from conducting cases free of charge for the Maoris. That is to say, where the Maoris might want a person from a certain hapu to conduct a case for them in Court, that person cannot do so unless he is licensed as an authorised agent. I think it is quite right that the agents should charge for what they do, and that they should have licenses; but what I object to is that persons who are not agents, and who have no licenses, are not allowed to act for the Maoris. There are many difficulties arising out of the working of the Native Land Court that weigh heavily upon the Natives; but I cannot speak about all these difficulties now. I think that the proposal, or the suggestion, made about Committees inquiring into land matters for the Natives, and having a Government officer with them, is a very good arrangement indeed. I approve of it—that is to say, of the views the Commissioners have expressed. It would be a very clear and simple thing for the Native Committees to adjust the troubles between the Natives themselves with regard to their lands, so as to render them clear as to their respective rights to the land according to Native custom. They would be much clearer in coming to a fair decision than the Native Land Court, with its Judge and Assessor, because on these Committees there would be many people, and they would know the claims of the persons to the land, and where one member of the Committee might not know the circumstances connected with particular claims others would, and in that way all the facts and the truth of the case would be arrived at. The whole circumstances would be clearly laid before the Committee, and collected together, and an accurate decision would be given as to the ownership of the land. In cases where an endeavour was made to foist false evidence upon the Committee it would be immediately detected by the members of the Committee themselves. That is the reason why I think these Committees should be appointed to deal with such matters, and that their decision should be given to some tribunal to be newly appointed for final confirmation. I say therefore that these Committees should be appointed, and that they should be intrusted with the investigation of the Native titles to land. I approve thoroughly of what the Commissioners have said with regard to the payment of fees. That is all I have to say upon that point. If the Commissioners have any questions to put to me with regard to what I have said I shall be very happy to answer them, or, if they prefer it, I shall proceed now to another branch of the subject.

829. *Mr. Rees.*] The opinion of the Commissioners is, you have gone so clearly and decisively into all the questions you have yet spoken of that they are left nothing to question you about. No