

randa as part of my evidence before the Commission. I shall now, if the Commission wish, read my memorandum.

2035. Yes, we should be glad to hear it?—It is as follows:—"Memorandum for the Hon. the Native Minister": In accordance with your instructions that I should submit to you in writing the scheme that I mentioned had occurred to me as a possible improvement in the investigation of the title to Native lands, I respectfully submit the following memorandum. I am conscious that it would be an easy task to point out many flaws in the scheme, and, indeed, seeing that strong objections have been taken to every plan propounded in connection with Native lands, it can hardly be expected that the one which is the subject of this memorandum can escape the general fate. Before proceeding to detail the proposal, I will, with your permission, make a few preliminary remarks on the question to be dealt with. Much might be said about the peculiarity of the Treaty of Waitangi, but the subject is too large to be entered upon here; and, as the ownership of the Natives of the land according to their Native custom is an established fact, it will be sufficient to deal with the question as it exists. In the early days of the colony the chiefs were recognised both by their people and the Crown as having authority over the lands of their tribes, and the old purchases of the large blocks acquired by the Crown were negotiated with the chiefs by the Land Purchase Commissioners, who themselves, as best they could, investigated the title of those who assumed authority to cede the lands dealt with. In 1862 an Act was passed 'to provide for the ascertainment of the ownership of Native lands and for granting of certificates of title thereto, and for regulating the disposal of Native lands, and for other purposes.' But it is not necessary for me here to refer to its provisions. In 1865 the Native Lands Act was passed, which constituted a Native Land Court for the investigation of the titles of persons to Native lands according to Native custom, the determination of succession, and other purposes set forth. Since 1865 various other Acts have been passed on the subject, but the general principle of the investigation has been unchanged, and the Native Land Court of to-day is practically the same as it was when constituted twenty years ago. Although the Court is the same, the Natives have greatly changed, and, it may be said, not for the better for Court purposes. Twenty years' intercourse with Europeans has not strengthened their sense of moral rectitude. Lawyers and agents have instructed them in the art of getting up a case. The lands, also, that remain under Native tenure have year by year greatly increased in value owing to the development and progress of the colony, thus offering greater prizes to their cupidity. These and other considerations have had the effect of causing the present generation of Maoris to contest the title to every block in a keen and unscrupulous manner entirely unknown in former days. I am inclined to think that the principles of strategy and treachery which in olden times were constant elements in their warfare are still employed by modern Maoris in another form to gain possession of land belonging to other people. These practices not only increase the difficulty of the Court, but tend greatly to lengthen its proceedings, so that cases now occupy as many weeks or months as days formerly. The effect upon the Maoris themselves is injurious in the extreme—their time is wasted, their money squandered, and their health in many cases ruined. Numerous deaths amongst the Maoris, both old and young, are directly traceable to their manner of living while attending protracted sittings of the Native Land Court." I may here mention that, of course, six years ago the Natives were not so temperate in their habits as they are now.

*Mr. Rees*: Things are as bad now in some cases.

*Mr. Carroll*: But, still, there has been a marvellous change.

*Mr. Lewis*: Yes. There has certainly been a wonderful change in that respect. "For some time past the Maoris themselves have been greatly dissatisfied with the Court, and they have forwarded numerous letters to the Government and petitions to Parliament on the subject. This year their representations have been stronger than ever before. As all Native petitions to Parliament are referred to me for report, the subject has been prominently under my notice, and, although I have always devoted considerable thought and attention to the Native Land Court, the scheme I am about to propound only occurred to me a short time ago. It does not, however, differ materially in principle from many previous proposals, though it has never, so far as I am aware, been suggested in the same form. As to the petitions and complaints of the Natives, there is no doubt that most, if not all, their grievances against the Court are the result of their own fault, and that if they would only bring before the Court truthful evidence relevant to the cases under investigation, and then assist the Court in arriving at a right conclusion, the machinery provided is ample to do them justice, and well adapted to the end. But—and I would respectfully call attention to the importance of this point—the Native Land Court is peculiar in this: that it has rarely, if ever, any independent testimony before it, the evidence being that only of the claimants and counter-claimants themselves. Under such circumstances it is hardly to be expected that truthful evidence will be given. The witnesses have every inducement to state only what is in their interests, irrespective of whether it is false or true; and I have heard so much from those whose opinions on the question were of great value of the disregard for truth Natives have under such circumstances that I consider the evidence produced before the Land Court is in most cases likely to be extremely unreliable. Of course the Judges are gentlemen of knowledge in weighing evidence; but it must be remembered that, besides the skill and experience the Maoris have acquired in the conduct of cases before the Court, they obtain the assistance, at heavy cost, of legal gentlemen of special ability, who know exactly the facts that have to be proved to enable the case to be won; and the Natives have no difficulty in bringing forward witnesses to state what is desired. Moreover, the evidence upon which Native land title usually rests is of facts strange to all English ideas of law, and generally relates to battles, murders, occupation of land, or other events which happened many generations ago, the accounts of which have been handed down by tradition more or less reliable; and sometimes acts of the grossest treachery, according to our ideas, form the basis, according to Maori custom, of a good title. It must be apparent, therefore—when it is remembered (1) that the witnesses are directly interested in stating only what suits them; (2) that the evidence they give, as a rule, relates to traditionary events, or genealogy, or other matters of old date; (3) that they know exactly