

with every Native Bill that comes before the House: You are led to introduce a Bill on the representation that certain titles should be made good on certain conditions. What follows? One man sees that some title cannot be made good except under this Act, and he has an amendment made so as to enable it to be included. Another man has in view a similar purpose, and takes the like action. The result is that the scope of the Bill is considerably widened, and three-fourths of the titles—that are made good in this way are such as should not be made good at all, because these alienations, and the bargains made in connection with them, have been made in violation of the existing laws. I say that three-fourths, and perhaps more, of these validations are of that class. In some of these cases it may be that Europeans have entered into them not knowing much about the law; but I do not know that it is wise of the Government to help Europeans, who have knowingly broken the law, to get their titles made good. Three-fourths of the cases are of that class. There may be some small number of cases in respect of which there may have been some technical mistakes, and no wilful intention of defying the law—no intention of making bargains with the Maoris outside the law. In such cases the Commission would recognise and give due weight to such reasons. But if you are to open the door wide enough to cure all titles, you would virtually be passing an Indemnity Bill to validate all transactions that have taken place during the last forty years; and I do not think the Parliament of the colony should do anything of the sort. If people have chosen to risk their money in the nature of a gambling transaction on the chance of the Natives thereafter getting the power of sale, they should have to put up with the results of their gambling. They have staked their money, and lost, and they have no right to ask the State to make good their speculation. There may be cases in which there are really equitable considerations. In respect of such cases, I think it would be far better if this central Board were simply to report on the case, and have power to stay all proceedings in connection with the land in question until they had reported to Parliament. And if Parliament approved of it let the man who is aggrieved be named, and let the blunders that have been made be rectified by Act. That brings the thing before Parliament in a direct manner, and if Parliament finds that technical blunders have been made, and that the transaction itself is a good and righteous one, it may validate it. But it would be quite wrong to allow the Board to perfect all the absurd bargains that have been made between Natives and Europeans. There are some cases of dealings with Natives in respect of which I believe the Europeans knew that the Natives had no proper title to sell, but they went into them nevertheless as a kind of gambling transaction, and now, when they find that they cannot succeed with their speculation, they want the State to step in and relieve them of their risk. I do not think the State has any right to go and do anything of the sort.

2200. Then, the only cases that you think may be validated would be cases in respect of which there are technical omissions only, but not cases involving contentious matter?—Yes. If there is contentious matter I would leave the Commission to report upon it. Take Case A, for instance. Let it set out all the facts. Then, if the central Board think this is a case in which there should be validation, they should have power to approach Parliament, just in the same way as the Auditor-General does, and their report should be laid on the table of the House at the opening of the session. The Ministers then would say, "We propose to take up Case A, and to introduce a Bill for the purpose of affording relief." And the preamble to that Bill should recite all the facts of the case. This would prevent people going before either the Commission or the Board with cases which cannot be amply justified in any way. It will restrict the number of applications, to begin with. Then, I would give power to the Commission to fix a penalty, so that in case of making good all these things it may be recognised at the outset that it will be done on condition of paying so much to the Government in the nature of a fine. We will suppose a case involves something more than mere technicality, but is not tainted with fraud as between the two parties. In such cases as that I would have the Commission report the facts to the House, and say that "So-and-so has made out a good case, that it is not tainted with fraud, but as it is non-compliant with the statute we think £500 should be paid to the State." That should go towards defraying the expenses of the central Board, and if any balance should remain it could be applied towards helping to make roads, and so on, for the benefit of the Natives. But to go further than this, and say that a Commission should be set up to cure people's titles, when those persons have been acting in violation of the law in negotiating for them, is monstrous, and I would not recommend it. In fact, I stated when I was in office that if these people were made to realise that they were playing a losing game—if they once knew that these mistakes were not going to be rectified—they would take care not to pledge their money until they had good titles. These cases have simply resulted, in my opinion, from attempts made from time to time to evade the law. That is my very strong view. I do not say that these things should not be remedied in some cases, but they should be remedied only by special Bill, and therefore brought before Parliament for the purpose.

2201. That is, with respect to cases which involve more than mere technical matters?—In technical matters blunders may be committed—not by the fault of Parliament—which blur the title. That kind of case also should be presented to Parliament. I would do that for the purpose of bringing these things into the utmost publicity, so that all the people in the colony should know what is being done.

2202. We propose a Commission different from the Board?—I do not think I would have a Commission; the Board can do the whole thing. The rectifying of all these mere technical things should be done by Parliament, by means of special Bills, with ample preambles setting out all the facts. If it can be shown in any case that the people concerned had been acting in a *bona fide* manner, and had complied with the law, but were nevertheless prevented from completing the title by some accidental circumstance, then, of course, the law might come to their relief. For example, before their negotiations had closed, a Bill may have been passed by the Legislature preventing them completely from proceeding further with the transaction. Cases like that should be remedied, and, if they were presented to Parliament, would no doubt be remedied when the facts were properly set forth. That is my view. Then you do not want a special Commission at all. The