

2251. *Mr. Rees.*] Then, that was the purpose of Sir Donald McLean in preparing the Act of 1873?—Yes. I drafted that Bill at my private lodgings, and I took it to Sir Donald McLean himself. He exclusively gave me all the instructions with regard to it.

Mr. HENRY HOWORTH examined.

2252. *Mr. Mackay.*] You are a barrister and solicitor practising in Wellington?—Yes.

2253. You have had your attention directed rather particularly to these questions of Native-land legislation?—I have. For six years I have made them a special branch of my business.

2254. Are there any particular points with reference to which you wish to invite the attention of the Commission?—I particularly wish to direct the attention of the Commissioners to a Bill which has been twice introduced into Parliament by the late Mr. Taiwhanga. I prepared the Bill after consultation with nearly all the tribes in the North Island—the Ngapuhis, the Arawas, the King people, and Te Whiti people. It was first brought under the notice of these tribes in the form of proposals which were printed in pamphlet form in English and Maori. [Copy of pamphlet produced.] Copies of this pamphlet had been circulated amongst them for some time before I visited them and explained the nature of the proposals. Part I. of the Bill provides for securing a small area of inalienable land to every Maori. Part II. provides for throwing all the rest of the Native lands open for sale and settlement under the ordinary land-laws of the colony. As nearly as possible they are to be dealt with as Crown lands are dealt with; but the money or revenue accruing therefrom, instead of going into the Government Treasury, will go into the “Maori Treasury.” These lands, which in the Bill are called the “Maori estate,” are to be vested in a Board or Council similar to the Waste Lands Boards of the colony. The Council would be a corporate body, with whom the Government would communicate in all matters concerning the Maori estate. Part III. provides for the mode of electing the Council. The Maori estate would be divested of all Maori usage and custom; and the only interest that the Natives would have would be the division of the money after the realisation of the land in open market, the same as Crown lands. The object of the Maori Land Board or Council is to provide a corporate body, in which the Maoris will have confidence, to hold these lands in trust, and to give them a voice in the management of their lands. The voice, I admit, is a small one, because they are quite willing that the lands shall be compulsorily open for sale and lease on application under the ordinary land-laws of the colony. When it has been determined to bring land into the market it must be surveyed in the ordinary way by the Government, and, upon the map being submitted to the Board—probably with the recommendations of the Minister of the Crown—the Board would determine under what regulations the land should be dealt with—that is to say, whether for absolute sale or for perpetual lease, or for sale on the principle of deferred payments, according to land regulations in force for the time being.

2255. How would you propose to constitute this Native Land Board?—It should consist of twelve members, to be elected in the same manner as members of Parliament are elected, three members being allotted to each of the four Native electoral districts. These twelve members, with a Commissioner, would constitute the Board. All the Maori lands excepting the inalienable portions would be vested in the Board. The Board would communicate with the Government in respect of all matters connected with the administration of the estate, and the Maoris, having by these means got rid of all the cumbersome investigation of Maori usage and custom, would apply themselves, under the advice of a European Commissioner, to the disposition of the Native lands to the best advantage for themselves and for the public. In my opinion, large numbers of the Maoris would take up land for independent settlement. I will read the provisions proposed for the management of the Maori estate: “The Maori estate shall be managed and administered by a Council or Board, consisting of _____ members. (a.) The Council shall be elected in the same or similar manner as Maori members of the House of Representatives are now elected under ‘The Maori Representation Act, 1867,’ and for the purposes of this subsection the said Act shall be deemed to be incorporated herewith; but, in lieu of each district returning one member, each district shall return _____ members. (b.) The first election shall be proceeded with as soon as conveniently may be after the coming into operation of this Act. (c.) The Council so elected shall appoint a President, who shall be a European, and shall hold office during good behaviour, or until removed by the unanimous decision of the Council. (d.) The Council shall be styled ‘The Maori Council,’ and shall be a corporation, and shall have a common seal, and may sue and be sued in its corporate capacity. (e.) The functions of the Council, when dealing with Maori lands, shall be analogous to the functions of the Waste Lands Boards of the colony. (f.) The offices of the Waste Lands Boards of the colony may, by consent and agreement with the Minister of Lands, be the offices of the Council, and the principal office shall be in the City of Wellington. (g.) Regulations shall be framed by the Council for the proper conduct and management of business, and all proceedings shall be open to the public, and all plans and other records shall be public records. (h.) The President and Council shall receive such remuneration for their services as the Council may decide upon. (i.) The Council shall have jurisdiction to hear and determine all applications and questions arising under this Act concerning the administration of Maori lands, and in cases of doubt or difficulty may state a case for the opinion of the Supreme Court, and, subject thereto, all decisions of the Council shall be final and conclusive.” Part IV. of the Bill provides for surveys and the issue of Crown grants, leases, licenses, &c. Part V. relates to “Finance”—viz.: “16. The proceeds of all sales, and of all rents and income derivable from the sale, letting, and disposing of Maori lands, shall be paid into a bank to the credit of ‘The Maori Estate Account,’ and all compensation to which the Maoris may be or may become entitled shall form part of the same fund. 17. Subject to the payment of the cost of surveys, salaries, rent of offices, advertising, travelling, and other expenses pertaining to the administration of the said estate, the fund from time to time available shall be distributed half-yearly on the first days of January and July in each year, between and amongst the chiefs and Maori people, in accordance with share-certificates to be issued to them