me that, even on the assumption that these litigants have now no better standing before Parliament than the promoters of any private Bill would have, they have at least the same rights as such promoters, and under all the circumstances have an irresistible claim to ask the Legislature to carry out their agreement. The very fact that the great public good done by all this discussion has been obtained at Mr. Tiffen's expense gives him a strong claim. The Hon. Mr. Carroll, when present at a deputation to the Premier, in Gisborne, on the 16th June, stated that my judgments in this case "have revealed the whole thing to daylight, and will be a great instruction to Parliament," and the Hon. the Native Minister has written concerning these judgments: "I have carefully read Judge Barton's letter, and also the judgments he has given, and I must say that I feel very pleased at the common-sense view he has taken of the cases." These statements show that, even though my view of the law was unwittingly erroneous, the course I took was judicious. My object all along in these judgments, and in the Poututu judgments, has been to "reveal the whole thing to daylight," and strip from Native-land proceedings the veil of mystery in which unscrupulous persons have shrouded them for their own purposes. Many members of Parliament, unable to pierce that veil, look so suspiciously on all Native Bills, and are so convinced that the Native Land Court is a mere tool for improper uses, that they refuse their confidence to every measure introduced, lest some innocent-looking clause should conceal sinister provisions perpetuating instead of preventing the continuance of past evils. It is with regret I admit the justice of their fears, and the truth of the words of the Attorney-General when he said that the condition of the Native-land code is disgraceful—that there is no finality—that no one, however clever he may be, can understand it; and that our Courts are scenes of gross fraud, where justice is done to neither European or Maori. My long judgments in this and the Poututu inquiry were laboured by me solely for the purpose of affording practical illustration to Parliament of these very things. Had I not had that object in view, a few lines would have sufficiently expressed the decisions of the Court.

When the Attorney-General was informing the Council that "the condition of our Native-land legislation was simply disgraceful," he was not aware that the Bill he held in his hand and was pressing on the Council contained provisions quite as "disgraceful" as any in preceding legislation. One of these clauses authorises the Validation Court to partition the block "forthwith" without any requirement to give notice to the absent non-selling Natives, who, not being interested in the transactions before the Court, cannot be expected to come there—at all events, without a special summons to do so. But this is not all. Incredible as it may seem, the Court is not only authorised to cut up and distribute the block "forthwith," without notice to the absent owners, but it is even empowered to abolish a subdivision already made by a former Court and substitute its own—thus depriving people of the holdings given to them by Court orders which by statute were made "final and conclusive"—holdings they may have built upon, or may even have sold to other persons who accepted these "final and conclusive" Court orders as being indefeasible titles. Such a provision is contrary to natural justice, and is thoroughly illustrative of the Attorney-General's words, "There is no finality."

But, bad as this section is, it pales before the 14th section, which openly treats the Native Land Court Judges as mere puppets. It provides that, after a Validating Judge has forwarded his certificate to the Chief Judge to be laid before Parliament, together with the reasons on which it is based, and the evidence justifying the giving of the certificate to the successful suitor, the Chief Judge may refer back that certificate "for further inquiry or for further consideration, with such directions as to the taking of evidence or otherwise as he may consider necessary." That is to say, the Chief Judge may "direct" the certifying Judge to sign another and different certificate giving the land to a different person. The section is capable of no other reasonable construction than this. The Chief Judge is empowered to "direct" the certifying Judge to alter his certificate. Only two alterations are possible—one, to alter the land given; and the other, to alter the person to whom it is given.

Now, if the statute had provided an appeal to some higher Court, authorising that Court to rehear the case, and substitute its responsibility and its certificate for those of the Judge appealed from, such a provision would have been legitimate; but under this Act there is no such appeal. Instead of such open appeal, this proceeding is provided by which the certifying Judge may be compelled in secret to eat his own words and sign a certificate not his own, to be presented to Parliament as his own and ostensibly on his responsibility. The hand would be the hand of Esau, though the voice would be Jacob's voice, and the part of Parliament would be that of the aged and blind Isaac. Can a Court of justice be more deeply degraded than to be required by statute to lend itself to such a fraud as this? Or can any of the legislation referred to by the Attorney-General better fit his descriptive epithet, "disgraceful."

No one who has not made the endeavour can appreciate how difficult it is for a Native Land Court Judge, without status, without even the protection which publicity of the Court proceedings gives to other Judges—to resist the influences brought to bear upon him. He is harrassed with applications to the Supreme Court; prohibitions, mandamuses, even actions are showered upon him by those against whose interests he has given judgment, and, while his work is thereby stopped or delayed, he is accused in Parliament and elsewhere (as happened to myself regarding Poututu) of being guilty of these very delays. My Court orders in that litigation were obstructed even in the other Government departments, and in one instance obedience to an order of my Court had to be enforced by a protracted and costly proceeding in the Supreme Court.

A Judge subjected to such obstacles and to such influences, not to mention others not alluded to here, must at last in sheer despair let things slide rather than court his own destruction by futile resistance to the frauds and wrongs of powerful persons.

The Supreme Court Judges, who deal with interests far inferior in value to those dealt with in the Native Land Court, are by special statute absolutely protected against attack from any quarter. The Judges of the Native Land Court have no protection whatever, and if any swindling transaction