

1905.  
NEW ZEALAND.

## NATIVE AFFAIRS COMMITTEE :

REPORT ON THE PETITION OF TE WHEROWHERO TAWHIAO AND TWO HUNDRED AND SEVENTY-SIX OTHERS *RE* MAORI LAND COUNCILS BILL, TOGETHER WITH MINUTES OF EVIDENCE.

(MR. R. M. HOUSTON, CHAIRMAN.)

*Report brought up on Thursday, the 13th September, 1905, and ordered to be printed.*

### ORDER OF REFERENCE.

*Extract from the Journals of the House of Representatives.*

FRIDAY, THE 7TH DAY OF JULY, 1905.

*Ordered, "That Standing Order No. 218 be suspended, and that a Committee be appointed, consisting of nineteen members, to consider all petitions, reports, returns, and other documents relating to affairs specially affecting the Native race that may be brought before the House this session, and from time to time report thereon to the House; with power to call for persons and papers; five to be a quorum: the Committee to consist of Mr. Field, Mr. A. L. D. Fraser, Mr. Harding, Mr. Heke, Mr. Herries, Mr. Houston, Mr. Jennings, Mr. Kaihau, Mr. Major, Mr. Mander, Mr. Moss, Mr. Parata, Mr. Pere, Mr. Remington, Sir W. R. Russell, Rt. Hon. R. J. Seddon, Mr. Vile, Mr. Willis, and the mover."—(Hon. Mr. CARROLL.)*

## REPORT.

No. 392, 1905.—Petition of TE WHEROWHERO TAWHIAO and 276 Others.

PETITIONERS pray that certain amendments may be made in the Maori Lands Administration Acts with a view to giving the Maoris better facilities for making use of their lands through the medium of the Maori Land Councils.

I am directed to report that, as this petition refers to a matter of policy, the Committee offers no opinion as to its merits, but recommends that it should be referred to the Government, and that the evidence, taken in connection with the question referred to, should be printed.

13th September, 1905.

ROBT. M. HOUSTON, Chairman.

## PETITION.

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To the Hon. the Speaker and honourable members of the Parliament of New Zealand in assembly sitting.

FRIENDS, greeting to you. We, the petitioners who sign our names or affix our marks hereunder, are genuine Maoris of New Zealand, and hereby state,—

Seeing that we have been a long time turning over and considering the provisions of “The Maori Lands Administration Act, 1900,” and its amendments, and our opinions have become settled [to the effect] that the principal provisions of the said Act and its administration are not good, because—

- (a.) They will not lighten the burdens oppressing the Maori people;
- (b.) The delay in completion of arrangements;
- (c.) The heavy expense of administration, owing to the large amount of money expended thereby;
- (d.) The Administration Council having no power under the said Act;
- (e.) A kind of intimidation of the Maori mind, which is the reason why the lands have not been speedily given over to the control of the Council;
- (f.) The placing upon the Maori lands alone the burden of paying all the expenses of administration of the said Act.

Therefore your petitioners hereby pray your honourable House to again amend “The Maori Lands Administration Act, 1900”—that is to say, as hereunder set out:—

- (1.) Confer upon the Council the exclusive right to administer the lands which come under its authority, either [in regard to] sale, lease, mortgage, transfer, partition, or succession to deceased persons.
- (2.) The members of the Council to be five in number, two being Europeans to be appointed by the Governor, [and] three Maoris to be elected by the Maoris of the district.
- (3.) The power of the Council as trustee of the Maori lands coming under its control not to exceed a period of forty-two years. On the expiration of the said term of years the land to be returned to the Maori owners of such lands or their successors. The thing that is [at present] frightening the Maoris from handing lands over to the Council is that it cannot be ascertained when the authority of the Council will cease over the said lands.
- (4.) “The Maori Real Estate Management Act, 1888,” to be repealed, so that the Council may be able to lease the lands of Maori minors for a longer period than twenty-one years.
- (5.) The colony to bear all expense in regard to Maori lands administered under this Act.
- (6.) The money to be taken by the Council out of the moneys coming into its hands from Maori lands not to exceed 5 per cent., the Maori people being greatly frightened because it cannot [at present] be ascertained how much money will be taken by the Council for its expenses.
- (7.) The appointment of successors to deceased persons in lands coming under the authority of the Council to be made in accordance with Maori custom.
- (8.) Papakainga reserves to be awarded in accordance with the desire of the applicant, when the Council sees the same to be right; and a papakainga certificate to issue to each applicant, whether his interest has been individualised or not, even if there are more persons than one owners in the block.
- (9.) The Council to have the power to reserve the burial-places in the lands leased [by them], and also to have power to instruct the Maoris whose deceased are scattered about to exhume and take them to the general burial-places.

Your petitioners strongly urge that if your assembly give effect to the requests which we have above set out, and enact them as law, the burdens and anxieties existing in our minds will be entirely removed, and probably the Maori lands will be speedily opened to European settlement. The Maori people will also have courage to hand over their lands to the administration of the Council, by which means benefit will result to the Maori people, benefit to the colony, [and] money will accrue to pay the rates and taxes, and will also enable the noxious weeds to be kept under, and the other numerous troubles which oppress the island [*i.e.*, the colony].

And we will ever pray.

From your friends,

TE WHEROWHERO TAWHIAO  
[and 276 Others].

## MINUTES OF EVIDENCE.

TUESDAY, 5TH SEPTEMBER, 1905.

PEPENE EKETONE examined. (No. 1.)

1. *The Chairman.*] Have you heard the petition read?—Yes.

2. And you know the contents of the petition?—Yes.

3. Do you wish to make a statement?—First of all I would like to state this: that this petition as drawn up embodies the desires of the people who are under the control of the Maniapoto Tuwharetoa Council; and I am in a position to say that the Native people inhabiting that district are owners of land totalling rather more than two million acres, and the main reasons that have weighed with us in bringing this petition to the House have been that there are so many things of which we are afraid at the present time that we have considered this Act necessary. The Europeans all round are clamouring for free trade. Secondly, the pakehas are advocating the general confiscation of Native lands, and the pakehas, generally, give as their reason for urging these two points that we, the Maori owners of these lands, are blamable in that we are so slow in throwing these lands open for European occupation. Well, in order to prevent what the Europeans are advocating, we have considered it necessary to place our wishes before Parliament in the form of a petition, and for that reason we have placed our desires and our ideas and suggestions on paper in the petition which has been read out. I may say this, that the petition as you see it is the outcome of a number of public meetings that have been held amongst the Ngatituwharetoa and Ngatimaniapoto people. I mean to say that the petition is not the mere drafting of one person, and it has been signed, generally speaking, by all the people right throughout the Rohe Potae district, and if the Committee will look at the petition they will find that copies have been taken round to each of the various kaingas throughout the district and have been signed by the people resident there. The general effect of our petition is this, that, as far as the main policy of the Maori Lands Administration Act is concerned, we are satisfied with it; but we say this, that the powers of administration in other directions under that Act are wrong and weak. We do not say that the Council in itself is blamable, but we say that Parliament is blamable for withholding the powers from the Council that it should exercise in order to run things successfully; and, further, that it has not been supported by money, and we, the Maoris who have drawn up and presented this petition, say this: that we are perfectly sure, if Parliament will only give effect to the prayers contained in this petition, good will result not only to the Maoris, but to the colony as a whole. We want to be treated by legislation as though we were responsible human beings; we do not want to be treated as we have been hitherto under every Act passed by the Legislature—as mere things. We maintain that under the Treaty of Waitangi in 1840 we were recognised as a distinct people, and our rights and privileges were assured to us—our rights to land, and so on—under that treaty. I may say that what we are praying for is that Parliament will frame and furnish a machine or machinery such as will enable Native lands to be dealt with satisfactorily to all parties, instead of the unsatisfactory manner in which it has been done during past years. In regard to free trade, we, the Maori people, are satisfied that two days would obliterate the Maori people if that were once established. We have had sufficient experience of that when we look at what transpired under the Act of 1873. All the people who sold land under that Act were in the same position—not a single one of them can say that any benefit resulted to the Maori people. Another thing is this, it has been suggested and advocated that individualisation of titles should be proceeded with. Well, if we look at the position of the Maori lands throughout the country now, we cannot fail to realise that the lands could not possibly bear the expense that would be entailed in ascertaining and defining the titles of each individual owner. It is all very well and it is quite easy to say that this should be done, and that benefit would directly result if it were done; but if you look at the maps of New Zealand you will find that the Maori lands are scattered about amongst pakeha lands, and there are two or three hundred owners in a block in some instances, and the lands could not possibly bear the expense of individualisation. I believe that if what we ask for in this petition is granted we shall be able to accomplish what is desired very much more easily and cheaply than could be done in any other way, giving the Council power to do this. Firstly, I say, give the Councils the right and power to cut off and subdivide portions for papakaingas; and I think the Parliament and the Government should rise to the occasion and appreciate the necessities of the position and do what we ask, or eventually the result will be that, if this is not done, the Maoris will be left without any land and become a burden on the State, and what are you going to do with them then—throw them in the sea, or what? Then, I say that the Council should be empowered to go round and hold sittings throughout the country, inquire into the rights and necessities of each individual or hapu, as the case may be, and provide for them as necessities may require; and I say that the Council while going round and holding that inquiry should endeavour to ascertain and find out which of the younger generation of the Maori people are inclined to go in for farming pursuits and would likely to be a success at that occupation. I think that is one of the things that should be assisted as far as possible by Parliament, because, as I look at it, that is the only salvation that I can see for the Maori people, to make use of their lands to their own advantage. Well, of course, in saying that, I may be asked this question by Parliament, “Why don’t you work the lands yourself?” and my reply to that is, that our lands are all tied up; there is no channel open to us whereby we can get

hold of any money to enable us to work the lands and raise money on the lands. Now, in regard to the pakeha settlers, they may be absolutely without any money at all, but they are placed on the Crown lands, and the Crown immediately provides them with the cash to work the thing to a success. Now, the Maoris have the land to begin with, but what they lack is what they are asking for—they ask the Government to provide means and open up channels to them to enable them to obtain money to work their lands, on the security of their lands. I am not a bit afraid of that—I should like that to be done, because it would force upon the Maori mind the realisation of the fact that he is a responsible being, and that should be an incentive to work. Then, after the individual wants of the Maoris have been provided for in the way I have suggested, if any balance of land is found to be remaining, it would be quite right to throw open this land to European settlement; and I believe this, that it would be better to place the management and arrangement of these lands in the hands of the Council, as they would be more speedily thrown open for settlement than if each individual owner had taken it upon himself to deal with his own lands. I would further say, that in the case of Maori lands where Maoris themselves cannot work them, it would be desirable to remove restrictions from these lands. All that would be necessary would be to give such powers to the Council or Board as would enable them to administer these lands to the best advantage. But in asking for these extended powers to be given to the Council we do not wish to eliminate the Maori voices from the control of affairs in the Council, but let the Government appoint capable persons to administer and take control of these Councils—people in whom confidence can be placed, and people who have a practical knowledge of how the lands should be administered. Now, the third ground in the petition is the trusteeship of the Council. Now, we look upon that as a very important power. What we say is this, that when the lands are handed over to the Council as trustee for the Maori owners it must be distinctly understood that the Council is merely a trustee, and not the owner—that we still continue to be the owners; and we further say that a limit of time should be fixed within which the lands must be handed back by the Council to the Maori owners. We have in our petition suggested forty-two years as the limit, and our reason for fixing that as the limit is this, that after forty-two years have gone by the younger generation of Maoris will have passed through the schools and will have acquired a wider knowledge of things than we at present possess, and we want to make certain that these descendants of ours will, after the terms of leases and so on have expired, have land of their own. What we wish also is this: when these young people have grown up we want them to be in this position, that they can go to the Council and say this: “We have arrived at the age of discretion, and we know how to control and administer our lands just as well as the Europeans do, and why should we not have our lands back?”

4. *Mr. Carroll.*] When you referred to a fixed term, you meant in regard to leasing?—Yes. Now, in regard to the fourth ground contained in the petition, I do not think it is necessary to elaborate that to any great extent. I think that every member of the Committee will see that that Act should be repealed. The reason is this, that under “The Maori Real Estate Management Act, 1888,” it is impossible at the present time to lease land the property of minors for a longer period than twenty-one years. I can speak from experience, because I have been a member of this Ngatimaniapoto Tuwharetoa Council for three years, and I know that Europeans will not take up leases when they can only get a twenty-one-years term. If the term were longer they would take them up. In regard to the fifth clause of the petition, we ask that the colony should bear the expense of administration of the Council. Now, I would simply like to say this, that we are satisfied that it is only right and proper that the colony should bear the expense of administration of the Council for this reason, that in throwing open Maori lands for selection by Europeans it will be a benefit not merely to the Maori owners of the land, but also to the colony as a whole. Of course, the benefits that will result to the colony under that are these: that money will accrue to pay rates and taxes, and so on, and if that is done it will enable the noxious weeds to be kept under control, and you know that thousands of pounds per annum are expended in this direction; but if the lands were once settled upon by Europeans, the Maoris and Europeans would pay all these things. If the Maoris themselves were working the land they would contribute their quota towards keeping the noxious weeds under control the same as other people now contribute. Of course, I might elaborate this question to a great extent, but there is no occasion to do that, because you know the benefits which would result would be very much greater and more far-reaching than I have described. Of course, in clause 5 of the petition we ask that the Council should not withhold or retain more than 5 per cent. of the money accruing to it from the lands under its administration, and I think that in asking that we are not asking anything out of the way, and that we are not making a request that is not justified, because I am sure that once it gets into working-order it will not cost anything like 5 per cent. We have been administering the townships of Te Kuiti, Otorohanga, and Taumarunui during the past three years, and we find that the cost of administration does not come to 5 per cent. Of course, in saying this I am not taking into consideration moneys that are expended in surveying and roading the lands—that is a different matter. I am merely now speaking of the cost of administration by the Council.

5. When you say the State should bear the cost of administration do you not propose that the land should bear a portion, and, if so, what portion?—What we say is this: the Native Land Court is financed by the colony, and we say that the Council also should be financed by the colony. Under the law as it now stands the Maori lands have got to pay all costs of administration, no matter what they may amount to. I think, perhaps, I forgot to say this in speaking about papakaingas, that it should be arranged that, as they are for the personal support of Natives, these papakaingas should therefore be exempt from all rates and taxes. I am not now speaking of lands from which we hope to derive a revenue.

6. *Mr. Hone Heke.*] Can you explain why they should be exempt from rates and taxes?—Well, for this reason, that we ask that these papakaingas should be absolutely restricted; they should not be able to be leased or sold or mortgaged, or dealt with in any way like that.

7. *Mr. Carroll.*] Chiefly for potato-cultivation, and so on?—I would like to explain this, that there are a number of the older generation of Maoris now alive, who, if they had their reserves to work on, could not do anything beyond growing potatoes, and so on; they could not farm the land, or anything like that. With regard to the young people, if the papakainga reserve is made for them, they could do nothing but grow potatoes and food-crops on the land; so that I am sure the Committee will agree with me in saying that this particular request contained in that paragraph of the petition is a right and proper one. Now, clause 7 of the petition asks that in the appointment of successors to the interests of deceased persons in lands which have been handed over to the administration of the Council, such appointment of successors should be made in accordance with Maori custom; but I dare say that members of the Committee will not look upon this as being a matter of such importance as I hold it to be. What we ask is that our interests in all lands which we own should descend to the persons whom we say should succeed us in those lands, because if you get a piece of land the title to which is Crown grant everything is upset. In lands the title to which is Crown grant succession comes under the New Zealand laws.

8. Is not the next-of-kin the Maori custom in regard to succession?—Yes, that is so; but under the European law what constitutes the next-of-kin differs from the Maori idea. That is why we ask that the Maori rights should be recognised and established. We do not want the law to come in and interfere with them.

9. Do you mean, for instance, that Maori lands should not be permitted to be willed away to Europeans or to outside Maoris?—That is another matter, and it is a matter that should be duly taken into consideration. However, it is not referred to in our petition. What we say is this, that there may be a case of a Maori woman marrying a European husband and leaving her lands to him. The willing of Maori lands to Europeans should be put a stop to by Parliament. Well, now, clause 9 asks that the Council shall have power to reserve burial-places and lands leased, and have the right to take up the dead buried on the lands and remove them. Now, I do not think that is a matter that probably will trouble the minds of the Committee very much, but, still, it is looked upon by the Maoris as a very important matter. The reason that it has been referred to in the petition is this, that Maoris who have lands to lease want to have the right when leasing such lands to go and remove their dead who are buried there and take them away to the general burial-place. They want to have power to do these things rightly and properly. I think I have now dealt with all the principal points.

10. *Mr. Hone Heke.*] You have said, I think, that the Ngatimaniapoto people have no objection to the general principle of the Maori Lands Administration Act?—Yes.

11. One of the principal things which I understand you say you agree to in that Act is this: the absolute stopping of further purchase of Native lands by the Crown?—Yes; we realise that if this Act had not come in to stop it, the purchase by the Crown of Native lands would have been proceeded with, and all our lands would have been purchased by this time.

12. And now that the lands by this Act have been retained, what you desire is that no further right of sale should be permitted in any direction?—Yes, that is what we want.

13. Well, I understand you to say that the Ngatimaniapoto mean this, that they are opposed to the right of sale, generally speaking, but that they ask that exception should be made in regard to certain lands of such a character that the best thing would be to sell them?—That is so; that is what we are asking. We are asking that such parts of the Act as are, in our opinion, unsatisfactory should be amended in the direction in which we ask, and that we should be given power to sell the lands which are of no use to us in any way but to sell them.

14. What about the pakehas who are crying out for land year in and year out—what is the opinion of Ngatimaniapoto in regard to that?—We are asking for machinery in the first place, and then we shall know whether we can meet the desires of the pakehas, or Europeans, afterwards. As far as we are concerned, we are quite ready to let them come and occupy the land—we do not want to keep the pakehas out. But what we do say is that the law as it stands now is not satisfactory, and it cannot be done unless amended as we ask.

15. After the desires of the owners of the lands have been satisfied, first of all in providing them with papakaingas and in providing them with land sufficient for working and cultivation by the Natives, are the Ngatimaniapoto willing that the balance be handed over to pakehas who are clamouring for land year after year?—Ngatimaniapoto would want to. If you say, hand it over to the Council upon lease, then I say Yes.

16. I am not asking you to give them for nothing—you said you did not want to sell?—We desire to throw these lands open upon lease to satisfy those people who are asking for land—we do not care whether they are Europeans or Maoris, or whatever they may be.

17. You said that the colony should pay the cost of the administration of the Council. I understand you to say that the Crown, having no longer to borrow money for the purpose of purchasing Native lands, the colony therefore no longer has to bear the burden of loans for that purpose?—We have considered all those phases of the question, and we say, of course, that if the Crown had gone on with its purchase it would have had to lay out hundreds of thousands of pounds of money in this direction before it would have got the lands into its own hands and been able to throw them open, and, of course, would also have to bear the further cost of surveying, cutting up, and so on.

18. You ask that rates and taxes should not be imposed upon papakaingas. I understand that Ngatimaniapoto is asking this, that in regard to Maoris who desire to farm and work their own land they should be given monetary assistance the same as is offered by the Government Departments to European settlers?—That is a thing that is urgently desired by all the people—not by one or two—by all the people who desire to work the lands.

19. Do I understand you to mean this, that Maoris having had experience of the trouble arising through mortgaging, you ask that these papakaingas should be exempt from rates and taxes, and should be absolutely restricted from the powers of mortgage, and so on, because they

are afraid if they had those rights they may mortgage these papakaingas, and as a result the trouble could not afterwards be overcome?—Yes; of course, we recognise a mortgage to be a bad thing, because if land is mortgaged and the mortgage is foreclosed, then we give away the land, and therefore we ask that papakaingas should be restricted so that we shall not be able to do this, and that, whatever happens, the Maori will always have his inalienable land to fall back upon.

20. What I understand Ngatimaniapoto to say is that the lands should be subdivided, cutting off certain portions which are absolutely inalienable papakaingas, and no mortgaging of these lands is to be permitted?—Yes.

21. But at the same time, desiring to see the Maoris make use of their best endeavours to work their land, you ask that a further portion of the block be cut off for the Maoris to farm and work as best they may, and you say that that should be free to mortgage?—Yes, that should be. They should be able to mortgage it or do anything they like with it, the same as the pakehas do with their lands.

22. But anticipating that trouble may possibly arise from mortgaging and so on, you ask that, first of all before this is done a certain area of land should be made absolutely inalienable, and that it should not be competent to mortgage such land?—Yes; the balance of the lands to be handed over for the people who are always crying out for lands.

23. Well, do you say that if machinery were provided to meet the desires of the people Ngatimaniapoto would have no further hesitation in handing over their lands to the administration of the Council?—I say that if the Government will vote or provide sufficient money to enable the Council to do what we ask, I have no doubt that quite a million acres or more will be handed over to the Council during the first year, because we have in our district large areas of land not occupied or a long way away from the kaingas, and these would be available to be cut up and dealt with as I have described, and I am sure that if this machinery is provided as asked the Council will be able to deal with all these matters satisfactorily, and I believe that at the same time as they are cutting up these papakaingas they could proceed with the leasing of the balance of the land—that is to say, I do not think it would be necessary to wait until all the papakaingas are cut off before they throw the balance of the land open to lease; it may be done at the same time.

24. And Ngatimaniapoto are of opinion that it would be necessary to provide monetary assistance for the purpose of roading and surveying the land?—Yes; that would enable the provisions of the Act to be carried out; and I say if that is not done, then there is no object in having the Act at all, because nothing can be done under it.

25. And you say that you Ngatimaniapoto people are satisfied, from your observation of things during years past and since the passing of the Act, that because no money was provided, after this Act was brought into operation that prevented it from being a success?—Yes. I may say this, that our Ngatimaniapoto people have handed over more than 40,000 acres to the Council. They have now been in the hands of the Council for about three years. The Council was instructed to lease these lands, but the Council having no money at its disposal with which to do so, it simply has the land still on its hands and has been unable to do anything with it. That being the position, the Maoris are approached and asked, "Why don't you hand over the lands to the Council to administer?" and so on, and they say, "What have you done with all you have got? You have got 40,000 acres of our land already." It is all the fault of Parliament; they go and pass a law and they give nothing to back it up with.

26. You say that Ngatimaniapoto want a limit of time laid down within which these lands handed over to the Council should revert back to the Maori owner—you say forty-two years?—Yes.

27. Supposing we have reached the expiration of that forty-two years, and the Maoris do not desire that the lands should come back to them, what would Ngatimaniapoto propose in that case?—Well, of course, they would then give them to the Council for a further term. If it is found the thing works satisfactorily, we probably shall never see those days. We have the principle, and let us carry it out.

28. Supposing the Maoris want the land to come back to them at the expiration of the forty-two years, have the Ngatimaniapoto any idea in regard to the pakehas leasing the land?—Well, of course, Ngatimaniapoto, like all other Maoris, want the land to come back to them eventually.

29. You say that the Ngatimaniapoto propose, in the event of their desiring the land to come back to them after the expiration of the term of years during which it has been handed over to the Council—be it forty-two or whatever it is—you say the Maoris ask that the land should come back to them, subject to their first refunding to the European occupier the value of his improvements?—No Maori will object to refund to the European tenant the value of improvements, so long as he gets a rent that is a fair rent for the value of the land; but, of course, if he is given an absurd rent that is not equal to what he should be paid for his land, then he should not be asked to pay for the improvements. Of course, all that will be placed in the hands of the Council.

30. Do I understand Ngatimaniapoto to mean, when they ask that they do not want the Maori voices struck out of the Councils altogether, that they ask that because when fixing the rents and so on the Council will have to study the interests of the Maori owners?—Yes. What we want to have is this: we want to have Maori members in the Council, and we want to have the right to vote them to that position, and we want a man sent there to do what we expect of him, and if he fails to do so, we want to have the right to take him away and put some one else in his position, and to deal with all those matters.

31. Therefore the Ngatimaniapoto are not willing that the Governor alone should appoint members to the Council?—No; that is the absolute taking-away of the Maori voice.

32. Supposing that immediately the Act passes the Council comes into operation over all the lands in New Zealand—that is to say, it has immediately the right to lay off papakaingas and so on, and hand over the balance for leasing purposes—what is Ngatimaniapoto's idea in regard to that, that upon the passing of the Act the Council should come into operation?—Well, that phase of the question was not discussed at the meeting to which I have referred, and I have no doubt it would come as a shock to the Maoris right throughout the country if that were proposed.

33. If I understand you, what Ngatimaniapoto wishes is this: to have the Act as it now stands amended in such directions as will make it possible to work it satisfactorily. Then, you say that after the Act had been so amended it shall be at the option of the Native owners whether they hand over their land to the Council or not. You say that is the desire, that it is to be left to the Maoris themselves to decide to hand the land over to the Council?—Yes, that is the principal desire of the Maoris. They want to hand over their own land if they so desire, and that is what we ask; and if we are found incompetent, then frame some new way of dealing with things.

34. Am I right in supposing that this is what Ngatimaniapoto means, that if the machinery clauses as asked for are put into the Act, it will do away with the fear which exists in the minds of the Ngatimaniapoto, and which has hitherto prevented them from handing their lands over to the Council, and there will be no reason to fear that these lands will not be immediately handed over to the Council?—Yes, I am quite in a position to say that this will remove the fears at present existing in the minds of Ngatimaniapoto, and I may further say that the Parliament and people need have no fear that the lands will not be handed over to the Council for the purpose which you have indicated.

35. *Mr. Carroll.*] I understand the desire of Ngatimaniapoto is not to do away with the principle of administering the Native lands through the Councils, but that the present Act should be amended to make the working of it smoother and lighter?—Yes.

36. First of all in the constitution or appointment of the Council?—Yes.

37. And that the number of members should be reduced to five?—Yes.

38. That three members should be elected by the Maoris and two nominated by the Governor?—Yes.

39. Now, would it not be better and conducive to freer action that you should reduce the number on the Council or Board to, say, three, providing, of course, that the best possible men—European and Maori—in the district, should be appointed to carry out the Act?—I do not think that would be satisfactory, for this reason: I do not think it would do to cut the number down to three, because within every district the Maori members of the Council would have a personal interest in some of the lands that would come up to be dealt with by the Council, and if you had five, then when a case came up in which any one member was interested, he could leave the bench and one of the others could take his place. I should say, make the working-number three. I say there should not be less than five, and then you would always have a reserve of two members to draw upon in case of such a thing as I have suggested taking place.

40. Then, you prefer that the number should remain at five, but that the working-number should be three?—Yes.

41. Would you give power to the President when any business requires to be done to select any two to carry on the work?—Yes, he should have that power.

42. Would it not be cheaper if you made the constitution of the Board nominative instead of elective, the different sections of the tribe within the Council district could make their recommendations, and of the number submitted let the Governor select six according to the best evidence and the best men?—Yes, I believe that would be the best way to do it, because, first of all, it would save the colony's money, and, secondly, the Maori people would still have a voice in the matter. That is all I am trying to preserve.

43. Then, one of your complaints is this: there is a mixture of authority, and confusion arising therefrom. It is but one more assured authority asked to be given to the Council than it possesses now?—Yes, and provide it with powers to guide the business of the Council in a satisfactory direction.

44. Would you give us an idea what those powers are with which you wish to invest the Council, or shall I assist you by saying this, that the Council is a body perfectly able, in your opinion, to deal with matters before it—there may be exceptions, of course—and to settle conclusively such business without reference to the Governor in Council?—That is what the Maoris desire.

45. And, in your opinion, that Council so constituted would be perfectly able to carry out its work in a businesslike way, equitably, and with satisfaction to all parties?—I think, if all these powers that we ask were given to the Councils, and if proper persons were appointed to the control of the Councils, then everything would go on satisfactorily.

46. We are trying to find out where the delays occur, and what are the causes, and so on?—Look at the Crown Land Boards—they work very satisfactorily.

47. And if the Council is properly armed with proper authorities it could carry out the work before it, and there would be no necessity for referring all business that is performed for sanction by the Governor in Council?—I say that is one of the things that is delaying the work of the Council.

48. That is, in connection with all leasing-matters?—Yes, in connection with the leasing-matters.

49. But supposing there are lands held under such conditions that it will be better for the Native owner—say, lands held under severalty or land in small areas held by a few—that in the case of a sale they should go to the Governor in Council for ultimate confirmation?—All that we want is this, that the Council should inquire into it, and that they decide what is satisfactory. Maoris generally are not specially desirous of selling their lands, but they say there are certain lands which under certain circumstances they should be allowed to sell.

50. In the matter of leasing, the Maori Council can perform all its duties and functions without reference to the Governor in Council, but in the matter of land desirable to sell the Governor in Council should confirm?—Yes, because that is an absolute alienation.

51. In regard to the bulk of the Native land proposed to be dealt with, would you be in favour of classifying such lands and valuing them so as to make the work of the Council more correct?—Oh, yes; it would certainly be best to classify them, so as to fix the value and arrive at the comparative values of each piece of land.

52. Then, would you be in favour of an area-limit according to the classification?—Yes, I think it would be a good thing to do that, because that is what is done in the case of Crown lands, and why should not Maori lands be also dealt with in that way?

53. In the two million acres that are in this Ngatimaniapoto district, would that land admit of classification into more than one class?—There are six classes there.

54. No. 1 class would be styled first-class land?—Yes.

55. Possibly that would not pay to lease under 1,000 acres?—No.

56. Or 640 acres?—I think it would be better to give the largest areas that could be given, because it would be an extra inducement for pakehas to take them up, except in the case of the very best land, and that would be taken up in smaller areas.

57. I suppose there are some lands in the Ngatimaniapoto district that would not be taken up under 1,000 acres, such as pumice lands?—Yes, of course. I think you would have to give areas of 40,000 acres of this pumice land to get people to take it up.

58. It would be desirable to have classification and area-limits fixed of a liberal order, so that people might be induced to take up the land?—Yes.

59. You say the term of lease should be fixed, and you suggest forty-two years: would you be averse to fifty years?—No; it is only eight years' difference to what I suggested.

60. As long as there was some provision, it would enable the lands, if circumstances warranted it, to be reconveyed or reinvested in the owners at the end of the term?—That, of course, is the main wish of the Natives, that after the term of the lease has expired the land should come back to the Maoris if they desired to resume.

61. Generally, you prefer a long lease in order to induce settlement?—Our only object in saying that the lease should be long is in order to induce people to lease, because they would not take the lands up under short terms.

62. Then, all rentals should be based on, say, a percentage of 4 or 5 per cent.?—Five per cent.

63. Five per cent. on valuation?—Yes; that would give an opportunity of fixing things up, and neither pakeha nor Maori could say that they had not been properly treated.

64. The pakeha could not say it was too high, and the Maori could not say it was too low?—Yes; but the rent would have to be calculated on the value of the land.

65. In that area you have a lot of timber land: what would you propose as the method of dealing with timber lands and flax?—I think there should be a separate system in regard to these—separate conditions. Those lands should be treated as timber lands and flax lands pure and simple, and as distinct from agricultural lands.

66. Supposing the owners of an area of bush or flax land wished to let their timber or their flax rights to Europeans, would you have it that they should notify the Council that they desired to let that bush and that flax, and, without vesting it in the Council, direct the Council to publish your desire and offer the rights to the public, or call for tenders as to terms, &c.?—I think if some system of that sort were laid down it would be satisfactory to the Natives.

67. I mean to let the Council be agents for the owners—to advertise that land or sell the lease by public auction?—I am sure that if some such system as that were laid down and inaugurated it would entirely meet with the wishes of the Maori people.

68. With regard to lands held by single owners or a limited number of owners, would you prefer the same principle to apply—that is, if a single owner or a limited number of owners desired to lease their land to a pakeha, they should ask the Council to advertise the same for them?—If we got that we should not want anything else.

WEDNESDAY, 6TH SEPTEMBER, 1905.

PEPENE EKETONE further examined. (No. 2.)

1. *Mr. Carroll.*] When we finished yesterday, in answer to my questions, you replied in effect that in your opinion it would be a good thing if all ordinary lands held by one or a few persons, together with bush lands and flax lands, should be dealt with in a way that the Council should be the confirming body, and no other, but that they need not be transferred to the Council for that purpose?—That was my last statement.

2. I wish to ask now about the waste lands or unused lands owned in large areas by the Natives. Would you be in favour of those lands being transferred to the Council so that they could be more easily cut up and let for settlement purposes? When I say "settlement purposes" I mean settlement of Maoris on papakaingas and settlement on farming-lands first, and then the Europeans second?—That is what we ask to be done.

3. Taking the powers and authorities at present in the Council, what is your opinion about the dual jurisdiction in the Council—that is, the administrative and the judicial: would you prefer these continuing as they are or separating?—I think it would be better that the judicial powers be kept separate from the administrative ones, for this reason: that we have seen hitherto that Councils, instead of doing the proper work of Councils, have their time taken up in doing Native Land Court work, and consequently they cannot get at their proper work; and I say that the Councils would find their hands absolutely full if they gave their time entirely to administrative work alone. Of course, in our petition we ask that the Council have the right to partition and to appoint successors to deceased owners. Now, our reason for asking that these judicial powers be given to the Council is that we find that in regard to lands which have been handed over to the Councils the Native Land Court has no further power to deal with them, either to partition or to appoint successors to deceased owners. It is necessary that some one should have power to do that, and therefore we ask that the Council be given those powers.



4. Your present view is this, that it would conduce to the better working of the Council in regard to administering land for settlement purposes and other objects properly designed for it if it were relieved of any judicial work?—Yes.

5. And practically that all the judicial work should be left to the Native Land Court, and the administrative work to the Council?—Yes; let the two bodies be separate and distinct, each performing its own work and not interfering one with the other.

6. What is your opinion as to the desirability of giving facilities to Natives for making exchanges of their several interests so as to consolidate them respectively?—I think it would be a good thing to give the Native Land Court the power to exchange lands, because we have only got to look at the map to see that the Maoris may have many separate interests of not much individual value in themselves scattered about all over the country, and if they could possibly exchange with other persons whose lands are in a similar position, and have their lands consolidated, it would be much better for every one.

7. I mean this: supposing there are three blocks, A, B, and C, and two Natives have interests in the three of them, would it be possible for them to arrange an exchange—say, one would take all his interest out of one block and the other in two?—Yes, I think it would be a very good thing if means were provided to enable that to be done, because the Native Land Court has no powers to do so.

8. How would you propose the most simple and inexpensive way of arranging these transfers? Could it be done by the Natives desiring to exchange coming before the Court and making a statutory declaration before the Court that they desire these exchanges, and identify the interests, which would be recorded by the Court: would that be sufficient to effect the transfer?—That would be a simple way of doing it, and what we want to adopt is simplicity.

9. Otherwise, of course, you would have an agreement or formal document specifying the area and the value and all that sort of thing, which might lead to expense?—Yes, that would cost a lot of money.

10. In succession claims now they apply to the Court and prove successors, that is recorded in the Court book and an order issued in favour of the successor. Could exchanges between parties be operated upon in the same way?—I think it could be done—that would be the proper way. All that the Court would require to do is to inquire into the transaction and look at the documents and satisfy itself that the people did wish what appeared in the documents, and then give effect to them. I think that in the case of exchanges such as that fees should not be chargeable.

11. In the matter of succession, I understood from you that you believed in the principle of deciding these matters according to Maori custom?—Yes.

12. Are you aware that the Native Land Court Judges have given so many different rulings on what is Native custom?—Yes, of course; but that might be ended if we had a list of rules stating what Maori custom is. If a tabulated list was prepared stating what the custom is, it would be there for reference, and the Judges could refer to it, and then there would be no further conflict of decisions.

13. Who is to lay that down—who is to be the judge of Maori custom?—That is the trouble, of course. You would have to get something that would be equally applicable all round the Island; but I do not see that there would be much trouble after all, because Maori custom is practically the same wherever you go.

14. Do you know that there have been cases where Maoris have come into Court and sworn deliberately that Maori custom was so-and-so, and others have come in and sworn strenuously that it was not so?—Oh, yes; but I do not think the Court would go wrong. I think that, as far as the appointment of successors goes, the Court should have no trouble; all that it need do is to ascertain whether the deceased's interests were inherited through the father or mother, and ascertain who are the nearest of kin on the side from which the land came.

15. You are aware, of course, of the confusion that is arising and the many decisions that are given in reference to what are called *tamaiti whangai* and *ohakis*. Any one who has been seen about for two or three years before he died with a child—a member of his own family, possibly not direct—and that child is proved afterwards to be an adopted child, he then gets the estate at the expense of the real heirs. That is quoted as Maori *tikanga*: what sort of Maori *tikanga* do you think that is?—Well, of course, I am one of those people who have never been in favour of that; I think that should be put an end to.

16. In regard to wills and *ohakis*, what was the old law? Did not wills, or what you call Maori wills, only refer to personal property, and not land?—That is my knowledge of the matter. I have never heard from my elders or ancestors that any land was handed over by *ohaki* to any person.

17. The reason was obvious, that there was no individual holding of land—it was never known under Maori custom?—The land, of course, was the property of the hapu, and their *rangatira* would be the administrator and protector of the lands belonging to his people. Of course, the position in those days was this, that if the chief or owner died the land remained for those of the tribe who survived.

18. Well, now, Maori *tikanga*, you mean, is reduced to this, to the ordinary principles of equity and justice—the ordinary law: that in succession it should be the nearest of kin. The Court should ascertain who the nearest of kin is, and if there was a question in dispute between two branches who may be equally near to the deceased, then it may be decided in accordance with which side the land came from?—Yes, that is the kind of thing I want.

19. *Mr. Kaihau.*] I want to understand what you meant when you said that you were making no objection to the principle of the Council. That is a wide statement that it is impossible to narrow down—will you explain what you meant by the foundation of the statement?—Well, the foundation that I referred to as a foundation is the setting-up of the Council to administer the Maori lands, and the giving to Maoris the right to be members of those Councils.

20. Then, you say that giving Maoris seats as members on those Councils is foundation No. 1, the second foundation of the Council being the giving of permission for the Council to administer their lands: is that it?—Yes. I look upon this as a big thing. This is a Council for our good if we can give power to work it correctly. I know that this system was asked for by the whole of the Island. That is what I say, the main foundation and the object of the Council is all right, but power should be given in the direction I have suggested.

21. What part of the Council as at present constituted is it that you are asking should be amended?—Those parts that are set down in the various clauses of the petition—those are the main parts.

22. I understand one paragraph of your petition asks that all the restrictions upon lands contained within the various Council districts should be removed?—What we have asked for is this, that in regard to all lands other than those required as papakaingas for the occupation of the people themselves, all restrictions should be removed so as to render it possible for the Council to deal with these lands not only for the benefit of the owners, but for the colony generally. The only restriction that should be left should be the mana of the Council.

23. And do I understand you to mean that only those portions of the land cut off as papakaingas should be restricted?—Yes. I ask that absolute restrictions be placed upon papakaingas; but in regard to lands which it is proposed to lease to Europeans and to give to Natives to farm, restrictions should be removed so as to enable them to deal with them in a proper way.

24. And restrictions are also to be removed from the lands which are to be leased?—Yes; I say that all those should be clear of restrictions. I say, in regard to all these waste lands, except papakaingas, the only restrictions that should be left in regard to them is the Council itself. On lands that should be leased by the Council there should not be any restrictions, so as to render it unnecessary that there should be any further inquiry. The Council have got the land, and they are administering it, and what is the object of restrictions? I am speaking about restrictions either imposed by the Court or statutory restrictions existing on the land, that these should all be swept away, and that the only restriction that should be permitted afterwards in connection with these lands should be the Council itself—the Council will be the protecting body. The Government is the head of the Council, and it will appoint the people whom it considers fit to control affairs; and we, the Maoris, have a voice in selecting those whom we think are fit, and therefore, I say, the Council will work all right.

25. Well, now, do you not think it would be a good thing in districts where there are both the Native Land Court and Maori Councils that one of them should be swept away, and only the other left to deal with the matters that it is necessary to deal with?—Perhaps in the future the time will arrive when it will be right to do so, but at present I do not think the time has arrived, because there are a number of lands still remaining for the Native Land Court to deal with. I would say that I do not think the condition of things which obtains now is at all satisfactory. Now we have Presidents of the Councils acting as Native Land Court Judges, and leaving the Council work that they ought to attend to. I can speak of my own Ngatimaniapoto district. The Government go and take our President away and make him a Judge of the Native Land Court, and nearly all his time is occupied in doing Native Land Court work, and the immense amount of Council work that should be done is simply left undone; but I say that I do not think the time has yet properly arrived when the Native Land Court should be done away with.

26. What I really mean by my question is this, that supposing the Council had been given power to subdivide lands and appoint successors and deal with certain rights belonging thereto, what would there be left for the Native Land Court to do? The Native Land Court does nothing more than that, and the lands having come into the hands of the Council, the Council would administer them. I want to understand your reply. You say, in your opinion, we have not yet arrived at the proper time to abolish the Native Land Court. Now, why do you say that?—Because there is such a lot of land still uninvestigated. There are lands in our district on the Taupo side that have never passed the Court, and when the Council tried to deal with these lands they could not do so, and there was great trouble. Therefore, I say, leave the Court in existence until these matters are dealt with and completed. I hear also that there are large areas of land in the Ngapuhi district which the Council has been unable to deal with, but that, of course, is merely hearsay. All I say is, let the Court proceed with its work and finish clearing all these titles, and leave the Council free to deal with its own work.

27. *Mr. Carroll.*] That is, administering the lands for settlement?—Yes. Then, of course, when the Native Land Court has investigated all the land and the Council is endowed with the powers we ask for, then you can abolish the Court, because there will be no longer any work for it to do.

28. *Mr. Kaihau.*] Well, now, if we passed legislation at once conferring upon the Council the right to investigate the lands, and so on, would you be willing then that the Native Land Court be at once abolished?—Well, of course, my belief is this, that if all those powers of the Native Land Court were handed over at once to the Council all sorts of difficulties would arise. There are some 20,000 acres of land opened up year after year, for administration, by the Native Land Court, and you would want another vote for the Council; and another thing is that the money expended and the cost of administration of the lands by the Council should be kept entirely separate from the cost of administering the Native Land Court. If you do not do that, then you will be bringing the cost of the administration of the Native Land Court as a further burden on to the Native lands. You see, the Native Land Court as it is now is not self-supporting, the lands do not pay for it, but if you want to amalgamate them with the other thing, then you are bringing that extra burden upon the land.

29. Well, which costs the most money—the Native Land Court or the Council?—I think the Court, because, of course, you know that a Court sometimes sits and takes a whole year hearing one case, and the money collected by the Court in fees does not pay the cost of administration. I

know from my own experience that lands have been dealt with by our own Ngatimaniapoto Council and very little expenses have been incurred. I am sure that if the people were more in favour of the Council, and were handing over their lands freely to it, the cost of administration would be very much less. We have three townships—Otorohanga, Te Kuiti, and Taumarunui—and all that we deduct for the cost of administration is 5 per cent., and surveys and so on of the sections, and we spread the payment over a period of ten years, so that they only have to pay a tenth of the total cost in any one year; and I think that shows that the Council does not want to grab all the money the first year—they are quite willing to spread out the cost of these things over a term of years.

30. The reason that I persist in asking this question is that perhaps you are aware that the Native Land Court uses up a good deal of the colony's money—it costs the country at least £14,000 a year, or more?—Well, I know you can look at the votes during past years, and you will see the Native Land Court votes totalling £19,000, £20,000, and £21,000 per year.

31. You asked yesterday that the Crown should find the money to pay the cost of the administration of the Council?—Yes; I said 5 per cent. should be borne by the land, and all expenses above that should be borne by the State. I look upon it that it would be a benefit both to the colony and the Maoris.

32. Now, do you not think that the fact of having the Native Land Court and the Council running at the same time looks like burning the candle at both ends—do you not think you should abolish one of these tribunals and let the other do all the work?—That may be quite right, but then we have got the Government over us to consider all those points. The Parliament votes the money for this purpose, and I cannot take it upon myself to tell the Parliament what they ought to do in matters of this kind. All I have to do is, as far as I can, to obtain a system of things which will work for the benefit of the Maori people.

33. Well, I am asking you this question because we want to have a plain statement laid before the members of this Committee as to what are the desires of the Maori people, who say that they wish that legislation affecting the Maori people should be made satisfactory for them?—Yes.

34. If the Government do not bring down legislation, or if they do not give us any amendment of the Council's Act, what do you think about this Council—will it have anything to do?—Of course, if we are not going to get it, then there will be no Act, and how is it to work? What I hope is that the Government will give us what we ask for. If they do not, they do not, and there is an end of it; if they do, they do, and that is the difference.

35. Well, you mean to say that if things remain as they are the lands will not be handed over to the Council?—I am not going to say anything in the nature of a threat, because I do not want to threaten the Parliament—I do not want to frighten them. I am asking for certain things. I say, consider the things I have asked for, and if you find them correct, give me what I ask.

36. You say that the Crown must pay the surveys of the Native lands?—I said that the colony should bear the cost of surveying, and so on. I do not say that the Native land should not bear a proportion of the cost of administration in a proper way; it certainly should bear a proportion, but the Crown should bear the cost of surveying, and so on. The Act of 1900 says that the Maori lands are to bear all the expense, but I say that it would be to the benefit not only of the Maoris, but of the colony generally, if the Crown did pay the cost.

37. Now, do you not think that if the restrictions were removed from all Maori lands, apart from the papakaingas, and if they were to be given power to sell, mortgage, or alienate them; do you not think that, after having been given these powers, they should bear the cost of administration of these lands in that direction?—Apparently you do not understand what I have said. I said that the cost of administration should be borne by the colony, and when the lands were administered then it could be fixed what proportion is to be deducted to make good the amount so expended in administration—that is, what the Maoris could pay. If you are going to call upon the Maoris to pay the cost of administration and they have not got any money, what are they going to pay it with? The Maoris, as you know, cannot find money to do these things. I say that, even if the colony does pay the cost of surveying, the Maoris will never pay it all off—the revenues of their lands are devoted to other things. That is why I say that the Board of Administration or Council should be a separate institution from any other thing.

38. *Mr. Vile.*] You say you represent the petitioners; the petition has about 276 Native signatures: do you represent the respective hapus of the Natives in the King-country?—Yes; there are a number of us representing all the people in that district here present.

39. Did you hold any meetings before coming here to discuss this petition in a general way throughout the King-country?—There were two large and important meetings convened and held in connection with this matter by us—one was in April and the other in May last—and all the matters contained in our petition are the result of what took place at those meetings. If you will look at the petition you will see it is printed, and, the district being a scattered one, it was impossible to take the one copy of the original petition round to every one to get it signed, so we had a number of copies printed and sent round each separate place for signature, so it is really all one petition.

40. Can you give me an idea of the number of Natives you represent?—There would be over two thousand people whom I represent.

41. Two thousand out of about forty thousand in the colony?—That is merely a guess; there may be a great many more than that. I thought it would be a good idea before I came here to ascertain the exact number of people in the district, but it was too great an undertaking. I wanted to get a plan prepared and the number of people ascertained, but I found it would take such a long time that I could not do it.

42. I think you stated yesterday the number of acres which you represent: can you now give the total area of Native land?—I think I am right in saying that there is still remaining of Maori-owned land in our own district at least two million acres. There is more than that.

43. Do you know what Native land there is throughout the colony?—All I know is that in the preamble of the Act of 1900 it was stated that there were 5,000,000 acres.

44. Of your two million acres, are there any number of acres leased just now?—Yes; not very much—not very large areas.

45. Is there a fair share of pumice land in those two million acres?—Yes, that is where you will find pumice.

46. You stated in your evidence yesterday that your object in presenting this petition was to get further powers than you have now so far as the Maori lands and the Councils are concerned: can you state briefly what the powers are that you require? You stated that certain powers which the Maori Councils thought they had had been withheld from them?—Well, the Councils have no right to lease, no right to sell. They have no power to do these things, and no money has been voted to enable the Council to perform its functions.

47. It is evident that you have no power other than what is given to you by the Government administration?—The Government, of course, holds the power for everything.

48. You can lease no lands without the consent of the Government?—No, only the lands handed over by us to the Council can be leased by the Council; but, as I say, we have not got any money to enable the Council to do these things, and therefore the mana is all in the hands of the Government, as I said before.

49. You said yesterday that your lands were tied up very considerably, so much so that you could not do anything with them under the Native-lands administration?—Yes, the Native Land Court Act of 1894 ties up all the lands—no exemptions.

50. What do you mean by saying that you want more independent Native administration?—Well, I want the Council to be given the power to carry out alienations itself. Why should it be necessary, in the event of the Council recommending a sale or lease, that they should have to go and get an Order in Council in order to accomplish what they recommended? Now, why I say that the Governor in Council should confirm sales recommended by the Council is this: that, of course, a sale is an absolute alienation; it is an absolute divesting himself, on the part of the Maori, of the land which he alienates, and I say that it is a necessary precaution, because there should be a most exhaustive inquiry made into every sale proposed and all particulars in connection with the transaction before it is confirmed, because we have to guard against trickery and unfair dealing on the part of many people, such as lawyers, agents, and dealers.

51. You are not a believer in free trade in Native lands—that the Natives should have freedom in everything to deal with their lands as they please?—No, I could not agree to free trade, because there is such a small balance of land remaining for the support of Natives. The land remaining to the Natives should be devoted to the purpose of supporting these Maoris.

52. If certain lands were reserved—sufficient for the Maori purposes—why not deal with the others the same as Europeans deal with them?—If that were done it would only be a very short time before the Maoris would be undone. If you say that the Maoris should only have reserves for their support, then that only means will they be looked upon as human beings, or as what?

53. I mean sufficient lands for their use. You said you thought the colony should find the funds for the Native Land Councils' administration?—Yes, it being, in my opinion, an important step in the right direction towards throwing open all lands. Probably that would put a stop to the continual howl of the pakeha, who is crying out for land.

54. You also said that papakaingas should not pay rates at all: do they not require roads?—If it were not for the interference of the pakeha people the Maoris would live quite happily without any roads. It is the pakehas who are always bothering and urging the Maoris to do this and do that. There is only a very small balance of land remaining now to the Maori people, and the bulk of the land has passed away from them; and when are the Government going to give any consideration to the few survivors? Even though we have such a miserable little balance of land, the pakehas want to get that from us as fast as they can.

55. Now you are under European civilisation, and it is just as necessary for you to have roads as it is for the Europeans, and if you have roads leading to your papakaingas, why should you be exempt from rates?—You see, we want these papakaingas simply for the support of Natives, to cultivate potatoes on and grow crops, and if you are going to rate this land they cannot pay the rates—what are they to pay them in? I say that there are numbers of Natives in my own district who will not be able to do anything else but grow potatoes, and never will be able to work for money.

56. Has the Main Trunk Railway been put through Native lands generally, and is it being put through this particular country of yours?—Yes.

57. Has that added any value to the land?—Pakehas came to us and begged us to let them have the land on which the railway will travel through the country, but they did not tell us that they were going to tax us and rate us for it. We gave them the land for nothing where the railway runs, and now they tax us.

58. How do they tax you?—It is not possible for me to say that the value of the land has not been enhanced by the making of the railway—certainly it has.

59. Will you describe what papakaingas are?—It is a residential kainga—a place where a man lives, a home.

60. *Mr. Herries.*] What sort of size in your district do you think papakaingas ought to be—50 or 100 acres—taking all land into consideration?—I have not carefully looked into that question; I could not lay down a hard-and-fast rule.

61. Do you think 100 acres would be enough?—In some cases it would, and in some cases it would not. I say that the Council of the district should inquire into and make provision for the necessary papakaingas for all people, discriminating between the old people and the young ones, those capable of working and those who are not, the people with large families and the people without any; but it would be a very difficult thing to lay down a hard-and-fast rule and say that a papakainga should be so-many acres, no more and no less.

62. *Mr. Wi Pere.*] I have heard all that you have said in explanation of the Ngatimaniapoto petition, and I am going to question you about the money which you say should be provided by the colony. You believe that if the colony's money was devoted to that purpose, the Councils would obtain work to do which would pay the colony for advancing the money?—That is so, I think.

63. Through the colony's money?—Yes.

64. Then, you do not propose that the Government should borrow a special loan outside the colony for this purpose?—No; that is not my proposal.

65. Well, supposing all the colony's money is expended during any one year, how would the Council fare?—Well, of course, that is a very difficult question; it is not for me to say how it would be best to obtain the money.

66. I will explain it to you. We have been told that there is a surplus of the colony's money in hand, and that after having paid off all indebtedness there is some £700,000 remaining, and all the members are swarming round to get it. I asked the Minister to give me some for a road in my district, and he said he would ascertain if there was any left. That is why I suggest to you that do you not think it would be better for the Government to borrow money outside the colony for this purpose at a cheap rate of interest—the same as they borrow money for the colony, and their money lies there for a loan for twenty, thirty, or forty years. Do you not think it would be better to have the money like that if you cannot get the money as you said in the first place?—That is what we are asking for—we are asking the Government to provide money. The Government must please itself as to where it gets it from. We do not care whether it raises a loan outside New Zealand or finds the money in the colony, so long as we get it.

67. Well, now, if we borrow money in New Zealand we have to pay 5 and 6 per cent. Are you not afraid that unless some fair stipulation is made we shall have to pay 5 and 6 per cent. for this?—Of course, what we would like to get is the largest sum of money for the cheapest interest.

68. I understand you to say that you want the Native Land Court and the Council still to continue to exist and to act separately; that the Council should be given power to subdivide land into three classes for three purposes, and also to appoint successors to deceased owners, and also to have the right to lease lands, and to borrow money for the people who desire to farm their portions, and all that you want the Native Land Court to be allowed to do is to ascertain the ownership of the land in the first place?—Yes; the ownership of the land having been ascertained, hand it over to the Council to cut up and deal with.

69. That is the first thing that you want—the dividing-up of the land?—I say that all the Native Land Court should do is to ascertain the ownership, and then, when the lands are handed over to the Council, let the Council cut them up and administer them.

70. Would you not have the Council do this work first, and then let the Court follow up then?—Yes, in some lands that, no doubt, could be done.

71. Can you say "Yes" or "No"? If it is placed in the hands of the Native Land Court you hand it over to the Native Land Court, and it will award it to some one. Do you not see that, if the Native Land Court is to deal with the land before the Council? What about such a case as this: The Native Land Court ascertains the ownership of a block of land before it is handed over to the Council, and then certain people appeal and obtain another hearing, and then it will be years before it is settled, and then people will say what is the good of these Councils, they are so long in reaching finality?—Oh, yes, that may be the case in regard to certain lands; but in our district the owners of all the lands have been ascertained, and all that the Council will have to do will be to administer these lands.

72. I am talking about lands the owners of which have not yet been ascertained. I would like to point out to you the lands of the Ngatiporou people, which they are working through the Council. They fix up everything first before they take it to the Council to give effect to it, and here we find certain members of the House here in Wellington advocating seizure and the taking-away of their lands, and setting up another tribunal altogether to take away their lands. You have explained how it is that the Council has hitherto been unable to work things successfully, and I shortly put it this way by saying that, if what you ask for is done, if a man is not willing to hand his land over to the Council when the Council asks, do you not think the Council should be given the right to take it in spite of him—otherwise, what is to carry out what you advocate?—I say if the law were once amended so as to make it entirely satisfactory, then I would be willing that it should be compulsory that the Council should have the right to say, "Hand over the land," because if they had all the machinery there to fix the thing to advantage, why should one man selfishly hang on to his land.

73. The Council has been in operation for three years—that was the time given us, and we are told now that the Councils are not doing what was expected of them, and I say, why not give power to the Council to force those people who persist in holding on to their land to hand it over to the Council?—I say that it might be right under certain circumstances; but give them an opportunity in the first place of deciding what they want to do, and then when the question is inquired into and both sides of the case looked into, if it is found they are merely holding on to their lands for an obstructive motive, then it might be right to give the Council the power to take them.

74. Do you not think that the Council should have the power to force Maoris who will not hand over their lands to its administration, and that the Government should have power to borrow money outside the colony?—Yes.

75. *Mr. Hone Heke.*] Mr. Vile asked you just now if you did not consider, in your opinion, that papakaingas should not pay rates and taxes, and would not these papakaingas be improved by the roads being made through them, and also if the value of the lands in the Rohe Potae had not been enhanced by the fact that the railway has been put through? Is not this the position,

that no great benefit has been done to the lands in the Rohe Potae, leaving out the question of the roads and railway, even though the railway and roads have been made in the district?—The Maoris in that district have not been allowed to reap the benefit of those things which have been carried out in the district, because all the lands there are restricted. The Crown has purchased already about three-fourths of the area in that district at prices ranging from 2s. 6d. to 5s. an acre. I think 7s. 6d. an acre was the highest price ever paid by the Crown for land in that district. I say that, even though these works have been done in the district, the Maoris have been debarred from deriving any benefit from them. The Crown has purchased the land all along there for a very small price. Having restricted the lands first, the Maoris can derive no benefit from them.

76. Now, let me ask you this: what is the Ngatimaniapoto desire in regard to the restriction of their lands, the Government having purchased them at small prices, the Crown bush having been sold at high prices, and its lands at high prices; then, is it not the case that Ngatimaniapoto hold this opinion that they have already paid what is equivalent to heavy taxation—all the inhabitants of the Rohe Potae?—That is what I say—the Crown has derived the bulk of the benefits of the district already, and they should be satisfied with that.

77. Therefore, you ask that the papakaingas should be exempted from rates and taxes?—Yes.

78. *The Chairman.*] The views expressed in this petition and explained by you are the views of the Ngatimaniapoto Tribe only?—That petition expresses the wishes of the persons who have signed it. There are some Waikato people who have signed that petition.

79. I understand you represent the Ngatimaniapoto Tribe only?—Yes, I represent the Ngatimaniapoto people; but these desires are in common with other people outside.

80. Does it embrace any of the views of the great northern tribes?—Yes; there were some Ngapuhi people present at the meeting at Te Kuiti, and copies of the petition were sent down to Ngapuhi for signature, but I suppose they have not been able to get them here in time.

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THURSDAY, 7TH SEPTEMBER, 1905.

TE HEUHEU TUKINO examined. (No. 3.)

1. *The Chairman.*] Are you one of the petitioners?—No.

2. You merely wish to give evidence on the petition?—Yes.

3. You have heard the petition read?—Yes; I have been intimate with its contents during the last few weeks.

4. And did you hear the previous witness give his evidence?—Yes, I have been here listening.

5. You wish to make a statement?—I may say, Mr. Chairman and members of the Committee, that even though this Ngatimaniapoto petition was framed and drawn up amongst the Ngatimaniapoto people themselves, and even though my name will not be found amongst those who have signed the petition, or any names of individual members of my tribe—the Ngatituwharetoa—I may tell the Committee that I am quite in accord with the requests contained in the Ngatimaniapoto petition. I may also tell the Committee that the young men of rank of Ngatituwharetoa are here to-day in this room, and what I have to say to-day in support of the petition is by the general consent of our people. The first witness has given this Committee his estimate of the number of acres now in the possession of the Ngatimaniapoto and Ngatituwharetoa people, and I think that I may say this: that of that 2,000,000 acres which the witness yesterday stated as being the Native land in that district, I think I am safe in saying that more than 1,100,000 acres of that land is the property of the Ngatituwharetoa Tribe, and I can give the Committee a description of that land. I desire to state this: that these two tribes—the Ngatimaniapoto and Ngatituwharetoa—may be likened to people who are in the same canoe on a dark sea together, and if this canoe succeeds in making a comfortable haven, then they will all be saved in common. Of course, if evil fortune overtakes them while they are in the same canoe, then they all go down together, and therefore the Ngatimaniapoto people having come forward here with the proposals contained in this petition for the benefit of both tribes, all I have to do is to express my satisfaction therewith. Well, I should now like to speak in regard to the whole of the North Island generally as affected by the Maori Land Administration Councils. First of all, I desire to say this: I have been a regular attendant here in Wellington for the last eleven years in connection with legislation in regard to Native lands, and, having been here for such a length of time attending to these matters, I am in a position to speak. Although at the present moment I am only expected to speak in regard to the Ngatituwharetoa and Ngatimaniapoto Tribes, I would ask the Committee to take what I say as applying to all the other tribes of the Island as well as to these two particularly.

6. Are you authorised to speak for all the other tribes?—It is my desire to be allowed to do so by the Committee. My reason for saying so is this, that during all the years past that I have spoken of, I have been from time to time appointed as the representative mouthpiece of the tribes generally throughout the colony. As the Chairman of this Committee knows, I have been here repeatedly again and again, and have been appointed on many occasions as the chairman of their Maori committees discussing matters for the welfare of the people and their lands. That is speaking in regard to what has taken place in Wellington. Now, under the great movement that took place amongst the Maori tribes throughout the colony some years ago, which was called by the name of the Kotahitanga, I was one of the principal people appointed to take a leading part in that Kotahitanga. That is why I say that what I am about to remark should be taken as referring to all the tribes who are under the Council arrangement, be it the East Coast, the West Coast, or the Northern District, as the case may be. Of course, as far as the Northern District is concerned, we have Mr. Heke here to speak for them, but I am here also to represent



them. Now, with regard to the Council, I think the position now is this: it is being asked, should the Council be continued in existence, or should it be abolished? Now, with regard to that I support what has been said by the previous witness, Pepene, to this effect, that the Lands Administration Council constituted by the Act of 1900 should be continued in existence as the groundwork of legislation. I say that it would not do to abolish this Act and wait for something else to be brought in to take its place, for this reason—let me make use of the pakeha saying: that there would be no object in throwing away a dead bird which you held in your hands to catch one which was flying about with its own wings, which might be condensed into saying that a bird in the hand is worth two in the bush. We cannot foresee what description of legislation would be brought in to take the place of this if it is once abolished. We cannot foresee whether it would be furnished with short, blunt teeth or very much longer and sharper ones than we should like to suffer from. Therefore, I support my friend Pepene in what he has said here—that the Maori Land Administration Act of 1900 should be confirmed and established and continued in existence, but that it should be modified and varied, as its provisions are not at present satisfactory. I will tell the Committee what, in my opinion, are the provisions of the law as it stands which render it unsatisfactory, but in so saying I wish to say this in regard to Ngatituwharetoa—my own tribe—that there is no split amongst those people; they are all of one mind, and they are all represented by me; I am Ngatituwharetoa. Whatever I say they will listen to and abide by, and if I say to them, Let us do this, they will do it. Therefore, so that I might put matters fairly before the Committee, when this Act was passed in 1900, I said to them, “You watch me very carefully after this,” and ever since the passing of that Act I have never told them the law is satisfactory, and that they should hand over their lands to the Council. If we had arrived at the time when the law had been made satisfactory, we should be now handing over our lands to the administration of the Council. Now, I will say this, that the first provision of this Act of which I am afraid is the statement in the Act that the moment the fee-simple of the Maori lands is handed over to the control of the Council it ceases to be Maori land, and is vested in the Council. Under no circumstances whatever would I ever agree to that provision. Secondly, the variation in the wording of the deeds handing over the lands to the Council. I think it was discovered in 1902 that they were worded in this way, that these leases by the Council were leases for ninety-nine years, and there were generally unsatisfactory provisions contained within those deeds. I think the Committee probably knows what those provisions are to which I refer, but perhaps I might shortly explain them. This is what was done. There is only one page in the deed, and on that page—the front page of the deed—there was a blank, and over that blank space was pasted another piece of printed paper containing the terms and conditions on which the land was handed over to the Council. Ohotu may be cited as a case in point, but that is the principle that has been brought into operation in regard to all lands right throughout the country. Thirdly, that the Council have not been given full powers. Well, I need not deal with that to any great length, because the last witness went fully into that matter. What I say is unsatisfactory in the law as it stands is this: a man goes to the Council with a proposal to do a certain thing, be it to lease or whatever it may be. We know the Councils as constituted are composed of men who have been carefully selected from amongst the principal people of the tribe. Therefore, these people are people of knowledge, and thus when a man comes before them with a proposal they look at what he submits to them, and they question him and thoroughly go into the matter, and if they see it is a proper proposal they come to a finding giving effect to it; but what I say is that this award of theirs is of no value—it is simply a waste of time, for this reason: they have got to send a report upon this proposal to the Government, and we have people behind the Government in the Government Departments here—and I can mention the names of two or three of them; one is Mr. Sheridan and another is Mr. Waldegrave—and if they oppose the recommendation of the Council which inquired into the matter when it was passed before them, then the recommendation of the Council is not given effect to. Then, if they desire to hang up the report of the Council they can hang it up for six months, and if six months has gone by the recommendation of the Council dies through effluxion of time. This is again an injustice to the applicant who went before the Council with a proposal, because he has got to go through the whole business again. Therefore, I say I am not at all in accord with that idea. Fourthly, the fact that one or two individuals—that is, Maori owners within the Rohe Potae—are not allowed in the case of lands owned by one or two owners to sell, lease, or deal with their interests in the lands, but outside the Rohe Potae they can do so. That is a very grave mistake—a serious blemish in the law. There certainly should not be a distinction made between people in one part of the country and people in another part. Now, just while here I should like to say this to the Committee: I pointed out that “The Maori Land Administration Act, 1900,” acts in two different directions in reference to the land in the Rohe Potae and lands outside. Now, I wish to speak of three other Acts. Under the West Coast Settlements Reserves Act, all Maori lands on the west coast of this Island are under the control of the Public Trustee. Then there is the Urewera District Native Reserves Act, and that is a separate and distinct Act affecting and applying only to the Urewera lands. Then there is the Thermal Springs Act, and that also is a separate Act applying to the Thermal Springs district alone. I wish to say this, that the Maoris are all one people—one race—and yet there are five distinct and separate Acts operating upon them, but you pakeha people are all under the one and the same law. Why should we be divided up into sections and have five different Acts applying to the different sections? That, in my opinion, is another grave blemish in the law, for which this House and this Parliament is to blame. Now, then, to refer back to the Council: the Ohotu Block has been handed over to the Council. Now, I personally am merely standing on one side and watching very carefully, and I dare say many others are doing the same as I am. I am asking myself what is going to be the result, and what is going to be the end of Ohotu. Many years have now passed since Ohotu has been handed over to the Council, but I have not seen a little drop of fat or any benefit at all accruing to the Maoris who

own it. Now, I may say this, that I have been continually in the habit of visiting and interviewing the Premier and the Native Minister prior to the passing of the Act of 1900, and I do not forget this statement that they made to me, and which they also made at two important public meetings of the Maori people, one of which was held at Papawai and one at Waipatu. They said this: "Let our child be given birth to; we can all see that its mother is with child; now wait until the child is given birth to. If we find after the birth of the child that one of its feet is deformed, or that its nose is twisted, or that one of its arms is crooked, or that it has any other blemish, let us attend to that blemish and remedy it so as to have a proper child without any blemish or disability, so that we can say, Here is a desirable individual for this earth." Now, I remember another thing that was said before the Chairman of the Committee, who is here to-day. There was a certain Maori chief in the year 1898, whose name was Tamahau Mahupuku. He said, "I should like to take these shoes and put my feet into them, but if I find when I put those shoes on that there is a nail in one of them running into my foot, I shall take those shoes to the bootmaker who made them, and get him to take that nail out of the way." So I say that we have not mended the blemishes of this child yet, and therefore I say that I am agreeable to the proposals contained in this petition as pointing out the directions in which the blemishes should be remedied. If to-day was the day when the Premier and the Native Minister would remedy the blemishes and imperfections of this child, then my heart would feel rejoiced. If not, then I must say that personally my desire would be to trample upon and break the law. I have only a little more to say, seeing that Pepene has explained all these matters at length to you. There are three clauses in the Ngatimaniapoto petition to which I wish particularly to refer. Now, Pepene referred to the Maori Lands Administration Council as a machine to deal with the land. Now, I will say that, as I look at it, this machine is to deal with the following matters: it is, firstly, to break up the land, and, secondly, to break up the timber; the same applies to the stones, to live-stock, and to flax. We have tried to work the machine and put it into operation, but it will not work. Now, what we want to do is to remedy the blemishes in the machine so that it will work. That is point No. 1. The Council should continue to exist to protect the foundation of the law in regard to these matters, to protect ignorant and foolish people, children, old men, and women. Secondly, to watch and insure the proper working of people of knowledge and people of capacity. I say that people like myself, for instance, are capable people. I claim that I am a man of knowledge and capacity if I am given the right to administer my own land. Now, I will point out to you where I am wrong in saying that. I am an owner in somewhere about a hundred blocks of land in this colony. I have so-many acres in this block, half a dozen acres in that block, 10 acres in another block, and 100 acres in another block, and that is where I am wrong in saying what I said just now. But let me say that if I had all the scattered interests that I own lumped together in one locality I might be the owner of, say, 10,000 acres altogether. If I had my 10,000 acres in one piece, then, I say, I should be perfectly competent to administer it myself. If I chose to hand over my land to some one else for a consideration that it paid me to accept, then I should be allowed the right to do that. I think I have now come to the proper time, perhaps, to deal with the question of the exchanging of interests in land that has been referred to. There are a number of people—members of my tribe—who, above all things, desire to be allowed to exchange their interests, and we want the Court to sit for a long period and attend to and carry out this business. I have heard a voice saying that it is probable that this desire will be given effect to, so as to expedite the exchanging of interests between one Maori and another. Of course, it will be a matter of extreme satisfaction to me if that is done. What I want in regard to my own personal interests in land is this: let the Council continue in existence to watch me and see whether I administer them rightly or wrongly, but do not let them seize the mana of my lands.

7. That is an admission that you are not capable of administering your own lands, and you want the Council to look after them?—I simply say, let the Council remain there and watch to see whether I am behaving properly. If I have to take the matter to a lawyer, I should have to pay him more than I should have to pay the Council when I came to draw up deeds between myself and the pakeha. I say that if every one, if all the people were equally capable, then I would ask that there be but one law and one system in regard to them all, so that I say we should have some one to watch and look after us, the Maori people, and our lands, and the Council is that body. I have heard, of course, that there are large sections of the pakeha community using every argument that they can with the Government that they should be allowed to acquire the freehold of the Crown lands that they now hold under various tenures from the Crown. Therefore, I say, why should not the Maori also have his freehold; if you see a capable Maori, give him his freehold; but if you see a foolish Maori, then hand him over to the Council to protect him. Now, in regard to the forests: the law as it now stands is absolutely shutting out what I may describe as a regular gold-mine to the Maoris in forbidding them to deal with their timber lands. If it were not for the provisions of the law as it now stands, Maori owners of timber would long ere this have been the possessors of sums of money as large as those possessed by the pakehas. I can say this by way of illustration, that supposing there were 50,000 acres of good bush—picked bush, we will say—the property of Maoris, the Native owners could obtain from £10 per acre upwards for the timber alone on that land. If they were allowed to lease that 50,000 acres—that is, the timber on the 50,000 acres—for fifty years, they would draw in that time £500,000 for their timber. Now, would not that afford a magnificent income to the Maori people if you pakehas had not shut us out by your laws. Now, I will give a little story by way of illustration: There was a certain European, and he had two adopted children; one of these adopted children was a European and the other was a Maori. I may say that this European I speak of was the Government. Now, the Maori child had a plaything in its hand which the pakeha child wanted to get hold of, and was always crying for. The parent wanted to stop the pakeha child from crying, so he wanted to take the ball or whatever the plaything was from the Maori child and give it to the pakeha, and I say that that illustration applies to myself. Here am I the possessor of all



this timber; I might have £500,000 cash for it; but, no, you want to take the ball out of my hands and give it to the pakeha. I say this: Remove the restrictions from the timber; let the law affect the soil alone, and I say that flax also should be removed from all these restrictions.

8. You do not admit that timber is land?—No; I say it is a chattel, not land, because you can cut it down, and you can take it up and carry it away, and you cannot do that with the land. I will tell another story to the Committee by way of explanation of what I say. Some years ago—I do not remember the exact date—this Committee called upon a European, who had been working together with me in certain timber transactions, to appear before them here. The Committee desired that this pakeha and I should appear before them, but I did not want him to come. The Committee having had this pakeha before them, and having cross-questioned him in regard to a transaction I had entered into with him, was satisfied that I had been fairly dealt with by him. Well, then, when we went away after having completed this transaction and tried to get people to take up the idea, there was one question that put an end to the transaction, and that was this: “Is the title to the land referred to in this deed clear?” and, of course, the only reply that the pakeha could give was that it was not, and consequently the thing fell through, and all those thousands of pounds that he and I and my hapu would otherwise have enjoyed we were debarred from enjoying simply through that fact. Now, I wish to say something in regard to the papakaingas referred to by my friend Pepene yesterday. I desire to support what he said in regard to them. He said that the lands set apart as papakaingas should not be liable to rates and taxes, and I desire to add this to his statement, that the colony should contribute to the cost of administration of the Councils. I say that I can only describe this Committee, or this Parliament, or this Government, or whoever is responsible as being most miserably miserly if they do not contribute to these two things as asked, and I will say why I feel justified in using that expression. Within the Ngatimaniapoto Rohe Potae many lands have been sold to the Crown, sold for from 1s. 6d. up to 4s. and 5s. per acre, 7s. per acre being the largest price ever given, and these lands have been resold by the Crown to the pakeha settlers for from £1 to £2 10s. per acre. How many millions of pounds have the Crown received of profit over and above the price at which they purchased these lands from the Maoris? Now, will you not take into consideration the immense advantage that the Crown has scored over us in these transactions, and give us these trifling concessions for which we now ask? Now, speaking about myself and my tribe personally, there are two blocks belonging to us called Taurewa and Waimarino. Taurewa was sold at 2s. 6d. per acre, and Waimarino was bought by the Government for 2s. 6d. an acre. Now, simply because I do not know the actual figures I cannot tell you how many thousands of pounds or millions of pounds the Government have received for the timber on Waimarino since they have bought it. Take that as a case in point: the Crown bought that land from the Natives at 2s. 6d. an acre, and they have timber standing on it worth £2,000,000.

9. Does that apply to all the large blocks of land bought by the Government from the Natives? Do you say the Government has made such enormous profits out of all these?—What I say is this, that the Crown bought these lands for 2s. 6d. per acre, and there they have timber to the value of £2,000,000 standing on the land which they bought for 2s. 6d.

10. But they have not made that profit out of all the lands which they bought for 2s. 6d.?—There are other blocks of land that the Crown purchased for 1s. an acre. The Kaingaroa Block they bought for about 6d. per acre.

11. There are some lands they bought for 6d. an acre that are not worth a farthing?—The Government will get £1 an acre for Kaingaroa yet. There is no land in the Ngatimaniapoto or Ngatituwharetoa district that they will not get at least that amount for. As to the money asked for by my friend Pepene for the expenses of the Council, and that there should be no rates and taxes leviable upon papakainga lands, I would point out this, that the money he asks should be given is really the property of the Maoris themselves. There is another matter I might add to that: there are a number of coach-roads and mail-routes through the Maori lands in regard to which the Natives do not claim payment for having allowed the Government to take those roads—they have given them for nothing.

12. They have benefited by those roads?—That is so; but remember this, that if those roads were made through lands the property of European owners they would want compensation at once. The same refers to what was done at Haereawatea, when the route of the Main Trunk Railway-line running through the Ngatimaniapoto district was given by the Maori owners to Sir R. Stout. I saw myself, and personally heard what was said by my own *matuas* at Haereawatea when Sir Robert Stout went up there, and I heard Manga and Wahanui saying there to Sir Robert Stout, “The backbone of our ancestor Turongo—that is, the Main Trunk Railway route—we will give to you for running the train-wheels on, right through the Ngatimaniapoto district. We will not ask for any payment; we will not ask for any tax or consideration at all; there it is; we give it to you for nothing; take it.” We having considered you people, and been generous to your people, you are not generous to us in return. I must say this, that your pakeha *rangatiras* are *tutuas*; that is proof of it. Wahanui and Manga said to Sir Robert Stout, “Do not bring in the land-purchase system within the Rohe Potae,” and Sir Robert Stout said, “Yes, we will undertake that your lands will be absolutely protected and not interfered with, but give your lands to be investigated by the Court”; and the Maori *rangatiras* thought the pakeha *rangatiras* were the same as they, and the Court was allowed to sit there, and as soon as the Court sat there in came the Government Land Purchase Officer. That was the way we were treated. We kept our part of the bargain, but that is the way those professed pakeha *rangatiras* kept their word.

13. Mr. Hone Heke.] You have told the Committee that you were one of the delegates selected and appointed by the general movement amongst the Maori tribes some years ago, which was called by the name of the Kotahitanga, and you were specially sent down here to Wellington to interview the Government and lay before them certain proposals to obtain certain legislation that would be satisfactory as affecting the Maoris and their lands?—Yes, on every occasion I was one of those selected by the chiefs of the various tribes throughout the Island for this purpose.

14. Was it because the chiefs generally throughout the country realised that the Crown was purchasing Native lands to such an extent that they thought it was necessary that some provision should be made to put a stop to any further sales?—Yes, that was so.

15. The people being of the opinion that if the lands passed away at this rate there would not be enough left for the eventual support and maintenance of their descendants?—Yes, that was the principal thing that the thoughtful Natives desired to guard against.

16. And therefore you delegates of this Kotahitanga came to Wellington in the years mentioned to approach the Government and ask them to introduce legislation that would put a stop to further land being purchased by the Crown?—Yes.

17. And now you said in making your statement this morning that you had heard pakehas throughout the colony were clamouring to the Government and asking that the Maori Land Administration Act be abolished, and that an Act be brought in in regard to Native lands similar to that under which the Crown now has the power to seize the lands of European owners. I want to hear your opinion upon that, because I know, as you say, that you are the representative of the Kotahitanga to voice their views upon the matter. Well, you have heard that the pakeha community are not satisfied; they have not got hold of enough land to satisfy them since the passing of "The Maori Lands Administration Act, 1900," and therefore they say that some such legislation should be introduced as would enable the Maoris to deal with their land, if not exactly by free trade, at any rate, that where a European desired to purchase and a Maori wanted to sell he should be allowed to do so?—That is the thing we are afraid of. The Natives who are capable and competent to look after their own interests, of course, would benefit by such a system; but, then, there are stupid and ignorant and incapable Natives who would not know how to look after their own interests, and they would be bound to suffer unnecessarily on account of their own folly by the immediate effect of what the pakehas did.

18. You made an important statement in regard to handing over the land to the Maori Council, in which you said you objected to the Council obtaining the fee-simple of the lands?—Yes.

19. Now, have you thought out or decided upon any other system which you would propose should be substituted in place of the fee-simple passing, as at present, to the Council?—I am supporting the proposals contained in the Ngatimaniapoto petition in regard to that. I am in sympathy with what the petition proposes should be substituted in the law to take the place of the present provision of the fee-simple passing to the Council.

20. You see what is maintained is this, that if the fee-simple of the lands did not pass to the Council when the lands were handed over to it for administration, then the Council on its part would not be in a position to give proper titles to the Europeans to whom the Council subsequent to that leased the lands, and that pakeha settlers would not come forward to take up the land unless the title under which they would hold it was first shown to be to their satisfaction?—I think what the petition proposes is that the authority of the Council over Maori lands handed over to it should cease after a period of forty-two years. Well, I should be willing, as I heard proposed, that the limit of time should be extended to fifty years. I say this, that I should be willing that the limit of time should be fifty years, but that if it is renewed after that the fee-simple should no longer be vested in the Council.

21. But you would be willing that the fee-simple should pass to the Council for the first period of forty-two years or fifty years, as the case may be?—Well, I say that I should be willing that the fee-simple should remain in the hands of the Council for a term of forty-two or fifty years, as the case may be, but only in regard to lands outside and beyond those required for papakaingas and settlement for Maoris themselves. But in regard to timber, that I claim is not land, no fee-simple in that should pass to the Council.

22. *The Chairman.*] But you would hand over the right to the Council to deal with it?—I would simply hand over to the Council the right to watch over and see that I and the pakehas with whom I entered into agreement or negotiations with regard to timber or flax carried out an equitable deal.

23. Do you reserve to yourself the right of dealing with it?—Yes.

24. *Mr. Heke.*] But let the Council simply be the tribunal to inquire into and approve of transactions of that sort entered into between Maori owners and pakehas outside?—Yes.

25. Then, your desire is this in regard to large blocks of Maori land: first of all, the papakaingas be cut off; secondly, such portions of the land as are desired to be worked by the industrious amongst the Maori owners, and then the land upon which the timber or flax is growing should be kept separate from the control of the Council; and, with regard to the balance of the land outside these first three classes, that you say you would be willing that the Council should have the fee-simple for forty-two years?—Yes.

26. Now, you say you are aware there are many large blocks of Maori land. We will take as a case in point Ohotu, which contains 46,000 acres, and 1,054 Maoris own that area. Out of those Maoris, 500 are owners of not more than 6 acres per head; another 500 of them own no more than 50 acres per head, and the balance own from 100 acres to 400 acres per head. What I mean to say is that there you have a block the owners of which are so many and the interests so small that it would be impossible to divide the land in such a manner as to give each individual his separate piece. What I say to you is this: Will you not agree to land in such a position as that, which it is absolutely impossible to divide up satisfactorily—would it not be better that lands of that description should be handed over to the Council to be leased by it?—I am agreeable to that. There are many lands of my own, with not so many owners, of course, as there are in Ohotu, but if they were hung up, the interest of each owner defined and cut out, there would not be sufficient land to support each individual on his own piece. Therefore, with lands like that it would be as well to hand them over to the Council.

27. There are three reasons for trouble in that case. The trouble is this: in blocks of that character the interests are so small, the lands of so poor a character, you would have one man's

land on the top of a mountain-peak, another on the side of a creek, and another in the bed of a river, so that it would be impossible to divide the land so that each man's piece would support him?—I say a satisfactory way of dealing with lands like that is that, after handing them over to the Council, for the Council to lease them. It would not do to make those provisions in regard to areas under the Land Act—that is, with first-class land the limit of area that would be held by one person is 640 acres, and second-class land 2,000 acres, and third-class land 5,000 acres. That would not do in the case of this poor pumice land. The limit of area of each class, of first, second, and third, there, would have to be considerably greater than that, because that pumice land could not be called second or third class; it is about tenth class. We have tried to keep sheep on this pumice land, and we find that the sheep get on far better and make much better mutton than sheep on the fat grass lands, but you want 10 acres all round for each sheep. On the best of this pumice land and some of the better-class land 5 acres will keep a sheep, and the sheep do not scour and do not get foot-rot.

28. I want to ask you whether, in your opinion, Maoris who own lands and desire to work them should be assisted—that is to say, that the Government should throw open to them a channel whereby they could obtain monetary advances to start operations in the direction of working their lands to some advantage?—The whole Island would rejoice if the Government could only see its way to do that.

29. Well, now, you have asked that papakaingas should not be liable to bear rates and taxes, and that the colony should contribute to the cost of administration of the Councils. Now, you ask that because you are satisfied that the Crown has already derived very large benefits from the Maori lands through the fact that they were all restricted, tied up from sale, and so on, and the Crown under its land-purchase system acquired those lands at a trifling sum, and when the Crown sold these lands to European settlers after it purchased them—I am referring to open land, not bush and forest land—it received in payment of the land it sold an immense advance on the price it cost them when they purchased?—I say that if free trade had been existing in regard to Maori lands instead of the restrictions which debarred any one purchasing except the Crown, I am satisfied that the land which the Crown purchased at 2s. 6d. an acre would have brought at least £1 and over. I think, with regard to pumice lands purchased at 6d. an acre, that if proper value had been paid for them they would have realised from 2s. 6d. to 5s. an acre.

30. At any rate, what I understood you to mean is this, that here are cases in which the Government bought land from the Maoris at 2s. 6d. and sold it at £1, and that the difference in the price at which they purchased and the price at which they eventually sold would have gone into the pockets of the Maoris if it had not been that private purchase of Native land was debarred? Then, in regard to bush land which the Crown has acquired by purchase from the Maoris, it has got the better of the Maoris in two directions—it has got very much larger prices for the land itself when it sold it, and an immense price for the timber standing on the land as well?—Yes, I have said so.

31. Now, are there timber lands in your district—forest lands—which the Crown purchased for a small amount?—Yes; Taurewa, containing 17,000 acres, and they paid 2s. 6d. an acre for it.

32. There is valuable timber on it?—The bush is full of rimu, totara, matai, &c., and you would not part with it for £20 an acre now. On part of the Taurewa Block, which we did not sell when the other was purchased at 2s. 6d., we are now getting £10 an acre for the timber rights alone.

33. Well, then, your point is this: the Crown having made these large profits out of the land that it has acquired for these trifling sums under its own laws, therefore you say that you consider yourself justified in asking for this small concession, that papakainga lands should be exempted from rates and taxes, and that the colony should pay the cost of administration of the Councils, and that the colony should give monetary advances to Maori settlers to enable them to work their lands properly?—That is what I say, Yes.

34. *Mr. Jennings.*] In regard to lands that were sold in the Mokau district: do you know anything about them—the lands bought by the Crown?—I cannot say what price the Government paid for them.

35. Would this timber that you are speaking of be of any value to the Maori if the roads and railway had not gone through in the Rohe Potae?—No—that is, if you mean the benefit in money; but you must remember that there are the birds we feed on in the bush, and you can go in there and gather up wild pigs and cattle by the hundreds, so that we do not want money when we have food—we can live on our birds, and pigs, and cattle.

36. What about the £500,000 you were speaking about for the timber?—Yes; but do you not see that money is merely a substitute for what we enjoyed before.

37. In regard to the freehold, do you think the Maori should have the right to sell the freehold for townships—for, say, Taumarunui?—Well, I have a very strong opinion upon this question. I have a township of my own—Tokaanu—and I say it is an absolute matter of impossibility that these townships will ever progress under the Native Townships Act; but we should be given the right to absolutely sell the section, and then the town will go ahead.

38. In regard to delays, you mentioned Mr. Sheridan and Mr. Waldegrave: what do you suggest would overcome these delays, when after writing time after time nothing is done?—Take the power away from them and let the Council have the power to act without them, and then they will not bother you and me about writing letters.

39. Will that do away with the Governor in Council?—Yes; they should all be swept away together at once. The Government is only a name—that is, the hands and feet—and the whole thing are these two men I have mentioned.

40. Are you in favour of allowing the Maori Council to deal altogether with the surplus lands without any reservation whatever?—That is what we want—the Ngatimaniapoto and all of us.

41. In regard to the administration of the Maori Councils, I understood you to say that the Council could not work owing to the want of money for administration. Would you favour the view that the Government should give further power to the Councils in their money grant—is that what you mean?—That is the principle that I am contending for.

TUESDAY, 12TH SEPTEMBER, 1905.

TE HEUHEU TUKINO further examined. (No. 4.)

1. *Mr. Kaihau.*] You stated on the first day when you gave evidence before the Committee that you were in support of what was asked for in the petition?—Yes, that is what I said.

2. The petition says this: "Confer upon the Council the exclusive right to administer the land which comes under its authority either in regard to sale, lease, mortgage, transfer, partition, or succession to deceased persons." You support that?—Yes.

3. *Mr. Carroll.*] Are you in favour of abolishing Maori Councils, or amending or improving them?—Well, what I desire is to see the Maori Lands Administration Councils left as the foundation of the law, but to amend them where it is seen that the administration of the Council or the work performed by the Council is weak.

4. Do I understand you prefer that the Councils should be amended in such a way as to give them more direct authority in regard to the lands under its administration?—Yes.

5. *Mr. Kaihau.*] Now, with regard to that paragraph which I read to you just now conferring upon the Council the exclusive right to administer the land which comes under its authority, either in regard to sale, lease, mortgage, transfer, partition, or succession to deceased persons, and so on, do you mean that the Council should be given the right to do these things, or that the owner of the land should be invested with that power?—Well, this is what is meant; the authority of the Council is the power of the Council to administer, and that is what the petition says. What is meant by exclusive right to administer is this, that if the owner or owners of a piece of land decide that it would be a proper thing to sell such piece of land, holding that if they did so it would enable them to improve some piece of land other than that which they proposed to sell, then the Council should have the power to give effect to their wishes in that direction, and the same applies in regard to leases, mortgages, and transfers. If, after papakaingas and all other preliminary necessities have been provided for, a balance of land remains, it should be at the disposal of the owners to be alienated by way of sale, lease, mortgage, or as the case may be. That is one aspect of it. Secondly, subdivision takes place of a piece of land which we will say is second class and owned by a large number of owners. Supposing the land was owned in equal shares, each individual having, say, 5 acres, and if the owners decide to hand each of those descriptions of land I have described over to the Council to be administered absolutely by it, then let them do so, and let the Council administer it.

6. What I want to know is this: The petition says, "Confer upon the Council the exclusive right to administer the land which comes under its authority, either in regard to sale, lease, mortgage, transfer, partition, or succession to deceased persons." Do you mean that the owners of the land, having decided that the land should be administered in that way, should hand it over to the Council merely to give effect to their desire, or do you say the Council is to take charge of the land and administer it irrespective of their desires?—*Mr. Chairman,* I would like to be allowed to ask the question the member of the Committee is asking me, so that it might be understandable, and so that I can reply to it. I put it this way, if this is what you mean: Are all the lands to be handed over to the control of the Council, and then, the wishes of the owners in regard to papakaingas and the balance of land for their own use having been expressed, they are to ask the Council to hand that land back to them? If that is the question, then I reply, No. The Maoris are to retain the mana of the land; the Council is to have the mana of the law. It is for the Maori owners to hand over the land to the Council before the Council can obtain absolute possession of it, and for the Maoris to say what parts of the land they desire to retain for themselves, and that the Council must give effect to.

7. Then, in regard to lands for leasing or sale, and so on, it is for the owners of the land to decide what to do, and all the Council is to do is merely to confirm their wishes in that direction?—Lands to be leased would be leased by the Council if they have been handed over to the Council for that purpose. Lands for sale the Maori owners will hand over to the Council to be sold. That reply of mine has reference only to a few of the lands which are the property of many owners, and not to very large blocks or the bulk of the blocks owned by many owners.

8. You say, then, that in the case of those few blocks, if the Maori owners decide to lease them, sell them, or hand them over to outside Europeans, then it is to be the duty of the Council to confirm and give effect to that transaction?—Yes, that is my idea.

9. The question I am going to ask now is in order to satisfy the Committee whether or not the Maoris desire what is proposed in the petition within the various districts where Councils now exist. What I understand by the replies to my questions is this, that the paragraph of the petition which I have read means that it is requested that the Council be given exclusive right to agree to the sale, lease, mortgage, transfer, partition, or succession as may be proposed by the owners of the land?—I have replied already to that question in regard to sale, lease, and mortgage.

10. I understand you agree to all those powers that are asked to be conferred?—Yes; I say there are eight reasons why the Act as it is now is not working satisfactorily.

11. *Right Hon. Mr. Seddon.*] Are those eight reasons in writing: are the reasons stated by the petition indorsed by you?—Well, in that petition certain of the weaknesses of the Council are pointed out, but I have others to add to those, and I have already told some of them to the Committee.

12. *Mr. Herries.*] Supposing no alterations were made in the Maori Councils, would you be in favour of keeping them on if not amended?—Well, if they are not amended they will simply be in the same position as we have had them in during years past—they will accomplish nothing; but if they are amended as asked, then they will get further ahead.

13. One of the principal things you ask for is that papakaingas may be set apart for each Native?—Yes; but I had better explain that thoroughly. I am not exactly asking that each individual Native should be given a separate and distinct papakainga, but what we want is this: if a papakainga is set apart, say, for a family, or for a hapu, or if one individual wants to have his separate from the others, then I say that each of those three desires should be made good.

14. You propose that the Council should undertake that work?—I say that the Council should give effect to that.

15. Who is to decide?—The Maori owners of the land should make application to the Council. Say this is a map, the Maoris know the part they want, and they can mark it on the map and take it before the Council.

16. Then, they have to put that land under the control of the Council?—Yes.

17. Do you mean that the papakainga land is to be controlled by the Council?—The fact of the owners handing it over to the Council would bring it under the control of the Council.

18. Do you mean that an owner could hand over the papakainga lands to the Council, and not the other land which he possesses, for the purpose of getting it cut off, and not hand over the rest of the land?—I have explained that in my first statement, and also in reply to a question put to me by Mr. Kaihau, but I say when the desires of the Maoris with regard to papakaingas have been made good, and such portions of land which they wish retained for themselves for farming purposes have been cut off, then the balance of the land after these things were done should be handed over to the Council.

19. But supposing they did not want to hand it over to the Council. My point is this: the papakainga will have to be surveyed if it is handed over to the Council; the Council is paid for the survey, but supposing they did not want to hand over the rest, the Council will lose the survey money?—Well, then, all I can say is that the owner would be a very mistaken-minded man if he did that, because what is he holding the land for?

20. Would you be in favour of compulsorily setting apart papakaingas—the Government doing it for every Native or every family?—It would not be right for me to give my views in two opposite directions at the same time. I have already said the Council should do this.

21. That is only in reference to land that is put under the mana of the Council. Supposing there is a block of land and some of the Natives want to have their papakaingas cut off and some do not, would it not be best that the Government take the power to cut off the papakaingas for every one of them?—No. I say the Council should take the power, not the Government.

22. You mean to say they should take the power for those who have not put their land into the hands of the Council?—People who are not willing that the Council should deal with the land are transgressing the law, because the law directs that you select a papakainga for yourself, select the best land for your farm, and hand over the balance to be administered by the Council.

23. Supposing all the Maoris had papakaingas put aside for them, do you not think they would be able to manage the rest of the land without the Council at all?—If their desires were carried out and given effect to by ample land being provided for papakaingas and land for farming purposes, then let the Council have the balance of the land to administer, and let the Council make money out of it on their own behalf. They might themselves take a lease of the balance of their own lands from the Council, then they would be lessees.

24. Do you not think they would be able to manage without the Council when all this was done? Could they not lease their own lands to the Europeans without the Council taking a percentage off it?—How could the Maoris do it without the money to do these things? They have got no money to buy spades and things.

25. The Crown is going to lend them money?—That is what is being asked for.

26. Supposing what is asked for is given, would they not be able to deal with their own lands?—Yes.

27. Without the Council?—Either with or without the Council. But then, remember, all Maori lands are not in a similar position. Some Maori lands will bear partitioning, because there might be 200 or 300 acres per man in certain blocks. Lands of that area it would be correct to divide up to each family or each owner, as the case may be, and then let them ask the Council to give them the money which the Government has promised them they should have to enable them to show their capacity in working the lands. Then, let us suppose the case of a block of land owned by 200 people—say the interest of each individual being no more than 5 or 10 acres at the outside, and also supposing that land to be second class. Well, then, that land could not be partitioned; it should be left in one piece. That land should be handed over to the Council to be leased, and then let the people participate in the revenue derived from that land in proportion to the shares of each individual owner. That is my reply to that part of the question. There is another part: I know the lands have been classified by the Land for Settlements Act, and they have been classified into two classes—first and second. Now, I will speak of a block of 10,000 acres, and we ought to call that tenth-class land, because if subdivided it would not earn anything. I am giving this as a case in point. We have certain lands which are pumice, and nothing less than 10,000 or 20,000, and in some cases 30,000, acres would make the block of any marketable value if leased by one man, because it would take from 5 to 10 acres of that land to carry one sheep. But I might tell the Committee this, that sheep thrive magnificently on pumice land; they never scour, and they never get foot-rot on pumice, and they grow beautiful wool if they have 10 acres per sheep. That is to say, if the people had sufficient area of this pumice land to work on they would do very well with their sheep.

28. With regard to the timber lands, do you say that the Maoris would have made better terms if they had had the Council between them and the purchaser, or do you think they could have done just as well without the Council?—I should like a distinction to be made between timber lands and the timber on the lands, because the timber is not the land.

29. The timber on the land—do you want the Council to interfere with that?—No. In my opinion, the law is wrong in saying that timber is land; when timber is standing on land it is flesh of the soil. When it is cut and felled, then it becomes a chattel, and can be sold as a chattel. That is my first reply. Those two benefits belong to the owners of the land upon which the timber grows. They can derive immense revenue from the timber growing on the land. The trees are cut and taken away, and then they have the land as another source of revenue. That is two dis-

tinct sources of revenue. Therefore I say that the law with regard to land and the law with regard to timber should be totally separate and distinct. Then, again, I have already given an illustration to the Committee: suppose the case of a block of bush land—picked bush—containing 50,000 acres consisting of matai, rimu, totara, and other descriptions of marketable timber—I am not talking about kauri now—and suppose that the value of that timber is £10 per acre. Let us suppose also that the timber is being leased for a period of fifty years; that will total £500,000. That £500,000 is the property of the Maoris who own the timber, and if the rights to the timber were not being interfered with in connection with the matter of the rights to the land, we should actually see at the present day that the owners of the timber had already received that £500,000. Another reply is this, that we see, in regard to our own timber lands which we sold to the Crown—take Waimarino and Taurewa Blocks—that land was bought by the Crown under the Crown's right of pre-emption, which shut out any private purchase. You all know what the value of timber on the Waimarino Block has been decided to be by the Government officer who ascertained and fixed that value. I have been told it is valued at £2,000,000, and I dare say that if the Taurewa timber was sold it would total another million. Therefore, I say that this bears me out in my contention that timber should not be treated as land, because I say that you people, the Government, have already got from us these millions of pounds which are really ours. Therefore I say, remove the restrictions from these remaining timber forests and let us get a million pounds too.

30. You have not answered my question. I want to know whether you want the Council to interfere in regard to the timber?—Well, I thought my reply was direct enough to the question, but I will explain. I say the timber should be kept out of the authority of the Council, but I say that when transactions are entered into with regard to timber, then it should be submitted to the Council to inquire into and satisfy itself that these transactions are either right or wrong, as the case may be. If right, then let the Council pass them.

31. Would you give the Council power to alter them?—Why ask that question?

32. Because that was proposed by the Government?—I have transacted business with certain timber companies, and those transactions were laid before this Committee, and one of the Europeans with whom I had made a deal appeared before the Committee, and the transaction was in accordance with the law in this way, that 640 acres was the limit allowed to be alienated to an individual. There was one piece of country that was dealt with in that way, and the name of the company was the Puketapu Timber Company. That deed has been laid before the Council, and the Council were unable to vary it—they could not reduce the amounts agreed upon and they could not increase them—the reason being that the whole thing was so right and proper; all that the Council could do was to pass the deed.

33. I may say that the Government wish to bring in a law saying that the Councils could vary it: would you approve of that?—Oh, no; that would not be right—that would be wrong if that were done.

34. Are the Maoris satisfied with the transactions with the pakehas with regard to timber, so far as you know?—My people are satisfied with what has been done there.

35. As far as you know, are the Maoris capable of transacting business about timber and looking after their own interests to their own advantage, without the Council?—Those that I am speaking of were all managed in that way, and I think they have been finished to the satisfaction of all concerned.

36. And there was no dissatisfaction?—None; they are delighted. What I say is that my people have been saved through their ability in dealing with their timber.

37. If they can manage timber, why cannot they manage the land business with the pakehas?—So they can. A Maori could work his land just the same as a pakeha if he had some means opened to him of getting money.

38. If he can manage to lease the timber, why cannot he manage to lease the land to the pakeha?—That is what I say.

39. And you do not want the Council at all?—I have already said that all the Council is to do is to uphold the mana of the law, and to administer such parts of the land as the Natives say they do not want to administer.

40. Then, you give free power to the owner of the land?—Well, that is really the same question that Mr. Kaihau asked me, and which I have replied to. I would like to say this: if the timber lands that my tribe and I own, and which we have dealt in with the pakeha companies, had been free from the restrictions imposed by the law, we should have got 3s. a hundred feet for the totara, and we should have got £20 an acre for every acre of land which had thirty totara-trees on it.

41. *The Chairman.*] That is, the timber with the land?—The timber without the land. And so I say that, the titles as they now are being bound up by the law and not free, the only price we have been able to get is 2s. 3d. a hundred feet for totara and £10 an acre for the totara bush if the trees are sold standing.

42. *Mr. Carroll.*] You admit that the way you have been carrying out your negotiations with the European people, leading right up to its completion, has not been free of difficulties and expense?—Very heavy expense.

43. And you say that had they better facilities they would have got better prices for their timber than they had to accept eventually?—Yes. We had a lengthy dispute with the pakeha, and he said, "If your title was clear I should be perfectly willing to give £20, and even more, per acre."

44. In that deed of agreement between yourselves and the company it required a large number of signatures to be obtained on account of the large number of owners interested, and whoever had charge of the deeds and the carrying-out and execution of the same no doubt had to travel to many districts and to many parts of the North Island?—Yes.



45. And it was some time before you got a majority of the signatures and closed your terms with the timber company?—Yes.

46. Now, I am not going to take you back, but we will take, for instance, a virgin forest or block of land untouched, that is not subject to a previous agreement or contract or anything, and the Maoris desire to utilise the timber for their benefit, and we will say there are a thousand owners in that land. Now, which would be the better plan, according to your idea—to follow out the old plan of getting each signature, or whether at an ordinary meeting among themselves they agree to let the timber rights to any company, and then, when they decide that, to send in a notice to the Council, and the Council advertise it to the public at the highest price—that the Council act as the agents and advertise it for the owners either for private tender or public sale? I do not mean to transfer it to the Council, but the Council to be the agent for them. Do you not think that would be cheaper and quicker than the present plan?—It is very difficult to say. My idea is this: I say that a law should be framed to entirely relieve timber from all restrictions. If that were first done, then you might publish it to the whole world.

47. What I am trying to get at is the easiest and most inexpensive way of getting timber to the market; we will say there are no restrictions on it?—I say this is what should be done: remove all restrictions from timber; then I say, if transactions are entered into or perhaps to be entered into by European companies or outside Europeans in connection with these Maori timber areas, then let the Council be the tribunal to inquire into and decide whether the prices offered are good enough.

48. I mean apart from anything involved in any existing deed or contract?—I give the same reply.

49. What is your objection, then, to a public sale of timber?—Let me say that my hapu and myself are the owners of about 200,000 acres of timber land in Taupo. Now, in order to bring out the timber there to be made available to be placed on the market we must have a railway, which might require to be made either by the timber company or by the Government. That is to say, the timber would not be of a marketable value until we had a railway to bring it out. Now, I come back to the question. In my opinion, if what you propose was done, and the timber was put up to auction, we should not get any one to go and make that railway, because I know that a railway-line could not be made there under at least an expenditure of a couple of hundred thousand pounds, and in order to justify that expenditure you would want at least 30,000 acres of timber land before they would be recouped for the expenditure of making the line.

50. *The Chairman.*] That would depend on the purchase?—I say, if you put the timber up to auction you would never get this done.

51. *Mr. Carroll.*] I say a block of 20,000 acres of bush—what is to stop a company from bidding?—It could not be done. If 20,000 acres of this bush that I am speaking of were put up no one would take it up.

52. Why are they taken up now?—Those that have been taken up now are close to the railway-line—six miles away from the main trunk line.

53. That is a matter that will be governed by the conditions and surroundings; further back it may require 50,000 acres?—A hundred thousand.

54. What is to stop a company from going in for that?—That is what I say.

55. That is only a matter of proportion—making the sizes fit the market?—It would take a very strong company to take up such a large area of land and undertake the preliminary outlay that would be required in regard to the railway, and they would not do so until they got the timber with a clear title.

56. Well, then, advertise for sale with a clear title to the highest bidder?—It may be so. It seems to me that there is something in that; but, still, I am troubled in my mind that if you put up this timber to auction it might be cut up into 10,000- or 20,000-acre lots, and nothing could be done.

57. But the owners decide what the sizes have to be—the owners decide everything?—Well, of course, if you give them that right that will be satisfactory.

58. I am only trying to get at this, whether advertising for public sale—giving a part after once the owners decide to let a piece of land, giving them power to advertise that to the public market—whether that is not quicker or more inexpensive than the system which prevails at the present time?—That is, subject to the owners having first decided upon and agreed to the areas to be put up for auction—yes, that would be good.

59. I do not mean to transfer to the Council and then for the Council to cut it up and let it in small areas to the public?—That was what my trouble was.

60. That the owners shall at a public meeting decide first—they can fix the areas and put the upset price on it, and then advertise it to the public?—That is right; that would be satisfactory.

61. *Mr. Heke.*] You said, in reply to Mr. Herries, that you are willing that the Council should be the tribunal to whom should be submitted for confirmation any agreement in regard to timber—that is, that they should have the right to inquire into and pass or otherwise the conditions contained in the agreement as well as the price?—Yes.

62. You also said, in reply to a question asked you by Mr. Herries as to whether you would be agreeable to the Council being given power to vary any conditions of the agreement or the price, and you said, “No”?—Yes. Perhaps I may have made a mistake in my reply to Mr. Herries’s question. If the Council desired to amend any clause in any timber agreement so as to secure further benefit to the Maoris, I should be quite agreeable to that; or if the Council sought to vary the price agreed upon, to make it greater, I should be agreeable to that, but I should not be agreeable to any alteration in the arrangement which would be to the detriment of the Maoris. I did not realise that that was the effect of my reply until you suggested it.

63. Now, supposing the case of a block of land in which an agreement had been arrived at between the pakeha and the timber-dealers, and it had been brought before the Council, and the

Council said to the Europeans, "Now, we do not consider that the price is sufficient: can you not increase it?" and the pakeha said "No," would you not be willing that the Council should have power to refuse to pass that agreement?—It seems as though that is the intention of the law. I do not think that could possibly do any harm, because, of course, if it were found that the Maoris had not made a sufficiently good bargain, and the Council refused to give effect to the transaction and it was disallowed—well, surely some one else would eventually come along who would give a proper price.

64. Then, that would be satisfactory?—Yes.

65. *The Chairman.*] In a district where the Council has jurisdiction, suppose Maoris refuse to put under the control of the Council large blocks of land, what suggestion would you make as to how to deal with this Native land?—Let the law tell them that they must leave the land entirely. The Maoris would be very wrong and blamable if they did that, if the law governing the Council was properly amended.

66. Take the Northern Maori Land Council: there are large blocks of land there that the Natives absolutely refuse to hand over to the control of the Council. The Maoris are making no use of those blocks of land, and they are deriving no benefit from them whatever; in fact, they can do nothing with them at the present time. Would you suggest any remedy for that state of things?—I would do this: the people having refused to allow the Council to deal with their lands, let the Council cut off the papakaingas for the people.

67. They have no power to do that?—Give them power. The Council now has no power.

68. Why should not the Government directly take the power themselves?—I say the hand of the Council will be the hand of the Government.

69. Can you account in any way for the delay in doing anything with the Native lands under the administration of this Council since the year 1900?—Speaking personally, in regard to my own district I can; but I think I have already told the Committee.

70. The principal reason was the want of funds?—No. The first thing that frightens us is that the Act says the fee-simple must pass to the Council; secondly, the provision for 999 years. The Ohotu Block has passed away from the Native ownership for 999 years; and, then, there is the fact that the Council has not been endowed with such full powers as we are asking should be conferred upon them.

71. *Mr. Carroll.*] The Ohotu Block has not passed away from them for 999 years?—The Maoris see that in the deeds which have been drawn up by the Department for lands which are to be handed over to the Councils, and this is to be a stereotyped thing for all Maori lands. What we say is that there has been an addition pasted in the body of these deeds.

72. All the different tenures are in the deed?—Yes, I know that; but let me say it was handed over for forty-two years according to these deeds, wherever they are kept in the Department. But what the Maoris are afraid of may be done again is that before the forty-two years have expired another piece may be pasted on, and our grandchildren will not know what has been done, and we may find that the forty-two years has been pasted over making it 999 years. That is what I am afraid of.

73. The Chairman asked you how it is that there has been so little done by the Maori Lands Administration Act since 1900. I want to ask you this: do you know any reason why there should be a quarter of a million acres in the Northern Maori District still papatupu from 1840 to 1900? Why should the blame be put on 1900 instead of from 1840 to 1900?—I cannot reply to that, but I can reply in regard to my own papatupu. I have papatupu lands which are somewhere about 130,000 acres.

74. Have you not heard that from the year 1900 up to the present time titles have been issued by the Council for about 200,000 acres?—No, I have not. It is all right if there has been.

75. *Mr. Kaihau.*] I think the question asked just now by Mr. Carroll is one of importance. I understood you to say during the course of your reply to questions that the land in your district was very varying in quality, from first class to tenth class, and that some of it was so poor that if it was offered to be put on the market for leasing purposes in areas of less than 10,000 to 30,000 acres it would be of no value at all. You say that the most valuable property in your district is timber, because you say you have had as much as £10 an acre for timber alone in the district. I have heard you say that the value of the land was 5s. an acre, and you also said that it was because of the limitations and the restrictions imposed by the existing law that you were obliged to take such a low price as £10 an acre, and that if it had not been for the restrictions existing under the law you would have got £20 an acre. Is it not the case that there are many other people who are just like yourselves who say that dealings with timber should be absolutely unrestricted and uninterfered-with?—Yes.

76. Do you not also understand this: that the fact of these restrictions now existing on land other than timber lands places them in this position, that there are lands which are now being leased for 2s. and 4s. an acre in regard to which, if the restrictions were removed, rents would jump until the people might get £1 an acre for them in rent?—Yes, if they were absolutely free, of course they would go up.

77. *Mr. Carroll.*] And offered to the public?—That is another matter. There are individuals who are capable of looking after their own interests, but take the people generally, they are not. Therefore, what we are afraid of is that the people would be prejudiced, and we want to have equal benefits secured to the capable people and the ignorant ones. For that reason we have asked for what is contained in the petition, believing that what we ask would provide the safeguards we wish.

78. *Mr. Kaihau.*] My second question is this: people who are holders of certificates of title or Crown grant, should not those people have the right to alienate their lands?—There are two descriptions of land—there are a few blocks owned by a few people and large blocks owned by many people. In regard to large blocks owned by a number of people, those are the lands in which I say the interests of those many owners should be protected by the law—that is, through



the Council. They should be provided for by the Council out of the revenues derived from those lands. In regard to land owned by one, two, three, or up to five persons, I say that those lands should be removed from restrictions and the owners should be allowed to alienate, and all descriptions of alienation which they propose in regard to those lands, be it sale, lease, or mortgage, or whatever it may be, should be submitted to the Council for investigation, inquiry, and confirmation or otherwise.

79. Suppose a block of land of fifty or a hundred owners under Crown grant or certificate of title: you say the Council in the case of a block like that should agree to any alienation proposed to be made?—Yes.

80. And lands owned by from one man up to not more than twenty: they should have the right to alienate without any interference by the Council?—Well, in regard to lands owned by twenty owners, I think that would be too many; they should not be allowed to alienate. I held that opinion myself once, but I have seen reason to modify that opinion. Now I say that lands owned by not more than ten persons should be free of restrictions for alienation.

81. *Mr. Heke.*] What about lands held by ten persons as trustees under old titles on behalf of the tribe?—No, I would not give them the right to alienate.

82. *Mr. Herries.*] You signed this petition produced last year?—Yes. I would point out that the wording of my petition is quite different from that presented by Henare Kaihau or Ngatimaniapoto.

83. Did you sign that petition?—Yes.

84. One clause says, "That we, the petitioners, be granted full powers, like those enjoyed by the European subjects of Great Britain, to lease and otherwise deal with our lands now unoccupied, so that the same may benefit us and advance the prosperity of this colony, but that the restrictions as to alienation of papakaingas and lands set apart for our occupation and maintenance be retained"—That is just exactly the same as I say to-day. From the time I have been before the Committee I have always said the same.

85. And that the Maoris be put on the same footing as Europeans, except with regard to papakaingas?—Yes; I have never varied what I have asked for from the commencement. This is not the first time I have been before the Committee, and I have always been consistent in asking the same thing. There may have been trifling variations.

86. Do you wish this petition presented last year to be considered before that one presented to-day, as the Europeans do not have Councils?—Those are only very trifling discrepancies.

87. Would you be satisfied if a law was passed that all Natives were to be on the same footing as Europeans, except as to papakainga lands?—You do not understand my prayer. If this question is to be persisted in, I should like to have a little time to read over what was said in the petition, and then I should know what reply to give.

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