

FREEHOLD.

We have already stated our view that acquisition by lessees of the freehold of their holdings is the only practical solution of the difficulties relating to finance, compensation, and rent.

As to lands the legal estate of which is still in the Natives—that is to say, which have not been vested in the Maori Land Board—no legal difficulty exists. The two factors to be considered are the consent of parties and the capacity of the lessee to finance.

As to lands vested in the Board, the position is that the lands which have been leased were set apart for that purpose (section 239 of the Native Land Act, 1909); hence no power exists for conversion into freehold except in the case of a purchase by the Crown, which is not bound by any of the restrictive provisions of the Act. (Section 360/1909.)

Section 83/1913 prohibits the alienation by any Native of his equitable or beneficial interest in any land the legal estate of which is vested in a Maori Land Board.

It has been suggested that in the case of land owned by more than ten owners the difficulty is removed by subsection (1) of section 346/1909. We think, however, this is more than doubtful. Subsection (2) of section 346 seems directly against the suggestion. Moreover, section 346 appears to be a general section, while section 83 is a special one, and the special would override the general. It is also later in date.

Where the lessee has been able to find the money himself, the Crown itself has in many cases acquired the freehold really for the lessee under the provisions of section 110/1913.

Whatever may be the actual position of the law, we strongly recommend that it be clearly provided that any tenant of vested land should have the right to acquire the freehold of his holding without necessarily invoking the aid of the Crown. There is no doubt that acquiring through the Crown saves the tenant expense, but there is no obligation or duty on the Crown to do it, and the present policy may be changed. As it stands at present, we respectfully suggest that it amounts to an admission of the desirability of tenants freeholding. What we are more particularly aiming at is the question of finance. Many good settlers earnestly wish to freehold as the way out of their difficulties, but cannot find the money. Our suggestion is that in suitable cases it would be for the public benefit that the Crown should find the money and arrange for repayment over a period of years, on similar lines to what has been done in Native townships, under such further precautions as experience has shown to be necessary.

As an alternative, power might be given to the Maori Land Board, subject to the approval of the Native Minister, either to devote portion of its funds or to raise money on mortgage or debentures to acquire land for the purpose of allowing tenants or others to purchase on deferred payments.

We desire to refer especially to Rangitoto-Tuhua 77A 2B, or Tangitu Block. This block has been the subject of special consideration by the Chairman in his capacity of President of the Waikato-Maniapoto District Maori Land Board, and we, as Commissioners, have heard a number of the tenants and inspected a large portion of the block. It is all taken up on lease from the Board. The tenants, with two or three exceptions, are keeping their rents paid. They have no complaints to make as to their rent or as to the quality of the land. So much of the land as we were able to inspect appears to be of quite good quality, though broken, and some of the tenants are doing quite well, while there appears no adequate reason why others should not do so. The tenants earnestly wish to be allowed to freehold, but in most cases cannot find the necessary money. They have practically exhausted their resources in some instances and the land is beginning to suffer, a state of things that will become worse. The Native owners, we are informed, are willing to sell.

The wish to freehold has as its motives the inability to get finance on the security of Native leases and the unsatisfactory position in regard to payment of compensation. The improvements on the Tangitu land run into thousands of pounds, and the lessors will have the right to call for payment in about five years' time