

ADDRESS

DELIVERED ON OPENING THE FIRST COURT OF INQUIRY, AT THE PROVINCIAL COUNCIL CHAMBER, NAPIER, 3RD FEBRUARY, 1873.

Present—The Chairman, Mr. Commissioner Maning, Mr. Commissioner Hikairo.

THE CHAIRMAN.—This a Court of Inquiry under the provisions of “The Hawke’s Bay Native Lands Alienation Commission Act, 1872.”

Before entering on the work of the Commission, the Commissioners think it desirable to call attention to the nature of their duties, and to the limitation of their powers, in order, as far as may be, to preclude mistake and disappointment on the subject.

The first thing they have to observe is, that the Commissioners being appointed by the Act which I have named, their duties are bounded by the words of the Act, and nothing which they should attempt to do in excess of those duties could have any force or effect.

In order to understand what are the duties of the Commissioners, it is necessary to look especially to the 6th section of the Act. It is there required of them, in the first place, “to proceed to the Province of Hawke’s Bay, and there diligently and impartially investigate into all complaints which may be brought before them by any person relating to the alienation, by persons of the Native race, by sale, lease, mortgage, or otherwise howsoever, of any lands or portions of lands, in or over which he shall allege that he has, or has had, any claim, right, title, or interest, and which have at any time heretofore been adjudicated upon by the Native Land Court, or any Judge or Judges thereof.”

On this I have first to remark, that the Commissioners are not empowered to decide any dispute, or to determine the title to any land. Their duty and their power is only to inquire—to collect facts. The Commissioners are not empowered to undo the work of the Native Land Court. Parliament very rarely undoes the work of any Court. If it did, no man, whether European or Maori, could feel secure in his possessions. I repeat, then, we are here to inquire and not to give any binding decisions. The General Assembly has required us to investigate disputes which have arisen about land which has gone through the Native Land Court. We are to look into all complaints about such lands, whether they are complaints of Maoris against Europeans, or of Europeans against Maoris, or of Maoris against Maoris, or of Maoris against the Government. We are to hear both sides, and to make out as well as we can the truth of the matter. We are to hear, but not to determine. Yet we warn all against whom complaints may be made affecting their character, or their title to land, that they will not do well if they neglect to put in an answer. Where we find that a complaint is *prima facie* established, and that the party complained against has had a fair opportunity of answering it, and has neglected to do so, we may feel ourselves compelled to suppose that he remains silent because he has nothing to say for himself, and the General Assembly, upon our advice, may come to the same conclusion.

We are also to investigate complaints against the Government in respect of the purchase by the Crown of certain blocks which have not gone through the Native Land Court. These blocks are named in the Schedule to the Act, and are as follows:—

Tikokino,	Waipawa,
Whenuahou,	Kaiaero,
Whara Whara,	Te Ranga.

We have no power to inquire about any other purchases of the Crown which have not gone through the Native Land Court.

I now come to the second part of the 6th section, which says what we are to do when we have heard all complaints which are brought before us. It is then the duty of the Commissioners “to report to Parliament at its next Session the evidence taken, and their opinion on each complaint so brought before them, and generally on all matters connected therewith.”

It will be seen hereby that we are to make up our minds as to the truth and justice of the different complaints brought before us, and to inform the General Assembly of our opinion. It is said that in some cases there has been cheating about the sale and mortgage of lands. We are to sift all complaints, and find out the cases of fraud. We are not, however, to state openly here in Court at Napier what conclusions we have come to, but we are to report to Parliament. It is for Parliament to apply a remedy if it thinks a remedy is needed and is practicable.

The third branch of the duties of the Commissioners is expressed in the Act as follows:—“To recommend to Parliament such measures as may in their opinion tend to prevent for the future the occurrence of similar grounds of complaint.”

There is no more difficult work than the making of laws. The wisest man cannot tell how a law on a new subject will work until it is tried. When we have gone through the complaints which may be preferred before us, it may be that we shall find that evils have arisen through defects in the law. If we are of this opinion it will be our duty to point out these evils, and to suggest such alterations as may prevent their recurrence. The Assembly will consider our suggestions, and will adopt them or set them aside as in its wisdom it thinks fit.

Last of all, the Parliament gives warning that it will not undertake to make compensation for wrongs done by private individuals. Wrongs of that kind must be paid for by the persons who have done the wrong, and not by the Government.

Let it not be said that the Commissioners enter on their work by making promises which they cannot perform. We are unable to say what will be the fruit of the Commission. We can only undertake three things—to hear carefully, to report faithfully what we hear, and to give honest counsel thereon to Parliament.

I now declare open the first Court of Inquiry under the Act.