

1874.
NEW ZEALAND.

REPORTS OF SELECT COMMITTEE ON NATIVE AFFAIRS.

REPORT on the PETITION of NATIVES of the MIDDLE ISLAND.

YOUR COMMITTEE have considered the subject-matter of this petition, and have the honor to report that they have come to a similar decision to that arrived at by the Committee on "Middle Island Native Affairs" last Session, and beg to recommend,—

"That the Government undertake the immediate settlement of the claims of the Natives of the Middle Island during the recess, either on their own responsibility or by the appointment of two Commissioners, one to be nominated by the Government, the other by the Natives, and whose decision shall be final and binding on both parties; Commission to have power to appoint an umpire in case of disagreement."

11th August, 1874.

REPORT on the PETITION of MOHI MANGAKAHIA and 19 Others, praying that certain Sections (therein set forth) of "The Native Land Act, 1873," be either repealed or amended.

THE Committee, in reporting on this petition, cannot refrain from calling attention to the importance of the petitions against the Act of 1873, as coming from very large Native districts, and as bearing upon their faces the clearest proof that they are not the result of any concerted action, and that they are genuine expressions of the Native mind.

The petition now being reported upon touches upon the major points open to objection in the Act. They appear to resolve themselves into the following heads:—

1. That the measure is far too paternal in its character, and affects to treat the Natives as children, or as destitute of ordinary intelligence.
2. That it imposes such stringent conditions as to notices and other points of administration as render it almost impossible for any Native to comply with its provisions.
3. That it largely increases the time and expense of survey and investigation.
4. That it arms a number of irresponsible officials with such large powers, that at any stage a claim under investigation may be stopped on the most insufficient grounds.
5. That leases and sales to private persons are, by the provisions of the Act, rendered very difficult to be completed.
6. That the system in force under the repealed Acts, with some necessary amendments and alterations, would be more likely to prove acceptable to the petitioners, and cause satisfaction among them.
7. That it compels the Judges to make a preliminary investigation, which is in most cases likely to be of an *ex parte* character; and order surveys to be made under such circumstances as will lead applicants and counter claimants to imagine that their claims have been ignored.

Your Committee are therefore of opinion as follows:—

Section 15.—That effect should be given to request of petitioners, by reinstating Assessors in the position occupied by them under the repealed Acts: provision to be made when differences of opinion occur.

Section 35.—That in reference to objection taken by petitioners to section 35, the Committee find that this is identical to objection taken by the Judges of the Native Land Court in their report. (*Vide* page 26.) The machinery required under the Act for the service of notices appears to be exceedingly cumbrous and expensive, and that it would be desirable and advisable to fall back upon the practice existing under the repealed Acts.

Section 38.—That the Committee are of opinion that so much of the Act as requires preliminary investigation to be made by the Judges before survey or hearing the claimants in open Court should be repealed, and the Committee make this recommendation upon the grounds set forth in the petition, and the memorandum of the Judges of the Native Land Court relative to the Act. (*Vide* page 23.)

Section 44.—That the Committee recommend that claimants and counter claimants should be allowed the same privileges in appointing a spokesman to conduct any case or cases on their behalf.

Section 71.—That in reference to objection to section 71, the Committee recommend returning to the practice existing under the old Acts, whereby the Native was required to be at the expense of one map only, and the Government should, through its officers, prepare copies of map as may be required for record.