CORRESPONDENCE.

No. 1.

The Hon. Dr. POLLEN, M.L.C., Auckland, to the NATIVE-LAND LAWS COMMISSIONERS.

GENTLEMEN,— The Whau, Avondale, 22nd April, 1891.

I have received from your secretary, Mr. Geddis, a note, of date 17th April instant, covering printed copy of the official reference to the Commission, and requesting me to consider the "points" in such reference, and to embody my views thereon in a memorandum, to be forwarded to you at Wanganui within a week. I should have preferred a *vivâ voce* examination on these points if it had been convenient, but, as that is not so, it remains for me to comply with your request in the form desired.

In this memorandum, each paragraph, as numbered, has reference to the paragraph with a corresponding number in the printed document above-mentioned, and now before me.

1. The operation of the existing Native-land laws appears to be nothing less than disastrous to all concerned. Not the least of the evils is the difficulty of ascertaining from the great mass of laws and amendments, and amendments of amendments, which now encumber the statute-book, what the law really is. I have constantly complained in my place in the Legislative Council of this confusion, which the law-making of recurrent sessions tended only to increase. If there is not to be a radical change at once in the policy of dealing with Native land, a consolidation of the Native-land laws is, I think, indispensable.

2. The difficulty which has everywhere beset the action of the Native Land Court is the want of what may be called local knowledge on the part of the Court. This difficulty "The Native Lands Act, 1873," purported to obviate by the establishment of Native districts and the appointment of responsible district officers. The attempt was frustrated by the high judicial pretensions of the Native Land Courts of that time, and the unpractical character of the strictly legal mind, so often unable to extricate itself from the bondage of routine and precedent. Having no reliable source of information as to the merits of the causes brought before them, the Judges necessarily failed in so many cases to elicit truth from the conflicting falsehoods of the claimants and their agents. The laws being consolidated—in the contingency noted in the preceding paragraph—the Court should, I think, be reconstituted, and its system of procedure reviewed and amended.

3. This section of the reference comprises a very wide field of grievances, with the particulars of which the short time at my disposal does not permit me to deal exhaustively. The tribunal constituted for the purpose of disposing of these grievances by "The Native Land Court Act Amendment Act, 1889," was in my opinion a fitting one. The defects found to exist in practice in that Act should be repaired, and the Commissioners be allowed to proceed.

4. I have never ceased to deplore the official folly which in the early days of the colony sacrificed to a noisy and corrupt agitation the Crown's right of pre-emption over all Native lands. Not less to be deplored, perhaps, was the want of foresight on the part of the Imperial Government in not providing funds for the extinguishment of Native title at a time when purchases on an immense scale could have been easily and cheaply effected, with great benefit alike to the Natives and to the European colonists, and whilst Imperial law still governed all dealings with the waste lands of the Crown in this colony. This waiver of pre-emptive rights being one of those false steps in politics which cannot be retraced, something, I think, may still be done in the direction of diminishing the resultant wrong to the general interest of the colony in this Northern Island. It is not to be much longer endured that millions of acres of land, through which expensive public works, general and local, are being carried, should be allowed to lie waste and unproductive in the hands of Natives, who can themselves make no use of them, and who will not permit others to do so except on terms and under conditions which are practically prohibitive. Under these circumstances, one of two things must, I think, happen—the lands must be thrown open voluntarily, and upon reasonable terms, by the Native owners, or these lands must be taxed specially and directly in contribution to the interest on the cost of the public works by which they are rendered accessible and made more valuable. The experiment of Native Committees, as executive or administrative bodies, has been tried, and, as might have been expected, has failed. The faculty of self-government, and of discharging social and municipal duties, as we understand them, is not acquired in a generation by men just emerging from barbarism, even when endowed with the intelligence and imitative talent by which the Maori race is distinguished. A system of Maori landlordism would not work satisfactorily as yet, at any rate. The screw of taxation fairly, vigorously, and with a fixed purpose applied, would soon, probably, bring these lands into the hands of the Government, to be administered in accordance with the existing waste-land laws of the colony. The money proceeds, whether from sales or rents, could, after deducting necessary expenses of administration, be divided periodically amongst the Native owners in proportion to their ascertained individual rights. The Native Land Court could ascertain these rights, and fix the respective shares of individuals in each block, in the same manner as shares have been allocated to those Natives interested in the Greymouth reserves by the Westland and Nelson Natives Reserves Acts.

The policy of "bursting up" large landed estates in European hands—estates now taxable and taxed—which are, moreover, for the greater part producing something—grain, or meat, or wool, or all three—now so generally advocated, appears, *a fortiori*, applicable to large landed estates which in their present condition produce nothing of value, and are really a grievous obstruction to general