

Tipuna, Taiuru, Hori Mokai, Mihaera Parehe, and Riripeti Oneone. *Minors*: Maata Te Ao, Rawiri Tamanui, Mahanga Ahuroa, Poneke Tupeka, Pera Kararehe, Rua Hinekino, Pera Hikumatē, Mere Tahatu, Manaro Pere, Peneti Hira, Ihaia Puru, Meri Puru, Herewini Puairangi, Heni Parekuta, Hoera Whakamiha, Tepupaku, Hatiwira Pahura, Tame Pahura, Ripeka Pahura, Katerina Pahura, Ihimaera Pahura, Hokimate Pahura, Pepene, Hiria Kingi, Teau Hamanu, Huriata Hana, Rawiri Tokowhitu, Te Owaina Marangai, Himiona Katipa, Manu Te Otii, Hami Tarahau, Wiremu Pere (Takitimu), Hinewehi, Paku Hana, Tutearitenga, Te Hata Waengaruru, Erena Whakamiha, Hinepoka Matanuku, Horomona Tuauri, Wi Pere Tupeka, Harata Te Eke, Tamaehikitia. Matenga Ngamoki, Rangikapua, Te Rato, Hoera Noti, Maata Whakahaweā, Ngahirata Tana, Te Teira Kuri, Taituha Matauru, Maiere, Paratene Kuri, Ngawiki Kuri, Wharepapa, Hirini Tutaha, Hetariki Tutaha, Temini Kerekere, Katirina Takawhaki, Hinepuhi, Harata Tuari, and Tuwatawata.

No. 3.

E. HESKETH, Esq., Barrister-at-Law, Auckland, to the NATIVE-LAND LAWS COMMISSIONERS.

GENTLEMEN,—

Auckland, 27th April, 1891.

I regret that I was unable to attend the inquiry in Auckland, and give you my views personally, but owing to pressure of business I could not then spare the time.

There can be no doubt that these laws as at present existing are cumbersome and confusing, and not calculated to induce settlers to deal with the Native lands: in fact, I would almost invariably advise a client not to touch a Native title, even if he had assured to himself a good margin in the purchase.

One of the stumbling-blocks, I think, will be found in the Native Office. The Court determines the title, and a record is made in the office; but no great weight can be carried by the evidence of title there, and no protection is given to a purchaser. I would suggest that all existing Native Land Court titles (memorials, certificates, &c.) now in existence should be forthwith transmuted in Land Transfer titles, or that all Native titles in that office be "indefeasible." Existing encumbrances should of course be protected, though little or no protection is given at present. Provision is made by the existing Acts for the transmutation of partition orders of the Native Land Court into Land Transfer titles; but I have noticed that the directions of the Act in this respect do not receive the attention which was intended. This, perhaps, is owing to the fact of fees being due thereon, which ought to be paid at the hearing, and to the want of a proper system in the office. Speaking of the system of the office, it is at times a difficult matter to ascertain the state of a title. There is a file of papers and numerous registers dealing with separate branches—*e.g.*, succession, subdivision, and rehearing; and whenever the Court is sitting in the district where the land is situate it is most probable that the file is with the Court. The only remedy for this would be a proper register, showing the existing state of each title. To give an idea of the system, I have known titles which have gone from the Native Office to the Land Transfer, subsequently conveyed to Europeans, and the Native Office afterwards have entertained applications for and made succession orders to the interests of the original owners, which always remain in the Native Office "until called for." I quite approve of the steps taken by the Native Department in introducing the "circuit" system, and had intended to suggest it at an earlier date. I think, also, that land should be put through the Court by "hapus" wherever practicable, and the work of the Court might stop there. There would then be no necessity to wait for applications of Natives. A periodical change of Judges might be desirable.

With respect to the alienation of land, it is obvious that, when the Natives themselves alienate, the present or other safeguards must be maintained. I have thought that alienations of Native land could be effected by the Crown Lands Department. Let the Natives give their consent to sale at the original hearing, and the land be sold or leased in suitable areas (subject to reserve and conditions), and a Land Transfer title issued to the purchaser, the department retaining a percentage to defray expenses. Other lands, after investigation, could be similarly disposed of at the request of owners, though smaller areas could be dealt with also by themselves. No Natives should be able to sell unascertained interests in lands, as the remaining Native owners must suffer on partitions with Europeans working for their own interests. The existing law as to alienation of the interests of minors is simply prohibitive—a transfer from the trustees, pay purchase-money to the Public Trustee, obtain a Trust Commissioner's certificate and consent of a Judge of Supreme Court. The last proceeding is practically useless, as no satisfaction can be given on an *ex parte* application by the purchaser. The Trust Commissioner should do this, or the land sold through a public officer or office. I think the Government should conduct all surveys of Native lands, and pay for them when the Natives cannot do so, and take the security of a lien over the land, and in case of non-payment, realise the land, as above stated, on an equitable basis. At present private surveyors can become possessed of large areas at a little over the cost of survey, as Natives do not pay the attention to notices and demands of payment that Europeans would do.

Subject to what I say above, I think that some action should be taken to place all existing titles on a sound and satisfactory basis, making them, in fact, indefeasible. It would not be a very difficult undertaking, as a gradual working by competent examiners, who would certify the titles, would be all that would be required. Much has been said on the various branches of the subject, and it appears apparent to all that there is plenty of room for improvement.

I have, &c.,

The Native-land Laws Commissioners, Wanganui.

EDWIN HESKETH.