

It is only in those cases where they failed to appoint that the Judge is called in. If you think there is any other person that would act more impartially than a Judge of the Supreme Court you had better mention him to me to-day. That is of little or no moment to the Government. All we want to do is to get some person who would act fairly and use judgment in dealing with so important a question.

Wiremu Komene If the owners of any land under Crown grant or memorial of ownership are inclined to sell to the Crown, what provision is there for the dissentients, or those who do not wish to sell to the Government?

The Premier The provision is that they will get their share of the proceeds just the same. It is the same with all the laws we pass—the majority pass them. I might ask you the same sort of question—namely what is to be done with those persons who voted against Hone Heke? They threw their votes away for the time being, although they will have an opportunity of voting again when the proper time comes. We are following out a well-established law that the majorities must rule but there is a remedy for you outside that, and that remedy is under section 26. If one-third of the objectors join with the majority and make two-thirds, they can withdraw it altogether from the Proclamation, and have it sold by auction, and by that means they will get the market value, which cannot be less than the Government offered.

Wiremu Komene I am still not very clear. Supposing some agree to sell and some do not, how will those who did not agree to sell fare?

The Premier They hold an election by the owners, and can get it removed from sale to the Government and have it sold by auction.

Wiremu Komene This want of provision under the Act to provide for the minority who refuse to sell involves the question of individualisation. But is nothing to empower the minority who do not wish to sell?

The Premier The first thing to be done by the Board is to ascertain whether the persons who are the owners of this land have ample land for themselves before any land can be put under offer. The principle is there laid down, if the majority of the owners want to dispose of the land, and the Board lays down that the land is wanted for settlement, a minority of two or three persons are not going to stop the settlement of the country—they are not going to stop the majority from disposing of that land. There may be a majority of persons who own, say, two thousand acres, and there may be one person who will say, "I will not sell to the Government, I will keep my ten acres" and he would then force the rest to go to the expense of survey, partition, ascertaining the acreage, and the cutting out of that piece of land. That has been the ruin of any number of Natives in the past, and we do not intend it to be the case in the future.

Wiremu Komene Now I come to section 11. Where the owners are disposed to lease their land, for the purposes of this Act such land shall be deemed to be Crown land. That is a point I am asking about.

The Premier It is only deemed to be Crown land for the purpose of giving a better title to the purchaser. It does not take it from the Natives, but gives a better title—as good as though it was Crown land, and the advantage will be on the side of the Natives, because they will get more money for the land and get more rents. If there is liable to be a dispute amongst the Natives themselves they would get smaller rents. In fact, the one great advantage in this legislation is this that as soon as it is sold or disposed of under this Act it is all treated as Crown land, so as to give a title to the owner or purchaser. We have done this to prevent litigation, and to prevent the Natives from being bled by lawsuits of a most expensive character. The absolute ownership still vests with the Natives, but the Crown has the management and disposal of it, and the title, when for the purpose of leasing, is the same as though it was Crown land, and the valuation is made by the Board just the same, so as the land cannot be let for anything below its fair value.

Wiremu Komene Then, there is another provision in the Act, empowering the Governor by Proclamation or Order to bring the Native lands before the Native Land Court for adjudication. Is that power given to the Governor in cases where the Natives refuse to have their lands investigated?

The Premier When this land has been proclaimed under the Act, there may be some of the Natives who will stand out. It would be impossible, of course, for the Governor to act unless the title was ascertained. How could the owners hold an election and decide to sell or lease to the Government unless the ownership itself was decided? The wrong people might be voted to dispose of land, and might dispose of land not belonging to them. The title must be ascertained, and that is what this clause is for.

Wiremu Komene Then why should the Natives be saddled with the cost and expense of such proceedings.

The Premier It is the law now. It is your land. It is in the interest of the owners that the title should be ascertained, and if the land is sold the owners get the benefit of it. We do the same with the Europeans. Mr Mueller will tell you we always charge them. You have forgotten section 14. It should be explained to you, because under it no land which is wholly or part of the time a pa, Native village, or cultivation can be proclaimed. It does not apply to land so occupied.

Wiremu Komene The next question is in reference to section 15. I want an explanation of that section. How is it that when Natives, who have sold to the Government under this, are found to have no other land, certain provisions are mentioned in regard to such Native or Natives?

The Premier: You have evidently misunderstood the section. It does not propose to take land from the others and give it to these landless Natives, but it is proposed that they shall not be able to sell, but that their land shall be reserved for them. And the Government may if it is not desired to get that land out of the block sold, give an amount of land in lieu of any such interest or interests, and it must be 25 acres of first-class land, 50 acres of second-class land, and 100 acres of third-class land for each individual. It would have been a good job if a law like that had been in force before, and we would not have so many landless Natives in the colony.