

Much of the detail work is necessarily left to the Native Land Courts and Boards, the former to effect the partitions we deemed necessary (and indicated in our reports), the latter to locate reserves, papakaingas, and areas for Maori occupation and for general settlement respectively. We could do no more than indicate in a general way the proportion of each block (in the case of many of the larger communal blocks) for Maori and for European settlement respectively. In the final adjustment of such details we trust that the Boards will consult the wishes of the Native owners. Thus, in the case of lands recommended to be leased to Maoris, the nomination of tenants where desirable must be subject to the wishes of the owners.

The Boards have judicial duties to perform in the approval of leases and the recommendation of alienations by way of sale. These duties necessitate that at least one member of a Board should be competent to act in a judicial capacity, more especially as last session the confirming powers hitherto exercised by the Native Land Court have been transferred to the Boards. Yet, in order that the Boards may fulfil the purpose for which they were created by the legislation of 1900 and subsequent years, it is necessary that their constituent members should have experience of valuing and preparing lands for subdivision and settlement. This should be the dominant characteristic in the constitution of each Board.

The Maori owners have shown hesitation in intrusting the administration of their lands to the Boards, because of their fear of the heavy burdens that surveys and roading would entail upon their lands. This fear is not unjustifiable. We are of opinion that the least expensive as well as the most expeditious manner of carrying out the surveys is to have in each Board district a competent Director of Native Land Surveys, with authority to employ other surveyors and necessary staffs to conduct the surveys under his active supervision.

2. *Native Land Court.*

We have already referred to the large area (nearly half a million acres) of papatupu lands that have not been clothed with any title, and, as to nearly one-half of the area, lands that have not yet been surveyed for investigation purposes. In our report on Opotiki County (G.—1M, 1908) we said,—

“At this advanced stage of the history of New Zealand there should not be any such thing as papatupu land. If the energies of the Native Land Court and the resources of the Native Department were directed more to these virgin districts and less to the more settled portions of the North Island, settlement would extend more rapidly and with greater benefits to the Dominion.”

We are glad to note that the investigation of titles to lands near the East Cape is proceeding as expeditiously as possible, and that arrangements have been made for Courts to sit in the North of Auckland and in the Waikato to deal with the papatupu lands there.

The Court is becoming burdened more and more with succession claims and with applications for partition. The cause-lists of the various Courts are extremely congested with cases of succession. It seems to us that until regular circuits are established the work of these Courts cannot be properly and effectively organized. It is true that during the last two years special business created by “Washing-up Acts” has disorganized the sittings of the Courts more than is usual. There must in the nature of things be a large mass of emergency cases, special appeals, or inquiries. These may be met by the appointment of emergency Judges.

In our opinion the Judges may be relieved of much of the routine work—and in this category may be classed the majority of succession claims—if the Registrars of the Court were appointed Sub-Commissioners for the purpose of dealing with succession cases, claims for adoption, and the like. The Native Land Court Bench should as far as possible be recruited from the Registrars of the Court—men who by their experience and training are familiar with the requirements of the offices, where the orders are eventually duplicated and recorded, and in many cases drawn up for the Judge’s signature. At present much of the Court-work is behindhand because of the inexperience of some of the Judges, or of the necessities of travel, so that the only record for months of an important order may be the brief entry in a minute-book.