

should be taken to send a person who misconducts himself back to his own island in addition to any other punishment to which he may be liable. This cannot be done at present, though criminals may be deported from the Islands altogether with consent of the Governor.

I do not observe any discontent among the Natives. Certainly they have no general cause for any, though it would be strange if there were no individuals who thought they had grievances. The Arikis and chiefs have expressed themselves well satisfied, and they ought to be. They have a large share of their own government, much is being done for the health and prosperity of the people, and they are in fact exceedingly prosperous.

#### THE LAND QUESTION.

I take it that what is wanted is a statement as to the position of land titles. Prior to my arrival here practically no Land Court work, beyond formal orders, had been done for over two years and a half: hence the work was greatly in arrears. I arrived on the 15th February, but owing to having to preside at the Noongo trial for murder, and the necessity of giving notice to the Natives of the Land Court sittings, I was not able to open the latter Court until the 7th March. Thenceforward I held regular sittings until my departure for the outlying islands on the 8th July. I found the number of days on which I could sit in Land Court very much reduced by the fact that I had to devote one day a week to High Court work, that the Natives would not attend Court on Saturdays, it being their food-gathering day and always free from Courts in the past, and that for about two days before the departure of each New Zealand steamer every Native was engaged in gathering and shipping his fruit, and it was useless to try to get them to attend Court. But on these occasions I had usually plenty to do with correspondence and general administration work.

I found that a great deal of work in the direction of investigation of titles had already been done in Rarotonga, the holdings as a rule being of very small size. Apart from the land attached to the Ariki and Mataiapo titles, a good many names are included in most of the titles, and no partition work has been done in such cases, the Natives apparently having been content with the communal title until recently. The more intelligent are now beginning to appreciate the advantages of owning their land in severalty, or, at all events, in family holdings, and are consequently seeking partition. I was engaged for a considerable time in the settlement of the numerous and valuable interests held by the late Makea Takau Ariki and the late Makea Daniela Vakatini. These lands had been awarded by the Court for life only, with a proviso that at death the Court should ascertain the true owners in each case. Thus instead of succession cases each interest became really the subject of an investigation of title occupying much more time to hear and determine.

I heard a considerable number of other cases, investigations of titles, partitions, successions, confirmation of alienations, and miscellaneous applications. There was a much larger percentage of contested cases than is usual in the Native Land Court in New Zealand. A number of applications were made to me to reopen cases previously decided, and in which no appeal had been lodged. Some of these, which were for amendment of errors which all parties admitted to have occurred, I was able to deal with in the course of other proceedings affecting the same land—*e.g.*, on succession orders. Where, however, the complaint went to the merits I obviously had no jurisdiction to deal with it. I decided, however, that I would hear the different applications with the idea that if it were clearly shown that a judgment was wrong I would make some recommendation in the direction of obtaining a rehearing or right of appeal. I am unable to say, however, that in any case I was satisfied that there was not evidence which would justify the decision. Hence, though I do not say that in every case I would necessarily have decided as the former Court did, I am unable to recommend any of these cases being reopened, at considerable expense to all parties and to the State, feeling that an appellate Court, following the recognized rule that a judgment should not be disturbed unless demonstrably wrong, would be very unlikely to make any material alteration. And I could plainly see that if the door be once opened to fresh litigation of this description there will be a very large number of similar applications on the "try-fluke" idea, so dear to the heart of a Maori.

In the month of June I despatched the Government Surveyor, Mr. Connal, to Aitutaki to prepare surveys for Court sittings there, and I arrived there myself on the 15th July. I have already given you a report (L2/1912/373), of 26th September, on my visit to that island, and to Mangaia, Mauke, Mitiaro, and Atiu, which it is needless to recapitulate here.

Since my return to Rarotonga on the 15th September I have not been able to do a great deal of Land Court work. In addition to being myself greatly engaged with the High Court and general administration work, I am practically at a standstill in the Land Court pending completion of surveys. Mr. Connal is Government Engineer as well as Surveyor, and after his absence of over three months on survey work at Aitutaki it has been imperative that he should devote most of his time to public works before the rainy season sets in, and there is no one else here who can carry out surveys. I hope, however, to get some more work disposed of before leaving for New Zealand. I think nearly if not quite all the very urgent cases in point of time have been dealt with. The total number of orders made by me is 347. Total fees charged, £321 5s. Fees imposed are very light. No hearing fee is provided for in the regulations, so that fees in a long case are the same as in a short one.

As to the future, a considerable amount of work yet remains to be done in Rarotonga, as fresh applications have been coming in. There are seventy-six applications now lodged remaining undealt with, including twenty-seven investigations and thirty-three partitions. These all require survey. In the past the boundary-lines of the different pieces of land have been carried back only a certain distance from the sea so as to include the flat land but only a little of the hills. The