

have encouraged their extravagance and vices to get them into their debt, have charged exorbitant prices for the goods they have supplied, and have taken advantage of their ignorance or intemperance to secure mortgages over the lands or portions of them; which was but a sure preliminary to transfer on their own terms. Henry Tomoana puts it forcibly: "The tradesman comes down on our heads like the monkey of a pile driver, which crushes us by its weight and force." What money or credit the chiefs could get was too often spent in riot and debauchery, and the consequence has been that some of the principal men have been impoverished, the tribes have been defrauded, and the land has gone without a fair equivalent. As Tareha mournfully said, "Rum, rum has dispossessed us." The Natives are greatly dissatisfied, and blame not in any way their own imprudence and dishonesty, but the operation of the law, and the cupidity of the pakeha. There is, however, no doubt that this part of the law requires prompt and speedy amendment.

When it was known in Napier that I was inquiring into the working of the Native Lands Acts, I was invited by various persons to listen to statements that would have inculpated others, but, as I could not have given the accused the opportunity of vindicating themselves, I have avoided recording anything of this nature that was not necessary to demonstrate the defects of the law. It is not denied that inequitable transactions have taken place, and a commission of inquiry would be desired by those who have clean hands, and would like to be cleared from the imputations that have been cast on purchasers in general; but it is to be considered whether any public or general advantage would be gained by such inquiry. The evil has partially cured itself; it is now difficult to induce some Napier Natives to put their names or marks to a piece of paper. They have suffered from their imprudence, and will not be so easily imposed upon again.

The Native Lands Frauds Prevention Act of last year is now in operation, and is stated to be working effectively; and although its action is not retrospective, the Supreme Court can take cognizance of cases of actual fraud, either at the instance of Government officials, or of the individuals aggrieved.

The reports of these transactions, and of the poverty and humiliation of great chiefs, such as Tareha and Hapuka, cannot but have been circulated through the country, and they have no doubt been triumphantly made use of by the King party to prove to the loyal tribes how little they can depend upon the justice and friendship of the Europeans. Even amongst the friendly tribes the alarm has been given, and, as Major Kemp reports, they have had a large meeting of chiefs from different parts of the country at Parenga, where they spent five days in discussing the subject, and are about to send a deputation to the General Assembly.

Efforts are being made also by those who have felt the evil, to prevent the further sales of the lands, by reserving them wherever they can, and by nominating as grantees only those who are known to be opposed to permanent alienation.

There has also been discontent at Napier, because the Act of 1869 does not give them full redress in the case of shares or interests in lands which have been sold by different grantees before the Act came into operation, and provided that these several interests should not be deemed equal.

It is difficult to interfere with past transactions without doing injustice to the European purchaser, whose dealings may have been in good faith, on the assumption that the law fixed the equality of the interests; but it seems to me, from Henry Tomoana's statement on this subject, that he does not understand that the restriction only applies where actual sale has taken place, and that the Act does allow retrospective action in cases of lease and mortgage; and this is another instance showing the necessity for instructing the Natives themselves more minutely as to the various provisions that have been enacted for the protection of their rights. The Act of 1869 has, I believe, the power of removing a great portion of the hardships of which he complains.

To remedy these defects, the proposition of the Chief Judge, as stated in his opinion given in Court on the 7th April, 1868, to issue no grant "that will not, on the face of it, disclose the names of all the persons who are shown to the Court by evidence to be the owners thereof" (the limit being ten names, and the land being subdivided until it is brought under this condition, and, as suggested by Sir William Martin, the prohibition of mortgage or sale of undivided shares) will meet the principal difficulties of the case. Several of the chiefs recommend it, and although it may be attended with some inconveniences, these are nothing as compared with the evils that exist and require prompt removal.

In the case of blocks of land to which the owners may wish to fix their title, without going immediately to the expense of subdivision, certificates as now provided by the section 43 of the Act of 1865 can be issued, and no such certificates should be alienable in any way whatever, except by sale to the Government or Superintendents of Provinces. And the lands held under such certificates should not be subject to local rates or any other taxation. This plan, although it may temporarily affect the transfer of interests, will help to restore the confidence of the Natives who are dissatisfied with the previous action of the law, and will diminish the desire which now prevails amongst those who have experienced past evils, to make absolutely inalienable larger tracts of land than they can ever advantageously make use of. The great difficulty of subdivision is the expense of survey, but where the Natives wish to sell, and the Europeans are ready to purchase, the necessary funds will be forthcoming.

Surveys.

The other grievance which has been seriously felt, and has caused a great deal of embarrassment and discontent, arises from the practice of employing private licensed surveyors, to make the necessary surveys of the land before it can be passed through the Court. In the Province of Napier, where purchasers are numerous, the Native has had no difficulty in procuring funds to pay for survey of lands that he did not intend to sell, or the intending purchaser, in case of those that he wished to acquire, has found the money, and has seen that the whole work was properly and economically performed. But, in the Province of Auckland, where there is no demand for much of the land that has received a Crown title, and where the Natives are poor, this system works very badly, and has been the means of much trouble both to the Natives and surveyors. The uncertainty of speedy payment causes the surveyors to demand excessive prices for their work. In some instances they have been kept out