

by the fact that access to the Court, and the survey, and the ultimate Crown grant, all require the expenditure of money generally beyond the means of the Native, who, in order to bring his land into English tenure, has first to engage himself in the expense of a survey, then to incur considerable Court fees, for all of which, in addition to other unavoidable expenses not regulated by any Statute, his grant, when at last executed, is impounded. To make these payments, the Native proprietor is generally compelled to borrow money upon conditions frequently equivalent to a material surrender of his proprietary independence; and therefore his first transaction connected with English tenure is remembered as having been the certain precursor of the complete and rapid extinction of his property. Thus the Native, to a great extent, is becoming chary of approaching an institution which has many times been the means of impoverishing his own race, and which, under existing conditions, has indirectly encouraged operations by the European, of a character alike demoralizing to himself and the Native. The recommendations embodied in this report do not include any proposal to interfere with the licenses, and the duties on assessments, but apply only to the fees attached to the adjudications on titles.

The whole of the expense of the surveys necessary to adjudication by the Native Land Court, I would advise the Legislature to undertake free of any charge to the Natives. I would further recommend a remission of all Native Land Court and Crown grant fees. The acceptance of this recommendation, so far as may be gathered approximately from various indications, would increase the direct annual expense of the Native administration, inclusive of surveys, by about £20,000 per annum. I am quite unable to demonstrate the quantity of indirect advantage or profit likely to follow such a process of dealing, but can readily indicate the quality of the indirect results. I believe they would be as follows:—

Upon the assumption that the Native is susceptible of all the material influences that operate upon common human nature, it may be expected that he would, after the reform recommended, avail himself of the Native Land Court, and consequent Crown grant, to a much greater extent than at present, and, having thus acquired the English and therefore marketable title to his estate, would in the nature of things be more likely to seek transactions with the European. Such a tendency might be accounted for by the Native's consciousness of future freedom from debts incurred in the process of converting his lands (difficult of vendition) into English freehold; and feeling himself on more equal terms with the settler who might propose a lease or purchase, he could enter into negotiations (for which he is singularly able) without the embarrassing assistance of interested creditors.

This theory is based upon a complete faith in the Native's natural organization being very much like that of the other high types of humanity; and long observation has convinced me, that the dreary succession of failures that have occurred in our Native administrations in former years may be referred to the fact that we have placed the Native too low in the scale of mankind—that we have underrated his intellectual power, and too much ignored his moral susceptibility. If the European, under circumstances similar to those affecting Native owners, would be likely to avail himself largely of the opportunity of inexpensively exchanging an unmarketable title for a vendible one, so in an equal degree would the Native. I am firmly persuaded that, in proposing legislation upon subjects specially affecting the Maoris, an error would be committed in regarding them as mentally or morally inferior to the European, excepting in so far as might be accounted for by the difference of circumstances affecting each, and am of opinion that if the Legislature will but create the favourable circumstance, the Native will assuredly avail himself of it.

While on this subject, I would suggest the very great importance of keeping in mind the fact, that the very best and largest portion of what will some day be the freehold estate of the Colony in the Northern Island is at present in the hands of the Natives, who from time to time have portions of it surveyed, for the purpose of obtaining Crown grants through the Native Land Court. It would be desirable that these surveys should be made upon such a triangulation as would form part of a thoroughly accurate Colonial survey, instead of as at present. The surveys of Native lands generally have hitherto been remarkably loose, and the mere commencement of inevitable embarrassment, expense, and litigation.

The plan I recommend is, that the Native Minister should from time to time, upon the request of Native owners, order surveys under the direction of the Surveyor-General, who would take proper pains to secure the incorporation of a reliable survey into the recorded surveys of the Colony.

The original surveys thus made would be the reliable basis of such divisional surveys as would naturally follow the exercise by the Natives of their proprietary rights of sale or lease, under the Land Transfer System. It should be kept in mind that at law all estates, whether European or Native, acquired by Crown grant, must thenceforward be dealt with under the Land Transfer process, under which all titles are guaranteed by the Public Treasury; and further, that the safe working of the Land Transfer law is most materially dependent upon the surveys.

It is not for me to commit the impertinence of offering any reflections upon the probable effect of free surveys, free Land Court, and Crown grant, upon the general prospects of the Native Department, in its relation to the general safety and prosperity of the Colony, beyond the permissible expression of an opinion, for what it is worth, that the carriage of such a measure is perhaps the only thing now remaining to make further Native wars extremely improbable.