

ment amongst the Hawke's Bay Natives, is founded much more upon a desire to repudiate as far as possible all they have done in the alienation of land than on a wish for redress of particular grievances.

In all matters of buying and selling land, as well as everything else, the parties concerned, doubtless, as a rule each endeavours to make the better bargain; and it is quite likely that in the numerous sales of land which have taken place in the Hawke's Bay Province, and in the contest between European business acumen and Maori astuteness, which no doubt in some cases has taken place, in some instances one party, and in other cases the other may have had the advantage; but so long as both parties understood the terms of the agreement, and fulfilled them, and that there was nothing plainly inequitable in the bargain itself, I do not think the seller should be given any exceptional advantage in endeavouring now, after years have passed, during which the purchaser has been in undisturbed possession, to shake the title of the purchaser of the land merely because he, the seller, now thinks he might have made a better bargain, and complains boldly that he never sold at all, or never received payment, or that the payment agreed for, and paid, was inadequate.

I think, therefore, that all claims or complaints by Natives, calculated to impugn the titles of sellers or of the Government, should be referred only to the ordinary Law Courts, and that no Native should be allowed to sue *in forma pauperis* in such cases, unless he first made it very clearly appear that he has not the means to carry on his suit in any other form, and that he has a reasonable *prima facie* case.

This would deter Natives by the only consideration by which they can be deterred—the consideration of costs—from lightly bringing against their neighbours such unfounded, exaggerated, and libellous charges as they have in not a few instances shown themselves too ready to do, at a great expense to the public, to the detriment of individuals, to the lowering of confidence in titles to all landed property, and consequently of its value, and would still allow them every advantage and protection which the law allows to their British fellow-subjects.

The true cause of the general movement of the Hawke's Bay Natives, with respect to the alienated lands, seems to me to arise from their having been, some years back, suddenly, by the sale of lands and by the credit which they obtained as landholders having lands for sale, put in possession of large sums of money and large quantities of goods of every description, which, having been obtained easily, they have as lightly squandered. They now find that their credit is stopped, their money is dissipated, and the land, which is now greatly enhanced in value by the outlay of capital and by the industry of the European purchasers, is, as they say, "gone," while they themselves can but in few instances point to any permanent advantage they have derived from parting with it. They would now, therefore, willingly, by any possible means, repossess themselves of the land, or part of it, or get anything they can by a revision of all they have done in its alienation; and I am seriously of opinion that were they to succeed to the full extent of their desires, no long time would elapse before they would be in the same position again; for the necessary amount of restraint to protect them against their own improvidence would be looked upon as burdensome and oppressive, and would probably be effectually opposed.

I believe, however, that the Natives of Hawke's Bay have not divested themselves of land to any such extent as to trench upon the means of a comfortable subsistence. Not a few, indeed, have the means still, with ordinary circumspection, of living in a comparative affluence, and all have certainly a much greater command of the material necessaries and comforts of life than they could ever have obtained by their own unassisted efforts.

The only thing which I think can be done, not to prevent complaints in future, but to take away all just cause for them, is to render inalienable in every district an ample sufficiency of land as reserves for the maintenance of the Native population. This, and the strict enforcement of the conditions of "The Native Lands Frauds Prevention Act, 1870," is all that I think either necessary or practicable to be done for the protection of the Native people in the matter of the alienation of their lands.

The state of things now existing in the Hawke's Bay District is, I believe, the natural and unavoidable consequence of the contact of the two races—one possessed of capital, science, and laborious energy, provident, far-sighted, acquisitive, and tenacious; the other, untaught, inexperienced in the new social conditions which are growing up around them, eager for the present possession of property, devoted to the gratification of the passing day, and at the same time vexed and irritated at the prospect of their own apparent declension as a people. From such a position we must be prepared to expect trouble, difficulties, and danger. All that can be done is to give the Natives a fair opportunity to avail themselves of the benefits of civilization which are placed now within their reach, and if they abandon or neglect this opportunity to leave them to the event.

F. E. MANING.

REPORT ON CASE No. X.

COMPLAINT No. 13.—*Ex parte* PAORA HIRA AND 17 OTHERS (*Moeangiangi Reserve*).

THIS land was purchased by the Government from two Natives, on the condition that they should produce a good title, certified by the Native Land Court. The claim was heard by the Land Court, and a certificate ordered for one other Native, besides the two who have sold provisionally to the Government. This third owner found by the Native Land Court has not apparently sold his share or interest, and therefore has a right to compensation, or to a part of the land, but I do not think any other person or persons should be considered as having any interest whatever, or any right to make any demands respecting the land. Part of the land has been sold by the Government to a European settler, who is resident on the land. This seems to have caused discontent, and one of the witnesses asked the Commissioners whether it would not be well for him to expel the European by force.

F. E. MANING,