

1856.

HOUSE OF REPRESENTATIVES.

REPORT

OF

A BOARD APPOINTED BY HIS EXCELLENCY THE GOVERNOR

TO ENQUIRE INTO AND REPORT UPON THE

STATE OF NATIVE AFFAIRS.

Transmitted to the House July 9, 1856, and ordered to be printed.

THOMAS GORE BROWNE,
Governor.

Message No. 29.

The Governor transmits to the House of Representatives a copy of the Report of the Board of Enquiry into Native Affairs, together with copies of sundry letters, abstracts, and papers (enumerated or referred to in the enclosure marked 1) affording information on the same subject.

Government House,
Auckland, 9th July, 1856.

B—No. 3.

MEMORANDUM

SHEWING THE NAMES OF THE PERSONS WHOSE EVIDENCE WAS TAKEN BY THE
BOARD OF ENQUIRY ON NATIVE MATTERS.

- 1—Mr. J. Thorpe, Settler, Thames.
- 2—Captain Bolger, Settler, Bay of Islands.
- 3—Mr. Searancke, Surveyor, Waikato.
- 4—Mr. J. Webster, Timber Merchant, Hokianga.
- 5—Rev. Mr. Burrows, Missionary, late of Waimate.
- 6—Hemi Taka, Missionary, Kohimarama.
- 7—Mr. Fenton, Resident Magistrate, late of Kiapara.
- 8—Captain Porter, Settler, Tamaki.
- 9—Mr. Black, Merchant, Matata, Bay of Plenty.
- 10—The Bishop of New Zealand.
- 11—Rev. J. Whitely, Missionary, late of Kawhia.
- 12—Mr. Rogan, District Land Commissioner, late of Waikato.
- 13—Ihaka Takanini, of Pukaki.
- 14—Mr. Joseph, Merchant, Kawhia.
- 15—Hemi Iaka.
- 16—Rev. Riwai Te Ahu, St. John's College.
- 17—Wiremu Mahi, Oraki.
- 18—Mr. David Graham, Merchant, Auckland.
- 19—Mr. Marshall, Settler, Waikato.
- 20—Paora, Nakei.
- 21—Kipa, of Ngatipakiao.
- 22—Rev. Mr. Reid, Principal of School at Three Kings.
- 23—Mr. Johnson, District Land Commissioner, late of Whangarei.
- 24—Mr. Superintendent Brown, Taranaki.
- 25—Mr. A. Campbell, Merchant, East Coast.
- 26—Tamati Ngapora, Mangarei.
- 27—Te Hira, Kaikahoe.
- 28—Rev. J. Wilson, Missionary, late of Bay of Plenty.
- 29—Mr. Wm. White, Merchant, late of Hokianga.
- 30—Mr. Davis, Interpreter, Auckland.
- 31—The Roman Catholic Bishop, Auckland.
- 32—Mr. J. Busby, Merchant, Bay of Islands.
- 33—Mr. Commissioner M'Lean, Chief Land Commissioner, Auckland.
- 34—Mr. John White, Interpreter, Auckland.

R E P O R T .

THE Board, consisting of the following persons :—

Mr. C. W. Ligar, Surveyor-General, Chairman ;

Major Nugent, Major 58th Regiment, late Native Secretary ;

Mr. W. C. Daldy, M.H.R. ;

Mr. T. H. Smith, Acting Native Secretary, and Resident Magistrate, Rotorua ;

which has met at the desire of his Excellency, to enquire into subjects connected with the Native Race, has the honor to report that, in order to give weight to the opinions it might express, considered it necessary to avail itself of the best information which could be obtained from persons acquainted with the Natives, both as regards their original state, and the relative position they have assumed, in connection with the European population.

1. With this view, the Board requested the attendance of the persons named in the accompanying Memorandum, who, without exception, cordially entered into the feelings which dictated the enquiry, and have unreservedly placed at the disposal of his Excellency the result of their varied experience.

2. From this source the Report has been principally drawn. It will be found probably to differ from individual opinions which have been put forth on the same subject, but this is rather to be expected than otherwise, for the Board has found that what is applicable in one locality is not so in another.

3. Before entering into the subject of purchasing land from the Natives, it will be necessary to make a few general remarks explanatory of the manner in which the Natives hold their land, and on a few other subjects connected therewith.

NATIVE TITLE TO LAND AS TRIBES.

4. It appears that the title or claim to land by Tribes arose from occupation, dating sometimes from remote periods, and from more recent conquests, followed by occupation either by themselves personally or by remnants of the conquered people.

5. That this title existed no longer than it could be defended from other tribes.

6. That the boundaries were in some cases clearly defined and admitted by adjoining tribes, but that in many others they were quite the reverse, and were causes of constant quarrels.

7. That narrow belts of land as being claimed by two tribes, could not have been occupied by either without causing an appeal to arms. That there is no part of the country which is not claimed by some party or another.

8. That as land is inherited in the female line, the constant inter-marriages between the tribes, led to the descendants by such marriages having claims to land in more tribes than one.

9. That it frequently happened that one tribe gave land within their own limits, to the members of another tribe for assistance rendered in times of danger, which gifts were held most sacred.

10. That claims to land were made by one tribe and admitted by another as compensation for the murder of a chief thereon or other injury.

11. That an accidental death of a chief on the land of another tribe gave his family a claim to it.

12. It will therefore be seen that no tribe, has in all instances, a well defined boundary to its land, as against adjoining tribes, and that the members of several other tribes are likely to have claims within its limits.

CLAIMS OF INDIVIDUAL NATIVES TO LAND.

13. Each Native has a right in common with the whole tribe over the disposal of the land of the tribe, and has an individual right to such portions as he, or his parents may have regularly used for cultivations, for dwellings, for gathering edible berries, for snaring birds and rats, or as pig runs.

14. This individual claim does not amount to a right of disposal to Europeans as a general rule, but instances have occurred in the "Ngatewatua" tribe in the vicinity of Auckland where natives have sold land to Europeans under the waiver Crown's right of Pre-emption, and since that time, to the Government itself. In all of which cases, no after claims have been raised, by other members of the tribe, but, this being a matter of arrangement and mutual concession of the members of the tribe, called forth by the peculiar circumstances of the case, does not apply to other tribes not yet brought under its influence.

15. Generally there is no such thing as an individual claim, clear and independent of, the tribal right.

16. The Chiefs exercise an influence in the disposal of the land, but have only an individual claim like the rest of the people to particular portions.

17. Since the introduction of Christianity the natives have gradually emancipated their slaves taken in war, and by their return to their former possessions, they have become a new class of claimants.

PURCHASE OF LAND BY THE GOVERNMENT FROM THE NATIVES.

18. When the natives first came into contact with Europeans in the relative position of sellers and buyers of land, the evidence of which before the Board extends as far back as the year 1822, it has been shewn that the natives in disposing of their land intended only to convey a title similar to that, which they, as individuals hold themselves. The right of occupancy. They did not imagine that any thing else could be wanted. Their desire for Europeans to settle among them was very great, and in selling a piece of land to one of these early adventurers, they not only were prepared to hold his title, such as it was, inviolate, but considered his personal safety, a matter of the deepest interest. He in fact was considered as one of the tribe, among whom he had cast his lot.

19. They soon however ascertained, when a knowledge of their language had been sufficiently acquired by the Europeans, that this sort of tenure was unsatisfactory, and in all subsequent transactions of the kind gave written titles in perpetuity, with the right of Transfer.

20. This same wish for the location of Europeans among them increased rather than diminished up to a very recent period.

21. Although the natives are capable of forming strong personal attachments, they are not exempt from the weakness of valuing things the less because they became common, thus the much prized white man, soon ceased to be considered as an oracle, when ships freighted with settlers arrived on these shores. He however for a considerable time did not lose his character for usefulness, as he became a medium of communication with the new comers. To him the natives sold their surplus agricultural produce for which a brisk demand had sprung up, but as their shyness in visiting the settlements wore off, and they found they could obtain much more advantageous terms by taking their goods themselves to the market, his sphere of usefulness ceased also.

22. The natives having rendered themselves independent of the services of individual Europeans, and the first feeling of novelty having passed away, it was no longer found that they would offer inducements in the shape of land, to get settlers among them.

23. In like manner, much that appears to apply to individuals, is applicable also to the acquisition of land, on a larger scale, for the uses of the large body of settlers. Formerly to obtain a town in their neighbourhood, large tracts of land would have been ceded for such purposes, and for farms around it. Now natives finding that with their improved means of communication that one or other of the various settlements affords a market not too remote for the sale of their produce, and that they can at these places purchase every thing they require, think it is to their advantage to keep their large tracts of land, which the European settlements have enhanced in value. The very high rates which have ruled the markets in New Zealand, owing to the demand for agricultural produce consequent on the discovery of gold in the neighbouring Colonies, has strengthened this feeling to keep their lands, and will for a time operate.

24. The difficulties which have arisen in not acquiring all the land on the first establishment of the colony, which might be required afterwards, should as speedily as possible be met, and overcome, for the longer efforts are delayed, the more it will cost to extinguish the native title. If this

is not done, every piece of land which is fenced in, and reclaimed, every road which is made, and every European settler, who arrives in the country, only serves to give a value to the unimproved tracts of native land which surround the settlements.

25. It is well known that even among European settlers themselves, an absentee proprietor, or one who leaves his land in a state of nature, reaps an advantage by the value given to it, through the cultivation and improvement of the adjacent land. The same process is going on as regards native lands in the vicinity of some of the settlements, and as the Government is now the party anxious to buy and they are growing more unwilling to sell, advantages should be given to them to insure their cooperation in this respect. Nothing it is considered, will be so conducive to this end as the issuing to individual natives, or to the heads of families, a Crown Grant for such portions of land as may be actually required for occupation.

CROWN GRANTS TO NATIVES.

26. Many of them are beginning to see that without such a security their further progress in civilization is impossible, and, while they would as regards the tenure of their dwellings and cultivations be placed on an equal footing with the Europeans, they would be adding to the wealth and resources of the Colony at large.

27. Independent therefore, of its being used as a means of inducing them to part with their surplus lands, it is called for as necessary to promote their individual interests, and whatever tends in their case to this result must be of general advantage. As long as they hold their lands as they do at present they have no incentive worthy of the name, to improve their social condition, or to add permanent improvements to their land; and as regards the adoption of our laws and customs it is not likely that they will readily break off their connections with the native tribes which now afford them the only security they have for their holdings until they are assured of a better. While they continue as communities to hold their land, they will always look to those communities for protection rather than to the British laws and Institutions, which, although brought so near, does not embrace them, in regard to their lands.

28. It is not supposed, that at first, the system could be very extensively carried out, but a beginning is called for and is practicable. The advantages would soon become apparent and be acted on generally.

29. Before a Grant can be issued to a native, it would be necessary that the native title to the piece of land should, as a preliminary step, be transferred to the Crown: and in order to prevent any claims being raised to the land, after it was granted, the same forms should be gone through as if the native title were about to be extinguished by a sale to the Crown for the purposes of resale to Europeans.

30. To give clear and undisputed titles to individual natives, would require mutual concessions on the part of the natives themselves, and the whole of the claimants to the land should be ascertained and be made parties to the transaction, and sign the Transfer to the Crown:—there would then be no danger of any after claims.

31. As regards the expense of the survey, &c., connected with the transaction, the native should it is considered, pay for it, unless it was thought, that he had given an equivalent in cooperating with the Government for the sale of the surplus land of the tribe, to which he belonged.

32. With respect to the nature of the Grant and to whether it should have a restriction preventing the sale of it within a certain number of years:—the Board is of opinion that it should be similar in effect to that issued to Europeans in every respect, as no other form would be appreciated. Their strong attachment to land and the importance with which they view what is requisite to supply their wants would prevent them from parting with it, so as to leave themselves destitute.

LAND FOR HALF CASTE CHILDREN.

33. There is another subject intimately connected with the preceding, as tending to facilitate the acquisition of the surplus lands, and to place an increasing and interesting class of individuals in a position of usefulness. The Half caste race, occupying as they do an intermediate station between the European and Native, have neither the advantages of the one, or the other, and whose future destiny, may, by proper management, be directed in the well being of the Colony, or by neglect, be turned in a contrary course. They are objects of great solicitude to their native relatives, as well as to their European fathers, who desire to secure them sufficient portions of land for their maintenance, and when such is the case there is every reason for the cooperation of the Government. The Board would therefore recommend, provided the native title is in the first place extinguished, that Crown Grants should be issued in their favor in trust to some public functionary.

34. And that no distinction should be made between those children born in wedlock, or, otherwise up to the present time, but, after a certain date, to be decided on, no children, not born in wedlock, should be entrusted to this privilege.

PRE-EMPTIVE RIGHT TO OLD SETTLERS.

35. There is still another class of persons—the old settlers,—to make provision for whom falls rather within the scope of the Regulations framed for the sale of land to the Europeans, but who occupy a position and influence among the natives which may be usefully employed in assisting in extinguishing the native titles over tracts of land not required by the natives. They have, in many instances, improved land and built houses under a native title; and wherever they are found to co-operate with the Government, they should have secured to them their homesteads at a fixed price.

36. Circumstanced as the Government has been, with insufficient land to meet the requirements of the colonists, it is not surprising that various suggestions have been made for acquiring it more rapidly and extensively than has hitherto been done.

WAIVER OF THE CROWN'S RIGHT OF PRE-EMPTION.

37. With reference to the mode by means of the waiver of the Crown's right of Pre-emption in favor of individual Europeans, which was carried out under Governor Fitz Roy, without any difficulties having arisen therefrom, as regards the natives over whose land it was carried into effect. It would appear from these circumstances, and from the relief which, at the time; it afforded to the settlers who found themselves within such circumscribed limits, it has still some advocates, both European and Native, in the vicinity of Auckland where it was alone tried; but it is generally condemned as a mode of colonization, on the ground that it gives the present body of settlers an unfair advantage over new comers; and even among the present settlers themselves, those who are acquainted with the natives and their language, would monopolise the land to the exclusion of others. Under the present circumstances of the Colony, the subject is not likely to be revived; but it has been necessary to allude to it, in order to consider one very important statement put forward by its advocates in support of the system. They argue that the natives are discontented at the Crown retaining the right of pre-emption. In reply, the Board would state that the contrary has been found to be the case. The natives generally, with the exception of a few, in the locality named, view the right of pre-emption as a law applying to restrain the Europeans and in a favorable light, as a protection to themselves against the too general and indiscriminate sale of their lands, as well as a means of preventing confusion and disputes.

PROPOSED PLAN FOR THE ALIENATION OF NATIVE LAND.

38. Referring to the plan which has been suggested to his Excellency and submitted to the Board for consideration, by which it is proposed that the Government should act in the capacity of agent for the Natives, sell their land, and give them the whole of the nett proceeds, after deducting the necessary expenses of investigating title and paying for the surveys, &c.

39. As regards the Natives, the principal objection is the uncertainty of the ultimate price to be received, without which it is not likely they would be able to agree among themselves, or to come to any decision to sell, and of giving up the land, when so agreed, into the hands of the Government to be disposed in the manner proposed.

40. If they should overcome this first difficulty, another would arise with regard to the distribution of the proceeds, and those who felt aggrieved by the amount offered to them by their friends would claim their portion of land, although it might have been sold to some European. For, although it might be greatly in excess of what was usually received under former methods, it would probably not satisfy the cupidity which such a system would be likely to excite.

41. Involving as it does the necessity of a complete surrender and extinguishment of the Native title before the receipt of the consideration or price, it would be contrary to all Native custom, and would not therefore be generally popular.

42. Its principal objects appear to be, to insure a rapid and extensive sale of land for the purposes of colonization, by means of the high price the Natives would receive, and at the same time remove any suspicion on the Native mind as to the purity of the intentions of the Government, in wishing to acquire their lands, and relieve the Government from providing money for purchases.

43. The prejudices to be combated, in order to get the natives to accede to the plan, would not probably, be met by the deferred and uncertain, though higher payments, while the expenses

varying in amount, in different cases, would only alter the character of the responsibility which the Government would be obliged to undertake.

44. Portions of land would remain unsold for a length of time, balances of the account would remain undivided among them, and it is not difficult to foresee other causes of dissatisfaction, which might arise out of their relative position of agent and principal, in a transaction spreading over a long period.

45. Alluding again to the price or consideration to be offered for native lands, as a means of procuring it more rapidly; under ordinary circumstances and when applied to transactions of the kind between Europeans, sales could generally be effected, if the intending purchaser was liberal or extravagant in his offers; but the rule does not apply, equally, to the natives as a people. Individuals may be found among them, who have learned to view land as a mercantile commodity,—which character it assumes in a Colony more than elsewhere. In old European countries attachments to hereditary property exist to such an extent, that very tempting offers would not induce some proprietors to part with what had long been associated with the history of previous generations.

46. This feeling is no less strong among the Natives of New Zealand, and every sentiment of the kind is brought into activity whenever it is proposed to them to sell land, forming so important a part of their history, and for which their forefathers have fought and bled.

47. It is known that almost every spot chronicles some well remembered tradition, and when they are asked to part with these places to strangers who cannot be supposed to enter into their feelings on the subject, and, who they see destined at no very remote period, to place them in a secondary position in their own country, it is no wonder they hesitate to take the step.

48. Another cause operates in creating an unwillingness in the minds of some of the Natives to sell certain portions of land, or even to enter upon the consideration of the matter. There are many delicate points connected with rival claims, which, as long as neither party exercise any very decided act of ownership are allowed to lie dormant, but which would be called forth and give rise to serious quarrels immediately it was understood that either party meditated a sale of the land so circumstanced.

49. The price with them is a secondary consideration. If they can make up their minds to sell, it is a proof that they are impressed with the necessity of the new order of things which has been introduced, and which they know they will ultimately have to conform, or that seeing advantages to be derived, they by the sale of land court its influence. More or less, every transfer of land may be looked upon as a national compact, and regarded as binding both parties to mutual good offices.

LEAGUE NOT TO SELL LAND FORMED AMONG NATIVE POPULATION.

50. In proof of this the Natives to the north of Auckland, who have for the longest time been acquainted with the Europeans, and who, by repeated acts of this kind, have tacitly given in their adhesion to the European customs, are still willing to sell land for the extension of settlements, while those Natives not brought into such close contact, but living in the less frequented parts of the country, south of Auckland have formed a league to prevent the spread of European influence, and refuse to sell their lands with that avowed object in view. This league, commencing, as before stated, south of Auckland, at about fifty miles from the Town, at a branch of the Waikato River, called Maramarua, embraces nearly the whole of the interior of the Island, and extends to the East Coast, and to the West Coast, south of Kawhia.

51. It is not supposed that this combination will long hold together, as no advantage of a practical nature to the Natives can be derived from it.

PRESENT MODE OF PURCHASING LAND FROM THE NATIVES BY THE GOVERNMENT.

52. With reference to the present mode of purchasing land from the natives the Board consider it the best adapted, under all the circumstances of the country; to meet the difficulties with which the subject is surrounded.

53. They do not however consider it incapable of certain improvements and they submit some leading rules for the purchase of land which they would recommend to be followed. They are aware that part of what is set forth on their recommendation is already in operation, but what the Board would aim at accomplishing is, in the first place to bring about, if possible, a Registration of all native claims, accompanied by the names of all claimants; a greater publicity, among the native Proprietors, of every purchase under negotiation, with the intention of bringing forward rival claimants, before the purchase is made and not allow them to wait until after the money is paid

away; the exclusion, for the future, of all instalments prior to the completion of the sale of the land. As almost every new purchase of land has a history of its own, differing somewhat from the last, it is impossible that the officer entrusted with this important duty can rigidly follow one undeviating plan in all cases.

54. As soon as the Government has decided on the parts of the country which it is necessary to procure. The Chief Commissioner should then divide it into conveniently sized Districts, and in each station an Assistant Commissioner who should remain permanently in it and not be changed from one District to another. He would thus gain a knowledge of all the claimants and their boundaries.

55. If not a Surveyor himself he should always have one stationed with him. The duty of the Assistant Commissioner on first taking charge of the District should be to obtain the cooperation of the natives with a view of setting forth on a sketch, or survey, the boundaries of their claims, and accompanying it with a complete list of the names of all the individuals who have a claim to land.

56. The nature of each persons claim should be stated, and should refer to the particular locality on the district sketch or survey, by means of distinctive letters and figures wherever it was not practicable from want of space to write the name in full upon it.

57. This work should be proceeded with whether the land was offered for sale or not, for if not immediately required, it would facilitate subsequent transactions.

58. Copies of such sketches and lists should be forwarded to and registered in the office of the Chief Commissioner, for future reference. In this manner a complete Registry of the native lands would be compiled.

59. When a portion of land was offered for sale, the Assistant Commissioner should with the surveyor perambulate the boundaries accompanied by the native sellers, who should be required to dig holes in the earth at the corners, mark trees, and set up poles, as is their custom. The surveyor should take the bearings of all the boundary lines, note the particular mark made at each intersection of these lines, giving the native names to such places, but take no part in setting up poles or cutting marks in the ground or on trees. The whole of the transaction should be the act of the natives themselves. They should however never be sent to cut lines or make marks by themselves. When this had been done, and the quantity of the land estimated and all the particulars respecting it ascertained. The Assistant Commissioner should then agree upon the price to be paid, and issue a notice giving the following particulars—the names of the piece of land offered for sale, a description of the boundaries—the price agreed upon and a list of all the claimants which he had been able to ascertain.

60. This notice to be published in the "Maori Messenger," or in a Special Maori Land Gazette, to be printed for the purpose.

61. It should call on other claimants if any existed to send in their claims on or before a certain day to be fixed (at least three months from the date of the notice) otherwise their claims would be considered as forfeited.

62. If any new claimants appeared they should have their claims investigated in the presence of the persons proposing to sell, and if in the opinion of the Assistant Commissioner they appeared to be based upon the usual customs of the natives, the persons bringing them forward should be permitted to participate in the payment agreed upon, or the purchase should not be proceeded with.

63. That as soon as possible after the adjustment, of the claims, a meeting of all the claimants should be called.

64. At this meeting the whole sum or any part agreed upon should be produced and divided by the natives under the superintendence of the Assistant Commissioner in parcels containing the sum to which each individual or head of a family was entitled.

65. That each parcel should be labelled with the name of the person for whom it was intended, and this person should receive the same upon signing the Deed of Sale.

66. The Deed of Sale should in addition to the description of the boundaries, have delineated upon it a carefully prepared sketch or plan setting forth the names of the places referred to, as well as every other particular, connected with the land so as to make it as intelligible as possible to the natives.

67. The survey of the land should after the completion of the purchase be proceeded with as soon as possible.

68. At present the natives have generally an objection to the regular survey of a piece of land prior to the sale, as they imagine that the act partakes of the character of ownership, or might, if the negotiation should be broken off, be so implied at a future time.

Wherever this feeling can be overcome the survey should be proceeded with, so as to have been completed if possible before the money is paid.

69. And wherever the natives make reserves within the Flock, they should be set out and surveyed before the completion of the purchase of the surrounding land.

Note to preceding part of Report, by Mr. Dalry.

With reference to the proposed mode of alienating land by allowing the Government to act as Agents in the transaction, I have to express my dissent from the opinions urged in this respect against its efficient working by the other members of the Board.

With regard to the 39th paragraph and to the statement "That the principal objection" as regards the natives is the uncertainty of the ultimate price to be received, without which it is not likely that they would be able to agree among themselves. That as to the uncertainty of the ultimate price, I have to observe that by the plan proposed it was intended that the natives should name the upset, or fixed price, and whatever was obtained above that sum at the sale by auction, would be to their advantage.

With regard to paragraph No. 40, I have to observe that the land would be handed over to the Government with the same care as if sold to the Government.

With regard to No. 41, I consider that custom, and a few trials of the system would do away with the objection stated.

With regard to No. 43, the objections are provided for by the natives fixing the first upset price, and lowering it when requisite so as to induce purchasers to buy the whole.

With regard to the 45 paragraph, my view is to treat the native lands just the same as if it were the property of Europeans.

And as regards the paragraphs 46 to 49 inclusive, the same objections apply to the Government purchasing land.

I am of opinion that this system may be worked at the same time as purchasing, and that it would tend to bring the native lands nearest the large European settlements into the market, thereby causing the European population to grow from their centres instead of being detached in all parts of the Country, and cause the Country to be brought into cultivation in a more systematic manner, thereby lessening the expense of public works.

I am convinced it is not possible to bring this system fully into operation at once, but that once commenced it would extend rapidly, and from its full recognition of the natives as British subjects, produce good results on their minds.

When reviewing the extent of the business transactions of the natives, I cannot concur in the opinion that the natives would not understand it.

With reference to paragraph 81, on the prohibition of the sale of spirits.

I have to observe that I do not concur with these views, believing the evils arising from evasion will be as great as those prevented by this law. I believe that the time has arrived when distinctive laws should be abolished and that moral influence is the only hope in this case.

(Signed)

WILLIAM C. DALDY.

MAGISTRATES AND JURORS.

70. The Board is of opinion that it would not be desirable to appoint natives as Resident Magistrates, as they would not carry sufficient weight with their countrymen, and from their ideas of clanship, their decisions would not be impartial. The natives would not respect English law administered by them.

71. The natives themselves would prefer the decisions of a disinterested European Magistrate.

72. They admit the inefficiency of their own laws even to settle their own quarrels, and in any appeal to our laws for this purpose they consider European agents should be employed, so as not to mix up in any way the two systems.

73. There are two kind of influences at work among them, many of the young and intelligent admit the excellence of, and wish for, the introduction of a new order of things.

74. The old people not seeing the advantages of our system so clearly as to be able to carry it out themselves, oppose those who would be preferred to take it up.

75. Their objection being more to the men who are willing and able to introduce the new system, than to the system itself, the difficulty of appointing them as Magistrates is not only their want of impartiality, but a difficulty arises among themselves, if the young and intelligent were invested with this office, they would be met with a feeling of jealousy from the old and influential chiefs, instead of receiving their support, without which, they would be powerless.

76. The office of Assessor seems to meet the requirements of the present transition state of the natives; great care, however, must be exercised in all the appointments: and in order to represent and combine, as much as possible, the two parties, it would be advisable to select the intelligent sons of the ruling chiefs, for this distinction.

77. It is necessary to attach a small salary to the office, a sum of about £10 per annum appears to be sufficient.

JURORS.

78. The Board would not recommend natives being placed on Juries at present.

79. The Sheriff should, if he finds any intelligent natives in the neighbourhood, place a few of them on the Jury List, from time to time, who, should be called alphabetically the same as the Europeans. In this way, they might be gradually taught to act in this capacity, and be shewn that they were taking part in the carrying out of the laws.

80. In this way they would be called to act without reference to the particular subject to be tried, or at times of great excitement such as when a native had been killed by a European.

PROHIBITION OF SALE OF SPIRITS.

81. The Board is of opinion from the evidence taken on the subject, that the law prohibiting the sale of spirits, though evaded to a very great extent, still operates as a check to the evil it is intended to prevent. Although it may not be found possible so to enforce the prohibition as that no case of infringement or evasion shall occur, yet the Board is of opinion that much of the evil at present existing may be suppressed by increased vigilance on the part of the Magistrate and Police, and would by no means recommend the repeal of the law, believing that it would be followed by a great increase of drunkenness among the natives, from which the most serious consequences might be apprehended affecting both races.

82. The majority of the natives, and especially the more intelligent and well disposed among them, regard the importation of spirits into the country as a great evil. Several of the tribes have petitioned the Government to prohibit it altogether. Many of the observant and reflecting men among them have expressed a conviction that spirits have already endangered the peaceful relations which have for so long a time subsisted between the two races, and that they may yet prove the means of causing the most serious disturbances.

83. From the evidence collected by the Board, it would appear that the law in question is regarded by the natives generally, as a salutary and beneficial one; that they recognise in its enactment the benevolent exercise on the part of the Government of a parental authority interposed to protect them from a dangerous enemy. There are doubtless many individuals among them who wish the restriction removed, but the Board is of opinion that were all the tribes in the Island called upon to give a deliberate expression of their wishes on the subject, very few, if any, would be found in favor of repealing a law intended to prevent the spread of intemperance among them.

84. The Board does not overlook the evil or the moral effect attending the existence of a law which is evaded or disregarded, but it considers that in the present case, a far greater evil would be incurred, by throwing open spirits to the natives than by retaining the prohibiting law, even under existing circumstances. While the law remains it affords a standing evidence to the native race that their well being is the subject of careful solicitude on the part of the Government which endeavours, as far as possible, to protect them and to counteract those evil influences to which their contact with Europeans necessarily exposes them. The repeal of the law would be looked upon by themselves not merely as a discountenance of the veto, but as a positive encouragement and invitation to drink, and as their abandonment by the Government to the ruin and degradation which intemperance may be expected to bring upon its victims.

85. The Board would recommend that the best efforts of the Government should be directed to prevent the evasion of the prohibitory law and to enforce its penalties, and would suggest that it is desirable to make it more stringent in certain cases. At present a heavier penalty may be inflicted upon the trader who sells a bottle of spirits to a native, than upon the one who sells a hog'shead, the former being liable to a fine for selling without a license, while the latter escapes with a penalty of £10, which he can afford to pay out of his profit on the transaction. To remedy this, the penalty for selling more than a bottle, should be increased to a sum not exceeding £50. A second breach of the law should be punished with imprisonment.

86. Every encouragement should be given to the chiefs and influential men in the different tribes to co-operate with the Government in the endeavour to suppress an evil which threatens to

become so prevalent. The utmost vigilance should be used to prevent natives from obtaining spirits in Auckland. Great caution should be used in granting Bush Licenses in Native Districts.

87. The Board is not without hope, that the natural good sense of the natives will lead them to see and avoid the danger which threatens them as a race, should they unhappily fall into habits of intemperance. It would appear that there are some among them fully alive to the serious nature of the evil and are determined to use every effort to suppress it.

NATIVE COASTERS—LAX STATE OF SUPERVISION.

88. With reference to the following facts communicated to His Excellency by Mr. Fenton, lately appointed to act as native Secretary.

1. That the supervision exercised over the coasting trade is very lax;
2. That the major part of this trade is in the hands of the natives.
3. That they own and sail a great number of the coasting vessels.

That it is by this means of transit, the natives living at a distance from Auckland, are supplied with spirits.

4. That it is known it is a frequent habit with these coasting vessels to arrive at this port, and not report their cargoes and take their departure hence without a transire.

89. The Board would recommend that the Collector of Customs be instructed to exercise the strictest supervision over the coasting trade, with the view to remedy the evil complained of, and if he has not, at present, means at his disposal for the purpose, that he be furnished with it as soon as possible.

PROHIBITION TO THE SALE OF ARMS AND AMMUNITION.

90. With respect to the law prohibiting the sale of Arms and Ammunition to natives, the Board is of opinion that it should be more strictly enforced. Some of the evidence taken on the subject goes to shew that this law is also evaded though not to the same extent as the one relating to spirits. It would also appear that the prohibition is not viewed in the same favorable light by the native tribes, many of whom regard it wholly as a precaution taken against them, with the design of depriving them of the means of defence in the event of hostilities taking place between the races. That such a precaution is perfectly fair and justifiable is, however, fully admitted by them, and while the acts of the Government are such as to keep up a general feeling of confidence in the native mind; no ill effects are likely to result from the carrying out of the law. The existence of deadly feuds between the tribes furnishes a sufficient reason for the continuance of the prohibition, and makes it desirable that the Government should forbid, if it cannot prevent, their being supplied with arms and ammunition to be used for their mutual destruction.

91. The Board would, however, recommend that the prohibition should not be so strictly interpreted, as to preclude the chiefs and respectable men of the loyal tribes from purchasing powder and shot in small quantities for sporting purposes upon proper application to the authorities for permission to do so, on the same terms as Europeans.

It is believed that the natives generally do not look upon either of these laws as oppressive or unjust, nor that they are disposed to question the right of the Government to lay such restrictions as it may think desirable upon the English people and upon the commodities brought here by us, but, with this right of control, they also associate a responsibility resting with the Government for whatever consequences may result to them from our occupation and colonization of the country.

SCHOOLS.

92. The Board is of opinion that the support hitherto given to schools now receiving aid should be continued, as at present, until another system can be brought into operation, and after that time also if the said schools are found to fulfil the specified conditions of the new system.

93. The conditions of the new system which the Board would recommend are as follows.

94. That a Board of Education be appointed by the Governor to distribute the entire funds which may from year to year be available for educational purposes.

95. That all the existing schools on application to the Board should be assisted in proportion to the number of scholars who are being taught to speak, read, write, and cypher in the English language.

96. That the teachers of the said schools be approved of by the Board.

97. That the scholars be taken at as early an age as possible.

98. That every new school which might in future be established and could shew that it was in a position to carry out these conditions should receive aid in proportion to the number of its pupils.

99. The Board is of opinion that no extensive system of schools can take place without the natives being induced to contribute towards their support. They should be called upon to give land as endowments for this purpose, to assist in the building of new school houses, and to co-operate generally in making the schools self-supporting as far as possible.

100. That a paid Inspector should be appointed by the Board, who should have a seat at the Board. His duties should be to visit and report upon each school at least once in every year; to organize and establish new schools, and to urge on the natives the value of education and the necessity of giving it their support and assistance.

THE PRESS.

101. The Board is of opinion that the Press should be used as much as possible for the diffusion of useful knowledge among the natives, and that the "Maori Messenger" should be printed every week, and agents appointed through the country for receiving and distributing it.

102. That a List of these Agents should be printed in the paper itself, so that the natives may know where to apply for copies.

103. That one copy be directed and sent gratuitously to chiefs, assessors, and native teachers, and two copies to each Mission Station, and that for all the other copies a small charge should be made, so as to get the natives as soon as possible out of the habit of expecting to get things for nothing.

MEDICAL MEN AND RESIDENT MAGISTRATES FOR INTERIOR.

104. Medical men who could act as Resident Magistrates, would be of service in the interior, and in this light would be virtually Political Agents. It does not appear that a Bush Inn is required in connection with the establishment of a Magistrate—an ordinary rest-house for travellers where beds and eatables were provided would be more suited to the wants of this country.

The Localities where Resident Magistrates are established at present, are—

Auckland,
Wellington,
New Plymouth,
Bay of Islands,
Monganui,
Rotorua,
Hawke's Bay,
Kaipara,
Rangiawhia.

New Stations recommended.

Whangaroa, (West Coast.)
Otaki,
Wangarei,
Kawhia.

DRESS OF HONOR.

105. A Dress of Honor does not appear to be of much consequence in the eyes of the natives. A good, plain, useful and distinctive dress might be given as an Official Uniform to the Assessors; but if a mark of approbation is intended, a native would think more of a present of a plough, or other agricultural implement.

NATIVE HOSTELRY.

106. The accommodation for natives visiting Auckland is very defective. The Hostelry is kept in a very filthy state and is very unpopular with them. So much so, that however inclement the weather, they prefer camping along the narrow strip of sandy beach, between the roadway in Mechanics' Bay, and high water mark. The Board would recommend that the Hostelry be divided

into four compartments, with brick fireplaces in each, and floored with boards throughout. To ensure cleanliness and order, the building should be placed under the charge of a person who should be required to live near the place, and be responsible for the carrying out of a simple code of regulations which it might be necessary to enforce.

107. The Board has been informed that an ample space of ground surrounds the present Hostel, and has been granted to Trustees for the purpose of the natives. It conceives, therefore, that enlarged accommodation might be afforded to the natives and that with a little judicious management, the establishment might be made in part, self-supporting.

108. The natives bring large supplies of agricultural produce to the town and at present are obliged to pile it along the Beach. In addition to the present building there is required a few small store-houses each of which could be securely locked up, for the protection of property deposited therein.

109. The Board is impressed with the conviction that before the natives can all be brought under the complete control of the laws, that the Government must, in the first place, take upon itself the office of instructor, that the instruction of the natives requires to be taken up, where the efforts of the Missionaries necessarily cease. It is to be regretted that there has been an evident falling away of a large number of natives from the teaching of the Missionaries, and they may now be divided into three classes of about equal numbers in each.

First—The Heathens, comprising mostly the old people and old chiefs.

Second—The Christians, who have fallen away and have ceased to be under the control of the chiefs or the influence of the Missionaries.

Third—The consistent Christians, who are the advocates of good order wherever they are found.

They are at the same time the steady supporters of the Government and desire the introduction of our laws and customs.

110. In conclusion the Board is of opinion, after a review of the whole subject before it, that the present transition state of the native population requires the greatest caution and solicitude on the part of the Government.

111. That as many antagonistical elements are at work among them, it will be the cause of much restlessness. The advocates of their old customs and laws will not be slow to turn every temporary cause of dissatisfaction to their own views and purposes, and attempts to create a general bad impression, both to the Europeans and Government may in future be expected. Hitherto a combination among the Tribes was thought impossible, but it is seen that the peace and security afforded by the presence of the Europeans has had the effect of doing away with much of the jealousy and distrust existing formerly between them by affording them more frequent opportunities of intercourse. They now seem capable of acting more in concert.

112. There cannot be anything more desirable than to bring the two races under exactly similar laws, but it is not altogether practicable at present, every step of the Government however should have this ultimate object in view. At present their governancy and guidance must partake of the parental authority rather than as being based entirely upon a strict adherence to the requirements of the British laws, the nice distinctions of which they do not at present comprehend. All native races situated as they are, look more to the persons governing, than to the abstract principles upon which Government is formed, and which civilized communities are wont to give in their adherence.

C. W. LIGAR,
Chairman of the Board.

APPENDIX.

ABSTRACT OF EVIDENCE

TAKEN BEFORE THE

BOARD OF ENQUIRY ON NATIVE AFFAIRS.

I.

QUESTION No. I.

Are the Natives generally willing to sell their Lands ?

Affirmative Opinions.—Thorpe, Bolger, Searancke, Webster, Burrows, Fenton, Black, the Bishop, Ihaka Takanini, Riwai te Ahu, Wiremu Maehi, Johnson, W. White, Wilson, M'Lean (Except in certain places mentioned), J. White.

Negative Opinions.—Porter (Not willing to sell to Government), Rogan, Graham (Except Kaipara, Waikato, Tauranga, Maketu, and Rotorua), Marshall, Brown, Campbell (As far as the East Coast is concerned), Te Hira (But if they saw the money, they would sell).

Undecided Opinions.—Whiteley (Some are, some not), Joseph, Paora (Does not know), the Roman Catholic Bishop.

QUESTION No. II.

Can the Natives who desire to sell land be required to mark it out, either by a trench or in some definite manner, before the survey is commenced, and after the survey of the outline has been made ?

Affirmative Opinions.—Searancke, Hemi Taka, Black, Busby, J. White.

Negative Opinions.—The Bishop, Whiteley, Tamati Ngaporo, Wilson.

QUESTION No. III.

Would the Natives generally sell most readily to Government or to Private Individuals ?

To Government.—Joshua Thorpe, Searancke, Webster, Fenton, the Bishop, Whiteley, Rogan, Ihaka Takanini, Rewai te Ahu, Wiremu Maehi, Paora, Johnson, Wilson (But where they could get the greatest price they would sell most readily), M'Lean, J. White.

To Individuals.—Bolger, Porter, Graham.

Undecided Opinions.—Joseph, W. White (Sell to whom they like), the Roman Catholic Bishop.

QUESTION No. IV.

Would the Natives be satisfied with the Government selling their lands as agents for them, by auction or otherwise, they receiving the nett proceeds ?

Negative Opinions.—Searancke, Fenton, Black, Rogan, Ihaka Takanini, Wiremu Maehi, Graham, Marshall, Paora, Johnson, Brown, W. White, Davis, M'Lean.

Affirmative Opinions.—Joshua Thorpe, Burrows, The Bishop, Joseph, Campbell, Wilson (If the Maories understood the plan, but it appears very complicated), J. White.

Undecided Opinions.—Tamati Ngaporo, Te Hira (A few might like the plan), the Roman Catholic Bishop, Busby (witness' answer conveys no opinion).

QUESTION No. V.

Has a Native a strictly individual right to any particular portion of land, independent and clear of the tribal right over it ?

Negative Opinions.—Joshua Thorpe (Mentions one instance to the contrary), Bolger, Searancke, Webster, Burrows, Hemi Taka (Says he is an individual owner, but would have to make presents if he sold), Fenton, Black, The Bishop (But mentions rare instances to the contrary), Whiteley, Rogan, Riwai te Ahu, Wiremu Maehi, Marshall, Paora, Kapa, Johnson, Brown, Campbell, Tamati Ngaporo, W. White, Te Hira, Wilson, Davis (But mentions a few instances to the contrary), Busby (Except in extraordinary cases), M'Lean, J. White.

Affirmative Opinions.—Porter (Mentions three cases, but states that the individual Maories merely acted as agents for the tribe), Graham.

QUESTION No. VI.

After the boundaries are defined, should a public notice be given, calling upon all claimants to appear within a given time, or forfeit their claims?

Affirmative Opinions.—Joshua Thorpe, Bolger (After boundaries have been defined and surveyed), Searancke, Webster (Future claims, however, would not be barred), Porter, Black, Whiteley, Joseph, Wiremu Maehi, Marshall (After the boundaries are cut), Wilson, Busby.

Negative Opinions.—Fenton, J. White (Unnecessary, if boundaries are cut).

Undecided Opinions.—Johnson, M'Lean.

QUESTION No. VII.

Could the parties selling be made to a certain degree answerable for subsequent claims?

Negative Opinions.—Searancke, Burrows, Webster, Fenton, Whiteley, Graham, Johnson, Brown, M'Lean, J. White.

Affirmative Opinions.—Joshua Thorpe, Black, W. White (In some cases), Wilson (But it would be very difficult), Busby.

Undecided Opinion.—Porter.

II.

QUESTION No. VIII.

Is it advisable to give Crown Grants to individual Natives who can give proof of ownership of Land?

Affirmative Opinions.—Joshua Thorpe (If title good and boundaries defined), Bolger (If they can give proof of ownership), Searancke (If they can prove their title), Webster (If it be possible for the natives to arrange their claims), Burrows (Desirable wherever practicable), Hemi Taka, Fenton (If collective title does not exist, but no such case), Porter, Black (If they can divide their lands), The Bishop (If they can prove their title and clear it of rival claims), Whiteley (If their claims can be arranged), Rogan (If they can prove their title), Joseph, Wiremu Maehi (After Government have settled the claims), Graham, Paora (If they had individual claims), Kepa (If the difficulties are removed, and all the Natives consent), Reid, Johnson (If one safe owner can be found), Brown, W. White (When arranged by mutual concessions), Davis, the Roman Catholic Bishop, J. White (If lands divided).

Negative Opinions.—Campbell (The claims are too intricate), Wilson (They could not define their individual rights), Busby, M'Lean.

Undecided Opinion.—Te Hira (Does not know).

Memorandum.

N.B.—The instructions of his Excellency the Governor to the Board contained this question in the following words:—"Can Crown Grants be given to Maories for land not previously transferred to the Crown?" The question put to the witnesses was in the form above given, viz.:—"Do you think it desirable to give Crown Grants to individual Natives who can give proof of ownership of land?" The meaning of these two questions is clearly widely different. The consent to the *desirability* in no way decides the question of *possibility*—which his Excellency wished to be settled.

Looking at the answers, with the provisions annexed, the general opinion must be taken as follows:—that the issue of Crown Grants to Natives on any extended scale is very desirable; but the difficulties attending are so great as to render such issue impossible.

The only dissentients from this opinion would appear to be—Messrs. Taka, Porter, Joseph, Graham, Reid, Brown, Davis, and the Roman Catholic Bishop.

QUESTION No. IX.

Should such Grants contain a restriction to the effect that it should not be sold or let to Europeans until after the Grant has been in the possession of the Native proprietor for a given term of years?

Negative Opinions.—Joshua Thorpe, Bolger, Searancke, Burrows, Porter, Rogan, Wiremu Maehi, Graham, Marshall, Paora, Johnson, Brown, Davis (If grants are made to individuals), Busby, M'Lean (Except in certain cases).

Affirmative Opinions.—Hemi Taka (Does not object to a restriction), Fenton (But not practicable to issue them at all), Black, the Bishop, Whiteley, Wilson (If practicable to give them at all), the Roman Catholic Bishop, J. White.

QUESTION No. X.

If individual Native owners received Crown Grants, would there be any danger of their selling all their land and becoming paupers?

Negative Opinions.—Joshua Thorpe, Bolger, Searancke, Fenton, Porter, Whiteley, Joseph, Wiremu Maehi, Graham, Marshall, Paora, Reid, M'Lean.

Affirmative Opinions.—The Bishop, Wilson, J. White.

III. & IV.

QUESTION No. XI.

Would it be advisable to make one or two Chiefs in each tribe Resident Magistrates; with a condition that, when a European is an interested party, they will not be competent to sit in judgment without the assistance of an European Magistrate; and that, in case of difference of opinion between the two Magistrates, the offence shall be referred to the European tribunal?

Negative Opinions.—Bolger, Searancke, Webster (Approves of the existing Resident Magistrate's Ordinance), Fenton, Porter, the Bishop (Prefers the present system), Whiteley (Ditto), Joseph, Marshall, Johnson, Brown, Campbell, W. White, Wilson (European Magistrates should preside), Davis, the Roman Catholic Bishop, Busby.

Affirmative Opinions.—Joshua Thorpe, Burrows, Riwai te Ahu, Graham, Reid, M'Lean (To some districts), J. White.

QUESTION No. XII.

Would it be safe under any, and what restrictions to place Natives on Juries in criminal cases where Europeans and Maories are concerned ?

Negative Opinions.—Joshua Thorpe, Bolger, Searancke, Webster, Porter, Whiteley, Graham, Marshall, Johnson, Wilson, Busby, J. White.

Affirmative Opinions.—The Bishop, Reid (Also for the House of Representatives and Provincial Council), Brown (If they have acquired Crown titles), W. White, M'Lean.

VI.

QUESTION No. XIII.

Would it be beneficial to appoint medical officers in Native districts, to act, in certain cases, also as political agents of the Government ?

Affirmative Opinions.—Joshua Thorpe (Should be a schoolmaster also), Bolger, Webster (Should understand Maori), Burrows, Porter, the Bishop, Whiteley, Rogan, Joseph, Graham, Marshall, Johnson, W. White, Wilson, Davis, the Roman Catholic Bishop, Busby, M'Lean.

Negative Opinions.—Fenton, Brown.

Undecided Opinion.—Campbell.

QUESTION No. XIV.

Should these officers also be Resident Magistrates ?

Negative Opinions.—Bolger (Unless called for by European population), Searancke, Burrows (If district officers can be afforded), Fenton, Whiteley, Brown, Wilson, Davis.

Affirmative Opinions.—Busby, M'Lean.

QUESTION No. XV.

Should a license be given to a third European to enable him to keep a bush inn ?

Negative Opinions.—Bolger, Searancke, Webster, Black, the Bishop, Graham, Reid, Johnson (Unless under the eye of police), Wilson, Davis, M'Lean (But not in purely Native districts).

Affirmative Opinions.—Joshua Thorpe, Burrows (In certain cases, if approved by the Resident Magistrate), Fenton (Wherever there is a Resident Magistrate), Whiteley (Under control of Resident Magistrate, otherwise mischievous), Joseph, Marshall, W. White (In some places).

Undecided Opinion.—The Roman Catholic Bishop.

VII.

QUESTION No. XVI.

Would a dress of honor given by the Queen's instructions be esteemed by the Maori Chiefs as a mark of recognition for services rendered to the Government ?

Affirmative Opinions.—Joshua Thorpe, the Bishop, Whiteley, Graham, Reid (But not in the way of a gorgeous robe), Johnson, Campbell (By loyal Natives), W. White (Nothing gaudy should be given), the Roman Catholic Bishop (In the shape of a medal), Busby, M'Lean.

Negative Opinions.—Bolger, Searancke, Webster, Burrows, Fenton, Porter, Black, Marshall, Brown, Wilson, Davis.

VIII.

QUESTION No. XVII.

Is the Law which prohibits the sale of spirits to the Maories evaded ?

Affirmative Opinions.—Joshua Thorpe, Bolger, Searancke, Webster, Burrows, Fenton, Porter, Black, the Bishop, Whiteley, Ihaka Takanini, Joseph, Riwai te Ahu, Graham, Marshall, Paora, Reid, Johnson, Brown, Campbell, Tamati Ngaporo, W. White, Te Hira (Slightly), Wilson, Davis, the Roman Catholic Bishop, Busby, M'Lean, J. White.

QUESTION No. XVIII.

Is the repeal of this law expedient ?

Negative Opinions.—Burrows, the Bishop, Ihaka Takanini, Joseph, Riwai te Ahu, W. Machi, Marshall, Paora, Reid, Johnson, Campbell, Tamati Ngaporo, W. White, Te Hira, Wilson, Davis, J. White.

Affirmative Opinions.—Joshua Thorpe, Bolger, Searancke, Fenton (Before the Maories learn to distil), Porter, Graham, Brown.

Undecided Opinions.—Webster, M'Lean.

QUESTION No. XIX.

If not repealed, should the Law be made more stringent ? and how should this be done ?

Affirmative Opinions.—

Burrows : Suggests nothing.

Fenton : The principal cause of the evil is the " two-gallon " system.

W. Machi : Do not let spirits be brought into the country.

Paora : The only way to remedy the evil is to prevent the importation.

Kepa : Let it not be brought into the country.

Reid : Substitute imprisonment for fine.

Tamati Ngaporo : The law should be that no spirits should be allowed to come into the country.

W. White : Might be improved.

Wilson : Abolish the bush inns.

Davis : Natives found drunk in towns should be imprisoned, not fined. Power for police to enter houses to search for spirits, and to board coasting vessels and seize spirits. Masters of such vessels to be fined.

QUESTION No. XX.

Are the Laws respecting the sale, &c., of arms and gunpowder evaded by the Maories ?

Affirmative Opinions.—Joshua Thorpe, Searancke, Webster, Burrows, Fenton, Porter, Black, Joseph, Graham (But not to a great extent), Marshall, Paora, Reid, Johnson, Brown, Tamati Ngaporo (Except by loyal Natives), W. White, Wilson, Davis, Busby, J. White.

Negative Opinion.—Te Hira.

Undecided Opinion.—Campbell (Does not know).

QUESTION No. XXI.

Is it expedient that these laws should be repealed ?

Affirmative Opinions.—Joshua Thorpe, Searancke (Let them be sold under proper restraint), Fenton, Porter, Brown, Tamati Ngaporo, Te Hira, Busby, J. White.

Negative Opinions.—Bolger, Reid, Johnson, Wilson, Davis, Burrows (Says the laws should be more stringent, but suggests nothing), Wilson (Let them be more stringent—suggests penal punishment).

Undecided Opinions.—Webster, Black.

IX.

QUESTION No. XXII.

Would it be judicious to give Crown Grants to Half-castes, for such land as their Maori relations may feel desirous to give them ?

Affirmative Opinions.—Burrows, Fenton (Where there is no difficulty of title, boundary, or incumbrance), the Bishop, Whiteley, Marshall (The Grants should be issued to some public functionary as trustee), W. White, Wilson (On condition of parents being married), Paora, Davis, the Roman Catholic Bishop.

QUESTION No. XXIII.

Is the Maori population decreasing ?

Affirmative Opinions.—Searancke (Fast), Fenton (Fast), Whiteley, Marshall (Ngatipo have decreased one-third in twenty years), W. White (Not so as generally asserted), the Roman Catholic Bishop, J. White.

Undecided Opinion.—The Bishop.

OPINIONS RELATIVE TO THE MAORI MESSENGER.

Fenton : Might be improved ; a valuable instrument.

Rogan : Numbers might be increased with advantage.

Joseph : Let all commercial, &c., notices be given in the *Maori Messenger*.

Riwai te Ahu : Very beneficial.

Johnson : Might be very useful, published once a week.

Campbell : The Maories believe anything that appears in the *Maori Messenger* ; there is not a corner they do not read. It may be sent for distribution to Mr. Harris, Poverty Bay ; Mr. Waddy, Naua ; and Mr. Charles Riley, Tokemaru.

W. White : The Government should furnish the Natives with translations of the more important portions of the English Laws ; great benefits would accrue if the *Maori Messenger* were properly conducted. A note should be appended to the market price of goods and produce, to inform the Natives that in distant parts of the country the prices should not be so high, to allow for freight, insurance, &c.

The Roman Catholic Bishop : There should be an elementary book published on English Law.

Busby : The Press might be made more efficient ; the *Maori Messenger* might be made exceedingly useful. I know of nothing better calculated to enlighten the Natives than the *Maori Messenger*, if properly conducted. I would not hesitate to publish the names of Natives who act improperly, with animadversions on their conduct. I would give all prominence to praiseworthy conduct, inviting others to go and do likewise. The Natives would not pay for it. &c.

J. White : Five hundred copies are not enough.