

## No. 2.

Copy of a Letter from Mr. MANNING to Mr. FENTON.

SIR,—

Office of Native Lands Court, Hokianga, 24th June, 1867.

In compliance with your request I have the honor to report on the working of "The Native Lands Act, 1865," in this district.

I shall first remark on those points to which you have called my attention, namely, the difficulties encountered, the state of the surveys, and the effect produced by the working of the Act; and shall add any remarks which I may think pertinent or likely to elucidate any part of the subject, though, from the great increase and pressure of business in this office, and the necessity of preparing for a Court to be held here in a few days, I scarcely have time to give the subject the full consideration I could wish before writing.

The chief difficulties which have had to be encountered in bringing the Act to work arise from the fact that this, the Bay of Islands District, including Hokianga, is the district which was first settled in by Europeans—the European population in Hokianga thirty years ago having been double what it is now, and at the Bay of Islands at least equal to the present; and the difficulties, therefore, which have arisen from this cause are to a great extent peculiar to this district, and may be stated as follows:—

1. The Natives in former times having sold great numbers of blocks of land in every part of the district, many or most of which passed subsequently into the hands of the Government. This would, under the most favourable circumstances, give rise sometimes to questions and disputes respecting boundaries; but it appears evident that the Government surveys, or oftener the representation of the position of the land surveyed made on the survey plans, are in many cases incorrect, and the difficulties, disputes, and suspicions arising from this cause alone have been most serious and obstructive to progress. The Natives, after the experience they have had of the working of the Act, do not suspect any deliberate intention to dispossess them of any part of their lands; but the difficulties arising from intermingled claims of the settler, the Government, and the Natives, still remain. Every Court, however, that is held will reduce this difficulty in some degree, by ascertaining and finally settling the respective boundaries of Native and European claims.

2. Not a few families and individuals having sold in former times fully as much land as they could well spare, and being now particularly desirous to raise funds to pay for the survey and fees necessary to the procuring Crown Grants for land which they have retained (which lands, I may remark, are as a rule, almost without exception, of a far more valuable description than those which have been sold), have, being without any surplus lands to sell, endeavoured to raise the requisite funds by either bringing unfounded claims into Court, or by opposing the more legitimate claims of others, with the intention of selling the land which they hoped to obtain by these means. This, together with the old Maori feuds and jealousies not unfrequently existing between the parties, led frequently to a fierce spirit of contention, making the most extreme caution consistent with progress necessary in the procedure of the Court, to avert violence and bloodshed. This danger had however to be deliberately undergone for several months. It is now much lessened in consequence of parties making false oppositions to claims finding that their pretensions are subjected to a searching investigation, and if false exposed; whereas it had been at first their belief that the mere fact of the opposition being made would cause the claim to be dismissed, and therefore that at the least they could obtain a bribe from the true owners of the land for withdrawing the opposition, so that the claim could be entertained. At the first Courts, more than half of the Native claims were opposed in this way.

3. The other difficulties in the first working of the Act are chiefly such as are common to other districts, and chiefly arising from the desire of Natives to secure as much land as possible, under grant from the Crown, without much regard for the rights of others.

Altogether the difficulties and danger in the first operations of the Land Courts were such, at least in this district, as would have been insurmountable, were it not that the Natives perceive that "The Native Lands Act, 1865," satisfies a great want and vital necessity of the Maori people, by offering them a means of extricating themselves from the Maori tenure, and obtaining individual and exclusive titles for land. That most of the middle-aged and younger Natives take this view of the matter is beyond a doubt, as is proved by many circumstances, some of which I shall notice further on, and it is to this that we owe the very marked and increasing authority which the Native Lands Court has obtained in this district and, I believe, generally in the country.

That disputes, and even cases of violence, may occur about the division of lands is not at all unlikely amongst a people who value land now more than ever, and who, like the Ngapuhi, are ready to take arms on a small occasion. Every Court, however, which is held, and every block of land which is adjudicated upon, will render the recurrence of these land disputes more and more unlikely, merely by defining precisely and finally the boundaries of the lands of tribes and individuals, and thereby removing the causes for contention.

I think it may not be irrelevant here to remark that a very erroneous idea has been prevalent amongst Europeans as to the wishes and feelings of Natives in reference to the tenure of land. It has been thought that because previous to the arrival of Europeans in this country the Natives did not hold their lands by individualized and exclusive titles, according to our ideas of what such titles should be, that they neither wished to do so, nor could understand the benefit of holding land in that manner, but the Natives are, in fact, remarkable for their fondness of appropriating individually every kind of property, land included, and the reason why they have not hitherto held their lands by exclusive individual titles is, that before the arrival of the Europeans in this country it was impossible to do so.

In reference to the state of the surveys, I have only to say that I believe the surveys made under the Act are very correct, every possible precaution having been taken to ensure their being so previous to their being accepted as such by the Courts, and all lands which have been adjudicated upon in this district have been surveyed. There are also a number of blocks of land surveyed which will before long be claimed in the Native Lands Court.