

## (iv) MAORI LAND

Another class of land suitable for sheep-farming which could be made available for this purpose is that owned by Maoris. Some of this land is already in use, but it is possible that much more could be made available for sheep-farming. The whole subject of Maori lands is a very difficult one. The position was very well set out in the evidence of Mr. J. A. Sutherland at Te Kuiti :—

The problems of land held under a Maori lease tenure are the same in all respects as that neighbouring country held under freehold or other tenure, with the exception of the very real difficulties arising from the terms of the Maori lease. The terms which are the difficulty are, primarily, the lack of any right of renewal or freehold and, secondly, the lack in many cases of any compensation for improvements.

These two omissions in the lease mean that the lessee has no continuity of tenure or adequate compensation for capital improvement which has not been expended at the termination of the lease.

In the past freeholding of leaseholds has been possible, but as the years go on the possibility of freeholding becomes more difficult, firstly, because of the increase in the number of owners, and, secondly, by a recent regulation by which the Maori Land Court will not grant a freehold if it involves any owner being left without some interest in land. Every Maori is thus under present law and regulation involved with land in some part of New Zealand from the cradle to the grave, and, with an expanding population and a diminishing area of farmed land, this policy must as time progresses lead to very great complications.

The reason for the expanding number of owners in property is that the whole system of individual ownership of land is a foreign concept to the Maori. Prior to the advent of the European, the Maori tribe or family or group had an inherited right to occupy a certain area. This area, if not disputed by neighbours, meant that the Maoris of the particular group had the right to use as they wished an area within certain often not well defined natural features. No individual Maori would think of claiming as his own any particular portion. It was a communal holding lived on and roamed over by the community, and any disputes with neighbouring tribes as to land ownership were the concern of every member of the group. This type of outlook is not the outlook of the European, and attempts have been made to consolidate Maori lands to as near private ownership as possible, and areas were set aside as belonging to an individual or a relatively small group. The communal outlook as regards land has, however, survived, with the result that a Maori normally dies intestate, not necessarily through ignorance but in the old tradition of communal ownership—everything except a few personal possessions formerly buried with him reverts to the community at his death.

This results under private ownership in the children getting the property or properties shared amongst them. With the large families common to the Maori the number of owners concerned with an individualized title of land compounds so that in a relatively few years the number of owners in a block will possibly approach the hundreds. The block involved is not necessarily large and cases as small as a one-acre section in the town are known which have a hundred owners and more. This, of course, means that the individual proceeds from the sale or lease of property are often very small indeed, and the effort involved in selling or re-leasing the property hardly justifies any trouble at all. In fact, Court costs and loss of wages and travelling-expenses to attend to the re-lease or sale of property often involve the owner in monetary losses by no means recompensed by the moneys received from his property.

To re-lease or to freehold it is necessary for the intending purchaser or lessee to obtain the signatures of all owners, any one of whom may veto the transaction without, of course, giving a reason. On occasions, if the number of owners failing to agree is very small, an area *may* be cut out of the whole block for the dissident individual or group. This results usually in a small area of Maori-held land occupying perhaps a frontage or being completely isolated from any access.

At present this presents a very real difficulty to re-leases. One owner hopes to occupy the house so withholds his signature, and when the lease expires he and his family move in. He is in possession of the house, but his interest in the property is in no way increased so that he is in no position to actually farm the property even if he had the necessary capital and ability. The Maori in possession of the house is actually in a worse position for doing anything constructive on the farm than the previous European lessee, as he, in occupying the homestead, has almost invariably antagonized other owners who had similar designs and are thus most unlikely to increase his equity in the property by exchange of property or sale of shares.