

Report on the State of Native Affairs—transmitted to the House of Representatives, New Zealand, July 9th, 1856.—(*Votes and Proceedings of the House of Representatives, Sess. 4, 1856. B.—No. 3.*) Transmitted.

The total quantity of land in the several Islands is estimated at about 68 millions of acres. Of this about 44 millions of acres have been ceded to the Crown and are in course of settlement by Europeans. About 24 millions of acres remain unceded in the hands of the Natives; over which they are thinly dispersed, residing for the most part in clusters of villages, or paha.

Several Acts or Ordinances have been passed by the Local Legislature, relating to dealings with Native Lands, viz.

Land Claims Ordinance, No. 1—(J. 1.)—Sess. 1. No. 2. Transmitted.

“ “ Amendment Ordinance—(J. 2.)—Sess. 3. No. 3. Ditto.

Native Land Purchase Ordinance—(J. 6.)—Sess. 7. No. 19. Ditto.

Native Territorial Rights Act, 1858. Ditto.

The accompanying Memorandum describes the present domiciliary habits of the Maori population. Ditto.

In point of fact, notwithstanding the Native Land Purchase Ordinance—many European Settlers have located themselves on Native lands in various parts of the Colony, under arrangements in the nature of lettings. Those persons occupy as tenants and (in some cases, but rarely) pay rent; subject of course to the risk of the Native Land Purchase Ordinance being enforced against them—but practically undisturbed. The rent and value of holdings is in many instances no doubt sufficient in amount to be the basis of qualification, if the land were held under ordinary English tenure—but, whether in the eye of the law, land so held can be regarded as of value, *i.e.*, marketable value, to satisfy the requirements of the Constitution Act seems to depend in some degree on the effect of the Local Ordinances referred to—in particular of the Native Land Purchase Ordinance, which renders all dealings with Natives for land illegal, and subjects the parties so dealing to penalties.

As to the intention of the Imperial Legislature to confer or withhold the Elective privilege in respect of the occupation of Native Lands, there is no light beyond what is afforded by the language of the Constitution Act, and the terms in which the Franchise is conferred.

It may, however, be well to point out—that in the Imperial Act 9 & 10 Vic., c. 103, (called Lord Grey's Constitution of 1846) there is clear indication of an intention to exclude this kind of Franchise which does not exist in the Act of 1852. Under the Act of 1846 the Electoral (or Municipal) Districts are confined to “such parts of the Islands as are or shall be owned, or lawfully “occupied by persons of European birth or origin.”

Persons are also disqualified who “are not able to read and write in the English language,” which is the condition of almost the whole Native population at the present time.

No case has occurred in which the Supreme Court of the Colony has assumed jurisdiction where the Native Title or right of occupancy was in question between Natives.

The opinion of the Law Officers of the Crown in England is requested upon the question raised by the Resolution of the House of Representatives.

MEMORANDUM AS TO DOMICILIARY CONDITIONS OF NATIVES.

The dwellings of the New-Zealanders, at the present time, are much in the same state as were those of their forefathers, and in many parts of the Country the change has been for the worse. Rude temporary huts constructed in a few hours, with rough poles cut from the forest, and thatched with *toetoe*, a species of grass, and the sides covered with *raupo*, or bulrush, are the domiciles of the common people, whose migratory disposition, and indifference to the comforts of life, lead them to regard the labour of erecting a substantial and roomy house, a superfluity. Many, indeed, content themselves during the summer months—the season of planting and fishing—with the shelter afforded by a few leaves of the *Nikau* Palm (*Areca Sapida*) so plaited and interwoven as to protect them from the heavy night dews and light summer rain.

In their *pas*, or fortified villages, however, much time and labour was, and is still occasionally, bestowed upon their dwellings. The head of each family generally selected the site of the future dwelling, and superintended the work. Every member was expected to take some part in the undertaking; the old men felled the timber and adzed it down to its required shape, while others went to the swamps to cut *raupo* (*Typha Angustifolia*) and prepare the stalks of the *kakaho* (reed) for ornamenting the sides. The house, when built, was claimed by all the members of the family residing in it, though the Chief, or head of the family, was nominally the owner of it. It was spoken of as his house; but any young man having a claim to it would, in the event of marriage, bring home his wife to the family dwelling. Many of the houses on the East Coast were of considerable dimensions, and would accommodate from twenty to thirty persons of both sexes. On the death of the Chief his place is taken by his eldest son, who succeeds to the family honors, and is the nominal owner of the house. If he has no son, the head of the family succeeds. If he leaves the village, or the tribe, leaving no family behind him, any relation may take possession. For the most part the Maories have now a