

the country. Under the clause as altered, the Interpreter could take the Deed of Conveyance round to the signers.

The Act of 1866 should, I think, be entirely repealed; but the questions involved are questions of policy into which I would not willingly enter, unless invited by the Government to do so. But perhaps I ought to state, that in my judgment the effect of this Act, so far as it has had any operation, has been of an injurious tendency, principally because both Maoris and English have seen in it a partial abandonment of the fundamental principles adopted by the Legislature in 1862, and confirmed in 1865; and I am of opinion that no law relating to Maori land or to Maoris will work well and effectually that does not command the approbation of both races. I think the Maori will progress the better the more he is exempt from protection or interference to which other citizens are not subject. I believe that in this opinion all the Judges concur.

The clause relating to an acreage fee for examination of surveys has never been brought into operation. I shall speak more fully on this question in my reply to Mr. Stafford's letter of the 15th May.

The great difficulty in the rapid conversion of the Maori titles and the individualization of holdings is the necessity and expense of surveys: some idea may be formed of the powerful character of this obstacle from the fact that the plans already in the Native Land Court Office have cost, according to Mr. Heale, nearly £40,000. This large sum has all been paid by the suitors nominally, though I presume that the greater part has been advanced by the intending purchasers. Nor can this expense be avoided, for it is obviously impossible to make a grant of lands unless there is a map of the land to be granted, except indeed in the few cases of islands or remarkable peninsulas.

In the Province of Auckland this difficulty is vastly increased by the unsatisfactory state of the Government Survey, and the very defective surveys made by Mr. W. Clarke, who was largely employed as a Surveyor in the Land Claims Court.

This gentleman's surveys are extremely unconscientious, and indeed in many cases that have come collaterally before the Court can scarcely be called more than sketches. In the country south of the Waikato confiscated blocks, the territory is untouched by surveys; and I venture to hope that Mr. Heale will be able, by the establishment of a system of triangulation in those open plains, greatly to reduce the expense attendant on furnishing maps to the Court of the land to be investigated. Our operations under the form of Interlocutory Orders have already extended nearly up to Lake Taupo from the boundary of the confiscated block southward up the Waikato Valley, and Courts are fixed which will deal with lands extending from Maketu through the Rarawa country to Taupo; and I am aware that claims are, or soon will be, in for large tracts of country surrounding the Lake on all sides except the westerly side, and perhaps on that side also. I have great hopes that all these lands, under an improved system, may be surveyed at a greatly reduced cost.

In the Province of Hawke's Bay the Government surveys seem to be in a much better state, and the work of the Court has progressed there with less difficulty and I believe with less cost than in the Province of Auckland.

In Wellington Province the Government surveys seem to have been admirably conducted, and, as far as I know, no loss or difficulty has been occasioned to suitors in that Province through the errors or defects of old surveys; but the Court has experienced singular misfortunes from the insufficiency or want of attention in some of its own licensed Surveyors there. It would be very well if some of the large number of Surveyors licensed in the Province of Auckland could be induced to remove to Wellington, for there is an abundance of claims from the latter Province, but very few surveys.

I have refrained as much as possible in this reply from entering on questions of policy, as I do not understand that Mr. Hall desires any expression of my views on the principles of the legislation affecting Native lands. But I may be pardoned for saying, that in my judgment, nothing that has yet been tried has so largely tended to produce in the mind of the Maori peaceful desires and a grateful confidence in the Legislature as "The Native Lands Act, 1865."

I have, &c.,

The Hon. the Native Minister,
Wellington.

F. D. FENTON
Chief Judge.