

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