Te Wheoro, as Commissioners. That Commission commenced its sittings at Napier on the 3rd day of February, 1873. The report bears date the 31st July, 1873. The report was not unanimous. Although Mr. Justice Richmond, as well as Judge Maning, disagreed with the opinions of the Native members as to the alleged frauds, yet he spoke without hesitation upon the method of individual land-purchase then and since in vogue. The learned Judge strongly disapproved of direct individual dealings between Maoris and Europeans. He advised that all conveyances made to Europeans should be by grant from the Crown. "It would be well," he writes, "that (1) the principal Natives should be required to sign on behalf of the community an instrument of cession into the hands of the Crown, for the purpose of making the proposed grant. A very brief memorandum on the Court's certificate would suffice." (2.) "This is only a legal form of enabling the chief men to act for the community as they have always done." (3.) The learned Judge unhesitatingly condemns the then existing law, especially as to individual dealings with common lands. (4.) He favours the appointment of trustees in every block. (5.) He advocates the ascertainment of tribal and hapu boundaries in every case by the Natives and the aid of some official before the Court is invoked. "The Court," he writes, "needs tentacula, wherewith to seek out and grasp for itself all the facts of the case. It would not be well to throw upon the Judges of the Court the duty of investigations which to be effective should be made on the spot. This is rather an administrative than a judicial function, and might be committed to some officer of the Native Department in each district, appointed for this duty by the Governor's warrant. A report of this officer in every application for a certificate of Native ownership, or of succession, should be presented to the Court. This report should be open to inspection by the parties interested, and should be confirmed, overruled, or remitted for amendment to the reporting officer, as the Court might think fit. *But there should be no jurisdiction to proceed without such report.* There is another reason for connecting an administrative department with the Court. The work of individualising Native titles, or, in other words, of partitioning the estates of the Native tribes, cannot be properly performed by a Court which initiates nothing, but proceeds, as the Native Land Court has hitherto done in most cases, only on application of some particular claimant." Wi Hikairo inferentially points out the advantage of public dealings and of the unanimous consent of the people to all sales or leases of Native land.

Mr. Justice Richmond's report was made on the 31st July, 1873, as was that of Hikairo. They were soon afterwards presented to Parliament. At that time "The Native Lands Act, 1873," was passing through its various stages. The 71st section of the Constitution Act provided for the maintenance of the customs and laws of the Natives among themselves. Sir George Grey had long before this given his opinion that individual dealing should not be permitted with tribal lands—as before stated, when Governor he had eulogized the runanga system as suited to the genius and customs of the Maori people; yet in August and September, 1873, Parliament deliberately passed a Native Land Act which established as the law of the land the individual system which Chief Judge Fenton had declared to be unknown and illegal, which Sir George Grey had inferentially condemned, and which Mr. Justice Richmond, appointed by Parliament, impeached in the strongest terms. It may be that Parliament intended that the tribe should act—indeed, the statute itself from one point of view bears out this contention; but the wording of the law makes it imperative that every individual in the community shall specifically enter into every contract.

The late Sir Donald McLean was peculiarly unfortunate, both in the wording of this Act and its administration. It is evident from the clear statement of Mr. Curnin, who, at the request and under the instructions of the then Native Minister, drafted the Bill, that Sir Donald McLean never intended individual interests, save where held in severalty, to be the subject of transfer. While believing that the disposal of the tribal title would be fettered by internal disputes, he was convinced that hapus or families would deal with their lands freely. His idea was to compel division of tribal estates into hapu or family holdings, and then push on to individual titles. He incorporated in the Act several of the recommendations made by Mr. Justice Richmond. Districts were to be created; District Officers were to be appointed, whose duty it was to ascertain the tribal and hapu boundaries, being assisted by the Maori chiefs, and to report to the Native Land Court. It was the duty of the Court to see that reserves of at least 50 acres were made for each man, woman, and child of the Maori race in the district, which reserves should be strictly inalienable. He contemplated a Domesday Book of the New Zealand Native estates being compiled whilst yet the old chiefs remained who could bear testimony to their ancestral rights.