

All this was vain. The tendency in the Act to individualise Native tenure was too strong to admit of any prudential check. Neither Parliament, nor Government, nor even the Court itself, paid attention to the above-mentioned principles of the Act. No District Officers were appointed; no reports were made; no Domesday Book, founded upon evidence fast dying out, was prepared; no reserves were set aside; no division of tribes into hapus before dealing was attended to: the desire to purchase Native estates overruled all other considerations. As the Native Land Court had, in 1865, misinterpreted the first Act, so now it allowed the intention of Sir Donald McLean to remain a dead-letter, and only helped to establish and perpetuate the system of individual dealing with tribal lands. The evil consequences were neither foreseen nor aimed at by Sir Donald McLean.

Having thus adopted a principle and a system so strongly condemned by all competent authorities, it is not surprising that evil effects followed. Thus the Legislature, by the Act of 1873 and all the amendments, repeals, and alterations thereto—and their name is Legion, for they are many—has with one exception—the Administration Act of 1886—for many years striven to establish, contrary to Native custom, a system of individual title to tribal lands.

The first effort made by the Government to establish individual title, as pointed out by Judge Fenton, led to a long and bloody war. The last has given rise to confusion, loss, demoralisation, and litigation without precedent. Several witnesses used the same term—"The result is chaos."

EVIL EFFECTS OF OUR SYSTEM.

For a quarter of a century the Native-land law and the Native Land Courts have drifted from bad to worse. The old public and tribal method of purchase was finally discarded for private and individual dealings. Secrecy, which is ever a badge of fraud, was observed. All the power of the natural leaders of the Maori people was undermined. A slave or a child was in reality placed on an equality with the noblest rangatira (chief) or the boldest warrior of the tribe. An easy entrance into the title of every block could be found for some paltry bribe. The charmed circle once broken, the European gradually pushed the Maori out and took possession. Sometimes the means used were fair, sometimes they were not.

The alienation of Native land under this law took its very worst form and its most disastrous tendency. It was obtained from a helpless people. The crowds of owners in a memorial of ownership were like a flock of sheep without a shepherd, a watch-dog, or a leader. Mostly ignorant barbarians, they became suddenly possessed of a title to land which was a marketable commodity. The right to occupy and cultivate possessed by their fathers became in their hands an estate which could be sold. The strength which lies in union was taken from them. The authority of their natural rulers was destroyed. They were surrounded by temptations. Eager for money wherewith to buy clothes, food, and rum, they welcomed the paid agents, who plied them always with cash and often with spirits. Such alienations were generally against the public interest, so far as regards settlement of the people upon the lands. In most of the leases and purchases effected the land was obtained in large areas by capitalists. The possession of wealth, or that credit which obtained it from financial institutions, was absolutely necessary to provide for Native agents, interpreters, and lawyers, as well as to distribute money broadcast among the Native proprietary. Not only was this contrary to public policy, it was very often done in defiance of the law.

Not that the men whose names were used and money expended were always to be personally blamed. Often ignorant of the means employed, they simply entered into the purchase of Native lands from a natural desire to become the owners of beautiful or fertile estates. To their agents was committed the task, always disagreeable and sometimes disgraceful, of completing the title. It was, and is, the result of the bad system which Parliament determined to enforce, that it exercised a baneful influence on all those who had anything to do with it. Other mistakes in legislation have produced disasters, but it is difficult to find a parallel to the evil consequences which have resulted in New Zealand as the fruit of a mistaken system.

Of all the purchase-money paid for the millions of acres sold by the Maoris not one sixpence is left. Their remaining lands are rapidly passing away. A few years more of the Native Land Court under the present system, and a few amended laws for free-trade in Native lands, and the Maoris will be a landless people.

But it was not only in the alienation of their land that the Maoris suffered. In its occupation also they found themselves in a galling and anomalous position. As every single person in a list of owners comprising, perhaps, over a hundred names had as much