

An analogous proceeding would be found in calling upon the Supreme Court to define the respective interests of every man, woman, and child in New Zealand in the waste lands of the colony, and then to proceed to partition, or, in the alternative, to make every person in the colony sign each lease or conveyance of a part of the public lands. When the colony was founded the Natives were already far advanced towards corporative existence. Every tribe was a *quasi*-corporation. It needed only to reduce to law that old system of representative action practised by the chiefs, and the very easiest and safest mode of corporate dealing could have been obtained. So simple a plan was treated with contempt. The tribal existence was dissolved into its component parts. The work which we have with so much care been doing amongst ourselves for centuries—namely, the binding-together of individuals in corporations—we deliberately undid in our government of the Maoris. Happily, there is yet an opportunity to retrace our steps, to get back into the old paths.

The evidence shows that both races are anxious to return as near as possible to the old system. What they require is that the principle of tribal, or corporate, dealing and action shall again rule, but that it shall be regulated and assisted by law.

During the constant stream of legislation some few attempts have been made to establish a different plan. Although Sir George Grey's runanga system was obliterated by the Native Land Acts, the principle which it contained still claimed adherents. In 1880 the East Coast Settlement Bill fell stillborn. Later on a Bill for dealing by committees was drafted by Judge Fenton, but it elicited no response. Mr. James Mackay drew an elaborate measure in 1887, which met the same fate. A memorandum was presented to the House of Representatives in 1885–86, by order of His Excellency the Governor, in which the question was shortly discussed. The Administration Bill of 1886 has already been alluded to. During the last two years of his life the late member for the Northern District, Mr. Sydney Taiwhanga, was indefatigable in his efforts to establish a Maori Council and to abolish all individual and direct dealings between Maoris and Europeans. The scanty knowledge possessed by the majority of members of the Legislature upon the subject of Maori lands necessarily caused considerable hesitation in interfering with a matter so little understood.

NATIVE LAND COURT GIVING TWO DISTINCT TITLES.

Titles given by the Native land law are indistinct and uncertain. In many instances Natives have sold to Europeans, and the title of the purchaser is registered under the Land Transfer Act. Then the property is divided in the Native Land Court, and a fresh title given to the Natives who have already sold. Thus two titles to the same land exist. The consequences are obviously disastrous.

NATIVE AGENTS.

There has arisen during the past few years a race of Native agents, or Maori lawyers, whose influence generally seems to have been pernicious. It may be that they are the necessary outgrowth of the existing system. Subject to no examination, governed by no laws or rules of procedure, controlled by no authority, known as "agents," "conductors," or "managers"—in Maori, *kaiwhakahaere*—they have established an almost complete control of the Native Land Court proceedings. Receiving in some instances under private arrangement fees as large as, sometimes larger than, those given to the leading counsel at the bar, it is felt that they are prone to prolong the cases in the Courts indefinitely. These gentlemen often give valuable assistance to the Courts, but still more often cause delays and expense. That many of these are men of integrity and talent is beyond question, but others are alleged to be unscrupulous and cunning.

NECESSARY FOUNDATIONS FOR NEW LEGISLATION.

Before submitting to your Excellency our advice and suggestions, several considerations present themselves. We are advising legislation affecting the land of great multitudes of a semi-savage race of whom the majority, including women and children, and old and ignorant people, are incapable of prudent management; yet this race comprises not a few intelligent and industrious persons, competent to act in all things upon their own responsibility. It is our opinion that, while the safety and welfare of the many should be insured, the independence of the minority ought to be encouraged, and inducements and assistance offered to others to enable them also to act for themselves. The young also should be taught not merely the ordinary school-tasks, but the industrial knowledge necessary to a useful life. For this purpose reserves should be made on an extensive scale.