

circumstances, as it enabled the Governor to constitute Courts for determining the proprietorship of Native lands. This measure received the Royal assent, and the General Assembly were empowered to repeal the 73rd section of the Constitution Act, which secured to Her Majesty the right of pre-emption over Native land.

A fresh Act was passed in 1865, the object being to provide the means of extricating the Native title from its existing entanglement, for reducing it to fixed rules, and subjecting it to the jurisdiction of regular tribunals, so as to provide a way by which the extensive unproductive lands in the hands of the Natives should be brought within the reach of colonisation. It was also hoped by its means the communistic habits of the Natives, which pervaded the whole of the institutions on which their social system was based, would be eradicated; and that, in giving to them the same individual ownership in land which we ourselves possessed, they would gradually lose their communistic character, and assimilate their social status to our own.

SYNOPSIS OF LEGISLATION AFFECTING THE ALIENATION AND DISPOSITION OF INTERESTS IN NATIVE LANDS FROM 1862 TO 1890 INCLUSIVE.

"The Native Land Act, 1862."

This Act was the first to provide a Court for the investigation into, and the determination of, Native-land titles. It also waived in favour of the Natives so much of the Treaty of Waitangi as reserved to the Crown the right of pre-emption of their lands, except in those cases where agreements were pending between the Crown and the Native owners for the cession of territory, or the acquisition of land by purchase and cession. By this abrogation of the treaty Europeans were enabled to deal directly with the Natives for their lands so soon as a certificate of title thereto was issued. This was the first step towards complicating the titles of Europeans to Native lands. The certificates referred to were merely deductions of ownership, with but limited rights of transfer. A purchaser could only acquire a good title, such as might be exchanged for a Crown grant, when all the Natives named in the certificate, if that instrument was in favour of individuals, and not of tribes or communities, joined in the transfer. Should, however, only a proportion of these Natives execute a transfer, the purchaser had to trust to their applying to the Court to partition their interests, which application the Court could, in its discretion, either approve of and effectuate, or refuse to do so. The Act did not, however, provide for the purchaser himself applying to the Court to ascertain, and allot to him, the interests which he had acquired.

The Act was seldom, if ever, brought into operation. Perhaps this was owing to so many of the Native tribes in the northern and western divisions of the North Island being in rebellion. There was also an Amendment Act passed in 1864, which merely gave the Governor power to increase the number of members forming a Court.

"The New Zealand Settlements Act, 1863."

This Act was passed in consequence of the many outrages upon life and spoiliations of property which had been perpetrated by rebel Natives. Its object was to provide for the defence of the European settlers and loyal Natives in disturbed districts, by promoting further settlement of Europeans. Eligible sites for such settlements were to be taken by Proclamation, and compensation therefor determined by Compensation Courts, except that no compensation was to be granted to any person engaged since January, 1863, in making war against Her Majesty, or who had aided any such persons, or been concerned in any outrage against persons or property, or who had refused or neglected to deliver up his or their arms on being required to do so after a certain day to be proclaimed. A return was made to the House of Representatives in August, 1866, of all lands proclaimed or taken from rebel Native tribes under this Act. The total was 3,255,787 acres, which included the confiscated lands in Auckland, Taranaki, and Wanganui. Of these confiscated lands, however, over 1,000,000 acres have since been restored, as reserves for friendly Natives and returned rebels. An Amendment Act was passed in 1864 giving extended powers to the Governor in Council in awarding compensation. The duration of both Acts was limited to the 3rd December, 1865.

"The Native Lands Act Amendment Act, 1864," contained only one clause, which gave the Governor power to increase the number of members forming a Court.

"The Public Works Lands Act, 1864."

This provided for Native lands required for public purposes being dealt with in the same manner as prescribed in "The New Zealand Settlements Act, 1863."