

tive. No lands were brought under its operation. The Maoris objected to being totally deprived of all authority and management of their ancestral lands, and therefore they refused to bring those lands under the Act.

The Act was repealed by section 4 of "The Native Land Act, 1888." The repealing Act revived free trade in individual interests in land. But cases decided in the Supreme Court and the Court of Appeal revealed dangers, and created uncertainty in regard to transactions between Maoris and Europeans under the Act of 1873, and in 1890 a Commission was set up to inquire into the position of these transactions. As a result the Legislature decided two years later to set up a distinct tribunal called the Validation Court for the purpose of inquiring into the *bona fides* of past transactions, which informalities and changes in the law had affected, and validating them.

The Commission of 1891 advised the appointment of a Native Land Board, to which would be delegated the sole power of leasing and managing tribal lands, under directions from Native Committees representing the owners of the various blocks. It expressed the opinion that "the public would thus be able to obtain land in many districts now locked up, in suitable areas, at inconsiderable cost, with perfect titles, and without delay."

It remains for us to sketch the progress of policy since 1891. The colony was concerned at that time with the insecurity of titles obtained by purchasers and lessees, revealed by the decisions of the Supreme Court. Validation Acts were passed (1892 and 1893), and a special Court constituted for the purpose of investigating the *bona fides* of transactions. In 1892 the pre-emptive right was resumed all over the colony, and the Government set about the purchase of Native lands in a systematic manner. The issue of a Proclamation that the Crown was in negotiation for the purchase of any Native land barred private dealings until the withdrawal of the Proclamation. The scheme was further amplified by "The Native Land Purchase and Acquisition Act, 1893," but that Act seems to have remained inoperative. It was not until 1894 that Parliament passed a general enactment. Section 117 of "The Native Land Court Act, 1894," prohibited private dealings with Native lands, but saved all the rights of the Crown. Provision was made for the completion of pending dealings. At the same time, in order to facilitate alienation and to overcome the difficulties of communal ownership, provision was made for the incorporation of the owners of a block or of adjoining blocks, and the appointment of Committees with full powers to alienate, subject to the consent of the Commissioner of Crown Lands for the district and the control of the Public Trustee over the proceeds of alienation.

In 1895 the Governor was empowered by Order in Council to except lands from the operation of the restrictive section 117 of the Act of 1894. There was thus centralised in the Government of the day the power (1) of deciding by Proclamation what Native lands should be acquired for general settlement, and (2) by Order in Council of deciding what lands of what Native owners should be sold, leased, or mortgaged to private individuals.

From 1895 to 1900, although there were numerous amendments made in the law, there was no change in policy. But the period is marked on the one hand by a vigorous prosecution of the purchase of Native lands by the Crown, and on the other hand by a constant use of the Governor in Council's power of excepting lands from the restrictions against private alienation. Subsidiary schemes for the settlement of Native lands were put forward and sanctioned by the Legislature, generally in the direction of consolidating in the hands of committees or of trustees the powers of alienating or of managing tribal lands, so as to overcome the difficulties of title inherent in tribal lands with large numbers of individual owners. Thus section 3 of "The Native Land Laws Amendment Act, 1897," empowered the Native owners to convey to the Surveyor-General or the Commissioner of Crown Lands or to some other fit person appointed by the Governor upon such terms as to sale, leasing, managing, improving, and raising money upon the same as may be agreed upon between the parties, or as may be declared by the Governor in Council.

In conjunction with the Native-land legislation of this period it must be borne in mind that the question of land-settlement generally had more than any other subject occupied the forefront of colonial politics. "The Land Act,