

New Zealand will see the justice of the view which I have stated upon this single point of objection, I have been reluctant, by a disallowance *in toto* of the Act, to entail the public inconvenience which might occur, and the long delay which must necessarily elapse, before legislative provision could be again made to meet the objects in view.

I have therefore laid the Act before Her Majesty, who has been pleased to leave it to its operation. Unless, however, the Legislature should consent to amend it by enacting that all regulations made in pursuance of the second clause shall be subject to disallowance by Her Majesty, it may be necessary to consider under what conditions your assent could be properly given to them, and it may be necessary to require, previous to such consent, that any rules which could by possibility give occasion for dispute or discontent among the Natives should contain a proviso either suspending their operation till the consent of the Home Government is obtained, or (which would probably be more convenient) expressly empowering the Crown to disallow them.

To the Acts numbered 42 and 79, I see no objection. The former has therefore been left to its operation by Her Majesty, and the latter (which is reserved for the signification of Her Majesty's pleasure) will be confirmed by order in Council.

I much regret that I have not been able to advise the same course respecting the Act No. 80, which appears to me open to various important objections. In the first place the proposed issue of Certificates of Native Title under the express authority of the Colonial Government involves important questions which are not adverted to in your Despatch. It is no doubt most desirable that the disputes of the Natives respecting the right to land should no longer be settled by arms, and that the occupation of land in severalty by the Natives should be encouraged. But with regard to the plan which is submitted to me for this purpose, I am bound to ask myself whether in case the decisions of the Governor in Council on titles to land should be resisted by the Natives, the British Government are prepared to promise such a military force as may be sufficient to enforce them. If any such expectation could be held out, it would be clearly necessary that the decisions which imposed so much responsibility and expense on the Home Government should be taken by an officer solely responsible to that Government and not to the Colonists. If (as is the case) no such expectation could be held out, it is more than questionable whether the moral influence of the European Government would not suffer, by the issue of Certificates of title which the Natives would be at liberty to disregard with impunity.

It appears to me therefore in every respect better that the establishment of tribal and other titles, and the acquisition by individual natives of property in severalty should be facilitated, not by the issue of formal documents appearing to rest on the authority and involve the guarantee of the Government, but by the cautious enactment of rules respecting the occupation of land which are contemplated in the second section of the Act No. 41.

I perceive, however, that the proposed scheme has a further object, and that it is intended to furnish a means of ultimately enabling individual colonists to purchase the landed property granted in severalty to individual Natives. There can be no doubt that the passing of the present Act would be very speedily followed by a change, or rather revolution in the system of land purchase in the direction indicated by your advisers. But such a change, I conceive, to be in the highest degree unadvisable. The present system of land purchase appears, as far as I can judge, to be understood and acquiesced in by the Natives, and to be working well for the Colony, while the pecuniary difficulty suggested by your advisers is one which it is in the power of the local legislature to provide against.

On the other hand, the system of individual purchase is, to say the least, opposed to the spirit of the New Zealand Government Act (15 & 16 Vic. C. 72, S. 73), and it is open to important objections in point of policy; it offers no sufficient guarantee for the fairness of the negotiations which have preceded the transfer; it invests the Government with a discretion in respect of sanctioning purchases which can scarcely be exercised without incurring the suspicion of favouritism—it will encourage speculators to anticipate (and thus obstruct) the progress of settlement by appropriating choice and commanding spots of land within the Native territory, and induce an intermixture of European with Native lands calculated to cause confusion and inconvenience. I hold it therefore far more advisable that Government should purchase territories, than that individuals should purchase properties, so that the line which separates the purchased lands on which European law is to prevail, from the unpurchased on which the Native usages will continue to subsist, though always advancing, will be broad and unequivocal.

I also feel strongly the probability that the proposed tax of 10s. an acre on every sale may rouse the distrust of the Natives, and that the proposed mode of sale while it encourages individual land jobbing among one class of the Natives, may irritate others who see the lands which have belonged to their tribe passing from within their reach without themselves receiving their share of the profits.

It indeed the Imperial Government were prepared to depart from the arrangements already sanctioned, and to transfer the management of Native affairs from the Governor, acting under instructions from this country and through a staff of permanent officers to an officer responsible to the Colonists, and changing with the Government, it might be considered that the system of land purchase from the Natives was to be decided upon, by Colonial and not Imperial authority. But this view of the subject I am not able to accept; Her Majesty's Government wish to give the fullest effect to the system of Responsible Government, and to leave all questions of domestic and internal interest to be decided by the Colonial Government, but they cannot either for the sake of the Colonists or for that of the Natives or for Imperial interests, surrender the control over Native affairs, the administration of which, considering the difficulties and intricacies of the subject, crowned