

These are the sole restrictions on the powers of the General Assembly; and it would appear that there is nothing which forbids it to legislate respecting land owned by Natives, as *individuals*, supposing that such individual proprietorship were established.

If, however, it should be thought desirable that the absolute restriction upon the sale of land by the Natives to the Europeans, should be remitted, an Act of Parliament could be passed containing a single clause to that effect.

Beyond this, it is perfectly obvious that Parliament can confer no power on the General Assembly which it does not already possess.

Before touching on the effect of this Bill, now before Parliament, it is desirable to call attention to the conduct of Native affairs by the Government of New Zealand up to the present time.

Up to the year 1854, when the Constitution Act was allowed to come into operation by the calling together of the General Assembly, the Native policy of the Colony was conducted solely by the Governor in person.

It does not appear, from a reference to the New Zealand statute book, that much had up to that time been achieved or even attempted towards founding institutions or introducing the laws and customs of civilization amongst the Native race. The dealings with the Natives by successive Governments have been of the most irregular, frequently illegal, description. And when the late Governor left the Colony, it was a matter of surprise to his successors in power to find the want of system and settled policy which still reigned in the conduct of Native affairs.

It is a matter greatly to be regretted that the habit of successive Governments has been to represent the settlers as hostile to the Natives, and the Government as essential to the maintenance of peace: whilst, as a matter of history, it is a fact that all the disputes with the Natives have commenced, I believe, almost without exception, with the Government and its agents, whilst there has been no instance of the settlers embroiling the Government with the Natives.

In 1854 the first Ministry proposed to establish a proper department for the conduct of Native affairs, under the management of a responsible Minister; and that plan was frustrated only by the resignation of the Ministry. In 1855, when the present Governor arrived, a new Ministry was constituted; but the Governor retained in his own hands, in virtue of his instructions from the Home Government, the conduct of Native affairs. The withholding of this department from the ordinary government of the Colony is defended upon the grounds: 1. That the Native policy involves the use of the Queen's troops, and occasions expenses which may fall upon the English tax-payer; and ought therefore to be in the hands of the Governor, who is the representative of the mother-country. 2. That the Natives are the subjects of the Queen not of the settlers, and have recognised the Sovereignty of the Queen, but not of her English subjects. But the answer to both these points is obvious. 1. That however much the Home country may be interested in the Native proceedings, the colonists are very much more interested, and have therefore, *a fortiori*, a right to a larger share in the direction of the Native policy of Government. 2. That free institutions were granted to the Colony, not to gratify dilettanti politicians, but because it was believed that better government would result. And that, unless the whole doctrine of free government be a mistake, the Native Department will be better conducted, and by better men, under a sense of public responsibility than by a clique of secret advisers of the Governor.

Governor Browne appears to have recognized the justice of these views to a certain extent, by placing the nominal conduct of Native affairs in the hands of one of the responsible Ministers, although retaining his ultimate decision in all action adopted. By this arrangement the Ministers, without having an absolute control over the Native Department, have a full acquaintance with its proceedings, and can resign, should a policy in their opinion mischievous, be adopted.

A glance at the Statute Book of the Colony will shew that, no sooner had the Ministry obtained even this *quasi* control over Native affairs, than a new and most wise and enlightened Native policy was inaugurated. The laws which were passed in the Sessions of 1856 and 1858 are a complete and triumphant reply to those who imagine that a desire to improve the Native race is the peculiarity of *Governors*, and meets with no sympathy in the popular Assembly of Colonists.

The most prejudiced person cannot fail to observe how more important is the legislation on Native affairs by the General Assembly than by all former Governments. Reference may be made in evidence of this assertion to the "Native Districts Regulation Act," the "Native Circuit Courts Act," the "Native Schools Act," the "Bay of Islands Settlement Act," &c., and to other Bills which it is to be regretted have been disallowed or dropped.

It is also to be remarked, that the Constitution Act reserves from the control of the Assembly, and places upon the Civil list at the disposal of the Governor, the sum of £7000 a year, to be expended in Native affairs. The feeling which dictated this reserve was one of mistrust and jealousy of the public Assembly, and fear that it would refuse the supplies necessary for the Native Department. How has the House of Representatives responded to this mistrust? By munificent annual votes for Native purposes, in addition to the sum so reserved on the Civil list. In 1858, a sum of £7000 a year was voted for seven years, for the maintenance of Native schools, in addition to the Civil list and a variety of votes for other Native purposes.

I claim, then, for the present Ministers and for the present Assembly, the credit of inaugurating a far more liberal, generous, and far-seeing policy, in respect of Native affairs, than was ever contemplated by any Government which has preceded it in New Zealand.

In the land question, too, that most complicated of all Colonial questions, I claim for the General Assembly a political sagacity, which has only been frustrated by the disallowance of their Acts.