

I beg special attention to a few words on the land question, which is the subject of the present war in New Zealand. By the treaty of Waitangi the Native Chiefs granted to the Crown the right of pre-emption of their lands. And it has ever been held to be the law of England, that her subjects could not acquire rights of property in land from savage tribes except through the Crown.

But the Native has awakened to the fact, that his lands are bought by the Governor at a few pence an acre, and immediately after are sold by the Governor to the settlers for twice as many shillings. There are various feelings amongst the Natives on this point. Many, no doubt, would be glad to sell land at a market price to the settlers. There are others who would not sell it at any price to the Government, and are in a league to prevent its further alienation. It is probable that the latter feeling is occasioned in a great measure by the obvious unfairness of the present system. It is thought by many of those best informed, that it is impossible now to continue buying lands from the Natives at rates so much under the market prices; and that the time has arrived, when, if we are to live on good terms with the Maories, the Government must give up this monopoly, and allow of sales to settlers at the market price. Restrictions are necessary to provide against the Maori selling without a clear title to his land; and also against the unscrupulous land sharking of those who would take advantage of such an opening of the trade. The best judges are of opinion that this may be done; and with a powerful legislature on the spot to check abuses, there would probably be little danger. But even to effect this no change in the law is absolutely necessary, because the Constitution Act only forbids sales by Natives without the Queen's consent and acceptance of the title, and that, the Governor can always supply.

The General Assembly commenced a line of policy tending to this result by passing an Act last Session which would have had the effect of individualising by degrees the present tribal title of the Natives. This admirable law was unfortunately disallowed.

Parliament can do nothing in this matter which the Local Parliament cannot do better.

The Bill now before Parliament proposes to do three things.

1. It empowers the Crown to set aside certain districts in New Zealand within which the Native law is to be maintained instead of English law.
2. It empowers the Crown to appoint a Council for Native Affairs.
3. It bestows on this Native Council very large legislative and executive powers within the Native districts.

Of these it will appear that *the first is superfluous*, because it is simply the repetition of a power already given to the Crown by the Constitution Act.

*The second is dangerous*, because it supplants the ordinary Government, and makes two antagonistic bodies in the Colony.

*The third is unnecessary*, because it does only that which the Local Parliament can do if requisite.

It is now some years since I first proposed to the Government a plan very similar to that now aimed at, but in that proposal there were two features which the present wants.

1. There were to be Native Chiefs on the board.
2. It was to be constituted by the General Assembly of the Colony, and therefore subject to its general control.

The Board now proposed to be constituted is to be an entirely *irresponsib'le*, probably a secret Board, which is to be independent of the ordinary Government of the Colony. It is to entirely supersede the General Assembly over two-thirds of the Northern Island, and it would seem inevitable that it must come into perpetual collision with the ordinary legislature.

The reserve of Native Affairs from the control of the Ministry has already been the occasion of much difficulty, and a good deal of jealousy. The House of Representatives with remarkable prudence has declined a contest on the subject, has acquiesced in an arrangement which recognises to a certain extent its interest, and admits of its indirect control; and it has done so because the present arrangement is obviously a temporary one.

But this Bill proposes to stereotype and enforce in perpetuity an arrangement which is now only felt to be tolerable because temporary. It makes the Governor and his nominated Council absolute for half the Colony. It restores all the evils of nomineeism which it has been the struggle of late years to sweep away. The General Assembly is no longer to be the Parliament for the Colony, but only for the English settlements. The Constitution Act is to be repealed for half the Colony.

As one who has taken a share in the government of the Colony for some years, I most earnestly protest in the passing of this Bill, *without the knowledge of the Colonists*. Their lives and fortunes are involved in this measure. They are totally ignorant that any such measure was about to be proposed, and they ought to be allowed time to petition Parliament on the subject.

There is no instance upon record in which Parliament has interfered to destroy or curtail the rights of a free Legislature, unless compelled thereto by the call of pressing grievances. In the present case no grievance exists, or has even been alleged.

I cannot regard the consequences of this Bill without alarm: because, in the first place, it is most unlikely that any Ministry will be found who will take the responsibility of governing the country with the Native policy wholly beyond its grasp. I therefore fear a permanent lock in the government of the country.

Secondly, No such Board as this can sit and act without funds; and knowing the feeling and temper of the General Assembly, I do not believe that one penny will be voted for Native Affairs if the Native policy is permanently taken out of its hands. It cannot therefore be too distinctly urged upon Parliament, that if it determines to take these matters out of the hands of the General Assembly, it must at the same time vote the supplies necessary for maintaining this Native Council, and carrying into effect its policy in New Zealand.