

4. To investigate and to make Rules respecting the Investigation of Native Titles, and to issue Certificates of such Titles when duly established; provided always, that no such Certificate shall, without consent of the General Assembly of New Zealand, confer the Power of alienating the Lands to which it refers : To investigate and certify Native Titles.

5. To prescribe Rules under which "Native Lands" may be leased by the Native Owners; provided always, that no such Lease shall, without Consent of the said General Assembly, be for a longer Period than Five Years : To make Rules respecting the leasing of Native Lands;

6. Subject to the Provisions of Section Seventy-three of the above recited Act of Parliament, to make Rules respecting the Terms on which, and the Mode in which, the Extinguishment of Native Titles to Land shall be effected, and respecting the Use, Occupation, and Management of such Parts of the said Land as they the said Council shall think fit to reserve for the Use of the Native Owners, and respecting the Division among the said Owners of so much of the Purchase Money as may be divisible among them as Individuals, and to administer or make Rules for the Administration of so much of the said Purchase Money as shall be payable to the said Owners as Tribes or Communities : And respecting the Extinguishment of Native Titles.

7. Subject to such conditions as may from Time to Time be imposed by Authority of the General Assembly of New Zealand, to issue or make Regulations for issuing Crown Grants conveying to Native Owners an alienable Title to their Lands, and to prescribe the Provisions to be contained in such Grants : Subject to Acts of Colonial Legislature, to make Rules respecting Issue of Crown Grants to Natives.

8. Subject to such Conditions as aforesaid, to borrow Money on Security of the Funds to be derived from the Sale or other Disposal of Native Lands acquired under Authority of this Act, and to charge such Proceeds with annual Payments for the Benefit of the Native Owners : And to borrow Money.

9. To appoint Committees of their own Body, and to associate with such Committees Persons not being Members of the said Council; provided always, that every such Committee shall be *ipso facto* dissolved Twelve Months after the Appointment thereof, and that every Member of a Committee holding office under the New Zealand Government shall, on vacating his Office, cease to be a Member of such Committee : To appoint Committees.

10. To make all such Rules as may be required for the proper and effectual Exercise of the Powers and Functions herein conferred upon them, and for the Guidance of Committees appointed by them and of Persons acting under their Authority. To make Rules of Procedure.

VI. Until otherwise provided by such Instructions or Rules as aforesaid, all Questions coming before the Native Council shall be decided by a Majority of Votes of the Councillors present, the President having a Casting Vote in addition to his Vote as Councillor; and every Act or Resolution of such Majority done or passed at a Meeting of the Council summoned by the President shall be deemed to be the Act or Resolution of the Council. Questions to be decided by Majority of Votes.

Enclosure No. 2.

MEMORANDUM

Relating to the conduct of the Native Affairs in New Zealand, as affected by a Bill now before Parliament.

In the year 1852, a free Constitution was established by Act of Parliament in New Zealand, by which the General Assembly of that Colony, consisting of the Governor and the two Houses, was empowered to "*Make Laws for the Peace, Order, and Good Government of New Zealand.*" Upon the exercise of this plenary power of legislation, there were no restrictions imposed in respect of the affairs of the Native inhabitants, other than those contained in the 71st and 73rd clauses of the Constitution Act. It cannot be pretended that any power is wanting to the General Assembly of the Colony to legislate for Native affairs, provided only that the provisions of the clauses above mentioned are not violated. The Natives and Europeans have precisely the same privileges in respect of voting for, or becoming members of the legislature. The Constitution was, on the face of it, intended to confer a free government upon both races, European and Maori, although some time must inevitably elapse before the Maori could take advantage of rights peculiar to a civilized people.

The cases in which the Natives are dealt with exceptionally are,

1. By the 71st clause, the Queen (or the Governor by delegated powers, see clause 79) may set aside districts in which the Native laws and customs may be preserved, notwithstanding their repugnancy to the laws of England or of the rest of the Colony.

2. By the 73rd clause, the Queen alone (or by delegation the Governor of the Colony, or the Superintendent of a Province) may "*purchase or otherwise acquire or accept from the Aboriginal Natives, land of or belonging to, or used or occupied by, them in common as Tribes or Communities.*" All sales, gifts, or leases of such land, are made null and void, unless entered into with, and accepted by, the Queen.