

The Dominion must be reconciled, for very many years to come, to the continued existence of the special tribunals created to deal with Native-land titles. The process of individualisation (with the attendant incidents of succession by will or on intestacy) must go on wherever the value of the land makes it desirable. At the same time the consolidation of scattered individual or family interests by series of exchanges into compact holdings must become more and more an important feature of the work of the Court. Its special functions will not cease until the Maoris as a whole are competent to understand the system of European pleadings, or have readier access to the Land Transfer and Deeds Registration Offices.

3. *Consolidation of Native-land Laws.*

We considered that it would be beneficial if the various Native-land laws, amounting to more than sixty different statutes, were consolidated. We have done part of this work, but we regret that the time at our disposal—namely, to the end of this year—will not suffice to finish this important undertaking. It was not referred to us by the terms of Your Excellency's Commission, but we were impressed from the first with the necessity of such a consolidation.

In our opinion, however, the Native Land Acts cannot be consolidated in the proper sense. There are so many conflicting provisions, so many sections worded in a general way yet passed for special and often temporary purposes, that consolidation, properly so called, would be impossible. To take one or two instances: The interpretation of "Maori land" or "Native land" varies with each Act that is passed. What is "Native land" for the purpose of one Act differs from the same by a qualification or a limitation of meaning when applied for the purpose of another Act. So with the definition of a "Maori" or a "half-caste." What is required is an Act or a number of Acts repealing existing general enactments and re-enacting same with necessary amendments.

It will be found that at each step in the construction of the new measure or measures questions of policy await the decision of the Government and of Parliament. To deal with one department of the Native-land laws—that concerned with the investigation and determination of titles—the rules with regard to succession and the effects of wills and adoption need revision. In cases of intestacy, is the estate to go indiscriminately to the next-of-kin, or should there be an equitable distribution having regard to the value of the inheritance and the number of successors? We have known of a case where an interest of 20 acres, leased at an annual rental of 6d. an acre, was awarded to forty-three successors, from whose first year's rent the sum of 7s. was deducted for the order and swearing-fee! As the years go on, cases of the kind must multiply, for the movements of the Maori people are bringing about an intermixture of the tribes, a widening of kinship, and therefore an extension of the area of search for next-of-kin. A policy of individualisation or of consolidation of interests by exchanges may be ignominiously defeated by a conservative adherence to the present Native Land Court custom of succession. In regard to wills, the question arises whether wills should not be made to affect restricted lands—whether they should pass the estate of a Maori to a European. These and other questions will arise, and demand a revision of policy at every step in the "consolidation." There is more debatable ground when the laws relating to the alienation of Native lands come under consideration. The battle of policies has waged upon and round this, and the result is only too evident in the measures on the statute-book. A consolidating measure would be valuable as an effort to take stock of the progress made along many lines up to the present. The supporters of the rival policies will probably find that the experience of years has produced a workable compromise, sufficiently elastic to meet the various elements of an intricate problem and the special circumstances of the Maoris in the different districts, though not entirely satisfactory to either party.

In our general report dated the 11th July, 1907 (G.—1c, 1907), we gave an exhaustive review of past policy and legislation, and made a number of recommendations, some of which have been adopted in "The Native Land Settlement Act, 1907." We refer to it here for the purpose of repeating an opinion we then expressed—namely, "To our minds what is now the paramount consideration—what should be placed before all others when the relative values of the many elements that enter