

FURTHER PAPERS

RELATIVE TO

NATIVE AFFAIRS.

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*(In continuation of Papers presented on the 4th June, 1861.)*



## FURTHER PAPERS RELATIVE TO NATIVE AFFAIRS.

COPY OF A MEMORANDUM BY HIS EXCELLENCY GOVERNOR GORE BROWNE, C.B.

25th May, 1861.

The near approach of a Session of the Assembly seems a proper occasion for the expression of my views generally on Native Affairs; but, in stating them, I shall avoid details, and confine myself to an indication of subjects demanding notice and consideration. NATIVE AFFAIRS.

2. So long as the dangerous element contained in the King Movement remains unsubdued, so long will any assistance offered to the Natives, in their search for better Government, be received with indifference, and attended with little or no result; but when the supremacy of the Queen is fully established, the first step to be taken should be the initiation of a system by which the Natives may be governed through themselves.

3. I entirely agree with the House of Representatives in thinking "that institutions for the Native people ought to be based on their free assent, and committed to their guardianship;" that Native territory should be divided into districts, and, if possible, one or more Chiefs in each, appointed to act as organs of communication with the Government; that the Runanga lawfully constituted should have power to recommend regulations for the local affairs of the district; that measures ought to be taken for the ascertainment and registration of tribal rights.

4. With this view a circular letter should be addressed to the most important Native settlements informing them when and where the next Conference will be held, inviting the tribes to send delegates empowered to express the opinion of their constituents, and indicating as many as possible of the subjects which will be proposed by the Government for their consideration. Among these subjects the following should be included:—

I. Are the Natives in properly constituted districts, willing to acknowledge any particular Chief, who shall be the organ of communication between them and the Governor, and to whose authority they will submit?

II. Are they willing to receive the visits of a European officer, and accept his advice?

III. Do they wish that a fixed number of Assessors should be nominated by the Runangas subject to a veto by the Governor, or would they prefer that Assessors should be nominated by the Governor, as at present?

IV. Will they declare the whereabouts of the Hapus belonging to their tribe, and give a list of the families which compose each Hapu, and the names of the Chiefs who represent it; and if this can be effected, will they be further willing to register the boundaries of the land belonging to each Hapu, with the names of the Chiefs whom they wish to act as Trustees of such land for them, —an assurance being then given that no purchase would be made within those boundaries without the assent of the Trustees so registered?

V. The equality of rank among so many of the Chiefs, and their extreme jealousy of each other, are likely to offer the most serious obstacles to the recognition of either single Chiefs or Assessors; but, if it is possible to overcome these difficulties the relations between the Government and the tribes will be much improved, and, ultimately, the administration of justice will be greatly facilitated.

VI. The payment of Assessors is a question of great difficulty. At present, a number of men are paid £10 a year, which is not sufficient to secure their loyalty, and even the larger salaries which are given to some often create jealousies and cause dissatisfaction. This, however, would be greatly simplified, if a system of election (subject to veto) were authorised and accepted.

VII. Believing as I do that real civilization of the Natives is impossible so long as their communal title continues in its present form, I am most anxious to induce them to register the lands belonging to their different Hapus as being a great advance towards individualization of property and the removal of disputes attending the alienation of land.

VIII. The power to clothe Native Title with a Crown Grant must be delegated to some one, if we desire to see communal title really extinguished, numerous cases have already occurred—more particularly in the Middle Island—in which the want of this power has been greatly felt. If the Assembly be unwilling to confer this power upon the Governor, any legislation on the subject must necessarily be reserved for the consideration of Her Majesty's Government (*vide* Lord Carnarvon's Despatch, No. 34 of 10th May, 1859.)

IX. The opinion of the three Judges has been given in reference to the establishment of a tribunal, having jurisdiction in disputes relative to land over which the Native title has not been extinguished. They have not entered upon details, but it occurs to me that a judicial officer (query a Judge) residing in Auckland should have power to issue a Commission enabling the holder to associate two Native Assessors with himself, and then to empanel a Jury, as advised by the Judges. I am myself inclined to think that the decision of a Commissioner, with disinterested Native Assessors, would be safer and more likely to decide impartially than a Maori Jury; but I hesitate to advise anything not exactly in accordance with the opinion of the Judges, such a Court, however constituted, would be powerless unless both parties consent to abide by its decrees, but time and experience might give it additional influence.

X. A much larger staff of European officers will be required if the Government really undertakes the civilization of the Maori people. At present, the difference of language places communication with the Maories in the hands of the religious bodies and a very small number of settlers; few of the latter being willing to enter the Native service. The consequence is that Government is dependant on a very few individuals, and in many places is almost unknown by the Natives.

XI. Some of the most populous Districts—such as Hokianga and Kaipara—have no Magistrates resident among them; and many—such as Taupo, the Ngatiruanui, Taranaki, and the country about the East Cape have never been visited by an officer of the Government. The residents in these Districts have never felt that they are the subjects of the Queen of England, and have little reason to think that the Government of the Colony cares at all about their welfare.

XII. In the Hudson Bay territory, and in other Colonies where the Europeans have assumed the duties connected with the Government of partially civilized tribes, it has been found necessary to have officers regularly trained and educated for those duties; the Government relies on these officers for information, and for the steady maintenance of the influence by which the civilization of such tribes may be permanently improved. In New Zealand the Government is, and always has been, unable to perform its duty for want of a sufficient number of Agents so trained and qualified for the service required of them. In a short time, many of those on whom we now depend will cease to be available, and then there will be very great difficulty in replacing them. I am, therefore, strongly of opinion that the Native Department should be entirely remodelled; that a Native service should be established, and that increase of pay and advancement should be offered as a reward for fidelity and efficiency. Without some such system the Government will never be able to take its proper part in establishing institutions for the Native race, or obtain any real hold upon their confidence.

XIII. The establishment of a central school for the instruction of Assessors in the practice of the rudiments of our law is also another subject which I strongly recommend for consideration. Instruction in Maori, &c., &c., might be given, at the same Institution, to young men wishing to enter the Native service.

XIV. The education of the Maoris has hitherto been entrusted solely to the religious bodies, and the effect has been necessarily confined to certain districts. There is no school at all north of Auckland; no school has ever existed in many of the most populous places—more particularly in the Ngatiruanui country; and in one school only is any attempt made to give instruction in agriculture. Government is not less bound to care for the secular instruction of its people than the Church is for their religious teaching.

XV. To feed and clothe the pupils, as practised by the religious bodies, would require too great an outlay to admit of general adoption; but school-masters (having a knowledge of agriculture) might be appointed to reside in Native kaingas; we should thus take education to the homes of the Natives, instead of bringing the children away for a short period, and then leaving them to relapse into former habits when they return to their own people.

XVI. The system of purchasing land requires alteration. I do not enter into this subject, as my views are explained in my printed Despatch (No. 80, of 29th September, 1859).

XVII. Roads (not necessarily metalled) through Native districts are absolutely necessary for the progress of civilization and the maintenance of peace. The Assembly should, therefore, be asked to make advances for this purpose.

In conclusion, I will recapitulate my opinions briefly;—

1. Elicit the views of the Natives at the next Conference, and be guided by their wishes as far as possible.

2. If they will consent to the appointment of Chiefs (acceptable to themselves) to be organs of communication with the Government, give these Chiefs proper salaries.

3. In districts where Chiefs are so appointed, attach an English officer to each in order to act as his adviser, and assist him in the administration of justice.

4. Where this plan cannot be introduced, appoint a European Magistrate to act as adviser to the Runangas, and to make regular circuits through each district, accompanied by one or two Assessors. Policemen will also be required in each district.

5. Constitute Runangas legally, and allow them to make rules and elect Assessors, subject, in both cases, to approval by the Governor. The rules, when approved, to be carried out by the Assessors, under advice of the Magistrate.

6. Divide the Native territory into geographical districts, and appoint a European officer to reside in each district, as above stated.

7. Establish a central school for the instruction of Native Assessors in the rudiments of the administration of justice, and for instructing young Englishmen desiring to fit themselves for employment in the Native service.

8. Remodel the Native service, and increase the number of officers.

9. Open registers for land belonging to Native communities entering therein the names of Trustees where such communities shall be willing to appoint them, engaging that the land so registered shall not be bought by the Crown without the consent of the said Trustees.

10. Pass an Act giving power to issue Crown Grants in commutation of the Native tenure to land.

11. Establish a tribunal to which resort may be had for the determination of any questions in difference relating to land between the Crown and any Natives, or between the Natives themselves.

12. Give secular instruction (including the rudiments of agriculture) in the Native kaingas.
13. Alter the system of purchasing land—(see printed Despatch, No. 80, of 1859)—and for the present, purchase only in districts which remain undisturbed.
14. Make bush roads through the heart of the Native districts—more particularly through the Waikato to Taranaki, and thence to Whanganui.

T. GORE BROWNE.

Government House,  
Auckland, 25th May, 1861.

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