

COPY

A.—No. 12.

OF

MEMORANDUM BY MR. FOX,

ON THE

UNFULFILLED PLEDGES TO THE NGAITAHU TRIBE

WITH RESPECT TO THE

EXTINCTION OF THEIR TITLE TO LANDS IN THE SOUTHERN
PROVINCES.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1866.

MEMORANDUM BY MR. FOX.

MEMORANDUM on Mr. Henry Clarke's reports of 28th and 30th September, on condition of Ngaitahu tribe and pledges given to them on the extinction of their title to their lands in the Southern Provinces.

Till the month of November, 1863, the Imperial Government reserved to itself the management and control of Native Affairs, and the sole responsibility for their administration. At that date the Colony accepted such responsibility in the terms of the Duke of Newcastle's despatch of April, 1863, and took upon itself the obligations of the Imperial Government towards the Natives. The Colonial Secretary who took office at that period lost no time in despatching to the Middle Island an experienced and able officer of the Native Department, Mr. Henry Clarke, with special instructions to inquire into the condition of the Natives in the Otago Province, and to ascertain what pledges had been made to them on the sale of their land to the Government many years ago, and how far these pledges had been fulfilled. The Colonial Secretary had previously had his attention directed to the subject, but had never been able to get specific information upon it. So soon however as the Colonial Secretary assumed this function of administering Native Affairs, he felt that he was bound to take immediate steps towards redeeming the unfulfilled pledges given on behalf of the Imperial Government so many years before, and which had been allowed so long to remain a dead letter.

Circumstances prevented Mr. Clarke reporting till the Ministry had placed their resignations in the Governor's hands. After that event it would have been wrong to have taken action in a matter of great consequence involving at least one important appointment and plans requiring large expenditure. The matters must therefore stand over till the formation of a new Government, but the Colonial Secretary places on record his opinion as to what ought to be done, and ventures to express a hope that steps will be taken at an early date to redeem the unfulfilled pledges of the Imperial Government referred to.

The first step which the Colonial Secretary would have taken (had it fallen to him to act on Mr. Clarke's report) would have been to appoint a Commissioner for the Canterbury and Otago Provinces, to reside in one of them, and subject to instructions from the Colonial Government, to administer all Native affairs there. He would in consequence of the extent of territory though it is but sparsely inhabited by Natives, require at least one Resident Magistrate, an Interpreter, Clerk, and perhaps other officers to assist him. An officer of the Native Department already well acquainted with the Ngaitahu tribe would have been offered the Commissionership.

The first duty of the Commissioner after his appointment should be to devise and recommend the specific plans by means of which the Government should advance the civilization and social progress of the Ngaitahu in the manner in which the Representative of the Imperial Government contracted with them that it should be done, when they bought and took possession of that portion of the Middle Island which now forms the Provinces of Otago and Canterbury. Considering the great length of time during which faith has failed to be kept with the Natives they are entitled to a very large amount of arrears, and the Government should propose to the Assembly no niggard vote for the purpose. Since the pledges were given a whole generation has run to seed without receiving the benefit of that culture which was promised. No reparation can be made now for this neglect, but it should be remembered when action is taken, and it should prevent any murmur at the appropriation of what might under other circumstances appear too large an appropriation of the public money, to a small remnant of a tribe which once owned three-fourths of the Middle Island.

A question for the Legislature arises in connexion with the subject in a financial point of view. The Commissioner who extinguished the Native title on the part of the Imperial Government to the greater part of the districts referred to, has expressly stated that the pledges given were the main consideration for the sale of the land. It seems only just that the recipients of the land should bear the burden of the fulfilment of the pledges for which it was sold, and that either by legislation or otherwise, the cost of carrying out the plans referred to ought to be made a charge on the Provinces which have been formed out of Ngaitahu territory.

W. Fox.

15th November, 1864.
