

*Appendix A.*

*Mr. Richmond's  
Memorandum  
29 Sept., 1858.*

17. The Ngapuhi, who inhabit this part of New Zealand, are perhaps the finest of its Tribes. They have been longer and more closely in contact with Europeans than any other, and are at the present time more loyally disposed, and more anxious to promote European settlement. It is hoped that the present scheme may induce them to ascend another step in the social scale, by acquiring separate holdings in an European community, the local affairs of which will be administered by old and experienced settlers, individually known to the Natives for a long series of years, and possessing a thorough knowledge of their character.

*v.—Individualization of Native Title, "Native Territorial Rights Bill."*

*Remarks by the Governor—  
Vide my Despatch, No.  
103 of 15th Oct., which  
covers this Bill.*

18. The "Native Territorial Rights Bill" affects the most difficult and delicate question with which the British Government in New Zealand has to deal; and the Legislature in touching on it has shewn a corresponding caution.

19. The subject has two aspects: the one relating to the civilization of the Natives, the other to the promotion of the settlement of the country by Europeans. Ministers hold that these two objects, truly viewed, are ultimately inseparable. The purpose of the measure is, however, to place in the hands of the Government a new and powerful instrument for the civilization of the Natives, and by no means to increase the immediate facilities for the acquisition of land by Europeans.

20. It is notorious that the most frequent and bloody Maori feuds arise, and have always arisen, from disputed title to land. The four existing quarrels which have been referred to have all this origin, and others that could be mentioned, are at this moment smouldering. It is equally indisputable that the communistic habits of the Aborigines are the chief bar to their advancement. Separate landed holdings are indispensable to the further progress of this people. Chastity, decency, and thrift cannot exist amidst the waste, filth, and moral contamination of the Pas.

21. In order to strike at the root of these evils, the Bill provides,—first, for the ascertainment and registry of Tribal Title; secondly, for the issue of Crown Grants to individual Natives of lands ceded for the purpose by their respective Tribes.

22. The propriety of making at least an attempt to provide means for the extrication of Native Title from its present entanglement, for reducing it to fixed rules, and for subjecting it to the jurisdiction of regular Tribunals, can hardly admit of a doubt. Even if it appeared that such an attempt might involve a certain amount of risk, that, surely, ought not to deter a great Christian Power from some effort to avert the shame and the sin of remaining, what Her Majesty's Representative in these Islands is at this moment, the passive witness of murderous affrays between Her Majesty's subjects, almost under the guns of her garrisons.

23. But no such risk is really incurred. The interference of the Executive Government to adjust land disputes remains under the Bill purely optional. The Bill throughout all its provisions is permissive, and the plan must by no means be confounded with the compulsory Registration of Native Title provided for by the Royal instructions of 1846. Ministers are aware that good can only be effected by proceeding with the greatest caution. They desire nevertheless to make a timely step in advance, as being not only the justest, but the safest, course—as the surest means of avoiding future complications. This is a case in which it would be found that "a froward retention of Custom is as turbulent a thing as an innovation."

24. The Grants to individual Natives will effect a gratuitous transmutation of the Native Title of occupancy into an English fee-simple. It is a difficult question whether lands so granted should, or should not, be alienable to Europeans. Perhaps no general rule can be laid down. In some cases it might be desirable to secure the heirs of a spendthrift Chief against the effects of his extravagance. In other cases no sufficient reason might exist for withholding the full powers of ownership. It has, therefore, been left discretionary with the Government to impose restrictions on alienation. Occasionally it is probable that the power of restraining alienation might be usefully employed to prohibit acquisitions of land by Europeans in remote districts. At all events, it will be seen that under the provisions of the Bill, the Government retains, undiminished, its present power of checking dispersed settlement of the country by Europeans.

25. Although the measure was not framed with any direct view to colonizing objects, it cannot be doubted that the proposed Registration of Native Title, (too long neglected,) would facilitate the operations of the Land Purchase Department, and the acquisition, by cession from the Tribes, of fresh territory. At present there are no fixed rules whatever as to what shall be recognised as valid claims to share in the money paid for the surrender of the Native right. Absurd and vexatious disputes constantly attend the negotiations of the Department, and are only settled by a large expenditure of Colonial Funds.

26. Under the second division of the Bill, a small extent of land might come into European hands by purchase from the Native Donees. Upon all such transactions the XI. Section imposes a tax of ten shillings per acre, payable by the purchaser. The fund thence accruing, it is provided, shall be expended in public works and improvements on the land, or in its neighbourhood. Ministers consider that it is by no means desirable that such purchases should become at present the favourite mode for the acquisition of land by European settlers; and the amount of the proposed tax is designedly placed sufficiently high to prevent many such transactions taking place. Ten shillings per acre is the ordinary price of Waste Lands in all the Provinces of the North Island, and the amount of the Tax will consequently operate, differentially, in favour of the ordinary mode of purchase.

27. So long as the loan for the extinction of Native Title holds out, and it is possible to obtain the cession of Tribal rights over considerable tracts of country, through the operations of the Land

*Remarks by the Governor—  
See remarks by Native  
Secretary, p. 45.*

*The last purchase of 3 of  
a million of acres averaged  
1s. 6½d. per acre.*

*The effect of this would  
be to induce Europeans  
to select coveted plots of  
land and to leave in the  
hands of the Maories large  
tracts—the alienation or  
retention of which is sup-  
posed to convey or retain  
a right of sovereignty.*

*Remarks by the Governor—  
The Constitution Act  
made provision for the*