

32. But what really lies at the root of this objection is a doctrine so mischievous and unfounded that it requires special notice. It is asserted that the native is really entitled to an absolute grant in fee simple of whatever territory his tribe may think fit to make over to him in severalty, however extensive, and that to refuse such a grant—at least to impose any condition which does not operate for the sole and exclusive benefit of the natives—is unfair. To make the Crown's right of pre-emption productive of a land fund—either in the way in which it is now made productive, viz., by means of sales of land ceded to the Crown at a low rate and disposed of at an increased price, or by the proposed tax on alienation—is regarded as essentially unjust to the natives, who, it is thought, ought fairly to receive the whole purchase money. In accordance with this view, the difference between the price paid to the natives, and the selling price of land, has been sometimes represented to be a contribution by the natives to the Revenue of the Colony, entitling them (if justice were done) to the expenditure for purely native purposes of a largely increased proportion of the Colonial funds. And as to the present system of purchases, it is regarded as nothing less than systematic fraud practised by a civilized power upon its ignorant subjects.

Vide my despatch on this memorandum, and the authorities quoted in the appendix.

Remarks by the Governor—
Certainly. In return for the great pecuniary advantages, the Colonial Government is bound to take paternal care of the welfare and for the civilization of the native race.

33. This doctrine, it will be seen, reduces the Crown from the possession of a substantial power over the whole territory of New Zealand—which power it is bound to employ for the benefit of all its subjects—to the condition of a bare trustee for the Maories. But the Crown's right of pre-emption (which no officer of the Crown, at least, will venture to question) was reserved avowedly for colonizing objects—i.e., to enable the Government to promote and systematise the settlement of the country. The exercise of the power for these objects, even if inconsistent with the pecuniary interest of the natives, could not be reasonably objected to on their behalf. The natives have always fully understood and acknowledged the right of the Crown to impose such terms as it pleases upon its own European subjects who seek to settle the country. But it has been already demonstrated that it is altogether a mistake to suppose that any pecuniary interest of the natives is interfered with, by the employment of the Crown's right for the purpose of raising a revenue in the way proposed. The enhanced price received by Government is really the price, not of the land, but of the improvements which the Government undertake to execute out of what are improperly called its profits. This is strictly true of the country as a whole, though it may not be so of every hundred acres of land sold. The enhanced value of the land is due to the Immigration and Public works which the Colonial Land-fund has been the means of carrying on.

Remarks by the Governor—
Fide Lord Normanby's despatch to Governor Hobson, part, pap., 1846, p. 39.

34. The notions above combated arise from a narrow view of Native interests which those who devote an exclusive attention to Maori questions appear, unfortunately, somewhat apt to contract. The affairs of New Zealand can only be successfully administered on the basis of a hearty belief in the real identity of the interests of the two races. In a large view it is quite as important to the native as to the European that the resources of the Colony should not be crippled by the destruction of its Land-fund. And, if the possibility of diverting the territorial revenue of the northern island into the pockets of the natives were a reality, instead of a glaring economical fallacy, it is certain that such an accession of wealth to men only partially emerged from complete barbarism would speedily prove their ruin.

Remarks by the Governor—
However their views may be stigmatised, these persons are among those who enjoy the greatest respect, and it will not be denied that their opinions are entirely disinterested.

35. The real effect of acting upon such doctrines would be to hand over large tracts of country to a class of land-jobbers, destitute of the means of rendering their purchases available. The traffic in land would fall into the hands of a set of middlemen, whose transactions and connections with the Natives,—not always of a lawful or reputable character—gave them special influence. Intending immigrants learning that land was no longer attainable except through private hands, and that the country lay unimproved, would be deterred, and the hope of a regular colonization would be not merely deferred, but destroyed. In short, it will appear that the proposition of the objectors to the Bill to confer on the Governor an unlimited power of granting lands to Natives, which shall be alienable to Europeans without any payment into the Colonial Treasury, is simply asking the Colonial Legislature to authorise, and invite, a renewal of Governor Fitzroy's proceedings on the issue of the well-known "Penny-an-acre" proclamation of 1844, and thereby to endanger at once the peace and public credit of the colony, and the prosperity of all Her Majesty's subjects within its limits.

Remarks by the Governor—
I am not aware of any opinions held by persons conversant with the Maories and their affairs at all likely to tend to such consequences.

Remarks by the Governor—
This is not the view taken by those who object to particular provisions in this Bill; nor is it their wish to renew such a proceeding.

36. To avoid a tedious detail of minor objections to the Bill, Ministers transmit herewith copies of Memoranda by two of the permanent officers of the Native Department who disapprove of the measure, and suggest one of the character which has already been indicated. The few comments which Ministers feel it necessary to make on those Memoranda appear in the margin of the copies. Ministers would regret that Her Majesty should be advised to withhold assent to this Bill, chiefly because that course would deprive the Executive of the colony of a useful engine for the civilization of the Natives; but they conceive that the absence, for a time, of any legislation on the subject, though prejudicial, would be infinitely preferable to the highly dangerous and unconstitutional measure which it has been proposed to substitute for the Ministerial Bill.

Three Enclosures.

VII.—Relations of Responsible Ministry with Governor on Native affairs.

37. Before passing to the consideration of the remaining Bill, ministers desire to make a few general remarks in exposition of their opinions on the important subject of their own relations with the Governor respecting the conduct of Native affairs. These opinions, it will then be seen, have consistently influenced the framing of the measures of the late session. This is more especially necessary because some of the objections to the "Native Territorial Rights Bill" appear to shew the existence of misapprehension on this subject.

38. It results from what has been already asserted respecting the true ends of British policy, and the true principles of administration, that the present advisers of the Crown are absolutely opposed to any attempt to conduct the public business which may be conceived to fall within the vague