

best guarantee for the continuance of their loyalty and good conduct. But if the flocks and herds of the English settlers go on increasing until there shall be no longer land enough to feed them, and if, at the same time, the natives are seen to hold large tracts of land of which they make no use, the bad feeling which has already shewn itself towards the native people will continue to spread,—there will be continual danger of collision,—and there is too much reason to fear that when the colonists shall have become an overwhelming majority that native rights will be disregarded, and that the natives themselves will become a persecuted people.

(Signed) WILLIAM SWAINSON.

Taurarua, May 7th, 1860.

Enclosure 4 in No. 4.

Recommendations.

1. That a definite line of policy, based upon the principles on which, with reference to the rights of the Natives, New Zealand was erected into a British Colony, and to the obligations contracted by the Crown of England in subjecting them to British rules, should be prescribed by the British Cabinet. And that every Governor, on his arrival in the Colony, should formally assure the Natives on behalf of Her Majesty that the policy so prescribed will be faithfully adhered to.

2. That for the present, and until the Natives shall have become entitled to the Elective Franchise under the provisions of the Constitution, the Governor, in the management of Native affairs, be advised, not by the Responsible Ministry, but by a Council appointed by the Crown—responsible to the Crown, and holding their offices at the pleasure of the Crown.

3. That for the management of Native affairs, the Governor should have at his disposal, independently of an annual vote of the Assembly, such a sum, chargeable upon the General Revenue, as may be sufficient for the maintenance of an efficient Native Department,—for the payment of Native Magistrates and Assessors,—and of such other expenses as may be necessary for promoting the gradual introduction of law and order amongst them, in their relations with each other.

4. That it is essential to the peaceable occupation of the country, that the personal power and influence of the Governor should, as far as possible, be maintained: and that to extend that influence over the whole Native race, it is essential that constant, intimate, and friendly intercourse should be kept up with them by means of the Native Department.

5. That with a view to render the surplus Waste Lands of the Natives available for purposes of colonisation, with due regard to their future interests, the Governor and Council be empowered, with the concurrence of the Natives themselves, formally to reserve and set apart as inalienable, except under the authority of the Imperial Parliament, such portion or portions of the land held by them in common, as they may desire to retain for the common use of the Tribe, not exceeding in extent what may be sufficient for the purpose, and with power to make Partition by themselves of the land so reserved, for their several use and occupation: with full power to set apart sites for Churches, Schools, and other Public Buildings: and with a power of Leasing for a limited period, by each Member, of his allotted portion, with the consent of the other owners of the Reserve, and with the consent of the Governor and Council.

6. That a portion or portions of land of moderate extent, outside the boundaries of such Reserve, be conveyed, under a Confirmatory Grant from the Crown, to Trustees, in Trust for Religious, Charitable, Educational, and Civil purposes, for the benefit of the Members of the Tribe, with the ordinary powers of Leasing, Sale, and Exchange.

7. That the future wants of the Natives having been thus duly secured, the Partition of so much of the residue of the Waste Land held by them in common as they may not be disposed to alienate to the Crown, should be encouraged. And that when it shall have been divided into as many separate allotments as there are joint owners; and in such manner as may be satisfactory to themselves, that it be competent for the Governor and Council to issue Crown Grants to each Member of the Tribe, of his own allotted portion; either in fee simple absolutely, with full power to dispose of it,—or simply as a Confirmatory holding title, subject to such limitations and restrictions, and either with or without powers of Leasing, &c., as to the Governor and Council may seem meet.

8. That Grants in fee simple absolutely, with full and unrestricted power of disposing of the land comprised in them, should be made in those localities only which may be suitable for immediate settlement, and where the Natives, as a body, are peaceable and well disposed.

9. That in localities too remote or otherwise, at present, unfit for settlement, a simple Confirmatory holding title only should, in the first instance, be granted to each individual owner of a portion of the Common Waste; but convertible, at any future time, into a Grant with free power of sale whenever, in the judgment of the Governor and Council, the circumstances of the case shall have become so far altered as to render it desirable that the nature of the title should be changed. But that at any time before such change shall be made, the holder of a Confirmatory title shall have power to dispose of the land to the Crown.

10. That before the land be either Reserved or Granted as before mentioned, the ownership be made the subject of careful investigation, by a competent Tribunal, to be constituted for that purpose by the Governor and Council.