

FURTHER PAPERS RELATIVE TO NATIVE AFFAIRS.

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

25th May, 1861.

NATIVE AFFAIRS.

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.

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.