

1873.

NEW ZEALAND.

MEMORANDUM BY MR. A. MACKAY ON ORIGIN OF NEW ZEALAND COMPANY'S "TENTHS" NATIVE RESERVES.

Presented to both Houses of the General Assembly by command of His Excellency.

SIR,—

Native Reserves' Office, Nelson, 28th July, 1873.

The decision in the Court of Appeal in *Regina v. Fitzherbert* having cast a doubt on the legal status of a great deal of valuable property both in Wellington and Nelson, and understanding that the Government are desirous of obtaining all possible information affecting the New Zealand Company's "tenths" with a view to have the status of these lands satisfactorily settled, I have the honor to forward herewith for the information of the Hon. Native Minister, a history of these lands from the commencement, which will be found to contain abundant and clear evidence of the intention of these reserves, as also the construction put upon them by the Imperial Government at a time when the affair was fresh in men's minds.

I am aware that a Bill has been prepared to give a legal status to all the company's reserves that have not been allocated to other purposes, but it seemed desirable to place their history on record while it was possible to obtain the information, and should the compilation prove of less importance than may reasonably be anticipated it will be a matter of little moment, as the work has been done outside the hours allotted to official business.

I have, &c.,

ALEXANDER MACKAY,
Commissioner.

The Under Secretary Native Department, Wellington.

Enclosure.

MEMORANDUM on the origination of the Native Reserves set apart by the NEW ZEALAND COMPANY in accordance with their scheme of colonizing New Zealand.

It is necessary for the clear understanding of the history of these reserves to go back to the period at which the first attempt was made to colonize New Zealand. The earliest scheme of the kind was suggested by the celebrated Benjamin Franklin, who in 1771 published proposals for forming an association to fit out a vessel by subscription to proceed to New Zealand, the main object of the expedition being to promote the improvement of the New Zealanders by opening for them a means of intercourse with the civilized world.

In 1825 a commercial company was formed in London under the auspices of the late Earl of Durham, which despatched two vessels to New Zealand, and acquired land at Herd's Point in the Hokianga river, and also at the mouth of the River Thames. The Company, however, was prevented by circumstances from pursuing its intentions of forming a settlement, and the land in course of time became the property of the New Zealand Land Company of 1839.

In the year 1837 the New Zealand Association was formed in London for the purpose of inducing the British Government to establish a sufficient authority in New Zealand, and to colonize it according to a plan deliberately prepared with a view of rendering colonization beneficial to the Native inhabitants as well as to the settlers. The Imperial Government were at first inclined to favour the association, but after some time a legal difficulty caused the Ministry to oppose it. The association, the Secretary of State said, was not a company trading for profit, but on the condition of it becoming such, a charter would be offered it.

This the association declined to accept on the ground that its members had invariably and publicly disclaimed all views of pecuniary speculation or interest, and were thereby, as well as by a continued disinclination to acquire any private concern in the national work which they sought to promote, entirely precluded from assenting to the proposed condition of raising a Joint Stock Capital.