

informed by the Colonial Secretary, Mr Shortland, that by a recent arrangement, the trusteeship of all Native reserves in New Zealand vested in the Bishop of New Zealand and the Chief Justice, and a copy of a letter dated 26th July, 1842, addressed by Mr. Shortland to the Chief Justice and his co-trustees on the subject of this appointment, was forwarded direct to the former trustees by Governor Hobson, of which the subjoined is a copy :—

“SIR,—In the formation of their settlements at Port Nicholson, Nelson, and New Plymouth, the New Zealand Company reserved one-eleventh of their town, suburban, and country allotments for the benefit of the Natives, chiefly with a view to their preservation, civilization, and social advancement.

“Her Majesty’s Government has also directed, that as often as any sale shall be effected in the Colony of lands acquired by purchase from the aborigines, there must be carried to the credit of the department of the protector of aborigines a sum amounting to not more than twenty per cent, nor less than fifteen, on the purchase money, to constitute a fund for defraying the expenses of that department and any other charges that may be recommended by the protector and approved of by the Executive Government, for promoting the health, civilization, education, and spiritual care of the aborigines. With a view to the most efficient administration of this property for the benefit of the Native race, it appears desirable that all the reserves so made, or to be made, by the New Zealand Company, and any moneys which may prove from time to time to be disposable out of funds, so to be set apart, after paying the expenses of the protector’s department, should be vested in one set of trustees, possessing the confidence of the Government and the New Zealand Company.

“I am therefore commanded by the Governor to acquaint you that His Excellency proposes when the reserves made by the Company shall have become legally vested in the Crown, to submit to the Legislative Council a Bill for vesting them, and the surplus fund from time to time to arise from land sales in three trustees, namely,—the Bishop, Chief Justice, and chief protector of the aborigines for the time being, to be applied by them in the establishment of schools for the education of youth among the aborigines, and in furtherance of such other measures as may be most conducive to the spiritual care of the Native race and to their advancement in the scale of social and political existence.

“It is intended to provide that the funds arising from the Company’s reserves shall be expended in the promotion of these objects in the settlement or district from which they may respectively arise, such an application of these funds, under a board of management so consisted, will, His Excellency has reason to believe, meet with general approval.

“Until these objects can be carried into effect under the authority of a Legislative enactment, the Governor requests that you will avail yourself of the opportunity afforded by your periodical visits to the Company’s settlements, to direct from time to time the disposal of any funds that may have arisen from the reserves, and to collect any information respecting them that may be desirable with reference to the proposed enactments.

“The gentlemen who have hitherto had the management of the reserves at Port Nicholson will be directed to give up the trusts into your hands, and they will, His Excellency feels assured, give you all the aid and information in their power with a view to its efficient execution.

“I have, &c.,
(Signed) WILLOUGHBY SHORTLAND.”

“His Honor the Chief Justice.”

Before however anything could be done towards effectuating the intention alluded to in the foregoing letter, Governor Hobson died at Auckland, in September, 1842. The temporary administration of the Government devolved on the Colonial Secretary, Mr. Shortland, who was superseded after a short rule by the appointment of Captain Fitzroy, R.N., as successor to the late Governor.

Shortly after the opening of the third session of the Legislative Council at Auckland, Governor Fitzroy introduced a Bill for constituting the Governor, the Bishop, the Attorney-General, the principal Land Commissioner, and the chief protector of aborigines for the time being, a Board of Trustees for the management of property to be set apart for the education and benefit of the Native race. This Bill passed the Council on the 29th June, 1844, and Governor Fitzroy in forwarding the Act for Her Majesty’s approval in a dispatch to Lord Stanley, dated 22nd October, 1844, says :—

“This Ordinance for a totally new object has been framed with extreme solicitude and the signification of Her Majesty’s pleasure is anxiously awaited, and that until legal authority is given to those who are ready to act as trustees, no step can be taken in respect of land reserved for the future benefit of the aboriginal race, and no fund can be raised or managed by such trustees for education or for the care of the sick.”

The preamble to the Act, after pointing out “the aptitude of the Native people of New Zealand to acquire the arts and habits of civilized life,” and that Her Majesty’s Government in undertaking the colonization of New Zealand, had recognised the duty of endeavouring by all practicable means to avert the disaster that had hitherto befallen uncivilized nations from the Natives of Europe, recites, “that whereas provision hath been made for the appropriation of certain lands and moneys for the purpose aforesaid, it is expedient for the better administration of the said lands and moneys that trustees should be appointed in whom they shall be vested with certain powers and restrictions as expressed in the Act.”

Clause 9 forbids alienation of the property except by lease, and declares all mortgages or incumbrances on the estate to be void.

Clause 28 provides that the Act shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified accordingly in the New Zealand Government *Gazette* by direction of the Governor.

The Act received the Royal confirmation in 1845, but did not come into operation in consequence of the terms of this clause not being fully complied with.

Lord Stanley in a despatch to Lieutenant Governor Grey, dated 13th August, 1845, notifying Her Majesty’s confirmation of the aforesaid Act, says :—

“Among the Acts passed by the Legislature of New Zealand, in the year 1844, there are three to which it seems to me necessary to direct your particular attention,” one of which was the act in question to which the following allusion is made :—“The Native Trust Ordinance dated 29th June, 1844, contains