

the New Zealand Company's principal agent relative to the payment for the acquisition of the Ngaitahu Block now under review, as well as pointing out the inconvenience experienced by the local Government through the existing arrangements with the company in regard to the land fund, His Excellency concludes, "I should mention to your Lordship regarding this tract of territory which the New Zealand Company, through their agent, contend should have been taken from the Natives without their consent, that its area comprehends several millions of acres, and that the sum to be paid for the purchase of any rights which the Natives might have over any portion of this territory, except the small reserves kept for their use, was only £2,000. . . . To act upon the principle that where the Natives are so weak that they cannot defend their lands the Government should assert what the New Zealand Company now represent as the rights of the Crown, and forcibly take the Natives' land from them, and again to refrain from asserting the so-called rights of the Crown when the Natives are so strong that they could protect themselves, would certainly acquire for the Government the contempt as well as the distrust of the whole Native population; and that especially when, as in the present case, the Natives made no factious opposition to the occupation of their lands, but cheerfully yielded all their rights for that sum which, without consulting their wishes, the Government had fixed as a just amount."

The extent of land ultimately reserved for the Natives in 1848 was 6,359 acres, a quantity that can hardly be considered to come within the meaning of ample reserves for the present and future wants of a population of 637 individuals, the number of Natives then to be provided for within the block. The Governor was empowered under the terms of the deed of purchase to set apart additional lands for the Natives when the country was surveyed; but even that condition was only partially fulfilled in 1868, a period of twenty years after the date of the engagement. The Natives were under the impression that under the terms of the deed they were entitled to the use of all their "mahinga kai" (food-producing places); but they found, as the country got occupied by the Europeans, they became gradually restricted to narrower limits, until they no longer possessed the freedom adapted to their mode of life. Every year as the settlement of the country progressed the privilege of roaming in any direction they pleased in search of food-supplies became more limited. Their means of obtaining subsistence in this way was also lessened through the settlers destroying, for pasture or other purposes, the birds which constituted their food, or, for purposes of improvement, draining the swamps, lagoons, and watercourses from which they obtained their supplies of fish. Their ordinary subsistence failing them through these causes, and lacking the energy or ability of supplementing their means of livelihood by labour, they led a life of misery and semi-starvation on the few acres set apart for them.

The following extract from a despatch dated the 7th April, 1847, from Governor Grey to Earl Grey indicates the injustice that was perpetrated on the Ngaitahu owners of Kemp's Block, through being deprived of their former mode of subsistence without any equivalent being given them when setting apart their reserves. His Excellency points out that "The Natives do not support themselves solely by cultivation, but from fern-root, from fishing, from eel ponds (weirs), from catching birds, from hunting wild pigs, for which they require extensive runs, and by such like pursuits. To deprive them of their wild lands, and to limit them to lands for the purpose of cultivation, is, in fact, to cut off from them some of the most important means of subsistence. As they cannot be readily and abruptly forced into becoming a solely agricultural people, such an attempt would be unjust, and it must for the present fail, because the Natives would not submit to it. Indeed, they could not do so, for they are not yet to a sufficient extent provided even with the most simple agricultural implements, nor have they been instructed in the use of them."

The same question is dealt with in a letter from Earl Grey to the Wesleyan Missionary Committee, dated the 13th April, 1848. After referring the Committee to the despatches to Governor Grey relative to the question then under discussion touching the stipulations contained in the Treaty of Waitangi respecting the proprietary rights of the Natives, his Lordship, in alluding to the manner in which the question would have been dealt with had the treaty never been concluded, observes that it would have been the duty of the Governor, as the Crown representative, to take care that the Native inhabitants of New Zealand were secured in the enjoyment of an ample extent of land to meet all their real wants.

In taking measures for this purpose their habits would have been considered, and, though it certainly would not have been held that the cultivation and appropriation of tracts of land capable of supporting a large population must be forborne because an inconsiderable number of Natives had been accustomed to derive some part of their subsistence from hunting and fishing on them on the other hand the settlement of such lands would not have been allowed to deprive the Natives even of these resources without providing for them in some other way, advantages fully equal to those they might lose.

In acquiring the land from the Natives in the Middle Island the instructions issued by the Imperial Government appear to have been entirely disregarded. In the instructions from the Colonial Office to Governor Hobson in 1839 he was enjoined as follows: "All dealings with the aborigines for their lands must be conducted on the same principles of sincerity, justice, and good faith as must govern your transactions with them for the recognition of Her Majesty's sovereignty in the Islands. Nor is this all: they must not be permitted to enter into any contracts in which they might be the ignorant and unintentional authors of injuries to themselves. You will not, for example, purchase from them any territory the retention of which by them would be essential or highly conducive to their own comfort, safety, or subsistence. The acquisition of land by the Crown must be confined to such districts as the Natives can alienate without distress or inconvenience to themselves. To secure the observance of this will be one of the first duties of their official protector."

"There are other duties owing to the aborigines of New Zealand which may be all comprised in the comprehensive expression of promoting their civilisation, understanding by that term whatever relates to the religious, intellectual, and social advancement of mankind."