

No. 9.—His Excellency Lieut.-Governor EYRE to Mr. W. Fox.

SIR,—

Government House, Wellington, 26th February, 1849.

Adverting to my letter to the late Colonel Wakefield, of the 1st August, 1848, in which I gave a brief outline of the general steps I proposed taking (in accordance with the wish expressed by him in the communication of the 24th June, 1848) to complete the adjustment of those points connected with the purchase of land in the Middle Island which had been left indefinite or incomplete by Mr. Kemp, I have now the honour to inform you that those steps have been carried out, and that the Commissioner who was appointed by the Government for the purpose (Mr. Mantell) has returned to Wellington, after crossing overland the whole eastern boundary of the purchase, and setting apart and defining such reserves as he considered necessary for the present and future wants of the Natives, upon seeing and consulting with them on the spot. I beg to enclose copies of all the correspondence and the documents relative to Mr. Mantell's mission, commencing with the instructions given to him for his guidance, and bearing date the 2nd August, 1848, but which were somewhat modified in one or two particulars by direction of His Excellency the Governor-in-Chief, bearing date the 4th October, 1848, each comprising all Mr. Mantell's letters and reports, and finally closing with the Colonial Secretary's letter of the 13th February, 1849, directing Mr. Mantell to carry out and complete the payment of the second instalment, as recommended in his final report of the 13th February, 1849.

The instructions and reports will so fully put you in possession of the views entertained by the Government, and of the manner in which Mr. Mantell endeavoured to carry out these views, that it is unnecessary for me to enter further into details now. I cannot, however, dismiss the subject without recording the high opinion I entertain of the very careful and zealous manner in which Mr. Mantell has discharged the difficult and laborious task assigned to him, and of the very able and cordial assistance and co-operation afforded to him by Mr. Wills.

W. Fox, Esq.

I have, &c.,

E. EYRE.

No. 10.—W. MANTELL, Esq., to Her Majesty's PRINCIPAL SECRETARY of STATE.

SIR,—

London, 5th July, 1856.

I do myself the honour of laying before you the following statement relative to the non-fulfilment by Her Majesty's Colonial Government of the promises which I was authorised to make to the Ngaitahu Natives in order to induce them to cede certain of their lands to Her Majesty in return for an almost nominal money-payment, and by their faith in which promises lands were obtained by me for the Crown.

In first bringing the subject before you, I will endeavour to state the case as briefly as possible, ready, however, and desirous to afford such further information as may be deemed necessary.

Since August, 1848, I have been employed as Commissioner for the acquisition for the Crown of Native lands in the Middle Island of New Zealand (Provinces of Canterbury and Otago).

The enclosed map shows the extent so acquired by me.

By promise of more valuable recompense in schools, in hospitals for their sick, and in constant solicitude for their welfare and general protection on the part of the Imperial Government, I procured the cession of these lands for small cash-payments.

The Colonial Government has neglected to fulfil these promises, and appears to wish to devolve the responsibility on the General Assembly.

This would not be just, and is fortunately impossible. It may be true that the Crown lands have been ceded to that body, or even to the Provincial Government, but the promises of the Crown to the Natives can now only be fulfilled by the Imperial Government, it not having retained sufficient influence in the Legislature of the colony to insure due provision being made by its means for the welfare of the Natives. The Natives are now utterly unrepresented in the General Assembly; they are in respect of their original lands denied the franchise, which they would exercise with at least equal judgment with the whites, while among the latter the suffrage is practically universal.

I have said that the Government has neglected to fulfil its promises to the Ngaitahu. I am aware that to build and endow schools in the Province of Otago £200 was given, and £50 for hospital expenses. Such inadequate sums as these do not affect my statement.

No officer is charged to look after the interests of the southern tribes; indeed, the duties of the only Native Department (excepting the nominal Department of Native Secretary) maintained in the Islands (the Native Land Purchase Department), consisting principally in the acquisition of Maori lands at the lowest possible price, are, in practice, as I am prepared to show, highly prejudicial to the best interests of the Natives.

Nor can the Ngaitahu rely on the bench of Magistrates for protection when so strange additions are made to the Commission of the Peace by Her Majesty's representative that I almost hesitate to record them. One instance may be mentioned as not likely to come to your knowledge from other sources. A man under heavy sureties to keep the peace for a severe assault on a clergyman was, while so under bond, although ignorant and illiterate, and notorious for his violent conduct, gazetted as a Magistrate.

With reference to the promised schools, I enclose the reply of the Governor to an application on behalf of the only Native school in the South—a school not maintained by the Government, but by a mission society in Germany, and the head of which, small as are the means at his disposal, has done, and is still doing, wonders for the good of the southern Natives.

In the transfer to the local Legislature of the land in respect of which the unfulfilled promises were made, the Natives were not a consenting party. It is therefore not in the power of the Government to declare that, having divested itself of those lands, the former owners must look to the present managers for the completion of the contract. Nor has the contract been an unprofitable one to the Europeans.