

instituted respecting the various transactions on which you have corresponded with the Secretary of State.

6. But in the meantime, and during the continuance of your leave, you are at liberty, if you think proper, to draw for the half-salary of your office, as, since you have returned the public documents which, under a mistaken view of your rights, you had thought proper to keep back, the Secretary of State has no further reason for interfering with your enjoyment of the usual rights of an officer on leave.

I have, &c.,

W. Mantell, Esq.

H. MERIVALE.

NO. 13.—MEMORANDUM BY D. McLEAN, ESQ., NATIVE SECRETARY, ON THE CORRESPONDENCE BETWEEN THE RIGHT HON. THE SECRETARY OF STATE FOR THE COLONIES AND WALTER MANTELL, ESQ.

IN reference to the correspondence between the Right. Hon. the Secretary of State for the Colonies and Mr. Walter Mantell, in which Mr. Mantell charges the Government with the non-fulfilment of certain promises made to the Ngaitahu Tribe, conditional on the surrender of their lands to the Crown, I have the honour, in compliance with your Excellency's request, to report as follows:—

1. I have examined the original deed or agreement by which the Natives have ceded to Her Majesty the whole of their claims, excepting certain reservations, for a sum of £2,000, which has been duly paid to them, and the reserves set apart for their own use, together with Stewart Island, left in their undisturbed possession. I can find no trace or record of any other promise made to these Natives; nor have they, to my knowledge, alluded to any direct promise made by the Government that has not been fulfilled. If any distinct promise has been made to the Ngaitahu Tribe of prospective advantages to be obtained by them consequent on the cession of their land I submit that Mr. Mantell should have distinctly stated, for the information of the Government, what the real extent and nature of these promises actually were, by whom made, and by what authority. In the absence of such information, which Mr. Mantell has failed to produce in any definite shape, I conceive that the Government is not chargeable with the blame imputed to it by Mr. Mantell, inasmuch as the terms of the original treaties or agreements for the cession of their lands have been strictly observed and fulfilled by the Government.

The only case of which I am aware in the Middle Island where there was any appearance of injustice exhibited in reference to Native claims has been in the assumption, through ignorance of the case, of certain lands by the Europeans, at Banks Peninsula and Kaiapoi, to which the Native title had not been fairly extinguished. These cases have since been thoroughly investigated, the rights of the Natives fairly established, their claims paid for, good reserves set apart for their own use, and the question settled to their entire satisfaction.

Although the Government has fulfilled its strict engagements with the Ngaitahu and other tribes inhabiting the Middle Island, whose numbers may be estimated at three thousand, while the territory they claimed and have ceded to the Crown for a consideration of about £12,000, comprises upwards of thirty million acres, there are circumstances connected with their amelioration and advancement in common with the aboriginal tribes of these Islands which have already engaged your Excellency's consideration and attention. The first of these, as regards the Ngaitahu Tribe of Otago, was the contemplated erection of a comfortable hostelry for the tribes frequenting the Otago settlement, for which plans and specifications have been made; but the members of the House of Representatives declined to vote any money for the purpose; the building, therefore, could not be proceeded with.

2. A proposal has been referred by your Excellency to Responsible Ministers, recommending that the Native reserves at Otago should be subdivided, and individual Crown titles issued to the Natives, in order that they may have the utmost security of tenure, together with the fullest extent of political privileges that holding their land under titles from the Crown can afford. Means have not yet been adopted for carrying out this measure, but I have reason to hope that this, as well as other measures that have been suggested by your Excellency for the social and moral improvement of these tribes, will be acted upon eventually; and that the fact of their having surrendered their territory on the Middle Island, and being comparatively weaker and less able to insist upon their rights than other tribes on this northern Island, will always be regarded by your Excellency, as it now is, as an additional reason for extending towards them, whenever it is possible so to do, the friendly aid and protection of the Government, although the cession of these waste lands, which would have been comparatively valueless if left in an unproductive state in the hands of Native owners, constitutes no legal claim upon Government beyond the actual terms of purchase.

3. The third point in which your Excellency has moved in connection with the Otago Natives has been in reference to the hospital at that place, wherein your Excellency has obtained a guarantee from the Superintendent of Otago previous to the transfer of the hospital by the General Assembly to the provincial authorities, that the Native sick should be attended to, and that a dispensary should be established and medical aid extended to them at their villages, in addition to the maintenance and relief of Native patients admitted within the hospital.

With the exception of education for the young, for which purpose there are no funds at your Excellency's disposal, I do not perceive that any neglect has been evinced towards the Natives referred to by Mr. Mantell; on the contrary, every effort has been made by your Excellency, at great personal inconvenience, during the sitting of the Assembly, and subsequently, to promote the welfare of the aborigines, and to maintain the pledges and good faith of the Home Government, as communicated by your predecessors to the fullest extent of your Excellency's power.

DONALD McLEAN,

Native Secretary.

26th January, 1857.