

FURTHER PAPERS

RELATIVE TO

NATIVE AFFAIRS.

CORRESPONDENCE RESPECTING THE INTRODUCTION OF A
BETTER SYSTEM OF GOVERNMENT AMONG THE RARAWAS.

LAI D ON THE TABLE OF THE HOUSE OF REPRESENTATIVES BY COMMAND OF HIS
EXCELLENCY.

FURTHER PAPERS RELATIVE TO NATIVE AFFAIRS.

E—No. 3D

No. 1.

Before he transmits the enclosed Memorandum for the consideration of Ministers, the Governor requests the Commissioner for Old Land Claims, the Native Secretary, and the Assistant Native Secretary to consider it, and favour him with their opinion generally upon the subject to which it briefly refers.

THOMAS GORE BROWNE.

Government House,
Auckland, 26th February, 1861.

No. 2.

I have not hitherto minuted upon this Memorandum of His Excellency, both because the matter required some consideration, and because Mr. White of Monganui was expected to arrive in Auckland. In making the attempt to introduce a system of local organization, and I may say an elementary form of self-government amongst the Natives, I am of opinion that it will be well to commence with the Rarawas; but we must at the same time be prepared to extend the machinery to other tribes if it works well, and consequently very considerable funds will be required for the purpose.

It is futile to hope that anything real can be effected in this direction without funds,—“Money and men.” The men might however be found in time, if a career was opened to them. To do that requires money. It is my opinion that the Natives should choose from amongst themselves, those who are to take part in the proposed work of District Regulation as Council-men, or as their political representatives. That, in regard to Assessors, the Governor should reserve a right of approval, or of suggestion even, to be exercised through the European Magistrates.

I approve generally of Mr. White's suggestions and views on this subject. I doubt whether in any part of the Island, the appointment of one head Chief would be acceptable to the Natives. I do not advise action on this subject prior to the meeting of the General Assembly, as there are no funds applicable at present, it would be proper that the whole subject should be brought under the consideration of the House of Representatives.

FRED. A. WELD.

May 22nd, 1861.

No. 3.

I concur in the opinion of the Minister for Native Affairs. The question of the means of providing for the future Government of the Natives, will no doubt receive the earnest attention of the Legislature in the coming Session. It will be most unfortunate, and indeed perilous, if no practical measures be adopted by it.

E. W. STAFFORD.

May 23rd, 1861.

No. 4.

MEMORANDUM.

The steady loyalty of the Rarawas, their almost isolated position, and the zeal and intelligence of the Magistrate, Mr. White, indicate this tribe as one among whom any proposed system of Government might be tried with safety and advantage.

Concession to disaffected tribes would probably be supposed to indicate weakness; but the present time appears well suited for an attempt to introduce an improved system to a district where the loyalty of the inhabitants is undoubted.

Experience may thus be safely gained, and success hoped for, and if, by degrees, the disaffected can be isolated, and surrounded by tribes, having a well ordered plan of Government, there is little doubt that so good an example will be followed.

I suggest that the Magistrate, Mr. White, be desired to call a great meeting of the Rarawas, and to announce to them, that the Governor wishes to have a Native Chief, as his Deputy or Superintendent for the affairs of the Rarawa tribe. That he will give this Chief £100 a year, and (in order to mitigate the jealousy of others) £20 a year to two principal Chiefs who should act as his Assessors. The duties of the Chief would be to visit the different parts of his tribe with the Magistrate, and administer justice according to law. It will also be his duty (with the assistance of the Magistrate) to consult with his tribe, and suggest to the Governor such regulations for the local affairs of the district as are likely to be conducive to good order, and acceptable to his people; and generally to recommend measures such as those indicated in the Resolutions of the House of Representatives,

whenever they may become practicable. He should be advised to have a distinct boundary marked out between the lands of the Rarawas, and those of the neighbouring tribes; and, if necessary, the Magistrate should urge upon them the advantage of conceding or exchanging isolated portions in order to facilitate that object.

When this has been accomplished, every exertion should be made to indicate the lands belonging to the different "hapus," until it may be hoped that an individualization of title may be ultimately accomplished. A register of such boundaries should be kept both at Mongonui and in Auckland.

It appears to me that the establishment of such a system would be a great step in advance, and might be the precursor of far greater improvements.

THOMAS GORE BROWNE.

No. 5.

Native Secretary's Office,
Auckland, February 28th, 1861.

With reference to His Excellency's Memorandum of the 26th instant, suggesting that an attempt should be made to introduce an improved system of Government in the district occupied by the Rarawa tribe; the Native Secretary, and the Assistant Native Secretary, have the honor to report as follows:—

We fully concur in His Excellency's opinion, that the peculiar circumstances of the Rarawa tribe, point out their district as a proper field for trying an experiment of the kind proposed in the Memorandum under consideration, and believe that in no other Native district would success be so likely to attend such an undertaking; more especially as its practical working would be in the hands of an officer eminently fitted for the task by his personal qualities, and knowledge of the Native character, and from the respect and confidence with which he has fortunately succeeded in inspiring the Natives generally, in the district over which he presides as Magistrate. Apart from the benefit to the people immediately concerned, much good would result from the effect likely to be produced upon other tribes. No better evidence could be afforded of a willingness on the part of the Government, to assist the loyal and well disposed, in establishing and supporting institutions for the preservation of order amongst themselves, and thus to improve their social condition and promote their civilization.

At the present time especially, it is most desirable that the Government should manifest its paternal character, by making the interests of the loyal tribes the subject of special consideration, and beneficent action, and that it should be made apparent to the Natives generally, that the Government is at least as earnest in seeking to promote the well being of the loyal and peaceable, as in taking such measures to punish the disloyal and rebellious.

Under the superintendence of so able and judicious an officer as Mr. White, we see no reason to doubt the success of any well-considered scheme adapted to the circumstances of the tribes with whom he has to deal, and accepted by them.

We believe that Mr. White himself would be best able to form a sound judgment, as to how far the proposed plan is so adapted, or would meet with acceptance, we therefore submit that it would be desirable to have the opinion of that officer, before deciding upon the adoption of any new system of Native management for his district. It might be intimated to him that the Government will be prepared to provide funds, to a certain amount, for the carrying out of some feasible plan for the social improvement and good government of the Native tribes in his district; and he might be requested to report how, in his opinion, such funds might be best applied for the accomplishment of the desired object. Believing that the wise policy of the Government will be rather to ignore than to perpetuate tribal distinctions, we are of opinion that the authority of the Chiefs which it is now proposed to recognize and confirm, should be exercised with regard to territorial boundaries, each Chief having, as far as possible, a separate local jurisdiction. For this reason, among others, we think that any system brought into operation in the Mongonui district should not be restricted to a single tribe, but should embrace the whole district. The Ngapuhi would reasonably expect that privileges granted to the Rarawa should be equally conceded to them as residents in the same Native district.

It is scarcely probable that the Rarawa would unite in acknowledging one Chief as having supreme authority over all the "hapus," or sub-divisions of the tribe, but it might be possible to select a few Ngapuhi and Rarawa Chiefs possessing amongst them an amount of influence sufficient to control the whole Native population of the district, and who might be attached to the Government by giving them pensions or salaries, with some special appointment under the Crown.

We are of opinion that these appointments should be considered rather as the Government sanction of existing authority than as conferring new powers or imposing new duties. Little should be required of the Chiefs holding them, beyond presiding at public meetings at their own settlements, attending the Magistrates when holding Courts there, and generally using their influence to secure obedience to the decisions of the Magistrate or Assessors, and to preserve peace and order in the community. This arrangement should be independent of, and distinct from the machinery provided for the administration of justice in the district, though it is probable that some of the paid Chiefs would also make good Assessors. It is frequently the case that the most influential Chiefs are men who, from age and other causes, are not fitted to exercise the office of a Native Assessor, while it is yet most important to secure their good will and co-operation.

With reference to the administration of justice Mr. White has recently submitted his views to the Government, and stated what he considers necessary to place it upon an efficient footing.

We think that an expenditure of not less than £600 per annum, to provide salaries, &c., would be required to maintain any efficient system of local Government in the Mongonui district. This would of course include the pay of Native Assessors. Whatever arrangements may be decided on should be permanent. Harm rather than good will result from the introduction of changes of a temporary or uncertain character.

The Government should also be prepared to extend the system to other districts as they become ready for its introduction.

DONALD McLEAN,
Native Secretary.

THOS. H. SMITH,
Assistant Native Secretary.

No. 6.

MEMORANDUM.

I beg permission to observe that His Excellency's proposal does not, as it seems to me, allude to the first principle which (in my humble judgment) must necessarily be decided before such a plan as is in contemplation can be carried out. The recent suggestions of His Excellency on the subject of a Council of Native Chiefs to advise him, did not touch that principle so nearly as the present proposal which His Excellency expressly intends to lead to the establishment of a well-ordered plan of Government within the tribes themselves.

It was clearly shewn before the late Select Committee of the House of Representatives on Waikato affairs, that two antagonistic opinions existed as to the basis on which institutions of Civil Government for the Natives should be built up: and that those opinions had been prominently brought under the consideration of the Government by the grave questions which sprung out of the King Movement. On the one hand it had been suggested that in the appointment of Native Wardens or Magistrates, the principle of election by the Natives themselves through the recognised action of their Runangas, should be admitted. On the other hand it was urged that the distinct organization of Runangas would probably cause social mischief to the Natives and endanger the peace of the Colony.

The Committee were of opinion that the Runanga was the only mode by which improved institutions could be introduced among the Natives for their voluntary acceptance; and the House of Representatives, while approving of the appointment of Chiefs in each district set apart under the "Native Districts Regulation Act, 1858," proposed (in order to give effect to that Act) that the Natives should meet in their Runangas, and offered the necessary power for convening them.

I respectfully submit that we must still begin at the beginning, and determine upon which of the two opinions above referred to, any attempt to build up a plan of Government for the Natives shall proceed. The object (of having recognised organs of communication between the Government and the tribes in each district) is admitted by every one as desirable; the question is, how shall it be effectuated? If His Excellency means to introduce the principle of nominating Deputies or Superintendents himself on behalf of the Crown, I fear there would be little prospect of its working beneficially as a plan of Government even for a tribe so loyal as the Rarawas. If on the other hand it is proposed to concede the principal of election, it would be necessary to say whether it should take effect through the Runanga, as suggested by the House of Representatives; and the Government ought to be prepared to extend the same privilege to other tribes or districts, if the people came in to the plan.

There are many other points deserving separate consideration, but I do not refer to them now, because I think we are met at the threshold of the matter by a principle which requires to be settled first, and then details would not be difficult.

F. DILLON BELL,
Land Claims Commissioner,

Auckland, 28th February, 1861.

No. 7.

Resident Magistrate's Office,
Mongonui, March 30th, 1861.

I have felt great pleasure in reading the various suggestions submitted to me by His Excellency, for the better Government of the Natives of the Rarawa tribe.

Without pretending to any sentimentality of feeling towards the natives of this country, I do consider it a high Christian duty, of which I fear we have been far too negligent, to do all in our power to raise this people in the scale of civilization, before the unswerving hand of time shall have swept them beyond our reach.

It has been painfully impressed upon me of late, how little time we have left us; disease, bad and insufficient food, irregular clothing, improper houses, and great poverty, will soon leave us without a people to experiment upon. (I write of my own district.)

With reference to His Excellency's Memorandum of the 26th February, 1861, suggesting a system of Government for the Rarawa tribes, I have the honor to state, first, in all my reports to the

Government on the Natives of this district since 1848, I have stated my conviction that the Rarawa tribe was not only the most loyal, but the most indolent of the New Zealand tribes. Their indolence is the great enemy I have had to struggle against, driving me at times almost to despair of ever being able to get them to interest themselves sufficiently in public matters, or exert themselves to improve their own condition. When I am present to urge, and exhort, they will agree with me, and are very willing, but no sooner is my back turned, than they return to their original state of apathy. It will thus appear that my influence over these people is really counteracted by their indolence, and that we are in great danger of failure in any scheme we try for their benefit through the apathy of the people.

For the above reason I feel diffident in entering upon any new experiment, moreover I fear that the election of one Chief with a salary so much larger than the others, would certainly lead to much difficulty and jealousy. The district is so divided that, from Monganui North, the tribe is Rarawa, and from Monganui South, as far as my district extends, they are Ngapuhi. The people would not at present mix in concert in their tribal affairs; again the principal Chief would be certain to be elected Deputy or Superintendent. Puhipi, the principal, is a man of the old school, kind, indolent, easy, and always agreeing with the last speaker. He has not therefore much influence for good with the people, and scarcely any influence with the people South of Kaitia, still his influence is sufficient to ensure failure if he did not secure the office for himself, or one of his own relations; it is so much easier to do evil than good. From Mongonui to Wangaroa, a separate, but similar machinery would have to be started as their tribal differences would prevent their cordial co-operation.

Believing, then, there would be great difficulty in establishing one Chief over so jealous and tenacious a class of people, I will take the liberty to suggest, that the Resident Magistrate should be empowered to call the people together, for the purpose of laying the following scheme before them. That each "hapu" forming a district should elect three or more Councilmen, out of these a Chairman; They should be Assessors *ex officio*: their duties should be to suggest rules for the internal Government of the "hapu" or district, and assist the Magistrate in enforcing the law. That records should be kept of their doings, and on the visit of the Magistrate, the Council should assemble, and the former work put in shape for the great Council of the tribe, which should consist of the Chairmen of the District Councils, which should assemble, say, once in three months, in presence of the Resident Magistrate. The great Council would listen to the wants of the different Councils, and would form rules for the public good, as suggested in His Excellency's Minute. In this way jealousies might be avoided; no Chief would be placed conspicuously above the others, and all would be engaged in the management of the affairs of their locality; nor is it likely that the *amour propre* of the old Chiefs would be in any way offended. The Chairmen of the District Councils might receive, say ten pounds, and the Chairman of the Great Council twenty pounds; if a Native can be found competent to the office of Secretary he should also receive twenty pounds. The Resident Magistrate's duty would be of course to guide and instruct the Councils in the way of carrying on the Public Meetings, and with the Chairman of the Great Council address the Governor for his approval of the rules prepared by the Council.

The district I at present preside over might be divided thus—Rarawa seven subdivisions, or hapus, Ngapuhi five ditto. But this might perhaps be better left to the meeting.

The Councillors should be invited to render all assistance in maintaining the dignity and prestige of the Assessors of the District Courts. I submitted a letter relative to them on January 31st last.

I have, &c.,

W. B. WHITE,
Resident Magistrate.

P.S.—I referred the accompanying papers to Mr. Puckey as requested, and also to the Rev. W. Kirk, both gentlemen of great experience of the Natives, and beg to forward their opinions.

W. B. W.

No. 8.

Mongonui, 19th March, 1861.

MY DEAR SIR,—

As to His Excellency's suggestions that the administration of law amongst the Maoris be left principally to a Native Magistrate and Assessors, I am of opinion that in the present state of the Natives such an arrangement would be greatly injudicious. The regular visits of the Resident Magistrate to central places, assisted by intelligent Assessors, are of much moral benefit to the Natives, and cannot be advantageously superseded.

Could an Hospital be erected at Mongonui for the Rarawa and Ngapuhi tribes of the neighbourhood, I believe it would be generally appreciated, and would probably contribute to the saving of many lives.

I am, &c.,

WILLIAM KIRK,

W. B. White, Esq.

MEMORANDUM.

I have seen the Governor's suggestions relative to the administration of the law amongst the Natives of this district. I cannot think that it could be brought practically to work. It appears to me that the system Mr. White has adopted with his Assessors here is working well without raising the jealousy of the Chiefs, one against the other, which would assuredly be the case under the proposed system.

I have, &c.,

W. G. PUCKEY.

Mongonui, March 15, 1861.