

Title Page  
An Epitome of Official Documents Relative to Native Affairs and Land Purchases in the North Island  
of New Zealand  
Compiled and Edited By H. Hanson Turton  
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## Preface.

THE following work was compiled some years ago by direction of the late Native Minister, Sir Donald McLean, but in consequence of his death, and from other causes, its publication has been deferred to the present time. It was intended to be a companion-volume to the "Compendium of Official Documents relative to Native Affairs in the South Island," compiled by Commissioner Alexander Mackay in 1872, but restricted entirely to the northern portion of the colony. Owing to the limited sum provided for the purpose, only about one-half of the matter prepared has been published in the present issue; but in that which is given will be found an interesting epitome of governmental transactions from the earliest times down to a very recent date. Many of these despatches were only published in London, by order of the House of Commons, and therefore are very little known by the-present race of settlers; and to preserve them from oblivion was the chief object of their present republication in the colony. From the great variety of their subjects the order of date has, of necessity, been adopted; and the division into Parts arose from their being printed at two separate offices. Any difficulty of reference, however, will be obviated by the several Indexes attached.

A very complete treatise on the Early History of New Zealand, comprising the North as well as the South Island, will be found in Mr. A. Mackay's work above referred to, and will well repay the attentive reader—*i.e.*, if he can obtain a copy of it, for the edition was but a small one, and has long been out of print.

The Editor.

Crown Lands Department,  
Wellington,

24th May, 1883.

## Contents.

### Part I.—Province of Auckland.

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### Part III.—Province of Wellington.

## Respecting Visit of the Rev. Samuel Marsden to New Zealand.

I HAVE to report to your Lordship that, on his making an application to me to that effect, I granted leave of absence: to the Rev. Samuel Marsden, the principal chaplain of this colony, to visit the Islands of New Zealand, for the purpose of establishing some missionaries there, in consequence of orders he had received from the Church Missionary Society in England to that effect.

Mr. Marsden sailed from hence in the brig "Active" on the 28th November, 1814, and returned hither on

the 23rd March last, bringing with him several chiefs from New Zealand, who had expressed a wish to visit Port Jackson. I gave each of these chiefs a dress, some live stock, and a few other articles, as presents on the part of Government, of which your Lordship I hope will approve; it being my wish to conciliate them to the British interests. Mr. Marsden speaks in high terms of the kind treatment he met with at New Zealand, and of the improved state of civilization of the natives of that country.

## **Application from Sydney Merchants to establish a Factory in New Zealand.**

Some time since I received an application from certain merchants at Sydney for permission to establish a factory at New Zealand, and to form themselves into a commercial company there, to the exclusion, of all other traders. This I declined granting, conceiving the latter part of the request unreasonable; but I consented to forward their memorial Home for your Lordship's favourable consideration, which I have now the honour of doing accordingly. I do not see that there can be any objection to these gentlemen being allowed to establish a factory at their own expense in New Zealand, with the permission of the Native chiefs; but I conceive they ought not to have any exclusive trade, and I should not recommend that Government should be put to any expense on account of the proposed establishment.....

*Bay of Islands.—Transmitting Letter of Maori Chiefs.* Waimate, New Zealand, 16th November, 1831.  
SIR,—

I have the honour to forward to you, by His Majesty's ship "Zebra," the enclosed document, with its translation, and to request that you will lay it before the Governor for his information. I have further to request that it be transmitted through His Excellency to the Secretary of State, in order to its being laid before His Majesty.

I have, &c.,

WILLIAM YATE.

## **Enclosure. To King WILLIAM, the Gracious Chief of England. *Address of Chiefs to His Majesty the King.***

KING WILLIAM,—

We, the chiefs of New Zealand assembled at this place, called the Kerikeri, write to thee, for we hear that thou art the great chief of the other side the water, since the many ships which come to our land are from thee.

We are a people without possessions. We have nothing but timber, flax; pork, and potatoes; We sell these things, however, to your people, and then we see the property of Europeans. It is only the land which is liberal towards us. From thee also come the missionaries who teach us to believe in Jehovah God, and in Jesus Christ His Son.

We have heard that the tribe of Mariau is at hand coming to take away our land; therefore we pray thee to become our friend and the guardian of these islands, lest the teasing of other tribes should come near to us and lest strangers should come and take away our land.

And if any of thy people should be troublesome or vicious towards us (for some persons are living here who have run away from ships), we pray thee to be angry with them that they may be obedient, lest the anger of the people of this land fall upon them.

This letter is from us, from the chiefs of the Natives of New Zealand.

No. 1. Warerahi, Chief of Paroa.

- Rewa, Chief of Waimate.
- Patoune, Two brothers, Chiefs of Hokianga.
- Nene, Two brothers, Chiefs of Hokianga.
- Kekeao, Chief of the Abuhau.
- Titore, Chief of Kororareka.
- Tamoranga, Chief of Taiamai.
- Ripe, Chief of Mapere.
- Hara, Chief of Ohaiawai.
- Atuabaere, Chief of Kaikohi.
- Moetara, Chief of Pakauai.
- Matangi, Chief of Waima.
- Taunui, Chief of Hutakura.

The foregoing is a literal translation of the accompanying document.

WILLIAM YATE,

Secretary to the Church Missionary Society, New Zealand.

## **Lord Viscount GODERICH, one of the Principal Secretaries of State to His Majesty the King of Great Britain, to the CHIEFS of NEW ZEALAND.**

*His Majesty's Reply.*

FRIENDS,—

I am commanded by the King to acknowledge the receipt of the letter which you addressed to His Majesty, and which you intrusted to William Yate to forward to England.

The King is much gratified to find that the cause for alarm, which appears to have existed at the time when your letter was written, has entirely passed away, and he trusts that no circumstances may occur in future to interrupt the internal tranquillity of New Zealand, which is so necessary to the maintenance of a close commercial intercourse between its inhabitants and those of Great Britain.

The King is sorry for the injuries which you inform him that the people of New Zealand have suffered from some of his subjects; but he will do all in his power to prevent the recurrence of such outrages, and to punish the perpetrators of them according to the laws of their country, whenever they can be apprehended and brought to trial, and the King hopes that mutual good will and confidence will exist between the people of both countries.

In order to afford a better protection to all classes, both Natives of the Island of New Zealand and British subjects who may proceed or may be already established there for purposes of trade, the King has sent the bearer of this letter, James Busby, Esq., to reside amongst you as His Majesty's Resident, whose duties will be to investigate all complaints which may be made to him. It will also be his endeavour to prevent the arrival amongst you of men who have been guilty of crimes in their own country, and who may effect their escape from the place to which they have been banished, as likewise to apprehend such persons of this description as may be found at present at large.

In return for the anxious desire which will be manifested by the British Resident to afford his protection to the inhabitants of New Zealand against any acts of outrage which may be attempted against them by British subjects, it is confidently expected by His Majesty that, on your part, you will render to the Resident that assistance and support which are calculated to promote the object of his appointment, and to extend to your

country all the benefits which it is capable of receiving from its friendship and alliance with Great Britain.

I have, &c.,

GODERICH.

Colonial Office,

14th June, 1832.

*Instructions to the British Resident.*

SIR,—

New South Wales, Government House, 13th April, 1833.

Having received His Majesty's commands to furnish you with instructions for your conduct and guidance in the discharge of your duties as British Resident at New Zealand (to which place I propose you should immediately proceed), I have to request your attention to the following particulars:—

You are probably aware that the creation of the appointment which you hold has originated in the representations made at different times by this Government touching the acts of violence and inhumanity perpetrated on the Natives of New Zealand by the crews of British vessels frequenting those islands. The extent to which these atrocities have been carried may be estimated by the perusal of the accompanying papers relating to the conduct of the master of the brig "Elizabeth," a vessel lately trading between this colony and New Zealand. The facts of this dreadful case made it at once apparent that it was no less a sacred duty than a measure of necessary policy to endeavour, by every possible method, to rescue the Natives of those extensive islands from the evils to which their intercourse with Europeans had exposed them; and, at the same time, to avert from the well-disposed of His Majesty's subjects settled in New Zealand the fatal effects which would sooner or later flow from the continuance of such acts of unprincipled rapacity and sanguinary violence, by exciting the Natives to revenge their injuries by an indiscriminate slaughter of every British subject within their reach.

To check as much as possible the enormities complained of, and to give encouragement and protection to the well disposed settlers and traders from Great Britain and this colony, it has been thought proper to appoint a British subject to reside at New Zealand in an accredited character, whose principal and most important duty it will be to conciliate the good-will of the Native chiefs, and establish upon a permanent basis that good understanding and confidence which it is important to the interests of Great Britain and this colony to perpetuate. It may not be easy to lay down any certain rules by which this desirable object is to be accomplished; but it is expected, by the skilful use of those powers which educated man possesses over the wild or half-civilized savage, an influence may be gained by which the authority and strength of the New Zealand chiefs will be ranged on the side of the Resident for the maintenance of tranquillity throughout the islands. An address to His Majesty lately forwarded from several of the chiefs of New Zealand, requesting the King's interference for the punishment of evil-doers, and claiming His Majesty's protection for their country, sufficiently shows the favourable point of view in which the power and justice of Great Britain are regarded by them. The reply which His Majesty has been graciously pleased to make to that address is calculated to augment this feeling. I have the honour to transmit this reply in original, and to request you will take an early opportunity, after your arrival at the Bay of Islands, of delivering it, with as much formality as circumstances may permit, to as many of the chiefs who subscribed the address as can be conveniently assembled for the purpose. You will also please to take that opportunity for delivering the presents which have been selected for them. It will be fitting at the same time that you explain to the chiefs the object of your mission, and the anxious desire of His Majesty to suppress by your means the recurrence of those disorders of which they complain. You will also announce your intention of remaining among them, and you will claim the protection and privileges which you will tell them are accorded in Europe and America to British subjects holding in foreign States situations similar to yours. You will find it convenient to manage this conference by means of the Missionaries, to whom you will be furnished with credentials, and with whom you are recommended to communicate freely upon the object of your appointment, and the measures you should adopt in treating with the chiefs. The knowledge which the Missionaries have obtained of the language, manners, and customs of the Natives may thus become of the greatest service to you.

You will proceed to New Zealand in His Majesty's ship "Imogene," commanded by Captain Blackwood, who has been requested to afford you not only protection in case of any untoward event, but the countenance and support which the presence of one of His Majesty's ships of war is calculated to afford as well upon your first arrival in the country as during your conference with the chiefs. I may here inform you that the Lords of the Admiralty have instructed Vice-Admiral Sir George Gore, commanding His Majesty's ships and vessels in India, to direct a vessel from his squadron to put in at the principal harbours of New Zealand as frequently as possible.

If your proposal to reside, in an accredited character, in New Zealand shall be received by the chiefs with that satisfaction which from the tenor of their address to His Majesty there is little reason to doubt, you will then confer with them as to the most convenient place for establishing your residence, and will claim protection for the persons and property of yourself, family, and servants, either by the establishment of one or other of the principal chiefs at or near your dwelling, or by placing a native guard over it, or by any other means which, upon conferring with the missionaries, you shall think it expedient to require. If you shall find it necessary to offer such chief or guard, either annually or at shorter periods, any presents of inconsiderable value, they shall be furnished on your application. You should, however, take care, in distributing these or any other presents, not to create a jealousy on the part of those whom it may not be necessary to conciliate, and upon whom, consequently, such presents need not be bestowed.

If, contrary to all expectation, your reception at New Zealand by the chiefs should not be such as to afford you a well-grounded assurance of perfect security for yourself and family, and the chance of being able to accomplish some, at least, of the objects of your mission, you will consider yourself at liberty, after all hope of succeeding by negotiation shall have failed, to re-embark on board the "Imogene" and return to this colony.

Assuming, however, that your reception will be as favourable as has been anticipated, I will endeavour to explain to you the manner of proceeding by which, I am of opinion, you may best succeed in effecting the objects of your mission. You will, at the same time, understand that the information I have been able to obtain respecting New Zealand is too imperfect to allow of my presenting you with anything more than a general outline for your guidance; leaving it to your discretion to take such further measures as shall at any time seem needful. You are aware that you cannot be clothed with any legal power or jurisdiction by virtue of which you might be enabled to arrest British subjects offending against British or colonial law in New Zealand. It was proposed to supply this want of power, and to provide for the enforcement of the criminal law, as it exists among ourselves, and further to adapt it to the new and peculiar exigencies of the country to which you are going, by means of a colonial Act of Council grafted on a statute of the Imperial Parliament. Circumstances which I am not at present competent to explain, have prevented the enactment of the statute in question. You can, therefore, rely but little on the force of law, and must lay the foundation of your measures upon the influence which you shall obtain over the native chiefs. Something, however, may be effected under the law as, it stands at present. By the 9 Geo. IV., cap. 83, sec. 3, the Supreme Courts in New South Wales and Van Diemen's Land have power to inquire of, hear, and determine all offences committed in New Zealand by the master and crew of any British ship or vessel, or by any British subject living there; and persons convicted of such offences may be punished as if the offence had been committed in England. The law having thus given the Court the power to hear and to determine offences, it would seem to follow, as a necessary incident, that it has the power of bringing before it any person against whom any indictment should be found or information filed for any offences within its jurisdiction. If, therefore, you should at any time have the means of sending to this colony any one or more persons capable of lodging an information, before the proper authority here, of an offence committed in New Zealand, you will, if you think the case of sufficient magnitude and importance, send a detailed report of the transaction to the Colonial Secretary by such persons, who will be required to depose to facts sufficient to support any information upon which a Bench warrant may be obtained from the Supreme Court for the apprehension of the offender, and transmitted to you for execution. You will perceive at once that this process, which is at best but a prolix and inconvenient operation, and may incur some considerable expense, will be totally useless unless you should have some well-founded expectation of securing the offender upon or after the arrival of the warrant, and of being able to effect his conveyance here for trial, and that you have provided the necessary evidence to insure his conviction. In cases, however, where a person proceeding from New Zealand to this colony on his own affairs can give evidence of any offence committed by a British subject in New Zealand, it will be right to apprise the Colonial Secretary, in order that a sworn information may be obtained from him, upon which the offender may, if he should arrive in this colony, be immediately apprehended.

Having stated in the foregoing paragraph that the warrant of the Court might be transmitted to you for execution, I would here observe that I can propose no other means by which you may secure the offender than the procuring his apprehension and delivery on board some British ship for conveyance to this country by means of the Native chiefs with whom you shall be in communication.

It is well known that amongst those Europeans who are leading a wandering and irregular life at New Zealand are to be found transported felons and offenders escaped from this colony and Van Diemen's Land. It is desirable that opportunities for the apprehension and transmission of those convicts to either colony should be promptly embraced. The chiefs, it is said, are well acquainted with the descriptions of the different Europeans residing in their country, and will be found able and willing to point out and secure, at a convenient time, those whom they know to be fugitives from the Australian Colonies. You will be furnished, from the office of the Principal Superintendent of Convicts in Sydney, with the names and descriptions of those convicts from New South Wales who are known or suspected to be concealed in the Islands of New Zealand, and you will use your discretion as to the fittest time for causing the apprehension and removal of such as may be within your reach, or are guilty of any offence against the peace and tranquillity of the country.

You will, of course, take every precaution to avoid the apprehension of a free person in mistake for a convict, as an action for damages would probably follow the commission of such an error. This Government will indeed be disposed to save you harmless in all such cases where becoming circumspection has been used; but it would be manifestly imprudent to incur any considerable risk for a trifling advantage.

When any of His Majesty's ships of war are off the coast, you will request the commander to receive the convicts or other prisoners arrested by your means, for conveyance to this place; but, as such opportunities cannot be frequent, arrangements will be made by this Government for the conveyance of all such persons as you shall put on board the merchant vessels engaged in constant trade between this colony and New Zealand. I would further observe that by means of the information which you are likely to receive from the chiefs you may become acquainted with the criminal projects of Europeans before their execution, and, by a timely interference, you may be able altogether to prevent their mischievous designs, or render them abortive. In the character which you hold, you will be justified in addressing any British subject to warn him of the danger to which he may be exposed by embarking or persevering in any undertaking of a criminal or doubtful character.

You will be pleased to keep this Government fully informed of every circumstance of importance occurring in New Zealand which in any way relates to the objects of your mission, or is brought under notice in these instructions. The vessels trading between Sydney and the Bay of Islands will offer the means of forwarding your communications.

In the manner I have now described, and by proceedings of a similar character, it may perhaps be possible to repress the enormities which have heretofore been perpetrated by British subjects in New Zealand. It may also happen that this salutary control will not affect British subjects only, but that the knowledge of there being a functionary stationed in New Zealand, through whom the offences committed by the subjects of any other State against the people of that country will be made known to the British Government, and through that Government to the other European and American Powers, may induce the subjects of those Powers to adopt a less licentious conduct towards the New Zealanders and other inhabitants of the South Sea Islands.

There is still another form in which the influence which it is hoped the British Resident may obtain over the minds of the New Zealand chiefs may be even more beneficially exhibited. It is possible that by your official mediation the evils of intestine war between rival chiefs or hostile tribes may be avoided, and their differences peaceably and permanently composed. It is also possible that at your suggestion, and by the aid of your counsels, some approach may be made by the Natives towards a settled form of government, and that, by the establishment of some system of jurisprudence amongst them, their Courts may be made to claim the cognizance of all crimes committed within their territory, and thus may the offending subjects, of whatever State, be brought to justice by a less circuitous and more efficient process than any which I have been able to point out. If, in addition to the benefits which the British missionaries are conferring on those islanders, by imparting the inestimable blessing of Christian knowledge and a pure system of morals, the New Zealanders should obtain through the means of a British functionary the institution of Courts of justice, established upon a simple and comprehensive basis, some sufficient compensation would seem to be rendered for the injuries inflicted heretofore by our delinquent countrymen.

Having thus explained to you generally the course of proceeding by which I think your residence in New Zealand may be conducive to the suppression of the enormities which British subjects, and those of other States, have been in the habit of committing in those islands, I have only further to observe that it will be your duty to assist, by every means in your power, the commercial relations of Great Britain and her colonies with New Zealand. It would indeed be desirable that you became the medium of all communications between the New Zealand chiefs and the masters of British or colonial vessels frequenting the coasts, and the merchants and settlers established in the islands. This arrangement will probably grow out of your residence in the country, and you should keep it in view as an important object. You will please to forward, by every opportunity, a shipping report, setting forth the names, masters, number of crew, tonnage, and countries of vessels arriving at the Bay of Islands, or other ports of New Zealand, from whence you can obtain correct accounts, with the cargoes of such vessels, their object in touching at New Zealand, and any other particulars concerning them that

may be worthy of notice.

You will please to furnish the Government with occasional reports upon the agriculture, commerce, and general statistics of those islands. Under the first of these divisions you will not fail to mention the quantity of flax you may conjecture to be cut annually, and how disposed of. Under the second, I beg to call your attention to the strange and barbarous traffic in human heads, which certainly did exist to some extent, but which I am given to understand is now nearly abandoned. Should it be found to continue or revive, some legislative enactment may be necessary to prohibit, in this colony, the crime and disgrace of participating in so brutalizing a commerce.

Having already mentioned the assistance which I anticipate you will receive from the Missionaries, I have only now to impress upon you the duty of a cordial co-operation with them in the great objects of their solicitude—the extension of Christian knowledge throughout the islands, and the consequent improvement in the habits and morals of the people.

I have, &c.,

RICHARD BOURKE.

James Busby, Esq., British Resident in New Zealand.

THE British Resident announces to his countrymen that he has received from a person who styles himself "Charles, Baron de Thierry, Sovereign Chief of New Zealand and King of Nukuhiva," one of the Marquesas Islands, a formal declaration of his intention to establish in his own person an independent sovereignty in this country, which intention he states he has declared to their Majesties the Kings of Great Britain and France, and to the President of the United States; and that he is now waiting at Otaheite the arrival of an armed ship from Panama to enable him to proceed to the Bay of Islands with strength to maintain his assumed authority. His intention is founded on an alleged invitation given to him in England by Shunghee and other chiefs, none of whom, as individuals, had any right to the sovereignty of the country, and consequently possessed no authority to convey a right of sovereignty to another; also upon an alleged purchase, made for him in 1822 by Mr. Kendall, of three districts on the Hokianga River from three chiefs who had only a partial property in these districts, parts of which are now settled by British subjects by virtue of purchase from the rightful proprietors. The British Resident has also seen an elaborate exposition of his views which this person has addressed to the missionaries of the Church Missionary Society, in which he makes the most ample promises to all persons, whether whites or Natives, who will accept his invitation to live under his Government, and in which he offers a stipulated salary to each individual missionary in order to induce them, to act as his Magistrates. It is also supposed that he may have made similar communications to other persons or classes of His Majesty's subjects, who are hereby invited to make such communications, or any information on this subject they may possess, known to the British Resident or to the Additional British Resident at Hokianga. The British Resident has too much confidence in the loyalty and good sense of his countrymen to think it necessary to caution them against turning a favourable ear to such insidious promises. He firmly believes that the paternal protection of the British Government, which has never failed any of His Majesty's subjects, however remote, will not be withheld from them should it, be necessary to prevent their lives, liberties, or property from being subjected to the caprice of any adventurer who may choose to make this country, in which British subjects have now by the most lawful means acquired so large a stake, the theatre of his ambitious projects, nor, in the British Resident's opinion, will His Majesty, after having acknowledged the sovereignty of the chiefs of New Zealand in their collective capacity by the recognition of their flag, permit his humble and confiding allies to be deprived of their independence upon such pretensions. But, although the British Resident is of opinion that such an attempt as is now announced must ultimately fail, he nevertheless conceives that, if such a person we once allowed to obtain a footing in the country, he might acquire such an influence over the simple-minded Native as would produce effects which could not be too much deprecated or too anxiously provided against; and he has therefore considered it his duty to request the British settlers of all classes to use all the influence they possess with the Natives of every rank in order to counteract the efforts of any emissaries who may have arrived or may arrive amongst them, and to inspire both chiefs and people with a spirit of the most determined resistance to the landing of a person on their shores who comes with the avowed intention of usurping a sovereignty over them. The British Resident will take immediate steps for calling together the Native chiefs in order to inform them of this attempt upon their independence, and to advise them of what is due to themselves and their country, and of the protection which British subjects are entitled to at their hands; and he has no doubt that such a manifestation

will be exhibited of the characteristic spirit, courage, and independence of the New Zealanders as will stop at the outset such an attempt upon their liberties, by demonstrating its utter hopelessness.

JAMES BUSBY, British Resident.

British Residency at New Zealand,  
Bay of Islands,

10th October, 1835.

## DEED of PURCHASE of the HOKIANGA DISTRICT by BARON DE THIERRY.

*August 7, 1822. Hokianga District.—Deed of Purchase by Baron de Thierry. Consideration given, 36 axes. Boundaries, 40,000 acres.*

AGREEMENT between Baron Charles Philip Hippolytus de Thierry, of Bathampton, in the County of Somerset, England, and of Queen's College, Cambridge, and Mudi Wai, Patu One, and Nene, Native residents on the banks of the River Yokianga, in the Islands of New Zealand. We, the above-named chiefs and Natives of New Zealand, for and in consideration of thirty-six axes to us now given, for us, our heirs and successors, by free will and with common consent have sold and granted unto the said Baron Charles Philip Hippolytus de Thierry, his heirs, executors, administrators, and assigns for ever, all the lands, woods, and waters situated in the following boundaries or limits hereinafter specified, viz.: The district called Te Tuone, at the source of rise of the River Yokianga; the district of Wai Hue, adjoining the aforesaid district; also the district called Te Papa, adjoining the aforesaid district called the Wai Hue; also the district called Huta Kura, adjoining the aforesaid district called Te Papa; all of which districts-are situated at the source and on the eastern and western banks of the River Yokianga, and contain by estimation forty thousand acres, be the same more or less; and all lands, woods, and waters, and whatever may be contained and situated within the aforesaid limits and boundaries, do from this day and shall remain for ever the sole property of the said Baron Charles Philip Hippolytus de Thierry, his heirs, executors, administrators, and assigns; and no person or persons whoever shall, on any pretence, unlawfully seize, take, give; make over, distribute, molest, injure, or many manner damage and injure the said lands, woods, and waters, and whatever may belong thereto or be contained therein and upon. And we, the aforesaid chiefs and Natives, do solemnly engage to defend the said property to the best of our power against any unlawful seizure or injury. We further declare having received full payment and satisfaction for the said lands, woods, and waters, and everything belonging thereto. In testimony of which we do sign our act and deed in the year of Christ 1822, on board the ship "Providence," now in New Zealand.

The mark of x MUDI WAI. The mark of x PATU ONE. The mark of x NENE. Signed in presence  
of James Herd, master of the "Providence;" Thomas Kendall, missionary; and William Edward  
Green, first officer of

the "Providence." P.S.—Attested copies of the above deed are deposited at  
the Foreign Office, London, and Ministry of Foreign Affairs in Paris.

## ADDRESS of the Baron de THIERRY to the WHITE RESIDENTS in NEW ZEALAND.

GENTLEMEN,—

I appeal to every respectable white resident in New Zealand for his decision in a question from which he must discard the prejudice which the reports of evil-disposed persons have insidiously raised against me, and in



which he must allow the unshackled dictates of his heart to respond to the voice of honour, honesty, and integrity. I appeal to every New Zealander for the truth; to the relatives of Shungie; to Waikato, my old and valued friend; to the heirs of Mudi Wai; to Patu One; to Nene; and to the missionaries themselves, to say whether I did or did not purchase the land to which I lay claim, many years before it became the favourite residence of Europeans. The family of the late Mr. Kendall yet exist; Mr. F. Hall and Captain James Herd are still alive; and there are many others who can bear witness for me. I appeal to them for the truth in a matter which so closely concerns every person who has ever purchased an acre of land in New Zealand; but let them remember the solemn injunction, "Thou shalt not bear false witness against thy neighbour!"

I claim the district called the Te Tu One, at the source or rise of the River Yokianga; the district of Wai Hue, adjoining the aforesaid district called the Wai Hue; also the district called Huta Kura, adjoining the aforesaid district called Te Papa; all of which districts are situated at the source and on the eastern and western banks of the River Yokianga, and contain by estimation 40,000 acres, be the same more or less. These districts were purchased for me by, Mr. Kendall, of the chiefs Mudi Wai, Patu One, and Nene (friends to Shungie and Waikato). in presence of Captain James Herd and Mr. William Edward Green, master and first officer of the ship "Providence," then in New Zealand; on the 7th day of August, 1822, forwarded to England by the hands of Mr. F. Hall, missionary, through the Church Missionary House in London, and copies delivered at the Foreign Office, Downing, Street, and Ministry of Foreign Affairs in Paris. The question at issue is, then, whether the first purchase has the first right, or whether a first purchaser's right is to be destroyed at the will of the original seller. If the first be decided according to the written law of every civilized nation on earth, the land belongs to me; but, if the Natives have a right to resell, they may do it again and as often as they please; and I might (if I were capable of such an act) consider myself justified by such a decision in purchasing all the lands now held by the white residents at Hokianga; the residents might again purchase over me, and I over them, till he who has lost most money, or has most friends to back him, remains master of the field, until some man of larger capital renews a struggle which must ultimately bring ruin to all parties, and end in the total extermination of the whites.

You that have bought land in New Zealand; you that have wives and children to look to you for provision; you who do not side with robbers and oppressors; you who must recognize the rights of others, if you wish them to recognize your own; you will one day be called upon to render an account of your proceedings to the high tribunal of Heaven. Will you consent to see me deprived of a right which I claim in common with every other landowner in that country? Remember, gentlemen, that my expedition has been projected and been often attempted for upwards of sixteen years. The eyes of the world are now open upon you, and you will be judged by your own verdict. The 'question which affects my claim involves the legitimacy of your own, and you must hold your own lands *or* lose them according' to the side you take in the case now before you.

I know that several respectable families are residing on my lands, intending perhaps to settle there for life; and I am equally aware that their industry has greatly increased the value of my estates. Let them be assured that I have no wish to disturb them, and that I would rather add to their comforts by all the means in my power than put them to loss or inconvenience. For every acre which the residents may have in cultivation on my arrival, I will grant them a free lease of three acres for so long as they shall acknowledge me as lord, of the soil; with this reservation only: that should their families at any time leave the country without intention to return, I shall re-enter into possession, and have the refusal at a fair valuation of such buildings and other improvements as may have been erected on the land. Their cattle may continue to run on any unenclosed part of my territories, and I will, protect their property with as much attention as my own. It must be obvious to every one that the greater the number of residents on the land the more its value must improve. I consider I derive a real benefit by the sacrifice of part of my property, because other parts become more valuable as population increases; and, by the same reasoning, those to whom I resign portions of land will be better off with such estates as they can turn to advantage than if they possessed the whole country. I improve the value of every man's, property, besides increasing his means of doing business, by bringing customers for what he may have to sell, leaving the small trade to those who already enjoy it, and retailing no further than may be necessary to satisfy the Natives for what I may require of them. My arrival in New Zealand can have no other effect than to bring a fast-accumulating host of customers to the retailers, and consequently to cause a vast improvement in their circumstances. Connected with mercantile firms of the highest respectability in both, hemispheres, I shall be able to afford the small trader the facilities which have hitherto been wanting to his prosperity; he will have constant opportunities of sending his produce to a market, without dread of overwhelming monopolies. At the present time a settler may saw timber, salt a few barrels of pork, or have a few tons of maize, potatoes, or flax for sale, without being able to dispose of them at a fair profit; or he may be unable to wait, three or four months for the return of his little capital from these colonies, which return is rendered the more uncertain by his being unable to effect assurances on his property. I shall make the necessary arrangements for the removal of this disadvantage, so that risks may be covered, and my keeper of the stores shall be instructed to purchase

marketable produce from the smaller trader at average colonial prices, deducting a reasonable profit, freight, assurance, and commission. By an immediate return of capital the industrious man may have all the benefit of his exertions, and, by turning it over as often as he may have produce to sell, his yearly profits will be considerably increased, and he will be saved all the risk and disappointment which he has to contend with. Important as these advantages must be to those who wish to insure a provision to their families, it is obvious that they cannot be obtained unless New Zealand affords such a protection to life and property as may justify merchants in making consignments or investing capital in commercial speculations. This protection must necessarily depend on the sort of guarantee which an organized system of government is able to offer and, as it is no less certain that a Native Government can never sufficiently understand those intricate questions in political economy, to benefit the mass without injury to individuals, than it is clear that foreign government would bring inevitable ruin on the whole body of settlers, there exists an imperious and unquestionable necessity that I should remove these fatal disabilities by the adoption of a rational and paternal independence. But, though I am so well impressed with all the advantages which must arise from my early arrival, and though I know that at least a portion of New Zealand will be saved from the horrors of anarchy, I interfere with no part of it save my own territories. Such of our neighbours as may be desirous to benefit by our institutions shall be received as brothers, their land shall be surveyed and enrolled, and in the hour of danger, as in times of peace, their families shall be protected with our lives. Strong by being united, happy in neighbourly harmony, we must bring upon the New Zealanders and upon ourselves those blessings which may lay the foundation of the future greatness of our adopted country.

Believe me, residents of Hokianga, that I have not been unmindful of your necessities. I go to govern within the bounds of my own territories, it is true; but I neither go as an invader nor a despot. You will find, in me a brother and a friend, who will feel proud of, your advice and co-operation in legislative measures, and who, without claiming an unwilling service from you, will preside over, your safety and prosperity. Had this been done ten years ago how different would have been the present condition of the white man and of the New Zealander! In a community like yours what can you do without a head? No nation can enter into treaty with you; your possessions and property are exposed to every vicissitude; you are bound by no common sympathies; you have no certain protection against danger, because your very pursuits divide your interests; you have no strength to oppose to foreign or domestic invasion, no power to prevent or punish crime: even in the most extreme cases you may have to cross the seas in search of slow and uncertain justice; you are oppressed by monopolies, and are little better; than outcasts, where you have the power to be happy, secure, and prosperous. I need not represent to you the long catalogue of disadvantages under which you labour; they are well known to you; and, if you can banish from your minds the ridiculous reports which have been propagated concerning my "pretensions" (as they have been styled), Hokianga will immediately become what no other part of New Zealand has ever yet been, and which none will ever be able to become unless there exists a power which you assist in directing, and in which the Natives will participate in proportion as they are able to understand the intricacies of civilized government. Then will you reap the golden harvest of your early speculations, your lands will rapidly rise in value, and the immense resources of New Zealand will attract to our shores traders from all nations, who will take our produce and spread before our thriving families all the comforts and enjoyments of home.

A due regard to your present situation has induced me to make pecuniary sacrifices, of which you will not, I am certain, be unmindful. I shall be accompanied by a considerable number of respectable families, who will add to your society and increase your feeling of security. I take a surgeon, whose duty will be to give gratuitous attendance to the poor of either colour; also experienced agriculturists, who will instruct you in the cultivation of cotton and tobacco; mechanics of various trades, whose joint efforts will vastly improve your circumstances; and hundreds of persons will follow by, the regular traders which are to visit our settlement. I have engaged a gentleman of high classical attainments as tutor to my sons, and given him permission to take the sons of respectable settlers under his care, who will have the advantage of the best education. A lady will have the care of my daughter, of the daughters of the principal persons accompanying me, and of such residents on my territories as may wish to intrust her with their children. In both these academies the sons and daughters of chiefs will be clothed, and will receive a liberal English education. To all chiefs who shall enter into treaty with me, and engage to live at peace with other tribes and with the whites, I will give occasional bounties in reward of good conduct; and everything shall be done on my part to better their situation, and to raise them to a respectable rank in society.

It is well known that no civilized government can be carried on without a revenue, and the settlers may ask whether it is to be derived from direct or indirect taxes. I do not intend resorting to either; and by this declaration I can show that the residents on my territories will be in more prosperous circumstances than those of any other civilized nation; for should all import dues and licenses (to say nothing of direct taxation) only amount to 5 per cent on the yearly expenses of a resident in Sydney, he will be £5 poorer on every hundred than

he spends than if he were living in New Zealand. It is as easy to begin' by establishing a productive Government as it is to form a consuming one. If we farm 5,000 acres of land to cover public expenses, and we clear about £10 per acre by our crops, we shall be in receipt of £50,000 a year; and by due attention to our growing wants we can meet them with a large surplus without adding to the cost of imported goods or cramping the means of individuals. By opening our port to free trade we attract traders from all nations; and Hokianga, had she but a better entrance, would become the emporium of the new world.

I claim jurisdiction over no part beyond my own territories; but, if it should ever be the policy of the Bay of Islands to become a member of our society, a degree of prosperity will ensue of which no infant nation can offer a parallel. New Zealand has such elements of wealth within herself that nothing is wanting to her greatness but a national domestic Government, capable of giving the necessary guarantees at home and abroad. A vigorous administration, on the mildest and most equitable representative principles, in which every man, whether white or Native, has an interest, must be productive of happiness and harmony; and, as our institutions can never do otherwise than increase the prosperity of these colonies and add to their security, we shall ever be bound by the strong ties of reciprocal interest and good feeling.

I have too high an opinion of the residents of Hokianga to believe that those who have been so active in misrepresenting my intentions to the Natives will now withhold the real truth from them; and I feel persuaded that amidst so many white settlers some will be found whose honest candour will induce them to convey to the chiefs the substance of this address, and point out to them the happiness and prosperity which my arrival must secure to the tribes of which I consider myself the sovereign representative.

To the Wesleyan Missionaries who are said to reside on my territories I can only say, in common with other settlers, Continue to reside where you are; and may that same Almighty God whom we all adore assist me in increasing the measure of your usefulness to the people of New Zealand.

You will judge by the annexed Articles of Agreement, by which I bind those who accompany me' whether I am likely to do good or evil. Judge me by my works, as the tree is judged by its fruit; and, upon fair and impartial consideration, I am convinced you will believe me,

Gentlemen, Your very sincere friend,

CACHARLES, BARON DE THIERBY.

Sydney,

20th September, 1837.

## Articles of Agreement.

- I, CHARLES, Baron de Thierry, is sovereign chief of his own territories, and shall exercise all the rights and prerogatives of an independent chief within their limits.
- No neighbouring chief, or the people of his tribe, shall be molested in person or property; nor shall he or they be compelled to lend, give, sell, or barter anything belonging to him or them without his or their free will and consent.
- No New Zealander residing on Baron de Thierry's territories shall be deprived of his dwelling, or of the land which he may have in cultivation on his arrival; but he shall ever be protected in the same, so long as he shall not be guilty of open rebellion, or some heinous crime; nor shall he then be removed until he shall have been tried and convicted by a mixed jury of respectable white men and New Zealanders.
- No New Zealander (except in punishment of offences) shall be compelled to work for any white person but with his or her own free will and consent.
- No native tribe or government, or foreign State, or Power, shall exercise jurisdiction within the limits of the Baron de Thierry's territories.
- If any white man shall marry a Native woman, he shall be bound to treat her in all respects as he would treat a white woman.
- There shall be no distinction between a New Zealander and a white person; they shall both be considered as members of the same family and shall be entitled to the same privileges and protection;

- No one shall be molested in the free exercise of his religion.
- All serious offences shall be tried by a jury of twelve honest men—white persons for white persons and a mixed jury for Natives; and, nine jurors agreeing, a verdict may be recorded, and sentence passed.
- Minor offences shall be tried by a commission of four honest men who shall sit once a week for the trial of offenders, white persons for white persons, and two white and two Natives for Natives; three agreeing to pass sentence.
- No person or persons shall cut or take away timber from another's land, without consent of the rightful owner.
- No person shall on any pretence take possession of more land than is allotted to him or her, without consent of the rightful owner.
- No gambling shall be allowed.
- Every settler on the Baron de Thierry's territories shall conform to the laws which it may be necessary to adopt for the safety of persons and property, and for the preservation of peace.
- On the first Wednesday of every month six: respectable men," previously elected by the body of the settlers, shall assemble to deliberate with the Baron de Thierry on all matters connected with the happiness or prosperity of the community.

*Bay of Islands.—Transmitting Declaration of Independence.* British Residency at New, Zealand, Bay of Islands, 2nd November, 1835.

SIR,—

I have the honour to enclose herewith a copy of a Declaration by the chiefs of the northern parts of New Zealand, of the independence of their country, and of their having; united their tribes into one State, under the designation of "The United Tribes of New Zealand."

In this Declaration the chiefs entreat that His Majesty will continue to be the parent of their infant State, and that he will become its protector from all attempts upon its independence; and it is at their unanimous desire that I transmit this document, in order to its being laid at the feet of His Majesty.

I have, &c.,

JAMES BUSBY, British Resident at New Zealand.

Mr. Under-Secretary Hay, &c.

## Enclosure.DECARATION of the INDEPENDENCE of NEW ZEALAND.

- WE, the hereditary chiefs and heads of the tribes of the northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the independence of our country, which is hereby constituted and declared to be an independent State, under the designation of "The United Tribes of New Zealand."
- All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.
- The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi, in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they, cordially; invite the southern tribes to: lay aside their private animosities, and to consult the safety and welfare of our common country by joining the confederation of the United Tribes.

- They also agree to send a copy of this declaration to His Majesty the King of England, to thank him for his acknowledgment of their flag; and, in return for the friendship and protection they have shown and are prepared to show to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its protector from all attempts upon its independence.

Agreed to unanimously on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.

[Here follow the signatures or marks of thirty-five hereditary chiefs or heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames.]

English witnesses—

- Henry Williams, Missionary, C.M.S.
- George Clarke, C.M.S.
- James C. Clendon, Merchant.
- Gilbert Mair, Merchant.

I certify that the above is a correct copy of the declaration of the chiefs according to the translation of missionaries who have resided ten years and upwards in the country, and it is transmitted to His Most Gracious Majesty the King of England at the unanimous request of the chiefs.

JAMES BUSBY, British Resident at New Zealand.

### *Respecting the Maori Declaration of Independence.*

I have received a letter from Mr. Busby enclosing a copy of a declaration made by the chiefs of the northern parts of New Zealand, setting forth the independence of their country and declaring the union of their respective tribes into one State, under the designation of "The United Tribes of New Zealand." I perceive that the chiefs at the same time came to the resolution to send a copy of their declaration to His Majesty, to thank him for his acknowledgment of their flag, and to entreat that in return for the friendship and protection which they have shown and are prepared to show to such British subjects as have settled in their country or resorted to its shores for the purpose of trade, His Majesty will continue to be the parent of their infant State, and its protector from all attempts on its independence.

With reference to the desire which the chiefs have expressed on this occasion to maintain a good understanding with His Majesty's subjects, it will be proper that they should be assured, in His Majesty's name, that he will not fail to avail himself of every opportunity of showing his good-will, and of affording to those chiefs such support and protection, as may be consistent with a due regard to the just rights of others, and to the interests of His Majesty's subjects.

*On British Settlement in New Zealand.* Government House, Sydney, 9th September, 1837.

MY LORD,—

While awaiting the measure which your Lordship has recently announced an intention of resuming for the parliamentary regulation of the intercourse between British subjects and New Zealand, it may be proper to lay before His Majesty's Government whatever information I am able to procure upon this difficult question.

With this view, having lately had occasion, in consequence of a war breaking out between two tribes near the Bay of Islands, to request Captain Hobson, commanding His Majesty's ship "Rattlesnake," an experienced and judicious officer, to repair to New Zealand to afford to British subjects resident there and to British shipping such protection as might be required, I proposed to him to make known to me on his return the opinions which his observation whilst there might lead him to form upon the present state of New Zealand, and the means of securing, with the least possible overt interference, the common interests of the Natives and of the British settled amongst them. This request has been complied with in the letter of which a copy is transmitted, and which appears to me to contain suggestions of great value. Captain Hobson proposes the introduction of commercial establishments, confined within certain limits, upon a plan resembling the factories of the early trading companies resorting from Europe to India, and within which limits resident British subjects shall be placed under the protection and obligation of their own laws; premising, as an inflexible condition that nothing whatever be established on the part of the British Government which is not cheerfully conceded on terms of

clear mutual interest by the Natives. The details of the proposed measure may be varied to suit whatever circumstances may arise; and this without giving any reasonable cause for jealousy on the part of the other States, or exciting alarm in the breasts of those philanthropists who so creditably and powerfully advocate the rights of the aborigines all over the world. It is neither possible nor desirable to put a stop to the growing intercourse between the English colonies in those seas and New Zealand, the extent of which will appear by the accompanying return. If the British Resident were withdrawn, which I represented in a former despatch to be an alternative preferable to his being left there without adopting some further measures to secure the professed objects of his appointment, the public might indeed be warned that the trade of New Zealand was to be carried on at their own hazard; but it would be difficult for His Majesty or for this Government to act for any length of time upon the stern principle of non interference, if the lives or property of British subjects appeared to be in jeopardy. Any plan, therefore, by which intercourse may be sufficiently regulated, and usurpation, real or apparent, avoided,—providing at the same time for its support without drawing upon the revenues of this colony,—is well worthy of serious consideration. I confess that I am unable to submit a better arrangement than this, which Captain Hobson has proposed, and therefore beg to recommend his letter to your Lordship's attention.

With Captain Hobson's report I have the honour to transmit the copy of a letter received by his hands from the Resident, Mr. Busby, describing at considerable length the present condition and character of the New Zealanders, and the manner in which they are affected by the intercourse of Europeans. This letter contains suggestions for the future proceedings of Great Britain towards New Zealand, which are not without value, but which would probably be found difficult to reconcile with some of the peculiar circumstances affecting the matter under consideration. Mr. Busby recommends that Great Britain should undertake the *protection* of New Zealand, and for this purpose should maintain British troops on the islands; but, though this undertaking should be commenced with the greatest good-faith and purest intentions, it would be open to misinterpretation, and in a remote country, where it is hardly to be expected the law would be very efficiently administered, it might be eventually perverted by British subjects to selfish purposes.

A part of Mr. Busby's letter being taken up in the description of the Native war to which I have alluded, and which alarmed him for the safety of the European inhabitants, I am happy to be able *to* show, by the copy of a letter since received from him, that peace is now restored. Your Lordship will perceive with pleasure that it has (I believe for the first time in New Zealand) been effected without the loss of human life by way of retaliation, or as the price of accommodation: a piece of land being accepted in compensation of an aggression which had caused the death of a woman belonging to one of the belligerent tribes.

I take the present opportunity of stating that the Baron de Thierry, who was mentioned in your Lordship's despatch of the 26th August last, is at present in Sydney, where he arrived on his way to New Zealand to seek possession of a large tract of property which he claims to have acquired by purchase. He has complained to me that the spars for the use of the navy, to be furnished to His Majesty's ship "Buffalo," now proceeding hence to New Zealand, are cut on his land; but I have, declined interfering in any way in the matter. Nor have I considered it my duty to interpose any obstacle to his proceeding to New Zealand, of which country he claims to be a chief by right of his purchases. He denies all intention of prejudicing the interest of Great Britain, and professes a reliance upon moral influence alone for the authority he expects to acquire among the New Zealanders.

I have, &c.,

RICH. BOURKE.

*Visit of H.M.S. "Rattlesnake" to New Zealand.* H.M.S. "Rattlesnake," Port Jackson, 8th August, 1837.  
SIR,—

I have the honour to acquaint you that His Majesty's ship "Rattlesnake" in her late cruise visited the Bay of Islands and several other ports on the eastern coast of New Zealand, and in Cook Straits.

It affords me great satisfaction to assure your Excellency that the European settlers at the Bay of Islands repose the most entire confidence in the friendly disposition of the Natives, notwithstanding the existence of war between the two tribes settled in their immediate neighbourhood. I am aware that the British Resident is not

free from apprehension; but from the intercourse I maintained with the Missionaries, and all other classes of British subjects, I am free to assert that he stands alone in the opinion he has formed.

## Tribal War at the Bay of Islands.

The war between the Bay of Island tribes under Pomare and Titore is the only one now prevailing in New Zealand, notwithstanding that many of the auxiliaries enlisted under the rival chiefs have come from considerable distances in every direction; but this does not appear to disturb the harmony of those who remain behind in their pas, although the nearest neighbours are engaged on opposite sides.

Reverting to the position in which our countrymen stand in regard to these factions, it is a remarkable fact, and worthy of imitation by more civilized Powers, that the hostile forces have repeatedly passed through the very enclosures of the Missionaries at Paihia, on their way to and from the field of battle, without molesting a single article belonging to the whites and in one instance the two parties, by mutual consent, removed the scene of action to a greater distance from our settlements, lest a white man should by accident be injured. How long this feeling may continue, it is impossible to say. I only know that those who have everything at stake—their lives, their families and their properties—entertain not the slightest apprehension of any change.

I heartily wish I could report as favourably of their situation with respect to the abandoned ruffians from our own country who have, from time to time, found their way to the Bay of Islands. From these, indeed, there is much to be dreaded. An instance of a most daring burglary occurred in my absence on the East Coast, in which a British settler was extensively robbed, his life attempted, and the females of his family most brutally treated. I am happy to say, two out of four of the perpetrators of this outrage have been apprehended and banished by the Natives, and were brought to Sydney in this ship. I sincerely hope the 9th of George the Fourth will be found applicable to their case, and that they may be made an example to many of a similar character who remain behind to disgrace our nation even in the eyes of savages.

In our cruise on the eastern coasts I visited Puriri and Waikaitewa, on the Thames, the Island of Waiheke, at its entrance, and Cloudy Bay, in Cook Straits. I intended to have called at Entry Island and Mana, where a Mr. Bell has settled, but the boisterous state of the weather prevented any anchoring. I stood close in to both islands, and feel convinced that the very appearance of a man-of-war in that quarter will have considerable weight, from the terror in which we are held by the Natives in consequence of the severe chastisement inflicted on them by the "Alligator," and the detachment of H.M. 50th Regiment, in 1835; and, for the same reason, I have no doubt but our visit to the Thames will also be productive of benefit, for there the Natives are in a more primitive state than at the Bay of Islands, and when engaged in war have not always been so scrupulous about the property of British subjects, although in no instance has any violence been done to their persons. I will suggest to the officer who may succeed me on this station to open a further intercourse with the Natives on the Thames, which will soon place our settlers there in a state of as perfect security as in any part of the Island.

On the northern shores of Cook Straits a most powerful tribe of Natives have collected, under the celebrated warrior Rauparaha, but it does not appear they have in view any warlike object: indeed, if they had, our countrymen, with the exception of Mr. Bell and his small party on the islands, would have but little to fear, for the only other places to which the whites resort are Cloudy Bay and Queen Charlotte Sound, where they are so numerous, and so confederate by their pursuits (which are exclusively whale-fishing), that no tribe of Natives whatsoever dare molest them. The only danger they have to apprehend is from themselves, and that is in a great measure neutralized by the counteracting influence of their own reckless and desperate character.

The quarrel between the Bay of Island tribes is supposed, by the best-informed, to be in a fair train for adjustment. When we sailed, the loss sustained by the conflicting parties was more nearly on a par, not from the numbers slain, but from the possession acquired by the Ngapuhis (as Titore's people are called) of the dead body of a chief of the opposite party, on whom atonement was made for an insult that was offered to two of their chiefs, who had been killed in battle and found by the enemy. There are other causes too that, it is hoped, will lead to pacification. Nene, a powerful chief from Hokianga, who has embraced Christianity, has brought his tribe across the island with the full determination to compel the contending parties to make peace; and, as he is known to possess both courage and power to turn the scale on either side, his mediation is not likely to be slighted. The scarcity of provisions and the necessity for agriculture will also operate favourably towards the same object. On the other hand, the excellent chief Titore is dead, and his people are under the direction of a perfect savage, who thirsts for war; and Pomare, the head of the opposite tribe, is likewise a violent fellow, who claims a right to the land of Kororareka, which was once his, but was ceded to Titore at the peace of 1830. The gentlemen of the Mission maintain a constant intercourse between the parties, and are received by both with the greatest respect. Their efforts to promote peace are unremitting, and of late they have felt confident of eventual success.

# Social Condition of the New Zealanders.

In reporting to your Excellency my views and observations on the social condition of the New Zealanders, I cannot repress a feeling of deep regret that so fine and intelligent a race of human beings should, in the present state of general civilization, be found in barbarism; for there is not on earth a people more susceptible of high intellectual attainments, or more capable of becoming a useful and industrious race under a wise Government. At present, notwithstanding their formal declaration of independence, they have not, in fact, any government whatsoever nor could a meeting of the chiefs who profess to be the heads of the United Tribes take place at any time without danger of bloodshed. How, then can it be expected that laws will be framed for the dispensation of justice or the preservation of peace and good order, even if Native judgment were sufficiently matured to enact such laws or to carry them into execution?

Whilst the disunited state of the tribes, and their jealousy of each other, render it impossible to enact or execute laws, it also lays them open to the designs of turbulent individuals, and destroys all confidence in the permanency of the peace.

That their wars, which are fast depopulating their beautiful country, may sooner or later be extended to our countrymen, is a circumstance that it would be the height of rashness to doubt; and as British subjects are fast accumulating, and are every day acquiring considerable possessions of land, it must become a subject of deep solicitude with the British Government to devise some practicable mode of protecting them from violence, and of restraining them from aggression.

Heretofore the great and powerful moral influence of the Missionaries has done much to check the natural turbulence of the Native population; but the dissolute conduct of the lower orders of our countrymen not only tends to diminish that holy influence, but to provoke the resentment of the Natives, which, if once excited, would produce the most disastrous consequences. It becomes, therefore, a solemn duty, both in justice to the better classes of our fellow-subjects and to the Natives themselves, to apply a remedy for the growing evil.

## Establishment of British Factories desirable.

It has occurred to me that if factories were established at the Bay of Islands, at Cloudy Bay and Hokianga, and in other places, as the occupation by British subjects proceeds, a sufficient restraint could be constitutionally imposed on the licentious whites, without exciting the jealousy of the New Zealanders, or of any other Power.

I will not presume to enter too deeply into the details of such a measure, but beg simply to suggest that sections of land be purchased, enclosed, and placed within the influence of British jurisdiction, as dependencies of this colony.

The heads of factories should be magistrates, and the chief factor should, in addition, be accredited to the united chiefs of New Zealand as a political agent and consul. All communications with the British Government should take place through the chief factor, with whom alone the local factors should correspond.

All British subjects should be required to register themselves and their landed property at the factories.

Two or more of the most respectable British residents nearest to each station should hold Commissions of the Peace to assist the factors.

Prisons should be constructed within the factories, and legally proclaimed in the colony.

A treaty should be concluded with the New Zealand chiefs for the recognition of British factories, and the protection of British subjects and property.

To meet the expenses which the establishment of a system of factories upon the principle I have mentioned would necessarily entail, funds might be obtained from a variety of sources, such as a small fee on the registration of the purchase of land from the Natives, on the entry and clearance of British shipping, and a small percentage on goods and produce imported and exported. The greater security which would result from this system would, it is conceived, readily dispose the British subjects resident in New Zealand to conform to such an impost.

I am aware of the necessity of a British Act of Parliament to give effect to the whole system, to impart to the colonial Courts of New South Wales, more perfectly than at present, jurisdiction over offences committed by British subjects in New Zealand, and to the colonial Legislature to enact such laws in respect thereof as the more complete local knowledge of the country might from time to time suggest.

The benefit that may be supposed to result from the establishment of factories in New Zealand is not confined to the mere legal protection they are calculated to afford but we may hope they will be the means of



introducing amongst the Natives a system of civil government which may hereafter be adopted and enlarged upon. Nor is it to be overlooked that in times of intestine war they will afford a safe retreat to our fellow-countrymen, who will become powerful by concentration.

I trust the imperfection of the foregoing details may not be allowed to militate against the measure I have the honour to suggest, but, if the principle be approved, that it may be modified and arranged by abler hands, so as to adapt it to the exigency of the case.

I have, &c.,

W. HOBSON, Captain.

British Residency, Bay of Islands, 16th June, 1837.

SIR,—

I have the honour to acknowledge the receipt of your despatch of the 16th ultimo, which was delivered to me on the 27th of the same month by Captain Hobson, of His Majesty's ship "Rattlesnake."

## On the Tribal War at the Bay of Islands.

By my letter of the 4th ultimo, No. 111, His Excellency Sir Richard Bourke would perceive that the fears I had formerly expressed, that war was about to break out in this immediate neighbourhood had been realized but that, contrary to all expectation, the conduct of the Natives towards the British settlers had been, on the whole, most exemplary. I am happy to add that it has so continued up to the arrival of the "Rattlesnake," Under circumstances so favourable, an attempt was made by Captain Hobson, accompanied by a party of Missionaries and myself, to mediate between the contending parties, but without effect. The chiefs on Pomare's side, whom I formerly represented as being unfriendly to Pomare's procedure, although in a manner constrained to take part with him, were most favourable to the proposition, and requested that one or two persons, whom they named, of the opposite party should meet them to adjust the preliminaries; but Pomare himself turned a deaf ear to every argument that could be urged.

The overtures of the well-disposed chiefs were nevertheless delivered, but they were received by the Ngapuhis in the most unfriendly spirit; and, on its being too evident that all attempts at mediation were fruitless, Captain Hobson concluded by cautioning them as to their conduct to British subjects, assuring them that if any violence should be offered by either party to these it would then become his duty to take satisfaction, and that he would do it effectually.

Since the date of my last despatch the war canoes have been almost every day in motion; but there have been only two encounters of the parties worthy of notice. In these two affairs thirty persons were killed The Ngapuhis have lost another chief of the first rank, and in other respects have been the severest sufferers from the commencement of hostilities. The injury for which they took up arms has consequently been aggravated by every attempt to obtain reparation.

A fact has also come to my knowledge which gives a greater colour of truth to Pomare's original accusation than any circumstance of which I was previously aware, namely, that the woman, of whom it was alleged that she had been murdered and eaten on being landed from the ship, had formerly been the wife of the person who was charged with her murder. It was, in former times, a very common case for a chief to put to death any of his wives who had deserted or been unfaithful to him.

But, whatever may have been the real circumstances or motives which originated the present war, there is not the least probability of its being speedily brought to a termination. Pomare's party appear confident in the strength of their position, and the Ngapuhis are evidently actuated by the most irritated and vindictive feelings; and there seems no reason to doubt that they will speedily be joined by the powerful Tribe of Rarawa, from the more northerly parts of the island. Under these circumstances, although the visit of His Majesty's ship "Rattlesnake" at this juncture is peculiarly important, as making it appear to the Natives that a vigilant guardianship is maintained over His Majesty's subjects who are settled here, and that assistance is never at a great distance, should it be required, yet it is impossible to look at the continuance of this contest without the most serious alarm.

Titore, who was the most influential of the Ngapuhi chiefs in preserving order in the Town of Kororareka,

where the Natives and British are mingled in the greatest numbers, died a few days ago; and in several instances already I have heard that the loss of his influence has been felt to the detriment of the British inhabitants. Whatever influence the other chiefs possess will also be weakened when their provisions become exhausted and, as little or no cultivation will be attempted while things remain in their present position, it may naturally be expected that the Natives will become reckless in proportion to their want of the means of subsistence.

Under these circumstances, His Excellency will be prepared for my entire concurrence in his opinion that any additional expenditure, with the view of giving increased efficiency to my office as at present constituted, would be altogether fruitless; nor would the Act of Parliament to which His Excellency refers, if the powers it was intended to impart should be limited to the controlling of British subjects, be of much service in the state to which the affairs of this country have arrived. What is wanted is a paramount authority supported by a force adequate to secure the efficiency of its measures.

Without the establishment of such an authority by some civilized State, I cannot, after a full consideration of every circumstance connected with the actual condition of this people, see the least prospect of any permanent peace being established amongst them whilst there remains a stronger man to murder his weaker neighbour. There are few persons so insignificant as not to have it in their power at any time to plunge the country into war. The crime of an individual involves his most distant connections, as each of them is a legitimate object of retaliation to the connections of the injured party. It is in vain to represent to them that the criminal alone should suffer: their answer is ready, and it is perfectly consistent with the dictates of natural justice, namely, that his tribe will not surrender him to suffer for his crime, and by standing up in his defence they have become participators in it while, on the other hand, provided the criminal be not a slave, his connections are never without a grievance more or less ancient, which they bring forward as a justification of his crime. Thus, by every attempt to administer the law of retaliation—the rude justice of nature—the breach is made wider. New deaths involve more distant connections; tribe after tribe becomes a party to the contest; and peace, or rather an intermission of murders, can only be procured when one of the parties becomes too weak to continue the contest, or when the loss on both sides happens to be so nearly balanced that neither party has an advantage over the other.

In this way has the depopulation of the country been going on, till district after district has become void of its inhabitants, and the population is, even now, but a remnant of what it was in the memory of some European residents.

## **Rapid Decrease of the Maori Population.**

It would, in relation to the subject on which I intend to enter in this despatch, be an interesting and important question, did there exist means of bringing it to a satisfactory solution, how far, this depopulation of the country, which has at least been rapid in proportion to the increase of its intercourse with the whites, was originated by the latter and may justly be chargeable to them. My own opinion is that all the apparent causes which are in operation are quite inadequate to account for the rapid disappearance of the people.

The introduction of firearms is alleged as one cause, but there seems good reason to doubt whether their wars were less sanguinary before firearms were introduced. The use of intoxicating liquors and tobacco are less questionable evils and, though their direct influence cannot, I think, be stated as at all remarkable, they are, in all probability, the original causes of diseases with which their immediate connection is not apparent.

Venereal diseases are another means of undermining the constitution of the multitudes who, in one shape or other, are subjected to them; and, besides these sources of disease and death, the abuse of the females who are sent by their masters or relations on board ships, and the murder of the fruits of this intercourse, which is believed by those likely to be best-informed to be of frequent occurrence, are undoubtedly powerful checks to increase, and ought to be largely allowed for in estimating the causes which are in operation for the depopulation of the country. But, on the other hand, it must not be lost sight of that the mortality has not been confined to those who have been the victims of violence, or who have been exposed to the effects of vices or diseases of foreign origin. Disease and death prevail even amongst those natives who, by their adherence to the Missionaries, have received only benefits from English connections; and even the very children who are reared under the care of Missionaries are swept off in a ratio which promises, at no very distant period, to leave the country destitute of a single aboriginal inhabitant.

The Natives are perfectly sensible of this decrease; and when they contrast their own condition with that of the English families, amongst whom the marriages have been prolific in a very extraordinary degree of a most healthy progeny, they conclude that the God of the English is removing the aboriginal inhabitants to make room for them; and it appears to me that this impression has produced amongst them a very general recklessness and indifference to life.

I have, &c.,

JAMES BUSBY, British Resident, New Zealand.

*Respecting Captain Hobson's Appointment as British Consul.* Downing Street, 1st July, 1839.  
My LORDS,—

It having been deemed expedient by Her Majesty's Government to establish some competent British authority in the Islands of New Zealand, it has been determined that Captain Hobson, R.N., should proceed thither, invested with the character of British Consul.

The first object contemplated in making this appointment is to obtain from the Native chiefs the cession to Her Majesty of certain parts of those Islands, which it is proposed should be there added to the Colony of New South Wales as a dependency of that Government, when Captain Hobson would assume the character of Lieutenant-Governor.

In furtherance of this object I am to signify to your Lordships Her Majesty's pleasure that a ship of war may be appointed to convey Captain Hobson and his family to New South Wales, and thence to New Zealand, with instructions to the Commander to afford Captain Hobson such aid and co-operation as he may stand in need of, pending his negotiations with the various Native chiefs.

I shall take an opportunity of communicating to your Lordships such instructions as may be issued to Captain Hobson for his guidance in the execution of this service.

I have, &c.,

NORMANBY.

The Lords Commissioners of the Admiralty.

*Bay of Islands.—Narrative of Proceedings on Arrival in New Zealand.* H.M.S. "Herald," Bay of Islands, 5th February, 1840.  
Sir,—

I have the honour to acquaint your Excellency that immediately on my arrival here I circulated notices printed in the Native language that on this day I would hold a meeting of the chiefs of the Confederation, and of the high chiefs who had not yet signed the Declaration of Independence, for the purpose of explaining to them the commands I had received from Her Majesty the Queen, and of laying before them the copy of a Treaty which I had to propose for their consideration.

Accordingly a vast number of chiefs, with a multitude of followers, crowded in from every quarter, and at 12 this day they assembled under spacious tents, decorated with flags, which had been previously erected at Waitangi by the direction of Captain Nias, of this ship.

## First Levée and Native Meeting held.

Preparatory to the meeting, I had appointed a levée to be held at Mr. Busby's house at 11 o'clock, to which I invited all the principal European inhabitants, the members of the Church of England and Catholic Missions, and all the officers of this ship, and was highly gratified to find that nearly every one, either here or in the neighbourhood, favoured me with their attendance.

Soon after 12 I proceeded to the tent, supported by Captain Nias and his officers, Mr. Busby (the late Resident), the members of the Church Missionary Society, the French bishop, the officers of the Government,

and all the principal European inhabitants, &c., in procession, and took my seat on a raised platform, surrounded by the gentlemen in the same order as they had accompanied me. In the centre of the area within the tents, the chiefs seated themselves upon the ground, leaving a space round them for the Europeans. The whole spectacle produced a most imposing effect.

## **Treaty of Waitangi read and discussed.**

The business of the meeting then commenced by my announcing to the chiefs the object of my mission, and the reasons that had induced Her Majesty to appoint me. I explained to them in the fullest manner the effect that might be hoped to result from the measure, and I assured them in the most fervent manner that they might rely implicitly on the good faith of Her Majesty's Government in the transaction. I then read the Treaty a copy of which I have the honour to enclose; and, in doing so, I dwelt on each article, and offered a few remarks explanatory of such passages as they might be supposed not to understand. Mr. H. Williams, of the Church Missionary Society, did me the favour to interpret, and repeated in the Native tongue, sentence by sentence, all I said.

When I had finished reading the Treaty, I invited the chiefs to ask explanations on any point they did not comprehend, and to make any observations or remarks on it they pleased. Twenty or thirty chiefs addressed the meeting, five or six of whom opposed me with great violence, and at one period with such effect, and so cleverly, that I began to apprehend an unfavourable impression would be produced. At this crisis, the Hokianga chiefs, under Nene and Patuone, made their appearance, and nothing could have been more seasonable. It was evident, from the nature of the opposition, that some underhand influence had been at work. The chiefs Rewa and Ihakara, who are followers of the Catholic bishop, were the principal opposers, and the arguments were such as convinced me they had been prompted. Rewa, while addressing me, turned to the chiefs and said, "Send the man away; do not sign the paper: if you do, you will be reduced to the condition of slaves, and be obliged to break stones for the roads. Your land will be taken from you, and your dignity as chiefs will be destroyed."

At the first pause Nene came forward and spoke with a degree of natural eloquence that surprised all the Europeans, and evidently turned aside the temporary feeling that had been created. He first addressed himself to his own countrymen, desiring them to reflect on their own condition—to recollect how much the character of New Zealanders had been exalted by their intercourse with Europeans, and how impossible it was for them to govern themselves without frequent wars and bloodshed; and he concluded his harangue by strenuously advising them to receive us, and to place confidence in our promises. He then turned to me and said, "You must be our father. You must not allow us to become slaves; you must preserve our customs, and never permit our lands to be wrested from us." One or two other chiefs who were favourable followed him in the same strain; and one reproached a noisy fellow named Kitiki, of the adverse party, with having spoken rudely to me. Kitiki, stung by the remarks, sprang forward and shook me violently by the hand; and I received the salute apparently with equal ardour. This occasioned among the Natives a general expression of applause, and a loud cheer from the Europeans, in which the Natives joined; and thus the business of the meeting closed, further consideration of the question being adjourned to Friday, at 11 o'clock, leaving, as I said, one clear day to reflect on my proposal.

## **Second Meeting with the Native Chiefs.—Treaty signed,**

6th February, 1840.

At 10 o'clock this morning it was announced to me that the chiefs, being impatient of further delay, and perfectly satisfied with the proposals I had made them, were desirous at once to sign the Treaty, that they might return to their homes. The further consideration of the question had been adjourned from the 5th to the 7th; but to have refused this request would probably have rendered nugatory the whole proceeding by the dispersion of the tribes before they had attested their consent by their signatures. I therefore assembled the officers of the Government, and, with Mr. Busby and the gentlemen of the Missionary body, I proceeded to the tents, where the Treaty was signed in due form by forty-six head chiefs, in presence of at least five hundred of inferior degree.

As the acquiescence of these chiefs, twenty-six of whom had signed the Declaration of Independence, must be deemed a full and clear recognition of the sovereign rights of Her Majesty over the northern parts of this Island, it will be announced by a salute of twenty-one guns, which I have arranged with Captain Nias shall be fired from this ship to-morrow.

In the course of this proceeding I have courted the utmost publicity, and I have forborne to adopt even the customary measure of propitiating the consent of the chiefs by presents or promises; and not until the Treaty had been signed did I give them anything. To have sent them home without acknowledgment would have been a violation of their customs, and would have given offence; I therefore distributed amongst them a few articles of trifling value before they separated.

It is my intention next week to visit Hokianga, and I hope to obtain the adherence of such of the chiefs of that district as were not present at Waitangi.

I have, &c.,

W. HOBSON.

His Excellency Sir George Gipps, &c.

HER MAJESTY VICTORIA, Queen of the United Kingdom of Great Britain and Ireland, regarding with her royal favour the Native chiefs and tribes of New Zealand, and anxious to protect their just rights and property, and to secure to them the enjoyment of peace and good order, has deemed it necessary, in consequence of the great number of Her Majesty's subjects who have already settled in New Zealand, and the rapid extension of emigration both from Europe and Australia, which is still in progress, to constitute and appoint a functionary properly authorized to treat with the aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole of any part of those Islands. Her Majesty therefore, being desirous to establish a settled form of civil government, with a view to avert the evil consequences which must result from the absence of the necessary laws and institutions, alike to the Native population and to her subjects, has been graciously pleased to empower and authorize me, William Hobson, a Captain in Her Majesty's Royal Navy, Consul and Lieutenant-Governor over such parts of New Zealand as may be, or hereafter shall be, ceded to Her Majesty, to invite the confederated and independent chiefs of New Zealand to concur in the following articles and conditions:—

## Article the First.

The chiefs of the Confederation of the United Tribes of New Zealand, and the separate and independent chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of sovereignty which the said Confederation or individual chiefs respectively exercise or possess or may be supposed to exercise or possess, over their respective territories, as the sole sovereigns thereof.

## Article the Second.

Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession. But the chiefs of the United Tribes, and the individual chiefs, yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them on that behalf.

## Article the Third.

In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand her royal protection, and imparts to them all the rights and privileges of British subjects.

W. HOBSON.

Now therefore, we, the chiefs of the Confederation of the United Tribes of New Zealand, being assembled in congress at Victoria, in Waitangi, and we, the separate and independent chiefs of New Zealand, claiming authority over the tribes and territories which are specified after our respective names, having been made fully to understand the provisions of the foregoing treaty, accept and enter into the same in the full spirit and meaning thereof.

In witness whereof we have attached our signatures or marks at the places and dates respectively specified. Done at Waitangi, this 6th day of February, in the year of our Lord one thousand eight hundred and forty.

[512 signatures.]

KO WIKITORIA, te Kuini o Ingarani, i tana mahara atawai ki nga rangatira me nga hapu o Nu Tirani, i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te rongo ki a ratou me te ata noho hoki, kua wakaaro ia he mea tika kia tukua mai tetahi rangatira hei kai wakarite ki nga tangata Maori o Nu Tirani. Kia wakaaetia e nga rangatira Maori te kawanatanga o te Kuini, ki nga wahi katoa o te wenua nei me nga motu. Na te mea hoki he tokomaha ke nga tangata o tona iwi kua noho ki tenei wenua, a e haere mai nei.

Na, ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata maori ki te pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua ahau, a Wiremu Hopihona, he Kapitana i te Roiara Nawe, hei Kawana mo nga wahi katoa o Nu Tirani, e tukua aiane amua atu ki te Kuini; e mea atu ana ia ki nga rangatira o te Wakaminenga o nga Hapu o Nu Tirani, me era rangatira atu, enei ture ka korerotia nei.

## Ko te Tuatahi.

Ko nga rangatira o te Wakaminenga, me nga rangatira katoa hoki, kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu te kawanatanga katoa o o ratou wenua.

## Ko te Tuarua.

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga rangatira ki nga hapu ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o o ratou wenua, o ratou kainga, me o ratou taonga katoa. Otiia ko nga rangatira o te Wakaminenga, me nga rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua, ki te ritenga o te utu e wakaritea ai e ratou, ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

## Ko te Tuatoru.

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarani nga tangata Maori katoa o Nu Tirani. Ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

WILLIAM HOBSON, Consul and Lieutenant-Governor.

Na, ko matou, ko nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirani, ka huihui nei ki Waitangi. Ko matou hoki ko nga rangatira o Nu Tirani, ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou. Koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi, i te ono o nga ra o Pepuere, i te tau kotahi mano e waru rau e iwa tekau o to tatou Ariki.

*Hokianga.—Treaty of Waitangi signed. H.M.S. "Herald," Bay of Islands, 17th February, 1840.*

SIR,—

I have the honour to acquaint your Excellency that, in accordance with the intention I expressed in my letter of the 5th instant (No. 40/8), I proceeded to Hokianga on the 11th accompanied by Captain Nias, the officers of the Government, and the Rev. Mr. Taylor and Mr. Clarke, of the Church Missionary Society.

On arriving at Waihou, a place on the river about seven miles above the mission-station, I was received by the members of the Wesleyan Mission, and all the principal European settlers of the neighbourhood.

From these gentlemen I received every assurance of fidelity to Her Majesty, and the most hearty congratulations to myself.

At the conclusion of this ceremonial I proceeded down the river in boats that were provided for me, attended by the British inhabitants in eight other boats, all displaying the British flag. On passing the Hauraki a salute of thirteen guns was fired, and on my arrival at the Mission-station I was again visited by the resident gentlemen, to whom I addressed a few words expressive of the high sense I entertained of this earnest of loyal zeal in forwarding the views of Her Majesty's Government, and of the honour they had done me by their very flattering attention. I at the same time signified my intention to hold a meeting of the chiefs on the following day, to which I invited all the Europeans of every class and nation.

## Meeting held.

Having previously intimated to the chiefs my wish to meet them on the 12th, not less than three thousand Natives had collected at the Mission-station, between four hundred and five hundred of whom were chiefs of different degrees. At the appointed time for meeting I was mortified to observe a great disinclination on the part of the chiefs to assemble. After some delay, however, they began to collect; and at last the different tribes marched up in procession, and took their seats, something in the same order as was observed at Waitangi. Still I could not fail to observe that an unfavourable spirit prevailed amongst them.

The business of the day commenced nearly in the same manner as it had done on a former occasion, the Rev. Mr. Hobbs, of the Wesleyan Mission, interpreting. After a short address to the Europeans I entered into a full explanation to the chiefs of the views and motives of Her Majesty in proposing to extend to New Zealand her powerful protection. I then, as before, read the Treaty, expounded its provisions, invited discussion, and offered elucidation.

This undisguised manner of proceeding defeated much of the opposition, but did not to the extent of my wish or expectation remove the predetermination to oppose me that had already been manifested.

## Opposition manifested.

The New Zealanders are passionately fond of declamation, and they possess considerable ingenuity in exciting the passions of the people. On this occasion all their best orators were against me, and every argument they could devise was used to defeat my object. But many of their remarks were evidently not of Native origin, and it was clear that a powerful counter-influence had been employed. Towards the close of the day one of the chiefs, Papa Haika, made some observations that were so distinctly of English origin that I called on him to speak his own sentiments like a man, and not to allow others who were self-interested to prompt him; upon which he fairly, admitted the fact, and called for the European who had advised him to come forward, and tell the Governor what he had told him. This call was reiterated by me, when a person named M—presented himself. I asked his, motive for endeavouring to defeat the benevolent object of Her Majesty, whose desire it is to secure to those people their just rights, and to the European settlers peace and civil government. He replied that he conscientiously believed that the Natives would be degraded under our influence, and that therefore he had advised them to resist; admitting, at the same time, that the laws of England were requisite to restrain and protect British subjects, but to British subjects alone should they be applicable. I asked him if he was aware that English laws could only be exercised on English soil. He replied, "I am not aware; I am not a lawyer:" upon which I begged him to resume his seat, and told the chiefs that Mr. M—had given them advice in utter ignorance of this most important fact; adding, "If you listen to such counsel and oppose me, you will be stripped of all your land by a worthless class of British subjects, who will consult no interest but their own, and who care not how much they trample on your rights. I am sent here to control such people, and I ask from you the authority to do so." This little address was responded to by a song of applause; several chiefs who agreed

with me sprang up in my support, and the whole spirit of the meeting changed. Apologies were offered by the opposing party, and the most prominent of them came forward and signed the Treaty. When the example had once been shown, it was with difficulty I could restrain those who were disintituled by their rank from inserting their names. Upwards of fifty-six signatures were given, and at 12 o'clock at night the business closed.

Before the last of the party were dismissed, it was intimated to me that the chiefs were desirous I should attend their feast on the following morning; and, in order to gratify them, I relinquished a visit I had arranged to the lower part of the river.

## Feast at Horeke, Captain McDonell's Station.

At 10 o'clock on the 13th I went by appointment to the Hauraki, and there a thousand as fine warriors as were ever seen were collected in their best costume. The Native war-dance, accompanied by those terrific yells which are so well qualified to exhibit the natural ferocity of the New Zealand character, was exhibited for my amusement; the guns from a small European battery were fired; and the Natives discharged their muskets and dispersed, under three hearty cheers from my party. The feast which I had ordered to be prepared, consisting of pigs, potatoes, rice, and sugar, with a small portion of tobacco to every man, was partaken of by all in perfect harmony. It was estimated that, of men, women, and children, there were three thousand persons present.

## Character of Opposition.

The influence against me was easily traceable to the foreign bishop of the Roman Catholic persuasion, and to a set of escaped convicts and other low ruffians who have congregated on this river in considerable numbers. These parties, though actuated by different motives, were united in their proceedings, and many of the latter were agents of the former. Mr. M—whom I have mentioned, though not of a degraded class, is an adventurer, who lives with a Native woman, has purchased a considerable portion of land, and, being an Irish Catholic, is an active agent of the bishop.

Another person; altogether of a lower description, known under the name of "Jacky Marmon," who is married to a Native woman and has resided in this country since 1809, is also an agent of the bishop. He assumes the Native character in its worst form—is a cannibal—and has been conspicuous in the Native wars and outrages for years past. Against such people I shall have to contend in every quarter, but I do not despair of arranging matters hereafter with comparative ease. The two points at which I have already met the Natives were the strongholds of our most violent opponents; and, notwithstanding the untiring efforts of the bishop and the convicts, I have obtained the almost unanimous assent of the chiefs. On the whole of the Hokianga but two head chiefs refused their consent, and even from their tribes many chiefs have added their names to the Treaty.

On the morning of the 14th, when preparing to return here, I regret to say that, notwithstanding the universal good feeling which subsisted amongst the chiefs on the day previous, two tribes—of the Roman Catholic communion—requested that their names might be withdrawn from the Treaty. It is obvious that the same mischievous influence I before complained of had been exercised in this instance. I did not, of course, suffer the alteration; but I regret that the credulity of the chiefs should render them so susceptible of unfavourable impressions.

I considered that on the conclusion of the Treaty of Waitangi the sovereignty of Her Majesty over the northern district was complete. I can now only add that the adherence of the Hokianga chiefs renders the question beyond dispute. I therefore propose to issue a Proclamation announcing that Her Majesty's dominion in New Zealand extends from the North Cape, to the 36th degree of latitude. As I proceed southward, and obtain the consent of the chiefs, I will extend these limits by Proclamation, until I can include the whole of the Islands.

I have, &c.,

W. HOBSON.

His Excellency Sir George Gipps, &c.



*Bay of Islands.—Visit to Kaitaia to obtain Signatures to Treaty.* Kororareka, 6th May, 1840.  
SIR,—

I have the honour to inform your Excellency that, according to your directions, I sailed on the 27th ultimo for Kaitaia in the schooner "New Zealander." We touched at Maunganui, where I obtained one of the principal chiefs as a pilot, and on the Saturday following anchored in the river, about sixteen miles distant from the town.

The Rev. R. Taylor and Dr. Johnson immediately proceeded to the Church Mission-station to arrange with Mr. Puckey and the chief Nopera the day of meeting.

On Monday, accompanied by Lieutenant Smart and the mounted police, I went to Kaitaia. At the head of the river we were met by Mr. Puckey and a great many Natives, who escorted us to the town, where we were received by a discharge of musketry, and shortly after were welcomed by a war-dance. The firing continued throughout the evening, and at intervals during the night.

At an early hour the next morning the chiefs commenced preparations, and at ten o'clock assembled on a large grass-plot before the verandah of Mr. Matthews's house, whither I repaired, attended by Mr. Puckey (who acted as Interpreter), Nopera, the principal chief, and the gentlemen by whom I was accompanied.

I opened the meeting by informing the chiefs that your Excellency's illness prevented your personal attendance, but that you had deputed me to meet them, to explain the provisions of the Treaty of Waitangi, and to invite their adherence thereto. I then alluded to the mischievous endeavours of some evil-disposed persons to misrepresent the intentions of Her Majesty's Government, assured them that your Excellency would strictly perform all your engagements with them, and concluded by requesting them to make any statement, or to call for any explanation, on such subjects as they did not fully comprehend.

The Treaty was then read, and the debate was conducted much in the same manner as at Waitangi, with this exception: that there was but very little opposition.

They stated that they had been informed by the pakehas that your Excellency would take away their lands and make them slaves; that you would place their provisions in stores, and distribute only such quantities as you might think proper. They also stated that they had been solicited by some of the Ngapuhis and Hokianga chiefs to join in a conspiracy to cut off the pakehas, but that they had declined doing so; and concluded by expressing their hearty concurrence with your Excellency's views, and their earnest wish to become subjects of Her Majesty. The Treaty was then signed by sixty of the principal chiefs, and the meeting concluded with a war-dance and a general discharge of musketry.

I herewith enclose the speech of Nopera, by which your Excellency will more fully perceive the value of his adherence. I further beg to inform your Excellency that he provided all the food for the entertainment of the Natives, and would not accept any payment for it, although offered by me. He also desired me to request your acceptance of a present of pigs and potatoes, which he sent on board the schooner.

I have, &c.,

WILLOUGHBY SHORTLAND,

His Excellency Lieutenant-Governor Hobson, &c.  
Colonial Secretary.

## The SPEECH of NOPERA PARAEAKA, Chief of Kaitaia.

"Hear, all of you, pakehas and Maoris. This is my speech. My desire is that we should all be of one heart. Speak your words, openly; speak as you mean to act; do not say one thing and mean another. I am at your head. I wish you all to have the Governor. We are saved by this. Let every one say Yes, as I do. We have now somebody to look up to. I am jealous of those speeches I hear from the pakehas be careful not to listen to them. Some say it will be the pakehas who will offend; but I say No; it will be the Maoris. My grandfather brought

the pakehas to this very spot, and the chiefs agreed with what my grandfather did. He went on board the ships, and got trade. He spread it through the land. Let us act right, as my ancestor did. The pakehas went to the Bay of Islands, and were murdered. Let us do them no harm. What has the Governor done wrong? The shadow of the land goes to Queen Victoria, but the substance remains with us. We will go to the Governor, and get a payment for our land, as before. If the Ngapuhi commit evil they will suffer. We have always been friendly with the pakehas. We never went in ships to England or Port Jackson to buy arms to kill our countrymen. If you want to be cut off, go and fight the Governor. Do not, like the chiefs at Hokianga, wish to kill the Governor. Live peaceably with the pakehas. We have now a helmsman. One said, 'Let me steer,' and another said, 'Let me steer,' and we never went straight. Be jealous, look well into your own hearts, and commit no evil. The Natives did wrong at the Bay, and suffered. What man of sense would believe that the Governor would take our goods, and only give us half of it? If you have anything else to say, say it; but, if not, finish; and all of you say Yes.

Say Yes."

Upon this there was a general exclamation of "Ae, ae" (Yes, yes), and they came forward in an orderly manner, and signed the Treaty to the number of sixty.

[These notes were taken by the Rev. R. Taylor and Dr. Johnson.]

*Transmitting Report on Aborigines.* Mauritius, 4th June, 1840.

MY LORD,—

I have the honour to submit to your Lordship a report on the best means of promoting the civilization of the aboriginal inhabitants of Australia, which report is founded upon a careful study of the language, prejudices, and traditional customs of this people.

Feeling anxious to render this report as complete as possible, I have delayed transmitting it to your Lordship until the latest possible period. Portions of it have in the interim been laid before some of the local Governments in Australia, and a few of the suggestions contained in it have been already acted upon.

But as so small a portion of Australia is as yet occupied, and the important task of so conducting the occupation of new districts as to benefit the aborigines in the greatest possible degree yet remains to be performed, I have thought that it would be agreeable to your Lordship to be put in possession of all such facts relating to this interesting subject as are at present known.

None but general principles, equally applicable to all portions of the continent of Australia, are embodied in this report, and I am particularly solicitous that that portion of it which commences at the twenty-first paragraph should receive consideration from your Lordship, as the whole machinery required to bring this plan into operation now exists in the different Australian Colonies, and its full development would entail no expense whatever upon either the Home or local Governments.

I have, &c.,

G. GREY, Capt. 82nd Regt., Commanding Australian Expedition.

The Right Hon. Lord John Russell, &c.

## **Enclosure.REPORT upon the Best Means of promoting the CIVILIZATION of the ABORIGINAL INHABITANTS of AUSTRALIA.**

- 1. THE aborigines of Australia have hitherto resisted all efforts which have been made for their civilization. It would appear that if they are capable of being civilized it can be shown that all the systems on which these efforts have been founded contained some common error, or that each of them involved some erroneous principle. The former supposition appears to be the true one, for they all contained one element, they all started with one recognized principle, the presence of which in the scheme must

necessarily have entailed its failure.

- 2. This principle was that, although the natives should, as far as European property and European subjects are concerned, be made amenable to British laws, yet so long as they only exercised their own customs upon themselves, and not too immediately in the presence of Europeans, they should be allowed to do so with impunity.
- 3. This principle originated in philanthropic motives and a total ignorance of the peculiar traditional laws of this people, which laws differ from those of any other known race, and have necessarily imparted to the people subject to them a character different from all other races, and hence arises the anomalous state in which they have been found.
- 4. They are as apt and intelligent as any other race of men I am acquainted with. They are subject to the same affections, appetites, and passions as other men, yet in many points of character they are totally dissimilar to them; and from the peculiar code of laws of this people it would appear not only impossible that any nation subject to them could ever emerge from a savage state, but even that no race, however highly endowed, however civilized, could in other respects remain long in a state of civilization if they were subject to the operation of such barbarous customs.
- 5. The plea generally set up in defence of this principle is that the natives of this country are a conquered people, and that it is an act of generosity to allow them the full power of exercising their own laws upon themselves. But this plea would appear to be inadmissible: for, in the first place, savage and traditional customs should not be confounded with a regular code of laws; and, secondly, when Great Britain insures to a conquered country the privilege of its own laws, all persons resident in this territory become amenable to the same laws, and proper persons are selected by the Government to watch over their due and equitable administration. Nothing of this kind either exists or can exist with regard to the customs of the natives of Australia. Between the two cases, then, there is no apparent analogy.
- 6. I would submit, therefore, that it is necessary that the moment the aborigines of this country are declared British subjects they should, as far as possible, be taught that the British laws are to supersede their own, so that any native who is suffering under their own customs may have the power of an appeal to those of Great Britain, or, to put this in its true light, that all authorized persons should, in all instances, be required to protect a native from the violence of his fellows, even though they be in the execution of their own laws.
- 7. So long as this is not the case the older natives have at their disposal the means of effectually preventing the civilization of any individuals of their own tribe, and those among them who may be inclined to adapt themselves to the European habits and mode of life will be deterred from so doing by the fear of the consequences that the displeasure of others may draw down upon them.
- 8. So much importance am I disposed to attach to this point that I do not hesitate to assert my full conviction that, whilst those tribes that are in communication with Europeans are allowed to execute their barbarous laws and customs upon one another, so long will they remain hopelessly immersed in their present state of barbarism; and, however unjust such a proceeding might at first sight appear, I believe that the course pointed out by true humanity would be to make them from the very commencement amenable to the British laws, both as regards themselves and Europeans; for I hold it to be imagining a contradiction to suppose that individuals subject to savage and barbarous laws can rise into a state of civilization, which those laws have a manifest tendency to destroy and overturn.
- 9. I have known many instances of natives who have been almost or quite civilized being compelled by other natives to return to the bush, more particularly girls, who have been betrothed in their infancy, and who, on approaching the years of puberty, have been compelled by their husbands to join them.
- 10. It is difficult to ascertain the exact effect the institutions of a country produce upon the character of its inhabitants, but it may be readily admitted that if two savage races of equal mental endowments and with the same capacity for civilization were subject to two distinct sets of laws, the one mild and favourable to the development of civilization, the other bloodthirsty and opposed to it, the former might gradually be brought to a knowledge of Christianity and civilization, whilst precisely similar efforts made with regard to the latter might be attended with no beneficial results.
- 11. Again, it would be unfair to consider the laws of the natives of Australia as any indication of the real character of this people, for many races who were at one period subject to the most barbarous laws have, since new institutions have been introduced amongst them, taken their rank among the civilized nations of the earth.
- 12. To punish the aborigines severely for the violation of laws of which they are ignorant would be manifestly cruel and unjust; but to punish them in the first instance slightly for the violation of these laws would inflict no great injury on them, whilst by always punishing them when guilty of a crime without reference to the length of period that had elapsed between its perpetration and their apprehension, at the

same time fully explaining to them the measure of punishment that would await them in the event of a second commission of the same fault, would teach them gradually the laws to which they were henceforth to be amenable, and would show them that crime was always eventually, although, it might be, remotely, followed by punishment.

- 13. I imagine that this course would be more merciful than that at present adopted, viz, to punish them for a violation of a law they are ignorant of when this violation affects a European, and yet to allow them to commit this crime as often as they like when it only regards themselves; for this latter course teaches them, not that certain actions—such, for instance, as murder, &c.—are generally criminal, but only that they are criminal when exercised towards the white people; and the impression consequently excited in their minds is that these acts only excite our detestation when exercised towards ourselves, and that their criminality consists, not in having committed a certain odious action, but in having violated our prejudices.
- 14 In the vicinity of towns, where there is a certain judicial force, and where, on account of the facility of obtaining food, the natives always congregate, it would, by a steady and determined line of conduct, be comparatively easy to enforce an observance of the British laws; but even partially to attain this object in the remote and thinly settled districts, it is necessary that each colony should possess an efficient mounted police, a portion of whom should be constantly in movement from district to district, whilst another portion, resident in a central situation, should be ready to act instantly in any direction where their presence was required. I do not apprehend this body need be numerous, for their utility would depend more on their activity and efficiency than on their numbers. It is absolutely necessary for the cause of humanity and good order that such a force should exist, for so long as distant settlers are left unprotected, and are compelled to take care of and avenge themselves, so long must necessarily great barbarities be committed; and the only way to prevent great crime on the part of the natives, and massacres of these poor creatures as the punishment of such crimes, is to check and punish their excesses in their infancy. It is only after becoming emboldened by frequent petty successes that they have hitherto committed those crimes which have drawn down so fearful a vengeance upon them.
- 15. The greatest obstacle that presents itself in considering the application of the British law to these aborigines is the fact that, from their ignorance of the nature of an oath, or of the obligations it imposes, they are not competent to give evidence before a Court of justice, and thence, in many cases, it would be extremely difficult, if not impossible, to obtain evidence on which a prisoner could be convicted.
- 16. One mode of evading this difficulty would be to empower the Court to receive evidence from the natives in all causes relating solely to themselves without the witness being sworn, only allowing testimony of this nature to hold good when borne out by very strong circumstantial evidence; secondly, to empower the Court always to receive evidence from natives called on by a native prisoner in his defence, such evidence being subject to the before named restrictions.
- 17. The fact of the natives being unable to give testimony in a Court of justice is a great hard-ship on them, and they consider it as such; the reason that occasions their disability for the performance of this function is at present quite beyond their comprehension, and it is impossible to explain it to them. I have been a personal witness to a case in which a native was most undeservedly punished from the circumstance of the natives who were the only persons who could speak as to certain excul-patory facts not being permitted to give their evidence.
- 18. There are certain forms in our colonial Courts of justice, as at present conducted, which it is impossible to make a savage comprehend. I attended one quarter-sessions at which a number of natives were tried on a great variety of charges. Several of them were induced to plead guilty, and on this admission of their having committed the crime sentence was pronounced upon them. But when others denied their guilt, and found that this denial produced no corresponding result in their favour, whilst at the same time they were not permitted to bring forward other natives to deny it also, and to explain the matter to them, they became perfectly confounded. I was subsequently applied to by several intelligent natives to explain this mystery to them, but I failed in giving such an explanation as would satisfy them.
- 19. The natives being ignorant of our laws, of the forms of our Courts of justice, of the language in which the proceedings are conducted, and the sentence pronounced upon them, it would appear that but a very imperfect protection is afforded them by having present in the Court merely an interpreter (very often an ignorant man), who knows nothing of legal proceedings, and can be but very imperfectly acquainted with the native language. It must also be borne in mind that the natives are not tried by a jury of their peers, but by a jury having interests directly opposed to their own, and who can scarcely avoid being in some degree prejudiced against native offenders. From these considerations I would suggest that it should be made binding upon the local Government, in all instances (or at least in such instances as affect life), to provide a counsel to defend native prisoners.

- 20. Some other principal preventives to the civilization of the aborigines, in addition to those I have already stated, are: (1.) The existence of an uncertain and irregular demand for their labour: thus they may have one day sufficient opportunity afforded them for the execution of their industry, while the next day their services are not required, so that they are compelled once more to have recourse to their former irregular and wandering habits. (2.) Their generally receiving a very inadequate reward for the services they render: this, combined with their natural fondness for the bush, induces them to prefer that mode of subsistence which, whilst it is infinitely more agreeable and less laborious, procures for them nearly as great a reward as living with white people. (3.) Their not being taught that different values are attached to different degrees of labour, as well as to the skill and neatness with which it is performed.
- 21. These impediments might all either be removed or modified in some districts by the establishment of native institutions and schools; but, in forming a general plan for their removal which would be equally applicable to all parts of the colony, a very novel difficulty presents itself.
- 22. Imagining that a native child is perfectly capable of being civilized, let it also be granted that, from proper preventive measures having been adopted, this child has nothing to fear from the vengeance of the other natives, so that it stands in these respects nearly or altogether in the position of an European.
- 23. If this native child is a boy who is to pay the individual who undertakes to teach him some calling, the fee usually given with an apprentice? Who will indemnify this person for the time he spends in instructing the boy before he can derive any benefit from his labour, or for the risk he incurs of the boy's services being bestowed elsewhere as soon as they are worth having?
- 24. Until this difficulty is got over, it appears evident that the natives will only be employed in herding cattle, or in the lowest order of manual labour, which requires no skill, and for which the reward they receive will be so small as scarcely to offer an inducement to them to quit their present wandering mode of life.
- 25. The remedy I would suggest for this evil would have another advantage besides a tendency to ameliorate it, for it would give the settlers a great and direct interest in the aborigines, without entailing any expense upon the Government. It is founded on the following facts.
- 26. The Government, in order to create a supply of labour in the colonies, have been in the habit of giving certain rewards to those individuals who introduced labourers into them. Now, it would appear that he who reclaims one of the aborigines not only adds another labourer to those who are already in the colony, but further confers such a benefit on his fellow-settlers, by rendering one who was before a useless and dangerous being a serviceable member of the community, that this circumstance alone entitles him to a reward.
- 27. I would therefore propose that on the production of the hereafter-named documents a settler should receive a certificate entitling him to a certain sum, which should either be allowed to reckon towards the completion of location duties, or else as a remission certificate in the purchase of land, or, in lieu of this, a grant of land; and that this sum or grant should be regulated according to a table specifying the various circumstances that are likely to occur, and drawn up by the local Government of each place where such regulation should be introduced.
- 28. The documents to which I allude are these: (1.) A deposition before the nearest Magistrate to such settler's house that a native or natives have been resident with him constantly for the last six months, and have been employed in stated species of labour. (2.) A certificate from the Government Resident of the district that, to the best of his belief, such statement is true, for that, on his visiting the settler's house, the stated number of natives were there, and were respectively occupied in the kinds of labour described. (3.) A certificate from the Protector of Aborigines that he has visited this settler's house, that the stated number of natives were resident there, and appeared to be pro-gressing in the knowledge of that branch of industry in which they were respectively stated to be employed.
- 29. It would be further necessary that any settler who intended to endeavour to reclaim, natives should give a short notice to the Protector of Aborigines previously to the commencement of the first six months.
- 30. Could this plan be brought into operation, the work of civilization of the aborigines would at once be commenced upon a great scale. It would not be confined to a single institution, but a variety of individuals, endowed with different talents and capacities for this work, would at once be employed on it. It is indeed rather suited and intended for the outskirts of civilization, thinly populated by settlers, than for towns, yet it is applicable to both situations; whilst its direct operation would be to induce the settler adequately to remunerate the native for, as well as to provide him with, a constant supply of labour, and to use every exertion, by kind and proper treatment, to attach him for as long a period as possible to his establishment.
- 31. In considering the kinds of labour in which it would be most advisable to engage natives, it should be borne in mind that in remote districts, where the European population is small, it would be imprudent to

induce many natives to congregate at any one point, and the kinds of labour in which they should be there engaged ought to be of such a nature as to have a tendency to scatter them over the country, and to distribute them amongst the separate establishments.

- 32. Whilst in the well-peopled districts, where a force sufficient both to protect and control the aborigines exists, they should be induced to assemble in great numbers, for they work much more readily when employed in masses, and by thus assembling them on one point their numbers are diminished in those portions of the colony which have a small European population, and they are concentrated at a spot where proper means for their improvement can be provided.
- 33. The first of these principles has been strictly attended to in the plan proposed in the 27th and following paragraphs of this report; the second has been carried into successful operation in Western Australia.
- 34. In order that the work on which the natives are employed in the vicinity of towns should be of the most advantageous nature, it is necessary that it should be productive of benefit both to themselves and the Government which employs them, so that it cannot be complained of as a useless expense, whilst at the same time it should be of such a kind as to accord with that love of excitement and change which is so peculiar to this people.
- 35. Both these ends would be attained by employing the aborigines either in opening new roads or in repairing old lines of communication: indeed, this kind of employment is singularly suited to the habits of this people; they might be kept constantly moving from post to post, thus varying the scene of their operations; one portion of the party might be employed in hunting with kangaroodogs, or fishing, in order to supply the others with fresh meat; and the species of labour in which the main body were engaged might, if they wished it, be changed once or twice in the course of the day, to prevent their being wearied by the monotonous character of their employment.
- 36. Among other enactments which I believe would have a tendency to promote the civilization of the aborigines, and which are applicable to those districts in which for some time a great intercourse has existed between the natives and Europeans, are the following:—
- 37. That any native who could produce a certificate (from the Protector of Aborigines) of having been constantly employed at the house of any settler or settlers for a period of not less than three years, should be entitled to a grant of land, the extent of which should be settled by the Government of the colony to which such native should belong, and that, if possible, this grant should be given in that district to which this native by birth belonged. That, in addition to this grant, he should receive a sum of money, the amount of which should be also fixed by the local Government, and which should be drawn from the funds raised by the sale of Government lands, and which sum should be expended in goats, poultry, &c., so as to enable the native in some manner to stock his land. That any native having only one wife, who produced a certificate of the civil-marriage contract having been performed between himself and her by the Resident of the district to which he belonged, should be entitled to a small reward. That any natives who registered duly the birth of any of their children should be entitled to a small reward. That some competent person should be paid to instruct two native boys in such a manner as to qualify them to act as interpreters in Courts of law, and as soon as they are found competent they should be employed for this purpose.

I believe that many other regulations, similar to these, would be found to produce a very beneficial effect.

4th June, 1840.

*Reporting Disturbance between American Seaman and Pomare's People.* Government House, Russell, 15th June, 1840.

SIR,—

I have the honour to acquaint you that on the night of the 4th June a report was conveyed to me that a desperate disturbance had taken place between some seamen and the people of Pomare's tribe at the pa, about three-quarters of a mile from this, on the banks of the Kawakawa. My informant was the mate of the ship "Achilles," who told me that a sailor had escaped to his ship badly wounded, who stated that he and other seamen on shore had been attacked by Pomare and his tribe, that ten or twelve men had been killed, that two masters of American ships had been detained as prisoners, and their boats had been dragged to the top of the hill.

This alarming account being in some measure confirmed by the report of firearms at the pa, induced me to

request Captain Lockhart to send forward a small detachment of troops, with directions to the officer in command to fire a rocket if a reinforcement should be required. It appears by Captain Lockhart's report, a copy of which I have now the honour to enclose, that appearances induced the officer to make the concerted signal; that a reinforcement was sent; that on the arrival of the troops the Natives retired, and immediately consented to give up the boats; and that the report of men having been killed, and two shipmasters having been made prisoners, was a mere fabrication. An affray certainly took place, in which the seaman who fled to the "Achilles" was the principal instigator, and was the only white man who received any injury. One Native was slightly hurt.

At daylight on the morning of the 5th I despatched a letter to Pomare, to desire his attendance here. In obedience to my summons, he made his appearance at 10 o'clock. It may be necessary to inform your Excellency that Pomare is one of the most powerful and influential chiefs in New Zealand. He is connected with Rauparaha, in the South, and with many high chiefs in the Thames and at Kaipara, and any misunderstanding with him might involve us with them all. Feeling that we had been placed in the wrong by the violence and misconduct of the seamen, and by the unsteadiness of a few of the soldiers, as reported by Captain Lockhart, it gave me no small satisfaction to find that Pomare was only desirous to exonerate himself of all blame on the occurrences of the preceding night, stating as his excuse for seizing the boats the provocation he had received, which was sufficiently gross to have occasioned with less enlightened Natives, or at another period of New Zealand history, a scene of bloodshed and destruction; and, so far from feeling resentment at the firing of the soldiers, which he was well aware had happened without orders, that he expressed himself thankful for their interference, saying they were the means of saving many lives by preventing the sailors from burning down the pa, which had in fact been threatened, and would have been attempted had not Captain Lockhart restrained the infuriated mob by whom he was surrounded.

In consequence of exaggerated reports a number of chiefs collected at the pa. I availed myself of the opportunity of assembling them and holding a meeting, at which I mentioned that Pomare might have avoided any collision with the sailors if he had in the first instance informed me of their riotous behaviour; and I explained that my object in employing military was to preserve peace and order by restraining the refractory, whether Native or European. The temper of the meeting was in a spirit that I could have wished; all seemed thankful for the measures I had adopted, and sufficiently over-awed by the promptitude with which they were executed. Pomare has since applied to me for some soldiers to preserve the peace, and promised if I would keep the white men in order he would answer for the Natives. I have on two occasions since employed the mounted police at the pa. Pomare gave them lodging and fed them liberally. The effect of this termination will be felt both here and all over the country. Pomare has shown that he has a proper respect for our power; and the fact of his expressing no resentment at our interference will satisfy the Natives that he was the aggressor.

I have been thus particular in detailing this affair to show your Excellency and Her Majesty's Government the very frail tenure by which peace is maintained with the Native population. A mere drunken brawl might have involved us in a war with half the country. I know it was a dangerous experiment to send military amongst them in the night-time; but it is equally necessary to be firm and prompt as it is to be courteous and forbearing, and if my information had been true inertitude would have been criminal. As this matter has terminated I feel convinced that it will greatly tend to strengthen the influence of Government. The inference to be drawn from these occurrences is that an augmentation of the military is absolutely necessary; it must never be overlooked that the Native population are a warlike race, well armed, and ever ready to use those arms on the slightest provocation.

I have, &c.,

W. HOBSON, Lieutenant-Governor.

His Excellency Governor Sir George Gipps, &c.

## **Enclosure. Captain LOCKHART to His Excellency Governor HOBSON.**

SIR,—

I have the honour to inform you that having received your Excellency's orders through Ensign Cookson, I embarked a party of twenty men to quell a disturbance between the Natives and some American sailors at Pomare's pa, on the night of the 3rd instant. On arriving there I found the Natives assembled near the chapel with firearms, on which I deemed it advisable to send for a reinforcement. On the appearance of the military the Natives proceeded to the farther part of the pa. I marched the men to that part of the fort where the Natives had, in a row during the course of the day, dragged two whaleboats belonging to American vessels. As I could not induce the Natives to take the boats to the place where they came from, I protected the boats' crew while they did so. On returning to our boats some of the Natives were seen crouching in the scrub above us. An alarm was made by a mob of armed drunken sailors and civilians that the Natives were making an attack. Some of the civilians cried "Fire! fire!" and fired several shots in the direction of the Natives. In the shouting and disturbance which ensued, I am sorry to say three or four muskets were fired by the soldiers without any orders from me. On account of the darkness I could not detect who the particular men were. Luckily no injury was done by the firing.

I have, &c.,

R. LOCKHART, Capt. 80th Regiment, Commanding Detachment. His Excellency the Lieutenant-Governor, Captain Hobson, R.N., Russell.

P.S.—I should also observe that the reports of several persons having been killed, and of two American shipmasters being detained as prisoners, were mere fabrications.

*Approval of Governor Hobson's Proceedings.* Downing Street, 17th July, 1840.

SIR,—

I have received your despatches of the numbers and dates specified in the margin reporting the measures which you had adopted, in conjunction with Captain Hobson, for giving effect to the intentions of Her Majesty's Government in establishing British authority in New Zealand, and transmitting the reports which you had received from that officer of his proceedings on his arrival at the Bay of Islands.

Her Majesty's Government entirely approve of the measures which you adopted, and of the manner in which they were carried into effect by Captain Hobson.

I have recommended the appointments notified in your Despatch No. 14 for the sanction of, the Lords Commissioners of the Treasury.

I have, &c.,

J. RUSSELL.

*Bay of Islands.—Report of Proceedings of Major Bunbury, in H.M.S. "Herald."* Government House, Sydney, 24th July, 1840.

MY LORD,—

With reference to my despatch of the 15th June last, in which I reported that Her Majesty's ship "Herald," having on board Major Bunbury, had sailed from the Bay of Islands for the purpose of procuring the acknowledgment of Her Majesty's authority from the chiefs in the southern parts of New Zealand, I have the honour to inform your Lordship that the "Herald" returned to Sydney this day, and that the duty on which Major Bunbury was despatched by Lieutenant-Governor Hobson appears to have, been very satisfactorily performed. Every point, of importance on the east coast of New Zealand was visited by the "Herald," as far as the southern point of the Southern or Stewart's Island, and Her Majesty's authority established, either by the acknowledgment of the chiefs, or (in the Middle and Southern Islands) by declaration on the right of discovery.



The "Herald" afterwards visited Port Nicholson, where everything was perfectly quiet, the agent of the Company having made full submission to Mr. Shortland, the Magistrate who had been sent to Port Nicholson by Lieutenant-Governor, Hobson. The "Herald" touched at the Bay of Islands on her return from Port Nicholson, and landed Major Bunbury.

I enclose herewith a copy of a letter addressed by Major Bunbury to my Private Secretary, which will explain to your Lordship why I am unable by the present opportunity to forward any, official account of his proceedings.

## French Settlement at Akaroa.

One of the places visited by the "Herald" was Banks Peninsula, the spot at which it has been said that a settlement is about to be made by a company formed in France: of this company, however, or of any of its proceedings, I know nothing, save what I have derived from English newspapers. The French discovery ships "Astrolabe" and "Zélée" had been at Banks Peninsula, but made no indications of forming a settlement there.

I have, &c.,

GEO. GIPPS.

## Enclosure.

Major BUNBURY to H. PAEKER, Esq., Sydney. Russell, 4th July, 1840.

DEAR SIR,—

You will oblige me by acquainting. His Excellency the Governor with my return from the mission I had undertaken at the request of Captain Hobson, R.N., Lieutenant-Governor of New Zealand, to the Native chiefs and tribes on the eastern coast.

Captain Hobson being absent at present on a tour of duty, I feel a delicacy, in entering into the details of the circumstances attending my visits officially: it may, however, interest Sir George to know, that I visited the harbours of Coromandel, Mercury Bay, Tauranga, Akaroa, Hawke's Bay, Cloudy Bay, Port Nicholson, Ruapuke Island (Foveaux Strait), the Islands of Kapiti and Mana, Otago, and Southern Port (Stewart's Island). From all these places I obtained the necessary, signatures, excepting in one or two places where my mission had been, anticipated by other gentlemen sent by Captain Hobson.

At Southern Port (Stewart's Island), and at Cloudy Bay, (Middle Island), Captain Nias and myself judging it would be for the best interests of the Natives as well as European settlers that further delay, should not take place, we proclaimed the Queen's, authority with the usual ceremonies: at the former place on the 5th of June, where we did not meet with Natives, by right of discovery; and at the latter on the 7th of June, from the sovereignty having been ceded by the Native chiefs. At Port Nicholson I learned that Captain Hobson had also taken a similar view of, the subject by proclaiming the Queen's authority. Here we met with Mr. Shortland, and a subaltern's party from my detachment, who had been sent by the Lieutenant-Governor. The place appeared, tranquil, and well supplied with provisions; and Mr. Shortland as well as the troops had been, I understand, well received on their landing by the inhabitants.

Yours, &c.,

THOMAS BUNBURY, Major, 80th Regiment.  
H. Parker, Esq., &c.

# **COPY of a DESPATCH from Governor HOBSON to the SECRETARY of STATE for the COLONIES**

*Bay of Islands.—Reporting Proceedings taken to obtain Signatures to Treaty.* Government House, Russell, Bay of Islands, 15th October, 1840.

MY LORD,—

Referring to my Despatch No. 3, of the 25th May last, I have the honour to report to your Lordship that I have received ample and full reports from all the gentlemen whom I commissioned to treat with the Native chiefs for their adherence to the Treaty of Waitangi; and to enclose to your Lordship copies of those reports, together with a certified copy of the Treaty of Waitangi, both in English and the Native language, with the names inserted of the chiefs and witnesses who signed it, with the exception of some chiefs whose names are affixed to a copy of the treaty intrusted to Mr. Whiteley, as reported in Enclosure No. 5 by Captain Symonds, which has not yet reached me. The originals of these documents are preserved amongst the archives of the colony.

I have, &c.,

W. HOBSON.

## **Enclosures.(No. 1.)The Rev. ROBERT MAUNSELL, B.A., to the Hon. the COLONIAL SECRETARY.**

Waikato Heads, 14th April, 1840.

SIR,—

You will, I trust, receive with this the document lately forwarded to me to have the signatures of the principal men in Waikato attached to it.

I am happy to inform you that the signatures obtained comprise those of the leading men, excepting perhaps two. Those we hope soon to obtain, and I have already forwarded on to Messrs. Wallis and Whiteley the document left me by Captain Symonds, in order that they may obtain as many more names as they deem expedient. You will learn from Captain Symonds the particulars connected with the distribution of blankets, which we were unavoidably obliged to hasten, as most of the chiefs had come from a considerable distance. To this step also we were compelled by intelligence having reached them after they had signed their names that they were entitled to a blanket on signing—intelligence that would have placed us in a rather awkward situation if it had not been for the timely arrival of your letter to Captain Symonds.

In forwarding the accompanying document, I would beg to observe, in reference to ourselves, that, cordially as we desire to co-operate with Governor Hobson in all measures consistent with our principles, we cannot but state that we feel strongly the responsibility in the eyes of the Natives by the steps we are now adopting. I would beg, therefore, with all deference, to add that, having put ourselves thus prominently forward in obtaining an acknowledgment of the sovereign power of the Queen on the part of the Natives, so we trust that that acknowledgment will never be made, even apparently, the basis of any measure that may hereafter result in their prejudice. The steps we have taken have been taken in full dependence on the well-known lenity and honour of the British Government, and we rest assured that we shall never hereafter find ourselves to have been in these particulars mistaken.

I remain, &c.,

R. MAUNSELL.

## **(No. 2.)The Rev. JAMES BULLER to the Hon. the COLONIAL SECRETARY.**

Tangiteroria, Kaipara, 5th May, 1840.

DEAR SIR—

I sent you a letter some, time ago by some Natives from Mangakahia; but, lest that should have miscarried, I embrace the opportunity of writing per favour of Captain Heal who has been unfortunately wrecked in going out of this harbour. Tirarau intends going to the Bay of Islands in company with Captain Heald and party, and you will therefore, no doubt have an opportunity of seeing him. I have every reason to believe that he is well disposed towards the Government. I saw Parore the other day, who said that he should do the same as Tirarau, which, I believe, is the sentiment of all the chiefs in this quarter.

Hoping that His Excellency will soon be restored to perfect health, and praying that the Lord direct all the important affairs of this infant colony,

I remain, &c.,

JAMES BULLER.

Willoughby Shortland, Esq.

## **(No. 3.)Major BUNBURY to His Excellency the GOVERNOR.**

H.M.S. "Herald," Coromandel Harbour, 6th May, 1840.

SIR,—

I avail myself of the opportunity afforded by the expected departure of a vessel this morning for the Bay of Islands to report to your Excellency our proceedings since Her Majesty's ship "Herald" sailed from the outer harbour of the Bay of Islands, on the morning, of the 29th ultimo. The following day, the ship having anchored at Coromandel Harbour, Mr. Williams and myself went on shore at Mr. Webster's establishment, in order to arrange means for securing the attendance of the Native chiefs and fix a day for them to sign the Treaty. A Native was also; despatched overland to Mercury Bay, with letters from Captain Nias and myself to Mr. Stewart, requesting him to pilot the "Herald," and to notify to the Native chiefs at Mercury Bay, our object in visiting the coast, and to request their attendance with himself at Mr. Webster's establishment on Monday, the 4th instant, that day having been fixed upon for the assembling of the Natives. Mr. Stewart's answer I herewith enclose.

On the day appointed Captain Nias with several officers of Her Majesty's ship, together with Mr Williams and myself, went on shore about 11 o'clock; but no Native chiefs had at that hour assembled. A considerable number of Europeans appear however, to have been attracted by the report of the expected meeting.

Subsequently a number of Natives did assemble with six chiefs of different tribes, and, after a variety of objections on their part, we succeeded in obtaining the signatures of four one of these being the principal chief of the district the celebrated Horeta of Barrier. Island notoriety. The Principal orator, an old chief named Pike, and another of inferior note refused to sign alleging as a reason that they wanted more time to assemble the different tribes of the Thames District, and to consult with them when they would also sign—but that he could for himself see no necessity in placing himself under the common of any prince or Queen, who might govern the white men if she pleased, as he was desirous of containing to govern his own tribe. It was evident they had heard of the occurrences at the Bay respecting the murder of an Englishman by a Native, and, although he did not complain of the injustice of the proceedings, it was evident they had some weight with him, and that he had been tutored by some Europeans. Mr. Williams explained the Treaty its object in consequence of the increasing influence of strangers and that the claim of pre-emption on the part of Her Majesty was intended to check their imprudently selling their lands without sufficiently benefiting themselves, or obtaining a fair equivalent. It was to me very apparent also that a trifling present was expected in payment for his adhesion but in their exalted idea of the Queen's munificence, they at first all refused the present of a blanket, which was offered after their signatures had been obtained, and which I wished them to consider was a gift personally from myself.

It is, I conceive, much to be regretted that objects of ordinary traffic between Natives and Europeans should have been selected as presents for the tribes on the coast: and I fear, therefore, that the blankets, pipes, and tobacco with which I have been furnished most only be employed in payment for messengers, &c sent with letters to the different tribes. Forage-caps and scarlet or blue cloaks "would have been highly appreciated At a bivonac of Natives which I visited I observed no less than six double-barrelled guns outside one of their huts, and those which I examined appeared to be in excellent order and of a very superior quality. Mr. Preece, of the Church. Missions whom I saw yesterday, having told me that a number of influential chiefs were near his station, I *have* requested Mr. Williams to write to each of them a copy of my communication, which with its translation. I herewith enclose, as it will explain the objects I have in view. I ordered a dinner to be prepared-consisting of fresh pork and potatoes, for the Natives who assembled on Monday: and I have further, at the recommendation of Captain Nias, chartered the schooner of Mr. Bateman, to convey me to Tanranga and Opotiki, on the same terms as when engaged by your Excellency for a similar object, prior to her being driven on shore in this harbour. The expense attending this arrangement being unavoidable, it will, I trust, meet with your Excellency's approval. Captain Bateman has hitherto been of great service to us, from his knowledge of the coast, and Captain Nias speaks of his intelligence as a volunteer pilot in the highest terms.

I have, &c.,

T. H. BUXBURY. Major, 50th Regiment

His Excellency Captain Hobson, R.N, Lieutenant-Governor, &c.

## **(No. 4.)The Rev. "W. WILLIAMS to the Hon. the COLONIAL SECRETARY.**

Poverty Bay, New Zealand, 8th May 1840.

SIR,—

I lately received from the Rev. H. "Williams a draft of a treaty between Her Majesty Queen Victoria and the chiefs of New Zealand, for the approval and signatures of the chiefs living between, the East Cape and Ahuriri, together with a bale of blankets for distribution among the said chiefs. I am happy to inform you that the leading men in this bay have signed the treaty, and there is no doubt but all the rest will follow their example. In about a week I expect to proceed to the East Cape, but it will be the latter end of July or August before I shall again see the Natives of Wairoa, which is to the south of Table Cape." Supposing that it is of importance to obtain the general approval of the. Natives, I shall not transmit the paper until it is complete, but you may in the meantime rely upon prompt attention being paid to it. The blankets have been given at the rate

of one to each leading chief, and it will require at least sixty more to complete the bounty throughout.

I take this occasion of sending, for the information of His Excellency the Governor, some account of a most nefarious transaction which took place in January last, being the attempt on the part of a Captain Rhodes, of the barque "Eleanor," from Sydney, to dupe the Natives out of a tract of land extending from Port Nicholson to the northern side of Ahuriri, in Hawke's Bay, and again from the northern, bank of the River Wairoa to the north of Table Cape. For this land, embracing, a cost-line of 160 miles, and intended no doubt to extend as far into the interior as may be convenient, property to the amount of about £160 has been, paid to the Natives. A list of the property I have now in my possession. From this circumstance alone I doubt not but that His Excellency will take measures to set aside the whole transaction; but, in addition to this fact, I am prepared to establish, first, that a large portion of the land was bought from, persons who had no interest in it; secondly, that those persons signing the deeds being proprietors of the land, did not understand; their nature; thirdly, that some of those who signed the deeds expressed their disapproval after their signature was given, by refusing to receive the payment; fourthly, that the most; numerous body of the proprietors were not consulted in the matter; the purchase having been made on boardship, and expressed their most decided disapprobation.

I am, &c.,

WILLIAM WILLIAMS.

Willoughby Shortland, Esq.

## **(No. 5.) Captain W. C. SYMONDS to the Hon. the COLONIAL SECRETARY.**

Bay of Islands, 12th May 1840.

SIR,—

I have the honour to submit to you, for the information of His Excellency the Lieutenant-Governor, a report) of my proceedings in the Manukau and Waikato districts in my late mission to obtain the adherence of the principal chiefs on the west coast of this Island to the Waitangi Treaty, and herewith transmit to you a copy of the Treaty, signed by upwards of forty of the most influential chief of that part of the country.

On the receipt of your letter, dated 13th March, I immediately assembled as many of the Manukau chiefs as could be collected on a short notice, and with the assistance of Mr. Hamlin, a catechist in the Church Mission, explained to them the views of Her Majesty's Government and solicited their signatures to the Treaty. Rewa, one cheaf of the Bay of Islands, and the principal follower of the Roman Catholic bishop, was present and exerted all his influence against me; in consequence of which all I effected was to dispel many of the doubts which his misrepresentations had created in the minds of all. At a second meeting, however where many of the Waikato and some of the Tauranga and Taupo chiefs also attended – having come from the southward in the interval between the two meetings – I obtained some signatures and the promise of others from some of the most influential chiefs, who yet had to overcome a feeling of pique at their having been left among the last whose concurrence in the Treaty had been demanded, and among these to wherewhere who is the leading chief or king of Waikato.

I left Manukan on the 3rd April intending to proceed to Taranki taking Waikato, the Waipa and several western harbours in my way. I hauled my boats across the isthmus which divides the Manukau from the waters of the Waikato—a distance of 2,260 yards By measurement – and proceeded down the Awaroa to the Church Mission station at the Waikato Heads, where I was received by the Rev. R. Maunsell with the almost attention. Mr. Maunsell had been furnished with a copy of the Treaty, and had obtained many signatures at a meeting which he had holden in the middle of March for Missionary purposes. On my arrival great excitement prevailed amongst the Natives yet about the Settlement, owing to the report which had reached them of presents having

been given by the Government to all to the northward who had subscribed to the Treaty, and they were in the act of remonstrating very angrily with Mr. Maunsell on his having kept them in the dark on the subject, demanding the paper to destroy it. My coming was most opportune. I soon allayed the excitement and distributed a few presents, promising the like to all others who had signed their names. Had I been a day later Mr. Maunsell's influence would have been lost, to the great detriment of the advancement of his Missionary labours. On examination of the signatures obtained by Mr. Maunsell I found that, with the exception of very few, all the leading men of the country as far as Mokau had acknowledged the sovereignty of Her Majesty. These few belonged to the neighbourhood of Aoeta and Kawhia wherefore I determined on proceeding myself no further, being well as assured of the disposition on the part of the Wesleyan Mission to support the Government by every exertion in its power. And I sent a letter, whereof the accompanying is copy, to the Rev, John Whiteley, claiming his assistance in procuring the remaining names.

I returned to Manukan on the 18th April where I obtained the adherence of seven other chiefs to the Treaty, Te Where and several others having objected though they manifested no illwill to the Government. This I attribute partly to the bishop's influence, partly to; the extreme pride of the Native chiefs, and in great measure to my being alone and unable to make that display and parade which exerts such influence on the minds of savages, I labored also under the disadvantage of the want of Mr. Hamlin's services, who was absent on his Missionary duties.

I should not fail to mention that, in personal communication with several chiefs who affixed their signatures to the Treaty, I found the best disposition towards Her Majesty's Government but at the same time their expectations are raised very high as to the immediate benefits which they are to derive from its establishment in their country; and, if I might presume to offer an opinion. I would suggest that, in order that they might not be disappointed, measures might be adopted to put the chiefs in communication with the Government officers to make arrangements for the purchasing of land, &c.

I have, &c

W C SYMONDS

The Colonial Secretary, &c

## **Sub-Enclosure. Captain W. C. SYMONDS to the Rev JOHN AWHITENEY**

SIR,—

Waikato heads 8th April 1840

His Excellency the Lieutenant-Governor having deputed me to obtain the adherence of as many of the principal chiefs of the western coast of this Island to the Treaty of Waitangi as may be induced to affix their names to a signed copy of that Treaty which was furnished me, I have the honour to request; your assistance in Kawhia, and the country about toward that end. The exertions of the Rev R. Maunsell have saved me the trouble of a journey further into the Waikato country and his success in obtaining signatures has been such I have been induced, to forego a visit. I had proposed to Kawhia but; few of the principal chiefs remaining to be gained over. I beg to consign to your charge and copy of the Treaty; and to request that you will take trouble to obtain the cession of their sovereign rights to Her Majesty from as many of the chief as you may deem sufficient, stretching far to the southward as possible among the Ngatimaniapoto. To Ngolli, Pakaru, Warahi; and 'Kirihi,' from your neighbourhood, have given their signatures; and I believe that if Taonui Tarihi, Te Waru, Te Ao, To Wakaka, from Kawhia, and Wiremu and Rawiri from 'Whaingaron, be obtained, they will suffice to extend Her Majesty's 'authority as far south as Mokau. I beg however that you will be guided by your own judgment, and let all the principal chiefs sign who may wish to give over their country to British protection.

Notice of presents given by the Governor to those who signed at Waitangi and Hauraki had preceded me, and many have reached Kawhia every one who has any pretensions to being a chief will flock to sign his name for the sake of obtaining a blanket; consequently it is of the greatest importance that the nature of the cession of rights should be "perfectly explained,-that those chiefs only should be chosen of the greatest authority, and that it should be explained to them that the gifts made to them have in nowise the nature of a bribe or payment for their concurrence. Blankets will be forwarded to you, to be given to those who subscribe their names, and I request you will distribute them, one to each chief, after signature. If you will have the goodness to return the copy of the Treaty to me at Manukau, I will put it in the proper channel to reach His Excellency the Governor.

I have, &c.,

WILLIAM C. SYMONDS.

The Rev. John Whiteley, Minister, Wesleyan Mission.

## **(No. 6.)Major BUNBURY to His Excellency the GOVERNOR.**

SIR,—

H.M.S. "Herald," Mercury Bay, 15th May 1840.

Since I last had the honour of addressing you I have, made an excursion in the "Trent," schooner, to Tauranga. She left the "Herald" at Mercury Bay on the 8th instant, late in the evening, and arrived off Tauranga on the Sunday following; but the night was too far advanced to attempt to enter the harbour until the following day, when Mr. Parker, of H.M.S. "Herald," Mr. Williams, and myself, went on shore at the Mission-station, where we were received by the Rev. Mr. Stack, and I was agreeably surprised to learn that most of the Native chiefs in that neighbourhood had already signed the Treaty, with the exception of the principal chief and one or two of his friends at the Otumoetai Pa. This pa we visited the same evening, accompanied by Mr. Stack: it is a very extensive fortification, and appears to contain about a thousand men. The chief who had declined signing it is a very young man, and his manner was timidly reserved, and less prepossessing than most of those I had before seen. On our taking leave he made the usual remark that he wanted to consult the other chiefs, and that he would with them meet us at the Mission-station on the morrow.

On the following day he did not speak until the close of the conference, and then only in private to Mr. Williams after Mr. Stack and myself had left them, and to inquire how much he was to get for his signature. Another chief expressed some indignation, because the Christian chiefs had not, as he said, met them: I presume he meant those from the other pa, where Mr. Stack's influence was supposed to extend more than to his own, and where a Roman Catholic European residentiary and the Catholic bishop were supposed to have more influence. A third chief, the principal orator on this occasion, amused me much. After the Treaty had been read and explained to them he quaintly observed, when his signature was required, "Now, first let us talk a little. Who was the first stranger that visited our shores?" On being answered, Cook; "And who was Cook's king? Was his name George?" On my replying through the interpreter, "Yes," "And who then," he continued, "is the Queen?" "I then informed him that King George had been dead some years, as also his two sons George and William, who had succeeded him on the throne, and that the present Queen was the granddaughter of George. He then adverted to the wars of their tribes and chiefs, particularly with the Natives of Rotorua. I told him that one of the principal objects of my mission was to persuade all tribes at present at war with each other to accept the mediation of your Excellency, and to advise them to abide your decision. He objected strongly to our proposal of visiting at a future period the Natives of Rotorua; and he also observed, "If your nation is so fond of peace, why have you introduced into my country firearms and gunpowder?" He was in reply told that the effects of this trade had been much deplored by the Queen's Government, who were anxious to mitigate its consequences by substituting justice and a regular form of government in their country, and which could only be effected by giving the Queen the necessary powers, and for which purpose they were required to sign the

Treaty, which had been before explained to them. He next inquired whether my Queen governed all the white nations. I replied, Not all; but that she was Queen of the most powerful of all the nations. She had, however, acknowledged the New Zealanders to be an independent nation some years ago; but that treaty had proved abortive, in consequence of; the wars of their tribes amongst themselves, and their want of union; and to themselves alone, therefore, were to be attached the evils they had endured. She did not seek the authority of white men, of whatever nation, to govern them; she sought that authority from themselves, as a spontaneous gift vesting her with power for their own good, and to avert the evils which she foresaw, were accumulating around them, by the increasing influence of white men subject otherwise to no law or control. On being told that I was a chief of a body of soldiers, and that I had served under the monarchs already named, he inquired, Should his tribe, agreeably to my request, abstain from making war on the Natives at Rotorua, would the Governor send a portion of my force to protect them? I told them your Excellency desired rather to mediate between them, and only in cases of extreme emergency would you be prevailed upon to act in any other manner; but, if your arbitration was applied for, I had no doubt but that the custom of their country would be complied with, by your insisting on a compensation being made to the party injured by the party offending. On my speaking of the sale of lands, and of the right of pre-emption claimed by the Queen as intended equally for their benefit and to encourage industrious white men to settle amongst them, to teach them arts and how to manufacture those articles which were so much sought after and admired by them, rather than, by leaving the sale of large tracts of land to themselves, they might pass into the hands of white men who would never come amongst them but to hamper by their speculations the industrious. The Queen, therefore, knew the object of these men, many of whom, I had no doubt, had counselled them not to sign the Treaty; but she would, nevertheless, unceasingly exert herself to mitigate the evils they sought to inflict on this country, by purchasing their lands herself at a juster valuation. He said it was useless now to speak of this, as the white men had purchased all their lands; but they appeared quite satisfied, saying it was very just.

Your Excellency is aware of the dilatory habits of the Natives. I therefore told the chiefs, in conclusion, that it was necessary that I should also pay my respects to the chiefs of the neighbouring pa; and I therefore took my leave of them, leaving Mr. Williams for a time to see if they would resolve whether or not to sign the Treaty. He subsequently told me that presents had been demanded, but the chief said he would not believe the word of the missionary when Mr. Williams told him he had little doubt but that I would send some blankets through him for distribution.

I afterwards visited the chiefs at the Maungatapu. Pa, all of whom had previously signed, with the exception of two, who were, I regret to say, absent with their families. We were well received. The chief, a fine, intelligent-looking fellow, named Nuka, said that he had dined but, if we would take some dinner, it would soon be prepared for us. This pa and the tribe are of considerable strength and importance. I was much taken by their chief's manners; and, from the good character he bears, if any mark of distinction is ever to be shown to any of them it would be well to secure the goodwill of this chief, who appears to be well disposed to the Government.

I have deemed it expedient to enter more fully into the detail of this conference, as one which not only shows fully the general character of the Natives, but also the nature of the obstacles I may hereafter expect to meet when principles alien to the Government have been instilled by interested Europeans into their minds, as exemplified also at Coromandel Harbour. Neither will I disguise from your Excellency my regrets that men professing Christianity should, in a country emerging from barbarity, whose inhabitants are scarcely able to comprehend the simplest doctrines of the Christian religion, endeavour to create distrust of its ministers, of whatsoever persuasion; Christianity in any shape with these people being better than the deplorable condition of many of them at present. It is not the specious professions of a religion which asserts itself unconnected with civil government which should blind us to the political disunion it creates; but rather its sincerity should be tested, by its acts and their effects, and whether it seeks to open a new field of labour before uncultivated, or to paralyze the efforts of those who have laboured to improve the soil by establishing themselves upon it. The latter I conceive incompatible with such professions, whilst this country contains so vast a field untried, but still, it is to be hoped, reclaimable.

I have given to Captain Bateman a certificate of having chartered his schooner for eleven days at £2 10s. per diem; also for £9 10s. 8d. paid by him to Mr. Webster, at Coromandel Harbour, for pork and potatoes given to the Natives. We arrived here this morning, having left Tauranga Harbour on the 13th instant. The Native chiefs at Otumotai Pa still display their character for strict observance of previous engagements, until outbidden by the promise of an increased premium.

I have, &c.,



Thos. BUNBURY, Major, 80th Regiment.

His Excellency the Lieutenant-Governor of New Zealand.

## **(No. 7.)The Rev. JAMES STACK to the Hon. the COLONIAL SECRETARY.**

SIR,—

Church Missionary Station, Tauranga, 23rd May 1840.

In the absence of the Rev. A. N. Brown, I have, agreeably to Major Bunbury's directions, copied the Treaty of Waitangi, and I have now the honour to forward you the original by the "Aquila" cutter, the first opportunity since Major Bunbury left Tauranga.

Two who are considered "high chiefs" have refused to sign the Treaty. Their minds have been disturbed by some evil-minded person trying to prejudice them against Government. They may possibly sign the copy I have taken by-and-by. Major Bunbury told me signatures on the copy would be as good as those on the original document you sent. As Major Bunbury was hindered, in consequence of war between the tribes, from visiting Rotorua, I sent a copy of the treaty to Rotorua to-day to Messrs. Chapman and Morgan, to use their influence to get the signatures of the chiefs. An unexpected opportunity occurring yesterday by the arrival of the schooner "Mercury," with James Fedarb on board as supercargo, I prepared a copy of the Treaty, which I gave in charge to him, with letters to our Native teachers at Opotiki and Te Kaha to do what they could in obtaining signatures of chiefs in that quarter.

Either the Rev. A. N. Brown or myself would feel most happy by personal visitation amongst all the tribes in the Bay of Plenty to forward the views of Her Majesty's Government were it just now practicable, but unfortunately it is not. Mr. Brown being on a missionary visit in an opposite direction, of necessity one of us must remain at home to take charge of the station.

I have distributed the eight blankets left by Major Bunbury to those chiefs who he directed should have them. I have added four others out of our Society's store, Several more blankets may yet be wanting if Tupaia and his friends should sign.

I beg to apologize for the very soiled state of the Treaty, but the Native habits are so filthy it could hardly be avoided.

All the names marked# in red ink are either head chiefs or sons of deceased chiefs of rank. Nuka and Tau are the two greatest chiefs who have signed the treaty in Tauranga as yet.

I have, &c.,

JAMES STACK.

Willough by Shortland, Esq., Acting Colonial Secretary, Kororareka, Bay of Islands

## **(No. 8.)The Rev. Henry Williams to His Excellency the Goyernor.**

SIR,—

Paihia, 11th June, 1840.

I have much pleasure in forwarding to your Excellency the Treaty committed to my care for the signatures of the chiefs in Cook Straits.

On my arrival at Port Nicholson, I experienced some opposition from the influence of Europeans at that place, and it was not until after the expiration of ten days that the chiefs were disposed to come forward, when they unanimously signed the Treaty. The chiefs of Queen Charlotte Sound and Rangitoto, in the neighbourhood of Port Hardy, on the south side of the Straits, as also those chiefs on the north side of the Straits with whom I communicated, as far as Whanganui, signed the Treaty with much satisfaction, and appeared much gratified that a check was put to the importunities of the Europeans to the purchase of their lands, and that protection was now afforded to them in common with Her Majesty's subjects.

It had been my intention to have proceeded to Cloudy Bay, Banks Peninsula, and Otako, whereby the signatures of the whole of the tribes of the Southern Island would have been obtained, for which purpose I felt it important to prolong the charter of the schooner "Ariel" in the service of the Government; but upon my return from Whanganui to Kapiti I received intelligence that Her Majesty's ship "Herald" had left the Bay of Islands for the Southern Island, and that an officer had been appointed to proceed with a copy of the Treaty. I therefore concluded to return to the Bay of Islands.

I have much satisfaction in stating to your Excellency that Captain Clayton rendered me every assistance in his power, and upon my application to him at Port Nicholson to convey me to Otako, &c., he unhesitatingly gave up his vessel for the service of the Government, though to the serious detriment of his private business on the coast.

I have, &c.,

HENRY WILLIAMS.

Captain Hobson, R.N., Lieutenant-Governor of New Zealand

## No. 17. Copy of a DESPATCH from Lord JOHN RUSSELL to Lieutenant-Governor HOBSON.

*Bay of Islands,—Approval of the Governor's Proceedings in reference to the Treaty of Waitangi.*

SIR,—

Downing Street, 10th December 1840.

I have received your despatch of the 25th May last, reporting your proceedings up to that date, and enclosing copies of three Proclamations which you had issued: the first two for the purpose of asserting the sovereignty of the Queen over the Islands of New Zealand, and the third for the purpose of checking the illegal proceedings of parties who were endeavouring to establish a separate authority. I have given due publicity to the two first-mentioned Proclamations in the *London Gazette*. As far as it has been possible to form a judgment, your proceedings appear to have entitled you to the entire approbation of Her Majesty's Government.

I shall soon be able to transmit to you Letters Patent under the Great Seal, constituting New Zealand a separate Government, together with your Commission as first Governor, and the Royal Instructions for your guidance in administering the affairs of your Government. I trust that your health will continue to improve, and will enable you to remain in the discharge of the important duties which are intrusted to you.

I have, &c.,

J. RUSSELL.

# No. 18. Copy of a DESPATCH from Governor HOBSON to the PRINCIPAL SECRETARY of STATE for the COLONIES

*Auckland.—Result of first Land Sale: £24,275 17s. 9d.*

MY LORD,—

Government House, Auckland, 5th August 1841.

I have the honour to enclose a Government *Gazette* showing the result of the land sale, of the 19th April, in which 119 allotments, containing forty-four acres, sold for the gross sum of £24,275 17s. 9d., being at the average of £555 per acre nearly, full reports of which have been forwarded to Sir George Gipps, who was then my official superior.

In drawing your Lordship's attention to this subject, I have the honour to acquaint you that on the 12th day of April eighty-nine suburban or cultivation allotments were advertised for sale by auction in the immediate vicinity of this town. Upon the subsequent receipt of your Lordship's instructions on the 30th April, which superseded those of Lord Normanby, under which I previously acted I immediately postponed the intended sale of allotments from the 12th July to the 1st September, in hopes of receiving by that period further instructions on the subject.

Under these circumstances your Lordship will perceive that I was placed in the unpleasant dilemma of departing from your express commands, or of inflicting a severe injury on the inhabitants of this town, by withholding from them for an indefinite period the means of providing for themselves the common necessities of life, and by occasioning considerable pecuniary loss and inconvenience to persons who might have made arrangements for purchasing these lands at the forthcoming sale.

Having already experienced, in the case of the Town of Russell, the mischievous effect of annulling a sale which had once been advertised, I could not help pausing ere I again exposed the faith of the Government to the blighting effect of doubt. The outcry on the former occasion was most violent, and on this it would be reiterated with tenfold vehemence, owing to the increased inconvenience that would result to those who had resolved to settle in town, or who had already bought allotments there. Governed by these circumstances, I resolved to bring the matter before the Executive Council, and fairly put the question to them whether they considered your Lordship would better approve of a slight departure from your orders, or of the alternative which would inflict so much present inconvenience and pecuniary loss on the settlers of this town and neighbourhood. The Council were unanimously of opinion that your Lordship would consider the absolute wants of the colonists as paramount to all other considerations, and advised me accordingly to sell the few allotments I had advertised; fixing the upset price at such a rate as to deter any one from purchasing except those who were likely to become *bond fide* settlers, and who would, by their presence and their industry promote the health and comfort of the inhabitants of the town generally.

I should be sorry to convey to your Lordship, by any reasons I have assigned for my proceeding, the idea that I was wholly unprepared for your Lordship's instructions in regard to the sale of land in this colony, the fact being otherwise. I did fully believe that your Lordship would deal with the lands of New Zealand as you had done with those at Port Phillip, and I determined accordingly to confine my operations to a space of five miles round this town, that I might not embarrass any arrangements your Lordship might establish.

It might be supposed that the settlers would be better pleased to obtain their lands near the town at a fixed price, on so low a scale as that which your Lordship seems to contemplate. I much fear that this theory, when brought into practice, will prove beneficial to jobbers only, who, devoting their whole attention to that one object, will afford no chance of competition to industrious settlers, or to persons unacquainted with official business.

As a proof to your Lordship how the system of fixed prices would have affected the financial concerns of this colony in the sale of Auckland, I enclose the copy of an application forwarded to me by Mr.—, which, had the fixed system been in operation, would have engrossed sixty town allotments for the benefit of himself and his friends, persons who can have no idea of settling in New Zealand; and if he had had the earliest selection, which from his activity in these matters he most probably would have had, he and those he represents would have realized from £20,000 to £25,000. Even as the case stands, and high as the land sold, Mr.—and others

have made considerable sums by the resale of choice allotments.

The sale by lot is subject to less objection, because it offers no exclusive advantage to jobbers, or to the officers of the Government, who might profit by their early knowledge of land to be sold, especially at the commencement of the system. I object, however, to this method of gambling, which encourages jobbing instead of colonizing.

I hope I have not intruded my opinions too far on subjects which your Lordship has probably decided, but I have taken the liberty of impressing these examples on your Lordship's notice whilst there remains an opportunity of modifying a plan that admits of practices which I consider to be in the highest degree prejudicial to the interests of the colony.

I have, &c.,

W. HOBSON.

## **Copy of a DESPATCH from. Governor HOBSON to the PRINCIPAL SECRETARY of STATE for the COLONIES.**

*Manukau.—Report of the Death of W. C. Symonds, H.M. 96th Regiment.*

MY LORD,—

Auckland, 16th December 1841

It is with extreme regret I have to report the death, by drowning in the Manukau, of the late Captain Symonds, of the 96th Regiment, which occasions a vacancy in the office of Deputy Surveyor-General of this colony. The loss to New Zealand of so valuable an officer as the late Captain Symonds will be long felt as a public calamity. His energy, zeal, and manly bearing are qualities much wanted in a new colony, and these he possessed in an eminent degree; in addition to which, his urbane manners secured for him the affection and respect of all classes, both Native and European.

I have the honour to enclose a paragraph, cut from a newspaper, which describes more particularly the melancholy event which consigned this excellent officer to a premature grave.

I have, &c.

W. HOBSON.

## **Enclosure.**

[Extract from Auckland Herald, dated 27th November 1841.]

Captain W. Cornwallis Symonds was drowned on Tuesday, in Manukau Bay. The following particulars of this melancholy occurrence will, we believe, be found substantially correct: Mrs. Hamlin, wife of Mr. Hamlin, the missionary at Manukau (who was absent from home), being very ill, sent a message to the "Brilliant," lying in the Bay, to request that if there was a surgeon in the ship he would attend her. Captain Symonds, having heard the circumstances, and knowing there was no surgeon on board, did that which those who knew him might have calculated upon, for, with the active kindness and benevolence which so distinguished him, he immediately resolved to procure medicines from the ship and cross the Bay to Mrs. Hamlin's residence. He

accordingly proceeded on board the "Brilliant," and, Having made his arrangements, he, by the advice of the captain of that vessel, in consequence of the day being gusty, and there being at the time a considerable sea, took the ship's long boat instead, of his own; he was accompanied by Mr. Adam, a gentleman who came out from Scotland in the "Brilliant" and settled at Manukau, two European seamen, and a Native. Shortly after leaving the vessel a violent and sudden squall struck the boat, which was observed to go down head foremost, about a mile from the ship. Two boats were immediately lowered from the "Brilliant," but we understand that, owing to the dangerous sea running, it was found impracticable to proceed to the unfortunate men, and those in the ship were compelled to witness their unhappy fate. The two seamen disappeared almost immediately; Mr. Adam swam for a long time, in company with Captain Symonds, but at length sank. Captain Symonds, who was an expert and powerful swimmer, was observed to make the most extraordinary exertions: he swam more than an hour and twenty minutes, encumbered with a particular heavy kind of nailed boots and two thick pea-coats (which latter he was seen attempting to take off), and had nearly gained the shore when he disappeared. He had done much for New Zealand, and from his talents and energy much more was expected. He was public-spirited and independent in the highest degree, and this event is a great calamity to the colonists of this country, as well as to the infant company of which he was so able a director. The Native who accompanied them, through the interposition of Divine providence, alone remains to relate the melancholy event.

## **No. 20.[Extract from *New Zealand Gazette*.]**

*Death of His Excellency Governor Hobson.* Colonial Secretary's Office, Auckland, 10th September 1842.

His Excellency Governor Hobson departed this life at Government House, at Auckland, this morning at a quarter past 12 o'clock a.m. In consequence of this lamented event no business will be transacted this day at the public offices, and they will remain closed until the remains of His Excellency shall have been interred. The ceremony of the funeral will take place on Tuesday, the 13th instant at 1 o'clock p.m., when the presence of all public functionaries is required, and the attendance of all other persons, who may be desirous of testifying their respect, is requested.

(For the Colonial Secretary:)

JAMES STUAET FREEMAN.

## **No. 21.[Extract from *New Zealand Gazette*.]**

*Auckland appointed the Capital of New Zealand.* Colonial Secretary's Office, Auckland, 26th November 1842.

His Excellency the Officer Administering the Government directs it to be notified that by a despatch from the Eight Honourable the Principal Secretary of State for the Colonies, under date 24th June, 1842, the pleasure of Her Majesty has been conveyed to His Excellency that the Town of Auckland, on the "Waitemata, should be the capital of the Colony of New Zealand.

By His Excellency's command. (For the Colonial Secretary:)

WILLIAM CONNELL.

## **No. 22.[Extract from *New Zealand Gazette*.]**

*Auckland.—Conditions on which Right of Pre-emption waived.*

Proclamation-by His Excellency Robert Fitzroy, Esquire, Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over the Colony of New Zealand, and Vice-Admiral of the same, &c., &c.

From this day, until otherwise ordered, I will consent, on behalf of Her Majesty-the Queen, to waive the right of pre-emption over certain limited portions of lands in New Zealand, on the following conditions:—

- 1. Application is to be made in writing to the Governor, through the Colonial Secretary, to waive the Crown's right of pre-emption over a certain number of acres of land at or immediately adjoining a place distinctly specified, such land being described as accurately as may be practicable. '
- 2. The Governor will give-or refuse his consent to waive the Crown's right of pre-emption to a certain person, or his assignee, as His Excellency may judge best for the public welfare, rather than for the private interest of the applicant. He will consider the nature of the locality; the state of the neighbouring and resident Natives; their abundance or deficiency of land; their disposition towards Europeans, and towards Her Majesty's Government; and he will consult with the Protector of Aborigines before consenting, in any case, to waive the right of pre-emption.
- 3. No Crown title will be given for any pa or Native burying-ground, or land about either, however desirous the owners may now be to part with them; and, as a general rule, the right of pre-emption will not be waived over any land required by the, aborigines for their present use, although they themselves may now be desirous that it should be alienated.
- 4. The Crown's right of pre-emption will not be waived over any of that land near Auckland which lies between the Tamaki Road and the sea to the northward.
- 5. Of all land purchased from the aborigines in consequence of the Crown's right of pre-emption being waived, one-tenth part of fair average value as to position and quality is to be conveyed by the purchaser to Her Majesty, her heirs and successors, for public purposes, especially for the future benefit of the aborigines.
- 6. All transactions with the sellers, all risks attendant on misunderstandings, on sales made improperly, or on incomplete, purchases, must be undertaken by the buyers until their respective purchases have been allowed and confirmed by grants from the Crown.
- 7. As the Crown has no right of pre-emption over land already sold to any person not an aboriginal native of New Zealand, and whose claim is or may be acknowledged by a Commissioner of Land Claims, no grant will be issued to any other than the original claimant, or his representative, whose claims have been-or may be investigated by a Commissioner, and recommended by him to the Governor for a grant from the Crown.
- 8. As a contribution to the Land Fund, and for the general purposes of Government, fees will be demanded in ready money at the rate of 4s. per acre for nine-tenths of the aggregate quantity of land over which it may be requested that the Crown's right of pre-emption may be waived. These fees will be payable into the Treasury on receiving the Governor's consent to waive the right, of pre-emption. And on the issue of a Crown grant after an interval of at least twelve months from the time of paying the above-mentioned fees, additional payments will be required at the rate of 6s. per acre, in 'ready money, to be applied to the Land Fund, and for the general purposes of Government.
- 9. Land so obtained is to be surveyed at the expense of the purchaser by a competent surveyor, licensed or otherwise approved of by Government, who will be required to declare to the accuracy of his work, to the best of his belief, and to deposit certified copies of the same at the Surveyor-General's Office previous to the preparation of a Crown grant.
- 10. Copies of the deed or deeds conveying such lands are to be lodged at the Surveyor-General's Office as soon as practicable, in order that the necessary inquiries may be made; and notice given in the Maori as well as in the English *Gazette* that a Crown title will be issued, unless sufficient cause should be shown for its being withheld for a time, or altogether refused.
- 11. 'The Government, on behalf of the Crown and the public, will reserve the right of making and constructing roads and bridges for public purposes through or in lands so granted, the owners being fairly compensated by other equivalent land as settled by arbitration.
- 12. No Crown grants will be issued under the foregoing arrangements to any person or persons who may be found to have contravened any of these regulations; and the public are reminded that no' title to land in this colony, held or claimed by any person not an aboriginal native of the same, is valid in the eye of the law, or otherwise than null and void, unless confirmed by a grant from the Crown.

Given under my hand, and issued under, the Public Seal of the Colony at Government House, Auckland,

this twenty-sixth day of March, in the year of our Lord one thousand 'eight hundred and forty-four.

ROBEET FITZROY, Governor.

By command. ANDREW SINCLAIR, Colonial Secretary. GOD SAVE THE QUEEN!

## No. 23. Copy of a DESPATCH from Governor FITZROY to Lord STANLEY.

*Waiver of Right of Pre-emption.*

MY LORD,—

Auckland, 14th October 1844.

In the *Gazette* which I have the honour of transmitting with this despatch, and the enclosed Minutes of Council, is a Proclamation respecting the purchase of land from the aboriginal natives of New Zealand, which I have deemed it not only prudent but absolutely necessary to issue, in order to prevent insurrection.

During the last two years there has been a growing desire on the part of the Natives to dispose of their own lands at their pleasure, irrespective of all interference or control. This desire has been industriously stimulated by settlers, who have not only reminded them of the Treaty of Waitangi, but have continually taunted them with being no better than slaves while the provisions of that treaty remain unexecuted. The Natives have been repeatedly told that they gave to the Queen of England "te hokonga," the "option of purchase," but that they did not, in their own language, give Her Majesty the sole and exclusive right of purchase; that the words in the English treaty, "exclusive right-of pre-emption," were not translated correctly, and have a meaning not generally understood by the Natives, who never would have agreed to debar themselves from selling to private persons if the Government, on behalf of Her Majesty declined to purchase. The attention of the Natives has also been repeatedly—I may say, frequently and purposely—drawn to the last article of the Treaty of "Waitangi, by which Her Majesty "imparts to them all the rights and privileges of British subjects";" and they have been told that while unable to sell their own land that article is not executed, and that they are no better than slaves (*taurekareka*) taken in war, who have not the disposal of their own lands while occupied by their conquerors.

Unfortunately the facts of the case go far to support the above assertions; and to such an extent has the feeling grown among the Natives excited in every part of the country by designing persons, some of whom are aiming at the expulsion of the Government which interferes with their individual objects, that I am absolutely certain that a serious interruption of tranquillity, tending to destroy confidence "and bring on hostilities, would be the consequence of a course of conduct different from that which I now believe it my duty to pursue, however startling and unauthorized such a course must appear to your Lordship until explained.

To show further how this mischief has been fomented, and would be much increased, I have to state that a number of persons have lately subscribed a large sum as a reward for whomsoever should do most towards stirring up and informing the Natives how to act together on this subject. During my visit to the southern settlements it was intended to agitate in the northern parts of the country, in order that on my return I might find the stream of popular feeling too strong to oppose effectually.

I have known of the existence and growth of these feelings for some time", as your Lordship is aware; but I hoped that answers might have been received by me to my despatches of April last, before taking so important a step as that of allowing the aboriginal natives of New Zealand to sell their lands without the payment of any concurrent fee to Government.

I have ventured, my Lord, to take this step in the fullest appreciation of all the consequences. It may be right that I should individually be censured for what I have done, and even—that I should be forthwith superseded. At such a decision I shall not be surprised. But, discarding personal considerations, let me entreat your Lordship to dismiss from your mind the thought of its being possible to maintain a pacific and friendly policy towards the New Zealanders without allowing them to sell their land to private persons. By the restrictions hitherto-imposed on this-sensitive, jealous, and warlike people in respect of trade, and the unexpected barrier raised against their sale of their own lands, a general rebellion against the authority of Her Majesty has—been already well nigh caused; and would unquestionably be raised from one end of the country

to the other, if a stop were put to the limited, sale of land to private individuals, or if the restrictions of Customs regulations were re-established.

I have, &c.,

ROBERT FITZROY. Governor.

The Right Hon. Lord Stanley, &c.

## No. 24 Copy of a DESPATCH from Governor FITZROY to Lord STANLEY.

*General Report on the Land Question.*

MY LORD,—

Auckland, 15th October 1844.

With the Blue Book of this colony for the year 1843 is an explanation of the reasons which have hitherto delayed its transmission, and which have prevented its contents from being satisfactory. Although not in the colony during the period referred to, I have collected some authentic information respecting the past and existing state of the colony and its prospects, some of which I will now place before your Lordship in as succinct a form as possible.

Referring in the first instance to the state of the colony at the end of 1843, and during the previous time: At the first establishment of British authority in New Zealand the most extravagant notions were entertained of the expense to be incurred and the forces to be employed by Great Britain. Examples of extravagance were too readily followed. Money was then abundant at Sydney, and speculators were very sanguine. The consequences to this young colony were most pernicious. Every one lived beyond his means; and many borrowed money at exorbitant rates of interest in order to buy land, especially town allotments and water frontages: Speculations of the most absurd kind prevailed for a time, and numerous were the allotments purchased at high prices by persons who thus exhausted their means, and then found themselves utterly unable either to build or cultivate. Houses were built which could not be used; farms were bought which could not be stocked; and of course great distress has been the consequence. Had the land been bought at a cheap rate, the means exhausted in purchase might have been employed in cultivation, and the colony would have been self-supplied with most things, in a very short time, after which there would have, been exports.

I should be wanting in candour did I not acquaint your Lordship that the system of selling land here at a high upset price did, much to augment these evils. A temporary supply of funds was undoubtedly raised, which made a show of prosperity; but my Lord, how precious was, that show? The thousands: of pounds drawn from thoughtless, settlers, who believed a thriving, city was to be raised by some immediate process, were, the, very seeds of prosperity, which should have been scattered on the land. Had the Government; retained possession of a considerable quantity of valuable land, and let it on lease, as at Singapore, a moderate, but certain and increasing, revenue, might, have, been - raised. I am also found, to inform, your Lordship that the measures adopted to wards, those earlier settler so who had-really acquired tracts, of land by; fair purchase tended to much harm. Those speculators who assumed to have purchased many thousands, nay, millions, of acres never could have substantiated any claim, because they never had made valid purchases; but there were many whose purchases seemed large on paper, however valueless much of their land might be, who had fairly acquired a few hundred, or a few thousand, acres of land, with the full consent of: the aboriginal owners; and these persons not only suffered much from delay, expense, uncertainty, and inability to make any progress during three years, but the Natives who had sold to them became exceedingly irritated, taking up their cause and saying, "If the Queen acts thus towards her own people, what will she do to us?" The interference, for instance, with Mr. Fairburn's property, however necessary in his case, raised acommotion among the Waikato tribes, which caused great alarm, but was hushed up although they were then so irritated as to be on the point of rising against the local Government; and they are the most powerful tribes in New Zealand.



While it was the object of the local Government to raise as much money as possible by the sale of lands, irrespective of the real interests of the settlers and the colony, it was of course an object to take as much as possible from the old settlers, with the view of those lands (not reverting to their original owners, but) becoming disposable for sale by the local Government. Such a step as selling those excess lands was happily never attempted, however generally contemplated. The Natives would never have allowed it to take place; and the attempt to do so would have injured the character of the Queen's Government very seriously, if not irretrievably, so tenacious are the Natives of what they consider to be strict justice. As yet it is quite impossible to make them comprehend our strictly legal view of such cases.

Owing principally to these causes above mentioned, there was a great stagnation in the colony after the first two years of excitement had passed. The public revenue diminished rapidly. Trade diminished, because there were then neither exports nor funds. People lived on the remains of whatever capital or property they had not expended. No titles to land were issued. Government payments became tardy and uncertain; salaries were allowed to be several months in arrear, the local Government having neither money nor credit; and to this unhappy condition was the colony reduced, notwithstanding its extraordinary natural resources, at the termination of the year 1843. The prospects of the colony at the end of that year were very gloomy. The value and extent of mineral resources were then unknown. The fertility of the soil and the excellence of the climate were comparatively useless without capital and without a market. Salaries of Government officers were four months in arrear. Contingent payments were overdue by Government for an equally long period and the feelings between the two races were not merely questionable, but becoming daily less satisfactory.

I have, &c

ROBERT FITZROY Governor.

The Right Hon. Lord Stanley, &c.

## No. 25. Copy of a (Confidential) DESPATCH from Governor FITZROY to Lord STANLEY

*Bay of Islands.—Military Protection required throughout the Colony.*

MY LORD,—

Auckland, 19th October 1844.

It was my intention to have left Auckland in Her Majesty's ship "Hazard" on the 7th of this month, but another disturbance at the Bay of Islands obliged me to remain within reach.

In apprehending a notoriously bad character—an Englishman named Byars—a Native woman was accidentally hurt by one of the constables and, according to the old customs of the aborigine, compensation should be given. The Police Magistrate treated the affair as too trifling to be noticed; upon which some turbulent Natives took the law into their own hands and drove away eight horses belonging to an unoffending and respectable settler named Wright, saying they would keep them until satisfactory compensation was made for the injury done, not by Mr. Wright, but by a European, to one of their relations. The annexed documents will show more in detail the nature and origin of this occurrence, which, taken by itself, is not of much consequence, but taken as additional evidence of the unsettled and lawless, if not insurrectionary, disposition of many Natives about the Bay of Islands, assumes a character of real importance.

On the 13th instant Her Majesty's ship "North Star" arrived here, on her way to Van Diemen's Land, and Sir Everard Home, with his usual readiness to forward Her Majesty's service, consented to remain until this matter could be arranged. Yesterday Her Majesty's ship "Hazard" returned from Russell (Kororareka) with the Chief Protector of Aborigines, bringing intelligence that the affair was amicably settled, but also warning me that the influence of the well-disposed chiefs is becoming weaker, and that there are designing persons at work there, whose object is to create disturbances in order to bring the English—especially the Government and the Missionaries—into disrepute. In my last confidential letter to your Lordship I spoke of both and as

intriguers. I have no doubt that the frequent and open assertions of the former respecting the British flag, and the quiet though continual efforts of the latter, have already done great mischief; and, had they but sufficient fulcrum on which to place their lever of agitation, they would succeed in their object—that of bringing about a resistance of British authority and an open unqualified denial of Her Majesty's sovereignty. Heke, Kingi, Pure and others are but tools in the hands of these designing men, who visit them and fill their minds with accounts of what England has done to the aborigines of Van Diemen's Land and New South Wales—places they know well—keeping out of view what has been done by other nations in America and Africa.

Having removed the restrictions of: the Customs establishment, and allowed the Natives to sell their land under such restrictions only as are undeniably and palpably for their own advantage, I feel satisfied that the foundation on which British authority rests in New Zealand is secured; and, by giving small salaries, with dresses or distinctive marks, to the principal chiefs, so as to, uphold their influence as much as possible, I do not doubt that the peace of the country will be generally maintained if your Lordship will materially strengthen both the military and the naval force. I urge this the more earnestly on the attention of your Lordship, because each succeeding month brings stronger conviction to my mind of the very great political importance and of the immense value of this country.

I feel fully how apt all men are to overrate things in which they themselves are personally interested; but, my Lord, I have seen much of other countries; I have only a temporary, perhaps a very temporary, immediate interest in New Zealand; but, as a faithful servant of Her Majesty should greatly neglect my duty did I not again and again set forth in the strongest language the extraordinary resources of this country, and the extreme importance not of conquering and exterminating—God forbid—but of preventing any hostile collisions among the Natives, of overawing evil disposed Europeans as well as Natives, and insuring the peace of the country (the only sure key to its ultimate prosperity and the preservation of the aboriginal race) by keeping such a force in sight as will completely check attempts to disturb the peace.

It is necessary I should state to your Lordship that the great danger to be apprehended in New Zealand is retaliation on unoffending persons, settlers in the interior, or at a distance from the principal settlements. Among the heathen Natives, and among many who profess Christianity, blood-revenge is still their practice, if not their law. Were a conflict to take place in which the lives of Natives were lost, in all probability the lives of persons unconnected with the affray would be taken, and a personal quarrel, or mere chance-medley, might lead to a general rupture between the races. There is no doubt that upon sufficient cause the tribes of New Zealand, however inimical to each other under ordinary circumstances, would, in case of hostilities with Europeans, unite and act in concert. The only means, under God's providence, of avoiding such a "consequence of the benevolent efforts of Great Britain in behalf of the New Zealanders, and in support of her own settlers at the antipodes, is to be most cautious in all our proceedings; to take care that our conduct and policy towards the aborigines is so undeniably correct and just (that it will stand their most searching scrutiny; and that we maintain so large a military force in the colony that organized resistance to it may be quite hopeless.

It is the opinion of all the military men with whom I have conversed in this colony, and it is the opinion of those who are most competent to advise with me on this subject, as well as my own, that the organization and employment of a militia would not only be useless; but dangerous; and on this account the Militia Bill which I laid before the Legislative Council, in obedience to your Lordship's instructions, was postponed. There is so much rancorous feeling towards the Natives among some of the settlers that arms cannot be trusted in their hands unless in a case of the most extreme emergency. The fact of the settlers arming and training would alarm the Natives and destroy their confidence in our ultimate intentions, whereas the presence of additional troops does not do so while the settlers remain unarmed: the Natives understand that the soldiers are to support our law and defend our property; they are accustomed to the soldiers, and treat them not only with respect but confidence, because they have never abused the power they are known to possess. Towards armed settlers there would be a very different feeling, and, if called out, awkwardness or fear might bring on a collision, which need not occur if well disciplined troops were employed: then would follow retaliation upon the settlers. It is the presence of force, not the employment of it, that is so much required in the present state of the colony. The good effects of the timely visits of Her Majesty's ships "North Star" and "Hazard" together with the prompt military aid afforded by Sir George Gipps have been as marked as opportune.

There are now very strong reasons for the presence of a regiment of the line and at least two ships of war in New Zealand. The speedy appearance of such a force may save years of misfortune, misery, and bloodshed. The influence of the elder chiefs is impaired; some of the young aspiring chiefs are desirous of making a name for themselves, and having nothing to do, wish for war. They deride and oppose the old men and Christian Natives.

Were there a military power in the country sufficient to guarantee the safety of the well-disposed, we should, in the event of hostilities, have the majority at least of the Native population on our side, and actively our friends; but, as the case now stands, they would remain neuter. A shrewd chief, of much influence in the

interior of the country, said to Mr. Shortland (the Protector), "When you have five hundred soldiers in New Zealand besides those at Auckland and Wellington, I will acknowledge the Queen's authority and act under your Governor; but till you have strength enough to defend me against my enemies I must not take part with you and expose myself."

The greatest benefit that England could now confer on New Zealand would be to place such a force in the country as would encourage and protect the old friendly chiefs, the Christian Natives, and the well-disposed of all classes, while it would effectually prevent disturbances of a serious or lasting character. More than one ship of war is necessary, because the settlements are so remote that her visits can be but transient and occasional. The prosperity of the colony, if not its tenure by Great Britain, depends on decisive and efficient measures taken in time, before the now growing evils become fully developed.

I have, &c.,

ROBERT FITZROY, Governor.

The Right Hon. Lord Stanley, &c.

## **No. 26. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Auckland.—Waiving Crown's Right of Pre-emption.*

SIR,—

Protector's Office, Auckland, 5th November 1844.

Referring to the letters of applicants to His Excellency the Governor for waiving the Crown's right of pre-emption over portions of land they are desirous of buying from the Natives, I have the honour to submit to you whether a form of application (something after the enclosed), printed in the Government *Gazette*, would not tend very much to assist proposed purchasers, facilitate my giving the necessary information relative to purchases, and prevent much future embarrassment to the Government. It would at the same time prove a considerable check upon both buyers and sellers.

I am induced to bring this subject under the consideration of His Excellency from having observed how defective in describing the land most of the applicants have been, and from the fact that there is manifested in many of the Europeans a disposition to treat with the young Natives for land rather than with the elder chiefs; thus tending to destroy the chiefs' influence, as well as defraud them of their lands. Both should be treated with, but an especial deference paid to the elder chiefs. To prevent the chiefs from taking advantage of Europeans in selling them lands which do not belong to them, I would suggest that in such cases those chiefs should thereafter be considered and treated as ineligible for further disposing of lands.

I have; &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## **No. 27. The Hon. the COLONIAL SECRETARY to the MAGISTRATES.**

*Responsibility of Natives to British Laio.*

To each Authority in New Zealand.

SIR,—

Colonial Secretary's Office, Auckland, 15th September, 1845.

I am directed by the Governor to send you the following extracts of despatches, in order that you may be acquainted with the opinions of Her Majesty's Government with respect to the application of British law to the aboriginal inhabitants of New Zealand.

In a despatch dated 21st June, 1843, Lord Stanley remarks that he cannot perceive a necessity that the Natives of New Zealand should be liable to all the penalties and amenable to all the tribunals of. English law. His Lordship's words are: "I cannot perceive the necessity; there is no apparent reason why the aborigines should not be exempted from responsibility to English law, or to English Courts of justice, as far as respects their relations and their dealings with each other. The Native law might be maintained, and the Native customs tolerated, in all cases in which no person of European birth or origin had any concern or interest. An exception should indeed be made of such customs as are in conflict with the universal laws of morality, such, for example, as the customs of cannibalism and human sacrifice. But, with this exception, I know not why the native New Zealanders might not be permitted to live among themselves according to their national laws and usages, as is the case with the aboriginal races in other British colonies." In a despatch dated 10th February, 1844, Lord Stanley observes that he knows "of no theoretical or practical difficulty in the maintenance, under the same Sovereign, of various codes of law for the government of different races of men. In British India, in Ceylon, at the Cape of Good Hope, and in Canada the aboriginal and European inhabitants live together on these terms. Native laws and native customs, when not abhorrent from the universal and permanent laws of God, are respected by English Legislatures and by English Courts; and, although problems of much difficulty will occasionally arise out of this state of things, they have never been such as to refuse all solution, or as to drive the local authorities on the far more embarrassing difficulty of extending the law of England to persons wholly ignorant of our language, manners, and religion." And in a despatch dated 13th August, 1844, Lord Stanley states, in reference to the aboriginal natives of New Zealand, that "it may be necessary to temper the strict application of the penalties of British law with much discretion and forbearance. Under certain circumstances indeed I am afraid it may even be inevitable to consider, before interfering with Native customs which *are* in themselves *objectionable*, how far the means of coercion at your disposal may render it prudent for you to take steps for that purpose, which, in case no resistance was apprehended, you would not hesitate to adopt."

ANDREW SINCLAIR, Colonial Secretary.

*Kaipara.—The Governor's Departure to England*

MY GOOD FRIEND PARORE,—

Government House, Auckland, 10th November 1845.

I salute you. Your letter has been read by me which was dated the 14th October, and I have been waiting to answer it. It is correct respecting my going to England Many falsehoods have been uttered by some people respecting these Islands, and also respecting the people of these Islands. They have also uttered many falsehoods respecting myself, but before long I shall be able to tell the truth. Although Europeans may speak wickedly, the Queen and the Governor will be the friends of you all. It is well that I should go quickly to England, in order that I should make known the whole truth, for we cannot say much by letter.

## To be succeeded by His Excellency Governor Grey.

I have been reflecting about the Governor who is coming hither. He is a good man. His work towards the Natives will be that of kindness, protection, and justice. His name is Grey. I shall tell him of your quiet, friendly disposition. I shall be your friend in England as I have been your friend here, and shall make known what is

true on the other side of the sea. Perhaps I shall sail in January.

From your friend,

R. F., Governor.

To Parore, Kaipara.

*Auckland.—General Affairs of the Colony.*

MY LOED,—

Government House, Auckland, 10th December 1845.

## Rights of Pre-emption.

In the first place, as regards the aborigines, I have directed that no further applications for the direct purchase of land from them by private individuals should be received by the Government until I have had time to inquire into the subject, and to determine what line of policy, in reference to the sale of lands, shall be adopted and referred for your Lordship's definite instructions upon this point. I am inclined to think that it would be most unwise on the part of the Government to waive the right of pre-emption secured to the Crown by the Treaty of Waitangi, as no more certain means of controlling the Natives could be found than refusing to purchase any lands from those who conducted themselves improperly, and in whose intentions of surrendering their lands no confidence could be placed. I find, moreover, that various complicated disputes have already arisen between the Natives and various persons who have purchased lands from them under the terms of my predecessor's Proclamation waiving the Crown's right of pre-emption. These persons all look to the Government, under whose sanction these purchases were made, to put them in possession of their lands, and a series of new land claims have arisen which are likely to prove more troublesome than those which have already, been so perplexing to the Government. I have therefore refused, at least for the present, to sanction any purchase made from the Natives by private individuals.

## Arms and Ammunition.

I am also about to introduce into the Council upon Friday next a measure to enable me to prohibit, for the present, the importation of arms and warlike stores, and to regulate *the* sale of them in this colony. The immediate effect of this measure will be to render those who possess arms and gunpowder very unwilling to part with them; and I have no doubt that the tribes in rebellion will very soon be unable to make any use of their arms, from their positive inability to procure ammunition and percussion-caps.

## Enrolment of Native JForce.

The next measure I have adopted is the enrolment of a Native force, composed of the inhabitants of New Zealand, and officered by British officers, upon the plan of the Cape and Ceylon Rifle Corps. I have given the necessary authority for the enrolment and disciplining of sixty men, who will receive rations and pay. So soon as I find how the experiment succeeds with this small body, I will, if I think it advisable to do so, continue gradually to increase the strength of this force.

## Rations to Friendly Natives.

I have also directed that the followers of those Native chiefs who are engaged in active operations against the rebels in conjunction with the British troops in the field, should daily receive a ration, which they have not

hitherto done. They will thus be brought more completely under the control of the British officer in command; they can be collected in larger and more efficient bodies; and the rebel chiefs, who can confer no such advantage on their followers, will find it much more difficult to keep their forces together, and their service, now that they are pressed for supplies, will not be nearly so popular as it has hitherto been.

## Treaty of Waitahgi

I think it only necessary to add, in reference to the Natives, that I have in the most public manner, in the strongest terms, and upon repeated occasions, assured them that. I had been instructed by Her Majesty most honourably and scrupulously to fulfil the terms of the Treaty of Waitangi; that their welfare and happiness was an object of the most lively concern to the Queen, and that it would be my most earnest desire to carry out Her Majesty's most gracious wishes in their favour; and I am satisfied that these declarations upon my part have produced a favourable impression upon many of the most influential of the chiefs.

I have, &c.,

G. GREY.

The Right Hon. Lord Stanley, &c.

## No. 30. Copy of a DESPATCH from Lieutenant-Governor GREY to Lord STANLEY.

*Bay of Islands.—'Enrolment of Native Corps.*

MY LORD,—

Government House, Auckland, 11th December 1845.

In the despatch which your Lordship addressed to me upon the 13th June last (no. 1), I was informed that no discussion had hitherto taken place upon the possibility of embodying a local force in which the aborigines of New Zealand might serve jointly with others, but that your Lordship could not finally abandon the idea of the enrolment of such a force, without full proof that the adoption of it would be either impossible or unwise. I now beg to state that the knowledge I have up to this period obtained of the nature of this country and of its inhabitants leads me to believe that if it should be found possible to embody such a force as is alluded to by your Lordship a large expenditure of British money would be annually saved, and that a far smaller proportion of British troops would suffice to hold this country. I find that those persons best informed on these subjects, with whom I have conversed, all agree with these views, and the only doubt which exists as to the practicability of the scheme arises from the volatile and independent character of the New Zealanders.

Upon the whole, however, I have thought that the plan ought to be fairly tried, and that an attempt should be made to embody a force somewhat analogous to the Rifle Corps of Ceylon; and as I found that Colonel Despard, who is in command of the forces of this colony, took the same view of the subject that I did, and that he was disposed to render me every assistance in establishing such a corps, and in selecting an intelligent officer to command it, I authorized him, in a letter a copy of which I have the honour to enclose, to organize a Native corps, consisting of sixty men, who were to be employed under a British officer in the operations now carrying on. No more favourable opportunity than the present could have presented itself for trying this experiment, as there are now with the troops many active young Natives who have already for several months co-operated with the British forces.

Your Lordship will perceive that I have authorized the issue of a ration daily to the men who may serve in this corps, in addition to their pay, which is to be at the rate of 10s per month for each man; whilst any young chiefs who may serve as non-commissioned officers will receive such extra pay as Colonel Despard may think necessary and proper.

Your Lordship will observe that the men composing this corps will be required in the first instance to provide their own arms and clothing. The reason of my enforcing this regulation was that the New Zealanders are generally better armed than our, own troops, their usual weapon being a double-barrelled gun. Moreover, did I find them in arms, sixty additional guns would at once be thrown into the hands of the Natives; and, if any desertions took place, the men who deserted would carry off the arms with which we had supplied them.

I will not fail to keep your Lordship fully informed of the degree of success with which this experiment may be attended.

I have, &c.,

G. GREY.

The Right Hon. Lord Stanley, &c.

## **No. 31. Copy of a DESPATCH from Lieutenant-Governor GREY to LORD STANLEY.**

*Bay of Islands.—Position of our Native Allies.*

MY LORD,—

Government House, Auckland, 11th September, 1845.

In the various despatches I shall have occasion to, address to your Lordship upon the subject of the line of policy I may adopt for the settlement of the disturbances at present, existing in the northern part of this Island, I shall have frequently occasion to allude to the Native tribes which are here termed "Native allies," and your Lordship will find that my proceedings will be influenced by the desire of securing the interests of these tribes. I think it necessary, therefore, to state briefly to your Lordship who these Natives are, and what is the nature of our relations with them.

In January, 1845, before the flagstaff was, for the second time, cut down at Kororareka, and again previously to the attack in March on that settlement, the tribes who are under the control of the chiefs Walker, Macquarie, Moses, Noble, and Rewa interfered, by remonstrance and otherwise, to prevent Heke and his adherents from adopting the course they intended to pursue. Walker in particular, and other friendly chiefs, offered at the time to some of the authorities their services for the suppression of the then threatened disturbances, but they were not accepted.

Subsequently to the destruction of Kororareka in March, 1845, when Heke, emboldened by his successes, was threatening to commit further depredations in the North, and to march upon Auckland, which was in a very unprotected state, Walker, Macquarie, and other chiefs rose, and created a diversion in favour of the Europeans by falling on Heke's rear:—their first skirmish, which took place early in April, when they were completely successful, having driven him from the field. They had other skirmishes with him previously to the arrival of the troops at the scene of operations; and in every instance were successful, thus not only creating a diversion in favour of the Europeans, but greatly diminishing Heke's influence by injuring his reputation as a commander. They also, by their own influence, detached many of Heke's and Kawiti's followers from them. When our troops reached the scene of operations in the month of May last, these friendly chiefs joined them with their followers, and they have ever since remained in active co-operation with them. They had at one time nine hundred men in the fields and the average number of their followers under arms may be stated at from three to four hundred men; but they were unable to keep a large number in the field for want of supplies.

These friendly chiefs have never hitherto received pay, rations, arms, or ammunition for themselves or their followers, and have received no remuneration, except some presents of rice, flour, and sugar, and occasional supplies of ammunition. Since the commencement of hostilities they have lost about twenty-five men killed, and have had about seventy-five men wounded, some of them very severely. Their loyalty and active attachment to the British cause have drawn down upon them the hatred of the rebels and their friends and no doubt can be entertained that, if their interests are not carefully considered before hostilities are allowed to

cease, they will be placed in a position of great danger. Your Lordship may, however rely upon my not neglecting fully to provide for the future safety of these chiefs, who have established such strong claims upon the consideration of Her Majesty's Government.

I have, &c.,

G. GREY.

The Right Hon. Lord Stanley, &c.

## **No. 32. Copy of a DESPATCH from Lieutenant-Governor GREY to Lord STANLEY.**

*Auckland.—Regulation of Arms Ordinance.*

MY LORD,—

Government House, Auckland, 13th December 1845.

I have the honour to transmit, in order that Her Majesty's pleasure may be taken thereon, an ordinance, which I have enacted with the advice and consent of the Legislative Council of this colony (No. 1, Session VI.), entitled "An Ordinance to empower the Governor to regulate the Importation and Sale of Arms, Ammunition, and Gunpowder.

This ordinance confers, upon the Governor of New Zealand the power of regulating by Proclamation everything relating to importation and sale of warlike stores. I have yet only exercised this power to the extent of directing that no gunpowder or munitions of war should be imported at Auckland; but I am now, with the advice of my legal adviser, preparing a Proclamation which will, for the present, prevent both the importation and sale of gunpowder and other warlike stores, except under those regulations which the circumstances of the colony appear to me absolutely to require. I will not fail to forward to your Lordship a copy of this Proclamation as soon as it is issued, and your Lordship may rely that I will promulgate it and enforce its provisions in such a manner as to give the least offence, and to create the least possible apprehension in the minds of the Natives; whilst they shall 'at the same time clearly see that I am both able and willing, if any necessity should arise; to enforce their observance of it.

In proof of the necessity of the immediate adoption of some such measure as that which I have the honour to enclose, I beg to state that the Natives are at this moment carrying on a war amongst themselves within twenty miles of Auckland, regarding a dispute relating to a piece of land and that a report has just been sent to me that three have been killed upon one side and one upon the other, besides a large number who have been severely wounded. Your Lordship may, moreover, depend that, from the system which has been here adopted of allowing the Natives to sell their lands to Europeans upon the payment; to the Government of 1 d. per acre, their cupidity and love of immediate gain have been so strongly excited that numerous and bloody disputes will take place amongst themselves regarding their lands, until it is thoroughly understood that this system will not for the future be permitted by the Government. I beg further to state that our own forces have necessarily been disheartened by seeing that the rebels purchased through their friends openly in the shops of Auckland, and throughout the colony, whenever they pleased, the arms and ammunition which were immediately afterwards employed against our troops in the field. I understand that such large supplies of ammunition have been procured by the Natives within the last six months in exchange for kauri gum that a long period of time must elapse before the effect of the measures I am adopting will be perceptible; but I trust that their ultimate result will be a gradual disarming of a large portion of the Native race and the permanent establishment of peace and tranquillity throughout the country.

Some of the members of the late Government stated in their place in Council that the reason why some restrictions were not at an earlier period placed upon the sale of gunpowder and warlike stores, by which so large a loss of life as has already taken place and will probably yet take place amongst our own forces might have been prevented was the knowledge they possessed that such measures might have excited, evil-disposed



Natives to acts of violence and outrage, which the Government had no means its disposal of controlling or preventing; and which might have been more disastrous than the events which have resulted from permitting the sale of gunpowder and warlike stores.

I have, &c.,

G. GREY.

The Right Hon, Lord Stanley, &c.

## **No. 33. Copy of a DESPATCH from Lieutenant-Governor GREY to Lord STANLEY.**

*A Free Pardon to be offered to the Rebels.*

MY LORD,—

Government House, Auckland, 26th January, 1846.

In reference to my Despatch. No.8, of the 22nd instant, in which I reported that I had, upon their complete submission, granted a free pardon to all persons concerned in the recent rebellion, and that I had informed the friendly Native chiefs that they must forego any claims they might have, upon the lands of the rebels arising out of promises made by my predecessor, I have now the honour to report exactly what those promises were, and the influence which they necessarily exercised upon the adjustment of the disturbances in the northern part of the Island, which it has been my duty to carry out.

Upon the very morning that Walker Nene arrived, at-Auckland with a message from the rebel chiefs, I had been discussing the details of the terms upon which I intended to pardon those concerned in the late rebellion when they had sent in their complete submission to the Government, which it was evident they must soon have done after the occurrences which had taken place; and I. proposed to give them at once security for their persons, and to leave the question as to the forfeiture of their lands to be decided in England, merely stating that, from Her Majesty's great regard for the welfare and happiness of Her Majesty's Native subjects in New Zealand, it was certain that nothing would be more pleasing to Her Majesty than ultimately to give them a full and unconditional pardon, if their future conduct was such as to entitle them to this indulgence. The objects in my contemplation when I was considering this line of policy were, firstly, to retain some hold over the future conduct of those who, had been concerned in so many outrages; and, secondly, to show the Native population generally throughout the Islands that, in the event of their engaging in active rebellion, they would forfeit their properties, and that I would certainly for the future severely punish those who were guilty of this crime; thirdly, I was anxious that the gracious act of a free and unconditional pardon should have proceeded directly from the Queen. The effect of it would then have been greater, and Her Majesty would have been placed in a position in reference to the chiefs generally which would have been extremely advantageous to Her Majesty's honour and the interests of Her Majesty's subjects.

It was, however, pointed out to me that I was precluded from concluding an arrangement of this nature by my predecessor's instructions to Colonel Despard of the 6th June; 1845, a copy of which is enclosed, under the terms of which an assurance had been given to the friendly chiefs that the lands forfeited by the rebels would be divided amongst them, and that no land would be taken by the Government.

Upon perusing these instructions, I felt that the Government was bound by them up to the date of my arrival in the colony; but, although I had never revoked these instructions, because I was not aware of their existence, I felt that my repeated declarations to the Natives, that I would never permit them to acquire land from each other by conquest, fairly exempted me from considering myself, after my arrival, bound in this respect by any promise of my predecessor. As the rebellion had, however, been one continuous act, it would practically have been impossible to decide what lands should be regarded as having been forfeited before the date of my arrival, and what lands were to be considered as having been forfeited subsequently to that date.

In reference to the degree in which I was to consider myself bound by the promise of my predecessor, I

have no hesitation in saying that I considered that promise to have been so impolitic, so little advantageous to the persons it was intended to benefit, and as one so likely to be regarded by foreign nations, and in other times, as essentially unjust, that I was afraid that ultimately no distinction might be made between the officer who made the promise and the officer who had carried it into execution because he felt himself bound by it; and I therefore determined to be in no way connected with a line of policy which I felt to be inconsistent with the course which I thought Great Britain ought to pursue.

When, therefore, Walker Nene made me acquainted with the complete submission of the rebels, and the unconditional surrender of the whole of their lands, which they regarded as forfeited, I felt that, if I retained these lands at the disposal of the Crown until Her Majesty's pleasure upon the subject was known, the friendly Natives would distrust my motives in not fulfilling my predecessor's promise that the Crown would take none of these forfeited lands, but divide them amongst the loyal Natives, and they would probably think that, in not dividing the lands among them, I was consulting the interests of the Government and not theirs. I therefore resolved frankly to tell Walker Nene that I would at once give the rebels a free pardon, and that I would not fulfil my predecessor's promise of dividing the land forfeited by the rebels amongst the loyal Natives, because I believed that my doing so would be injurious to the reputation and interests of himself and the, other friendly chiefs; for that the moment I adopted such a course every one would cease to believe that the loyal Natives had been contending for the re-establishment of peace and good order, and would think that their real object had been to obtain possession of the lands of others. I, moreover, pointed out to him that if I did bestow these lands upon the friendly chiefs the war must become one of utter extermination, because there could be no, doubt that, as soon as the British force was withdrawn, the original possessors of these lands would attempt to recover them by force of arms, and that it would, moreover, be impossible so to divide it as not to give rise to quarrels and feuds amongst the loyal chiefs themselves. I added that, in order that it might be clearly seen that I did not refuse to give the lands to the loyal Natives from a desire to obtain them for the Crown, I would give a free and unconditional pardon to the rebels, leaving it to Her Majesty to determine in what manner the services of the loyal Natives should be rewarded; and I asked him to explain these my intentions and my views to the other chiefs. He at once assented to this reasoning, and to the policy of the course I intended to pursue, merely remarking, after some moments of thought, "You have saved us all."

I feel, therefore, convinced that the friendly chiefs will be fully satisfied with these arrangements; and your Lordship will see that in granting a free pardon to the rebels I was influenced by many motives, although I believe that, viewing the matter simply as an act of generous open policy, it is in every way entitled to your Lordship's sanction and support, and will tend to secure to Her Majesty the affection and attachment of her Native subjects in these Islands.

I have, &c.,

G. GREY.

The Eight Hon. Lord-Stanley, &c

## **No. 34. Copy of a DESPATCH from Lieutenant-Governor GREY to Lord STANLEY**

*Auckland:—Military Force requisite to be maintained.*

MY LORD,—

Government House, Auckland, 14th May 1846.

Upon the 12th instant I addressed a despatch to your Lordship (No. 46) in which I stated I would take an early opportunity of reporting upon the strength of the military force which I considered at present requisite for the maintenance of British supremacy in these Islands. I have now the honour to transmit copies of the correspondence which has passed between the Lieutenant-General Commanding the Forces in New South Wales and myself upon this subject. Your Lordship will find, from this correspondence, that I consider that a

force of 2,500 troops of the line should for the present be stationed in New Zealand.

I find that my predecessor, in his Despatch No. 27,. of the 9th of April, 1845, stated it as his opinion that two regiments were required for the maintenance of these Islands, which would amount to a force, of about 2,000 men; but, after having now visited many portions of the Islands, I should recommend that the force here should be increased to 2,500 men. I make this recommendation under the belief that in four or five years time this force might be reduced to a single regiment, and that it would be advantageous to continue as rapidly as possible the formation of a local police force, composed in a great measure of Natives; which force I am now organizing with apparent success; The expenses of this force could, at the end of a few years, be defrayed from the revenues of the colony, and it would be one in every way suited to the service of this country. Indeed, I think it would in New Zealand be found more advantageous than any European force.

I beg to state to your Lordship that, however limited in number may be the force which Her. Majesty's Government may be able to place at my disposal, I will; do my utmost to conduct the service in such a way as to merit Her Majesty's approbation; but my fear is that, if a sufficient force is not at once stationed in the country, sanguinary and expensive, yet petty, wars may take place, which will entail on Great Britain a large and useless expenditure of blood and money, and retard the advancement of this country almost indefinitely; whilst on the other hand, should a sufficient force be at once sent here, I feel satisfied that no further disturbance of any consequence will take place, and that in a few years the country will be able to defray the expense of its own establishments.

I have, &c.,

G. GREY.

The Eight Hon Lord Stanley, &c.

*Bay of Islands.—Respecting Compensation for War Losses.*

SIR,—

Downing Street, 10th June 1846.

I have received your predecessor's despatch, marked "Separate," of the 30th October last, accompanied by a memorial from above forty persons, formerly resident at Russell, in New. Zealand, soliciting compensation for the losses sustained by them in consequence of the destruction of that town by the Natives in March of last year.

This claim raises, or involves, a general principle of great practical extent, and of very wide and general application. It is the principle that British subjects who have settled themselves in the immediate vicinity of uncivilized tribes of men, and who may subsequently become the victims of their hostility, are entitled to throw on the British Treasury the losses consequent on any such attacks, if they can show either that there was not sufficient military force at hand for their protection, or that a sufficiently vigorous and skilful use was not made of that force, or that the British Government or its officers were guilty of any such error or oversight in their transactions with the tribes in question as may possibly have provoked or increased their hostility to the settlers. It is alleged in the memorial that such has been the invariable rule or practice in all such cases.

To this general assertion it is impossible to subscribe. The memorialists have quoted no solitary instance of the kind they mention, and I am not aware of the existence of any. Neither the ancient British settlers in North America, nor those who in recent times have settled in Western or in South Africa, ever received from the Government compensation for the losses they incurred by the devastation and plunder of their settlements by the savages in their immediate vicinity. They emigrated not in the service of their country, but with a view to advantages, real or imaginary, and included, or ought to have included, the danger of barbarous invasion as one of the most serious risks of that speculation.

In the present case the claimants cannot even allege that their settlement in New Zealand was encouraged or approved, or even known, by their own Government. They resorted thither before the Treaty of Waitangi, and before the Government was reluctantly compelled by the unauthorized emigration of British subjects to that country to negotiate for a sovereignty which they had deprecated as an undesirable, if not injurious, acquisition. When at length that sovereignty was assumed, the Government gave the utmost possible publicity to the fact that it was impossible to withdraw from the British Army a garrison adequate to the protection and defence of

the settlers.

If errors, either civil or military, were subsequently committed in the administration of the Government of the colony, I cannot admit that to those errors alone, or chiefly, are to be attributed the attacks of Heke and his followers on the Town of Russell; and, even if I could make that admission, I could not assent to the inference that the British Treasury are bound to pay both for the expense of the warfare and for the losses of the settlers. The Government and their local officers, civil and military, were all placed in a situation in which it is scarcely probable that any degree of foresight, skill, or courage could have averted all risk of such evils. They were drawn into that situation by the precipitancy of others, not by any ill policy of their own. Besides, it is a new and startling doctrine that the Queen's subjects are individually entitled to compensation for any losses in which the honest errors, political or military, of the Queen's Government may involve them.

## No Compensation to be awarded.

For these reasons I must decline to advise Her Majesty to award any compensation to the memorialists, however deeply Her Majesty has been concerned to receive this intelligence of their misfortunes. I abstain from tendering that advice the more carefully because the great stress laid in this memorial on supposed precedents of similar grants reminds me of the hazard and possible inconvenience of now establishing a precedent of that kind, to which reference might under any corresponding circumstances be made hereafter.

I have, &c.,

W. E. GLADSTONE.

Lieutenant-Governor Grey, &c.

## No. 36. EXTRACT from Governor GREY'S ADDRESS [*New Zealand Gazette*] to the LEGISLATIVE COUNCIL.

### *As Introduction of British Law amongst the Aborigines.*

THE most important measures relating to the Natives which it is my intention to submit to you have for their object the introduction into this country of such modifications of the British law as appear adapted to the present state of the Native population, and at the same time calculated to accustom them by degrees to take an active part in the administration of the laws of their country: a great step in advance, which, if it can be made, appears to me more likely, than any other I am acquainted with to attach them, by the ties of interest and a sense of benefits received, to those institutions which we have introduced amongst them. Already some progress has been recently made in the attainment of this object, as the Natives when employed in the police force, and paid, fed and treated in all respects in the same manner as Europeans, have not only proved active and valuable constables, but have so completely emancipated themselves from their former prejudices as not to hesitate to assist in the apprehension of offenders of their own race, whatever might be their rank or influence.

I shall also recommend to your consideration measures which will secure to the Natives the expenditure for their advantage of a fair share of the proportionate amount which they contribute to the revenue; either for the support of hospitals, the education of orphan children, or for purposes of a similar character. And, above all, I trust that you may be able to devise some means which will prevent European fathers from abandoning, and leaving in a state of destitution and misery, families of children whom they may have had by mothers of the-Native race.

The latest accounts which have reached me from the northern and southern portions of this Island, in which disturbances have at various times prevailed, are of the most satisfactory character but I must confess that I, in

my own mind, attach now but comparatively little importance to these disturbances. What can be effected in this country by the gallantry of the officers and men composing Her Majesty's forces has now been fully evinced upon many occasions; it has also been ascertained that the settlers are willing and able (far beyond what I had expected) to protect their homes and families and to drive off an invading foe; and, above all, we have in every instance found that the great mass of the Native population have not only invariably declared themselves upon the side of the Government, but have also by their services in the field given practical proof of the sincerity of their declarations, and of their warm attachment to the British race. Undoubtedly they have always shown an anxiety that the local Government should evince, by the strength of the force at its disposal, that it had the means of securing the permanent tranquillity of the country and of assuring the ultimate safety of those tribes who might come forward upon the side of good order; but it was to be expected that tribes just emerging from a state of barbarism, subjected to various prejudices and dreading the animosity of their own excited countrymen, would hesitate to commit themselves against those chiefs whose names have been for years a terror to the country, unless they saw that the Government was determined to support them, and that it had at its disposal a force which would enable it to give effect to those determinations.

G GREY.

Council Chamber, Auckland,

5th October 1846.

## **No. 37. Copy of a DESPATCH from Governor GREY to the Right Hon. W. E. GLADSTONE.**

*Auckland.—Respecting Changes in the Constitution.*

SIR,—

Government House, Auckland, 7th October 1846.

I had the honour this morning of receiving your despatch, marked "Separate," of the 26th May last, and, as a vessel sails in a few hours direct for England, I am unwilling to lose this opportunity of making some few remarks upon the changes Her Majesty's Government propose to introduce into the Constitution of this colony; although I write under the disadvantage of being compelled to make these remarks in a very hurried manner, and with no certainty whether or not they may reach England in sufficient time to be of any use to Her Majesty's Government.

I suppose, in the first place, that Her Majesty's Government intend to divide New Zealand into two distinct colonies: whether they are both to be placed under one Governor-in-Chief, in the manner proposed in my despatch of the 27th January last, marked "Separate," or whether two totally distinct colonies are to be formed, is not material to my present purpose. I suppose also that it is the wish of Her Majesty's Government that representative institutions should be introduced into each of these colonies with the least possible delay, but that they should be so introduced as to insure, in as far as possible, harmony between the executive and legislative bodies, and thus to render these institutions available from the first moment of their erection, instead of a period of inutility and bitterness elapsing, during which disputed points would be contested between the Executive Government and the legislative body, and all the really essential business of the colony would be disregarded. In this view I beg to state that I would recommend that, in the first instance, the Officer Administering the Government in each colony should be permitted to appoint a Legislative Council composed, as at present, of official members and of nominees of the Crown.

I am not at present aware of any circumstance which need then prevent the immediate introduction of the representative institutions into that colony which would comprise the settlements in Cook Straits and in the Middle Island. All questions of a vexatious nature between the Government and the settlers in that part of the colony have now been finally set at rest; and, with a considerable acquaintance with British settlements, I can have no hesitation in recording it as my opinion that there never was, a body of settlers to whom the power of local self-government could be more wisely and judiciously intrusted than the inhabitants of the settlements to which I am alluding.

But there are a number of questions connected with the introduction of such institutions which I confess I think can only be properly determined by inquiry upon the spot, such as the limits of the various electoral districts, the proportion of members from town and country districts, the precise qualification of electors, the places for polling, and questions of a like nature. These questions I think the Officer Administering the Government in that colony should be required to determine, with the assistance of a Legislative Council constituted in the usual manner. If the number of members in that Council was extended to ten, five official and five unofficial, and the members were judiciously selected, as I have no doubt they would be, the Officer Administering the Government would have the benefit of the best possible advice; and these questions of a really practical nature would be discussed upon the spot, and under such circumstances as would, I have no doubt, secure the efficient and satisfactory working of the institutions which might be introduced, and which; when thus settled, would provide a legislative body which would forthwith replace that which had previously existed.

But, with respect to the northern of the two colonies, I beg to state that, until the questions connected with the land-claims which have arisen from the grants of land extended in opposition to the opinions of the Commissioners who heard them have been finally and conclusively set at rest, I do not think that any attempt should be made to introduce representative institutions into it. I feel quite satisfied that, if such an attempt were made before these questions were disposed of efforts would be made to return representatives, not to transact the real business of the country, but to agitate these claims; and, from the number of Government servants who are directly or indirectly connected with them, from the influence of some of the Missionaries who claim such large tracts of land, and from other circumstances, I fear that a period of confusion, probably of renewed rebellion, expensive both in blood and money, must under such circumstances inevitably take place.

I would therefore recommend that, in the northern colony of the two, some period of time should yet elapse before any attempt should be made to introduce representative institutions. Probably a period of two years may suffice to settle the question to which I have alluded, and to prepare the colony for the contemplated change; but this would soon be ascertained from the reports of the Officer Administering the Government.

I should perhaps add that it is not in the least my wish to reflect upon the inhabitants of the northern portion of New Zealand, or to draw any invidious comparison between themselves and the people of the southern settlements: on the contrary, there are in the northern part of the Island many gentlemen for whom I entertain the highest respect and esteem; and I would yield to no one in my desire to promote, in as far as practicable, the prosperity and happiness of the colonists in this part of New Zealand. But, the troublesome questions to which I have alluded having arisen, and there being every probability, from the number, and character of the Native population, that disturbances may arise from them, I believe that in making these representations to you, and in basing, such recommendations upon them, I am taking the most certain means of securing the true interests of the inhabitants of this part of the Northern Island, and at the same time performing a paramount duty to Her Majesty's Government.

I have, &c.

G. GREY.  
The Right Hon. W. E. Gladstone,  
M.P., &c.

## **No. 38. Copy of a DESPATCH from the Right Hon. Earl GREY to Lieutenant-Governor GREY.**

*Auckland.—Military Force requisite.*

SIR,—

Downing-street, 24th; November 1846.

I have had the honour of receiving your despatches of the dates and numbers noted in the margin, and in which, after giving an account of the events which have recently taken place in New Zealand, you state that a military force considerably larger than that which is now stationed there will in your opinion for some years to

come be required to guard against the recurrence of petty but expensive wars with the Native tribes, and that you consider not less than 2,500 men to be necessary for this purpose.

I have too much reliance upon your judgment to doubt that you have good grounds for your demand for this large increase of force, and therefore, though the no less urgent demands from various other quarters for the services of Her Majesty's troop render it a matter of some difficulty, measures will immediately be adopted for supplying, with no more delay than is inevitable, the additional troops you have called for. It will not, however, be in the power of Her Majesty's Government to supply the whole of this reinforcement from the regular army. A part of it will consist of a force of a different description to be formed for the purpose, as to which in another despatch of this date you will find all necessary information. This force will be designated as the Royal New Zealand Fencibles, will consist of about 500 men, and will be sent direct from this country to Auckland. The additional regular troops to be employed in New Zealand will be 900 men from the regiments now serving in New South Wales. Orders will be sent at the same time with this, despatch to the Governor and to the Lieutenant-General Commanding in that colony to forward to Wellington with the least practicable delay detachments of the above strength, for whose reception you will therefore lose no time in making the best preparations in your power by taking measures to provide them upon their arrival with the necessary supplies, and with such quarters as you can obtain at the different places at which you may consider it most advisable that they should be stationed. By the above arrangement, as detailed in the margin (now in New Zealand, according to the last returns. 1,100; from New South Wales 900; New Zealand Fencibles, 500: total, 2,500), the amount of force you have named as being required will for the present be provided; but you will not fail to recollect that it is impossible permanently to keep so many as 2,000 men of Her Majesty's regular army in New Zealand without very great inconvenience. I have therefore to instruct you to direct your most serious attention to the means which should be adopted to enable you as soon as possible to dispense with a portion of this force. With that view the formation of a well-organized Militia, and of a force composed of Natives in the service of Her Majesty would appear to be the measures most likely to be successfully adopted.

I have &c;

Lieutenant- Governor Grey, &c. Grey

SIR—

Downing Street, 1st March 1847.

I have to acknowledge the receipt of your Despatch No. 101, of the 6th October last, in which, with reference to a suggestion which has been submitted to you by the Commanding Royal Engineer in New Zealand, that convict mechanics should be sent to that colony with the view of being employed on military works and buildings, you take occasion to recommend that a company of Sappers and Miners should be detached from this country for the performance of that service.

## ***Auckland.—Pensioners to be employed as Mechanics.***

I am aware of the inconvenience which must be felt from the want of mechanics; and in fact arrangements had been made, previously to the receipt of your communication on the subject, which will in some measure supply that difficulty, care having been taken that, in selecting the military pensioners who are enrolled for service in New Zealand, a selection should be made of about fifty men who have worked as carpenters, sawyers, bricklayers, masons, blacksmiths, painters, glaziers and miners; and I have instructed the Master-General of the Ordnance to send out a sergeant and twelve Sappers and Miners, who from their superior qualifications will be able to superintend the labours of the persons in question.

## **Introduction of Convicts.**

The employment of convicts in New Zealand, under the effect of a general measure of transportation,

would be entirely out of the question; but it may be deserving of consideration whether a limited number of men of that class, whose good conduct under confinement may render them fit objects of the Royal clemency, might not be sent to New Zealand with conditional pardons, in which, in addition to the ordinary conditions of such instruments, there should be one introduced requiring the persons to whom they should be assigned to work for the Government for a period of two years.

## **The Regular Troops shortly to be withdrawn.**

I have to add that I do not contemplate the maintenance of any considerable force of regular troops in New Zealand for more than a very short time, as when emigration from this country shall be resumed, as I trust it soon will be, the increase of the European population will enable you to organize a Militia sufficient for all purposes of defence. I have, therefore, to instruct you to abstain from incurring any expense in the erection of permanent barracks which can possibly be avoided.

I have &c; GREY

Governor Grey, &c.

## **No. 40. EXTRACTS from a DESPATCH from Governor GREY to Earl GREY.**

*Auckland.—Respecting the New Constitution proposed to be introduced.* Government House, Auckland, 3rd May, 1847.

Since I had the honour of receiving your Lordship's private letter of the 27th November last, transmitting the drafts of the papers relative to the introduction of a new Constitution into this colony which had been printed for the consideration of Her Majesty's Government, I have felt much concern lest any want of care upon my part in omitting to forward sufficiently detailed information of the circumstances of this portion of the colony should have left Her Majesty's Government in ignorance of various points which, I fear, were not under their consideration at the time they determined to introduce immediately into the Province of New Ulster a Constitution of the nature of that which is proposed. Should I have fallen into this error, the only excuse I can have to offer is that, from the tenor of previous despatches from your Lordship's department, I did not think that any change would for some years be introduced into the form of government of this portion of New Zealand and I did not imagine that, in the first instance, the form of government now proposed would have been introduced into any part of this colony.

My reasons for entertaining the apprehensions above stated are that Her Majesty's Government will, I fear, by introducing the proposed Constitution into New Ulster, not do that which from your Lordship's despatch forwarding the charter, I understand, them to intend to do, but something different from it, and for which I believe (referring to the large number and present state of the Native population in this colony) no precedent has been established, either by Great Britain or any other country: that is, by the introduction of the proposed Constitution into the Province of New Ulster Her Majesty will not confer, as is intended, upon her subjects the inestimable advantages of self-government, but she will give to a small fraction of her subjects of one race the power of governing the large majority of her subjects of a differing race. She will not give to her subjects the valuable privilege of appropriating as they may think proper the funds raised from themselves by taxation, but she will give to a small majority of one race the power of appropriating as they think proper a large revenue raised by taxation from the greater majority of her subjects of another race. And these further difficulties attend this question: that the race which is in the majority is much the more powerful of the two; the people belonging to it are well armed, proud, and independent; and there is no reason that I am acquainted with to think that they would be satisfied with and submit to the rule of the minority, while there are many reasons to believe that they will resist it to the utmost. And then it must further be remembered that the minority will not have to pay the expenses of the naval and military forces which will be required to compel the stronger and more numerous



race to submit to their rule, but that, on the contrary, these expenses must be paid by Great Britain.

Before stating the reasons upon which these views are founded, I think it proper to mention that Her Majesty's Native subjects in this country will certainly be exceedingly indignant at finding that they are placed in a position of inferiority to the European population. They will undoubtedly argue, as they now frequently do, that they not only cheerfully ceded the sovereignty of their country to the Queen, but that when attempts had been made by some discontented tribes to throw off the sovereignty of Great Britain, and that at a period when, from the smallness of the British force in the country, they had apparently some hopes of success, the principal chiefs came forward, and freely gave the services of themselves and their people and shed their blood in assisting to maintain for Her Majesty that sovereignty which they had yielded to her; whilst, on the contrary, they would justly regard the European population of this portion of the colony as having been attracted here solely by motives of personal benefit, such as a desire of carrying on trade with the numerous Native population, or of benefiting by the expenditure of the parliamentary grant in aid of the civil Government, or by the naval and military expenditure.

In illustrating the reasons which have induced me to form the opinions I have stated, I will take the population returns, published by my predecessor, for the year 1845, No great change has taken place in either the European or Native population since that period: in fact, the distresses of the country induced many European settlers to quit the colony, and no corresponding immigration has taken place. With the exception therefore of the troops and naval force which have been brought into the country, the European population does not much exceed in amount that which it was in 1845, although some changes have taken place in the relative population of the British settlements from persons having repaired from one settlement to another. And as Auckland has been, as the seat of Government, the chief point of attraction, the population of that place, exclusive of the military, may perhaps be stated at nearly 4,000 souls. In 1845 the European population of the territory which would form the proposed Province of New Ulster was about 4,500 souls: the details are stated in the margin (Auckland, 2,754; New Plymouth, 1,115; Bay of Islands, 534; Hokianga, 179: total, 4,582). But in point of fact, from circumstances connected with the position of the other settlements, the only persons who would have any real share in the proposed Constitution would be the settlers in the neighbourhood of Auckland.

The returns of Native population published at the same time would give, for the probable Native population inhabiting the proposed Colony of New Ulster, about 100,000 souls, the whole of whom would be excluded from all share whatever in the representation of the country by the proposed proviso in the instructions, "that none should be capable of exercising the elective franchise who cannot read and write the English language."

I do not know one Native who can read and write the English language.

At the same time, under the present system of taxation, the large Native population (which, even if it has been over-estimated by Mr. Clarke at 100,000, and is taken at only 60,000, although I believe this latter supposition is below the true amount, still forms the vast majority of the population) contributes largely to the revenue, and each year, as they continue to advance in civilization, will contribute still more largely to it, so that the proportion paid by the European will form but a small part of the whole revenue.

Then it must be borne in mind that the greater majority of the Native population can read and write their own language fluently; that they are a people quite equal in natural sense and ability to the mass of the European population;

Out of 67 Natives who have been employed by the Ordnance Department, 66 can write their own language, and the whole of them can read it.

that they are jealous and suspicious; that they now own many vessels, horses, and cattle, and are altogether possessed of a great amount of wealth and property in the country, of the value of which they are fully aware; that there is no nation in the world more sensitive upon the subject of money matters, or the disposal of their property, and no people that I am acquainted with less likely to sit down quietly under what they may regard as injustice. A great change has also recently taken place in their position: the mutual jealousies and animosities of the tribes have greatly disappeared, and a feeling of class or race is rapidly springing up, and has been greatly fomented by the efforts which have been made by designing Europeans, to obtain their lands from them for a merely nominal consideration. This feeling of nationality has been extended by many other causes. Some of their young chiefs of the highest birth, and of great personal ambition, have now received good educations; they have acquired the habit of letter-writing, which is a favourite custom with them, and they are in a constant state of movement; so that their intercourse, and power of forming extensive conspiracies, and of executing combined and simultaneous movements upon different points, is daily increasing.

It is, I think, doubtful, therefore, if it would be prudent to hazard the attempt to force upon a nation so circumstanced a form of government which would at the same time irritate their feelings and, I think, insult their pride, and which there can be no doubt would separate them from the Europeans, placing them in an inferior position as a race, and thus at once create this feeling of nationality, the consequence of which would, I fear, be so hurtful

I beg further to point out that, although I entirely concur in the advisability of compelling the Natives as soon as possible to learn to read and write the English language, and will omit no means within my power of promoting these benevolent intentions of your Lordship, yet I think that, with a view of promoting this object, a necessary preliminary to giving such extensive powers over the funds raised by the taxation of a large Native population into the hands of the representatives of so small a British population, would be to require by law that a certain sum should annually be devoted to the maintenance of schools for the instruction of the Native population in the English language, and that some extensive system of national education should be introduced before the new Constitution is brought into operation, the permanency of which system should be secured by such a provision as I have above mentioned.

The foregoing arguments have been applied solely to the great Native population throughout the country, and to the general revenue raised from duties of Customs; but they apply equally, perhaps, even with more force, to the Natives who would reside within the limits of boroughs, and who would be subject to direct taxation in the form of assessments, &c., which I fear might often be collected in a manner highly offensive to them, and who would speedily become discontented and exasperated if they had no voice upon the subject. The same arguments apply also equally to the naturalized Germans, who are likely to become a very numerous and important portion of the population, and who are at present contented and good citizens, whom I should be very sorry to see excluded from any privileges accorded to the rest of Her Majesty's subjects; whilst the inhabitants of the French colony at Akaroa, whom Her Majesty's Government have directed to be naturalized, will in like manner be wholly excluded from any share in the management of their own affairs, and will be placed in a position of inferiority in reference to the rest of Her Majesty's subjects.

I think it right to mention to your Lordship that even in the southern portion of this Island I did not contemplate immediately so extensive a change in the Constitution of the colony. I thought that a Council in which the Governor presided, and which was composed of official and unofficial members, the unofficial members being elected by the inhabitants of the colony, would, viewing the peculiar circumstances of the Colony of New Zealand, particularly in reference to the Native population, have been the form of government which for the present was best suited to the wants of the people, whilst I do not think it would have been in any respect repugnant to their feelings. This form of government would also, as soon as the land questions have been adjusted, suit the circumstances of Auckland, particularly if the Government were empowered from time to time to name certain Natives who should have the privilege of voting at the elections for the return of representatives.

Whatever form of government it may, however, be determined ultimately to bestow upon the Northern colony of New Zealand, I beg to suggest that it would be desirable in the first place that it should not be such as to render it doubtful whether the large Native population will submit to it; and, secondly, that, so long as the Governor has so formidable and numerous a race to control, it is necessary not only that he should have the power by his negative of preventing any measures being passed which might result in rebellion, but that he also requires to be in possession of the active power of carrying such measures as are essential for the welfare and pacification of the Native race. For your Lordship will see that under the proposed Constitution any refusal of the Governor to comply with, perhaps, very impolitic demands of the Lower Chamber may involve a stoppage of the machine of government, which will entail much evil not only upon those who return the representatives, but upon the large body of Natives who will be wholly unrepresented.

At present the Natives are quite satisfied with the form of government now existing; and as the chiefs have always ready access to the Governor, and their representations are carefully heard and considered, they have practically a voice in the government, and of this they are well aware; but under the proposed Constitution they would lose their power, and the Governor would lose his influence over them: in fact, the position of the two races would become wholly altered, and the Governor would, I fear, lose that power which I do not see how he can well dispense with in a country circumstanced as this is. The Natives are at present certainly not fitted to take a share in a representative form of government, but each year they will become more fitted to do so, and each year the numerical difference between the two races will become less striking, so that a great advantage would be gained by delaying even for a few years the introduction of the proposed Constitution into the northern parts of New Zealand.

The concluding passage of the despatch which your Lordship proposes to address to me leaves to my own discretion the power of fixing the time at which I should promulgate the new charter, with, however, so distinct an intimation of Her Majesty's pleasure that no unnecessary delay should take place in my doing so that I think it better to promulgate it with as little delay as possible after its arrival in this country; but that portion of the instructions which relates to the introduction of representative institutions into the country cannot, under any circumstances, be carried into effect for nearly twelve months from this date, upon account of the numerous preparatory steps which, in the terms of the instructions, must first be taken. And, as I am apprehensive that any attempt to introduce such a form of government as that proposed into this portion of the colony would shortly

give rise to renewed rebellion, I shall, under all circumstances, deem it my duty to refrain from giving effect in the northern portion of New Zealand to that portion of the proposed instructions until I receive your Lordship's reply to this despatch. In the meantime, however, all the other portions of my instructions shall be carried out as rapidly as possible, and no care nor exertions upon my part shall be wanting to render them as beneficial to the inhabitants of this country as your Lordship desires them to be; whilst the delay in the introduction of representative institutions for a few months will at all events so strengthen the position of the British in this country that, if Her Majesty's Government should, with the information contained in this despatch before them, still deem the introduction of the new Constitution into the Province of New Ulster indispensable, less probability will exist of extensive injury to British interests resulting from any discontent upon the part of the Natives. All my own experience in this country leads me, however, earnestly to request your Lordship to advise Her Majesty for the present to revoke that portion of the charter which contemplates the introduction of the proposed form of representative institutions into the Province of New Ulster.

I have &c;

The Eight Hon. Earl Grey, &c. G. GREY.

## **No. 41.Extract from a. (Confidential) Despatch from Governor Grey to Earl Grey.**

*Auckland.—New Zealand proposed to be divided into Two. Colonies.* Government House, Auckland, 13th May, 1847.

I think that perhaps, until this country is a little more settled down, your Lordship's views with regard to the government of it might be fully met if it were, as proposed, divided into two colonies with such a general executive Government, and executive Government for each colony, as is now provided for in the recent charter and instructions; whilst for the present the legislative body of each colony should consist of one Chamber, composed of the Governor and official and unofficial members, the latter of whom might in the southern colony be at once elected by the people. The General Assembly might then in like manner consist of one Chamber composed of all the members of the Legislative Council of each colony, and its meetings, mode of proceeding, &c., might all be conducted in the manner which is proposed. If your Lordship should, under the disturbed circumstances of the colony, think proper to send out modified instructions to this or some similar purport, they would yet reach me in sufficient time.

I feel very great diffidence in making such suggestions to your Lordship; but at the present moment the great mass of the Native population is on our side, as the fact of their seizing the murderers at Whanganui and giving them up to justice fully shows, and I think, if nothing occurs now to alarm the Natives, that after two or three more years of peace and tranquillity the colony may be regarded as quite safe, and the lives and properties of the settlers would be in a state of complete security; whilst upon the other hand I cannot but view with the greatest alarm and anxiety the possibility of the frequent and extended recurrence of such scenes as that which recently took place at Whanganui.

Until your Lordship's further instructions reach me, I will proceed, as rapidly as is practicable, with the adjustment of all those difficulties which have arisen from the penny-an-acre Proclamation, and from the extended grants of land. I will also introduce, in the most conciliatory manner, all those portions of the new form of government which confer real and lasting advantages upon this country of the most undoubted and obvious kind, such as the division of the colony, &c.; so that, even in the event of your Lordship determining upon the immediate and complete introduction of the whole of the proposed new form of Constitution, every preparation in my power shall be made for such a measure, and it is certain that, after so many difficulties have been removed, the country will be in a much better state for such an experiment than it is at present.

I have &c;

G. GREY.  
The Right Hon. Earl Grey, &c.

## No. 42.[Extract from *New Zealand Gazette*.]

*Auckland.*—*Respecting Illicit Sale of Arms to the Natives.* Colonial Secretary's Office, Auckland, 19th May, 1847.

The Lieutenant-Governor directs it to be notified that the Government have recently obtained the most convincing proofs that some of the inhabitants of the Town of Auckland are still in the constant habit of selling to the Natives arms, gunpowder, and other warlike stores, thereby affording the uncivilized tribes of this country the means of carrying on wars amongst themselves, as also of destroying Her Majesty's subjects in this territory, and of overwhelming the isolated and unprotected British settlements which exist in various portions of these Islands. The Lieutenant Governor now earnestly entreats the whole of the respectable inhabitants of Auckland and its vicinity to use every exertion in their power to discountenance and put an end to such, unprincipled and disgraceful proceedings, which must entail the most frightful and distressing calamities upon their fellowcountrymen, and will certainly be viewed with horror and indignation by the whole civilized world.

By His Excellency's command.

Andrew Sinclair Colonial  
Secretary.

## No. 43.Copy of a Despatch from Governor Grey to Earl Grey.

*Auckland.*—*Transmitting Sale of Spirits Ordinance.*  
MY LORD,—  
Government House, Auckland, 1st October, 1847.

I have the honour to transmit, in order that Her Majesty's pleasure may be taken thereon, an ordinance which I have enacted with the advice and consent of my Legislative Council, intituled An Ordinance to prohibit the Sale of Spirits and to regulate the Sale of other Intoxicating Liquors to Persons of the Native Race."

The objects of this ordinance will, I think, be admitted to be sufficiently laudable and proper; and as the opinions of the most influential of the Native race are with me upon this subject, as well as of all those of the European population who are likely to have most influence over the Natives, I entertain little doubt of being able very generally to give effect to its provisions with the cheerful consent and concurrence of the Native population. Should Her Majesty, under such circumstances, be pleased, by sanctioning this ordinance, to permit the experiment to be tried, your Lordship may rely upon my carrying it out in such a way as not to give any just cause of complaint or discontent to the Natives.

I should remark that, for the safety of the European population, it is required that such a law should be in force within the limits of towns, for the use of ardent spirits continues to increase amongst the Native race, and on several occasions chiefs of some importance, and who could bring a large number of armed followers into the field, have been drunk in the streets. By their customs also the circumstance of their apprehension for drunkenness would be regarded as an insult which would require to be revenged, and at any moment most serious disturbances might be created from such a cause. Our own safety therefore requires that we should, in as far as possible, prevent the occurrence of such a casualty

I have &c;

The Right Hon. Earl Grey, &c. G. Grey.

## **No. 44. Copy of a (Confidential) Despatch from Earl Grey to Governor Grey.**

*Auckland.—The Constitution to be partially suspended.*

Sir,—

Downing Street, 20th November, 1847.

I have had the honour of receiving your two confidential despatches of the 3rd and 13th May. The reasons which you have urged in support of the conclusion to which you had come, that the Colony of New Zealand is not yet ripe for the enjoyment of representative government, are such as at once to command the assent of Her Majesty's servants; and, deeply as we lament the necessity of doing so, we will not fail to adopt the steps which are required for suspending for a time the operations of so much of the Letters Patent and Instructions transmitted to you in my despatch of the 23rd December last as relates to the establishment of representative bodies having the power of general legislation. With this view, it will, however, be indispensable that the aid of Parliament should be invoked, nor is it in my power, without further time or deliberation, to inform you what will be the precise arrangements which Parliament will be invited to sanction; but-I think it would be advisable to take the earliest opportunity of acquainting you that we are prepared to act upon your advice, by suspending the operation of the Constitution granted to New Zealand to the extent I have mentioned, and that it will therefore be inexpedient that, until you can receive further instructions, you should take any steps beyond those you have already adopted to carry into effect those previously transmitted to you on this subject.

I have &c;

Governor Grey, &c. Grey.

## **No. 45. Extract from a Despatch from Governor Grey to Earl Grey.**

*On the Instructions received to maintain Good Faith with the Natives.*

My Lord,—

Government House, Auckland, 15th May, 1848.

In reference to the discussion which took place in Parliament in the month of December last upon the subject of the instructions regarding the lands of the Natives of this country, which your Lordship had issued to me in your despatch of the 23rd December, 1846, I have the honour to state that it did not, at the time I received those instructions, appear necessary to me to address any observations to your Lordship upon the subject, because I distinctly understood those expressions of your Lordship which have been objected to as not being intended by you to be applicable, to the present state of New Zealand.

In the same manner, when some of the inhabitants of this colony petitioned Her Majesty, representing that your Lordship's instructions were opposed to the principles of equity and justice, and positively impracticable, and fraught with the most imminent danger to the lives and property of the colonists, and when the same petitioners complained to Her Majesty of the injurious effect of the silence I maintained as to whether I would

or would not carry these instructions out, I felt it my duty to refrain from admitting that the tenor of your Lordship's instructions was such as they maintained; and I would not state that the local Government would not act in any manner opposed to the principles of equity and justice, because such a statement on my part would have been an admission that I had received instructions of such a nature from your-Lordship. Whereas, as I stated to various of the petitioners, your Lordship had expressly instructed me most scrupulously to fulfil whatever engagements had been contracted with the Natives, and had at the same time declared it as your opinion that no apparent advantage should be suffered to weigh against the evil of acting in a manner either really or even apparently inconsistent with good faith.

The simple question in reference to these instructions appeared to me to be, Did I clearly understand your Lordship's intentions, and had you spoken in language which, made clear to me your views upon the very difficult subject of the lands claimed by the Natives of this country? I felt that your Lordship had done this, and a positive proof is afforded that I did understand your Lordship, because; after the lapse of eighteen months from the issue of those instructions no one can point to a single act opposed to the principles of equity or justice which has been done in fulfilment of them, or under the pretext of being in any way sanctioned by them. And at the present moment, not, only have none of those evils fallen upon this country which it was predicted would flow from these instructions, but, on the contrary, I believe that New Zealand was never before in so peaceful and prosperous a state as it is now.

I should also state that I understood your Lordship's instructions of the 23rd December, 1846, as conveying to me your Lordship's ideas as to the strict limits within which the law applicable to such cases confined in each direction the authority which, upon behalf of the Crown, I was to exercise over the lands of the Natives. I also understand that by the principles there enunciated by your Lordship the strict legality of any acts of mine in reference to these lands would be tested, but that to my own discretion was left the task of deciding in how far these strict legal principles were applicable, to the existing state of things in New Zealand; and I did not understand your Lordship as in any degree absolving me from the very serious responsibility of not permitting acts of cruelty and injustice to be committed under the colour of such proceedings being justified by strict rules of law. Indeed, there was an evident necessity of considering the principles enunciated by your Lordship in reference to the peculiar state of New Zealand; for, even, if those principles were admitted to be abstractedly true they related to the rights of two parties, one of which parties it would have been impossible to have induced to assent to them; and as this party was a very powerful one, and composed for the most part of very loyal subjects who were disposed to make very great concessions to meet; the views of the Government, the question which would always arise would really be, "Would it be better to endeavour at all hazards to enforce a strict principle of law, or to endeavour to find out some nearly allied principle which should be cheerfully assented to by both parties, and which would fully secure the interest and advantages of both?"

I think that such a principle may now be considered as having been found. Your Lordship is aware that on my arrival in this country I found that the Crown's right of pre-emption over the lands belonging to the Natives had been waived; that a reckless spirit of bargaining for lands between the Natives and European speculators was in progress; that rebellion prevailed in several portion of the country; that it was asserted that the Natives would never submit to the Crown resuming its right of pre-emption, and would never permit it to exercise such rights; that I conceived it my duty, at all hazards, to resume and enforce this right; that various opinions were formed by opposing parties as to the policy and wisdom of this step; that for a long period of time the public here seemed to doubt whether the local Government could or would dare to persevere in such a line of policy; that petitions upon the subject were addressed to Her Majesty; that efforts were made to obtain the disapproval of the Home Government to the line of policy which I had pursued; that notwithstanding these representations Her Majesty's Advisers afforded me their warmest approval and support; that the local Government continued steadily to adhere to this line of policy, and that the result has been constantly increasing prosperity for the colony, and almost daily augmented confidence in the Government upon the part of the Native population, and, I believe, a perfect conviction in the mind of every sensible man in the country, not only that the Government can maintain the Crown's right of pre-emption but that the strict maintenance of this right is the best guarantee for the future welfare of the Natives, and is even recognized as such by themselves.

As far, therefore; as I can understand the, position of the country in reference to the lands of the Natives it is this: that the Native population would, to the best of their ability, resist the enforcement of the broad principles which were maintained by Dr. Arnold; but that they will cheerfully recognize the Crown's right of pre-emption, and that they will in nearly all—if not in all—instances dispose, for a mere nominal consideration, of those lauds which they do not actually require for their own subsistence. Even further than this: in many cases, if Her Majesty requires land, not for the purpose of an absentee proprietary, but for the *bona fide* purpose of immediately placing settlers upon, the Native chiefs would cheerfully give such land up to the Government without any payment, if the compliment is only paid them of requesting their acquiescence in the occupation of these lands by European settlers.

In opposition to the opinions which have been so generally expressed to your Lordship by such high authorities in the northern part of this Island—that there is no waste land in this colony which can be appropriated to the Crown without purchase—I beg to state that it is my belief that even in the most densely inhabited portions-of the northern part of this Island there are very large tracts of land claimed by contending tribes to which neither of them have a strictly valid right; and that, when these tracts of country come to be occupied by Europeans, the Natives will chiefly relinquish their conflicting and invalid claims in favour of the Government, merely stipulating that small portions of land, for the purposes of cultivation, shall be reserved for each tribe. An instance of this kind has recently occurred, in which an extensive and valuable tract of country has been in this manner ceded to the Government.

The only instances in which I have known the Natives either to resist the occupation of their lands by the Europeans, or to demand exorbitant prices for them, are those cases in which the lands were not validly purchased before a considerable European population was placed upon them; and the Natives, thus becoming aware of the value that had been given to their lands, and actuated by motives of self-interest, refused to part with them for a nominal consideration, but insisted on receiving a price bearing some slight relation to the actual value of the lands at the time the purchase was completed. The obvious means of avoiding this difficulty for the future is for the Government to keep its purchases of-land sufficiently in advance of the spread of the European population. Moreover, these cases almost naturally and inevitably, took «"place upon the first sudden pouring-in of a large European population into a country with whose language, customs,, and laws relating to land they were almost wholly unacquainted; and I do not think there is any probability whatever of "the recurrence of such difficulties for the future.

The other cases in which I have seen the Natives resist the occupation of their lands by the Europeans were evidently unjust, or in those cases in which the Natives, relying upon their own power and despising the strength of the Europeans, have acted from the feelings of the love of plunder and war which are common to all barbarous or semi-civilized people, and, actuated by these motives, have attempted to take the lands of the Europeans from them, and subsequently have pillaged their property, destroyed their villages, &c. It is quite obvious that upon the first occupation of this country by Europeans some excesses of this kind must, have been anticipated, and that they must even still be occasionally looked for.; but that each recurring one will cause less anxiety to the Government than those which have, preceded, and that after a very "few years it is "to be hoped that such" events will wholly cease to take place.

I now proceed to state how I have endeavoured, in practice, to give effect to your Lordship's intentions, as contained in the 13th chapter of the Royal Instructions, headed," On the Settlement of the Waste Lands of the Crown." In the first place, I have strictly maintained the Crown's right of pre-emption. Secondly, although I am fully conscious of the wisdom of the regulations which have been issued by your Lordship regarding the registration of the land of the Natives, I have thought it more expedient to make this matter of registration of the lands of the various. Native tribes a work of much time, rather than to hurry it on too rapidly.

To require at once the whole of the Native tribes to come in within a certain period to register their claims to land would be to raise throughout the entire Island the question of the territorial limits of the various tribes; which limits ever since Europeans have had any knowledge of the country have been the frequent source of their international disputes and wars. Such a step would also excite their suspicions in reference to the intentions of the Government. Many of the distant chiefs would also probably deem a compliance with such a demand as a virtual renunciation of their power and rights, and would therefore refuse to comply with it; and, having once thus, placed themselves in a position of hostility to the Government, would be very slow to give it their confidence again. Without a general survey also of the Island, and without the boundaries of the claims of the different tribes being in some way marked upon the ground and mapped, the mere registration of these claims would afford but little information, and would be productive of but slight utility.

I have therefore deemed inexpedient to disturb the present tranquillity of the country by calling upon the Natives generally to register their claims to land; but I have taken care, in as far as possible, to keep the land purchases of the Government so far in advance of the wants of the European settlers as to be able to purchase the lands required by the Government for a trifling consideration. What has been done was to extinguish absolutely the Native title to the tract purchased, but to reserve an adequate portion for the future wants of the Natives, which reserves were registered as the only admitted claims of the Natives in that district; and they have been furnished with plans of these reserves, and with certified statements that they were reserved for their use, which documents are somewhat in the nature of a Crown title to the lands specified in them, are much esteemed by the Natives, and accustom them to hold land under the Crown, which is an extremely desirable object to attain. This mode of proceeding also renders the labour of registration very trifling, secures the perfectly accurate registration of all such claims as are entered, and gives to the act of registration the appearance of a boon conferred by the Government, instead of clothing it with a compulsory character. I have also no doubt that, in process of time, when the Europeans require the more distant districts of the country, the Natives will

have wholly forgotten and have abandoned many invalid claims to tracts of country which would now be urged.

The only instances under this system in which the Government has had to pay any large price for the lands are those in which the settlement of a large European population in the district, before the purchase of the lands had been fully completed, had given a value to them, of which the Natives were well aware; but proper precaution on the part of the Government will prevent such circumstances occurring again, and the Natives are every day becoming more and more aware of the fact that the real payment which they receive for their waste lands is not the sum given to them by the Government, but the security which is afforded that themselves and their children shall for ever occupy the reserves assured to them, to which a great value is given by the vicinity of a dense European population. They also gradually become aware that the Government spend all the money realized by the sale of lands in introducing Europeans into the country, or in the execution of public works, which give employment to the Natives and a value to their property, whilst the payment they receive for their land enables them to purchase stock and agricultural implements.

I think that these principles of proceeding are well suited to the present circumstances of the country, and to the probable future wants of an agricultural population, such as the Maoris are. They also present these advantages: that all questions relating to lands which are settled by them are finally adjusted, and that they create no embarrassments which would preclude the Government from adopting any better system that may be devised.

I have &c;

The Right Hon. Earl Grey, &c. G. GREY.

## No. 46. Copy of a Despatch from Governor Grey to Earl, Grey.

*General Report.*

My Lord,—

Auckland, 27th June, 1848.

I have the honour to state that the confusion which has resulted from the destruction of Government House and my office by fire upon the 23rd instant, prevents me from forwarding my despatches by this opportunity; but it may be gratifying to know that the "Calliope" arrived yesterday from the Bay of Islands, reporting that portion of New Zealand to be in a completely tranquil and prosperous state; and that a few days since I received despatches from Lieutenant-Governor Eyre reporting that the southern district continued perfectly tranquil, and that it was advancing rapidly in prosperity.

Through the exertions of Mr. McLean the land question at Whanganui had also been finally adjusted, which will enable the Government at once to put the New Zealand Company in possession of the land which they claim in that district, and puts an end to the only question which appeared likely to cause disturbances at that place.

In the neighbourhood of Auckland perfect tranquillity prevails, and this portion of New Zealand is in a very prosperous state. Under such a favourable state of circumstances in the colony, I trust, therefore, that the non-transmission of my despatches by this opportunity will not cause your Lordship any anxiety or inconvenience.

I have &c;

The Right Hon. Earl Grey, &c. G. Grey.

## No. 47. His Excellency the Governor-In-Chief to



# Potatau te Wherowhero.

*Letter of Waikato Chiefs to the Queen acknowledged by her.*

My Friend Te Wherowhero,—

31st October, 1848.

I received last night from England a letter written to me by Lord Grey, in which he informed me that he had received and laid before the Queen the letter which yourself and the other chiefs of the Waikato wrote to the Queen. Lord Grey has requested me to let yourself and the other writers of this letter-know that the Queen had commanded him to express the great satisfaction with which she had received so loyal and dutiful a letter. Lord Grey was also commanded by the Queen to inform you all that there is not the very least foundation for the rumours relative to the taking-away of your lands, to which you allude, and that it never was intended that the Treaty of Waitangi should be violated by dispossessing the tribes which are parties to it of any portion of the land secured to them by the Treaty, without their consent. On the contrary, Her Majesty has always directed that the Treaty of Waitangi should be most scrupulously and religiously observed.

My good friends, I have thus delivered the Queen's message to you. I now say these few words: You thought you had a grievance to complain of, and you wrote a letter full of loving thoughts to the Queen, laying before her your fears. Without delay the Queen heard your complaint and has removed your fears, speaking to you words of lasting love and kindness, as her return for your love to her. Let this teach you that although the Queen is distant her love can reach you, her power protect you from injustice. If, therefore, you ever think that any oppress or intend to oppress you, be patient, be long-suffering, and, without letting anger carry you away, send your complaints to your Queen, who has thus shown you that she will listen to your words.

From your friend the Governor-in-Chief,

G. Grey.

## [Extract from New Zealand Gazette.]

Colonial Secretary's Office,  
Auckland, 8th May, 1850.

His Excellency the Governor-in-Chief directs the publication, for general information, of the following despatch received in reply to a memorial addressed by 168 inhabitants of Auckland to the Secretary of State.

By His Excellency's command.

Andrew Sinclair, Colonial  
Secretary.

## Enclosure. Copy of a Despatch from Earl Grey to Sir George Grey, Governor-in-Chief.

*Auckland.—Respecting Memorial of Settlers urging Immediate Introduction of Representative Form of Government.*

SIR,—

Downing Street, 5th December, 1849.

I have received your Despatch No. 90, of the 7th July last, enclosing a copy of a memorial addressed to me by 168 inhabitants of the Town of Auckland, containing a statement of grievances against the local Government, and suggesting the immediate introduction of a representative form of government into New Zealand.

Having considered the memorial, I have found in it nothing to impair, the confidence which I feel in your administration of the Government of the colony. The reasons you have assigned in your despatches for delaying for a short period the introduction of representative institutions, with a view of preparing the colony, and especially the Native race, for so important a change in the form of government, appear to me entitled to the greatest weight.

The extraordinary progress which New Zealand has made in prosperity, the tranquillity which has been successfully maintained, and the progressive civilization of the Natives, afford the best proof of the wisdom of the policy you have pursued, and the most complete answer to the statements of the memorialists; and, when I consider the condition in which you found the colony at the period when you assumed the government, the difficulties with which you have had to contend, and its present state, there can in my judgment be no doubt of your title to the respect and gratitude of the inhabitants, whether of Native or of European race.

I have &c;

Governor Sir George Grey. Grey.

## **[Extract from *New Zealand Gazetted*]**

Colonial Secretary's Office,  
Auckland, 6th June, 1850.

His Excellency the Governor-in-Chief directs the publication, for general information, of the following despatch, received in reply to petitions from the European inhabitants of the District of Auckland, and from various Natives, against the introduction of exiles or convicts into New Zealand.

By His Excellency's command.

ANDREW SINCLAIR, Colonial Secretary.

## **Enclosure. Copy of a Despatch from Earl Grey to Sir George Grey, Governor-in-Chief**

*Auckland.—Reply to Petitions against Introduction of Convicts into New Zealand.*

Sir,—

Downing Street; 27th November, 1849.

I have the honour to acknowledge the receipt of your Despatch No. 84, of the 7th July last, accompanied by petitions to Her Majesty from the European inhabitants of the District of Auckland, and also from various

Natives, against the introduction of exiles, or convicts with tickets-of-leave, into. New Zealand.

I have to inform you that these petitions have been duly laid before the Queen. I am enabled to state that the wishes of the petitioners are anticipated, for, as you will have learned from my other Despatch No. 77, of the 26th instant, there is no intention of sending any convicts to New Zealand.

I have &c;

Governor Sir George Grey, &c Grey

## **No. 50. Memorandum relative to Organization of the Native Land Purchase Department.**

### *Reorganization of Native Land Purchase Department.*

In the present state of the colony it appears to be a matter of primary importance to its prosperity that land should be acquired from the Natives, not only to meet the increasing demand of the present European population, but also to provide for the numerous immigrants arriving from Great Britain, America, and the neighbouring colonies. While the demand for land was comparatively limited, it might have sufficed to purchase merely what was required for immediate settlement, but it is found that something more is urgently required to provide for the influx of immigration, and wealth that may be expected to these Islands, and that a system of purchasing which provides only for the exigency of the moment is not sufficient to promote, on an extended scale, the great objects of colonization.

It is estimated that the North Island of New Zealand contains twenty-eight millions of acres. Of this extent not more than four millions and a half have been acquired by purchase from the Natives, notwithstanding the various efforts that have been used by private individuals, public associations, and the Government for this object.

The details of a purchase comprising about one-fourth of the Middle Island, chiefly in the Provinces of Nelson and Canterbury, have yet to be completed before the land can be thrown open for selection. An instalment of £2,000 was paid to the principal chiefs, on account of this purchase, before Sir George Grey left Wellington, and a further instalment of £700 was recently paid on account of the same purchase at Taranaki.

It is quite obvious that the purchase of land from the numerous tribes inhabiting this Island must be a matter of considerable difficulty, arising not only from the complicated nature of their claims, but from their jealousies of each other, their superstitious objections to the alienation of the lands of their ancestors, and their doubts (which are now being partially removed by the facility afforded them of acquiring land under the regulations of the 4th March, 1853) that no portion of their country, when once disposed of, could be again repurchased for their children. It seems necessary, therefore, that in order to meet those difficulties officers should be appointed to certain districts, whose duty should be to acquire a knowledge of the Native tribes of their district, to ascertain the extent and nature of their claims, and to give their undivided energy and attention to the purchase of land, not only to meet the present requirements of the country, but to prepare their districts, as far as they possibly can, for the introduction of European settlers. The districts which seem to be more immediately required are—Auckland, Waikato and Waipa, Mokau and Kawhia, Taranaki, Bay of Plenty, and Wellington Province. It is not only in the purchase of land that the services of these officers will be found valuable, but they will also, from their knowledge of Native character and language, be the means of settling disputes and adjusting any differences that may arise in their respective districts, or wherever their duties may call them.

It may also be stated that, in the acquisition of every block of land, the Natives residing thereon become virtually incorporated with the European settlers, become amenable to English law, and imperceptibly recognize the control of the Government in their various transactions.

The longer the purchase of land is delayed the more will be the expense and difficulty of acquiring it. Therefore it becomes the more necessary that an efficient department for this service should be organized, and that ample funds should be provided, so that whenever the Natives are prepared to sell their land there should be as little delay as possible in concluding arrangements with them for that purpose.

As no other subject has embarrassed the Government in its dealings with the Natives or retarded the

progress of the colony so much as the adjustment of the Native land question, I have every reason to hope that the arrangements and support for conducting this important branch of the service will be so provided for as to avoid not only a repetition of similar difficulties, but be the means of opening up the country for steady and progressive colonization.

I might adduce various other reasons in favour of establishing a steady and well-regulated system of acquiring land from the Natives, so as to keep the purchase if possible in advance of the requirements of the settlers; but this subject has of late been so frequently brought under the notice of the Government, and is so obvious to the colonists generally, that I believe it is unnecessary to add anything more in reference to it, beyond again noticing, the necessity of organizing an efficient staff of officers to negotiate with the Natives, and of surveyors to mark off the external boundaries of the several blocks or districts that may be from time to time purchased, and of the reserves requisite for the Natives within such purchases. The staff, therefore, which appears necessary should consist of a principal commissioner, whose duty it should be to instruct and direct the purchasing operations of the district commissioners, and to keep the Government fully informed of the several negotiations in progress throughout the Islands, of the funds necessary for such purposes, and, in fact, as he should reside (except when inspecting the several districts) at the seat of Government, he should be ready to give every information respecting his department. There should be also a deputy-commissioner to act for the principal commissioner, and keep up the correspondence with the Government and the Natives in his absence.

The duties of the district commissioners have been already alluded to, and in addition to those district officers, who should acquire a knowledge of land-surveying, there should be in the meantime a staff of surveyors and parties to mark off the external boundaries of such blocks of land as may be immediately acquired from the Natives. Those surveyors would be necessary under any circumstances, and therefore the expense of them should not be considered as exclusively connected with the land-purchasing so much as forming a part of the general surveys of the colony.

Donald McLean, Land  
Commissioner.

Auckland,

15th June, 1854.

## **No. 51. The Hon. the Colonial Secretary to the Native Secretary.**

*As to Occupation of Native Lands by Europeans.*

Sir,—

Colonial Secretary's Office, Auckland, 28th October, 1854.

I have the honour to inform you that His Excellency the Officer Administering the Government considers that for the future the Government should resist the occupation of Native lands by Europeans before the Native title has been extinguished; otherwise endless disputes and differences, besides great losses of property, will be the result, and the general progress of the colony materially checked.

I have &c;

Andrew Sinclair, Colonial  
Secretary. The Native Secretary, &c.

## **No. 52. The Chief Commissioner to the Hon. the**

# Colonial Secretary.

*Respecting the Purchase of Native Lands.*

Sir,—

Land Purchase Department, Auckland, 30th August, 1855.

Before the close of the present session of the General Assembly of New Zealand. I conceive it to be my duty to bring under the consideration of His Excellency the Officer Administering the Government the necessity that exists for providing a sum, either by loan or otherwise, of not less than £50,000 a year, which might be from time to time raised, to enable the Government to carry on arrangements for extinguishing the Native title to lands in these Islands.

The necessity for such a loan is so generally apparent to the colonists at large that my adducing any reasons in support of it may appear almost superfluous. I shall, however, briefly allude to a few which may not be out of place in making this application. First, the successful colonization of this Northern Island of New Zealand has been greatly retarded, chiefly in consequence of the unsettled state of the Native land question, involving many of the early settlers in ruin, besides entailing a debt of £268,000 on the colony. Secondly, the difficulties arising out of the unsettled state of the land question have been within the last few years gradually removed by the acquisition of territory from the Natives; but owing to the increased demand for land arising from the numerous arrivals of immigrants (many of them possessed of wealth and energy) from Great Britain and the neighbouring colonies, a sufficiency of land has not yet been acquired, more especially, in the Auckland Province, to meet this demand. Any check, therefore, to the acquisition of land, when it can be obtained from the Natives, must be highly injurious to the present and prospective prosperity not only of any particular province, but of the colony at large, as the influence that those purchases produce, is not confined to provincial limits, but extends throughout the different tribes in both Islands. In illustration of this, I may remark that the presence of some chiefs from the Wellington Province, who have sold and are still desirous of selling more land to the Government, has recently encouraged several of the chiefs in this province hitherto averse to the sale of land to come forward and offer some valuable tracts to the Government. The Natives regard the transfer of their land as an act of great national importance, and their pride is easily injured if advantage is not taken of their offer to dispose of it, more especially as they conceive, notwithstanding the many advantages they derive from doing so, that they have not till then entirely yielded their own independence, laws, and customs in exchange, for the restraints which their elder men, with the jealousy natural to them, apprehend they must submit to by the introduction amongst them of English law and authority, which is generally as much respected in districts acquired from them as it is disregarded in many of the unpurchased portions of the country.

Within the last few weeks a great number of Natives have visited me from different parts of this province, many of them chiefs of great influence, who are particularly anxious to enter into arrangements for the cession of some very valuable tracts of land. Should these chiefs be disappointed by not effecting their purpose, there is every probability, from their fluctuating disposition, that they might hereafter decline to sell their land, even at a greatly advanced price. Instances of this kind have been of such frequent occurrence in New Zealand that every care should be taken to guard against a recurrence of them, as well as of the complications and difficulties that arise from inability to conclude purchases with sufficient promptness.

Regarding the measure in a pecuniary point of view, it is better to use some exertion to provide funds without delay, while the land can be obtained on moderate terms, than to run the risk of not obtaining it at all; or, if eventually obtained, to be compelled to pay an enormously high price for it.

In Auckland within the last eighteen months about 600,000 acres of land in different parts of the province have been negotiated for. Of this extent about 300,000 acres have been partially surveyed, so as to prevent future disputes in reference to boundaries with the Natives. The various details connected with the purchases have also been so far adjusted that on the payment of a few instalments still due to the Natives the negotiations will be completed. From two of these purchases alone—the one in the vicinity of the town, near Orakei, and that at the Waiuku—it may be estimated that for an outlay of about £6,000 a revenue will be realized of not less than £50,000 or £60,000, independent of the more permanent revenue that would accrue from the occupation of the land by European colonists. As an investment, therefore, independent of the political importance of the question, I think there can be no doubt as to the expediency of providing funds for this service.

I have &c;

Donald McLean, Principal  
Commissioner The Hon. the Colonial Secretary.

*New Zealand.—Present State of Native Land Purchases.*

Sir,—

Land Commissioner's Office, Auckland, 21st April, 1856.

I have the honour to lay before you, for the information of His Excellency the Governor, a general report on the present state of the Native land-purchasing operations throughout the colony.

## Middle Island.

- 1. In my letter of the 7th instant the arrangements made for the extinction of the Native title to the unpurchased portions of the Middle Island are so fully detailed that I need not again advert to this subject further than to remark that, with the exception of D'Urville Island, a dispute at Akaroa, and certain reservations essential for the subsistence of the Natives, the claims to that Island may be now considered as finally settled.

## Province of Auckland.

- 2. In the Auckland Province the districts where purchases are at present carried on by officers of this department are the Bay of Islands, Whangarei, Auckland, and Whaingaroa on the West Coast.

### Bay of Islands.

At the Bay; of Islands, arrangements for the purchase of lands by this department were not commenced until the 1st of June, 1855, when Mr. Kemp was instructed to carry on this duty. He was subsequently recalled to Auckland, so that he has only, as yet, been enabled to complete the purchase of 10,000 acres, at a cost of £700. The Natives of that district have offered to dispose of several blocks of land to the Government, varying in extent from-1,000 to 8,000 acres each.

On the 17th November, 1855, instructions were issued to Mr. Kemp (a copy of which is herewith enclosed) to proceed to Mangonui, and use every exertion to acquire such lands in that vicinity as would be eligible for the location of a body of immigrants expected from Toronto, if sufficient inducement could be held out to them to establish themselves in this colony. From what I can gather from Mr. Kemp's reports, which I have already furnished, the Native chiefs were not inclined to dispose of the Victoria Valley, which from its fine rich soil and situation would be the most eligible site for such a settlement; but, at the same time, Mr. Kemp expresses an opinion that the valley might be obtained if certain reserves were made for the Natives, and a sum of £2,000 placed at his disposal to effect the purchase.

I estimate that 100,000 acres might be obtained in the Bay of Islands District during the ensuing year at an outlay of £6,000.

### Whangarei.

In the Whangarei District, which is situated between the Bay of Islands and Auckland, 230,000 acres have been acquired, from the 13th February, 1853, to the 31st March, 1856, at a cost of £9,910. There are several blocks of fair average quality, which may be altogether estimated to comprise upwards of 100,000 acres, offered by the Natives, which might be obtained at an expense of £5,640. As this district is being settled by Europeans it is very desirable that purchases of the more desirable blocks for agricultural purposes should be carried on during the present year.

### Auckland District.

In the Auckland District a sum of £5,000 could be judiciously expended in the purchase of several blocks of land which are, from their proximity to the town, much required for settlement.

## Eastern District.

Several extensive tracts in the Thames, Piako, and Bay of Plenty Districts might also be, purchased in the course of the present year if an officer to negotiate with the Natives, and others to carry on the surveys of the several blocks they may offer to sell, could be stationed there.

## Whaingaroa and Mokau.

In the Whaingaroa and Mokau District 59,000 acres of land have been acquired for £1,905. The purchase of 39,830 acres, on which instalments to the amount of £917 have been paid, can be finally settled for an additional sum of £2,215.

There are several settlers from Auckland and Taranaki locating themselves at Whaingaroa, and the purchases there are being gradually carried on towards the Waikato and Waipa Districts; but, from the report of the District Officer, I expect it will be some considerable time before any extent of the interior portions of those districts will be alienated by the Natives, as it is with considerable reluctance they even dispose of the homesteads for the few Europeans who have for many years resided in that part of the interior.

## Province of Taranaki.

- 3. The whole of the land acquired from the Natives in the Taranaki Province may be estimated at 60,000 acres. Of this extent there are about 3,000 acres in the Waiwakaiho Block, exclusive of reserves, of which the Natives have not yet given up possession to the Government.

In consequence of the continued feuds among the Natives at Taranaki, I do not anticipate that there is any prospect of acquiring land there during this year. At the same time some provision should be made to enable the Government to do so whenever the Natives are disposed to sell. A sum of £3,000 would be adequate to meet this contingency.

## Province of Wellington.

- 4. In the Province of Wellington there are above 700,000 acres of land at Ahuriri and Manawatu still unpurchased. Of this extent, 300,000 acres, a portion of which is situated in the valuable Ahuriri Plains, near the harbour, might be acquired in the course of the ensuing eighteen months, if funds and survey assistance are afforded to effect this object. A considerable portion of the land is adapted for agricultural and most of it for pastoral pursuits.

From the changeable disposition of the Natives in reference to their land, it is impossible for me to furnish more than an approximate estimate of the sums that may be required. The amounts may be either over or under what is stated, but I would submit that it is most advisable to be provided with funds to complete purchases when the Natives are disposed to treat for the sale of their land.

I have &c;

Donald McLean, Chief  
Commissioner. Captain Steward, Private Secretary.

**No. 54. THE CHIEF COMMISSIONER to Mr. C. W. Ligar, Auckland.**

*Remarks on Native Affairs.*

SIR,—

Land Commissioner's Office, Auckland, 19th May, 1856.

There are some subjects in connection with Native affairs which I should offer as a supplement to the evidence I have already given on land-purchasing to your Board.

- 1. The first of these is in reference to the pensioning of certain chiefs as a means of preserving the tranquillity of their districts, and attaching them to the interests of the British Government. It is clearly my opinion that it would be most judicious and advisable that a sum of £500, in addition to what is already paid as pensions, should be placed at His Excellency's disposal for this purpose, as it might be the means of averting a war with the Natives, the expense and injury of which to the colony it would be difficult to estimate, more especially when it is considered that the British Government might in the course of no very distant period recall the force now in the country, and leave the colonists to their own resources for defence.
- 2. I believe that another means of insuring more permanent and friendly relations with influential chiefs would be secured by enabling some of them to acquire lands in the vicinity of Auckland, as it is evident that if they had an interest in lands near a town, where the value of property is likely to increase, they would feel bound, from the motives of self-interest, to protect the town and its inhabitants.

The amount advanced in the shape of loans for mills, vessels, horses, agricultural implements, in the Auckland Province since 1851, has been £4,806. Of this sum, £2,768 has been repaid, and it may be estimated that £1,556 15s. 2d. will be repaid during the present year, leaving a balance outstanding of £482, of which the date of payment is uncertain. Judging from what the Natives have done with those loans, the faithfulness with which they have been repaid, the stimulus it has given to industrial pursuits, the influence it has given the Government over them, and the addition it must have made to the revenue of the colony, points out this system of giving loans as very desirable, and I would submit for the consideration of your Board whether it would not be advisable to recommend the placing, in addition to what is now outstanding amongst the Natives, a further sum of £2,500 at His Excellency's disposal to enable the Government to purchase lands in the vicinity of Auckland for such chiefs as might wish to have a landed property, which would, tend so much, to identify their interest with our own.

When it is considered how largely the Natives contribute to the revenue of the colony, and how much the peace of the colony depends on their improvement in the arts of civilization, I would submit these suggestions for the favourable consideration of your Board, in the hope that you may embrace those subjects for the consideration of His Excellency in your report.

I have &c;

C. W. Ligar, Esq. Donald McLean, Chairman, Native Board  
of Inquiry. Chief Commissioner.

## **No. 55. Memorandum on Legal Acquisition of their Homesteads by Europeans.**

The pre-emptive right in favour of Europeans residing in certain districts, to be proclaimed for the purpose, to purchase homesteads, is very deserving of consideration, and one for which some provision appears necessary by way of enactment of the General Assembly, in order that such right of pre-emption may be legally exercised. I submit that such purchases should not be indiscriminately allowed, but that they should be confined to certain districts that might from time to time be proclaimed, parties residing in which districts, and acquainted with the Native customs and language, might be allowed to negotiate with the Natives for their own homesteads, and make the payment to the Natives in the presence of a Government officer, whose duty it should be to witness the transaction and see the boundaries defined. In some instances the person who surveyed the homestead might, if an accredited agent of the Government, perform this duty. The question of price would be settled between the European and the Natives concerned. The price to be charged to the purchaser before issuing a Crown grant should, I think, be 10s. an acre, less a sum equal to the average price paid by the Government for adjoining lands in the same district; or a fixed deduction of, say, 3s. an acre; without reference to the price paid by the European settler to the Natives. In case of the Government acquiring the homestead from the Natives, the settler would of course have to pay the Crown 10s. an acre for its grant, with the addition of such sum in excess of 3s. an acre as the Government may have paid for the land. The size of such homesteads should not probably exceed 640 acres, and care should of course be taken that the pre-emptive right



was not exercised so as to interfere with future town-sites, or necessary public reserves or ferries. The pre-emptive right should only apply to actual occupants who have made certain improvements and resided at least three years on the land, as without some such provision the right might be open to abuse.

In the Waipa and other districts which I have visited in the Auckland Province, there are persons residing on lands which they obtained from the Natives upwards of twenty years ago. On these lands some of them have made considerable improvements, but they have not as yet any legal title to it. I am aware that the Government incur a certain amount of responsibility in issuing such grants, as the Europeans might, in the event of any difference with the Natives, expect the Government to maintain them in possession. In most cases, however, where Europeans have resided a long period of years on their homesteads they have married Native wives, and their chief object in obtaining a title would be to enable them to leave the land with an undisputed title to their children; so that difficulties with this class of occupants need not be so much apprehended as if they obtained a grant with a view of disposing of the land afterwards to other Europeans, who might in many instances be strangers to Native habits and customs, and might therefore have frequent quarrels and disputes with the Natives, which in remote districts beyond the protection of British law would probably embarrass the Government. These difficulties may no doubt be obviated by the Governor's reserving the option of issuing such grants on the respective merits of each case only, and in such districts as may be from time to time proclaimed.

DONALD MCLEAN, Chief Commissioner.

Land Purchase Department, Auckland,

23rd June, 1856.

*Whangarei.—Reporting Visit to that District and Kaipara.*

SIR,—

Land Commissioner's Office, Auckland, 20th March, 1857.

I have the honour to report, for your Excellency's information, some particulars connected with my late visit to the Whangarei and Kaipara Districts.

The District of Whangarei, situated between Auckland and the Bay of Islands, contiguous also to the valleys of the Kaipara, the Wairoa, and the Hokianga, lies in a most desirable position for settlement. The main estuary forms a safe harbour, navigable for vessels of large tonnage for a distance of fifteen or sixteen miles. The country on each side presents at first sight a broken and hilly aspect. The curiously-formed Manaia rocks, rising boldly from the water at the northern side of the entrance in irregular chasms, give a wild and romantic character to the scenery, which is very much heightened by the contrast with the tame and monotonous appearance of the low, sandy country around the town-site of Marsden at the south-eastern entrance of the harbour. Numerous small rivers and creeks, navigable for canoes and boats, empty themselves into the main estuary. On the banks of these streams are some Native villages, and on the Crown lands a few well-selected farmsteads are springing up. The soil is chiefly of a rich volcanic description, intercepted with belts of timber alternating with flats of open country. Here and there are occasional patches of poor white clayey soil which have been dug over for kauri gum: such, however, is the influence of a genial climate upon even the poorest of New Zealand soil, that with slight culture it can be rendered wonderfully productive.

## **Lands acquired or under Negotiation.**

The extent of land already acquired by purchase from the Natives in this district may be estimated at 268,000 acres; lands for which negotiations are now pending at 58,210 acres.

In addition to the districts in the immediate vicinity of the Harbour of Whangarei, the Government is now in treaty for the purchase from the Natives of extensive tracts upon the Kaipara and Wairoa Rivers, from which places some valuable cargoes of kauri spars have been exported for the British navy. These districts, intersected with fine navigable rivers, which swarm for thirty miles upward from their mouths with mullet and other fish, are capable of maintaining a large and flourishing population, and still carry magnificent forests of kauri timber, easy of access, which have never yet been touched with the axe, and which might be worked with great advantage both to the European colonists and also to the Native population, who from long experience are

very expert in dragging out the spars and preparing them for export. The settlers of Whangarei are of a highly respectable class, and already thriving, though it is only within the last few years that they have established themselves there.

## **Nova-Scotian Settlement at Waipu.**

At Waipu, about twelve miles from the south head of Whangarei, a party of emigrants from Cape Breton, North America, have formed a settlement, and in the short space of twelve or fifteen months have converted the primitive wastes and forests into comfortable homes and farmsteads. Without any other aid than that of the axe and the hoe they have cleared and brought under cultivation much more than sufficient land to raise crops for their own subsistence, and from their hardihood and previous skill in contending with the heavy forests and capricious climate of North America there is every reason to expect that, in a country like New Zealand, which they regard as a comparative paradise, by a continuance of their present industry and perseverance, they will contribute greatly to the material advancement of the province. Thousands of their countrymen would follow these first pioneers from Cape Breton, Nova Scotia, and other parts of British North America, if inducements were held out to them to do so. These inducements need not be of any extravagant character: all that they ask is that we should give them land in localities suited to their requirements, allowing them the usual privilege to which other immigrants are entitled by way of remission in land for their passage-money, and a credit for five or seven years for such additional quantity as it may be advisable to assign to them, under a pre-emptive right of purchase.

By these means the Government would insure a steady flow of immigration to the province of well-trained, hardy, and experienced bush-men and sailors; whose loyalty and devotion to British authority, joined with their clannish spirit and unanimity of action, would be found most important elements in the formation and early settlement of a new country situated like New Zealand. Such colonists, moreover, derive a peculiar value from the manner in which they transplant themselves to these shores, bringing along with them their religious and educational establishments already in operation: no chance-collection of men, but an active and organized community possessing many of the characteristics of the early pioneers of colonization in North America. Nor ought this opportunity to be overlooked by either the General or Provincial Governments, lest the stream should be diverted to other colonies, the Cape of Good Hope, for instance, which are fully sensible of its value, which a liberal administration of the waste lands, valueless and unproductive without capital and labour, might secure for New Zealand—a population which would so materially contribute towards the wealth, the stability, and the progress, not only of any one province in particular, but also of the colony at large.

A glance at the map of the northern peninsula of New Zealand will show your Excellency the peculiar advantages which it offers for English colonization. In addition to the main harbours of the eastern coast—Auckland, Whangarei, the Bay of Islands, and Whangaroa (likely to be so important in case of the establishment of the Panama line of steamers)—there are numerous well-sheltered coves and smaller anchorages; while the Kaipara and Hokianga on the western side, if more dangerous from the bars across their mouths and the stormy character of the coast upon which they open, yet lead up into navigable streams which must tend to form a hardy and skilful race of seamen, invaluable to our insular position in the Southern Hemisphere.

## **Colonizing Steps to be taken.**

Means should now be adopted to resuscitate and promote upon a permanent basis the colonization of this portion of the Northern Island, so materially valuable, and historically so interesting as the seat of the earliest European settlement of New Zealand. To effect this it will be necessary to adopt liberal and comprehensive measures contemporaneously with the extinction of the Native title to the extensive districts of waste land that as yet remain unpurchased in this peninsula.

The first step which I would recommend would be the resumption by the Crown of all the lands which have been already alienated by the Natives to different individuals, and which have been subsequently exchanged by those individuals for Government scrip. There should be no delay in taking possession of these lands while some of the older Natives who sold them are still alive, and can point out to a surveyor the locality and limits. From what I have observed among the northern tribes, they are most anxious that this should be done, and they are almost all of them particularly honourable in pointing out the exact boundaries of what they have sold. Two intelligent surveyors and parties, acting in concert with the Land Purchase Commissioners, could in twelve months determine with sufficient accuracy the extent of these lands, which should be declared open for sale and

selection whenever the boundaries are defined. The next step, and one which is now in successful progress is to acquire larger tracts of land by purchase from the Natives, out of which blocks, varying in extent from 100 to 2,000 acres, should be reconveyed under Crown grants to the principal chiefs upon the extinction of the tribal title, such blocks consisting not only of culturable but also of forest land, in order to secure to them a continued revenue proportionable to their rank.

In order to do away with present or future dissatisfaction on the part of the Native sellers at the price they receive for their land as compared with the value it acquires when in the hands of the Government, unable, as yet, to comprehend the reasons that influence comparative value, it would be most desirable to expend a certain definite proportion (and that no inconsiderable one) of the moneys realized by the waste-land sales on roads and other improvements exclusively within those districts from which they have accrued, and from time to time to publish the balance-sheets of such expenditure in the *Maori Messenger*.

## **Correct Native Census should be taken, and Assessors appointed.**

No correct return of the Native population of this northern peninsula has yet been taken. This should be done without delay, and the territorial limits of the four leading tribes—the Aopouri, the Rarawa, the Ngapuhi, and the Ngatiwhatua—should be ascertained, and as nearly as possible, defined. Estimating the population at 8,000 souls, it would not be difficult to ascertain the names of the principal chiefs whose co-operation would be essential for carrying out the views of Government, and who should, in return for their exertions, when efficiently rendered, to preserve the peace of their respective districts, be rewarded with marks of approbation and fixed annuities for their services. These chiefs should be designated Assessors, and have commissions issued to them defining as nearly as possible the nature of their duties. They should also be invited to take part with the settlers in framing by-laws for adjusting cases of trespass, disputes, and other local cases. They should also be invested with powers of jurisdiction in some measure analogous to those exercised by the English Courts of Petty Sessions. It is quite evident that the English law cannot be strictly carried out without the agency of the Natives. It is therefore obvious that they should be invited to take part in the administration of justice, in order that executive authority, instead of diplomatic bargaining, may attend the decisions of the District Magistrates, who are at present placed in a most anomalous position when attempting to enforce against the Maoris that law to which all British subjects are amenable; and, if this result can be more certainly effected by calling in the aid of the chiefs, it appears a most reasonable, just, and expedient means of effecting so highly desirable an object.

I am quite aware that time, patience and perseverance, mutual forbearance, and reciprocity of good offices, are required to reconcile the Natives to our forms of government, but I am nevertheless fully confident that if they are once made to feel that the aim and object of the Government is to promote impartially the permanent advancement of both races of Her Majesty's subjects, irrespective of any temporary expedient for gaining some particular object, they will soon-adapt themselves with zeal and loyalty to such changes as their natural acuteness of observation may prove to them as in reality conducive to such a consummation.

If your Excellency and your Excellency's Government concur in the general views which I have cursorily sketched out in this communication, I will afford further and more explicit information on the detailed means of carrying them into practice, as I should rejoice to see our relations with the Native population, in at least one portion of this province, placed on so firm a footing as to preclude all probability of future rupture between the races. Nor, from the high standing and commanding influence of the tribes inhabiting it, could I suggest a district where this could be done with greater prospect of success than that to which I have been referring. The Natives of all other portions of the colony would look on with imitative zeal and interest, while the Government would have the satisfaction of having laid a firm foundation upon which a more extended fabric of settlement and civilization throughout the Island might be gradually erected.

I have &c;

Donald McLean, Native  
Secretary. His Excellency Governor Gore Browne.

## Minute by Colonial Treasurer.

I fully concur in the desirability of taking an accurate census of the population of the northern peninsula, with a view to a more systematic treatment of that portion of the Native race than has hitherto been attempted. The census should be by pas, so as to show the location, as well as the number, of the population. The Native Secretary should be requested to report what arrangements he would recommend for testing the census. If possible, the officers of the Land Purchase Department should be employed for this purpose, and much useful information might be obtained from Archdeacon Williams, Mr. Busby, Mr. Atkins, and other old settlers.

C. W. RICHMOND.  
11th April, 1857.

## Minute by Governor Gore Browne.

I concur in all that the Native Secretary says. I am satisfied that the time has arrived when some permanent arrangement for the better government of the Native districts must be made; and I have long been of opinion that a portion of the money obtained by the sale of land over which the Native title has been extinguished ought to be expended in the locality from whence it is derived.

T. G. B.  
27th April, 1857.

## No. 57. PUBLIC NOTICE by His Excellency Governor GORE BROWNE, C.B.

*Raglan.—Future Designation of the Harbour.* Treasury, Auckland, 2nd March, 1858.

His Excellency the Governor has been pleased to direct that the harbour heretofore known as West Whaingaroa be, for the future, named "Raglan," and referred to accordingly in all official documents.

C. W. RICHMOND

## No. 58. Extract from Memorandum of the Hon. C. W. Richmond.

*General Principles of Native Policy.*

The policy of the British Government in relation to the aborigines of these Islands might on the first settlement of the country have assumed either of two shapes: it might have addressed itself to the maintenance of the Natives as a separate race under distinct institutions and a Government wholly or in great measure

independent of the ordinary Colonial Government; or, on the other hand, it might have been directed to promote the eventual absorption of the Maoris into the European population.

Under the former policy it might naturally have been sought rather to maintain than to obliterate such Native customs as were not repugnant to humanity; and it would have been essential to set up and rigidly to guard a territorial division between the races. The neglect of this latter precaution has for ever rendered such a policy impossible in New Zealand. All the principal maritime ports of the colony are in the hands of the settlers, who, year by year, extending themselves towards the interior from twenty different centres, come in contact with the Natives at fresh points; so that there no longer remains any other alternative than the extinction of the Maori race, or its union under one Government with the European settlers. However difficult, therefore, the latter enterprise, the mode in which the country has been colonized leaves no choice but to attempt it.

There are some who, considering what a chasm intervenes between civilization and barbarism, and how impassable the boundaries of race have generally proved, are of opinion that the fusion of the two peoples is a moral and natural impossibility. These persons refer to the statistics of population, which, according to the most accurate estimates hitherto made, show a decrease in the numbers of the Natives at the rate of about 20 per cent, in every period of fourteen years., They point to the relative paucity of Maori females, and to the abnormal mortality of the race, especially amongst the children, as facts which make certain its extinction within a short period. Such considerations induce to the abandonment of the work of civilization as hopeless, and favour the adoption of a merely temporizing policy. The race, it is said, is irredeemably savage. It is also moribund. All that is wise or safe to attempt is to pacify and amuse them until they die out—until the inscrutable physical law at work amongst them shall relieve the country from the incubus of a barbarous population, or at least shall render it practicable to reduce them to the condition, for which Nature has intended them, of hewers of wood and drawers of water. An exclusive reliance on the personal influence with the Natives of particular individuals, and on the effect of gifts and flattery upon the more powerful or more turbulent chiefs, would be the natural features of such a policy; which, by its demoralizing influence, would realize the expectations of its advocates, and render the annihilation of the Maori race both certain and speedy.

To the present Advisers of the Crown in New Zealand such a policy appears false, cowardly, and immoral. In common with the whole intelligence of the community whose opinions they represent, they believe it to be at once the interest and the duty of the colonists to preserve and civilize the Native people. Though not blind to the indications of physical decay which the race exhibits, nor to the great difficulties in the way of policy and fusion, they do not permit themselves to despair. And they believe that the true course—a course which, however small, the prospect of success, the British Government would still in honour and conscience be bound to pursue—is to take all possible measures for bringing the aborigines as speedily as may be under British institutions.

In order to the correct apprehension of the position of the Native question it ought to be fully understood that the British Government in New Zealand has no reliable means but those of moral persuasion for the government of the aborigines. It is powerless to prevent the commission by Natives against Natives of the most glaring crimes. Within the last twelvemonth blood has been spilt in Native quarrels in at least four different places in the Northern Island,—at New Plymouth, the Bay of Plenty, Hawke's Bay, and the Whanganui River,—in one instance within the limits of a British settlement. In the cases, which happily are not numerous, in which aggressions are committed by Natives against settlers, the Government is compelled to descend to negotiation with the Native chiefs for the surrender of the offender. The development of the material resources of the extensive wilderness still in the hands of the Natives, which comprises nearly three-fourths of the total area and some of the most fertile portions of the Northern Island, depends absolutely on their will. Without their consent it is impossible to survey, or even to traverse, the country; much less could the Government undertake the execution of roads, bridges, or other public works in Native territory. Considerable difficulty was lately experienced in the establishment of a mail route between Auckland and Napier, though the mail-bags were carried by Maoris. And, it was very recently represented by the chief permanent officer of the Native Department that it would be inexpedient, and even dangerous, for the Government to make a gift to certain Waikato Natives of a few bags of clover-seed, lest the present should give rise to disputes respecting the ownership of land, and the Government be blamed by the Natives for having introduced among them a cause of dissension. These instances may serve to illustrate the nature of the present relations of the Colonial Government with the Natives.

Whether a Government reduced to such timid shifts, and with nothing beyond a moral hold upon the allegiance of a self-willed, suspicious, and warlike race, can succeed in subjecting that race to the salutary restraints of law, and in preserving it from the destruction which must result from a continuance of its own barbarous usages, is a problem which remains to be solved. There can be no doubt that the presence of an increased military and naval force of sufficient strength to command respect for the British power—now very lightly esteemed by the New Zealanders—would greatly forward any efforts for the permanent amelioration of

their condition. In the legislative measures proposed and carried by the present Government it has, however, been assumed as a condition, and steadily kept in view, that the colony will remain practically destitute of any force available for the maintenance of law and order amongst the Natives, and that reliance must be placed solely on the good sense of the people and their innate capacity, under wise guidance, for self-government.

Accordingly nothing more has been attempted than to facilitate the voluntary acceptance by the Natives of English" institutions. And, fortunately, many Maoris are sufficiently intelligent and far-sighted to perceive the necessity for promptly taking advantage of such a facility. The old Maori *regime* is falling into decay, whilst a substitute is naturally sought in a spontaneous imitation of British usages. Native chiefs in various places affect to administer justice with the forms which they have observed to be used in the Police Courts of the colony, and attempts have been made at many Native villages to enact and put in force local regulations on various subjects. The leaders in the movements are mostly young men of standing, educated at the Mission, schools, who, though they appear destitute of requisite knowledge, judgment, influence, and force of purpose to effect, unaided, the needed reforms, may yet, it is hoped, be counted upon to second the endeavours of a European Magistrate.

The policy of the British Government in New Zealand has generally been identical in its main purpose with what is now proposed. It seems, however, to have been expected that the Natives in the neighbourhood of European settlements would naturally aggregate themselves about the centres as so many nuclei of civilization, adopting the laws and usages of the settlers, and resorting to the European tribunals for the settlement of their differences. This expectation, if such there were, has been in a great measure disappointed, and the social organization of the two races remains as distinct as ever, even in the immediate vicinity of the towns. In a few cases Magistrates have been stationed in purely Native districts. But placed there independently of the will of the people, and utterly without power to enforce their own decisions, their position has been a false one, and they have done nothing to supply the needed reconstitution of Maori society. It appears to the present Advisers of the Crown that there has been no proper adaptation of British institutions to the present condition of the aborigines. It is unreasonable to expect that they should accept our laws without those local modifications of detail which even British citizens require. It is now therefore proposed to attempt to operate from Native centres by means of institutions English in their spirit, if not absolutely in their form, devised to supply the peculiar necessities of the Native tribes, and to secure their confidence and support.

I have &c;

C. W. Richmond.

Auckland,

29th September, 1858,

## **No. 59. MEMORANDUM by the Hon. Mr. RICHMOND on NATIVE LAND PURCHASES.**

In accordance with the Governor's request, conveyed in a memorandum dated 2nd July, His Excellency's Responsible Ministers submit the following observations on the heads of a Bill prepared by Mr. Sewell, and transmitted with the memorandum referred to.

The distinctive feature of Mr. Sewell's proposal is the constitution of a Board of Commissioners appointed by the Crown, having the Governor at its head, to which are to be transferred the important functions—First, of conducting land-purchasing operations; secondly, of regulating the sale and disposal of land acquired from the Natives; thirdly, of supervising the survey and preparation for settlement of such lands. Under existing arrangements the first of these functions is exercised by the Governor, who acts upon the advice of his Responsible Ministers as to what blocks shall be purchased and what prices shall be paid, subject however to His Excellency's right of veto, if political reasons render it, in his opinion, inexpedient to make a particular purchase. Practically the Chief Land Purchase Commissioner (over whose appointment and removal the Governor retains a personal control, and who is the sole medium of communication on the subject of land purchase between the Government and the Native) exercises a very large influence over the conduct of land-purchasing operations. The second function at present belongs to the General Assembly, and the third and last to the Provincial Governments.

His Excellency's Responsible Ministers are decidedly of opinion that the union of these powers in a permanent Board would not fail to excite strong public dissatisfaction, and that the proposal cannot be made to the Legislature with a chance of success. It appears improbable that such a system could work in harmony with the representative institutions of the colony. Nor, looking at the scheme abstractedly, without reference to popular opinion or to the congruity of the scheme with the existing institutions of the colony, does it seem calculated to secure greater stability or efficiency of administration than the present system. Ministers are aware that the existing system is by no means unexceptionable in theory or in its practical operation. The changes required, however, are not, in the opinion of Ministers, in the direction of Mr. Sewell's proposal.

By clause 13 of the heads of Mr. Sewell's Bill, it is provided that the Governor shall lay out districts for purchase with reference solely to their suitability for systematic colonization, excluding consideration of the state of tribal title and of the disposition of the Natives to release their rights. Ministers are in general opposed to the plan of buying piecemeal whatever small and inconveniently-shaped blocks the caprice of the Natives or the state of their titles may from time to time induce them to offer. At the same time they are of opinion that it would be in the highest degree impolitic for the Government to bind itself rigidly by the rule laid down by clause 13. It is often impossible to acquire footing in a Native district, or to disentangle the complications of Native land disputes, otherwise than by operations which the clause in question would altogether prohibit. Besides which, the plan is absolutely inapplicable to all that portion of the Northern Island which lies north of Waikato Heads, where, from the way in which Native lands and Crown lands are already intermixed, it is quite impracticable to proceed by such extensive operations as Mr. Sewell contemplates.

No one can doubt the desirability of operating only upon large blocks, but it is often quite impracticable to do so, and the difficulties are of a nature which no lapse of time would remove, without the intervention of the Land Purchase Department. Though the Government may, in certain cases, find it expedient to purchase small blocks, it does not follow that these should be thrown open for immediate settlement. The advantages of systematic colonization are undeniable, but those advantages may be secured by retaining the blocks required, until the extent of territory at the disposal of the Crown in a given district is sufficient for the formation of a regular settlement.

To many of the minor features of the Bill Ministers see no objection. Under the Bay of Islands Settlement Bill, 1858, a settlement is to be formed somewhat on the plan which Mr. Sewell's scheme appears to contemplate, where Maori proprietors holding Crown grants will be intermixed with the European immigrants. Ministers consider that this system may be advantageously extended, and that the prospect of obtaining the advantages which such a plan secures would be found a strong inducement to the Natives to release their territorial rights.

C. W. RICHMOND.

Auckland,

19th August, 1859.

## **No. 60. MEMORANDUM by the Hon. Mr. SWAINSON on the GOVERNMENT of the NATIVE RACE.**

It has been repeatedly acknowledged that to the *Imperial* and not to the *Colonial* Government the care of the Natives properly belongs, and that the Imperial Government would not be justified in abdicating the responsibilities which rest on it with regard to the Native people. But when the principle of Ministerial responsibility was adopted no provision was made for their special government by the Crown, and on the ground not only of justice and humanity, but of policy and economy, it is important that the necessary measures for that object should be taken without delay.

Before the Constitution was brought into operation the Governor of the colony had an influential voice both in the legislation of the colony and in the appropriation of the public funds, and he was intrusted not only with the responsibility, but with the power of securing the interests and of promoting the welfare of Her Majesty's Native subjects. But when the Constitution came into operation the power of the Governor, both over the Legislature of the colony and over the appropriation of its revenues, was greatly diminished, and his influence for good, especially with reference to the government of the Native race, was materially impaired.

Though the Constitution is called "Representative" it has been decided that it does not confer the elective

franchise on the Natives: they have consequently no voice in the Colonial Legislature, and at the present moment they are subject, under the so-called Representative Constitution, to the government of a Ministry in whose election they have no voice, and (saving the Native Civil List) their contributions to the general revenue are controlled by a Legislature over which they have no control.

It is a remarkable feature in the Native character that, while they are jealous of any interference from their equals, they are accustomed to yield a ready obedience to a really powerful chief, and, having ceded their independence to the Queen of England, they are not unnaturally impatient of being governed by their fellow-subjects. They know little, and they care less, about a Responsible Ministry—here to-day and gone to-morrow—the members of which they hardly know by name, and for whom they can have no respect. But they are for the most part disposed to yield obedience to the representatives of the Crown, and for this reason it is expedient for the interests of both races that the prestige of the Governor should be carefully maintained; and looking at the tone of a portion of the public Press, and to the amount of latent bitter feeling towards the Native race which has recently been brought to light, it is obvious that the duty of promoting their interests cannot safely be intrusted to the colonizing race, and that, if the Home [unclear: government] would not abdicate their responsibilities, measures should be taken to provide for the [unclear: government] of them by the Crown alone, to whom, and not to the English settlers, they were induced to their independence.

In any measures which may be adopted for government, the Natives would value permanence and stability; while they would be [unclear: distressful] of "a change of system consequent on a change of Advisers." They have little conception of government in the abstract, but, to be appreciated by them, it must be distinctly personified; and, to be beneficial, it must not only be personal, but powerful and paternal; and to secure and to maintain a real influence over the Natives, it is essential that constant instruction and friendly communication should be kept up with them.

With this view of the Native character, it seems to me to be desirable that a definite line of policy to be pursued towards the Natives should, in broad outline at least, be formally prescribed, with the deliberate sanction of the British Cabinet; and that, it should be the duty of each successive Governor, on arriving in the colony, to make a formal proclamation of this policy as a deliberate message from the Crown; that each successive Governor should understand that to carry that policy into execution is the principal duty of the Queen's Representative in New Zealand, and that in the performance of that duty he may confidently count upon the support of the Crown and Parliament.

As the government of the New Zealanders has been recognized as a responsibility especially belonging to the Imperial, and not to the Colonial, Government, the Governor for the time being should be advised in the management of Native affairs, not by the Ministry representing the colonists, and responsible to the colonists, and liable to be frequently changed, but by a Council of advisers appointed by the Crown, responsible to the Crown, and holding their offices by a permanent tenure. And there should be placed at the disposal of the Governor, independently of an annual vote of the Assembly, such a fixed portion of the general revenue of the colony as may be sufficient for the maintenance of an efficient department for the management of Native affairs, for the payment of Native Magistrates and Assessors, and for the outlay which may be necessary for the gradual introduction of law and order amongst the Natives, and for their internal government in their relations with each other.

But, with a view to harmonize the action of two different authorities in the government of the same country, it is essential that the persons to be appointed as the Governor's advisers should be men not only of character and ability, but of high and social standing, neither having nor being supposed to have any partial or undue leaning in favour of the Natives, but by their impartiality, prudence, and good sense, and by their interest in the welfare of the colony at large, likely to earn the respect and confidence of both races. Invested with the power and means befitting his position, the Queen's Representative may exercise almost unbounded influence over the Natives, and, assisted by a permanent body of advisers of high character and social standing, it is no exaggeration to affirm that, for purposes of peace and good order, the Governor would form a power in the country fully equivalent to a regiment of the Queen's troops. But the government of the colony cannot be carried on regardless of the interests, the feelings, or the prejudices of either race without detriment to both; and it should be clearly understood from the outset that a separate government is established for the conduct of Native affairs, not with a one-sided object or in antagonism to the interests of the colonizing race, but to save, in truth, the Natives from themselves, and to serve as a useful agent in promoting the peaceable and successful colonization of the country.

The influence of both chief and priest, once all-powerful in New Zealand, is rapidly decaying, and neither the new religion nor the new Government yet exercise the same degree of influence over the people; and in their present transition state the Maoris are governed with more difficulty than when under the control of a powerful heathen chief; and, until we have some better influence to bring to bear upon them, the power of the chiefs should as far as possible be maintained. With reference to the dissatisfaction which is believed to exist



amongst certain of the tribes, and to the desire which is being shown, by them for a more active and efficient power to control, them in their relations with each other, I would suggest that the invitations; to the principal chiefs to the approaching meeting should be as inclusive as possible, in order that advantage may be taken of the opportunity to ascertain what amount of dissatisfaction really exists among them, what is the ground of it, and to what extent it prevails amongst them. That the occasion may be turned to profitable account, the meeting should be constantly attended by a small body of persons commissioned to represent the Government, and who, from their high standing and their acquaintance with the Native character and the Native language, may be likely to exercise a beneficial influence over its proceedings. They should be fully instructed in the views of the Government; ready to meet objections, to correct misapprehensions and misrepresentations, to explain difficulties, and to enforce what may be reasonable and just.

Before attempting to apply a remedy, the first great object should be to ascertain what is really the state of the Native mind upon the subject. Assuming the invitations to be general, and that they are generally accepted, it will probably be found that the assembled chiefs may be divided into three classes—(1) Those who, at first sight, may appear to entertain views hardly consistent with the maintenance of British rule; (2) those who may desire some better and more efficient system than they have at present for their own internal government; (3) those who desire no change. If met by reason and argument, applied in a patient and friendly spirit, and assured that they may establish any system for their own internal government not inconsistent with the general interests of the rest of the community, I believe that those of the first class who may still desire to live independent of British rule may be reduced to a very insignificant minority. As to those of the second class who may desire our guidance and assistance, no attempt should be made either to establish, as to details, any *uniform plan* for all the different tribes, or to *impose* any particular system in any particular case, but rather to assist each particular tribe to organize a system which may be agreeable to themselves.

Nothing, it is presumed, in the way of legislation will be done or attempted at the general meeting of the chiefs; but it appears to be desirable that a rudimentary sketch of a simple system of Native local self-government should be prepared by persons competent to the task, to be laid before the meeting for their consideration. Much will be gained if they leave the meeting with the conviction that, whenever they desire some better system than they now possess, the Government will be ready to aid them with advice in framing it, and with contributions towards the support of Native Magistrates to carry it into effect.

If judiciously dealt with, I believe that the present movement in the Native mind may be turned to good account, and that few of the chiefs who have ever formally acknowledged it will continue to be desirous of throwing off the sovereignty of the Crown.

The Native land question remains to be considered, and on its satisfactory solution the ultimate fate of the Maori race no doubt materially depends. The true principle of dealing with the waste lands of the colony is, of course, to acquire and dispose of them in such a manner as may be most conducive to the permanent interests of both races, and to the successful colonization of the country. But the practice which has commonly prevailed, but without any intentional injustice, has been to obtain land from the Natives for the smallest possible price, and to dispose of it in such a manner as might seem most advantageous to the colonizing race. The natural consequences of this one-sided, short-sighted policy are now beginning to be felt: seeing their own race about to be outnumbered by our countrymen,—seeing the larger part of the territory, of which they were once the absolute masters, already in the hands of the stranger,—seeing that they have added nothing to their permanent advantage by disposing of it, but being sensible, on the contrary, of their rapidly-waning power, some of the chiefs in the central part of the Northern Island have formed a league among themselves to hold fast the land which still remains to them. And if it were consistent with the Native character to persevere steadily, for any length of time, in any particular line of action, this combination against the sale of land would threaten to prove a formidable obstacle to the peaceable occupation of the country. And the very eagerness of the settlers to obtain possession of the land of the Natives has a direct tendency to defeat their object. But, if, instead of being urged to sell their land, the Natives were positively prohibited from doing so, they would soon become as clamorous to dispose of it as they are now determined to retain it.

With a view to facilitate the acquisition of the surplus lands of the Natives for purposes of colonization. I have already suggested in a previous memorandum (6th September, 1859) that the partition of land held by them in common should be encouraged; and when the ownership shall have been ascertained after careful inquiry by a competent tribunal, and when it shall have been divided amongst them by mutual agreement amongst themselves, that it should be competent for the Governor and Council nominated by the Crown, (and either with or without an intermediate transfer from the Natives to the Crown) to issue Crown grants to each member of the tribe of his own allotted portion, either in fee-simple absolutely, with full power to dispose of it, or under such limitations and restrictions, and with such power of leasing, &c., as to the Governor and Council may, in each case, seem meet.

A grant in fee-simple to the individual members of a tribe of a specific portion of the common land would

confer a title much more valuable in every respect than that which they possess while holding the land in common under the Treaty of Waitangi. For, so long as it is held in common-by the tribe, it cannot be sold even to the Crown without the consent of all the claimants; and even when all are willing to sell, it can be disposed of to the Crown alone; and, there being but a single buyer and no competition, the price given is below the market value. But when the land is divided in severalty by grants from the Crown, each claimant receives both a better holding title and a better selling title. While he continues to hold he has the security of a grant from the Crown, and he may not only sell when he pleases, and without reference to the other members of the tribe, but he may sell not only to the Crown, but to any of Her Majesty's subjects, and obtain the full market value of his land.

By empowering the Governor thus to individualize the Native title, two important objects would be attained. Much of the land held by individual Natives under a Crown title would speedily come into the market and become available for purposes of colonization, and the Governor's power and influence over the Natives would be materially increased. But the granting of individual Crown titles with the full power of sale should, of course, only be made in localities suitable for immediate settlement, and where the Natives are peaceable and well-disposed, and should be firmly withheld within any district in which the Natives are likely to be troublesome and unruly. And there is no doubt that, wisely exercised, this power may be turned to very valuable account as a moral agent in the government of the Native race.

In a country like New Zealand, already partially occupied by an aboriginal race, it is necessary that the Government should retain to itself the power of directing the course of colonization and of limiting it to localities suitable for the purpose; and it is for this reason there are objections of a practical character, why, except under well-considered conditions and restrictions, the settlers should not be allowed to deal directly, with the Natives for the purchase of their land. But it is not easy to see on what principle we can claim to make a profit by the sale and purchase of Native land. Let the Native owners of land themselves receive the 'full market value of it, and, after retaining the full cost of survey, &c., pay over the proceeds to the Native owners; and there is every reason to believe that the surplus lands of the Natives would become available for the purposes of colonization as quickly as may be reasonably required. And, if the Natives could be induced to invest the purchase-money, or any considerable portion of it, at interest for a fixed period in Government securities, or to commute it for Government annuities, the Natives would receive a permanent advantage in exchange for their land, and the Government would have the best guarantee for the continuance of their loyalty and good conduct. But if the flocks and herds of the English settlers go on increasing until there shall be no longer land-enough to feed them, and if at the same time the Natives are seen to hold large tracts of land of which they make no use, the bad feeling which has "already shown itself towards the Native people will continue to spread, there will be continual danger of collision, and there is too much reason to fear that when the colonists shall have become an overwhelming majority Native rights will be disregarded, and the Natives themselves will become a persecuted people.

I have, &c.,

WILLIAM SWAINSON.

## **No. 61. ADDRESS of His Excellency the Governor to the MAORI CHIEFS assembled at Kohimarama on the 10th July, 1860.**

MY FRIENDS,—CHIEFS OF NEW ZEALAND,—

I have invited you to meet me on the present occasion that we may have an opportunity of discussing various matters connected with the welfare and advancement of the two races dwelling in New Zealand.

- 2. I take advantage also of it to repeat to you, and, through you, to the whole Maori people, the assurances

of good-will on the part of our gracious Sovereign which have been given by each succeeding Governor, from Governor Hobson to myself.

- 3. On assuming the sovereignty of New Zealand Her Majesty extended to her Maori subjects her royal protection, engaging to defend New Zealand and the Maori people from all aggressions from any foreign Power, and imparting to them all the rights and privileges of British subjects; and she confirmed and guaranteed to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish to retain the same in their possession.
- 4. In return for these advantages, the chiefs who signed the Treaty of Waitangi ceded for themselves and their people to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of sovereignty which they collectively or individually possessed, or might be supposed to exercise or possess.
- 5. Her Majesty has instructed the Governors who preceded me, and she will instruct those who come after me, to maintain the stipulations of this Treaty inviolate, and watch over the interests and promote the advancement of her subjects without distinction of race.
- 6. Having renewed these assurances in the name of our gracious Sovereign, I now ask you to confer with me frankly and without reserve. If you have grievances, make them known to me, and if they are real I will try to redress them. Her Majesty's wish is that all her subjects should be happy, prosperous, and contented. If, therefore, you can make any suggestions for the better protection of property, the punishment of offenders, the settlement of disputes, or the preservation of peace, I shall gladly hear them and will give them the most favourable consideration.
- 7. The minds of both races have lately been agitated by false reports or exaggerated statements; and, in order to restore confidence, it is necessary that each should know and thoroughly understand what the other wishes and intends.
- 8. There is also a subject to which I desire to invite your special attention, and in reference to which I wish to receive the expression of your views. For some time past certain persons belonging to the tribes dwelling to the south of Auckland have been endeavouring to mature a project which, if carried into effect, could only bring evil upon the heads of all concerned in it. The framers of it are said to desire that the Maori tribes in New Zealand should combine together and throw off their allegiance to the Sovereign whose protection they have enjoyed for more than twenty years, and that they should set up a Maori king, and declare themselves to be an independent nation. Such ideas could only be entertained by men completely ignorant of the evils they would bring upon the whole Native race if carried into effect.
- 9. While the promoters of this scheme confined themselves to mere talking I did not think it necessary to notice their proceedings, believing that, if allowed time to consider, they would abandon so futile and dangerous an undertaking. This expectation has not been fulfilled. At a recent meeting at Waikato some of the leading men proposed that Wiremu Kingi, who is in arms against the Queen's authority, should be supported by reinforcements from the tribes who acknowledge the Maori King; and armed parties from Waikato and Kawhia actually went to Taranaki for this purpose. These men also desire to assume an authority over other New Zealand tribes in their relations with the Government, and contemplate the forcible subjection of those tribes who refuse to recognize their authority.
- 10. Under these circumstances I wish to know your views and opinions distinctly, in order that I may give correct information to our Sovereign.
- 11. It is necessary for me to remind you that Her Majesty's engagements to her Native subjects in New Zealand have been faithfully observed. No foreign enemy has visited your shores. Your lands have remained in your possession, or have been bought by the Government at your own desire. Your people have availed themselves of their privileges as British subjects, seeking and obtaining in the Courts of law that protection and redress which they afford to all Her Majesty's subjects. But it is right you should know and understand that in return for these advantages you must prove yourselves to be loyal and faithful subjects, and that the establishment of a Maori King would be an act of disobedience and defiance to Her Majesty which cannot be tolerated. It is necessary for the preservation of peace in every country that the inhabitants should acknowledge one head.
- 12. I may frankly tell you that New Zealand is the only colony where the aborigines have been treated with unvarying kindness. It is the only colony where they have been invited to unite with the colonists, and to become one people under one law. In other colonies the people of the land have remained separate and distinct, from which many evil consequences have ensued. Quarrels have arisen; blood has been shed; and finally the aboriginal people of the country have been driven away or destroyed. Wise and good men in England considered that such treatment of aborigines was unjust and contrary to the principles of

Christianity. They brought the subject before the British Parliament, and the Queen's Ministers advised a change of policy towards the aborigines of all English colonies. New Zealand is the first country colonized on this new and humane system. It will be the wisdom of the Maori people to avail themselves of this generous policy, and thus save their race from evils which have befallen others less favoured. It is your adoption by Her Majesty as her subjects which makes it impossible that the, Maori people should be unjustly dispossessed of their lands or property. Every Maori is a member of the British nation; he is protected by the same law as his English fellow-subject; and it is because you are regarded by the Queen as a part of her own especial people that you have heard from the lips of each successive Governor the same words of peace and good-will. It is therefore the height of folly for the New Zealand tribes to allow themselves to be seduced into the commission of any act which, by violating their allegiance to the Queen, would render them liable to forfeit the rights and privileges which their position as British subjects confers upon them, and which must necessarily entail upon them evils ending only in their ruin as a race.

- 13. It is a matter of solicitude to Her Majesty, as well as to many of your friends in England and in this country, that you should be preserved as a people. No unfriendly feeling should be allowed to grow up between the two races. Your children will live in the country when you are gone, and when the Europeans are numerous. For their sakes I call upon you, as fathers and chiefs of your tribes, to take care that nothing be done which may engender animosities, the consequences of which may injure your posterity. I feel that the difference of language forms a great barrier between the Europeans and Maoris; through not understanding each other there are frequent misapprehensions of what is said or intended: this is also one of the chief obstacles in the way of your participating in our English Councils, and in the consideration of laws for your guidance. To remedy this, the various Missionary bodies, assisted by the Government, have used every exertion to teach your children English, in order that they may speak the same language as the European inhabitants of the colony.
- 14. I believe it is only needful that these matters should be well understood to insure a continuance of peace and friendly feeling between the two races of Her Majesty's subjects; and it is for this reason, and in a firm hope that mutual explanations will remove all doubt and distrust on both sides, that I have invited you to meet me now.
- 15. I shall not seek to prove, what you will all be ready to admit, that the treatment you have received from the Government, since its establishment in these Islands down to the present hour, has been invariably marked by kindness. I will not count the hospitals founded for the benefit of your sick; the schools provided for the education of your children; the encouragement and assistance given you to possess yourselves of vessels, to cultivate wheat, to build mills, and to adopt the civilized habits of your white brethren. I will not enumerate the proofs which have been given you that your interests and well-being have been cared for, lest you should think I am ungenerously recalling past favours. All will admit that not only have your ears listened to the words of kindness, but that your eyes have seen and your hands have handled its substantial manifestations.
- 16. I will not detain you by alluding to other matters of great importance, but will communicate with you from time to time, and call your attention to them before you separate. Let me, however, remind you that, though the Queen is able without any assistance from you to protect the Maoris from all foreign enemies, she cannot without their help protect the Maoris from themselves. It is therefore the duty of all who would regret to see their race relapse into barbarism, and who desire to live in peace and prosperity, to take heed that the counsels of the foolish do not prevail, and that the whole country be not thrown into anarchy and confusion by the folly of a few misguided men.

Finally, I must congratulate you on the vast progress in civilization which your people have made under the protection of the Queen. Cannibalism has been exchanged for Christianity; slavery has been abolished; war has become more rare; prisoners taken in war are not slain. European habits are gradually replacing those of your ancestors of which all Christians are necessarily ashamed. The old have reason to be thankful that their sunset is brighter than their dawn, and the young may be grateful that their life did not begin until the darkness of the heathen night had been dispelled by that light which is the glory of all civilized nations.

Earnestly praying that God may grant his blessing on your deliberations, and guide you to the right path, I leave you to the free discussion of the subjects I have indicated, and of any others you may think likely to promote the welfare of your race.

THOMAS GORE BROWNE, Governor.

# No. 62. COPY of a DESPATCH from GOVERNOR T. GORE BROWNE, C.B., to his Grace the Duke of NEWCASTLE.

*Auckland—General Policy of the New Zealand Government.* Government House, Auckland, 1st November, 1860.

MY LORD DUKE,—

I have the honour to acknowledge the receipt of Sir G. C. Lewis's Despatch No. 48, of the 26th July last. As he refers to "a policy requiring the presence of a large force," it is necessary that I should call your Grace's attention to some of the difficulties which must attend the progress towards union of two races dwelling in the same land, yet differing so widely in their wants, wishes, and opinions.

- 2. I need not remind your Grace that prior to 1839 New Zealand had attracted to its shores a swarm of reckless men, determined to settle upon it with or without the consent of Her Majesty's Government; that disorders of all sorts prevailed," and it was found that being "out of our allegiance and protection" was no better security than the threat of it proved in Rhode Island against the commission of enormities, which in New Zealand had not the excuse of religious bigotry.
- 3. Had Her Majesty's Government not interfered there can be no doubt that war and disease would rapidly have consumed the aborigines; that sooner or later they would have been vanquished and destroyed; that anarchy and violence, after reigning unchecked for a time, would have yielded and finally given way; and that in the course of time an industrious European population, loving order and obedient to law, would have, inherited the land, which their predecessors had so ruthlessly acquired.
- 4. Her Majesty's Government was not, however, content to permit the disasters of the transition state to continue for an indefinite time; and Lord Normanby, in his despatch of the 14th August 1839, says that "the necessity [for interference] had become too evident to admit of further inaction," and that the object of Her Majesty's Government is to mitigate, and, if possible, avert, the disasters [enumerated], and to secure the emigrants themselves from the evils of a lawless state of society."
- 5. The emigrants were rescued from these evils; many desperate men left a country in which they could no longer carry on their lawless practices; and settlers of the best class poured into the colony, bringing with them their own laws and that love of order which characterizes all Anglo-Saxon communities.
- 6 These laws are especially applicable to such communities so long as they remain united; and in the early days of the colony it would have been easy to regulate settlement and restrain individuals from spreading broadcast over the country. In 1839, and for some time after, there would have been no difficulty in extinguishing Native title over vast territories, and to have declared English districts within which alone the Queen's law should be paramount, extending these districts from time to time as opportunity offered, and leaving the Maoris to follow their own customs in the remainder of the country, aiding them by Missionaries and other instructors to advance in civilization, and waiting until they desired and became fit to be one people with us.
- 7. This course was not adopted, but English law was by a fiction assumed to prevail over the whole colony; and Lord Normanby (15th August, 1839) speaks of the repression of "cannibalism human sacrifices, and warfare among the Native tribes .... by actual force within any part of the Queen's dominions." The Governor, however, had no means of using force, and tacitly permitted these customs to continue: indeed, the last is not yet extinguished; nor were any sufficient measures adopted for controlling and guiding the stream of immigration, or the erratic movements of individuals.
- 8. The assumed predominance of English law was not, however, harmless; one of its marked characteristics—namely, the, independence of action enjoyed by individuals living under its shadow, even at the cost of the community—is inconsistent with the safety of a, society of which the component parts though living in juxtaposition, are in the opposite extremes of civilization. As an example. I may observe that in many parts of India shooting a monkey or kite would produce an insurrection, and consequently regulations are enforced which would be absurd and intolerable in Europe.
- 9. In New Zealand the acts or even the suspected acts of an individual—*vide* my despatch of even date herewith—are always liable to be revenged on the whole community, or upon those of his race who are

mostly easily within reach. Yet Englishmen are restrained by no special laws; they have been allowed to spread over the country at will, and are tacitly permitted to act, speak, and write with as much impunity as they would in a civilized community; while the Government is held responsible for the consequences of imprudence, whether it affects only the individuals themselves or the community at large.

- 10. There is, I believe, little doubt that the King movement has been fostered and advanced by Europeans, and Government has been constantly thwarted, misrepresented, and hindered by persons whose conduct is no ways amenable to law.
- 11. The result has been that English law has always prevailed in the English settlements, but remains a dead-letter beyond them; that Government has been continually exposed to contempt from being unable to perform its duty, and has been driven, to temporize and ignore aggression or crime, which it could neither prevent nor punish.
- 12. A large annual grant from the Imperial Treasury, full power, and great tact enabled sir George Grey to keep the country tranquil; but he was unable to establish any system or machinery which could effectually prevent the collision of elements so discordant as those with which the New Zealand Government has to deal. When the Constitution Act was prepared, a second opportunity was offered to declare English provinces, and leave Maori districts beyond their pale to be governed by laws specially adapted to the people inhabiting them. Instead of so doing, however, the 71st clause of the Act declares that "It may be expedient that the laws, customs, and usages of the aboriginal inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity should for the present be maintained "for the, government of themselves in their relations to and dealings with each other," &c. This leaves the difficulty unsolved, either as relates to the customs which are repugnant to the principles of humanity, or to their dealings of any sort with Europeans who have been permitted to scatter themselves thinly over the whole Northern Island.
- 13. It has been urged that by a judicious use of moral influence the Maoris might have been induced to adopt a system of self-government which would have supplied the place of English law. To exert this influence successfully has been the study of my predecessors and myself, and the aim of the legislation of 1858, in which I cordially concurred. But while the difficulties attending the transition of the aborigines from absolute barbarism to comparative civilization have been annually increasing, the power of the Governor has been diminished and divided, and the funds at his disposal greatly reduced. In plain terms, the means which Government could command have not been sufficient for the attainment of the end desired.
- 14. I now turn to the question of protection, and I venture to say that when Her Majesty's Government declared New Zealand a colony, and invited the industrious and law-loving classes to emigrate an assurance of protection was certainly directly or indirectly given, and without it these men would never have left their native land. If, however, Her Majesty's Government is prepared to "punish aggression, defend the centres of population, and hold the keys of the country," as intimated by Sir C. Lewis in his despatch above referred to, all will be done that has been asked or can reasonably be expected. It then only remains to inquire what force is necessary for the purpose, what part of the expenses should be paid by the colony, and what part of the actual duty the settlers should perform by means of Volunteers or Militia.
- 15. With regard to the first, I have already stated my opinion in decided terms, and will not presume to intrude it again on your Grace's notice. The payment of expenses might, I submit, be arranged with the General Assembly. I agree with William Denison in thinking that, as a general rule, a colony able to afford it should pay 50 per cent, of the cost of its military protection. I am also of opinion that, when the finances (as in the case of New Zealand) are unable to bear such a burden, they should be relieved of an additional percentage, subject to readjustment every three, or five years.
- 16. I now come to the employment of Volunteers and Militia. In the Mother-country where there is a surplus population, the employment of this valuable and constitutional force is attended with little or no inconvenience, and even in the colonies the enrolment of Militia and Volunteers for the protection of their homes is both necessary and effective. But though this description of force may always be used on an emergency occurring in the district from which it is raised, it can never be sent out of that district without payment, which must be as much in excess of a soldier's pay as the settler's labour and his expenses are greater than those of an English labourer. Labour is at least worth 5s. a day in a colony; and a large proportion of those who form the rank and file of Militia and Volunteer corps are farmers, tradesmen, and persons possessing stock or engaged in business which would be ruined by their, absence for any length of time. For this reason also Militia cannot be called out to act continuously as a guard to prevent an attack" which may be apprehended at an uncertain time. This is indeed the case at the present moment; it is certain that, if guards could be posted in various parts of the City of Auckland every night, there would

be little or no danger of attack, with which it has been seriously threatened. Except as an auxiliary to regular troops in the district in which it is raised, a colonial militia is therefore the most expensive force which can be employed; and, though equal in bravery and perhaps superior in activity to Her Majesty's troops, it is not usually found to be so effective for continuous operations. I need not add that the withdrawal of the productive classes from their employments must necessarily reduce the revenues called upon to, bear the additional burden of their support, would incapacitate the colony from bearing its fair share of military expenses, and that emigration to a ruinous extent would follow such a measure if generally adopted.

- 17. One subject remains. Sir C. Lewis says that "a policy requiring the presence of a large force condemns itself." But the adoption of a policy must depend on the means, available for carrying it into effect, and these have been too limited to admit of choice. With 'insufficient funds, circumscribed powers, and inadequate assistance, I have had to contend with difficulties inseparable from the association, without union, of two races in opposite extremes of civilization. I have, however, explained my views on the government of the Native race in various despatches and memoranda, and I am not without hope that the attention which this unfortunate insurrection has awakened will be productive, of ultimate benefit, and will lead to the introduction of such a system of government as will be in accordance with "the wishes of the Natives, and will not be open to the criticism contained in Sir C. Lewis's despatch.

I have, &c.,

T.GORE BEOWNE.

His Grace the Duke of Newcastle, &c.

## **No. 63.APPOINTMENT of MINISTER for NATIVE AFFAIRS.**

[Extract from the *New Zealand Gazette*.] Colonial Secretary's Office, Auckland, 10th November, 1860.

His Excellency the Governor directs it to be notified that the Honourable Frederick" Aloysius Weld has been appointed Minister for Native Affairs.

E. W.STAFFORD.

## **Copy of a DESPATCH from GOVERNOR GORE BEOWNE to his Grace the Duke of NEWCASTLE.**

*On the Establishment of a Native Council.* Government House, N. Z. Auckland, 4th February, 1861.  
My Lord. Duke,—

As a part of the scheme for a, Native Council; I assumed that the member's would associate with themselves three or four Native chiefs of the, highest rank, for the, sake of the influence they would bring, as well as for, their advice. Two out of the three gentlemen whose, names, I submitted to your Grace for, appointment in the Council entertain the same views; the third (Colonel Nugent) being, in England.

Looking, therefore, to the future, as well as to the present, it occurred to me that it would be advantageous to seek the advice of three or four Native chiefs now; and, by consulting Messrs Bell and McLean, I felt that I

could do so without interfering with any future/arrangements they might desire to make. I accordingly submitted the question to these, gentlemen, and Mr. Smith (the very able Assistant Native Secretary,), and I have now the honour to forward for your Grace's information reports made by these officers separately, and a minute by my Responsible Advisers.

I trouble your Grace with these documents partly on account of the information they contain, and partly because they exhibit some of the many difficulties which surround every attempt to introduce improvements in the management of Native affairs.

I have, &c.,

T.GORE. BROWN

His Grace the Duke of Newcastle, &c.

## **Enclosure 1.MEMORANDUM by the NATIVE SECRETARY.**

In reply to your Excellency's memorandum of this day's date, I have the honour to state that I consider the appointment of chiefs to assist the Government in the administration of Native affairs very desirable. The advice and opinions of chiefs of rank and intelligence would be invaluable to the Government in guiding its decisions on any questions of importance affecting the Native race.

The chiefs appointed should reside at the seat, of Government, and have comfortable residences provided for them at the public expense, with pay to each at the rate of £200 per annum. A distinguishing dress should be provided; and their office should be permanent, subject to termination only in cases of misconduct: Their duties should be defined by clear and intelligible instructions; and the Governor; in travelling through Native districts; should be accompanied by one or more of them, who should be present at all meetings, and take part in public discussions or deliberations with the several tribes.

The Maoris; generally, would very much appreciate the fact that some of their own leading chiefs were invited to exercise authority in connection with the Government, in matters relating to them selves; and the Government, by free consultation with those chiefs, would be better able to judge how far any measures, that might from time to time be devised for the civilization and improvement of the Natives; Would be attended with success:

I submit that the' Government of the country should use every possible endeavour to restore and secure the confidence of the Natives, more especially of those tribes who have not joined in the present insurrection. The appointment of some of the influential chiefs to offices of trust at a time when military advantages are being gained over those taking part in the existing-disturbances; would tend very much to inspire them with confidence as to the humane intentions of the English nation towards them, and dispel much of the disaffection and antipathy of race which unfortunately prevail.

Auckland,

31st January, 1861.

DONALD McLEAN.

## **Enclosure 2.MEMORANDUM by the ASSISTANT NATIVE SECRETARY.**



Auckland, 1st February, 1861

With reference to the subject of your Excellency's memorandum of the 30th ultimo, I, have the honour to state briefly my opinion, that it is highly desirable that some of the principal Native chiefs should assist the Executive Government with their advice in the conduct of Native affairs; and that such an arrangement, if made with the general concurrence of the Native people, would materially tend to secure their confidence, in the Government. At the same time I feel bound to express to your Excellency my conviction that the present time is not the most opportune for initiating the new system. I fear that, until the establishment of more cordial relations between the Government and, the Native race generally, the acceptance by any Native chief of such an appointment as is proposed, involving removal from among his own people would place him in an invidious position, and that by identifying him with the Government under present circumstances it would tend to impair the influence which he might otherwise exercise.

As a means towards bringing the present war to a termination, I see no ground for anticipating any good result from, an immediate carrying-out of the proposed arrangement. The selection must necessarily be restricted to those chiefs whose sympathies or professions are unequivocally on the side of the Government, and who by the declaration of their sentiments have rendered themselves more or less obnoxious to many of their countrymen. Such men would probably render better service to the Government by remaining among their own people. As a prominent feature in a new system to be introduced when peace is restored, the proposed arrangement is calculated to produce the best results'; but, while so large a portion of the Native population is either disaffected or wavering, I should hesitate to recommend its initiation.

I am also of opinion that the concurrence of the Natives in any new plans for their government is essential. To secure this, such plans should in the first place be suggested as matter for consideration, 'rather, than announced as the determination of the Government arrived at without consulting the wishes of the people for whose benefit they are designed. The Native Conference would afford an opportunity for bringing forward the subject, and I have little doubt that a proposal such as that contained in your Excellency's memorandum would there meet with general approval.

As the selection of men would be a matter of some delicacy, it might be well to invite the Conference to prepare a list of chiefs of standing and intelligence, and enjoying the confidence of their respective tribes, to be submitted to the Governor. From such a list a certain number might be selected and appointed councilors to hold office for a limited period, at the expiration of which another selection should be made, and from time to time repeated, so that all might hold office in turn. With these I would propose to associate a few of the principal chiefs to be selected by the Governor, whose appointments should *be* considered permanent during good behaviour. A Council of twelve chiefs might be thus constituted', who should be consulted by the Executive Government in all matters pertaining to the administration of Native affairs. As it would be desirable that the members of such a Council should reside principally at the seat of Government, suitable accommodation should be provided for them, and they should receive salaries sufficient to enable them to maintain a position in society befitting their rank and office. It would be undesirable to initiate the proposed plan unless a guarantee for its permanency can be secured.

As-respects the precise number or mode of selecting the Native Councillors, no strict rule need be laid down: these and" similar matters of detail might be made the subject of deliberation in the Native Conference.

In the introduction of the proposed system, I submit; as important points; first, that the expressed wishes of the Natives themselves should be made the basis of all action on the part of the Government; and, secondly, that the Governor should exercise an independent discretion in the selection of not less than one-half of the members of the proposed Council to hold permanent appointments.

THOS. H.SMITH, Assistant Native  
Secretary.

His Excellency Colonel T. Gore Brown, C.B

**Enclosure 3.MEMORANDUM by the LAND CLAIMS**

# COMMISSIONER.

I have always been of opinion that the appointment of a number of chiefs to advise the Governor is essential to the successful conduct of Native affairs. The Native Council proposed to be established will certainly not work well unless some Native chiefs are to be associated with it, and I understand this has been admitted on all sides. No really permanent influence over the Native mind towards the full recognition of the Queen's authority and the establishment of British law will ever be gained • except through the agency of the Native people itself; and the present proposal is a step in the right direction.

But its value depends on whether it is intended to be a merely temporary measure in consequence of the war, or the germ of a permanent plan. Ought the position of the chiefs to be raised, or not? The policy recommended to the Governor by Archdeacon in 1856 was that "the Government should do nothing towards establishing the influence of the chiefs, but should rather endeavour to lessen this by, every legitimate means." Now, the influence of the chiefs has already sensibly diminished everywhere since the establishment of British sovereignty: we destroyed the right of the strong arm, and offered nothing in its stead. In times of danger we have often owed our safety to what remained of power among the chiefs, but in times of peace and security we have been inclined to neglect them. I believe the policy recommended by Archdeacon was unwise, and contrary to the natural instincts of the Polynesian races; and that the best thing we can do is to raise the character and position of the chiefs, not certainly by remitting to them the right of the strong arm, but by encouraging them to seek European honours and a share in the government. I think the most proper course would be to invite the Conference which will assemble this year to consider the advisability of permanently establishing at the seat of Government a small number of chiefs as a recognized medium of communication and advice between the Governor, and the Native tribes. The Conference should then be asked to consider whether such chiefs ought to be elected by the tribes, or be chosen by the Governor out of a list of chiefs submitted by the Conference, or be wholly or partly nominated directly by the Governor; whether their appointment should be for life or for a term of years, or a number of chiefs be sent up by rotation to take part in the government, and attain a practical insight into the conduct of affairs on the European system; whether part of the number should have a fixed tenure of office, and the others come in by rotation, so as to combine steadiness of action in one direction with varying suggestion and advice, and so forth. The Government would indicate the plan it preferred, but the decision should be as much as possible left to the Natives themselves, either in the Conference, or (as was done last year in the case of the Message on Individualization of Titles) in subsequent discussion by the tribes in their own districts. Undoubtedly any such plan would require a considerable expenditure, and could not, therefore, be carried into effect without the sanction of the Assembly. It would be" absolutely useless without some guarantee of permanence, and without adequate provision for raising the chiefs selected, not only in the estimation of their countrymen, but in that of the European settlers. To bring a number of chiefs together in Auckland as advisers of the Governor, and leave them to shift for themselves in the Maori hostelry, would be an absurdity. A suitable residence should be appointed for them, a moderate income (say £100 per annum) granted to each, and reasonable means afforded for their exercise of: hospitality to other chiefs from various parts of the country; who should be encouraged by the Government to visit and communicate with them. There should, in fact, be the "Assessors' House," where measures might be talked over by the most intelligent men apart from the presence and influence of Government officers; and the chiefs throughout the country should be invited to write freely to the Assessors direct.'

With regard to the immediate appointment of four or five principal chiefs to advise the Governor in the existing crisis, I think it would have a good effect provided a careful notification were published to the Natives, informing them that it was the Governor's wish to propose a permanent plan to the General Assembly and the Native Conference, and that the summoning of a few chiefs in the mean-time was intended to show the people that, while the war was unavoidably prosecuted for the repression of insurrection, the Governor was most desirous to treat even the insurgents with lenity, and to resort to the advice of those who remained firm in their allegiance for the measures necessary for the restoration of peace. The Government would, no doubt, run some risk (by, now summoning the most influential among the loyal chiefs) of losing the very influence which is at this time being beneficially exerted by them in their own districts. They would very likely be pointed at, as "Governor's men," and whatever they said misrepresented as the Governor's opinion and not theirs. Even the most loyal are obliged, in the increasing spread of disaffection, to pretend more or less of sympathy with the causes of complaint among the disaffected, in order to maintain any hold whatever on their people; and their removal to the seat of Government might sacrifice that hold in their own neighbourhoods without our obtaining in exchange any influence when exercised from head-quarters. Still, if the Natives of the various tribes can be made to see the experiment as a proof of continued good-will on the part of the Government, and of its desire to consult their wishes and interests, it will result in very much good: on the whole, therefore, I am of opinion that

it should be tried. The Governor would then, for the present, nominate the chiefs himself, and make temporary arrangements for their reception in Auckland, until the Assembly should decide whether (as a permanent institution) a Maori Council of advice should exist, and vote the necessary funds for its maintenance.

Auckland,

1st February, 1861.

F.DILLON BELL.

## Enclosure 4.MEMORANDUM byMINISTERS.

Colonial Secretary's Office, Auckland, 4th February, 1861.

Ministers have had under their consideration three memoranda referred to them by His Excellency embodying the respective views of the Native Secretary, the Assistant Native Secretary, and Mr. Bell as to the desirability of constituting a Council composed of persons belonging to the Native race to assist the Governor in the conduct of Native affairs. Ministers agree with those gentlemen in thinking that it would be desirable to introduce a Native element in the government of the aborigines, and when the Native Council Act was under discussion it was understood that this should be done. No formal enactment to this effect, however, was introduced into that Act, as it was deemed inadvisable to create a permanent machinery which after further experience might appear inconvenient.

Under these circumstances, and having regard to the objections raised to an immediate adoption of the plan proposed by two of the three gentlemen to whom the question has been referred it appears to Ministers that it would not be advisable to take action in the matter for the present.

HENRY JOHN  
TANCRED.

## MEMORANDUM by His Excellency the GOVERNOR.

*On Establishment of a Court for Settlement of Disputed Land Claims,*

- 1. The possibility of establishing a Court for the settlement of disputed claims to land (over which the Native title has not been extinguished), whether between Maoris themselves or between the Government and Maoris, is a subject to which the Governor desires to call the attention of Ministers If it is possible to devise any plan which is likely to be practically useful, he thinks it should be embodied in a Bill, and should be referred to in the Governor's Speech on opening the next session of the Assembly.
- 2. The Governor thinks that arrangements should be made to separate the office of Land Purchase Commissioner from that of Native Secretary.

Government House, Auckland,

12th March, 1861.

T. GORE BROWNE

## **MEMORANDUM by Mr. STAFFORD.**

If such a Court as the Governor suggests could be established, and the Natives be induced to refer disputes with respect to their land claims to its arbitrament, the result would be most beneficial. It is to be feared that the greatest difficulty would be found, to arise from the indisposition of the more powerful chiefs to submit to decisions adverse to their pretensions. The constitution of such a Court requires consideration. Referred to the Minister for Native Affairs and the Attorney General with that object.

The separation of the officers referred to in the last paragraph of this memorandum can be carried out at once, and the doing so will be in accordance with, a resolution of the House of Representatives last session.

E. W. STAFFORD.

## **MEMORANDUM by Mr. WHITAKER.**

This appears to me to be a question for the Native Council. I think it would be wrong to take so important a step just before its establishment as the constitution of such a Court as that referred to the result of which, under any circumstances doubtful, will much depend on the details.

23rd April, 1861.

FREDK. WHITAKER.

## **MEMORANDUM by Mr. WELD.**

I see no difficulty in the establishment of a Court of Appeal on land questions, if the Assembly will grant the necessary funds, I should commence by establishing a Court of Appeal consisting of a Commissioner and two Native chiefs, at good salaries. The Court would necessarily be peripatetic and I would strengthen it by the assistance of Native Assessors, whose local influence and knowledge would be of much value. I think that the jurisdiction of the Court should at first be confined to hearing appeals from the decisions of the Land Purchase Commissioner, and to the settlement of such land questions as may be referred to it by the consent of both parties. I am not at the present moment disposed to attempt more than this. I think that the immediate establishment of such a Court would throw open the way for the establishment of Courts with larger jurisdiction; but, before we give a Court power to deal with all land questions, we must be in a position to enforce its decrees in all cases or at least the Natives must have time to learn to appreciate the advantages of such a tribunal, and to give it their full confidence and support. Until we see some prospect of such a result—either from the well-working of such a Court as I propose, or from some desire expressed by the almost universal and decidedly-expressed wish of the Natives themselves (who should be invited to discuss the subject at the next Conference)—I think we should be ill advised to go beyond a Court of Appeal and Reference. I concur with the Attorney-General in thinking that this subject is one that the Native Council (if established) should consider and advise upon, but in any case the next session should not be allowed to pass over without action on this matter. The details need not be finally arranged at present, but the subject might be alluded to in the Governor's Speech at the opening of the session in connection with a grant of money, which I believe to be imperatively necessary for this and other Native purposes, and which I believe it will be the duty of Ministers to propose next session.

In reference to the separation of the office of Land Purchase Commissioner from that of Native secretary I have already expressed my strong desire that it should be done as soon as possible. Some time ago I requested the Native Secretary to furnish me with all the information that might be necessary to aid in the reorganization of the department. The urgent duties on which he has been since employed involving his absence from Auckland, have alone prevented steps having been taken in that direction; but, at the same time, I do not see how anything can be effectively carried out until the establishment of the Native Council is authorized by the Home Government, or at least until their answer is received on the subject. As soon as that is received the

reorganization of the whole department should be proceeded with with the least possible delay. I trust it may yet be effected, before the Assembly, meets.

24th April, 1861.

FREDK. A. WELD.

## **No. 66. Copy of a DESPATCH from his Grace the Duke of NEWCASTLE to Governor GORE BROWNE, C.B.**

*Relative to Appointment of Sir George Grey as. Governor. Downing Street, 25th May, 1861.*

SIR,—

I have perused with much anxiety the intelligence respecting the progress of the Native war which is contained in your despatches recently arrived. I cannot but perceive that, in spite of some symptoms of a desire on the part of the Natives for the restoration of peace, little effect has really been produced hitherto by the military operations at Taranaki, and that, notwithstanding all the efforts of yourself and your Advisers, the disaffection of the- Maoris is extending itself to those tribes whose amity, or at least whose neutrality, has hitherto been hoped for; and is assuming a more organized form and a more definite object. I am far, indeed, from ascribing this untoward course of, events to those who are responsible for the conduct of affairs in New Zealand. On the contrary, I recognize with pleasure the sound and impartial judgment, the integrity, intelligence and anxiety for the public good which have characterized your government of the colony for nearly six years. The present conjuncture, however, renders it necessary for Her Majesty's Government to leave no expedient untried which is calculated to arrest the course of events now unhappily so unpromising, and at the same time to provide for the future difficulties which there is only too much reason to anticipate even if the war should happily be soon brought to a conclusion.

Having regard therefore to the peculiar qualifications and experience of Sir. George Grey, now governing the Cape of Good Hope, I have felt that I should be neglecting a chance of averting a more general and disastrous war if I omitted to avail myself of the remarkable authority which will attach to his name and character as Governor of New Zealand. I trust therefore that you will not feel it as any slight on yourself that I should have determined to place the government of the Islands in his hands at a moment when your own term of office has all but expired and you would have no opportunity of providing against those future difficulties to which I have referred. I hope that, in doing so, I shall not deprive the Crown for any long period of the advantage of your services.

I have communicated to Sir George Grey my wish that, as the matter is one of urgency, he should lose no time in proceeding to New Zealand, for the purpose of assuming the government. My confidence in your public spirit assures me that in transferring it to him you will give him every assistance and information which is calculated to facilitate his dealings whether with the local Government or with the friendly or hostile Maoris. I have only to add that, in case you should be disposed to accept another Australian Government, it may be convenient that instead of repairing to this country you should remain for a short time in Sydney, until I am able to communicate with you more definitely upon that subject.

I have, &c.,

NEWCASTLE.

Governor Gore Browne, &c.

# No. 67. Copy of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY.

*Instructions to Governor Grey on his Return to New Zealand.* Downing Street; 5th June, 1861,  
SIR,—

With reference to my despatch of even date herewith, I am anxious to address to you a few observations which, without fettering your action in the discharge of the important duties—which await you in New Zealand, will serve to indicate the main objects which, in the judgment of Her Majesty's Government, you should keep in view, and the nature of the means by which they may probably be attained.

I need hardly say that the first of these objects, and the one which Her Majesty's Government have most at heart, is the establishment of peace. In calling, upon you to proceed to New Zealand, they have been mainly influenced by the hope that your intimate knowledge of the Natives, the reputation which you enjoy among them, and the confidence with which you formerly inspired them;—may enable you to bring this deplorable warfare to a close earlier than might be in the power of any other man. I shall not attempt to prescribe the conditions of peace which I may think ought to be imposed or accepted; but I wish to impress upon you my conviction that, in deciding upon those conditions, it will be your duty, while avoiding all unnecessary severity towards men who can scarcely be looked upon as subjects in rebellion, to take care that neither your own mission nor the cessation of hostilities when it arrives shall carry with it in the eyes of the Natives any appearance of weakness or alarm. It would be better even to prolong the war, with all its evils, than to end it without producing in the Native mind such a conviction of our strength as may render peace not temporary and precarious; but well-grounded and lasting. If the Maoris acquire that conviction and if they find themselves, as I trust and believe they will, treated by the Government after their defeat with as much fairness and consideration as they received before, much will have been done to secure the future welfare and harmony of the two races which inhabit New Zealand.

It will be your further duty, and that one of no little difficulty, to endeavour to place the administration of Native affairs upon a more satisfactory footing than that on which it has hitherto stood. The latest attempt made to improve that administration consists in the Native Council Act, which was passed at the close of the last session of the New-Zealand Parliament. I shall not advise the Crown to bring that Act into operation until I shall have received a report upon it from you as a portion of the general subject: unless, indeed, you should feel satisfied of the necessity of acting upon its provisions without delay, in which case you will be at liberty to propose a short Act to the General Assembly bringing the Native Council Act into immediate operation without a further reference Home. You will find that this measure was accompanied in its passage through the Assembly by a resolution of that body addressed to Governor Gore Browne, and a message from him in reply, which professes to lay down the future relations between the Governor and the Responsible Ministry in the administration of Native affairs. These documents, have, however, conveyed no clear idea to my mind as to the intentions of the respective parties: and it will be your duty to endeavour to place those relations on such a footing as will insure that harmony and efficiency which the present system has failed to produce, in spite of the zeal and ability of Governor Gore Browne, who has frequently urged its deficiencies upon my consideration and that of my predecessors.

With an improved machinery of administration, with your well-earned influence over the Natives, and with, I trust, the cordial co-operation of your Ministers and the Legislature, which you will make every effort to secure, I look forward to the introduction by you of some institutions of civil government and some rudiments of law and order into those Native districts whose inhabitants have hitherto been subjects of the Queen in little more than in name, notwithstanding the well-meant colonial legislation of the last few years. I may add that your experience in British Kaffraria would seem to recommend a system under which a certain number of the Native chiefs should be attached to the Government by the payment of salaries and the recognition of their dignity, and should at the same time be assisted by Resident Magistrates in administering justice within their respective districts or tribes. It will be for you to consider how far the policy you have pursued towards the

natives of South-Africa may be suited to those of New Zealand, considering the circumstances in which the Maori differs from the Kaffir, and the superiority in many respects of the former over the latter.

But, whatever be the system which you may be led to adopt for the management of Native districts, two things are evidently essential to its successful establishment—sufficient power and sufficient funds. The first you will, I trust, find in the co-operation of the Natives themselves, in the temporary presence of a large military-force, and in the support of the New Zealand Parliament. For the latter, also, you will have to appeal to that body; and I feel the utmost confidence, strengthened by observation of its past conduct, that it will see clearly its duty and its interest, and will vote with liberality the sums necessary to carry into effect a well-considered plan of Native government and civilization. In order, however, that no aid which Her Majesty's Government can afford you may be wanting, I shall think it my duty to advise Her Majesty to issue Letters Patent conferring upon you all the powers which can be conferred upon the Governor under the Constitution Act. For this purpose I have consulted the Law Officers of the Crown, and, as soon as I have obtained from their high authority, an exact definition, of the limits of those powers, I will furnish you with full instructions on the subject. I will only here observe that the most important of the Crown's powers not hitherto exercised is that of declaring Native districts, with the effect of withdrawing them, for purely Native purposes, from the jurisdiction of the General Assembly or Provincial Councils, or both. It will be for you and your Ministers, aided probably by the proposed Council, to consider whether a colonial law might not with advantage be passed, withdrawing such districts for all purposes, from the provinces within which they are nominally included; and whether a distinct legislation and administration, in which the Natives themselves should take a part, would not better promote the present "harmony and future union of the two races than the fictitious uniformity, of law which now prevails, or than any attempt, to introduce the Natives (in their present condition) into the electoral body of the colony, either provincial or general.

I have not yet alluded particularly to one most important portion of the, subject, closely connected with the origin of the present disturbances: I mean the system under which the purchase of Native lands is now, and ought to be in future, conducted. You will direct your earliest attention to this subject, examining whether the system of negotiation between the agents of the Governor and the Native owners, though in, conformity with the Treaty, of Waitangi and for many years successful, may not in the present condition of the Natives and settlers require to be, modified or superseded.; and whether, if it should in whole or in part be maintained, some tribunal cannot be established, entitled to confidence of both parties, for the purpose of adjudicating upon disputed claims when urged in a legal and peaceable manner. In connection with this topic I have now to indicate to you generally the nature of the concessions which Her Majesty's Government would be prepared to make, with a view to a satisfactory arrangement of Native-administration;. and upon learning from you that you had succeeded in concluding such an arrangement with the representatives of the colonists,—first, they will be prepared, to the extent which you may think wise, to waive the serious objections to such changes, as those, proposed by the Native Territorial Rights Act of 1858, which led to the non-confirmation, of that measure, and were pointed out in the despatch of my predecessor (signed by Lord Carnarvon) of the 18th May, 1859. They will accordingly be willing to assent to any prudent plan for the individualization of Native title, and for direct purchase under proper safeguards of; Native lands by individual settlers, which the New Zealand Parliament may wish to adopt. Secondly, they will consider, with the strongest desire to acquiesce in them, any Ministerial arrangement for the conduct of Native affairs which may appear, safe to yourself and be acceptable to the colonists. Thirdly; they will be ready to, treat the colony with as much indulgence as their duty will permit on the subject of the charges of military protection, and the number of troops to be maintained in. New Zealand.

I have to add one proviso applicable to the three subjects with which I have just dealt, which, however obvious, must be distinctly laid down. Whatever may be the future arrangements as to the purchase of Native land or administration of Native affairs, or whatever may be the amount of force maintained in the colony, or whatever the source from which its cost shall be defrayed, it will be impossible for Her Majesty's Government to authorize the Governor of New Zealand to employ Her Majesty's troops in suppressing Native disturbances, unless he shall have been thoroughly conversant with, and personally consenting to, every measure of the local Government which, in its operation, may have unfortunately led to the necessity of so employing them; and this principle, the justice of which can hardly be questioned, must govern all the arrangements which you may be able to make in concert with the local authorities on the subject of Native affairs. But I am at the same time fully, aware that, under a, Constitution such as that which New Zealand possesses, the value of the above proviso is far less real than it might appear, and that the practical power which a Governor is likely to exercise is of a negative and an uncertain character. Such being the case, Her Majesty's Government can only trust that the good sense and good feeling of the colonists will lead them to a cordial understanding with the Representative of the Crown for the purpose of effectually promoting the civilization and good government of the Natives, and thus securing their friendship and contentment. Should, unhappily, a contrary course be pursued—which I will not anticipate—there would be no security against future Native wars, while it would be

impossible for any Government in this country to supply Imperial troops at Imperial charge, in order to avert from the colonists the disastrous consequences of a policy which would have been pursued against their advice, and over which they could, under the actual Constitution of the colony, exercise so little control.

I have, &c.,

Governor Sir G. Grey, Newcastle.

K.C.B., &c.

## **No. 68. Copy, of a DESPATCH from Governor GORE BROWNE C.B., to his Grace the Duke of NEWCASTLE.**

*Waikato.—On the Military Force necessary.* Government House, Auckland, New Zealand, 6th July, 1861.  
My Lord Duke,—

I have the honour to forward a printed copy of the declaration to the Waikatos, and W. Tamihana's reply to the same; a report of a Select Committee of both Houses of the Assembly; and an extract from the Proceedings of the Executive Council on the same subject.

Tamihana's reply must convince the most sceptical that the purchase of land at the Waitara was the excuse and not the cause of the war; that its real cause was a deep-rooted longing for separate nationality, which had been growing for years, and could never have been stifled by palliatives of any sort: and there is every reason to believe that it has spread far and wide throughout the South of this Island. All doubt, therefore, is now at an end; and it is evident that, if the Maoris will not submit, this part of the colony must be abandoned by all who will not yield obedience to Maori law, of which the aptest symbol is the tomahawk.

War, in a country occupied as this is by settlers and stockowners, thinly spread over its whole surface, must necessarily be disastrous to both races; property must be abandoned, houses deserted, the settlers must rally round the centres of population, and many who are in comparative wealth will be reduced to extreme poverty. Nothing can be done to alleviate that suffering which is the inseparable accompaniment of war under such circumstances; but it ought to be brought to an end in the least possible time. Every day's prolongation of war adds to the destruction of life and property, and diminishes the means possessed by the colony for paying its share of the expense. It follows, therefore, that a force large enough to bring the war to a conclusion in a single campaign would be less costly to the Imperial Government, and far more merciful to both races, than a very much smaller one, if that end could only be attained by a longer time.

The question is, therefore, Could a war against the Waikatos and their allies be brought to an early conclusion with the force now at the disposal of General Cameron? My Responsible Advisers, and the Select Committee of both Houses of the Assembly (which, I am informed, represents the views of the Assembly generally), are of opinion that it cannot. Under ordinary circumstances it would not be my duty to offer an opinion on the subject; but the lives of many and the properties of all the settlers in this Island are at stake, and I do not, therefore, hesitate to say that I agree with them, and desire to repeat the opinions expressed concisely in my Despatch No. 51, of the 13th April last. In order to bring the Maoris to submission in the course of one or two seasons, I believe it is absolutely necessary that the General should have a movable column of not less than three thousand rank and file; that he should be able to keep up a chain of communication with his advanced post, which should be in the centre of the Waikato—one hundred miles from Auckland. I have every reason to believe that the insurgents will only partially obstruct his course by occupying strong natural positions, and rifle-pits; but while he advances they will spread over the country in small parties, attacking the settlements (which occupy the circumference of the Island, while they inhabit the centre), and carrying destruction far and wide. To meet this the settlers will have to congregate in the large towns; and the force in these towns should be such that, though unable to take the field regularly, they should be able to make sallies against any parties of



moderate strength coming within their reach, and prevent the Maoris from carrying off stock, which would furnish them with the means of prolonging: their resistance indefinitely. If this could not be done, the Natives would consider success in the smaller settlements as compensation for any loss in the Waikato; and they would be justified in so doing, for the Waikatos have little or nothing to lose, while our settlements would be reduced to beggary.

I agree with the Committee in thinking that the garrisons in the towns in the South are not strong enough to do more than act on the defensive, and the General states that if he were now to reinforce these garrisons he will be unable to take the field with an efficient body of men. By his letter (copies of which are forwarded by this mail) he calculates on the organization of a considerable force of Militia, and animadverts on the supineness of the local Government in this respect. The subject is reported on in a separate despatch. I differ from the General, however, as to the practicability of organizing such a force of Militia as would be sufficient for our purposes. The constant employment of so large a portion of the male population (estimated in this Island at eight thousand fighting men) would destroy the source of the revenue from which the colony can alone pay its share of the expenses of the war, and deprive it and the troops of the service of the industrial part of the community, without which it would not be easy to subsist. I say nothing of the vast expenses of a Militia in which the men are necessarily paid half a crown a day, in addition to rations and equipment when in the field.

The amount of force which may be necessary to subdue the Maoris once and for all, and prevent a lingering war, is of course, a matter of opinion; but I believe it would be the, cheapest in the *end* and by far the most merciful to both the Maori and the settlers, if Her Majesty's Government would send out such a number of men as would enable General Cameron to confront the Maoris at all points, and bring this unhappy insurrection to a speedy termination. I hope to be able to bring a number of the Ngapuhi Tribe to assist, but it will not be safe to rely implicitly on their support.

I have, &c.,

T.GORE BROWNE.

His Grace the Duke of K. G. Newcastle, &c.

## No. 69. Copy, of a DESPATCH from Governor GORE BEOWNE to his Grace the Duke of NEWCASTLE.

*Requesting that a Royal Proclamation be sent in reference to the Maori Rebellion.* Government House, Auckland, New Zealand, 6th July, 1861  
My Lord Duke,—

I have the honour to request that a Royal Proclamation may be sent to me by the earliest opportunity, setting forth the views and ultimate determination of Her Majesty in reference to the insurrection in this colony. I am induced urgently to request that this course may be adopted because it has been industriously circulated, and believed by the Maoris, that I am not acting in accordance with the views and wishes of Her Majesty's Government. It is even believed that the troops have not been sent by Her Majesty's command, but by the Governors of other colonies *The Natives have been encouraged to distinguish between her majesty's Imperial Government and the Governor of the colony*, and have been taught to regard the former as their only security against injustice and aggression. This pernicious suggestion is openly approved and defended by many of the agitators against my Government Even sir William Martin says that "a temporary estrangement of the native people from the Colonial Government would be followed by a strong and abiding attachment to the Government of England." Under these circumstances I am satisfied that the expression of a distinct opinion by Her Majesty's Government is absolutely necessary to undeceive these misguided people.

Your Grace will observe that in my declaration to the Waikatos I insisted upon the right' to make roads

throughout Native districts: not only on account of the evident advantage they will be but because acquiescence in this demand is almost the only material guarantee for future good conduct which the insurgents have it in their power to give. It might also be desirable that the Natives should be informed that those who join the insurgents and take up arms against Her Majesty must in future expect that their offence will be visited by confiscation of land.

I have, &c.,

t.GORE BEOWNE.

His Grace the Duke of Newcastle, KG., &c.

## **No. 70.Copy of a DESPATCH from Governor Sir GEORGE GREY to his Grace the Duke of NEWCASTLE.**

*Governor Grey's Departure from the Cape.* H.M.S "Cossack," 15th August, 1861.

My Lord Duke,—

I have the honour to report to your Grace that, in consequence of your instructions that I should proceed with as much despatch as possible to assume the government of New Zealand I applied to Admiral Sir Baldwin Walker for a passage in H.M.S. "Cossack," for myself and the persons named in the margin, from the Cape of Good Hope to Auckland, in New Zealand

- 2. I considered it to be my duty to avail myself of *the* most rapid and direct means which I could find of reaching New Zealand, for the intelligence received of the terms of peace offered to the Natives of the Waitara renders it probable that war must break out in some other part of the Islands It is, therefore, a matter of great importance, if I am to conduct these affairs to a conclusion that I should arrive at the scene of action as rapidly as possible. It is, also, by no means impossible that the assistance which may be given by another ship of war on the New Zealand station-may prove of great advantage in bringing about a satisfactory solution of the disturbed state of affairs prevailing there. I therefore, as I could obtain the assistance at the Cape, thought I ought not to throw away a chance which may prove of much benefit to Her Majesty's service.

I have, &c.,

G.GREY

His Grace the Duke of K. G. Newcastle, &c.

## **No. 71.Copy of a DESPATCH from. Governor Sir GEORGE GREY to his Grace the Duke of NEWCASTLE.**

*Governor Grey's Arrival at Auckland.* Government House, Auckland, 4th October, 1861

My Lord Duke,—

I have the honour to report to your Grace that I arrived at Auckland upon the 26th ultimo.

- 2 My predecessor, Colonel Gore Browne, was administering the Government at the time of my arrival. I had thus the advantage of receiving his advice and his opinion upon the present state of the country, which he gave me in great detail, with an anxious desire, in as far as possible, to aid me in the discharge of the difficult duties on which I was about to enter.
- 3. Colonel Browne could not leave the colony until the 2nd instant. On that day he embarked amidst the most lively demonstrations of regard and good-will from the inhabitants of Auckland; and upon the 3rd instant I took the oaths of office, and entered upon the administration of the affairs of this Government.

I have, &c.

G.GREY.

His Grace the Duke of K. G. Newcastle, &c.

## **No. 72. MINUTE by MINISTERS on the Position of the Colony at the Date of the Arrival of Sir George Grey: chiefly in relation to the Native Insurrection.**

*Position of the Colony on Governor Sir George Grey's Arrival.* Auckland, 8th October, 1861.

Ministers assume that Sir George Grey has been put in possession of all information which had reached the Home Government down to the 5th of June last, which would include the events in the month of March; or possibly to the beginning of April.

It is unnecessary to offer any comments on the origin or progress of the Taranaki war, with the particulars of which Sir George Grey is no doubt fully acquainted to the above dates. Actual fighting ceased on the 13th or 14th of March last; the Waikato contingent returned home, accompanied by Wiremu Kingi and a few followers; whilst Hapurona, Kingi's fighting general, and a portion of the Ngatiawas, submitted themselves and accepted the terms of peace offered by the Governor. The Ngatiruanuis and Taranakis also returned home, and the British force, with the exception of one regiment, was removed to Auckland.

There were three distinct offers of terms of peace by the Governor to the different tribes who had been engaged in the insurrection: First, those addressed to the Ngatiawas; second, those addressed to the Ngatiruanuis and Taranakis; third, those addressed to the Waikatos. The first have been subscribed by a portion of the Ngatiawas, including Hapurona, but not Kingi. But, although a cessation of hostilities has resulted, the terms imposed on the Natives have not been fulfilled. The second have been rejected. The third were laid before a very large runanga of Waikatos at Ngaruawahia on the 7th June last. The reply of the runanga neither accepts nor rejects, but suggests that the Governor should give time for discussion and consideration. A letter from Wiremu Tamehana, the leader of the King movement, of the same date, rejects the terms; but he subsequently addressed another letter to the Governor, June 7th, of a less argumentative and positive character. Thompson cannot be regarded as the mouthpiece of the Waikato tribe as a whole, though he probably represents, or at least at that time represented, the sentiments of a majority, and exercises much influence both in Waikato and elsewhere. A brief memoir which appeared in a late Auckland paper illustrates his position at this crisis. It was written by a gentleman who has had peculiar opportunities of making himself acquainted with the subject.

Owing to the lateness of the season and the unprecedented wetness of the winter all military movements

have been necessarily suspended from the period of the return of the Waikatos to their own country. It is understood, however, to have been the intention of Governor Browne to insist on the submission of that tribe, and their acceptance of the terms offered to them in May.

Early in July a change of Ministry took place. A prominent feature of the policy of the new Ministry consisted in their desire to set on foot negotiations with the Natives of a practical character, by personal communication, in the hope that amicable discussion might lead to a peaceful solution of the difficulties in which the relations of the Government and the Natives were involved. The Ministry proposed that a preliminary meeting should be held between Tamehana and some of the Ministry at Tuakau, and then, if there proved to be a prospect of a satisfactory result, that Tamehana, should meet the Governor at Auckland or elsewhere. These views met His Excellency's concurrence. Replies were sent to Tamehana intimating that the desired meeting should shortly take place. Matters were in this state when the announcement of the appointment of Sir George Grey led to the suspension of all important measures connected with the Natives, either of a military or diplomatic character.

The attitude of the Waikatos is at present one of suspense. They say that they will not give up the King movement—that the appointment of Sir George Grey as Governor will not induce them to succumb; they must hear what he has to say. They will remain quiescent. They do not wish to fight; but, if they are attacked, they will fight to the last man. These are probably the statements of a majority of the tribe; but there is a considerable section of them who are opposed to the King movement, and other tribes elsewhere, particularly the Ngapuhis and northern Natives; and some of them are reported to be, exerting themselves to induce others to abandon it. It is probable, however, that if war should ensue the bulk of the Native population to the southward of Auckland would gradually drift into it. The Waikatos are the backbone of the present great movement, whether called the King movement or known by any other symbol.

The Kingship is not, in the opinion of Ministers, an essential ingredient in that movement, further than as a rallying cry and as representing in some degree ideas of self-government and separate nationality. But many of the other tribes which support the movement and call themselves Kingites would admit of no claim to supremacy on the part of the Waikatos. Their views on the subject of the great agitation which has been going on for some years are probably not well defined; but the pervading idea of the bulk of those who support the movement aims at independence and freedom from interference on the part of the British Government. It is less an idea of collective national independence than a desire of the different sections of population to be let alone as they are, to manage their own affairs after their own fashion; and if, as between them and us, they should achieve, the independence they aim at, its immediate result would be a struggle for supremacy and intertribal hostilities among the several sections of which the confederacy is made up. They further imagine that, while they suffer from interference with their liberty of action on the part of our Government, they derive no substantial benefit or protection from its paternal care. The Government, they say, does not suppress crime except where a European is concerned. On the other hand, they point to the result of their own rude efforts at the establishment of institutions, including in many places judicial tribunals, as having already produced practical fruits of better government than our institutions, as hitherto worked, have conferred on them. How the runanga was worked, see Mr. Fenton's journal of 1857, the Report of the Waikato Committee, and letter from Waikato settler, appended. In addition to this desire for law, order, and social elevation, jealousy on the subject of their lands has been a very strong motive in creating this movement. They are dissatisfied with the present system of land-purchasing, and suspicious that the sole aim of the Government is to induce them to sell their land; and, whatsoever may be the merits of the Taranaki case, there is no doubt; it has contributed very greatly to the growth of this feeling.

The foundations of the King movement may then be summed up in a few words. They are a desire for good government, a conviction that our rule does not give it, jealousy on the land question, and certain crude ideas of independence.

Ministers are persuaded that, had the task of patiently framing and embodying suitable institutions (commenced some four or five years ago) been persevered in, shape might have been given to the Natives' confused ideas, and their acquiescence secured in some general system of government which might have strengthened the bonds of union between the two races. The lapse of time, and still more the Taranaki war, have not only rendered this task much more difficult in itself, but created or developed an inflammable and dangerous temperament in the Native mind which a very small spark may at any moment cause to break out into a blaze. This, however, only makes the task more difficult, not altogether hopeless.

The Natives of New Zealand are, as Sir George Grey is aware, a deliberative people. Deeply impressed with the value of the King movement, which embodies at present the one political idea of the race, they are not likely to abandon it unless some more attractive and at the same time solid substitute is offered. To give practical effect to what is good in that movement, by institutions adapted to their habits and capacities, while at the same time we persuade the Natives to reject whatever in it may be antagonistic to the authority of the

British Government, ought to be our aim. To effect this, time and forbearance and the personal action of the highest officers of the Government are necessary conditions.

It has been argued that direct communication between the Governor and the Waikatos at this crisis would not be consistent with the dignity of the Crown, that no further overtures on our side can be made, that the terms already offered must be unconditionally accepted, and that submission must be enforced with the sword. If we were dealing with a civilized people, long accustomed to the usages of great nations, and versed in the rules of international law, such arguments might have weight. But when we consider that the New Zealanders are a people barely emerged from barbarism, and groping their way from darkness to light, for the most part without help, it is not towards them that such an argument should be used. Nor should it be forgotten that they are British subjects: a character which imposes upon us the obligation to win, rather than to enforce, their allegiance. They have of late years attained a remarkable appreciation of the advantages of law and order, as administered and maintained by themselves. It wants but little more to induce them to accept at our hands a better law and more perfect order; not confined solely to their own social wants, but involving the proper regulation of those relations which spring from the juxtaposition of the two races, and which can only be harmonized under the rule of one supreme head extending its protection equally to both.

A resort to force in the case of the Waikatos will almost to a certainty involve all the tribes south of Auckland. "The first shot fired in Waikato," Governor Browne said on a late occasion, "will be the signal for a general rising." On the other hand, many of the tribes alluded to, who would make common cause with the Waikatos in case of war, are far from being so wedded to the King movement as not to be open to be detached from it by persuasion and argument. Only a small part of the Natives have been in overt insurrection; except the Ngatiruanuis and Taranakis, no whole tribe has been committed. Such of the Waikatos as took part in the Taranaki war did so on their own individual responsibility, and not as the result of any tribal action. Admitting that these individuals and the Ngatiruanui and Taranaki Tribes have placed themselves in a position to justify severe treatment, why should the larger part of the Waikatos, and all the other tribes who have taken no part in the insurrection, be included in the same sentence?

The object of Ministers in this memorandum is not so much to suggest to Sir George Grey the course to be pursued as to put him in possession of the facts of the case at the present moment. It may not, however, be out of place if they indicate certain courses of action which might suggest themselves as those to be pursued. First, there is the assumption of a position resting on the demand of unconditional submission to the terms already offered, or to any other of a similar character. It will be inferred, from what has already been said, that this is not recommended. Second, the Governor might place himself in direct communication with the insurgent Natives, condone them for their past conduct, give them assurance of a desire to meet their wishes, and yield whatever they might ask. This is a course not to be recommended. Third, the Governor might instal himself at Auckland without making any direct overture to the insurgents. It is pretty certain that before long he would be visited by many of the most influential chiefs belonging to or connected with the Waikatos; indeed, with all the other tribes. Friendly communication with them in a spirit of firmness and conciliation, accompanied by acts of personal kindness, would result in their return to their tribes in a temper which would probably go far to promote a pacific solution of difficulties. Sir George Grey would have in the meantime the opportunity of making himself fully acquainted with the position of the question, and arranging his own plans for the future. Then will be the time for direct personal communication with the larger bodies of Natives.

Sir George Grey will find the circumstances of the colony greatly changed since the period of his previous administration. Whilst its resources are greatly increased, its weak points are multiplied also. Large districts, remote from towns, have been occupied by considerable populations more or less scattered, but all substantially unprepared for self-defence in case of a general insurrection. In the Province of Auckland the city and the outsettlers as far as Otahuhu at least, might be considered as pretty safe within the military lines, while the northern parts of the province lie among friendly Natives. The whole population of the Province of Hawke's Bay, however, numbering between two and three thousand souls, is scattered over an area of some three millions of acres, on isolated sheep farms, the homesteads on which are generally several miles apart. In the Wairarapa district of the Province of Wellington are some two thousand souls, being partly on runs or in small-farm communities of two or three hundred souls each, and intermixed with a body of Natives several hundreds in number, who can be reinforced by thousands at a few hours' notice from Hawke's Bay, Manawatu, Taupo, and other districts. In and about Whanganui, scattered over an area of somewhere about a million acres, are from two to three thousand souls, accessible by large bodies of Natives. All these populations have large quantities of live stock, extensive cultivations, farm-buildings, mills, and other fixed but destructible property. The Natives are also much changed within the last seven years. The political agitation already referred to has done much towards making them forget old feuds, and united them to a great extent in a common cause. They are also much better prepared for war than formerly. In 1857 the restrictions which Sir George Grey imposed on the sale of arms and ammunition were released to an extent which may be said to have thrown the sale open.

According to an estimate based on the Customhouse returns, the Natives expended on arms and ammunition during the succeeding three years a sum approaching, if it did not exceed, £50,000. This may seem almost incredible. It is a fact, however, that small parties of Natives have purchased at one time whole tons of powder. While, therefore, the supplies in the hands of the Natives are insignificant compared with our resources, and insufficient; for any lengthened operations, and have been no doubt lessened by the expenditure on the Taranaki war, they are undoubtedly sufficient to carry destruction into all the settlements of this Island.

The King party is so organized in the Island that, in case of war commencing in Waikato or elsewhere on the basis of the King movement, but a short time would elapse before concentrated attacks would be made on every district occupied by Europeans. It need hardly be said what would be the result in the way of destruction of life and property. Governor Browne stated that 20,000 troops would not enable him to do more than protect the centres of population. At least half, probably two-thirds, of the population south of Auckland would be at the mercy of Natives.

As regards the military resources of the colony for aggressive purposes, the Governor will no doubt receive full information from the Lieutenant-General. It is sufficient here to state that there are a little over six thousand troops in the colony: of these, one regiment is at Taranaki, four hundred men at Wanganui, four hundred at Hawke's Bay, and three hundred at Wellington. The remainder are concentrated around Auckland. As regards colonial defences, there are a Militia, partially but very insufficiently organized, and a few Volunteer corps. These bodies can at best be looked to as a protective force of a character purely local, the existing law not allowing of their "mobilization" to a distance of more than thirty miles. They are very inefficiently supplied with arms and ammunition, and very imperfectly trained, while the organization of the force requires an entire change. A report of the Joint Committee of both Houses of the Legislature is appended, which will throw some light on this subject. The Governor's attention is particularly called to the resolutions of the House of Representatives referred to in that report, and also to a memorandum of an interview between Governor Browne and a deputation of Wellington members on the subject of the defence of that province, a copy of which is annexed.

Another point to which the attention of the Governor ought to be directed is the impossibility of providing places of refuge for the women and children in case of a general war. From fifteen to twenty thousand of these would have to be provided with house-room and food, in towns already over-crowded, and no means of making such provision exists without very considerable warning beforehand.

The foregoing remarks have reference to our relations with the Natives, and the policy towards them in general. There are, however, some special circumstances which will demand Sir George Grey's serious attention.

The present state of the Taranaki settlement is this: The main body of the troops have (as already stated) been withdrawn. The place is now garrisoned by a single regiment, the principal part of which is stationed in the town or its immediate neighbourhood a small party being stationed in a blockhouse at the Waitara, on the land which has been the subject of dispute. This place is almost cut off from communication with the town, and is a position of considerable risk in case of war. The Militia at Taranaki has been called out, and is on actual service under proclamation of martial law. There is also a small but very effective corps of Volunteers. Many settlers and their families have left the place. During actual hostilities a large number of women and children were removed to Nelson, but many of them have returned. The ordinary industrial occupations of the settlement have been for the most part abandoned or suspended. The farms are in general left uncultivated, and much of the land is returning to the state of nature, and is being overrun with Scotch thistles and gorse from the fences. The farmhouses and buildings, except close to the town, have been destroyed.

The Ngatiruanui and Taranaki Natives remain in a state of passive insurrectionary sullenness; refuse submission to the terms proposed, retain possession of large quantities of the settlers' stock carried off during the war, have stopped the mail though carried by Natives, and threaten death to all Europeans who venture beyond certain lines, so that no one dare travel beyond a few miles from the Town of New Plymouth on the one side or Whanganui on the other. The Tataraimaka Block, purchased from the Natives, and which has been parcelled out into thriving farms, for the most part under cultivation, may now be said to be practically in the possession of the insurgents. The homesteads of the settlers, their fences and cultivations, have been destroyed: and no settler will incur the risk of going on his own land. In fact, the Natives boast that they hold the land by right of conquest.

This state of things cannot, in the opinion of Ministers, be suffered to continue.

As regards the policy to be pursued in reference to the settlement of Taranaki, several courses are open. First: Matters may be left as they are; in which case the settlement will by degrees dwindle away. Settlers will abandon it, particularly with the temptation of neighbouring gold fields presented to them. It will become practically a military post, but to be maintained at heavy cost, without definite object; for the restoration of the settlement under such circumstances would be hopeless. Second: It may be abandoned altogether—a suggestion

which would not, it is imagined, be for a moment entertained. In fact, to abandon it would involve a loss of prestige dangerous to the colony generally. Third: Vigorous measures may be taken to re-establish our position. And this appears to Ministers the true policy. If there must be a war, it is better far that it should be at Taranaki than elsewhere. For whatever mischief could be inflicted on British settlements by a state of war has been done there. The penalties of war have been already paid. Besides this, the case of the Ngatiruanui and Taranaki Natives is the one which presents the fewest grounds of sympathy with other Natives. They engaged in the quarrel without provocation, and were guilty of gross outrages. Their present attitude is one of such open hostility as in the eyes of well-affected Natives themselves would not merely justify but demand on our part active measures against them, and retribution for the wrongs done. Added to this, if operations were carried on with a view to open up and establish military communication by roads between Taranaki and Whanganui, such operations would be attended with some facilities, and in the end with great patent advantages.

Ministers are of opinion (so far as they can presume to offer an opinion involving military considerations) that firm and decisive action should be taken in this direction. They believe the effect would be in no long space of time to bring the Ngatiruanuis and Taranakis into submission. The settlement of Taranaki might then, in the end, be re-established on a safer basis, and enabled to recover and extend itself. It is not improbable that hostile operations in the Taranaki country would draw towards it some portion of the Natives of other districts. Such a possible result would not, in the opinion of Ministers, be a sufficient reason against the course of action which they recommend. The time and manner of commencing such operations would require distinct consideration. The first object appears to be, as far as possible, to win back the allegiance of the bulk of the Native people, and to place the settlements in an effective position of defence. Ministers do not apprehend any aggressive movements on the part of the Natives as likely to result from the course which they recommend, except against the settlements of New Plymouth and Whanganui. There appears to Ministers no inconsistency in dealing with the main body of the Natives, the Waikatos in particular, with a gentle and even friendly hand, and endeavouring by all legitimate means to recall and attach them to us; and at the same time assuming a stern and decisive attitude towards the Ngatiruanuis and Taranakis, with a view to compel from them material guarantees for their future good behaviour.

One other topic requires to be brought under Sir George Grey's consideration, namely, the recent gold discoveries as affecting Native policy. The fact of paying gold fields existing in New Zealand is now placed beyond a doubt. The auriferous district extends through the Northern and Middle Island from Cape Colville downwards. Already there are signs of a large influx of population, directed at present to the Otago Gold Fields, but which will in all probability spread to the Northern Island, particularly in the direction of Coromandel. What may be apprehended is, lest gold-seekers should force themselves into Native districts against the will of the Native owners, the result of which would probably be a collision between the races, leading to fresh political complications. It will, in the opinion of Ministers, be the duty of Government to guard against the risk by all means in their power. If the Natives could be prevailed upon to open their country to gold-mining enterprise the political difficulty would be solved, whilst at the same time the material interest of the colony, and of the European and Native races, would be advanced. This subject, however, will scarcely demand much attention at present, unless richer gold fields shall be discovered in the Northern Island than have hitherto been found.

WILLIAM FOX.

## **No. 72A.MINUTE by MINISTERS on the Machinery of Government for Native Purposes in Existence at the Date of Sir George Grey's Arrival.**

*Machinery of Native Government in Operation. Auckland, 8th October, 1861.*

The Constitution Act, which in other respects confers on the colonists the fullest powers of managing all the domestic affairs of the colony, makes three exceptions in reference to matters connected with the Natives: (1.) It gives to the Crown power to define Native districts within which, as between nations, their own laws and customs shall prevail. No such district has hitherto been set apart, and so far this exceptional clause of the Constitution has been inoperative. (2.) The power of extinguishing the title of the Natives in the waste lands is reserved to the Crown. (3.) A Civil List of £7,000, a year is reserved for Native purposes; but the specific appropriation of that amount to particular objects of Native service seems to be within the function of the Assembly. These being the only points on which any exceptions are made from the powers of self government conferred by the Constitution Act on the Assembly, it seems a reasonable conclusion that the general administration and control of Native affairs, in all other particulars except the three above mentioned, are *as far as the Constitution Act is concerned* vested in the Assembly.

As regards the right of legislation on Native affairs, the Assembly has always claimed and exercised it, subject only to the same vetos of the Governor and of Her Majesty as on all other matters. But as regards the executive administration of affairs relating to the Natives an exception has been made from the practice established in reference to the other departments of Government. It is this: On the introduction of Responsible Government in all other matters in 1856, Governor Browne made it a *sine quâ non* that he should retain in his own hands the administration of Native affairs. The following memoranda, by which the relations of the Governor towards his Ministers were established, explain the position which he assumed to himself in the matter:—

"The view the Governor takes of the relations between himself and his Responsible Advisers is as follows: (1.) In all matters under the control of the Assembly the Governor should be guided by the advice of gentlemen responsible to that body, whether it is or is not in accordance with his own opinion on the subject in question. (2.) On matters affecting the Queen's prerogative and Imperial interests generally, the Governor will be happy to receive their advice, but, when he differs from them in opinion, he will, if they desire it, submit their views to the consideration of Her Majesty's Secretary of State, adhering to his own until an answer is received. Among Imperial subjects the Governor includes all dealings with the Native tribes, more especially in the negotiation of purchases of land. He will receive and act on the advice of his Responsible Advisers in reference to the amount of money they may desire to have expended in any one year in the purchase of land, but beyond this he considers himself bound to act on his own responsibility. The Governor alone is responsible to Her Majesty for the tranquillity of the colony, which would be endangered by the ordinary and inevitable change of opinions consequent on a change in his Advisers. It follows, as a necessary consequence of these views, that the Chief Land Purchase Commissioner and his subordinates must take their orders from the Governor alone."

There was a strong disinclination among many members, of the House of Representatives to concur in the retention by the Governor of the administration of Native affairs; but the desire for Responsible Government in other matters induced them to forego their objections, and the terms proposed by the Governor were finally accepted by the majority, and have been acted upon ever since. The result is that, while on all other subjects the Responsible Ministers are the sole advisers of the Governor, and exercise the entire executive functions of the Government, on Native affairs the Governor has, in addition to his Ministers, another adviser his Native Secretary, who is not a Responsible Minister, nor under, the control of Responsible Ministers, but who exercises absolutely (subject only to instructions from the Governor himself) all the executive functions of Government in relation to Native affairs. The Land Purchase Department, which exists under the reservations in the Constitution Act, is also in the same position. The Governor consults his Responsible Ministers to the limited extent specified in the memorandum of 1856, but also consults without limitation the Land Purchase Commissioner, who is not a Responsible Minister, but to whom is further intrusted the practical function of negotiating for and effecting the purchase of waste lands.

Sir George Grey will recollect that during his previous administration the two departments of Native Secretary and Land Purchase Commissioner were kept separate: the former having been filled successively by Mr. Dillon, Captain Symonds, and Major Nugent; the latter only by Mr. McLean, Mr. Mantell, and others. In 1856 the two departments were amalgamated by the union of the two offices of Native Secretary and Chief Land Purchase Commissioner, in the person of Mr. McLean. A prominent result of this union of the political function of the Government with its commercial function as land-purchaser has been the creation in the Native mind of a suspicion that all the acts of the Government originate in a desire to get possession of their land. They have learned to look upon the Government as a gigantic landbroker, and every attempt made by it either to improve their social condition or to control them by the necessary restriction of law is supposed to have for its ultimate object the acquisition of territory. This feeling to a great extent lies at the foundation of the unsatisfactory relations at present existing between the Natives and the Government. The House of Representatives, on two separate occasions in the last two sessions, unanimously condemned the fusion of the two departments. (See Resolutions, Sess. Pap. 1860, 1861.) Mr. McLean in May last was called upon by the



Governor to resign the Native Secretaryship, and from that date the two offices may be considered disconnected. It will be some time, however, before the effects of their combination will be effaced from the minds of the Natives.

In the session of the Imperial Parliament of 1860 an attempt was made, without any previous communication with the General Assembly of the colony, to take from the Responsible Ministers the little power which remained to them in Native affairs under the memoranda of 1856. This it was proposed to effect by establishing a Native Council of advice, and partly of administration, to act altogether independently of the Responsible Government. The Act, after passing the House of Lords, was however withdrawn by Her Majesty's Government. But when the Assembly received an intimation of its being before Parliament, an attempt was made by them to meet the views of the Home Government to a certain extent, by the creation of a Native Council of advice, but at the same time subordinating all the executive functions of the Government to the Responsible Ministers. The Bill was not very popular either in the House of Representatives or out of doors; but what reconciled many of its somewhat unwilling supporters was the prospect it held out of getting rid of the independent and irresponsible action of the Native Secretary's Department, which, if it continued to exist at all, would do so in subordination to the Responsible Ministry, and would in fact be converted into that of an Assistant Secretary and clerks of the Native Minister. The Act passed the Assembly, and was reserved for Her Majesty's assent. A despatch received by the last mail states that Her Majesty's assent is withheld till Sir George Grey shall report. Ministers are bound to state that they regard the existence of the Native Secretary's Department, free as it is from all control on the part of the Responsible Ministry, as a very serious evil. While its existence paralyses all independent and vigorous action on the part of the Ministry, it is itself inefficient and powerless. Receiving no sympathy and little support at the hands of the Assembly or the Responsible Ministry, it neither originates nor can it carry out any persistent or large policy, and it is only capable of obstructing, by mere inertia, the attempt of the Colonial Government to bring its energies to bear on Native interests. Thus, while it is the cause of much evil, it is of no use except as a machinery for recording and interpreting Native letters, and administering the petty details which originate in the casual visits of Natives to the City of Auckland, arranging for their personal interviews with the Governor, providing them with lodgings, or giving them orders for food.

The appropriations from the revenue for Native purposes during the year ending 30th June, 1862, are as follow:—On the Civil List: Native Minister, £800; Native Secretary, £400; Native purposes, Governmental, £7,000; by Act in 1858, to continue for seven years, for schools, £7,000. On the Annual Appropriations, 1861-62: Native purposes generally, to be expended by Governor in Council, £10,000; Land Purchase Department reduced, and also to be expended by Governor in Council, £5,441: total, £30,641. Besides which, £33,000 of the English loan is appropriated for this year for pending land purchases.

William Fox.

## **No. 73. Copy of a Despatch from Governor Sir GEORGE GREY to his Grace the Duke of NEWCASTLE.**

*On the Plan for Self-government in Native Districts.* Auckland, New Zealand, 30th November, 1861.  
My Lord Duke,—

In my Despatch No. 3, of the 9th October last, I transmitted the copy of a memorandum on the machinery of government for Native purposes, which had been forwarded to me by the New Zealand Ministers.

- 2. The substance, of the question which has been raised on this subject may, I think, be stated to be this: that, whilst the Colonial Ministers are virtually responsible for all other matters of government in this colony, the Governor has hitherto retained the management of Native affairs in his own hands.
- 3. The Ministers, in their memorandum, state this in the following language: "The result is that, while on all other subjects the Responsible Ministers are the sole advisers of the Governor, and exercise the entire executive functions of the Government, on Native affairs the Governor has, in addition to his Ministers; another adviser—his Native Secretary—who is not a Responsible Minister nor under the control of

Responsible Ministers; but who exercises (subject only to instructions from the Governor himself) all the executive functions of Government in relation to Native affairs."

- 4. Under this system there would be two Governments in the colony, which not only would not always aid one another, but which would sometimes act at cross purposes with each other.
- 5. At the present crisis it is quite impossible that Her Majesty's Government could be advantageously carried on under such a system. I therefore immediately arranged to consult my Responsible Ministers in relation to, Native affairs in the same manner as upon all other subjects, and in like manner to act through them in relation to all Native matters. If any serious difference takes place between us upon these subjects, I must, as in other cases, resort to other Advisers; and appeal in fact to the General Assembly.
- 6. Your Grace will, I have no doubt, inform me if you wish me to discontinue this arrangement; but I think it would be well to leave it permanently in operation until difficulties arise under it, which I do not see any probability of.
- 7. If I can carry out the arrangements contemplated for introducing a machinery of local self-government into all the Native districts, but few serious questions are likely afterwards to arise between the Natives and the European Legislature, and I hope that but few more troubles will then take place with the Natives of this country. If these favourable anticipations prove correct, the system I propose to act on will certainly work well.
- 8. Even recently, I would remind your Grace that that party in the General Assembly which may be said to have disapproved of war with the Natives if it could be avoided, proved the strongest; and I think it is better to show that full confidence in the General Assembly which, by its proceedings towards the Native race, it has, I think, fairly merited, rather than to evince an undeserved distrust in it. Any attempt to set up either the Governor or any special body between the Natives and the General Assembly as a protective power for the Natives against the presumed hostility of that body will, I fear, produce an ill effect upon the Native mind, as making them regard the Assembly as their admitted natural enemies; whilst it will, perhaps; create in the minds of the General Assembly some prejudice against the Natives and against what may be done for them, and a carelessness for their interests, with the protection of which the Assembly would be in no way charged.
- 9. Another disadvantage of the system of making the Governor chiefly responsible for Native affairs is that it will be thought that the wars which may arise under it have sprung, whether rightly or wrongly, from the acts of the Representative of the British Government, over whose proceedings the Colonial Legislature had but very imperfect control; so that it would seem difficult to call upon that body to find the means of defraying the cost of a war for the origin, continuance, or conduct of which it was only in an indirect manner responsible.
- 10. Under the system I have adopted the Governor and Ministers act as mutual checks each upon the other. If either of them wishes to force on some proceeding which the other party regards as unjust to the Natives, or as injurious to their reasonable interests, it is known to both that the ultimate appeal must be made to the General Assembly, and that the justness of the intentions of each party will become a matter of public discussion. It is, therefore, reasonable to think that each of them would carefully consider the grounds on which they were acting before incurring the risk of an appeal of this nature.
- 11. Certainly this plan throws a greater responsibility on the General Assembly in regard to the expenditure on account of any war which their acts might bring on; but this would indirectly prove a great protection for Native interests. The Assembly will now know that the justness of their acts, if disturbances spring from them, will be publicly canvassed in the British Parliament; that if misfortunes; and dangers have undeservedly been brought upon Her Majesty's European subjects by the misconduct of the Natives, then the General Assembly will receive from England that generous and liberal support which she has never failed to afford to British subjects under such circumstances; whilst, on the other hand, if—which one may hope would be impossible—the Colonial Assembly had been attempting to oppress Her Majesty's Native subjects, its unrighteous conduct would meet with that public reprobation which it would so justly deserve.

I have, &c.,

G. GREY.

His Grace the Duke of K. G. Newcastle, &c.

# No. 74. Copy of a Despatch from Governor Sir GEORGE GREY to his Grace the Duke of NEWCASTLE.

*Reporting on the Present State of the Country.* Government House, Auckland, 6th December, 1861.  
Mt Lord Duke,—

My predecessor, shortly before leaving this country, reported to your Grace that the Government was, in many places, almost unknown by the Maoris; that some of the, most populous districts had never been visited by a European Magistrate; and that the Native inhabitants of them have never felt that they are the subjects of the Queen of England, and have little reason to think that the Government of the colony cares at all about their welfare. It will be seen from this that much yet remains to be done to introduce law and order amongst the Native population in the interior of this Island, and even along its coasts.

- 2. Ten years since the urgent necessity of introducing simple municipal institutions amongst them was pointed out, and the first step taken to induce them to refer their disputes to our Courts. But, although various proposals have been made for facilitating a further advance towards these objects, the matter has been practically left nearly where it then was.
- 3. I think it will probably be admitted that it would be hopeless to attempt to govern a country otherwise than by the sword unless its population were permitted to take some interest in its government, in the framing and execution of its laws and unless some share were given to them in the dignity and emoluments which arise from holding office.
- 4. So strongly do the European population in New Zealand feel this, that in the Northern Island, as will be seen from the enclosed returns, those out of the 41,159 souls who administer the Government and preserve order for the rest of their countrymen divide between them annually salaries which, in the aggregate, amount to upwards of £100,000. If the Native subjects of Her Majesty (amounting in this Island, at a low estimate, to 54,000 souls) were provided with equally expensive means of government, the salaries they should share amongst them would exceed £100,000 per annum. As it is, it will be found, from the enclosed return, that there are for both Islands of New Zealand 194 Native Assessors or Magistrates employed, many of whom perform onerous duties, and that the aggregate amount of all the salaries paid to Natives in both Islands is only £777 a year, or on the average £5 10s. per annum for each Native Magistrate employed by the Government.
- 5. "When a new Constitution was given to New Zealand, in 1853, the Europeans were then gifted with the representative institutions which gave them full power to provide for all their own wants, to repress crime, to promote order, to raise revenues from both populations, and to arrange for the distribution of these revenues in salaries as they thought proper; whilst the Native population have been, up to the present time, left in the position described by my predecessor.
- 6. Such a state of things has, I have no doubt, produced great discontent in the minds of the Natives, who are an intelligent, reasoning people; but its worst result is that the Native districts have been left entirely to themselves. In these, frequent contests took place, and sometimes murders occurred, whilst no means existed of repressing these outrages throughout the country. I think nothing could show the Natives' capacity for self-government, and their desire to see law and order established, in a stronger light than their at last attempting to redress these great evils by setting up a form of government of their own, although that step has now resulted in such serious consequences.
- 7. From this it might be thought that the Natives will readily grasp at the institutions of self-government now offered to them; but I see no reason to hope that such will immediately be the case in some districts. They are proud of the Government they have set up, of the position of independence they have gained, and of the influence they have obtained over their countrymen. Having enjoyed these for several years, they have become attached to them. They are also more attached to their own Government from their having successfully defied our attempts to put it down; and, viewing our anxiety to do so, think it must have some intrinsic value. I find in many of them, at present, a sort of sullen, desperate determination to maintain it at all hazards, and a kind of pride in making personal sacrifices for what they regard as a national object. It is as if they had for the first time acquired a new faculty of their existence, of which

they were not previously aware, and in the exercise of which they feel great enjoyment. Many populous districts in the Island do not, however, participate in those feelings. In these parts I shall have no difficulty in introducing the proposed institutions.

- 8. My belief as to the present, state of the Maori King movement is that a great number of the Natives in the part of the country which lies to the south of Auckland—say perhaps thirty thousand of them—have entered into an agreement of nearly the following purport:—
- 9. That they will not directly or indirectly attack the Europeans; they will not permit the Europeans to be robbed or molested: but that upon all lands, the property of the Natives, justice shall be only administered by Natives, and laws shall be only made by Natives; that no more lands within such districts shall be for the present sold to Europeans; and that the so-called Maori King and his Council shall watch that these regulations are, if possible, maintained throughout all Native lands, and shall try to lead the whole Native population to acquiesce in them; and that any attempt by the Government to put down these proceedings by force shall be regarded as the signal for a general rising of the Native population.
- 10. Within the last few days a European settler living on Native-land about forty miles from Auckland had his house robbed by Natives of a few articles. Immediate inquiries were made into the circumstances by a European Magistrate: the Natives without delay made ample amends: but the enclosed copies of letters will show that the Council of the Maori King at once wrote to the principal chiefs in the neighbourhood, stating their disapproval of their having-allowed the case to be brought before a European Magistrate, and reminding them that from the first establishment of the Native King it was arranged that crimes committed on Native lands were only to be settled by the King's Magistrates: they also warned them to prevent all crimes being committed against Europeans, or the Natives would by such offences be led into difficulties.
- 11. These letters show the nature of the agreement entered into by the King party: but I think the whole circumstances of the case show that they will have great difficulty in inducing the Natives to adhere to it. In the case under consideration they did not do so, and when the Natives who acted with us were reprimanded for what they had done they showed the letters to the Government.
- 12. I have also already stated that large bodies of Natives are ready to side with the Government, and will adopt my plans. Thus by degrees I hope the King movement will be eaten out, and, when the inferiority of their form of government is seen side by side with the superior one which will be given to them, that the whole will at last readily embrace offers which are so advantageous to them. The difficulties in the way of this are their pride, their vanity at their successes, and their want of confidence in the Government: this latter circumstance presents a very great difficulty.
- 13. It is possible that the adherents of the Native King, seeing that their power is shaken, may attempt by force of arms to prevent some of their countrymen from acquiescing in the proposals of the Government; or may try to punish them for having done so: in this case it will be necessary for the Government to interfere to prevent such acts of violence. I can only hope that so trying a contingency as this would be may not arise.

I have, &c.,

G. GREY.

His Grace the Duke of K. G. Newcastle, &c.

## **No. 75. MINUTE by MINISTERS in reference to the GOVERNOR'S PROPOSED VISIT to WAIKATO.**

Auckland, 6th December, 1861.

The Governor being about to visit the Waikato district, Ministers desire respectfully to express to His Excellency their views as to the course of policy to be pursued.

The Natives whom His Excellency will meet are likely to be a very mixed body, different altogether from the northern Natives whom he lately visited. Many of the Waikatos whom the Governor will meet on this occasion will have been more or less compromised in the late transactions. Probably there will be men of every shade of opinion amongst them, from extreme partisans of the King movement to those whose fidelity to British authority has been unshaken.

The first thing in our opinion for the Governor to settle is, What shall be done? Will he enforce compliance with Colonel Browne's terms of peace enunciated at Taranaki, at all hazards—by military force if need be? Will he, in fact, march troops into the Waikato unless the King flag is pulled down—unless the Natives will permit roads to be made through their country, and restore the Taranaki plunder? It is our duty as Ministers to offer His Excellency clear and distinct opinions on these points. The responsibility to the Imperial Government will rest with him for the action taken, and to the General Assembly with us for the advice we may give.

For our part, we think that under no circumstances would it be wise in Sir George Grey to undertake a movement into the Waikato to pull down the King flag, suppress the King movement, and enforce Colonel Browne's terms. Equally unwise would it be to hold up *in terrorem* to the Natives a mere pretence of such a plan of operations. If the King party or their adherents are guilty of outrage upon settlers or their property, wheresoever they may be, whether on Native or European ground; it will be then for the Government to consider the proper means to be taken. In the meantime our position should be that of watchfulness, giving the unfriendly Natives clearly to understand that any hostile aggression on their part will lead to sharp and swift measures of retaliation; though we hold it to be in the highest degree unlikely that the Natives, or any section of them, will be guilty of any such hostile aggression. On the question of undertaking military operations in the "Waikato country we have the opinions of Colonel Browne himself, the military authorities, and the Military Defence Committee of both Houses of Assembly, who are all agreed that it would not be safe to move troops into that district without a large increase of our military force. Sir George Grey-can himself judge whether the Home Government is likely to send additional troops, or whether he is prepared to recommend it. We, as Ministers, must say that without additional aid, particularly in the way of protection to the southern provinces of this Island, no such movement ought to be undertaken. We rest these opinions on grounds of inexpediency in a military point of view. We do not say that on other grounds we should not equally object to such an aggressive movement, as uncalled for, attended with grave risk, costly, and not likely to produce adequate results.

If it be decided not to undertake military operations against the Waikatos, we think it best to let the Natives understand our intentions. We see no good, on the contrary much evil, in keeping up false excitement, irritating the Native mind, rousing undefined alarms, stirring up against us their sentiments of pride and nationality, and probably leading the Government into a position where it may find itself unable to advance with safety or retreat with credit. *Better far, in our opinion, if we do not mean aggressive war, to say so.* If it be said that Government is bound by Colonel Browne's declarations, we hold the present Government free from any such embarrassment. The circumstances are altogether new, and justify a new course of treatment.

What course, then, should be pursued towards the King party, supposing them to persist in their present attitude of sulky independence? In our opinion.—they should be left as they are—treated with indifference—and, as far as may, be, regarded as in a state of outlawry. And they should be made to understand that such is the light in which we intend to regard them. We shall find means of distinguishing between friends and enemies, and the Natives will not be slow to find out that their own interests will lie in returning to friendly relations with us.

We have no confident expectation that the King movement will disappear, or the King flag be pulled down, on the occasion of Sir George Grey's visit to the Waikato; and we think that he should be prepared for that contingency. But it would be worse than an absurdity to make such a matter a *casus belli*. To apply to the Natives of New Zealand principles of allegiance and treason drawn from our own jurisprudence is simply preposterous. As to enforcing restitution of plunder, or compelling, the Natives to allow roads to be made through their country, it may be well to insist on these as conditions for conferring social and political advantages upon them, but very idle to make the non-compliance with such terms a ground of war.

But, at the ensuing meeting at the Waikato, the language of the Governor to the Natives who have taken part in the King movement should, in our opinion, distinctly mark the Governor's disapprobation. The folly of that movement, if regarded as an attempt to establish a distinct nationality, should be pointed out. The absurdity of their endeavour to maintain a separate Government, and the mischiefs which they will bring on themselves, and the benefits of which they will deprive themselves, should be shown to them. The opportunity should not be lost of insisting upon such-topics. Above all, we must not treat all alike, friends and foes, our old allies and those who are at the best but half friends. The language and tone should be different towards those different classes.

As regards the offer of improved social institutions, it should be made only to those who are friends, or

willing to be such; and the Natives should be made to understand that the Governor does not intend to force their adoption. They are in fact a boon of great value, which should be rather granted in answer to earnest solicitations than volunteered as a new scheme contrived and peremptorily enjoined by the Governor, or pressed on their acceptance. Presented to them, in that form, they may be viewed with jealousy and suspicion.

As regards the Ngatiruanuis and Taranakis, we do not think that the Governor, in addressing the Waikatos, should speak on the subject with an uncertain voice. The Natives generally should be told, in plain terms, that the Governor means to take such security for the future good behaviour of these Natives as shall insure the British settlements, Taranaki in particular, against a repetition of hostile attack. What particular measures he may adopt for that purpose, whether the formation of roads, the establishment of military posts, or the like, will of course rest with His Excellency; but the state of Taranaki demands decisive action, and the intentions of the Government on this point ought to be clearly stated to the Natives: they should be informed that whatever the Government may determine on that subject will be carried out. Above all, we think it desirable to threaten nothing which we do not mean, and are not certain of performing; and what we do mean should be clearly stated.

As regards the financial aspect of the experiment about to be made, Ministers have already addressed His Excellency in another memorandum. They will only add their belief that the General Assembly will readily vote any reasonable sum for the proposed objects—say to the extent of the amount indicated by His Excellency—provided it feels satisfied that such expenditure will compass the object in view, namely, the permanent solution of the Native question. But it is right that His Excellency should understand the mind of the colony and the Assembly on this point. What they want is a permanent and, if possible, a peaceful adjustment of the question, with reasonable guarantees for the future tranquillity of our settlements and the undisturbed progress of colonization. They will be ready to purchase these objects at a large price. But they will not be contented with any mere temporary lull of Native disturbances; and Ministers feel bound to add that the Assembly may possibly hesitate to admit its entire liability for the past management of the Natives or its consequences, including the late war and whatever may be the sequel of events directly flowing from it.

WILLIAM FOX.

## **No. 76. NOTIFICATION circulated among the NATIVE TRIBES, just before the Governor's Visit to Waikato, December, 1861.**

### *Notification to Natives.*

These are some of the thoughts of the Governor, of Sir George Grey, towards the Maoris at this time. His desire is, how to arrange things that there may be good laws made, and those laws be put in force; and how all men, both European and Maori, may be taught to work for the common good of the country in which they live; that they may be a happy people, rich, wise, well instructed, and every year advancing in prosperity. For it is the desire of the Queen (whose heart was dark when she heard of the troubles in New Zealand) that all her subjects, both Europeans and Maoris, in all parts of these Islands, should have the benefits of law and order: that the lives and persons of all men should be safe from destruction and-injury; and that every man should have for himself and enjoy his own lands, his cattle, his horses, his sheep, his ship, his money, or whatever else belongs to him. And it is the desire of the Queen that all her subjects should help in making the laws by which they are governed, and that from amongst them should be appointed wise and good men as Magistrates, to adjudge in cases of disputed rights and punish the wrong-doer, and to teach the law, how it should be obeyed.

The Europeans in New Zealand, with the help of the Governor, make laws for themselves, and have their own Magistrates; and because they obey those laws they are rich, they have large houses, great ships, horses, sheep, cattle, corn, and all other, good things for the body. They have also ministers of religion, teachers of schools; lawyers, to teach the law; surveyors, to measure every man's land; doctors, to heal the sick; carpenters, blacksmiths, and all those other persons who make good things for the body, and teach good things for the souls and minds of the Europeans. It is because they have made wise and good laws, and because they look up to the Queen as the one head over all Magistrates, and over all the several bodies of which the English people

consists. It is the desire of the Queen, and this also is the thought of Governor Grey and of the Runanga of the pakcha, that the Maoris also should do for themselves as the Europeans do. They know that of late years the Maoris have been seeking for law and order. The Englishmen have been more than a thousand years learning how to make laws and to govern themselves well. The Maori has only just begun this work. Besides this, in order to have Magistrates, and policemen, and other officers, it is necessary to pay them, for the labourer is worthy of his hire; and he who works for the whole body of the people should be paid by the people, for while he works for them he must, more or less, neglect his own work.

Now, the thought of the Governor is, how he may help the Maoris in the work of making laws, and how he may provide for the payment of the Magistrates and other officers of Government, till such time as the Maoris shall have become rich and be able to pay all the expenses themselves. In order, then, to provide the machinery of good government amongst the Maoris in these Islands, the Governor desires to see established the following system, whereby good laws may be made, well-disposed persons be protected, bad men restrained from violence, and security for life and property be insured to all.

- 1. The parts of the Island inhabited by Maoris will be marked off into several districts, according to tribes or divisions of tribes, and the convenience of the natural features of the country. To every one of these districts the Governor will send a learned and good European to assist the Maoris in the work of making laws and enforcing them; he will be called the Civil Commissioner. There will be a Runanga for that district, which will consist of a certain number of men who will be chosen from the Assessors. The Civil Commissioner will be the President of that Runanga to guide its deliberations, and, if the votes are equal on any matter, he will have a casting vote to decide. This Runanga will propose the laws for that district, about the trespass of cattle, about cattle-pounds, about fences, about branding cattle, about thistles and weeds, about dogs, about spirits and drunkenness, about putting down bad customs of the old Maori law, like the *taua*, and about the various things which specially concern the people living in that district. They will also make regulations about schools, about roads if they wish for them, and about other matters which may promote the public good of that district. And all these laws which the district Runangas may propose will be laid before the Governor, and he will say if they are good or not. If he says they are good, they will become law for all men in that district to which they relate. If he says they are not, good, then the Runanga must make some other law which will be better. This is the way with the laws which the Europeans make in their Runangas, both in New Zealand and in the great Runanga of the Queen in England.
- 2. Every district will be subdivided into Hundreds, and in each of these there will be Assessors appointed. The men of that district will choose who shall be Assessors; only the Governor will have the word to decide whether the choice is good or not. The Magistrates, with these Assessors, will hold Courts for disputes about debts of money, about cattle-trespass, about all breaches of the law in that district. They will decide in all these cases.
- 3. In every Hundred there will be policemen, and one chief policeman, who will be under the Assessors. These policemen will summon all persons against whom there are complaints before the Court of the Assessors, and when the Assessors shall have decided the policeman will see that the orders of the Assessors are carried out. All fines which shall be paid shall be applied to some public uses. The Commissioner or Magistrate will keep this money till it is required.
- 4 The Runangas will also be assisted in establishing and maintaining schools and teachers; sometimes Europeans, sometimes Maoris, will be appointed. The Maoris ought to pay part of the salary of the school-teacher; the Governor will pay the rest.
- 5. Where the Runangas wish to have an European doctor to live among them, the Governor will endeavour to procure one to reside there, and will pay him so much salary as may make him willing to go to that work. The doctor will give medicine to the Maoris when they are sick, and will teach them what things are good for the rearing of their children, to make them strong and healthy, and how to prolong the lives of all the Maoris by eating good food, by keeping their houses clean, by having proper clothes, and other things relating to their health. This will be the business of the doctor. But all those who require the services of the doctor will pay for them, except such as the Runanga may decide to be too poor to do so.
- 6. About the lands of the Maoris. It will be for the Runangas to decide all disputes about the lands. It will be good that each Runanga should make a register, in which should be written a statement of all the lands within the district of that Runanga, so that everybody may know, and that there may be no more disputings about land.

This, then, is what the Governor intends to do to assist the Maori in the good work of establishing law and order. These are the first things: the Runangas, the Assessors, the policemen, the schools, the doctors, the Civil Commissioners to assist the Maoris to govern themselves, to make good laws, and to protect the weak against the strong. There will be many more things to be planned and to be decided; but about such things the

Runangas and the Commissioners will consult. This work will be a work of time, like the growing of a large tree: at first there is the seed, then there is one trunk, then there are branches innumerable, and very many leaves: by-and-by, perhaps, there will be fruit also. But the growth of the tree is slow—the branches, the leaves, and fruit did not appear all at once, when the seed was put in the ground: and so will it be with the good laws of the Runanga. This is the seed which the Governor desires to sow: the Runangas, the Assessors, the Commissioners, and the rest. By-and-by, perhaps, this seed will grow into a very great tree, which will bear good fruit on all its branches. The Maoris, then, must assist in the planting of this tree, in the training of its branches, in cultivating the ground about its roots; and, as the tree grows, the children of the Maori also will grow to be a rich, wise, and prosperous people, like the English and those other nations which long ago began the work of making good laws and obeying them. This will be the Work of Peace, on which the blessing of Providence will rest—which will make the storms to pass away from the sky, and all things will become light between the Maori and the pakeha; and the heart of the Queen will then be glad when she hears that the two races are living quietly together, as brothers, in the good and prosperous land of New Zealand.

## **Copy of a Despatch from Governor Sir GEORGE GREY to his Grace the Duke of NEWCASTLE.**

*Respecting Crown Grants to Natives.* Government House, Auckland, 7th February, 1862.  
My Lord Duke,—

Adverting to my Despatches Nos. 4 and 7, of the 8th and 9th ultimo, regarding Crown titles for land being under certain circumstances granted to Native owners, I beg to state that I thought it my duty particularly to draw the attention of the New Zealand Ministers to the opinions I had therein expressed: they have consequently drawn up the enclosed memorandum on the subject, which I transmit for your Grace's information. The Ministers appear inclined to think that the General Assembly of these Islands will not disapprove, under all the circumstances, of the course which I have recommended should be adopted.

I have, &c.,

G. GREY.

His Grace the Duke of K. G. Newcastle, &c.

## **Enclosure. Minute by Ministers.**

Ministers have carefully considered the two despatches of the 8th and 9th January, 1862, addressed by His Excellency to Her Majesty's Principal Secretary of State for the Colonies, which His Excellency has submitted to them. The General Assembly is likely to be at all times jealous of an appeal to the Imperial Parliament for legislation on subjects on which, it has not been consulted, particularly if they should happen to be such as it may conceive to fall within its own legislative jurisdiction. It may be questionable whether some of the powers which His Excellency seeks to have conferred, by the Imperial Parliament could not be conferred by the Assembly, and might be so conferred at as early a date as by Parliament. Speaking cautiously, however, and on the supposition that the Act of Parliament will not in any particulars extend beyond the limits specified by His Excellency particularly that no power shall be given of making special grants to Europeans unless as trustees for such Native objects as His Excellency proposes to meet, and that the powers conferred shall be exercised (as His Excellency suggests) only by the Governor with the advice of his Executive Council, Ministers are inclined to think that the course pursued will meet the general approval of the Assembly.

Auckland,



6th February, 1862.  
WILLIAM FOX..

## No. 78. Copy of a Despatch from his Grace the Duke of NEWCASTLE. to Governor Sir GEORGE GREY

*On Issue of Crown Grants to Natives.* Downing Street, 26th March, 1862.  
Sir,—

I have the honour to acknowledge the receipt of your Despatches Nos. 4 and 7, of the 8th and 9th of January, recommending that, with a view to remedy certain serious evils to which you call my attention, an Act of Parliament should be obtained—(1) To enable the Governor to issue a Crown title to the Natives in all cases where land has been purchased by the Government under pledge to re-grant part of it to the Native sellers; (2) to empower him to give a Crown title to Native lands which the owners desire to appropriate to the support of a Minister of religion in the district in which such lands are situated; or generally (3) to confer a power on the Governor of giving to the Natives Crown titles to any portions of their own lands.

I have learned with extreme regret that, for no better reason than a supposed legal difficulty (which, if it exists at all, ought in common fairness to have been removed long ago), a large number of Natives have failed to obtain the fulfilment of explicit promises which were made to them on the part of Her Majesty's Government, and by which they had been induced to surrender their lands to the Colonial Government. I am fully sensible how much the credit of the British Crown must have suffered by this injustice, and how much it will continue to suffer till the injustice shall have been redressed. I am not prepared to say that the case would be an improper one for the interference of the Imperial Legislature, if no other means were available for maintaining the honour of the Crown. But it does not appear from your despatch that this is the case. It appears, on the contrary, probable that the Colonial Government, on your advice, will not hesitate to issue the requisite grants to these Natives, nor the local Legislature (if necessary) to declare their validity; and under these circumstances.

I have not thought myself justified in submitting to Parliament a Bill which would appear to indicate a suspicion that the colonial authorities are indisposed to deal honestly with their Maori creditors. I concur with you in thinking that the Governor should possess the power, under proper limitations, of issuing Crown grants of Native lands, either to the Native owners generally, or towards the virtual endowment of the clergy in Native districts, or for many other imaginable purposes; and. I think that this power would probably have been given long ago if the Imperial and Colonial Governments could have agreed whether it should be exercised by the Governor alone or by the Governor acting with the advice of his Executive Council.

You will perceive by a despatch of the 18th May, 1859, addressed by the then Secretary of State to Colonel Gore Browne, that Her Majesty's Government were then of opinion that powers of this kind, materially though indirectly affecting Imperial interests, should be exercised by the Governor alone. On this general subject I shall address you hereafter. But I have at present no hesitation in informing you that, if the Colonial Legislature shall think fit to pass an Act investing the Governor with the power of issuing Crown grants of Native lands to the Native owners, or to any persons nominated by them, I shall not think it necessary to withhold Her Majesty's confirmation from that Act on the ground that the power thus conferred is to be exercised by the Governor with the advice and consent of his Responsible Ministry.

I hope that, with this intimation of the views of the Home Government, you will find no difficulty in obtaining from the Legislature such legal powers as will enable you to deal effectually with this subject.

I have, &c.,

NEWCASTLE.

Governor Sir George Grey, K.C.B., &c.

## **Copy of a Despatch from Governor Sir GEORGE GREY to his Grace the Duke of NEWCASTLE.**

Wellington, 26th August, 1862.  
My Lord Duke—

I have the honour to transmit, for your Grace's information, the enclosed copy of resolutions which have been passed by the House of Representatives, defining the relations which, in their opinion, should exist between the Governor and his Responsible Advisers regarding Native affairs.

- 2. I have consented to act in the spirit of these resolutions until your Grace's further instructions reach me. I have done this because I know my Ministers, the settlers, and Natives so well that I am satisfied, whatever may be in theory the nature of the relations existing between myself and my Responsible Advisers, the practical result will be the same and that Her Majesty's service will not suffer from any such arrangement as I now transmit,
- 3. At the same time your Grace will find from my Despatch No. 36, of the 30th November last, that I do not think that the enclosed resolutions establish satisfactory relations between the Governor of this colony and his Responsible Advisers. But I have no doubt that when the difficulties now prevailing have been brought to a close the General Assembly will, if your Grace desires it, assume the entire responsibility-of Native affairs.

I have, &c.,

G. GREY.

His Grace the Duke of K. G. Newcastle, &c.

## **Enclosure.**

[Extract from the Journals of the House of Representatives.]

*Vide Journals of the House of Representatives, 1862, pages 80 and 81.*

## **No. 80. Copy of a Despatch from Governor Sir GEORGE GREY to his Grace the Duke of NEWCASTLE.**

*Lower Waikato.—Reporting Official Visit to that District.* Government House, Auckland, 7th January, 1862.  
My Lord Duke,—

I have the honour to enclose, for your information, extracts from the local journals, showing, with sufficient

completeness, the results of visits which I have made to different parts of the districts lying adjacent to the lower portion of the Waikato River.

- 2. Your Grace will find that, upon the whole, there is great reason to be satisfied with the state of the feelings of the tribes who inhabit those districts which I have visited.
- 3. I saw several of the leading chiefs from the upper portions of the Waikato River. They were all perfectly friendly and courteous in their language and demeanour. Some of them expressed their intention in every way to aid the British Government; others of them, however, showed a quiet determination resolutely to adhere to the position they had taken, and to strive to live in their own territory under officers of their own, and free from our rule. They said that they would in no way attack us, or interfere with us, but that they would not again return under the Government of the country; that they thought that their interests had been neglected, that lands had been wrongly taken from them, and that many promises had not been fulfilled; that they had freed themselves from our rule, and that we should find it as difficult to draw them back under it as the fowler did to catch the bird which had escaped from a snare. In many conversations which I had with various chiefs they urged the same arguments. When I told them that the acts complained of occurred from oversight, and would not be repeated, they replied that there were cases in which lands had been disposed of to the Government as long since as 1853, upon the express condition that Crown titles should be given to the Native owners for small portions of these lands, which they were to retain, and that such promises had not up to the present date been fulfilled. Indeed, they showed an entire distrust and want of confidence in the Government.
- 4 It was impossible to extract from such chiefs of the Upper Waikato—and there were those most friendly to us—any guarantee for the continuance of the present state of tranquillity: although they promised not to attack us, they had no means of forcing other Natives to observe this promise. Their object evidently was to prevent us from making any movement whatever, and to leave matters exactly in their present state, which is an extremely advantageous one for the Natives. The local Government had some time since informed the Native chiefs that it had no intention of advancing troops to the south of Otahuhu, a village where they were quartered, about nine miles from Auckland and about twenty-seven miles from the River Waikato. The country intervening between Otahuhu and the Waikato was only open by an available road for about twelve miles, leaving nearly fifteen miles of the entire distance impassable for troops in rainy weather. The Waikato bounds, on its southern side, what may be called the Settlement of Auckland for about twenty-five or thirty miles. The Natives, consequently, had the power of descending the Waikato River in large bodies at any moment, and of choosing any point of these twenty-five or thirty miles as that from which they would make an attack on this important and flourishing settlement; whilst we had no line of communication by which we could push troops on to the Waikato River for the purpose either of attack or defence.
- 5. The Natives; therefore, completely held the game in their own hand. We had not moved troops to the front, or attempted to make roads, for fear our doing so would lead to an attack; whilst, on the other hand, we could not move troops from hence to protect other parts of the New Zealand Island, lest the country near Auckland should be instantly attacked in force by the line of the Waikato River, which drains an immense extent of interior country, and down which large bodies of Natives can at any time be brought at a few hours notice. In fact, we were almost checkmated. The settlers, feeling this, were afraid to continue their operations, and many of them were abandoning their farms, so that the progress of the country was almost at a standstill. The Natives were also aware of it, and hence ventured to assume a demeanour which, I think, they otherwise would not have done.
- 6. It appeared impossible to allow such a state of things longer to continue; and, as the country between Auckland and the Waikato had been purchased from the Natives, there was little difficulty in assuming to ourselves exactly those advantages now held by the Natives, and, in placing them in a position of decided inferiority. I therefore wrote the enclosed letter to Lieutenant-General Cameron, requesting that he would move the troops from Otahuhu to the line of the Waikato, and employ them in completing the road from Auckland to that river, and in putting it in such a state that troops could move rapidly along it at all seasons of the year. Your Grace will find from the enclosed answer from General Cameron that the troops were moved accordingly, and that the road is now in process of construction. Care will also be taken to select a good site for a military post on the banks of the Waikato River, in such a position as to command the river, and prevent, if necessary, the passage of canoes along that part of the river which lies between its mouth and the western boundary of our purchased land.
- 7. We shall thus hold a position equally adapted for the purpose of attack or defence. The Natives will not venture to pass such a post in their canoes for the purpose of attacking the settlement of Auckland in its rear: and as the post will be only about forty miles from the residence of their so-called King, and the Waikato River will lie quite open to our attacks at any moment, I do not think they would venture to

move any large force from the Waikato River to commence operations in any other part of the colony, when we have completed the road and occupy the position I propose. I need hardly point out how much this settlement will be benefitted by the construction of such a road, and how much easier it will hereafter be to rescue and defend the out-settlers, if any necessity for so doing should arise.

- 8. The measure I have above detailed has, I think, had a very, good effect upon the Natives; and I cannot believe that they will attempt to prevent by force the construction of a road upon our own land, and the establishment also upon our own land of a post for the protection of our own settlers. If they really do so, it would show that they were determined to renew a contest with us, which would be brought on at their own time, and at such place as they may select when they might deem us most unprepared for it. Such a show of weakness on our part as our not daring to provide for our own safety must have led them ultimately to assail us; whilst, on the other hand, I think they will respect us for taking the decided line of conduct which has now been pursued.

I have, &c.,

G. GREY.

His Grace the Duke of K. G. Newcastle, &c.

## Waikato.—Respecting Plan for Military Settlements.

[Extract from *the New Zealand Gazette*. ] Colonial Secretary's Office, Auckland, 21st April, 1863.

His Excellency the Governor directs the publication of the following despatch from Her Majesty's Principal Secretary of State for the Colonies.

WILLIAM FOX.

Downing Street, 26th November, 1863.

Sir,—

I have the honour to acknowledge the receipt of your Despatch No. 109, of the 29th August, transmitting a memorandum from your Responsible Advisers, containing the details of a plan which they have formed for the introduction in the Northern Island of a large body of settlers, to whom it is proposed to assign land on a species of military tenure in the Waikato, and hereafter probably in the Taranaki districts. You also enclose a copy of your reply, authorizing the immediate raising of 2,000 men for active service, pending the meeting of the General Assembly, together with copies of the conditions under which they are to be enrolled.

## Principle of Confiscation approved of.

I do not disapprove of the principle of this measure. I think that any body of Natives which takes up arms against Her Majesty on such grounds as those which are alleged by the Waikatos may properly be punished by a confiscation of their common property. I think that the lands thus acquired may properly be employed in meeting the expenses of carrying on the war, nor do I see any objection to using them as the sites for military settlements, which, moreover, must soon lose their distinctive character, since, it is probable that the Natives of these districts, unlike those in the Cape Colony and Kaffraria, will soon become an unimportant minority of the inhabitants.

# Danger in its Application.

But, while I acquiesce generally in the principles which you have adopted, I must add that the application of these principles is a matter of great danger and delicacy, for which the Colonial Government must remain, responsible. It will be evidently very difficult to control within wise and just limits that eagerness for the acquisition of land which the announcement of an extended confiscation is likely to stimulate among old and new settlers, and which, if uncontrolled, may lead to great injustice and oppression. Still more evidently is it possible that the Natives who still remain friendly to the Government may view this measure, not as a punishment for rebellion and murder, but as a new and flagrant proof of the determination of colonists to possess themselves of land at all risks to themselves and at any cost, and as thus furnishing the true explanation of the past and present policy of the Government. Such belief would obviously tend to make the Maoris desperate, and aid the efforts of the King party to effect a general rising throughout the Northern Island.

Your Ministry do not notice this danger in their memorandum, but they cannot have been blind to it, and I do not doubt (though you do not so inform me) that they feel their power to control the application of the principle which they have introduced, and have taken sufficient means to persuade the Maoris in general that the properties of innocent persons and tribes will be strictly respected, and that a different measure of severity will be administered to those who have taken a lead in the war and those who, though in some degree accessories to what has passed, have, as far as circumstances would allow, favoured the cause of order.

Whether due caution has been used in these respects is a question which the Home Government can only judge by the result. And I must no disguise from you that if this important determination of your Government should have the effect of extending and intensifying the spirit of disaffection, and of thus enlarging the sphere or prolonging the period of military operations, these consequences will be viewed by Her Majesty's Government with the gravest concern and reprehension.

I have, &c.,

NEWCASTLE.

Governor Sir George Grey, K.C.B., &c.

## No. 82. Copy of a Despatch from Governor Sir GEORGE GREY to his Grace the Duke of NEWCASTLE.

Taranaki. 9th May, 1863.

My Lord Duke,—

From - despatches which I have sent Home by this mail, your Grace will learn that a very serious state of things has arisen in the Northern Island of New Zealand, and that there is great reason to apprehend that a general rising of the Native population may shortly take place, for the purpose of making a simultaneous attack upon the several centres of European population, with a view to the total expulsion of the white race from "this Island.

- 2. X am quite satisfied that such a plot has been formed by a large number of influential Natives, as also that they are now busily engaged in trying to carry it into effect. I still hope that they will fail in conducting it on such a large scale as they propose, but I believe the danger to be of a very serious and alarming kind, which may lead to a vast destruction of life and property.

- 3. To meet this danger the promptest measures must be taken, and my Responsible Advisers concur in opinion with me that the force in this country in addition to the regiment now coming out, the 2nd Battalion 18th Regiment, will require without delay to be increased by about three thousand men.
- 4 It has been found from a long experience that there are parts of this country in which European troops carry on a war with difficulty, being neither fitted by previous training, equipment, nor habits of subsistence, for a warfare of the nature of that in which they are necessarily engaged, and it has been the general opinion of officers who have served in India that Sikhs would be better qualified than any other troops to perform the military duties required in New Zealand.
- 5. I represented this to my Responsible Advisers, and they have authorized me to apply to your Grace in order, in the present most serious state of affairs, that one European regiment and two regiments of Sikhs should be sent from India to New Zealand with as little delay as possible.
- 6. My Responsible Advisers think that the pay of the Sikhs should be doubled, and they undertake certainly to defray the increased rate of pay which will thus be given, stating further that they think this object of such great importance that they undertake to propose to the House of Assembly at its next meeting that the colony should bear the cost of the whole pay of the Sikhs.
- 7. I can assure your Grace that I think that the reinforcements asked for should be sent as promptly as possible, for much will depend upon the despatch with which they reach, this Island.

I have, &c.,

G. GREY.

His Grace the Duke of K. G. Newcastle, &c.

## **No. 83. Copy of a Despatch from Governor Sir GEORGE GREY to his Grace the Duke of NEWCASTLE.**

Government House, Auckland, 5th April, 1864.

My Lord Duke,—

In your Grace's Despatch No. 12, of the 26th January, I am directed to state, in reference to certain murders which had been committed by Natives of these Islands, to what extent these crimes, are referable to savage lawlessness of individual persons or families, and how far they represent the feeling in which the Natives generally are determined to carry on the war.

- 2. I referred this despatch to my Responsible Advisers, and the Colonial Secretary states in" regard to it that in his opinion the atrocities alluded to are exceptional, but that the exception includes a very considerable portion of the Native race, and that, had the rebel forces been allowed to remain unchecked, they would-probably have become general.
- 3. I ought to state that, in my opinion, the custom of the Native race, in their savage state, has immemorially been as follows: If any families were, in their belief, wrongfully deprived of land by others stronger than themselves, whom they could not successfully resist in open war, they sought revenge in sudden murders before they totally abandoned the soil: as much as to say, "At least our property shall cost you dear." This custom they have in great part followed to-the present day, although the enclosed copy of a paper sent recently to the Government by the Natives in Tauranga will show that a feeling much more in consonance with the teachings of Christianity is now springing up amongst many of the Natives.

I have, &c.,

G. GREY.

His Grace the Duke of K. G. Newcastle, &c.

## **Copy of a Despatch from Governor Sir GEORGE GREY to the Right Hon. EDWARD CAEDWELL, M.P.**

Government House, Auckland, 25th April, 1864.

MY LORD DUKE,—

I have the honour to enclose, for your Grace's information, the copy of a private letter addressed by the Bishop of Waiapu to the Colonial Government, in which the Bishop states unreservedly his view of the necessity, of punishing the Natives who have joined in the rebellion in this country, by the confiscation of their lands, stating at the same time the reasons which have led him to form this conclusion.

I have, &c.,

G. GREY.

His Grace the Duke of K. G. Newcastle, &c.

## **Enclosure. The Bishop of WAIAPU to the COLONIAL SECRETARY.**

Tauranga, 15th April, 1864.

SIR,—

I learn from the late English papers that a Memorial has been sent to the Governor urging His Excellency "to avail himself of the first favourable opportunity of endeavouring to terminate the war by negotiation; and also deprecating a proposal which has been made to confiscate the lands of all contumacious and rebellious Natives."

I take the liberty of expressing an opinion on this subject, which I form upon long observation and personal intercourse with this people. That I am a friend of the Natives no one will for a moment doubt who is aware of the fact that I have spent nearly forty years of my life for their benefit; and it is because I am a friend of the Natives that I would not endeavour to screen them from punishment which I believe to be necessary, and likely to have a salutary effect upon them. In the circumstances which led to the present war, the Natives were blind to their interests, and have rejected the often-repeated advice of their best friends. They had organized the King movement, which seemed at first to be of a harmless character, but, when it was clearly tending to evil, the leading men in New Zealand, of that party whom some are fond of styling Maori sympathizers, one and all urged upon the Natives to give up this movement, and to send the flag to the Governor. The present war, it is well known, was brought on chiefly by Rewi, who acted in direct opposition to Tamehana and Matutaera; but this King organization led those o chiefs to make common cause with the rest. The Governor levied necessary war against the instigators of murder, and invited all the peaceably disposed to remain quiet, with the assurance that their lands should be intact; while those who took arms against the Government were warned that they would forfeit their land. They made a deliberate choice, and as Tamehana wrote to Archdeacon Brown—"E pa,

kia rongu koe kua whakaae ahau kia whawhaitia te taone katoa; mana e kaha e pai ana, ma te Maori e kaha koia tenei."

Upon the subject of confiscation, I see no other way in which the Natives can be made to feel the evil of the course they have chosen. They had seen that in the former wars with Heke and Rangihaeata no confiscation had been made, but they were afraid now that a different course would be adopted. They knew what would follow if they could not keep up a successful opposition. The Natives of Tauranga told the Rev. C. S. Völkner, before the soldiers were sent there, that they would not object to give up the western side of Tauranga, if they might keep quiet possession of the land on the east side of Te Papa. The Opotiki Natives, too, when about to embark in this war, said, "We know that we shall lose our land—we shall not return here again;" but still they were bent on going.

The Natives who are remaining quiet have been encouraged to do so by the assurance of the advantages they would secure to themselves; but, if stringent measures are not taken against those who are making a vigorous opposition to the Government, the Natives will consider that they have after all gained the victory; and to bring them under reasonable control, and to make them amenable to one common law with ourselves, will become more difficult than it has been hitherto.

The Hon. the Colonial Secretary.

I remain, &c.,

WILLIAM WATAPU.

## **No. 85. COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL to Governor Sir GEORGE GREY.**

Downing Street, 27th June, 1864.  
SIR,—

From your Despatch No. 53, of the 6th April last, I collect that some difference has arisen between yourself and your Ministers respecting the proper mode of dealing with the 183 Maori prisoners taken at Rangiriri, and the tone of your despatch leads me to the conjecture that, if your Advisers had concurred with you in adopting a definite and generous course of action with regard to these persons, the resistance to Sir Duncan Cameron by the Natives at Orakau might, in your opinion, have been less desperate, some loss of life avoided, and the completeness of the success enhanced.

On this I think it necessary to observe that, while I fully recognize the general right and duty of the Colonial Government to deal with matters of Native policy properly so called, I consider that while active operations are being carried on under the conduct of Her Majesty's officers, and in the main by Her Majesty's military and naval forces, it is for the Governor personally, as representative of the Imperial Government, to decide upon the fate of persons who are taken prisoners in the course of these military operations; and although, before adopting any such decision, I should wish you to obtain the advice, and if possible the concurrence, of your Ministers, I do not consider that concurrence indispensable. But, subject always to the positive laws of the colony, I hold you entitled to determine, and I look to you for determining, whether such prisoners, or any of them, shall be released on parole or otherwise, or whether they shall be kept under such control as may legally be applied to them as prisoners of war, or whether they shall be handed over to the civil authorities to be dealt with as criminals. I shall therefore be fully prepared to support you in case you should have thought it necessary, with or without the consent of your Ministers, so to deal with these prisoners as in your opinion the public interest may have required.

As I understand that your opinion has an especial reference to the good effect which measures of generosity would have upon the military operations of Sir Duncan Cameron, I make no doubt that, in forming that opinion, you have been fully acquainted with the views of Sir Duncan Cameron, and of the grounds on which those views have been arrived at.



Governor Sir George Grey, K.C.B., &c.

I remain, &c.,

Edward cardwell.

## The Hon. THE COLONIAL SECRETARY to the SEAT OF GOVERNMENT COMMISSIONERS.

*Removal of Seat of Government from Auckland.* Colonial Secretary's Office, Auckland. 1st August, 1864.  
GENTLEMEN,—

I have the honour to transmit to you the enclosed Commission under the hand of His Excellency the Governor and the Seal of the Colony, confirming your appointments as Commissioners to inquire into and report upon the best site for the seat of Government of this colony on the shores of Cook Straits.

The Hon. Joseph Docker, the Francis Murphy, and Ronald Campbell Gunn, Esq.

I have, &c.,

WILLIAM FOX.

## Enclosure.

His Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c:

To the Honourable JOSEPH DOCKER, Member of the Legislative Council of the Colony of New South Wales; the Honourable Sir FRANCIS MURPHY, Speaker of the Legislative Assembly of the Colony of Victoria; and RONALD CAMPBELL GUNN, Esquire.

WHEREAS on the thirtieth day of November, one thousand eight hundred and sixty-three, the Honourable the Legislative Council of New Zealand, in Parliament assembled, did resolve that the address hereafter set forth should be presented to me, and the same was accordingly presented, that is to say,— "May it please your Excellency,—We, the Legislative Council of New Zealand in Parliament assembled, desire respectfully to express to your Excellency our strong conviction that the time has arrived when it has become imperatively necessary for the good government of the whole colony, and for the maintenance of its unity, that the permanent position of the seat of Government should now be settled. We are of opinion that the just claims and varied necessities of all parts of the colony require that the seat of Government should be placed in a central position, that is to say, somewhere on the shores of Cook Straits. We desire that the actual site of the capital should be submitted to some independent tribunal by which the interests of the whole colony may be impartially considered, apart from those local claims which are sure to be asserted by the several settlements of Cook Straits in the discussion of a question so important to their respective interests. Impressed with the conviction that continued delay in the settlement of this question will only tend to keep alive those feelings of rivalry and jealousy between different parts of the colony which seriously impede the action of Responsible Government, and which threaten at no distant period the dismemberment of the colony, we respectfully but earnestly pray that your Excellency will cause no time to be lost in giving effect to the foregoing resolutions in such manner as to your Excellency may seem expedient:"

And whereas on the twenty-fifth day of November, one thousand eight hundred and sixty-three, the House of Representatives of New Zealand, in Parliament assembled, did resolve that the address hereafter set forth should be presented to me, and the same was accordingly presented, that is to say,— "May it please your

Excellency,—We, the Commons of New Zealand in Parliament assembled, desire respectfully to express to your Excellency our strong conviction that the time has arrived when it has become imperatively necessary for the good government of the whole colony, and for the maintenance of its unity, that the permanent position of the seat of Government should now be finally settled. We are of opinion that the just claims and varied necessities of all parts of the colony require that the seat of Government should be placed in a central position, that is to say, somewhere upon the shores of Cook Straits. We desire that the actual site of the capital should be submitted to some independent tribunal, by which the interests of the whole colony may be impartially considered, apart from those local claims which are sure to be asserted by the several settlements of Cook Straits in the discussion of a question so important to their respective interests. Such a tribunal would, in our opinion, be best formed by Commissioners having no interest in or relation with any part of the colony, and whose high social and intellectual standing should guarantee a full inquiry and an impartial decision, founded solely upon a consideration of the advantages which the different sites in Cook Straits present for the administration of the Government of the whole colony. We venture to think that the Governors of the neighbouring colonies would, if moved thereto by your Excellency, readily lend their aid in the selection of such Commissioners. We therefore respectfully pray that your Excellency will be pleased to request their Excellencies the Governors of New South Wales, Victoria, and Tasmania each to appoint one Commissioner of the character and for the purpose herein referred to, and that your Excellency will be pleased to submit for the consideration of the Commissioners so appointed the question as to the best site for the seat of Government within Cook Straits. Impressed with the conviction that continued delay in the settlement of this question will only tend to keep alive those feelings of rivalry and jealousy between different parts of the colony which seriously impede the action of Responsible Government, and which threaten at no distant period the dismemberment of the colony, we respectfully but earnestly pray that your Excellency will cause no time to be lost in carrying into effect the measures now submitted:"

And whereas their Excellencies the Governors of New South Wales, Victoria, and Tasmania aforesaid have, in pursuance of the aforesaid resolutions, respectively appointed the Honourable Joseph Docker, Member of the Legislative Council of the Colony of New South Wales; the Honourable Sir Francis Murphy, Speaker of the Legislative Assembly of the Colony of Victoria; and Ronald Campbell Gunn, Esquire, to be such Commissioners as aforesaid:

And whereas it is expedient to confirm such appointment under the hand of the Governor and the Seal of the said Colony of New Zealand:

Now know that I, reposing special trust and confidence in your knowledge, ability, and discretion, and in exercise of all powers and authorities in this behalf enabling me, do by these presents constitute, appoint, and confirm you the said

- Honourable JOSEPH DOCKER,
- Honourable Sir FRANCIS MURPHY, and
- RONALD CAMPBELL GUNN, Esquire,

to be the Commissioners described or referred to in the said resolutions: to have and to exercise all the powers, privileges, and authorities, and to discharge all the duties, therein severally set forth.

Given under my hand at the Government House, at Auckland, and issued under the Seal of the Colony of New Zealand, this twenty-ninth day of July, in the year of our Lord one thousand eight hundred and sixty-four.

By His Excellency's command.

William Fox. G. Grey.

## The SEAT of GOVERNMENT COMMISSIONERS to Sir George Grey.

*Commissioners' Reply.*

SIR,—

Government Buildings, Nelson, 3rd October, 1864.

We have the honour to transmit to your Excellency a report upon the site for the seat of Government of New Zealand in Cook Straits, a subject which was submitted for our consideration in the Commission with which your Excellency honoured us on the 29th of July last.

We have, &c.,

Commissioners for selecting a Site for the Seat of Government. His  
Excellency Sir George Grey, K.C.B., &c., Auckland.

Francis murphy, Joseph Docker, Ronald C. Gunn,

Government Buildings, Nelson, 3rd October, 1864.

The Commissioners, acting under the above-recited instrument, have agreed to the following Report:—

In order to guarantee a full inquiry and impartial decision, founded solely upon a consideration of the advantages which the different sites in Cook Straits present for the administration of the Government of the whole colony, the Commissioners determined to lay down a principle of inquiry which would be rigidly applicable in the examination of every site submitted to their investigation. This principle comprised inquiries into—First. The central position of the site; its accessibility, either by land or sea, from the adjoining provinces of New Zealand, from the various British settlements in the Southern Hemisphere, and from Europe and America; and also the existing and projected means of communication. Second. The water capabilities, comprising: Character of harbour; the approaches; depth of water; nature of anchorage-ground; protection from prevailing winds; rise and fall of tides; currents, their direction and velocity; dangers, whether hidden or visible. Third. Land capabilities, comprising: The extent of proposed site; natural formation of the land; water-supply; facilities for drainage and sewerage; facilities for the construction of wharves and piers; the sanitary condition of the site and neighbourhood. Fourth. The resources of the surrounding country; its extent and character; quantity of available land (whether alienated or unalienated) for pastoral or agricultural pursuits; its timber for building purposes and fuel; other building materials; mineral products; roads and facilities of communication with proposed capital. Fifth. Capabilities of defence: from attack by land; from attack by sea. Sixth. Natural disadvantages: whether capable of removal from the appliances of science; whether beyond control or removal.

The Commissioners commenced their labours at Wellington, on the southern coast of the North Island. They collected all the information that could be laid before them on these several heads of inquiry, and tested the information, so obtained, by personal examination, wherever such a course was practicable. The Commissioners then proceeded along the South Coast to Whanganui, and personally examined the harbour and the surrounding country. The Commissioners then passed to the opposite shore of the Strait, and directed their attention to Picton, in the Province of Marlborough, and minutely examined Queen Charlotte Sound and the Tory Channel. They then proceeded inland to Blenheim, and (descending by the Wairau River) made a personal inspection of Port Underwood, represented to be the natural harbour of this district. They also examined the pastoral districts lying to the south and east of the Wairau Valley. Leaving Picton the Commissioners examined carefully the Pelorus Sound, to the Town of Havelock, in the same province, and from thence proceeded through the French Pass to Nelson. They made a personal inspection of Blind Bay, with its various harbours, including Croixelles on the east shore, and Massacre Bay and Astrolabe Roadstead upon the west, and visited portions of the interior of the country.

Having thus made themselves acquainted, as far as was practicable, with the character and capabilities of both shores of Cook Straits, the Commissioners have arrived at the unanimous conclusion that Wellington, in Port Nicholson, is the site upon the shores of Cook Straits which presents the greatest advantages for the administration of the Government of the colony.

The Commissioners cannot conclude the important mission which has been intrusted to them without recording their high sense of the valuable assistance afforded to them, in pursuing their investigation, by the authorities of the various provinces, and also of the spirit of candour and impartiality which has been displayed by the gentlemen furnishing the information they required. They are desirous also of placing on record their acknowledgment of the courtesy and personal kindness received by them in every district which they visited.

Francis Murphy. Joseph Docker Ronald C. Gunn.

# Copy of a Despatch from Governor Sir George Grey, K.C.B., to the Right Hon. Edward Cardwell, M.P.

*Re Government of Native Affairs.*

SIR,—

Government House, Auckland, 26th August, 1864.

I have the honour to transmit, for your information, the copy of a memorandum which I have received from my Responsible Advisers, and which they have requested me to transmit to you, in which, in reference to your Despatches No. 43 of the 26th of April, and, No. 65 of the 26th of May, 1864, they state that they deem it to be an imperative duty to place on record without delay their protest against the introduction into this colony of a new form of government, under which Native affairs would be administered partly by the Governor and partly by his Advisers.

- 2. I have given this memorandum the best consideration in my power, and beg to offer the following remarks upon it: My Responsible Advisers think that practically no difference of opinion as yet exists between the Governor and themselves. What constitutes a difference of opinion admits of question. I think that several discussions which have taken place between my Responsible Advisers and myself regarding the terms which should be given to the Natives who have been in arms, regarding the confiscation of Native territory, the entering upon military operations, and other cognate subjects, constitute differences of opinion upon important points connected with Imperial interests; but, as copies of the greater part of such discussions have been transmitted to you for your information, you will be able to determine whether or not I am right in thinking that they show that considerable differences of opinion between my Responsible Advisers and myself have, from time to time, arisen upon subjects which are of great Imperial concern.
- 3. I would next state that I am of opinion that the publication in the colony of your Despatch No. 43, of the 26th of April, has produced a very happy effect upon the Native population here. To it I attribute in no small degree, and in spite of adverse causes, the surrender of the rebel Natives at Tauranga, and I believe its contents and the publication of them will go far to bring the war to a close in several districts of the colony. In all this I may be wrong, but I have carefully observed and considered recent events, and as the result I have arrived at the conclusion I have above stated.
- 4. Since the direction of Native affairs was originally assumed by the Colonial Ministers, a great change has taken place in this country. Then a war had recently been in appearance, concluded, and there seemed grounds to hope that peace between the two races might be permanently preserved. Now a very different state of things prevails. What may with justice be regarded as a civil war is raging in New Zealand. The parties engaged in this conflict are the whole of the European population and a part of the Natives on one side, the remaining portion of the Native population on the other. Both parties to this war are subjects of the Queen and citizens of the Empire, and they mutually allege against each other wrongs. Great Britain, to bring this war to a close, furnishes an army of nearly ten thousand men, a considerable naval force, and a large military and naval expenditure.
- 5. The Colonial Ministers at present possess and exercise here, upon all ordinary subjects, all the powers usually held and exercised by Ministers in those countries where the system of Responsible Government prevails. In addition, they now, as I understand them, protest against not being allowed to exercise absolutely powers which would virtually give them a very large control over the naval and military forces and the naval and military expenditure of Great Britain.
- 6. I think that in deciding upon the protest now transmitted the following points should be considered. The Colonial Ministers are responsible to the General Assembly for colonial matters; but, as I will presently show, the General Assembly does not even in such matters exercise such an active supervision or control over their acts and proceedings as the Parliament of Great Britain exercises over those of the British Ministry; and when it is remembered that the General Assembly is in no way responsible for the mode in which Her Majesty's naval and military forces are employed, or for the naval and military

expenditure of Great Britain, I think that that body would exercise little or no control over the Colonial Ministers in reference to those matters.

- 7. The members of the General Assembly are collected from great distances, are drawn away from their own private avocations, to which they are anxious to return as speedily as possible. The settlements from which they come are also removed by long distances from the capital, and have frequently interests of a totally different character from those of the population inhabiting districts where there are many Natives. From their remoteness from the seat of Government the information the inhabitants of such settlements possess regarding public affairs is limited: it is frequently only such as the Ministry of the day thinks proper to suffer to transpire. Hence less interest is taken in what may be termed general public affairs, as distinguished from provincial public affairs, than would be imagined, and public opinion regarding general public affairs is, in the settlements remote from the capital, formed upon limited, often erroneous, information. When, therefore, the General Assembly meets, some time elapses before the members can thoroughly acquaint themselves with what has passed since their last meeting and ere they have fully mastered this the time for their separation has almost arrived. Sometimes also papers upon important subjects are only called for after the Assembly has met for some time. I believe in some cases the printing of these papers has been hardly completed when the Assembly has separated. The sessions of the Assembly are also not only short, but by far too infrequent to enable them to exercise such a control over public affairs as is exercised by the Parliament of Great Britain.
- 8. For instance, the General Assembly met at its last session on the 19th of October, 1863, and was prorogued on the 14th of December of the same year, after a session of only fifty-six days, and it may probably not meet again until the month of March, 1865—that is, not until after an interval of fifteen months.
- 9. Whilst the General Assembly exercises so feeble a control over public affairs, what is termed the Cabinet bears but a faint resemblance to the strong and powerful Ministry which can be formed in Great Britain. Since September, 1861, there have been three Ministries in New Zealand. The present Cabinet consists of five members, one of whom has been absent in England during the greater portion of the time of the existence of the present Ministry. Two other members of the Ministry have been frequently absent from the capital; so that the direction of affairs, involving largely the interests of Great Britain in the employment of her military and naval forces and the expenditure of her funds, has rested at such times in the hands of the remaining two members of the Ministry, who are the two partners who compose one of the legal firms in the Town of Auckland. And it was on advice thus tendered to him that the Governor was frequently expected to act in the most important affairs of Imperial concern. The protest I now enclose is made by this Cabinet, and not by the General Assembly, and it is made before your last despatch is known in the colony, and before public opinion has been in any way formed or expressed on the subject.
- 10. The position of the Governor in this colony is also peculiar, from the relations existing between the Mother-country and a colony. The Governor is the person who here issues in his own name all orders to the chief military and naval authorities; such orders are, in fact, openly and ostensibly his orders, and he is apparently responsible for all acts done under them; and when his Ministers require him to sign such orders he is really their servant, and yet is responsible to the British Government for the orders they compel him to give, and which may be repugnant to his own wishes and feelings; and he has also here none of the facilities for forming a new Ministry which the Crown in England or the Governors of neighbouring colonies possess; for, from the great distance of the several settlements from each other, the defective information they possess on public affairs, and the rare and short occasions on which New Zealand statesmen are brought together in the General Assembly, it is almost impossible for the Governor to consult them as to whether they will, or will not, form a new Government, or for them to determine what support they can reckon upon in the General Assembly if they undertake to do so.
- 11. It should also be remembered, in reference to the two distinct populations in this country, that the Native population, who are the largest landed proprietors in the Northern Island, are unrepresented in the General Assembly: the other population, the European one, is the governing body. Necessarily in a civil war the feeling of race exercises some influence, and men's passions more or less lead them to adopt extreme views, and too hasty and often ill-considered acts, in which they are sustained by a public opinion to which there is little or no counterpoise, so that surrounded by such influences it would be very difficult for a Minister, endowed with the very calmest mind to arrive at a correct conclusion; and this difficulty is greatly increased when he has to please a constituency in which almost universal suffrage prevails, and which is composed of one race engaged in a civil war with a race which it is to govern, and which is to be subdued by an army supplied by the Mothercountry.
- 12. Great Britain, in whose service the officers and men of her naval and military forces have engaged

themselves, often from the highest motives, owes something to the feelings of these officers and men, and something to the welfare of the wives and children of her soldiers; and I do not think that when two populations are arrayed against one another, as is now the case in this colony, the uncontrolled power over the lives, actions, and honour of these officers and men, and over the welfare of their wives and children, should be handed over to irresponsible persons, or at least but feebly responsible to a Colonial Legislature, the seats of the members of which depend upon constituencies who must, by the course of events, be more or less excited against another race which is unrepresented in that Legislature.

- 13. I have used the words "irresponsible persons," for in truth a Colonial Ministry cannot be said to be responsible to the Parliament of Great Britain, nor even in any indirect manner to the British taxpayer, whose resources they would direct the expenditure of. I cannot but think that, whilst a civil war prevails in New Zealand, Imperial officers, responsible to the British Government, should exercise such a control over the management of public affairs as is directed in your despatch against which my Responsible Advisers protest. At the time of their protest being made they had not sanctioned the publication in the colony of your Despatch No. 65, of the 26th May, 1864, so that no expression of public opinion had taken place here regarding it. I am not at all satisfied that when this subject has been fully considered public opinion will be adverse to the instructions you have issued for the management of public affairs during the present crisis. I think that all would see that these instructions, which have been issued to meet a temporary emergency, would lapse the moment a normal state of things was restored in the colony, and that they were suited to meet the exigencies of the present moment and to provide for the restoration of peace to the country. I think no doubt should be entertained of the good sense and good feeling of the inhabitants of New Zealand, that you should feel satisfied that you will be supported by a large majority in this country in doing that which is right, and that when, after full consideration, you have determined that a certain line of policy is that which justice to Great Britain and to both races in this colony requires to be pursued, you may direct that it should be carried out in the full confidence that the Governor here will, when all the facts become known, have ample support in giving effect to your instructions.

The Right Hon. Edward Cardwell, M.P.

I remain, &c.,

G. Grey.

## **Enclosure. Memoranda relative to Relations existing between the Governor and his Responsible Advisers.**

### *Memorandum by Ministers on Native Government.*

In their memorandum of the 2nd of August last, which forms the subject-matter of His Excellency's despatch to the Secretary of State of the 26th August, No. 124, Ministers stated that a passage in Mr. Cardwell's despatch of the 26th of May, No. 65, was capable of an interpretation subversive of the arrangements by which responsibility in Native affairs was transferred to the Colonial Government; but it appeared to His Excellency's Responsible Advisers that the following sentences were intended to qualify that interpretation, and that such a reading would render Mr. Cardwell's despatch harmonious with and not antagonistic to that of the Duke of Newcastle of the 26th of February, 1863, which embodies the arrangements between the Imperial and Colonial Governments as to the conduct of Native affairs.

It thus appears that, in the opinion of Ministers, the despatch referred to was capable of two interpretations,—one by which the arrangements made would be subverted, and the other consistent with it. It was against the former interpretation, which would, in fact, introduce a new form of government under which Native affairs would be administered partly by the Governor and partly by his Advisers, that Ministers thought it their duty to protest.

It is very remarkable that throughout His Excellency's very long despatch he does not commit himself to an

opinion as to which interpretation is the correct one,—his despatch will suit either.

This is no doubt very safe; but Ministers most respectfully submit that it is neither candid nor fair. His Excellency, in the last paragraph of his despatch, states, "I am not at all satisfied that when the subject has been fully considered public opinion will be adverse to the instructions you have issued for the management of public affairs during the present crisis." If those instructions are intended to subvert the arrangement of February, 1863, and to authorize the Governor without qualification to act on his own judgment, irrespectively of his Responsible Advisers (and it was against this Ministers protested), they beg to express their dissent from His Excellency's opinion; but if, on the other hand, the instructions are not inconsistent with that arrangement, but only point out the manner in which it is to be carried into practice, the opinion of Ministers is not adverse to, them, nor do they believe will be that of the public.

Ministers now beg to be permitted to make some corrections in matters of fact, and to point out what appear to them to be some false inferences

- 1. His Excellency states it to be his opinion that several discussions which have taken place between his Responsible Advisers and himself constitute differences of opinion. It would have been folly for Ministers to have said that these discussions did not exhibit differences of opinion, but Ministers did not say anything which could be construed to bear such an interpretation. The words used by Ministers on the 2nd of August last were these: "Practically no difference of opinion as yet exists between His Excellency and his Advisers." At that time the statement was true—no difference did then exist of a practical nature; for, although differences had frequently arisen, they had been obviated by Ministers, with an earnest desire to yield to His Excellency as the representative of the Imperial Government, surrendering their own opinions; and therefore, although differences had arisen, no practical result was then in existence.
- 2. His Excellency next states that he is of opinion that the publication in the colony of Mr. Cardwell's Despatch No. 43, of the 26th of April, has produced a very happy effect on the Native population, and that to it His Excellency attributes, in no small degree, and in spite of adverse causes, the surrender of the rebels at Taurariga. Ministers feel bound to express their dissent from this opinion; and it is quite clear that the Tauranga Natives had made up their minds to surrender before they ever heard of Mr. Cardwell's despatch or its contents. The despatch was published in the *New Zealand Gazette* on the 30th of June, and was republished in the Auckland newspapers on the following day, which reached Tauranga on the 4th or 5th of July. The Natives who surrendered were at that time dispersed in the forests at the back of Tauranga, 150 miles distant from Auckland. On the 5th of July Mr. Rice received a communication from them that they desired to surrender, and it was several days after that before they became aware that Mr. Cardwell's despatch was in existence. The true cause of their submission may be found in their defeat on the 21st of June at Te Ranga, by the forces under Colonel Greer, and the straits they were reduced to by the want of food. These, indeed, are the reasons they themselves assigned for their submission.
- 3. Paragraph No. 4 of His Excellency's despatch is calculated to convey a very erroneous impression as regards the assumption of responsibility in Native affairs by the Colonial Government. The facts are these: In 1856, when Ministerial responsibility in the management of public affairs was granted to the Colony of New Zealand, an exception was made of Native affairs, the entire control of which, by arrangement then made, was reserved to the Representative of the Imperial Government. Soon after the arrival of Sir George Grey, in September, 1861, the then Ministers accepted the transfer from the Governor of that responsibility, subject to the confirmation of the General Assembly; but both Houses, in the following session held in August, 1862, passed resolutions declining the functions which had been relinquished to them; and in a despatch from His Excellency to the Secretary of State, dated the 26th of August, 1862, he stated that he had consented to act in the spirit of these resolutions until further instructions should reach him. His Grace the Duke of Newcastle, in a despatch dated the 26th of February, 1863, informed the Governor that the Imperial Government would not recall its decision with respect to the administration of Native affairs; but no alteration was made till November, 1863, when the General Assembly, having had under their consideration the despatch of the 26th of February, 1863, "conveying the fixed determination of Her Majesty's Government to revoke the arrangement of 1856, and for the future require the colonists to undertake the responsibility of the management of Native affairs," by resolutions passed in both Houses accepted the responsibility thus placed on the colonists. It is true that a great change has taken place, as stated by His Excellency, since the direction of Native affairs was originally, that is, in 1861, assumed temporarily by the Colonial Minister; but it is equally true that that direction was accepted by them subject to the confirmation of the General Assembly, which was refused, and that no change has taken place in this country since November, 1863, several months after the present war had broken out, when responsibility in the management of Native affairs was definitively transferred to the Colonial Ministry.

The same paragraph of His Excellency's despatch is at least inaccurate when it states that the parties

engaged-in the present conflict are the whole of the European population and a part of the Natives on one side, and the remaining portion of the Native population on the other; the fact being that in addition to the two hostile Native parties there is a third, exceeding in number the other two conjointly—namely, a party which has taken no active part on either side, but has remained neutral, watching the course of events.

- 4. In their memorandum of the 2nd of August, Ministers stated that His Excellency is bound to judge for himself as to the justice and propriety of employing Her Majesty's troops, and that Ministers do not claim the right to enforce their policy with Her Majesty's Imperial forces. Ministers are unable to reconcile these declarations with His Excellency's understanding that they "protest against not being allowed to exercise absolutely powers which would virtually give them a very large control over the naval and military forces and the naval and military expenditure of Great Britain."
- 5. Ministers feel assured that His Excellency's opinion that because the General Assembly is not responsible it would therefore exercise little or no control over the Colonial Ministers in reference to military and naval matters, is clearly erroneous. Experience has proved exactly the reverse. No questions have been more fully and energetically discussed in the General Assembly of New Zealand than those having reference to advice tendered to the Governor on questions as to the employment of forces; nor indeed could it well be otherwise, for such questions are of the utmost importance to the colony, involving not only its welfare, but the safety of the lives and property of the inhabitants.
- 6. It is quite true that the members of the General Assembly are collected from great distances, from settlements having a totally different character from those of the population inhabiting districts where there are many Natives, and it must be admitted that generally the information the inhabitants of such, settlements possess regarding public affairs is limited, though certainly a more general interest is taken in public affairs in New Zealand than in England, and a greater knowledge of them possessed by the public at large. His Excellency, however, does not state what inference he wishes to be drawn from his statement, but it is clear that it is not a favourable one. On the other hand, Ministers regard the facts admitted as beneficial rather than otherwise to a due appreciation and just management of Native affairs during the excitement necessarily incident to the suppression of a formidable rebellion; for the settlements distant from the seat of hostilities may be fairly expected to send to the Assembly men of calmer judgment, and the totally different character of the population will act as a counterpoise to each other. The main object, however, of the 7th and following paragraphs of His Excellency's despatch appears to be to depreciate Responsible Ministries in general in this colony, and the present Ministers in particular, to disparage the General Assembly and find fault with public opinion, with apparently the object of proving that there is no one in the colony at the present juncture fit to be intrusted with the management of public affairs, and therefore it should be handed over to Imperial officers, or, in other words, to His Excellency himself. The charge that the information given to the Assembly by the Ministry of the day is frequently only such as it thinks fit to transpire, conveys of course the imputation that papers are frequently purposely kept back. This charge Ministers distinctly deny; it is entirely without foundation; and Ministers can indeed with confidence appeal to the Parliamentary papers published in every session of the Assembly in proof of the truth of their denial. The several statements which follow on the same subject Ministers feel bound in justice to say are either without foundation or greatly exaggerated.
- 7. His Excellency states that the sessions of the General Assembly are not only short, but by far too infrequent to enable them to exercise such control over public affairs as is exercised by the Parliament of Great Britain. It may be observed that if the meetings of the General Assembly were infrequent it would be in strict conformity with the plan of a Constitution proposed for New Zealand by His Excellency himself in 1851, and substantially adopted by the Constitution Act. But how far His Excellency is correct may be judged by the following statement, commencing with the year 1860, that in which the Maori disturbance first broke out in Taranaki:—

It must be borne in mind that mere local matters are not subjects of legislation in the General Assembly, as they are dealt with by the Provincial Councils, so that only questions of general interest engage the attention of the General Legislature; and it is unquestionable that no subject introduced into the Assembly has received the same consideration and has been so fully discussed as those relating to the Maoris, or has occupied one-fifth part of the time: in fact it may be safely affirmed that during the last four sessions—those above referred to—few days have passed in which Native affairs, in some shape or other, were not under consideration, and a very large period of the session of 1863 was exclusively devoted to them.

- 8. It would be presumption in a Ministry in New Zealand to institute any comparison between themselves and the "strong and powerful Ministry which can be found in Great Britain." But, because a New Zealand Ministry is comparatively very weak, it can be no justification for the inaccurate and exaggerated statements made by His Excellency in paragraph No. 9 of his despatch. It is not true that the direction of



affairs, involving largely the interests of Great Britain, have frequently rested in the hands of two members only of the Ministry; and it is not true that it was on advice thus tendered to him that the Governor was frequently expected to act in the most important affairs of Imperial concern. The present Government entered office in October, 1863, and from that time to the present Mr. Fox has been absent from time to time 38 days collectively on urgent public, business, and Mr. Gillies 144 days, for the most part in accordance with the arrangement made when he joined the Government, that he should generally reside in the South, with a view to special attention to southern business. And Ministers beg to state most distinctly that no Ministerial advice has ever been tendered to His Excellency by any two members of the Government which had not been previously considered and decided on invariably by one and frequently by two other members of the Government, and that such advice has been in furtherance of plans previously agreed to by every member of the Government. As His Excellency has considered it necessary, for the information of the Secretary of State, fully to express his opinion, in rather personal terms, of the New Zealand Colonial Government, both Executive and Legislative, it seems necessary, in order to render the information of the Secretary of State complete, that the opinion entertained in the colony in reference to His Excellency himself should not be omitted. Ministers, however, will not follow His Excellency's example by descending into personalities, but will confine themselves to a simple expression of opinion, without entering on the reasons on which it is founded. Ministers are clearly of opinion—and on this they certainly believe that they speak the sentiments of a large majority of both House of Assembly and of the public in general—that Responsible Government in New Zealand can never be successfully worked under His Excellency Sir George Grey.

- 9. Many of, the observations of His Excellency in reference to the difficulties of a Governor under Responsible Government in New Zealand are more or less correct. But it may be said that with ordinary tact and management they are not insuperable. No doubt there is an essential difference between Responsible Government in New Zealand and in the Mother-country. It is true that in the colony the Governor issues orders in his own name, and that in matters not involving Imperial interests they are the orders of his Ministry who are responsible, and are invariably so considered at all events in the colony. If Ministers advise that which is repugnant to His Excellency's own feelings he is not compelled to give his assent; but he has his constitutional remedy, and, although there certainly are impediments in the way of forming a new Ministry, they are much exaggerated by His Excellency, and there is no difficulty which could not be easily overcome if his views coincided with those held by a majority of the House of Representatives, or with those held by a majority of the Executive.
- 10. No doubt, with a civil war raging in a country, there is danger of men's passions misleading them; but Ministers refer with the utmost confidence to their acts and expressed opinions since they have been in office as a refutation of any charge that may be brought against them that their passions have led them to "adopt extreme views," or to do "hasty and ill-considered acts."
- 11. What Great Britain owes to the feelings of her naval and military forces—and His Excellency reminds her that she does owe something—is not a question for the Colonial Government; but His Excellency's observations are equally applicable to the colonial forces, and Ministers cannot therefore permit them to pass without notice. They beg most respectfully to express their dissent from what to them appears to be a new and dangerous doctrine, that the feelings of the naval and military forces of a State are to be consulted as to the political justice, propriety, or expediency of the service on which they are employed. Ministers entirely agree with His Excellency that the "uncontrolled power over the lives, actions, and honour" of the officers and men of Her Majesty's Imperial troops and "the welfare of their wives and children" should not be "handed over to irresponsible persons, or at least but feebly responsible to the Colonial Legislature." As Ministers have never claimed such a power, as they have frequently stated, and certainly have never attempted to exercise it, they are quite at a loss to understand against what so much declamation is directed. So far indeed from such power having ever been exercised, Ministers feel that they have been excluded by His Excellency from that which they conceive that they have a legitimate right to. For some time past His Excellency has not thought it necessary even to communicate any information relative, to military movements, and at this very time it is only through the newspapers that they have become informed that some expedition is about to be despatched to the south, either to Taranaki or Whanganui or to both; nor has His Excellency permitted his Ministers to see the despatches received from Her Majesty's Secretary of State by the last mail ten days ago. If Whanganui be the intended scene of military operations, Ministers feel especially that they should have been informed, for it appears to them of importance that timely notice of the intention should have been given, in order to place on their guard the out-settlers who will be exposed to Native outrage.
- 12. The repetition by His Excellency in various forms of the imputation that Ministers desire or claim to exercise control over Her Majesty's Imperial troops, and divert the expenditure of the resources of the

British taxpayer renders it necessary for Ministers to repeat that they never did and do not claim anything of the kind. But on the other hand they do claim, and as long, as they remain Responsible Ministers will exercise, as they feel it to be their duty, control over the resources of the taxpayer, and will not consent to surrender that control to the Imperial officers.

Ministers entirely agree with His Excellency that no doubt need be entertained of the sense and good-feeling of the inhabitants of New Zealand, and that Her Majesty's Secretary of State will be supported by a large majority in doing that which is right. The inhabitants of New Zealand have no desire unduly to interfere with the functions of Her Majesty's Imperial officers, nor to exercise any powers over Her Majesty's Imperial forces; but on the other hand they do claim and feel that they have a right to expect that in all questions affecting colonial interests their legitimate influence should not be denied them. They are above all things anxious that the present war should be speedily terminated: indeed, it is of vital importance to them that it should be. They have made great sacrifices with the hope and expectation that it will be brought to that satisfactory conclusion, a just and permanent peace; and they earnestly hope that His Excellency the Governor will not be induced to forego all that has been gained towards that end by patching up a mere truce. Ministers feel assured, to use the words of his Grace the Duke of Newcastle, that "it is better even to prolong the war, with all its evils, than to end it without producing in the Native mind such a conviction of our strength as may render peace not temporary and precarious, but well-grounded and lasting."

Ministers most respectfully request that His Excellency will be pleased to transmit a copy of this memorandum to Her Majesty's Secretary of State for the Colonies by the mail of the 8th of next month, as His Excellency's despatch, to which this memorandum refers, was transmitted by the last mail.

Fredk Whitaker.  
30th September, 1864.

Ministers find the following passages in His Excellency's despatch:—

- "4. With regard to the general complaint made by my Responsible Advisers of the delay in the transmission of documents to your department, I beg to state that every effort has been made by the very limited establishment allowed me to copy for transmission all documents which it appeared necessary to send Home. But the office accommodation allowed me is too limited.
- "5. There is now an army of nearly ten thousand men here, a large squadron, and consequently a vast correspondence to conduct; besides the ordinary business of an important Government, within the limits of which a civil war prevails., I am allowed for office accommodation a small office for myself, a writing-room of 12 feet by 16, and one other room of the same size as a general office. The assistance allowed me is miserably inadequate for the work to be performed, and has not been increased at the time that all the other departments have been largely augmented; whilst at the very time my Responsible Advisers complain I was not: transmitting documents to England they were refusing, as will be seen from the enclosed statement of the Despatch Clerk in my office (Memorandum by F. G. Moore, 1st July, 1864), to furnish me with copies of documents in their office which I required for transmission to you, on the plea that any documents that they wished to have sent Home should be copied in duplicate, but that they could not order copies of any documents, to be made which the Governor desired should be sent, but which they did not care about sending."

Ministers think it necessary to place these facts on record, which will show that the excuse offered by His Excellency is absolutely without foundation:—

- 1. They have never limited His Excellency to any amount of office room, nor interfered in any way with his arrangements at Government House. His Excellency can take as many rooms of that house for business as he thinks proper; and those, used for that purpose have been so used without any direction or interference on the part of any Ministry.
- 2. His Excellency has never complained before, nor in any way intimated, that he had not sufficient accommodation for his official establishment.
- 3. Ministers expressly deny having ever refused, or directed to be refused, any official assistance asked for by His Excellency in his official establishment, and have in all the instances when it has been requested immediately supplied extra clerical aid in His Excellency's official establishment. The memorandum by Mr. Moore on this point, forwarded by His Excellency to Mr. Cardwell, has not been seen by Ministers.
- 4. In reference to the non-transmission of the particular document referred to, Ministers are quite certain that no request was ever made to them to have it copied, and that they never refused any such request; nor was it ever intimated to them that it was being kept back, least of all that it was kept back for any such reason.

In conclusion, they beg to express their most respectful opinion that it is hopeless to attempt to work Responsible Government with His Excellency, if he continues the practice he has adopted on so many occasions, and which has already formed the subject of complaint, of suppressing or withholding from Her Majesty's Government important documents of his Ministers, while he forwards by the first mail after events his own despatches and statements, without Ministers even seeing them till after the mail has left.

William Fox.  
19th November, 1864.

## **MEMORANDUM by MINISTERS on NATIVE GOVERNMENT.**

The two despatches of Her Majesty's Principal Secretary of State for the Colonies, dated the 26th of April and the 26th of May, 1864, and numbered 43 and 65, have received the careful consideration of His Excellency's Responsible Advisers.

There are several matters in these despatches which will probably hereafter require notice, but at present His Excellency's Advisers desire to confine themselves to one point of vital and paramount importance. The despatch of the 26th of May contains the following passage: "But it is my duty to say to you plainly that if, unfortunately, their [Ministers'] opinion should be different from your own as to the terms of peace, Her Majesty's Government expect you to act upon your own judgment." Ministers beg most respectfully to recall to mind briefly what has taken place during the last two years on the subject of responsible government in the administration of Native affairs. In the session of the General Assembly held in 1862, both Houses strongly represented, in an address to Her Majesty, the then state of the colony, strongly remonstrated against being compelled to accept responsibility in Native affairs, and respectfully declined to undertake the task. Responsibility from that time rested with His Excellency the Governor, who consented to act in the spirit of the resolutions of the two Houses, until further instructions from the Secretary of State should reach him.

His Grace the Duke of Newcastle, in his despatch of the 26th of February, 1863, No. 22, in communicating the decision of Her Majesty's Government on the addresses of the Houses of Assembly, states that "Her Majesty was pleased to receive them very graciously, but has not commanded me to recall the decision communicated to you in my despatch of the 26th of May [1862], with respect to the administration of Native affairs." And His Grace further states that the Home Government has resigned the management of Native affairs, that "the relinquishment does not require the assent of the colonists to make it effectual," and that "it is completed by the act of the Home Government." His Grace then goes on to define the position of the Governor in these words: "Your constitutional position with regard to your Advisers will (as desired by your late Ministry) be the same in regard to Native as to ordinary colonial affairs: that is to say, you will be generally bound to give effect to the policy which they recommend for your adoption, and for which, therefore, they will be responsible. I say, generally, because there remain several contingencies, in which it will be your duty to act upon your own judgment in opposition to theirs. You would be bound to exercise the negative powers which you possess by preventing any step which invaded Imperial rights, or was at variance with the pledges on the faith of which Her Majesty's Government acquired the sovereignty of New Zealand, or in any other way marked by evident injustice towards Her Majesty's subjects of the Native race. In the interests of the colonists themselves, you might feel yourself bound, under conceivable circumstances, to appeal from your Government to the General Assembly, and from the General Assembly to the constituencies, in case the policy recommended for your acceptance appeared to you clearly disastrous. You would be bound to judge for yourself as to the justice and propriety of employing, and the best mode of employing, Her Majesty's forces. In this matter you might of course fortify yourself by taking the opinions of your Ministers, but the responsibility would rest with yourself and the officer in command."

In the session of the General Assembly of 1863, being the next following the receipt of the Secretary of State's despatch of the 26th February, the House of Representatives unanimously passed the following resolutions: "That this House—having had under its consideration the despatch of Her Majesty's Principal Secretary of State for the Colonies, dated the 26th February, 1863, conveying the fixed determination of Her Majesty's Imperial Government to revoke the arrangements of 1856, and for the future to require the colonists to undertake the responsibility of the management of Native affairs—recognizes with the deepest gratitude the great interest which Her Most Gracious Majesty has always taken in the welfare of all races of her colonial subjects, and the thoroughly efficient aid which Her Majesty's Government is now affording for the suppression

of the rebellion unhappily existing, and the Imperial establishment of law and order in the colony; and, relying on the cordial co-operation of the Imperial Government for the future, cheerfully accepts the responsibility thus placed upon the colonists, and at the same time records its firm determination to use its best endeavours to secure a sound and lasting peace, to do, justice impartially to both races of Her Majesty's subjects, and to promote the civilization and welfare of all classes of the inhabitants of these Islands." The Legislative Council passed a similar resolution by a majority of 15 to 1.

A clear, definitive arrangement as to the conduct of Native affairs was then come to between Her Majesty's Imperial Government and the General Assembly of New Zealand, which it is most respectfully submitted it was incumbent on both parties to adhere to.

His Excellency's Responsible Advisers cannot, however, but feel apprehensive that the passage they have quoted from Mr. Cardwell's despatch of the 26th May may be made as capable of an interpretation subversive of this arrangement, and, if fully acted on, involve the resumption of the administration of Native affairs in matters of the most vital importance to the colony. It is clear that that passage, read alone, bears such an interpretation; but it appears to His Excellency's Advisers that the sentences following that quoted qualify it, and are intended to operate as instructions as to the manner in which His Excellency is intended to act upon his own judgment should he differ from his "Responsible Advisers. This reading renders Mr. Cardwell's despatch harmonious with, and not, as it otherwise would be, antagonistic to, that of the Duke of Newcastle. Under his Grace's arrangement with, the colony, His Excellency the Governor has recognized *negative powers*, and he is bound to judge for himself as to the justice and propriety, of employing Her Majesty's forces; but he is not entitled, without the advice of his Ministers, to deal with any question of Native policy; and, if the policy they recommend for his acceptance appears to him clearly disastrous, he may appeal to the General Assembly, and from the General Assembly to the constituencies. The Governor's constitutional position with regard to his Advisers is the same in regard to Native as to ordinary colonial affairs. His Excellency's Responsible Advisers are anxious not to be misunderstood. They do not claim the right to enforce their policy with Her Majesty's Imperial troops—in this respect His Excellency has a *negative power*, which is not disputed; but His Excellency's Advisers do insist that the Governor has not the right to carry out a policy of his own, irrespective of his Responsible Advisers. The despatch, of the Duke of Newcastle, of the 26th of February, clearly abandons any such right, and the despatches from Mr. Cardwell cannot be accepted as reviving it.

Her Majesty's Secretary of State may fully rely that His Excellency's Ministers are animated by a just sense of the exertions and sacrifices which have already been made by the Mother-country for the colony, and that, on colonial grounds, they are as anxious as the Governor can be to terminate the present hostilities. Practically, no difference of opinion as yet exists between His Excellency and his Advisers, and they trust it may not arise; but as a feeling has arisen in the colony, since the receipt of Mr. Cardwell's despatch of the 26th of April, that it is the intention of the Imperial Government to subvert the existing arrangement as to the administration of Native affairs in some matters, and these of the highest importance to the colony, His Excellency's Advisers deem it to be an imperative duty to place on record without delay their protest against the introduction of a new form of government, under which Native affairs would be administered partly by His Excellency and partly by his Advisers—in fact, two Governments for the same affairs, which not only would not always aid one another, but which would sometimes act at cross purposes with each other, rendering it quite impossible that Her Majesty's Government could be advantageously carried on under such a system: a system far worse than that which the Duke of Newcastle pronounced a failure, and which could not but operate mischievously, alike to both Imperial and Colonial interests.

Ministers request that His Excellency will be pleased to transmit a copy of this memorandum to Her Majesty's Secretary of State.

Fredk. Whitaker.

Auckland,

2nd August, 1864.

By His Excellency Sir George Grey, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c.

The Governor having been authorized to extend, upon certain conditions, Her Majesty's clemency to those tribes who have engaged in the present unhappy rebellion: Now., therefore, I, Sir George Grey, the Governor of the Colony of New Zealand, do hereby notify and proclaim that I will, in Her Majesty's name, and on her behalf, grant a pardon to all such persons implicated in the rebellion as may come in on or before the tenth day

of December next, take the oath of allegiance, and make the cession of such territory as may in each instance be fixed by the Governor and the Lieutenant-General Commanding Her Majesty's forces in New Zealand. All those persons who have been engaged in the rebellion who may desire to return within any part of the ceded territory, or within the limits of any European settlement, will be required to deliver up any arms or ammunition in their possession.

The pardon promised in this Proclamation will not be extended to any persons who may have been engaged in the murders of—Samuel Shaw, Samuel Ford, Robert Passmore, Parker, Pote, Dr. Hope, Lieutenant Tragett, and soldiers (4th May, 1863); Robert Patterson, Michael Meredith, Frederick Richard Meredith, William Cory Scott, Robert Watson, Hugh McLean, Sylvester Calvert, Charles Cooper, William John Jackson, Margaret Fahey, Job Hamlin, Richard Trust, Nicholas Trust, James Droomgould, Henry Crann, Hugh Corbyn Harris, Sarten, John Hurford, Gaffney (an Artilleryman), Richard Brown, Ephraim Coad, William Cutfield King, John Hawkin.

Given under my hand, at the Government House, at Auckland, and issued under the Seal of the Colony of New Zealand, this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and sixty-four. G. Grey.

By His Excellency's command.

G. GREY

GOD SAVE THE QUEEN!

## PanuitangaNa Ta Hori Kerei, Kawana o Nui Tirani, &c.

No te mea, kua tukua mai he mana kia Te Kawana kia whakaputaina atu e ia te whakaaro tohu o Te Kuini, i runga i etahi tikanga, ki nga iwi kua uru nei ki roto ki tenei whawhai whakapouri ngakau.

Na, ko ahau ko Ta Hori Kerei, Kawana o Nui Tirani, ka whakaputa, ka panui nei, i tenei ritenga. Ka murua katoatia e au, i runga i te ingoa o Te Kuini nga he o nga tangata katoa kua uru ki roto ki tenei whawhai, nga tangata e haere mai i roto i nga ra e takoto ake nei, tae noa ki te tekau o nga ra o Tihema, 1864, a ka oati i te Ki Tuturu, ka ruku raai hoki i tetahi whenua ki a Te Kuini. Ma Te Kawana raua ko Te Tianara e whakarite ki ia tangata, ki ia hapu, te nui o te wahi e tukua mai e ratou.

Na, ko nga tangata katoa kua uru ki roto ki tenei whawhai, a kua hiahia kia hoki mai ano ki roto ki nga rohe o te wahi kua tukua mai ki a Te Kuini noho ai, ki roto ranei ki nga rohe o nga kainga pakeha, me tuku mai ratou i nga pu, i nga paura, i nga patu katoa e mau ana i a ratou.

Na, ko te tikanga murunga he kua whakaaetia nei i roto i tenei Panuitanga, ekore e tau ki runga ki nga tangata i uru ki te kohurutanga o enei pakeha e mau nei o ratou ingoa i roto i te pukapuka nei. [Same names as before.—Ed.]

He mea tuku atu i raro i toku ringa i te Wharo o Te Kawana, i Akarana, he mea whakaputa atu i raro i te Hiri, o te Koroni o Nui Tirani i tenei rua tekau ma rima o nga ra o Oketopa, i te tau o to tatou Ariki kotahi mano e waru rau e ono tekau ma wha.

Na Te Kawana i mea.

G. Grey.

E TE ATUA TOHUNGIA TE KUINI!

# **No. 89. Copy of a Despatch from Governor Sir George Grey, K.C.B., to the Right Hon. Edward Cardwell, M.P.**

SIR,—

Government House, Auckland, 27th October,.1864.

I have the honour to transmit, for your information, the copy of, a Proclamation I yesterday issued, in which, in conformity with your instructions, as contained in your Despatch No. 43, of the 26th of April last, I notified to those tribes and persons who had been engaged in the present unhappy rebellion that Her Majesty's clemency would be extended to all those who would come in on or before the 10th day of December next, take the oath of allegiance, and make the cession of such territory as might be in each instance fixed by the Governor and Lieutenant-General.

- 2. You will find from my correspondence with my Responsible Advisers, copies of which are enclosed (see memorandum of 10th instant), that I undertook that care should be exercised to take any cessions of land in a manner which should unequivocally exhibit the Natives who made them in the position of defeated rebels, and, further, that no arrangement for the cession of any land should be concluded until the advice tendered by my Responsible Advisers had been fully considered.
- 3. None of my Responsible Advisers, however, countersigned the Proclamation. I nevertheless deemed it to be my duty to issue it. It is in strict conformity with your instructions, and I consulted Sir D. Cameron and Commodore Sir W. Wiseman, and they both concurred with me in, thinking that the Proclamation was a wise and proper one, and that it was my duty to issue it, and that, the great matter for regret was that, from the obstacles thrown in my way, its issue had been so long delayed.

The Right Hon. Edward Cardwell, M.P., &c.

I have, &c.,

G. Grey.

## **MEMORANDUM by MINISTERS.**

Ministers recommend that the prisoners forwarded to Wellington from Tauranga by, the military authorities should be dealt with by them under the ordinary, powers of military law. Ministers think it desirable, that the said prisoners should be brought to trial under, martial law, on a charge of endeavouring to incite Her Majesty's subjects to join in the present rebellion.

F. A. Weld.

Wellington,

1st March, 1865.

## **MEMORENDUM by the ATTORNEY-GENERAL.**

In the case of the Native prisoners captured by the Arawas and handed over to the military authorities at Tauranga, His Excellency, under the advice of Ministers, has, intimated his opinion that such persons should be tried by Court-martial. The Lieutenant-General asks under what authority this can be, done. I will not undertake to define the exact limits of the military, authority in such a case. These prisoners, who were taken by Colonel Greer's directions, are not, it is true, within the provisions of the Mutiny Act; but, there now being an armed insurrection of the Natives in various parts of the colony, the military, power being actually engaged in quelling such insurrection, and these prisoners having been captured by direction of Colonel Greer, on account of the part supposed to have been taken by them in aiding such insurrection, it will be, I conceive, in accordance with established practice to try them by Court-martial. I refer to former instances in this colony, such as the trial of the murderers of the Gilfillan family by Major Laye (see also the case of Lord Torrington, in Ceylon: Lord Grey's Colonial Policy, Vol. ii., p. 185), and the case of the prisoners referred to in. Governor Grey's despatch to Earl Grey of the 28th December, 1847. (See Parliamentary Papers, 1848, p. 65.) In the latter case the question as to the power to try such prisoners by Court-martial was fully discussed, and the opinion of the then Attorney-General of the colony was given, expressly recommending that course, which was adopted and sanctioned by the Secretary, of State. (See despatch, from Lord, Grey to Sir George Grey, 8th. June, 1848: Parliamentary Papers, 1848, p. 161.) The only difference between that case and the present is that in that case martial law had been, actually proclaimed in the district, and might have been considered as in itself a warrant to the military authorities for their proceeding by Court-martial. In this case the express instructions of the Governor to the military authorities would have like force.

It is true that all exercise of military power, beyond the law, requires the indemnity of the Legislature. The power of taking human life or destroying property, in a case of intestine war, is a power not known to the law. When the Civil Government requires the intervention of military force, and calls in aid the military authorities, under such circumstances it makes itself responsible for the consequences; and the practice is to obtain from the Legislature an Act of Indemnity, which will be done in the present instance. But the power of trying by Court-martial and inflicting punishment under a judicial form is at least as reasonable and consistent with law as the power of taking life and destroying property (necessarily exercised without such form) in the ordinary operations of war. So far as any proceedings by. Court-martial, or any punishment inflicted under it, may be in excess of the, ordinary law, it will require to be and will be covered by Act of Indemnity. The reasons given by Governor Grey, in his despatch of the 28th December, 1847, for adopting this course of proceeding, apply with equal force to the present case. It is a case with which practically the ordinary civil tribunals find themselves unable to deal; and yet to allow prisoners taken under circumstances like the present to go at large unpunished would be attended with the worst possible results.

H. Sewell.  
5th April, 1865.

## **MEMORANDUM by the GOVERNOR.**

The Governor, fearing that an impression prevails in some quarters that the present war is carried on for the profit and gratification of the colonists, trusts that his Responsible Advisers will, in all instances, whether in recommending measures for the Governor's adoption or acquiescing in those he may recommend, make such, a full and explicit statement of the objects they have in view, and of the reasons on which the proceedings they advocate are based, that no misunderstanding can take place in the minds of just and unprejudiced persons regarding the propriety and necessity of the course which may be adopted.

G. Grey.  
4th March, 1865.

## **MEMORANDUM by MINISTERS.**

Ministers, in referring to the Governor's memorandum of the 4th instant, expressing a fear "that an impression prevails in some quarters that the present war is carried on for the profit and gratification of the colonists," are prompted by their desire to meet His Excellency's wishes rather than by any sense of the necessity of rebutting imputations so vague and so indirect.

Ministers feel that they might safely rely upon His Excellency's sense of justice for their defence. They are not aware that any difference of opinion has existed between His Excellency and themselves regarding either the advisability of taking decided action in the country between Taranaki and Whanganui, or regarding the ends sought to be obtained by such action. They believe that on these subjects there has been a free interchange of opinion between His Excellency and his Responsible Advisers, and that such consultations have in no case resulted in any difference of opinion. Ministers would undoubtedly have preferred that His Excellency should, after visiting the Southern Island, as proposed by them, have arrived at Wellington and Whanganui, if necessary, about the time that Lieutenant-General Sir D. A. Cameron commenced his operations there, and they at the same time proposed that a member of the Ministry should accompany the General to Whanganui, in the hope that such a course might facilitate any peaceful overtures on the part of the insurgent Natives. The Lieutenant-General, however, considered that the Governor's presence in Auckland was imperatively required, and finally did not adopt the proposition that he should be accompanied by the Minister for Native Affairs, considering his presence unnecessary.

It is possible that these circumstances may have given rise to a supposition in the minds of some persons, ignorant perhaps of the Proclamation of the 17th of December, 1864, that the Lieutenant-General Commanding, being without the presence of any high civil authority, became involved in hostilities which might have been, avoided. Ministers, however, cannot assent to this view. Had they seen any probability of successful negotiations resulting in the submission of the hostile tribes, they would have pressed their original proposition. His Excellency is well aware that the country between Whanganui and Taranaki has long been a focus of sedition and fanaticism. There, in 1854, was held the meeting of Manawapou, at which death was decreed against any Native who should sell his own land to the pakeha; thence issued armed bands of marauders and plunderers during the Taranaki war; thence, up to the present day, issue organized parties of fanatics who traverse the Native districts throughout the Island, parading the cooked Heads of Europeans,—in one instance, it is said, leading captive with them two British soldiers, and in at least one case adding cannibalism of the most disgusting character to their other crimes. Ministers will not dwell upon such facts as that all communication between Taranaki and Whanganui has been long prohibited by these tribes; that the mails have been stopped; that, a mail steamer having been wrecked on the coast, neither military nor civil authorities at the nearest port could have access to it by land; that this district is the refuge of Native criminals, as was shown in the case of Henare Tahau, who escaped thither after attempting to murder a Native woman. More recently, Mr. Hewett, a much-respected European settler, the Native Assessor Rio, and other friendly Natives have been murdered; a European road party fired on, and the progress of Her Majesty's troops resisted by force of arms. The loyal Natives of Whanganui have been threatened with the same destruction as Europeans. The gallantry with which they have defended themselves and their European fellow-citizens will be fresh in His Excellency's memory.

Ministers cannot but admit that it would have been for "the profit" of the colonists if the Lieutenant-General Commanding had found it possible by vigorous action so to carry on war in the head-quarters of fanaticism as to have insured submission, and thus put a stop to a rebellion which has incalculably retarded the progress of New Zealand, which has depreciated the value of property throughout the country districts of the Northern Inland, and which has placed both Islands of New Zealand in a state of the gravest financial embarrassment. They must also admit that the colonists, the friendly Natives, and all who desire the welfare of this colony, and of its inhabitants, whether of Native or European origin, would derive "gratification" from the establishment of law, order, and peace in the place of anarchy and the most degrading barbarism. Ministers would further state that, though they believe that the repression and punishment of the rebel tribes of this district, and the opening and occupation of their country, is an absolute necessity—regard being had to the safety of the neighbouring settlements, and the peace of the Island generally—they, nevertheless, have advised His Excellency to oppose the demand of the Lieutenant-General for reinforcements from England (nor will they advise any operations to be undertaken which may involve the retention of Imperial forces in the colony), and submit their opinion that a colonial force of Bush Rangers and Cavalry, united with the loyal Natives, whose interests are identified with those of the colonists, will be sufficient to undertake and execute all operations that are requisite.

The expression of these opinions will probably sufficiently rebut the insinuation of improper anxiety to retain the troops for the "profit" of the colonists. Further, Ministers will content themselves with requesting that His Excellency will inform them whether on any occasion they have offered him advice which might fairly appear to have been dictated by any disregard for the true interests of Natives, or any undue desire to obtain land, even for legitimate purposes of sale or colonization. Ministers, in tendering advice to His Excellency, will at all times, as heretofore, be ready to state their reasons and objects in so doing, and will do so in writing whenever he may require it.



Fred. A. Weld.

Wellington,

20th March, 1865.

## MEMORANDUM by the GOVERNOR.

In their memorandum of the 20th instant, Ministers request the Governor to inform them whether, upon any occasion, they have offered him advice which might fairly appear to have been dictated by any disregard for the true interests of the Natives, or any undue desire to obtain land, even for legitimate purposes of sale or colonization. In reply, the Governor has to state that Ministers have not, in his opinion, at any time tendered to him advice which was either directly or indirectly open to such a construction as they have alluded to in their memorandum.

G. GREY.

1st April, 1865.

## No. 92. Proclamation of His Excellency the Governor-in-Chief.

*Discontinuing the Native Land Purchase Department.*[Extract from *New Zealand Gazette.* ]

By His Excellency Sir George Grey, Knight Commander of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice- Admiral of the same, &c.

Whereas Her Majesty has been pleased to assent to "The Native Lands Act, 1862," and by Proclamation of the Governor, dated the twenty-ninth day of December, one thousand eight hundred and sixty-four, the operation of that Act has been extended over the whole Colony of New Zealand: And whereas the operation of this law renders unnecessary the continuance of the Native Land Purchase Department, by which prior to its enactment the cession of Native lands to the Crown has heretofore been conducted: And whereas other provisions will from time to time be made for any future cessions of land to Her Majesty which the Governor may permit to be made under clause thirty-two of the said "Native Lands Act, 1862:"

Now, therefore, I, the Governor, do hereby revoke all Commissions authorizing the purchase of lands on behalf of the Crown from the aboriginal inhabitants of the Colony of New Zealand, and do proclaim that the Native Land Purchase. Department will, from and after the date hereof, be done away with and cease to exist.

Given under my hand at the Government House at Auckland, and issued under the Seal of the Colony of New Zealand, this seventeenth day of May, in the year of our Lord one thousand eight hundred and sixty-five.

By His Excellency's command.

G. Grey. Walter  
Mantell.

## No. 93. Proclamation

*Proclaiming Martial Law throughout the Districts of Opotiki and Whakatane.*[Extract from *New Zealand Gazette.* ]

By His Excellency Sir George Grey, Knight Commander of the Most Honourable Order of the Bath, Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c.

Whereas instructions have been issued and military force has been employed to capture the murderers of the Rev. Mr. Völkner, Mr. James Fulloon, and his companions, at Opotiki and Whakatane: Andwhereas it is expedient that summary authority should be exercised by the commander of the military forces so employed, and that persons suspected of the said murders, or of aiding and abetting there in, should be tried by Court-martial:

Now I, the Governor, do hereby proclaim that martial law will be exercised throughout the Districts of Opotiki and Whakatane from the date here of until this Proclamation shall be duly revoked.

Given under my hand at the Government House at Wellington, and issued under the Seal of the Colony of New Zealand, this fourth day of September, in the year of our Lord one thousand eight hundred and sixty-five.

By His Excellency's command.

J. C. Richmond. G. Grey.

God save the Queen!

## No. 94. Copy of a Despatch from Governor Sir George Grey, K.C.B., to the Right Hon. Edward Cardwell

SIR,—

Government House, Wellington, 4th January, 1866.

In my Despatch No. 3, of the 5th January, 1865, I transmitted a petition to Her Most Gracious Majesty from the Provincial Council of the Province of Auckland, praying that in the northern portion of the Northern Island of New Zealand such a Government shall be constituted as would enable Her Majesty's Imperial Government to exercise such a control over Native affairs, until a cordial good feeling between the races should have been restored, as would enable it to insure the fulfilment of the treaty obligations undertaken by Her Majesty, and promote the good government of Her Majesty's subjects, both Native and European.

- 2. In the same despatch I stated that I would, at a future date, report on that petition; but, in the meantime, I thought it right to say that I thought that unless some such arrangement as that proposed in the petition was carried out it would be difficult to bring to a satisfactory termination the difficulties prevailing in that province.
- 3. In my Despatch No. 26, of the 7th February, I informed you that my Responsible Advisers had asked me to reserve my report on the petition until I had first received remarks which they wished to make upon it.
- 4. Subsequently I found that the matter had become one which had excited very strong political feelings, and that Her Majesty's Government and my Responsible Advisers had adopted views opposite to those which I held on the subject. I therefore felt it my duty to refrain from doing anything which might tend to embarrass either Her Majesty's Government or the Colonial Government, and I did not forward the report which I had proposed to make.
- 5. In your Despatch No. 50, of the 26th of July last, you informed me that you inferred from not receiving that report that I had changed my opinion and concurred in the views of my then Responsible Advisers.
- 6. I think it right therefore to state that nothing which has yet taken place has led me to alter the opinion which I expressed in my Despatch No. 3, of the 5th January, 1865.
- 7. The opinion I hold is based upon the necessity of strong, instantly acting, and entirely impartial government, in a case in which an European race and a powerful and jealous semi-barbarous race are

mingling together. A country so circumstanced requires more government than a country in which an ordinary state of things prevails. I think that with such a government the happiness and peace of both races in the Province of Auckland might be shortly insured, and that the present anomalous state of things would soon cease to exist there. I fear that, without some such arrangement as is proposed is carried out, a long time of difficulty and trial lies before the northern part of this Island, which I should naturally regret to see it subjected to, because I believe it to be unnecessary. A few years since I thought the various questions outstanding between the two races would have been adjusted much more speedily than has been the case. I have, &c.,

The Right Hon. Edward Cardwell, M.P.

I have, &c.,

G. Grey.

## No. 95. Copy of a Despatch from Governor Sir George Grey, K.C.B., to the Right Hon. Edward Cardwell.

*Waikato.—Remarks on Sir William Martin's Letter.*

SIR,—

Government House, Wellington, 2nd February, 1866.

I have been requested by my Responsible Advisers to transmit for your information the copy of a letter addressed by Sir William Martin to the colonial Minister for Native Affairs.

- 2. My Responsible Advisers inform me that it is with regret they find their views opposed to some of those of so good and able a man as Sir W. Martin is.
- 3. In order that full information may be afforded to you upon, perhaps, the most important point raised in Sir W. Martin's letter, I beg to offer the following remarks:—
- 4. Sir W. Martin states: "The object of the war in this country was to repress and terminate the efforts which the Natives were making to set up a separate nationality—an effort dangerous to both races; but, though that effort was a great folly, it was not a great crime."
- 5. This view of the case appears to me only to embrace part of the problem which should be presented for consideration, in order to render it possible to form a correct and safe conclusion upon a subject which is of a very difficult and complex nature.
- 6. In this Island two races are living together—a barbarous and a civilized race. The barbarous race is now in the minority, and each year this minority will be more apparent. But it occupies the central strongholds of the country. The people belonging to it do not live generally as a scattered population, but as communities under chiefs. They have been allowed to arm themselves well, are practised in the use of arms, and are naturally warlike. Wherever Natives are, there is a body of armed and organized warriors, ready for instant action.
- 7. Besides occupying the central strongholds of the country, the people of this race occupy many places between European settlements, in the vicinity of and even in the midst of those settlements.
- 8. The European race live scattered through the country, and in settlements dispersed at various points along the coast-line of the Island. Many of them were born in the country, have attained to middle age, and their children are in their turn growing up here. They have thus no sense of want of right to be here, or of being an intruding population. Between themselves and many of the Natives strong and long-enduring bonds of amity have existed, and still exist.
- 9. Until recently these Europeans have neither been armed or trained to the use of arms, nor placed under or habituated to act under leaders. For purposes of outrage or violence the barbarous population had therefore many advantages upon their side.
- 10. An armed attempt to set up a separate nationality and Native King by a barbarous population, so

circumstanced in reference to a civilized population such as I have described, becomes a very serious matter.

- 11. In such an attempt the civilized population, who have no interest but self-preservation, must necessarily suffer the most. Those of the barbarous who engage in such an attempt may be clever, and themselves much advanced in civilization; but the worst and most violent of their countrymen, are almost certain to join them, and to break loose from all control. They have little to lose, and in a few hours can destroy property which the European population has been years in painfully and patiently accumulating. The national Government attempted to be set up under such circumstances can necessarily have no power to repress violence, or to punish evil-doers amongst those who claim to be its subjects. Such men, even when mixed up with the European settlements, are certain, after committing crimes, to claim their nationality as an excuse for not acknowledging European tribunals which would punish them for their offences; and this claim on their part will be supported by all their countrymen who desire disturbances, or may hope to gain anything by them. At the hands of such men both the well-conducted of their countrymen and the European population must suffer great wrongs. It might be said that to proclaim that a barbarous nationality has been set up in a country circumstanced as this is, is to proclaim that every man who pleases to acknowledge that nationality may do as he likes, and that all law is abolished. Such was, in fact, in many instances the result, even within the limits of the European settlements, of the attempt to set up a separate nationality in New Zealand.
- 12. In forming a judgment on the nature and circumstances of such an attempt all this must be borne in mind.
- 13. When once the serious and terrible evils which spring from such an attempt are made manifest, I think it becomes the duty of the European population, and of the well-disposed amongst the Native population, to take every precaution within their power which they can take without acting unjustly or unmercifully, not only to repress and terminate such an attempt, but to prevent such an attempt from being ever again made.
- 14. This is no less necessary for the protection of the Natives than of the Europeans: not to do it would be to insure the ultimate destruction of the Native race. To this end my aims have been mainly directed. The thought of punishing those who have been engaged in the attempt to set up a separate nationality, and who have entailed so large a loss of life and property, and such a vast expenditure on the country, has been entirely subordinated to the idea of doing that which might prevent such evils from falling on the two races for the future; and in these views I have been thoroughly supported by the General Assembly and the whole talent and influence of the country. In fact my views were their views; there has been no essential difference of opinion between us.
- 15. I do not mean to say that there are not violent men in New Zealand; but even in the midst of the worst outrages, and during times of the greatest excitement, the General Assembly has shown a scrupulous care for the rights, both present and prospective, of the Native race: instead of waiting for the termination of hostilities to make provision for the future of that race, they have even in the midst of wars and outrages carefully devoted themselves to enacting laws for the security of the future welfare of the Native people. I feel sure that upon the whole the debates, the legislation, and the acts of the General Assembly will hereafter be admitted to be creditable to their humanity, and to the nation to which they belong; and I have no reason to think that Sir William Martin would not agree with me in the opinion which I have thus expressed.

I have, &c.,

The Right Hon. Edward Cardwell.

G. Grey.

**No. 96. Copy of a Despatch from Governor Sir G. F. Bowen, G.C.M.G., to his Grace the Duke**

# of Buckingham.

*Condition of Maori Race.*

My Lord Duke,—

Government House, Wellington, 5th March, 1868.

Among the manifold and urgent public questions which have necessarily pressed themselves on my attention during the month which has now elapsed since my assumption, on the 5th ultimo, of the Government of New Zealand, I have given much thought and care to that very complicated and difficult, but highly interesting subject, the present condition and future prospects of the Maori race.

- 2. By my desire the Minister for the Native Department (Mr. J. C. Richmond) has addressed to the principal officers and agents of the Government throughout the colony a circular (of which I enclose a copy) directing each of them to furnish, for the information of the Governor, a detailed report on Native affairs in his district. It will be seen that this report is to contain as full a history as possible of the last few years, and of the events that have come under the personal cognizance of each Government agent. Reliable information is called for as to the actual number of the Maoris; the causes and influences affecting their increase or decrease; their feelings towards Europeans generally; their physical and moral condition; the rise, object, progress, and tendency of the Hauhau movement; the opinion of the Maoris in respect of the recent war, of the removal of the Imperial troops, of the suppression of the late outbreaks of rebellion on the east coast of the North Island and elsewhere, and of the prospect of the permanent restoration of peace. Finally, the several agents of the Government are required to notice the working of the recent Acts of the New Zealand Legislature in reference to the lands, the education, and the Parliamentary representation of the Maoris; and generally to supply such further information as may appear, likely to be useful in forming an accurate opinion of the present state of Native affairs.
- 3. I am assured that the public officers in the Maori districts are, for the most part, men of ability and local experience, and it is hoped that the reports which will be elicited by the above-mentioned circular will go far towards enabling both the Imperial and the Colonial Governments to arrive at a correct estimate of the present condition, feeling, and prospects of the Native race. It will be my duty to transmit to your Grace copies of these reports, when they shall have been received, together with such remarks and illustrations as they seem to need.
- 4. Meanwhile I will take this opportunity of forwarding a memorandum, carefully prepared in the Native Department, respecting the meeting held in last January by the adherents of the so-called Maori King at Tokangamutu, a place situated in the heart of the disaffected districts, about twenty-five miles inland from Kawhia, the port of the hostile Natives, on the west coast of the North Island. This memorandum will amply repay an attentive perusal. It certainly discloses a state of affairs which is the reverse of satisfactory.
- 5. Further, I transmit herewith, a memorandum, drawn up by Major Richardson (the acting Colonial Treasurer), on behalf of the Minister for Colonial Defence, respecting the collision which took place on the 8th February ultimo between the settlers and a party of Hauhau fanatics, near Opotiki, on the east coast of the North Island. It is feared that partial outbreaks of this nature must be expected occasionally for some time to come. Meanwhile, it will be seen that the Defence Minister (Colonel Haultain) has himself proceeded to Opotiki, and "has taken such precautionary measures as will, it is hoped, effectually secure the safety of the settlers, and, at the same time, give the assurance that, while the Government is resolved to protect its settlements, it is desirous of avoiding any action which might be construed into an attack not called for in self-defence."
- 6. Te Puni, the well-known Maori chief of the Ngatiawa Tribe, now in extreme old age (but to whose protection the early settlers in this part of New Zealand were formerly much indebted), and the other principal Maoris resident near Wellington, attended my first levée. I have also received, as the representative of the Queen, numerous addresses of respect and welcome from the loyal chiefs and tribes in all parts of both Islands—from the powerful clan of the Ngapuhis, at the Bay of Islands, in the extreme North; from the small remnant of Maoris in Otago, in the extreme South; from various chiefs of Taranaki and Whanganui, and of the shores of the central Lake of Taupo. I annex translations of several of these addresses, and also of my replies to them, which replies were of course drawn up with the advice and assistance of the Native Minister, and of other gentlemen skilled in Maori customs and feelings. I shall apply myself diligently to the study of the Native language and annals. The valuable publications on this

subject of my accomplished predecessor, Sir George Grey, will facilitate the researches of all his successors.

- 7. It would of course be, as yet, presumptuous in me to pronounce any judgment on Native questions. It is obvious, however, that the old institutions and rites of the Maoris have crumbled away; and so, it is to be feared, has, to a deplorable extent, their recently adopted Christianity. When I visited Te Puni, a fortnight ago, at his own village, the old chief told me, in the presence of the Bishop of Wellington (Dr. Abraham), that he believed that he was now almost the only real Christian in his tribe, for most of his kinsmen had become either Hauhaus or drunken profligates. It is, moreover, a significant fact that the so-called Maori King has lately renounced his baptismal name of Matutaera (Methuselah), and openly adopted the heathen appellation of Tawhiao. He is stated to have taken no notice whatever of certain overtures that were made to him before my arrival, with the object of inducing him to give his submission to the "Queen's son" (the phrase by which the Duke of Edinburgh is known to the Maoris), during the approaching visit of His Royal Highness to New Zealand. With regard to this sullen and hostile isolation, a loyal chief, at a recent interview, addressed me in the following terms: "O Governor, Matutaera is now like a single tree, left exposed in a clearing of our native forests. If left alone it will, soon wither and die. My word to you, O Governor, is to leave Matutaera alone." This is, in fact, the policy of my present Ministers. Indeed, there is a feeling in some quarters in favour of the tacit, if not formal, revival in the Native districts of this colony of a sort of "pale," in the sense familiar to the readers of Irish history.
- 8. While the moral atmosphere of the North Island is thus unsettled, vast material damage has been inflicted by the hurricane and floods which swept over the Middle Island in the early part of last month. The value of the roads, bridges, and other public works, and of the houses, cattle, sheep, and other private property thus destroyed, has been estimated at little less, in the aggregate, than half a million sterling. These heavy losses have had the effect of increasing the commercial and financial depression which had prevailed in this as in the Australian Colonies ever since the monetary crisis of 1866.
- 9. In conclusion, I would venture to express my hope that the efforts of the Colonial Government and Legislature to restore and maintain internal tranquillity, and to advance the interests of both races of the inhabitants of New Zealand, may be favoured with success; and that I may thus, ere long, be enabled to lay before your Grace a more satisfactory account of the condition of this great colony, so rich in natural resources.

His Grace the Duke of Buckingham and Chandos.

I have, &c.,

G. F. Bowen.

## No. 97. MEMORANDUM by Mr. MCLEAN.

*Waikato.—Peace Arrangements.* Auckland, 17th December, 1869.

Since the departure of the last English mail, the Colonial Government has been unremitting in its efforts to follow up the arrangements for peace concluded on the 9th ultimo by the Native Minister with the Waikato and the Ngatimaniapoto tribes. Mr. Fox, the Premier, has visited the powerful adherents of the Waikato at the Upper Whanganui, where he was received with demonstrations of a friendly nature; an offer having been made by the chief Topia, one of their principal leaders, to assist in capturing Te Kooti.

No opportunity has been lost sight of to effect a reconciliation with the Waikato and other tribes; at the same time care has been taken to avoid undue haste and pressure, which, with a race like the New Zealanders, would have the effect of impeding rather than promoting satisfactory relations. Te Kooti, joined by Kereopa, is still at large, and threatens some of our out-settlements.

While every effort is being made in the colony for the restoration of peace, it is with deep regret that Ministers have received the intelligence conveyed to your Excellency in Lord Granville's Despatch No. 115, of the 7th October last, intimating the determination of the Imperial Government to withdraw immediately the 18th Regiment, which has garrisoned the towns in the disturbed districts, and for which the Colonial Legislature had pledged itself to pay whatever annual sum the Imperial authorities might require. The removal

of the only regiment in the colony, and the consequent loss of the moral support which it affords at this juncture, cannot fail to affect seriously the present hopeful prospect of a satisfactory adjustment of Native affairs.

DONALD MCLEAN.

## **No. 98. Copy of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K.G.**

*Waikato.—State of Defence.* Government House, N. Z. Auckland, 22nd December, 1869.  
My Lord,—

In continuation of my Despatch No. 101, of the 4th August ultimo, I have the honour to forward, for your Lordship's information, a report and plan, submitted to me by Captain Young, of the 18th Royal Irish Regiment, my Acting Military Secretary, explaining the nature of the fort and place of refuge for the settlers and their families which he has just completed at a central position in the Waikato. Similar defensive works, though of a less elaborate description, have also been erected in all the other districts in which there is any apprehension of Native outbreaks.

- 2. It will be seen from the monthly report of the Minister of Defence and Native Affairs, transmitted with my Despatch No. 159, of the 20th instant, that the only band of rebels now in active hostility is that under Te Kooti, in the mountainous and thickly-wooded country to the west of Lake Taupo. It is variously estimated at from three hundred to one hundred men; and is being, it is hoped, gradually surrounded by detachments of the Native Contingent, about six hundred strong, under the chiefs Te Kepa and Topia; while Colonel McDonnell, with parties of the Armed Constabulary and loyal Maoris from the East Coast, is watching the passes by which Te Kooti will probably attempt to make his way once more to the mountains of the Uraweras.
- 3. A point on the shores of Lake Taupo is the true strategic centre of the North Island; and here the Colonial Government is now maintaining at a very heavy cost, and intends to continue to maintain, a strong force of the Native Contingent, which will be able to keep in check the rebel bands that look to the central mountains of the interior as a secure refuge; and also to operate on their rear if they should hereafter make fresh raids against any of the English settlements. Another important part of the scheme of colonial defence is to construct roads through the disturbed districts generally, and especially from Lake Taupo to Napier on the East, and to Whanganui on the West Coast. It will be remembered that Earl Grey has recorded in his work on colonial policy that the late Duke of Wellington strongly advised that the construction of roads should be one of the very first objects to be aimed at in New Zealand. Moreover, in addition to the other obvious advantages, both civil and military, of opening up the country in this manner, the Government will thus be enabled to keep in constant occupation and pay, and under useful industrial training, a number of the lawless spirits that abound among the Maoris, eager for the excitement of war and plunder, but not caring much which side they take. It is a satisfactory and suggestive circumstance that a portion of the bands that lately fought against us under Titokowaru are now receiving pay for fighting for us under Te Kepa, and for working on the newly-projected roads.
- 4. The policy towards the so-called Maori King and his adherents reported in my Despatch No. 154, of the 25th November ultimo, and on several previous occasions, has hitherto been completely successful in averting the great danger of a general insurrection, which was deemed not many months ago to be imminent, and will, it is trusted, lead ere long to, the establishment of permanent tranquillity. But all who know the Maoris best agree in urging that it would be fatal to press them too eagerly to the immediate acceptance of formal terms. Preliminaries of peace have been arranged, and friendly communications have been opened with Tawhiao and the chiefs who surround and control him. It is believed that the Colonial Government must proceed with the most cautious prudence, give time for the extension of the

civilizing influences of trade and personal intercourse, and, in the words of Mr. McLean, "avoid undue haste and pressure, which, with a race like the New Zealanders, would have the effect of impeding rather than promoting satisfactory relations." I have elsewhere, at the request of the Colonial Ministers, drawn attention to their opinion on the influence which the withdrawal at this juncture of the moral support of the 2-18th Regiment may exercise on the present hopeful prospect of a peaceful settlement of Native affairs.

I have, &c.,

G. F. BOWEN  
Earl  
Granville, KG.

The Right Hon.

## **No. 99. Copy of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN**

*The Queen's Maori Godson to be properly educated.* Downing Street, 18th August, 1870.

Sir,—

Adverting to your despatch marked "Separate," of the 6th April, 1868, respecting Albert Victor Pomare, the child of a Maori chief born in England, I have the honour to inform you that the Queen has expressed a wish that a proper education should be given to the child. With this view Her Majesty is prepared to pay a reasonable sum annually, say for the next five years, in order to have the child educated for the class of life to which he belongs. Her Majesty is desirous that this should be done under your own direction, rather than at the discretion of any other person in the colony.

I request that you will give effect to the Queen's wishes, and will report what sum would be necessary for the education of the child.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G. KIMBERLEY.

## **No. 100. Copy of a DESPATCH from Governor Sir G. F. BOWEN to the Right Hon. the Earl of KIMBERLEY.**

*Arrival of the Duke of Edinburgh in Auckland.* Government House, N. Z. Auckland, 10th December, 1870.  
My Lord,—

I have the honour to report that, in pursuance of the orders of the Lords Commissioners of the Admiralty, and Commodore Stirling, commanding Her Majesty's Naval Forces on the Australian Station, Captain His



Royal Highness the Duke of Edinburgh arrived at Auckland on the 8th instant in the "Galatea," which will remain here about a month.

- 2. His Royal Highness, during his previous visit in 1869, made so favourable an impression on both the English and the Maoris that all classes of the community are very glad to see him again. The Duke has kindly consented to become again my guest at the Government House. Next week I shall accompany His Royal Highness on a tour to the famous hot lakes and springs (resembling the geysers of Iceland), on the east coast of this Island. These lakes are in the country of the loyal clan of the Arawas, who have fought so long and so gallantly for the Crown, and whose loyalty will be at once rewarded and confirmed by a visit from "the son of the Queen" (te tamaiti o te Kuini), as they affectionately style the Duke of Edinburgh.

I have, &c.,

G. F.BOWEN.

The Right Hon. the Earl of Kimberley.

## **No. 101. Copy of a DESPATCH from Governor Sir G. F. BOWEN to the Right Hon. the Earl of KIMBERLEY.**

*Visit to the Lake District in company with the Duke of Edinburgh.* Government House, N. Z. Auckland, 26th December, 1870.

My Lord,—

In continuation of my Despatch No. 154, by the last, mail, I have the honour to report that on the 12th instant His Royal Highness the Duke of Edinburgh, accompanied by myself by Lieutenant Haig, Royal Engineers, Equerry in Waiting, by the officers of my staff, and by several officers of H.M.S. "Galatea," left Auckland in the Colonial Government steamer "Luna" on a visit to the Lake District, on the east coast of this Island, and to the loyal clan of the Arawas.

- 2. On the following morning we landed at Tauranga, the principal port in the Bay of Plenty where His Royal Highness was enthusiastically welcomed by seven hundred chiefs and clansmen of the clans of the Arawas and Ngaiterangis.
- 3. In my Despatch No. 52, of 1868, reporting my first visit to the East Coast, I mentioned that the regular troops and Naval Brigade, under General Cameron and Commodore Wiseman, had suffered very severe loss at the assault, in 1864, of the pa erected by the Ngaiteraugis about three miles from Tauranga, and generally known as the Gate Pa from its commanding the approach to the inland districts, at a point where the road passes along a narrow tract of firm ground between two extensive swamps. I added that the Ngaiteraugis had afterwards made peace with the Government; and that Enoka te Whanake and the other principal chiefs and warriors who had fought at the Gate Pa had assembled to welcome me in the most cordial manner on my first visit to their country. In the *korero* now held to greet the Duke of Edinburgh they vied with the Arawas in expressions of loyalty to the Queen and of good-will to the English settlers. At the conclusion of his speech Enoka te Whanake said: "It is true that I fought against the Queen at the Gate Pa; but I have repented of this evil and am now living under the shadow of her laws. As for this Tawhiao, who styles himself the 'King of the Maoris,' let him be brought hither as a footstool for the son of our Queen, whom we welcome among us this day." I annex the substance of the speeches delivered at this Native meeting by the Duke of Edinburgh and by myself respectively.
- 4. From Tauranga we proceeded to Maketu, the principal kainga, or settlement, of the Arawas, and celebrated in Maori tradition as the spot at which their ancestors, some twenty generations back, first landed in New Zealand. Here, as elsewhere throughout our tour, the "Queen's son" and the Governor were

greeted with enthusiastic demonstrations of respect. No Europeans have as yet settled in the inland districts of this portion of New Zealand; but His Royal Highness was as safe among the Arawas in their own country as he would be among the Gordons in Aberdeenshire. We were, however, attended by a guard of honour, consisting of a strong escort of the clansmen in arms for the Queen. The Duke of Edinburgh and his officers were much interested by the many striking scenes and incidents of life in a Maori camp, especially by the war-songs chanted by the Arawas round the watch-fires which they kindled every night in front of our tents. On the other hand, the Native warriors were delighted by His Royal Highness's power of enduring fatigue; by his good horsemanship and swimming; by the skill and vigour with which he paddled his canoe across their lakes; and, perhaps, above all, by his constantly wearing the kilt, which is the favourite dress of the Maori as of the Scotch Highlanders.

- 5. I shall not trouble your Lordship with an account of the hot lakes, solfataras, and geysers of this Island, for they have been fully described in the well-known work of Dr. Hochstetter, and by other writers more competent than myself. Suffice it to say that, on the 14th instant, we rode from Maketu to Ohinemutu, the principal inland settlement of the Arawas, a distance of nearly forty miles, the road leading us along the shores of the beautiful Lakes Rotoiti and Rotorua. It will be remembered that (as I reported at the time) this road was spontaneously made by the Arawas, the chiefs and clansmen labouring together, for the use of the Duke of Edinburgh more than two years ago, when his visit was first expected. On the 15th instant, after swimming in the tepid waters of the solfataras, and inspecting the principal geysers, we rode over the hills to Lake Tarawera, which we crossed the following day in Native canoes, encamping for the night on the famous terraces of Lake Rotomahana. After examining the wonders around, we returned on a subsequent day to our previous camp at Ohinemutu, where we spent quietly Sunday, the 18th instant. The Rev. S. Spencer, a missionary clergyman resident at Maketu, who had accompanied our party, read the service of the Church of England in the open air on the shore of Lake Rotorua. It was a calm and beautiful day, and the scene was highly picturesque and suggestive;-the little knot of Englishmen surrounding the "son of the Queen," and the large congregation of Maoris repeating the responses and joining in the hymns of our Church in their own sonorous language;-amid some of the finest prospects of lake and mountain, and near some of the most wonderful natural phenomena in the world; in the very heart, moreover, of the Native districts of New Zealand, and of the country most renowned in Maori song and legend; and on a spot where, in the memory of some men still living, human victims were sacrificed, and cannibal feasts were held.
- 6. On the 19th we rode back from Ohinemutu to Maketu, where happened one of the most important incidents of our tour. Te Waru, a formidable rebel chief from the neighbourhood of Poverty Bay, who has been in arms against the Queen for several years past, came in with forty-six of his principal followers, and surrendered to me. Though dejected, he maintained in the presence of His Royal Highness the Duke of Edinburgh and myself the usual dignified bearing of Maori warriors. I told Te Waru that as he had never taken part in the murders of women and children, or in the other atrocities of Te Kooti and Titokowaru, he would come under the terms of the Peace Proclamations, and would be treated with great lenity. The Colonial Government intend to place him and his people on a tract of land in the country of one of the loyal clans, which will watch over their future conduct.
- 7. From Maketu we returned by sea to Auckland. So ended a very successful tour, which will be productive of much public advantage; for the visit of the Duke of Edinburgh to the Arawas has (as was anticipated) at once rewarded and confirmed their loyalty.

I have, &c.,

G. F.BOWEN.

The Right Hon. the Earl of Kimberley.

**No. 102. Copy of a DESPATCH from Governor Sir  
G. F. BOWEN to the Right Hon. the Earl of**

# IMBERLEY.

*General Report on the State of the Natives.* Government House, N. Z. Auckland, 20th May, 1871.  
My Lord, —

The monthly mail [*unclear: vi*] San Francisco will leave Auckland to-morrow; but I have little of importance to add respecting the present condition of Native affairs to the contents of my Despatch No. 29, of the 24th March ultimo, and of Mr. McLean's memorandum of the 28th ultimo, transmitted (Enclosure No. 3) with my Despatch No. 39, of the 1st of May instant, to which latter document I would request special attention.

- 2. Since my arrival in Auckland after my recent official tour in the southern provinces, I have received at the Government House several of the principal Maori chiefs of the North, and, in particular, Tamati Waka Nene and his brother Eruera Patuone, who assured me of the continued loyalty of the great clan of the Ngapuhis, the most powerful in New Zealand; whose country, character, and position were described in my Despatch No. 51, of the 26th May, 1870, written immediately after my last visit to them.
- 3. With reference to paragraph 7 of the last-mentioned despatch (No. 51), your Lordship will learn with interest that the Bishop of Auckland, Dr. Cowie, recently consecrated the church which has been built by the Maoris who fought against the Crown in the war of 1845–48, but who are now among the most loyal subjects of the Queen, on the site of the pa of Ohaeawai, near the Bay of Islands, in the attack on which, in July, 1845, the British troops suffered a severe repulse, with heavy loss both in officers and men.
- 4. I regret to say that the adherents of the so-called Maori King in the centre of this Island still decline to surrender the murderers of Mr. Todd, and that the Hauhaus at Ohinemuri still refuse to allow the telegraph line to be carried from Tauranga to the River Thames, a distance of about forty miles. This gap in the general system now extended over the remainder of the colony has the effect of isolating Auckland, in some degree, from the southern provinces. But it is hoped that this difficulty will be ere long overcome, and I trust that next year I shall be able to furnish a practical proof of the cessation of all active hostility by travelling overland myself from Wellington to Auckland, a journey which has not been undertaken by any European since the beginning of the second Maori war in 1860.
- 5. On the east and west coasts of this Island general tranquillity continues to be maintained, and several fresh bodies of Natives recently in open rebellion have given their submission and engaged to live peaceably for the future.
- 6. In several previous despatches I have expressed a strong opinion that the surest plan to keep the Maoris quiet and to train them to habits of industry is to give them constant employment at good wages on roads piercing their own mountains and forests; in short, that the pickaxe and the spade are the true weapons for the pacification of the highlands of New Zealand, as formerly of the Highlands of Scotland. This policy has been steadily pursued for some time past by the Colonial Government; as will be seen by the annexed memorandum and map, which have been prepared in the Native Department under the direction of Mr. McLean, and which will well repay a careful perusal and examination.
- 7. It will be observed that contracts for roads within their own districts were, in the first instance, offered to the friendly clans, who responded willingly to the invitation of the Government. By degrees the wavering, and even the hostile, tribes began to appreciate the advantages of the new policy, and requested to have similar benefits extended to them. The result is that a large number of Maoris recently in arms against the Queen are now peaceably labouring on public works, and that (as will be seen by the annexed map) a great portion of the country infested two years ago by the rebel bands of Te Kooti and Titokowaru is now thrown open. Already upwards of four hundred miles of road have been completed or are in course of construction in the Native districts by Native labour, and this system is capable of almost indefinite extension. In connection with this subject reference may be made to the "Correspondence relative to the Construction of Roads in the North Island" (A.-No. 17 and 17a), in the papers presented to the New Zealand Parliament in the session of 1870.
- 8. As I have remarked on a previous occasion, in addition to the many obvious advantages, civil and military, of opening up the interior of this Island in the manner described above, the Government will thus be enabled to keep in constant employment and under useful industrial training a number of the lawless spirits that abound among the Maoris, eager for the excitement of war and plunder, but not caring much on which side they fight. Finally, it will be remembered that Earl Grey, in his work on Colonial Policy, has recorded that the late Duke of Wellington strongly advised that the construction of roads should be one of the very first objects to be aimed at in New Zealand.

I have, &c.,

G. F.BOWEN.

The Right Hon. the Earl of Kimberley.

## No. 103. Copy of a DESPATCH from Governor Sir G. F. BOWEN to the Right Hon. the Earl of KIMBERLEY.

government House, Auckland, N.Z., 10th June, 1871

My Lord,—

In my Despatches Nos. 20, 21, 28, 31, and 37, of this year, I gave some account of the progress and present condition of the Provinces of Otago and Canterbury and of the County of Westland, which I visited during my recent official tour in the South of this colony. I propose now to make a similar report respecting the Province of Auckland, in which I am at present residing. Soon after my return to Wellington next month, I hope to transmit like information respecting the remaining provinces of New Zealand, viz., "Wellington, Nelson, Taranaki, Hawke's Bay, and Marlborough.

- 2. The Province of Auckland, which embraces the larger half of the North Island of New Zealand, celebrates as the anniversary of its settlement the 29th January, that being the date of the arrival, in 1840, of the first Governor, Captain Hobson, E.N. The first seat of Government was the Town of Kororareka (afterwards named Russell), in the Bay of Islands, where a few hundred Europeans had established themselves before the cession of the sovereignty of the country to the British Crown by the Treaty of Waitangi, on 5th February, 1840. But in September, 1840, Captain Hobson removed to the site which he selected for the future capital of the colony, on the Harbour of Waitemata. The city which he there founded was named Auckland, in honour of Lord Auckland, then at the head of the Admiralty. It continued to be the seat of the General Government of the colony until 1864, when Wellington was adopted in preference, in accordance with the views of a majority of the New Zealand Parliament, and on account of its central position in Cook Strait, which separates the two principal Islands.
- 3. The Province of Auckland has had to contend with great and peculiar difficulties, for it contains the large majority of the Maori race, including those clans which still remain hostile to the British Crown. It was, moreover, the chief field of the operations of the first and of the second Maori wars. While the Native title to land was extinguished by purchase many years ago in the provinces of the Middle Island, somewhat more than two-thirds, *i.e.*, about eleven-sixteenths, of the entire area of the Province of Auckland is held by the Native owners; a considerable number of whom, being adherents of the so-called Maori King, refuse to permit the further settlement of Europeans, and, indeed, to hold any intercourse whatsoever with them. The map transmitted with my Despatch No.49, of 1868 (see New Zealand Papers presented to the Imperial Parliament in July, 1869, pages 130–39), shows the territory enclosed by *the aukati*, in which your Lordship will recognize a "pale," in the sense familiar in Irish history, though (as I remarked on a previous occasion) with the important difference that in Ireland the "pale" was set up by the colonists against the natives, whereas in New Zealand it is set up by the natives against the colonists.
- 4. When the above and other powerful obstacles to the rapid advance of colonization in this province are taken into account, the progress and present condition of Auckland cannot be described as otherwise than satisfactory. The census taken in last February shows a European population of 62,335, being an increase of 14,014 on the population as shown by the census taken in December, 1867; and 37,915 on the population of 1861. Thus it appears that during the last ten years the population of this province has advanced at the rate of 155 per cent. The City of Auckland, with its suburbs, now contains about 21,000 inhabitants. This is about the amount of the population of Dunedin, the capital of the Province of Otago.

The two next largest towns in New Zealand are Christchurch, with nearly 11,000, including the suburbs; and Wellington, with nearly 8,000 inhabitants.

- 5. The latest official statistics prove the annual public revenue of the Province of Auckland from all sources to be, in round numbers, £300,000; and the annual trade; including imports and exports, to the amount in value of nearly two millions and a quarter. The shipping, inwards and outwards, in 1870 showed 532 vessels, with crews of 9,369 men, and 173,452 tonnage.
- 6. The number of stock held by the colonists in Auckland is far less than in the great pastoral communities of the South; but it is steadily increasing. Of horses, there are in 1871 in this province 11,620, against 9,436 in 1867; of horned cattle, there are 80,443, for 53,066; and of sheep, 210,760, for 172,030 at the last enumeration four years ago. These figures do not include the horses and other stock in the possession of the Maoris, of which it is impossible to furnish a reliable estimate.
- 7. The Maoris in the Province of Auckland are supposed not to exceed at the present from twenty-five to thirty thousand souls; but these figures are little more than guesswork, for it is of course impossible to calculate accurately the numbers residing in the country of the so-called Native King. Moreover, in estimating the relative strength of the two races in this part of the colony, it should be borne in mind, among other considerations, that the Maoris are for the most part entrenched (so to speak) in the mountains of the interior, while the English dwell chiefly in the seaport towns, and in small settlements and isolated farms dispersed along a coast-line of, in the single Province of Auckland, above a thousand miles. It will be remembered that I have already described, in a series of previous despatches, my repeated visits during the past three years to all the principal Maori clans—to the Ngapuhis, the Ngatiwhatuas, and the Rarawas, in the north of this province; to the Ngatitamateras, the Ngaiterangis, the Arawas, and the Ngatiporous, in the east and south; and to the Waikatbs and, Ngatihauas, in the central and western districts.
- 8. The principal exports of the Province of Auckland include, in addition to gold, wool, flax, and other articles common to it with the southern provinces, the timber and gum of the kauri pine (*Dammara australis*). These two last-named articles are peculiar to this province, for the kauri pine is found only in the northern districts of the North Island. It is hoped that measures will be taken for the preservation of the forests of this magnificent tree. The value of kauri spars for ships has long been known in Europe. The gum or resin produced by the kauri resembles amber in appearance. It is used for glazing calico and in various manufactures, and is largely exported both to England and to the United States.
- 9. Before concluding this brief and imperfect sketch, it seems proper to refer once more to the rapid development of the gold field discovered in 1867 near the River Thames, between forty and fifty miles from the City of Auckland. In my Despatches No. 6, of the 10th, and No. 8, of the 15th January, 1870, as also in other reports, I have already transmitted full information respecting this gold field, and the liberal payments made by the Colonial Government to the Native owners of the soil for their consent to its being thrown open to the enterprise and industry of the colonists. The value of the gold exported from the Thames Gold Field alone, since the 1st August, 1867 (when it was first proclaimed), already amounts to nearly a million and a half pounds sterling. Some of the auriferous quartz recently found at the Thames is said to be the richest hitherto discovered in any part of the world.
- 10. I may take this opportunity of mentioning that the aggregate exportation of gold from all parts of New Zealand up to the present time is valued at nearly twenty-three millions sterling. I hope to be able shortly to forward full official statistics on this subject.
- 11. Most of the gold hitherto exported from New Zealand is the produce of the gold fields of the Middle Island

At the present date, however, the Thames is producing more gold than any other field in New Zealand.

during the last ten years; but the earliest discovery took place so far back as in 1852, at the Harbour of Coromandel

The Maori name is Waiau.

(so called from the name of the English ship that first visited it), about twenty miles north of the mouth of the River Thames. Much excitement at that time arose among both the colonists and the Natives, and fears of a dangerous collision between the two races were entertained. However, Te Taniwha, the principal chief of the district, convened a meeting of his countrymen to decide the terms on which the Europeans should be allowed to dig for the precious metals on Maori land. Lieutenant-Governor Wynyard, Chief Justice Martin, Bishop Selwyn, and other prominent English functionaries and settlers were invited to be present; and, through the influence of Te Taniwha, an equitable arrangement was promptly and peaceably made, the requisite permission being granted by the Maoris on payment of a moderate license-fee by each miner. Mr. Swainson, a former Attorney-General of New Zealand, has put

on record (see Mr. Swainson's "New Zealand and its Colonization," Chapter I.) a graphic description of the remarkable scene presented by the above-mentioned meeting. He writes: "The presence of the aged chie

Te Taniwha died in 1853.

Te Taniwha, the last of his race, who could tell the date of the white man's first arrival in New Zealand, his remarkable appearance, and the occasion itself, gave to the meeting an unusual interest. Though bowed down and enfeebled by age, the old man still retained the use of his faculties, and in a remarkable degree possessed that bold outline of head and face which formerly distinguished the chieftains of the country. There stood the last living link between the past and present of New Zealand: one who in time long past had himself stood face to face with England's honoured navigator, and who then still lived to tell of Captain Cook's first visit to New Zealand; how the Natives all thought that his ship was a whale with wings, and that his crew were gods; how for some time he, Te Taniwha himself, then but a little boy, was afraid to go on board; how Captain Cook spoke little less than the other officers—but took more notice of the children, patting them kindly on the head; and how he gave them the first potatoes they had seen;

On another occasion, Te Taniwha further related that Captain Cook, on landing, almost, invariably walked rapidly about, waving his right hand to and fro, doubtless scattering the seeds of Europe in the soil of New Zealand. (*See Thomson's New Zealand, Chapter IX.*)

*And soothed with gifts and greeted with a smile  
The simple native of the new-found isle.*

And now this venerable chief, as the crowning act of a long and eventful life, and confiding in the justice of the British Crown, came forward to welcome the Queen's vicegerent to the new-found fields of gold. When the first specimens were shown him of the gold discovered on his land he said he should now be content to die: that he had lived many days, but that this was the brightest of them all. He did not seem to value the consideration of the gain it would be to him, so much as the thought that *his* land, the land of his ancestors, should be the first to produce the precious metal for which the white man so carefully sought. Glancing at the time-honoured peak of Motu Tere, and turning to the setting sun, he appeared to commune with the generation that he had outlived."

- 12. The aggregate yield of gold at Coromandel has hitherto been comparatively small, and has been entirely eclipsed (as we have seen) by the rich produce of the gold fields discovered, at a later period, near the River Thames in the same neighbourhood, and in Otago, Westland, Nelson, and other quarters of the Middle Island. But valuable quartz reefs are now being worked at Coromandel as well as on the Thames. On this subject one of the daily journals published at Auckland recently made the following comments: "Many causes have contributed to retard the development of certain features of colonization in our midst. Not the least influential of these disturbing elements has been the large production of gold. But though this, for obvious reasons, has invariably at first a tendency to distract attention from other more sober but less lucrative pursuits, there will be few to doubt that the present enormous production of gold within the Province of Auckland will ultimately give a great impulse to settlement and production of every kind; and great as has been the increase of population in the past, and unmistakable as have been the signs of progress, we have the strongest reasons for believing that the next enumeration of our people and our wealth will show results to which the past affords no parallel."

I have, &c.,

G. F.BOWEN.

The Right Hon. the Earl of Kimberley.

**No. 104. Copy of a DESPATCH from the Right**

# Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN

*Concerning Death of Chief Tamati Waka Nene.* Downing Street, 15th November, 1871.  
Sir,—

I have received and have laid before the Queen your Despatch No. 72, of the 23rd of August, reporting the death of Tamati Waka Nene, the principal chief of the great clan of the Ngapuhis. Her Majesty desires me to convey to you the expression of the regret with which she has heard of the death of this distinguished chief, who was so loyally attached to Her Majesty, and who exerted himself on all occasions to promote that good understanding between the two races so essential to the welfare and prosperity of both. It is the Queen's desire that an expression of Her Majesty's sympathy in their loss should be conveyed to his widow and to the clan to which he belonged.

I have, &c;

Governor Sir G. F. Bowen, G.C.M.G. KIMBERLEY.

## No. 105. Copy of a DESPATCH from Governor Sir G. F. BOWEN to the Right Hon. the Earl of KIMBERLEY

*Account of Governor Bowen's Second Visit to Taupo.* Government House, N. Z. Auckland, 15th May, 1872.  
My Lord,—

In my Despatch No. 27, of the 9th ultimo, I reported my setting forth on my journey overland from Wellington to Auckland, through the central and recently hostile districts of this Island; my arrival at the great Lake (or "Sea," as it is called by the Natives) of Taupo,

The Maoris call Taupo "moana," *i.e.*, sea, not "roto," *i.e.*, lake.

in the heart of the Native districts; and the cordial and respectful welcome given to me by the Maori clans,—alike by those which had remained loyal throughout the war, and by those which had lately been in arms against the Queen.

- 2. I have now the satisfaction of reporting that the second half was as prosperous as the first half of my expedition; and that I reached Auckland on the 24th ultimo, at the end of what has been truly called "an important and memorable journey." All those who are best acquainted with the Maoris and with this country generally agree with the opinions expressed in the annexed leading article of one of the principal journals of New Zealand: "The tour overland through an extensive tract of country chiefly owned and occupied by the Native tribes of New Zealand, which has just been accomplished so successfully by His Excellency Governor Sir G. F. Bowen, will go farther to reassure the people of England with respect to the satisfactory settlement of the Native difficulty than a thousand arguments and *ex parte* statements on the subject. Throughout the entire distance traversed by His Excellency and the few attendants who accompanied him from Napier northwards till they reached the Upper Waikato, the most cheerful demonstrations of welcome and good-will were every where accorded to the Queen's representative. Not only by the numerous influential chiefs who remained firm in their allegiance to the European cause in days gone by, when the colony stood so much in need of their assistance, but by many who were at one time prominent leaders among the most determined of our enemies, the same hearty desire was expressed that the past should be forgotten, and that all occasions for difference between the races should be

carefully guarded against for the future. We look upon this as a most encouraging feature in the prospects of the country at the present time. It speaks volumes for the foresight and wisdom of our Native policy, which, while it aims at bringing the Natives under the dominion of the law as far as practicable, leaves them, in other respects, to the free exercise of their own free-will and judgment. The colony is now reaping the advantage of this course of treatment. On every hand the Native people are manifesting a desire to return to habits of peace and industry. They are beginning to appreciate the unmistakable benefit to themselves from the opening-up of the country to trade and settlement. In this respect their general concurrence in, and approval of, the great colonizing policy of the country is something remarkable. Only three years ago they, would have unitedly resisted any attempt on the part of the Government to encroach upon their territory in districts where, last month, Sir George Bowen was received most loyally, and where the principal desire of the resident Native chiefs was to be 'instructed in all the laws, thoughts, and works of the Europeans.' The general anxiety of the Natives on the subject of education is particularly deserving of commendation. This more especially, we would fain believe, betokens a favourable turning-point in the history of the Maori people. The desire evinced by them to be employed upon public works is of itself also an indication of a fixed determination to return to more settled habits, if only the opportunity for doing so is afforded them. Altogether this visit of the Governor of the colony to the Native tribes has proved most opportune, and it cannot fail to produce a good effect on the general prospects of the country. His Excellency and party were both surprised and delighted with the magnificence of the scenery they witnessed throughout the entire route, as well as with the flattering reception they everywhere met with, and we shall not be surprised if the results of their journey should in many respects prove even more beneficial to the colony than was at first anticipated." ...

I have, &c.,

G. F.BOWEN.

The Right Hon. the Earl of Kimberley.

## **Copy of a DESPATCH from Governor Sir G. F. BOWEN to the Right Hon. the Earl of KIMBERLEY.**

*Governor Bowen's Third Visit to Waikato.* Ngaruawahia, Waikato, N.Z., 10th June, 1872.

My Lord,—

In continuation of my despatches respecting my recent journey overland across the centre of the North Island of New Zealand, I have now the honour to report that I left Auckland on the 31st ultimo, on my third visit to the Waikato District.

- 2. Full accounts of this important part of the colony, which was the principal field of the operations of the Imperial and Colonial forces, under General Sir Duncan Cameron, in the campaigns of 1863 and 1864, will be found in my Despatches No. 49, of June 30, 1868, and No. 31, of March 7, 1870, written immediately after my two former visits; and in the maps and other documents accompanying those despatches. To the above-mentioned papers, several of which have been laid before the Imperial Parliament, I would request your Lordship's attention.

- 3. I now address your Lordship from Ngaruawahia,

This name signifies "the meeting of the waters."

the township at the confluence of the Rivers Waikato

The Waikato, before its union with the Waipa, is sometimes called the Horotiu.

and Waipa, and commonly called "the old Maori capital," because (as I have explained on a previous occasion) it was the residence of Potatau te Wherowhero, who was elected, in 1857, to be the first (so-called) Maori King. This celebrated chieftain and warrior, who had been a firm friend and ally of the English in the early days of the colony, and who never took part in any hostilities against the Queen's



troops, died in 1861, and was buried at Ngaruawahia. On my first visit to the Waikato, in 1868, I caused his tomb, which had fallen into decay, to be repaired; and this act is said to have produced a very favourable impression on his son and successor, Tawhiao, and on their family and clansmen.

- 4. On my journey hither from Auckland, I have proceeded by short stages, visiting all the English settlements and Native kaingas, or villages. I have been everywhere received with the most cordial respect and welcome.
- 5. Nothing can be more satisfactory than the general progress made in the Waikato since the date of my first visit in 1868, and especially during the last two years. The colonists and the Natives alike appear to feel that permanent tranquillity and confidence have now been finally established.
- 6. I annex a clear and concise report from Mr. McLean (who is also in the Waikato) on the present aspect of Native affairs.
- 7. After completing my visit to this district I shall return to Auckland, and thence proceed to Wellington in time for the opening of the next session of the New Zealand Parliament, which is summoned to meet for the despatch of business on the 16th July.

I have, &c.,

G. F. BOWEN.

The Right Hon. the Earl of Kimberley.

## **Enclosure.MEMORANDUM by Mr. McLEAN, C.M.G.**

The Native and Defence Minister submits to His Excellency the following brief sketch of the aspect of Native affairs:—

A calm reviewal of Native affairs at the present moment affords the assurance that the attitude assumed by the different tribes throughout the Island is of a most satisfactory character. The majority are either engaged on roads and other public works, or are evincing an anxiety to follow the example of those of their countrymen who are thus helping to open up the country. The taste for peaceful avocations is resuming its way, and each year sees an addition to the breadth of land under cultivation by the Natives. It is gratifying to find that the ex-rebels who made their submission last year are fully carrying out their pledges of amity, and are living in peace and quiet; and that the behaviour of the prisoners lately under sentence for their participation in acts of rebellion, and who have been released from confinement, is such as to warrant the leniency which has been shown to them.

The most interesting feature at present in connection with the Native race is the prevalence of a strong desire for the education of the children, and for the acquirement by them of the English language. For this purpose the Maoris have, by their contributions aided the Government in the erection of schools; and the progress made by the pupils has been far more rapid than could ever have been hoped for.

A marked moderation is perceptible in the tone of those tribes who have hitherto been the most violent in opposition. Even among the most extreme section of Hauhaus, that are under the immediate control of Tawhiao, the so-named King, there has arisen and been expressed a desire to meet His Excellency and the Native Minister. Owing, however, to various tribal differences, the interview is likely to be deferred; and it has been deemed advisable that no undue impatience should be displayed to hasten negotiations until a more complete understanding shall have been arrived at between the opposite factions of the party. To effect this wished-for object no pains are spared, and there is every probability that its attainment at no distant period will be the prelude to a satisfactory disposal of all difficulties.

Te Kooti, who during his career has proved himself a formidable foe, is now a miserable fugitive, having cast himself for protection upon the King party, amongst which he is no more than a prisoner at large during quiet behaviour. Several chiefs of importance, in different parts of the Island, who had not made their appearance in the European settlements since the beginning of the late war, have spontaneously come out of their seclusion and visited the Native Minister.

The Native Minister regrets to have to inform His Excellency that a considerable failure has taken place this season in the potato crop, and that the result is likely to be a certain degree of distress on the part of the Natives. The Government have, however, taken steps to afford relief to the tribes which appear the most

probable sufferers, and are distributing a quantity of seed wheat and other cereals, for which the ground is being prepared with the utmost alacrity. The Natives are also repairing their old flour-mills, and are on all sides resuming the industrial pursuits which they had more or less abandoned for several years.

At no time have there been fairer evidences of peaceful progress on the part of the Natives than at the present; and the results already apparent from the policy of conciliation adopted towards them render it a matter of little doubt that its continuance must lead to a prosperous future for both races.

Among the subjects for congratulation which are submitted to His Excellency, not the least is the fact that all military operations in the field have come to an end; and that the colonial force is released from active service, and is engaged on the construction of public works.

His Excellency's tour through the interior of the Northern Island has doubtless been fully notified to the Imperial authorities; and the Native Minister has only to add, on this point, that it has been productive of the most beneficial results.

DONALD MCLEAN.

8th June, 1872.

## **No. 107.MEMORANDUM by Mr. McLEAN.**

### *Condition of Native Affairs.*

There is but little to remark on the general state of Native affairs in the Northern Island of New Zealand, as these have not undergone any material change since my memorandum of the 8th June, 1872; the only exception of importance having been the settlement of some complications hitherto existing on the West Coast, in the Province of Taranaki. It will be remembered that it was in this district that the chief difficulties of late years had their origin, and that it was from it that fanaticism and disaffection extended to other parts of the colony. The Native Minister is happy to be able to state that the causes which led to these troubles have been in a great measure removed, and that the settlement of the question of the confiscated lands is in progress.

Natives formerly in rebellion, and several of whom had suffered imprisonment in consequence, have been permitted to occupy lands set apart within the boundary of confiscation for their maintenance; and there appears to be every probability that they will follow the example set them by the previously hostile tribes of the Bay of Plenty, and that they will settle down peaceably side by side with the Europeans.

A considerable section of the Waikato tribes continue to exhibit the same friendly relations as at the date of my last memorandum. Another portion still declines to come to formal terms, and wishes to be let alone. In this desire the Government acquiesce, as they see no reason for interference. The tribes of the East Coast and the Ngapuhi in the North remain steadfast in their allegiance: they, as well as other tribes, are employed on roads and public works calculated to open up and improve the various districts.

Generally there is a tendency on the part of the Natives to resume industrial pursuits, and this is evinced by the cultivation of larger quantities of land; and by the anxiety shown to obtain agricultural implements. All persons imprisoned for political offences have been released.

It has been the aim of your Excellency's Government to encourage and foster in every way the arts of peace and industry among the Natives; to open up the country by main and branch roads; to promote education by the establishment of village schools where the English language is taught; to cultivate friendly relations with the several tribes; and to use the utmost endeavours to bring the Natives to a higher state of civilization.

DONALD MCLEAN

Auckland,

17th March, 1873.

## **No. 108. Copy of a DESPATCH from Governor Sir G. F. BOWEN to the Right Hon. the Earl of KIMBERLEY.**

*Inauguration of Waka Nene's Monument.* Bay of Islands, New Zealand, 19th March, 1873.

My Lord,—

In continuation of my Despatch No. 24, I have the honour to report that I took my final departure from Auckland yesterday afternoon. My family and I were accompanied to the place of embarkation by the principal public functionaries and local authorities, by the public bodies, by the friendly societies, and by many thousands of all classes of the community. The demonstrations of regard for us, and of regret at our departure, were very lively and affecting.

- 2. This morning the "Hero" stopped for a few hours (as previously arranged) at the Bay of Islands, to enable me to unveil the monument of Tamati Waka Nene, I annex the substance of the address delivered by me on this occasion. The ceremony was performed in the presence of the chiefs and clansmen of the Ngapuhi and of the other Maori tribes of the North; and of a large concourse of the leading colonists, who had assembled to pay honour to the memory of their firm friend and gallant ally.
- 3. I am unable to write at length, for the "Hero" is ready to proceed forthwith on the voyage to Australia. I will only add that it is an interesting fact that my last despatch from New Zealand should be dated from the Bay of Islands, which has filled so prominent a place in the early annals of this country; and that my last public act here should be a mark of respect to the memory of the Maori chief who was mainly instrumental in procuring the cession of the sovereignty of these Islands to the British Crown.

I have, &c.,

G. F. BOWEN.

The Right Hon. the Earl of Kimberley.

## **Copy of a DESPATCH from the OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND to the Right Hon. the Earl of KIMBERLEY.**

Government House, Wellington, N.Z., 10th April, 1873.

My Lord,—

I have the honour to inform your Lordship that I left Auckland, *viâ* the port of Onehunga, for this, the seat of Government, on Monday morning, the 31st ultimo, per p.s. "Luna," accompanied by the Hon. Mr. Vogel (Colonial Treasurer) and the Hon. Mr. McLean (Native Minister). On the evening of that day we were driven by stress of weather to take shelter under a projecting headland called Albatross Point. On the following morning, it being evident that a heavy and confused sea was still running outside, it was not deemed prudent to put the "Luna" to sea; and as our anchorage lay near to the Harbour of Kawhia we weighed anchor, crossed the

bar, and entered that port. This unexpected visit led to interviews with the Natives who inhabit the shores of the harbour, including several influential chiefs—among them the chief Tapihana and Tu Tawhiao, the eldest son of Tawhiao, known as the Maori King.

- 2. The Hon. the Native Minister has sent me a memorandum narrating the leading incidents which occurred at those interviews, which memorandum I beg to enclose, for your Lordship's information.
- 3. In so doing, I desire to convey to your Lordship my appreciation of the tact and discretion evinced by Mr. McLean on that occasion. While a proper firmness was shown in discouraging all unreasonable expectations in the Natives, the utmost care was taken that no act should be done or expression uttered which could awaken suspicion or wound their smallest susceptibility. And if beneficial results should arise out of our visit to Kawhia, and our interesting interview with the young chief Tu Tawhiao, I shall attribute those results in no small degree to the personal influence of the Native Minister, and to the judicious manner in which that influence was applied.

I have, &c.,

G. A. ARNEY.

The Right Hon. the Earl of Kimberley.

## **Enclosure. MEMORANDUM by the Hon. DONALD MCLEAN, C.M.G., Native Minister.**

The Native Minister begs to submit, for His Excellency's information, a memorandum respecting the late visit to Kawhia and interviews with the Natives of that place, including Tu Tawhiao, the eldest of the King's sons. The chief interest connected with this event arises from the fact that the port of Kawhia had been closed to shipping for the last twelve or thirteen years; Europeans had been strictly prohibited from visiting the place by land; and the Natives, all of whom were of the Hauhau faith, were particularly sensitive of any infringement of the laws of isolation which they had for many years so rigorously maintained.

On the morning of the 31st ultimo, His Excellency, accompanied by the Hon. Mr. Vogel, Colonial Treasurer, and by the Native Minister, left Manukau Harbour for Wellington, encountering a heavy gale, which rendered it necessary to seek shelter at Albatross Point. The following morning, as the gale continued, the Harbour of Kawhia was entered, and notice sent to the chiefs that His Excellency had been compelled by stress of weather to run into their port. The Natives readily accepted this explanation, and the deck of the "Luna" was soon crowded with visitors from different parts of the harbour. Several of the Natives who came on board were personally acquainted with the Native Minister, and expressed much satisfaction at seeing him after the lapse of so many years. Past incidents and events were freely discussed; but most of the speakers frankly intimated that no other vessel but the "Luna" would be permitted to anchor in Kawhia, the only harbour in the North Island not open to shipping, and where no vessel had been seen since the visit of Sir George Grey in Her Majesty's ship "Eclipse," in the year 1865.

During the forenoon a small canoe was seen paddling towards the "Luna" from the opposite or north arm of the harbour, bringing the notoriously turbulent chief Tapihana, who took a conspicuous part in the Taranaki war, and afterwards in planning and effecting the escape from Kawau (Sir George Grey's island) of himself and other prisoners who had been captured by General Cameron at Rangiriri during the Waikato war. After some slight hesitation, Tapihana stepped on board, and addressed a long speech to the Native Minister and the chief Wi Tako, a member of the Legislative Council, who formed one of His Excellency's party. The Native Minister replied to Tapihana, after which Wi Tako made a most effective speech, pointing out the advantages of peace and friendly intercourse with the Europeans. As the discussion progressed, Tapihana's tone, from being somewhat defiant, became very friendly and temperate, and he requested that the "Luna" should visit his side of the harbour, where the Native Minister had, through messengers, been arranging an interview with Tu Tawhiao, who resides there, and who sent a special invitation to the Native Minister. On landing, Mr. McLean and Wi Tako were first welcomed by Honi Wetere, and as they approached the entrance to the King's residence were met in a frank and cordial manner by Tu Tawhiao, the eldest son of the King, a fine young man of about nineteen years of age. An interesting and friendly conversation took place, frequent references being made by

the chiefs to Tu Tawhiao's grandfather, Potatau, the first King, and to his friendship with Mr. McLean.

When the meeting was over, Tu Tawhiao accepted an invitation to come on board the "Luna," and was accompanied by a few of his chiefs, all of whom were introduced to His Excellency, who spoke in friendly and assuring terms to the young chief and his companions. Tu Tawhiao at first displayed considerable emotion, no doubt feeling that by this act he had broken down the barriers of isolation which had so long separated the Europeans from his people. After luncheon with His Excellency, Tu Tawhiao and his friends visited all parts of the "Luna," and seemed much interested and full of inquiry as to the working of the engines and other particulars new to them about the vessel.

It is quite evident, from the interest displayed by the Natives, that the accidental Visit of the "Luna" has been productive of results the importance of which it would at present be difficult to estimate.

Tu Tawhiao was most anxious that the departure of the vessel should be delayed until his father could be communicated with. Finding that it was impossible to comply with his request, the Native Minister promised to return shortly to Kawhia to meet the King and his adherents. As the "Luna" left, three English cheers were given by the Natives from the shore, which were responded to from the vessel.

A recent telegram from Waikato states that the Natives generally are gratified at what has taken place, and are very desirous to attend the proposed meeting, which, it is expected, will pave the way for effecting more permanent friendly relations with the King party, who now form the only section of the New Zealand tribes that have preserved their ancient manners and customs, and independence of European progress and civilization.

The Native Minister begs to be permitted to congratulate His Excellency on this remarkable and auspicious event occurring at the commencement of his administration.

DONALD MCLEAN.

Native Office, Wellington,

7th April, 1873.

## **No. 110. Copy of a DESPATCH from the OFFICER ADMINISTERING the GOVERNMENT to NEW ZEALAND of to the Right Hon. the Earl of KIMBERLEY.**

*Kawhia.*—*Report of Sir George Arney's Visit.* Government House, Wellington, N.Z., 10th April, 1873.  
My Lord,—

Adverting to my recent visit to Kawhia, and to the memorandum of the Native Minister transmitted in my Despatch No. 31, of this date, it may be superfluous for me to add any remarks thereon; but, as sanguine anticipations are formed that our visit to Kawhia will be followed by important results, I venture to invite your Lordship's attention to some of the conditions on which those anticipations are based.

The Harbour of Kawhia, as your Lordship is doubtless aware, is nearly midway the ports of Manukau and Whanganui, on the western coast of the North Island, and opens by far the most valuable inlet in that long, often tempestuous, line of coast. Its waters cover a considerable area, and ramify up two principal channels into the surrounding hills. Those hills fold back into the interior, connecting themselves at no very distant interval with the great Pirongia ranges, which latter, after rising in some parts more than 2,000 feet, at length descend upon the lower waters of the River Waipa, and enclose that side of the great Waikato basin. Amidst and behind the hills which encompass the Harbour of Kawhia, but with easy access to its waters, the Maori King and his immediate adherents have planted themselves. An *aukati*, or pale of separation, which the colonist is rarely allowed to pass, having been established on the side of the Waikato, the progress of settlement and civilization from the interior of this Island is barred; and, while the Harbour of Kawhia continues closed to seaward, the exclusion of the settler and the isolation of the Natives are complete. Regarded with a view either to strategic objects or to the isolation of the inhabitants, the site is but too judiciously chosen; and this exclusive arbitrary

control of an extensive and commodious harbour forms perhaps the most real, if not the only, symbol of true sovereignty held by Tawhiao.

On the other hand, it may reasonably be expected that if the Harbour of Kawhia be once again opened to shipping its shores will again become the scene of European enterprise, and that totally different relations will thenceforward arise, not only between the Natives and the settler, but between the Natives and Her Majesty's Government. I say "again," for Kawhia was formerly settled, to the reciprocal advantage of both races. Vestiges of the settlers' improvements still remain; and, after steaming a considerable distance up the harbour, we first anchored opposite a European-built house and store (now deserted), wherein a settler formerly conducted a lucrative trade with the Natives, and is reputed to have laid the foundation of a fortune which he now enjoys in a neighbouring colony.

The soil up the hill-slopes from the water's edge, while it is sometimes open and at others covered with bush, is generally productive, and not unfrequently is of excellent quality. Cattle also were visible in various directions along the shore and along the hill-sides. The Native occupiers formerly raised and brought to market large supplies, the product of those slopes, upon which occasionally are still seen traces of fencing and cultivation. Indeed, we shared the benefits of their cultivations; for shortly after the "Luna" anchored Natives appeared tracking their courses from different directions to the shore, for whom Mr. McLean at once sent one of the ship's boats to bring them, on board, and who brought with them good melons of different kinds, grapes, apples, &c., lamenting only that they had no previous notice of our intention to visit them, and thus had failed of an opportunity to bring much larger supplies. But, notwithstanding their advantages of soil and climate, these Natives appeared to be miserably poor. On the Waikato side of Tawhiao's *aukati* the Natives are less poor; for the Hauhau, although he banish the pakeha beyond the pale, is not reluctant himself to cross that pale, or to avail himself occasionally of the settler's stores and merchandise. But the isolation of the Kawhia Native is more exclusive and more stringent. He has only the hills on one side of him, and the dreary ocean on the other. He may, indeed, command a sufficiency of food, attainable by moderate labour? fish, flesh, fowl, vegetable, and fruit; but he wants to be clothed as well as fed. Many of those who came on board the "Luna" were scantily covered; others were in rags; and one finely-grown man crouched for a while under the ship's side, and hesitated to come on board from mere shame at his ragged clothing. Another Native despondingly complained that it was no use for them to come among the Europeans, because they had no money to buy clothes. In others, the hollow cough and sunken aspect betrayed a constitution which already, before the winter is yet on, was suffering from cold and exposure. These poor people evidently felt the evils which they had brought upon themselves by their self-imposed isolation, and must needs long for those comforts which a resumed intercourse with the settlers would diffuse amongst them.

Your Lordship will probably believe that the welcome offered by them to their waters was sincere. That welcome was earnestly conveyed also, by their chiefs. Seated round the poop deck of the "Luna," they conducted their debate with the regularity of a formal runanga. The memorandum of the Native Minister gives the general course of the discussion. Suffice it for me to add that the chief Tapihana, both while replying to the chief Wi Tako, M.L.C., and on his being presented to and shaking hands with myself, declared himself reconciled; while it was repeatedly urged that the "Luna" should visit Kawhia again and again, after which it was intimated the harbour might be opened to all vessels. This assurance was confirmed in the presence of Tu Tawhiao. Nothing could be of fairer promise than was the whole bearing of that young man. His demeanour was dignified, yet modest and becoming. On being presented to myself he bid me the usual Maori salutation, *Tena koe*, not with the jaunty—even bantering—air often assumed by the Natives, but slowly, and in a tone of intense melancholy. He then stood before me awhile, with his right hand in mine, his head drooping, in silence, and under visible emotion; until suddenly he drew back, retreated to a bench at the side of the deck, and there sat for a considerable time between two attendant chiefs, his head bent down, his face buried in his two hands, and in silence. At length he rose, stepped forward, and again shook hands with me, after which he preserved a more assured composure. The whole conduct of the young man led me to the same conclusion as that formed by the Native Minister—viz., that Tu Tawhiao attributed to his own visit the significance of breaking down the barriers of isolation, and pledging himself henceforth to a reconciliation with the Europeans.

Upon conditions like the foregoing, it is not unreasonable to hope that the Natives of Kawhia, reduced as they have been by their isolation from prosperity to poverty, will ere long accept the introduction of those comforts which they evidently wish to obtain, and that, as ancillary thereto, the Harbour of Kawhia will be reopened to the trade and enterprise of the colonist. But that trade would almost of necessity be accompanied, if not introduced, by the locating of the colonist himself upon those shores; and it is, I believe, invariably found that the introduction of the settler among the Natives is followed by that of the Magistrate, Native as well as European, whose jurisdiction the Natives themselves become ready and eager to invoke in the adjustment of their disputes. Such relations, once established, are not easily dislocated.

The Natives have never of themselves failed of their confidence in our Courts of justice as such; and in

1861, after the first year of the Waitara war, the Resident Magistrate's Court of New Plymouth disposed of a greater number of causes in which Natives were plaintiffs than had ever been disposed of in any one previous year before that tribunal. Having regard, then, to the geographical position of Kawhia, as already described, in connection with the district immediately under the control of Tawhiao, it is not too much to expect that, if such relations as are above indicated should be established on the shores of Kawhia Harbour, the Natives from the other side of the ranges would find it their interest gradually to accept them likewise. Meanwhile it is a vital object to induce all Natives alike to resort and submit themselves to the supremacy of the criminal law of the country. The Hauhaus living within the borders of Tawhiao's district have evinced a certain disposition to recognize that supremacy—at all events as regards offenders who may come within those borders in order to escape from justice. The following example has recently occurred: An accused person, not a Native, fled from Tauranga, and took refuge within the *aukati*: the police boldly pursued him, and were at first threatened with death by the Hauhaus, but on explaining the object of their mission the police were allowed to search for the offender, and the Hauhaus, although declining formally to surrender the fugitive, yet gave such directions to the police that they could not miss the capture, which they ultimately effected, of their man. He was brought to trial before myself, and convicted. The Government are anxious that Tawhiao should be induced to recognize and act on the same principle in all cases, especially those of homicide, whether committed by Native or European, and whether within or without the borders of the Hauhaus territory; for they consider that, if even thus much should be accomplished, the substance of sovereignty would be in a great degree conceded, the barrier between the Natives and the Government would soon disappear, and the authority of the Queen's warrant would be recognized throughout every part of New Zealand.

After observing for so many years the Natives' mode of action, I am not prone to form hasty anticipations of their improvement: they move slowly and after long deliberation, but I am hopeful that they will still yield to conciliatory treatment. I also wish to assure your Lordship that during the short time that I may administer the Government I shall abstain as far as practicable from interfering in questions of policy, whether Native or European, and shall avoid doing any act which may commit His Excellency Sir James Fergusson to this or that line of conduct. My humble duty will be to so carry on the Government, under the advice of my Ministers, that no heavy arrears of business may be cast upon Sir James Fergusson when he arrives, and to hand over the machine to His Excellency in the same admirable working order as Sir G.F. Bowen has left it. But I agree with my Ministers in thinking that, for the purposes and with the objects above specified, we ought not to delay, but should accept the first opportunity, should any occur, to improve those friendly relations with the Natives which were initiated on my recent visit to the Harbour of Kawhia.

In conclusion, I beg to apologize to your Lordship for this long and, I fear, wearisome despatch. It will probably be the only occasion for my so trespassing upon your Lordship's time. In that hope,

I have, &c.,

G.A.ARNEY.

The Right Hon. the Earl of Kimberley.

## **No. 111. Copy of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to the OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND.**

Downing Street, 30th April, 1873.

Sir,—

I have received and laid before the Queen the address to Her Majesty from the powerful clan of the

Ngapuhis, on the occasion of the recovery of His Royal Highness the Prince of Wales, which was transmitted in Sir G. Bowen's Despatch No. 11, of the 11th February, together with an English translation, and a memorandum by the Minister for Native Affairs.

I am commanded by the Queen to instruct you to convey to the chiefs of the Ngapuhi clan Her Majesty's thanks for their kind expressions of sympathy and congratulation, and to assure them that Her Majesty warmly appreciates the spirit of loyalty to the Crown, and of attachment to the person and family of the Sovereign, which is displayed in their address.

You will further assure them that the Queen continues to regard with her royal favour the Native chiefs and tribes of New Zealand residing under Her Majesty's Government, and that Her Majesty will always take a lively interest in the welfare and prosperity of the Native tribes

I have, &c.,

KIMBERLEY.

The Officer Administering the Government of New Zealand.

## **No. 112. Copy of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON to the Right Hon. the Earl of CARNARVON.**

*Auckland.—Governor Fergusson's Visit to Native Districts.* Government House, N. Z. Auckland, 8th June, 1874.

My Lord,—

I have the honour to inform you that I have lately visited some of the most important Native districts in the North Island, and your Lordship may desire to know the general result.

- 2. On the 16th March I left Napier, Hawke's Bay, and travelled by Lake Taupo to Tauranga, Bay of Plenty. Between the two latter points I had four meetings with considerable bodies of Natives. They are uniformly contented and well-affected. They prize highly the advantages they enjoy by means of the main line of road, now complete, through the district, along which a mail coach now runs twice a week, travellers and live stock are continually passing, and the electric telegraph is in operation. Several schools are established, and are well attended. At Ohinemutu, Rotorua, I visited one attended by nearly fifty children, whose intelligence and drill were remarkably good. The chief requests made to me by the chiefs were for more roads, telegraphs, and schools. Towards the support of the last they are willing to make liberal grants of land.
- 3. On the 20th April I left Auckland on a visit to the Waikato District, which was of some consequence, as being that immediately joining the "King's," and the Government thought it proper to be attended by considerable detachments of the various forces employed upon the "frontier." I was accompanied by Governor Du Cane, of Tasmania, who was visiting me at the time, the Colonial Secretary, and all the local officers of the Government. In accordance with the policy which has been of late pursued, only the European settlers and the loyal Natives were invited to attend, which they did in considerable numbers, at a meeting at Newcastle on the 21st. I beg to enclose a newspaper report of the proceedings.

Extract from *New Zealand Herald*, 9th May, 1874.

- 4. From Newcastle I proceeded to Cambridge, where I remained for two days, and visited some of the redoubts which are erected along the line of the confiscated boundary. Settlement is rapidly increasing in Waikato, and fine farms are to be seen throughout the district, indicating a growing sense of security and an increasing investment of capital. The railway is in course of construction as far as Newcastle, where



there are coal mines; and its completion so far, which may be expected by the end of another year, cannot fail both to advance rapidly the progress and prosperity of the district, and to secure it against disturbance from without.

- 5. From Cambridge I travelled across the country to Rotorua, not only to show the Hot-Lake district to Mr. Du Cane, but because the ability of the Governor to pass through the Native districts without any unusual escort is calculated to produce good results, giving confidence both to the European and to the loyal Native population. It is not long since a horse-track has been cleared on this route, and I believe it has not been traversed by any former Governor.
- 6. Upon this occasion I was a spectator of a large gathering of Natives near Rotorua, for the settlement of a dispute of long standing about the ownership of a large tract of land known as the Te Horohoro Block. This dispute had lately come to a head, and in former times would certainly have led to a war; but, by common consent, the contending parties agreed to abide by the arbitration of the Government, and certain officers conversant with Native customs, being appointed to act, were able to conduct the inquiry with the utmost regularity in the presence of all interested, and to come to a conclusion in favour of one party without any doubt of the acquiescence of the other.
- 7. Again, on the 13th May I left Auckland on a visit to the district north of that place, inhabited chiefly by the powerful Ngapuhi Tribe, who have always been very friendly since the conflict of 1845, but among whom there have been a good many acts of violence from time to time. I visited the Bay of Islands, passed overland to Hokianga, and upon my return went on by sea to Whangaroa and Mangonui. It is gratifying to see the cordial relations existing between the Europeans and Natives throughout the northern district. Large numbers of the latter are employed by farmers, timber merchants, and others at the current wages of the colony, with mutual satisfaction.
- 8. It is proper that I should inform your Lordship that during the last two months there have been decided indications of a desire, on the part of the Hauhau party among the Maoris, to put an end to their estrangement from the Government. Their chiefs appear to be divided among themselves, and both they and their people desire to share in the advantages which the loyal tribes enjoy. A meeting lately held by Tawhiao, the Maori King, for which preparations had been made during many months, and which had probably been intended to unite his party, proved a failure, and upon its separation the principal chiefs came to the neighbourhood of the frontier, where they have stated that they remain in hopes of receiving terms from the Government. A loyal chief of the Waikato, who has for many years been active in support of the Government, has twice waited upon me and assured me of his belief in the willingness of the separated tribes to come under subjection, provided that they be permitted to manage their own affairs under their own chiefs upon which basis they would be ready to admit communication through the district, and provide for the surrender of criminals. I trust that the Government will not lose an opportunity of so desirable a consummation; but in the meantime nothing is being done on account of the absence of Mr. McLean, the Native Minister, upon public business in Australia. It remains to be seen, indeed, whether the Hauhau chiefs are really disposed to surrender their independence, a step which would be distasteful to many of their followers.
- 9. With the exception of the danger of incursions of some turbulent members across the boundary, against which due precautions are taken, there is no disturbing element in connection with the Native population. Europeans are constantly becoming more intermixed with them, and they more habituated to and dependent upon the comforts of European products, and the money derived by the sale or lease of their lands. There is, however, much cause for regret in the demoralizing influences which invariably accompany the influx of Europeans. Few Natives of any class can resist the temptation to drink, habitually and to excess, while they have the means of indulging in it. There are chiefs who set an example of sobriety or total abstinence, but it cannot be doubted that the frequent excess in ardent and often bad spirits by both sexes, and their inordinate use of tobacco from a very early age, are permanent causes of the rapid and almost general diminution of the numbers of this fine and capable race, which is presented alike by the paucity of births and the mortality among the children (rather than among the infants). At the same time there is reason to hope that a remnant will be saved, and that the considerable number of children receiving instruction upon the English system in our schools may raise up a certain number so educated as to resist the temptations which have proved fatal to so many. The full capacity both of Maoris and of half-castes to acquire and employ all branches of knowledge induces the belief that there will long survive in New Zealand representatives, and more widely infusions, of the Maori race.
- 10. I wish that some systematic effort were made to fit the children of chiefs by higher education for their proper work among their people, and even for taking a part in the future government and business of the country. In spite of the comparative failure of some former attempts, I hope, through private association if not by the action of Government, to set on foot some definite organization for this purpose.

I have, &c.,

JAMES FERGUSSON.

The Right Hon. the Earl of Carnarvon.

## **No. 113. Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor the Right Hon. Sir J. FERGUSSON.**

Downing Street, 29th October, 1874.

Sir,—

As the period for your retirement from the Government of New Zealand on the appointment of the Marquis of Normanby is now at hand, I take this occasion of conveying to you my congratulations on the success which has attended your administration of the affairs of the colony during your term of office.

I have, &c.,

Governor the Right Hon. Sir J. Fergusson, Bart. CARNARVON.

## **No. 114. Copy of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON to the Right Hon. the Earl of CARNARVON.**

Government House, N. Z. Auckland, 25th November, 1874.

My Lord,—

I have the honour to inform your Lordship that, having been apprised by the Marquis of Normanby of his intention to proceed from Sydney to this place by a steampacket, which will probably arrive on the 30th instant, I have come to meet his Lordship, and have made arrangements for his being sworn in immediately upon his arrival, after which I shall leave the colony upon my return to England.

I have, &c.,

JAMES FERGUSSON.

The Right Hon. the Earl of Carnarvon.

## **No. 115. Copy of a DESPATCH from the Most Hon. the Marquis of NORMANBY to the Right Hon. the Earl of CARNARVON.**

Government House, Wellington, N.Z., 21st December, 1874.

My Lord,—

I have the honour to inform your Lordship that, on my arrival at Auckland on the 3rd instant, I took the oath of office before his Honour the Chief Justice, Sir George Arney, and have assumed the government of this colony.

- 2. The reception which was accorded to me by the inhabitants of Auckland, and also at Wellington, was most gratifying and enthusiastic, and it was the more pleasing to me as it evinced the loyalty and affection which the people of this colony feel towards Her Majesty.

I have, &c.,

NORMANBY.

The Right Hon. the Earl of Carnarvon.

## **No. 116. Copy of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY to the Right Hon. the Earl of CARNARVON.**

Government House, Wellington, N.Z., 7th June, 1875.

My Lord,—

I have the honour to inform your Lordship that on the 29th ultimo I returned to Wellington, after paying an official visit to Christchurch and Dunedin.

- 2. My visit south was unfortunately unavoidably delayed until too late a period of the year to enable me to see the country to the best advantage; but, at the same time, I did not feel justified in postponing my visit to those great centres of population till next summer. I therefore left this on the 20th April, and arrived in Christchurch the next day.
- 3. The reception which was there accorded me as Her Majesty's Representative was most gratifying, as evincing the loyalty and attachment which are entertained by the inhabitants towards the Government of Her Majesty.
- 4. Although I had heard much of the flourishing condition of the Provinces of Canterbury and Otago, I own I was quite unprepared to witness the evidences of prosperity and advancement which presented themselves to me on every side. I have long been accustomed to see the rapid progress which takes place

in young countries; but I can assure your Lordship that in no place have I seen so much accomplished in so short a period.

- 5. I landed at Port Lyttelton, and at once proceeded by railway to Christchurch. This railway is seven miles in length, and was in the first instance constructed as a provincial undertaking, but has subsequently been purchased by the General Government as a portion of the main trunk line. It is a work of considerable magnitude, as the range of mountains which separates the plains from Port Lyttelton necessitated the formation of a tunnel one and three-quarter miles in length. The undertaking was a bold one for so young a community, but I am happy to state that the result has proved the wisdom of the step; as not only has this ready communication with a safe and commodious harbour given to Canterbury an importance which it could otherwise never have obtained, but the railway itself is at the present moment paying far more than the interest on the cost of construction, after deducting the working expenses.
- 6. The Town of Christchurch is well laid out with wide well-made streets, while many of the public buildings and churches are fine substantial edifices built of stone, and even in an architectural point of view possessing considerable merit. Among these I may especially mention the Provincial Buildings, the Supreme Court, the Normal School now in course of construction, the Wesleyan church, and St. John's Church. A large English cathedral is also in course of construction. The environs of the town are studded with comfortable well-built villas, the land for miles round is well farmed, and the fields are enclosed with neat well-trimmed gorse fences. The roads are also wide and well kept; and there is a general appearance of prosperity and refinement about the whole place which reminds me forcibly of a prosperous country town in England, and makes it hard to believe that the whole thing has been the creation of only twenty-five years.
- 7. I remained in Christchurch for a fortnight, and during that time I visited the various public institutions and schools, which I found, upon the whole, to be in a very satisfactory condition.
- 8. On the 4th of May I quitted Christchurch and proceeded overland to Dunedin, where I arrived on the 7th, passing through Timaru, Oamaru, and Palmerston on my way. For the first seventy miles out of Christchurch I was enabled to proceed by railway, but after that I had to travel by road. I believe that it will take about two years before the railway is completed the whole way, although sections of it will be opened before that time.
- 9. If I was most agreeably surprised with the appearance of the country about Christchurch, I was certainly not less so with the general character of the country that I passed through on my journey south. I say nothing of the scenery, although that would well justify comment of the most favourable kind; but I confine myself rather to the evidences of material advancement and prosperity which presented themselves to my view in all directions.
- 10. On the southern portion of the Canterbury Plain the land is poor and unfit for cultivation, but it answers well for pastoral purposes. After passing Geraldine, a little to the south of the Rangitata River, however, the soil improves; and from there to within a few miles of Dunedin one passes almost uninterruptedly through a splendid agricultural country, the whole of which is under cultivation; and the numerous cornstacks with which the fields are studded bear ample evidence of the richness of the harvest during the last summer. I was also much struck by the manner in which the land was cultivated, which was far superior to that which is usually seen in a colony.
- 11. The towns of Timaru and Oamaru, through which I passed, were both of them very pretty, flourishing country towns, chiefly built of stone, and some of the buildings are large and handsome. Both towns are situated on the sea-coast; but, owing to the heavy surf which runs upon the shore, considerable difficulty is experienced in the shipment of goods. To obviate this, at Oamaru a large and substantial pier of concrete is being constructed, which, when completed, will afford good shelter for vessels; but at present only about 400 feet, out of the 1,200 to which it is proposed to extend it, has been built.
- 12. Dunedin, which is beautifully situated, is undoubtedly the largest, best built, and most important city in the colony, and presents all the appearance of a busy commercial town in an old country, and its dimensions are rapidly extending. The public buildings are all substantially and handsomely built, and the streets and shops would do no discredit to any town in England; and various manufactories have been started, which, I am informed, are in a prosperous condition, among which I may especially mention a very fine woollen factory, where they make most excellent cloth.
- 13. Throughout my journey I was much struck by the magnitude of the public works that have been completed. The country in various places is intersected by larger torrent rivers, all of which either are or will shortly be traversed by bridges of great length and substantial construction. These rivers are most dangerous to cross, and annually cause a considerable sacrifice of valuable life. The high roads are, generally speaking, most excellent, and equal to any high roads in England; and when once the main line of railway from Christchurch to the South is completed there will be little left to desire for the full

development of the resources of that portion of the colony. The construction of these works has undoubtedly caused a large expenditure of public money. Much has been paid for out of the provincial revenue; but still more, especially in the construction of the trunk line of railway, has to be provided out of the general revenue under the Public Works and Immigration Act. At the same time, great as the expenditure undoubtedly is, and largely as the public debt has been increased, I believe that the policy which suggested it is a sound one, provided that it is not carried too far; and I am the more fortified in this opinion by observing the wonderful manner in which the various sections of railway throughout the country, as they are opened for traffic, at once bring in returns in excess of their working expenses; and I believe that when once they are all completed, and through traffic is established, the railways will themselves pay the greater part of the interest on the money raised for their construction, even if they do not, as in Victoria, become an actual source of revenue. Be that as it may, in a country possessing the resources, the climate, and the class of population which is settled in New Zealand, I can entertain little apprehension for the future. Slight checks and reverses may, and no doubt will, occur; but, with ordinary prudence in the management of affairs, the ultimate success and prosperity of the colony is, I believe, secured, and I have little doubt that in the course of another twenty-five years, if not sooner, it will not be surpassed by any colonial possession in Her Majesty's dominions.

- 14. I cannot conclude this despatch without mentioning the strong feeling of loyalty and attachment to the Mother-country which I found pervading all classes of the community—a feeling which evinces itself, not only in expressions, but also in the constant endeavours to acclimatize everything that is English, and to reproduce as far as possible, in their far distant home, the tastes, refinement, and the recollections of the Old Country; and the reception which I received as Her Majesty's Representative was in every instance of the most cordial and hearty character.

I have, &c.,

NORMANBY.

The Right Hon. the Earl of Carnarvon.

## **No. 1. Copy of a DESPATCH from Governor HOBSON to the PRINCIPAL SECRETARY of STATE for the COLONIES.**

*Remarks on Report of the Chief Protector.* Government House, Auckland, New Ulster, 15th December, 1841.  
My Lord,—

I have the honour to forward the half-yearly report of the Protector of Aborigines, Mr. Clarke, in which he sets forth the very peaceable and tractable state of the Native population; but, at the same time, he remarks upon the apprehensions entertained by them respecting their land; and I certainly admit that a people who are in the highest degree jealous of their territorial rights, and amongst whom those rights are very imperfectly defined, are not unlikely to resort to force sooner or later, rather than suffer the occupation of lands which may have been fairly bought from one tribe, but are claimed with great apparent justice by another.

I take for instance the Waikato Tribe, under the chief Te Wherowhero, who are extremely powerful. They conquered and drove away the Ngatiawas from Taranaki in 1834, leaving only a small remnant, who found refuge in the mountains of Cape Egmont; and having pretty well laid waste the country, and carried off a large number of slaves, they retired to their own district on the banks of the River Waikato. It appears that in 1839 Colonel Wakefield visited the country, and bought a considerable portion of it from the few Ngatiawas who had resumed their habitations on the retreat of Te Wherowhero. Now, Te Wherowhero claims the country as his by

right of conquest, and insists on it that the remnant of the Ngatiawas are slaves; that they only live at Taranaki by sufferance; and that they had no right whatsoever to sell the land without his consent. In illustration of his argument he placed a heavy ruler on some light papers, saying, "Now, so long as I choose to keep this weight here the papers remain quiet, but if I remove it the wind immediately blows them away: so it is with the people of Taranaki;" alluding to his power to drive them off. Te Wherowhero certainly has a claim to the land, but not a primary one, as the received rule is that those who occupy the land must first be satisfied. But he is the most powerful chief in New Zealand, and I fear will not be governed by abstract rights, but will take the law into his own hands. I had hopes until a few days ago that he would consent to take a moderate compensation for his claim, but he suddenly broke off a negotiation entered into with him because, his conditions being large, I determined on referring them to Colonel. Wakefield before I paid the price stipulated. Where he has gone, or what his intentions are, I cannot yet learn; but he will probably call on me again when his impatience has moderated.

I have mentioned this case as the type of a hundred others merely to show your Lordship how difficulty it is, unsupported by power, to conclude any real bargain with the Natives, for it is clear that in this case Te Wherowhero has presumed on his imposing position, and on my evident weakness; and I am compelled to assume an independence which I certainly cannot maintain.

Mr. Clarke very properly calls my attention to the want felt in all the districts of sub-protectors for the direction and instruction of the Native population, but I am wholly unable to find suitable persons for the office....

Hitherto purchases of land from the Natives have been effected through Mr. Clarke; but his dealings with them in these matters interfere in some measure, I fear, with his conservative vocation of Protector; for although he, as an individual, acts most conscientiously both towards the Natives and the Government, yet there is no natural connection between the office of a land commissioner who buys land for the Government and that of protector of the rights and liberties of the aboriginal proprietors of the soil. The New Zealanders are a shrewd people, and are not a little apt to attribute all the kindness and advice Mr. Clarke may offer them to the more sordid view of obtaining their lands; besides which, he is often obliged to place himself in a false position with regard to them while resisting their unreasonable demands for large payments.

It is for your Lordship to make any other arrangement you may please; but, in the present low state of our finances, I cannot with propriety recommend the employment of an additional officer. Yet I feel it my duty to call your Lordship's attention to the case, and to request you will at some future period provide against this anomaly.....

Subsequently to the foregoing letter being drafted, and prior to the date which shows the time of its transmission, a most bloodthirsty murder has been reported at the Bay of Islands, the particulars of which shall form the subject of another despatch, which I have the honour to forward herewith.

I have, &c.,

W.HOBSON.

*General Report.* New Plymouth, 30th November, 1843.  
SIR,—

I have little more to state than that the settlers have been busily employed on their farms and gardens, and that the prospects of the season remain very fair, although the proportion of rainy and squally weather has been greater than is usual in this month. Several mechanics, unable to obtain employment at their own trade, have become cultivators of land, and there is now scarcely any person in the settlement who is not in some way employed upon land.

## Maori Immigration.

I am informed that a considerable number of Waikanae Natives intend to make the Taranaki District their future place of residence, and from other quarters immigration of Maoris may soon be expected. The Bishop of New Zealand (at present staying at my house) insists upon the Native reserves being let for the benefit of the aborigines, and not occupied by them. On behalf of the Company I protest against their occupation of other

land than their "tenths," as I understand the blocks granted, or to be granted, to the Company are entirely the Company's property, with the exception of the Native and public reserves. The Native reserves would afford room enough for the occupation of the Natives *now* in the district, and a considerable surplus to be let; but the case would be altered if a large immigration from the North and South should take place. This is a matter which does not at present occasion much annoyance, but may be the source of future difficulty.

## Manganese.

We have just discovered a considerable quantity of manganese in the town, close by the Carrington Road. I send a specimen, which you will oblige me by forwarding to the Directors, who may perhaps notify a large Cornish firm,—John Williams, junior, and Brothers, Scorrier House,—of the existence of this valuable article of commerce in New Zealand.

I have, &c.,

J. T. WICKSTEED.  
Colonel W. Wakefield, &c.

## MEMORIAL from the INHABITANTS of NEW PLYMOUTH to Governor FITZROY.

*Memorial of Settlers on Native Interference with their Lands.* To His Excellency Captain ROBERT FITZROY, R.N., Governor of New Zealand.

The memorial of the inhabitants of the Settlement of New Plymouth, in the District of Taranaki, New Zealand, sheweth—

That your Excellency's memorialists, either under the purchase of land from the New Zealand Company, or as purchasers or cultivators of land from private parties, or dependent for employment on the cultivation of land, emigrated from England to this colony with a guarantee of title to the land so purchased, except as against the acts of Her Majesty's Government. That, shortly after the arrival of your Excellency's memorialists here, their right to such land, so *bond fide* purchased from the said Company or otherwise, was disputed by the aboriginal owners or alleged owners thereof, who evinced in the outset the usual feeble and indecisive opposition to civilized enterprise, but which not having unfortunately received any wholesome check, and, in addition, emboldened by an imaginary protection they presume to be exclusively given to them by Her Majesty's Government, they have not only menaced, and continue to menace, by threats of violence, the location of many settlers on their land, but have, in one instance, destroyed by fire the dwelling of a European in this settlement, and have, in addition, very recently assembled to the number of fifty, armed in different ways, to stop the New Zealand Company's servants in their prosecution of a road in this district. That your Excellency's memorialists beg most particularly to urge on your Excellency the important fact that the Natives extend their interference to Europeans in this district desirous of settling on uncultivated ground and, in many instances, heavily-timbered land, and also on fern land, which is never cultivated by the Natives, and that therefore there is not the extenuating circumstance of the soil having been in possession of, or in present or contemplated future cultivation by, the Native claimants. That your Excellency's memorialists have applied to Her Majesty's Representative in this settlement for assistance, to enable your memorialists to settle on their land, but, to their surprise, they were informed that such aid could not be afforded them. That your Excellency's memorialists, with all respect for and due deference to the acts of his late Excellency the Officer Administering the Government, beg to state that, since the issuing by him of a Proclamation, bearing date the 12th June, 1843, and having reference to the land disputes, the Natives have not only greatly increased their opposition to your Excellency's memorialists, but have also laid claim to, and in some instances seized on, land in the possession of and in cultivation by Europeans in this settlement. That the settlement of New Plymouth, from its nature and locality, is essentially agricultural, and that, as nearly the whole of your Excellency's memorialists rely on their

land for subsistence, and eventual prosperity, the steady, unrestrained, and increasing opposition of the Natives to the cultivation of, and, in many instances, to the mere location of Europeans on the land in question is severely felt by your memorialists, whom a continuance of it will involve in inextricable ruin.

Your Excellency's memorialists, therefore, entirely resting their hopes and prospects of the future on their appeal to British protection, respectfully and earnestly request that your Excellency will devise speedy measures for the security and tranquillity of Her Majesty's subjects in this settlement from the aborigines of the soil, who, in most instances, not only deny the right of your memorialists to the land so purchased, but openly threaten infraction of their will with arson and other alarming crimes; endangering the perfect understanding which should be reciprocated by the two races, compromising the security of property, and even personal safety, and fatal to the interests of a people dependent on peaceful colonization, whose present and future interests are so closely interwoven with the land they are effectually forbidden to cultivate. And your Excellency's memorialists, as in duty bound, will ever pray.

JOHN GEORGE COOK, J.P.  
Richard Chilman.  
Josiah Flight. And 51 others.

New Plymouth,

18th September, 1843.

## **ANSWER of Governor FITZROY to the ADDRESS of the INHABITANTS of NEW. PLYMOUTH.**

GENTLEMEN,—  
Auckland, 14th March, 1844.

I have the honour to acknowledge the receipt on the 11th instant of your memorial, dated the 18th September, 1843, and return you my sincere thanks for your congratulations and kind expressions.

I am fully aware how vital a question is the settlement of claims to land, and I am most anxious to forward it as speedily as possible. I have desired Mr. Commissioner Spain to proceed from Wellington to New Plymouth, and I believe that he will be accompanied by the New Zealand Company's Principal Agent, to endeavour to arrange matters in the Taranaki District as satisfactorily as they have been arranged at Wellington.

I am aware of the opposition made by certain aboriginal natives of Taranaki to the progress of some of the settlers, but I have reason to fear that the asserted purchase of much land in that neighbourhood does not rest upon sure grounds, and that the Natives did not consent to our taking possession.

Recommending earnestly the exercise of forbearance, kindness, and justice towards the Natives; reminding you that the Government can never encourage or sanction any aggressive or unjust conduct; and assuring you of the utmost assistance and countenance that the Government has it in its power to show, while it has justice and good feeling on its side,

I have, &c.,

ROBERT FITZROY, Governor.  
Messrs. J. G. Cooke, R. J. Flight Chilman, and other gentlemen residing at New Plymouth.

*Reporting Probable Settlement of the New Zealand Company's Claims at Taranaki*  
SIR,—  
Taranaki, 17th December 1844.



I do myself the honour to forward, for your information, the following report on the feelings evinced by the Natives of this district respecting their lands claimed by the New Zealand Company, and on other subjects connected therewith.

## **Taniwha and Waitara Districts.**

First. The Natives of the Taniwha and Waitara who occupy the northern portion of the land claimed by the New Zealand Company have not shown at any time an inclination to dispose of the land in their neighbourhood; nor do they consider themselves empowered to negotiate for the same without the consent of several absentee chiefs residing at Kapiti, who own the greater portion of the land. They do not acknowledge the claims of the Company to any part of that district. They never received payment, and were not cognizant of a sale thereof, and will not be induced to suffer European settlers to establish themselves there.

## **Puketapu Tribe: Katatore.**

Second. The Puketapu Tribe, residing at Mangaoraka and the Hua (over whom Katatore, with whose name you are now familiar, assumes chieftainship), a few of whom received a payment given by the Company for land, are desirous that the Europeans who have established themselves there should remain on the lands they have cultivated, but are prevented by the above Native, who will not allow or consent to any information being given as to land, or individual portions pointed out, fearing it might prejudice his assumed influence, his own claim being but small. From what I could learn, the determined hostility of this person towards the Europeans has arisen from a quarrel with one of the settlers. This, along with the damage done by their cattle to his plantations, and not being paid for his land, are the only obvious reasons for his conduct.

## **Ngamotu Tribe.**

Third. Ngamotu: The claims of this tribe extend from the Waiwakaiho River on the north to the Sugarloaves on the south; a line of demarcation has been drawn by them from the northern to the southern boundary, which line is about two miles from the sea-beach. This they are willing to sell, stating that at a future period they would prefer selling their lands gradually in smaller portions, rather than in extensive blocks. Their ideas, and those of the Natives generally, of the value of land are extravagant, arising in a great measure from exaggerated statements made by Europeans, of the price they have paid for the lands they occupy, which tends so much to enhance and overrate in their minds the value of land that nothing but a desire which I am glad to observe they express to have the Europeans settled amongst them would induce them to accept of a moderate compensation.

## **Disputes.**

The state of excitement under which you are aware the Natives have laboured owing to the unsettled state of the land question has given rise to many disputes among themselves, as well as with Europeans, which have been duly adjusted; and I think the settlement of those grievances, trifling as some of them appear in their origin, has caused that better feeling which I observe to be springing up between both races; the Natives having, in many instances, come forward to the assistance of Europeans, and where injury to the property of the latter has been sustained they have been the first to bring their own people, when aggressors, before me to have the matter settled.

## ***Governor Fitzroy's Second Visit to New Plymouth, 8th November, 1844.—3,300 Acres of Ngamotu Land obtained for Out-settlers.***

His Excellency the Governor, whose arrival had been anxiously looked for, paid his second visit to this

settlement on the 8th November, when I laid before him such information as I could procure, agreeably to your letter of the 22nd August; in addition to which I placed before him maps of the settlement showing the extent of individual claims, both European and Native, as far as the claims of the latter could be obtained; also a statement of the feeling evinced by the Natives respecting their lands: after which His Excellency visited the neighbourhood of Mangaoraka and Waitara, accompanied by Messrs. Whiteley and Turton (Wesleyan Missionaries), Mr. Hamilton (Private Secretary), and myself, when he had an opportunity of conversing with the Natives, who still evinced no desire to allow the Europeans to remain. He also saw some of the settlers and the extent of their cultivations in that locality. As there had been no general disposition shown by the Natives to dispose of land, or encourage the settlement of Europeans, and as Katatore and his party were still persisting in requiring the removal of the settlers, the attention of His Excellency was turned to the land belonging to the Ngamotu Natives, on which the town is situated and the majority of the settlers established. A meeting was accordingly held of the Natives principally concerned, when, after some difficulty in obtaining the quantity of land which His Excellency was desirous of purchasing to enable him to place all the Europeans who occupy land in this settlement in quiet and indisputable possession, after much discussion he succeeded in obtaining their consent to sell about 3,300 acres, with an understanding that their cultivations be reserved. Messrs. Whiteley, Forsaith, myself, and a surveyor, with a party of the Natives, perambulated the boundaries of the block of land under treaty; after which a deed was prepared and signed by eighty-four Natives, being within fourteen of the whole number of adults in the tribe, a certified copy of which deed has been forwarded. I have since had staked out the lands and cultivations to be reserved, having given previous notice to the Resident Agent of the Company of the days on which I would be employed in doing so, that either he, or some, one on his behalf, might accompany me to see its extent and position in order to prevent any future misunderstandings. A map of the block of land purchased, showing these reserves, is now sent, and with my next despatch a tracing of the same will be transmitted to you.

## **Difficulties of Negotiation. Instance of Native Democracy. Moturoa's Position disputed. Division of Purchase Goods. Disturbance.**

The principal difficulties to contend with in the negotiations with the Natives arose, in a great measure, from their elder men not having sufficient influence to direct and advise the younger and more unreasonable members of their tribes, the hereditary despotism of chieftainship having become more apparently extinct in this district than in any other portion of the Island, in consequence of the exterminating wars which have been so prevalent here, when many of the chiefs were taken captive, placing them on an equality with their followers, so that every one, young or old, has a voice in their deliberations, and which often causes dissatisfaction and annoyance. This was very apparently seen on one occasion in town. The day after His Excellency left several of the young and unpractised orators of the Puketapu Tribe had been waiting to exact a part of the payment from the people of Ngamotu for land they assumed a claim to in their district, and which occasioned a general dispute. Moturoa (the chief from Port Nicholson) at this time got up to assert his claim to some land at Omata (a considerable distance from the settlement), and, as much jealousy existed towards this chief, from his having arrived at a time when there was so great an excitement, and which caused him to be treated with much indifference and inhospitality,—the resident Natives stating that he had no right to come and assert his claim to land from which he had been so long absent, having possessed himself of other lands in Cook Straits, which he had sold to Europeans without consulting his relatives, who were left behind to keep possession of and defend lands which he had forsaken,—Moturoa, being a chief of considerable importance and unused to such insults from parties whom he did not consider his equals in rank or standing, was very indignant and sent word to his friends at Port Nicholson to acquaint them with the uncourteous treatment he had received, and, had it not been, for the dangerous illness of his wife, he would have left the place in disgust. Several of his and his wife's relatives formed themselves into a party to avenge the treatment he was receiving, arming themselves with whatever weapons were at hand. Fortunately no collision then took place, and after their angry feelings had partially subsided they all agreed to commence dividing the goods for their land, There being twenty-one distinct families in the Ngamotu Tribe, the goods were consequently divided into twenty-one equal lots, consisting of blankets, prints, and various articles, and in addition a calf or double-barrelled gun for each family. All had been going on with the greatest quietness and regularity, having had the assistance of the most influential among them in making the division, which was giving entire satisfaction, when unfortunately a woman took up from a parcel belonging to another family several articles, which she tried to conceal and run

off with. When this was discovered it caused much indignation, and, from the state of excitement many of the Natives had been under, the example she had thus set was quickly followed by others, who made a rush for the calves and guns, being the most valuable property then at hand, the stronger party getting the greater number. It happened fortunately that some cash was still on hand to await the wants of those who did not receive a fair share, and which sum I have advised them to lay out in purchasing two breeding mares, and they are now in possession of them.

## **Mangaoraka Settlers dispossessed.**

His Excellency whilst here having arranged that all such settlers who lived on disputed land, particularly at Mangaoraka, should remove (on their not being able to obtain the free consent of the Natives to remain) to the land he had purchased, having visited the Mangaoraka, and had several interviews with the Natives, I am sorry to observe no desire to allow the settlers to remain; consequently some of them have chosen land within the recent purchase.

## **Land seized by Puketapus. Omata. Puketapu Claim disputed by Taranaki tribes. Quarrel between Puketapu and Ngamotu. Hostilities imminent.**

Since the disturbance to which I have alluded in a former part of this report, a considerable degree of mutual animosity and ill-feeling had been gaining ground amongst the Natives, in which the Puketapu Tribe bore the most conspicuous part, being dissatisfied at not receiving a greater share of the payment that had been given to the Ngamotu Tribe. Headed by Katatore, they took forcible possession of land to which they could only urge a claim from having at some early period conquered it. On this land they planted potatoes, felling all the trees, which aroused the anger and recollection of some old feuds of the Taranaki Tribe who claimed the land. They immediately collected from eighty to a hundred fighting men, with an intention to expel the intruders. Some of the Ngamotu Natives, who disapproved of the proceedings, acquainted me with what was going on, and requested my interference. I immediately proceeded to the place, calling, in my way, on Mr. Webster, Justice of the Peace, and the Rev. Mr. Turton, the Wesleyan Missionary, to accompany me to where the Natives were assembling, and who promptly rendered their assistance, Mr. Turton remaining behind with the Puketapu and those of the Ngamotu who had assembled, whilst Mr. Webster and myself proceeded to meet the Taranaki people, whom we found collected several miles down the coast, quite prepared for an engagement.. Having expressed great surprise to them that they should, at a period when Christianity was so far advanced, attempt to revive their old feuds, which the light of Christianity ought entirely to have obscured,—this, with all the persuasive and conciliatory arguments that I could adduce, had the effect of cooling their resentment, and they wished me to endeavour to settle the difference then existing between them, when, if the Puketapu men would agree to meet them without their arms, they would do the same, and talk the matter over, after which they would be desirous of disposing of their lands, then in dispute, to Europeans. Being satisfied that conciliatory measures had the desired effect, we returned to where Mr. Turton had stopped with the Natives, when we found that a violent altercation had arisen between the Puketapu and Ngamotu tribes, who were there collected to the number of 110. A scene of bloodshed was likely to have ensued, and there was a general rush for guns and other weapons. A few had already laid violent hands on each other, and others of the Puketapu Tribe, who had been well prepared with loaded guns, were standing ready to discharge them. Messrs. Turton and Webster and myself were successful in depriving some of the most exasperated of their guns and tomahawks, and prevailed on the Ngamotu Tribe, who were more unprepared and had been taken by surprise, to leave the place. They accordingly went off to a mile from thence with Mr. Turton, whilst I remained persuading the Puketapu Natives to give up their hostile intentions. Having returned to the settlement at a later hour that night, I apprised Captain King, the Police Magistrate, of what had taken place, when that gentleman accompanied me at an early hour the next morning to visit the contending parties, when we found no desire on the part of the Ngamotu Natives to resent the conduct of the Puketapus. We found the Puketapu Natives, along with whom was Moturoa, still determined to quarrel with either of the other tribes. Having seen the Taranaki Natives, who were still at the place where I had left them the previous evening, we prevailed upon them to

return quietly to their homes, as the Puketapu people would not agree to their proposal. I am sorry to find, although, we are at present comparatively quiet, the bad feeling amongst the Natives has not as yet disappeared.

In conclusion, I am happy to observe that all differences between Europeans and the Natives, arising from trespasses of cattle, &c., are up to this time satisfactorily settled.

I have, &c.,

DONALD MCLEAN, Sub-Protector of Aborigines.

The Chief Protector of Aborigines.

## **Mr. Sub-Protector MCLEAN to the CHIEF PEOTECTOR.**

*Application for a Reserve as a Site for a Church and Schoolhouse.*

SIR,—

New Plymouth, 2nd January, 1845.

In fulfilment of His Excellency the Governor's desire that you should be furnished with a copy of the map of the block of land recently purchased from the Ngamotu Tribe, showing the extent and position of land reserved for the Natives, I herewith do myself the honour of enclosing the same. The Rev. Mr. Bolland, the clergyman of the Church of England resident here, being desirous of purchasing two acres of land reserved (No. 16 on the map), as it is a desirable site for a church and schoolhouse, I beg to inquire if there will be any objection to this proposal.

I have, &c.,

DONALD MCLEAN, Sub-Protector of Aborigines.

The Chief Protector of Aborigines.

## **MINUTE of Governor FITZROY on the. Rev. Mr. BOLLARD'S APPLICATION.**

*Powers of the New Zealand Company within awarded Block.*

Mr. CLARKE.—The right of pre-emption is waived in respect of this land, in favour of the New Zealand Company only, through whose agents alone a purchase can be effected within the 60,000 acres claimed by the said Company at Taranaki.

R. F., Governor.,  
22nd January 15.

*Report of Visit to Whanganui, and Negotiation of Peace between Te Heuheu and Waitotara Natives. Narrative*

*of Past Transactions.*

SIR,—

Taranaki, New Plymouth, 28th February, 1845.

I do myself the honour to furnish you with the following information, obtained during my recent visit to Whanganui, respecting the hostile movements of Heuheu, the principal chief of Taupo, who, with Taonui and Potomo, chiefs of Waikato, came with several of their followers to that settlement early in January last. Before I relate the various incidents which occurred, I would first direct your attention to the causes which principally influenced Heuheu's proceedings, who came by invitation of an old chief belonging to that place, named Turoa, a relative of his who had had a misunderstanding with some of the Whanganui Natives about the lands sold there to the New Zealand Company, and for which a sum of money, awarded by Mr. Spain, was in expectation of being paid. Turoa, fearing he would not get a large share of the payment, had written to Heuheu to come to his assistance, stating that a fair opportunity offered to surprise Ihupuku, the Waitotara pa, twenty miles north of Whanganui, inhabited by the Ngaraurus, and avenge the death of some of the Taupos who had been slain there during an engagement in which they were defeated.

## ***Expedition of Te Seuheu to Waitotara in 1840.***

Te Heuheu accordingly prepared his expedition with such secrecy, unusual with the New Zealander, that his relatives and particularly his eldest son (who he knew would be strongly opposed to it) were entirely unacquainted with its objects. Prior to the engagement above alluded to, the Natives of Taupo and those inhabiting the West Coast, from Taranaki to Waitotara, had very little intercourse, the latter tribes being quite unacquainted with any reasons for a hostile visit; and the only one assigned by the Taupos themselves was that, having been defeated by another party, they came to seek revenge by attacking them, supposing they were so much reduced by the Waikato wars as to be unable to offer any resistance.

## **Build a Pa at Patoka.**

Accordingly, about the close of the year 1840 the Taupos came at night without giving any notice, and entering a small pa on the Waitotara River, in which a party belonging to the Ngarauru Tribe resided, they took some of the inhabitants; some were killed, whilst others escaped to Ihupuku, a few miles distant. The Taupos then built themselves a pa at Patoka, a hill within a quarter of a mile of Ihupuku. In the meantime messages were despatched from the latter place to Waimate and Taranaki to request the assistance of their friends, which was promptly rendered, and in a few days they were collected at Ihupuku, when they sent three persons as messengers of peace to their foe, expressing their unwillingness to fight and hoping they would depart. Those messengers were made prisoners, and one of them stripped of the European clothing in which he was clad.

## **Conflict at Ihupuku. Taupos defeated with Loss of a hundred Men, including the Chief Tauteka. Revenge taken by Te Heuheu, and Ihupuku burnt down.**

During the night the people at Ihupuku collected materials, and before the following morning had erected a temporary encampment at the foot of the hill on which the Taupos had placed their pa. An armed party of their men, having gone to their plantations to procure food, were attacked by the Taupos, when one man was killed. A skirmish ensued, and the Taupos were driven back to their camp, the victors seating themselves in front of it. Many of them, however, supposing the affray ended, returned to their encampment. A few shook hands with the Taupos, and others were engaged taking prisoners (the shaking of hands is often spoken of by Heuheu as having been a most treacherous act). The Taupos, perceiving they were thus losing some of their people, resisted, and the conflict was renewed, when they lost about a hundred of their men, including their leading

chief, Tauteka. Many were captured: these were afterwards put to death, and but a small party escaped to Taupo. Heuheu was not present on this occasion, but came a few months after with a party to seek satisfaction. The people of Ihupuku, being again taken by surprise, fell back to one of their pas named Tihoi, leaving behind them an old man and woman too feeble to travel, whom the Taupos killed, and burnt the pa, when Heuheu returned, threatening to pay that neighbourhood an annual visit till sufficient satisfaction had been obtained, which threats have kept the people along the coast in a perpetual state of fear and anxiety.

## **Assistance sought from Taranaki. Accompanies the Northern Tribes.**

Messengers having been despatched to New Plymouth with the information that Heuheu had come a second time, and to request the assistance of their friends, I considered it necessary to go to Whanganui, and, accompanied by the William Bolland, proceeded towards that place. In my journey, the Natives who went from New Plymouth and other settlements along the coast behaved themselves in a very creditable manner, their principal leaders recommending they should be guided entirely by their Missionaries and Protector; and Christianity appeared to have so far spread its influence that they would not attempt an attack on their enemies, even if they were sure of being conquerors, which, from their overwhelming numbers (1,109) when assembled at Ihupuku, there could be little doubt of, the Taupos mustering only two hundred, and the greater number young and inexperienced in warfare.

## ***Arrival at Ihupuku, 11th, January, 1845. Taupo Depredations.***

We arrived at Ihupuku, where the Natives were assembling, on Saturday, the 11th January. On coming towards the pa we were loudly welcomed. We found the Rev. J. Skevington there, who informed us that Te Heuheu was, with his Waikato allies, encamped near the village of Whanganui, and had been visited several times by the Rev. R. Taylor, who, on inquiring the reason of his coming there, was told by Te Heuheu that he had come by invitation of his friend Turoa to settle the land question, and to get satisfaction for his dead. We also learned that several petty thefts had been committed on the Europeans, and that on their way to Whanganui they had carried off and destroyed three hundred pigs from a pa called Mangowai, a number of which were afterwards sold by them at unusually low prices; also that a white child of four years of age had been indecently exposed, which occasioned a report that several European females had been ill-used by them.

## **Arrive at Whanganui. Taonui, of Mokau. Bishop Selwyn arrives. Visit to the Taupos' Encampment.**

On the 13th instant, the Rev. Messrs. Skevington, Turton, and myself went to Whanganui, Mr. Bolland having gone there previously. On arriving there we proceeded to the Taupo encampment, but found the greater number of them were absent plundering the potato-fields of the Mission Natives of Whanganui, who, by Mr. Taylor's advice, resisted their aggressions. Our arrival occasioned considerable sensation, and there were, anxious inquiries made of us as to the strength of the party who had assembled. One of the chiefs, Taonui, was evidently agitated, and expressed his regret at having come there. During the day his Lordship the Bishop arrived from Taupo. Shortly after his arrival he visited Heuheu, who appeared pleased at seeing him. He told him that his son had opposed his coming, as well as several of his friends, and from the persuasive conversation of the Bishop, for whom he professed much friendship, he appeared to have regretted his coming. On the following day a second visit was paid by the Bishop, the Rev. R. Taylor, and the Rev. Messrs. Bolland, Skevington, Turton, and myself. The Bishop had a short conversation with Ngawaka, one of the Waikato chiefs, who, presenting an empty pipe, begged for some tobacco. After talking to him some time unheeded, he replied that were he to fill his ears with tobacco he would probably listen to him. This was considered by the Natives around, who were all heathens, as a curse, and one slightly touched the Bishop's hat, who very properly

took no notice of the insult. At this time I was with Heuheu, when his Lordship joined us, and expressed his disapprobation of their behaviour, and remarked that if his head was not sacred, as in accordance with their customs, still his being a chief ought to have gained him some respect.

## **Arrival of Major Richmond, Superintendent of Southern Division. His Meeting with Te Heuheu.**

From the anxiety and alarm occasioned by so formidable a body of Natives collected so near the settlement, the Police Magistrate had taken the precaution of writing to his Honor Major Richmond, the Superintendent of the Southern Division, for protection, who came in the "Hazard," sloop of war, on the 15th instant. After landing he held a consultation with the Magistrates and proceeded to the Taupo encampment, where he told them, through Mr. Forsaith, that if they had only come to settle their own differences he would not have interfered with them otherwise than as a mediator; but, as they had been aggressors on the Europeans, it would be imperative on them to remove without delay, as such conduct could not be overlooked. Heuheu replied he was sorry injury had been suffered by the settlers; it had not been his wish; but as to his immediate removal it was a matter to be considered. On this we all left, after which there were fewer complaints.

In the meantime I had several interviews with the chiefs, some of whom were desirous of withdrawing themselves could they do so consistently with their ideas of honour. They accordingly proposed to go to Kai-iwi, which was half-way to Ihupuku, there to give vent to their feelings by firing off their guns, and then take their departure. They had not, however, mentioned definitely a day on which they would do so. On his Lordship and Mr. Taylor becoming acquainted with the determination of the Taupos to leave, it was thought a good opportunity for Mr. Taylor to fulfil a promise he had made to Heuheu on his first arrival, who had requested it, of a present if he left in peace; the Bishop also, noticing his superior behaviour to that of many of his followers, and from obligations he had been under to him when visiting his place, gave an additional present. Nor was this without its good effect, the presents not being confined to Heuheu alone, as his brother and the two Waikato chiefs received each a blanket, and was I believe the means of strengthening their resolution. During the distribution of the articles they wrote a note by Mr. Forsaith requesting his Honor Major Richmond, the Bishop, and all the other gentlemen who had exerted themselves in bringing about a reconciliation, to accompany them on the following day to Kai-iwi, that in the event of meeting with the other party they might assist in preventing any undue advantage being taken of them.

## **Hostile Natives proceed to Kai-iwi.**

On our accompanying them to Kai-iwi we found that a small quantity of food had been piled up. This they took as a bad omen, there not being a sufficient quantity of food to satisfy them all. One of their tohungas or priests performed a superstitious ceremony over the food, which he condemned to be burnt. Having remained a short time with them we proceeded to Ihupuku, when Major Richmond directed Mr. Forsaith to communicate all that had been done in order to a peaceable arrangement, with which they were satisfied.

## **Interchange of Civilities, and Peace made.**

The following morning we had a further meeting, when a few of the party had expressed an unwillingness to meet Heuheu on friendly terms. It was then considered that from the overwhelming numbers at this place it would be better to warn Heuheu from coming there, which having been done, he expressed himself highly pleased with such kind consideration. The people of Ihupuku much regretted that the meeting with Heuheu had been opposed: they accordingly wrote a very friendly letter, a copy of which is enclosed, and which I read to Heuheu at Kai-iwi, who returned the enclosed answer, which concluded peace between the tribes, who then dispersed themselves on their return to their homes.

## **Superintendent Richmond leaves in H.M.S.**

# "Hazard." Return to New Plymouth. Native Woman murdered by her Husband.

The "Hazard" heaving in sight, Major Richmond, the Bishop, and Mr. Forsaith took their departure also, and Heuheu, with his followers, went in a day or two afterwards, on a visit to Rauparaha, at Otaki. I remained at Whanganui till all had become perfectly quiet at that settlement. I then commenced my journey to New Plymouth. Before I had quite arrived I heard a report of the murder of a woman by her husband, a Native of Mokau, which had caused some alarm in the settlement. Several of the Mokau Natives, having heard that the Ngatiruanuis (the tribe to which the woman belonged) were likely to avenge her death, armed themselves in defence, coming to one of their stations this side of Mokau. I immediately proceeded to meet them, but the greater number had then departed, having heard it had been a false report. For the more detailed particulars of the case I would refer you to the evidence taken before the Police Magistrate, where you will find all particulars.

## Te Heuheu's Return to Taupo.

I am glad that Heuheu's party has quietly returned to Taupo, having, before their arrival there, quarrelled with their Waikato allies about some canoes, which, I expect, will have the effect of preventing their assistance on a similar expedition.

I have, &c.,

D. MCLEAN, Protector of Aborigines, Western District.

The Chief Protector of Aborigines.

## *Taupo.—Report of Visit.*

At Taupo I met with a most friendly reception from Te Heuheu, when, after partaking of some food, he introduced me to various members of his family, and commenced talking about the Bay of Islands, of Mr. Shortland's visit, and of the pleasure he had in seeing him and hearing the news from the North, adding that he was always happy to be visited by respectable Europeans.

## Conversation with Te Heuheu.

In speaking of Hone Heke, he said he considered him to be in the right; that he was asserting his freedom and that of his country; that pakehas (Europeans) had advised him to do what he had done; and that the British Government intended to deprive the New Zealanders of their lands, their liberty, and their rights as chieftains, but that they would be found a determined race of people, strong, well skilled in war, and not easily subdued. The English were an insatiable people, desirous of conquering all nations; that Napoleon Buonaparte would have been a match for them, had he not been taken by stratagem. The Americans also were too strong for us, but the Natives of Port Jackson had fallen victims to our encroachment, which, he feared, would ultimately be the fate of himself, and his people.

## Iwikau.

Iwikau, his brother, urged the same arguments, saying that he was himself at the Bay of Islands when Captain Hobson first arrived; that the Ngapuhi Natives received His Excellency with suspicion, having been



told that his object was to deprive them of their lands, which occasioned the movements of Government to be watched with jealousy and suspicion; and that the disasters that have happened since were the natural result. He had frequently advised other tribes not to encourage the settlement of any Europeans amongst them, excepting traders, who brought them blankets and tobacco in exchange for their productions, and never troubled them for land; but that he and his brother had, notwithstanding, been imposed upon by one who had taken several pigs from them without payment, for which he would have satisfaction from some European traveller passing that way. This was one reason why he had not more strenuously prohibited the robberies on the settlers at Whanganui. The chiefs along the coast might very properly have settled amongst them....

## Whanganui River.

On passing down the River Whanganui I was struck with the denseness of the population on the northern banks, the inaccessible situations of many of their pas, only to be approached by ladders up the steep sides of precipices, which places, as fenced by Nature, have been their safeguard when attacked by the irresistible force of the Waikato Tribe, who failed in their attempts to subdue the inhabitants of those rugged wilds, when other parts of the Island were obliged to submit. This part of the river has been rarely visited by Europeans, which caused them to think the more of my coming to see them at a time when the Island was under such excitement. They manifested great anxiety to learn the intentions of the Waikato and Taupo tribes towards them, from whom they were in daily fear of an attack, more especially those towards the coast, who, their situation being more protected from the features of that part of the country, had greater reason to dread a hostile invasion. They were pleased to hear that Te Heuheu had preferred my interference to a visit from himself and all to the Mission-station at the entrance of the river, promised to refrain for the future from provoking the anger of the tribes in the interior, and through me wrote a friendly letter to Te Heuheu by the return of the canoe that carried me down the river.

## Te Ihupuku.

In returning from Whanganui to New Plymouth, I visited Te Ihupuku, where there is always a large body of Natives. These I found agitated by various fears not only of an attack from Taupo, but also from a suspicion that the Government, after quelling the revolt in the North, might be inclined to seek satisfaction from the inhabitants of the other parts of the Island, agreeably to their own custom in such cases. I assured them from the latter they need have no apprehensions; and from the former their own conduct would be the best preventive, giving the message sent by Te Heuheu. At this they were greatly pleased, and appeared to think the presence of a young Waikato chief with me an earnest of good feeling towards them.

## Two Murders committed on the West Coast.

The want of influential chiefs amongst this people is generally felt by themselves, as well as by their Missionaries and Protectors, being often led to commit serious acts that well-disposed chiefs would prevent, and which sometimes end in loss of life. I am sorry to state two instances of this nature have recently occurred at Iringahoe, near Waimate. The death of one was occasioned by his having killed some pigs that were destroying his kumara plantations, and the other in a quarrel between two young men about a Native female. These murders caused a considerable sensation, some of the Natives desiring that the murderers should be brought to New Plymouth to be punished according to English law, whilst others opposed it. I would here remark that the frequent visits of the Protector to those parts of the district less under the influence of chieftainship would prevent many such occurrences, by deciding the disputes which lead to them. The numbers of Natives returning from captivity, as well as from Cook Straits, also frequently occasion disputes. Some of these I was enabled to settle, which having done I returned to New Plymouth, where, I was glad to find, no serious difference had arisen during my absence.

I have, &c.,

DONALD MCLEAN, Sub-Protector of Aborigines, Western District.

*Giving detailed Account of Journey to Taupo, Rotorua, &c.*

SIR,—

New Plymouth, Taranaki, 26th January 1846.

I have now the honour, agreeably to the intimation expressed in my letter of the 2nd instant, to furnish you with a more detailed account of my journey to Taupo and Rotorua, as well as amongst the tribes of my district.

I commenced my journey on the 20th of October last, in consequence of the application from the Rev. R. Taylor and the chiefs of Whanganui, who were desirous that I should accompany that gentleman to the inland tribes, as mediators on their behalf, and endeavour to allay the excitement they were said to be under, which gave considerable alarm to the inhabitants of the West Coast, who feared another hostile incursion. In passing along the coast the Natives flocked towards me, making inquiries respecting a religious belief that had arisen amongst the Ngatiruanui Tribe, and extended towards those of Taranaki; some of whom asserted that they had seen the Almighty and His angels; one of them stating himself to be Jesus Christ; others, his disciples, were inviting their friends and acquaintances to come and worship the true God at their places. The further I proceeded the more I found of this fanatic delusion, but was glad to observe a majority opposed it, and were industriously pursuing their usual occupations.

## Taranaki Coast and Whanganui, Upper Whanganui, and Taupo.

The country occupied by these tribes towards Whanganui is rich and fertile, producing most luxuriant grasses, intersected with rivers and beautiful lagoons, well suited for agriculture; or, if occupied by stock proprietors, would prove beneficial to them as well as to the Natives, by creating a desire amongst the latter to become owners of sheep and cattle, which will be in all probability the first property to confer a real benefit upon them. Nothing further of particular importance presented itself on my journey until I arrived at Whanganui, where I could perceive a very great improvement in the Natives within the last year, which is shown in some of their dwellings being built in imitation of the European style, and in an anxiety to be possessors of sheep and cattle, as well as fruit trees and seeds, which latter they receive from the Mission gardens and the settlers, who are mostly a respectable class of people, and interest themselves in their behalf. To the exertions of the Rev. Richard Taylor I should principally attribute the progress they are making, and the influence he has over the tribes of his district proves of the greatest benefit to the settlement generally.

Having remained some days at the Mission-station, and visited the Native villages in the vicinity, Mr. Taylor and I pursued our inland journey on the 5th of November by the Whanganui River, a distance of forty miles, on leaving which we travelled for three days across a forest country, with patches of available land, and occasionally some fine timber of the rimu and tawai. We next entered an open country, resembling much the plains of Bathurst, New South Wales. The soil is of a dark, sandy loam, covered with coarse grass (termed by the Natives poaka), which improves, towards Tongariro. We encamped at night on the banks of the Waitakaruru River, which flows through this extensive plain. In ascending towards the Taupo mountains, which were partially covered with snow we experienced a sudden change of climate and aspect, our path leading over volcanic ashes and lava, until our approach to Rotoaire, the first of the Taupo lakes, being the only settlement since we left the Whanganui River. Here the country again assumes a fertile appearance. The settlement is situated at the southern extremity of the lake from whence the Waikato River takes its source. We were much pleased with the chief personage of this place (mother-in-law to Heuheu), who had a dignified and graceful appearance. She received us kindly, and pressed our staying the night, not to pass without receiving some marks of her hospitality, which we gladly accepted, remaining there till the following day, and at night reached the settlement of Herekieke, a young chief of Taupo, who has been long meditating an attack upon Waitotara, to revenge the death of his father Tauteka, who was killed there. We had reason to suspect he still intended carrying his design into execution whenever an opportunity offered, though professing friendship, and diverting our attention to the various objects worthy of notice in his neighbourhood, one of which in particular, a spring of boiling water, excited our curiosity, which, at intervals of one or two minutes, gushed upwards with a foaming rage similar to the bursting of a whirlpool, accompanied by a simultaneous rumbling, as if the earth

was about to open and swallow up the unwary spectator.

## **Native Excitement concerning the War at the North.**

The following day we arrived at Te Rapa, and met with a friendly reception from the old chief Heuheu, who had guns fired on our approaching his place, and whom, on our arrival, we found seated on a large stone in front of his residence, surrounded by his tribe, who all bade us welcome, after which he led us to his house; and, on inquiring for some of his friends with whom we were acquainted, he entered into a long conversation respecting the war at the North, saying he considered Hone Heke (one of the least of the New Zealand chiefs in prowess) was more than a match for us; that Hongi, his relative, who went to see King George, advised Heke (when he was a little boy, attending on him during his last illness) to be friendly to Europeans, but should it happen that, after his death, a flagstaff were erected in New Zealand, he should be careful to prevent such erection on his own territories, as that would show a desire on the part of the Europeans to possess his lands and deprive the New Zealanders of their country. He said Taraia was a restless chief, and not unlikely to take part with Heke; that he was himself looking quietly on, but could not help having a friendly feeling towards him, as a man of the same colour and country as himself; that, indeed, all New Zealanders were of the same colour, a continuous race of chieftains, possessing spirited but yet obstinate minds that no fair means could subdue; that there was a strong inclination on the part of the tribes of Taupo and Rotorua for more fighting; that the Ngatipikiao, of the latter place, headed by their chiefs Rupe and Matangi, sent him a basket of cartridges as a token that they were disposed to attack the Ihupuku Pa and try the strength of the large number who collected there last year, as well as to be revenged for the death of some of their relatives killed at Patoka. These cartridges Heuheu fired off, to show that he was not disposed to use them for that purpose, his desire being for peace, and through him it had been preserved up to the present time. Still he could not suppress the warlike propensities of other tribes, who were only waiting the result of the procrastinated war at the North, which kept them all in commotion, and made it difficult to keep them in proper subjection. He had himself declined assistance against his former enemies along the West Coast, and was even sending his women amongst them unprotected (carrying presents to Te Rauparaha and the Ngatitoa) as an earnest of his forgiving disposition. The conduct of the Mission Natives had given him dissatisfaction, but he highly respected the European Missionaries, who were all very kind to him, and regretted the Bishop had not placed one at his settlement, not wishing that a preference should be given to inferior chiefs whilst he was neglected.

## **Assumption of Christian Natives.**

Iwikau, his brother, who is generally averse to Europeans, and much feared, by Natives from his bold, determined character, was exceedingly friendly to both Mr. Taylor and myself; to the former gentleman he felt indebted for kindness shown him when at Whanganui, and said he would be glad to see him oftener at Taupo, when he would think of becoming a "Missionary" if it were not for the haughty bearing of some of the Mission Natives, who considered their religion placed them higher in rank than himself, which was a feeling he could not endure. Mr. Taylor told him that it was expected from all Christian Natives to behave with respect to their chiefs, and that he would lose nothing of his rank by becoming one. Iwikau seemed pleased at this, and here I could perceive the benefits that would result from the more frequent visits of such persons as Mr. Taylor. He also expressed himself grateful for my interference in the affair between him and the trader mentioned in my report of the 11th July, 1845, and said, had it not been settled, he was determined to have taken payment from some other white man, or have tried the strength of the English, as Heke was doing; but its being arranged satisfactorily, and his own life probably saved by my advising the opposite party to lay aside their firearms before he arrived at their place, led him to be more friendly to all Europeans.

On the 17th Mr. Taylor performed the marriage service between a European and a Native woman, after which we took our departure from Te Rapa, Heuheu accompanying us across the Lake in his canoe, which afforded me an opportunity of a conversation, when I pointed out to him the benefits likely to be conferred on the Natives of Taupo by having a European settlement at Whanganui, and how much it would be to his interest to urge the tribes over whom he had influence to behave well to them (the settlers), mentioning that Turoa, a chief of Whanganui, before his death strongly recommended peace to all his relatives, reminding them that they all originally came in the same canoe; that he had been a man for war, but he wished that now to die with him. I then explained to him the advantages of peace, and Mr. Taylor pointed out the evil consequences of war.

Heuheu replied that a grandson of Turoa had been to see him, but had not said a word about peaceable intentions, and if Turoa had expressed himself to him in the same terms when he had put the question to him twice at Whanganui, peace would long since have been restored as far as he was concerned; but, as regarded the settlers there, whatever might happen in other parts of the Island, he would defend them. He apparently apprehended, a rising against the Natives of the West Coast, and strongly recommended my visiting the chiefs of Rotorua, mentioning their names, and to advise Hikairo, the leading chief of that place, against doing so.

We landed at a large pa to the north of the Rapa, to which Heuheu and his tribe resorted in time of war. He showed us some of his houses, handsomely finished in the Native style, and neatly carved. Here we took our leave of the kind old chief, who urged us to visit him frequently, and appeared to regret our departure, Heuheu having given me the names of the several chiefs, of Rotorua that were disposed to attack Ihupuku, and informed me that the feeling was not confined to them alone, as Taraia and Te Horeta evinced a similar disposition.

Here would take the liberty of observing that there are appearances of excitement amongst the tribes around here, and a desire to return in a great measure to their old habits, when those innumerable feuds and grievances that have lain dormant for years will be revived, the consequences of which might seriously affect our English settlements, and which demand every exertion on the part of those interested in the peace and tranquillity of the Island being used. I therefore determined on seeing as many of the chiefs as I could, and accordingly visited Rotorua with Mr. Taylor. After leaving Heuheu the first place we came to was Waimarino, where we found a body of Church Natives more advanced in religious information than any we had met at Taupo, which arose, no doubt, from their chief being the teacher and zealous in performing his duties. The next pa, Motutere, presented quite a different appearance, the inhabitants being in a perfect state of heathenism, continually begging from ourselves or Natives; but during our short stay we succeeded in shaming them out of such conduct.

On the 18th we came to Orona, a small settlement, where we found some Natives who had separated from those of Motutere, and had built, with the assistance of Mr. Taylor's teacher, a large chapel for themselves. We found them friendly. From thence we continued our journey along the banks of the lake, some parts of which are very beautiful, especially a small village at its northern end, round which we observed several cultivations. In turning off on the road to Rotorua we came to Rotokawa, a picturesque lake about a mile long, the water of which is unfit for use, being strongly impregnated with sulphur. The country after leaving here presented a barren and dreary appearance until we arrived at the Waikato River, where we found a small settlement with twelve Church of England Natives. Takiri, the chief, who terms himself a "Missionary," was more inclined to annoy us by begging than to behave in accordance with the character he had assumed.

A short distance beyond this place the country presented the same barren appearance, nor did we meet with any change until we arrived at Pukaraka, where there is a level road running through some cultivations, and a fine clump of timber. From thence we got to a lake of Rotorua named Motutawa, with a small island in the centre, where a portion of the Ngatipikiao Tribe live. In the evening we arrived at the Rev. T. Chapman's, having visited Tarawera and all the pas that lay on our way to that place. Here we heard of the arrival of His Excellency Captain Grey as Governor of New Zealand. The scenery here is interesting and romantic, but the soil is poor and unproductive. Many vegetables which grow abundantly on a small island in the lake do not here come to perfection. In my interviews with the Natives around here I observed that the majority of them were desirous of relinquishing their warlike habits, and frequently mentioned the chief of Taupo as the grand mover of their actions. They said that some of their people were still restless, and only looking to the result of the northern war to see how far the Europeans could conquer their countrymen.

Accompanied by Mr. Chapman we visited Hikairo, that gentleman having to settle a difference respecting some goods stolen from Kororareka, in the possession of his Native teacher, for which he was suspended from his office for one month. In conversing with Hikairo, I informed him of Heuheu's friendly disposition, at which he seemed much pleased and gratified at his considering him the leading chief of Rotorua. He hoped that old grievances would be forgotten, and their newly-acquired religion only attended to. There were a few in his neighbourhood who, he said, wished for war, and he requested me to see them before we left that part of the country.

25th November.—The severity of the weather induced me to remain at Mr. Chapman's, and I was afforded an opportunity of seeing his Native infant school, with which and the progress the children attending it were making in learning English I was much pleased. There are frequently thirty scholars from four to eight years of age; many of the girls are kept at the Mission-house, where they are taught sewing and other useful employments.

## As to Policy of Governor Grey.

On the 26th visited all the pas round Mr. Chapman's station, and had conversations with the Natives, who

were under an impression that the new Governor was inclined for war, which, they said, would arouse the jealousy of every tribe in the country, who remained neutral until they saw the result of Heke's proceedings. I found among them some Natives who joined that chief in the Bay of Islands, and who were industriously circulating incorrect versions of the several engagements, and striving to excite the better-inclined against our cause. Having removed the impressions formed against His Excellency, and answered the arguments urged against the Europeans by the disaffected, I was returning to Mr. Chapman's when I fortunately met the chief of Maketu, Pukuatua, whom I found a sensible, well-disposed man. He told me he was instrumental in causing peace with the Tauranga Natives respecting Motuiti, an island on the East Coast that had been in dispute for years; that he wished to see the people of Taupo and the West Coast coming to the same terms, and all the tribes unanimous in keeping peace throughout the whole length and breadth of the land. The sentiments of this chief being so favourable, I wished him to convey them through me, by letter, to the Natives of my district, which he agreed to, a copy of which I enclose.

The next place we came to after leaving Mr. Chapman's was Ohinemutu Pa, the largest at Rotorua, where we stayed the night, and had a conversation with the chiefs there, who expressed themselves similarly to Hikairo and Pukuatua, stating they expected most of the Rotorua Natives would come on a friendly visit to the West Coast during the ensuing harvest. We were very much pleased with the young children we met at this place; most of them could repeat the English alphabet, several English words, and count from one to one hundred with ease. The delight they take in bathing in the warm springs, that are so numerous there, gives them a more cleanly and healthy appearance than at any other place we had visited.

On the 27th we commenced our journey homeward, passing, by several hot springs, and valleys of rich alluvial soil. About 1 o'clock we ascended the Arakari Pa, on the summit of a steep but pretty hill, that commanded an extensive view, giving a favourable impression of the whole district. At this place we met a few Natives of the Ngatituaru Tribe. One of the old men there told me that there was a favourable feeling springing up amongst the Natives towards Heke, and a belief that in the next engagement he would be joined by all the Ngapuhi tribes. He had sent messages to all the tribes on the sea-coast to prevent the residing of Europeans amongst them, and that he hoped Rauparaha would declare war against the English.

From the Arakari we came along under the Horohoro range of mountains, which is high and in some parts heavily wooded. At the northern extremity, near our encampment, we ascended the top of the range, but as the sun was then setting we were disappointed in not having the extensive view we anticipated. Here we planted some seeds of the Russian cranberry and bilberry, and descended to our encampment, near a lonely grove, by a small river running through the plain.

Our journey on the 28th was through a plain level country that our guide told us had been seldom traversed by Europeans. In the evening we passed some large rocks that at the distance looked like the remains of a Druidical building. Here the road breaks off to Taupo, Waikato, and Matamata.

Saturday, the 29th, we got to Arohina Pa, where we found some Natives, and remained there during Sunday.

1st December.—Mr. Taylor went to visit Mr. Morgan's Mission-station at Otawhao, whilst I continued journey direct, which enabled me to spend a day with Ngawaka, the chief of Rangitoto. The road to his place lay through a poor hilly country, covered with low stunted fern, with a few patches of timber, near which there are a few most untidy villages and cultivations occupied by the Ngatiraukawa Tribe, who do not appear to have any chief of consequence amongst them, and are considered less hospitable and friendly to travellers than any of the Waikato tribes that live in their vicinity. In the evening I got to Ngawaka's, a distance of thirty-five miles. This chief, who is very high in hereditary rank among the Waikatos, I found exceedingly kind and communicative, in his conversation evincing a general tone of friendship towards Europeans, and has frequently three or four living with him, supplying them with the best his place can afford without remuneration, and from the circumstances of the persons who thus partake of his hospitality it is not probable that he ever expected any. One of his sons, a fine young lad of thirteen years of age, he promises to send, along with Te Heuheu's son from Taupo, to live with me at Taranaki to learn English. The latter chief's son was on a visit to his place, and both of them came along with us a day's journey.

3rd December.—Mr. Taylor returned from Mr. Morgan's much pleased with his visit and the reception he received, the Natives showing him every mark of respect. I could perceive a great desire on the part of the Natives here to become owners of horses, and those who have already got them are, with Mr. Morgan's assistance, improving the roads through the interior very much by placing bridges across the deep creeks and streams, also cutting lines through the fern and bush.

On the 4th we came to Te Paripari (Taonui's place), where we pitched our tents and had a long conversation with that chief. He told us that a report had reached him that Taiaroa, the chief of the Southern Island, was desirous of becoming an imitator of Hone Heke; that Rauparaha had consented to join him, and intended making Wellington the first place of attack: but he assured us if this was true, which he himself doubted, that

neither he nor Heuheu will join him in such attempt; that he would rather assist the Europeans, and, should Heke attempt to carry his threats into execution of cutting down the Auckland flagstaff, the Waikatos would turn out to put him down. Notwithstanding, he considered that Heke would be able to conquer the English, had they no Native assistance. Having explained to him the strength of the English, without depreciating Heke, I told him how well disposed the majority of the tribes in the interior were. There is a European living at this place who is married to the chief's daughter, and has a fine family of children by her. He cultivates some land there, and is establishing himself comfortably.

On the 5th we came to Whakatutumumu, a Wesleyan catechist's station, where we stopped and saw all the Natives, who I was glad to learn had made considerable improvement since my last visit. The following day we passed along the banks of the Mokau, a rich, fertile country, with few Natives. After a fatiguing walk of thirty-two miles across limestone ridges, we arrived at Motu Karamu, a German Mission-station. The chief Te Kuri, son of Taonui, came there to see us, and told us that the Natives of Waitara had cursed his father in a quarrel about some land. His father had not yet heard of it, but he expected he would be very indignant, as the Native who cursed him had been a prisoner of his; he would, however, advise his taking payment in satisfaction. The German establishment here consists of one clergyman and a practical farmer, sent out by their society to superintend a farming establishment connected with the Mission. Te Kuri has given them ten acres of land to commence with, in a good situation, with the River Mokau between them and the Native village, at which there are about eighty or a hundred inhabitants. There is a European emigrant living near, who found his way there with some traders from New Plymouth. He has a neat garden, with wheat and vegetables in abundance. The Natives are quickly imitating his mode of agriculture, and benefiting by the various kinds of seeds he introduces, as well as by his industrious habits. This part of the country is productive, and seldom visited by Europeans.

On the 8th we descended the Mokau River, accompanied by the chief's wife and a guide to see us safe over the rapids, the last of which is half-way down, near a vein of coal, which, in all probability, may ultimately become valuable, there being deep water for small coasters to get alongside of it to take in cargo. The land on the banks of the river is principally composed of a rich mould, with a considerable extent available for agriculture, and some portions wooded with a variety of useful timber. It is uninhabited, but there are indications of its having been at one period cultivated and settled, from remains of old tribes, and quantities of heavy timber fallen and now decayed, replaced by a shrubbery of koromiko and ngaio. The enclosed sketch will convey a more accurate idea of the extent and capabilities of this river, flowing through a country hitherto unexplored, or at least unnoticed, though not inferior to any other parts of the western district of this Island.

9th December.—Before leaving the Wesleyan Mission-station (Manutahi), near the entrance of the river, Waitara (one of the Mokau chiefs) came to make inquiries of me respecting his vessel, the "Hydra," lugger, for which he stated he had paid 120 pigs: understanding the Government had seized her for him, he was getting the pigs that were still due, ready to deliver, in hopes that she would soon be given up to him. I informed him that no time would be lost in representing his wishes to the Government.

We then left for Pukearuhi, and took advantage of the night tide, arriving there next morning. This station has been lately occupied by a Waikato chief, who claims it in right of his wife of the Ngatitama Tribe, who formerly inhabited that deserted tract of country, now residing at the Chatham Islands. The chief reminded me of having arranged a payment due to him by a European at New Plymouth, which caused his showing us a good deal of attention. He gave me considerable information respecting the Waikatos, some of whom he said were coming on a visit to Taranaki to see their relatives intermarried amongst that tribe. This place is agreeably situated about half-way from Mokau to New Plymouth, most convenient as a place of call for travellers, which I observed to the chief, who agreed to erect a house for that purpose. As an inducement, I promised him some tables and stools, with plants and seeds for a garden.

From thence we came to Waitara, arriving at New Plymouth late in the evening, and thus concluding a long journey of upwards of seven hundred miles, visiting and conversing with all the influential chiefs in our way, and, I trust, attaining the object for which it was undertaken.

I have, &c.,

DONALD MCLEAN, Sub-Protector of Aborigines, Western District.

The Chief Protector of Aborigines.

## No. 9. Copy of a DESPATCH from Governor GREY to Earl GREY.

*Disposition of Natives to impose on Government and Settlers.*

MY LORD,—

New Plymouth, N.Z., 4th March 1847.

In order to illustrate the disposition of the Natives now inhabiting this place to impose upon the Government and settlers, I think it right to state the following occurrence, which took place in an interview I had with a large body of them yesterday.

About twelve months since, the chief of a small body of Natives who inhabit a pa called "Waiwhetu Pa," a few miles from Wellington, came to me when I was arranging the land claims in that settlement, and complained that no adequate portion of land had been reserved for himself and his people. Upon inquiring of the Superintendent of the Southern Division whether he considered this complaint to be a just one, he informed me that he considered the interests of the inhabitants of this particular pa had been overlooked, and that the Government ought to procure more land for them.

The chief, a young man, was therefore directed to choose a section of land (containing about 125 acres) in the vicinity of the pa, and he was informed that I would then endeavour to purchase it for them from the owner (the Government at that time having no land in the vicinity of Port Nicholson which was applicable to the wants of these people). A section of land was accordingly selected by the Waiwhetu Natives, which I was informed was one of the finest in the district. The Government had to pay the sum of £350 for it, and it was then made over to these Natives, who were delighted with the unexpected liberality which had been shown to them, and admitted that their claims to land had been settled by a most just and liberal arrangement. Yesterday, however, at the interview I had with the Natives, a young Native got up and addressed me, requesting to be informed whether it was my intention, in the arrangement I was making here, to act so unjustly as to leave him and his people without lands or the means of subsistence. As the face of this young man was familiar to me, I stopped him until I had made inquiries about him, and found to my surprise that it was the young chief with whom so liberal an arrangement had been made at the Waiwhetu twelve months previously. It appeared that this chief, having acquired all he could from the Government at Port Nicholson, and finding that the land question at this place had been again opened up by my predecessor, had come on here (not expecting to be recognized) to try what he could obtain from the Government at New Plymouth. I at once taxed him, in the presence of the assembled Natives, with his ingratitude in adopting such a line of conduct towards me, after my having previously treated him so generously. He was evidently very much ashamed and abashed at the discovery I had made, and after a few moments' thought he publicly and candidly admitted that he had acted very wrongly; that my treatment of him had been most liberal and kind, and that he was much ashamed of what he had done. He then sat down again.

This instance—and there are many others of a worse nature—will show that if once the cupidity of the Natives is excited it is impossible to satisfy them: indeed, I have never seen the Native character under so bad a point of view as at Taranaki.

I have, &c.,

G. GREY.

The Right Hon. Earl Grey, &c.

## No. 10. EXTRACT from LETTER of the SUPERINTENDENT of the SOUTHERN DIVISION to

# Governor Sir GEORGE GREY, dated 26th July, 1847.

*New Plymouth.—Re Migration of Waikanae Natives to Waitara.* Wellington, 26th July 1847.

When I was up the coast last week, I was met at Waikanae by a large concourse of the Ngatiawa Tribe, including William King and many of the most influential chiefs, to whom I made known your Excellency's views relative to their meditated move to Taranaki, and was much gratified to find that no disposition existed on their part to act in opposition to them; their demeanour was quiet, respectful, and exhibited no symptom of annoyance with or resistance to the Government. William King stated that, although they were still bent upon going to that district, yet they repudiated the idea of doing so by stealth, or before consulting with the Governor and learning the time he would permit of their removal; adding that the Ngatiawa Tribe had always been friendly to the Europeans, and it was their desire to continue on the same amicable terms they have hitherto been. I, however, much incline to the opinion that the emigration, if it ever takes place, will be very partial, probably merely William King and his followers, as I found many indifferent and some altogether averse to leaving Waikanae. At Queen Charlotte Sound also it appears the principal chief, Ropata, has not yet given his consent, and in this neighbourhood the Ngatiawas are cultivating as usual, and now show no symptom of moving. William King, on behalf of those at Waikanae, urged strongly the purchase by Government of the district; and, when I mentioned that I did not think your Excellency contemplated making further purchases of land at present, they evinced the utmost anxiety (engendered no doubt by the scarcely concealed intention of the Ngatitooa Tribe to take possession of the land when they leave it) that a promise should be given, if the Government did not wish to obtain the district when the time was decided upon for their departure, that they should be the parties negotiated with, and to whom the purchase-money should be paid, whenever it was considered expedient to acquire the land.....

M. Richmond.

## J. FLIGHT, Esq., and Others, New Plymouth, to His Excellency the GOVERNOR-IN-CHIEF.

*On Depressed State of the Settlement.*

SIR,—

New Plymouth, 18th July 1849.

The undersigned, landowners and settlers, beg most respectfully to bring under the notice of your Excellency the present depressed state of New Plymouth, which, we feel assured, it is only necessary to lay before you to induce your Excellency's adopting such measures as may tend to our relief.

On the departure of your Excellency from New Plymouth in March, 1848, we were, under the expectation that you would, within two or three months, return and complete by your presence the negotiations which had been commenced by your direction, namely, the purchasing from the Natives such portions of the land in this district awarded to the New Zealand Company by Mr. Spain as they were disposed from time to time to sell, it being, in the opinion of your Excellency, impracticable to enforce the award. Your Excellency will readily understand us when we say that we have been seriously disappointed in not seeing you for fifteen months, and, since your Excellency has been unable to revisit Taranaki, we expected that at least Mr. McLean, the officer appointed to negotiate with the Natives for the purchase of land, would be kept on the spot; and the more particularly that Wiremu Kingi and his large body of followers so soon after arrived in the district, in a way that rendered some understanding with them, for their future bearing towards the Government, indispensable; but that officer was ordered to Whanganui immediately following your Excellency's departure in March, 1848, and returned in July of that year, only again to be ordered to the southward, when in the midst of an important



negotiation with the Natives of Waitara. Procrastination in the all-important question, the purchase of land, has increased among the Natives a habitual disregard for us and our promises, whilst its effect upon ourselves has been still more serious.

Two purchases of land were, it is true, by permission of your Excellency, made by the New Zealand Company's Agent in 1848, and ratified by Mr. McLean in that year, but the largest of them contains only 1,500 acres. The remaining land at the disposal of the Company is unsuited to our wants, being, for the most part, heavily timbered and without roads. The demand for additional land, more accessible and easy of cultivation, will be apparent to your Excellency, when we add that to the forest land we are driven for re-selection in all cases wherein our original choices are not included in the Crown purchases, as well as for upwards of 7,000 acres compensation land, recently awarded to resident purchasers.

We trust that the foregoing observations will induce your Excellency to speedily visit Taranaki, or at least to direct that Mr. McLean be kept among us; so that, henceforth, strenuous efforts may be made, both by the Government and the New Zealand Company, to repurchase lands in this district, and more particularly between Waiwakaiho (the boundary of Governor Fitzroy's block) and Waitara.

This accomplished, we shall have little doubt for the future. A settlement that has survived such an ordeal as New Plymouth, unsupported from without and opposed by various internal difficulties, may, under a new and vigorous policy, yet realize our hopes, and cause us to forget the anxiety and troubles we have for years experienced on its account.

We have, &c.,

Josiah Elight. G. Cutfield. John George Cooke. Thomas  
King. Edwin Davy. Richd. Chilman. P. Wilson. John  
Hursthouse. Edward Dorset.

His Excellency the Governor in Chief, Auckland.

## **REPLY. The Hon. the COLONIAL SECRETARY, Auckland, to J. FLIGHT, Esq., New Plymouth.**

GENTLEMEN,—

Colonial Secretary's Office, Auckland, 30th August 1849.

In reply to your memorial, dated the 18th ultimo, praying that Government would purchase lands at Taranaki, and that "His Excellency would speedily visit Taranaki, or, at least, direct that Mr. McLean be kept among "you, I have the honour to inform you that it is with very great regret His Excellency has found himself prevented, by duties of the most pressing kind, from visiting New Plymouth so frequently as he would have desired. If no unforeseen event, however, occurs, the Governor will be able to visit Taranaki at a very early period in the summer, and will feel great pleasure in attending, as far as lies in his power, to the wants of the memorialists.

His Excellency will direct that Mr. McLean return to New Plymouth immediately the land purchases in which he is now engaged are completed, and for the future he will be kept at Taranaki as much as possible, but his services are found so valuable that it is feared it will yet be necessary to employ him occasionally in important negotiations in other parts of the colony.

I have, &c.,

ANDREW SINCLAIR. Colonial Secretary.  
J. Flight and G. Cutfield, Esqs., and other gentlemen signing the  
memorial.

## No. 12. His Honour the SUPERINTENDENT, Taranaki, to Mr. Commissioner McLEAN.

*New Plymouth.—Further Acquisition of Land, expedient.*

SIR,—

Superintendent's Office, New Plymouth, 7th February, 1854.

On your arrival in this province allow me to call your attention to the important nature of the questions now pending with the Natives, and on which depend the further acquisition of land for the European inhabitants of the province.

Many of these questions, if not the whole of them, Mr.—informs me, he is precluded from settling without your concurrence; some have been open for a considerable time, some are recent, and others are arising from the fact of your presence here. The confidence the Natives feel in one they know and respect so well as yourself, gives them every hope that you will effect satisfactory arrangements which will dismiss the agitation of the land question from their minds. The interest of the European population in the land question is equal to that of the Natives on the subject; and, as the views of the two races are concurrent, the present course of events, if assisted by yourself, will but further tend to increase the amity and unity of the two races, which, in this province, have never received any serious check. Besides the good effects which would accrue to the two races by the prolongation of your stay, I would suggest for your consideration that some of the best and oldest settlers have left and are leaving this province, from the limited quantity of land. At present the province practically extends only to the land acquired by the Crown from the aborigines, of about fifty square miles: your prolonged stay would render almost certain its extension to double that area by the happy termination of existing negotiations.

In conclusion, I am led to hope that the representations I make, and the assurances which the feeling of the Provincial Council and inhabitants of the province enable me to give you of every support and means which the officers or treasury of the province can place at your disposal, will have their weight on your consideration, and that your stay will be prolonged till, at any rate, some of the more important questions affecting land are settled.

I have, &c.,

CHARLES BROWN, Superintendent.  
D. McLean, Esq., Chief  
Commissioner.

## No. 13. The RESIDENT MAGISTRATE, Taranaki, to Mr. Commissioner McLEAN.

*Request of Mr. McLean to prolong his Stay in the Province.*

SIR,—

Resident Magistrate's Office, New Plymouth, 16th February 1854.

I have the honour to draw your attention to the pressing wants of this settlement with regard to land, as more fully shown by certain statistics recently taken here. So far as they have been made, it appears that the number of acres in wheat is 525; in oats, 465; in barley, 44; in maize, 7: altogether, in grain crops, about 1,041. In potatoes there are, say, 268 acres; turnips and mangold wurtzel, 88; gardens, 120: together 476, which, with the former in grain, gives 1,517 acres; whilst the land in pasture extends over more than 4,500 acres, on which

170 horses, 1,800 head of horned cattle, and upwards of 11,600 sheep are kept by the European population; thus showing that, whilst the quantity of land under grain and other crops remains stationary, the pasturage, with the stock thereon, has within a few years more than quadrupled. The European population of this settlement now amounts to rather more than two thousand persons, showing a steady but not so rapid increase as might have been expected from the length of time it has been established. This arises from the want of land such as persons returning from the gold fields and others arriving from the Mother-country would select, if further blocks were open for their choice. It should be borne in mind that, with the exception of the Tataraimaka and Bell Blocks, both very limited in extent, no lands have been acquired for the settlement for many year's past. I would therefore urge the necessity of your continuing in this province as long as the interests of other districts which have claims on your services will permit, so that the negotiations already commenced for the purchase of land from the Natives may, if possible, be completed, and others set on foot, to be carried on during your absence.

I have, &c.,

JOSIAH FLIGHT, Resident Magistrate.  
D. McLean, Esq., Land  
Commissioner.

## **No. 14 The Hon. the COLONIAL SECRETARY to his Honour the SUPERINTENDENT of TARANAKI.**

*Loan Ordinance for Purchase of Native Lands disallowed.*

SIR,—

Colonial Secretary's Office, Auckland, 21st February, 1854.

I have had the honour to receive and lay before His Excellency the Officer Administering the Government your Honour's letter of the 7th instant, No. 1/132, enclosing a certified copy of an ordinance to authorize the raising of a loan for the purchase of Native lands within the Province of New Plymouth, to which you had assented on behalf of His Excellency.

In reply, I am instructed to intimate to your Honour that His Excellency regrets that he is under the necessity of disallowing the ordinance in question, which will be done immediately the necessary Proclamation has been prepared: but I am, at the same time, directed to state that any advance to the Province of New Plymouth for the purchase of land from the Natives, which may appear advisable on receiving the report of Mr. Commissioner McLean on the subject; will be made from funds available for the purpose.

I have, &c.,

ANDREW SINCLAIR, Colonial Secretary.  
His Honour the Superintendent, Province of New Plymouth.

## **No. 15. The Hon. the COLONIAL SECRETARY to Mr. Commissioner McLEAN.**

*Approval of Mr. McLean's Detention at Taranaki.*

SIR,—

Colonial Secretary's Office, Auckland, 13th March 1854.

With reference to your letter of the 20th ultimo, reporting the causes of your detention at Taranaki, His Excellency the Officer Administering the Government has directed me to convey to you His Excellency's approval of your remaining there to adjust the conflicting claims to Native lands, and to facilitate their acquisition by the Crown—questions of such great importance to the interests of the Province of New Plymouth. His Excellency also approves of your employing the services of Mr. Carrington for the above-mentioned purpose.

Although the New Plymouth Land Ordinance has been disallowed, the Government is prepared, I am directed to add, to make advances from other sources for the purchase of such Native lands in that province as may be recommended by yourself.

I have, &c.,

ANDREW SINCLAIR, Colonial Secretary.  
Donald McLean, Esq., Land  
Commissioner.

## **Mr. Commissioner COOPER to the Hon. the COLONIAL SECRETARY.**

*As to sending Troops to New Plymouth.*

SIR,—

Land Purchase Office, Taranaki, 8th July 1854.

I have the honour to transmit herewith a letter, which has been addressed to His Excellency the Officer Administering the Government by Hone Ropiha, a Government Assessor and one of the principal chiefs of this district, who prays that His Excellency will be pleased to direct that a garrison of troops should be quartered in New Plymouth.

Since the enclosed letter was placed in my hands I have taken some pains to ascertain, in as far as possible, the sentiments of the Natives upon the subject, and I find that the majority are anxious that troops should be sent here, and many of them are apprehensive that unless some such preventive step be taken the insolent and overbearing conduct of some of the aborigines will—especially as large numbers are expected to arrive here from Cook Straits in the course of this year—ere long attain such a height as to endanger the peace of the community. I think, therefore, that, in the event of the question of garrisoning this town being in contemplation, no anxiety need be entertained as to the effect of such a step upon the Native population. On the contrary, it is much wished for by the majority, and it is possible that the circumstances of the province may before long render it necessary, at least as a precautionary measure.

I have, &c.,

G. S. COOPER, District Commissioner.  
The Hon. the Colonial Secretary.

## **Enclosure.HONE ROPIHA to Governor WYNYARD.**

*New Plymouth.—Requesting Troops to be sent.*

FRIEND GOVERNOR WYNYARD,—

Te Purakau, 30th June.

Salutations to you! This is a word from me to you for some men. The thought is with you about sending them, as protectors for us, for the English and Maoris of this place, of New. Plymouth. Do you consent to some soldiers for us. This word is from me alone—from Hone Ropiha. If you say that on this request being made to you by a number you will accede to it, thereupon will the people assemble and write to you, that you may consent to some companions for us. Friend, Governor Wynyard, this is an old word of mine to Governor Fitzroy, but he did not agree to it. My second word was to Governor Grey; neither did he agree. Now it is for you to consent. It is right for me to write to you, because I carry out the laws, namely, your good customs. Mr. McLean and I urged this request upon those two who have returned to England, and Mr. Cooper will send this letter to you. All those good customs of yours are carefully observed by me. I shall never leave them off. I am like a rock which cannot be overwhelmed by waves. That is all. It is ended.

From HONE ROPIHA TE KEKEU, Waiwakaiho.  
Governor Wynward.

## **No. 17. The CHIEF COMMISSIONER to Mr. Commissioner H. HALSE, New Plymouth.**

*New Plymouth.—As to the proposed Appointment of Native Agent.*

SIR,—

Land Commissioner's Office, Auckland, 16th June 1857.

I have the honour to acknowledge the receipt of your letter, dated 9th February last, enclosing copy of a letter addressed to yourself by the Provincial Secretary of New Plymouth upon the subject of the proposed appointment of Mr. R. Parris as a Native Agent for the Taranaki Province. With reference thereto, I am directed by His Excellency the Governor to inform you that the arrangement proposed by the Provincial Secretary is quite inadmissible, as the Governor cannot permit any provincial authorities to interfere in the purchase of land unless Her Majesty is pleased to alter her present instructions to him.

I have, &c.,

THOS. H. SMITH, Assistant Native Secretary (for Chief  
Commissioner).

H. Halse, Esq., District Commissioner, Taranaki.

## **MEMORIAL of the PROVINCIAL COUNCIL of NEW PLYMOUTH.**

THE MEMORIAL of the Provincial Council of the Province of New Plymouth, in Council assembled, sheweth,—  
To His Excellency Colonel THOMAS GORE BROWNE, C. B., Governor and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same.

That this, province is the only one which has not the advantage of a district suitable for cattle and sheep runs, and that the inhabitants are suffering great loss from the want of land for pasturage and grazing purposes for their increasing stock and flocks, and are compelled to sacrifice their breeding ewes, retarding the prosperity of the settlement, and occasioning universal discontent in consequence. That your memorialists have been

given to understand that many of the most influential Natives in the districts south of *Warea* are quite prepared to lease large tracts of land of the most eligible description, which are unoccupied, and within the boundary of this province. Your memorialists respectfully submit to your Excellency that it is their opinion that the fact of leasing land from the Natives is not calculated to militate against the prospects of eventually purchasing them, and beg to refer your attention to the Districts of Wairarapa and Hawke's Bay, both of which were extensively occupied by Europeans previous to the purchase by Government. Your memorialists therefore humbly pray that your Excellency will take the long-unassisted state of this province in relation to the acquirement of land into your most serious consideration, and, by adopting some measure that will secure the acquisition of more land, either by purchasing the same or leasing it for a term of years, confer an important benefit on the settlement.

EDWARD L. HUMPHRIES, Speaker.

And your memorialists will ever pray, &c. New Plymouth,

August 1857.

## Minute by the Hon. the Colonial Secretary.

Recommended that the Speaker be informed that the Government is most anxious to take advantage of any disposition on the part of the Natives in the Province of New Plymouth to part with lands; that, with this object, full instructions have been sent to Mr. Commissioner Parris, and money placed at his disposal; that if the land south of the Warea can be acquired by purchase it will afford the Government much satisfaction; but that the system of leasing lands would be attended with many disadvantages, even if done by the Government, prominent amongst which is the tendency which such a system would have to induce the Natives generally not to sell, but merely to lease lands for the future, which would naturally prevent their beneficial and peaceful occupation by Europeans, especially as to agricultural lands, and would render disputes from temporary and undetermined boundaries almost certain to occur. The memorialists are in error in supposing that the leases from the Natives in Wairarapa and Hawke's Bay Districts have not impeded sales: they have to a very great extent prevented the purchase of these lands, have much enhanced the price paid for what has been acquired there, and have led to much of the most valuable parts of these districts being still unpurchased.

E. W. STAFFORD.

8th September, 1857. Approved.—T.G.B. 10th September, 1857.

## [Extract from *New Zealand Gazette*.] PROCLAMATION on the NATIVE DISTURBANCES at NEW PLYMOUTH.

*Unlawful Assemblies of Armed Natives prohibited.* By His Excellency Colonel Thomas Gore Browne, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and Vice-Admiral of the same, &c., &c.

WHEREAS conflicts between armed parties of aboriginal natives have recently taken place at New Plymouth, to the danger and alarm of Her Majesty's subjects who are engaged in their lawful occupations: Now, therefore, I, the Governor of New Zealand, do hereby proclaim and declare that all persons whosoever, who shall unlawfully assemble with arms within, the boundaries of the district described in the Schedule to this Proclamation, will, without further notice, be treated as persons in arms against the Queen's authority, and active measures will be forthwith taken against them by Her Majesty's civil authorities and military forces.

Given under my hand, and issued under the Public Seal of the Colony of New Zealand, at the Government House, at Auckland, this twelfth day of February, in the year of our Lord one thousand eight hundred and fifty-eight.

THOMAS GORE BROWNE.

By His Excellency's command. E.W. Stafford. GOD SAVE THE QUEEN!

## Schedule

*Boundaries of the District above referred to.*

Commencing on the sea-coast between the Waitaha and Puketapu Streams, at the northern termination of the eastern boundary to Otuwetaweta, on the Devon Road, which it crosses; thence following the said boundary, to Wakapirikaka, Te Pui o te Rangi, Te Matai, and Rorongia; thence along the southern boundary of the said block to Te Putatutonga, on the eastern boundary of the Hua Block; thence along the eastern boundary-line of that block until it meets the Mangaoraka River; thence along the left bank of that river to its source; thence to the south-west corner of the Omata Block; thence along the western boundary of the Omata Block until it reaches the sea at Okurukuru; thence along low-water mark to where the eastern boundary-line commences between the Waitaha and Puketapu Streams.

## **No. 20. EXTRACTS FROM DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO THE SECRETARY OF STATE, 15th February, 1858.**

*New Plymouth.—Announcing Issue of Proclamation.*

SIR,—

Government House, Auckland, 15th February, 1858.

The documents which I have the honour to forward to you with this despatch will give you full information of what has taken place at and in reference to New Plymouth since the date of my last despatch. ...

If the Natives were permitted to fight with each other on the farms of the settlers, the latter would, sooner or later, become entangled in the quarrel, and as soon as blood was shed war would be inevitable. I have therefore thought it necessary (an opinion in which my Executive Council concur) for the honour of Her Majesty's Government, and for the safety of the inhabitants, to issue a Proclamation declaring that all persons whosoever who shall unlawfully assemble with arms within the boundaries of the district described in the Schedule to the Proclamation will, without further notice, be treated as persons in arms against the Queen's authority, and active measures will be forthwith taken against them by Her Majesty's civil authorities and military forces. ...

I have, &c.,

T. GORE BROWNE.

The Right Hon. E. B. Lytton, &c.

# **No. 21. PETITION OF THE PROVINCIAL COUNCIL OF NEW PLYMOUTH relative to the Present Condition of the Native Inhabitants of that Province.**

To the Honourable the House of Representatives of New Zealand, in Parliament assembled. The memorial of the Provincial Council of the Province of New Plymouth sheweth,—

That the settlement of New Plymouth was founded at the beginning of the year 1841 under the most favourable auspices; that it received by direct emigration from England more than a thousand settlers during the first two years of its existence; that during the last fifteen years it has continued to receive accessions of population from the Mother-country; and yet that the present inhabitants of the province of European birth and descent are fewer than two thousand five hundred, exclusive of the garrison. That the province contains by estimation 2,176,000-acres of land, 300,000 of which form a belt of the richest arable soil in the colony, extending along a coast-line of 115 miles, and that the remainder, which is covered with a dense forest, is equally fertile and contains but a small proportion of unavailable land. That of this comparatively large extent of available country the European inhabitants occupy only 11,000 acres of open land and 32,000 acres of forest, while a district of 20,000 acres of surveyed forest land remains unsold in the hands of the Provincial Government on account of the outlay required to bring it into cultivation, the superiority of the unoccupied open land in its vicinity, and the insecure state of the province.

The Native population of the province in the year 1856 appears by a census taken by the Assistant Native Secretary to have been only 1,782, and that this number has not since been increased. That the lands held by these 1,782 Natives are estimated to contain more than two millions of acres, one-seventh of which are immediately available for the plough, and the remainder are quite equal in value and position to the forest lands held by the settlers.

That the Natives, even when at peace with each other, are unable to occupy more than a very inconsiderable portion of the extensive country they inhabit; that they have no flocks of sheep, and their horses and cattle bear no proportion to the extent of country over which they range. That the possession of these waste lands entails on the Natives continual disputes, because the tribes that claim them are but the disorganized remains of a once numerous people, which have but recently returned from slavery and exile. That the discord, rivalry, and conflicting claims of this broken people, who have lost all respect for the authority of those who, under other circumstances, would have been their hereditary chiefs, have prevented them from acting in concert for the disposal of the lands they collectively claim, although many sections among them are most anxious to dispose of a species of property which is unproductive of any real benefit to them, and retards their progress in civilization.

That the Native feud, which has for the last four years been raging in Taranaki, originated in the attempt of Rawiri Waiawa, a Native Assessor and the principal chief of his tribe, to sell a piece of land to the Government which had been a cause of quarrel between himself and one of his relatives, Katatore, an inferior chief of the same tribe and a minor claimant who was unwilling that the land should be sold; and on Rawiri proceeding to mark out the boundary for the Government he and several of his followers were shot down by Katatore and his adherents. It was the first blood that had been shed among the Natives since the arrival of the settlers. The local authorities were paralysed, for they were too feeble to apprehend the murderers; but the surviving relatives and friends of Rawiri assembled in arms, and would have proceeded to immediate hostilities had they not been dissuaded from taking such a step by the resident Wesleyan Missionary, who assured them that British law would be enforced. Unhappily at this crisis His Excellency Colonel Wynyard, the Officer Administering the Government of the colony, was daily awaiting the arrival of a permanent Governor. The first General Assembly under the Constitution Act was in session, and the whole machinery of Government was in a state of transition. The Government of the day decided not to act, and despatched Mr. Commissioner McLean to inform the Natives that the murder was the result of a Native quarrel in which the Government could not interfere. The friends of Rawiri, burning for revenge and finding that the law was not to be enforced, expressed great indignation, because the interval which had elapsed had enabled Katatore to secure himself in a strong pa and to assemble around him a number of men hostile to the sale of land. The friendly Natives justly urged that they were friendly to the settlers, that they had conformed to our law in not taking revenge for their slain relatives,



and that now they must either submit to the dictation of Katatore, or contest with him, unassisted by the Government, a cause in which the colonists and themselves were equally concerned. They urged, moreover, that such had been their reliance on the justice and power of the Government that they had ceased to reckon on their own strength, they had allowed their guns to rust, and possessed but a scanty store of powder and ball, while their opponents, who had always been hostile to British occupation, were well armed and munitioned, and their ultimate and least demand was that they should be supplied with the means of opposing their enemies.

While your memorialists admit that the critical position of the settlement in 1854 demanded the utmost circumspection on the part of the Government, they are nevertheless of opinion that the enforcement of the law against Katatore and his followers would have been as wise and prudent as it would have been a just act.

The history of the past four years has shown forcibly the lamentable results of a contrary policy. Relieved from all dread of the interference of Government, the wild passions of the Natives at once found vent. Three months after the murder of Rawiri some of the relatives of Ihaia te Kiri Kumara executed summary justice on a Ngatiruanui Native who had been guilty of adultery with Ihaia's wife, and this act was speedily followed by the invasion of Ihaia's land by three hundred men of that tribe. Ihaia's pa was stormed and taken after a stout resistance, and Ihaia and his surviving followers were only saved by a friendly diversion effected by the adherents of Rawiri. The Ngatiruanui, after their victory, visited Katatore, and remained in the vicinity of his pa some days, but, happily for the peace of the settlement, they decided on returning to their homes by the way they had come instead of marching through the town as they at one time contemplated. In the meantime the feud between the friendly Natives and Katatore hourly gathered strength. Arama Karaka, the brother of Rawiri, arrived from the South, and assembled in the Ninia Pa all the Natives in the vicinity who advocated the sale of land; while, Katatore was joined by Wiremu Kingi, and subsequently by the Ngatiruanui. It was at this time that the danger of the settlement became imminent, for the mass of the settlers were known to sympathize with the friendly Natives besieged in the Ninia Pa, and many of them were supplying the besieged with munitions of war. It was also at this time that, at the pressing instance of the settlers and the Provincial Government, a garrison was first stationed in Taranaki. By the arrival of the Ngatiruanui the friendly Natives besieged in the Ninia were reduced to severe straits, and Arama Karaka besought the aid of Ihaia, which was given on the condition that the latter should receive the land at Ikamoana as the reward of his services. Shortly after a battle took place between the Ngatiruanui on the one side, and the Ninia Natives and Ihaia on the other, which terminated in the defeat and retirement of the former.

After the departure of the Ngatiruanui, the belligerents, exhausted by a long continuance of hostilities, were anxious to terminate the feud, and in a short time peace was apparently established; but the elements of discord still existed, to burst forth again with renewed vigour. Ihaia held the land at Ikamoana (the price of his assistance to the Ninia people), but his claim was not assented to by Katatore, for the land in question was the common property of the tribe, and Katatore, himself a claimant, was at war with the majority when the cession was made. After the establishment of this hollow peace, Katatore, who for many years had maintained his influence by opposing the sale of land, suddenly changed his policy and became a most enthusiastic advocate on the other side. He at once took the foremost place in the consideration of the Government, while the men who had only remained consistent were thrust aside for the new man, and the negotiations for the purchase of land which ensued immediately on the establishment of peace depended mainly on the influence of Katatore. Ihaia still held the land at Ikamoana. His position had not been considered in the peace made by the Puketapu family, and his war flag still flew from the pa. Several of the Ninia people who had been adherents of Rawiri, and had fought side by side with Ihaia, now conceived the infamous project of destroying by the same blow Katatore, who had slain their relatives, and Ihaia, who had rescued them from imminent danger. They induced Ihaia to join with them in a conspiracy for the assassination of Katatore, and after the perpetration of the deed rose in arms against him. Ihaia, betrayed by his associates, maintained himself in his pa at Ikamoana for some time, but at length retreated to the home of his people at Waitara, where he was immediately besieged in the Karaka Pa by the followers of Katatore, by his associates in the murder, by Wiremu Kingi, and many of the Taranaki and Ngatiruanui Tribes. The number of his opponents may be rudely estimated at five hundred men, and the immediate supporters of Ihaia at about one hundred. Ihaia, in his hour of danger, besought the aid of his allies in Waikato and Upper Whanganui, and many bodies from those distant places have reached Waitara. Some of these people have merely endeavoured to effect a peace between the contending parties, in the interest of Ihaia; but Wiremu te Korowhiti, a Whanganui chief, is now involved in the feud by the death of a relative, who was shot by Ihaia's opponents. Ihaia has been recommended by his allies from Whanganui and Waikato to secure himself by a retreat to either of these countries, but he has refused to abandon his land. Emissaries from Potatau have likewise assailed him with importunities, but he has refused to listen to them, and says he will rely on the justice of the Government, and is supported by the sympathy of the settlers.

A short time since, when the position of Ihaia seemed desperate, and when his principal opponent, Wiremu Kingi, had evinced a determination to slaughter, without regard to sex or age, the inmates of the Karaka Pa, a

memorial was addressed to His Excellency the Governor, praying him to rescue these unfortunate people. That memorial was responded to by the offer to remove Ihaia, with his followers, to the Chatham Islands, which was at once refused, for Ihaia could at any time have secured his safety by retreat to Waikato or Whanganui.

It cannot be a matter of wonder to your honourable House that your memorialists and the settlers have always evinced a deep interest for the welfare of those Natives who, by their efforts to sell land, have been plunged into a harassing war, and have been refused the assistance of the Government. Every act of the Government has hitherto been prejudicial to them, and had they not been upheld by the sympathy of the settlers they would in all probability have long since succumbed to the power and the arts of their opponents; and the two bodies, united by the common feeling of race, and embittered by the mutual losses they had sustained, would have sought satisfaction by despoiling the settlers.

Ihaia, the chief now besieged in the Karaka Pa, has always had most intimate relations with the settlers, and his friendly, honest character has even gained him a foremost place in their esteem. His claims to land at Waitara are considerable, and at the time when other Natives looked with no friendly eye on the progress of the colonists he made the most strenuous exertions to locate settlers at Waitara; but he failed to secure the co-operation of Sir George Grey's and subsequent Governments. If at any time Ihaia has evinced hostility to the wishes of the Government, he has always been actuated by a sincere desire to serve what he thought to be the cause of the settlers. So careful has he been to avoid injuring the settlers, that during the late contest at Ikamoana, when his adversaries posted themselves on a settler's farm, and surprised him and his followers as they passed along the road, he received their fire and refused to return it until he had retreated out of gunshot of the farm, and thereby lost one of his followers. Your memorialists have no wish to palliate the crime of which Ihaia has been guilty; but when they consider the circumstances which preceded the lawless act, and that it only took place after the Government had for years abandoned all control over the Natives, they cannot but express their opinion that the crime is in some measure shared by the more civilized race which compelled a rude people to return to their barbarous customs.

Wiremu Kingi, the most prominent of the besieging party, has never been in intimate association with the settlers. He has had commercial relations with them like other Natives, but he has always lived a purely Native life. He has always been a steady opponent of land sales. He arrived here, from his retreat at Waikanae, with about five hundred followers in 1848, in defiance of the threats of Sir George Grey, and located himself on the south bank of the Waitara, also in opposition to Sir George Grey's wishes. His influence with the Government has since enabled him to prevent the sale of Ihaia's land, and to his presence in Taranaki may fairly be attributed the difficulties and troubles of the past ten years. His power as a Maori chief would be impaired by the civilization of his followers and their emancipation from barbarous customs. His hatred towards Ihaia is therefore of a most malignant kind. He will listen to no accommodation, for his position will never be consolidated until he has annihilated his opponent and obtained possession of his lands. Many of Wiremu Kingi's adherents would willingly be freed from the peculiar influence he wields by his craft and subtlety, but as they find they cannot break the invisible chain which binds them, without involving themselves in greater anarchy, they still follow his banner as their only resource.

Your memorialists believe that the Government is sincerely anxious to reconcile the contending bodies of Natives and to restore permanent peace and prosperity to the province; that the Missionaries have exerted their influence to calm the rude passions of the men to whose spiritual welfare they have been devoted; that the settlers have sought by their interference to benefit the Natives, and to secure the cordial co-operation of the two races in developing the resources of Taranaki; but your memorialists believe that the efforts of all have not only been fruitless, but that they have increased the difficulties which environ the Natives. Conflicting advice, however well-intentioned, can but cause an increase of embarrassment, and the Natives listen now to one opinion and then to another, until they feel their utter helplessness more keenly. The honour of the Natives is deeply concerned in this feud; they wish to emerge from it without shame, and would hail with joy the intervention of a Government which could, by the voice of authority, compel them to make peace, and remove with a kindly hand the cause of difference.

That, while the Natives are retrograding from the non-existence of authority on the part of the Government, the European inhabitants, of whom your memorialists are the representatives, are also suffering from the evils of a partial administration of justice between the two races, arising from the same cause. In population the settlers considerably outnumber the Native inhabitants of the province. They have exhibited, during many years of severe trial, the most marked deference for law and order, and have relied, in all their difficulties, on the just claims they possess to the consideration of a Government composed of men of their own race and country. They have borne for many years all the costs of local improvements, unaided by the Natives. They have constructed roads and bridged rivers by local rates on land, to which the Natives have not contributed, even when holding property under grants from the Crown. They have striven to eradicate the Scotch thistle by the imposition of heavy penalties on members of their own race, and have expended considerable sums in

extirpating the weed on Native lands. Their cattle are subject to the penalties of trespass if they graze on Native lauds, while the cattle of the Natives stray at will with impunity. The local Court strictly enforces the payment of debts from the settlers to the Natives, while the latter, when defendants, are free from its jurisdiction. And generally, in the relations of the two races, the colonists perform the duties necessitated by the wants of a civilized people, and the Natives share in the advantages derived from such performance.

That, notwithstanding the deep regard which the settlers of Taranaki naturally feel for the beautiful and fertile region which they have improved and adorned by the care and industry of many years, and their consequent disinclination to abandon it, a continual stream of emigration has nevertheless, for some years past, carried away to other parts of the colony and to Australia a large number of people who, had they been able to find room for their enterprise, would have remained to augment the resources of the province and the wealth of the colony. That the present settlers can no longer find within the province a field for future enterprise and the employment of their increasing families, and that they cannot now seek new homes in the other provinces without first abandoning the accumulated property of many years' toil.

That, in the opinion of your memorialists, the colonists of Taranaki have a special claim to the consideration of the Government and of their fellow-colonists, inasmuch as nearly the whole of the Natives now located in the neighbourhood of the settlement were a few years since dwelling in the present Provinces of Wellington and Nelson, and that the purchase of the lands held by Taranaki Natives by right of conquest at Waikanae and other places has been most prejudicial to New Plymouth, by accumulating in one spot the scattered remains of the tribes which had formerly resided here, and most advantageous to the provinces in which such purchased lands are situated.

That the difficulties under which both races are now labouring can only be removed by an entire change in the policy of the Government, which shall enforce law and order among the Natives and give support and aid to such of them as are willing to sell land.

That the system heretofore adopted by the Government, of requiring the assent of every claimant to any piece of land before a purchase is made, has been found to operate most injuriously in this province, on account of the conflicting interests of the claimants; and that the sufferers by this system are invariably the men who are most advanced in civilization, and who possess the largest share in the common property. Your memorialists are therefore of opinion that such of the Natives as are willing to dispose of their proportion of any common land to the Government should be permitted to do so, whether such Natives form a majority or only a large minority of the claimants, and that the Government should compel an equitable division of such common land among the respective claimants on the petition of a certain proportion of them.

That, in the opinion of your memorialists, no danger of war between the Government and the Natives need be apprehended from the prosecution of a vigorous policy, inasmuch, as a large proportion of the Natives themselves would cordially support it, and the remainder would, from the smallness of their numbers, be incapable of offering any resistance.

Your memorialists therefore pray that your honourable House will be pleased to institute an inquiry into the present condition of the Native inhabitants of this province, and into the causes which have led to the present difficulties; with a view to establish peace, order, and good government among the Natives, and to encourage and assist them to dispose of the common lands they now hold, to the injury alike of themselves, the settlers, and the colony at large. And your memorialists will ever pray, &c.

E. L. HUMPHRIES, Speaker.

New Plymouth,

19th May, 1858.

**No. 22. COPY OF A DESPATCH from Governor  
Gore Browne, C.B., to the Right Hon. Lord M.  
P. STANLEY**

My Lord,—

Government House, Auckland, New Zealand, 9th June, 1858.

I have the honour to enclose a printed copy of a memorial from the inhabitants of New Plymouth, addressed to the General Assembly, a report on it by the Native Secretary, and the report of a debate in the House of Representatives on the same subject. The two reports contain such full information that I need trouble you with but few remarks from myself. I will, however, endeavour to give a *précis* of the enclosures as well as I am able.

- The memorial commences by describing the extent of the Province of New Plymouth, and complains that 1,782 Natives hold two millions of acres, while the Europeans (2,488 in number) occupy only 11,000 acres. It will be seen by the Native Secretary's report that the number of Natives is incorrectly estimated; nor is it easy to draw any special conclusion from the quantity of land in their possession, as it is well known that the Maoris still hold seventeen or eighteen millions of acres in the Northern Island. Every proper exertion is, and has always been, made to acquire lands not required for the actual support of the Native race, particularly at New Plymouth, for which purpose money has been left for some time in the Treasury at that place.
- After relating in detail the circumstances connected with the murder of Rawiri in 1854, the memorialists express their opinion that the enforcement of the law against his murderers would have been wise and prudent. On this head I need make no remark, as I had not then arrived in the colony, but I may observe that, in abstaining from interference, Colonel Wynyard did but continue a policy never yet departed from.
- In the next paragraph they speak of the lamentable result of the policy pursued during the last four years; but I am not aware of a single instance in which a European has been interfered with, without his obtaining prompt redress.
- Memorialists complain that Katatore, a murderer, "took the foremost place in the consideration of the Government, while the men who remained consistent were thrust aside." It is to be regretted that Katatore was received with honour by the Provincial Government, who did so without seeking the consent of the Colonial Government, and without my approval. The Colonial Government has always maintained a strict neutrality.
- After describing the assassination of Katatore by Ihaia, and the helpless condition to which the latter was reduced by his opponent, W. King, they proceed to say that a memorial was addressed to me, praying me to rescue Ihaia and his people, and that it was "responded to by the offer to remove Ihaia and his followers to the Chatham Islands, which was at once refused, for Ihaia could at any time have secured his safety by retreat." On this I must observe that it was only on an assurance that Ihaia could not effect a retreat that I consented to interfere at all, and that I only did so in the hope of preventing a massacre of helpless followers (including women and children) which, I was assured in a memorial from the settlers, was otherwise inevitable. (*Vide* Enclosure No. 6 in my Despatch No. 23, of 6th April last.)
- Memorialists proceed to say that the settlers have always "evinced a deep interest for the welfare of those Natives who, by their efforts to sell land, have been plunged in a harassing war, and have been refused the assistance of the Government." This is the gravamen of the complaint; and I therefore state distinctly that I am most anxious to acquire land at New Plymouth, and that I foresee there can be no permanent peace until the Native title is extinguished (with exception of the necessary reserves) over all the lands between the town and the Waitara River. To obtain this desirable object, I will, however, never permit land to be taken without the consent of those to whom it belongs; nor will I interfere "to compel an equitable division of common land among the respective claimants," as desired by the memorialists in one of the concluding paragraphs of the petition. This decision is not less one of expediency than of justice, for the whole of the Maori race maintain the right of the minority to prevent the sale of land, held in common, with the utmost jealousy. An example of this on a large scale may be seen in the Waikato district, where the election of a King is proposed, and defended on the plea that a King is necessary to give strength and assurance to the League established to prevent the sale of land to the Colonial Government. To accede to the request of the memorialists in this particular would, therefore, attract the attention and awaken the suspicions of the Maoris, not only at New Plymouth, but throughout the colony, and would, in all probability, produce a general commotion. W. King has no sort of influence with me or the Colonial Government: we believe him to be an infamous character; but I will not permit the purchase of land over which he has any right without his consent.
- The memorial goes on to say, "Conflicting advice, however well-intentioned, can but cause an increase of embarrassment, and the Natives listen now to one opinion and then to another, until they feel their utter

helplessness more keenly." These remarks corroborate what I stated in my Despatch No. 38, of the 17th May; I entirely concur in them, and have no hesitation in saying that the interference of unauthorized individuals, and the comments and advice made and given by the newspapers, paralyse the efforts of the Government, and may any day mislead or irritate the Natives into aggressions, the necessary repression of which will be the commencement of a serious war. To prevent such indiscretion in a free country is, of course, impossible; but an admission of the fact by the Speaker, on behalf of the Provincial Council, is worthy of remark.

- The memorialists complain of emigration from their province, and consider that they "have a special claim" to consideration "inasmuch as nearly the whole of the Natives now located in the neighbourhood of the settlement were a few years since dwelling in the present Provinces of Wellington and Nelson; and that the purchase of the lands held by Taranaki Natives by right of conquest at Waikanae and other places has been most prejudicial to New Plymouth." This statement is thoroughly incorrect, and Waikanae has not been purchased; but for the particulars I must refer you to the Native Secretary's report.
- Memorialists desire an entire change in the policy of the Government, and wish "to enforce law and order among the Natives, and give support and aid to such of them as are willing to sell land." As soon as this feud is entirely settled, I purpose (unless reasons of which I am not at present aware should prevent it) to declare the Queen's law to be in force as far as the extreme boundary of the land over which the Native title is extinct. This boundary will include some lands belonging to Natives, but I apprehend no objection on their part, and am only withheld from issuing a Proclamation to that effect now, because the present time is not opportune. Were I to do so now, either of the disputants who found himself in danger would, as a matter of course, come within the proclaimed boundary and demand protection as a right: the Government would then find that it had incurred a heavy responsibility, and that a duty was imposed upon it which it might not be easy to perform. I therefore hope to maintain a strict neutrality until this feud is at an end, and then to enforce obedience absolutely on those who dwell within the English boundary.
- As it has been fully admitted in the House of Representatives that no inquiry is necessary, and that the Government is in possession of information not coloured by local or party feelings, I need make no remarks on the final paragraphs of the memorial.
- In the enclosed report of the debate in the House of Representatives, I beg to call your attention to the speech of Mr. Ollivier, a member of the Province of Canterbury.

I have, &c.,

T. GORE BROWNE.

The Right Hon. Lord Stanley, M.P., &c.

## **No. 23. COPY OF A REPORT BY THE NATIVE SECRETARY ON THE MEMORIAL OF THE PROVINCIAL COUNCIL OF TARANAKI.**

The memorial of the Provincial Council of Taranaki contains so much of the early history of the settlement, and of the Native feuds that have arisen there, that I need not advert to these points, inasmuch as they are already well known to the Government. The Native population within the province is altogether under-estimated, and the return of 1,782 made by the Assistant Native Secretary can only apply to a portion of the province: the Native population of the whole province is certainly not less than 3,000 souls. It is true that the land held by these Natives is much in excess of their requirements: so conscious have the Government been of this fact that every exertion has been used to acquire by purchase from the Natives the cession of their surplus lands at much higher rates than have been offered for Native land in any other province. A large sum of money available for this purpose is now deposited at New Plymouth. An officer strongly recommended by the

Provincial Government has been appointed to conduct negotiations with the Natives, and it has been found that any more vigorous action than has been already taken for the acquisition of land could only lead to the creation of fresh feuds among the Natives, in which the settlers and the Government might become seriously involved. Moreover, it is clearly the duty of the Government to abstain from acquiring land when the consequence of its acquisition is in any way likely to bring about serious differences among the Natives. The strict observance of this rule has been enjoined by His Excellency on all the officers of the Land Purchase Department. The memorial states that "Conflicting advice, however well-intentioned, can but cause an increase of embarrassment:" this is so perfectly true that it is to be hoped that means will be taken to prevent such advice being tendered in future; such interference has done more to retard the purchase of land at New Plymouth than can be easily imagined. The memorial sets forth that "the colonists of Taranaki have a special claim to the consideration of the Government and of their fellow-colonists, inasmuch as nearly the whole of the Natives now located in the neighbourhood of the settlement were a few years since dwelling in the present Provinces of Wellington and Nelson, and that the purchase of the lands held by Taranaki Natives by right of conquest at Waikanae and other places has been most prejudicial to New Plymouth, by accumulating in one spot the scattered remains of the tribes which had formerly resided here, and most advantageous to the provinces in which such purchased lands are situated." The facts of the case altogether disprove the foregoing assertions, for, in the first place, Waikanae is not yet purchased, and, although it has been repeatedly offered by William King and other Natives, the Government declined to purchase, from a fear that its acquisition would drive the Natives to Taranaki.

- The migration of Natives to Taranaki commenced years before any extensive purchases were made from the Natives at the South.
- Taringa Kuri and his one hundred followers were prevented from going to Taranaki three years ago, by a purchase of land made for him at an expense of £400, lent to him for the purpose of inducing him to remain at the Hutt instead of going to Taranaki. With the same object in view, Sir George Grey purchased land for the Waiwhetu Natives; and at Nelson the following paragraph from my report on the final cession of the Native lands of that province to the Crown in 1856 will show that the interests of Taranaki were not sacrificed or overlooked: "28. The unsettled state of the Ngatiawa Tribe, and the disposition manifested by them to return to their former possessions at Taranaki, where their presence could only increase the troubles that already beset the land question in that province, rendered the present negotiation with them one of no small difficulty and delicacy,—which might, if in any way mismanaged, affect the general tranquillity of the country. I was induced therefore to agree to reserves of considerable extent being assigned to them in the various bays they were then inhabiting, with which they appeared to be fully satisfied."

I do not know what change of policy the memorialists desire: it is very evident that nothing short of strong coercive measures would effect an immediate solution of the present difficulties at Taranaki, and it is not easy to discover on what principle such measures should be resorted to in this instance, unless the Government is prepared to apply them to every similar case that may arise throughout the colony.

With reference to the prayer of the petition that His Excellency should be pleased to cause an inquiry to be instituted into the present condition of the Native inhabitants of this province, and to the causes which have led to the present difficulties, with a view to establish peace, &c., I am not aware, from the full and complete information that the Government now possess, that such an inquiry would lead to any good result. On the contrary it would raise false expectations on the part of some, doubt and apprehension with others. A succession of such inquiries among a barbarous people will only exhibit weakness on the part of the Government, if not followed by measures which it may not be prudent to undertake.

1st June, 1858.

DONALD MCLEAN.

**No. 24. COPY OF A DESPATCH FROM E. BULWER  
LYTTON to Governor Gore Browne, C.B.**

Sir,—  
Downing Street, 20th November, 1858.

I have received your despatch of number and date as per margin, enclosing a memorial addressed by the inhabitants of New Plymouth to the General Assembly, together with a report on that address by the Native Secretary, and a further report of a debate in the House of Representatives.

There are many questions of policy to be pursued by your Government to the Natives, which are raised in these papers, and for many years to come they will be attended with difficulties of no ordinary kind; but I rely with confidence upon your judgment, and I concur in the views which you have on this, as on several previous occasions, expressed.

A straightforward and equitable course of proceeding towards the Natives, especially in those negotiations which relate to the purchase or cession of land, is not only a matter of duty, but will, I am persuaded, be found to be most consistent with the interest of the colonists and the general peace and welfare of the colony.

I have, &c.,

E. B. LYTTON.

Governor Gore Browne, C.B., &c., New Zealand.

## **No. 25. EXTRACTS FROM GOVERNOR BROWNE'S SPEECH TO THE NATIVES at New Plymouth in March, 1859.**

....The Governor wished them to understand that the Queen regards equally her subjects; that all her Governors have had and would have the same instructions, viz., to do their utmost to promote the welfare of her subjects without distinction of race. The Missionaries had imparted to them the blessings of Christianity, and translated the Bible for their use. It was not in the power of man to confer any other gift which would bear comparison with that of the Bible; but, out of regard for the Natives, His Excellency had caused an abstract of English law to be translated into Maori. He had no wish to enforce this law; on the contrary, it would only be put in force in those districts where the people are wise enough to desire it, and prepared to carry it into effect themselves. Some tribes in the North had already desired to have English law, and a Magistrate had been appointed to instruct them how to put it into practice; they were now engaged in doing so, with every prospect of becoming a peaceful and prosperous people, and uniting themselves with the pakeha. This tribe is the Ngapuhi. The Governor had but two subjects on which he desired to speak, particularly to the tribes living near Taranaki, and they were: First, in reference to criminal offences; second, in reference to land. He wished these subjects to be considered separately, and as having no sort of reference to each other. The tribes in the vicinity of Taranaki have greater advantages than most others, as they are much intermixed with the pakeha, and ought to profit by their intercourse with them. If they chose to live peaceably and cultivate their lands they would grow rich and multiply, instead of which they were constantly at war with each other, and their numbers were decreasing. Their disputes were almost always about matters of little or no importance, or about land which was not worth quarrelling for. Had the Governor been in New Zealand when Katatore slew Rawiri, he would have had him arrested and brought before the Judge, and, if the Judge had sentenced him to be hanged, he would have caused him to be hanged; that he had not thought proper to arrest Ihaia, because, though the murders to which he was a party were horrible and disgraceful, yet they admitted of some extenuation, inasmuch as they were committed in retribution for the murder of Rawiri. All this, however, now belongs to the past; but, for the future, he had determined that every man (whether he be Maori or pakeha) who may commit any violence or outrage within the European boundaries shall be arrested and taken before the Judge, and the sentence of the

Judge, whatever it may be, shall be carried into effect. He was determined that the peace of the settlers should no longer be disturbed by evil-doers; and those Maoris who are not content to live in peace among the pakehas had better go elsewhere. In reference to the second subject, the Governor thought the Maoris would be wise to sell the land they cannot use themselves, as it would make what they could use more valuable than the whole; but he never would consent to buy land without an undisputed title. He would not permit any one to interfere in the sale of land unless he owned part of it; and, on the other hand, he would buy no man's land without his consent....

## **No. 26. ADDRESS OF THE SETTLERS OF TARANAKI to His Excellency GOVERNOR GORE BROWNE. To His Excellency Colonel THOMAS GORE BROWNE, C.B., Governor of New Zealand.**

May it please your Excellency,—The undersigned, settlers of the Province of Taranaki, are desirous that your Excellency should not take your departure from New Plymouth without an expression of their satisfaction to have had the advantage of a personal visit from your Excellency. They are of opinion that such a visit must have tended to bring before you more vividly than could be done by the best official documents the actual position of the settlement, and the real amount and character of their difficulties and discouragements. They beg respectfully to thank your Excellency for your prompt assent to their request for the early return to Taranaki of Mr. Commissioner McLean; for your expressed anxiety to promote the further acquisition of land from the Natives, and for the efforts now being made to that end; and they will rely with confidence on your Excellency's assurance that no pains shall be wanting to attain an object so vitally important to them. They trust that the sustained endeavours of the Native Land Purchase Department may lead to the desired results, and to the benefit alike of the European and Maori races; that Taranaki may cease to be a source of trouble and anxiety to the Government, and that she may be rendered a contented and prosperous province under your Excellency's administration. They beg to express their sincere hopes for your Excellency's speedy restoration to health.

[Many signatures.]  
15th March, 1859.

## **The Ho the Colonial Secretary to Lieutenant-Colonel MURRAY, New Plymouth.**

*New Plymouth.—Martial Law to be proclaimed, if necessary, &C.*  
Sir,—  
Colonial Secretary's Office, Auckland, 26th January, 1860.

Referring to instructions which you will receive from the Officer Commanding the Troops in New Zealand, relative to the employment of a military force, if necessary, in maintaining occupation, on behalf of the Crown, of a block of land at the mouth of the Waitara, purchased by the Crown from Te Teira, and ordered to be surveyed, I have the honour to forward to you herewith a Proclamation by His Excellency the Governor, proclaiming that martial law will be exercised throughout the Province of Taranaki from the date of the publication in that province of the said Proclamation. I also transmit an instrument appointing you to be the Governor's deputy, for the purpose of directing the Officer Commanding the Militia in the District of Taranaki to draw out for actual service the Taranaki Militia, or such number thereof as you may judge necessary.

It will be obvious to you that this Proclamation should only be published by you, and the operative effect given to the other instrument, under such circumstances as in your opinion render it impossible to carry out the wishes of the Government without resorting to the powers conferred by these documents.



I have, &c.,

E. W. STAFFORD.

Lieutenant-Colonel Murray, Commanding Detachment, New Plymouth.

## **PROCLAMATION. *Proclamation of Martial Law.***

By His Excellency Colonel Thomas Gore Browne, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-[unclear: Admir] of the same, &c.

WHEREAS active military operations [unclear: a about] to be undertaken by the Queen's forces against Natives in the Province of Taranaki in [unclear: arm] against Her Majesty's sovereign authority: Now, I, the Governor, do hereby proclaim and declare that martial law will be exercised throughout the said province from publication hereof within the Province of Taranaki until the relief of the said district from martial law by public Proclamation.

Given under my hand, and issued under the Public Seal of the Colony of New Zealand, at Government House, at Auckland, this twenty-fifth day of January, in the year of our Lord one thousand eight hundred and sixty.

THOMAS GORE  
BROWNE.

By His Excellency's command. E. W. STAFFORD. God save the  
Queen! Published the 22nd February,  
1860. G. F. MURRAY, Lieutenant-Colonel,  
Commanding Troops.

## **(1.) ADDRESS OF THE CANTERBURY PROVINCIAL COUNCIL, now in Session. *Offering Aid to Taranaki Settlers during the Native Rebellion.***

To His Excellency Colonel Thomas Gore Browne, C.B., &c., Governor of New Zealand.

May it please your Excellency,—The members of the Provincial Council of Canterbury, assembled in Council, desire to express their deep sympathy in the trying circumstances surrounding your Excellency by reason of the violence and insubordination of a portion of the Maori population of the North Island. While they express their thankfulness to the Almighty for having cast their lot in a portion of the colony in which they are spared the infliction of the personal consequences of a like revolt, they feel that their provincial prosperity depends in a great measure upon the maintenance of peace and good order in the colony at large. Entirely confiding in your Excellency's judgment, and in your determination to uphold the dignity of the Crown, the members of this Council desire to assure your Excellency of their willingness to co-operate with you to the utmost of their ability in the assertion of that authority, and to bear their share of the burden which under unlooked-for and adverse results may possibly fall upon their fellow-colonists in the North; and, while they do not doubt that many of the young men of this province are ready to place themselves at your Excellency's disposal in case of need, they believe that some portion of the difficulty you experience may be removed by a

proposal on the part of this province to afford an asylum to those of the out-settlers in the Province of Taranaki who, driven from their homes, may be exposed to inconveniences and sufferings in consequence of being forced into the town for shelter, and which its limited accommodation is not capable of affording to them. Should these troubles increase, the Council offer in the name of the settlers in Canterbury the protection of their province, and they are ready to provide an immediate asylum for those women and children who may be cast upon your Excellency's care. In conclusion, this Council earnestly trust that the efforts which your Excellency has so laudably made in the extension of civil institutions suited to the wants of the Native population may ere long be appreciated by them, and that the present resistance to your authority may speedily give place to the conviction that under your rule the British Crown desires to form one people, under one law, of the colonists and the Native tribes.

By order of the Provincial Council.

CHARLES C. BOWEN, Speaker.

Canterbury, March, 1860.

## **(2.) ADDRESS OF THE INHABITANTS OF WHANGANUI. *Expressing Approval of Governor's Policy.***

To His Excellency Colonel Thomas Gore Browne, C.B., Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand.

We, the undersigned, inhabitants of Whanganui and district, desire to express our warm approval of the policy pursued by your Excellency in the Native disturbances existing in Taranaki. We regard the grounds on which your Excellency has taken up arms to be just and necessary, and respectfully assure your Excellency of our cordial support (should we be called upon) to measures calculated, by a just and firm determination, to convey a lesson to the disaffected, which may speedily end present and prevent future outbreaks of the Native population of these Islands.

D. S. DURIE, R.M. [And 375 other signatures.]

Whanganui,

19th April, 1860.

## **(3.) RESOLUTIONS OF PUBLIC MEETING AT NELSON. *Approval of Government Decision to suppress the Native Rebellion.***

- That this meeting entirely approves of the decision with which the Government has acted in confronting a Native rebellion at Taranaki, and trusts that it will make no peace excepting on the terms of the unconditional submission of the rebels, on which basis alone the meeting believes that any peace must be founded if it is to be lasting.
- That, while desirous of living on friendly terms with the Maoris, and rejoicing in every instance of their progress in civilization and material comfort, this meeting considers that it is no less due to them than to the British colonists that proceedings on the part of any of them subversive of all natural justice and moral law, and leading, as at Taranaki, to bloodshed and destruction of property, should be promptly and

- decidedly punished by the Government.
- That copies of the above resolutions be forwarded to His Excellency the Governor and to his Honour the Superintendent of Taranaki.

LLEWELLYN NASH, Chairman.

Nelson,

23rd April, 1860.

## **No. 29. COPY OF LETTER FROM NATIVE SECRETARY to Colonel GORE BROWNE.**

*New Plymouth.—Increase of Military Force necessary.*

Sir,—

Taranaki, 17th March, 1860.

From the present combination among the Native tribes around this settlement, I feel it my duty to report to your Excellency that the present military force is not sufficient for the protection of this place. It is stated on good authority that the Ngatiruanui and Taranaki Tribes, mustering 1,200 warriors, are prepared to make an attack on the town, while William King and his immediate followers at least three hundred strong, will fight to the last at the Waitara. Independently of this combination, it is much to be apprehended—now that the Natives have buried the hatchet among themselves and yielded allegiance to King Potatau—that the powerful Waikatos, several thousand strong, and many of the numerous and disaffected tribes of the East Coast, in the vicinity of Poverty Bay, may be implicated in the present contest, with a view of asserting their national independence, and throwing off their nominal allegiance to Her Majesty. This circumstance, together with the manifest symptoms of bad feeling recently displayed by the Natives, induces me to urge most respectfully on your Excellency the necessity of obtaining a stronger force without delay for the protection of the English settlements, and for vindicating Her Majesty's sovereignty over the Island.

I am of opinion that it would require a force of not less than five thousand men to defend the various isolated, and scattered settlements of the Northern Island.

I have, &c.,

DONALD MCLEAN, Native Secretary.

His Excellency Colonel Gore Browne, C.B., Governor of New Zealand.

## **No. 30. COPY OF MEMORANDUM FROM MR. C. W. RICHMOND to Colonel GORE BROWNE.**

*Insufficiency of Military and Naval Force in New Zealand.* New Plymouth, 20th March, 1860.

I have read the letter dated the 17th March, addressed to His Excellency the Governor by the Native Secretary, Mr. McLean, in which that officer urges the necessity of an immediate augmentation of the military force in New Zealand.

The leading promoters of the Maori King movement in Waikato and elsewhere assert the national independence of their race, and oppose the farther extension of European settlement. They sympathize profoundly with armed resistance to the British Government, more especially with armed resistance to the further cession of territory to the Crown.

It has long been manifest that the first attempt to enforce obedience to the Governor's decision on any question affecting Natives might bring the disaffected tribes to the point of open rebellion. Hence the anxious desire so frequently expressed of His Excellency and his Advisers for an increase of the military and naval forces in New Zealand.

An occasion has now arisen on which it has become necessary to support the Governor's authority by a military force. The issue has been carefully chosen, the particular question being as favourable a one of its class as could have been selected. In the absence of a powerful Native party, leagued and organized to oppose the sale of land, it could be easily disposed of. But in the present condition of Native feelings it cannot be doubted that the state of the colony is critical, and British authority is in jeopardy, simply because it has been boldly asserted. I therefore entirely concur in the opinion of the Native Secretary, that the military force in this colony should be forthwith augmented to the greatest extent practicable.

I have, &c.,

C. W. RICHMOND.

His Excellency the Governor, &c.

## **Resolution of the Provincial Council of Hawke's Bay.**

Provincial Council Chamber, Napier, 20th March, 1860.

THAT the Provincial Council of Hawke's Bay, ere it terminates its second session, is desirous of placing on record its full and entire sympathy with the Province of Taranaki, at present under martial law owing to the meddling of disaffected aborigines. That this Council also congratulates the Province of Taranaki on the manly and self-relying spirit which evidently appears to animate the bosom of its settlers, and on the very efficient aid so promptly rendered by the Governor of this colony. And while heartily and unanimously thanking His Excellency for the same, and for his equitable and open declaration of policy,—which this Council also sincerely believes to be both suited to and beneficial for the entire interests of the Province of Hawke's Bay,—it further begs to be allowed to express the hope that such policy will be for the future everywhere alike steadily and zealously adhered to. And that a copy of this resolution be early forwarded by the Speaker of this Council to His Excellency the Governor and to the Superintendent of the Province of Taranaki.

GEO. THOS. FANNIN, Clerk of the Council.

## **His Excellency the Governor to the Speaker of the Provincial Council of Hawke's Bay.**

*The Governor's Reply.*

Sir,—  
Government House, Auckland, 6th April, 1860.

I have the honour to acknowledge the receipt of your letter conveying to me a resolution passed unanimously by the Provincial Council of Hawke's Bay; and in return I beg to offer the Council my best thanks for the expressions of confidence contained in their resolution. It may be satisfactory to the Council to know that the policy in question has been approved by Her Majesty's Government.

I have, &c.,

T. GORE BROWNE.

Joseph Rhodes, Esq.,

Speaker of the Provincial Council of Hawke's Bay.

## **No. 32.CIRCULAR TO OFFICERS OF THE NATIVE DEPARTMENT AT TARANAKI.**

New Plymouth, 23rd March, 1859.

The Governor wishes to impress upon the officers connected with the Native service that he desires to maintain a strict neutrality. If criminal offences are committed within the English boundary the law must take its course without distinction of race. Any one claiming the protection of the British flag must be permitted to avail himself of it, and be guarded from all danger while under it; but no aid shall be given to enable Natives to elude or overawe their opponents in order that they may reach the settlement. It must be clearly understood that no force must ever be used against the Natives, or any party of them, unless in order to punish some direct and distinct outrage on their part. Individuals, should not be allowed to pass through or out of the town armed as if for offence. Armed bodies would be prevented from doing so by the Officer Commanding the Troops.

By His Excellency's command.

F. G. STEWARD, Private Secretary.

## **No. 33.REWARD FOR APPREHENSION OF MURDERERS[Extract from the *New Zealand Gazette.* ]**

*New Plymouth.*—£100 Reward offered for Apprehension, of the Murderers of the Omata Settlers.  
PROCLAMATION.

By His Excellency Colonel Thomas Gore Browne, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c.

Whereas on or about the forenoon of Tuesday, the twenty-seventh day of March instant, certain aboriginal natives named Haneti Rihari, Manahi, Minarapa, Mautaranui, Te Karira Rangirunga, Pene, Tahuna, Ihaka te Aka, and certain others them aiding and abetting therein, did foully, wantonly, and with malice aforethought murder or cause to be murdered Harry Passmore, Samuel Shaw, Samuel Ford, James Pote, and William Parker:

Now, therefore, I, the Governor, do hereby proclaim and declare that the sum of one hundred pounds will be paid to any person or persons who will deliver up to Colonel Gold any one of the above mentioned murderers or their accessories: Provided also, that if the person or persons, or any of them, so delivering up any of the above-mentioned murderers shall have himself or themselves been concerned in the said murders or any of them, or in any way accessory thereto, then and in that case he or they shall also receive a free pardon.

Given under my hand, and issued under the Public Seal of the Colony of New Zealand, at New Plymouth, this thirty-first day of March, in the year of our Lord one thousand eight hundred and sixty.

T. GORE BROWNE.

By His Excellency's command. E. W. STAFFORD. God save the Queen!

## **No. 34. COPY OF A DESPATCH from Governor Sir H. Barkly, K.C.B., to his Grace the Duke of NEWCASTLE.**

*New Plymouth.—Re Military Assistance rendered.*

My Lord Duke,—

Government Offices, Melbourne, 20th April, 1860.

Although the steps taken in the Australian Colonies in consequence of the outbreak of another Maori war in New Zealand will no doubt be reported by the military and naval officers commanding, to their respective departments, it may be well that I should inform your Grace of them so far as this colony is concerned. I enclose, therefore, copies of my letters to Major-General, Pratt and to the Governor of New Zealand, from which it will be seen that this Government not only readily acquiesced in the reduction of the garrison, but placed the Colonial war steamer "Victoria" at the disposal of the Imperial Government on the most liberal terms.

I have suggested to the Governors of the other colonies that they should follow the example likewise here set of prohibiting in Council the exportation of arms and ammunition to New Zealand, as all experience proves the importance of cutting off the supply of such articles at the commencement of any struggle with an uncivilized race incapable of their manufacture.

I trust the precautions taken will lead to the speedy extinction of the present war; but, as the presence of a considerable body of troops in the Northern Island will no doubt be requisite for a considerable time afterwards, I feel it my duty to urge most respectfully upon Her Majesty's Government the expediency of sending strong reinforcements from Home without delay, since the small detachments allotted respectively to these colonies cannot be permanently reduced without extreme inconvenience. Already, indeed, has a discussion arisen in the Legislative Assembly of this province on the subject, as your Grace will perceive from the enclosed newspaper extract; and though the feeling of the House was clearly against Mr. Ebdon, the former Treasurer, by whom the question was raised, I could not answer for the result if the next mail should bring more warlike news from Europe.

I have, &c.,

HENRY BARKLY.

His Grace the Duke of Newcastle, &c.

## No. 35. His Lordship the Bishop of NEW ZEALAND to the Hon. Mr. TANCRED.

*Protest against Resolution of Provincial Council of Hawke's Bay respecting the Native Disturbances at New Plymouth.*

Sir,—

Auckland, 28th April, 1860.

After reading in the *New Zealand Gazette* of the 23rd April the resolution of the Provincial Council of Hawke's Bay, passed on the 30th March, 1860, I feel it to be my duty most respectfully to record my deliberate protest against the statements contained therein.

Because martial law was proclaimed at Taranaki before a single Native was known to have taken up arms against the Government, and when no offence had been given by the Natives beyond an unarmed obstruction of the work of the surveyors.

Because the persons described in the resolution as "disaffected aborigines" were the faithful and efficient allies of the Government in the war at Port Nicholson, and were always considered as among the most loyal, peaceable, and industrious of the New Zealand tribes, till they became entangled in the land questions raised by the English settlers at Taranaki.

Because, in entire opposition to the resolution in question, I claim, on behalf of the New Zealanders,—(1.) An investigation of all questions relating to their title to land, before a regular tribunal, with the usual safeguards against partiality or error, viz., evidence on oath, arguments of counsel, and a right of appeal; (2.) That military force shall not be employed till the civil power shall have been tried, and shall have been found insufficient to carry out the judgment of the Court; (3.) That, inasmuch as this colony was avowedly formed, not for the acquisition of territory for the English race, but for the protection of the New Zealanders, this primary object shall not be sacrificed to the aggrandizement of the English provinces.

Because the willing and prompt surrender by the New Zealand tribes of millions of acres of land, including all the best harbours, for very trifling payments, deserves the respect and gratitude of the whole colony, and especially of the Province of Hawke's Bay, where the extinction of the Native title has been unusually rapid, and where the greater part of the land was offered to Government for sale in 1842, and declined for want of funds.

Because, finally, I am so far from concurring in the hope "that such policy will for the future be everywhere alike steadily and zealously adhered to," that I believe that the repetition of any similar policy would be as unwise as it would be unjust, and would lead to the most disastrous consequences to the English colony and to the Native race.

I have, &c.,

G. A. NEW ZEALAND.

To the Hon. Henry John Tancred, acting for the Colonial Secretary.

# No. 36. MEMORANDUM ON BISHOP SELWIN'S PROTEST.

Auckland, 25th May, 1860.

His Excellency's Responsible Ministers recommend that the letter recently addressed to the Acting Colonial Secretary, Mr. Tancred, by the Bishop of New Zealand, in which his Lordship records his deliberate protest against the statements contained in a resolution of the Provincial Council of Hawke's Bay, be forwarded to the Secretary of State for the Colonies, together with the resolution which called forth the protest.

Ministers make this recommendation because the Bishop's letter is the only tangible manifestation of his Lordship's opposition to the course taken by His Excellency in reference to the purchase of Teira's block at Waitara—an opposition which is nevertheless open and active in the colony, and likely to be influential wherever the facts of the case are imperfectly known. For the Bishop of New Zealand may claim to be regarded, in matters affecting the relations of the settlers and Natives, as a disinterested witness—a character which will (rightly or wrongly) generally be denied to colonists. It should, however, be remembered that the philanthropist, notwithstanding the high ground he takes—which gives him perhaps an undue advantage in public opinion over those who are discharging the ordinary duties of life—is often found to be liable, even beyond other men, to the disturbing influences of prejudice and passion. The Abolitionists of North America, for example, are certainly disinterested, but few statesmen will hold that they take a sober and just view of the great question of humanity, to which they have devoted their lives.

It is not easy for supporters of His Excellency's policy to meet an attack so indirect as that which his Lordship the Bishop has made in the protest under consideration. Notwithstanding that his Lordship styles the document his "deliberate protest," it ought probably to be regarded rather as the outbreak of irrepressible feeling than the expression of calm and matured opinion; and it is for that reason, but only for that reason, difficult to meet it at all points with a logical reply.

The real matter of the protest is contained in its third clause, which is as follows: "Because, in entire opposition to the resolution in question, I claim, on behalf of the New Zealanders,—(1.) An investigation of all questions relating to their title to land before a regular tribunal, with the usual safeguards against partiality or error, viz., evidence on oath, arguments of counsel, and a right of appeal; (2.) That military force shall not be employed until the civil power shall have been tried, and shall have been found insufficient to carry out the judgment of the Court; (3.) That, inasmuch as this colony was avowedly formed, not for the acquisition of territory for the English race, but for the protection of the New Zealanders, this primary object shall not be sacrificed to the aggrandizement of the English provinces."

Looking to the whole tenor of the Bishop's letter, and to the attitude of open opposition to the Governor which his Lordship has unfortunately assumed in reference to the Waitara land question, His Excellency's Ministers have no hesitation in treating the three subdivisions of the clause as really meaning—

- That William King's right was not fully and fairly inquired into:
- That military force was prematurely employed to take possession of the land at Waitara:
- That the interest of the Natives of the Taranaki district has been sacrificed in the transaction to the interest of the European settlers.

It is proposed to reply to these charges in succession, adverting to various collateral topics.

I. In answering the charge that the right of King was not duly investigated, Ministers would, in the first place, refer to their memorandum of 27th April, 1860, as showing that the negotiations for the purchase of the block in question were carefully conducted, and unusually prolonged.

Secondly, it is to be observed that William King has never put forward any proprietary or other claim, of a nature that would be recognized by the British Government, to the land on the south bank of the Waitara. A few words will here be necessary to call the attention of the Secretary of State to the position which has been taken by the British Government in reference to the Taranaki land question, and to explain the true nature of King's pretensions.

Governor Sir George Grey, on the occasion of his visit to New Plymouth in 1847, distinctly repudiated the claims of the Atiawas who had returned, or might return, to Taranaki, to anything beyond fair compensation for the value, as wild land, of the block comprised in Mr. Commissioner Spain's award after proper reserves should



have been made for them. Accordingly, his instructions to Mr. McLean (the present Chief Land Purchase Commissioner), which bear date 5th March, 1847, after directing that ample reserves should be made, and not exceeding 1s. 6d. per acre offered for the residue of the block, declare that "those Natives who refuse to assent to this arrangement must distinctly understand that the Government do not admit that they are the true owners of the land they have recently thought fit to occupy." (Parliamentary Papers, December, 1847, p. 12.) Notwithstanding this explicit declaration, which accords with what Governor Grey had previously announced to the Natives at his interviews with them (see his despatch to Earl Grey, *ibid.*, p. 4), he thought proper (probably on grounds of policy) to acquiesce in the assertion of proprietary rights by the ancient occupants; and the precedent thus set has been followed by His Excellency the present Governor. On the occasion of the Waitara purchase the proprietary right has been respected in the persons of Te Teira and the other members of his section of the tribe, who will be paid at the rate of £1 per acre for the land they cede. King fully admits their rightful ownership, and opposes the sale on another ground.

The right set up by King is simply the old title of the Maori chief—the right of the strong arm, which he asserts under quite novel circumstances. At the meeting in March, 1859, when Teira's offer was accepted by the Governor, King plainly took his stand: "Waitara," said he, "is in my hand; I will never let it go" —thus defying Governor Browne, as he had before defied Sir George Grey. It is well known that when King, in 1848, deserted his pa and cultivations at Waikanae, and was moving northward to Taranaki, Sir George Grey forbade him to settle on the south bank of the Waitara. But King, having first obtained the leave of Raru (Teira's father) to build his pa on the south bank, disregarded the Governor's prohibition, and now pretends to claim Waitara in virtue of a species of conquest achieved by his defiant return.

The European apologists of King, as might be expected, are not satisfied with the naked simplicity of this claim, but have contrived a more elaborate and technical defence. By a strange jumble of Maori customs with the feudal notions of English law, they assert that King is now entitled in Taranaki to what they call "a manorial right"—a species of minor sovereignty—over the whole district. This right, they assert, has survived the migration to Cook Straits of King's section of the Ngatiawa, which they declare was voluntary, and not in fear of the northern tribes, and which took place twenty years before King's return. Being based upon neither the English nor Maori rule, but upon a compound of the two, uniting the advantages afforded by either law to antiquated claims, this right is supposed to be unaffected by the Waikato conquest, the consequent slavery or dispersion of the remnant of the tribe, and the transfer of the title of the conquerors to the British Government. Nor is it prejudiced by the fact (vouched for by Mr. Spain) that Colonel Wakefield's original treaty for the purchase of the district was entered into with the approbation of some, and with ample notice to all, of the Ngatiawa chiefs, including King's own father. Every other claimant, it is admitted, has been satisfactorily dealt with; but, in virtue of this shadowy pretension, King, it is asserted, is now justified in putting his veto upon the cession of the rights of the ancient Ngatiawa occupants of Waitara, in refusing all propositions for the settlement of this long-vexed question, and even in armed resistance to the British Government.

Considering the position assumed by Sir George Grey upon the Taranaki land question, and that nothing has ever been put forward by King, or on his behalf, but pretensions which are either insolent or flimsy, it will scarcely be thought that his claim admitted of elaborate investigation. Had he set up any right of ownership, it would doubtless have been looked into by the experienced officers intrusted with this duty. But King has repeatedly disclaimed any such right, and admitted Teira's proprietary title. This has been shown at large in Ministers' memorandum of 27th April, 1860, already cited.

The question of King's rights over Waitara, it will be observed, is a special one, and is quite independent of the vexed question of the right of Maori chiefs over the lands of the tribe, which is probably incapable of any general solution. It may be true, as is alleged, that where a tribe has a recognized head such head has, according to Maori usage, a power distinct from any right of ownership of prohibiting the alienation of any part of the lands occupied by members of the tribe. The question does not, it is repeated, arise in the present case, or it would deserve consideration how far the exercise of such a right is consistent with the stipulations of the Treaty of Waitangi, whereby the chiefs, parties to the Treaty, yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be pleased to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Thirdly, as it is partly implied in what has been already stated, the facts of the case were not simply known, but notorious and undisputed. On this ground, therefore, no elaborate investigation was requisite, and the purchase might without blame have been speedily concluded, though in fact its transaction occupied eight months.

Lastly, the matter, it has been already shown, was, to all intents and purposes, *res judicata*. But, had this been otherwise, a trial "with the usual safeguards against partiality or error, viz., evidence on oath and arguments of counsel," would, under the circumstances, have been something more ludicrous than has yet been seen in our public dealings with the New Zealanders, which is saying a great deal. To suppose that King would

have submitted himself to the jurisdiction would be a piece of such pure simplicity that it is impossible to imagine that the Bishop of New Zealand really believes he would have done so.

As regards his Lordship's claim on behalf of the New Zealanders of a regular judicial investigation of all questions relating to their title to land, his Lordship's anxiety to see such a tribunal established, and rendered effective, cannot exceed that of the Governor and his Ministers. All persons at all acquainted with the affairs of New Zealand are aware that the difficulty in the way of the establishment of such a tribunal lies with the Natives themselves. One of the grounds lately assigned by the Imperial Government for withholding the Royal assent from the Native Territorial Rights Bill, 1858, was the likelihood that the award of the Governor in Council, or of such tribunal as His Excellency in Council might appoint for the investigation of Native title, would not be acquiesced in by the contending parties.

The New Plymouth case is a particularly unfortunate one in which to advance the claim for forensic discussion and investigation, since Mr. Commissioner Spain's award was made after precisely such a trial as his Lordship, with characteristic emphasis, now demands on behalf of the New Zealanders. Mr. Spain's decision was, it is known, utterly disregarded by the Natives, and their turbulent conduct induced Governor Fitzroy to set it aside. The Bishop must be aware—certainly no one else in the country is ignorant—that the Natives in their present state, though ready to take advantage of favourable decisions upon such questions, would never voluntarily submit to an adverse one.

The investigation of the Native title to land offered for sale has been left to officers of the Executive Government, partly because from the habits of the Natives the truth can be better got at by desultory conversations and examinations extending over a long space of time than by the peremptory procedure of a Court of law; partly because reasons of policy ought to be taken into consideration by Government which could not be admitted as elements in the decision of a judicial officer. The flexible practice of the Land Purchase Department—which is under the direct control of the Imperial Government—admits of concessions to the Natives not justifiable upon any ground of strict principle. It cannot be unknown to the Bishop that the arrangement of which he complains is beneficial to the interests of the Natives—if indeed it be beneficial (as his Lordship generally appears to think it) to yield to them upon almost every occasion upon which there is any show or likelihood of resistance or dissatisfaction on their part.

The purchase of the Bell Block at New Plymouth was a transaction in which the methods of investigation pursued did not differ from those adopted in the instance of the Waitara Block. Yet his Lordship, while he condemns the present transaction as concluded upon insufficient inquiry, has in a pastoral letter signified his complete approval of the manner in which the Bell Block was acquired. (See Pastoral Letter of the Bishop of New Zealand to the members of the Church of England at New Plymouth, 1855.)

II. The second charge is that military force was prematurely resorted to. The facts are shortly as follow: The party which attempted the survey on the 20th February was met by from seventy to eighty of W. King's Natives, who seized the survey instruments. A short struggle ensued, in which a Native who accompanied the survey party struck down one of King's men. The District Land Purchase Commissioner (Mr. Parris) thereupon rushed in to prevent further collision and probable bloodshed, and directed the surveyors to retire. Unquestionably the interruption of the surveyors was a formal act of defiance on the part of the Natives. On the 4th of March the block was occupied by the troops—not as a military operation against King, but in support of the civil power. As to the proclamation of martial law, that was a measure of precaution rather intended to restrain, if necessary, the Europeans than directed against the Natives. Actual force was not used until a fighting party of King's people had erected a pa and danced the war-dance upon the disputed ground, and had contemptuously rejected a summons by the Officer in Command to evacuate the pa.

Immediately after the offer of land to the Governor in March, 1859, King wrote to the Waikatos for aid in resisting the sale of the block, and before the troops moved to Waitara he had prepared two strongly fortified pas, well stored with ammunition, and had sent letters to all parts of the country requesting support. It will scarcely be believed that King would have proved amenable to the civil authority when he had been thus actively preparing for armed resistance to Her Majesty's Government. And surely it is blind unreason to expect that a Maori chief with a hundred or two of armed followers prepared to do his bidding whatever it be, and who has set at defiance successive Governors, can or ought to be dealt with in all respects as a loyal and peaceable citizen.

III. Upon the third and last head Ministers remark that the interest of the Natives, no less than that of the colonists, requires the settlement of the land question in Taranaki, which has been an open sore for sixteen years. Sir George Grey, in his despatch to Earl Grey of 2nd March, 1847 (Parliamentary Papers, December, 1847, p. 2), remarks, "These individuals [of the Ngatiawa, in Taranaki] have been quarrelling amongst themselves regarding their respective claims, and, in order that there might be much to pay for, have prevented the Europeans occupying any additional land, although many hundred thousand acres of the richest soil are lying perfectly neglected and useless, whilst many European families have been left in comparative want.

Indeed, the inability of the Natives to adjust their respective claims now makes them unwilling to allow the land to be sold at all, and they constantly assert that those Natives who wish to sell land have no right to dispose of it." Such is the testimony of a dispassionate witness. The quarrels to which Sir George Grey alludes have gone on increasing in bitterness, till in 1854 they resulted in bloodshed, and the peace of the province ever since has been more or less disturbed by Native affrays. Referring to a temporary cessation of these hostilities in 1859, a recent intelligent writer on New Zealand observes, "The feud, however, is not settled; the cessation of hostilities is more an armistice than a peace, and its permanence will only be secured by the Government purchasing the disputed lands" ("Story of New Zealand," by A. S. Thompson, M.D., Vol. ii., p. 259). His Excellency's Ministers entirely concur in this opinion.

A few minor topics touched on in the protest ought not to pass wholly unnoticed. His Lordship extols the loyalty of King and his people. Of the truth and fairness of the reflection upon the settlers let any one judge who has perused the reports of Mr. Spain, and the correspondence of Sir George Grey on the Taranaki land question. As to King's alleged services against Rangihaeata, their value is very questionable. It is certain that King absolutely refused to join the Ngatiawa of Port Nicholson in the pursuit of the rebel chief, and that in consequence the latter made good his retreat to his stronghold at Poroutawhao. King's attitude throughout the war was little, if at all, more favourable to the British Government than that of an armed neutral. More perhaps could not be expected of him, but it is absurd to extol him as an faithful and efficient ally. His fidelity was doubtful; his efficiency was altogether denied by those who were serving with him. (See the report, *passim*, of Mr. Servantes and Major Durie in the Parliamentary Blue Book, in continuation of papers presented 26th August, 1846.) King's position at Waitara has been one of pure hostility to the interests of the settlement, of which he has been occupying a part of the destined site—a hostility unattended by the least advantage to himself or his followers, and which has, on the contrary, plunged the district into a series of disastrous feuds. Upon the vast tract of fertile land which he and his party have been the principal means of withholding from the industry of the European settlers the thistles now stand, in many places so thick that a horseman cannot pass, and the seed may be seen blowing along the ground like snow. Allowance may and ought to be made for a savage who clings to his savage life, and to the beautiful wilderness which he cannot use, but has always been free to roam over. But it is worse that injudicious to hold him up as a benefactor, entitled to the grateful feelings of the English settlers. Such unjustifiable exaggerations evidently tend to excite sentiments the very opposite to those which they purport to inculcate.

More important than these trifling indications of his Lordship's constant bias is the declaration that the colony was avowedly formed for the protection of the Maoris, and that this remains of right the primary object of the British policy in these Islands, to which every other is to be sacrificed. It is believed that there is no sort of authority for such a doctrine, successive Secretaries of State, beginning with the Marquis of Normanby, having declared that the equal benefit of both races was the motive for assuming the sovereignty of the Islands. The true state of the case is clearly expressed by Lord Stanley in his despatch to Governor Sir George Grey, dated the 13th June, 1845. "You are aware," his Lordship writes, "that the colonization of New Zealand was not the spontaneous act of the Queen's Government, but was forced on them as the only means of averting the evils with which the unauthorized settlement of Her Majesty's subjects there appeared to threaten the inhabitants, whether European or aboriginal."

But, holding as they do that the preservation and civilization of the Native race, and the promotion of the settlement of the country by Europeans, are objects of policy not merely compatible, but, in the present circumstances of the colony, inseparable the one from the other, His Excellency's Responsible Ministers consider that the controversy opened by these expressions of his Lordship the Bishop is idle and mischievous.

If his Lordship desired to arouse and stimulate the hatred of race, he could not do so more effectually than by such assertions as are scattered with a profuse hand over the short document under consideration. Once let it be understood that the interest of the settlers is to be subordinate to that of the Natives, and a war of races is inevitable. Earl Grey has rightly said that such a struggle once commenced could hardly close, except by our abandonment of the Islands in disgrace or the extirpation of the aboriginal inhabitants. (Earl Grey's "Colonial Policy," Vol. ii., p. 137.)

The insinuation that the war is one of aggrandizement—that it is undertaken for the sake of acquiring territory—is quite untrue. The proceedings which have led to it were under the immediate superintendence and control of the Governor. His Excellency will confirm the statement that those proceedings were not, at any stage, urged upon him, or so much as suggested to him, by the Responsible Ministers, nor was there, previous to the commencement of the war, any manifestation of public feeling on the subject of the dispute between the Governor and William King. It would be absurd to suppose that His Excellency could be actuated by the motive imputed. And it must appear almost equally improbable to any person who calmly reflects on the matter, that the colonists or their representatives should willingly incur the risks, and submit to the sacrifices, of a Maori war, for the sake of a few hundreds of acres in the least important province of New Zealand. Other motives

must be sought to explain the general support which His Excellency has received in the colony upon the present occasion.

There is in New Zealand a small and happily decreasing party who, to benefit as they suppose the Native race, would willingly check what is invidiously styled "the aggrandizement of the English provinces." Their apprehensions for the future (which seem in a great measure to blind them to the danger and even impossibility of a continuance of the present relations of the races) are aggravated by the low conception they have formed of the general motives and objects of their fellow-countrymen in New Zealand. Moving, as these gentlemen for the most part do, in a narrow social circle, and mixing little with the settlers, having moreover their feelings and energies concentrated upon one great and in itself most noble object, it is not wonderful that they should do but scant justice to the motives of the colonists. On behalf of their fellow-settlers. His Excellency's Ministers would represent to Her Majesty's Imperial Government that the grand desire of the British colonists in respect to the Natives is not the appropriation of the Native territory, still less the destruction of the race, but it is to see the Maori people rendered amenable in their dealings with the settlers to British law. The restless instinct of progress, the love of wealth, the hatred of race, are all no doubt motives at work in the country; and against the indulgence or the excess of these strong passions the Government is bound to be upon its guard. But stronger and more universal and more inevitable than all these feelings is the desire which animates the public mind that all the inhabitants of New Zealand should be subjected in their mutual dealings to the control of one equal law. This is a natural and praiseworthy desire, and if duly regulated must be conducive to the good as much of the Natives as of the colonists.

The addresses which have been presented to the Governor since the commencement of the war justify these representations. Under accumulated provocations—the contemptuous defiance of Her Majesty's authority, the ruin of one British settlement, the most serious injury to several others, the interruption of the advancing prosperity of all,—under the natural indignation caused by the cold-blooded murders perpetrated upon unarmed men and young boys,—the settlers of New Zealand still restrain their passions, and confine themselves to the prayer that the majesty of the law may be vindicated and the authority of the Queen upheld.

Perhaps only those who have lived as settlers surrounded by a Maori population are able to realize the intensity which the desire expressed by these addresses can attain amongst Englishmen so situated. In his intercourse with the Natives the colonist is exposed to daily provocations. His cattle, for example, stray from his paddock: he follows them to a neighbouring pa, and is compelled to redeem them by an exorbitant payment. In the course of the altercation a musket is perhaps pointed at him, or a tomahawk flourished over his head. On the other hand, should he try the experiment of driving Native cattle to the public pound for trespass on his cultivations, a strong party of Maoris, with loaded muskets, breaks down the pound and rescues them. He has to maintain party fences without contribution from his Maori neighbours; herds of Native pigs break through to his crops; the dogs of the pa worry his sheep. To save his own farm he has to pay for the extirpation of thistles on the neighbouring Native land, hundred of thousands of acres of which lie waste and worse than useless around his homestead. Redress in the Courts of law is not to be obtained, because it would be dangerous to the peace of the country to enforce the judgment. On the other hand, Natives, freely avail themselves of their legal remedies against Europeans. At the present time a trader lies in the Auckland gaol under arrest for debt, at the suit of a Native chief. About a year ago this same European had a judgment for a large amount against the Native who has now imprisoned him, which he was of course unable to enforce by execution.

Men of great judgment, tact, and courage, and of a commanding type of character, may get on well with their Maori neighbours; but even these sometimes fail, and such men are the exceptions in every country. Missionaries, again, may take refuge in mere passiveness; their calling permits it without reproach. A Missionary is wronged, and he submits, and there is an end of it. But the settler cannot do the like without loss of self-respect, and to him the petty provocations and injuries to which he is subject are rendered galling by the sense that he is compelled to bow to the will of an armed, lawless, and insolent mob.

There is a reverse to the picture which has been drawn of the wrongs of the settlers. Much might be said of frauds by European traders, of wanton insults offered to Natives by the lower class of settlers, and of other inconveniences which have followed from the settlement of the country. Nor would it be wise to expect that an uncivilized people should at once conform to the usages of strangers who have come to plant themselves amongst them. But, freely admitting the whole of what may be said on these points, it is still true that the strong desire of the colonists for the thorough establishment of British authority is natural and laudable, and that its fulfilment, if attained by no violation of the laws of humanity and justice, will conduce to the benefit of both Europeans and Natives.

It is because the decisive action of His Excellency the Governor appears to the colonists adapted ultimately to secure this great and happy result that they are not merely reconciled to the heavy present sacrifices it entails upon them, but prepared to give to the Imperial Government their most active support in suppressing the existing rebellion. His Excellency's Responsible Ministers concur in this general opinion and determination,

and now express their expectation that His Excellency's policy, though beset with unavoidable and accumulated difficulty, will be recognized and supported as neither unwise nor unjust, nor likely to prove disastrous to either race, but that it will be seen to have been, on the contrary, dictated by a due regard for the welfare of New Zealand and the dignity of the Crown, and, of necessity, to have been in strict accordance with those just principles which have hitherto regulated the conduct of the, British Government in these Islands.

C. W. RICHMOND.

## **No. 37. Copy of a Despatch from his Grace the Duke of Newcastle to Governor Sir W. DENISON.**

*New Plymouth.—Despatch of Military Force to New Zealand approved of.* Downing Street, 27th June, 1860.  
SIR,—

I have received your Despatch No. 42, of the 12th April last, reporting the measures which you had taken on the application of the Governor of New Zealand for affording military assistance to that colony in consequence of the Native outbreak at Taranaki; and I have to express the acknowledgments of Her Majesty's Government of the prompt measures which you adopted, and of the willing co-operation afforded by the Government of New South Wales in despatching all the available force in the colony to the succour of New Zealand.

I have, &c.,

NEWCASTLE.  
Governor Sir W. Denison, K.C.B., &c.

## **No. 38. Copy of a DESPATCH from his Grace the Duke of NEWCASTLE to Governor Sir H. BARKLY, K.C.B.**

*New Plymouth.—Victorian Assistance to New Zealand appreciated.* Downing Street, 27th June, 1860.  
SIR,—

I have received your Despatch No. 5, of the 20th April last, in which you report the measures adopted by your Government on receiving the application of the New Zealand Government for assistance in meeting the difficulties in which that colony had been involved in consequence of the outbreak on the part of the Natives at Taranaki. Her Majesty's Government have seen with great satisfaction the cordial co-operation afforded by the Government of Victoria on this occasion, not only by their acquiescence in the reduction of the garrison, but by the liberal manner in which they placed the Colonial war steamer "Victoria" at the disposal of the Imperial Government. You will express to your Government how fully Her Majesty's Government appreciate the sympathy and generosity which have marked their conduct on this occasion.

I have, &c.,

NEWCASTLE.

Governor Sir H. Barkly, K.C.B.

# Address of INHABITANTS of the HUTT, Province of Wellington.

*Expressing Approval of Governor's Measures at Waitara.*

To His Excellency Colonel THOMAS GORE BROWNE, C.B., Governor and Commander-in-chief of the Colony of New Zealand.

WE, the undersigned electors and other inhabitants of the Hutt District, desire to express our entire approbation of the policy of your Excellency, in proceeding to quell by force of arms the insurrection of W. Kingi, in the Province of Taranaki. While we deeply deplore the circumstances which have compelled your Excellency to such an extremity, we are convinced that sooner or later a collision with this turbulent chief was inevitable; and that any further tampering with the question of sovereignty would have been construed by the Natives as an admission of present weakness, and probably eventuated in more wide-spread disaffection. Even had we been less satisfied than we are of the justice of the war, we should feel that there would be now no other alternative for your Excellency, having in view, not simply the best interests, but the actual existence of the colony, than to prove by vigorous exertion the supremacy of the Queen's power: until a conviction of which is summarily brought home to the Native mind, we fear that your Excellency will be unable to establish a lasting peace, such as may serve for all future ages to cement in one bond the mutual prosperity and happiness of both races.

We offer to your Excellency our most earnest co-operation in bringing the issue to such a termination, and should much regret that any member of the House of Representatives should consent to patching up present tranquillity at the risk of future security.

A. LUDLAM.  
ED. AUGUSTUS CARLYON.  
CHARLES HUNT. [And 21 others.]

Hutt,

21st September, 1860.

# His Excellency the GOVERNOR to INHABITANTS of the HUTT.

*The Governor's Reply.* Government House, Auckland, 17th October, 1860.

GENTLEMEN,—

It is very gratifying to me to know that the course pursued towards W. Kingi and the insurgents at Taranaki meets with your approval; and I thank you sincerely for your address of the 21st-September. I thank you also for the offer of your co-operation, and I assure you that every assistance which it is in my power to give has been, and always shall be, given to the General to enable him to conduct the war to a successful termination.

I have, &c.,

T. GORE BROWNE.

Messrs. A. Ludlam, Carlyon, and others.

# MEMORIAL to His Excellency the GOVERNOR from INHABITANTS of WELLINGTON.

*27th October, 1860.—Hoping that Peace will only be made on a certain Foundation.*

To His Excellency Colonel THOMAS GORE BROWNE, C.B., Governor and Commander-in-Chief of the Islands of New Zealand, &c.

WE, the undersigned inhabitants of the City of Wellington, have seen with the deepest regret and indignation the opposition which has been raised in the House of Representatives—chiefly by the Wellington members—against the policy of your Excellency in resisting by force of arms the rebellion at Taranaki. We feel convinced that your Excellency could not have avoided the war without serious detriment to the Queen's supremacy in this Island, and the true interest of both-settlers and Natives. Until the rebels have been subjugated and the murderers of our fellow-settlers have been punished, any peace with those who have taken up arms against the Government would be uncertain, insincere, and subversive of Her Majesty's dominion in this Island: With such a peace the authority of the law could not be maintained beyond the immediate precincts of the towns, nor could the mutual feelings of good-will and security which formerly prevailed between the two races be restored. We beg to offer to your Excellency our cordial approbation of the determination expressed by your Excellency to carry on the war with vigour, until ample retribution has been exacted for the murder of our fellow-settlers, and until the embers of rebellion have been utterly extinguished.

GEORGE HART, J.P. EDWARD AUGUSTUS CARLYON, Barrister-at-law. C. B. BORLASE, Solicitor.  
WM. BOWLER, Merchant. [And 433 other  
signatures.]

## Governor GORE BROWNE to MESSRS. HART, CARLYON, and Others.

*The Governor's Reply.* Government House, Auckland, 29th October, 1860.  
GENTLEMEN,—

I beg to offer you my sincere thanks for the address I have received from you by the last mail. I can assure you that from the moment of my arrival in the colony to the present time I have earnestly endeavoured to promote the welfare of both races of Her Majesty's subjects, by every means in my power. It is most gratifying for me to know that so large a portion of the inhabitants of the oldest settlement in New Zealand approve the course which it has been my painful duty to pursue at Taranaki, and agree in thinking that the war could not have been avoided without serious detriment to the Queen's supremacy and the best interests of both races. You will readily perceive that I could not venture to express any distinct opinion in reference to the future, but I can have no hesitation in assuring you that, however much I may desire the speedy re-establishment of peace, I do not wish to see it effected on any terms but such as would afford a reasonable expectation of permanence.

I have, &c.,

T. GORE BROWNE.  
Messrs. Hart, Carlyon, and others, Wellington.

# No. 41. EXTRACT of DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

Taranaki, New Zealand, 6th April, 1863.

MY LORD DUKE,—

Your Grace will remember that, after a war with the Natives had been for some time carried on here, and this province had, with the exception of the town, been almost ruined, the terms of a treaty were dictated by the Government, and the troops were removed to Auckland, with the exception of the small number required for the defence of this town, and to hold two small blockhouses near the Waitara River.

- 2. In the meantime the Waikato tribes, whose territory commences about forty miles from Auckland, were required to comply with certain conditions, and were given to understand that if they did not accept them an expedition would be undertaken into their country to punish them, and with this object a considerable military force was collected about seven miles from Auckland on the Waikato side. The tribes inhabiting the district abutting on that river were excessively incensed at this; they would not comply with the conditions which had been named, and prepared themselves for war, and a general conspiracy was formed amongst the Native tribes for a simultaneous attack on all the European settlements the moment that we attempted to attack the Waikato country.
- 3. Whilst these events were taking place a Commissioner, Mr. Rogan, was sent down to carry out the terms of the treaty which had been dictated to the Natives at Taranaki. They laughed at these terms, and desired him to quit their country, or he might lose his life.
- 4. Things were in this state when I arrived in New Zealand. I soon found that, from the dense forests and impassable swamps which intervened between Auckland and the country inhabited by the Waikato tribes, and from the want of roads or other means of communication, it was impossible to commence operations against them with any hopes of success. On the contrary, they had become so confident in their own strength and resources, and were so encouraged and emboldened by the events of the recent war, that the question was, how we could protect the country round Auckland from the attack they might, at any moment, make on it, and which they were certain to make if we began a war at Taranaki, or in any other part of the North Island.
- 5. If I had, under these circumstances, commenced to agitate any questions with the Natives of the Province of Taranaki, we should have been resisted; a general war would have taken place, and, not one of the European settlements in New Zealand being in a state of preparation for such a war, one or more of them must have been involved in the same sad ruin as had already befallen the unfortunate Province of Taranaki.
- 6. The only proper proceedings appeared therefore to me to be to take no measures which could irritate the Native people, or justify them in commencing a general war, and yet, as the Waikato tribes were evidently the head and front of this great and general conspiracy against us, gradually and surely to take measures which would not only place the settlement of Auckland in a state of fair security against them, but would place us in a position which would enable us with just hopes of success to strike a blow at them if they deserved punishment, and at the same time, so to threaten them that, if we ever required to take measures against the Natives elsewhere, they would hardly venture to detach any considerable force to aid such people, when a force capable of readily invading their territories lay at their own doors. When this end was gained I could hope to speak to the people of Taranaki with confidence that I should be listened to, and that the measures I might think it necessary to take for the future security of the settlers here would be acquiesced in, at least without resistance, if not cheerfully. A part of this plan of proceedings was to act with the strictest justice and generosity towards the Natives, to give them no just cause of complaint, and to show clearly by our acts that the object aimed at was the peace and security of the country, not future war against the Natives if it could possibly be avoided.....

I have, &c.,



G. GREY.

His Grace the Duke of K. G. Newcastle

## **No. 42.[Extract from *New Zealand Gazetted*.]**

*A PROCLAMATION Revoking Proclamation of Martial Law in the Province of Taranaki.*

By His Excellency Sir G. Grey, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c.

WHEREAS, by Proclamation bearing date the twenty-fifth day of January, one thousand eight hundred and sixty, His Excellency Colonel Thomas Gore Browne, the Governor of the said Colony of New Zealand, did proclaim and declare that martial law would be exercised throughout the Province of Taranaki from the date of the publication of the said Proclamation within the said province until the relief of the said district from martial law by public Proclamation: And whereas it appears unto me expedient to revoke the said Proclamation:

Now, therefore, I, Sir George Grey, the Governor as aforesaid of the said colony, in pursuance and exercise of all powers and authorities in this behalf enabling me, do hereby proclaim and declare the aforesaid Proclamation of the twenty-fifth day of January, one thousand eight hundred and sixty, to be, and the same is hereby, revoked. And I do further proclaim and declare that this Proclamation shall take effect on and from the first day of August, one thousand eight hundred and sixty-five.

Given under my hand, at the Government House, at Wellington, and issued under the Seal of the Colony of New Zealand, the first day of July, in the year of our Lord one thousand eight hundred and sixty-five.

G. GREY.

By His Excellency's command.

J. C. RICHMOND, Colonial Secretary.

GOD SAVE THE QUEEN!

## **COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K. G.**

Government House, Wellington, N.Z., 13th March, 1869.

My LORD,—

The letter of which I enclose a copy herewith was written in September last by the Rev. John Whiteley, a venerable and respected missionary, who was one of the victims of the recent massacre in the Province of Taranaki, where he was cruelly murdered on the 13th ultimo by the Natives among whom he had been labouring for thirty-five years.

2. I am informed that much reliance was placed on Mr. Whiteley's opinions respecting the feelings of the Maoris, on account of his sober judgment, and of his long familiarity with them.

I have, &c.,

G. F. BOWEN.

The Right Hon. Earl Granville, K.G.

## Enclosure. LETTER from the Rev. JOHN WHITELEY.

*Present State of Affairs in New Plymouth. 30th September, 1868.*

DURING the, thirty-five years I have been in New Zealand I never felt so desponding as at the present time. The war with the Natives, which began more than eight years ago, is still going on! To-day a steamer has arrived from the southern part of this province, bringing the men that were wounded in the last engagement, and the intelligence that the rebel Natives are threatening the adjoining province. Whanganui settlement is in danger, the Militia is called out, and the people are in a sad state of alarm. On the East Coast, too, things are in a very unsatisfactory state, and it is feared that the few colonial troops that were taken from thence to assist in quelling the rebellion here will have to hasten back to fight for their own hearths and homes,—those of them, at least, who have not fallen in the strife here. And in the meantime farming operations are suspended; stagnation, poverty, and despondency prevail. The object of the rebel Natives in the south is to clear that part of European settlers, doubtless intending when that is accomplished to try their hand here or elsewhere. The consequence is that hundreds of persons who would otherwise have been diligently employed in cultivating the lands of this neighbourhood have left the place, and more are going. "What is the use of expending funds and time on farms which may soon be again overrun by the rebels?" is the natural language of many, and they have gone elsewhere to seek a safer and more profitable home. Of course our numbers in this province are vastly reduced, and if the rebels come here or rise in this neighbourhood we are utterly powerless to stand against them. Our friendly Natives are puzzled, and know not what to make of it. They saw a large army of soldiers sent here from Sydney, from Melbourne, from India, from England, from "all the world" to suppress the rebellion, and that army was recalled, either because they could not do the work, or because England found out that the work to be done was not "tika" (not right) —that is, the colonists had involved Britain in an unrighteous war; and their conclusions now are that we are left to ourselves, that the rebels will now take advantage of our deserted and unprotected state, that they will seek "utu" (payment, revenge) for all the past; and, as we failed to conquer them when we had ten thousand soldiers and all their big guns in the land, we have now no chance whatever, and of course they consider what will become of them, and ask themselves the question, What is the wisest course? If they by fidelity to us assist a failing cause, how will they stand when we fall? And they are confirmed in these views and apprehensions by the fact that the few soldiers that remain here do not help the settlers at all, but are just spending their time amongst us like gentlemen. And if our own pakeha soldiers do not help us, why should they be expected to do so? Can we gainsay this reasoning of the Maori mind among our friendly Natives? I confess I do not see how, and I fear, if they were required by necessity to be put to the test, they would say, "Your own soldiers do not fight for you: why should we?" And then, regarding our cause as having been deserted by the Mother-country because it was an unrighteous one, their next step would be to go over at once to the rebels, regarding might as right, and right as safety.

The Abyssinian expedition furnishes them with a remarkable contrast in confirmation of the views stated above. In that country there were less than a hundred Europeans in captivity: here there are many thousands of men, women, and children, as they think, at the mercy of the rebels, who can any day at their pleasure do as they have done before—shoot down, tomahawk, and carry off those who, in their daily avocations, dreamt not of a foe being near. To Abyssinia a mighty army of men and horses and elephants, with all its appliances, was sent to rescue the few: from this country the army was taken away, leaving the many to their fate, which in many instances already has been a terrible one, as widows, fatherless children, and bereaved friends painfully testify. In Abyssinia the work was completed, the captives were released, the enemy was subdued, and the author of all the evil was slain in New Zealand the case was the reverse—the army was withdrawn, the rebellion was not suppressed, the thousands were left to their fate, and the instigators of the mischief were left

at large. In that country the few pakehas were sojourners in, captivity, but not expending money in making a home for themselves and their children after them; while here the thousands who have left their English homes to come to New Zealand have spent their all in expensive, continuous, and laborious efforts to fulfil God's original command to subdue the earth and possess it, and have been again and again driven from homes which they have made for themselves, and which they hoped would be their children's homes, and the homes of their children's children. For the Abyssinian expedition the British nation laudably and cheerfully contributed some £6,000,000 without grumbling or requiring one sixpence in return from those for whose sake this expensive expedition was undertaken: whereas the army was withdrawn from New Zealand before it had done its work; a debt of £3,000,000 is thrown upon the colony as the expenses of that army; the country is burdened with that debt, as with a heavy millstone about its neck; and every inhabitant of the land is taxed with the additional liability, over and above all other demands upon his strength and energy, of having to provide for the interest of this debt of £3,000,000.

And now let me ask, Is the Maori view of the case the correct one? Correct or not, it is the view by which the Natives are influenced, and by which their conduct is likely to be regulated. When, I think of the deliverance of the Abyssinian captives, and of the emancipation of the West Indian slaves at a cost of twenty millions, and when I talk of these things with our friendly Natives, I glory in my nation and thank God that I belong to such a people; but when I think of New Zealand I am humbled indeed. Much, I know, has been said on the other side in opposition to the view given above as being, that of the friendly Maoris. It may be said that our New Zealand Parliament requested that the troops might be withdrawn. But why was such a request made? Several reasons may be mentioned. It was insinuated that the war was begun or was being continued for the gratifying of the ambition and avarice of the colonists, and, this insinuation being extensively entertained by the army, the effect was manifest, in comparative inactivity. The colonists were given to understand that the expenses of the war would fall upon them, and our Government rightly considered that the expensiveness of such comparative inactivity should not be continued. The hope was entertained that the rebellious Natives had been led to see their mistake, and that, when the way was opened for their return to friendship by the removal of the soldiers from the country, they would avail themselves of the opportunity. It was like the laying-down of arms on our part; and an invitation for them to follow our example. As a colony we felt that we could not afford to pay for an expensive and comparatively inactive army, and we hoped to be able to do without it. And it may be said that the thousands of brave men in New Zealand who bear the British name ought to be able to cope with the few Natives who are in rebellion against us. True; but then how are they to cultivate their farms and keep the field against the foe at the same time? How are they to pay off the debt of £3,000,000, or even the interest thereof, if their time and energies are to be exhausted in an expensive and protracted warfare? The friendly Natives never approved of the withdrawal of the troops until matters should be thoroughly settled, and it is now with them a very serious question, What will be done, and how will they be affected? Some three or four months ago the friendly Natives of this district visited the rebel tribes in the south with the hope of promoting and establishing peace. This gave those tribes an opportunity of returning the visit, and they came by hundreds. But they came, not as those who are vanquished and humbled; but as those whose right it is to dictate terms and lay down the law. Of course they came without arms, and were received with every manifestation of friendly feeling and hospitality, both by Natives and Europeans. But to the appeal made to them by the authorities in the way of assertion and example, "War is at an end, is it not?" and which was responded to in Native fashion by a loud and unanimous "Ae" from the pakehas, they made a very equivocal and unsatisfactory response, and since their return war has recommenced in a most savage and murderous way by them or their friends. The impression is therefore irresistible that they came here for the purpose of spying out our weakness, and also of getting the friendly Natives over to their side. Out of deference to those by whom they were entertained they allowed us to hold our religious services in their presence, and to preach to them the everlasting gospel, but they took care to lose no opportunity of exhibiting the fascinating ceremonies of their new religion of Haubauism before the Christian Natives, and of doing all they could to persuade them it was all the same religion as their own, and vastly superior in their way of observing its ceremonies and worship. That they succeeded to a very large extent is unquestionable, and the declining interest manifested in our schools and worship is painful proof that the friendly Natives are sympathizing in a very serious degree with those who are in rebellion against us. The successes which the rebels have achieved will of course further confirm these wavering "friendlies" in their faith in the cause of those who have taken up arms against us, so that it may before long become with them a settled conviction that we are all wrong, and that they are bound by duty and by interest to abandon us.

And what have we in the whole length and breadth of our province to rely upon, in the event of a general or even a local manifestation of disaffection? Truly, the "nakedness of the land" might tempt our friends to despise and forsake us, and our foes to "swallow us up." When I visit the out-settlements of our enterprising English families, it is painful to think how very easily might all the effects of their industry be destroyed, and

themselves murdered, wives and children tomahawked and devoured, without any one being the wiser till all was over. And these are the men who have to pay the war debt of three millions! O Britain! how canst thou be so forgetful of thy far-off children? But the Lord reigneth. Let this thought check my complaints, and rebuke my despondency.

"Better than my boding fears  
To me Thou oft hast proved."

Thank God we have a few "righteous persons" even in New Zealand, and the Lord will hear their prayers. Our Government, our colonists, I know, are wishful, earnestly, ardently wishful, to save and elevate our Native race. May God have mercy on these infatuated rebellious tribes, "open their eyes, and turn them from darkness to light, and from the power of Satan to God!" It has been said, "The Natives are fighting for their lands." But "the earth is the Lord's," and for six hundred years He has been waiting for them to "occupy." Six hundred years more may find them with millions upon millions of still unoccupied acres; and Providence indicates that now shall this portion of His earth be occupied by those who are able and willing to bring forth the fruits thereof.

Let our brave colonists, then, have the sympathies of the nation that has sent them here, and which is well able to help them here.

## **No. 44. COPY of a DESPATCH from Governor Sir G. F. BOWEN to the Right Hon. the Earl of KIMBERLEY.**

*Governor Bowen's Visit to New Plymouth.* Government House, N. Z. Auckland, 6th October, 1870.  
MY LORD,—

Referring to the information contained in my Despatch No. 123, of the 25th September ultimo, and in the memorandum from Mr. McLean enclosed therein, concerning the large meeting of Maoris recently held at Taranaki, I now have the honour to report that I deemed it advisable to proceed to that province in person so soon as the state of public business after the close of the annual session of Parliament permitted me to absent myself temporarily from the seat of the General Government. Accordingly I left Wellington, by sea, on the 28th ultimo, and landed on the following day at the Town of New Plymouth,

It will be recollected that New Plymouth is the capital of the Province of Taranaki.

where I conferred with the local officers of the Government, with the principal colonists of the district, and with several Maori chiefs.

- 2. Mr. Parris, the experienced Civil Commissioner for the Province of Taranaki, who is intimately acquainted with the Native language and customs, gave me very full information respecting the proceedings at the late assembly of Maoris at Parihaka, and the general state of Native affairs on the west coast of this Island. He assured me that the annexed brief account of the meeting published in one of the local journals

Enclosure. Extract from the *Taranaki Herald* of 28th September, 1870.

is quite accurate so far as it goes, having been written on the spot by one of the eight or ten Englishmen who accompanied him to it.

- 3. It appears that this meeting was called together in consequence of invitations issued to all parts of the North Island by Te Whiti, a Taranaki chief, who now professes (like Kereopa, Te Ua, Hakaraia, and others of his countrymen during the last six or seven years) to be a prophet of the Hauhau creed. As it is doubtless already known to your Lordship, Hauhauism, in its religious aspect, is a rude mixture of some of the dogmas of the Christian faith with many of the most savage and horrible tenets and practices of the old Paganism; while in its political aspect it may be described as a bond of union among the adherents of the so-called "Maori King" and that portion of the Maori race which has renounced at once its Christianity and its allegiance to the British Crown.
- 4. Mr. Parris was invited to be present at the meeting (called professedly to discuss the question of war or peace with the English), and he accordingly repaired, with a few Europeans and a large number of loyal

Natives, to Parihaka, Te Whiti's kainga, or village, which is situate about thirty-five miles to the south of New Plymouth. He found assembled there about twelve hundred Maoris, including delegates from nearly all the principal clans, and a Waikato chief named Aporo, who appeared as the representative of Tawhiao.

The so-called Maori King.

The *korero*, or talking, began on the 18th of September, and lasted for four days. The speeches were full of the customary allegories and figures, nearly unintelligible to all but those few Europeans who are thoroughly conversant with the traditions and character of the Maoris. The meeting separated without arriving at any formal decision, or even expression of opinion; but Mr. Parris, together with Mr. McLean and all who know the Natives best, considers the general result to be favourable, seeing that about seven hundred of the whole number present avowed themselves to be supporters of the law and of the sovereignty of the Queen; while Titokowaru, who appeared at the head of eighty armed followers, utterly failed to excite the remaining five hundred to any act or resolution of open hostility. He has again retired to his fastness in the almost impenetrable forests about forty miles west of New Plymouth, where he will be left unmolested so long as he remains quiet. Mr. Parris replied with firmness and courage to Titokowaru's fierce attacks on the English, and seems to have carried with him the general sympathy of the meeting. Of the loyal majority fully one-half were men who were recently in arms against the Queen. Conspicuous among these was Hone Pihama, the formidable chief of the Ngatiruanui clan, who fought so long and so bravely against Generals Cameron and Chute, but who attended the Native meeting held to welcome me in September, 1869, on the occasion of my first visit to Taranaki, and has since been a zealous supporter of the British Government.

See Governor of New Zealand to the Secretary of State, No. 134, of 14th October, 1869, printed at page 129 of the Papers presented to the Imperial Parliament in April, 1870.

- 5. It should be mentioned that Mr. Parris found the Natives generally to be well acquainted with the contents of Lord Granville's despatch of the 7th October, 1869, No. 115;

Printed at page 195 of the Papers presented to the Imperial Parliament in April, 1870.

and with the fact that a great war had recently broken out in Europe. Several Maoris said to him, Now we know the real reason why England has withdrawn her soldiers from New Zealand: she is afraid of being attacked at home." It is agreed on all sides that the presence of H.M.S. "Blanche" at New Plymouth during the meeting produced an excellent moral impression on both the loyal and the disaffected Natives: encouraging the former and dispiriting the latter.

- 6. While I remained at Taranaki I inspected the post fortified by the Colonial Government, and held by detachments of the Militia and Armed Constabulary, for the protection of the settlers, who—as will have been seen from my former reports—comprise a total population of 4,000 souls, and about eight hundred able-bodied and armed men, scattered over an area nearly as large as that of Yorkshire, surrounded by powerful Native clans, and practically almost without communication, except by sea, with Auckland, Wellington, and the other principal English settlements. Blockhouses and redoubts have been erected in the country districts as rallying-points for the men and places of refuge for the women and children. The barracks, occupied until last February by a garrison of Imperial troops and now by a detachment of the colonial forces, stand on a steep hill in the centre of the Town of New Plymouth, and have been surrounded by a stockade quite strong enough to resist the attack of an enemy unprovided with artillery. In the event of any fresh outbreak, the entire population of the town and its suburbs (about two thousand souls) would be safe within this fortified *enceinte*.
- 7. From Taranaki I proceeded by the Manukau Harbour to Auckland, the real centre of the chief Native districts, which I shall revisit from this point in a succession of journeys. So far as is known here up to this date the whole Island continues tranquil, and there has been no hostile collision during the past month. Still there is much restlessness in the Native mind, and fresh meetings, like that at Parihaka, will be held during the ensuing summer (*i.e.*, from December to March). Two members of the Executive Council are now with me at Auckland, and I shall be joined here in a few weeks by Mr. McLean, who will accompany me, in the first instance, to the meetings which will be convened by the Arawas and Ngatiporous on the East Coast.
- 8. The monthly mail *viâ* San Francisco will leave Auckland to-morrow, the 7th October instant, and the intelligence respecting the condition of this country which it will carry away may be described as, on the whole, satisfactory. Still it cannot be forgotten that the permanent maintenance of peace during the next few years will probably depend upon a greater variety of chances, and on a more precarious tenure, in New Zealand, than in any other British colony. What has happened here so often may of course happen again. The disturbing elements have certainly been diminished, but they have not entirely been dispelled; and they require constant watchfulness on the part of the colonial authorities. If we look to past experience, to the nature of the relations existing with some of the Maori clans, and to the position of

many of the border settlements, it must be confessed that in several quarters causes of collision may arise at any moment. In fact it may well be doubted if, in a country so situated, it is in the power of any Government, however well disposed and well prepared, to command peace. But the Colonial Government, if it cannot command peace, can and (it is believed) will deserve it, by taking care that good faith, fair dealing, and a wise forbearance are on its side. After all, the Native difficulty is a question of time. In the South Island it has long ago ceased to exist; and ten years hence (or even at an earlier date) it will have practically ceased to exist also in the North Island. Meanwhile, as I have submitted in former despatches, it is alike more politic and more humane to outlive Maori disaffection than to attempt to put it down with the strong hand.

I have, &c.,

G. F. BOWEN.

The Right Hon. the Earl of Kimberley.

## **No. 45. Copy of a Despatch from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN.**

*Respecting the Maori Meeting at Parihaka.* Downing Street, 24th December, 1870.

SIR,—

I have to acknowledge your Despatch No. 123, of September 24th, enclosing a memorandum by Mr. Fox, expressing a hope, with reference to Native affairs, that two vessels of war at the least may be stationed in the New Zealand waters for the exclusive protection of the colony; and also a memorandum by Mr. McLean on the subject of the meeting of Natives at Parihaka.

Her Majesty's Government learn with pleasure that the presence of the "Blanche" near Taranaki was the means of giving a feeling of security to the inhabitants of New Plymouth during the recent Native meeting at Parihaka, and they have no intention of withdrawing the instructions already given to the officers commanding Her Majesty's ships to show themselves on the coasts of New Zealand, and in certain emergencies to assist in protecting the lives and property of the settlers; but those instructions must necessarily be subject to the general exigencies of the service, as in the case of all other parts of the Empire, and Her Majesty's Government could not enter into a positive engagement that a certain portion of Her Majesty's naval forces should be exclusively employed on the New Zealand coasts.

I have to add that a copy of this despatch will be sent to Commodore Stirling, for his information and guidance.

I have, &c.,

KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

## **COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. the Earl of**

# KIMBERLEY

*New Plymouth.—Respecting Wiremu Kingi.* Government House, Wellington, N.Z., 18th March, 1872.  
My LORD, —

It is with much satisfaction that I report, by the mail leaving Wellington to-day, an event to which great importance is rightly attached in this colony, as to afresh and significant proof of the establishment of permanent tranquillity.

- 2. The influential Maori chief and formidable warrior known among the English as William King, This is his baptismal name: his Maori surname is Te Rangitake. of Waitara, with whom the war of 1860 originated, and who has, during the last twelve years, continued in active hostility or sullen disaffection, has voluntarily come, attended by his principal clansmen and followers, into the Town of New Plymouth, made peace with the Government, and renewed the friendly relations which he maintained of old with the settlers. His return took place on the 22nd of February, which is the twelfth anniversary of the proclamation of martial law at Taranaki in 1860.
- 3. It will be recollected that William King, together with the other leading chiefs of the clan of the Ngatiawas, was among the first to welcome to this country, in 1840, the agents of the New Zealand Company, and that he fought gallantly on the side of the English in the first. Maori war (1845-48). The circumstances connected with his refusal to consent to the sale of a small block of land at Waitara, in the Province of Taranaki, and out of which the second Maori war arose, in 1860, are detailed at great length in the official correspondence and Parliamentary Papers of the years 1859-63, and have been the theme of much controversy both here and in England. After the cessation of active warfare at Taranaki, William King and his followers retired to the forests and mountains of the interior, where they remained for several years, steadily declining all communication with the Government and with the colonists. He had always waged a fair and honourable warfare, and had never been concerned, like Te Kooti and Kereopa, in the murder of unarmed men, or of women and children; so he was given to understand that no notice would be taken of his past conduct. On my first visit to Taranaki in 1869, See my Despatch No. 134, of 1869, printed at pages 129-139 of the Papers on New Zealand presented to Parliament on 8th April, 1870. when several other Maori chiefs lately in arms against the Crown came to welcome me and renewed their allegiance, William King also sent a message of a submissive and respectful character. It was then intimated to him by the Government that some land had been reserved for him near New Plymouth, to which he could return and live in peace.
- 4. I am confident that your Lordship will read with interest the enclosed report from the Minister for Native Affairs (Mr. McLean), describing the reception of William King at the Town of New Plymouth. It will be seen that the officers of Government and large numbers of the colonists assembled to give a hearty welcome, on his return among them, to the aged chief whom they had learned, during the last thirty years, to respect both as a staunch ally and as a gallant enemy. Mr. McLean observes, further, that the settlers with whom William King had formerly been acquainted brought their sons and daughters to see and be seen by him. One of the local newspapers adds as follows: "It was interesting to watch the curiosity of the children, who were allowed to enter the room in the Native Office where William King was sitting. The old chief seemed to enjoy the levée, for as each batch of children came in he laughed with delight as he took their tiny hands in his, and kindly shook them." Scenes like these reflect credit of all parties concerned, and are a happy augury for the future."
- 5. No chief or clan in arms against the Government during the war, which continued with little intermission from 1860 until 1870, now remains in hostility. Te Kooti, like Kereopa, was not a man of rank or importance, and owed his temporary influence among the Hauhau fanatics to his pretended supernatural powers. He is now a mere brigand, with only a handful of followers, and will probably, sooner or later, be captured, like Kereopa, by his own countrymen, and given up by them to justice.
- 6. The communications addressed to myself and to the Minister for Native Affairs, from all parts of the Island, give very satisfactory assurances of the establishment of permanent tranquillity.

I have, &c.,

G. F. BOWEN.

The Right Hon. the Earl of Kimberley.

## **Enclosure.MEMORANDUM by Mr. McLEAN, C.M.G.**

THE Minister for Native Affairs is certain that His Excellency will be glad to hear that during a late visit to Whanganni and Taranaki he has been enabled to adjust various points in dispute in connection with land boundaries and other matters which had for some time been a cause of irritation among Native tribes.

The boundaries of the Native reserves made in the Rangitikei-Manawatu Block have been definitely fixed, to the entire satisfaction of the Natives concerned. Arrangements have also been entered into with a view to a more accurate definition of Native rights within the confiscated territory, and for the acquisition by purchase, with the good-will of the Natives, of such portions of land as they hold within it, but do not require for their own use, and which appear desirable for European settlements.

During the Native Minister's stay in Taranaki, William King, the chief with whom originated the war of 1860, emerged for the first time since that period from his strict seclusion in the forest ranges lying between Waitara and Whanganui. The reappearance of this chief and his followers, after an absence of twelve years, has inspired great confidence among both the Europeans and the Natives of the province, who unite in regarding his presence in their midst as the most significant indication and greatest assurance of future peace which has yet been manifested in the west coast district of the Northern Island. The entry into the town was made in a most orderly manner, the Natives, to the number of about four hundred, marching in ranks through the streets to their destination at the Native Office, where, in accordance with Maori custom, they were welcomed, and invited to partake of food. Every spot in the vicinity was crowded with Europeans, many of whom had known William King years ago, and all anxious to see the old chief of whom they had heard so much.

His Excellency will notice in the speeches allusions made to an ancient Maori custom, in accordance with which the march of a chief actuated by friendly intentions along paths hitherto trodden by war-parties only, was a sign of the extinction of all hostile feelings, and of the abandonment of all thoughts of revenge for the dead who had fallen during the war. [A report is appended of the proceedings at the meeting.]

During their stay at New Plymouth, the conduct of the visitors was all that could be desired, and William King himself became a centre of attraction, the old settlers whom he remembered bringing their children for him to see, and the chief evincing great delight at the notice thus taken of him.

The party set out from New Plymouth on the 26th instant, leaving behind them the impression among the settlers that no better augury could be found of a future state of quiet than the present resumption of amicable relations by tribes for so long a time estranged from both Europeans and friendly Natives residing within the settled districts.

DONALD McLEAN.  
29th February, 1872.

## **No. 47.COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.**

Downing Street, 17th May, 1872.  
SIR,—

I have received your Despatch No. 31, of 18th March, reporting the submission of the Maori chief, William King. I have much pleasure on this occasion in conveying to you the congratulations of Her Majesty's Government upon the success which has attended your endeavours and those of your Ministers to improve the



relations between the Maoris and the settlers, and to make the Maoris sensible that their interests will be best promoted by abandoning hostility to the Government, and taking an active share in the works of improvement which are going on in the colony.

I have, &c.,

KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

## **No. 1. Lord GLENELG to the Earl of DURHAM.**

Downing Street, 5th February, 1838.

DEAR LORD DURHAM,—

From the various communications, both verbal and in writing, which have passed between us regarding the plan of colonizing New Zealand, it is clear that the Association are not prepared to accede to the conditions which the Government think indispensable to the granting of a charter, and especially to that condition which requires a subscribed capital on the part of the Association. Under these circumstances I am of course unable to recommend Her Majesty to grant the proposed charter.

I understand, however, that the Association now revert to their original intention of proceeding by a Bill in Parliament, and you ask me whether the Government will oppose the introduction of such a Bill, or will permit it to be introduced, for the purpose of insuring in the House of Commons a free and fair discussion of the objects contemplated by the measure. The subject has been considered by the Government, and I am to inform you that they will not oppose the introduction of such a Bill, nor throw any obstacle in the way of the principle and details of the plan being fully brought before the House of Commons and the public. At the same time, in withholding all opposition to the introduction of the Bill, the Government desire it to be distinctly understood that they do not in any degree pledge themselves to the future support of it, but that they hold themselves at liberty to take any course which they may think fit with regard to it in any of its subsequent stages.

I have received within the last few days a despatch from Sir R. Bourke, transmitting a report on the state of New Zealand from Captain Hobson, of Her Majesty's ship "Rattlesnake," with suggestions for a form of government intended to meet the peculiar circumstances in which those countries are now involved. This report, which has an important bearing on the subject in which the Association takes so much interest, will be laid before Parliament. I enclose a copy of it for your information.

I have, &c.,

GLENELG.

The Right Hon. the Earl of Durham, &c.

## **No. 2. HENRY LABOUCHERE, Esq., to WILLIAM HUTT, Esq., M.P.**

*New Zealand Company's Enterprise not sanctioned by the British Government.* Downing Street, 1st May, 1839.  
SIR,—

I am directed by the Marquis of Normanby to acknowledge the receipt of your letter of the 29th ultimo.

In reply, I am directed to state that, until the deputation, of which you were a member, waited on Lord Normanby on that day, his Lordship was entirely ignorant of the course which the Company had adopted, or of the objects which it now appears they have in view. Lord Normanby now for the first time learns that a body of Her Majesty's subjects are about to proceed to New Zealand to purchase large tracts of land there, and to establish a system of government independent of the authority of the British Crown. It is impossible that his Lordship could do any act which could be construed into a direct or an indirect sanction of such a proceeding.

Abstaining from the expression of any opinion upon a measure so imperfectly developed in the papers which accompany your letter, Lord Normanby thinks it necessary that the parties concerned should be distinctly apprised that Her Majesty's Government cannot recognize the authority of the agents whom the Company may employ; and that if, as is probable, the Queen should be advised to take measures without delay to obtain cession in sovereignty to the British Crown of any parts of New Zealand which are or shall be occupied by Her Majesty's subjects, officers selected by the Queen will be appointed to administer the executive government within any such territory. Lord Normanby wishes it to be further understood that no pledge can be given for the future recognition by Her Majesty of any proprietary titles to land within New Zealand, which the Company or any other persons may obtain by grant or by purchase from the Natives. On the contrary, with a view to the protection of the interest of the aborigines, as well as to the future prosperity of any colony which may be established in New Zealand, it is probable that application to Parliament may hereafter become necessary to provide for the investment in the Crown of any proprietary rights which maybe thus acquired by private parties, with such equitable compensations to them as under all the circumstances of the case may appear to be expedient. Under these circumstances Lord Normanby must decline to furnish the Company with the introductory letters for which they apply.

I have, &c.,

HENRY LABOUCHERE.  
William Hutt, Esq., M.P.,  
&c.

## **No. 3. EXTRACT of a DESPATCH from Lord JOHN RUSSELL to Governor Sir GEORGE GIPPS.**

Downing Street, 4th December, 1839.

I have to inform you that, since the date of those instructions addressed to you by the Mrquis of Normanby respecting New Zealand, a large body of persons have embarked for those islands.

I transmit to you, for your information, copies of a correspondence on this subject between this department and Mr. George Frederick Young.

However unjustifiable may be the course taken by the New Zealand Land Company, the persons who have embarked, being, for the most part, ignorant of the relations between this country and the New Zealanders, and not aware of the distinction between New Zealand and any of Her Majesty's possessions in Australia, are to be regarded with consideration and kindness.

At this distance from the scene of their destination I find it impossible to fetter the discretion of Captain Hobson by any instructions from which he cannot depart without reference to this country. I therefore authorize you to set Captain Hobson at liberty with respect to certain parts of his instructions which he may feel it impracticable, or highly inexpedient, to execute. In particular, with regard to the sale of land, it may be found impossible to realize the price of 12s. an acre, while that price is not demanded either at Sydney or in Western Australia, or in Van Diemen's Land. He may therefore reduce the price to 5s., until the higher price is the usual upset price in the Australian settlements.

With respect to the administration of justice still greater difficulty may occur. The correspondence on that subject with the New Zealand Land Company has ended by a withdrawal of their instructions, and an injunction to aid and assist Captain Hobson. Under these circumstances, one of Captain Hobson's first duties will be to

establish a tribunal for the trial of crimes and the redress of civil injuries.

In reference to Captain Hobson's letter to Mr. Labouchere, of the 10th of August last, I perceive he speaks in the following terms with respect to the need of force to support his authority: "There are one or two subjects that have not been noticed, which I hope may still engage the attention of the Secretary of State. No allusion has been made to a military force, nor have any instructions been issued for the arming and equipping of militia. The presence of a few soldiers would check any disposition to revolt, and would enable me to forbid in a firmer tone those inhuman practices I have been ordered to restrain. The absence of such support, on the other hand, will encourage the disaffected to resist my authority, and may be the means of entailing on us eventually difficulties that I am unwilling to contemplate." I have proposed to Lord Hill to send a force of 100 men to New Zealand.

The first difficulty stated by Lord Hill—namely, the want of any settlement in New Zealand in which the Queen's authority is established—will be obviated by my giving authority to you to take that step, if necessary, when you shall have received intelligence that Captain Hobson has received a grant or cession of territory from the New Zealand chiefs in the North Island, or that he has established the Queen's authority in the Southern Island.

The precautions stated as necessary by Lord Hill deserve careful attention. It appears to me that a framework of barracks, or blockhouse, would be quite necessary. Perhaps field-pieces might not be required, but chevaux-de-frise and intrenching tools should not be omitted; likewise a surgeon, and some person qualified to act for commissariat duties.

I am informed by Lord Minto that a sloop of war will constantly be at the service of Captain Hobson, and I trust the marines employed may be found useful in preparing the means of defence for the detachment.

With these precautions, I authorize you, if necessary, to detach 100 men to aid Captain Hobson when he shall have assumed the title of Lieutenant-Governor of New Zealand.

## **No. 4. PROCLAMATION.**

*On the Illegal Assumption of Authority in the Port Nicholson District.*

WHEREAS certain persons residing at Port Nicholson, New Zealand, part of the dominion of Her Majesty Queen Victoria, have formed themselves into an illegal association, under the title of a council, and, in contempt of Her Majesty's authority, have assumed and attempted to usurp the powers vested in me by Her Majesty's Letters Patent for the government of the said colony, to the manifest injury and detriment of all Her Majesty's liege subjects in New Zealand:

Now, therefore, I, William Hobson, Lieutenant-Governor of New Zealand, command all persons connected with such illegal association immediately to withdraw therefrom; and I call upon all persons resident at Port Nicholson, or elsewhere, within the limits of this Government, upon the allegiance they owe to Her Majesty Queen Victoria, to submit to the proper authorities in New Zealand, legally appointed, and to aid and assist them in the discharge of their respective duties.

Given under my hand at Government House, Russell, Bay of Islands, this twenty-third day of May, in the year of our Lord one thousand eight hundred and forty.

WILLIAM HOBSON, Lieutenant-Governor.

By command of His Excellency the Lieutenant-Governor.

WILLOUGHBY SHORTLAND,

Colonial Secretary.

## **No. 5. The Hon. the COLONIAL SECRETARY to His Excellency Lieutenant-Governor HOBSON.**

*Wellington.—Reporting his Arrival and Proceedings at that Port.* Port Nicholson, 20th June, 1840.  
SIR,—

I have the honour to inform your Excellency that I arrived at this port on the evening of Tuesday, the 2nd June. I immediately sent Mr. Cole on shore with the Proclamations, and a letter to Colonel Wakefield, informing him that it was my intention to land to read them next day; but I was prevented by a heavy gale from landing until Thursday afternoon, previous to which I was waited on by Dr. Evans, Mr. Chaffers, and Mr. Tod, who informed me that the settlers were highly delighted at my arrival. They assured me that they had been greatly misrepresented. Dr. Evans stated that the council had been formed to keep the peace and for mutual protection until the arrival of your Excellency, or any persons appointed by you. I told him that I was disposed to view their proceeding in that light, provided the council vanished, and that the flags were immediately hauled down, but that any proposal from any body of persons assuming any power or rights I should consider hostile. He assured me of the loyalty of the emigrants, and that my wishes should be complied with. I landed at 2 o'clock, accompanied by Lieutenants Smart and Best, and attended by the mounted police. We were received by Colonel Wakefield, Dr. Evans, Captain Smith, R.N., and all the principal inhabitants. The Proclamations were responded to by three hearty cheers and a royal salute from the Europeans, and with a war-dance and general discharge of musketry from the Natives, who assembled in great numbers. I was again assured of the loyalty of the settlers, and that they were actuated in their proceedings solely with a view to preserve the peace and to protect their property. I have great pleasure in informing your Excellency that Her Majesty's government is fully established, and that both the European and Native population are in a very satisfactory state.

I have, &c.,

WILLOUGHBY SHORTLAND,

Colonial Secretary.

His Excellency Lieutenant-Governor Hobson, Russell.

## **ADDRESS of the WELLINGTON SETTLERS.**

To His Excellency Captain HOBSON, of the Royal Navy, Lieutenant-Governor of the Islands of New Zealand.  
Port Nicholson, 1st July, 1840.  
SIR,—

We, the undersigned inhabitants of the District of Port Nicholson, avail ourselves of the opportunity presented by the arrival of the Colonial Secretary with sufficient means for the protection of life and property, to express to your Excellency those sentiments of respect for yourself, and loyalty to the Crown, in which we yield to none other of Her Majesty's subjects in these Islands.

The peculiar circumstances in which we were placed before the establishment here of British authority, and the false reports which have been made to your Excellency, and of which we have heard with equal surprise and indignation, render it necessary for us to be the more explicit in our declaration of attachment to the Crown and Constitution of England, and to assure your Excellency that we took no steps but such as we thought consistent with our allegiance as British subjects and justified by the necessity of the case.

That such were our real feelings, and that our arrangements for the preservation of order were adopted by us as merely temporary and provisional, is proved by the acclamation with which the British flag was welcomed, as well as by the cordial support which has been rendered by all classes to the Colonial Secretary and the Magistrates, of which they themselves are the most competent witnesses.

We might add that in planning the surveys of our future town we had, as far as possible, anticipated the

wants of Government, and set apart the most valuable sections of land for the convenience of the public offices and the personal accommodation of your Excellency, feeling assured, as we do, that sooner or later this must necessarily become the seat of Government for these Islands.

Should that prove the case, your Excellency may rest assured that you will be welcomed here by the largest body of Her Majesty's subjects in New Zealand, unanimous in their loyalty, and desirous of promoting by every means in their power the, comfort of your private life and the dignity of your public administration.

We have, &c.,

## **REPLY. Governor HOBSON to Colonel WAKEFIELD and Others.**

July, 1840. SIR,—

I acknowledge with much satisfaction the address which you were deputed to present to me by the inhabitants of Port Nicholson, and I have to express my extreme gratification at receiving from them so very explicit a declaration of loyalty and attachment to the Crown and Constitution of England. At the same time, allow me to convey my sincere thanks for the very flattering sentiments of respect and consideration with which they have been pleased to honour me as the representative of Her Most Gracious Majesty. It has been a source of infinite gratification to me to learn, through the reports of the Colonial Secretary and Magistrates, the cordial support which has been rendered by all classes to the Government authorities at Port Nicholson; and I feel satisfied that the interests and prosperity of the colony will be best consulted by a continued perseverance in that line of conduct.

In conclusion, I beg to convey my thanks to you individually for the very kind and flattering manner with which you have been pleased to present the address, and to express my earnest hopes that, under the protection of Divine providence, the resources of these valuable and important Islands may be speedily developed.

I have, &c.,

W. HOBSON.  
Colonel Wakefield.

## **No. 7. NOTICE.**

*Disputed Possession of Land at the Taranaki Pa, on Te Aro Flat.*

WHEREAS on the evening of Wednesday last, the 26th of August, a serious breach of the peace took place relative to certain lands in dispute between the New Zealand Company and the Natives of Pa "Taranaki," and in order to prevent a recurrence of the same, I, Willoughby Shortland, a Magistrate and Colonial Secretary of New Zealand, having entered into an agreement with the Natives by which they have assigned over and yielded up to me, in the name and on the behalf of Her Majesty Queen Victoria, all their rights, titles, and interest in the lands aforesaid, do hereby give notice that all persons wishing to occupy any part of the said lands, until the question as to title shall be determined, or until the pleasure of His Excellency the Lieutenant-Governor shall be known, will be placed in possession by application made to me, through Colonel Wakefield, the principal agent of the New Zealand Company; and all persons who shall attempt to take possession without such permission will be proceeded against according to law.

Given under my hand, at Port Nicholson, this 29th day of August, 1840.

WILLOUGHBY SHORTLAND, J.P., Colonial Secretary.

*Wellington.—Lands in Dispute between the Natives and the New Zealand Company.* Russell, 9th October, 1840.

SIR,—

In answer to your Excellency's letter directing me to furnish you with a written report respecting the land in dispute between the Natives of Port Nicholson and the New Zealand Land Company, I have the honour to inform your Excellency that the chief Moturoa stated to me that he had not sold his land to the Company; that he had neither signed their deed of conveyance nor received any part of the payment given to the other chiefs. Moturoa possesses a considerable part of the land, both at Pipitea and Te Aro (or Taranaki), on which the Company's town has been laid out.

## Te Aro Pa.

The Natives who reside at Pa Taranaki complained to me shortly after my arrival that the Company's surveyors were placing marks on their land: they said they had not sold it, and would not give it up; that the land belonged to them, and not to Wharepouri and Te Puni and the chiefs who had sold their land to the Company. At the same time they stated that a case of muskets and some blankets had been given them by the chiefs, and also some blankets by Colonel Wakefield, for permission to allow the surveyors' points to remain unmolested.

When the selection of town-acre sections commenced, the Natives, having heard reports that they were to be dispossessed of their lands and driven to the mountains, again came to me, and amongst others Te Puni, Wairarapa, and Pourotu. On my inquiring whether the lands claimed by Moturoa and the Natives of Pa Taranaki belonged to Wharepouri and themselves, they replied that they did not. I then asked them whether they had sold the lands claimed by those chiefs to Colonel Wakefield. Te Puni answered, "Yes. How could I help it, when I saw so many muskets and blankets before me?"

The chiefs of Pa Taranaki invariably maintained that they had not sold their land, and persisted in disputing the Company's claim to it; and the dispute was not arranged until I entered into the agreement which I had the honour to forward your Excellency from Port Nicholson.

I have. &c.,

WILLOUGHBY SHORTLAND

His Excellency the Lieutenant-Governor.

## No. 9. The Hon. the COLONIAL SECRETARY to His Excellency the LIEUTENANT-GOVERNOR.

*Wellington.—Reporting on the Port Nicholson District.* Russell, 10th October, 1840.

SIR,—

I have the honour to forward, for your Excellency's information, the following report of Port Nicholson and

the adjacent country.

Port Nicholson is situated about fifty miles from Cape Palliser, the north-east entrance of Cook Straits. The principal headlands are rugged and precipitous, and off them extend long ledges of rocks, which present anything but an inviting appearance to strangers. The harbour is at the bottom of a deep bay, and its entrance is not easily distinguished until you arrive close off the heads, on account of a reef of rocks which appear across it; but, when inside, it opens out into a beautiful and extensive harbour, in which there are no dangers of any consequence: the anchorage in Lambton Harbour is extremely good, but the one off the beach at Pitone is by no means safe. Its principal defects are the violent winds, which always blow in and out of the harbour, and with such force as to prevent merchant ships from either entering or going out; but a lighthouse and good pilots would in a great measure obviate these difficulties. The bay is capacious; it is surrounded by high and broken hills, except on the north-east side, where there is an extensive valley, through which four rivers—or, rather, a river dividing itself into four branches—run. Its soil is very rich, but it is very heavily timbered, and subject to inundations, and the hills rise abruptly on each side. I was informed that about fifteen miles from Pitone there is an extensive forest of totara, which timber ranks next in value to the kauri. The only, level space in the bay is on the south-west side, where there is about a thousand acres of undulating land, six hundred acres of which are available for a site for a town. There is a large extent of water frontage, and an abundant supply of fresh water from various streams which run from the hills by which it is unfortunately surrounded; they are so rugged and broken as to almost prevent access to the adjacent country. This is the site selected by the New Zealand Company.

The land immediately around Port Nicholson, available for agricultural purposes, is by no means extensive. An industrious yeomanry might gain a good subsistence, and sufficient supply might be raised for a considerable population, but there is no field for extensive agricultural operations. The formation of the country is clay, sand, and clay-slate, over which there is but a thin deposit of vegetable mould, which, although rich, will not bear continued cultivation, as may be seen by observing the hills, on which there is no timber; they are totally devoid of soil, and only covered with low fern and coarse grass. The climate is healthy, but cold; in the winter the hills are covered with snow. During my residence of four months there were continually heavy gales, with a great deal of rain.

Port Nicholson is important only as a port of deposit,—to what extent must depend on the value of the country between Porirua, Waikanae, Taranaki, and Kaipara, and the capabilities of the Port of Manukau: should that port prove sufficiently good to command the trade of the coast in connection with the capital, the importance of Port Nicholson will be considerably diminished: The whaleships resort entirely to the ports of the Middle Island, which are easy of access, and nearer their whaling ground.

I was not able to visit the districts of Waikanae and Taranaki; but I was informed from undoubted authority that there are vast tracts of rich land available for agricultural purposes, and a great quantity of indigenous grass. There are also harbours fit for small coasters at Mana, Kapiti, Waikanae, and Kawhia; and I believe there is an anchorage at Taranaki. I was informed by the Natives that there is an extensive and beautiful valley at Palliser Bay, but it is not easy of access by land from Port Nicholson on account of the high hills.

Dr. Dieffenbach told me that the country about Blind Bay was worthy of attention, and I have since been informed that there is a good harbour there, and a level tract of country. There is also coal in that district.

I have, &c.,

WILLOUGHBY SHORTLAND.

His Excellency Lieutenant-Governor Hobson.

Downing Street, 21st November, 1840.

SIR,—

I have received your Despatch No. 66, of the 29th May last, transmitting a copy of the address with which you opened the session of the Legislative Council of New South Wales, and in which you stated that a Bill to empower the Governor of New South Wales to appoint Commissioners to examine and report on claims to grants of land in New Zealand would be proposed for the consideration of that body.

# On the Position of the New Zealand Company.

I transmit to you herewith copies of a correspondence which has passed between this department and the gentlemen associated under the name of "The New Zealand Company," with regard to the rights which may have been acquired by the company, and the terms on which their corporate existence would be sanctioned by Her Majesty's Government. You will defer the execution of any powers that may be given to you by the Bill above alluded to, should it pass into law, until you shall receive further instructions from me on the subject.

## Land Claims Commissioner to be appointed.

You will understand, however, that it is not my intention to abandon the plan of instituting a Commission to inquire into the titles or claims to land in New Zealand, but that, on the contrary, I fully intend to carry it into execution, and that I write the present instructions in order that means may be taken for executing it with the greater accuracy as well as acknowledged impartiality. For this purpose I shall probably find it necessary to send out a Commissioner from this country.

I have, &c.,

J. RUSSELL.

His Excellency Governor Sir George Gipps.

## ADDRESS of MAGISTRATES, WELLINGTON, to His Excellency Governor HOBSON.

*Address of Magistrates to Captain Hobson, R N., on the Establishment of a Separate Government in New Zealand.*

To His Excellency Captain Hobson, R.N., Governor and Commauder-in-Chief of the Islands of New Zealand.

WE, the undersigned, holding the office of Magistrates in New Zealand, avail ourselves of the present opportunity of offering our congratulations to your Excellency upon the independent position in which the colony intrusted to your government is now placed; and at the same time we take the liberty of offering some suggestions with regard to the future government of this colony which appear to us of the utmost importance.

We have long deeply regretted that any circumstances should have arisen tending to disturb those amicable relations between your Excellency and the settlers of Port Nicholson which, for the interest of the settlers and the honour of the Crown, it is most desirable to maintain; and we rejoice at the intelligence recently received from England, because it appears to afford the means of establishing these relations upon a firm basis, and of enabling your Excellency to rally round your Government the entire British population of these Islands. We are most anxious that any misconception that may have arisen as to the feelings or intentions of your Excellency should be removed, and that the Government and the colonists should combine to give the utmost development to the vast natural resources of the colony. We are willing to believe that, whatever difference of opinion may exist as to the means by which this result is to be attained, there is on the part of your Excellency a sincere desire to advance the general interests of the colony, and that no sacrifice on your part will be deemed too great if it be found necessary for that purpose.

We do not presume to question the eligibility of the spot selected by your Excellency for the seat of Government in reference to the objects for which it was originally chosen. If no settlement of British subjects had been established in New Zealand, it is possible that the Town of Auckland might have advantageously formed



the capital of the country, and the centre from which colonization should spread. We however venture to submit that the actual circumstances of the colony must neutralize, to a very great extent, whatever advantages may belong to that position, and must render the establishment of the seat of Government there inconvenient to the Governor, and injurious to the vast majority of those whose interests it is the duty, and, we are assured, no less the desire, of your Excellency to protect. The most weighty and numerous functions of Government will in such case be exercised in ignorance of the state of three-fourths of the British population of the Islands; and, while the proceeding both of the Legislature and Executive will often be seriously impeded by this circumstance, it cannot but happen that the interests of the settlers in this district must suffer deeply from the same cause.

The recent negotiations in England between Her Majesty's Principal Secretary of State for the Colonies and the directors of the New Zealand Company have placed the settlers at Port Nicholson in an entirely different position from that which they formerly occupied. They are no longer an assemblage of individuals irregularly establishing themselves in a foreign country, beyond the protection or control of Great Britain; nor are they squatters upon Government land, liable to be dispossessed of their property, and having no claim to recognition by Government. They form at the present moment a recognized community at least six times more numerous than any other in New Zealand, holding their lands under a title from the Crown, having contributed largely to the public revenue, and, above all, forming the nucleus of the only extensive and systematic scheme for covering with an active and industrious population the fertile wastes of the Island. The arrangements of the New Zealand Company are so far matured that within the course of the next twelve months at least five thousand additional settlers will be landed at Port Nicholson, while it is not too much to assert that within the same period not one-tenth of that number will immigrate either from Great Britain or from the neighbouring colonies to any other port. In every particular, therefore, they are entitled to expect from Government a consideration proportioned to their numbers. Especially are they entitled to expect that the local Legislature shall be established in that part of the Island where the greatest interests are at stake, and that the members of that Legislature who are not officers of the Crown should be selected from their body. It would be invidious, and could hardly fail to result in injustice, if the community of eight thousand persons should be subject to the control of individuals selected from a population of less than three hundred, ignorant of their wants, and having different and perhaps opposite interests.

The present position of the settlers at Port Nicholson is changed, moreover, in another most important respect. A very few months since it appeared as though all communication between that harbour and the fertile districts of the West Coast must take place by water; the hills surrounding the port were regarded as impassable barriers, over which no practicable road could be carried; and thus it was assumed that Port Nicholson, whatever its other advantages, was ill adapted to form a centre from which the settlers might radiate. Recent investigations have disproved this assumption, and a road is now nearly completed to Porirua, which brings the settlers immediately upon the rich belt of land at the base of the Tararua and Tongariro mountains, including the whole Taranaki district, and watered by numerous rivers, two of which, the Whanganui and the Manawatu, are hardly inferior in importance to the Thames itself.

Not merely is it important for the sake of the settlers at Port Nicholson, but we would suggest that the honour of your Excellency, which is deeply involved in the tranquillity and progress of the colony, equally requires that the seat of Government should be established at Port Nicholson. The relations between the British settlers and the Native population are at present in an undefined and uncertain state; there is no question connected with the colonization of New Zealand in which the interests of humanity are more deeply concerned, and none perhaps which is more likely to excite the attention of the British public; but it is obvious that these relations, which may be expected every day to become more complicated, cannot be superintended by your Excellency at a distance of several hundred miles, with no certain or regular means of communication between Port Nicholson and the present seat of Government. The settlers are already brought into contact with a Native population of probably twenty thousand persons. Without the presence of some controlling power which may challenge the respect and submission of the Natives, and may at the same time inspire them with confidence that they shall be maintained in the full enjoyment of their lawful rights, it is impossible to assert that the peaceful intercourse hitherto so happily maintained will be permanent. If from the absence of such a power any dissension should unfortunately arise, the presence of your Excellency will be imperatively required; but it may then be too late to cure the evils which an early residence in this place might have prevented: deep-seated distrust and enduring hostility may take the place of the kindness and confidence at present existing; and such feelings, while they would give a serious check to the progress of settlement in every part of New Zealand, could only result in the destruction of the Native population, or their being driven from the present seats of their tribes to take refuge in the mountains of the interior. Such results every humane and just man, and no one more than your Excellency, must be anxious at any cost to avoid, but no effectual safeguard against their occurrence can be found other than the establishment of the seat of Government at this port.

We would further venture to suggest that the terms accorded by the Home Government to the New Zealand

Company afford to your Excellency an opportunity of freeing yourself from the invidious duties of Land Commissioner, and of devoting your undivided attention to the discharge of the higher functions of government. We may even express our belief that, in according these terms, it was the intention of Her Majesty's Ministers, as far as possible without creating an absolute monopoly, to place the disposal of the waste lands in New Zealand in the hands of that Company, subject undoubtedly to the supervision of the Governor of the colony. This arrangement would place your Excellency in the most advantageous position for protecting the interests of the settlers, and for guiding the progress of settlement. Instead of rivalry, undignified if not absolutely injurious, between the Colonial Government and a private and powerful company, there would be a combination of efforts for the one great object of colonizing, in the briefest period, and in the most advantageous mode, the Islands of New Zealand. In this work there would be due subordination, the operations of the Company being performed under the eye of your Excellency; but this advantage can only be obtained by making Port Nicholson the seat of Government.

We are assured that your Excellency cannot be insensible to these considerations. We have not dwelt upon particular inconveniences to be experienced by the settlers in this district, such as the distance of the Courts of law, and the consequent difficulty and delay in obtaining justice, the want of a power for local improvements, and other similar topics, because the charter of incorporation promised by the Home Government will afford a partial, if not a complete, remedy for these wants. We have touched only upon those points which appear to us to affect the interests of the whole colony, and in which the Government is in no less concerned than the colonists. We are assured that among the whole body of the settlers at this port there is an earnest desire to witness the arrival of your Excellency among them as a permanent resident, and that all classes would unite in a cordial support of your government.

We entreat you to believe that in thus addressing you we are actuated by a sincere desire to see your Excellency's Government established upon a prosperous and permanent footing.

We have, &c.,

W. WAKEFIELD.  
HENRY ST. HILL.  
R. DAVIS HANSON.  
GEO. HUNTER.  
GEORGE SAMUEL EVANS.  
ED. DANIELL.

## The Governor's Reply.

GENTLEMEN,—

I have the honour to acknowledge the receipt of your address, and to present my best thanks for the congratulations you offer on the independent position of this colony, over which Her Majesty has done me the honour to appoint me Governor.

You are pleased to express deep regret that any circumstance should have taken place tending to disturb those amicable relations between me and the settlers of Port Nicholson, which, for the honour of the Crown and the interest of the colony, it is desirable to maintain. In this sentiment I most earnestly and cordially concur, and I shall hail with extreme satisfaction any disposition on the part of the settlers to restore that harmony which you very justly observe is so highly essential for the development of the resources of the colony, and which you do mo but justice in believing I am most desirous to cultivate.

Gentlemen, I should hold it to be inexpedient and improper for me to enter into any discussion with you upon suggestions you have thought fit to offer on the future government of this colony. But I hesitate not to assure you that your interests shall not be neglected; that every measure shall be taken in strict accordance with Her Majesty's gracious pleasure, as conveyed to me by Her Majesty's Principal Secretary of State for the Colonies; and that such suggestions as you have already offered in your address, or may hereafter offer, for the benefit of the settlers in the southern districts shall receive due consideration. I have reason to hope that when the arrangements of Government are fully complete many of the inconveniences of which you complain will be

found susceptible of easy adjustment; and I will not allow myself to believe that I shall be denied the satisfaction of soon meeting the settlers at Port Nicholson on terms of mutual confidence.

I have, &c.,

W. HOBSON.

## **No. 12. COPY of a DESPATCH from Governor HOBSON to the PRINCIPAL SECRETARY of STATE for the COLONIES.**

*Wellington.—In Reply to Petition of Settlers, praying for the Governor's Removal.* Government House, Auckland, 5th August, 1841.

MY LORD,—

I have the honour to refer your Lordship to a petition addressed to Her Majesty from some of the inhabitants of Port Nicholson, praying for my removal from this Government, which I apprehend was forwarded in the early part of June in this year, a copy of which is contained in the file of papers I herewith transmit.

It is highly repugnant to my feelings to offer any defence against charges so unjust and so unfounded; but, for your Lordship's information, I beg to state that I deny that Port Nicholson is either geographically or locally adapted for a seat of Government I deny also that I have ever sent a vessel to entice away from Port Nicholson any artificers or labourers who could be induced to leave that settlement, and I beg respectfully to submit to your Lordship that, in the absence of any clue to or knowledge of the intentions of Her Majesty's Government towards the settlers at Port Nicholson, and without the authority usually vested in a Governor, I could not visit that settlement with any advantage to the inhabitants. These three allegations form the grounds of the petition. The first is met by a contradiction founded on authority the most authentic and disinterested that could be procured. The second I deny in distinct and positive terms; premising, however, that I did cause to be hired for the service of Government, in erecting this house, the mechanics and labourers mentioned in the margin,

Four pair of sawyers, 2 stonemasons, 4 carpenters, 5 labourers.

for whom a free passage was provided in a ship that was casually passing between the ports; but, so far from this step being taken in a clandestine manner, I advertised for workmen generally throughout the colony, without reference to Port Nicholson more than any other settlement where there might be men wanting employment. To the third I trust your Lordship will consider that I have given a sufficient reply.

I have, &c.,

W. HOBSON.

## **No. 13. R. VERNON SMITH, Esq., to J. SOMES, Esq.**

*Wellington.—In Reply to Complaints of New Zealand Company against Governor Hobson.* Downing Street, 19th August, 1841.

SIR,—

I am directed by Lord John Russell to acknowledge the receipt of your letter of the 29th ultimo, in which

you complain of the unfavourable view which Governor Hobson appears to take on all occasions of the proceedings of the New Zealand Company, and of its agent and officers in the colony. His Lordship desires me to acquaint you, in reply, that the friendly relations which it is so important to maintain between the Governor of New Zealand and the Company's agents would, in his opinion, be rather impeded than advanced by making the subject of correspondence and admonition those misunderstandings which unfortunately have arisen while the parties were in ignorance of the negotiations which passed between the Company and Her Majesty's Government at the close of last year.

I have, &c.,

R. VERNON SMITH.

## No. 14 Governor HOBSON to W. WAKEFIELD, Esq.

*Equitable Arrangements with Natives will be sanctioned.* Barrett's Hotel, Wellington, 5th September, 1841.  
SIR,—

In order to enable you to fulfil the engagements which the Company have entered into with the public, I beg to acquaint you, for your private guidance and information, that the local Government will sanction any equitable arrangement you may make, to induce those Natives who reside within the limits referred to in the accompanying schedule to yield up possession of their habitations; but I beg you clearly to understand that no force or compulsory measure for their removal will be permitted. I have made this communication private, lest profligate or disaffected persons, arriving at the knowledge of such an arrangement, might prompt the Natives to make exorbitant demands.

I have, &c.,

W. HOBSON.

To W. Wakefield, Esq., &c.

## No. 15. PUBLIC RESERVES IN PORT NICHOLSON.

[Extract from the *New Zealand Gazette*.] Colonial Secretary's Office, Auckland, 16th October, 1841.

His Excellency the Governor directs it to be notified that the undermentioned portions of land in Port Nicholson are reserved by the Crown for public purposes, viz.: Certain allotments in the Town of Wellington, distinguished on the Company's plan by the letters A, B, C, &c. The belt of land which surrounds the Town of Wellington, extending from the external boundaries of the said town to the summits of the mountain ranges, and which is coloured green on the said plan. Portions of land at Point Jerningham, at Point Halswell, at Point Waddell, at Pencarrow Head, and at Baring Head.

The Governor further directs it to be notified that any person cutting timber or firewood on the reserves, and especially on the belt which surrounds the Town of Wellington, will be proceeded against according to law.

By His Excellency's command.

## No. 16. COPY of a DESPATCH from Governor HOBSON to the PRINCIPAL SECRETARY of STATE for the COLONIES.

*Port Nicholson.—Forwarding Chief Protector's Report on the Occupation of Lands by the New Zealand Company.* Government House, Auckland, New Ulster, 13th November, 1841.

My Lord,—

I have the honour to lay before, your Lordship the report of George Clarke, Esq., Chief Protector of Aborigines, on the state of feeling evinced by the Native chiefs in and about Port Nicholson respecting the occupation of lands in that neighbourhood by the New Zealand Company.

From the conflicting and various statements and contradictions which are advanced on this subject, I find it impossible to arrive at any definite conclusion. Nor ought any decision to be come to until the case is fairly weighed and considered by the Commissioner who is appointed to investigate these claims. To avert, however, the mischievous consequences that would result from any collision between the settlers and the Natives, I thought it right to hear the complaints of the Natives against the encroachments of the Company, and to pledge the Government to protect the aborigines in the possession of their pas and cultivated grounds, unless it is proved that they have sold them.

According to Mr. Clarke's experience, there is no instance of Natives selling their dwelling-places or cultivated lands except when they quit the spot on which they are situated; and I certainly have found that to be the custom in every case that has come under my own observation.

At Port Nicholson there are two pas, situated in the most eligible parts of the town, which the agent of the Company has included in the block he purchased from a chief named Wharepouri, although they are owned and occupied by other chiefs. The agent of the Company asserts, however, that these other chiefs shared in the payment for the land, and consequently alienated their rights. This the Natives most pertinaciously deny; and Mr. Clarke maintains that such a proceeding would be completely at variance with Native custom, as the two tribes have continued to reside on their pas ever since. The agent for the Company, I suppose calculating on getting possession, has, notwithstanding the Native claims, included these pas in the disposable land, and has allowed them to be selected by purchasers. This very dubious step may involve the Company in great embarrassment and litigation, as against any compulsion the Natives shall be amply protected by the Government, and they seem perfectly resolute in resisting all offers of compensation. In other places I fear it will be found that the precipitancy of the Company's agent will involve the Company and the settlers in still greater difficulties: resistance is offered to them in every quarter. At Porirua, which immediately adjoins Wellington, the Natives deny the right of the Company, and are prepared to resist them, even by force. On the east bank of the Whanganui the same feeling exists; and at Taranaki the powerful tribe of the Waikatos threaten to dislodge the settlers, as they did not buy the land from them, who claim it in right of conquest.

During my stay at Port Nicholson I had an opportunity of meeting many of the resisting chiefs. Those residing in the Town of Wellington, who feel that they are completely at the mercy of the white people, rely solely on the Government for support, and say, "If the Governor desert us, we will retire to our original place of residence at Tarauaki." The Natives of Kapiti, who claim the land at Porirua, speak out more boldly, asserting that they will surrender their land but with their lives; and they have already made a show of following up this determination, by interrupting the construction of a road through the disputed lands, and obstructing the communication between Wellington and Whanganui, by tapuing a river over which it was necessary to pass.

On these latter subjects I informed the principal chief, Hiko, that the right of constructing roads through the colony belonged to the Queen; and that, whilst I faithfully supported the Natives in their just rights, I would as firmly maintain those of Her Majesty, and that I trusted that I should hear no more of such resistance to measures which were intended alike for the benefit of the Native and European population. He received this hint with perfect good feeling, and promised that in future no interruption should be offered. His discussion with Colonel Wakefield respecting his land is fully reported by Mr. Clarke; and I must say it left an impression on my mind that he has not sold it.

The Natives of Whanganui have followed a very similar course with those of Porirua, as will be seen from the enclosed extract of the Police Magistrate's report. I have reason, however, to hope that a payment of money will induce these people to forego any further opposition; and the principal chief of the Waikato Tribe, Te Wherowhero, has already consented to accept compensation, to the value of £250, for the claims of his tribe on the lands of Taranaki.

I have communicated to Colonel Wakefield that the native pas and cultivations must be respected; and that, for the rest, it might be necessary to make further payments to remove all difficulties. I trust this course will have the effect of preserving harmony between the settlers and the Natives.

I have, &c.,

W. HOBSON.

## **No. 17. NOTICE by his Honour Mr. Superintendent RICHMOND.**

*Warning Settlers not to negotiate for Land within the New Zealand Company's Blocks.*

WHEREAS it hath been represented to me that certain persons have endeavoured, or are endeavouring, to acquire a property in certain portion or tracts of land, by purchase or leases from the aboriginal inhabitants of this colony, within the limits of the blocks of land already selected, or about to be selected, under the sanction of Government, by the agents of the New Zealand Company in the settlements of Port Nicholson, at the Wairarapa, on the coast from Port Nicholson to Taranaki, at Nelson, Port Cooper, and elsewhere; and that such persons state that they are doing so under the sanction of His Excellency the Governor: Now, I hereby give notice that the Governor has consented to waive the right of pre-emption on the part of the Crown in favour of the New Zealand Company alone in the settlements and districts before mentioned; and that any bargains made by private individuals with the aborigines for the purpose of acquiring land, whether by purchase, lease, or otherwise, within such districts, above mentioned, will not be sanctioned or recognized by the Government.

I therefore hereby warn all persons from entering into any such negotiation with the aborigines, which can only end in the loss and disappointment of the parties concerned, besides having a decided tendency to obstruct and, in a great measure, retard the settlement of the very important questions in the course of adjudication between the Government, the New Zealand Company, and the aborigines; upon the final adjustment of which the prosperity of these settlements so much depends.

M. RICHMOND,

Superintendent Southern Division, New Zealand. Wellington,

2nd April, 1844.

## **No. 18. Mr. Commissioner SPAIN to Governor FITZROY.**

*Relative Position of Europeans and Aborigines.* Wellington, 2nd July, 1844.

(Confidential.)

SIR,—

The various communications which I have had the honour to forward by post up to this date will have put your Excellency in possession of my proceedings in the execution of my commission as fully as despatches written before the completion of the duty, and during my transit from one part of the colony to another, have afforded me the opportunity; but that portion of your Excellency's letter of the 3rd ultimo in which you are pleased to express a desire to receive further communication from me on the subject of the relative position generally of the European and aboriginal races demands my immediate attention, and I embrace the earliest opportunity of complying with your Excellency's wishes.

Further experience gained during the last six months while I have been, if not actually residing amongst, yet in constant communication with the Natives respecting disputed claims to land, has led to the confirmation to the fullest extent of the opinion I have before expressed as to the absolute necessity of the introduction into this colony of a naval and military force sufficiently strong to convince the Natives of our power to enforce obedience to the laws, and of the utter hopelessness of any attempt on their part at resistance to its execution.

I have before so often had occasion to describe the cause which, in my opinion, first led the Natives to doubt the justice of our intentions towards, and subsequently to suppose us too weak and too cowardly to attempt any coercive measures against them, that it is now needless to do more than advert to the effects produced, and the present actual state of the Natives as regards their opinions of and intentions towards the European settlers. At the same time, I wish your Excellency clearly to understand that I intend my observations to apply to the districts in the South which I have visited, and which may be totally different from the districts in the northern part of the colony where the same causes have not existed to produce similar results.

In the execution of my official duties as Commissioner in the settlements of the New Zealand Company, in investigating the claims to land of that body, it has happened that, with scarcely an exception, I have had occasion to decide in favour generally of the Natives. This circumstance would fairly lead to the inference that this race at least would now place confidence in my decisions, and show a disposition to abide by and obey them; but it is with regret that I am compelled to admit that the fact is precisely the reverse of this. In cases where they have only sought for compensation, and never denied a partial sale, the moment the amount to be paid them was decided upon they began to object to accept it, and to propose terms that could not be entertained. In fact, it appears to me that they have determined totally to disregard British law and authority, and that they have come to the conclusion that we are not strong enough to enforce the one or maintain the other. This state of things appears to me as detrimental to the interests of one race as the other, stopping the wholesome progress of colonization, and totally preventing the European settlers from benefiting the aborigines by teaching them the usefulness of habits of industry, and the advantages attendant upon civilization.

It appears to me that, before we can now carry out the philanthropic principles that were stated to be the objects of the colonization of New Zealand, it is absolutely essential that we should, by a demonstration of physical force, show our actual power; and, having once done this, I think their conviction of the real benefits conferred upon them by the residence amongst them of Europeans would speedily follow; and I am clearly of opinion that the actual introduction of a sufficient force is as necessary to the Natives as to the Europeans. In support of this argument, I beg to state that I have been assured, from undoubted authority, that the majority of the rising Native generation, who have enjoyed the advantages of education and Christianity, are of this opinion, being convinced that such a measure alone will insure the prosperity of the colony. They say: "Do not send a few soldiers: that will do no good. Send so many that there can be no mistake about the power they would have in making the old men do what they ought." And, as far as the European population is concerned, I consider that, unless the introduction of the force I have recommended takes place, an extensive colonization of these Islands cannot be hoped for or reasonably expected.

The present disposition to encroachment manifested by the Natives, and the unprotected position of the settlers in this part of the colony, are now becoming daily more visible to the European residents, and must soon become known to that portion of the English public whose attention, from various causes, is directed to the colonization of these Islands.

We have every reason to anticipate, under favourable circumstances, the influx of a considerable and influential body of colonists, and the advantages to be derived by the Native race from an intercourse with such a class of persons can scarcely be estimated.

I have now seen a great deal of the country, and I am preparing a detailed account of my late journey for your Excellency, which will afford you some interesting information, and may prove useful. One fact, however, that has every day forced itself upon my observation, I think applicable to my present argument. I have travelled over a country where I found millions of acres of first-rate available land, upon which the human foot has scarcely ever trod, showing the capability of this country for maintaining a very large population; and it does appear truly lamentable that the present few inhabitants should be differing on the subject of land, when there is so much more of that commodity available for every purpose than can be required for centuries to come.

I am clearly of opinion that at the Hutt, Whanganui, Taranaki, and other places, the Natives, attracted by European settlements, and feeling the advantages of bartering with the settlers, have come and cultivated land in the immediate neighbourhood of those places, which they would not otherwise have thought of taking possession of. Again, at Taranaki I found the Natives little disposed to abide by my award, and offering various obstructions to the settlers, not because they wanted the land themselves, but merely to prevent the Europeans from making use of it.

The places, then, that occur to me as requiring the immediate presence of a military force are....; and I should recommend an augmentation of the force at this place. I think the appearance of the soldiers, and the occasional visit of a man-of-war, would alone produce the required effect, without rendering any positive attack necessary; and I am convinced that the residence of the military would soon restore confidence between the two races, and tend to their mutual benefit. God forbid that I should recommend the introduction of a military force for the purpose of recklessly attacking the Natives. My decided opinion is that the moral effect produced by a demonstration will be alone sufficient, and will prevent the shedding of blood which must otherwise, sooner or later, take place, and which would, in all probability, end in the ultimate total destruction of the aboriginal race.

I have, &c.,

WILLIAM SPAIN.

## **No. 19. PROCLAMATION by His Excellency GEORGE GREY, Esq., Lieutenant-Governor and Commander-in-Chief in and over the Colony of New Zealand and its dependencies, and Vice-Admiral of the same, &c.**

*Proclamation waiving Right of Pre-emption within the New Zealand Company's Districts.*

In order to facilitate the acquisition of land by the New Zealand Company, under the arrangement made with Her Majesty's Government, and by authority of Her Majesty's Principal Secretary of State for the Colonies, I, the Lieutenant-Governor, do hereby proclaim that until further notice, to be duly given, I will, in favour of the New Zealand Company, and of no other person or order of persons whatever, waive the right of pre-emption of Her Majesty, her heirs and successors, of all lands and Tights belonging to the Natives within such portions of the Northern and Middle Islands as are commonly known as the Company's districts.

Given under my hand and seal, at Wellington, this twenty-first day of February, in the year of our Lord one thousand eight hundred and forty-six.

G GREY,

Lieutenant-Governor and Commander-in-Chief.

GOD SAVE THE QUEEN!

## **COPY of a DESPATCH from Governor GREY to the**



# Right Hon. W. E. GLADSTONE.

*Wellington.*—*As to Exceptions made in Grants issued to new Zealand Company.* Government House, Auckland, 14th September, 1846.

SIR,—

In reply to your Despatch No. 14, of the 21st March last, directing me to afford such necessary relief to the New Zealand Company as it might be in my power to adopt, in reference to certain complaints made in a letter addressed to you by the Secretary of the Company on the 28th February last, regarding various exceptions which had been made in deeds of grant offered to them for their lands in the Port Nicholson and Nelson districts, I beg to state that, long previously to the receipt of your despatch, the same complaints had been addressed to me by the agent of the Company in the colony, and that on my consulting the Law Officers of the Crown on the subject they stated it as their opinion that the exceptions in these grants objected to by the Company were such as to afford them reasonable ground of complaint. The enclosed copy of the instructions I have issued to Lieutenant-Colonel McCleverty will show the manner in which I have proposed to relieve the Company from the difficulties arising from the loose exceptions which have been made in their grants of all Native pas and cultivations, &c.; and, in reference to their complaint of the reservation of certain spots in the Town of Wellington to private purchasers, to whom deeds of grant have actually been made, I have the honour to report that, acting under the advice of the Law Officers of the Crown, I addressed a warrant to the Attorney-General, directing that proper means should be taken for applying to the local Courts to annul the grants which have been so made, it being the opinion of the Law Officers of the Crown that when the Crown had been recommended to make these grants it had not been advised of all the circumstances of the case, and had injured the rights of other parties.

I have, &c.,

G. GREY.

The Right Hon. W. E.  
Gladstone, &c.

*Port Nicholson.* 14th September, 1846.

THE question of the cultivated lands reserved to the Natives of Port Nicholson and its vicinity is one of some difficulty.

The Government were pledged by an arrangement concluded with the Natives by Governor Fitzroy to secure them all the pas, burial-places, and grounds actually in cultivation by the Natives; the limits of the pas to be the grounds fenced in around the Native houses or huts, without the fence, and the cultivations being those tracts of land which are now used by the Natives for vegetable productions, or which had been so used by any aboriginal natives of New Zealand since the establishment of the colony. This description was very vague, and, as the lands intended to be included in it were not at that time defined, it has now become almost impossible to tell whether many portions of land, now in cultivation by the Natives, or which were formerly so, have been occupied by the Natives since the date of this arrangement with Governor Fitzroy, in which case they will of course have no title to them, or whether, though now retaining marks of having been under cultivation, they had ceased to be cultivated before the formation of the colony, in which case also they would be excluded from the class of lands contemplated by Governor Fitzroy. In short, it has become almost impossible to tell what lands were included in this agreement. The Government have made an attempt to remedy this evil by directing that a survey should be made by Government officers of all portions of land which they regarded as being secured to the Natives by Governor Fitzroy's arrangement. This survey is now probably very nearly completed; the amount of land included in it is estimated at about three hundred and eighty acres, and in this quantity are, I believe, included all lands claimed by the Natives. These lands consist principally of cultivated grounds

scattered in small patches of a few acres throughout sections owned by European proprietors, whose farms are in many instances rendered comparatively valueless by the isolated patches of cultivation which are dotted throughout them. As might be anticipated, from the looseness of the original agreements, and from the circumstances above stated, the settlers in many instances contend that the lands regarded by the Government surveyors as included in Governor Fitzroy's arrangement ought to be excluded from it.

The manner in which the Native reserves have been administered in Port Nicholson has somewhat contributed to increase these evils. I will point out presently, in general terms, the evils which I believe to have resulted from the mode in which lands were in the first instance reserved for the Natives; but, in addition to these general evils, the following ones, peculiar to Port Nicholson, will be found to exist: The Company's lands in that district were to a great extent sold to absentee proprietors, and to the present day are only to a very limited extent occupied by Europeans. At the first settlement of Port Nicholson by Europeans the Natives continued as before to cultivate exactly where, and in each position to exactly what extent, they pleased. Those persons who were charged with the administration of the Native reserves were probably, from this cause, led to believe that, as the Natives rarely occupied their reserves, they did not require them for the purpose of cultivation or of residence. In this view they resolved to appropriate them for the purpose of raising a future revenue for the Natives, and they let some of the best of the reserves on very long leases to Europeans, who forthwith began to clear and make substantial improvements on them, and in some instances sublet them. Hence, when, from the spread of European population over the country, the settlers began to require lands which they had purchased, and which were occupied by Natives, the Government found it impossible to put the Natives in possession of these reserves (without which they had no means of subsistence) unless they got rid of the tenants to whom they had been leased, by paying them enormous sums as compensation, and the Natives, having no other lands to go upon, sturdily retained possession of the spots they had occupied. This state of things produced the most serious evils, led to constant and violent disputes between the Europeans and Natives, prevented the progress of the settlement, and afforded a constant ground of dispute between two races of people who could most materially assist each other, and who have positively no other ground whatever of jealousy or difference between them.

The mode by which I have hitherto endeavoured to get rid of this difficulty has been as follows: To ascertain exactly what lands the Natives are entitled to. If they are in possession of lands the *bonâ fide* property of settlers, as there have been no reserves at my disposal on which the Natives could be placed, I have purchased, at the expense of the Government, lands for them in spots selected by themselves and of such extent and quality as to render them good and obedient citizens, by giving them a valuable and permanent interest in the prosperity of the country, and, having made over these lands to them, I required them to surrender to Europeans the properties to which they were justly entitled. I proposed in the same manner, in dealing with the question of the other Native cultivations required by Europeans, to inquire in all instances whether the Natives had sufficient lands for their wants, exclusive of those required by the Europeans. If they had, I would encourage them to sell to the Europeans at a moderate price those portions of their cultivations which interfered with the operations of the European settler, and I believe the Natives would in almost every instance gladly accede to an arrangement of the kind. If the Natives have not sufficient lands for their wants, exclusive of that portion of their cultivations which may be required by the settler, I would recommend that the settler or the Company should be required to pay to the Government such sum as Colonel McCleverty may think proper, and that he should thereupon recommend the Government to purchase for the Natives some portions of land selected by themselves, which should be given to them in lieu of those cultivations required by the Europeans; and it would be essential that every exchange of this kind should be one which is rather advantageous to the Natives than otherwise, not only for the purpose of securing their immediate and cheerful acquiescence in the exchange, but with a view to securing, together, with their comfort, their attachment to the form of government under which they live.

Such an arrangement can only be carried out by an immediate expenditure for the purchase of the requisite lands on the part of the Government. If such an expenditure were never to be refunded I should feel justified in incurring it. A settlement of this vexatious question, by restoring tranquillity and the confidence of the Natives, will save a large military and naval expenditure, and will extensively promote internal production and commerce; but the fact is that, besides producing these advantages, the expense incurred may very soon be refunded to the Government from the sale of some of the Native reserves. It may be said, in fact, that the Native reserves are at present in a great measure unavailable to the Native population, either from their being leased to Europeans, from their ineligible position, or from the soil not being adapted to the mode of husbandry at present pursued by the Natives. In lieu, therefore, of these at present unavailable reserves, the Government is about to put them in possession of land adapted to their wants; in other words, to exchange certain lands for reserves, which will consequently not be needed for the future wants of the Native population, and will therefore ultimately form a source from whence the Government may reimburse itself for the expenditure at

present incurred.

I have only to add that much will depend, in the settlement of this difficult question, upon judicious management. It would be better in the first instance only to deal with those cases in which lands under cultivation by Natives, or claimed by them under Governor Fitzroy's agreement, are required by European settlers. By thus dealing with individual cases upon their own merits, and only taking cases from time to time as the Europeans required the land, there will be much less probability of creating any combination amongst the Natives or extortionate demands from them; but what should at once be settled is, What lands are included in Governor Fitzroy's arrangement? These should at once be defined and surveyed; and, the question having been thus once arranged, no fresh claims should ever hereafter be entertained.

## District of Wairau.

With regard to the purchase of the Wairau District from the Natives, it appears unnecessary to make any lengthened observations. Colonel McCleverty will soon make himself master of more information on this subject than is possessed by any other person. It may be sufficient to say generally that a very great benefit will be conferred upon the colony by the prompt and immediate settlement of this question. It will be desirable, before entering into any negotiation upon the subject, to ascertain the exact number of Natives at present inhabiting the district, the extent of land they have under cultivation, and whether any portion of the Ngatitōa Tribe are likely to remove from Porirua to that district, and then take the necessary precautions for securing to the Native inhabitants blocks of land in continued localities of sufficient extent to provide for the wants of the probable Native population.

I think it proper to observe generally that the system of Native reserves as laid down by the New Zealand Company, although an admirable means of providing for the future wants of the aborigines, is in some respects insufficient for their present wants, and ill adapted for their existing notions.

It will be found necessary in all instances to secure to Natives, in addition to any reserves made for them by the New Zealand Company, their cultivations, as well as convenient blocks of land for the purpose of future cultivation, in such localities as they may select themselves. Many chiefs feel a great repugnance to go upon lands belonging to other persons, if their reserves may be selected in such situations. In other instances Natives belonging to a weaker tribe are afraid to venture upon lands belonging to others, if their reserves may be selected there; and they naturally generally feel under all circumstances the greatest repugnance to quit their villages and cultivated lands, many of which have been cleared at a large expense of time and labour. Indeed, I am satisfied that it will be in many instances impossible to induce them to do this except at a considerable sacrifice of life. I therefore earnestly recommend Colonel McCleverty in no single instance to sanction the purchase of any large district of country without seeing that the cultivated grounds, and portions of land in the vicinity of them for future cultivation, are reserved for the Natives. The judicious exercise of his discretion on this subject will do more towards preserving the future tranquillity of the country than any other precautionary measure with which I am acquainted.

## Nelson.

In reference to the objection raised by the New Zealand Company to the grant of land which has been offered to them for the Nelson district, namely, that it excepts any portions of land within any of the lands described in the grant to which private claimants or any private claimant may have already proved, or may hereafter prove, that they or any of them had a valid claim prior to the purchase of the New Zealand Company, I think that Colonel McCleverty should ascertain what claims have already been preferred to such portions of these lands: these claims should be allowed or disallowed, and the exceptions complained of should then be limited to such claims as may upon inquiry be found to be valid and just;—that the inquiry should strictly be confined to such claims as have already been preferred. I do not think that claims which might now be made, after a large body of European settlers have been for so many years in possession of the land, should be allowed to operate for their detriment. If such claimants should show that they are entitled to the consideration of the Government, I think that compensation should be given to them in the form of grants to land in other localities, or in such other form as might be found most convenient.

Another general observation which I would make is that, in all instances where it is arranged that certain portions of land are to be assigned to particular bodies of Natives, Colonel McCleverty should see that they are furnished with accurate plans and descriptions of the boundaries of these tracts of land, and that when these are handed over to them they should sign a receipt stating that their claims to land have all been satisfied. Even in

cases of disputed boundaries between different tribes of Natives, it would be a wise measure of precaution to recommend the Natives to allow the Government to settle disputed boundaries, and to issue to the claimants confirmatory grants to their lands, so that no dispute regarding their title might ever hereafter arise. I have found the Natives generally desirous of receiving such descriptive grants from the Government; and, as all these grants could be registered in the Survey Office, the Native population might thus gradually be brought in a great measure to register their claims to land, and feel that the holding a positive grant from the Crown was the best guarantee and title which they could obtain. The Government would be enabled to ascertain the portions of country to which the Natives had valid claims, and those portions which might be regarded as waste lands belonging to the Crown.

I have only further to add that Colonel McCleverty will find that about seventy claims to land in the Middle Island have been made and gazetted, but have never yet been investigated. It is a matter of great importance that these claims should be heard and reported on with as little delay as possible; and, if no objection should exist to Colonel McCleverty hearing and reporting on all of these claims, he will render a great service to the Government in so doing. If, however, he should see any objection to his adopting this course, and will report the same to me, I will lose no time in despatching the Surveyor-General to the South, for the purpose of hearing such claims as Colonel McCleverty may not think proper to dispose of.

G. GREY.

## **No. 21. COPY of a DESPATCH from Governor GREY to Earl GREY.**

*Wellington.—Settlement of the New Zealand Company's Claims.* Government House, Auckland, 26th March, 1847.

MY LORD,—

In reference, to my Despatch No. 14, of the 27th January last, in which I, enclosed copies of a correspondence which had passed between His Excellency Lieut.-General Sir M. C. O'Connell and this Government upon the subject of Lieut.-Colonel McCleverty, who had been sent out to this country to settle the land claims of the New Zealand Company, having been appointed the officer in command of the troops in New Zealand, and in reference to the observations I made in that despatch upon the injuries to which the settlers were subjected by the continued delay in the adjustment of these important questions, as well as upon the disappointment which must be experienced by the Native chiefs, who, upon my explanation of the intentions of Her Majesty's Government to send out an officer to fulfil the duties which were assigned to Lieut.-Colonel McCleverty had waited patiently previously to his arrival and since his arrival, trusting that my promises would be fulfilled,—I have now the honour to report that, finding that the arrangements of the Lieutenant-General prevented me from entertaining any hopes of Lieut.-Colonel McCleverty's being able to afford me efficient assistance, and that the Natives were, at the same time, unwilling, from feelings of jealousy, to transact with the New Zealand Company's agent any business relating to the districts of land which had previously been in dispute, I found it necessary to take into my own hands the settlement of the most important of these questions.

The land claims which appeared, in the circumstances of the colony, to require, immediate adjustment were those advanced by the New Zealand Company—firstly, to the district of country including Porirua, and lying between that place and Wainui; secondly, to the District of Wairau, in the Middle Island, and the country lying immediately to the southward of that district. In both of these districts the Company had actually disposed of large quantities of land to European settlers, whom it was of course desirable, if possible, to place in possession of the sections which they had purchased; and moreover, in a military point of view, the possession of a great part of the Porirua District, and its occupation by British subjects were necessary to secure the Town of Wellington and its vicinity from future hostile attacks and aggressions from evil-disposed Natives; as it was only by the occupation of the Porirua District that the various tracks leading across the woody mountains which lie between Porirua and Wellington could be effectually closed against an enemy.

The claims of the New Zealand Company to the Porirua and Wainui districts had not only been decided upon by Mr. Commissioner Spain as against the New Zealand Company, but, after disallowing the claims of the Company to these districts, that officer had further reported that the district lying between Wainui and

Porirua, inclusive of both places, must be regarded as being in the real and *bonâ fide* possession of the Ngatitooa Tribe; and that a district of country in the Middle Island, comprising the Wairau and a part of Queen Charlotte Sound, must likewise be regarded as being the real and *bonâ fide* possession of the same tribe." This latter decision really gave a claim to the Ngatitooa Tribe to a tract of country in the Middle Island extending to about a hundred miles to the south of Wairau, as their claim to the whole of this territory is identical with their claim to, the valley of the Wairau.

Under such circumstances, I determined to purchase, on behalf of the Government, from the Ngatitooa Tribe a large district of land surrounding Porirua, including as much of the land which had previously been disposed of by the New Zealand Company as I could induce the Natives to alienate, thus meeting in as far as practicable the specific claims of European settlers; and in addition to the land acquired by the New Zealand Company I determined to include within the limits of the purchased land a very extensive block of country to meet the probable prospective requirements of the Government and settlers. The Ngatitooa Tribe, after securing an extensive reserve for themselves in one continuous block (as shown in the enclosed plan), agreed to dispose of the tract of country I required (which is also shown in the enclosed plan), which included the whole of the sections the New Zealand Company claimed, with the exception of about sixteen. As Lieut.-Colonel McCleverty had been directed by Her Majesty's Government to decide upon the reasonableness of the price paid to Natives for land, and as he was then at Wellington, I thought it right to take his opinion as to the sum which should be paid for this tract of land. He named the sum of £2,000, which under all the circumstances of the case appearing to me to be a reasonable and proper sum, I agreed to pay it to the Natives, arranging that one-half of the sum should be paid down on the 1st of April then following, and that the sum of £500 should be paid on the 1st of April, 1848, and a like sum upon the 1st of April, 1849.

In reference to the Wairau District, I thought it advisable not only to purchase this district, which was estimated by the Surveyor-General to contain 80,000 acres of the finest agricultural land and about 240,000 acres of the finest pasture land, but also to endeavour to purchase the whole tract of country claimed by the Ngatitooa Tribe, and extending about a hundred miles to the southward of that valley, the greatest portion of which country is, I understand, admirably adapted to European settlers, and is likely to be almost immediately occupied by sheep and cattle, as I thought that an ultimate and decisive arrangement of this kind would be excessively advantageous to this colony. The Ngatitooa Tribe, after considerable discussion, agreed to dispose of the acquired territory, still reserving their claims to that portion of the country which is shown in the accompanying map. Upon consultation with Colonel McCleverty I agreed to pay the Natives (who demanded the sum of £5,000) £3,000, in five annual instalments of £600 each; the first instalment of £600 to be paid on the following day, whilst the remaining instalments of £600 each were to be paid on the 1st of April in each of the four next succeeding years.

Having completed these arrangements, I directed Major Richmond to write to the Company's agent to inform him that the New Zealand Company might, in conformity with the regulations made under the sanction of your Lordship's despatch, select such portions of land in the two districts thus purchased as they might require to fulfil their engagements with the settlers, it being understood that they should repay to the Government for the lands they might select such proportion of the total purchase-money as Her Majesty's Government might, on being informed of the arrangements I had made, direct to be refunded as a proper and reasonable payment.

I trust that the arrangement I have made for the purchase of these two tracts of country will be satisfactory to your Lordship. Every land claim but one in the southward of the colony which is likely to occasion any further discussion or disturbance has now been disposed of.

The principle which I have adopted of annual money payments instead of giving at once large quantities of merchandise will I think, have a powerful influence on the future advancement of the Natives in civilization. They are already making rapid and unexpected strides in the arts of civilized life; and the funds thus supplied them will materially assist their advancement, whilst the experience of each year will render it probable that every successive annual payment will be more judiciously expended; and there can be no doubt that the fact of the Ngatitooa Tribe receiving for several years an annual payment from the Government will give us an almost unlimited influence over a powerful and hitherto very treacherous and dangerous tribe.

As the great majority of the land questions which had formed subjects of dispute and discussion have now been disposed of, and as the Natives have now become accustomed to Europeans, and understand that the laws and regulations of the Government must be respected and obeyed, I have no doubt, now that the uniform system of purchasing from them such districts in their *bonâ fide* possession as may be required by the Government is adopted, that no further disputes or disturbances on the subject of land will take place throughout the southern portions of New Zealand.

I have, &c.,

G. Grey.

The Right Hon. Earl Grey, &c.

## **No. 22. COPY of a DESPATCH from Governor GREY to Earl GREY.**

*Wellington.—Respecting Claims of New Zealand Company.* Government House, Auckland, 9th April, 1847.  
MY LORD,—

Advertising to my Despatch No. 35, of the 7th instant, upon the subject of some objections raised by the principal agent of the New Zealand Company to certain arrangements which I had made, in order to procure two districts which were required by the settlers who had purchased land from that company, I have now the honour to enclose the copy of a letter which was addressed to me by Lieut.-Colonel McCleverty upon the 17th February last, to which I did not at the time attach so much importance as I do now and of which I had delayed taking any notice until I received a report from Lieut.-Colonel McCleverty upon his proceedings in reference to the land claims at Wellington, which only reached me yesterday.

Colonel Wakefield's recent objections to the course I adopted in settling the Porirua and Wairau land claims, taken in connection with Colonel McCleverty's letter, herewith transmitted, make me now desirous of knowing whether Her Majesty's Government are prepared to suggest any mode of avoiding the following general difficulties which I fear exist to the New Zealand Company making a satisfactory arrangement with regard to their claims to land in this country.

The New Zealand Company originally claimed large tracts of land as having been purchased by their agent here, and they proceeded to sell considerable portions of the tracts so claimed, under the supposition that their title was a good one. I believe that in repeated instances one or more resales of sections thus originally purchased from the Company have taken place, by which various obligations have been incurred by the purchasers from the Company.

Upon the subsequent examination of the alleged claims of the New Zealand Company to land, by a Commissioner expressly appointed for that purpose by Her Majesty's Government, this Commissioner thought it necessary to disallow the claims of the New Zealand Company to several districts in which they had sold large quantities of land to other persons.

I have already made every effort that I could, consistently with justice to the rights of the Natives, to procure for the Company the lands requisite to enable them to fulfil their engagements, but it is my duty to state that I am now satisfied that it is doubtful whether the Government will ever be able to procure for the New Zealand Company some portions of land which that body has disposed of to other persons—at all events, without making much larger payments to the Natives than I am authorized to do at present.

In the specific case alluded to by Lieut.-Colonel McCleverty, the Te Aro Pa is situated in one of the most valuable portions of the Town of Wellington; and, according to another report I have received from the same officer, it is now inhabited by 171 men, women, and children, who will naturally feel the greatest reluctance to quit a place which they have inhabited for years, which is well suited to their wants, and with the value of which they are well acquainted.

The portions of land thus circumstanced (excluding from consideration the District of Taranaki) are neither numerous nor of great extent, but consist chiefly of small portions of land in the actual occupation of the Natives (as in the instance above stated), or absolutely requisite for their subsistence from proximity to their pas, or some analogous circumstances; and these portions of land have been decided by Mr. Commissioner Spain to be the property of the Natives, and the Government has approved and confirmed his decision.

Under these circumstances it would be very desirable if some general arrangement could be concluded with the Company by which Crown titles could be issued to the great majority of their purchasers, who either now are or can at once be put in possession of their sections, instead of delaying the issue of all such titles until the comparatively small portions of land originally claimed by the Company, and now in possession of the Natives,

can be procured for the New Zealand Company, which latter result can, I fear, only be accomplished by a considerable sacrifice of time, and perhaps at a considerable expense.

I consider some arrangement of this nature so very desirable, indeed so essential to the final settlement of the difficulties still existing in this country, that I think it would be cheaply procured by giving favourable terms either to the New Zealand Company or to the purchasers under that body. The latter persons are evidently deserving of sympathy, and can in no way be held responsible for the difficulties which have occurred; and the New Zealand Company have at least this claim: that the settlements which they originally founded are now very prosperous and exceedingly important to Great Britain; whilst at the same time the whole of my experience with the Natives from whom the Company's purchases were originally made has satisfied me that, under the then state of the colony, it would not have been practicable to have made extensive purchases without some such difficulties occurring as have actually taken place.

I have, &c.,

G. Grey.

The Right Hon. Earl Grey, &c.

## **No. 23. COPY of a DESPATCH from the Eight Hon. Earl GREY to His Excellency the GOVERNOR-IN-CHIEF.**

*Wellington.—Respecting Arrangement of Her Majesty's Government with the New Zealand Company.* Downing Street, 19th June, 1847.

SIR,—

I enclose copies of a correspondence which has lately taken place relative to the affairs of the New Zealand Company, which will put you in possession of an arrangement which Her Majesty's Government have thought it advisable to enter into with that association. I also transmit a copy of a Bill which will be proposed to Parliament for the more effectually carrying this arrangement into execution.

This measure, as you will perceive, has been resolved upon by Her Majesty's Government with a view to the resumption of the systematic colonization of New Zealand. It is proposed that the New Zealand Company should for this purpose receive a grant of public money, and should be intrusted with the disposal, for three years, of the Crown demesne in the Southern Government of New Zealand; while, in order to obtain the fullest assurance that these means and trusts shall be faithfully applied to the objects aimed at by Her Majesty's Government, a Commissioner will be appointed to attend, on their behalf, the meetings of the directors of the Company, and will be invested with ample powers to control all the proceedings of that body. The Commissioner will act under the instructions of the Secretary of State, to be given from time to time as occasion may require. By this arrangement Her Majesty's Government entertain the hope that they, may obtain in aid of systematic colonization the energy, the ability, and experience of a body of gentlemen associated together to promote an enlightened plan of colonization, and whose private interests are identified with the success of these public objects, and possessing, as they do, the confidence of those classes from which the best description of settlers are likely to be drawn. Men of character, enterprise, and small capital, they have the means, which no Government can possess to the same degree, of promoting and directing towards colonization that spirit of enterprise for which our population has always been remarkable. The success which attended the early operations of the Company, so far at least as regarded the collection of bodies of emigrants, admirably fitted, by their energy, perseverance, and self-reliance, for the arduous undertakings in which they embarked, affords the best ground for hoping that the same Company may again be enabled to send successive parties of equally efficient settlers to New Zealand, and that these arriving there under happier auspices may rapidly form thriving and prosperous communities. Such is the general design of Her Majesty's Government in the

arrangement which they have entered into.

I shall now proceed to call your attention, to a few points the due understanding of which in the colony may, in its present state, be conducive to public good. In the first place I have to remark that, in order to dispel that jealousy of the Company of which I am sorry to perceive various symptoms in the more recent advices from the colony, it is of great importance that you should use your utmost efforts to make it generally and thoroughly understood that Her Majesty's Government, in placing for three years all the Crown demesne of the Southern Province at the disposal of the New Zealand Company, have had for their main object the public interest in promoting colonization, not the private advantage of the Company. The Company will indeed, and most justly, be remunerated, if the plan should prove successful, for its large outlay of capital; but by the provision that no dividends shall be payable except from a moderate percentage to be deducted from the gross proceeds of the sales of land which it may effect, this remuneration will be made exactly in proportion to the extent to which the Company, by its activity and good judgment, shall promote colonization. Moreover, the Company in the exercise of this trust will act under the supervision of the Government Commissioner, whose duty will obviously lead him to consider every projected operation of the Company for the disposal of Crown lands with reference, not alone to the interests of the Company, but to the interests of the public both here and in New Zealand. The proceeds of the sales and leasings of Crown lands which the Company will effect will be devoted, after the necessary deductions, to colonizing purposes and the gradual settlement of the Island. By these means it is hoped that both capital and labour may be again beneficially directed towards these Islands; that the capital already so largely invested, and the property already acquired by the actual settlers, will be enhanced in value and gain additional security. The interests of the actual settlers will thus, in the opinion of Her Majesty's Government, be more effectually promoted than by any other means which could have been adopted, since the effect of resuming colonization in augmenting the value of their lands will be certain and immediate.

I am aware, however, that an apprehension exists in the minds of many of the settlers that the benefit which may thus accrue to them will be more than neutralized by the system adopted by the Company of selling land in this country; and which will oppose a difficulty in the way of its acquisition by those who have already emigrated, and more especially to its being obtained by them upon terms consistent with its being profitably occupied for pastoral purposes. This apprehension I do not consider to be well founded. The system of permanently alienating land only by sale will indeed be strictly adhered to, and I trust that, notwithstanding the prejudice in favour of cheap land, the Company's settlers will not forget the views on which they originally emigrated, or fail to perceive that their own welfare and prosperity are vitally interested in maintaining the sound principle of colonization on which their settlements were formed. Nor is the maintenance of this principle inconsistent with the adoption of a mode of selling land which shall give every proper facility to the original settlers to extend their holdings, nor to their, being permitted also, under proper regulations, to obtain the temporary occupation of land for pastoral purposes, upon easy terms. On the latter subject I have already addressed you in another despatch, in which I have transmitted to you the papers lately laid before Parliament, which show what has been done on the same subject in New South Wales. With respect to the just desire of the present settlers to be enabled gradually to, extend their holdings, this object will be provided for by conducting in the colony, instead of in this country, the sale of lands which are near existing settlements, and by taking care that all new settlements to be formed by bodies of emigrants proceeding from this country for that purpose shall be planted in situations where they cannot injuriously interfere with those previously established.

You will continue to retain in your own hands the exclusive management of all negotiations with the Natives for the sale of their lands; but, when any transactions of this sort are concluded in the Southern Province, the New Zealand Company will provide the means of payment, from funds placed at their disposal, and have the disposal of the lands so acquired.

I have only to add that these arrangements are not to interfere with the operation of any laws which, in accordance with the intention you have expressed, you may have thought it advisable that the local Legislature should pass for the purpose of enabling the Natives, under certain restrictions, to sell their own lands. I know that you so well understand the difficulties of this subject that I am well assured I may safely rely upon your assenting to no laws of this description which are not really required by the circumstances with which you have to deal, and which do not contain the best securities that can be provided against abuse. I should also expect that in the Middle Island, which will be the principal field of the Company's renewed operations, the acquisition by the Crown of the territory required for the Company will prove a matter of no difficulty, from the extreme paucity of Native inhabitants.

I have, &c.,



# The LIEUTENANT-GOVERNOR to the GOVERNOR-IN-CHIEF.

*Report of Ruinous Earthquake at Wellington.*[Extract from *New Zealand Gazette.* ] Government House, Wellington, 19th October, 1848.

SIR,—

It is my most painful duty to inform your Excellency that a terrible calamity has overtaken this province: an earthquake has occurred, and the Town of Wellington is in ruins.

On the morning of Monday, the 16th October, about twenty minutes to 2 a.m. the first shock occurred, and was sufficiently strong to throw down or injure most of the chimneys in the town, and to crack the walls of very many of the brick buildings. Considerable loss of property was sustained by breakages in the houses, and a good deal of alarm excited in the minds of the inhabitants. During the whole of Monday shocks and tremblings of the earth were from time to time experienced, but of a slighter character than the first.

On Tuesday, the 17th October, about 4 o'clock a.m., another rather smart shock was felt, and again at 8 a.m. Lighter ones continued at intervals during the day, until at twenty minutes to 4 o'clock in the afternoon, when a sudden and much more violent shock took place: by this, chimneys previously remaining up were for the most part cast down. The Native Hospital, the Gaol, many of the large brick stores, and the higher brick walls were either very much rent or wholly thrown down; immense destruction of property took place, and, I regret to add, a melancholy loss of life. Barrack-Sergeant Lovell and two of his children were thrown down and buried by falling ruins. Upon being extricated, one of the children was found dead, and the other so seriously injured that it died a few hours afterwards. The Sergeant himself was much hurt, and now lies in a precarious state.

Since dead.

During the remainder of Tuesday and the succeeding night slight shocks only were felt; but about 5 a.m. on Wednesday morning a stronger one occurred, and another about 8 a.m. Minor shocks continued at intervals during the remainder of the day and evening until the morning of Thursday, the 19th, at ten minutes past 5 a.m., when a most violent and awful shock took place; every building was rocked to and fro in a fearful manner, and, with the exception of the wooden dwellings, most of the houses and stores were seriously shattered or fell in. The whole population were in the utmost consternation and alarm; and the destruction of property was immense; but, most providentially, up to the present time no further loss of life has ensued. Numbers of persons are, however, ruined; many left houseless and homeless, except such temporary shelter as can be afforded by the new church, Te Aro, by Government House (where the hospital patients and some others are taken in), and by the wooden buildings of their friends. Many persons are afraid of remaining in any of the houses at night, and retire to the bush among the hills in the hope of being more secure, notwithstanding the wild and inclement weather by which the earthquake has been accompanied.

A blow has been struck at the-prosperity, almost at the very existence, of the settlement, from which it will not readily recover. Terror and dismay reign everywhere; for the last four days no business of any kind has been transacted. The energies of all seem paralysed, and during that period no one has been able to feel for a moment that even life itself is secure. As I now write, too (11 p.m., 19th October), incessant and alarming tremblings of the earth are experienced. What may be the eventful result, or when this dreadful state of suspense and anxiety may be terminated, God alone can tell, but every one seems to feel a presentiment that it will end in some still more fearful catastrophe than any which has taken place.

The sad ravages which have already occurred, and the terror which so frightful a visitation naturally produces in most men's minds, will, I apprehend, drive from the colony all who can find the means of getting away. The few ships now in port, waiting for moderate weather to sail, are crowded to excess with colonists abandoning the country, and numbers are unable to obtain passages.

Under this awful visitation, I deemed it my duty at once to summon my Executive. Council, and, with their approval, to proclaim a day of public and solemn fast, prayer, and humiliation, in order that supplication might be offered up to Almighty God to avert the occurrence of any similar visitation; and Friday, the 20th day of October, was appointed for this purpose. I will not fail to communicate to your Excellency such further information and reports as it may be in my power from time to time to render.

I have, &c.,

E. EYRE.

His Excellency the Governor-in-Chief.

Government House, Wellington, 21st October, 1848.

SIR,—

In continuation of my despatch of the 19th instant, I have the honour to inform, your Excellency that, between half-past 11 p.m. on the 19th and 1 a.m. on the 20th, frequent and rather strong shocks succeeded each other in rapid succession, during which time the earth appeared to be in a continual state of agitation under foot. The shocks and the pulsation of the ground then ceased until about 5 a.m., when slight shocks again occurred, and were repeated at intervals during the whole of Friday, but no further damage was done by them; and, although shocks have been experienced occasionally up to the present time (11 a.m., Saturday, the 21st October), I would hope that the worst is over, and that the convulsions of Nature may gradually subside. We are not, however, aware of any eruptions having taken place, or any vent being opened in any direction; though strong lurid lights, seen, in the sky in the evenings, in the north and south, seem to be reflections from the light of some volcano.

Yesterday (Friday, the 20th October) was, in accordance with the intimation given your Excellency in my last despatch, observed as a solemn fast-day, and I am happy to say that it was most reverently observed, persons of all classes and all denominations responding in right feeling and conduct befitting such an occasion, and showing, by the immense assemblages at the various religious observances of the day, that they acknowledged the hand of the Almighty, and looked to Him only for safety and protection.

In consequence of the long continuance of the earthquake, and the uncertainty as to what may be its eventual results, I have deemed it right, under the advice of my Executive Council, to order the detention for a few days of any vessels in harbour which might attempt to leave it, the alarm and apprehension being so great that, if the few ships now here were to sail away, the people would consider themselves as altogether deserted, and without any means of security left them should futures shocks occur and produce greater devastation than already exists. This order, I find, has already exercised a most beneficial influence in keeping up the spirits and confidence of the population. I have also taken the precaution of shipping on board Her Majesty's ship "Fly" the greater part of the specie in the colonial chest until such time as the elements appear more settled. The Commissariat Department have, I believe, also done the same, under the instructions of the Senior Military Officer.

Persons arriving by a vessel leaving Otakou on Wednesday, the 18th, state that no shock had been experienced there up to the time of her sailing. I have no accounts from Whanganui or Nelson, but fear the earthquakes must have been felt severely at both. From Queen. Charlotte Sound an open boat came over, in very stormy weather, for the purpose of bringing away a party of European women who were living there, and were alarmed at the convulsion going on. At Porirua the military barracks are destroyed, and the troops are living in whares. The Natives have no recollection of any earthquakes at all corresponding, in either degree or continuance, to the one which is now visiting us.

I. have. &c.,

E.EYRE.

His Excellency the Governor-in-Chief.

# No. 25. Captain T. B. COLLINSON, R.E., to the Hon. the COLONIAL SECRETARY.

*Official Report on the Earthquakes of October, 1848.* Wellington, 21st November, 1848.

SIR,—

We have the honour to acknowledge the receipt of your letter of the 25th October, informing us that it was the desire of His Excellency the Lieutenant-Governor that a Board should be appointed to examine and report on the damages, done in-Wellington by, the late earthquake, and further informing us that Mr. Park had been chosen by the inhabitants as a member of the Board on their part, and that the Council desired—that Mr. St. Hill and Captain. Collinson should act on the part of the Government.

We beg to report that, in compliance with that letter, we have examined the damaged buildings, and we herewith enclose a list of them. On that list is stated the manner in which the proprietors propose to repair their buildings, as they have informed us, and also what further measures we have in some instances considered necessary. In those cases where the damaged houses front the principal streets, and in their present state are a nuisance and a danger to the public, we beg to recommend that one month be allowed to the proprietors to repair them. The particular repairs required to such houses are marked in the list as being necessary to secure the public thoroughfares. In addition to the damages mentioned in the list we find that almost every chimney in the town, has been broken down close to the roof. As this is a very dangerous nuisance in a town composed chiefly of wooden houses, we consider it very desirable that the inhabitants should be obliged to build up the damaged chimneys to a safe height above the roof within two months.

The above forms the principal object of the Board; in the course of executing which we beg to state we have been very much assisted by the list of damaged houses drawn up by Sergeant Mills, of the Armed Police. But we further beg to offer a few remarks on the description of building best adapted to stand shocks of earthquake, which may be of use to persons about to build storehouses, which are desired to be more secure from fire than wooden houses. We have observed that those brick buildings have suffered least which have had bond-timbers in the brickwork, or have been lined with wood or weather-boarded; and that a great many gable-ends of houses, in which the wall-plate has not been carried through the gable, have been thrown down, without reference to any particular direction of the compass, and that the gable-ends of hipped roofs on the contrary have not suffered so much. And also that in almost all the brickwork the mortar has been of a very bad description, being composed of lime and clay instead of lime and sand, as it should have been, by which there has been so little bond in the brickwork that many walls have been shaken down in single bricks. The building we recommend for the above object, and for greater security against fire than a weather-boarded house, is a strong wooden frame upon a brick foundation, filled in with brick-nogging laid in mortar, and covered outside with strong laths and plaster, and inside with boards or plaster. But as it is probable that there will be always a great many houses in the town built entirely of wood, we recommend it to the consideration of the inhabitants that all future wooden houses should be separated from each other as much as possible, both as a security against fire, and because the action of a shock is sometimes of an undulating kind, that will take more effect on a continuous line of buildings than on several detached small ones.

With respect to your letter of the 30th October, requesting us to prepare a general report upon the earthquake, to show the direction of the earth's motion during the shocks and other incidents, we beg to add a general account of the occurrence, collected from the different statements that have arrived up to this time from the neighbouring places. The action of the earthquake appears to have extended from about the latitude of Banks Peninsula to the latitude of New Plymouth, the strongest force of it having been in Cook Strait, and in a north-west and south-east direction from thence. It commenced on the 16th October with a violent shock, at 1.30 a.m.; on the 17th there was a second, at 4 p.m.; on the 19th a third, at 5 a.m.; and on the 24th there was a fourth, at 2 p.m. These were all the strong shocks, but in the intervals there were a great number of smaller shocks, varying from ten to twenty in the twenty-four hours, and these continued, gradually lessening in number and force, from the 16th to the 30th October, and from that time to this there have been several more violent than the small shocks. The strong shocks appear to have been felt at all the settlements within the latitudes above mentioned, and, as far as we can determine, simultaneously (but we have no certain data to decide this point), and also with the same character, but less in force in proportion to the distance from Cook Strait, and the line of north-east and south-west direction.

The strong shocks were all of this character: A sound like subterranean thunder, accompanied with a vibration of the ground for a few seconds, and then a quick, heavy oscillation of the earth, which in a few seconds more died away with a quivering motion; the small shocks had not much of the heaving motion, but were more like the firing of a cannon immediately underneath the place; they were sometimes so frequent that it sounded like a distant cannonade, while the earth appeared to tremble incessantly for two or three hours together. The direction of the noise and the motion of the earth appeared to some people to come from the southward, to others from the northward; the buildings that have been damaged are injured principally on the south-east sides and on the north-west sides. A billiard-table in Barrett's Hotel was moved an inch to the south-east. The shocks were felt at Nelson a little more violently than at Whanganui, hardly at all at Hawke's Bay, and as strongly at Banks Peninsula as at Whanganui. Therefore we conclude the line of direction to be north-east and south-west. There have been a few cracks made in the ground at Wellington and at the mouths of some small rivers on the north-west coast, and at the mouth of the Wairau; they are long narrow cracks, not larger than those caused by a long drought.

On the 16th October, eight hours after the first shock it being high water but neap tides, the tide rose in Wellington one foot above ordinary spring tides, but this might have been occasioned by a strong south-east wind which lasted the 15th and 16th. On the 17th it was calm fine weather; on the 19th strong south-east gale; on the 24th fine and calm. On the 19th and 20th the *aurora australis* was very brilliant in the south-east, but there was nothing to indicate it had any connection with the earthquake. There was no change in the barometer or thermometer that would appear to have given warning of a shock. It appears to have been felt less on the higher grounds and upon rocky foundations. The last winter had been an unusually rainy season, with little wind, and this is a circumstance which is said to be connected with earthquakes in South America. It appears not to have been felt at all at Otakou or Auckland. Up to this date no eruption has been heard of at any place within the limits of the earthquake as above stated.

We have endeavoured to ascertain the amount of damage done to the town, and we consider that, at the utmost, it is not more than £15,000 in property of all descriptions, and that includes £3,500 of the Colonial Government and £1,000 of Her Majesty's Ordnance.

We have, &c.,

T. B. COLLINSON, Captain R.E. ROBERT  
PARK, Civil Engineer. HENRY ST. HILL, R.M.

The Hon. the Colonial Secretary, &c

*Calling on Native Tribes to come in and give themselves up.*[Extract from New Zealand Gazette. ]

By His Excellency Sir G. Grey, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c.

Whereas by an Act of the General Assembly of New Zealand, intituled "The New Zealand Settlements Act, 1863," it is enacted that it shall be lawful for the Governor, by Proclamation to be published in the Maori as well as the English language, to call upon any Native tribes, or individuals thereof, who shall have been engaged in any of the offences specified in section five of the said Act, to come in and submit to trial according to law, on or before a certain day to be therein named; and all who shall refuse or neglect to come in and submit themselves accordingly shall not be entitled to compensation under the said Act:

Now, therefore, I, Sir George Grey, the Governor as aforesaid of the said colony, in pursuance of the said power and authority in me vested do hereby call upon the Native tribes named in the Schedule hereto who have been engaged in the offences in the said Act specified—that is to say: (1) who shall, since the first day of January, one thousand eight hundred and sixty-three, have been engaged in levying or making war or carrying arms against Her Majesty the Queen, or Her Majesty's forces in New Zealand; or (2) who shall have adhered to, aided, or assisted, or comforted any such persons as aforesaid; or (3) who shall have counselled, advised, induced, enticed, persuaded, or conspired with any other, person to make or levy war against Her Majesty, or to carry arms against Her Majesty's forces in New Zealand, or to join with or to assist any such persons; as are before mentioned in subsections one and two; or (4) who, in furtherance or in execution of the designs of, any

such persons as aforesaid, shall have been, either as principal or accessory, concerned in any outrage against person or property; or (5) who, on being required by the Governor, by Proclamation to that effect in the Government *Gazette*, to deliver up the arms in their possession, shall refuse or neglect to comply with such demand after a certain day to be specified in such Proclamation—to come, in and submit to trial according to law on or before the first day of June, one thousand eight hundred, and sixty-five. And I do hereby proclaim and declare that all such persons as shall have been so engaged as aforesaid, who shall refuse or neglect so to come an and submit themselves accordingly, will be debarred from all claim to compensation under the said Act in respect of any title, interest, or claim to any lands within the limits defined in my Proclamation of the twenty-ninth day of December, one thousand eight hundred and sixty-four, and the thirtieth day of January, one thousand eight hundred and sixty-five, and Which are intended to be taken under the provisions of the said Act.

Given under my hand, at the Government House, at Wellington, and issued under the seal of the Colony of New Zealand, this first day of April, in the year of our Lord one thousand eight hundred and sixty-five.

G. GREY.

By His Excellency's command.

WALTER  
MANTELL.

## Schedule.

Ngatipou, Ngatihine, Te Ngaungau, Ngatimahuta, Ngatihaua, Ngatikoroki, Ngatiruru, Ngatimaniapoto, Ngatiapakura, Ngatihinetu, Ngatiraukawa (on the Horotiu), Ngatimatakore, Ngatitamaoho.

GOD SAVE THE QUEEN!

Approved in Council,

1st April, 1865.

FORSTER GORING

CLERK OF THE EXECUTIVE COUNCIL.

## [Translation.]Panuitanga.

1st April, 1865.—*Proclamation to Native Insurgents to surrender themselves.*  
Na Ta HORI KEREI, Kawana Niu Tireni, &c.

No te mea kua whakaritea i roto i tetahi o nga Ture a Te Runanga Nui o Niu Tireni i huaina ("The New Zealand. Settlements Act, 1863") "Ko te Ture mo te Whakanoho i te Hunga Marie," ka tika ma te Kawana i roto i te Panuitanga, me ta ngatahi ki te reo Maori me te reo pakeha, e karanga atu ki nga iwi Maori, tangata ranei o aua iwi i uru ki etahi o nga hara kua whakahuatia i te rima o nga rarangi o taua Ture, a tetahi ra me whakarite ki te Panuitanga, a ko nga tangata katoa e pakeke e turi ki te haere mai, ki te tuku i a ratou kia

whakawakia i runga i te ritenga o te ture a te ra e whakaritea ki te Panuitanga, kahore e uru ki te tikanga whakarite i runga itaua Ture.

Na ko ahau, ko ta Hori Kerei, Kawana o te Koroni (o Niu Tireni) i taku whakahaerenga i te mana kua tukua mai ki ahau e karanga atu ana ki ngatiwi Maori, tangata ranei o nga iwi, e mau nei o ratou ingoa ki tenei Panuitanga kua uru ki nga hara e whakahuatia i raro nei-ara: (1) kua whawhai ki te Kuini i muri mai o te 10 o nga ra o Hanuere, 1863, kua mau patu ranei ki te-: Kuini ki nga hoia ranei o te Kuini, I muri, mai o taua ra; (2) kua piri atu, kua whakahoa, atu ki taua iwi, kua uru ranei ki te whakakaha i a ratou; (3) kua tonono, kua whakahau, kua whakawai, kua koreroi atu, kua whai kupu atu ranei ki tetahi atu tangata, he mea kia whawhai ai ki te Kuini ki nga hoia ranei o te Kuini i Niu Tireni, kua whakahoa ranei ki nga tangata kua korerotia i runga aki nei, kua whakakaha ranei i a ratou; (4), kua pa kino atu ki te tinana ki te taonga ranei o tetahi tangata i runga i nga mahi o te hunga kua korerotia i runga ake nei; (5) Kua tonono e te Kawana i roto i tetahi Panuitanga kia tukua mai aratou pu, a kaore e tukua mai, pahemo noa te rae, whakaritea i roto i taua Panuitanga –kia haere mai, kia tukua ratou kia whakawakia i runga i te ritenga o te Ture. A, te tuatahi o nga ra o Hune o te tau kotahi mano e waru rau e ono tekau ma rima. A e panui, e whakatuturu ana e ahau, ko nga tangata katoa kua uru ki enei mahi kua whakahuatia i runga nei ki te pakeke ki te turi ratou ki te haere mai ki te tuku i a ratou kia whakawakia i runga i te ritenga o te Ture heoi ano, kahore ratou e uru ki te tikanga whakarite i runga i taua ture mo to ratou paanga ki nga whenua i roto i nga rohe i tohutohungia i te Panuitanga a te Kawana o te 29 o nga ra o Tihema, 1864, i te 30 hoki o nga ra o Hanuere, 1865, e tangohia nei i raro i te ritenga o taua ture.

He mea tuku atu i raro i taku ringa i te Whare o te Kawana, i Poneke, he mea whakaputa atu hoki i raro i te Hiri o te Koroni o Niu Tireni, i tenei tuatahi o nga ra o Aperira ite tau o to tatou Ariki kotahi mano e waru rau e ono tekau ma rima.

Na te Kawana i. mea.

G. GREY, Na te KAWANA. Na MATARA. Ko nga Iwi enei e karangatia atu ana i roto i tenei Panuitanga:—

PUKAPUKA RARANGI INGOA. Ngatipou, Ngatihine, Te Ngaungau, Ngatimahuta, Ngatihaua, Ngatikoroki, Ngatiruru, Ngatimaniapoto, Ngatiapakura, Ngatihinetu, Ngatiraukawa (Ki Horotiu); Ngatimatakore, Ngatitamaoho.

E Te Atua, tohungia te Kuini!

## **COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. Edward CARDWELL, M.P.**

Government House, Wellington, 14th October, 1865.  
SIR,—

I have the honour to transmit for your information the copy of a Proclamation I have issued, with the advice of my Responsible Advisers, announcing to the Natives of New Zealand the desire of the Government to regard the war in New Zealand as ended, and calling upon all chiefs and tribes to aid me in putting a stop to all acts of violence for the future.

I have, &c.,

G. GREY.

The Right Hon. Edward  
Cardwell, M.P.

# Enclosure. PROCLAMATION OF PEACE:

By His Excellency Sir George Grey, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand; and Vice-Admiral of the same, &c.

The Governor announces to the Natives of New Zealand that the war which commenced at Oakura is at an end. The Governor took up arms to protect the European settlements from destruction, and to punish those who refused to settle by peaceful means the difficulties which had arisen, but resorted to violence and plunged the country into war. Upon those tribes sufficient punishment has been inflicted. Their war parties have been beaten; their strongholds captured; and so much of their lands Confiscated as was thought necessary to deter them from again appealing to arms. The Governor has therefore shown that he will not permit the peace of the colony to be disturbed without inflicting severe chastisement on those who resisted his authority.

The Governor hopes that the Natives will now have seen that resistance to the law is hopeless: he proclaims, on behalf of the Queen, that all who up to the present time have been in arms against Her Majesty's authority will never be prosecuted for past offences, excepting only those who have been concerned in the murders of the following persons, because those persons were barbarously and treacherously murdered: The children Parker and Pote, killed at Omata, on the 27th March, 1860; the boy Joseph Sarten, killed at Henui, on the 4th December, 1860; the Native Ngakoti, who was killed, and his wife and her daughter killed at Kaipikari; in December, 1864; Margaret Fahey, killed at Ramarama, on the 16th October, 1863; the boys Richard Trust and Nicholas Trust, killed at Kennedy's Farm, on the 24th October, 1863; the Rev. Mr. Völkner, killed at Opotiki, on the 2nd March, 1865; Mr. James Fulloon, and his companions, killed at Whakatane, on the 27th July, 1865; the chief Rio Haeaterangi, killed near Whauganui, in January, 1865. The murderers of those persons will be brought to trial as soon as they are arrested. The Governor also excepts from this pardon the chief Te Pehi, because, having taken the oath of allegiance to Her Majesty, he violated his oath, and treacherously attacked the Queen's troops at Pipiriki: when taken, he will be brought to trial for this crime. All others are forgiven.

Out of the lands which have been confiscated in the Waikato, and at Taranaki and Ngatiruanui, the Governor will at once restore considerable quantities to those of the Natives who wish to settle down upon their lands, to hold them under Crown grants, and to live under the protection of the law. For this purpose Commissioners will be sent forthwith into the Waikato, and the country about Taranaki, and between that place and Whanganui, who will put the Natives who may desire it upon lands at once, and will mark out the boundaries of the blocks which they are to occupy. Those who do not come in at once to claim the benefit of this arrangement must expect to be excluded. The Governor will take no more lands on account of the present war. As regards the prisoners now in custody, the Governor will hold them until it shall be seen whether those who have been in arms return to peace. If they do so the prisoners will be set at liberty.

The Governor is sending an expedition to the Bay of Plenty to arrest the murderers of Mr. Völkner and Mr. Fulloon. If they are given up to justice the Governor will be satisfied; if not, the Governor will seize a part of the lands of the tribes who conceal these murderers, and will use them for the purpose of maintaining peace in that part of the country, and of providing for the widows and relatives of the murdered people. The Governor now calls upon all the chiefs and tribes to assist him in putting a stop to all such acts of violence for the future; for all, whether Europeans or Natives, have a common interest in putting an end to such crimes, and in preserving the peace of the colony.

The Governor is about to call a meeting of all the great chiefs to consult with his Government as to the best means whereby the Maori people may be represented in the General Assembly, so that they may henceforth help to make the laws which they are called on to obey. At that meeting all matters can be discussed with a view of establishing a general and lasting peace throughout New Zealand.

Her Majesty the Queen desires that equal laws and equal rights and liberties may be enjoyed by all her subjects in this Island, and to that end the Governor in the name of the Queen publishes this Proclamation.

Given under my hand at the Government House, at Wellington, and issued under the Public Seal of the Colony of New Zealand, this second day of September, in the year of our Lord one thousand eight hundred and sixty-five.

G. GREY. FRED. A. WELD.

By His Excellency's Command.

God save the Queen!

## **COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.**

Government House, Wellington, 13th January, 1866.

SIR,—

In my Despatch No. 127, of the 14th of October last, I reported the murder on the west coast of this Island, by the Hauhau fanatics, of messengers sent to them by Brigadier-General Waddy, C.B., whom they decoyed into friendly interviews.

- 2. The murderers of those messengers being left unpunished, they proceeded to murder other inoffensive people, and unfortunately, from the absence of the Whanganui Native Contingent at Opotiki, it was impossible to at once collect a Native force that could be relied on to co-operate with the troops in bringing these murderers to justice.
- 3. It being, however, at last found practicable to remove the Whanganui Native Contingent from Opotiki to Whanganui, a Native force was as speedily as possible collected to co-operate with Major-General Chute, and was despatched under his command; and you will be glad to learn from the enclosed despatch which I have just received from the General that the fanatics and rebel Natives were defeated on the 4th and 7th instant by Her Majesty's forces under Major-General Chute, with but trifling loss on our side, and that, from the active measures now taken, the whole west coast of this Island will shortly be placed in a state of entire security.

I have, &c.,

G. GREY.

The Right Hon. Edward  
Cardwell, M.P.

## **Enclosure. Major-General CHUTE to Governor Sir GEORGE GREY, K.C.B.**

Head-quarters Camp, Putahi, 8th January, 1866.

SIR,—

I have the honour to report, for your Excellency's information, that on the 30th ultimo, the date on which the colonial troops your Excellency had acquainted me would be placed at my disposal were ready, I left Whanganui with a small field force, and encamped at Alexander's farm.

On the 31st the force marched to Wereroa, where we were detained for two days waiting for the Native Contingent, who, on the 1st January, were employed in capturing horses the property of rebels, thirty-two of which they secured; and on the 2nd, in preparing some particular food they declared to be absolutely necessary



for the march.

On the 3rd instant, the field force, total strength as per margin,

Royal Artillery: Officer, 1; sergeants, 2; rank and file, 30. Under command of Lieutenant Carre.

2nd Battalion 14th. Regiment: Officers, 8; sergeants, 11; drummers, 4; rank and file, 250. Under command of Lieut. Colonel Trevor.

Forest Rangers: Officers, 2; sergeants, 3; rank and file, 41. Under command of Major Von Tempsky.

Native Contingent (including Natives): Officers, 12; sergeants, 8; rank and file, 96. Kupapus, or Volunteer Natives: Rank and file, 150. Under command of Major McDonnell.

Total: Officers, 23; sergeants, 24; drummers, 4; rank and file. 567.

† 2nd Battalion 14th Regiment: Officers, 3; sergeants, 4; drummer, 1; rank and file, 100.

Forest Rangers: Officers, 2; rank and file, 33.

Native Contingent: Officers, 3; rank and file, 200.

Total: Officers, 8; sergeants, 4; drummer, 1; rank and file, 333,

moved across the Waitotara. I directed the Native Contingent to cross at Perikama, beneath and on the right flank of the post at Wereroa, and with the remainder of the force I made a diversion through the Waitotara Block, crossing by the ford near the mouth of the river. The Contingent having joined me on the main inland track, we marched towards Moturou, and encamped about a mile and a half from that village, situated at the edge of a dense forest, within which and about two miles from Moturou was the strongly fortified and formidable position of Okotuku, which I was informed was considered impregnable by the rebels, and there it was stated they had collected in considerable numbers. During the afternoon of the 3rd instant the Native Contingent, under Major McDonnell, proceeded to reconnoitre this position, and taking the rebels by surprise entered it without opposition: a few shots only were fired at them by the enemy's scouts. Having set fire to the whares outside the pa, the Contingent returned to camp.

On the following morning, having reason to believe that the enemy in considerable force had reoccupied the position they had apparently evacuated the evening before, I marched with the force† to attack the Okotuku Pa. The line of march for the last two miles was through dense forest, and the track itself obstructed throughout by ravines, rocks, and supplejack, rendering the advance most difficult, especially for the skirmishers whom I had thrown out from the Native troops as I entered the forest. At a small clearing overhanging a deep ravine, just before commencing the steepest part of the ascent, the skirmishers were fired upon by the enemy. I pushed on as rapidly as the excessive badness of the ground would admit of, and soon gained the plateau. This is a narrow tongue of land of about twenty acres, the greater part being under cultivation. As the troops crowned it they were exposed to a very heavy fire from the pa, distant about 350 yards, I immediately extended the Forest Rangers on my extreme left, the 2nd Battalion 14th Regiment in the centre. The Native troops were on either flank and in reserve. I directed all to keep as much as possible under cover of the many fallen trees about us. Advancing in this manner for a short distance, the fire became still more severe, and two men were wounded. I ordered the party to advance, and endeavour to occupy the pa, when the 2nd Battalion 14th Regiment, led by Captain Vivian, in the most gallant manner charged the stockading, succeeded in entering the pa and in driving the enemy down the almost scarped sides and rear of this defence, formidable by nature, but rendered doubly so by Native skill. In this affair I regret to say that Lieutenant Keogh and four men of the 2nd Battalion 14th Regiment were wounded. The bodies six Natives killed were found; it is supposed their loss in killed and wounded amounted to twenty, but owing to the density of the bush into which they retreated it was not possible to ascertain their real loss. When the pa was captured a portion of the Native Contingent entered the bush, and endeavoured to pursue the retreating enemy. They succeeded in taking the rebel chief and killing one man. The most formidable part of the defence consisted of a palisade several feet high, and fully three feet thick, made by piling logs of hard wood horizontally between two rows of thick upright stakes, extending a distance of about eighty yards from one scarped gully to another. So precipitous were the sides and rear, and so dense the forest beneath them, that it was impossible to approach them and cut off the retreat of the enemy. The whole clearing, of which this pa formed the stronghold, was surrounded by bush, and is situated on one of the high points of the range of mountains running nearly in a north-westerly direction from Wereroa. It would be difficult to exaggerate the obstacles opposed to the advance of the troops to such a position, or the spirited manner in which they were overcome by all concerned. The defences of the pa, whares, &c., having been burnt and completely destroyed, the troops returned to camp.

I am much indebted to Major McDonnell and the Native Contingent for their services on this occasion. Dr. Featherston, Superintendent of this province, who accompanies the field force, was present at the assault on Okotuku, and I have every reason to be obliged to him for his assistance on all matters connected with the Natives.

Previous to my departure from Wereroa, I sent to the officers commanding at Patea, Manawapou, and Waingongoro, informing them that it was my intention to proceed northward by the inland track, pointing out

the probability of the rebels retreating in that direction, and instructing them to patrol the country in the vicinity of the bush near their posts, with the view of intercepting and cutting them off. Colonel Warre, C.B., commander at Taranaki, has also been instructed, if possible, to clear his district of rebels, more particularly in the vicinity of his southern outposts, and to prevent their retreat to Mataitawa, should they take the road at the back of Mount Egmont.

On the 5th January, the Native Contingent desiring rest, the troops were occupied in destroying cultivations.

On the 6th January the force marched to the Whenuakura River, and encamped on some high land to the southward and front of the rebel stronghold of Putahi. I purposed attacking the pa at once, and had directed two hundred men from the Patea to advance on it at the same time from the side next the river, but the only information I was able to obtain regarding the tracks to it was so meagre that I was obliged to wait until the following day. On the evening of the 6th, while reconnoitring the position, a small party of the Native Contingent were fired upon by the enemy's scouts, resulting in a skirmish in which we had one man wounded.

Putahi is situated on a clearing about half a mile in diameter, on the top of a hill, rising abruptly on all sides from the river plain to the height of about 500 feet, and covered to the crest with dense bush. The usual approach is from the side on which we are encamped, and was one the rebels evidently anticipated we should attempt, having, as I was informed, erected stockades and other impediments in the bush to assist them in its defence—information which I found to be perfectly correct.

Knowing that by this route the pa could only be taken with the loss of many men, I decided in attacking it in rear, and, having succeeded at a late hour on the night of the 6th in obtaining the services of a guide with a tolerable knowledge of the country, I marched at 3 a.m. on the morning of the 7th, with a force,

Royal Artillery: Officer, 1; sergeants, 2; rank and file, 28. Under Lieutenant Carre.

2nd Battalion 14th Regiment: Officers, 6; sergeants, 9; drummers, 3; rank and file, 204. Under Lieutenant-Colonel Trevor.

2nd Battalion 18th Regiment: Officers, 5; sergeants, 4; drummers, 2; rank and file, 89. Under Major Rocke.

50th Regiment: Officers, 4; sergeants, 4; drummers, 2; rank and file, 90. Under Captain C. Johnson.

Forest Rangers: Officers, 2; sergeants, 2; rank and file, 38. Under Major Von Tempsky.

Native Contingent, &c.: Officers (including Natives), 10; rank and file, 200. Under Major McDonnell.

Total: Officers, 28; sergeants, 21; drummers, 7; rank and file, 649.

crossed a tributary of the Whenuakura by a bridge constructed the evening before, and passing over a plain, of about half a mile, ascended a steep spur, which brought us on an isolated plateau, lying to the left front of the pa, about two miles distant from it in a direct line. Descending this, the march may be described as one continued struggle through a dense primæval forest and bush, over ravines and gullies which could in most cases only be ascended and descended by the aid of supplejacks, and then only with great difficulty. The extreme distance to be traversed could not have exceeded four miles, but the obstacles and obstructions opposed to us made it a severe task of four hours.

When we arrived at the clearing, the Native Contingent, who had led through the bush, formed to the left and on the edge of it; the Forest Rangers were, opened out in skirmishing order, and lying down to cover the formation of the remainder of the force, who, as they emerged one by one from the bush, were extended with supports; the 2nd Battalion 14th Regiment being in the centre, the 2nd Battalion 18th Regiment on the right, and the 50th on the left; the Native Contingent forming a reserve. The formation occupied more than an hour, under a desultory fire from the pa, from which we were then distant about 400 yards, and when complete I gave the order to advance. The rebels now opened a heavy fire; but the line did not charge until they were within 80 yards, when, with a cheer and a rash, they carried the position, the rebels retreating to the bush beyond, to which I immediately sent the Native Contingent, who followed them for some little distance. The whole of the troops behaved admirably, and, though working through high fern, conducted the attack as steadily as on an ordinary parade.

The flagstaff, whares, &c., were all pulled down and burnt. The work of destruction being completed, and the formidable pa of Putahi, hitherto considered impregnable, on account of its inaccessibility, being levelled to the ground, I ordered the troops to march to camp. Their loss has probably been very severe, though sixteen bodies only were found in and around the pa. From information I have received, the garrison appears to have consisted of about two hundred rebels of the worst character.

I enclose a return of our casualties, by which your Excellency will observe we had one man killed and seven wounded. Amongst the latter, I am sorry to say, is Major McDonnell, who, as usual, was most active and zealous, not only in directing the march through the bush, but in pursuing the rebels in retreat. Where all have behaved so gallantly, it is difficult to select any names for favourable mention; but of the colonial forces I beg especially to bring to your Excellency's notice Major Von Tempsky, commanding Forest Rangers; Major McDonnell; commanding Native Contingent; as also Ensign McDonnell, of the same force.

I had directed Colonel Warre, C.B., to send one hundred men from the Patea to the right bank of the Whenuakura River, and to the right flank of the pa, in order to intercept rebels retreating by the inland route towards Kakarama. I beg to forward a copy of this officer's report of the proceedings on the occasion.

I have, &c.,

T. CHUTE, Major-General.

His Excellency Sir George Grey, K.C.B., &c.

## **No. 29. COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Earl of CARNARVON.**

Government House, Wellington, 8th January, 1867.

MR LORD,—

- 1. I have this morning returned to this place, a few hours before the Panama steamer sails with the English mail.
- 2. I consequently have no time to make a lengthened report to you, but I am sure that you will be happy to hear that this country continues tranquil, and is rapidly improving in every respect.
- 3. On my recent journey I have passed through the North Island, traversing its central and least accessible districts, portions of which had not been visited by any European for several years.
- 4. I was everywhere received with joy and rejoicings by the Native population, even in those districts where their losses of men during the war had been large. But these men had all fallen in places remote from their own territory, where they had gone to join their fellow-countrymen who were in arms against us, and their surviving relations admitted in the most unreserved manner that we were not to blame for the large loss of life which had taken place.
- 5. I consider the Native population to be now in a better state than I have ever previously known it.
- 6. The Natives express the greatest anxiety that Europeans should settle amongst them. They cheerfully conform to the views and wishes of the Government upon all matters; indeed, they appear to desire to be directed and to be shown what they should do to render practicable a rapid amalgamation between the Europeans and themselves.
- 7. I met everywhere, in districts which had been regarded as unsafe, the utmost respect, and I was treated with kindness so attentive and considerate that it was quite touching.
- 8. I feel sure that the European population, finding from my journey that they can again safely traverse the interior of the country, will begin to spread into all parts of it, developing, the great resources of valuable districts which are now but little known, and the advance of this Northern Island in wealth and population will consequently be very rapid.
- 9. In this advance in wealth and prosperity the Native population, who are extensive landholders, will largely share, and I feel quite satisfied that New Zealand, now ceasing to be a drain upon the resources of Great Britain, will be regarded as one of the most tranquil and valuable portions of the Empire.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

# **No. 30.COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of BUCKINGHAM.**

Government House, Wellington, 7th July, 1867.  
MY LORD DUKE,—

- 1. I have the honour to report that the General Assembly of New Zealand will meet to-morrow for the despatch of business.
- 2. In the draft of the Speech prepared for me by my Responsible Advisers, they have requested me to state to the Assembly, in reference to my recent journey through New Zealand, that "I could not but be gratified by the rapid progress which it was evident the colony generally had made; while in the settlements which had sprung into existence during the last few years in the interior, and on the west coast of the Middle Island, I was struck both by their extent and importance, and gratified by the presence, notwithstanding the circumstances under which they were formed, of that regard for law and order which is the characteristic of our race. I can say with confidence that security for life and property and respect for the law exist in as marked a degree in those thickly and recently populated districts as in any part of Her Majesty's dominions. I congratulate you on the re-establishment of peace generally throughout the North Island, in no part of which do I anticipate in future any systematic or sustained hostilities. 'During the recess I have made a journey, partly on foot, through the North Island, and have traversed Native districts which it had for some time past been deemed unsafe to enter. I everywhere found the embers of disaffection dying out, and I was received by the Maori population, even in districts recently in rebellion, in such a manner as to inspire confidence in the future peace of the country.'"
- 3. In the remarks thus prepared by my Responsible Advisers I fully concur, and I feel sure that your Grace will be gratified to learn that such is our joint opinion upon the present state and future prospects of New Zealand.

I have, &c.,

G. GREY.

His Grace the Duke of Buckingham and Chandos.

# **No. 31.COPY of a DESPATCH from his Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.**

*Notice of Governor Bowen's Appointment.* Downing Street, 22nd August, 1867.  
SIR,—

You were informed by my Despatch No. 37, of the 18th June, that you would shortly be relieved from your duties as Governor of New Zealand and that you would be apprised of the time at which your successor might be expected to arrive in the colony. I have now to acquaint you that I have submitted to the Queen the name of

Sir G. Bowen, the present Governor of Queensland, as your successor in the Government of New Zealand, and that Her Majesty has been pleased to approve the appointment. I regret that I am unable at present to inform you definitively of the time at which Sir G. Bowen may be expected to arrive in the colony, but I have desired him to give you as long a notice as is practicable of the probable time of his arrival.

I have, &c.,

BUCKINGHAM and CHANDOS.

Governor Sir George Grey, K.C.B.

## **No. 32.COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of BUCKINGHAM.**

Government House, Wellington, 30th October, 1867.

MY LORD DUKE,—

- 1. I have the honour to acknowledge the receipt of your Grace's Despatch No. 51, of the 22nd August last, in which your Grace briefly informs me that Her Majesty has been pleased upon your recommendation to remove me from the Government of New Zealand.
- 2. I request your Grace to be pleased to state to the Queen that I present my duty to Her Majesty, and, in receiving this notification of my Sovereign's pleasure, I beg to be permitted humbly to represent to Her Majesty that in the year 1845, a rebellion prevailing in New Zealand, I was by Her Majesty's commands specially sent to this country, and that when I relinquished the government of it in the year 1854 it was my happiness to leave it in a state of tranquillity and prosperity; that in the year 1861, a rebellion having again broken out in New Zealand, I was once more specially sent, here, and that it is again my happiness upon being removed by your Grace's advice from this Government, to leave New Zealand in a state of tranquillity and returning prosperity; and that I humbly represent to Her Majesty that I desire to claim no merit for these circumstances, but rather to attribute them to the blessing of Divine providence, and to the abilities and exertions of Her Majesty's subjects who have advised me, and aided me in my duties; and, further, that I humbly trust that the almost unanimous voice of Her Majesty's subjects in New Zealand, amongst whom I have laboured in Her Majesty's service for a great part of twenty-two years, will satisfy Her Majesty that I have done my utmost to promote the well are and happiness of the inhabitants of this part of Her Majesty's possessions.

I have, &c.,

G. GREY.

His Grace the Duke of Buckingham and Chandos.

## **COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of**

# BUCKINGHAM.

Government House, Auckland, 28th December, 1867.  
MY LORD DUKE,—

I have the honour to transmit, for your Grace's information, a copy of an address I have received from the Executive Council of New Zealand, as also a copy of my reply to that address.

I have, &c.,

G. GREY.

His Grace the Duke of Buckingham and Chandos.

## Enclosure.ADDRESS from the EXECUTIVE COUNCIL.

*Wellington.—Address of Executive Council to Sir George Grey on his Retirement from the Government.*  
His Excellency Sir GEORGE GREY, K.C.B., &c.

When, immediately, on the receipt of the first intimation that your Excellency would shortly be informed of the name of your successor in the Government of New Zealand, both Houses of the Legislature, by simultaneous addresses, marked their high regard for your Excellency personally and their appreciation of your distinguished public services, and while numerous bodies of colonists hastened to re-echo those sentiments of respect which everywhere greeted you in your late visit throughout the provinces, we abstained from approaching your Excellency with any expression of sympathy, because we could not but believe that at the close of your career in New Zealand Her Majesty would have been advised to mark her appreciation of your services; but the tone of the late despatches addressed to your Excellency impels us no longer to withhold the expression of the sentiments entertained towards you by those who have witnessed near at hand the devotion to the Empire and to public duty which has distinguished your long career. Seldom has a Governor been placed in circumstances more trying, and amid duties more conflicting and embarrassing. In so difficult a position we cannot but think that your Excellency might reasonably have expected that you would not have been left unprotected to bear the unjust aspersions to which you have been exposed. Again and again during the last twenty-six years, where there has been danger and difficulty in the administration of colonial affairs, your Excellency's aid has been involved by the most eminent statesmen of the day. Sacrifices you have disregarded, and trials have served as opportunities of evincing devotion to public duty, and we cannot but regard it as an indication of the indifference, if not positive disfavour, with which the colonies of the Empire are regarded, when loyalty, zeal, and high intelligence displayed in the administration of their affairs are passed by without even the courtesy of a cold acknowledgement. Nevertheless, it will be no mean gratification to your Excellency to feel assured that upon your retirement from the Government of New Zealand it is universally recognized that, in defence of constitutional government, the honour of the colony intrusted to your guardianship, and the best interests of the Empire, you have added to your sacrifices that of the assured prospect of some still more honourable position in Her Majesty's service, or a distinguished retirement from the cares of office. We trust that the day may not be far distant when the high services you have so freely and ably rendered will meet with a fitting recognition. We pray your Excellency to accept these few words as expressing the sentiments of Ministers who have had the honour of being associated with you in the administration of the affairs of New Zealand.

Wellington,

20th November, 1867.

E. W. STAFFORD. J. C. RICHMOND. T. M. HAULTAIN. J. RICHARDSON. W. FITZHERBERT. J. H. HARRIS. J. HALL.

## His Excellency's Reply.

GENTLEMEN,—

It is fitting that I should briefly acknowledge the far more than mere friendly words which you have addressed to me on my removal from my office of Governor of New Zealand. These words, coming from those who not only have seen and known the trials and difficulties I have had to encounter, but who also amidst those difficulties have been my advisers and fellow-labourers, are very valuable to me, and I shall often think of them in my retirement. I will only further say to those who by their advice, by their sympathy, and by their own trials and devotion to public duty, have so often guided my path in difficulties, and lightened the labours imposed upon me, that I thank them for the services they have rendered their Queen and country; that I also thank them for their affectionate farewell; and that, whatever may be the future trials and changes of my life, I shall always think myself fortunate that they were for so long given to me as companions and associates in the trying duties I had to perform in New Zealand.

Auckland,

28th December, 1867.

G. GREY.

## No. 34. COPY of a DESPATCH from his Grace the Duke of BUCKINGHAM to the OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND.

Downing Street, 22nd January, 1868.

SIR,—

I have received Sir George Grey's Despatch No. 115, of 30th October, written in acknowledgment of mine of 22nd August, No. 51, announcing the appointment of Sir George Bowen as his successor in the Government of New Zealand. Sir George Grey will have perceived from my Despatches Nos. 71 and 72, of 10th and 23rd November, and from that of the 28th December, No. 87, that his removal from New Zealand was merely consequent on the expiration of his term of office. The statement contained in Sir George Grey's Despatch No. 115, of the 30th October, was evidently made under the misapprehension that he had been prematurely recalled, the fact being that his period of administration had expired; but I shall nevertheless lay that despatch before Her Majesty.

I have, &c.,

The Officer Administering the Government of New Zealand.

## **No. 35. EXTRACT from a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to his Grace the Duke of BUCKINGHAM.**

Government House, Wellington, 5th March, 1868.

MY LORD DUKE,—

- 1. Among the manifold and urgent public questions which have necessarily pressed themselves on my attention during the month which has now elapsed since my assumption, on the 5th ultimo, of the Government of New Zealand, I have given much thought and care to that very complicated and difficult but highly interesting subject, the present condition and future prospects of the Maori race.
- 2. By my desire the Minister for the Native Department (Mr. J. C. Richmond) has addressed to the principal officers and agents of the Government throughout the colony a circular (of which I enclose a copy) directing each of them to furnish, for the information of the Governor, a detailed report on Native affairs in his district. It will be seen that this report is to contain as full a history as possible of the last few years, and of the events that have come under the personal cognizance of each Government agent. Reliable information is called for as to the; actual number of the Maoris; the causes and influences affecting their increase or decrease; their feelings towards Europeans generally; their physical and moral condition; the rise, object, progress, and tendency of the Hauhau movement; the opinion of the Maoris in respect of the recent war, of the removal of the Imperial troops, of the suppression of the recent outbreaks of rebellion on the east coast of the North Island and elsewhere, and of the prospect of the permanent restoration of peace. Finally, the several agents of the Government are required to notice the working of the recent Acts of the New Zealand Legislature in reference to the lands, the education, and the parliamentary representation of the Maoris; and generally to supply such further information as may appear likely to be useful in framing an accurate opinion of the present state of Native affairs.
- 3. I am assured that the public officers in the Maori districts are for the most part men of ability and local experience, and it is hoped that the reports which will be elicited by the above-mentioned circular will go far towards enabling both the Imperial and the Colonial Governments to arrive at a correct estimate of the present condition, feeling, and prospects of the Native race. It will be my duty to transmit to your Grace copies of these reports, when they shall have been received, together with such remarks and illustrations as they seem to need.....

I have, &c.,

G. F. BOWEN.

His Grace the Duke of Buckingham and Chandos.

## **EXTRACT from a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to his Grace the Duke of**



# BUCKINGHAM.

*Transmitting List of Maori Tribes and Chiefs.* Government House, Wellington, 17th March, 1868.  
MY LORD DUKE,—

In continuation of my previous despatches respecting the present condition of the Maoris, I have the honour to transmit herewith a map, showing the distribution of the several Native tribes in New Zealand. With trifling exceptions, they are all resident in the Northern Island. I annex a nominal list of these clans, and of the principal chiefs, together with a statement of the estimated number of each tribe at the present time, and of its attitude, whether loyal or hostile to the Government, with other explanatory remarks....

It will be perceived that the total Maori population is estimated now, in 1868, at 38,517; of which number all except from 1,500 to 2,000 reside in the Northern Island. Ten years ago, in 1858, a Government census returned the total Maori population at 56,049; twenty years ago, in 1848; the Maoris were estimated at about 100,000.

The causes which have contributed to produce this rapid and deplorable decay have been discussed at length by several writers of ability and local experience. I would refer more particularly to the works of Mr. Fox, formerly Prime Minister of this colony; and of A. S. Thompson, who was resident in New Zealand for many years as surgeon to the 58th Regiment. Mr. Fox shows that the gradual disappearance of the Maoris is not to be attributed in any large degree to their intercourse with Europeans, for "that, for the most part, has led to the adoption of better food, better dwellings; better general habits of life." ... "The one great cause has been, and is, their utter disregard of all those social and sanitary conditions which are essential to the continuing vitality of the human race. This cause was in existence long before there was a European in the Islands, and there is little doubt that the race was on the decrease when Cook first landed there." Dr. Thompson observes: "The extinction of aboriginal races has been often caused by evil treatment. The bauds of the early settlers in America, the West Indies, Tasmania, Australia, and Africa, are not clean from this imputation; but, as far as the story of New Zealand has yet been unrolled, the pioneers of civilization and the majority of English, Irish, and Scotch settlers in the Islands have, with some few exceptions, acted towards the Natives in a spirit of Christianity unknown to the Saxon colonists in Ireland, the Norman invaders of England, or the Spanish conquerors of America."

It is to be hoped that the general restoration of peace, and the prohibition of intertribal wars; the gradual individualization of property in land now held in common; the progress of trade and friendly intercourse between the European settlers and the Maoris; the increasing use of animal food and wheaten flour; the schools, hospitals, roads, and other institutions by means of which the Colonial Government is endeavouring to promote the civilization of the Natives, will all contribute to arrest the further decay of the surviving remnant of a most interesting race.

I have, &c.,

G. F. BOWEN.

His Grace the Duke of Buckingham and Chandos.

## Enclosure.LIST OF MAORI TRIBES AND CHIEFS.

Rarawa—2,761. *Friendly.* Leading men: Puhipi te Ripi, Wi Tana Papahia. Te Anga, Te Morenga, Tehu te Tai, Paraone Ngaruhe, Tipene te Taha.

Ngapuhi—5,804. *Friendly.* Leading men: Tamati Waka Nehe (a thorough friend all his life to the pakeha—one of those to whom it is owing that Heke's rebellion in 1845-46 was quelled), Rangatira Moetara, Aperahama te Taonui, Arama Karaka Pi, Mohi Tawhai, Papahurihia, Hira Mura, Piripi Korohgohi, Hare Wirikake, Hemi Marupo, Kingi W. Tareha, Maihi Kawiti, Huirua, Kingi Hori Kira, Te Tirarau, Parata Mate.

Ngatiwhatua—709. *Friendly.* Leading men: Te Otene Pura, Paraone Ngaweke, Paikea, Apihai te Kawau,

Te Hemara Tauhia.

Ngatimaru—3,670. *Partly friendly, partly hostile*. A considerable number professed Hauhaus. Leading men: Haora Tipa, Te Taniwha Kitahi, Ropata te Arakai, Ngakapa W., Taraia, Te Hirakake, Te Moananui.

NGAITERANGI —1,198. *Partly friendly, partly hostile*. A considerable number professed Hauhaus. Leading men: Hori Tupaea, Hamiora Tu, Wiremu Parera, Hohepa Hikataia, Enoke te Whanake, Te Kuka, Maihi Pohepohe, R. te Hiahia, Te Ranapia.

WAIEATO, ETC.— 2,279.

These numbers are based upon returns furnished to the Native Office by the Resident Magistrates in the several districts comprising the Waikato territory, but only show the number at present residing in the District of Waiuku, Waikato, and Raglan.

*Partly friendly, partly hostile*. A considerable number professed Hauhaus. Leading men: Ta Kerei te Rau, Tamati Ngapora (Matutaera's principal political adviser), Wi te Wheoro, Te Hakiriwhi, Te Pakaroa, Tamihana Tunui, Aihopene Kaihau, Hori Tauroa, Heta Tauranga (W. Thompson's son-in-law), Matutaera Potatau (the so-called Maori King), Waikato te Tawhana, Nini Kukutai.

NGATIMANIAPOTO— 2,000. *All hostile*. Leading men: Rewi Maniapoto, Tikaokao, Te Taphana Tiriwa (taken prisoner at Rangiriri). These three chiefs are and have been active and resolute opponents of the Government.

NGATIWA— 1,293.

This number includes also such of the Ngatiawa and Ngatitama as are resident in the "Wellington and Nelson Provinces.

*Mostly friendly*. A considerable number professed Hauhaus. Leading men: Honiana te Puni (the E Puni of the New Zealand Company's reports: to this chief's influence it was mainly owing that the war in the Wellington Province in 1846 was brought to a close; he has been a firm and faithful friend of the pakeha from the very first), Ropiha Moturoa, Ihaia Porutu, Wi Tako Ngatata, Wikitoa Taringakuri (supposed to be one of the oldest living chiefs), W. Kingi te Rangitake (William King of the Waitara war), Te Teira Manuka (the chief seller of the Waitara Block in 1860), Mahau, Poharama, Pirika Mahutu, Ropoama te One (of Marlborough), W. K. te Puoho (of Nelson).

TARANAKI —400.

Including also such of the Taranaki as are resident in the Wellington Province.

*Partly friendly*. A considerable number professed Hauhaus. Leading men: W. Kingi Matakatea, Mohi Taranaki, Hemi Parai, R. Ngarongomate, Porikapa.

NGATIRUANUI— 750.

Including also such of the Ngatiruanui as are resident in the Wellington Province.

*Partly friendly*. A considerable number professed Hauhaus. Leading men: Hone Pihama (a returned rebel, and since his return a most active and trustworthy friend), Hone Wiremu, W. Hukanui Ngatairakaunui, Natanahira Nga Hina, Tito te Hanataua, Nga Waka Taurua, Titokowaru, Toi, Ahipene Marangai (friendly all through the war).

NGARAURU— 400. *Mostly returned reiels*. Leading men: Aperahama Tamaiparea, Te Kepa Heuheu.

WHANGANUI— 1,427. *Friendly*. Leading men: Hori Kingi te Anaua, Te Mawae, Mete Kingi Paetahi, Kepa Rangihwijnui, Kawana Paipai, Tamati Puna, Haimona te Aoterangi (these seven chiefs distinguished themselves in the battles of Moutoa and Ohoutahi), Pehi Turoa (rebel).

NGATIAPA —325. *Friendly*. Leading men: Aperahama Tipae, Hunia te Hakeke, Mohi Mahi, Wi Mokomoko.

RANGITANE —250.

Including such of the Eangitane as are resident in the Middle Island.

*Friendly*. Leading men: Te Huru te Hairo, Te Peiti te Aweawe, Hoani Meihana te Rangiotu, Hirawanu Kai Mokopuna.

MUAUPOKO —125. *Friendly*. Leading men: Noa te Whata, Maru te Rangimairehau. (Rangitane and Muauoko are really sub-tribes of Ngatikahungunu, though they are spoken of as distinct tribes.)

NGATIKAHUNGU —2,952. *Friendly*. Leading men: Tareha, Te Hapuku, Ihaka Whaanga, Karaitiana, Renata Kawepo, Ngairo, Te Manihira Rangitakaiwaho, Paora te Apatu.

TE AEAUA —1,951.

This is probably an under-estimate of the Arawa.

*Friendly*. Leading men: Henare Pukuatua, Paora te Amohau, Petirate Pukuatua, Temuera, Arama Karaka, Te Matangi, Te Pokiha Taranui, Matene te Huaki, Te Mapu, Hori te Haupapa, Rewi Tereanuku, W. Maihi te Rangikaheke, Wiremu Rupa, Wiremu Katene, W. Kepa te Rangipuawhe, Te Wikiriwhi.

NGATIWA —659. *Mostly friendly at present*. Leading men: Opanui, Hohaia Matatihokia, Hori Tunui.

WHAKATOHEA —573. *Partly friendly, partly hostile*. A considerable number professed Hauhaus. Leading

men: Rangimatanuku, Witeria Taawhi.

NGAITAI. Chief: W. K. Tutehuarangi.

WHANAU O APANUI. Leading men: Tatona Ngatawa, Hamiora Reweti.

TE UREWERA— 500. *In active rebellion*. Leading men: Harehare, Hamiora Takurua, Te Hiko o te Rangi.

NGATITUWHARETOA— 500. *Friendly*. Leading men: Te Heuheu, Te Herekiele, Poihipi Tukairangi,

Hohepa Tamamutu, Hare Tauteka, Takeura Tauteka.

NGATIRAUKAWA —1,071.

This number includes the Ngatitoa who have intermarried almost completely into the Ngatiraukawa. Also such of Ngatitoa as are resident in the Nelson Province.

*Partly friendly, partly hostile*. A considerable number professed Hauhaus. Leading men: Aperahama te Huruhuru, Nepia Taratoa, Noa te Rauhihi, Matene te Whiwhi, Te Kooro te One, Tamihana te Rauparaha.

NGAITAWARERE— 300. Leading men: Matenga, Te Hata.

RONGOWHAKAATA— 1,000. *Partly friendly, partly hostile*. A considerable number professed Hauhaus. Leading men: Hirini te Kani, Raharuhi Rukupo, Henare Potae, Te Paratene Turangi.

NGATIPOROU —4,500.

Including prisoners at the Chatham Islands.

*Partly friendly, partly hostile*. A considerable number professed Hauhaus. Leading men: Wiki te Matehe, Mokena Kohere, Iharaira te Houkamau, Tai Ngaruru.

Approximate total population in the Northern Island, including such members of northern tribes as are resident in the Province of Nelson, such as Ngatiawa, Rangitane, Ngatitoa,

## **No. 37. COPY of a DESPATCH from Governor Sir G. F., BOWEN, G. C. M. G., to his Grace the DUKE OF BUCKINGHAM.**

*Governor Grey's Departure from New Zealand.* Government House, Wellington, 8th September, 1868.  
MY LORD DUKE,—

With reference to my Despatch No. 84, of the 28th August ultimo, I am now requested by my Responsible Advisers to transmit to your Grace a further letter, which has been forwarded to the Colonial Secretary for that purpose by Sir George Grey.

2. I beg-leave to take this opportunity of reporting that Sir George Grey will leave Wellington for England by the Panama mail steamer on the afternoon of this day. He has already received numerous addresses and other demonstrations of respect and esteem, on the expiration of his term of office. Before his embarkation to-day he will be entertained at a public luncheon, at which Sir David Monro, the Speaker of the House of Representatives, will preside. I have been invited to be present on this occasion; and I feel much satisfaction in evincing my sense of the personal courtesy and consideration which I have received since my arrival in New Zealand from my able and accomplished predecessor, whose name will be inseparably connected with the history of this colony.

I have, &c.,

G. F. BOWEN.

His Grace the Duke of Buckingham and Chandos. P.S.—The demonstration in honour of Sir George Grey on his departure from New Zealand was very successful.

## **No. 38. COPY of a DESPATCH from the Right Hon. Earl GRANVILLE to Governor Sir G. F. BOWEN, G.C.M.G.**

Downing Street, 29th January, 1869.

SIR,—

I have received with the deepest concern the intelligence which has reached this country from New Zealand during the last few weeks.

I learnt through unofficial channels that, while a colonial force had failed in an enterprise directed against a Native pa on the west coast of the Northern Island, some hundreds of rebel Maoris had attacked some outlying homesteads in the neighbourhood of Poverty Bay, and had cruelly destroyed a number of their own countrymen, and upwards of fifty Europeans—men, women, and children. The details of this afflicting intelligence, with your own observations on them, are furnished in several despatches which I have just received, but to which it is impossible for me to give any adequate consideration before the departure of the mail.

I infer from your telegram of the 18th December—eleven days later than the date of your latest despatch—that the authors of the atrocities which you describe have been severely punished; and I perceive that the colonial authorities are exerting themselves in earnest for the protection of those who depend on them. I hope that before this despatch reaches you the efforts of the Government and the prudence and public spirit of the settlers will have placed the European population of the threatened districts in a position of comparative safety.

I do not very clearly collect from your despatches the precise limits within which the apprehension of Native disturbances is considered to exist, or the number of persons now in arms. It appears to me, at this distance, that the terrible nature of the catastrophe which has occurred leads you to overrate the magnitude of the danger to the colony, more especially as your Ministry do not forward any request to retain Imperial troops at the expense of the Colonial Treasury, but have preferred, as I learn from H. Manners-Sutton, and, I think, very properly preferred, to send to Victoria and the other Australian Colonies for recruits.

I have, &c.,

GRANVILLE.

Governor Sir G. F. Bowen, G.C.M.G.

## **No. 39. COPY of a DESPATCH from Governor Sir G. F. BOWEN to his Grace the Duke of BUCKINGHAM:.**

Government House, "Wellington, N.Z., 20th February, 1869.  
MY LORD Duke,—

For some time past there have been rumours of probable disturbances in the district of the Wairarapa, which begins at a distance of about thirty-five miles east from Wellington. I thought it advisable to choose the present time to pay to this district a short official visit, from which I returned yesterday. I was accompanied throughout my tour by Commodore Lambert and Captain Montgomerie, of H.M.S. "Blanche," and by Dr. Featherston, the Superintendent of the Province of Wellington.

- The fertile and picturesque valley of the Wairarapa stretches inland from Palliser Bay, and is about sixty-five miles in length, with a breadth ranging from fifteen to nearly forty miles. The European settlers amount to nearly three thousand souls. Of this number about eight hundred are adult males, and of these I found about seven hundred, in fact almost every man capable of bearing arms, enrolled in the local corps of Militia and Volunteers. I saw, moreover, fully five hundred horsemen assembled in one day at Greytown, the principal centre of population in the Wairarapa; and I was escorted through the district by a strong detachment of Volunteer Cavalry. The usual addresses of respect and welcome were presented to me by both the Europeans and Maoris, and a public concert and ball were given in my honour at Greytown. These festivities, as also the horse-races held on one of the days of my visit, were attended not only by the English settlers, but also by the leading Maoris of the neighbourhood.
- There is a considerable Maori population, including many Hauhaus, in some parts of the valley and of the slopes of the surrounding mountains. At the usual *Korero*, or Native meeting, I was addressed in loyal and pacific speeches by the principal chiefs, who, however, did not conceal their apprehension of the possible invasion of the Wairarapa by the hostile Natives, and of the disastrous consequences which would ensue should Tawhiao take the field, and call the entire Maori race to arms against the English. There can be no doubt but that the Natives generally are watching the progress of events, and in particular the removal of the Queen's troops, with gloomy irresolution, and that very much depends on the success of the negotiations recently entered upon with the view of securing at least the neutrality of the so-called Maori King.
- Meanwhile the settlers in the Wairarapa, as in most other parts of this Island, seem to be now prepared to defend in case of need their lives and homes. Nearly every able-bodied man in the valley is armed and drilled; while a redoubt; and blockhouse have been erected in a central position as a place of refuge for the women and children in the event of an outbreak.
- I may be permitted to take this opportunity of mentioning that, on my journey back from the Wairarapa, I took the opportunity of visiting at his kainga (or village), about twenty miles from Wellington, the famous Ngatiawa chief Taringa Kuri (*i.e.*, Dog's Ear), the last survivor of those who had seen Captain Cook on one of his later voyages to New Zealand. The first English settlers in this country state that Taringa Kuri was a very old man on their first arrival here, thirty years ago, and his age is now generally believed to exceed considerably one hundred years. He is extremely feeble, but, in common with his people, he expressed much gratification at my visit.

I have, &c.,

G. F BOWEN.

His Grace the Duke of Buckingham and Chandos.

## **No. 40. MEMORANDUM by Mr. J. C. RICHMOND, Native Minister.**

Wellington, 12th March, 1869.

THE following notes on the condition of Native affairs are submitted in continuation of similar memoranda already furnished at His Excellency's desire.

During the past two months three great strongholds of the Hauhau chiefs have fallen into the hands of the colonial forces. On the East Coast, Ngatapa, the bill fortress of Te Kooti, was reduced by Colonel Whitmore on

the 5th of January; and on the 3rd of February the stronghold of Titokowaru, on the West Coast, near Nukumarū, called Tauranga-ika, was abandoned by its garrison before the advance of the same officer. Proceeding onwards, Colonel Whitmore destroyed the pa at Moturoa, which had also been deserted.

Notwithstanding these reverses, the animosity of the violent Hauhaus has been little checked. Within a month of the fall of Ngatapa, and the destruction of a very large portion of its garrison, Te Kooti reappeared with the remnant of his band at Waimana, or Waioeka, near Opotiki, where he has been joined by a few more allies, and now threatens the settlements on the Bay of Plenty.

On the West, Titokowaru, though unable to hold his pas, and pursued by Colonel Whitmore in the forest, has continued his resistance, laying ambuscades and cutting off stragglers. Another tribe has moreover commenced active hostilities at Taranaki. A party of the Ngatimaniapoto, a tribe bordering on that settlement, whose lands have not been invaded or confiscated, have come down to the frontier and murdered eight persons. Among them were Mr. Whiteley, a venerable Wesleyan missionary, one woman, and three children. The majority of the Ngatimaniapoto, whose territory stretches from the coast to the Waipa River, have always belonged to the violent section of, the King party, and have resolutely opposed the pacific policy of the King, whose authority and influence have barely sufficed to restrain them hitherto. There is reason to believe that the recent outrage was perpetrated with the deliberate purpose of forcing a general struggle between the King Natives and the colonists, and of preventing overtures of peace which it was believed Tawhiao intended shortly to have made. The news of the Taranaki massacre was immediately followed by menaces to the Waikato settlements, and active preparations have been made to meet the impending attack.

A gathering of tribes is probably at this moment taking place at Taupo, the avowed object of which is to determine the question of peace or general war. The tribes now friendly to the colony have had notice to declare their sides on this occasion. It is reported, but not on absolutely good authority, that the Taranaki massacre has induced the King to discourage this gathering, which may therefore break up without resolving on anything.

Amidst these continued outrages and alarms, which are paralysing the industry of large districts, the consideration which has led the Imperial Government to delay the removal of the 18th Regiment and the national flag from these shores is appreciated by the colony, and will increase the loyalty and cordiality of the reception which awaits His Royal Highness the Duke of Edinburgh.

Other circumstances of special Imperial interest, which for the moment connect themselves with Native troubles, make the temporary retention of the 18th Regiment desirable. Within the last month it has been discovered that there exists among the diggers in the Auckland gold fields a branch of the Fenian organization. Persons in that connection have made treasonable overtures to the Hauhaus proprietors of some lands reported to be auriferous, with a view of obtaining a monopoly of goldmining thereon. These persons have informed the hostile Natives that they are neither English nor Scotch, but inhabitants of another, island; that they belong to the party who in Sydney shot the Duke of Edinburgh; that like the Maori they hate the British rule, and are prepared to make common cause with, King and Hauhaus to overthrow that rule in New Zealand. It is said, on reliable authority, that a person wearing a uniform with I.R. on the buttons, and a green sash, had sent a present of money and a flag to Tawhiao.

Since the above notes were written a copy of a letter purporting to have been signed and circulated by the Maori King has been sent to the Government. It is of the usual enigmatical character of such manifestoes. Some of those who have read it interpret it to be pacific, but others take the opposite view, and some Native reports connect it with an alleged order for a general rising.

The Government, whilst preparing for a general struggle, are making renewed attempts to remove the suspicions of the moderate party, and will meet any pacific overtures that may be made in a liberal spirit. It would not be prudent to place on record at present the precise steps taken or under consideration for this purpose.

For His Excellency the Governor.

J. C. RICHMOND.

**No. 41. COPY of a DESPATCH from the Right Hon. Earl GRANVILLE, E.G., to Governor Sir G. F. Bowen, G.C.M.G:**

SIR,—

On your representation of the value of the services rendered by the chief Te Kepa or Major Kemp, I sent to you in September last a silver-mounted sword, in order that it might be presented by you to that chief in token of Her Majesty's recognition of his services. Additional swords were forwarded to you by the last mail for presentation to five other Maori chiefs, who had rendered important services to the Government. I request that you will take a suitable occasion of presenting them to the chiefs for whom they are intended, and whose names they bear. You, will not fail to explain that they are presented to them by Her Majesty in recognition of their loyalty to the Crown, and of the gallantry which they have shown, in support of Her Majesty's Colonial Government.

I have, &c.,

Granville.

Governor Sir G. F. Bowen, G.C.M.G.

## **No. 42.COPY of a DESPATCH from the Right Hon. Earl GRANVILLE, E.G., to Governor Sir G. F. BOWEN, G.C.M.G.**

Downing Street, 23rd April, 1869.

SIR,—

I have received your Despatches Nos. 14 and 20, of the 31st January and 12th February: the former enclosing a report from Colonel McDonnell of a successful expedition made by him, at the head of a party of Native cavalry, to the pa of the rebel chief Titokowaru; the latter forwarding a despatch from Colonel Whitmore, reporting the evacuation of the pa by Titokowaru, and other positions which he had occupied. I am greatly shocked to hear from Colonel McDonnell's report of the barbarous manner in which the remains of some of the colonial troops were treated, and I can hardly express the feelings of horror with which I learn that there is reason to fear that one of them was burnt alive. I am glad to find that Colonel Whitmore's proceedings on the West Coast appear likely to justify the estimate of his capacity which I was led to form by the accounts of his success in the neighbourhood of Turanga.

I have, &c.,

GRANVILLE.

Governor Sir G. F. Bowen, G.C.M.G.

## **COPY of a DESPATCH from Governor Sir G. F.**

# OWEN, G.C.M.G., to the Eight Hon. Earl GRANVILLE, K.G.

Government House, Wellington, N.Z., 7th July, 1869.

My LORD,—

It is my duty to report that strong comments have been made by the leading public men of all parties in this country, in the Colonial Parliament and otherwise, and by the principal organs of the colonial Press, on the two last paragraphs of your Lordship's Despatch No. 30, of the 26th February ultimo, viz.: "I see it stated in the newspapers that you have offered a reward of £1,000 for the person of the Maori chief Titokowaru—I infer dead or alive—and £5 for the person of every Maori rebel brought in alive. I do not pronounce any opinion at present as to the propriety of these steps. But I must observe that they are so much at variance with the usual laws of war, and appear at first sight so much calculated to exasperate and extend hostilities, that they ought to have been reported to me by you officially, with the requisite explanation, which I should now be glad to receive."

- It is contended here that this passage implies that the Maoris now in arms against the Queen, and, in particular, the cannibal Titokowaru and his band, are foreign enemies, or, at all events, "belligerents," with whom "the usual laws of war" must be strictly observed, and it is felt that the question thus raised is of the highest practical importance. It has, therefore, been referred by the Colonial Ministers for the opinion of the Attorney-General, which I now enclose, soliciting for it careful consideration.
- It will be seen that, so far back as in 1842 and 1844, the then Secretary of State for the Colonies (the present Lord Derby) wrote as follows. [See enclosure.]
- Mr. Stafford, in his memorandum on this question, remarks: "Earl Granville suspends his judgment as to the propriety of these steps [*i.e.*, the action of the Colonial Ministers in offering rewards for Titokowaru and Te Kooti], on the ground that they are much at variance with the usual laws of war.' When his Lordship shall have had leisure to consider the details of the acts of Titokowaru and Te Kooti, he will perhaps come to the conclusion that their atrocities are happily as exceptional as the course adopted with a view to their punishment. But the offers in question are not without precedent, in the history of the Mutiny in India, and even of the Fenian outrages within the heart of the United Kingdom. Every atrocity of the Sepoy Rebellion has been paralleled and outdone in the raids, burnings, violations, tortures, murders, and cannibalism of the last nine months in New Zealand, and with less provocation or excuse."
- It will be further recollected that, so far back as on the 5th September ultimo, I transmitted a memorandum from Colonel Haultain, then the Minister for Colonial Defence, showing that every effort was made in the due course of law to bring to justice Titokowaru and his gang of murderers. Warrants were issued against them after the Coroner's inquest held on the bodies of some of the settlers, whom they have treacherously killed and savagely mutilated. Any prisoners that may be taken will be tried before the Supreme Court of the colony, as were the Maoris who in 1865 murdered Messrs. Volkner and Fulloon at Opotiki, on the east coast of this Island." In my previous Despatch No. 78, of the 8th of August, 1868, I had forwarded a copy of Titokowaru's proclamation to his tribe (dated 25th June, 1868), in which he boasted of his cannibalism—of "eating an European trooper like a piece of beef. He was cooked in a pot; the women and children partook of the food. I have begun to eat human flesh, and my throat is constantly open for the flesh of man." Again, with my Despatch No. 14, of the 31st of January ultimo, I forwarded Colonel McDonnell's account of his visit to Titokowaru's abandoned pa at Te Ngutu-o-te-nanu? ("the Hawk's Beak"), to ascertain the fate of the officers and men of the colonial forces who were killed and wounded in the action of the 7th September, 1868, and whose bodies unfortunately fell into the hands of the rebels. Colonel McDonnell wrote: "I regret to say that the report which reached me about the burning of the bodies of those left in the field is too correct; and a more horrible and revolting spectacle could not have been witnessed. We found the remains of two large fires or altars outside the pa, and of a small one inside, at the foot of a rata tree. The charred remains of human bones and skulls at each of these fires, with other signs horrible to think of, told a sickening and awful tale. I fear the story related of poor Corporal Russell, relative to his having been burnt alive, is true; and this most likely took place at the foot of the rata tree mentioned above. There is no doubt that the dead were partly eaten and partly offered as a sacrifice by the infamous Titokowaru and his band." In your Despatch No. 45, of 23rd April ultimo, your Lordship acknowledged the receipt of my despatch "enclosing a report from Colonel McDonnell of a



successful expedition under him to the pa of the rebel Titokowaru," and added, "I am greatly shocked to hear, from Colonel McDonnell's report, of the barbarous manner in which the remains of some of the colonial troops were treated; and I can hardly express the feeling of horror with which I learn that there is reason to fear that one of them was burnt alive."

- Your Lordship has required from me explanations of the conduct of the Colonial Government with regard to Titokowaru. The above-mentioned facts alone, taken in connection with the opinion of the Attorney-General, seem to justify, according to the law of nations, the decision of the Ministers to treat Titokowaru and also Te Kooti (whose cruelties have been hardly less atrocious) in an exceptional manner, so as to make a clear and broad distinction between them and those insurgents who, like the Waikato tribes, have waged a comparatively honourable warfare. Moreover, it has been asked here, "Why should the Ministry of New Zealand be blamed for adopting, against Maori murderers and cannibals, measures far less stringent than those for which Lord Seaton, Sir Henry Ward, Lord Torrington, Lord Canning, and other Governors have been applauded for adopting in the suppression of the rebellions in Canada, Cephalonia, Ceylon, India, and Ireland?" It is well known that, in all the rebellions alluded to, rewards were offered for the persons of the rebel leaders, in some cases "dead or alive," *totidem verbis*; that "martial law" was proclaimed, the Habeas Corpus Act was suspended, numerous prisoners were executed for being merely taken in arms against the Crown, and other measures of repression were carried out much more severely than in New Zealand.
- As your Lordship is already aware, Colonel Haultain and Mr. Richmond offered rewards for Titokowaru and Te Kooti respectively, while those Ministers were in the field with the colonial forces, at a great distance from the seat of Government, and necessarily without the previous knowledge or sanction of the Governor. Their colleagues entirely concurred in the action taken, so soon as they heard of it; and when it was discussed in the Parliament the leading men of all parties gave it almost unanimous support. I am informed that there appears to be a very general determination to resist the active interference of any Imperial authority in the internal government of New Zealand, now that the Imperial Government has transferred the entire control and management of Native affairs to the Colonial Ministers for the time being, and has absolutely declined to give any assistance or to incur any responsibility in the suppression of the existing Maori rebellion.
- I earnestly trust that I shall not be misunderstood in any quarter, and that my conduct during my long career in the service of the Crown will show that I am not likely to shrink from any responsibility properly belonging to my office. I have never concealed that, so far as my personal feelings are concerned, I should greatly prefer to be in the position occupied by my predecessors in New Zealand down to 1862, for (among other considerations) it is naturally very painful to be subjected to censure, both in England and in this colony, for the actions of other men, when all power of direct control has been taken out of the hands of the Governor, and he has also been deprived of all physical force by the entire removal of the Imperial troops. But I know, of course, that this position is for many reasons unavoidable under existing circumstances; and (as I have often stated elsewhere) I concur with the opinion of Mr. Herman Merivale that "The suggestion of establishing in the same colony Responsible Government for the settlers, and a separate administration of Native affairs under the Imperial authorities, is unpractical. There cannot be two Governments in the same community; certainly not unless some mode can be devised of having two, public purses." It might be added that the progress of events in this colony has abundantly proved that nothing but disaster can follow from divided councils and from divided power and responsibility. The real management of Native affairs must rest either with a Governor responsible to the Secretary of State, or with a Ministry responsible to the Colonial Parliament. It is not to be denied, however, that the Governor of a colony possessing parliamentary institutions, as an impartial though not indifferent observer, and friendly moderator of extreme views, may effect much good, but only (as Earl Grey has remarked) "by a judicious use of the influence rather than of the authority of his office." It need scarcely be added that he must always be careful not to identify himself in any manner with illegal or cruel measures; but I have yet to learn that there is any set of public men in the New Zealand Parliament desirous to adopt measures of that nature.
- In this and in previous despatches I have submitted the explanation required concerning the conduct of the Colonial Government, with, I trust, a not unbecoming frankness, and certainly without the intentional use of a single word inconsistent with the respect due to your Lordship, both personally and as the Minister through whom I receive the instructions of Her Majesty's Government.

I have, &c.,

The Right Hon. Earl Granville, K.G.

## **Enclosure.OPINION of the ATTORNEY-GENERAL as to the LEGAL STATUS of the MAORIS now in ARMS.**

THE opinion of the Attorney-General was requested, by direction of the Hon. the Colonial Secretary, on 23rd June, 1869, in the following terms: "The concluding paragraph of Earl Granville's despatch No. 30, of 26th February, 1869, implies that the Maoris now in arms against the Government are a foreign enemy, or, at all events, 'belligerents,' with whom 'the usual laws of war' must be observed. The Attorney-General is requested to state his opinion how far this is true, and to define the legal position of the Maoris according to the existing law."

I am required, as I understand, to state whether, in my opinion, the Maoris now in arms are to be treated as belligerents, with whom the, usual laws of war must be observed, or whether they are to be treated as criminals guilty of treason in levying war against the Sovereign; and, secondly, to define the legal position of the Maori inhabitants of New Zealand, particularly with a view to the question, Whether they are bound to obey the laws of the land, and are liable to punishment for the infraction of such laws equally with the white population of New Zealand.

The second question seems to be properly considered before the first. There can be no doubt that Her Majesty the Queen is Sovereign over the whole of New Zealand. Questions were at one time raised on this subject, even by those whose opinions were undoubtedly entitled to great consideration. I do not think it necessary or expedient to argue this question. It seems to me that I shall best serve the object with which the question is put to me, if I state what the doubts were which at one time were raised, and the manner in which those questions have, for all practical purposes, been disposed of.

In the years 1842 and 1843 this question was much debated. Mr. Swainson, the then Attorney-General for New Zealand, argued that only those Maori tribes which had actually acknowledged the Queen's sovereignty over them could be deemed British subjects or be held amenable to our law. At page 474 of House of Commons Papers on New Zealand, Vol. IV., is printed a copy of an opinion by Mr. Swainson on a matter in which he considers that this question arose. He says, "I have elsewhere given my opinion that those tribes only which have acknowledged the Queen's sovereignty can be deemed British subjects, and are amenable to our laws. Whether the Native Tangaroa is so amenable for any act he may have committed depends upon the circumstance whether the aggressor and the suffering party belong to tribes acknowledging the Queen's authority, and whether the scene of action was within the British dominion."—(27th December, 1842.)

The opinion the Attorney-General refers to as having been given by, him elsewhere, is referred to in the Minutes of the Executive Council of New Zealand, held at about the same period (29th December, 1842), and the opinion is said to be annexed and marked J.K. That opinion is not, I believe, to be found; but the Attorney-General, at that meeting of the Executive, was called upon by the Officer Administering the Government to express his opinion on the subject, and did so. The Minutes, so far as they bear directly on the question, are as follow: "His Excellency requested that the Executive Council would give their opinions on the following questions: 1. 'Are the Islands of New Zealand British territory ?' The Colonial Treasurer: 'I consider the whole of the Islands of New Zealand British territory.' The Attorney-General: 'No.'— 2. Whether the whole of the aboriginal race of New Zealanders are British subjects and amenable to British law ?' The Colonial Secretary: 'I consider they are all British subjects, and amenable to British law.' The Attorney-General: 'I consider that the title of Great Britain to the sovereignty of New Zealand rests partly upon discovery, partly upon cession, partly upon assertion, and partly, upon occupation; that from these sources conjointly, as against all other nations, and as to British subjects, I think Great Britain has a title to the sovereignty over the whole of New Zealand, and that she possesses the right of pre-emption of territory from the Natives, and has the power to regulate trade and commerce with other nations; but, as to those tribes who have never, ceded the sovereignty and who refuse to acknowledge the Queen's authority, I think that Great Britain has not the right, nor would it be consistent with good faith, to impose upon them her penal code.'"

In acknowledging the despatch communicating these opinions, the Secretary of State, Lord Stanley, writes

as follows: "It appears to me, however, indispensable to advert, with the least possible delay, to the opinions maintained by the Attorney-General of New Zealand regarding the extent of Her Majesty's dominion in the Island of New Ulster. Mr. Swainson, if I rightly collect his meaning, draws the following distinction: He appears to hold that the Queen's sovereignty over the New Zealand Islands cannot be controverted on behalf of any foreign country, or by Her Majesty's subjects of British birth; but that it is impossible to assert that sovereignty against any chief who has not acknowledged it, or in relation to any district belonging to him or to his tribe. I cannot say that this distinction is perfectly intelligible to me. But it is my duty to deny, in the most unequivocal terms, the accuracy of any opinion, -whosoever may be the author of it, which may deny Her Majesty's sovereign title to any part of the territories comprised within the terms of the Commissions issued under the Great Seal of the United Kingdom for the government of New Zealand. Throughout the whole of his discussion on this subject, Mr. Swainson makes, no allusion to the terms of those instruments. The omission is very remarkable. If accidental and inadvertent, it is not creditable to Mr. Swainson's accuracy. If he omitted all allusion to those Commissions, as being irrelevant or unimportant to the question in debate, then the omission is hardly reconcilable with his possession of a just view of the history and constitution of the British colonial settlements. I regard the Royal Commissions for the Government of New Zealand as ascertaining beyond all controversy the limits of Her Majesty's sovereignty in that part of the world: that is, I hold that it is not competent for any subject of the Queen's to controvert the rights which in those Commissions Her Majesty has solemnly asserted. I do not think it necessary or convenient to discuss with Mr. Swainson the justice or the policy of the course which the Queen has been advised to pursue. For the present purpose, it is sufficient to say that Her Majesty has pursued it. All the territories comprised within the Commissions of the Government of New Zealand, and all persons inhabiting those territories, are and must be considered as being to all intents and purposes within the dominions of the British Crown. Mr. Swainson must be apprised that neither he nor any person who shall oppose this fundamental principle of your Government can be permitted to act any longer as a public officer under the Queen's Commission."—(21st June 1843. House of Commons Papers on New Zealand, Vol. I v., page 475.)

On the same subject (13th July, 1843) Mr. Swainson refers to his former opinion in the following terms (see House of Commons Papers on New Zealand, page 167): "With reference to a former transaction, my opinion was requested as to how far the New Zealanders were amenable to British law. It was given to the effect that, as to all other nations, the sovereignty of Great Britain over the whole of these Islands is absolute and entire, but that, as to the Natives, keeping in view the solemn and repeated disclaimers of Her Majesty's Government of every pretension to seize on the Islands of New Zealand, or to govern them as part of the dominion of Great Britain, unless the free and intelligent consent of the Natives should be first obtained, that those chiefs and tribes who were not parties to the treaty, and who had always refused to recognize Her Majesty's sovereign authority over them, could not be deemed British subjects and amenable to our Laws."

On the 10th February, 1844, Secretary of State Lord Stauley refers to this reiteration of Mr. Swainson's opinion in the following terms (see H.C. Papers, N.Z., page 173): "To the Colonial Attorney-General's renewed expression of his opinion that the Queen's sovereignty of the New Zealand Islands cannot be admitted, because, in his judgment, those conditions have not been fulfilled which Her Majesty declared must precede the assertion of any such right, I answer by calling your attention to my despatch of the 21st June, 1843, No. 37, and by observing that in this case the judgment of the Colonial Attorney-General is overruled, and must henceforward be silenced, by the opposite judgment of the Queen and Parliament. Her Majesty is satisfied, and Parliament is satisfied, of the fulfilment of the preliminary conditions in question. In that conviction the Queen has, by the most solemn acts, asserted her own sovereignty over the whole of New Zealand, and has, with equal distinctness, announced and asserted it to all foreign States. Parliament, by their enactment of the session of 1842, have affirmed the same principle. I repeat, therefore, that the most implicit acquiescence in it is the indispensable condition of the tenure of any public office in the colony."

It will be seen that the ground taken by the Secretary of State is, that the Queen, by her Charters and Commissions, and the Queen in Parliament, by Act, has assumed sovereignty over the whole of New Zealand, and none can be admitted to question her sovereignty. If that argument was sufficient in those early times, it certainly must be at the present day. Not only has the Queen since then granted other charters and commissions for the government of the whole of New Zealand, but she has in Parliament passed many laws for the government of New Zealand, and the regulation of various matters relating to it. Reference may especially be made to the, Constitution Act, sections 53, 71, and 81.

If it is established, as most undoubtedly it is, that the whole of New Zealand is subject to the sovereignty of the Queen, what is the condition of the Maori inhabitants thereof? Are they subjects or aliens? What, if any, allegiance do they owe? There can be no doubt that the rights of sovereignty extend to all persons within the territory over which the sovereignty extends; they extend to all strangers resident therein—not only to those who are naturalized and to those who are domiciled therein, but also to those whose residence is transitory. It is

true that, for some purposes not material to the present question, there is a distinction in the jurisdiction which the Sovereign has over naturalized and natural-born inhabitants on the one hand, and foreigners who are for the time dwelling therein on the other. The latter owe a local and temporary allegiance only, the former a natural allegiance. It is, I think, clear that those of the Maori race now inhabiting New Zealand who were born before the assumption of sovereignty over the land by the Queen became naturalized subjects of the Queen, whether the sovereignty was ceded or not; it is clear that all former dominion, if any such existed, must be taken to have been extinguished by the Queen's assumption of sovereignty, and that such persons are now, for all purposes, naturalized subjects of New Zealand, and equally bound by the same laws, and owe the same allegiance as natural-born subjects, whether born of the British, or Maori, or any foreign race. Indeed, so far as relates to the question of obligation to obey the municipal laws of the land, and to the amenability to the punishments provided by them for infraction of their provisions, there is no distinction between natural-born and naturalized subjects and alien inhabitants.

In concluding this branch of the question, I beg to refer to the Act of the General Assembly, passed in the session of 1865, entitled "The Native Rights Act, 1865." That Act recites that doubts had been raised whether certain persons of the Maori race were natural-born subjects of Her Majesty, and whether the Courts of the colony had jurisdiction in all cases touching the persons and property of the Maori people, and by that Act it is declared and enacted in the 2nd section that "Every person of the Maori race within the Colony of New Zealand, whether born before or since New Zealand became a dependency of Great Britain, shall be taken and deemed to be a natural-born subject of Her Majesty, to all intents and purposes whatsoever." I am not well aware of the circumstances that gave occasion for the passing of this Act. So far as I have been able to learn, the principal reason for the measure was that it was deemed expedient that there should be a legislative declaration on the subject, rather for the purpose of declaring that the Maori race would, for the future, be treated as entitled to the rights, and as subject to the obligations, of natural-born subjects, than for quieting any doubt in the minds of those whose opinions on the subject were entitled to consideration. Moreover, an opinion had been given by the Law Officers of the Crown in England (inferentially at least) by questioning whether the Maoris, in respect of land over which the Native title had not been extinguished, could bring any action of trespass or ejectment in the Queen's Courts in New Zealand, or whether the Queen's Courts would ever exercise jurisdiction over real property in Native districts. From this inferential expression of opinion it is possible that an impression may have arisen, though certainly without reason, that the Queen's Courts would not redress personal wrongs when suffered by Maoris. The language of the Act seems rather to convey the notion that the Legislature intended to confer rights than to create liabilities. However, the Act does undoubtedly put beyond all question the status of the Maori inhabitants of New Zealand, whether born before or after the Queen's assumption of sovereignty.

If it be granted, as no doubt it must, that the Queen is Sovereign over all the territories within New Zealand, and that the Maori people are natural-born or naturalized subjects of the Queen, the next question for consideration is, Whether, in dealing with the Maoris now in arms, the usual laws of war are to be observed.

It has been already shown that not only natural-born and naturalized citizens, but also aliens dwelling in New Zealand, are alike subject to the municipal law of the land, and alike liable to punishment for the breach of these laws. It follows from this that, in suppressing a rising against the constituted Government, the same measures may be taken against those who are citizens and those who are aliens only for the time dwelling in the land. Indeed, to both classes of persons the term "rebels" may justly be applied; they both owe allegiance to the Crown in return for its protection. If the Maoris were the subjects of a foreign State at war with the Queen, then, no doubt, such persons could not be considered as rebels: but the Maoris are not the subjects of a foreign State; they are subjects of Great Britain, and are now in arms against the Sovereign.

It is not easy, nor perhaps possible, to lay down any general rule which ought to guide the Sovereign in dealing with those of his people who take up arms against him. It may be sufficient to say that when rebellion has assumed such proportions that those who are in arms against the Sovereign would be able, if forced to do so by the conduct of the Sovereign towards them, to take such reprisals upon those who adhere to the Sovereign as to insist upon the observances of the usages of war, then probably those in rebellion should be treated as enemies with whom the usages of war should be observed. The adoption of such a course is forced upon the Sovereign with a view to confining the effects of war to narrower limits. Acting from such motives, prisoners taken by the Sovereign would not be put to death as rebels, whether with or without trial, lest those prisoners who should be taken by those in rebellion should in reprisal be put to death. The reason for the observance of the usages of war fails (whether the war be a civil war or between State and State) if those in arms on the opposite side violate the laws of war. No doubt, in such a case, the consequences of such violation of the rules of war ought to be confined to those who are responsible for and have taken part in them, and ought not to be extended to those who, taking no part in them, are nevertheless implicated in the rebellion.

The Maoris now in arms have put forward no grievance for which they seek redress. Their object, so far as it can be collected from their acts, is murder, cannibalism, and rapine. They form themselves into bands, and

roam the country seeking a prey. In punishing the perpetrators of such crimes, is the Sovereign to be restrained by the rules which the laws of nature and of nations have declared applicable in the wars between civilized nations? Clearly not. Even if those now in arms had not been guilty of such enormous atrocities, it does not appear to me that the insurrection or rebellion is of such a character, or has yet reached such proportions, as to enable it to be said that those who, having taken part in it, are captured, ought to be treated as prisoners of war. I see no reason why they should not be treated as persons guilty of levying war against the Crown. No doubt in so treating them the Crown would exercise its power with mercy: the numbers of those in arms, and who have been and are likely to be captured, and the fact that the men are of a savage race, afford sufficient reasons for confining the highest penalties of the law to those who are the leaders of the revolt, or have actually participated in the atrocities that have been committed. Unfortunately, however, the revolt has been carried on in defiance of all the laws of nature, and there can be no doubt, that all who have taken part in it have forfeited all claim for mercy: certainly, all title to the observance towards them of the usages of war, if they ever had such title. Nevertheless, the measures taken to suppress such revolts as those that have occurred, and no doubt will continue to occur amongst the Maoris, should be such as are calculated to suppress, and not to extend or exaggerate them; and with this view, no doubt, the Government will, as it has always done, treat those who have taken part in such revolts with no greater severity than the circumstances of the case may seem to require.

Reference is made, in the questions put to me, to the despatch of the Secretary of State, Lord Granville, of the 26th February, 1869. In this he says, "I see it stated in the newspapers that you have offered a reward of £1,000 for the person of the Maori chief Titokowaru (I infer alive or dead), and £5 for the persons of Maori rebels brought in. I do not pronounce any opinion at present as to the propriety of these steps, but I must observe that they are so much at variance with the usual laws of war, and appear, at first sight, so much calculated to exasperate and extend hostilities, that they ought to have been reported to me by you officially, with the requisite explanation, which I should now be glad to receive." The Secretary of State uses language from which it may be implied that those who have been and are still perpetrating such atrocities as have been perpetrated Here ought, in his opinion, to be treated as enemies carrying on "hostilities" according to the usages of war, and that such hostilities may be exasperated and extended by the offering of rewards for the apprehension of such enemies. This measure does not seem open to any objection in the case of a Government engaged in the suppression of a revolt, accompanied, as such revolt has been, with all the unrelenting cruelty of savage nature. The object of the Government is self-preservation. The peaceful citizens must be protected at all costs. Even in the case of a foreign enemy who violates the laws of nature and the usages of war, the utmost severities are permitted as a punishment for his crimes. According to *Vattel* (Book III., ch. viii.), "There is one case in which we may refuse to spare the life of an enemy who surrenders, or to allow any capitulation to a town reduced to the last extremity. It is when that enemy has been guilty of some enormous breach of the law of nations, and particularly when he has violated the laws of war. This refusal of quarter is no natural consequence of the war, but a punishment for his crime—a punishment which the injured party has a right to inflict. But, in order that it may be justly inflicted, it must fall on the guilty. When we are at war with a savage nation, who observe no rules, and never give quarter, we may punish them in the persons of any of their people whom we take (these belonging to the number of the guilty), and endeavour, by this rigorous proceeding, to force them to respect the laws of humanity."

30th June, 1869.

JAMES  
PRENDERGAST.

## **No. 44 PROTEST presented to Earl GRANVILLE by Sir GEORGE GREY, Sir CHARLES CLIFFORD, and Others, New Zealand Colonists in London.**

WE, the undersigned persons who have been officially connected with the Legislature and Government of the Colony of New Zealand, venture to take this public notice of a despatch from Earl Granville to the Governor of New Zealand, dated the 21st March ultimo, in reference to an application made on behalf of that colony for assistance in its present dangers. We feel justified in taking this step because we personally had a

share in the transactions to which the despatch relates, and because the colony has no authorized political organ in this country.

That department of Government (the Colonial Office) to which the colony would naturally look for protection becomes itself the instrument of wrong. In making this public protest we disclaim all intention of reflecting on Earl Granville. We have regretted that for some time past each successive Secretary of State, on assuming the seals of the Colonial Department, has been led by wrong information to attach his name to some despatch, the allegations of which being erroneous, and the tone irritating, if not insulting, the Colonial Government has been forced into a position of hostility to the Colonial Minister, whilst it has always been the earnest desire of the colonists, in the most friendly and loyal spirit, to aid that high officer in the discharge of his onerous and difficult duties.

We regard the allegations expressed and implied in Lord Granville's despatch as calculated deeply to injure the European population of New Zealand in the estimation of their fellow-countrymen in Great Britain, to inflame the passions of Natives already in arms against the Government, to produce disaffection among those who are friendly, to drive those who are neutral or wavering into, the hostile ranks, and, at the same time, to create a bitter feeling of hostility on the part of the colonists towards the Government of the Mother-country, which, it is to be feared, may become a national tradition. The publication in England at the present time was unjust, because the colonists, not having had time to reply to it, are thus condemned unheard, and suffer prejudice which it may be difficult if not impossible to remove, from groundless charges of the gravest kind circulated without refutation.

We declare, from our personal knowledge, that the allegations so conveyed or implied against the Colonial Government are without foundation. Equally groundless is the imputation implied in the, despatch that the colonists are not exerting themselves to the utmost in their own defence.

We regard the action thus taken by the Imperial Government, accompanied by an absolute refusal of aid to the colony under any circumstances, as in the highest degree ungenerous. It is the first time in British history that Great Britain has insultingly refused assistance to her countrymen in danger which she herself has been instrumental in erecting.

We declare that the repudiation of the plain obligation entered into by treaty on Her Majesty's behalf with the Natives of New Zealand, upon the faith of which they permitted us to colonize the country, is inconsistent with British honour; that it is our belief that such repudiation will be subversive in the Native mind of all confidence in the good faith of the European race.

We protest that the statement made in the despatch to the effect that all responsibility arising out of those obligations was transferred to the colonists at their own demand, is at variance with the circumstances. We feel surprised that such a statement should be made in disregard of the formal memorial of the General Assembly of New Zealand in 1862, expressly declining to accept such responsibility.

We regard the despatch itself as fraught with danger to the colony. The moment it becomes known in the colony it will be interpreted by Natives, and circulated amongst their fellowcountrymen. This will occur simultaneously with the removal of the last regiment. Our friendly Native allies will thus be told that the Queen has withdrawn the protection to which they have been accustomed to look in the last resort in the part they have taken in support of the Queen's Government against their own countrymen; whilst the whole body of the Natives will be taught to regard the colonists of New Zealand as their oppressors, who have brought their present danger on themselves by neglect of their obligations and wrongful usurpation of Native land; and they will learn to regard, under the sanction of Imperial authority, the massacre of missionaries, women, and children as mere acts of reprisal.

Lastly, we declare with sorrow our conviction that the policy which is being pursued towards New Zealand will have the effect of alienating the affections of Her Majesty's loyal subjects in that country, and is calculated to drive the colony out of the Empire.

Gr. GREY, Late Governor of New Zealand.

CHAS. CLIFFORD, Late Speaker of the House of Representatives.

HENRY SEWELL, Formerly Colonial Secretary and late Attorney General of New Zealand. H. A. ATKINSON, Late Minister of Colonial

Defence J. LOGAN CAMPBELL, Late Member of the Executive Council, and Superintendent of the Province of Auckland.

**No. 45.COPY of a DESPATCH from Governor Sir**

# G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K.G.

*Report of Visit to Whanganui, Taranaki, &c. Government House, N. Z. Auckland, 14th October, 1869.*

MY LORD,—

In continuation of my previous reports of my official visits to various parts of this colony, I have the honour to state that I left Wellington on the 20th September ultimo, and arrived at Auckland on the 4th instant, after a very interesting and, as I am assured, not unprofitable journey and voyage along the west coast of the North Island of New Zealand, during which I visited Whanganui, Wereroa, Patea, Taranaki, Whaingaroa, and other places important in connection with the recent or existing disturbances.

- Accompanied by Mr. Fox, the Prime Minister of the colony, and by one officer of my Staff (Captain Pitt, R.A.), I proceeded, in the first instance, from Wellington to Whanganui. I found that town in a far more satisfactory condition than at the period of my former visit to it in last November, when Titokowaru had advanced to within ten miles from its suburbs, and an attack was expected almost every night, followed, perhaps, by massacres of women and children like that which had then recently been perpetrated by Te Kooti at Poverty Bay. News, however, reached me that Te Kooti was near the Lake of Taupo, where he had been joined by the influential chief Te Heuheu; and that he was threatening a fresh raid from his present central position, whence he could come down the River Whanganui in war-canoes, as the rebels came before the battle, of Moutoa in 1864. The gallant chief Te Kepa (Major Kemp) at once consented again to take the field, and to march against Te Kooti with a strong division, of his clan. It will be seen from my Despatch No. 140, by this mail, that he afterwards joined Colonel McDonnell; who had set out from Napier at the head of a combined force of Europeans and loyal Natives from the East Coast; and that Te Kooti had already been defeated, with heavy loss in two severe actions.
- Annexed is a copy of the address presented to me by Te Kepa and the other chiefs of the Whanganui. It will repay an attentive perusal, as showing their views with regard to. The present posture of affairs. It will be seen that I again visited them at Putiki, their settlement at the opposite side of the river from the Town of Whanganui, and harangued them in praise of their loyalty to the Crown, of which they have given so many proofs. I also inspected, accompanied by Mr. Fox, the houses at Putiki where the wives and children (about one hundred and fifty in number) of the rebels in confinement at Wellington are fed and clothed at the expense of the Colonial Government. They seemed to be in good health, and made no complaints of any kind.
- From Whanganui we rode overland to Patea, escorted by a dozen troopers of the local Volunteer Cavalry. In disturbed districts it is considered the safest course to form only a small party of horsemen, and to ride fast, so that the Maoris may have no time to lay their deadly ambuscades. However, on our entire journey we saw only three Natives, upon whom we came suddenly at the corner of a wood. One of them was identified as a member of Titokowaru's band, and an escaped prisoner; so he was sent back to confinement.
- The country between the Rivers Whanganui and Patea, forming part of the Province of Wellington, and also the entire Province of Taranaki, has been described as the "cockpit" of New Zealand, like Belgium of Europe. For more than nine years past there has been almost constant fighting in these districts, between, on the one hand, the Imperial and Colonial forces, successively under General Pratt, General Cameron, General Chute, and Colonel Whitmore, and, on the other hand, portions of the Maori clans of the Ngatiruanui, Ngarauru, Taranaki, and Ngatiawa, under Wiremu Kingi te Rangitake (the well-known "William King," of Waitara), Hone Pihama, and other leaders, and latterly under Titokowaru. There is hardly a league throughout the whole extent of this country without its tale of some desperate skirmish, bloody ambuscade, or fierce assault and defence of a Native pa or of an English redoubt. We visited all the more remarkable scenes in the recent annals of the colony. In particular, I may mention that we rode over the flat open land at Nukumarū, where, on the afternoon of the 25th January, 1865, General Cameron's camp was attacked by six hundred Maoris, under Hone Pihama, who is stated to have forced his way, before he was repulsed, to within one hundred and fifty yards of the General's tent. On the rising ground, two miles further, we visited the pa at Tauranga-ika, fortified by Titokowaru with vast labour and great engineering skill, but which he evacuated in last February, fearing to have his supplies cut off, when he had been nearly invested by Colonel Whitmore. The first night after leaving Whanganui we

bivouacked at the famous Wereroa Pa, which occupies a very important strategical position, and concerning which there was so much correspondence (since published in the Parliamentary Papers) between Sir George Grey and General Cameron. This post, as also posts at Wairoa, at Patea, and at Manawapou, are now held by strong detachments of the colonial Militia and Volunteers.

- On my arrival at the Township of Carlyle, at the mouth of the River Patea (where a small body of settlers have maintained themselves with much courage and perseverance throughout the war), I was presented with an address, of which, and my reply to it, I annex a copy.
- Here I found a portion of the loyal Ngatiporou clan from the East Coast which is to be placed (in pursuance of a policy which was successfully carried out at the Cape by General Cathcart) at Waihi, about twenty five miles north-west of Patea, as an advanced guard for the English settlements against Titokowaru's bands, which still infest the country beyond. There was some misunderstanding of the intentions of the Colonial Government and consequent discontent among the Ngatiporou, but, at the request of Mr. Fox, I addressed them in an explanatory and encouraging speech, which had the effect of restoring their good humour. The next morning they marched out to occupy the fertile lands assigned to them, a rich exchange for their rugged mountains on the East Coast. The march presented a most picturesque and suggestive picture. The kilted warriors, their mantles waving in the breeze and their arms flashing in the sun, strode proudly and rapidly forward, in long "Indian file" over the beautiful prairie, at this season—the spring-time of the Southern Hemisphere—bright and fragrant with flowers and flowering shrubs. From time to time a part of the line would be lost to sight as it passed through a ravine or a grove of trees, soon to reappear beyond. The mounted chiefs galloped to and fro, marshalling their clansmen by voice and gesture, and guiding the progress of the wagons carrying the sick and wounded. The women stepped gaily along by the side of their husbands and brothers, many with their children clinging round their necks. As I rode up to each group I was saluted by all alike with ringing shouts and chants of welcome. This fertile open country, stretching east and west, is bounded on the south by the Pacific, as blue and sparkling as the Mediterranean; on the north by the dark forests which reach inland from Whanganui to Taranaki, and above which swells the graceful, cone-like peak of Mount Egmont, the holy mountain of the Maoris, and celebrated in their traditional songs and legends. This part of the coast-land of New Zealand vividly reminded me, in many respects, of the coast-land of Sicily between Syracuse and Messina. Mount Egmont, a now extinct volcano, is a more shapely and graceful Mount Ætna. I trust that your Lordship will pardon a brief digression of this nature, as I am led to believe that you desire to realize in your mind a complete and correct picture of the scenes and events now passing in this country.
- Most thoughtful men in New Zealand seem to be now agreed that it would have been more prudent not to attempt for some years to come to place European settlers in the frontier district of Patea, which is peculiarly exposed to the attacks of the hostile Natives. But this policy was, carried out several years ago; and it now appears to be also generally agreed that to retreat at the present crisis would be regarded by the Maoris as a sign of weakness, which would probably have no other effect but to transfer the fighting from the outposts to the heart of the colony—from Patea and Waihi to Whanganui, and possibly even to Wellington. The homesteads of the settlers, over an extent of nearly a hundred miles, have been burnt by Titokowaru, their cattle devoured or driven off, and their crops and fruit trees destroyed; but they are now gradually returning to their lands, the Colonial Parliament during its last session having voted a sum of money to them, by way of loan, to enable them to make, as it were, a fresh start. The plan adopted resembles that recommended by General Cathcart for the defence of the frontier districts of the Cape Colony. The rebuilding of the scattered homesteads is discouraged, while at convenient distances and in commanding positions (such as Wereroa, Wairoa, Patea, and Waihi) redoubts and blockhouses have been erected for the protection of villages in which the settlers and their families will reside, going forth from these central places of refuge to tend their cattle and cultivate their farms. The advanced posts of the Ngatiporou inspire general confidence.
- From Patea I proceeded to New Plymouth, the capital of the Province of Taranaki, where I was heartily welcomed alike by the Europeans and the Natives, as will be partly seen from the accounts of my reception published in the local newspapers. The address presented by the settlers, and the speeches of the Maori chiefs, deserve attentive perusal, as showing the views of both races on the present condition and prospects of the West Coast. It will be perceived that four hundred Maoris, at least half of whom were returned rebels, recently in arms against the Crown, assembled to meet the Governor and the Minister for Native Affairs (Mr. McLean), who had preceded me by sea to Taranaki. To our great satisfaction, the redoubtable Ngatiruanui chief Hone Pihama, who fought so long and so bravely against Generals Cameron and Chute, attended the *korero* and made a loyal speech. He has always waged an honourable warfare, and has never sanctioned (like Titokowaru and Te Kooti) murders in cold blood, or the slaughter



of women and children; so he comes under the spirit of the peace Proclamations. Hone Pihama has actually taken the contract for the conveyance of the mails across the country of Titokowaru, who dares not meddle with him. The truth is that many of the Maori chiefs on the West Coast, who a short time back thought and spoke of nothing but "driving the pakehas into the sea," appear now to have come to the conclusion that it will be more pleasant and profitable to follow the example of their countrymen at Hawke's Bay and elsewhere on the East Coast, by leasing their lands to the pakehas, and living in European comfort and luxury on the rents. Hone Pihama's conversations with me and with Mr. McLean were full of the blessings of Christianity, and of law and order, of loyalty to the Queen, friendship for the settlers, and offers of land on sale or lease for the making of roads, the erection of flax-mills, saw-mills, and iron foundries, the discovery of gold fields, and the general development of the natural resources of the country.

- The growing value of the New Zealand flax (*Phormium tenax*), as an article of commerce, is very fortunate at the present time, for its cultivation and manufacture require the active co-operation of both races—of the Maoris to supply the raw material, and of the Europeans to prepare it for use and shipment. Much attention is also being paid to the remarkable "ironstone," or titaniferous iron ore, which is found in great abundance on the sea-beach of Taranaki, and from which the best qualities of steel can be manufactured. I visited with much interest the first foundry erected at New Plymouth, and hope to take an early opportunity of reporting at length on this and other cognate subjects.
- The Province of Taranaki has often been called "the Garden of New Zealand;" and the beauty of its scenery combines with the fertility of its soil to entitle it to this distinction. It will not be forgotten that its defence has been very costly to both the Imperial and the Colonial Governments. However, the exertions made by the settlers for their own protection render them deserving of support. They number in all barely four thousand, men, women, and children; of whom eight hundred, including nearly every able-bodied male; are armed and drilled, and have been for the most part under fire during the war of the last nine years. Detachments of the Militia and Volunteers hold the frontier posts, while the entire force is ready to take the field in case of need at very short notice. There is also in the province a division, one hundred and fifty strong, of the Armed Constabulary; while the stockade in the Town of New Plymouth is garrisoned by two companies, about one hundred and twenty officers and men, of the 18th Royal Irish Regiment. Here, as elsewhere in the disturbed districts, the opinion seems universal that the moral support of detachments of Imperial troops in the principal towns is indispensable to secure any certain prospect of peace and tranquillity.
- During the week which I spent in the Province of Taranaki I visited on horseback the scenes of the principal fights between Generals Pratt, and Cameron and the Natives under Te Rangitake (William King), who is now living in the forests near the base of Mount Egmont, about twenty-five miles from New Plymouth. He sent a message to the effect that he also, like so many other chiefs recently in arms against the Crown, would have attended the meeting held to welcome me, if he had not been "whakama," that is, "ashamed of himself." This modesty probably means that he is still watching the course of events before he finally decides on peace. He has never committed homicide except in fair fight; so it has been intimated by the Government that no notice will be taken of his past conduct, and that some valuable land has been reserved for him on the banks of the River Waitara (where he began the war in 1860), upon which he can come and live quietly whenever he pleases. The voluminous Parliamentary Papers and other official documents published on the subject contain full information about the controversy respecting the Waitara block of land, and the consequences to which it led. A township is now fast growing up at the mouth of the River Waitara.
- I inspected the outposts held by the local Militia for the protection of the settlements round Taranaki, especially that on the hill of Pukeraugiora (eleven miles from New Plymouth), where stood the pa of Te Arei, besieged by General Pratt. This important frontier post is now garrisoned by a party of military settlers, among whom I found a Greek gentleman of good birth and education from Patras, in the Peloponnesus, named Padopoulos, who, with a few others of his countrymen, fought bravely in the colonial forces. He told me that a love of warlike adventure had brought them to New Zealand; and observed that, as the Byzantine Emperors once employed Englishmen in their Varangian Guard to protect the frontier of the Greek Empire, so it seemed the English Government now employed Greeks to protect the frontier of the British Empire. He is an industrious farmer, and has already planted a small vineyard near the redoubt. It was certainly interesting to find a Greek in such a place, especially as Pukeraugiora is the Suli of Maori history. About 1830, ten years before the commencement of English colonization, the Ngatiawa clan had entrenched themselves on this hill when attacked by the Waikatos under Potatou te Wherowhero, afterwards elected (in 1857) to be the first King of the Maoris. At the final assault, many hundreds of the Ngatiawas, rather than fall into the hands of the hereditary foemen, threw themselves

headlong, with their wives and children, from the top of the lofty cliff overhanging the River Waitara. It will be remembered that a similar incident took place on the capture of Suli by Ali Pacha. The gorge of the Waitara below Pukerangiora reminded me in its general features of the gorge of the Acheron below the Rock of Suli.

- From Taranaki I proceeded by the sea to the Harbour of Whaingaroa, where I visited the small township of Raglan, which, when peace shall have been finally established, will probably become a place of importance, and one of the chief ports on the West Coast. I enclose a copy of the address presented to me by the settlers, and of my reply to it. They do not exceed at present two hundred in number, and dwell principally round a redoubt, into which they would retire in the event of an attack. The few Maoris in the immediate neighbourhood of the settlement are friendly, but Raglan is distant in a straight line only twenty miles from the *aukati* or "pale" of the Maori King.
- From Whaingaroa I proceeded to Auckland by the Manukau Harbour. In conclusion, I would remark that my observations on the West Coast, as in all other parts of New Zealand, confirm the views on the general condition, prospects, and requirements of this colony which have been submitted at length in my previous despatches, and especially in my reports of 7th. December, 1868, and 7th January, 1869.

I have, &c.,

G. F.BOWEN.

The Right Hon. Earl, Granville, K.G.

## **No. 46.COPY of a LETTER from Sir GEORGE GREY,- K.C.B., to the Right Hon. Earl GRANVILLE, K.G.**

*Recognition of Maori Authority in New- Zealand, &c.* Belgrave Mansions, Grosvenor Gardens, London, 27th October, 1869.

MY LORD,—

I beg to slate that a despatch of your Lordship's, dated the 7th instant, and which has been published by your directions, is, in my opinion, likely to seriously injure myself and those New Zealand statesmen who acted as my Ministers. I am confirmed in this opinion by the remarks made to me in connection with your Lordship's despatch since its publication.

Your lordship is pleased to state, in the despatch to which I allude, that the recognition of Maori authority by Her Majesty's Government in New Zealand is an indispensable, although a distasteful, remedy for the difficulties of New Zealand—although it is one which will not be resorted to while the colony continues to expect assistance from this country, and that a decision to supply the colony even with the prestige of British troops, objectionable as your Lordship has shown it to be on the ground of practical principle, would, in your view, be almost immediately injurious to the settlers themselves, as tending to delay the adoption of those prudent counsels on which you think the restoration of the Northern Island depends. Your Lordship will pardon me for showing, in self-defence, that the statements so made are contrary to fact.

One error which pervades your Lordship's correspondence upon this and cognate points is that you are pleased to speak of "the *leading* tribe" of Maoris as "scattered." In truth, the Waikato Tribe, the tribe to which I presume your Lordship alludes, would not be admitted to be the leading tribe by several other tribes, such as the Ngapuhi Tribes, the Ngatikahungunu Tribes, the Ngatitoto, the Ngatiraukawa, the Arawa, and other tribes. The Waikat Tribes, however, set up the Native King, and selected, twice, a leading chief of their own tribe to fill that office: hence arose a great difficulty. The other tribes to which I have alluded, the chiefs of which had always been independent sovereign princes, had relinquished, by treaty, their sovereign rights to the Queen of England, and, conjointly with the Waikato Tribes, had by that treaty recognized Her Majesty as their common

Sovereign. The tribes I have named, or the great majority of them, were and are proud of being the subjects of a great Sovereign, and no persuasion would induce them to recognize the authority of the Waikato King. To make them do that, we should have to resort to force, and to join the fanatics against those tribes, many members of which have cheerfully laid down their lives to maintain the authority of the Queen. The mere rumour of any intended general recognition of the Maori King will raise up new and more formidable enemies against us than we have hitherto had to cope with, and other tribes will declare their independence upon totally new grounds.

I beg to state that whilst large bodies of troops were in the country, and before the Waikato war commenced, I paid a visit to the Waikato tribes, who I believed were resolved upon a formidable outbreak. The whole of their principal chiefs met me, with the exception of the Maori King, who was ill, and I, to those chiefs, with the full assent of my Responsible Advisers, offered to constitute all the Waikato and Ngatimaniapoto country a separate province, which would have had the right of electing its own Superintendent, its own Legislature, and of choosing its own Executive Government, and in fact would have had practically the same powers and rights as any State of the United States now has. There could hardly have been a more ample and complete recognition of Maori authority, as the Waikato tribes would within their own district—a very large, one—have, had the exclusive control and management of their own affairs. This offer was, however, after full discussion and consideration, resolutely and deliberately refused, on the ground that they would accept no offer that did not involve an absolute recognition of the Maori King, and his and their entire independence, from the Crown of England,—terms which no subject had power to grant, and which could not have been granted without creating worse evils than those which their refusal involved.

I have, &c.,

G. GREY

## **COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K.G.**

*Wellington.—Respecting Trial of the Hauhau Prisoners.* Government House, N. Z. Auckland, 28th October, 1869.

My LORD,—

In continuation of my Despatch No. 113, of the 4th September ultimo, I have the honour to report that the trials of the Hauhau prisoners from the bands of Te Kooti and Titokowaru have been completed during the past month, before the Supreme Court of this colony.

- Your Lordship is already in possession of the opinion of the Attorney-General of New Zealand as to the political and legal status of these men, and is aware that he declared that they should be tried for levying war against the Queen; also that the learned and able Judge who presided at these trials (Mr. Justice Johnston), in his charge to the Grand Jury, practically indorsed the views of the Agent-General. I now further transmit a printed copy (corrected by himself) of the Judge's charge to the petty jury in the high-treason cases.
- Out of the total number of nearly one hundred prisoners, more than twenty of the least criminal were discharged, no evidence against them having been tendered on the part of the Crown; while the remaining seventy pleaded guilty, or have been convicted after long and patient trials before the Supreme Court. As I have already informed your Lordship, the Colonial Ministers and I, have been agreed from the beginning that, under the peculiar circumstances of this country no capital sentence should be carried out against Natives convicted only of having carried arms against the Queen. Accordingly, all the sentences, with three exceptions, will be certainly commuted, according to the degree of guilt of each individual, to various terms of imprisonment. The three exceptions referred to are those of Hauhaus convicted of treason and rebellion, and found in addition to have been concerned in cruel murders of unarmed men

(Europeans or friendly Natives), and of women and children; or in other heinous atrocities, generally abhorred by the Maoris equally with the colonists. In these three cases, or at all events in one or two of the worst of them, the law will be allowed to take its course. However, the final decision on the report of the presiding Judge cannot (in pursuance of the regulations prescribed in the Governor's Commission and Instructions) be pronounced until after the formal meeting of the Executive Council, which will be held next week. It cannot, consequently, be communicated to your Lordship by this month's mail, which leaves Auckland this day.

- It need scarcely be said that in any capital executions the aggravations peculiar to sentences for treason will be remitted. Mr. Justice Johnston is of opinion that, in the present condition of the Statute Book, he was bound to pass sentence in the following terms: "You shall be drawn on a hurdle to the place of execution, and be there hanged by the neck till you are dead; and afterwards your head shall be severed from your body; and your body shall be divided into four quarters, which may afterwards be disposed of according to law." The Judge, with my sanction, stated on each occasion that this sentence would not be carried out in its terms. With regard to this point, I request your Lordship's attention to the following paragraph, which has appeared in one of the leading journals of New Zealand (*Wellington Independent*, 2nd October, 1879): "It is a matter of regret to almost every member of the community that the necessity of pronouncing sentence after the old form established by English law had not been removed by legislative enactment. Our civilization revolts from the parallel which may be drawn between the horrible mutilations of their victims by the Maoris, which we so emphatically denounce, and the sentence of barbarous mutilation after death to which the law deliberately consigns those condemned for the crime of high treason. This was evidently felt by the Judge whose painful duty it was to pronounce the sentence, and he took care to explain to the condemned that such part of the sentence would not be carried out. Nevertheless, softened as we may, it gives a handle for recrimination which we would fain avoid."
- Mr. Justice Johnston has written to me that, with the exception of the unfortunate circumstance alluded to above, the general result of these trials has been, in his opinion, "most satisfactory;" and that "they will prove of great service to the colony, as showing the true intentions and objects of the rebels, and silencing the calumniators of the Government and of the settlers in respect of their treatment of the Hauhaus.... The real nature of the West Coast rebellion has been made manifest—Te Kooti's professed object clearly having been to exterminate the adherents to the Government of both races, and to enjoy the plunder."

Compare the emphatic language on this point used by Mr. Justice Johnston in his charge, transmitted herewith (see the Enclosure).

Mr. Justice Johnston further writes that the prosecutions were very well conducted by the Attorney-General on behalf of the Crown; that the prisoners were ably defended by the counsel procured for them at the expense of the Colonial Government; and that the general demeanour of the jurors left nothing to desire.

- I will transmit by the next mail full official documents, and details respecting these important trials, and a report of the final decision of myself and my Ministers on the fate of the three most guilty criminals. Meanwhile, I beg leave to submit that the above-mentioned facts and opinions, as stated by the experienced Judge who presided, would of themselves be sufficient to justify the objections raised by me and others to the proposals made a short time ago for superseding the Supreme Court of the colony by the establishment of Courts-martial and other special and extraordinary tribunals for the trial of Maori prisoners. To omit many other obvious considerations, we felt, in the terms used in a previous despatch,

Governor of New Zealand to Secretary of State, No. 113, of 4th September, 1869.

that "there was no reason to suppose that the Supreme Court and the civil juries are unable or unwilling to administer with a severity sufficiently deterrent impartial justice to both races of the inhabitants of this country."

I have, &c.,

G. F. BOWEN.

The Eight Hon. Earl Granville, K. G.

**Enclosure. Mr. Justice JOHNSTON'S CHARGE on**

# the HIGH TREASON CASES.

GENTLEMEN OF THE JURY,—We have now come to the last stage of this most interesting and important trial—important in many ways which have been suggested to you by the learned counsel on both sides, and which will also suggest themselves to your own minds. I think it was quite unnecessary for either of the learned counsel to advert for a moment to the possible or probable results of the case, in order to induce you to give it your careful and dispassionate consideration; for if you feel, as I can scarcely doubt you do, the sense of awful responsibility which I feel towards the community on this occasion, you require no urging to be calm, careful, patient, and dispassionate. In your treatment of the case, what you have to think of is not what your neighbours will say, nor what public opinion may say to-morrow or the next day, or by-and-by, but what will weigh most with you is, how you shall answer hereafter, long after this trial is concluded, to your conscience and to your God.

Fortunately, the circumstances of our Mother-country, and of the vast majority of her colonies, have been such for many years that trials for high treason have been few and far between. Thank God for it. Nay, it has been so much so that we almost lose sight of the importance of the law on the subject, and of the punishment of crimes committed against that law. The prisoners at the bar are charged on this occasion under a statute no less than five hundred years old,—a law passed, not in the interests of authority and despotism, but in the interests of liberty, that men might know clearly and distinctly what treason was. Although the prisoners at the bar may not have had the same opportunities which many British subjects have had, by education and instruction, of knowing what the law is under which they live, I am bound to tell you that you must treat those men exactly on the same footing as any other British subjects amenable to the same laws, and that you ought to take the difference of race and situation no further into consideration than to ascertain how far it ought to influence you as to the inferences of facts which you should draw from their conduct and language. I should be wanting to myself and to the colony were I not to offer a just tribute to the learned counsel who have conducted this anxious inquiry. We have seen the principal law officer of the Crown, the Attorney-General, conducting the case on behalf of the Government; and a gentleman of long standing at the English bar, and of evident experience and skill, has been enabled, through the liberality and feeling of justice of the Government, to give the prisoners the benefit of his advice and watchful attention throughout the inquiry. I congratulate the colony on this being the case, because there is nothing which I have felt more strongly since I came into the colony, and which I feel more strongly day by day, than that the real welfare of this colony for the future, and the satisfactory connection between the aboriginal inhabitants and the Europeans, must in a great measure depend upon the temper and manner in which justice is administered in the tribunals of the country. While I pay this well-merited tribute to the counsel both for the prosecution and for the defence, I at the same time cannot believe that either kind of prejudice suggested by them will be likely to affect your minds in the least when you apply yourselves to the consideration of the matters before you. It is 'my special and peculiar duty, in the first place, to state to you what the law is as it affects the indictment and the circumstances proved; and, in the second place, to endeavour to assist you in applying that law to the facts. But with regard to the proper conclusion to be inferred, as matter of fact, from these facts, you are the responsible tribunal, not I; and, although it is competent for me to express my opinion upon the facts, and the inferences from facts, I shall probably, on this occasion as on most others, very rarely do so. If I indicate to you any kind of opinion of my own as to the inferences to be drawn from facts, correct me in your better judgment, if you should think I am mistaken.

The prisoners at the bar are accused by this indictment, on two different counts, with levying war against the Queen, under the statute 25 Edward III., passed in the year 1354, and called the Statute of Treasons. I shall confine my remarks to that portion of the statute which refers to the case we have to deal with,—the levying war against the Sovereign. Now, gentlemen, you will take it from me as settled law that any use of violence by a number of persons for the purpose of obtaining the redress of public grievances, or for the purpose of overthrowing the authority of the Queen, or of the constituted Government of the country of which she is the supreme head, amounts to the crime of high treason. Allegiance, which is the duty that underlies the definition of the crime, is the bond between the Sovereign—whether an individual, as in a monarchy, or the State, in a republic—and the people of the country. The duty on the part of the sovereign power in the State is to protect the people, their lives, liberties, and property; and the duty on the part of the people is to obey the law as declared and administered by the tribunals and Government of the State. In New Zealand—in all its islands—whatever the source may be from which the authority has arisen, I must lay it down to you as law that Her Majesty Queen Victoria is Sovereign, and that the Government established in New Zealand by virtue of the Acts of the Legislature of England is the Government of the Queen of England for this her colony. I further state to you that every person, not being merely a visitor from other countries, but who remains in these Islands,

is, while residing under the protection of our laws, a subject to the Crown of Great Britain; and that the aboriginal or half-caste inhabitants, whether born before or after the settlement of this colony, are, by law, British subjects, and have the same rights and duties as natural-born subjects of the Crown. Therefore, if the prosecution have made out to your satisfaction that the prisoners at the bar were engaged with others in endeavouring, not to right some private grievance, or to exact some retaliation against private enemies of their own, or against tribal enemies, but to deny and resist the authority and withdraw themselves from subjection to the authority of the Government of Her Majesty in the colony; they are guilty of high treason. In allusion to one matter to which attention has very properly been called by the learned counsel for the defence, I tell you that you need not embarrass yourselves as jurymen—who have only to pronounce, as a verdict, Guilty or Not guilty—with any question as to the relative degree of guilt of these prisoners and the persons with whom they have acted in concert. I shall tell you presently the law in respect to persons acting in concert for a common purpose; but, referring as I have done to the question of the results of this inquiry, let me tell you that you have no right—and it must and would be unwise of you—to contemplate what may be done afterwards should your verdict be one condemning the accused. You must not consider whether the sentence of the law will be modified, or how the prerogative of the Crown may be exercised by those who have the power to exercise it. You must come to your conclusion regardless of the consideration whether, from what may be called the moral point of view, the prisoners before you are more or less guilty than those with whom they have been acting. I put it succinctly to you that it matters little to you whether it is Te Kooti or the humblest of these men that you have before you, if it be established that the acts of any may be taken to be the acts of all. And now I must advert to the question of force or compulsion, which was very properly urged by the learned counsel for the defence. This is one of the most prominent features of the defence, and requires that you should apply your minds vigilantly to the consideration of it, in order to see whether these parties, or some one of them, may not come within the principle on which compulsion is admitted as excusing co-operation with rebels. On this subject I will read to you a passage from the work of Mr. Justice (Sir Michael) Forster on the subject, which is one of the highest authorities on the head of law. The doctrine had originally been laid down that "the only force that doth excuse is a force upon the person, and present fear of death, and this force and fear must continue all the time the party remains with the rebels." But Forster afterwards says it will be enough if "upon the whole the accused may be presumed to have continued among the rebels against his will, though not constantly under an actual force or fear of immediate death."

Now, it is for you to say, when you come to review the evidence, whether that rule can be applied to the conduct of any one of the three prisoners. There is, no doubt, a considerable amount of evidence to show that Te Kooti is a man of strong will and iron rule, who does not threaten without striking; and from the evidence of some of the women you will probably infer that there were persons in his camp—females among them—who were almost paralysed by the fear of his threats, and who,—when you consider the specific language about prisoners, and his threats of how his god would deal with them,—may have been put into an irresponsible position. You will, however, have to test whether, when you review the whole evidence, that can be said with any show of justice with regard to any one of the three prisoners. If, as it is suggested, here is Hetariki at one time alone with the women, there is Rewi at another time alone, sick at Hungaroa, far away from Te Kooti, and again there is Matene going backwards and forwards as *Kokiris*, and taking an active and prominent part in attacks on outgoing scouts of the colonial forces—if all this be proved to your satisfaction, you are to say whether these men were acting voluntarily or were under compulsion. I must point out to you that, according to my judgment, you must, in asking yourselves whether there was force and compulsion or not, remember that if these men were originally forced, by fear of death and by the fear of Te Kooti's threats, to obey his orders while his power was impending over them, yet they afterwards got, as I may say, into the spirit of the thing, and voluntarily went and fought,—there was not such a present fear of death and danger to their persons from Te Kooti as would justify them under the rule which I have pointed out. That is to say, supposing it to be true that their first joining was under compulsion—that the first step in this long tragedy was under compulsion—yet if afterwards they resigned themselves to the situation, and did not escape when they could have escaped, but voluntarily joined in acts of rebellion, the doctrine of compulsion cannot be held to apply. In the first place, with regard to Hetariki, you find his voice—the voice remarkable above all others—recognized as the voice crying out, "Kekaka, kekaka," "Be strong, be strong," in the midst of the fight. Is that an indication that at that time he was there against his will,—that he was there doing something that nothing but the fear of death would compel him to do? Rewi is not certainly shown to have taken any leading part in the matter; but, with regard to Matene, the attack on the escort would seem to be almost conclusive. With regard to escaping, it has been shown that Ohapata escaped because he wished to do so, and it has been shown also that several women escaped. It is for you to consider whether, from the beginning to the end of this disastrous tale, you have any indication of any one of these men attempting to escape from the influence of the force of which it is said they were afraid.

Now, I lay it down to you as law that, without speculating about the animus and the intention of particular parties, if a body of men use violence towards the Queen's troops, whether Imperial or Colonial, or towards any persons in authority under the Crown, or assisting persons in authority under the Crown, for the purpose of shaking off the yoke of Government, it is as much levying war against the Queen as it would be to go and attack Her Majesty in Windsor Castle and slay her guards. Then, as it may be necessary to import the doctrine of specific intention, you will have to consider whether there is ample evidence of the intention of the parties, if not on their first arrival, at all events during many of the scenes that occurred after their arrival from the Chatham Islands. What was their intention? Te Kooti's intention at first, as he said, was to go to Taupo and overthrow the King. It is not suggested for a moment that he was going to make war on his own account. There is no indication, nor is there any pretence for saying, that what was done by Te Kooti was either in consequence of tribal quarrels or for the purpose of repossessing himself of land of which he or his party had been dispossessed by the Government. They belonged to different tribes, few of them had dwelt there, and there is no evidence to show that any land was taken from them by the Government; neither is there any evidence to show that the intention was to avenge themselves for a wrong they had suffered. Furthermore, there is no evidence to show that it was upon any plea of illegal detention or bad treatment at the Chatham Islands that they sought to take revenge. Endeavours were very properly made by the learned counsel for the defence to show that all their subsequent attempts were in consequence of the treatment they had received at the Chatham Islands; but you will see that those endeavours failed. No doubt the mere act of escaping from there is such as no one will blame them for, for they only obeyed the first law of nature. But they brought guns from there which were not their property, and they used those guns afterwards and took other guns. The case does not, however, stop there, for we have positive evidence as to the intention of Te Kooti, from what he repeatedly said in the hearing of persons at times antecedent to that at which their men voluntarily took a part in his acts. Gentlemen, if there were no other purpose that this trial could serve than this, it is well that the colony, the Mother-country, the world, should know that the deliberately avowed and repeated intention of Te Kooti was, as it has been expressed,—and I shall use no language of rhetoric to characterize the expression—to annihilate the *momo kino*, the "bad breed." On pressing the matter, and questioning the witnesses as to what Te Kooti meant by the "bad breed," and what was understood by it by his followers, it became a clear matter of fact that the "bad breed" did not mean this man or that; it did not mean the pakeha, the foreigner, merely, but the Government people of both races. Throughout the whole disastrous events, both the language and the actions of this party showed that their attacks were levelled against those who supported the Government. What Government that was there can be no doubt. It was the Government of Her Majesty in the colony. Therefore, I say, this is so pregnant and important a fact that, if nothing else resulted from this trial, your long detention from your homes, the inconvenience you have been put to, and which you have borne so patiently and intelligently, would be but little in your estimation compared with establishing the fact before the world that such are the intention and meaning of those persons, who, I am sorry to say, are still, as far as we know, in more or less active insurrection against the Government. The importance of the trial in this respect, of course, so far from tending to prejudice the prisoners at the bar, would have rather a contrary effect, for I say, notwithstanding the perhaps justifiable observation of the Attorney-General, that to my mind what becomes of these three men is comparatively insignificant to the great fact which this trial will probably establish—that, as far as regards the circumstances of that portion of the colony with which this case is connected, the Government has not been acting otherwise towards the hostile Natives than for the maintenance of the peace of the country, and that Te Kooti and his followers have not set up the pretence of a grievance done to them.

Much has been said during the trial as to the relevancy of particular facts towards establishing the general conclusion charged in the indictment; but, having paid due attention to the suggestions of the learned counsel for the defence, I have not seen my way to the disallowing any part of the evidence as to events, from the landing at Whareongaonga to the taking of Ngatapa, because, to the best of my judgment, all the acts appeared to be done in pursuance of one common design, perhaps originally instituted by Te Kooti, but carried out by him and his followers, of whom were two of the prisoners from the first, and the third joined them afterwards, all three, according to the evidence, taking an active part at some time in the conspiracy, and being well informed as to their leader's objects and intentions. The line of the case for the prosecution is this: that, having arrived from the Chatham Islands, where they possessed themselves of the ship and overpowered the guard, and brought away the guns of the guard with them, they went through a series of engagements with what I call the Queen's troops—the troops of the Government of the colony; that, living together in camps and pas, they had daily instructions, and that they were from time to time ordered by him to go by night, as detached parties called "*kokiris*," for the purpose of doing what? On one occasion to fetch ammunition; on three occasions, at least, if you believe the evidence, for what purpose? Not meeting the troops with whom they were fighting according to the custom of war, but going to detached places where settlers were, and Maoris friendly to the Government, for the express purpose of assassinating and destroying men, women, and children, who might be

friendly to the Government. Whether the prisoners themselves took part in this particular action, or were one of this particular *kokiri* or that particular *kokiri*, seems to me to be a matter of little importance, if they voluntarily continued under Te Kooti, taking part in his proceedings; after the first occasion on which an order of this kind was given. Whatever may be the degrees of moral guilt, clearly in point of law they must be as guilty as if they themselves drew the murderous sword, or fired the destroying gun. [His Honor here described the relative positions of the various places at which the several events took place, and read the evidence at length, to the jury.]

Gentlemen, the case has occupied much of your time. If any of us, fallible and weak as we are, have in the course of the investigation allowed our minds to be either clouded by prejudice, or excited, I need not urge upon you that, now that solemn moment is coming when you are to determine, so help your God, Are these men guilty of the crime laid to their charge ? you will allow no passion, feeling, or prejudice, or suggestion from any source but one, namely, the evidence, to weigh either for or against the prisoners at the bar. As I said before, it may be that the moving spirits who have designed this great evil have not yet reached the hand of justice, but that, I again point out to you, can be no justification for making these men irresponsible for the acts that were committed by the followers of those leading spirits, if done in common concert with them. With regard to the question of levying war, I repeat that attacking the Queen's troops—and these men were the Queen's troops for this purpose—is of itself levying war; resisting the Queen's troops when they are supporting the Queen's authority, or endeavouring to take a place occupied by the Queen's troops, is of itself levying war against the Queen. Can you have any doubt the principal if not the only object existing in the mind of Te Kooti, and known by all his party to be existing in his mind, was to throw off the yoke, as they might have termed it, of the British Government—to rid themselves of that which they might consider between them and the enjoyment of the whole country ? No possible suggestion can be made, with regard to this portion of the Native race, at all events, that their object was to get and of which they complained that they had been wrongfully dispossessed. No suggestion can after be made that their conduct was even retaliation for some oppression or injury which they even pretended to have received at the hands of the British Government. No suggestion can be made that the insurrection in this part of the colony was the result of misconduct, ill-feeling, or mismanagement on the part of the European settlers or of the Government. With matters which are called political we have nothing to do here." It may be that some persons may think that if these prisoners - had been better; guarded these events would not have occurred; but what justification can that be to them for anything further than their escape, which undoubtedly the law of nature suggested to them ? If it were necessary to show this distinctive motive more clearly, does it not appear that the mode by, which, they sought to shake off the yoke of British rule was by annihilating the British people? Aye, and that so little was there of anything like a national spirit in it, that they were ready to sacrifice persons of their own race, and not only those who, in assisting the Government, might be said in some kind of sense to be traitors to the Native cause, but, harmless women and children of their own blood, merely because they were under the protection of the Government. If, gentlemen, these things or any of them are made out to your satisfaction, you cannot have any reasonable doubt, after the definition I have given you, that there has been levying war under the statute. But, gentlemen, before I conclude, I must caution, you not to allow any feelings, which may have arisen at the recital of the various events of the sad tale to blind, your judgment. The question for you to decide is, Did the prisoners assist willingly or by force to put down the Government of the country, or, throw off subjection to it, not with the idea of getting another political Constitution, but simply for the purpose of overthrowing the Government ? I wish you to understand that the incidental barbarities introduced into the case are; admissible as evidence, because they were committed upon persons, who were, or who were supposed to be, friendly to the Government. And now, gentlemen, the whole case is before you. Its importance cannot be overrated, and I feel very confident that no prejudice will have any effect upon your minds. You will feel you are now going to perform a duty, perhaps one of the most sacred, the most important, the most responsible, that you can have to answer for from your cradle to your grave.

## **No. 48. COPY of a DESPATCH from Governor Sir G. I. BOWEN, G.C.M.G., to the Eight Hon. Earl GRANVILLE, E.G.**



MY LORD,—

I have the honour to enclose herewith, for your Lordship's information, a copy of the final judgment of the Native Land Court, recently delivered at Wellington, in the case of the Eangitikei-Manawatu land claims, which (as will be remembered at the Colonial Office) have caused much angry; discussion during several years past in the southern part of this Island, and have sometimes threatened to lead to opeu warfare.

About seven years ago the fertile block of land lying between the Eangitikei and Manawatu Rivers, on the west coast of the Province of Wellington, and containing nearly a quarter of a million of acres, was purchased for the sum of £25,000, from the Ngatiapa Tribe, by Dr. Featherston, the Superintendent of the province, acting on behalf of the Crown. The scene presented at the payment of this money was witnessed by, Charles Wentworth Dilke, and is very graphically described in his recently published book "Greater Britain." The sale was, however, objected to by certain members of the Ngatiraukawa Tribe, who grounded their title chiefly on conquest, alleging that the land in question was, about fifty years ago, conquered from the Ngatiapas, the original possessors, by the Ngatitua Tribe, under their celebrated chief Te Rauparaha, who subsequently granted much of it to his allies, the Ngatiraukawa. Considering the very serious consequences which have followed the attempt, made in 1860, to carry out, in spite of the protest of a dissentient minority of the Native claimants, "the provisions of the sale of the small-block of land" (only 800; acres in all) on the Eiver Waitara, near Taranaki, the Colonial Government wisely abstained from pushing matters to an extremity in this new case. Unfortunately, however (as it now seems to, be generally agreed), the Manawatu-Eangitikei claims were, in the, first instance, excepted from the jurisdiction of the Native Land Court, instituted for the purpose of investigating and determining 'Maori titles, and composed of English Judges with Native Assessors. This error was, however, afterwards repaired by an Act of the New Zealand Legislature; and the petitions and protests of the conflicting parties, presented to me soon after my arrival in this colony in 1868, were referred; in due course of law, to the Native Land Court, sitting, at Wellington under the presidency of the Chief Judge, his Honour P. D. Fenton. The trial occupied no less than forty-five days, during which eighty-four Maori witnesses were examined. The Attorney-General appeared for the Crown, and Mr. Travers (one of the leading counsel at the New Zealand Bar) for the dissentients. The able and experienced Chief Judge has informed me "that the case was very well got up; that the assiduity and intelligence of counsel, on both sides were very remarkable; that the evidence was conclusive and: that there, remained no doubt; in the mind of any of the members of the Court as to the judgments."

- Mr. Maning, the Judge who, delivered the final decision, is the well-known author of "Old New Zealand," a book which is generally held by all competent critics to contain a very graphic and correct picture of the customs and character of the Maoris in the times preceding British colonization. The judgment delivered by him will in itself be found an interesting page of Maori history. The evidence, taken was chiefly respecting the intertribal wars of the last generation, and the territorial rights acquired and lost by the hostile clans, according to the Maori usage, by victory and defeat. One of the principal witnesses on the part of the Crown was Tamihana te Rauparaha, the only son of the conquering chief, and the last survivor of his name and race.
- The effect of the judgment of the Court is to confirm, in the main, what had previously been done by Dr. Featherston. Specific awards to the amount of 6,200 acres have been made (as shown in the schedules annexed to the order of the Court) to the dissentient claimants who had refused to concur in the sale. Subject to this reservation, the Rangitikei-Manawatu block of land has now passed to the Crown, has become a valuable part of the provincial estate, and is thrown open for European settlement. Nothing can be affirmed with certainty as to the future conduct of so impulsive a people as the Maoris; but I am assured that no further disturbance need, in all probability, be apprehended regarding this matter, which has been so long a source of grave embarrassment. Indeed, the Chief Judge (Mr. Fenton) has written to me in the following terms: "The Court has dealt with, and settled cases of much greater intrinsic difficulty, and possessing far more powerful extrinsic obstacles, than the Manawatu claim; and has never yet, even at Taupo, had a decision disputed, or even obedience delayed." I should observe that the Native Land Court sat at Taupo, a few months back, in the centre of this Island, in the middle of the Native population, and, at a great distance from the European settlements; and that the Judges had no force beyond a few Maori policemen wherewith to carry out their decrees. These facts seem to speak volumes for the confidence with which this Court is generally regarded by the Maori owners of the soil. By its aid the old tribal or communistic tenure, the source of so much internecine strife, is gradually converted into fee-simple; on the production of sufficient proof, certificates of title are given to individual landholders, and on these certificates Crown grants are issued. The Maoris, like the Europeans, are thus brought to

look upon the Queen and the law as the protectors of their territorial rights.

I have, &c.,

G. F. BOWEN.

The Right Hon. Earl Granville, K.G.

## **No. 49. MEMORANDUM by the Hon. Mr. McLEAN, Defence Minister.**

### *Respecting the Movements of Te Kooti.*

SINCE the last monthly report, Te Kooti, Kereopa, and their followers abandoned the position taken up by them at Tahua, from which they were followed up by Topia, a chief of Upper Whanganui—one of Tawhiao's (the so-called King) adherents,—and by Major Kemp, of the Whanganui Native Contingent. It was deemed prudent to avoid pursuit through the territory of Tawhiao, and as Te Kooti took up a position between the Waikato frontiers and Tauranga, to which place he was invited by a chief named Hakaraia, who desired to avenge the loss sustained by himself and his people at Te Ranga, Tauranga, under Lieut.-Colonel Greer, of the 68th Regiment, in May, 1864.

It being necessary to dislodge Te Kooti from a position that threatened the safety of both Europeans and Natives in the settled districts of Tauranga and Waikato, Lieut.-Colonel McDonnell was directed, in concert with Topia and Kemp, to move against him. Some slight skirmishing ensued, the enemy's loss being six killed, a few prisoners, and 120 horses taken. Tapapa, the pa occupied by Te Kooti's force, was taken, and he retreated to Rotorua, where, in an encounter with a party of the Arawa, he sustained a loss of sixteen killed; the casualties on the side of the friendly Natives being three wounded, one mortally.

The operations during the month may therefore be said to have resulted in driving Te Kooti out of the King territory into the country of his oldest allies, the Ureweras. In scarcely one instance did he make a determined stand; it was principally by timely flight, from place to place, that he managed to escape apprehension.

Considerable excitement was created in the minds of the King Natives, *i.e.*, Waikatos and Ngatimaniapotos, through the proximity of the operations. After their long and strict isolation, the presence of so large and mixed a force as has been operating in their neighbourhood naturally created a strong feeling. It is certain, however, that they as little desired the presence of Te Kooti and his followers as of our forces. The feelings with which the King and his advisers viewed the progress of events occasioned more general anxiety than even Te Kooti's movements.

The translation into Maori of Earl Granville's despatch in which he tells the Maoris that the balance of justice is on their side, and that only the strong arm can keep them down, has naturally aroused in the minds of a section of the Natives the idea that good may come of continued rebellion. It is something to them to know that the colonists appear to have lost the sympathy of the Imperial Government. The King and his advisers, who are strong in knowledge of the past, of course are not likely to allow their own opinions to be coloured by those of Earl Granville; but it may suit them to pretend they agree with him and his views are frequently referred to as an indication of Her Majesty's mind. Again, many of his young and hot followers, careless of the precise facts, read in the manifesto an incentive to a combined national movement. The furiously disaffected are also, of course, delighted with it. It has even worked mischief with that section of the colonists who have habitually felt themselves at liberty to interfere without authority, and lend their countenance to rebellion....

Ministers have lately had to exercise a good deal of firmness, in the face of the reports spread about of the intentions of the King Natives, in adhering to their determination to drive Te Kooti from the King country, and to pursue him until he and his band are dispersed or destroyed.

DONALD MCLEAN.

Auckland,

14th February, 1870.

## **No. 50. COPY or a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K. G.**

*Present State of the Colony.* Government House, N. Z. Auckland, 4th June, 1870.

MY LORD;—

Mr. McLean, the Minister for Defence and Native Affairs, left Auckland for Napier and Wellington last week, and I have not any memorandum from him, showing the recent progress of events, to transmit by this month's mail.

- There is, however, nothing new of particular moment to report. The entire colony continues tranquil, with the exception of that portion of the North Island, near the East Cape, where Te Kooti still maintains himself, with a small band of followers, in the recesses of the Urewera Mountains, which are almost impenetrable in this season, the winter of the Southern Hemisphere. In addition to the men he lost in the fights at Maraetai and elsewhere, a considerable number of his former adherents have surrendered to the Government. He is watched, and, when possible, will be followed up, by the chief Ropata and the loyal Ngatiporou Tribe. Te Kepa (Major Kemp) and the Whanganuis have been conveyed to their homes on the West Coast for the winter, by sea from Opotiki, as they required rest after their long and toilsome march across the Island—but their services, as also those of the Arawa, will again be available when required; and it will be seen, from the official report of my recent visit to the North, that the chiefs of the Ngapuhis, the most powerful tribe in New Zealand, also repudiated all sympathy with Tawhiao, the so-called "King of the Waikatos;" assured me and Mr. McLean of their continued loyalty to the Queen, and of their good-will towards their colonial fellow-subjects and stated that "after peace has been made with Matutaera (*i.e.*, Tawhiao), if he attempts to break that peace, the only feeling of Ngapuhi, in the event of such violation of peace, would be to go in a body and fight on behalf of the Government."
- I have mentioned, on more than one occasion, that the leading men of all parties here appear to be in favour of the policy described in my despatch of 7th December, 1868, as a "peaceful arrangement, not inconsistent with the sovereignty of the Queen," with the so-called "King party." Such an arrangement was virtually, though not in formal terms, made by Mr. McLean in last November, when he held a conference with Tamati Ngapora, Rewi Maniapoto, and other principal councillors and adherents of Tawhiao. It is generally believed here that any concession beyond an accommodation of this kind would be neither desirable nor indeed practicable, as it would be opposed to the opinions and feelings alike of the colonists and of the loyal Maori tribes.

I have, &c.,

G. F. BOWEN.

The Right Hon. Earl Granville; K.G.

## **No. 51. COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K.G.**

*Presentation of Swords to Maori Chiefs.* Government House, "Wellington, N.Z., 26th June, 1870.

MY LORD,—

With reference to your Lordship's Despatch No. 28, of the 18th March ultimo, I have the honour to report that the six swords of honour sent out for presentation, in the name of the Queen, to certain Maori chiefs distinguished for their loyalty and gallantry, have arrived.

- Three of the chiefs referred to, viz., Te Kepa (Major Kemp), Ropata, and Mokena, are now in Wellington, and on the 20th instant, the anniversary of Her Majesty's accession, I presented their swords *to* them in the presence of the Colonial Ministers and other principal functionaries of Government, and of a large number of the members of the New Zealand Parliament. On the following day I entertained at dinner the three above mentioned, together with eleven other of the principal Maori chiefs.
- I shall take an early opportunity of presenting the three other swords to the chiefs for whom they are intended, and whose names they bear, viz., Pokeha te Taranui, Ihaka Wanga, and Henare Tomoana. The Colonial Government will provide at its own cost suitable presents for certain other chiefs—in particular, for Topia Turoa, who has recently distinguished himself in the last campaign against the rebels, and especially in Te Kepa's late march across this Island in pursuit of Te Kooti.
- There can be no doubt but that the presentation of these marks of Her Majesty's recognition of the loyal and gallant services of several of the chiefs of leading Maori clans will not only stimulate the recipients of this honour to further exertions in support of the sovereignty of the Crown and of the Cause of law and order in New Zealand, but will also produce an excellent effect among their countrymen generally.

I have, &c.,

G. F. BOWEN.

The Right Hon. Earl Granville, K.G.

## **No. 52. COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K. G.**

*Trial and Conviction of Captured Rebels.* Government House, Wellington, N.Z., 28th July, 1870.

MY LORD—

In continuation of the second paragraph of my Despatch. No. 79, of the 3rd instant, I have the honour to report that of the thirty-four members of Te Kooti's band captured by the loyal Maoris under Majors Kemp and Eopata, and recently tried before the Supreme Court at Wellington, in the ordinary course of law, for "levying war against the Queen," thirty were convicted and sentenced to death; two were acquitted for want of proof; while the Attorney-General entered a *nolle prosequi* against the two remaining.

- The report of the learned and able Judge who presided (Mr. Justice Johnston) was considered yesterday

by the Governor and Executive Council. It appears that these trials were conducted on precisely the same footing as those of last year, of which reports were contained in my Despatches Nos. 113,141, and 153 of 1869.

Published in the papers presented to the Imperial Parliament in April, 1870.

The Attorney-General prosecuted on behalf of the Crown, and the prisoners were defended by counsel provided at the cost of the colony.

- After the evidence against them given on the first day of the trial, most of the accused, by the advice of their counsel, asked leave to withdraw their plea of "Not guilty," and pleaded "Guilty." Mr. Justice Johnston observes in his report that thereupon "the Attorney-General said that he had intended to call a chief who would have proved that Te Kooti, with whom the prisoners had been acting, did not pretend to be fighting for land taken from him, and Mr. Allen (the counsel for the defence) admitted that he could not make out that Te Kooti was doing so." It will be recollected that with my Despatch No. 141, of, 28th October, 1869, I transmitted a copy of the Judge's charge to the jury in the high treason trials of last year, in which it was remarked that they would prove of great service to the colony as showing the true intentions and objects of the rebels, and silencing the calumniators of the Government and of, the settlers with regard to their treatment of the Hauhaus
- In my Despatch No. 141, of 1869, I further observed as follows: "It need scarcely be said that in any capital executions the aggravations peculiar to sentences for treason will be remitted. Mr. Justice Johnston is of opinion that, in the present condition of the Statute Book, he was bound to pass sentence in the following terms: 'You shall be drawn on a hurdle to the place of execution, and be there hanged by the neck till you are dead; and afterwards your head shall be severed from your body; and your body shall be divided into four quarters, which may afterwards be disposed of according to law.' The Judge, with my sanction, stated on each occasion that this sentence would not be carried out in its terms. With regard to this point, I request your Lordship's attention to the following paragraph which has appeared in one of the leading journals in New Zealand, the *Wellington Independent*, 2nd October, 1869: It is a matter, of regret to almost every member of the community that the necessity of pronouncing sentence after the old form established by English law had not been removed by legislative enactment. Our civilization revolts from the parallel which may be drawn between the horrible mutilations of their victims by the Maoris, which we so emphatically denounce, and the sentence of barbarous mutilation after death to which the law deliberately consigns those condemned for the crime of high treason. This was evidently felt by the Judge whose painful duty it was to pronounce the sentence, and he took care to explain to the condemned that such part of the sentence would not be carried out. Nevertheless, soften it as we may, it gives a handle for recrimination which we would fain avoid.' "The feeling expressed in the above words was so strongly shared by the Colonial Government and Parliament that the first Bill brought in and passed during the present session is "An Act to alter the Punishment in certain Cases of High Treason" (33 and 34 Vict., No. 1), of which I now transmit a copy. The Judge was thus enabled to pass the sentences of death in the common form.
- In his report of the recent trials, Mr. Justice Johnston states, "I am of opinion that all the convictions, whether on verdict or by confession, were obtained in due course of law; but that, considering the course taken with regard, to the prisoners condemned to death at the last special sittings, under the Disturbed Districts Act, it is not desirable that the sentence of death should be enforced against those prisoners." It will be recollected that in my Despatch No. 153, of the 24th November, 1869, and in the minute of the Executive Council which accompanied it, the reasons were fully given which induced me, with the advice and consent of my Ministers, to cause the capital sentence to be carried out last year only in the person of Hamiora te Peri, who was clearly proved to have been guilty, in addition to rebellion, of having taken an active part in the cruel murders of unarmed men, Europeans and Maoris, and of women and children in the Poverty Bay massacre. The sentences of the other rebels, seventy-six in number, convicted at the same sittings of the Supreme Court, were commuted, according to the measure of the guilt of each individual, to various terms of penal servitude. It will be further remembered that Mr. Justice Johnston afterwards expressed his opinion that "this result was the best that could have been arrived at;" while Mr. McLean, and all those who know the Maoris best, believe that the lenity of the Government has produced a favourable effect on the Native mind generally. They think, in short, that in this as in other countries the maxim holds good which declares that "the grass soon grows over blood shed on the battle field, but rarely over blood shed on the political scaffold."
- Not one of the thirty prisoners recently convicted was clearly proved at his trial to have taken an active part in the Poverty Bay massacre, or in the other equally heinous atrocities of Te Kooti and Titokowaru. Consequently, it was determined by myself and my Ministers, in the Executive Council held yesterday, to commute, in accordance with the opinion of Mr. Justice Johnston, the capital sentences in every case to

various terms of penal servitude or imprisonment. The principle which we have laid down for our guidance from the beginning is that, looking to the circumstances of this country, sentences of death will not be inflicted for rebellion against the Queen's authority alone, unless such high treason is accompanied by murder in cold blood, or some other atrocity. Your Lordship has informed me that you observed with great pleasure the lenient course adopted by the Government of New Zealand, and hope that it will have the satisfactory results which they anticipate from it, and which it deserves.

I have, &c.,

G. F BOWEN.

The Right Hon. Earl Granville, K.G.

## **No. 53. OPINION of the ATTORNEY GENERAL on LEGAL QUESTIONS raised in Earl GRANVILLE'S DESPATCH No. 121, of the 4th November, 1869.**

*Treatment of Unconvicted Rebels.* Wellington, September, 1870.

OPINION of the ATTORNEY-GENERAL of NEW ZEALAND on the Legal Questions raised in the concluding Paragraph of Earl Granville's Despatch No. 121, of the 4th November, 1869, for the Hon. the Colonial Secretary.

I have been directed to peruse and consider the concluding paragraph of a despatch from the Right Hon. the Secretary of State for the Colonies. (Earl Granville) to His Excellency the Governor, dated the 4th November, 1869, in which his Lordship observes upon the explanation offered by His Excellency in his despatch to the Secretary of State, dated the 7th July, 1869, in the following terms: "I do not clearly understand how you justify this notice as a matter of law. I understand you to disclaim the application of martial law, and, viewing Titokowaru merely as a notorious, but untried and unconvicted, rebel and murderer, I am not aware of any colonial enactment which would make it lawful for any chance person to shoot him down." As I understand, my consideration of this matter has been requested inasmuch as the explanations referred to were, to some extent, based on an opinion of mine.

I venture to submit that the observation of his Lordship on His Excellency's despatch is scarcely called for by the explanations offered by His Excellency, and seems intended to raise a somewhat different question from that raised in the despatch to which His Excellency's despatch of July, 1869, was in reply. It was not sought to justify the proceedings referred to upon the ground that they were authorized by the provisions of any colonial enactment. The propriety of the proceedings had been questioned as inconsistent with the usages of war. It was urged, in reply, that the persons to be affected were not entitled to the observance towards them of the usages of war: first, by reason of their being rebels in arms, and that such rebellion was not of such an extent or character as to make it expedient or proper to treat the rebels otherwise than as persons guilty of a breach of the municipal law; secondly, by reason of the hostilities being carried on in such a manner as would have disintituled even foreign enemies to such observance. The justification of the proceedings was based on the universal and supreme law of necessity and preservation of the State. It is by this universal and supreme law that the exercise of the so-called martial law, when-applied by the State to its subjects in arms against its authority, is sanctioned.

To the objection now raised, an answer in the words that there is a "colonial enactment" which makes it lawful for any chance person to shoot down a notorious, but untried and unconvicted, rebel and murderer, would be literally correct. "The English Laws Act, 1858," declares and enacts that the laws of England in force in 1840 shall, so far as applicable, be in force in New Zealand. The law of England on the subject is as follows: "If a person having actually committed a felony will not suffer himself to be arrested, but stand on his own defence, or fly, so that he cannot possibly be apprehended alive by those who pursue him, whether private

persons or public officers, with or without a warrant from a Magistrate, he may be lawfully slain by them."—*Hawker's [unclear: Plea of] the Crown*, c. 28, s. 11; *Burn's Justice*—"Homicide." To the same effect is the following passage from *Foster's. Crown Law*, p. 27L: "When a felony is committed, and the felon fleeth from justice, or a dangerous wound is given, it is the duty of every man to use his best endeavours for preventing an escape; and if in pursuit the party fleeing is killed, where he cannot be otherwise overtaken, this will be deemed justifiable homicide; for the pursuit was not barely warrantable, it is what the law requireth, and will punish the wilful neglect of. I may add that it is the duty of every man in these cases quietly to yield himself up to the justice of his country."

I have already stated that the safety of the State and necessity is the reason for the exercise of such rigorous measures. This appears to be the opinion of Sir Michael Foster (*Crown Law*, p. 270): "Homicide in advancement of justice may likewise be considered as founded in necessity; for the ends of government will be totally defeated unless persons can, in a due course of law, be made amenable to justice."

I suppose that the expression "chance persons" is intended to mean a person without a warrant from a Magistrate, or in aid of an officer of police. The authorities above cited show that any person, though not an officer of police or aiding one, and though without a warrant, may, and indeed is bound to, pursue and bring to justice a person guilt of felony, though unconvicted. I suppose, also, that by the expression "to shoot down" is meant, at the most, "to shoot down when the malefactor stands to resist, or because he flies and cannot be otherwise overtaken." The authorities above cited show this is not only "not barely warrantable," but "what the law requireth."

If the observation of the "Right Hon. the Secretary of State is meant to imply that the shooting-down of a felon for sport, or in the indulgence of any evil feeling towards the felon, is not warrantable, then I am of opinion that the implication cannot be controverted. But I cannot conceive that such meaning was intended to be conveyed. The expression is, no doubt, indefinite. I should, however, consider it disrespectful to the Secretary of State to construe his observations as intending to imply that the Government of New Zealand, in taking the proceedings referred to, were inciting any of the people subject to its rule to an indulgence in an appetite for blood or needless cruelty. It seems to me that it is proper to construe the passage in the despatch referred to as assuming that the law does not authorize a private member of the community, without warrant from a Magistrate, in pursuing an unconvicted murderer, and in shooting him down when he cannot otherwise be overtaken. The Hon. the Colonial Secretary.

JAMES P RENDERGAST.

## **No. 54. COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Eight Hon. the Earl of KIMBERLEY.**

*Death of the Te Tuni.* Government House, N. Z. Auckland, 24th December, 1870.

MY LORD,—

As your Lordship is one of those English statesmen who took a personal and active interest in the early progress of New Zealand, you will doubtless learn with regret that Te Puni, the chief of the clan of the Ngatiawa, died, at the age of nearly ninety years, on the 5th instant, at his residence, Pitone, near Wellington.

- It will be remembered that Te Puni welcomed the arrival of the first emigrants sent out by the New Zealand Company, granted them the land on which the City of Wellington has since been built, and protected the infant settlement, on many occasions, from the violence of his Maori countrymen. He also fought gallantly for the Queen, though he was even then an elderly man, in the first Maori war of 1845-48. In a word, Te Puni was for the settlers in the South all that the celebrated Ngapuhi chief, Tamati Waka Nene, was for the settlers in the North of this Island. His great age has of late rendered him incapable of active exertion, but he was always glad to receive me and other English visitors at his own kainga (village). His last appearances in public were when he welcomed me on my first landing in New

Zealand, in 1868, and when, in 1869, he attended the *levie* held at Wellington by His Royal Highness the Duke of Edinburgh.

- The death of this loyal subject of our Queen, of this constant friend and brave ally of our race, to whom the early English settlers at Wellington owed the safety of their lives and property, excited much feeling throughout this colony. The Government ordered a public funeral at the public cost. Several of the Colonial Ministers and other leading settlers of all political parties were pall-bearers, together with the few surviving relatives and principal clansmen of the deceased; the Bishop of Wellington read the burial service of the Church of England, to which Te Puni was a sincere convert; Mr. McLean, the Minister for Native Affairs, delivered an eloquent address in their own language to the Maoris present; and the Volunteer Rifles and Artillery attended in full force, and fired the customary military salutes over the grave of the old warrior.

I have, &c

G. E. BOWEN.

The Right Hon. the Earl of Kimberley.

## **No. 55. COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. the Earl of KIMBERLEY.**

*Maori Members in Legislative Council.* Government House, Wellington, N.Z., 21st October, 1872.  
MY. LORD,—

In my Despatch No. 79, of the 20th September ultimo, and on previous occasions, I have reported that the experiment of admitting Maori members to the House of Representatives had proved completely successful, and that it had been decided to admit them, also to the Legislative Council. A resolution recommending that course has been adopted in the popular Chamber, and it seems to be generally approved by all parties, both within and without the Legislature.

- As your Lordship is aware, the Maoris in the House of Representatives are elected by their countrymen; but, as the members of the Legislative Council are nominated by the Crown, the selection from among the principal Maori clans and chiefs was a matter of delicacy, requiring careful consideration. With the advice of my Ministers, I have now summoned to the Legislative Council, in the name of the Queen,—(1) Mokena Kohere, of Waiapu, in the Province of Auckland, a chief of high rank and commanding influence in the great clan of the Ngatiporou, and who was recently presented by Her. Majesty with a sword of honour for his long and gallant services in fighting for the Crown during the second. Maori war; (2) Wiremu Tako Ngatata, of Waikanae, in the Province of Wellington, the foremost chief of the clan of Ngatiawa. When the first English colonists, under the auspices of the New Zealand Company, arrived in this country in 1840, they found this chief living in a pa on what is now the site of the City of Wellington. Together with his friend and relative, the celebrated Te Puni (whose death was recently lamented by both races), Wiremu Tako Ngatata cordially welcomed the early settlers, made over to them large grants of land, and protected them from the attacks of the hostile Natives. I have already borne my testimony to the assistance which he afforded to me personally at the very critical period of the dangerous outbreak on the west coast of this Island in 1868.
- Both of the above-mentioned chiefs are universally recognized as good representatives of their race. They have taken their seats in the, Legislative Council, and have already begun to show, like their countrymen in the other. House, an intelligent and active interest in the debates, and in the general business of the Parliament.



I have, &c.,

G. F. BOWEN.

The Right Hon. the Earl of Kimberley.

## **No. 56. COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. the Earl of KIMBEELEY.**

*Admission of Maoris into the Executive Council.* Government House, Wellington, N.Z., 6th November, 1872.  
MY LORD,—

In my Despatch No. 86, of the 21st October ultimo, I reported the appointment to the Legislative Council of two Maori chiefs, with the object that the Native race may henceforward be represented in both Houses of the Colonial Legislature. It will be remembered that Maori members, elected by their own countrymen, have sat in the House of Representatives during the last four years; and that, as I stated in my Despatch No. 79, of the 20th September ultimo, and on previous occasions, the experiment has proved a decided success.

- It is now agreed by the leading public men of all parties that the time has arrived when Maoris should be admitted also to the Executive Council. I have long been personally in favour of this course; and I have now, with the advice of my Ministers, appointed to the Executive Council two of the Maori members of the House of Representatives, viz.: (a) Wiremu Katene, a chief of the great northern clan of Ngapuhi; and (b) Wiremu Parata, a chief of the powerful southern clan of the Ngatiawa.
- Both these chiefs are men of much ability, and of large influence among their countrymen. They are also good speakers, and have taken an active and intelligent part in the debates of the House to which they belong. They will now be in a far better position to give valuable advice and information on Native questions to the Government; while they will at the same time afford a ready and useful means of communication with the Native tribes. Moreover, there can be no doubt that the admission of Maoris to the Executive Council, as well as to both Houses of Parliament, will tend to increase the confidence and to confirm the loyalty of the Native race throughout the country.

I have, &c.,

G. F. BOWEN.

The Right Hon. the Earl of Kimberley.

## **No. 57. COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.**

*Sir James Fergusson appointed Governor.* Downing Street, 21st November, 1872.

SIR,—

I have the satisfaction of informing you that the Queen has been pleased to mark her sense of the success and ability with which you have administered the Government of New Zealand by appointing you, upon my recommendation, to the Government of Victoria, which is about to become vacant by the retirement of Viscount Canterbury on the expiration of his term of office. Her Majesty has also been pleased to approve of the appointment of the Right Hon. Sir James Fergusson, the Governor of South Australia, to be your successor in the Government of New Zealand. Lord Canterbury has expressed a wish to leave Melbourne on the 28th February, and I request you to make such arrangements as will enable you to enter upon the Government of Victoria as soon after that date as possible.

I have, &c.,

KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

## **No. 58.COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. the Earl of KIMBERLEY.**

*Rangitikei.*—*Visit of His Excellency Governor Bowen.* Government House, Wellington, N.Z., 6th December, 1872.

MY LORD,—

I have the honour to report that I have recently returned from an official visit to the Rangitikei and Manawatu Districts, situated on the west coast of this Island, between Wellington and Whanganui.

- Large purchases of land have of late years been made from the Maoris in this quarter, and colonization is steadily advancing in a very satisfactory manner. A settlement of Swedes and Norwegians, as practised woodsmen, has been planted near the township of Palmerston, in the midst of the vast primaeval forest which overspreads that part of the country. To facilitate the export of the valuable timber, a tramway has been laid down from Palmerston to Foxton, the township near the Manawatu. Roads and bridle-tracks are being pushed forward in several other directions, partly with the help of Maori labour.
- A very important work has been undertaken, and is already nearly completed by the Colonial Government, in the connection of the East and West Coasts by means of the formation of a good carriage road from Foxton to Napier (the chief town of the Province of Hawke's Bay) through the gorge of the Manawatu River. This remarkable pass is the only opening in the cordillera or dividing watershed, which to the north of it is called the Ruahine, and to the south of it the Tararua Range. These mountains vary from four thousand to nearly seven thousand feet in height, and their summits are covered with snow during the greater part of the year. The narrowest part of the pass is about four miles in length; and the road has been skilfully carried at a short distance above the wide and rapid river. The precipitous slopes of the mountains on either side are clothed with the magnificent foliage of the New Zealand forests. In many respects, the Gorge, of the Manawatu, dividing the ridges of Ruahine and Tararua, resembles the Vale of Tempe, which is the gorge of the Peneus, dividing the ridges of Olympus and Ossa.
- For some time past a coach has been running regularly between Wellington and Whanganui, through Foxton. It is expected that within a few months from the present date a coach will be able to run from Foxton to Napier, which latter town will thus be brought into easy communication with the seat of Government. Already coaches run from Napier to the central Lake of Taupo, and from Auckland to

Cambridge in the Waikato, which is only about seventy miles north of Taupo. The Maoris are at work on this part of the line, and it is confidently believed that in 1874 public conveyances will carry mails and passengers between Wellington and Auckland through the very heart of the Native and lately hostile districts. This is a result of the conciliatory policy of the Colonial Government, which would have appeared absolutely incredible if foretold only three years ago.

- In addition to their strategical and civilizing importance, these roads will have the effect of throwing open for settlement broad areas of rich pastoral and agricultural land, hitherto not only uninhabited, but almost unknown.
- But the most interesting feature of my recent tour was my conference at Foxton with the assembled chiefs and clans of the southern portion of this Island.
- There has been for more than one generation a fiercely-debated quarrel between several Maori tribes for the ownership of valuable lands near Otaki and the beautiful Lake of Horowhenua. Before the arrival of the English an internecine warfare had been carried on for many years; and it has required the constant efforts of the successive Governors to prevent these blood-feuds from breaking out afresh. At last the several disputants have been persuaded to submit their claims to the decision of the Native Land Court, a tribunal composed (as your Lordship is aware of English Judges and Maori Assessors. This Court is now sitting at Foxton, in the District of Manawatu; and on my arrival there I found the little township encircled by the camps of the contending tribes, which presented a most striking appearance, with the flags and streamers of the several clans, flying over their tents. The news of my promotion to the Government of Victoria, and of my approaching departure from New Zealand consequent thereon, had become known to the Maoris, and the leading chiefs came forward to express their regret, and their assurance that if I would visit Foxton on my return from the Gorge of the Manawatu they and their respective clansmen would forget their mutual animosities and gladly hold an united meeting to bid me farewell. I was amply rewarded for my ready consent to this invitation by the enthusiastic greeting which I received from the assembled clans, and by the speeches of the principal chiefs, all full of loyalty to the Queen and of good-will to myself.

I have, &c.,

G. F. BOWEN.

The Right Hon. the Earl of Kimberley.

## **No. 59. COPY of a DESPATCH from Governor the Right Hon. Sir J. FERGUSSON, Bart., to the Right Hon. the Earl of KIMBERLEY.**

*Otaki.—Violent Conduct of the Muaupoko.* Christchurch, New Zealand, 17th December, 1873.

MY LORD,—

I avail myself of the first despatch of a mail by the new service *viâ* California to inform you respecting a slight disturbance among the Native population, near Otaki, which may possibly be exaggerated in newspaper reports.

- I have the honour to state that during last week some acts of violence were committed by the members of a tribe called Muaupoko, by way of the forcible ejection of members of the tribe Ngatiraukawa from lands occupied by the latter, but adjudged by the Native Land Court to belong to the former in settlement of a dispute of very long standing. The total amount of land awarded was 50,000 acres, but the portion immediately in question had, I understand, been understood to be excepted, on special grounds, from the operation of the award. A chief named Hunia, who has served on our side under Major Kemp, burned the huts and destroyed the crops on this portion, whereupon some fighting with firearms ensued, which was

at first reported, but is now contradicted, to have been attended with loss of life. The connection of one of the tribes with Waikato rendered the affair more serious than in itself it would have appeared; and some unruly members of the tribes declared an intention of forcing on hostilities. However, the Government officers of the district, acting under, instructions from the Native Minister, the Hon. Mr. McLean, have procured the submission of both parties to a reference to a Commission of Government officers.

- The Native Minister informs me that he has had much reason to be satisfied with the conduct and assistance of Major Kemp. In consequence of these occurrences, I had postponed from day to day my departure by land for Dunedin; but all cause for apprehension, is now removed.
- The altered circumstances of the Government in dealing with any Native disturbance may be estimated by the fact that the Native Minister, who was at the moment on a tour at Turanganui, in Poverty Bay, was able, without delay, to consult with his colleagues and subordinates, and to give his instructions by telegraph, keeping informed the Premier, who is at Dunedin, and myself here; the relative positions corresponding nearly to those of Inverness, Edinburgh, Hull, and London, and the scene of disturbance, being near the West Coast, as Glasgow. Besides this, the highly efficient state of the Armed Constabulary, and their judicious distribution, furnish, if need be, the means of interference, and of the arrest of the turbulent in any but the isolated district which I have formerly described.
- No Europeans were in any way concerned in this affair. I conjecture that the rehearing which the case is now to receive is and was desired by both parties to the dispute.

I have, &c.,

JAMES FERGUSON, GOVERNOR.

The Right Hon. the Earl of Kimberley.

## **No. 60. COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY to the Right Hon. the Earl of CARNARVON.**

*Arrival of the Marquis of Normanby.* Government House, Wellington, N.Z., 21st December, 1874.  
MY LORD,—

I have the honour to inform your Lordship that, on my arrival at Auckland, on the 3rd instant, I took the oaths of office before his Honour the Chief Justice, Sir George Arney, and have assumed the government of this colony.

- 2. The reception which was accorded to me by the inhabitants of Auckland, and also at Wellington, was most gratifying and enthusiastic, and it was the more pleasing to me as it evinced the loyalty and affection which the people of this colony feel towards Her Majesty.

I have, &c.,

NORMANBY

The Right Hon. the Earl of Carnarvon.

## **No. 61. COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY to the Right Hon. the Earl of CARNARVON.**

*Retirement of Sir Donald McLean.* Government House, Wellington, N.Z., 14th December, 1876.

MY LORD,—

I have the honour to inform your Lordship that Sir Donald McLean has resigned his office as Native Minister, and has retired from the Government.

- I have been for some time aware that Sir Donald McLean has been anxious to be relieved from the duties and responsibilities of office as soon as his services could be dispensed with without detriment to the public service, but I regret to say that his immediate retirement has been precipitated by indisposition, though not, I trust, of a permanent character.
- Fortunately, however, owing chiefly, I believe, to the judicious policy adopted by Sir Donald McLean in his conduct of Native affairs, there is nothing which would lead me to think that any inconvenience will arise from his retiring at the present time, though I cannot help expressing my sincere regret that, in the consideration of Native affairs, I shall be deprived of the advice of one so thoroughly acquainted with the language, feelings, and customs of the Natives, and who has always exerted the great influence which he undoubtedly possessed with the Maoris in such a wise and judicious manner.
- Mr. Whitaker has resigned the offices of Postmaster-General and Commissioner of Telegraphs, and is now Attorney-General; while the seat in the Executive Council vacated by Sir Donald McLean has been filled by the appointment of Mr. Ormond, with the office of Postmaster-General and Commissioner of Telegraphs. The administration of Native affairs will be conducted by Dr. Pollen, the Colonial Secretary.

I have, &c.,

NORMANBY.

The Right Hon. the Earl of Carnarvon.

## **No. 62. COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY to the Right Hon. the Earl of CARNARVON.**

*Death of Sir Donald McLean.* Government House, Wellington, N.Z., 6th January, 1877.

MY LORD,—

It is with sincere regret that I have to announce to your Lordship the death of Sir Donald McLean, which took place at Napier.

- When I reported to your Lordship, by last mail, the retirement of Sir Donald from the office of Native Minister, I had no reason for suspecting that the illness from which he was then suffering would so soon prove fatal.

- Although, from the able and judicious manner in which he has for some years conducted Native affairs in this colony, his loss is not now likely to produce the same results that it might have done a few years ago, I still look upon his death as a serious loss to the colony, as even when out of office the great influence which he possessed among the Maoris would always have been available to smooth down and mitigate any difficulty that might arise.
- There is, in my opinion, no public man in this country to whom the colony owes a deeper debt of gratitude than to Sir Donald McLean, and he has left a name behind which will long be regarded with respect and esteem by all parties in New Zealand.

I have, &c.,

NORMANBY.

The Right Hon. the Earl of Carnarvon.

## **No. 63. COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor the Most Hon. the Marquis of NORMANBY.**

Downing Street, 14th February, 1877.

MY LORD—

I have the honour to acknowledge the receipt of your Despatch No. 61, of the 14th of December, informing me of certain changes in the Administration of New Zealand. I regret that loss of health should be the reason through which the colony loses the services of Sir Donald McLean, a gentleman whose ability in dealing with Native affairs has been very conspicuous, and whom but recently I had the great satisfaction of recommending to the Queen for a mark of Her Majesty's favour.

I have, &c.,

CARNARVON.

Governor the Most Hon. the Marquis of K. C. M. G. Normanby, &c.

## **No. 64. COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to Governor the Most Hon. the Marquis of NORMANBY.**

Downing Street, 12th March, 1877.

MY LORD,—

I have received with deep regret the intelligence conveyed in your Despatch No. 1, of the 6th January, of the death of Sir Donald McLean. I had already, in my Despatch No. 7, of the 14th February, expressed to you the regret with which I had heard that Sir Donald McLean had been compelled to retire from office through loss of health, and the high sense I entertained of the ability with which he had for so long conducted the administration of Native affairs. It only remains for me therefore to say how sincerely I agree with the estimate you have formed of Sir Donald McLean's public services, and of the loss New Zealand has sustained by the death of one who had rendered such distinguished service during his public career, and who, when he retired from an active part in the administration of Native affairs had, as I trusted, life and health yet left him to exercise a beneficial influence over that population for the welfare of which he had done so much.

I have, &c.,

CARNARVON.

Governor the Most Hon. the Marquis of Normanby, KC.M.GK,  
&c.

[NOTE.—During the course of many removals, the matter prepared for this Part has been mislaid, and so cannot be entered in its proper place.—ED.]

## **COPY of a DESPATCH from Governor Sir GEORGE GIPPS to Lord JOHN RUSSELL.**

*Bay of Islands.—Appointment of Land Claims Commissioners.* Government House, Sydney, 9th October, 1840.  
MY LORD,—

I have the honour to report to your Lordship that, agreeably to the powers vested in me by the Act which was transmitted with my despatch to your Lordship of the 10th August last, No. 110, I have appointed the undermentioned gentlemen to be Commissioners for inquiring into claims to grants of land in New Zealand: Francis Fisher, Esq., Matthew Richmond, Esq., Edward Lee Godfrey, Esq. And I have further the honour to enclose to your Lordship a copy of the Commission under which these gentlemen have been appointed, and also a copy of the instructions which I have caused to be addressed to them.

Trusting these measures will meet your Lordship's approval,

I have, &c.,

GEORGE GIPPS.

## **Enclosures.(No. 1.)**

[COMMISSION OF APPOINTMENT.—By His Excellency Sir George Gipps, Knight, Captain-General and

## (No. 2.)

INSTRUCTIONS for the COMMISSIONEES appointed to examine and report on Claims to Grants of Land in New Zealand, under the Act of the Governor in Council, 4 Victoriae, No. 7.

- THE Commissioners will proceed with all convenient despatch to the Bay of Islands, and on arriving there will wait on the Lieutenant-Governor, and, after showing him their Commission and instructions, will advise with him as to the best means of entering on their duties. In the execution of their commission they will not be subject to the control of the Lieutenant-Governor, except in the particulars hereinafter mentioned, but they will of course at all times yield to him the respect that is due to his station.
- They will bear in mind that the Act of Council does not authorize them to inquire into any case which is not especially referred to them by the Governor of New South Wales.
- Before proceeding to the actual investigation of any case, they will take care that the following particulars are duly, notified for at least fourteen days in one or more New Zealand newspapers, viz., the names of the parties interested as claimants; the names of all alleged settlers; the situation, boundaries, and estimated extent of the land claimed; the names of any opponents; the place of hearing, and the time of hearing. In cases of doubt or great importance, it will also be desirable that copies of the notices be transmitted to the Governments of New South Wales and Van Diemen's Land, for the purpose of being inserted in the respective Government *Gazettes*.
- Either the official Protector of Aborigines, or some person appointed in his stead by the Lieutenant-Governor, must be present at all their investigations, in order to protect the rights and interests of the Natives. The attendance of competent interpreters must also be insured.
- The Commissioners will conduct their proceedings, as far as they conveniently can, with open doors, especially whilst witnesses are under examination; but they will have the power of closing their doors for the purpose of deliberation, or, if necessary, to preserve order; and also to make such rules for the proceedings of their Court as they may deem requisite, being consistent with the provisions of the Act and with these instructions.
- In summoning and examining witnesses, recording evidence, and in every other step of their procedure, they will govern themselves strictly by the directions contained in the Act of Council; and in preparing their reports they will adopt the., accompanying form (Z), transmitting them with the least possible delay to the Colonial Secretary of New South Wales for the decision of the Governor.
- By the 5th clause of the Act the Commissioners are directed in very respect to set forth the number of acres which the payments made to the Natives by the claimants would be equivalent to, according, to the table in Schedule (D). They are not, however, to consider themselves absolutely bound to adhere to the number of acres so determined, but, within moderate limits, will be at liberty to recommend more or less, according to circumstances. As a general rule, the number derived from the table may be considered as the minimum to which the claimant may be entitled, whilst the maximum is fixed by the Act at 2,560 acres. The cases in which less than the minimum may be given will probably be where the land claimed is, from its situation or quality, particularly valuable, or where the articles given in barter to the Natives were likely to be hurtful to them instead of useful,— such, for instance, as gunpowder, firearms, or ardent spirits, or where the intercourse of Europeans, has clearly been prejudicial to the Natives. More than the number derived from the table may be given in a case where any individual has rendered personal services to the Natives, or where he may not be allowed to retain all the land on which he has made improvements. These, however, are points in which the Commissioners must be guided by their own discretion, and of course they must take care to keep their awards as far as possible in harmony with and in due proportion to each other.
- In calculating the value of improvements on lands not to be retained by the claimant, the Commissioners will only take into consideration how much more would the land sell for if entirely in an unimproved state. This sum, or its equivalent in land at its present selling value, may be allowed to the claimant in addition to the quantity to which he is entitled on account of his purchase from the Natives, whether that quantity be 2,560 acres or less; but it is of course to be understood that this applies only to cases in which the land wherein the improvements were made is not allowed to be retained by the claimant. When he retains the land he has the full benefit of his improvements, and herefore can claim no compensation for them.
- The Commissioners are also desired by the Act to set forth the situation, measurement, and boundaries by which the lands which they award to any claimant may afterwards be described in a deed of grant. To



enable them to do this, a surveyor will be placed under their orders.

- In addition to the particulars above mentioned, they will specify in each report the mode of conveyance used in the purchase from the Natives, whether a formal deed or otherwise, the parties to it, and the proof. They will also insert a description of the land alienated by such conveyance but not awarded to the claimant, defined with such exactness as may be practicable and as may suffice for identifying the same, and preventing subsequent intrusion or encroachment.
- In making their awards, or in marking out lands, they will observe the general regulations which already have or may hereafter be established in New Zealand in respect to frontage on roads, rivers, or coasts, as well as other particulars, and take care that the whole quantity awarded in any one case be taken in one block.
- In the reservation of sites for towns, villages, works of defence, or other public purposes, they will (agreeably to the Act) follow such instructions as they may receive from the Lieutenant-Governor of New Zealand, and in the absence of any instructions from him they will act on their own discretion; and in awarding compensation for any lands which, were they not required for such purpose, might be granted to the claimant, they will take into consideration the probable value only which the lands would have been of to the claimant had he been allowed to retain them, and not the additional value which they may acquire in the hands of the Government, or in consequence of any proceeding on the part of the Government. They will also further take into consideration the increased value which may be given to any of the lands awarded to the claimant by the neighbourhood of the town, village, or work of defence to be established on the land retained by the Government. The compensation for lands so resumed may, if the case require it, be in excess of the maximum grant of 2,560 acres.
- As land will probably be claimed by the same person in different localities, every claimant, at his first appearance before the Commissioners, should be required to state the whole amount of his claims in all the Islands of New Zealand, and at the same time he should be warned—if a warning seems necessary—that the utmost which can be allowed for the claims of the same individual in the whole of the Islands is 2,560 acres; also that the claims of a number of partners can only be considered as the claim of one individual.
- When parties claim in different localities, each separate claim preferred by the same individual is to be considered as a distinct case and decided accordingly, *i.e.*, on its own merits and within its own localities, with the single exception that the aggregate quantity recommended must not exceed 2,560 acres. Where the aggregate would exceed that quantity the Commissioners will use their own discretion, consulting, however, the wishes and convenience of the claimants as far as possible, whether to deduct the excess from any one of the spots claimed, or proportionably from the whole.
- If it shall appear in the investigation of any case that the real claimant, or rather the person who ought to be the claimant, is an alien, the fact must, be specially reported; but if the alien do not object, having the opportunity to do so, the award may go on and the report be made as in other cases.
- The Commissioners are not to decline to enter into any case on the ground that the fair claims of the parties will not be satisfied with 2,560 acres, it being an indispensable condition that every claim must be reported on by the Commissioners, except such report be dispensed with by the Governor.

By His Excellency's command.

C. DEAS THOMSON.

Colonial Secretary's Office, Sydney,

2nd October, 1840.

**No. 2.H. T. KEMP, Esq., to the CHIEF PROTECTOR.**

*Report of Visit to Kaipara.* Auckland, 24th March, 1841.

SIR,—

In accordance with my instructions of the 4th ultimo, I proceeded on a mission from the Bay of Islands to the district of the Kaipara, with a view of obtaining every information relative to the purchases of land made by the Europeans from the Natives of that settlement, to disabuse their minds of the ill-concerted reports which have been circulated by evil-disposed British subjects, prejudicial to the interests of Her Majesty's Government, and to collect as much knowledge of the character and local advantages as that valuable part of the country affords.

Having obtained a guide from the chief Pomaré, we commenced our journey on Saturday, the 6th of March, and after three days' travelling arrived at the head of the River Wairoa, where we found the chiefs Tirarau and Waiata, with their most able men, busily engaged in felling and squaring kauri spars. These people received us very cordially, and we experienced from them every kindness and assistance. On the same day we held a conference, and the Government, with, its present and future designs, were the main topics of conversation. I endeavoured to explain fully and explicitly, the gracious intentions of Her Majesty, as represented by His Excellency the Lieutenant-Governor, towards the aboriginal inhabitants of this Island. I referred them more particularly to the Treaty of Waitangi. To this they readily agreed, and admitted their clear understanding of the same. They had heard that an official communication had come from Her Majesty, forbidding the traffic of firearms and ammunition of every description. This report I undertook publicly to deny, and with a little explanation their suspicions on this head were allayed, and their minds at once divested of those apprehensions this information was naturally, calculated to inspire. They adverted to the exercise of magisterial power in the country, as applicable to the Natives, specifying several instances of New Zealanders who have been arrested and committed to gaol for misdemeanours, arguing that they were very well qualified to keep their own people in subjection. I told them that the able interference of the Magistrates among the Natives who had committed robberies had been patronized and approved of by the chiefs or masters of the respective culprits, and was a great preventive of future depredations. On this point I succeeded in satisfying their untutored minds, and convinced them of the protection they, with the white people, received by the establishment of law and justice in this colony. I also visited the chiefs Paikea and Weinga, who appear to exercise great influence among their people, and from whom we experienced every civility. The Natives, however, residing immediately on the Kaipara assume a character different from the generality of New Zealanders, being very presumptuous, and their manners offensive. They are possessed of vague and strange ideas concerning the settlement of Europeans in their country, asserting it is a precedent to a final extermination of their tribes and people. This information they have derived from one William Stephenson (a Native chief of that district), who has recently returned from Van Diemen's Land, assisted by a settler of Hokianga, who accompanied him. This chief, soon after his arrival, convened a meeting of the principal chiefs of Kaipara, and publicly declared that sooner or later they would become slaves, would be disinherited of their lands, and eventually totally exterminated. This, therefore, became a source of much excitement much conversation, and disputation; but I was glad to find that these detrimental objections had made but little impression on their minds derogatory to Her Majesty's Government. I used my influence to convince them to the contrary, and they appeared glad that I had visited them.... They still remain incredulous, but in no way hostile to the measures of Government, and I beg to submit that frequent interchanges with the New Zealanders of official and authorized persons will silence the Europeans, and assist the Natives in their interrogations concerning Her Majesty's Government. In the interim between these several meetings I collected all possible information regarding the purchases of land in the Kaipara and its vicinity, and herewith I have the honour to enclose a list of claims, with their particulars, preparatory to investigation; but I think it improbable that the Natives will attend the claimants to the township of Auckland for further examination. The Native inhabitants of Kaipara amount to about eight hundred; that of: the white population not more than seventy persons.

The tract of country from the Bay of Islands to the head of the Kaipara (with, the exception of a small portion in the neighbourhood of the Kawakawa and Waiomio) is exceedingly barren, and unworthy of cultivation. That, however, on the Rivers Wairoa and Otamatea—particularly on their banks—is very fertile, and affords ample scope for European location and cultivation, abounding in kauri and kahikatea timber.

We arrived at Auckland on the 20th, after an absence of fourteen days, during which period, the weather being very favourable, our party did not experience any indisposition.

I have, &c.,

HENRY T. KEMP,

Acting Sub-Protector of Aborigines.

## No. 3.[Extract from *New Zealand Gazette*. ]

*Land Glaims Commissioners appointed.* Colonial Secretary's Office, Auckland, 25th June, 1841.

His Excellency the Governor has been pleased to appoint Edward Lee Godfrey, Esquire, and Mathew Richmond, Esquire, to be Commissioners for hearing and reporting on claims to grants of land in New Zealand under the Ordinance of Council 4 and 5 Victoriæ, No. 2.

By His Excellency's command.

WILLOUGHBY  
SHORTLAND.

## The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Enclosing Circular to Natives.* Protector's Office, Auckland, 16th July, 1841.  
SIR,—

In accordance with His Excellency's minute, I have the honour herewith to enclose a revised copy of the original circular; and, if sanctioned by the Governor, I have to request five hundred copies of the same may be immediately printed for the use of the Commissioners.

I have, &c.,

GEORGE  
CLARKE, Chief Protector.

The Hon. the Colonial Secretary.  
Approved.—W. H.

19th July, 1841.

## Enclosure.CIRCULAR.

*Natives to appear in Land Claims Court.* day of, 184.  
FRIEND,—

This book is to inform you of the sitting of the Queen's Investigators [or Commissioners] of Land for New Zealand at, and they will inquire as to the equity of the land sales by the Europeans from the New Zealanders,

and they then will report to the Governor, who will acknowledge or invalidate them. The Governor says [to you] that you, the land-sellers, should come at the same time with the Europeans, on the day of the month, to give correct evidence concerning the validity or invalidity of the purchase of your lands. Hearken! this only is the-time you have for speaking; this, the entire acknowledgment of your land sale for ever and ever

From your friend,

W. HOBSON.

## **No. 5.[Extract from New Zealand Gazette.]**

*Old Land Claims to be sent in for Investigation.*

His Excellency the Governor has been pleased to direct it to be notified, for the information of foreigners claiming land in New Zealand by purchase from the Natives prior to the Proclamation issued by His Excellency Sir George Gipps, bearing date the 14th day of January, 1840, that, by a despatch from the Eight Hon. Her Majesty's Principal Secretary of State for the Colonies, it is ordered that all claims, whether British or foreign, be investigated and disposed of by the Commissioners appointed for that purpose. Such foreigners, therefore, as have not already forwarded the particulars of their claims to this Government are required to send them to this office without delay.

These particulars should set forth the precise situation of land claimed, its extent and boundaries, the names of the Native sellers and the consideration paid to them, and, in case of the claim being derivative, the names of the intermediate possessors of the land, and of the original purchaser, and the consideration given by him to the Natives.

By His Excellency's command.

WILLOUGHBY SHORTLAND.

## **No. 6.The Hon. the COLONIAL SECRETARY to Captain W. C. SYMONDS.**

*Manukau Land Company.* Colonial Secretary's Office, Auckland, 28th October, 1841.  
SIR,—

I have had the honour to receive, and lay before His Excellency the Governor, your letter of the 16th instant, as agent for a company styled "the Manukau Land Company," requesting permission to locate the immigrants daily expected to arrive in the barque "Brilliant," holding land orders from that body on land within the limits claimed by the company, under the circumstances of the unsettled state of the claims to land in New Zealand.

In reply, I am instructed to acquaint you that His Excellency, with the advice of the Executive Council, will sanction the immigrants expected in the "Brilliant" holding permissive occupancy for a period not exceeding two years-upon lands to be pointed out by the Surveyor-General on a portion of land on the Manukau.

I am further directed by His Excellency the Governor to request that, as all persons are entitled to the same advantages as the New Zealand Company, you will furnish a statement of all moneys expended in the purchase of lands in New Zealand from the Native chiefs and others; in the taking-up, chartering, and despatching ships for the conveyance of immigrants thither; in the maintenance of each immigrant before and during the outward

voyage; in the purchase and transmission of stores for the public use of the settlers) collectively, on their arrival; in surveys; in the erection of buildings, or the erection of other works dedicated exclusively to the public service of the settlement; and in other heads of expenditure, or absolute liabilities, unavoidably required or reasonably incurred for the before-mentioned purchases prior to the date of the agreements in November, 1840.

I have, &c.,

WILLOUGHBY SHORTLAND.

W. C. Symonds, Agent for the Manukau Land Company.

## **No. 7. The Hon. the COLONIAL SECRETARY to Captain W. C. SYMONDS.**

Colonial Secretary's Office, Auckland, 4th November, 1841.

SIR,—

With reference to my letter of the 28th ultimo, conveying to you the sanction of His Excellency the Governor to the emigrants sent out by the Manukau Land Company being permitted to settle on the Manukau, I do myself the honour to inform you of the terms on which the parties sent out by that company will be permitted to hold permissive occupancy of the land mentioned.

The emigrants will be allowed to locate on the Manukau on the express understanding that they occupy such land on sufferance only, until the pleasure of the Secretary of State shall be known on the subject. They will also be permitted to cut firewood and timber from the land adjacent, with the reservation of trees extending twenty inches in diameter and saplings under six inches.

I am further directed by the Governor to acquaint you that, in the event of the land so held by the emigrants sent out by the Manukau Company being hereafter sold to the Government, the parties holding permissive occupancy of the same will be allowed one month to remove their houses.

I have, &c.,

WILLOUGHBY SHORTLAND.

W. C. Symonds, &c., Auckland.

## **No. 8. COPY of a DESPATCH from Governor HOBSON to the PRINCIPAL SECRETARY of STATE for the COLONIES.**

*Manukau.—Arrival of Scotch Immigrants per "Brilliant."* Government House, Auckland, New Ulster, 13th November, 1841.

MY LORD,—

I have the honour to inform your Lordship that a ship named the "Brilliant" arrived at the Port of Manukau on the 28th ultimo, bringing from Scotland twenty-seven emigrants, namely, sixteen men, eight women, and three children. The principal agent of the company applied to me for permission to appropriate to their use part of the land which had been purchased from the Natives by a Mr. Mitchel in 1835, and resold by his widow in 1839 to Major Campbell, Mr. Roy, Captain Symonds, and others, who formed themselves into a company under the title of "the Manukau Company." The lands in question are situated on the shores of the large estuary of the Manukau, and the extent, which is freely admitted, by the Natives to have been fairly purchased by Mr. Mitchel, may amount to thirty or forty thousand acres, which forms not one-third of the quantity contained in their deed.

The Manukau Company have sold in England, up to the date of the sailing of the "Brilliant," 8,500 acres of country land in one-hundred-acre sections, and eighty-five allotments of one-quarter acre each of town land, for which the sum of £9,350 has been received, and of that amount £5,250 had been reserved for emigration.

Having heard nothing from your Lordship respecting this company, I could make no appropriation of the land; but, to protect the settlers from the evils that would result from disappointment, I permitted the agent, with the advice of the Executive Council, a copy of whose minute I have the honour to enclose, to assign to the emigrants as they may arrive a settlement on the part of the harbour which has been measured out for a town, there to await your Lordship's directions.

Should your Lordship be pleased to allow them to form a town, I shall beg express directions to that effect, as Her Majesty's instructions specially forbid me to convey, grant, or demise any lands suited for such a purpose.

The formation of a settlement on the Manukau will be of essential benefit to this part of the country, and to the capital in particular; and I see no just objection to this object being effected through the intervention of this company in the same manner as the New Zealand Company have settled Port Nicholson. The port, which is by no means a bad one, will afford a more direct trade with the adjacent colonies; and the estuary, connected as it is by the Rivers "Waikato and Horotiu with the beautiful country of the "Waipa, will become the recipient of the produce of many hundred thousand acres of the finest agricultural land, which will readily find its way into Auckland.

I have, &c.,

W. HOBSON.

## **No. 9.[Extract from New Zealand Gazette.]**

Special Land, Claims Commissioner appointed. Colonial Secretary's Office, Auckland, 28th December, 1841.

His Excellency the Governor directs it to be notified that Her Majesty has been pleased to appoint "William Spain, Esquire, to be Commissioner for investigating and determining titles and claims to land in the Colony of New Zealand.

By His Excellency's command.

WILLOUGHBY SHORTLAND.

*Auckland.—Investigation of Land Claims. Auckland, 18th August, 1842.*

SIR,—

We have the honour to enclose you several-copies of the Government *Gazette* of the 10th and 17th instant, which contain our advertisements of the claims we are about to investigate at Kororareka, Waimate, Hokianga, Whangaroa, Mangonui, and Kaitaia.

## Opposition to Claims to be sent in.

You will be kind enough to transmit to us any oppositions to these claims on the part of the aborigines with which you may be acquainted, and also to inform us when a Protector of Aborigines will be appointed to the said Courts.

"We have, &c.,

EDWARD LEE GODFREY, M. RICHMOND,  
Commissioners.

George Clarke, Esq., Chief Protector.

## No. 11. The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.

*Auckland.—Disallowance of Town Selections.* Colonial Secretary's Office, Auckland, 20th September, 1842.  
SIR,—

I am commanded by His Excellency the Officer Administering the Government to acquaint you that a despatch has been received from the Right Hon. the Secretary of State for the Colonies, intimating that Her Majesty's Government cannot recognize the titles to land in the Town of Auckland acquired under the circular notice of the 17th of. September, 1840.

I have, &c.,

JAMES STUART FREEMAN, (For the Colonial Secretary.)

George Clarke, Esq.,  
Protector of Aborigines, Auckland.

## No. 12. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Mr. Fairburn's Land.—Portion allotted to the Natives.* Protector's Office, Auckland, 8th November, 1842.

SIR,—

Referring to a letter from the Surveyor-General, referred to me under blank cover of the 7th instant, I do myself the honour to forward the following information to His Excellency the Officer; Administering the Government. It was always understood by the Natives that a portion, of the lands of Mr. Fairburn, amounting, according to his own showing, to one-third of the whole, should be retransferred to them.

- That the Natives had always liberty to cultivate on whatever portion of Mr. Fairburn's land they thought fit.
- That several little tribes are now, and have always been, living upon the said land, and others have been impatiently waiting to have portions of the said land pointed out to them as their residence; and that, until something decisive be done for the Natives relative to these lands, in selecting eligible situations for them, it appears to me a measure equally unsafe and unsatisfactory, both to the Government and their British and aboriginal subjects, to proceed to sell these lands.

I would therefore suggest that the earliest attention of His Excellency should be given to this subject, so that surveys may proceed and sales be effected.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## No. 13. The CHIEF PROTECTOR to the SURVEYOR-GENERAL.

*Respecting Mr. Fairburn's Claim.* Protector's Office, Auckland, 19th December, 1842.

SIR,—

I do myself the honour to acknowledge yours of the 16th instant, informing me of the instructions you have received from His Excellency to communicate with me on the subject of re-conveying to the Natives certain lands claimed by Mr. Fairburn on the west bank of the Tamaki. In reply, I beg leave to remark that the land claimed by the Natives, said to be included in, Mr. Fairburn's claim, never belonged to that gentleman, a reserve of one-third to themselves having apparently formed a part of the original agreement between the parties, and upon that ground they have taken possession of certain portions of the land. Some of the Natives have never even removed from it, but are now, and have heretofore been, cultivating on localities included within Mr. Fairburn's boundary.

I would therefore suggest that a map of the district of land claimed by Mr. Fairburn should be completed at your earliest convenience, marking the Native villages as reserves, and that a fair proportion of the Tamaki land should also be reserved for their benefit. The Ngatipaoa Tribe, being the principal claimants of the Tamaki, will expect their portion of land there.

I shall be very happy to render you any assistance that lies in my power in selecting such portions as Native reserves, and shall hold myself in readiness to accompany you to the spot for that purpose whenever it may suit your convenience.

I have, &c.,

GEORGE CLARKE, Chief Protector Aborigines.



## No. 14. Colonel GODFREY, Land Claims Commissioner, to the Hon. the COLONIAL SECRETARY.

*Doubtless Bay.—Disputed Native Land Claims.* Mangonui, 15th January, 1843.

SIR,—

I have the honour to acquaint you, for the information of His Excellency the Officer Administering the Government, that, upon my arrival here on the 6th instant to investigate the claims to grants of land in this neighbourhood, I found the Native chief Nopera, with upwards of two hundred and fifty of his tribe, awaiting my arrival in order to dispute and resist all the purchases, or pretended purchases, in or about Doubtless Bay that were not derived from him. Pororua established himself here with his tribe two days afterwards, supported by the Whangaroa Natives under Ururoa.

Upon my opening the Court and commencing the examination of certain sales of land made by Pororua (or Wharekauri) and others, Nopera entered and declared as follows:—

- He opposes all the purchases of land not made from himself at Mangonui.
- That he had a priority of right over all the land in the neighbourhood of Doubtless Bay, and denies the right of any other party to sell any land there without his sanction and ratification, which, however, had not been obtained in any case except in Captain Butler's purchase, which consequently was the only one he would allow of.
- That he considered the trifling property and cash given to him in 1840 by the Government for the lands in Doubtless Bay was only an earnest of what he was to receive for these lands, Pororua having received as much, although he had disposed of his rights to, and received payment from, the settlers. This purchase by the Government not having been completed according to his view of the matter, he thinks that the amount he has already received is only a fair equivalent for the feast given by him at Kaitaia upon the late Governor's arrival there.

He (Nopera) promises that the settlers at Mangonui shall remain unmolested and be permitted to occupy "the spots they reside on, with any cultivation attached," until the whole matter is arranged.; and this license he considers an ample compensation to Pororua, &c., for any rights they might have had to the lands; that he would not now relinquish his right over these lands either to the settlers or to the Government for any consideration that could be offered, but that he will maintain his right to the lands *vi et armis*.

The adverse tribes have opposed the sales made by Nopera to Dr. Ford and the Rev. Mr. Taylor, and with more show of justice, because these lands have been their dwelling-places for very many years.

I proposed divers modes of arranging their differences to these chiefs, but without effect, Nopera being the most determined in resistance. He considers that the offer, as, he calls it, of the Government in 1840 to purchase his rights over the heads of the Europeans already settled upon these lands was an absolute confirmation and admission of his title.

The two parties mustered upwards of four hundred fighting men, were fully armed, with abundance of ammunition, and their muskets loaded with ball-cartridge. Each party danced the war-dance, and was harangued by its respective chiefs, and at one time it appeared very probable that they would have come to blows before me.

I have frequently visited Nopera since in the hope of finding him in a more tractable disposition, but hitherto he has not given way in the least. I intend to proceed to Kaitaia in a few days to investigate the claims not disputed by these parties there, and shall endeavour to bring Nopera to terms during my stay there; but my hopes of being successful are very faint.

I have, &c.,

EDWARD L. GODFREY, Commissioner.

The Hon. the Colonial Secretary.

## No. 15. Mr. Commissioner GODFREY to the Hon. the COLONIAL SECRETARY.

*Doubtless Bay.—Land Claims Dispute continued.* Mangonui, 10th February, 1843.

SIR,—

Referring to my letter of the 15th ultimo upon the subject of the disputed Native titles which prevented my investigation of the claims to land at Mangonui, I have the honour to acquaint you, for the information of His Excellency the Officer Administering the Government, that I hoped to have brought Nopera to more reasonable views in the affair, by obtaining from him an admission of the sales understood to have been made by him and Pororua of these identical lands to the Government in 1840; but there appears to have been so strange a misunderstanding altogether with respect to this purchase that its assertion was of no benefit to me in the dispute, for Pororua had previously sold nearly every foot of land at Mangonui to individual Europeans, and Nopera most stoutly denies that he ever parted with his interests in them for the paltry consideration given to him.

I then proposed that the question of original title should be set at rest by Pororua's party sanctioning the disposal already made of the lands upon the east side of the harbour and river, and Nopera's doing the same for those on the west bank. To this arrangement, after much hesitation, Pororua's party consented; but Nopera (at the instigation of his chiefs, I believe) objected to it, and he continued in this obstinate mood, rejecting all attempts at accommodation, insisting vehemently upon his absolute right and title to the whole of the purchased lands. In this temper he quitted Mangonui.

Immediately after my arrival at Kaitaia all Nopera's tribes assembled there in considerable numbers, and in a public conference many violent and seditious speeches were made by Nopera and other chiefs. In these harangues they declared—

- That the sales of land around Kaitaia already made by Nopera and his party to individuals should be acknowledged; but that any surplus lands (*i.e.*, those the Government does not grant to the claimants) will be resumed by the chiefs who sold them:
- That they will sell no more land, either to individuals or to the Government:
- That the chiefs will exercise all their ancient rights and authority of every description as heretofore, and will not in future allow of any claims or interference on the part of the Government:
- That they are all (except Nopera) very unwilling to arrange the dispute about the lands at Mangonui:
- That they (Morenga and his party) object to give the promised compensation for having stripped the vessel at Wharo; one old gentleman declaring that they would be on the look-out, and take advantage of every similar godsend:
- 6. That they all demur to any purchase of land which may have been made by the Government from Nopera in 1840, though they would not object to give some other compensation for any moneys then given to him by the Government.

These and many other violent expressions seemed to proceed partly from a feeling that not being allowed to dispose of their lands to whomsoever they pleased as formerly is an interference by the Government with a right they are not quite convinced they surrendered to the Crown. But in my opinion there were other causes of regret and discontent which we were unable to discover.

During the stay of Nopera and his tribes at Kaitaia, Mr. Kemp and I used, our utmost endeavours every day to correct and remove the erroneous impressions they have imbibed respecting the Government, but without much success. However, I obtained their recognition of every claim in this district from the North Cape to Mangonui (although the chiefs vowed that they will not again submit to similar investigations); and, after much debate, these tribes (Nopera's at least) consented to the arrangement I had suggested to Nopera at Mangonui, to determine his dispute with Pororua as above mentioned. Proposals to this effect, were instantly despatched to Pororua's party; but it was their turn now to be litigious, and the offers were immediately and indignantly

refused by them, and a declaration made that they would come to no compromise in the matter. This change in their sentiments may have arisen from Pororua having received offers of assistance from the Ngapuhi, in the Bay of Islands, three large canoes with several chiefs having visited him immediately upon their hearing of Nopera's pretensions.

Upon my return to Mangonui a few days ago I found these parties continue as pugnacious as ever, with the exception of. Nga Takimoana, who withdrew the opposition he had presented to Mr Taylor's claims in Nopera's district, having convinced him that the lands of his family still remain unsold and unclaimed.

It is quite certain that I can do no more in this affair; but I think it would be very advisable that Mr. Clarke, the Protector of Aborigines, who purchased the lands from these tribes, and made other arrangements with them for the Government in 1840, should as soon as possible attempt their reconciliation, or at least the amicable and final adjustment of the points in dispute at this moment; and from the circumstance of Mr. Clarke having been the party engaged in all the above transactions, I thought it proper to promise the Natives that he will convey to them the pleasure of His Excellency the Officer Administering the Government touching all their differences and dissensions.

I have, &c.,

EDWAED LEE GODFEEY, Commissioner.

The Hon. the Colonial Secretary.

## The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.

*Transmitting Form of Special Reports on Native Land Claims.* Colonial Secretary's Office, Auckland, 21st April, 1843.

SIR,—

It being, necessary, previous to the issue of the deeds for the lands recommended by the Commissioners to be granted upon the claims referred for their investigation and report, that every precaution should be used to insure a certain knowledge that the rights of the Natives therein have been completely extinguished, I have the honour to inform you, by the direction of the Officer Administering the Government, that with this view it has been considered expedient to require the following special reports:—

First, from, the surveyor, whether the progress of the survey has been interrupted by the Natives on the ground of ownership, and whether any claim has been preferred to him by them, or on their behalf, for any part of the land:

Secondly, from the Protector of the district, certifying that after due inquiry he is fully satisfied of the alienation of their lands by the former aboriginal owners.

To obtain the latter report the Surveyor-General has been instructed, whenever he shall receive notice from this office of His Excellency's approval of the intended survey of the lands to be granted upon any claim, to cause the enclosed form to be filled up from the Commissioners' reports and forwarded to you for the purpose of being transmitted to the Protector of the district in which the land claimed, is situate, for his report thereon.

On the receipt of this report from the Protector of the district, you will have the goodness to return the same to the office of the Surveyor-General—to accompany the final report of that officer of the completion of the survey of any lands, previous to their being proclaimed demesne lands of the Crown.

I have, &c.,

WILLIAM CONNELL, (For the Colonial Secretary.)

The Chief Protector of Aborigines.

## Enclosure in No. 16. NEW ZEALAND.

*Protector of Aborigines' Special Report on Land Claim No.*

- Situate at Claimant:
- Grant recommended in favour of
- Natives for whom purchased:
- Quantity claimed:
- Quantity awarded:
- Boundaries

## Report.

I certify, upon honour, after due inquiry amongst the reputed aboriginal proprietors of the above lands, that I am satisfied that all aboriginal rights thereto have been extinguished.

Protector of Aborigines,

## Government Notice.- Exchange of Land.

[Extract from *New Zealand Gazette*.] Colonial Secretary's Office, Auckland, 6th September, 1843.

His Excellency the Officer Administering the Government directs it to be notified that, by a despatch recently received from the Eight Hon. the Secretary of State for the Colonies, he is instructed that Her Majesty's Government has consented to allow all claimants who have established their titles to land in this colony, before the Commissioners appointed to investigate their claims, the option of exchanging their land for grants in the unoccupied portions of the district in which the Town of Auckland is situated, especial reference being had to the proportional values which have been established in the colony for town, suburban, and country allotments.

Claimants who are in the above position, and whose names will appear in the Supplement to the *Government Gazette* of this day's date, are accordingly informed that applications from parties desirous of availing themselves of this indulgence will be received at this office until the 31st day of December next.

By His Excellency's command.

WILLIAM CONNELL, (For the Colonial  
Secretary.)

## Teems and Conditions relative to Exchange of Land.

Colonial Secretary's Office, Auckland, 26th September, 1844.

IN order to carry into effect the notice formulated in the Government *Gazette* of the 13th instant relative to the exchange of land in the more remote districts of this colony, by claimants who may have established their titles to the same before the Commissioners, for grants in the unoccupied portions of the district in which the Town of Auckland is situated, His Excellency the Officer Administering the Government has been pleased to direct the publication of the following, terms and conditions under which claimants will be permitted to obtain that indulgence.

Claimants whose revised awards have appeared in the Supplement to the Government *Gazette* of the 6th instant will be divided into three classes, as follows:—

- Those entitled to less than 50 acres.
- Those whose awards amount to 50 acres, and do not exceed 320 acres.
- Those entitled to upwards of 320 acres.

Claimants of the 1st class will be allowed to make selections on the Eiver Tamaki, from a block of land set apart for that purpose, at the rate of acre for acre, to the extent of the revised award.

Claimants of the 3rd class will be allowed in a similar manner to select lands in the District of Papakura and on the Wairoa.

Claimants of the 2nd class will be allowed credit for so many pounds sterling as shall be equal to the number of acres to which they may be entitled, on any purchase they may effect at the Government land sale to take place on the 18th and 19th days of December next.

To afford claimants of this last-mentioned class an early opportunity of availing themselves of this arrangement, country lands in the vicinity of Auckland, on the Eiver Tamaki, will, on the 18th and 19th of December next, be offered "at public auction, at an upset price of one pound per acre. Particulars will appear in the next Government *Gazette*.

Claimants whose lands are situated within the County of Eden will not be entitled to the above mentioned privileges.

Provided in all cases that the land to be exchanged shall contain the whole claim, or series of, claims in cases where they are contiguous, and form a solid block; that the land to be exchanged be equal in amount to the quantity awarded, and of a fair average value: such not being the case, a proportionate deduction will be made.

Applications from claimants of the 1st and 3rd classes will be received at the office of the Colonial Secretary, when, on the report of the Surveyor-General as to the average value of the land, they will be placed in immediate possession of their grants.

Applications from claimants of the 2nd class who may propose to avail themselves of these conditions are to be forwarded to the office of the Colonial Secretary on or before the 9th December next.

Plans of the lands open for selection by claimants of the 1st and 3rd classes may be seen at the office of the Surveyor-General.

By His Excellency's command.

WILLIAM CONNELL, (For the Colonial  
Secretary.)

[Extract from *New Zealand Gazette*.] *Rules for Exchange of Land in the Auckland District.*

BY His Excellency ROBERT FITZROY, Esquire, Captain in Her Majesty's Royal Navy, and Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c.

In order that all claimants to land may be, as much as possible, on an equality with respect to opportunities of making exchanges of land with the Government, the following regulations are made public, and will be strictly observed.

# Regulations respecting the Exchange of Land.

- No further exchange of land will be made by the Government previous to the last week of next June.
- There will be no restriction as to the quantity of land, whether town, suburban, or country, given by the Government in exchange for an equivalent value, or as much more as may be offered, in money, or in other land not yet granted by the Crown, but the claim to which has been recommended to the Governor for a grant.
- Before a Crown grant will be issued the land tendered in exchange for Crown land must be surveyed by Government, and, if found less in quantity than the amount-stated, the party, tendering will be required to make good the deficiency in money, or forego his intended exchange.
- Applications to exchange land will be received and registered till the fifteenth day of June next.
- Each such application must specify the quantity of land offered for exchange, the locality of such land, the number and letter (if any) of the land claim, and the Commissioner or Commissioners by whom it was investigated.
- No grant will be made out in favour of any person offering to exchange land at the end of June next, whose application shall not have been received by the Government before the sixteenth day of that month.
- A considerable portion of surveyed town, suburban, and country and will be put up to auction during the last week of June next, of which due notice will be given; but a sufficient quantity will be reserved for the sales in the months of September and December next, in order that other claimants whose claims may be then unsettled may have fair opportunities of open competition in exchange.
- Books will be opened at the Treasury for land claimants in order that they may have credit, in land only, to the amount of the quantities contained in their respective approved claims, which they may state their readiness to dispose of at the rate of one pound sterling per acre, in exchange for an equivalent value of Government land.
- Transferable notes will be given by the Treasury, on which it will be distinctly specified that the acceptance of such notes by the Government, at the above-mentioned sales, in exchange for land only, will depend on the validity of the claim they are intended to represent, and on their holder making good, in money, any deficiency in the quantity of land stated.

Given under my hand, and under the Seal, of the said Colony, at Government House, Auckland, this twenty-sixth day of March, in the year of our Lord one thousand eight hundred and forty-four.

ROBERT FITZROY, Governor.

By command.

ANDREW SINCLAIR, Colonial Secretary.

GOD SAVE THE QUEEN!

## No. 19. NOTICE.

[Extract from *New Zealand Gazette*.] *Respecting Fees on Exchange of Land*. Colonial Secretary's Office, Auckland, 6th June, 1844.

IN order to enable land claimants to avail themselves more easily of the existing arrangements for exchanging land, I am directed by the Governor to give notice, that payment of any fee on the final report of a Commissioner of Land Claims may be deferred until the issue of a Crown grant for any land obtained in exchange for that in respect of which the said fee may be payable.

No grant consequent on exchange of land will be issued after six monthssubsequent to-the day of sale or exchange; therefore in order to obtain any such grant the fee must be paid within six months from the day of exchange.

By command.

ANDREW SINCLAIR, Colonial Secretary.

## **No. 20.Colonel GODFREY, Land Claims Commissioner, to the Hon. the COLONIAL SECRETARY.**

*Coromandel.—Native Claims in Lands awarded to Europeans.* Coromandel Harbour, 8th June, 1844.  
SIR,—

I have the honour to acquaint you, for the information of His Excellency the Governor, that since I have been in this district some applications have been made to me by Natives who laid claim to portions of land said to be included in the boundaries of award's made last year, for which they have not been paid, and which they will not surrender peaceably without so being.

As I consider it would be highly improper for me to make or propose any alterations in the awards upon cases that I have not heard—for there can be no doubt that the principal value of such evidence as we receive in these investigations is the impression it makes upon the hearers of it—I have referred these individuals to the Protector of Aborigines, Mr- Edward Shortland, who will examine into the complaints and report thereon.

My reason for bringing this matter under the notice of His Excellency, is that I conceive similar obstacles will arrive very frequently ia taking possession of grants, for it has not been unusual for claimants to refrain at the examinations from naming Natives who had applied often to them for payment for patches of land included in the claimed boundaries, and, when they wore fully sensible of the right of the Native to such spots, he has been promised a future payment; for them if he would not appear to object, upon which promise he has relied.

Now, from such circumstances, as we very seldom could obtain at the investigations an accurate description of boundaries, should the claimants receive a grant with such boundaries as are simply defined in the. Commissioner's report, without a survey of them pointed out by the Natives and justified by the Protector of Aborigines of the districts, I fear that much confusion and opposition will arise, hereafter; for we must expect that grants will be subdivided or disposed of to fresh settlers, and, if there are any such flaws in the original purchase, arising from unfulfilled promises or otherwise, payment will be instantly demanded from the new-comers, and should they refuse it they will be turned off the disputed ground quite as unceremoniously in the North as they have unfortunately been in the South. The class I speak of, the new derivative purchasers, being perfectly innocent of any error in the contract, and likely to consider a title springing from, a Crown grant as an ample ground of pertinacious holding, either mischief will ensue to the settlers if the Natives be strong, or if they be weak or isolated the Natives will suffer injustice.

The same considerations also should, I think, be borne in mind whenever His Excellency is pleased to enlarge any of the awards that I have made or shall make; for, in addition to the payment and other matters proved by evidence, I have frequently deemed it necessary to regulate the amount of the grant recommended by the quantity of land which, making fair allowance for the claims of opposing Native rights, it appeared probable to me that the sellers were clearly free to dispose of.

I have, &c.,

EDWARD L. GODFREY, Commissioner.

To the Hon. the Colonial Secretary.

# No. 21. COPY of a DESPATCH from Lieutenant-Governor GREY to the Eight Hon. Lord STANLEY.

*Respecting Pre-emption Certificates issued under Proclamation of 10th October, 1844.* Government House,  
Auckland, 9th June, 1846.

MY LORD,—

I have the honour to transmit to your Lordship the enclosed list of certificates of the right of pre-emption over certain lands having been waived by my predecessor, subject to the payment of fees at the rate of 1d. per acre. From this list, which I only received upon the 4th instant, it appears that about 100,000 acres of land have, under the terms of the regulations above alluded to, been disposed of in a manner which appears to me to have been at once unjust to Her Majesty's subjects of both races, and improvident in the extreme.

It will be seen from my predecessor's Despatch No. 36, of the 14th October, 1844, that this measure was obtained from him by the most improper means. Captain Fitzroy states in that despatch, "In the *Gazette* which I have the honour of transmitting with this despatch, and the enclosed minutes of Council, is a Proclamation respecting the purchase of land from the aboriginal natives of New Zealand, which I have deemed it not only prudent, but absolutely necessary, to issue, in order to prevent insurrection."

Again, Captain Eitzroy says in the same despatch, "I have to state that a number of persons have lately subscribed a large sum as a reward for whomsoever should do most towards stirring up and informing the Natives how to act together on this subject. During my visit to the southern settlements it was intended to agitate in the northern parts of the country, in order that on my return I might find the stream of popular feeling too strong to oppose effectually."

Such were the means which, my predecessor states; were pursued to obtain these concessions; and, as it is reasonable to suppose that the agitators for these concessions were those who most eagerly availed themselves of them when they were obtained, I regret that, as appears from the enclosed list, they should have been so largely rewarded for such conduct—if, indeed, they are ultimately allowed to retain these lauds. But your Lordship may readily conceive that so successful and lucrative an agitation will encourage people to pursue a similar course, and that such a terrible machinery as thousands of armed savages, which can be so readily set in motion, if it has once produced so decisive an effect, is likely to be frequently again made use of.

I have further to express my regret that, seeing the means which were taken to obtain these concessions from my predecessor, and the unjust nature of the concessions themselves, members of the Legislative Council, and various Government officers, were among the first to avail themselves largely of them.

I have applied the term "unjust" to these concessions, and I now beg to call your Lordship's attention to the reasons which make me think them unjust and oppressive to Her Majesty's subjects of both races: indeed, I might say that they are almost wholly subversive of the future interests of this country; and I will then show that the terms of the regulations themselves were evaded in the most improper manner.

I consider these concessions unjust to the Native, because free liberty to dispose of, his land to the highest bidder was not allowed him. The right of pre-emption over a certain tract of land was waived in favour of a certain individual, as will be seen from the enclosed copy of a certificate. It was waived on the application of this individual. No competition, therefore, was or could be raised. Now, I contend that the equitable consideration of the interests of a people standing to the Government in the position which the Natives occupy required that, if the right of pre-emption over any piece of land had been waived, the fact should have been publicly notified, and the sale should not have been allowed to take place until a certain specified time after the issue of this notice; and even then I think it should have taken place by public auction. I am also not satisfied that the Governor was authorized in law to waive the Crown's right of pre-emption over a small specified tract of land in favour of one individual.

I consider these, concessions unjust and oppressive to the settlers, for many reasons.

Firstly, I think that all those who bought small portions of land at £1 per acre did it under the full understanding that, in order that they might be able to buy any land in their vicinity which was requisite for the



completion of their farms or the successful conduct of their operations, no land in their neighbourhood would be allowed to be sold otherwise than publicly and after due notice of the intended sale. By the regulations I am alluding to all such persons were grievously injured.

Secondly, I think that every settler and capitalist, even in the most distant portions of the colony, had also a right to believe that if any lands were about to be sold; whether they were fit for agricultural, pastoral, or mining purposes, or for cutting timber, such lands would only have been sold publicly and after due notice, so that a fair opportunity of purchasing them might have been afforded. This observation applies particularly to lands of great value, from their being believed to be rich in mineral productions.

Thirdly, I believe that a great injury will be inflicted upon the colony by giving such large blocks of land to many of the individuals named in the enclosed list, who are mere speculators.

I could go on accumulating reason upon reason against the justice of this measure, but I will only further allude to the case of those individuals who were allowed but one acre of, land for every five shillings they had expended, as well as to the case of those individuals who have in many instances paid considerably more than £1 per acre for their land. The settlers in the southern districts are indeed most cruelly injured by this regulation; one of the real objects, as I am informed, of the agitators and land-speculators being to attract here, by the cheap price at which they can sell land, those very labourers who are brought out to the southern settlements by the proceeds realized from the sale of lands at so high a price in that portion of the colony.

I now proceed to notice the manner in which the regulations were evaded. In the first place, in the notice of the 6th December, 1844, it was stated that "Lists of applications to the Governor to waive the Crown's right of pre-emption, showing the particulars of each and stating the answer given by the Governor, will be published from time to time in the *Gazette*." No such list was ever published, and I find from most respectable individuals, who were resident in the colony at the time, that they had no knowledge that such large tracts of land could be obtained on such terms; in fact, that they were wholly ignorant of the manner in which these regulations were carried out, and that they consequently never applied for land; so that this partition of a large tract of country had not even the merit of allowing all to start fair in the scramble.

Again, in the same Government notice, it is stated, "By, a *limited* portion of land, not more than a *few hundred* acres is the quantity implied." Your Lordship will find that some of the applicants, in order that they might not intrude upon the thousands, but keep within the hundreds as specified, only demanded 999 acres, which is certainly a most improper evasion of the spirit of the regulations, as indeed are the various applications for from 850 acres upwards. But the most common mode of evading the regulations was to apply for certificates of several hundred acres each for the applicant's children or friends. These evasions of the regulations were palpable. I have felt much difficulty in deciding upon adopting any course in reference to the new class of land claims which have arisen, under these regulations, as I am directed by your Lordship's despatch, marked "Separate," of the 27th June, 1845, to recognize any sales which my predecessor might have sanctioned under his last Proclamation, reducing the fee to 1d. per acre; whilst I am apprehensive that these instructions were issued by Her Majesty's Government without their possessing any accurate knowledge of the manner in which effect had been given to the terms of that Proclamation, or of its true nature and extent. I also feel certain that when persons attempt to take possession of their alleged purchases a formidable resistance will in many cases be offered by those Natives who are strong enough. And I feel, further, a great reluctance to be in any way concerned in inflicting upon the southern settlements the injury which I see is likely to overtake them.

I have, however, determined to issue a notice calling upon all persons claiming to have made purchases from the Natives, under certificates waiving the Crown's right of pre-emption, issued by my predecessor, to send in all the papers, whether deeds or surveys, connected with their claims, for examination within a period of two or three months, after which time no claims will be entertained. I will then appoint Commissioners to investigate into and report upon each alleged purchase; and I will not, except under special and urgent circumstances of justice, issue any confirmatory grants in satisfaction of these claims until I receive your Lordship's further instructions as to the general principles upon which Her Majesty's Government may wish them to be dealt with.

It only remains for me to add that I received to-day a deputation of some of the principal chiefs of the Waikato District, one of the most populous in the country; and in the immediate vicinity of Auckland, and that these chiefs informed me in the course of the interview that some land-jobbers had incited them to write a letter to me, asking me to permit them to sell their land to Europeans, and urging them at the same time to stand up for their rights as chiefs. They, however, assured me of their indignation at the mode in which the Crown's right of pre-emption over their lands had been waived, and expressed their readiness to leave the whole subject in my hands.

I have, &c.,

G. GREY.

The Eight Hon. Lord Stanley, &c.

## MEMORIAL of TAMAKI SETTLERS, AUCKLAND.

[Extract from *New Zealand Gazette*. ] Colonial Secretary's Office, Auckland, 29th September, 1846.

His Excellency the Lieutenant-Governor has been pleased to give directions for the publication of the following address and reply, for general information.

By His Excellency's command.

ANDREW SINCLAIR, Colonial Secretary.

## Protesting against the Crown Right of Pre-emption being waived.

"To His Excellency Captain GEOEGE GBY, Governor and Commander-in-Chief of Her Majesty's Province of South Australia, and Lieutenant-Governor of the Territory of New Zealand and its dependencies.

*The memorial of the undersigned settlers and occupiers of land in the District of the TamaM and its vicinity sheweth,—*

That your memorialists resorted to this territory upon the assurance of Her Majesty's Government that on their arrival they would have an opportunity of purchasing land from the Crown, and the Crown only, by fair competition at auction, of which per cent, of the purchase-money was to be applied as an immigration fund, and 25 per cent, in making roads and in other public works; and your memorialists were further informed that no purchase except from the Crown would be sanctioned or allowed.

That, upon the faith of such assurance, your memorialists hesitated not to pay for land in this district prices varying from 25s. to 30s. per acre, being considerably more than the upset price fixed by Her Majesty's Home Government, knowing as they did that, though land had been and might be obtained cheaper from the Natives, it was the duty as well as the interest of your memorialists to obey the laws and ordinances of the territory, and thereby claim and deserve the protection of the Government.

That your memorialists proceeded to cultivate their lands at considerable expense, undeterred by the numerous purchases from the Natives which they saw daily made, relying on the hitherto unbroken faith of the British Government towards her subjects, whether at Home or in the colonies, and never for one moment supposing that in their own case that faith would be first violated.

That your memorialists were aroused from this state of confidence by an announcement from His Excellency the late Governor that the right of pre-emption on the part of the Crown would be waived on moderate purchases from the Natives on payment of a fee of 10s. per acre, an announcement which your memorialists viewed with mingled feelings of alarm and distrust: of alarm, as they saw the consequent inevitable depreciation of value of their-property; of distrust, because, the boundary-line of national honour and good faith being once broken, they feared other equally important pledges might also be violated, and that even this measure was merely the precursor of other changes respecting Native purchases—a fear but too soon realized, the fee to the Crown on the waiver of the right of pre-emption being speedily reduced to Id. per acre.

That your memorialists have by the reductions in Crown fees received considerable injury in two shapes: Firstly, by depreciation in value of their lands; secondly, inasmuch as the sale of large blocks of Native land to speculators, who mostly have neither the intention nor means to cultivate them, prevents a concentration of inhabitants, causes delay in the making of roads (so necessary in every new colony), and will entirely annihilate

the immigration and road funds by which your memorialists and the territory at large would greatly benefit; without referring to the stop put on free emigration which this course will cause in the Mother-country, for it is not to be supposed that parties will come to this land with the certainty of being driven into the interior of the country.

Your memorialists therefore trust that your Excellency will see the impropriety of sanctioning, under any circumstances the issue of Crown grants in respect of purchases made from the Natives, and thereby prevent the injury which impends on those who have dealt in good faith with Her Majesty's Government, and who have expended their capital upon Crown purchases.

PARRICK ANDERSON, Chairman.

[And nine others.]

## **REPLY of His EXCELLENCY to the foregoing MEMORIAL.**

GENTLEMEN,—

In reply to the memorial you have presented to me, praying, for the various reasons therein set forth, that I would not under any circumstances sanction the issue of Crown grants in respect of purchases made from the Natives under the terms, of a Proclamation of my predecessor, dated 10th October, 1844, I have to acquaint you that, much as I regret the injury which may by this measure be inflicted upon the interests of yourselves, and, indeed, upon those of the vast majority of Her Majesty's subjects of both races who inhabit this colony, it is not at present in my power to do, more than assure you that, in arranging the complicated claims which have arisen under the terms of the Proclamation above alluded to, I will to the best of my ability and judgment do such justice to all the interests concerned as upon mature inquiry may be found practicable.

GEORGE GREY, Lieutenant-Governor.

## **MEMORIAL of AUCKLAND SETTLERS.**

*Praying that their Land Purchases may not be disturbed.* [Extract from *New Zealand Gazette*.] Colonial Secretary's Office, Auckland, 30th September, 1846.

His Excellency the Lieutenant-Governor has been pleased to give directions for the publication of the following address and reply, for general information.

By His Excellency's command.

ANDREW SINCLAIR, Colonial Secretary.

## **To His Excellency GEOEGE GREY, Esquire, Lieutenant-Governor and Commander-in-Chief**

# in andover the Colony of New Zealand, and its Dependencies.

The memorial of the undersigned inhabitants of Auckland and its vicinity shmveth,—

That your memorialists, in pursuance and under the authority of a Proclamation issued by the late Governor, Captain Eitzroy, on the 10th day of October, 1844, became purchasers of land from the aborigines.

That such lands are now in the possession of your memorialists, many of whom have expended large sums of money, and are even now carrying on improvements on the same.

That your Excellency's decision relative to these purchases, published in the *Government Gazette* of the 16th of this month of June, has caused your memorialists much surprise, inasmuch as they are not aware of having in any way "evaded the regulations and terms under which the certificates "waiving the Crown's right of pre-emption were issued."

That your memorialists have been still more surprised at the information that your Excellency's decision has been influenced by a belief that your memorialists, are persons referred to in Captain Fitzroy's despatch to Lord Stanley, dated the 14th October, 1844, and published by order of the House of Commons in June, 1845.

That your memorialists are only just now aware of the existence of that despatch, and of the view which your Excellency has taken of the same.

That each of your memorialists takes this the earliest opportunity of most unequivocally declaring that he did not at the time mentioned in the despatch referred to, or indeed at any other time, excite the Natives on the subject of the Crown's right of pre-emption; that he neither subscribed himself, nor was he aware that any other person ever subscribed, any sum whatever "as a reward for whomsoever should do most towards stirring up and informing the Natives how to act together on this subject;" and, further, each of your memorialists declares that it was not his intention, nor is he aware of such intention having existed on the part of any other person, to agitate in the northern parcs of the country" during the Governor's absence in the southern, "in order that, on His Excellency's return, he might find the stream of popular feeling too strong to oppose effectually."

Your memorialists trust that this unequivocal denial will, at least as regards themselves, satisfy your Excellency of the groundlessness of the statements contained in the above-mentioned despatch; but, should your Excellency entertain a shadow of a doubt as to the accuracy of your memorialists' declaration, they entreat the institution of such an investigation as may be sufficient to satisfy your Excellency of their truth.

And your memorialists pray that your Excellency, feeling the injustice of dealing with their property on an assumption of the truth of that which is undeniably incorrect, will, in conformity with the Secretary of State's permission, grant to your memorialists that title to their lands, which was promised to those who purchased under the authority of the Proclamation of the 10th October, 1844.

And your memorialists will ever pray.

DANIEL LORRIGAN. WILLIAM GOODFELLOW. [And 43 others.]

## REPLY of His EXCELLENCY to the foregoing MEMORIAL.

30th September, 1846.

GENTLEMEN,—

It is very gratifying to me to receive so distinct a declaration from a portion of the inhabitants of Auckland and its vicinity that they have not at any time excited the Natives upon the subject of the Crown's right of pre-emption; but it is nevertheless my duty to take this opportunity of publicly reiterating the complaints of my predecessor, by stating that, during the period I have administered the Government of this colony, most improper attempts have been made to induce the Natives to dispose of lands (to which, I believe, their title was doubtful) without any reference to the rights of the Crown—and the present and future interests of the inhabitants of this portion of Her Majesty's possessions.

I am fully satisfied that the great majority of the inhabitants of this portion of New Zealand-will in no way connect themselves with proceedings which, looking to the fearful calamities they must eventually entail upon Her Majesty's subjects of both races, cannot but be viewed with horror by the whole civilized world. I request them to lend me every assistance in their power for the-suppression of such attempts, and they may rely that I, upon nay part, will omit no means within my reach of promoting their prosperity and happiness.

The terms of the Government notice of which the memorialists complain were prepared with great care, and with the advice and consent of my Executive Council. They are in strict conformity with the Instructions of Her Majesty's Government, and I am aware that that notice afforded the most unqualified satisfaction to the vast majority of the Queen's subjects within this territory. My duty will not, therefore, permit me to depart from, or in any way to vary, its terms; and I can give you no further assurance upon this subject than that I will spare no exertion to arrange your claims in such a-manner as to render the greatest amount of substantial justice to the many and conflicting interests involved in them.

To the Gentlemen composing the deputation.

G. GREY, Governor and Commander-in-Chief.

## **No. 24.LAND CLAIMS COMMISSION.**

[Extract from *New Zealand Gazette*. ] Colonial Secretary's Office, Auckland, 25th January, 1847.

His Excellency the Lieutenant-Governor having been pleased to appoint Henry Matson, Esquire, a Major in the 58th Begiment, to be a Commissioner for examining and reporting on all claims to land under the Proclamation of the 26th March, 1844, the Commissioner hereby notifies that he intends to investigate the undermentioned claims at the Council Chambers on the 1st of February, 1847, at 10 o'clock in the forenoon.

The cases will be heard in the order in which they stand in the following list, and all parties interested are hereby summoned to be in attendance with their documents and witnesses.

By His Excellency's command.

ANDREW SINCLAIR, Colonial Secretary.

## **EXTRACTS from DESPATCH of Earl GREY to Governor GREY.**

[Extract from *New Zealand Gazette*.] Colonial Secretary's Office, Auckland, August 10, 1847.

HIS Excellency the Governor has been pleased to direct the publication of the following documents, for general information.

By His.Excellency's command,

ANDREW SINCLAIR, Colonial Secretary.

# EXTRACTS from DESPATCH No. 41, dated "Downing Street, 10th February, 1847."

*Respecting Governor Fitzroy's Proclamation waiving the Right of Pre-emption.*

The series of your despatches which I enumerate in the margin exhibit so clearly the injurious tendency of those measures, and the necessity of resorting to some prompt and effectual remedy, that I think it needless to enlarge on those topics. My immediate purpose is rather to satisfy to the utmost of my power the demand which you make for the support and assistance of Her Majesty's Government in arresting the progress of the danger which you anticipate from Governor's Fitzroy's decision on this subject.

The steps taken by yourself with this view appear to me to have been judicious. I approve of your determination to allow all claimants, binder the Proclamations of the 26th March and of the 10th October, 1844, or under the notice of the 7th December in the same year, to send in their claims within a prescribed period, on pain of the exclusion of them. I approve of your projected appointment of a Commission to report on every purchase, and your decision not to issue, except under very special circumstances, any grant to any such purchaser until you shall have received the further instructions of Her Majesty's Government.

These measures, however judicious in themselves, are, as you have pointed out, quite inadequate to encounter an evil of such magnitude. The effectual remedy must be of a different character, and must be taken under the immediate authority of Her Majesty's Government.

On referring to the official correspondence, I find that Governor Fitzroy's first Proclamation, waiving the Crown's right of pre-emption, was dated on the 26th March, 1844. It formed one of a great body of enclosures in his despatch of the 15th April in the same year. The effect of that Proclamation was to require the payment to the Crown of ten shillings in respect of every nine acres out of ten, of which the pre-emption should be so waived.

Six months later, that is, on the 10th October, 1844, Governor Fitzroy issued a second Proclamation, reducing the payments to the Crown in those cases from ten shillings to one penny an acre. This last Proclamation was transmitted by the then Governor on the 14th of the same month of October, 1844.

Lord Stanley's despatch of the 30th November, 1844, though disapproving the first of these Proclamations, gave a distinct but reluctant sanction, to it. On the 27th June, 1845, his Lordship, in his despatch of that date to yourself, directed you to recognize any sales which Governor Fitzroy might have sanctioned under his second Proclamation. But his Lordship expressed his opinion that it was a most impolitic arrangement, and earnestly impressed upon you the inexpediency of allowing such purchases for the future. On the 14th August, 1845, Lord Stanley recurred, to the subject, and expressed his desire that the practice might be discontinued as soon as it could be safely done, and he explained that he had understood the first Proclamation as limited to a particular district which he proceeded to define, and he stated his earnest wish to revert to the original plan of prohibiting all direct purchases from the Natives.

The result therefore seems to be that the first, or (as it has been called) the "ten shillings an acre" Proclamation, has been sanctioned by Her Majesty's Government in reference to the particular district defined by Lord Stanley; that the "penny an acre" Proclamation (as it has been termed) has been sanctioned by Her Majesty's Government to this, extent—viz., that any sales which Governor Fitzroy might have sanctioned under it were to be recognized. To whatever extent the faith of the Crown is thus pledged to the purchasers it must be maintained inviolate, be the consequent inconvenience what it may. But, except to the extent to which any such pledge has been given, Her Majesty remains perfectly free to take such measures as the welfare of her subjects in New Zealand requires.

In assuming the right to issue any such Proclamation your predecessor was plainly exceeding his lawful authority. This must be perfectly obvious to any one who reads the Royal Charter, Commission, and Instructions, which enacted and limited his powers. But though, Captain Fitzroy thus exceeded his authority in a manner which, even if there had been no other reasons for doing so, would have rendered it indispensable that he should be removed from the Government of New Zealand, to refuse now to acknowledge the claims of individuals, founded upon acts done by him while he was in the exercise of the powers conferred upon him by Her Majesty's Commission, would be inexpedient, since it might unjustly affect persons who have availed themselves of the Proclamation in ignorance of the defective authority on which they rested, and also because it might very injuriously impair the authority of those who exercise the power of the Crown in its distant colonial

possessions thus to establish the principle that their exceeding their authority vitiated their acts, and that private individuals cannot safely regulate their conduct upon the principle that whatever a Governor may do under his Commission is to be assumed to be lawfully and properly done, until the contrary is declared by superior authority. While, therefore, on the ground of Captain Fitzroy's having disobeyed his Instructions, and also that of the manifest impolicy or the Proclamations of the 26th March, 1844, and of the 10th October, 1844, and of the notice of the 7th December, 1844, waiving the Crown's right of pre-emption, the Queen is pleased to disallow and annul those acts and each of them, Her Majesty is further pleased to declare that this order of disallowance shall not prejudice any acts which may have been done in strict pursuance of the Proclamation of the 26th March, 1844, antecedently to your receipt of this despatch, or any acts which, may have been done in strict pursuance of and under the authority of the Proclamation of the 10th October, 1844, antecedently to the receipt by the Governor of New Zealand of Lord Stanley's despatch of the 27th June, 1845. It is Her Majesty's further pleasure that all such acts so done before such respective periods shall be as valid and effectual as if the Proclamations under which respectively such acts may have been done had been confirmed and allowed by Her Majesty.

Having thus reconciled the observance of the faith of the Crown with the prospective abrogation of these unfortunate acts of your predecessor, it remains for me to observe that the claimants under these Proclamations have a title resting on no other ground but that of a strict and positive legal right, and that their titles have no support from justice, equity, or public policy. To whatever extent they can clearly bring their cases within the true meaning of Governor Fitzroy's Proclamations, to that extent their demands must be satisfied.

But it is not merely competent to you, but is your plain duty, to withhold any grant from the Crown, and any aid in any other form, from every purchaser under these Proclamations who shall not be able to prove, in the strictest manner that he has complied with and literally satisfied the requisitions of the Proclamations in every particular they contain.

You will therefore refer every such claim to the Attorney-General for New Ulster, calling on him to report whether it is in exact conformity with the Proclamation under which it may be preferred. And you will make no Crown grant to any such claimant without the previous certificate from the Attorney-General to that effect.

It will further be necessary, before any such Crown grant be issued, that the Attorney-General should certify to you that the Natives from whom the purchases may have been made were, according to the Native laws and customs, the real and the sole owners of the land that they undertook to sell. It will be the business of parties claiming the benefit of such sales to produce such evidence as the Attorney-General may consider to be required to enable him so to certify; and they must do this at their own charge without cost to the Colonial Treasury. Finally, in every grant which you may make in pursuance of these Proclamations, it must be expressly declared that Her Majesty enters into no guarantee or warranty of the title to the lands, save only so far as to engage that the grant shall be considered as barring the title of the Crown to such lands, and as transferring to the grantee any right to the lands which, at or previously to the, date of the grant, may have been vested in the Queen.

You will give immediate publicity to Her Majesty's decision, and to the motives of it as I have already explained them. I anticipate that the result will be that of the purchases made under Governor Fitzroy's Proclamations very few indeed will be sustained. I have no difficulty in avowing that it will be gratifying to me to learn that such is the result, for the whole transaction is one which it is impossible to contemplate without a lively regret that any persons should be benefited by it at the public expense, and an earnest desire to confine that benefit strictly within the limits which the Royal faith, as pledged by Lord Stanley's despatches, prescribes.

I have, &c.,

Grey.

To Governor Grey.

## **No. 26. COPY of a DESPATCH from Governor GREY to the Right Hon. Earl Grey.**

1847.

MY LORD,—

I have the honour to enclose for your Lordship's information some tabulated returns,

The tabular returns, being very voluminous, have not been printed.

showing, in as far as practicable, the nature of the claims to land which have arisen under my predecessor's Proclamations of the 26th March and 10th October, 1844, waiving the Crown's right of pre-emption over certain lands the property of the Natives. The returns were accompanied by a letter from the Colonial Secretary, containing a summary of the several facts which have been established by the compilation of these documents in his office. Unfortunately the information obtained is not so complete as could be desired, the papers sent in by the claimants being in many respects unsatisfactory, and not affording the information they ought to contain.

The following facts, however, have already been substantiated: The total number of claims which have been preferred is 148, of which 47 arose under the ten-shillings-an-acre Proclamation of the 26th March, 1844, and 101 under the penny-an-acre Proclamation of the 10th October, 1844. The number of claimants is however much less than 148, probably not really more than one-third or one-fourth of that number, as several individuals have preferred several distinct claims; and in other cases merely the names of several children of the same family have been written down, to enable one person to establish a claim to a large tract of country. The quantity of land claimed under the ten-shillings-an-acre Proclamation of the 26th March, 1844, is about 1,800, acres. It is at present impossible to tell the quantity of land claimed under the penny-an-acre Proclamation of the 10th October, 1844. The extent of land over which the Crown's right of pre-emption has been thus waived is nominally, in acres something less than 100,000 acres; but, in addition to the number of acres, the certificate of waiver of the Crown's right of pre-emption contained a description of the natural boundaries of the tract over which the Crown's right of pre-emption was so waived, and it has been found that the tract so described contained in some instances more than five times the number of acres named in the certificate.

It will also be seen from the letter of the Colonial Secretary that the following important facts are clearly established by the accompanying returns: (1.) The conditions of the notice, which stated that the only effect of waiving the Crown's right of pre-emption was to open that portion of land to public competition, and that lists, of the applications made for such waiver, and of the answers returned, would be from time to time published in the *Government Gazette*, were never fulfilled, no such publication having in any one instance taken place—by which all competition on the part of the public was precluded. (2.) It has already been shown, partly from the statement of the claimants, partly from the testimony of the Natives, that in fifty cases the land had been purchased from the Natives previously to the issue of the certificate of the Crown's waiver of the right of pre-emption. (3.) It has already been ascertained that in at least forty-six cases a portion or the whole of the consideration given was in muskets, gunpowder, and other warlike stores, and that these were, with only two exceptions, given to the Natives during the actual existence of a formidable rebellion in the country. This evil, however, probably prevailed to a greater extent than has been ascertained; for the Colonial Secretary states that the documents given in by the claimants are so vague that it is impossible in some cases to tell what were the articles given, or the prices at which they were valued.

I have, &c.,

G: GREY.

The Right Hon. Earl Grey.

## **No. 27. COPY of a DESPATCH from the Right Hon. Earl GREY to Governor GREY.**

*Auckland.—Native Claims within Extended Grants. Downing Street, 2nd December, 1847.*



SIR,—

I have the honour to acknowledge your Despatch No. 41, of the 17th April, 1847, on the subject of the grants which your predecessor had extended beyond the established maximum limit of 2,560 acres.

By this despatch I learn that, as had been anticipated by one of the Commissioners of Claims, great difficulties are beginning to arise from Natives coming forward who considered themselves to have rights to portions of the extended grants, and that the peace of the country was thereby seriously endangered. You mention that under these circumstances you would probably be unable to await the instructions for which you had previously applied, and that you had formed the intention, in all cases where the disputes of the Natives about these grants might come before you, to commence legal proceedings for the purpose of ascertaining whether they are not null and void; because, if so, you were resolved not to take any steps which might bring Her Majesty's troops into conflict with her Native subjects in support of an invalid title to land. In taking this resolution you have my cordial approval. No European can have the least pretence to expect that the Government should suffer itself to be led into hostilities in support of any titles to land which were both in themselves invalid, and contrary to any well-founded rights residing in the Natives.

Upon the receipt of my Despatch No. 50, of the 1st March, 1847, you will find that I had already authorized you to institute proceedings, wherever your Law Advisers thought that they would be successful, for reversing the extended grants; but at the same time that the persons so dispossessed should have the privilege of purchasing at the minimum upset price any lands on which they might have incurred any considerable expenditure in reliance on the grants and on the promises of the previous Governor.

You have, by your intended course on disputed cases, anticipated the first part of those instructions. With regard to the latter part of them, it is, I conclude, very improbable that any European will have had time or opportunity to make any substantial outlay on the extended portion of those grants in reliance on the expectations arising from Governor Fitzroy's measure; but, should this have occurred in any case, it would appear desirable to allow the claimant every facility to acquire the property, provided he can furnish the Government with the means fully to satisfy every Native having a good claim to the land, and provided also that the whole, amount paid by him, whether for compensation to the Native or as a price to the public, does not fall short of the established minimum price for so much land as he is allowed finally to acquire.

I have, &c.,

GREY.

Governor Grey, &c.

## **No. 28. COPY of a DESPATCH from the Right Hon. Earl GREY to Governor GREY.**

*Auckland.—Legal Investigation of certain Land Claims approved of.* Downing Street, 3rd December, 1847.  
SIR,—

I have, the honour to acknowledge your Despatches, No. 42, of the 19th of April, 1847, and No. 64, of the 5th July, 1847, reporting the steps you had taken to bring to a judicial decision the rights of purchasers under Governor Fitzroy's Proclamations, commonly called the ten-shilling-an-acre and the penny-an-acre Proclamations.

In my Despatch No. 41, of the 10th February, 1847, I had mentioned that, if there were any cases (although it seemed improbable) in which every condition of these Proclamations has been literally fulfilled, and, in which also it could be proved that the Natives from whom the purchase had been made were the real and sole owners of the land which they undertook to sell, the grant should not be withheld, but that, unless the whole of

these conditions were met, none ought to be issued.

I regret to see, by your first report that already-one of the claimants, a butcher at Auckland, Had treated with most reprehensible violence and injustice a Native who had a claim to some land which this person had bought of a different tribe. This case affords an ample example of the danger likely to arise out of the vast tracts of land suddenly, acquired in the manner mentioned. You had provided for the purchasers the means of equitably commuting such claims; but you state that they showed little disposition to acquiesce in that mode of settlement, being under an impression that it was impossible to shake their titles.

I entirely approve of the resolution you formed, under these circumstances, to bring the question to issue. It appears to have been done in the manner best calculated to give the subject a fair trial; and the learned and elaborate judgment pronounced by the Court will long remain a valuable record of the principles of law applicable to cases of this nature. The result has been to show that the supposed purchase from the Natives conferred no valid title. All proceedings arising out of this decision will probably have been closed before, this despatch can reach you. Should you, however, still require any general intimation of the views of Her Majesty's Government on the subject, I can merely say that in this, as in all analogous instances of cancelled, grants, I think the cardinal principle by which you may feel confident of securing substantial equity in your proceedings is this: that when a European claimant has made a *bona fide* and considerable outlay on the faith of any Government Act or Proclamation, you should allow him every reasonable facility to acquire the same or a corresponding portion of land, subject to the two conditions of fully satisfying every Native claimant, and of not paying less in all than the established minimum price of land in the colony. I need scarcely add, however, that any individuals who may have been guilty of acts of violence so discreditable to the European character and so injurious to the interests of the community as those you have brought under my notice, in the particular instance specified in your Despatch No. 42, may be deemed to have forfeited all claim to the assistance or good offices of the Government.

I have, &c.,

GREY.

Governor Grey, &c.

## **COPY of a DESPATCH from Governor GEEY to the Right Hon. Earl GREY.**

*Report of Proceedings for Settlement of Claims under the Fitzroy Proclamation.* Government House, Auckland, 4th December, 1847.

MY LORD,—

I had the honour, upon the 1st instant, of receiving your Lordship's Despatch No. 76a, of the 25th June last, from which I learned that the intelligence which had reached England upon the subject of the land claims, since the date of your Lordship's Despatch No. 41, of the 10th February last, had not led your Lordship to make any alterations in the instructions contained in that despatch. I am thus able to consider the instructions your Lordship intends to issue upon these subjects as conclusively settled, and no change is therefore requisite in the line of proceeding I immediately adopted upon the receipt of your Lordship's despatch of the 10th February. Under these circumstances, it will now be proper for me to report in detail what these proceedings were, and in how far they have, up to this time, effected a settlement of claims under the ten-shillings-an-acre and the penny-an-acre Proclamations.

I shall probably best acquaint your Lordship with the nature of the proceedings I adopted upon the receipt of your Despatch No. 41, of the 10th February last, by enclosing for your perusal the opinion of the Attorney-General on the course which, in conformity with the terms of that despatch, would have to be pursued for the adjustment of the land claims; and a copy of the minute, which I read in the Legislative Council, explanatory of the arrangements I proposed to adopt, and of the arguments upon which I justified that

arrangement, and then by adding the following explanatory remarks:—

In your Lordship's despatch of the 10th February I found that a point peculiarly relied upon, and the force of which was evident, was that to whatever extent the faith of the Crown had been pledged to the purchasers under my predecessor's Proclamations it must be maintained inviolate. I conceived, therefore, that this was to be the rule of proceeding which was, in as far as practicable, to regulate my conduct.

I was at once, however, met by serious difficulties. In the first place I thought it clear that this rule ought in strictness to be interpreted solely with reference to the rights of the Crown, and that, as the Crown upon the issue of my predecessor's Proclamations was pledged to respect the rights of all the Queen's subjects, it could not be regarded as being pledged, by the act of any executive officer, to perform acts in favour of some individuals which would be in direct violation of the rights of others of Her Majesty's subjects of both races. Upon the other hand, I felt it to be my duty to aid, as much as lay in my power, those of Her Majesty's subjects who had in any degree been led by the acts of the Executive Government to become involved in purchases and speculations in land; but yet only to carry this aid to such an extent as would not irretrievably injure or destroy the future prospects of the colony.

Another difficulty presented itself of a serious kind, which was that, under the terms of your Lordship's despatch as read by the Attorney-General, each claim would require a long and minute investigation, which might by the claimant be lengthened out for many months, perhaps even for years; and, in the meantime, as the whole of the land in the vicinity of Auckland was claimed by purchasers, or pretended purchasers, the progress of the colony would have been greatly retarded, and a continued expense for military protection would have been entailed upon Great Britain. It appeared, therefore, desirable that any arrangement I made should embrace, as a leading principle, the immediate and final adjustment of these claims.

Another difficulty which I foresaw would arise from my giving effect strictly to the terms of your Lordship's despatch was that, from the nature of the grants I was required to issue, landed property in the vicinity of Auckland would be held under tenure of two different kinds, which appeared, for many reasons, objectionable. Secondly, the Crown would, in the instance of these confirmatory grants, have virtually recognized that there was some efficacy in a title derived by direct purchase from the Natives, and I feared that the recognition of so unusual a principle might ultimately give rise to serious inconveniences, and to most embarrassing questions in our Courts, and establish a precedent which I was anxious, if possible, to see avoided.

Another very serious difficulty in the way of the settlement of these land claims was that the Crown's right of pre-emption was waived over a country which had never been surveyed, and the Surveyor-General was not, I believe in any instance, consulted whether or not the land was required for roads, public purposes, or the sites of towns. The public convenience and the future welfare of the colony therefore appeared imperatively to require that, the Surveyor-General should examine the country, lay out and reserve lines of roads, as well as lands required for public purposes or the sites of towns, before a grant of any description should be issued.

I felt, therefore, upon a full consideration of all these circumstances, that, under the terms of your Lordship's instructions I should be justified in varying from the direct terms of your despatch of the 10th February, if I could devise an arrangement which would secure—(1) To the colony at large the advantage of the land required for roads, public purposes, or sites of towns; (2) to the claimants such consideration as would secure to them such claims upon the good faith of the Crown as they might be able validly to urge, without any violent or absolutely unjust violation of the rights of the rest of Her Majesty's subjects; (3) an immediate and final adjustment of these claims upon a basis which would not inflict a lasting injury to the colony; (4) a title to the claimants of the ordinary kind, and so complete a survey that no future litigation could arise regarding boundaries between adverse claimants, either Native or European; (5) that the public should be put to no expense in the adjustment of these claims.

I trust that your Lordship may find that the terms of the arrangements which I proposed for the adoption of the claimants, and which are detailed in my minute, in a great degree attained all these objects.

I now proceed to report upon the progress which has been made in carrying out the arrangements I have made.

About sixty of these land claims have already been disposed of—in fact, all those of the most pressing kind in the immediate vicinity of Auckland. Roads have been laid out in all the districts where the claims have been examined, and these roads have been reserved, as well as all places required for public purposes or for town sites, as also the excess found in the claim over the quantity of land named in the pre-emption certificate, and the tenths in the case of all claims exceeding 200 acres. In every instance the claim has been carefully surveyed, and laid down in its true position and in all cases of disputed boundaries the Commissioner has adjusted these disputes by arbitration. Finally, the claimants have received a Crown title of the usual kind, so that every precaution has been taken to prevent future litigation. Generally the Government have found the claimants glad to accept the terms offered; and some of them, in order to obtain them, have abandoned claims to very large

tracts of land.

Although by the arrangements proposed no claimant obtains a greater extent than 500 acres of land, I cannot deny that much injury has been inflicted upon the colony by these grants of land having been given to people who in many instances cannot and in other instances never intend to use them, as also by the public having lost a large extent of land, which those who have obtained it could now sell from £7 to £10 an acre, whilst the means of emigration and making roads have been lost to the colony yet, after bestowing every care and attention upon the subject. I was unable to devise a better arrangement than I concluded, and, having once made this arrangement, I thought it right to dismiss wholly from my mind all remembrance of the mode in which these claims had originated, and of their unjust nature, and to do my utmost to modify the evils they had entailed upon the colony, by employing the Natives to make roads through the country given to the claimants, thus putting the colony in the state it would have been in had the land been sold in the usual manner; whilst the arrangements your Lordship has made for sending out pensioners will, in a great measure, compensate for the loss of the emigration fund. I hope, therefore, that, these causes will greatly modify the evils of the system I was compelled to sanction, and that this part of the colony will now advance rapidly in prosperity.

It only remains for me to state my hope that your Lordship will, upon considering all the difficulties with which the question was embarrassed, approve of the course which I have pursued; and, in the event of your Lordship doing so, I would venture to request; as the whole proceeding from the issue of the first Proclamation by my predecessor appears to have been illegal, that your Lordship would advise Her Majesty to sanction the issue of the Crown titles in the usual form, which I have given to the claimants. I think that, the Australian Land Sales Act having been repealed in New Zealand, this act upon behalf of Her Majesty would, if formally done, quiet all doubts regarding these titles, and effectually set at rest all further question regarding these unfortunate claims.

I have, &c.,

G. GREY.

The Right Hon Earl Grey.

## **Enclosures.(No. 1.)ATTORNEY-GENERAL'S REPORT.**

ON the course to be pursued under the terms of Lord Grey's despatch on the subject of claims to land under Governor Fitzroy's Proclamation, I have the honour to report as follows:—

The result appears to be this: that Governor Fitzroy's Proclamations are declared to have been issued by him without authority, and so to be null and void; but that the acts done under them are to be recognized so far as they were done in strict pursuance of them. That, in order to entitle any claim (whether under the first or the second Proclamation) to be entertained, two things must be proved: (1.) That Governor Fitzroy, in waiving the right of pre-emption, did so in manner, within the extent, and according to the terms of his own Proclamation. (2.) That the claimant, on his part, complied strictly with the requisitions of the Proclamation: in other words, that the proceedings were throughout "in strict pursuance of" and "under the authority of the Proclamation." The Proclamations declared that the right of pre-emption would be waived over "limited portions of land," and in the notice of the 7th December, 1844, Governor Fitzroy declared that by the term "limited portion" was meant "a few hundred acres."

In cases where the right was waived over a greater quantity than a few hundred acres, the Act not being in strict pursuance of the Proclamation, the claim would, by a rigid construction of Lord Grey's despatch, be out of Court. But an interpretation more favourable to the claimant might, I think, be adopted, without a violation of the fair spirit of the despatch, viz., that the mere fact of the waiver being excessive shall not invalidate the claim, but that, if in other respects valid, the claimant may receive a grant not exceeding a few hundred acres (say 500 acres). In no case whatever can the claimant, according to Lord Grey's despatch, receive an absolute Crown grant in the usual form, but simply a deed, releasing in favour of the claimant any right which the Crown may have in the land. The course to be pursued in the investigation of a claim preferred under the despatch would be this: (1.) It would be examined in order to ascertain whether Governor Fitzroy's Act in

waiving the right was in "strict pursuance" of the Proclamation. If it should be found that the right had been waived over land reserved by the provisions of the Proclamation, then the claim would at once fall to the ground. If it should be found to be correct so far as Governor Fitzroy's acts were concerned, then the inquiry would be, Has the claimant, on his part, complied strictly with the requisitions of the Proclamation? If it should be found that the claimant has purchased the land from the Natives before obtaining the waiver of the right of pre-emption, or wilfully understated the quantity of land, &c., then the claim must fall to the ground by reason of the claimant having on his part failed to comply strictly with the requisitions of the Proclamation.

But, assuming a claim to have passed the first two stages of inquiry, then would arise the question, of title. Was the land purchased from the true Native owner or owners, according to Native law or custom? The necessary evidence on this point is to be produced at the expense of the claimant, and, failing to be satisfactory, the claim would, after all the expense and delay incurred in the course of the investigation, fall to the ground.

But assuming, the evidence to prove satisfactory, then the claimant would be entitled to receive a deed releasing the Crown's right only, and in no case for a greater quantity of land than 500 acres, the remainder, if any, falling to the Crown as part of the Royal demesne.

Apart from its small intrinsic value, such a title, differing so widely from the ordinary absolute Crown grant, would always be looked upon with suspicion in the market. The claimant under it would be liable at any time, within a certain number of years, to actions and claims by Native claimants, and would frequently, for the sake of quiet possession, have to buy off or satisfy Native claims which had not been considered when the purchase was originally made.

W. SWAINSON, Attorney-General.

## **(No. 2.)EXTRACT from MINUTE of His Excellency the GOVERNOR.**

THE Regulations the Government intend to adopt are as follow:—

"The choice of any one of three modes of proceeding will be left open to all the claimants: (1) Either to avail themselves of the provisions of the instructions from Her Majesty's Government, which I have now laid on the table; or (2) to avail themselves of the provisions of the local Ordinance (No. 22, Sess. VII.) to authorize compensation in colonial debentures to be made to certain claimants to land in the Colony of New Zealand; or (3) to avail themselves of the following regulations, which the Government are prepared to adopt.

"The Government will issue at once to all claimants under the ten-shillings-an-acre Proclamation (who complied strictly with the terms of the Government notice of the 15th June, 1846), and whose claims have been already investigated or may hereafter be investigated by the Commissioner, and favourably reported upon by him, *absolute Crown grants*, in the usual form, on their paying within one month from the date of the report of the Commissioner the remainder of the fees due. The grants to include the reserve-tenths (at £1 per acre) in cases where the whole quantity granted does not exceed 200 acres. The same rule will be extended to the penny-an-acre claimants for blocks not exceeding 500 acres (whether the land may be cultivated or not), whose claims have been, or may hereafter be, favourably reported upon by the Commissioner, on their paying 5s. an acre within the same period of time.

"The same grant, and a title upon the same terms, will be issued to all the penny-an-acre claimants in whose favour the Crown's right of pre-emption may have been waived over more than 500 acres of land; but in these cases the quantity of land granted (on which alone the fee will be demandable) will never exceed 500 acres, and any title which the claimant may have acquired over the remaining portion of the claim will remain in the Crown; but the Government will not undertake to extend this last rule to a distance from the Town of Auckland exceeding twenty miles. It must also be distinctly understood that the Government will in no case extend the rules relating to the penny-an-acre claims to those cases in which there is any probability of the title to the land being justly disputed by the adverse Native claimants. The fee of 5s. an acre demanded upon claims of this character is intended to cover the expenses of the Commissioner's Court, the Government surveys, and to satisfy any Native claimant who may afterwards appear, the Government, by giving an absolute title, taking upon itself to make the title good."

## **No. 30.PRECIS of ADDITIONAL INSTRUCTIONS,**

# **under the Royal Sign-Manual ana Signet, to the Governor-in-Chief of New Zealand, authorizing Exchanges of Lands: bearing date at Buckingham Palace, the 13th day of March, 1848.**

WHEREAS, in pursuance of an Act of Parliament made and enacted in the ninth and tenth years of our reign, intituled "An Act to make further Provision for the Government of the New Zealand Islands," we did, by Letters Patent under the Great Seal of our United Kingdom, dated the 23rd December, 1846, in the tenth year of our reign, execute, certain of the said powers in us by the said Act vested: And whereas, in exercise of all the powers in us vested, we did issue instructions approved in Privy Council: And whereas it is directed by the 30th section of the 13th chapter of the said Instructions, being chapter intituled "On the Settlement of the Waste Lands of the Crown," that no land belonging to us in New Zealand shall, by us, our heirs, &c., or by any Governor-in-Chief or other person on our behalf, be alienated, either in perpetuity or for any definite time, either by way of grant, lease, license of occupation, or otherwise, gratuitously, nor except upon, under, and subject to regulations thereafter prescribed: And whereas by the said recited Act it shall be lawful for us from time to time to amend, and for that purpose to add to or, if necessary, to repeal any such instructions as aforesaid: And whereas it hath appeared expedient to us to amend and add to our said instructions so, far as they prohibit, or may be construed to prohibit, the alienation of lands by any such Governor, or other person, on our behalf as aforesaid, in exchange for other lands, or in satisfaction of equitable claims:

Now, therefore, by virtue of the power in us by the said Act vested, we do hereby declare our will and pleasure that it shall be competent to any such Governor-in-Chief, or other person, on our behalf and in our authority, in the execution of any directions which he may receive from us, through one of our. Principal Secretaries of State in that behalf, to alienate land or lands, either in perpetuity or for any definite time, either by way of grant, lease, or license of occupation, or otherwise, in exchange for other land or lands, or in satisfaction of any equitable claim to land.

## **No. 31. COPY of a DESPATCH from the Right Hon. Earl GREY to Governor GREY.**

*Auckland.—Reply to Memorial of Settlers approving of the Governor's Treatment of Pre-emption Claims.*

Downing Street, 17th June, 1848.

SIR,—

I have the honour to acknowledge your Despatch No. 134, of the 24th December, accompanied by a memorial, addressed to me by a considerable number of the inhabitants of Auckland and the surrounding districts, expressive of their confidence of the equity and judgment with which you will deal with the outstanding land claims in New Zealand, and of their hope that Her Majesty's Government will not be misled by any statements to the contrary, nor interfere with the powers you hold to deal with the subject. You are aware of the concurrence which I have always felt in your general views on these questions, as well as of the reliance which I have placed upon your judgment on those points upon which an opinion could only be formed on the spot. And I have to request that you will so inform the memorialists, and will acquaint them that it has been very satisfactory to me to receive their expressions of confidence in your administration.

I have, &c.,

GREY.

To Governor Grey, &c.

## **No. 32. The Hon. the COLONIAL SECRETARY, Wellington, to Mr. Commissioner McLEAN.**

*Mr. McLean appointed a Commissioner under Land Claims Ordinance. 20th October, 1851. Colonial Secretary's Office, Wellington,*  
SIR,—

I am directed by His Excellency the Governor-in-Chief to transmit to you a Commission, under the Great Seal of the New Zealand Islands, appointing you to be a Commissioner under the Land Claims Ordinance, Session I., No. 2. Before entering upon your duties it will be necessary for you to take the oath prescribed by the ordinance, and Captain Thomas has therefore been duly empowered to administer the same to you.

I have, &c.,

ALFRED DOMETT, Colonial Secretary.  
D. McLean, Esq., Crown Lands  
Commissioner.

## **H. S. WARDELL, Esq., R.M., Poverty Bay, to the NATIVE SECRETARY.**

*Intention of Natives to retake Possession of Lands sold to Europeans. Resident Magistrate's Court, Turanga, 27th May, 1859.*  
SIR,—

I have the honour to hand you herewith copies of letters addressed by me to the Hon. the Colonial Treasurer, dated respectively the 29th June, 1858 (No. 55), and the 21st August, 1858 (No. 73), reporting an expressed intention on the part of the Natives to retake possession of land which had been sold by them to individual Europeans. In consequence of a communication from the Commissioner of Land Claims to that effect, I represented to the Natives that he might be expected to hold a Court in this neighbourhood during the summer now just passed, and induced them to leave the cases, to which my annexed letters refer, for his decision. His not yet having visited this district has therefore been a cause of disappointment to them. At a meeting of Natives held yesterday the intention I have reported was again expressed, -but, on my urging them, to abide the decision of the Commissioner, whose arrival might be immediately expected, they consented.

Under these circumstances, I have the honour to submit for the consideration of His Excellency that it is desirable a Court of Land Claims should be held in this neighbourhood at as early a date as convenient, in the hope that it may be the means of ending an agitation which is calculated to produce a bad feeling between the European residents and Natives.

I have, &c.,

HERBERT S. WARDELL, Resident  
Magistrate.

The Native Secretary, Auckland.

## **Enclosures.(No. 1.)H. S. WARDELL, Esq., R.M., to the Hon. the COLONIAL TREASURER.**

*Poverty Bay.—As to Native Intentions to reclaim their Lands.* Resident Magistrate's Court, Turanga, 29th June, 1858.

SIR,—

The Europeans in this neighbourhood are residing on land purchased at various times by private individuals from the aboriginal owners. For those lands no Crown titles have been issued, but I am informed the claims have been submitted for the decision of the Land Claims Commissioner Recently Kahutia and other Natives have expressed their intention to repay the cattle and goods received for the sale of these lands, and require a rental for the occupation of them. The cattle - received in payment for lands, claimed by Thomas Uren and Robert Espie are now-being collected and will shortly be returned. This will, I think, prove the commencement of a general movement. I not apprehend any force will be used to remove the Europeans, but I think it probable that they will be subjected to such a series of annoyances and depredations as may eventually compel them to leave.

Under these circumstances I have the honour to beg to be informed if, in the opinion of His Excellency's Government, I can pursue any other course than that I have adopted, namely, to represent to the Natives that as they were consenting parties to the sale of the land in question, the simple fact of their returning the payment of the purchasers, without their consenting to receive it, will not destroy their claim to the land.

I have, &c.,.

HERBERT S. WARDELL, Resident Magistrate.

The Hon. the Colonial Treasurer.

## **(No. 2.) H. S. WARDELL, Esq., R.M., to the Hon. the COLONIAL TREASURER.**

*Price of Land, returned, and its Sale repudiated.* Resident Magistrate's Court, Turanga, 21st August, 1858.  
SIR,—

Referring to my letter of the 29th June, No. 55, I have the honour to inform you that the payment received for the land purchased by Thomas Uren and Robert Espie has been returned by the Natives: that is to say, the cattle which formed the payment have been driven on the land and left there, although the Europeans interested have not consented to receive them. The Natives are satisfied for the present with having, as they say, returned the payment. I am glad to say that the movement hitherto has been confined to Kahutia and his party, and there appears no immediate prospect of its being followed by other Natives.



I have, &c.,

HERBERT S. WARDELL, Resident  
Magistrate.

The Hon. the Colonial Treasurer.

## **No. 34. MEMORANDUM by the LAND CLAIMS COMMISSIONER on the Land Claims at Poverty Bay.**

IN obedience to the Governor's commands that I should state in an official form the substance of a private letter I recently addressed to His Excellency from Poverty Bay, I have to make the following remarks on the land claims there under purchase from the Natives.

These claims are few in number, and do not comprise together more than 2,200 acres. Only six are for land bought prior to Governor Sir G. Gipps's Proclamation of 14th January, 1840. The others relate to transactions entered into contrary to law at various periods from 1840 to 1854 or 1855.

When Governor Fitzroy introduced what is called the penny-an-acre Proclamation the Turanga settlers asked him to waive the right of pre-emption so as to enable them to complete their purchases; but he refused. With the exception of these transactions, of a small piece of land sold to the Government not long ago as a place for the Resident Magistrate, and of the land set apart for the Bishop's industrial school, the Native title has not been extinguished, and the district remains in the hands of the Natives.

Mr. McLean was to have inquired into the claims at Turanga some years ago, but was prevented from doing so, chiefly, I believe, on account of so many of them being illegal, while in his position towards the Natives it would have been almost impossible for him to avoid going into them. The same difficulty was in my way; for, while the Land Claims Act gave me no authority formally to "investigate" cases in which land was bought without the sanction of Government since 1840, the Natives were anxious to have all inquired into, if any.

For some time past there has been growing up a desire on their part to repossess themselves of the lands they had sold; and before I got to Poverty Bay there were discussions among them as to whether they should appear before me at all, lest by doing so they should compromise the position they had assumed towards the settlers. However, they determined to come, and several meetings took place between us in the last week of December, 1859. They opened the discussion by a very decided intimation of their intention to resume all the land; but in order to strengthen their position they adopted a course quite novel, namely, that of repudiating their sales, commencing with the claim of the Bishop of Waiapu, which I had always understood to be disputed by nobody.

During the meetings I explained to them that there were three classes of claims at Turanga: (1) Those arising prior to 1840; (2) those arising out of the setting-apart of land for the maintenance of half-caste children; and (3) those arising out of purchases after Sir G. Gipps's Proclamation.

The only real difficulty attached to the last class. I took pains to explain the grounds of the doctrine that wherever they had actually parted with their title it passed to the Crown; and that, therefore, they should give up the land sold irrespective of the date of purchase. Further, that they had nothing to do with any regulations as between the Crown and its subjects of the European race regarding the ultimate disposal of the land. The principal seller had been a chief named Kahutia; and thereupon he confessed to having sold the land wrongfully, confirmed the allegation of the Natives that they had an equal right to it, which has never been satisfied, and admitted that they talked of sending him off to another part of the East Coast, as a kind of punishment. Of course this last was an unmeaning threat, but the end of it was that they united in the declaration that they would repossess themselves of the land. To this I objected that they had permitted the settlers to live there for years, and to incur a good deal of expense in building and cultivating, and that it would be unjust to take the land and not pay for the improvements. They admitted the justice of paying for these, and requested me to value them; which, however, I had no power to do. Most of the settlers, seeing the course things were taking, got alarmed and decided not bring forward their claims at all, lest when the evidence came before me their own witnesses should, as Kahutia had done, repudiate the sales. Even in a case where the

evidence seemed to establish the claim, the claimant considered it would be hazardous to make a survey; and, though (in accordance with the rule I have pursued from the first) I refused to allow young men to annul transactions of the older chiefs, I think it would be difficult in any case to make such a survey as I require before issuing a grant. The settlers then expressed a desire to abandon their claims to the Government, in the hope of some day getting a title; and I took the opportunity of pointing out, in claims arising since 1840, the absurdity of their calling upon the Governor to protect them and expecting the aid of the law to maintain their violation of it.

On the whole, I could not but arrive at an unfavourable opinion of the Natives. I never heard anywhere such language used about the Queen's authority, law, government, Magistrates, and the like. I think much of this state of things arises from the decline of chieftainship in the district, instanced by the proverb among them that "at Turanga all men are equal;" and it would have been far better if the ordinance of 1846 had been put in force, and straggling settlers prevented from occupying the land contrary to law. This is, in my opinion, the chief cause of the bad state of feeling that has grown up at Poverty Bay. Whatever may be the true reason, it has resulted in preventing the settlement of the claims, and at present I see no prospect of making such a settlement.

F. DILLON BELL, Land Claims Commissioner.

Auckland,

24th February, 1860.

## No. 1. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Reporting on Native Claims to Oruru Valley.* Mangonui, 23rd February, 1855.

SIR,—

I have the honor to report the result of investigations into claims raised by certain natives to the Valley of Oruru, which I was commissioned to inquire into by His Excellency's directions conveyed in your letter of the 28th November last.

At the date of this letter the whole of the land-purchasing operations to the north of Auckland were conducted by Air. Johnson.

This valley is situated on the tract of debateable ground which usually lies between the possessions of every two great tribes in New Zealand, and has been a bone of contention for generations past, between the two great divisions in the North,—the Ngapuhi and the Rarawa.

Besides the Ngapuhi and the Rarawa, another party have now appeared, headed by a young man named Tipene, of the Ngatikahu Tribe, the original possessors of the land in question, who were formerly on the side of the Rarawa, taking part with them against Ngapuhi in 1842. They have now quarrelled with their late Chief Noble, and are urging their claims under the auspices of Tamati waka.

It appears that all parties partook more or less of the payments made by Dr. Ford and the other Europeans, the original purchasers, through whom the lands reverted to the Crown; and had the ground been actually taken possession of at that time, it is very probable that no difficulties would have been raised by the natives.

During the twelve years which have elapsed since that event, affairs have changed. A war between the Rarawa and Ngapuhi, who suffered considerable loss of life on both sides, has taken place, about the right of selling lands in the District of Mangonui, and it happened that the Valley of Oruru was the scene of the hostile encounter.

Whatever the rights of these belligerent tribes may have been respectively, prior to this war, an equal loss of life raised the claims of both parties upon a new basis, and not being able to agree together, the place was by mutual consent abandoned.

Noble appears to have been the first to return to the contested ground, with the sanction, he affirms, of the Government, in consideration of the services he rendered in the war against Heke.

These circumstances have led to a complication of native difficulties; and the land being required for the location of settlers, it became evident that the first step was to extinguish the claims of Noble, the party in

possession, and this was done recently for the sum of one hundred pounds, through the hands of Mr. White, the Resident Magistrate, and Noble now without equivocation acknowledges the land to be Crown property.

Next in importance, with a view to quiet occupation, is the settlement of the demands of Pororua and the Ma Uri Uri of Hokianga, (Ngapuhi,) and I think a sum of one hundred and fifty pounds might be advantageously spent in attaining that object, as well as a sum of one hundred pounds to the young chief Tipene who has now headed a third party of claimants.

Pohipi, a chief of the Rarawa, also advances a claim of fifty pounds, maintaining that he has as good a right as the other parties, having lost several men in the defence of his claims in the war with Ngapuhi in 1842; and I would also recommend the liquidation of this claim, after which the question will be settled on a satisfactory footing, and considerable blocks of land can be obtained from the Rarawa without any of these complicated difficulties with which the present claim is surrounded.

The aggregate amount now required will be three hundred pounds, which, together with the former payments, will raise the cost of the Valley of Oruru to about the same amount as would have been paid for a new purchase of the same size in the present time; and I beg to request you to move His Excellency the Officer Administering the Government, to approve of the foregoing arrangements being carried out, and the amount transmitted for me, to the care of the Sub-Treasurer, Bay of Islands.

I beg further to state, that some of the foregoing parties of claimants are very insolent in their demands, notwithstanding the liberal manner in which I have dealt with their claims, and propose referring their case to a higher authority in Auckland; but as I have, acted in co-operation with Mr. White, the Resident Magistrate, who is also of opinion that the measures I have proposed are the best that can be devised, I hope that a firm refusal will meet them in Auckland, after which I have no 'doubt but that they will accede to the terms offered them. I have, &c.,

JOHN GRANT JOHNSON, District Land Commissioner. Donald McLean, Esq., Principal Land Commissioner, Auckland.

† These figures refer to the registration number of the original letters in the records of the Native Land-Purchase Department.

## **No. 2. MEMORANDUM by Mr. COMMISSIONER KEMP.**

### *Report on Claims of Tipene to a portion of Oruru Valley.*

BY His Excellency's directions, Tamati Waka appeared at the Land Purchase Department in reference to the claim of a young chief, named Tipene, to a portion of the payment for the Valley of Oruru, near Mangonui, (or Doubtless Bay), for the purchase of which the Government is now under negotiation. In explanation of this claim, the following paragraph from Mr. Johnson's Report of the 23rd February, 1855, will show the position in which the applicant stands:—

"Next in importance, with a view to quiet occupation, is the settlement of the demands of Pororua and the Mauriuri of Hokianga." (Mem.: Their chief is Moses Tawai.)

"Besides the Ngapuhi and the Rarawa, another party have now appeared, headed by a young man, Tipene, of the Ngatikahu Tribe, the original possessors of the land in question, who were formerly on the side of the Rarawa, taking part with them against the Ngapuhi in 1842. They have now quarrelled with their late chief, Noble, and are urging their claims under the auspices of Tamati Waka."

Mr. Johnson, in recommending a division of the money, proposes a sum of one hundred pounds (£100) to be given to the chief Tipene.

Tamati Waka has represented his claim to be nearly equal to that of Pororua, who is to receive, I understand, £150; and suggested that Tipene's people should receive the same amount in order more effectually to satisfy several outstanding claimants, of whom the very influential, chief Rangatira, of Hokianga, is one, and to enable the Government to take quiet possession of the valley in so far as they are concerned.

Although in all native transactions it is very objectionable, and often entails trouble, to interfere with another officer's arrangements, still, as Tamati Waka had already seen Mr. Johnson, and having come to Auckland with these chiefs principally to lay the case before the Governor; and having, moreover, strongly recommended an additional sum of £50 to be given, I undertook to submit the question for his Excellency's favorable consideration and approval, upon the understanding that, if Mr. Johnson completed the purchase, they would pledge themselves that no further claims should be made upon the Government for the land in question.

H. T. KEMP, Native Secretary, Land Purchase  
Department.

Auckland,

4th May, 1855.

## **Mr. JOHNSON (Acting Chief Commissioner) to Mr. COMMISSIONER KEMP.**

*To Negotiate for Land at Mangonui for Canadian Settlers.*

SIR,—

Land Commissioner's Office, Auckland, 7th December, 1855.

Heremth I have the honor to forward for your information, the copy of a letter from Mr. Commissioner McLean, relative to the negotiations to be entered into for the purchase of a block of land near Mangonui, in order to afford every facility for the settlement of a body of Canadian' immigrants in that district.

I have, &c.,

JOHN GRANT JOHNSON, (Acting for Chief  
Commissioner)

H. T. Kemp, Esq.,  
District Commissioner, Bay of Islands.

## **Enclosure.**

Wellington, 17th November, 1855.

SIR,—

In order to give every facility to the settlement at Mangonui of a body of Canadians, which Dr. Stratford has come out to establish, I have the honor to request that you will take an early opportunity of instructing Mr. Johnson to take charge of the office at Auckland, so as to enable you to proceed without delay to your district at the Bay of Islands.

After arriving at Waimate you will consult Tamati Waka, Pene Tau, and other influential chiefs, in reference to the object of your visit to Mangonui, to which place you will repair with the least possible delay to confer with the chiefs of that district in reference to the lands which they wish to dispose of.

Every care should be taken to distinguish between lands which have been already ceded to private individuals, and those which have never been purchased from the natives. For instance, it may be presumed that lands already purchased do not require to be interfered with on the part of the Government. Your operations will, therefore, be principally directed to the acquisition of fresh tracts of land for the purposes of colonization.

In making preliminary negotiations for the purchase of lands, it will be necessary for you to enquire the extent of land that has already been alienated by the natives, as well as the extent, capabilities, and position of those unalienated lands which they may now wish to dispose of; the price for which (subject to ample reservations for their own present and future wants,) such lands can be obtained by the Crown; and whether the payment for it can be judiciously extended over a period of years, conditionally perhaps, that, in order to satisfy

the numerous claimants, the first instalment may be made equal to one-half of the whole purchase-money.

It is of importance that all Reserves made for the natives should be distinctly marked by natural boundaries, such as rivers or other conspicuous features of the country as this will be the means of saving expense in surveying reserves, and of preventing differences, from the unalterable nature of such boundaries.

Before leaving Auckland, you should supply yourself with the reports and other documents that have passed through the hands of the Commissioners appointed to investigate titles to land in your district, together with every other document you may be able to procure having any reference to the purchase of land in that district.

His Excellency has impressed upon me the necessity of cautioning every officer of this department to use the utmost care and discretion in acquiring lands from the natives, as each officer will be held responsible for any difficulties or disturbances that may arise out of any purchase in which he is engaged.

Of course you will not conclude any definite arrangement with the natives, until you have first reported the nature of them to me, for the information of the Government.

From the prudence you have displayed in former negotiations, and the long and intimate knowledge you have had of the natives of your district, I have every reason to hope that your negotiations will be attended with success.

I have, &c.,

DONALD MCLEAN, Chief Commissioner. H. T. Kemp, Esq., J.P., Acting Chief Commissioner, &c., &c.

P.S.—In making arrangements for the acquisition of land, it may be found advisable to issue a few Crown Grants, of from ten to one hundred acres each, to four or five of the principal chiefs out of the lands they may surrender to the Crown.

DONALD MCLEAN, Commissioner.

## No. 4. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Relative to Land for Canadian Settlers.* District Commissioner's Office, Waimate, Bay of Islands, 11th April, 1856.

SIR,—

I have the honor to report for the information of His Excellency the Governor, that I have just returned from visiting the districts to the northward of the Bay of Islands.

Agreeably with the request contained in your letter, my attention was directed towards the acquisition of the Victoria Valley, upon which to establish a body of Canadians under the agency of Dr. Stratford.

The valley of the Victoria, better known to the natives as Takahue, is situated on the northern side of the Rua Taniwa Range, and about midway between the Oruru Valley and the western coast, the two valleys being separated by a bush of from seven to eight miles in length, which I traversed, and through which a road might be easily opened up, thereby connecting the two districts, and thus forming a nearly direct line of communication with the Harbour of Mangonui, the principal port of safety in that part of the island. The Victoria Valley is nearly triangular in shape, is well watered, and skirted with excellent timber, the soil of a rich alluvial deposit, and, at a rough estimate, may be said to contain about twenty thousand (20,000) acres. A large portion of it has been under cultivation by the natives, and there exist at present some few scattered plantations of no very large extent.

Noble Panakareao, the chief of the Rarawa Tribe, is the principal owner of the valley, and upon my expressing a desire to visit it, he informed me that it had never been offered for sale, that it was more than probable it would be required for the use of the natives, whenever the surrounding districts shall have been purchased by the Government. At the same time he led me to infer that a large price, would be asked if the Crown should propose to buy.

I regret that, owing to the very sudden and serious illness of Noble, further enquiries have been postponed; but, judging from what I have heard in other influential quarters, I think a sum of £3,000 (three thousand pounds) if the money were on the spot, and a few reserves, comprising in all about two thousand (2,000) acres, would effect the purchase.

Of its importance taken in conjunction with the settlements of Oruru and Mangonui, there seems to be no doubt, and that a large portion of it would be taken up at once by settlers, if the native title were extinguished.

It is decidedly the finest district in that part of the Province, and presents great facilities for settling. If His Excellency should deem it advisable to make an offer of the sum above-mentioned, I think it might be done without prejudice to either party; but I would respectfully urge, as a prior arrangement, that the long outstanding claims for the Valley of Oruru should be brought to a final and amicable conclusion.

I have,&c.,

H. T. KEMP, District Commissioner.

The Principal Commissioner,  
Land Purchase Department, Auckland.

## Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

District Commissioner's Office Waimate, Bay of Islands, 12th April, 1856.  
SIR,—

I have already adverted to the importance of settling the outstanding native claims to the Valley of Oruru.

I beg now to state as briefly as I can the particulars connected with these claims for His Excellency's information.

The Valley of Oruru was originally said to be purchased by Mr. S. H. Ford, and afterwards transferred by him to the Government for scrip. There were at the time of sale to Mr. Ford two distinct parties, resident owners, headed by their respective chiefs, Noble and Pororua. The purchase seems to have been defective, inasmuch as Noble's party alone received the bulk of the property paid by Mr. Ford. Pororua repudiated the sale in so far as his claims to half of the valley were concerned, and when Colonel Godfrey opened the Commission for investigating claims at Mangonui, Pororua joined issue with Noble, and hence followed the war, which ended by the latter giving up the contest, with considerable loss in killed and wounded.

Pororua was advised to retire, which he did, and resided with his friends at Whangaroa, and for some time it was considered as neutral ground.

Noble, I believe, afterwards received George Grey's sanction to return to Oruru for his services during the rebellion, and renewed his claim, which was met by Mr. White paying him the sum of £100 and a section of land of 100 acres, upon which he now resides.

This being done, the land was thrown open for sale by the Government, and the sum of between three and four thousand pounds (£3,000 and £4,000) realized.

To a portion of the land thus sold, Pororua continued to urge his claim, and a young chief named Tipene, connected with Noble's party. Both these parties have since visited Auckland, and their claims have been submitted for consideration, through Tamati Waka.

His Excellency the Officer Administering the Government promised that they should meet with every attention.

Mr. White, the Resident Magistrate at Mangonui, is most anxious that these claims should be speedily and finally settled, and the natives are equally anxious for an amicable settlement. After a careful hearing of the two claims, their demands (being much reduced from what they originally were) were left standing thus:—To Pororua, representing the powerful Ngapuhi Tribes, two hundred pounds (£200) in cash, or one hundred and fifty pounds (£150) and a section of land of one hundred acres. To Tipene, representing Moetara, Busby, and other northern tribes, £150: total, £350, cash.

The occupation by Pororua of a section of land in the Oruru, would be to bring two opposing chiefs into collision, which, for the sake of the district and of the settlers, it would be very desirable indeed to avoid. If you concur in this view of the case, the payment of the money would, I think, be by far the most satisfactory means

of removing the present serious difficulties, and setting the question at rest.

Enclosed is a copy of a letter which has already been forwarded by Mr. White, and shows how important it is that no time should be lost in meeting the claims of these natives.

I have, &c.,

H. T. KEMP, District Commissioner.

The Principal Commissioner,  
Land Purchase Department, Auckland.

## Enclosure.

6 o nga ra o Pepuere, i tuhituhi ai.

E mara, E te Kawana,—

Ka tuarua whakawa o tenei kainga o Oruru; Ko te Honihana te Kaiwhakawa; Ko Henare Kepa te Kaiwhakawa ki Akarana; kei a ia te pukapuka o nga moni o te whakawa ki Akarana. Ko te karangatanga tenei, kotahi rau e rima tekau; koia kai noi atu nei matou kia homai, no te mea ka rua o matou tau i tatari a ia kia homai enei moni; ki te kahore koe e tuku mai i enei moni ka tangohia Oruru. Me he mea ka ngawari pukoe i tenei wahi, ki te homai i nga moni nei, ekore e mau Oruru. Ko ta matou whakaaro tenei kia kotahi taha pouri, kia kotahi taha marama, ko te taha ki a matou kia marama, kia kotahi ai tatou. E te Kawana, ko te whakaaro tenei o matou o te kai tuhituhi i tenei pukapuka o te hunga o runga i te iwi. Ka mutu.

NA TE HIRA, NA PENEHAMA, NA.PUAHU, NA RAHOE.

Kei Taipa, 1856.

## No. 6.W. B. WHITE, Esq., Resident Magistrate, to the CHIEF COMMISSIONER.

*Reporting Difficulties arising out of the Non-Settlement of Claims to Oruru.* Resident Magistrate's Court, Mangonui, 25th June, 1856.

SIR,—

I have the honor to call your attention to the very serious difficulties the settlers and resident natives at Oruru are subject to, in consequence of no steps having been taken to extinguish the claims of certain natives acknowledged by the District Commissioner, Mr. Johnson. When Mr. Kemp visited this district, he informed me that certain promises had been made to Tipene, by which his claim was computed at one hundred pounds; Pororua's is one hundred and fifty pounds, and Rarawa fifty pounds.

Tipene is constantly at variance with the people at Oruru, and is making vigorous efforts to return to settle there. Pororua the same. Between the two, the settlers are kept in a constant state of excitement, and a sense of insecurity very much cripples their enterprise. Moreover, a portion of Mr. Campbell's land has been occupied, but I cannot interfere in consequence of the unsettled question of payment.

May I request you will take the earliest opportunity of setting this question at rest, as it causes many disputes. One has lately occurred which the natives are apprehensive will lead to serious difficulties.

I have, &c.,  
W. B. WHITE.  
The Principal Commissioner, Land Purchase Department, Auckland.

## No. 7. The CHIEF COMMISSIONER to Mr. COMMISSIONER KEMP.

*Forwarding Mr. Commissioner Johnson's Report on Oruru.* Land Commissioner's Office, Auckland, 31st July, 1856.  
SIR,—

I have the honor to transmit for your information and guidance a copy of Mr. Johnson's report on the claims adduced by the Ngapuhi and Rarawa Tribes to the Oruru Valley.

I think it is necessary that you should be furnished with a copy of this report, as the Resident Magistrate (Mr. White,) informs me that the settlers at Oruru may be subject to annoyance from Pororua, Tipene, and other claimants, if this question is not speedily settled; and I am now bringing under the notice of His Excellency the propriety of your proceeding to Mangonui to effect a final adjustment of these claims.

In the meantime, and pending His Excellency's authority for undertaking this duty, I shall feel obliged by your fully acquainting yourself with the merits of this case, in order that you may guard against any future claims being adduced to this debateable territory, beyond those stated in the enclosures herewith.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

H. T. Kemp, Esq.,  
District Commissioner, Bay of Islands.

## No. 8. The CHIEF COMMISSIONER to Mr. COMMISSIONER KEMP.

*To Settle Native Claims.* Chief Commissioner's Office, Auckland, 29th August; 1856.  
Sir,—

I have the honor, by direction of the Governor, to inform you that His Excellency has been pleased to authorize the expenditure of a sum not exceeding three hundred pounds (£300) in the settlement of the outstanding claims to the Oruru Valley at Mangonui, and I have to request that you will take immediate steps for the final extinction of these claims.

A warrant has been issued authorizing the Sub-Treasurer at Russell to pay the sum of three hundred pounds (£300) to you, upon your requisition in the usual form. You will, however, be good enough to abstain from withdrawing this sum from the Sub-Treasury, until the natives are prepared to receive it in full settlement of all claims, and to execute a document securing the Government from all future claims on the part of either of the tribes who are interested in the land.

You will have to account for this money to the Sub-Treasurer within one month from the date of drawing the advance by furnishing him with attested copies of the Native Deeds, and of this letter of authority.

This sum of three hundred pounds (£300) is the amount recommended by Mr. Johnson in his report of the



23rd February, 1855, and sanctioned by the Colonial Secretary's letter of the 7th of April following; but I perceive from your letter of the 12th of April last, that either a sum of three hundred and fifty pounds (£350) will now be necessary, or that a grant of One hundred (100) acres of land will have to be made to Pororua. I trust, however, that you will use your best exertions to effect the final settlement for the sum now sanctioned, and that you will use your utmost endeavour to avoid giving Pororua the land grant of one hundred (100) acres, as his retention of any land in the Oruru will, I apprehend, give rise to disputes with the Rarawa, which, in the final settlement now to be effected, should be carefully avoided. I conceive it would be more advisable even to, give an additional fifty pounds (£50) to Pororua, if you cannot settle it otherwise, than to make him a grant of land that may be a fruitful source of discord hereafter. In the event of your having occasion to pay fifty pounds (£50) beyond the sum now authorized, this amount may be disbursed out of the balance of One hundred and one pounds thirteen shillings and five pence (£101 13s. 5d.) you have in your possession; and, should it be impossible to effect a settlement without the one hundred (100) acres of land, you must have a conveyance from all the Natives concerned, giving up their entire interest and claims to the one hundred (100) acres in question in favour of Pororua.

I have no doubt Mr. White will aid you in carrying out the necessary arrangements with the Natives.

I have, &c.,

DONATD MCLEAN, Chief Commissioner.

H. T. Kemp, Esq.,  
District Commissioner, Bay of Islands.

## No. 9. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Requesting a further sum of Money on account of Oruru Claims.* District Commissioner's Office, Bay of Islands, 7th September, 1856.  
SIR,—

I beg to acknowledge receipt of your letter of the 29th inst., in reference to the settlement of the Oruru claims.

It is not, I think, improbable that, owing to the decease of the chief Noble (whose assistance was very beneficial to the Government) subsequently to the arrangements reported in my communication of the 12th, April last, the position of this long-vexed question may in some measure become altered.

In anticipation of this, I propose to invite Tamati Waka to accompany me, if he conveniently can; and as he has considerable influence with Pororua's party, his services would be very acceptable, and be approved by His Excellency the Governor.

As you so fully concur with Mr. White and myself in withholding, if possible, the grant of any land in the Valley to Pororua, I would respectfully urge the propriety of having placed at my disposal, and without delay, an additional sum of Two hundred pounds (£200) to meet any new difficulties that may arise; and as by your instructions the sum of Three hundred pounds (£300) already advanced, is not to be withdrawn from the Sub-Treasury until the Natives have, in the first instance, signed over their claims, I shall proceed at once to the District to complete these arrangements if I can; and in the meantime I trust that a further sum of Two hundred pounds (£200) will be made available at the Sub-Treasury, in the event of its being required or any part thereof. You will no doubt see the policy of this arrangement when I add in explanation that the *planting season has already begun*, and the difficulties that generally follow, when the Natives obtain a firm footing on the land; Hitherto, Tipene's party have abstained from cultivating at Noble's request, and I am in great hopes of still finding it an open question, and if so, of bringing it to a conclusion, without much additional trouble and expense.

I have, &c.,

H. T. KEMP, District Commissioner.

Donald McLean, Esq., J.P.,  
Chief Commissioner, Auckland.

## No. 10. MR. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Reporting Final Settlement of all Claims to Oruru.* District Commissioner's Office, Bay of Islands, 29th September, 1856.

SIR,—

I have much pleasure in reporting for the information of His Excellency the Governor, that the outstanding claims to the Valley of Oruru have been finally and amicably disposed of, and, as I have every reason to believe, to the satisfaction of the whole of the Natives concerned.

- On receipt of the instructions which accompanied the sum of Three hundred pounds (£300) forwarded through the Sub-treasurer at Russell, I lost no time in proceeding to Mangonui and Oruru, where, having assembled the different claimants, they finally agreed, after a series of well-conducted discussions, to receive the sum of Three hundred and fifty pounds (£350) in full compensation for their claims to the Valley.
- Pororua, who is a chief of considerable importance, and a lineal descendant of Hongi Hika, for several days insisted upon having a section of one hundred acres granted (100 acres) to him upon the same terms with Noble, the late chief of the Earawa tribes; and as he had already commenced to cultivate, it seemed to be for some time doubtful whether he would consent to receive a money compensation, although an additional sum of Fifty pounds (£50), authorized in the fourth paragraph of the instructions, was tendered to him. He; however, finally accepted the sum of Two hundred pounds (£200), the amount allotted to him, as a full compensation for his claims; and his immediate followers, who occupy but a small plantation (about an acre and a half) are under a written agreement to leave the ground so soon as they have removed their crops.
- Two small reserves of about a quarter of an acre each, at the entrance to the Oruru River, have been set apart for the use of the Natives generally, near to the public road, as a convenience to travellers, and where they might also haul up their canoes while upon their trading excursions.  
These reserves will be laid and mapped off by Mr White, who has also undertaken the survey of the external boundaries of the block, so soon as, the young chiefs deputed to accompany him have finished putting in their crops.
- There were present at this meeting several influential chiefs from the north, with Busby, the successor of the late Noble Panakoreao. He. is a man of good standing, a friend to the Europeans, and his influence extends over a large body of Natives in the north. He. has suggested that the section of 100 acres granted by the Government to Noble, and now occupied by his widow and her attendants, should be purchased; if a favourable opportunity presented itself, with a view to the Valley of Oruru being left entirely to the Europeans, who may thereby be induced to settle in larger numbers.

Of Mr White's assistance, most kindly given, I was glad to avail myself. By his previous acquaintance with the details and bearings of these claims, a vexatious and troublesome, question has at length been finally and amicably settled.

I have, &c.,

H. T. KEMP, District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## No. 11. The CHIEF COMMISSIONER to Mr. COMMISSIONER KEMP.

*Certain Hokianga Chiefs prefer Claims to Oruru.* Land Commissioner's Office, 11th December, 1856.  
SIR,—

I have the honor to inform you that certain Hokianga chiefs, names as per margin, Wiremu Tana Papahia, Tomairangi, Ngarewa, Te Karu, Marupo. have come, to Auckland to request a further payment for Oruru.

They have been informed that the whole amount the Government intends to pay for that land has been transmitted to you and paid to the Native owners.

It appears that Tipene is at fault in not having paid Rangatira Moetara his share of the Fifty pounds (£650) he received for the purpose.

- They offer to sell the Maungataniwha. District, and you will be good enough to report if they are the real claimants; whether it would be a desirable purchase; and ascertain the extent of the land, and the terms on which it can be purchased.
  - They advance a claim to land purchased by the Rev. Mr. Matthews, and you will also report what the nature of their claims to that land is, and whether that question can be easily adjusted by you.
- They wish to exclude a piece of land called Pararaki from the sale to Mr; Matthews.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

H. T. Kemp, Esq., J.P.,  
District Commissioner, Bay of Islands.

## No. 12. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Reporting on Blocks near the North Cape.* District Commissioner's Office, Bay of Islands, 10th June, 1857.  
SIR,—

In my communication dated the 20th April, No. 14, 1857, I had the honor of informing you of a journey I propose to undertake for the purpose of examining and entering into negotiations with the natives for certain blocks of land near Parengarenga (North Cape). I have now the pleasure to report my return from that expedition, and to state, for the information of His Excellency the Governor, the progress made towards the extinguishment of the native title over a considerable portion of available country within that district. In these arrangements I was favoured with the advice and assistance of Mr. White, who accompanied me throughout.

- Enclosed I forward a rough sketch of the blocks we are in treaty for, as well as of those which have been already alienated by the natives, showing, as nearly as possible, their connection with each other.

At a rough estimate these cannot, I, think, in the whole be far short of forty thousand acres (40,000), thirty thousand (30,000) of which are included in the land now offered to the Government. They stand thus:—

No. 1.—Muriwhenua (South): A rough estimate, about 25,000 acres.

No. 2.—Wharemaru: A rough estimate, about 3,000 acres.

No. 3.—Otengi (sketch not given): A small block adjoining the Oruru purchase, about 2,000 acres.

- The boundaries of these blocks have already been carefully traversed, and were pointed out to us by the leading chiefs of the district, including Busby, Walker, King, Bobart, Clarke, and others, who are the principal sellers of the land. The negotiations have been conducted in the most public manner, and every facility given to claimants or other interested persons to appear.
- The land comprised within these blocks is open and undulating; on the western shore a ridge of sand-hills prevails, but on the eastern side soil of a good description. The beautiful harbour of Houhora, or Mount Campbell, nearly central, affords easy communication, and makes it at all times accessible. The land in its present state is well adapted for sheep farming.
- Adjacent to these blocks are two smaller ones near Ahipara and Rangiawhia: from the former a supply of useful timber can be obtained. The arrangements, however, for the purchase have been postponed at the instance of the native chiefs.

To these may be added also a portion, if not the whole of the Victoria Valley, which may in all probability be negotiated for in a few months, and forming altogether a valuable acquisition to the Crown lands in this district.

I have, &c.,

H. T. KEMP, District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 13. MR COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Recommending Purchase of Noble's Reserve.* District Commissioner's Office, Bay of Islands, June 12th, 1857.  
SIR,—

During my recent visit to the North, I observed a difficulty in which the settlers as well as the natives residing in the Oruru Valley are placed with reference to the occupation of a reserve which was made by the late chief Noble Panakareao, with the sanction of the Government, and, for which a Crown grant had, I believe, been given previously to the first settlement of the outstanding native claims in that district.

Allusion to this reserve is made in my report of the Oruru, dated 29th September, 1856.

2. The case seems to be simply this:—Noble leaves an infant daughter, his legal representative. There are also the immediate followers and servants of Noble who still reside and cultivate upon this reserve. They have been urged to move to their respective locations by the Government and by the chiefs, and it was agreed that they should have done so some time ago.

It is understood, however, that some of the settlers, whose interest it is to keep these people at Orurn, have since advised them to remain where they are, and the consequence is that the natives are in doubt as to which course it would be right for them to adopt.

Mr White, the officer of the district, has requested me to make a statement of the circumstances for the information of the Government; and, as the majority of the settlers are unwilling that any annoyance should arise between them and the natives, I would respectfully recommend for consideration that this reserve be purchased, if possible, from the native trustees; and the money invested in some more suitable manner for the benefit of Noble's child, if it were thought desirable by the chiefs interested. If this suggestion is approved, Mr

White could soon supply a plan of the reserve, and furnish any further details you might wish for.

The section itself, being an extremely valuable one, would be very soon purchased, and the Government would be at once reimbursed in the outlay that may be necessary for the extinguishment of the native title.

I have, &c.,

H. T. KEMP, District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 14. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Respecting the Prices fixed for Blocks near the North Cape.* District Commissioner's Office, Bay of Islands, 7th December, 1857.

SIR,—

Agreeably with the instructions contained in your letter No. 216, 26th September, 1857, authorizing me to carry out the negotiations for certain Blocks of land in the northern part of this district on the most economical terms, I have the honor to, report for the information of His Excellency's Government that the following sums of money have been fixed upon in payment for the several blocks alluded to, viz.:—

*Total acreage*—One hundred and five thousand six hundred and forty-four acres (105,644)

*Total amount required*—One thousand seven hundred and thirty pounds sterling (£1,730).

The plan, which is to be forwarded by first safe conveyance direct from Mangonui, will show the purchase in its compact form, and, from its position and other advantages, will make it, I trust, a valuable addition to the Crown lands of the district. All the proceedings connected with the fixing of these sums have been carried out in the most public manner, on the spot, in which I enjoyed the benefit of Mr. White's advice and assistance, who travelled with me; and, while the sums named are as economical as they could be expected, we both have every reason for believing that, if approved by His Excellency, they will give satisfaction to the whole of the native sellers, and help to pave the way for future negotiations.

I have, &c.,

H. T. KEMP, District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 15 THE CHIEF COMMISSIONER to MR COMMISSIONER KEMP.**

*To conclude Purchase of. Blocks near the North Cape.* Chief Land Purchase Commissioner's Office, Auckland, 21st December, 1857.

SIB,—

With reference to your letters (Nos. 57, 32) of the 7th instant, stating that the following sums have been fixed upon in payment for the several blocks the negotiations for which you were authorised to carry out in my letter of September 26th last, viz.—

— I have the honor, by direction of His Excellency the Governor, to request that you will be good enough to conclude these purchases at the above-named rates, for which purpose the sum of One thousand seven hundred and thirty pounds sterling (£1,730) will be transmitted to the Sub-Treasurer at Russell, to be handed over to you upon your requisition in the usual form.

You will use the greatest care in making the deeds and translations as perfect as possible, and endeavour to render the arrangements final and complete. It having been observed that certain passages in the deeds transmitted, by you to this office are vague, and therefore objectionable, I have to request that you will adhere as closely as circumstances will permit to the form of deed used by the other Commissioners, which have proved to be intelligible to, and binding upon the natives.

A desire having been expressed by the natives to sell other and more valuable lands for immediate occupation than those in the northern extremity of your district, you will be good enough to direct your attention to the acquisition of those lands which are more immediately required for settlement, without overlooking the offers of such larger and less valuable blocks that may be offered; but in every instance you should give prior consideration to such blocks as the Kawa Kawa, and others in that vicinity, which I understand the natives are anxious to dispose of.

I have, &c.,

D. McLEAN, Chief Commissioner.

H. T. Kemp, Esq.,  
Bay of Islands.

## No. 16. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Reporting Completion of Purchase of Blocks near the North Cape.* District Commissioner's Office, Bay of Islands, 9th February, 1858.

SIR,—

I have the honor to report for the information of His Excellency the Governor, that the payment for the several blocks of land in the neighbourhood of Mangonui known as—

- Muriwhenua South;
- Wharemaru;
- Otengi;

was completed on the 3rd and 4th instant.

Copies of translations from the original deeds, describing the boundaries are herewith forwarded, prepared for proclamation, in accordance with your Circular of the 18th December, 1857.

The plans of survey, carefully executed by the Messrs. Campbell, having already been transmitted to you "by Mr. White, I shall feel obliged (if not already submitted for His Excellency's inspection) by your allowing them to accompany the descriptions of the boundaries herein inclosed.

I have, &c.,

H. T. KEMP, District Commissioner.

The Chief Commissioner,  
Auckland.

## **Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Recommending Purchase of these Blocks.* District Commissioner's Office, Bay of Islands, 22nd September, 1858.

SIR,—

I have the honor to forward, for the information of His Excellency's Government, the enclosed copy of a letter from Mr. White in reference to the acquisition of two blocks of land which are immediately in the District of Mangonui. The negotiations for these blocks were entered upon agreeably with the instructions given in your letter of the 28th October, 1857, urging the acquisition of land in the neighbourhood of Mangonui, when available for colonization.

Mr. White now states that the natives have fallen in with our views with regard to the boundaries, the object having been to buy up the whole of the available land between the Oruru and Victoria Plains, and by this means' to connect the blocks as soon as possible. Having explored the country at the head of the Oruru Valley, I am able to report that a junction with the Victoria could be made with but little difficulty, thereby bringing the whole of that: fertile district into connection with the Port of Mangonui; and on the grounds also submitted in Mr. White's letter, would respectfully recommend the purchase for the approval of his Excellency the Governor.

I have, &c.,

H. T. KEMP, District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **Enclosure.Mr. WHITE to the DISTRICT COMMISSIONER.**

Mangonui, September 7th, 1858.

SIR,—

The natives having consented to meet our views relative to the boundaries of Kohumaru Block and the Wai Kainga or Maunga Taniwha Block, which adjoins the Kohumaru, both of which overlap the Oruru Block surveyed by me, being most desirable purchases, I beg herewith to report them as ready for survey, and would recommend that the work be commenced as soon as possible, as the payments for these blocks will hasten, the acquisition of the Victoria Valley, about which there has been much discussion of late; and, as you are aware, these lands will be a valuable acquisition, not only on account of the good soil, but fine timber. May I request

your early attention to this communication?

I have, &c.,

W. B. WHITE.

H. T. Kemp, Esq.,  
District Commissioner.

## **No. 18. The CHIEF COMMISSIONER to Mr., COMMISSIONER KEMP.**

*As, to the naming of Blocks of Land.* Chief Land Purchase Commissioner's Office, Auckland, 12th October, 1858.

'SIR,—

Adverting to your letter of the 22nd ult., enclosing a communication from Mr. W. B. White, and recommending the purchase of two blocks of land named, Kohumaru and Maungataniwha, which you state were negotiated for in accordance with my instructions of the 28th October last, I have the honor to make the following observations thereupon:—

1st. The letter referred to by you was based upon an offer made by Heremia Te Ara to dispose of a Block named Matawherohia.

2nd. You were requested on the 22nd January last to carry on negotiations for the purchase of the Matawherohia Block, and to report the probable cost and area thereof.

3rd. In your letter of the 22nd ult you speak of the two Blocks Kohumaru and Maungataniwha under names which have not been previously used, stating at the same time that these blocks were referred to in my communication of the 28th October last

It is obvious, therefore, either that Kohumaru and Maungataniwha must be other names for one and the same block, previously known as Matawherohia, or that one block has been confounded with another.

To prevent the recurrence of any mistakes in future, you will be good enough in reporting a block in any stage of its acquisition:

To give, on the first mention thereof, the principal name by which the block is known, and strictly to adhere to such name in all after communications.

2nd. To refer to former letters, if any, on same subject, giving the number and date thereof; and in acknowledging receipt of letters sent hence, to adhere to the same rule—all communications issued from this office being numbered on the first page..

It will readily occur to you, from the above observations, how liable any person unacquainted with the localities is to fall into unavoidable mistakes, being misled by names which are entirely new to him. If these blocks should be identical with that hitherto known as Matawherohia, you are already in possession of the necessary authority for having the external boundaries surveyed, which service may be performed by the surveyor attached to your district.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

H. T. Kemp, Esq., J.P.,  
District Commissioner, Bay of Islands.



## No. 19. MR COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Reporting Prices Fixed.* District Commissioner's Office, Bay of Islands, 18th January, 1859.

SIR,—

I do myself the honor to report, for the information of His Excellency the Governor, the result of negotiations for land within the district of Mangonui, from whence I have recently returned.

Kindly assisted by Mr White, our attention was principally given to fixing the prices for the three following blocks of land, which had already been examined by us, *viz.*:—

- No. 1. Kohumaru Block, estimated to contain about ten thousand-acres (10,000), for which we offered the sum of three hundred and fifty pounds (£350), but which, for the present, has been declined by the natives.
- No. 2. The Puheke Block, estimated to contain about eight, thousand acres (8,000 acres), for which the sum of three hundred pounds (£300) has been fixed.
- No. 3. Keihana's, or the Upper Aurere Block, estimated to contain about five thousand (5,000 acres), for which the sum of two hundred and twenty pounds (£220) has been fixed.

The above-mentioned blocks are all within a short distance of the harbour and township of Mangonui. The 1st, or Kohumaru Block, is easily accessible by water, and although the surface is very broken, there is much of the land that is desirable, with a plentiful supply of timber, including some very fine kauri.

Nos. 2 and 3 join each other, and are open undulating land, with a great part flat. They form a part of Doubtless Bay, and are an extension of the Mangonui Country District. The soil is light and poor, and fitted principally for grazing.

These purchases, if completed, will connect a long line of country North of; Mangonui, over which the native title will have been extinguished.

I have, &c.,

H. T. KEMP.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## No. 20. The ASSISTANT NATIVE SECRETARY (acting for the Chief Commissioner) to Mr. COMMISSIONER KEMP.

*Relative to Purchase of Noble's Reserve in the Orunt, Block.* Land Commissioner's Office, Auckland, 1st August, 1859.

SIR,—

I have the honor to, acknowledge receipt of your communication, bearing date 12th June, in Which you recommend the purchase by the Government of the native reserve in the Oruru Valley granted; to the late chief Nopera Panakareao.

In reference thereto I have the honor to inform you that His Excellency is not at present prepared to

authorize the proposed purchase, but defers giving a final answer until further information shall enable him to form an opinion as to the expediency of the course recommended by you.

I have therefore to request that you will state more particularly your reasons for recommending the alienation of this reserve by the family of the late chief Noble: also to express the opinion of the Government that ample provision ought to be made in landed property to be secured to his heirs, and that it is not apparent why the Oruru is an unfit or undesirable locality for the purpose.

The annoyance caused to the European settlers through the irregular occupation of the reserve by Noble's followers might possibly be removed by leasing it for a term of years. Upon the expediency or otherwise of such an arrangement you will have the goodness to report.

I have, &c., THOS H. SMITH,  
For the Chief Commissioner.

H. T. Kemp, Esq., J.P., District Commissioner, Bay of Islands.

## **No. 21. The ASSISTANT NATIVE SECRETARY (acting for the Chief Commissioner) to Mr. COMMISSIONER KEMP.**

*The Purchase of three Blocks near Mangonui authorized.* Native Land Purchase Department, Auckland, 10th August; 1859.

SIR,—

I have the honor to inform you with reference to your letter of the 7th June last that His Excellency the Governor has been pleased to authorize the purchase of the three blocks recommended by you, and at the prices therein named—

And that the sum of one thousand pounds (£1,000) has this day been remitted to the Sub-Treasurer at Russell, to be advanced to you upon your requisition in the usual manner.

I have, &c.,

T. H. SMITH,  
Pro Chief Commissioner.  
H. T. Kemp, Esq., J.P. District Commissioner, Bay of Islands.

## **No. 22. The ASSISTANT NATIVE SECRETARY to Mr. COMMISSIONER H. T. KEMP.'**

*Certain Blocks to be paid for.* Native Land Purchase Department, Auckland, 16th August, 1859.

Sir,—

With further reference to your letter of the 7th June last, I have the honor, by direction of His Excellency the Governor, to request that you will have the goodness to proceed to Mangonui at your earliest convenience for the purpose of making the payment for the Kohumarū, Puheke, and Upper Aurere Blocks, and also of negotiating for the purchase of the block recently offered to the Government through Mr. W. B. White, upon

which an advance of £67 has been authorized, and the survey of which Mr. White states to have been completed.

I have, &c T. H. SMITH.

The District Commissioner, Bay of Islands,

## **No. 23.Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Reporting Payment for Certain Blocks.* District Commissioner's Office, Bay of Islands. 12th September, 1859.  
SIR,—

I have the honor to report for the information of His Excellency the Governor the result of negotiations in the district of Mangonui, from whence I have just returned.

- I have the pleasure to state that the whole of the arrangements, including the payments made as well as those fixed, have been concluded in a satisfactory manner. The plans of survey and other details of each block having been previously completed, and submitted for the inspection of the native sellers.
- The blocks which have been paid for stand thus, and are all of them connected by surveyed lines with former Government purchases, or with private lands, making, with but little interruption, one continuous and complete block:—
- In addition to the foregoing are the two following blocks, which also join Ahipara, containing 9,470 acres of the finest larid, for which the sum of £800 has, been fixed; and the Mangatete block, of 4,880 acres, recovered under the Land Claims Act, for which no remuneration is required by the natives, making the total to be—
- By the next conveyance I hope to be able to forward the plans and descriptions of these blocks, the native title to which has now been extinguished. Mr White and myself are able, in the meantime, to report them as ready for survey and occupation without any delay whatever.

I have, &c.,

H. T. KEMP, District Commissioner.

The Chief Commissioner, Land Purchase Department, Auckland.

## **No. 24.The ASSISTANT NATIVE SECRETARY (acting for the CHIEF COMMISSIONER) to Mr. Commissioner KEMP.**

*Te Poihipv offers to extend the Block.* Native Land Purchase Department, Auckland, December 3rd, 1859.  
SIR,—

His Excellency the Governor having been informed that the native chief Te Poihipi is willing to give up a piece of land as an extension of the Ahipara Block now under negotiation, for the purpose of including within

its boundaries a portion of forest land, which will add greatly to the value of the block, I have the honor, by direction of His Excellency, to request that you will as soon as possible communicate with that chief, and take the necessary steps for securing the cession of the land referred to on reasonable terms, reporting the same for the information of the Government.

I have, &c.,

THOS. H. SMITH,  
Assistant Native Secretary.  
H. T. Kemp, J.P., District Commissioner, Bay of Islands,

## **Mr. COMMISSIONER KEMP to the 'CHIEF' COMMISSIONER**

*Reporting the Survey of Ilikurangi Block.* Land Purchase Office, Bay of Islands, 25th August, 1860  
MEM.

With reference to the accompanying letter, the, District Commissioner, begs to state that the Block of land known as Hikurangi has been surveyed and, contains (4705 acres) four thousand seven hundred and five acres. It joins the Government Block at Oruru, and is in other Respects a desirable purchase. The sum named by Mr. White, viz., (£250) Two hundred and fifty pounds, and (£10) Ten pounds for contingent expenses, is respectfully submitted for approval, and that the amount should be forwarded by vessel by the first convenient opportunity to Mr. White's care.

I have, &c., H. T. KEMP,  
District Commissioner

The Chief Commissioner, Auckland.

## **Enclosure.**

Mangonui,  
August 8th, 1860.  
SIR,

I have the honor to inform you that I Have this day agreed with the Native owners relative to the price of the Hikurangi Block, the survey of which I forwarded some days since.

They have consented to take Two. Hundred and fifty pounds (£250) for the Block. The expenses, -for entertainment of Natives and 'travelling expenses will not exceed Ten pounds (£10). I would urge that the money be paid as soon as possible, the Natives being very sickly, and the money would be the means of providing them with food of a nourishing nature, of which they stand much in need.

Mr. Kemp being perhaps in Auckland will facilitate the arrangements relative to the purchases of this Block

I have, &c., W.B. WHITE,  
Resident Magistrate.

## No. 26. The CHIEF COMMISSIONER to Mr, Commissioner KEMP.

*Relative to Claims preferred by Ruhe.* Land Commissioner's Office, Auckland, December 9th, 1860.  
SIR,—

A letter addressed to His Excellency the Governor, from a chief named Ruhe, has been received at this office in reference to certain claims at Oruru,; but there is no means of 'ascertaining, except through you, whether the land is comprised within the claims recently settled by you, or whether it is a new piece of land.

If the, land is situated within the purchase already settled, no fresh claim can be admitted, but if it is land which he wishes to sell outside the Oruru Block, his best course is to confer with you on the subject.

I have written to him accordingly, and transmit the letter through you for your information and report

I have, &c.,

DONALD MCLEAN,  
Chief Commissioner.

H. T. Kemp, J. P. Esq,  
&c., Bay of Islands.

## No. 27. Mr. Commissioner KEMP to the CHIEF COMMISSIONER.

*Reporting Completion of the Purchase of Hilairaiigi Block.* District Commissioner's Office, Bay of Islands,  
14th April, 1861.  
SIR,—

I do myself the honor to report for the information of His Excellency the Governor, that I recently proceeded to the Districts of Mangonui and Whangaroa, carrying with me the sum of two hundred and fifty pounds (£250), the amount agreed upon for the purchase of the Hikurangi Block, which was duly paid to the native claimants, in the presence of the Resident Magistrate and other officers of the Government. During my stay at Mangonui I accompanied Mr. White to Whangaroa, for the purpose of holding a Circuit Court. I availed myself of this opportunity to hold a final meeting of the principal chiefs concerned in the sale of a considerable block, of land at the head of the Whangaroa Harbour, estimated to contain from thirty to thirty-five thousand acres (30 to 35,000-acres). For the block. I have been some time in treaty. Apart from its other advantages, its acquisition would be very desirable as connecting the whole of the public lands between the Bay of Islands and Mangonui, and is the only intervening block over which the native title has not been extinguished. Owing to the death of the principal chief, Ururoa, of the district, our arrangements have been interrupted, and the purchase will in consequence be delayed for some time. I proposed to the chiefs, as a safe way of ascertaining all claims, that they should with their own people first cut the lines (for which some allowance should be made at the time of offering the payment); and that the Government would undertake to furnish, a surveyor. They promised to give a reply on a reconsideration of the proposal there made. During the holding of the Court, the state of the country and other political, subjects, were freely discussed by the chiefs; and in reply to many questions put by them, Mr. White and myself furnished them with such information as we were able, and thought suitable under the circumstances

I have, &c.,

H. T. KEMP,  
District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 28. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER**

*Negotiations for Block near the North Gape postponed.* District Commissioner's Office, Bay of Islands, 17th April, 1861.

SIR,—

In continuation of my report of the 14th instant, I have the honor to report, for the information of His Excellency, that the remainder of the block of land near the North Cape, which has been under negotiation, has been withdrawn for the present in consequence of a disagreement between the native claimants; The terms proposed to them were these: That, if they required a Reserve for their own use, the Government would have it surveyed for, them, and then to offer them a lump sum for the block. The necessity for an outline survey of the whole block being in this instance dispensed with, from the fact of its being clearly defined by natural lines, as well as by other surveys already made at the Government expense. This, claim, although of considerable extent is inferior in quality and not required at the present, time for settlers. Should the natives agree to our terms, I think it may be purchased for a reasonable sum.

I have, &c., H. T. KEMP,  
District Commissioner.

The Chief Commissioner, Land Purchase Department, Auckland.

## **No. 29. Mr COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Respecting Land offered for sale by Hone Heke.* District Commissioner's Office, Bay of Islands, 3rd February, 1863.

SIR,—

Referring to a letter addressed by the Hone Heke to the Government, relative to the sale of a block of land near the Pupuke, in the district of Whangaroa, and to my report thereon, I have the honor to state, for the information of the Honorable the Minister for Native Affairs, that as this is the only extensive block between the Government lands already purchased within the district of the Bay of Islands and Mangonui, over which the native title has not been extinguished, it has been arranged, after a prolonged negotiation, to offer the sum of one shilling and three-pence per acre, which was finally agreed to by the principal chiefs, Hare Hongi, Paora Ururoa, and others. The survey of the block will be entered upon without delay, and shall be reported as soon as finished.

I have, &c., H. T. KEMP, District  
Commissioner.

The Chief Commissioner, Land Purchase Department, Auckland.

## **Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Maungataniwha West Nos. 1 and 2, 23,942 acres.* District Commissioner's Office, Bay of Islands, 1st March, 1863....  
SIR,—

I have the honor to transmit herewith the original Deeds of the Blocks named in the margin,, together with an account current, shewing the payments of the sums, named in the margin also, for Blocks Nos. 1 and 2, "Maungataniwha "West," in the District of Mangonui.

I have, &c. H. T. KEMP,  
District Commissioner.

The Chief Commissioner Land Purchase Department, Auckland.

## **Enclosure in No. 30 Land Puechase Department, Bay of Islands.**

H. T. KEMP, Disteict Commissioner, in Account Current with the' Honorable the Coloniai TREASURER

H. T. KEMP,  
District Commissioner.

## **No. 31. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Whangaroa, Pupvke, Block under Survey,* District Commissioner's Office, Bay of Islands, 2nd April; 1863.  
SIR,—

I have the honor, to report that the survey of the Pupuke Block in the District of Whangaroa, is being conducted by Mr. Richardson, and the survey of the suburban lots in the town of Kororareka by Mr. Fairburn; the natives in both cases having amicably arranged their boundary lines. The natives on the Hokianga side also propose to carry on the Whangaroa survey, so as to include the lands between the Maungataniwha and the head

of the Mangamuka, if they can agree among themselves.

I have, &c.,

HENRY T. KEMP.

The Chief Commissioner, Land Purchase Department, Auckland.

*Transmitting Plan of Pupuke Block.* District Commissioner's Office, Bay of Islands, 8th July, 1863.  
SIR,—

I have the honor to report for the information of the Government, that the plan of the Pupuke Block having been completed, I have requested the Surveyor to forward it direct to Auckland, by the schooner Kiwi, the quantity being computed at nineteen thousand and three acres (19,003 acres) of bush and open lands. Of its position, connection with other blocks over which the native title has been extinguished, and other capabilities, the particulars may be gathered from the notes made by the Surveyor on the plan at my suggestion, and will as nearly as possible supply the Government with all the information they will, I think, desire to have.

## Chief Sub-divisions marked on Plan.

Adopting the course that has recently been taken at the instance of the native claimants, the principal sub-divisions have been made and laid down on the map, under which they will receive their several shares of the payment, a further and more detailed distribution being afterwards made, according to their own customs, and with reference to the peculiar nature of each individual claim.

The plan has been submitted to Tamati Waaka for his inspection, as the back or interior lines of the block join the claims of the Hokianga natives. Before the survey was made, the tribe, of which Tamati is the principal chief, had occupied the banks of the Maungakino, and Te Rototi streams, and have been for some time engaged in felling kauri spars. I have, on behalf of the Government, stated to Tamati Waaka that there would be no objection to his retaining possession of the timber which he had already contracted to supply, as well as to avoid any difficulty as to the precise boundary between the two tribes—a point upon which there has been some little dispute, but which Tamati Waaka has taken great pains to assist me in adjusting. I beg leave to recommend that this arrangement may be approved and confirmed by the Government.

I have already reported that the price to be paid for the block was fixed, prior to survey, at the rate of One shilling and threepence an acre (1s. 3d. per acre); but in order to secure an available outlet or landing-place on the Whangaroa Harbour, I have engaged to pay the Chief Ruinga at the rate of Two shillings and sixpence for 589 acres (2s. 6d. per acre), for part of which he had been promised at the rate of Twenty shillings (20s.) by private hand, so soon as direct purchases were allowed.

I beg to enclose Mr Richardson's bill for the survey. As we proceeded with the lines the work was unavoidably delayed by the natives, which he has charged for. I have attached a certificate to that effect, and shall feel obliged by your having the amount paid to him as soon as convenient.

A requisition for the entire purchase money shall be forwarded as soon as arrangements have been made with the natives as to the most suitable place and time for payment.

I have, &c., H T. KEMP,

District Commissioner,

The Chief Commissioner, Land Purchase Department, Auckland.

**No. 33. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**



*Whangaroa (Pupuke Block)* 19,003 acres Land Purchase Department, Bay of Islands, 5th November 1868.  
SIR,—

I have the honor to report for the information of the Government, that the sum named in the margin was paid to the natives' for the Pupuke Block, in the District of Whangaroa, and the deed signed on the 8th ultimo' ah instalment of eighty pounds (£80) having been paid to Tamati Waaka and his brother, Turau, on the 30 th ultimo.

With reference to the removal of the kauri timber from within the block, on the Hokianga side to which an allusion is made in your letter transmitting the money, I am requested by Tamati Waaka to say, that, having received a fair share of the payment, any further claim to the timber in question, ceases on his own part and that of his people. The original deed is herewith enclosed, for which, please forward a receipt.

I have further to report that, soon after the payment was made, an offer of the remainder of this block was brought under discussion; of about the same extent, with more available land and valuable kauri timber, commanding the entire head, of the Whangaroa harbour, through which, also, the proposed new line of road will pass. Without evincing any undue desire to purchase I have entered so far upon negotiations, as to leave but little doubt of its acquisition within a reasonable time, and thus form together a suitable and, I think, a desirable site for a settlement.

I have, &c.

H. T. KEMP, District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 34. Mr. CIVIL, COMMISSIONER WHITE to H. T. KEMP, Esq.**

*Purchase of the Toatoa Block.* Civil Commissioner's Office, Mangonui, September 30th, 1864.  
SIR,—

I have the honor to inform you that I have made arrangements with the native owners of a block of land, bounded by the Maungataniwha west, Hikurangi and Otengi Blocks and the Parapara River, and called Toatoa, that it should be surveyed; and I have directed Mr. S. Campbell to perform that duty. It is to be divided into two blocks.

The northern part is to be sold by Henry Kemp and others; the southern part by Matthew Tauhara, Wiremu Pikahu, and others.

I have also purchased a small block of forty-four acres adjoining the Maungataniwha West Block, close to the Victoria Valley, it having been cut off by a road which I have had opened into the valley. For this I have paid the owners Five pounds ten shillings (£5 10s.). I considered it advisable to close this purchase at the request of a large number of natives.

I have taken a receipt for the money, and they will sign the proper transfer on your arrival here.

I have been applied to very frequently by the native owners of Poneke, Mangatete, as to when the purchase of that block is to be settled for. I have not received the survey, but I have lately written to the Government to forward me forms of deeds for Poneke and Tipene's Reserve, Waimutu, at Taipa, which I have recommended should be purchased.

I am anxious that you should come to this district as soon as you can, not only that you may conclude these purchases, but I am of opinion that the natives will sell portions of Victoria when these lands are paid for; and I am also desirous of introducing The Native Land Act, 1862.

I have, &c., W. B. WHITE, Civil Commissioner

H. T. Kemp, Esq, Land Purchase Commissioner, Keri-keri.

## **No. 35. Mr. COMMISSIONER KEMP to the NATIVE SECRETARY.**

*Purchase of Poneke Block.* Land Purchase Department, Bay of Islands, 13th January, 1865,  
SIR,—

In reply to your letter of the 24th instant, I have the honor to report for the information of the Hon. W. Mantell that the purchase of the Poneke Block, in the District of Mangonui, of three hundred and forty-five (345) acres has been completed for the sum of Forty-three pounds two-shillings, and sixpence (£43 2s. 6d.), the deed of which shall be forwarded by an early opportunity.

I have, &c., H. T. KEMP, District Commissioner.

The Native Secretary, Auckland.

## **No. 36. Mr. COMMISSIONER KEMP' to the NATIVE SECRETARY.**

*Poneke, 345 acres, £48 2s. 6d; Waimutu, 79 acres, £29 10s.; Taunoke, 44 acres, £5 10s.— Total, £88 2s. 6d.*  
Land Purchase Department, Bay of Islands, 18th January, 1865.  
SIR,—

I have the honor to forward herewith three deeds named in the margin for small blocks in the District of Mangonui which have been purchased at the request of the Natives, and, as they joined other Government blocks, Mr. White and myself agreed to make the purchase for the sums named, which we hope will meet with the approval of the Hon. the Native Minister.

I have, &c., H. T. KEMP, District  
Commissioner.

The Native Secretary, Auckland.

*Toatoa Block Purchased.* Civil Commissioner's Office, Mangonui, 24th February, 1865.  
SIR,—

I have the honor to inform you that the plans and deeds are completed for the purchase of the Toatoa Block, divided into three blocks of 843, 534, and 2,486 acres, which at 2s per acre will amount to Three hundred and eighty-six pounds six shillings sterling.

The hundred pounds which you forwarded to me is still available for this purchase. As the natives are very-impatient to be paid, I should be glad if you could make it convenient to bring the money with you when you come up.

The Runanga will meet on the 28th March next.

## Kaiaka Block Surveyed.

I have further to inform you that the Kaiaka'Block of land, situate between the Mangatete Block and Victoria River, has been surveyed, but is not yet mapped. It is larger than the Toatoa, and being superior land, the natives for a long time declined to take less than five shillings per acre; but I have now reduced the price to three shillings per acre, which they have agreed to take.—8,000 acres.

I should be glad if you will obtain sufficient money to complete this purchase also, on your arrival here.

I have, &c., W. B. WHITE, Civil  
Commissioner.

H. T. Kemp, Esq., District Commissioner, Keri Keri.

## Lieut.-Colonel ST. JOHN to Lieut.-Colonel McDONNELL.

*Takehue Block to be jturcha sed.* Native Office (Land Purchase Branch), Wellington, 30th October, 1873.  
SIR,—

In reference to your letter of the 27th September ultimo, on the subject of the Takehue- Block, Victoria Valley, I have the honor, by direction, to inform you that His Honor the Superinten dent of Auckland has signified his approval of the acquisition of this block on the terms which you mention as likely to be accepted by the native owners, viz., 3s. per acre.

I am therefore directed to request that you will, without delay, enter into negotiations for the purchase of the block in question, taking at the same time the utmost care as to what natives you deal with and how you deal with them, so as to make certain of securing to the Crown a safe title. In mentioning the rate of 3s. per acre; it is to be understood that this is to be the maximum pricei, and your endeavours should be directed to reduce it if possible. I have also to recommend you to obtain information from every available source, so as to obviate any future complication.

I append for your, guidance, a copy of an extract from instructions issued to you in November, 1871, by the Hon. Mr. McLean, which will apply to the present case.

I have, &c., J. H. H. ST. JOHN.

Lieut-Colonel McDonnell, Auckland.

## Enclosure.

IN purchases of this nature it is of the utmost importance that careful inquiry should be made among the native owners as to the prospects of completing the transaction without incurring the chance of any future trouble or disagreement.

You will, therefore, have to pay-special attention to this, as the Government do not desire to acquire any

land from the natives, however valuable it may be, if the acquisition is attended with any risk of disturbance, or revival of feuds among themselves.

You will proceed to examine this block and report fully upon its capabilities, whether for grass or cornland, for timber, water, and any other points which it is desirable to be fully aware of.

You will also have the goodness to furnish the Under Secretary, Native Office, with a rough sketch, of it, as accurate as the circumstances will allow you to make, giving its proper boundaries; and in enumerating the latter, you will be very careful to ascertain that no mistake can in future occur between the proposed sellers and the Government, but that a clear definition is given of the area, with its limits.

You will also give me a clear idea as to what reserves it will be necessary to make for the natives in the case of these, discriminating most carefully their acreage. I have to request that you will lose no time in acquiring the information and forwarding a report of it to the Government.

Should anything in the transactions occur affecting the natives, I have to request that you will forward to me a report.

DONALD MCLEAN.

Native Office (Land Purchase Branch), Wellington, 30th January, 1874.  
(Circular.)

It is deemed highly advisable that, whenever, practicable, transactions remaining incomplete for the purchase of native lands should be brought to a close: land purchase officers are therefore requested, before beginning any fresh negotiations, to use their energies to conclude those on which they have already entered.

It is however left to their discretion how far they are to act in the above manner, as no advantageous offer should be lost; but generally they are instructed to devote their exertions to bringing to a complete end the arrangements for the purchase or lease of native lands which they have initiated.

H. T. CLARKE, Under Secretary.

## **No. 1. THE SURVEYOR GENERAL to the HON. the COLONIAL SECRETARY.**

*Bay of Islands. As to land in the vicinity of the Waitangi falls.*

Surveyor General's Office, Auckland.

23rd January, 1847.

SIR,—

With reference to the information called for by his Excellency the Lieutenant-Governor relative to the land in the vicinity of the Waitangi Falls, I have the honor to report that there is no data in this office, which enables me to state definitely where the boundaries of the several claimants are situated.

Messrs. Busby and Henry Williams have both received grants of land in the vicinity, but from the form of the grant issued to these and the other land claimants, it is not possible to determine upon any existing documents the boundaries of their several claims.

The boundaries described in the deeds of grant which have been issued to the land claimants, were copied from the commissioner's report; unaccompanied, except in a few instances by an actual survey.

It was intended, I understand, that these deeds of grant should be only of a temporary nature, in order to place the claimants in possession of their land, until time was gained for the preparation of more perfect titles.

For this purpose the claimants were requested to get their boundaries surveyed by licensed surveyors, when it was understood that new deeds would be issued to them. Only two claimants have had their land surveyed according to these instructions, and it does not seem probable that any others will do so within a reasonable time; should this prove to be the case, a difficulty will arise in obtaining the necessary witnesses to the boundaries of the several purchases of land; and it becomes a question whether the Government should at once

undertake the surveys to prevent future disputes.

I have, &c.,

CHARLES W. LIGAR, Surveyor General.

The Hon. the Colonial Secretary.

## No. 2. Native Meeting at the Bay of Islands.

27th June, 1854. *Second Payment for Kororareka demanded.* Bay of Islands.  
(From our own Correspondent.)

ON the 27th ultimo (June) the usual quietness of Kororareka was strangely varied by the sudden appearance of a gay flotilla of canoes, thronged with some hundreds of half-armed natives, mostly of the late Kawhiii's tribe, who came to demand a second payment for the whole extent of the township: The late purchase from the natives, at Whangarei, of Mr. Busby's claim, by the Government, seems to be the chief precedent on which this preposterous demand is founded, as has been unhesitatingly stated by some of the natives themselves. A general meeting and proper audience were, however, demanded, and Mr. Clendon, the Police, Magistrate, together with Mr. Duncan, the Government Interpreter, and the whole staff of the police (only two) duly met them in the Court House, to hear, and, if possible, adjust their grievances. The nature of the claim will be found in the proceedings of the meeting, which were as follow:—

Te Huhanga (son of Kawhiti).— My father being dead I stand now in his place, and come forward to see Kawhiti's words fulfilled. When my father was alive he came here and asked a question, which question this meeting is now called upon to hear and answer. The question is asked that the remains of Kororareka be either given up, or payment given for it That is all I have to say.

Seven other natives spoke to the same effect.

Mr. Clendon replied as follows:—Eight chiefs have stood up and spoken. All they have said is, that they want payment for Kororareka. Not one of them has given any reason for making that demand. When one makes any claim he should be able to give a just cause why a claim should be complied with. If the present claimants held the land at any former period, how, have they lost possession ? When the whites came hither they found certain natives in possession of Kororareka. These Natives sold the land, and received payment in full, to their own perfect satisfaction. A Governor afterwards came, who appointed Commissioners to investigate all the land claims, and settle all disputes. The Commissioners accordingly settled all questions arising out of every claim submitted to them; but not a single word about the present claim was ever hinted to them,—nay—even to the present moment, although fourteen years have since elapsed; for this is the first time it has been brought forward. If the present claim is just, why was it not submitted to the Commissioners, when all concerned were well aware of their being here, for the very purpose of settling disputes?

Keirangatira.—We knew no better then,—we were foolish.

Mr. Clendon continued:—The Government was pleased with the proceedings of the Commissioners and gave Crown letters, or grants, for the settled claims. The holders of such grants are therefore free from any further payments for the lands so granted. Any after claims must be made, to the Government that issue such grants, and not to the recipients. Most of those who sold and those who purchased the land are now gone, leaving the third and fourth occupiers generally the present holders.

Kairangatira.—We never received any payment for the land.

Mr. Clendon.—But those who sold it received full payment. For how much of the land is payment now claimed ?

Kairangatira.—For all Kororareka.

Mr. Clendon.—Who sold it?

Te Kuhanga.—Pawai, Manganui, and others sold it.?

Mr. Clendon.—How did they come, to sell it, if your claim is just,—if you owned the land ?

Te Kuhanga.—I don't know. I am a young man, and only repeat what I hear from the aged. A war took

place, and the land was left by my grandfather that bloodshed might cease; and also in return for the slain.

Mr. Clendon.—When I came here first the land was possessed by Keri' Keri and his tribe. No white man except Jack Poynter was here. Mr. Duke afterwards built, a house, having paid £100 for the ground. Before I went away there was a fight. After the-fight I went away. When I came back I found Titori, Manu, Moka, and Wharerahi in possession of the land. They said the land belonged, to Pomare and others. I bought my land from Pomare; I then went to England, and when I came back I found the whites buying land. Since then there has never been any dispute; and the whites who had purchased the land, received the Queen's letter. They have therefore no more payment to make. Now you have only two people to deal with, the Government and the party who sold the land. Some portion of Kororareka is yet in possession of the Ngapuhi natives, and perhaps you might feel inclined for a compromise, by inducing them to sell it to the Government, and share with you the proceeds. I will send all you say to the Governor, and am only ashamed that you have given me no reason to forward, in company with your demand: If you had explained your reasons, I might possibly have admitted that they were just.

Kairangatira.—It is your own fault.

Mr. Clendon.—How?

Kairangatira—(after along pause).— We persist in demanding payment.

Mr. Clendon.—The occupiers cannot reasonably be expected to pay twice for their lands.

Hoterine then explained the nature of the present claim. It seems that a battle having occurred between Kawhiti (the original possessor) and Manu, Moka, and Wharerahi's tribes, the former, from the persuasion of his friends, to prevent further bloodshed, vacated- Kororareka; and the others, having thus got possession, held, and sold the land. The latter maintain that the place was not vacated merely for the prevention of bloodshed, but was fairly conceded to them as conquerors, in remuneration for those of their tribe who had fallen in battle. The speaker further stated that the Government had given numberless precedents for double payments in the South.

Mr. Duncan explained that these were merely successive instalments of the original amounts agreed to be paid.

Wikiriwhi said that, they only fulfilled the dying words of Kawhiti, in urging the present demand.

Mr. Clendon.—Here is a native who denies your claim, and how can I settle that claim until you settle the question first among yourselves., Arrange that first, and then apply to the, Governor. He is a good man, and will readily pay the utmost attention to all your just demands.

Te Kahanga.—One moment more. I still persist in my claim, and will continue to do so in fulfilment of the dying words of my father. I make no noise or disturbance about my own lands elsewhere.

George King (another chief), said he was sorry to hear that the present police were to be removed. They had given perfect satisfaction to the natives; and, if they were to be replaced by strangers, many troubles, quarrels, and disputes might occur between both races through their inefficiency.

Two other chiefs made similar remarks.

Another chief wished the delinquent natives not to be imprisoned previous to conviction, as, he said, was the custom in Auckland, where he knew of a native to be locked up, for, the night and acquitted next day. He had no, objection to their being imprisoned, and well punished when proved guilty.

Mr. Clendon then thanked the several chiefs for their orderly behaviour during the proceedings; and the meeting dispersed.

After the meeting a kind of *ex officio* debate was conducted in the open air, when the question of war between the sellers of the land and present claimants was warmly canvassed, but ultimately abandoned for the *gorohahly more beneficial* project of appealing to the Government, on the Whangarei principle of double payments. In the meantime the claimants intend to address the Officer administering the Government upon the subject; and have postponed their next meeting at Kororareka for two months, that; all parties may have full time to learn the result of their negotiations. What comes next must wholly depend, therefore, on the degree of wisdom with which this ridiculous claim, will be encountered by the heads of the present administration. Some of the claimants go as high as £5,000 in their demand, and threaten immediate occupation, war, &c., with all the bombast of a Gascon; but the large majority are far more moderate in both their demand, and reference to future proceedings—New Zealander.

## No. 3.MR COMMISSIONER KEMP to the CHIEF COMMISSIONER.

SIR,—

I have the honor to report for the information of His Excellency the Officer Administering the Government that the purchase of a block of land, estimated, to contain from twelve to eighteen hundred acres, in the Bay of Islands, was finally completed on the 2nd instant, and payment to the amount of One hundred pounds sterling (£100) made to the Native owners, in the presence of Pene Tauī, one of the leading chiefs of this part of the island.

The particulars connected with this purchase are these:—Some time ago two or three of the leading chiefs of the Urikapana tribe visited Auckland, and offered this block to the Government, when they received from the Governor a promise that, so soon as an officer was appointed to the Bay of Islands, the purchase, if a desirable one, should be made. In compliance with His Excellency's promise, I entered upon an early investigation of the ownership of this land, and, after allowing time sufficient for any outstanding claimants to appear, with the assurance also of Tamati Waka and Pene Tauī that the proper claimants had been consulted, I concluded the transaction, and the deed, which is herewith enclosed, with its translation, was duly signed, and the money equally distributed between the parties concerned. A rough sketch of the block is also enclosed for His Excellency's information. The land described in this deed is situate on the shores of the Bay of Islands; is for the most part hilly, but abounds with timber suitable for ship or boat building and for fuel, and is accessible by boats at high water. It is known as the Waitapu and Kaipatiki.

I believe this is the first purchase made by the Government direct from the Natives in this neighbourhood. The price paid is, perhaps, somewhat higher than is usually given by the Government; but, as a preliminary measure, and as an inducement for further and more extensive sales, the sum thus given will not, I think, be considered unreasonable.

I have, &c.,

H. T. KEMP, District Commissioner.  
Donald McLean, Esq., J.P., Principal Commissioner, Auckland.

## **No. 4. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Reporting negotiation for Ornowdke Block.* District Commissioner's Office, Waimate, Bay of Islands, 18th August, 1855.

SIR,—

I have the honor to report for His Excellency's information that I have been for some time past in treaty for a block of land estimated to contain about seven thousand acres, known by the name of Omawake, an open, undulating country, with a small portion of excellent timber attached to it, but the soil, generally speaking, of an inferior description. Its position, however, and proximity to the harbour of Bussell, (being not more than twenty miles distant in a Westeiiy direction,) point it out as a tract of land which it is desirable should be as soon as possible in the hands of the Government. It is, moreover, unoccupied by the Natives, is the key to the rich country skirting the lake Omapere, and would, if purchased, taken in conjunction with other blocks which have been, or may be hereafter, acquired, form an excellent site for an inland settlement.

After taking considerable pains to ascertain the nature of the several claims to ownership, together with a personal inspection of the land, I decided to offer the Chiefs concerned in the offer of sale the sum of Three hundred pounds, (£300) which, however, has been for the present declined.

I think, perhaps, that it would be unwise to press the matter, and that the negotiations may be suspended for a little time longer with advantage to all parties; and, should the Chiefs not accede to these terms, an additional hundred might be offered, if the Government would sanction my doing so.

The sum asked for by the Natives at present is Two thousand pounds (£2000).

I have, &c.,

H. T. KEMP, District Commissioner.  
Donald McLean, Esq., Principal Commisoner, Auckland.

## **No. 5.Mr. COMMISSIONER KEMP to the CHIEF LAND COMMISSIONER.**

*Purchase of Parangiora and Wiroa Block.* District Commissioner's Office, Bay of Islands, 29th August, 1855.  
SIR,—

Immediately upon my concluding the purchase alluded to in my letter of the, instant on behalf of Thomas Hansen, at Purerua, the chiefs offered the adjoining block of land to the Government, known as Parangiora and Te Wiroa, which is, from its position and water-communication, likely to become very valuable. Aware that this block of land had been sought after by intending settlers, I was anxious to complete the purchase, which I did for the sum of Two hundred pounds sterling (£200). The extent of the block may be from.' One thousand to fifteen hundred acres (1,000 to 1,500 acres), a large portion of which is flat, and, taken as a whole, in every way available for cultivation. It forms part of the large peninsula, having the Bay of Islands on the eastern side, and the long coast line to the north on the other, and is intersected by branches of the rivers Poukoura and Mangonui.

This land was offered and purchased from the chiefs named in the margin, and will, I have no doubt, be taken up by settlers so soon as it is advertised for selection and sale.

Kingi Wiremu, Tareha; Hohaia, Waikato; Engi Hori, Era; Pakira, Tareha; Rata, and others.

It has a considerable portion of water frontage, but timber on the ground is scarce. There are no native reserves within the block, so that the surveys may be made in a comparatively short time and at a trifling expense to the Government.

Deed of Sale enclosed.

The Deed, translation, &c., is herewith forwarded, and I trust that the purchase will meet with His Excellency's approval.

I have, &c.,

H. T. KEMP, District Commissioner.  
Donald McLean, Esq., Principal Gommissioner.

## **No. 6.Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Reporting Completion of Purchase of the Omaiwake Block.* District Commissioner's Office, Waimate, Bay of Islands, 28th February, 1856.  
SIR,—

Referring to my letter of the 18th August, stating the negotiations which' had been entered upon for a block of land known as "Omawake," containing about seven thousand acres (7,000), I have now the honor to report for the information of His Excellency the Governor that the purchase lias been finally completed for the sum of



four hundred (£400) pounds sterling, agreeably with the recommendation made in the letter above alluded to. The deed, which has been duly signed, shall be forwarded with its translation by the next conveyance.

Before concluding this purchase, I was anxious to bring together the principal chiefs concerned in the reservation of a *wahi tapu*, or sacred place (the only reserve in the block, known as the Wiroa), of some importance to the natives, which I succeeded in doing, taking advantage of a considerable meeting which took place a few days since, upon the occasion of their exhuming the remains of several influential chiefs for the purpose of removing them to their final resting place. The boundaries of the *wahi tapu*, or sacred burial ground, having been carefully marked off by the parties concerned, they left me free to treat with the proper owners of the land; and in doing so it has been the means of setting at rest a question which had, on more than one occasion, been the cause of dispute and' annoyance among the native claimants.

A reference to the position of this block has already been made in the report above mentioned.

Upon a more minute examination of the country surrounding it, I think it will be found" eventually to bring into close, connection the important harbours and water communication of the Bay of Islands and Whangaroa on, the eastern side, and of Hokianga on the west, more especially if I should succeed in acquiring the adjoining blocks known as Pirau and Mokau. The interior communication is unusually good for this country, and it also presents the advantage of being *unoccupied by the natives*. The district thus, described comprises the land from whence the three rivers emptying themselves into the Bay of Islands, Hokianga, and Whangaroa, take their rise, and adjacent, to which is the spot selected by George Grey as an inland township, or military post.

Adjoining the block thus purchased for the Government is one which was originally acquired from the natives by Mr. James Shepherd, on behalf of J. M. Osmond, No; 333 G. As far as I can ascertain, the maximum grant for 2,560 acres has been made out, and issued to Mr. Onond on the 22nd October, 1844, under a minute of Governor Fitzroy's, dated 12th September of the same year. No survey has ever been made of this land, or boundaries defined of the *quantity granted*, by which to guide the Government, the claimant, or the natives. This is by no means an isolated case from among the claims scattered throughout this district.

So soon as the quantity granted to Mr. Osmond is selected and surveyed (which I think should be done with the least possible delay) I believe it will then be found that the *surplus*, together with what has *now* been purchased, will form a considerable block over which the native title has been extinguished, becoming at once the property of the Crown, probably to an extent of twenty thousand acres (20,000).

On the importance of having these surveys made I think I cannot speak too strongly; politically, it seems to be growing, into a grave question within which the interests of the Government, the settlers, and the natives are closely interwoven.

His Excellency will be glad to learn that I continue to receive the assistance of Tamati Waka, Mohi Tawhai, and other influential chiefs of this district.

I have, &c., H. T. KEMP, District Commissioner.

The Principal Commissioner, Land Purchase Department,  
Auckland.

## No. 7. MR COMMISSIONER KEMP to the CHIEF COMMISSIONER

*General Report* District Commissioner's Office, Waimate, Bay of Islands, 6th April, 1856.  
SIR,—

Agreeably with the request contained in your circular, I have the honor to enclose a statement connected "with land purchases for the information of His Excellency the Governor.

With reference to the 3rd paragraph of that circular I beg to state that all deeds or other documents connected with the transfer, of land in this district have already been transmitted to the Land Purchase Office at Auckland, accompanied by duly certified translations, and, in reference to the last clause, have to report generally upon the state of the natives as follows:—

- The Natives in this District are, generally speaking, peaceably inclined, and I think well disposed towards

the Government; at the same time, it is very apparent that they have made, but little advance in-civilization, owing probably to the limited trade that is carried on, compared with other districts more frequented by shipping, and where the number of European settlers is more numerous.

- Native customs are also now in more repute than they were a few years ago; but the observance of them is strictly confined to themselves, and does not in any way interfere with the Europeans.
- In a moral point of view, no improvement is visible, and the habit of intemperance prevails in almost all districts where spirits are to be obtained; they are, moreover, lax in the outward observances of Religion, whereas, in the earlier stages of the Colony, their attendance was regular and punctual, and its influence very generally, and very beneficially, felt; some allowance is, I think, to be made, when it is considered that the Missionary agency has been reduced to a comparatively small and feeble body.
- A tacit assent to British law, I think, everywhere exists; practically, it cannot be said to be in operation amongst the mass of the native people; notwithstanding this, but little real crime is committed. Fortunately, the distribution of the pensions to several worthy Chiefs have been the means of checking the more turbulent spirits, while at the same time the services of several intelligent Chiefs of rank have been given to the Government authorities without any return, and often at personal inconvenience and loss. Pene Tau, whose death I reported, was one of that number.
- Maize, potatoes, and pigs are raised in quantities only sufficient for their own wants, a small quantity of wheat is shipped from the western coast; but kauri gum, the article now in demand by the merchants in Auckland, forms a source of profitable employment.

In the districts of Mangonui and Kaitia, for example, an order for five hundred (500) tents has recently been sent by the natives to Auckland, to afford them shelter at the diggings, should the rainy season overtake them. They have, a few cattle, but horses are numerous.

- The supply of arms and ammunition is, generally speaking, kept up amongst the different tribes, but more, I think, as weapons of defence against each other. It is difficult to trace from whence the supply is obtained, since great secrecy prevails on this subject.
- Land is offered for sale in almost every part of the district, but not in very large blocks, perhaps from one to five thousand (1,000 to 5,000) acres, having an equal proportion of good and bad soils, and in some parts very fine, timber. Assuming that an efficient purchasing agency were at work, and that *cash* could be tendered to the natives on the spot, and that without delay, the price to be paid would be but trifling compared with what it may be under the present system, and at the same time the whole of the surplus land be in a few years transferred to the Crown, and so long too as the preemptive right of purchase rested entirely in the hands of the Governor. If however direct purchases were sanctioned by private parties, the prices realized by the natives would no doubt be *nominally* much larger; but, nevertheless, barter of this kind would be so much mixed up with other trading operations, that in many cases the natives would be deeply plunged into debt, in the shape of mortgages upon the land, thereby causing quarrels amongst themselves, and entailing annoyance, expense, and trouble to the Government. Of the importance of surveys, whether as regards the Government, the settlers, or the aboriginal owners, the past, present, or future dealings with the natives for land, it would, I think, be impossible to speak too strongly. The Government is hardly aware of the extent of its possessions, the native title to which has been-extinguished many years since, and taken for scrip: but as no surveys have been made, and many of the original sellers have been removed, by death or other causes, same difficulty will be found in reclaiming this land; hence it is that the greatest care and caution is requisite in fixing the boundaries of such blocks as are now being offered for sale; one great object indeed has been, to *unite*, as well as to extend, the property of the Government, and as these purchases proceed, to elicit from the natives an acknowledgement of the title of the Crown to lands they originally sold to the Europeans under the arrangements above mentioned.

Hoping this imperfect outline will meet with His Excellency's approval.

I have, &c., H. T. KEMP,  
District Commissioner, Bay of Islands.

The Principal Commissioner, Land Purchase Department,  
Auckland.

**No. 8. Mr. COMMISSIONER KEMP to the CHIEF**

# OMMISSIONER.

*Reporting offer, of Taraire and Whakapaku Blocks.* District Commissioner's Office Bay of Islands, 13th April, 1856.

SIR,—

I have the honor to report for the information of His Excellency the Governor, that two blocks of land have been offered for sale on the North and South sides of the "Whangaroa Harbour, known as Taraire and Whakapaku, both, of which I have examined and ascertained the boundaries as laid down by the native sellers.

The block known as the Taraire, on the South, comprises both open and forest land (some very fine kauri), and is accessible by land carriage from the Bay of Islands, and by water from Whangaroa. It has good natural boundaries, no Native Reserves, is adapted for grazing or agricultural purposes; would furnish some very fine spars; adjoins land which is already in the hands of the Government, forming altogether a compact and valuable estate. The portion offered by the natives may be estimated at from three to four thousand acres., This block might, I think, be purchased for Three hundred and fifty or Four hundred pounds.

The block Te Whakapaku on the North Shore is chiefly open land, with scattered portions of forest, is well adapted for grazing, is easily accessible from the Port of Mamgonui, would be very soon occupied as sheep, runs, and joins land exchanged by private owners with the Government; estimated, to contain about three thousand acres, might, I think, be purchased for Three hundred pounds. Total, Seven hundred pounds sterling.

The principal Chiefs concerned in these sales are Tamati Waka, Ururoa, Hongi, Kingi, Wiremu Hafiro, Pakira, the sons of the well known Te Puhi, and several inferior persons.

These blocks were offered many months since, negotiations have been steadily going on, and no difficulties that I am aware of exist, for final completion. I would very respectfully urge that these offers be accepted, and the money tendered to the natives as early as it may be convenient to the Government.

I have, &c., H. T. KEMP,  
District Commissioner.

The Principal Commissioner, Land Purchase Department,  
Auckland.

## No. 9. The CHIEF COMMISSIONER to Mr. COMMISSIONER KEMP.

*To Report on Blocks of Land under offer in his District.* Land Commissioner's Office, Auckland, 8th September, 1856.

SIR,—

I have the honor to request that you will furnish me, at your earliest convenience, with a report, for the information of His Excellency the Governor, of the lands under offer to the Government by the natives of your district, describing the position, extent, capabilities, price and probable time that it may take to complete the purchase of each block; together with the surveying strength that may be requisite in order to define the external boundaries and reserves for the natives in each purchase.

The boundaries of each block must be carefully perambulated, as well as the reserves for the natives, and a plan made of the same to be attached to the Deed of Sale before any payment is made to the natives.

The periods at which monies will be required to complete purchases should be distinctly stated. Every exertion should be used during the spring and summer months to acquire such lands as may be approved by the Government for the purposes of colonization.

I have, &c., DONALD MCLEAN,  
Chief Commissioner.

H. T. Kemp, Esq., J.P., District Commissioner, Bay of Islands.

## No. 10. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Forwarding Deeds and plan of Taraire and Whalcapalcu.* District Commissioner's Office, Bay of Islands, 8th January, 1857.

SIR,—

I have much pleasure in forwarding herewith the original deeds, accompanied by translations, of the blocks of land known as Te Taraire and Te Whakapaku, in the district of Whangaroa, for which the sum of Five hundred pounds (£500) has been paid to the natives.

Attached also to the deed is the survey made by Mr White, showing not only the extent, but the reserves which have been set apart for the natives. From this, survey it will be observed that the quantity ascertained does not fall very far short of the original rough estimate forwarded when the land was first offered for sale. The position, as well as junction with other blocks which have fallen into the hands of the Government, under scrip exchanges, and with good natural boundaries, will, I trust, recommend the purchase as a favourable one on the part of the Government.

The extent of Crown land in this locality cannot now be far short of ten thousand (10,000) acres.

I have, &c., H. T. KEMP, District  
Commissioner.

The Chief Commissioner, Land Purchase Department, Auckland.

## No. 11. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Reporting upon offer of Mawhe Block.* District Commissioner's Office Bay of Islands' 3rd February. 1857.  
SIR,—

I am anxious to bring under the notice of the Government the following particulars in reference to a Block of superior land known as Mawhe or Mawhe Kairangi, in the District of the Bay of Islands, the ownership of which is in the hands of several influential Chiefs, including Tamati Waka, Patuone, Druroa, Hongi, Moses Tawhai, Adam Clarke, Bewa, and many other chiefs, who all have an interest either directly or derivative in the land herein described.

- I think it would be right if I, were first of all to state for the Governor's information that the district of Mawhe was one chosen by George Grey, assisted by officers of the R.E., as a site in every way suitable for an inland settlement and military post, comprising, as it does, some of the finest arable land beautifully situated on the shores of Omapere lake, commanding a central position, and the key to the whole of the interior. It does not, perhaps, contain more than five thousand acres in the whole. It is, moreover, uninhabited by the natives.
- I have the honor to state for His Excellency's information that I entered upon negotiations several months

ago," since which I have been endeavoring to bring to light the many claims connected with this land. I think I have so far succeeded that the two points now to be decided are, first, who of the Chiefs should, with the concurrence of the others, undertake its sale, and what amount would be deemed sufficient to enable the principal seller to make such an equal subdivision of the money as would give general satisfaction.

- If this land could be purchased, I believe it would form at once the nucleus of an important-European settlement, and the opinions of the settlers leave but little doubt that it would realise a considerable sum if laid off into small farms.
- Under these circumstances, and bearing in mind that the natives attach great value to the land from its fertility, and from the fact of the Governor of the Colony having applied for it on a former occasion, I would ask leave to be allowed to offer them the sum of Two thousand pounds (£2,000), and, it approved, that the money should be made, available at the Sub-Treasury here.

I would also beg leave to suggest that, in the event of the Chiefs coming to terms, a preliminary survey only should, in this case, take place, prior to the payment of the money, which could be then immediately followed up by a complete survey of the whole.

- I think I can safely recommend this arrangement to the favorable consideration of the Government as one which would tend most of all to promote the interests and prosperity of this part of the Province.

I have, &c.,

H. T. KEMP,  
District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Giving Estimated Area of Scrip Lands in his District.* District Commissioner's Office, Bay of Islands, 11th February, 1857.

SIR,—

I do, myself the honor to enclose for the information of the Government a rough estimate of certain blocks of land which, properly speaking belong to the Crown, having many years ago been exchanged for scrip by the parties who originally purchased from the natives. The extent, you will observe, is very considerable.

- These claims frequently come to notice during negotiations with the natives. I have, therefore, thought it my duty to bring this subject before you, inasmuch as they form a very large part of the Public Domain, and, in some instances, are connected together by the purchases which have recently been made; but more especially as it is to be feared that, since many of the original settlers are not now to be found, a further postponement of the survey by the Government of these blocks may be attended with considerable difficulty and expense.
- If you think the subject of sufficient importance, perhaps you would deem it advisable to bring it under the consideration of His Excellency's Government as early as may be convenient.

I have, &c., H. T. Kemp, District Commissioner.

The Chief Commissioner,

Land Purchase Department, Auckland.

## Enclosure.

Bough Estimate of Lands over which the Native Title is-supposed to be Extinguished. In the District of the Bay of Islands, and exchanged by the claimants, or original Purchasers, for Government Scrip.

H. T. KEMP,

District Commissioner.

## No. 13. THE ASSISTANT NATIVE SECRETARY (Acting for the Chief Commissioner) to Mr. COMMISSIONER KEMP.

*Mr. Commissioner Bell will investigate Titles to Scrip Land.* Land Commissioner's Office, Auckland, 12th June, 1857.

SIR,—

With reference to your letter of the 11th February last, enclosing, for the information of the Government, a rough estimate of certain blocks of land which have been exchanged for scrip by the original purchasers:

I have the honor, by direction of His Excellency the Governor, to inform you that Mr Commissioner Bell's attention has been directed to this very important subject, which he will fully investigate when he visits the Bay of Islands.

I have, &c., For the Chief Commissioner,

THOS. H. SMITH, Assistant Native Secretary.

H. T. Kemp, Esq., J.P., District Commissioner, Bay of Islands.

## No. 14. THE CHIEF COMMISSIONER to MR COMMISSIONER KEMP.

*Respecting Purchase of the Mawhe Block.* Land Commissioner's Office, Auckland, 19th June, 1857.

SIR,—

With reference to your letters, of 3rd February and 26th March last, relative to the acquisition of the Mawhe-Kairangi Block, I have the honor to inform you that the price named by you—viz., Two thousand pounds (£2,000) for a block estimated at five thousand (5,000) acres appears so extravagant that the Government will-not entertain the matter of the purchase unless there is reason to suppose that the demands of the natives will be brought within more reasonable limits.

I have, &c., (For the Chief Commissioner)

T. H. SMITE,  
Assistant Native Secretary.  
H. T. Kemp, Esq., J.P., District Commissioner, Bay of Islands.

## **No. 15. The ASSISTANT NATIVE SECRETARY (Acting for the Chief Commissioner) to Mr. COMMISSIONER KEMP.**

*Respectiny Offer by Maihi Kawhiti of Land to the Government.* Chief Land Purchase Commissioner's Office, Auckland, 15th March, 1858.  
SIR,—

Maihi Paraone Kawhiti, and other chiefs of the Bay of Islands, having repeatedly expressed a wish that the Government would accept a block of land at Te Kawa Kawa, in token of their reconciliation, and as a pledge of their loyalty and attachment to Her Majesty the Queen:

I have the honor, by direction of His Excellency the Governor, to request that you will be good enough to obtain the necessary conveyance of the land in question to the Crown (should no objection to your doing so occur to you); first, however, ascertaining all particulars relative to the position, extent, &c., of the land, and reporting thereupon for the information of the Government.

Should you, however, see any objection to the acceptance by the Government of the land offered as a gift, you will have the goodness to report your opinion for the information of His Excellency the Governor.

I have, &c.,  
THOS. H. SMITH,  
Assistant Native Secretary.

H. T. Kemp, Esq.,  
  
District Commissioner, Bay of Islands.

## **No. 16. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER. Mawhe.—Respecting Completion of Survey.**

District Commissioner's Office, Bay of Islands, 17th March, 1858.  
SIR,—

The survey of the Lake Omapere or Mawhe Block having been just completed, I avail myself of an early opportunity of submitting some farther particulars in reference to the acquisition of this block, for the information of His Excellency the Governor, in addition to those already furnished to your office in my report of the 3rd February, 1857, marked "Special."

2. I have the honor to report that the surveyor's estimate of the quantity corresponds with what I then reported—namely, about five thousand (5,000) acres.

I also stated that there were numerous claimants interested in the sale of this land.

The adjustment of these claims, followed by the survey of a few native reserves (presently in occupation) within the block will, I think, convince the natives of a liberal arrangement on the part of the Government, at the same time that it is proposed that at least one-half of the cost of the survey of these reserves should be borne by the Natives, forming, as it were, a deduction from the price which may be paid for the entire block.

3. With reference to the amount required for the purchase, I beg leave respectfully to submit the following points for consideration:

1st. Its position.

2nd. The number of claimants interested.

3rd. And thus desirable to abolish the native title as soon as possible.

On a previous occasion I had the honor of applying for an advance of Two thousand pounds (£2,000) for this and the Okaihau districts; but, as the natives have for the present declined to sell the Okaihau forest, I think that a sum of (£800 to £1,000) Eight hundred to One thousand pounds will be found sufficient to meet all the claims concerned. Enclosed is a requisition for the sum of One thousand pounds (£1,000);

It is proposed by the Natives that the payment should be made as soon as the map is completed by the surveyor, which will be in a few days. Taking the average value of the block as it stands, it is thought by good judges to be worth at least £5000.

I have, &c., H. T. KEMP, District  
Commissioner.

The Chief Commissioner, Land Purchase Department, Auckland.

## **No. 17. Mr. COMMISSIONER KEMP TO the CHIEF COMMISSIONER.**

*Reporting negotiations for a Block of 2,000 acres.* District Commissioner's Office, Bay of Islands, 7th May, 1858.

SIR,—

I have the honor to report for the information of His Excellency the Governor that I have entered into negotiations with the natives for the purchase of a small Block of land of about Two thousand acres in extent, which, I think, may be got upon reasonable terms. It is situated between the districts of Waimate and Kawakawa, and forms a parof of the unsold land between Pakaraka on one side, and the Western shores of the Bay on the other.

The whole of this Block is available, comprising chiefly soil of the best description, and well supplied with timber and water, and would, if purchased, be the means of connecting the lands already acquired by private hands from the natives.

It also joins the Kawakawa Block, for which I have been some time in treaty. In the present instance the title is clear and indisputable, and I beg leave to recommend the purchase for His Excellency's approval.

I have, &c., H. T. KEMP.

The Chief Commissioner,  
Land Purchase Department, Auckland.



## **No. 18.Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Reporting on several blocks in his District.* District Commissioner's Office, Bay of Islands, 29th May, 1858.  
SIR,—

I have the honor to report for the information of His Excellency's Government, that I have just returned from an expedition during which I visited and examined several Blocks of land which have been offered for sale by the natives, all of them within the immediate neighbourhood of the Bay of Islands. Of the particulars connected with these Blocks, I shall do myself the honor to report in detail by an early opportunity.

- In the course of these negotiations, and of those already entered upon and approved by the Government, my attention has been given to the subject of surveys, much of the work having already been completed by private claimants, whose plans, together with a large proportion of surplus land, fall to the Crown under the operation of the Land Claims Settlement Act, and might therefore be made available for the purposes of the Government, when found desirable:
- With a local knowledge of the district, I think I may suggest for your own consideration and for the approval of the Government, that the simplest form of survey by fixing the principal points, and ascertaining as nearly as possible the area of the land to be sold, would be effectual and binding upon the natives where purchases become connected, and would for the present entirely meet the wishes of the Government in so far as the extinguishment of the native title is concerned.
- The sanction of the Government to a system of survey above described, I am anxious to obtain, as I have every reason to believe that, in this district in particular, it will be found in many respects to be advantageous and economical, especially in cases where surveys have already taken place.

I have, &c., H. T. KEMP.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 19.Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Reporting on offer of Land at Kawakawa.* District Commissioner's Office, Bay of Islands,, 8th June, 1858.  
SIR,—

In acknowledging the receipt of your letter in reference to a piece of land tendered to the Government as a gift by the native Maihi Paraone Te Kuhanga of the Kawakawa, I have the honor to report that I have examined the land in question, which is situated on the south bank of the Kawakawa River, and estimated to contain about seven hundred acres.

As a precedent, I could scarcely recommend the acceptance of this land as a gift, but I might suggest that, as negotiations have been entered into with this chief and his people for the purchase of the whole of the Buapekapeka Block, of which the above forms a part, it might then be very conveniently included, and a small sum allowed by way of compensation. This arrangement would, I believe, meet the wishes of all the parties concerned.

I have, &c., H. T. KEMP,  
District Commissioner.

Donald McLean, Esq., J.P.,  
Chief Commissioner, Auckland.

## **No. 20. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Reporting on blocks which have been recently offered for sale.* District Commissioner's Office, Bay of Islands,  
28th June, 1858.

SIR,—

Adverting to my letter of the 29th ultimo, I have now the honor to report in detail for the information of His Excellency's Government the Blocks of Land which have been recently offered for sale by the natives, and which I examined in the order in which they stand.

- No. 1. A Block of Land on the South side of the Kawa Kawa, including the district of the Rua Peka Peka, estimated to contain about (10,000) Ten thousand acres, offered for sale by Marsh Brown, Te Kuhanga, and other chiefs, and of which the small block offered by Nini as a gift to the Government forms a part.
- No. 2. A small Block of land called Patunui on the Eastern side of the Mangonui or Tareha's Bay, near the confluence of the Mangonui and Keri Keri rivers, estimated to contain about Three hundred acres (300), offered for sale by the Chief Waikato and others. Survey being carried on under Mr. Whitaker's instructions.
- No 3. A Block called Te Kauri, in the same locality, joining Government Block known as Te Wiroa, estimated to contain about Five hundred acres (500), offered for sale by William Te Hakiro. Survey being carried on also.
- No. 4. A Block on the South side, and joining the Government Block known as Te Taraire, midway between the Bay of Islands and Whangaroa, estimated to contain (3,000 acres) Three thousand Acres, offered for sale by George Kira and others.
- No. 5. A small Block on the North Bank of Keri Keri, opposite proposed site of Township, known as Hikuwai, estimated at about Three hundred (300) acres, offered for sale by Tango, an influential and useful Assessor. Survey being carried on
- No. 6. A small Block, joining site of Township, known as Te Wharau, a few acres only, in a commanding position, offered for sale by the Chief Ruhe and others. Survey completed.

The purchase of the whole or any of the abovementioned Blocks is respectfully recommended for the approval of his Excellency's Government.

I have, &c., H. T. KEMP,  
District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 21. The CHIEF COMMISSIONER to Mr.**

# OMMISSIONER KEMP.

*To carry on Negotiations for Pukekohe Block.* Chief Land Purchase Commissioner's Office, Auckland, 28th June, 1858.

SIR,—

With reference to your letter of the 7th ultimo, relative to a block of land near Pakaraka, I have the honor, by direction of His Excellency the Governor, to request that you will be good enough to carry on the negotiations for the purchase of the block, as its purchase is recommended by you, and its acquisition desirable; first reporting, however, as nearly as possible, the price for which the Natives agree to alienate their title to the land in question, for the information of the Government.

I have, &c.,

DONALD MOLEAN, Chief Commissioner.

H. T. Kemp, Esq., District Commissioner, Bay of Islands.

## No. 22. The CHIEF COMMISSIONER to Mr. COMMISSIONER KEMP.

*Relative to Survey of external Boundaries.* Chief Land Purchase Commissioner's Office, Auckland, 28th June, 1858.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 29th ultimo, reporting that you had examined several blocks of land offered for sale by the Natives, and am directed by His Excellency the Governor to request that you will have the goodness to furnish as detailed an account of the blocks of land referred to by you as possible, stating the estimated area of each block, its position, availability for agricultural or pastoral purposes, proximity to harbour, and such other particulars as may suggest themselves to you; With reference to your suggestions on the subject of external surveys, I have to observe that the Government is most anxious to adopt the "most economical" system; provided always that such surveys are so clear and distinct that no question can afterwards arise respecting the boundaries.

If the Government were surveying the old land claims as well as the native blocks, your proposal might advantageously be agreed to, because the same person would take up the work from time to time after the principal natural features had been fixed. But at present, and as a general rule, considering that so many surveyors are engaged under separate employers, His Excellency deems it inadvisable to discontinue the plan of accurately surveying the exterior boundaries of each native purchase, except where a previous survey is known to have been furnished.

You will have the goodness to bear fully in mind that every transaction with the natives for the purchase of land should be so clear, distinct, and well understood, that no possibility of a question arising in consequence of insufficient surveys should ever exist. The subsequent evils resulting from undefined boundaries are often much greater than the first expense of an accurate survey.

The Government, therefore, expects that each transaction with the natives of your district shall in every way be so final and conclusive that there shall be no further embarrassment caused by disputes arising which might have been obviated.

A copy of a plan which is being compiled of the old land claims in the Bay of Islands District, showing their relative positions and extent, will shortly be transmitted to you for your information and guidance.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.  
H. T. Kemp, Esq., J.P.,

District Commissioner, Bay of Islands.

## **No. 23. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Mokau Block.—The Survey has been completed.* District Commissioner's Office, Bay of Islands, 1st July, 1858.  
SIR,—

I do myself the honor to report, for the information of His Excellency the Governor, that the survey of a block of land known as Mokau has just been completed.

It is one of the blocks already reported on as under negotiation, and is estimated to contain Ten thousand (10,000) acres, chiefly forest, comprising some very fine kauri and other timber. It is situated North West of Waimate, distant ten miles, with an available road.

It stands connected with blocks over which the native title has been extinguished, and is in every other respect a desirable purchase.

The Chief Wi Hau, a well known and useful servant of the Government is the seller; and as he is anxious to assist the Government in establishing a settlement here, I beg to recommend that I may be authorised finally to conclude this purchase.

I have, &c., H. T. KEMP,  
District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 24. The CHIEF COMMISSIONER to Mr COMMISSIONER KEMP.**

*Declining gift of La?id by Maihi P. Kawiti.* Chief Land Purchase Commissioner's Office, Auckland, July 8th, 1858.  
SIR,—

With reference, to your letter of the 8th ultimo, relative to Maihi Paraone Kawiti's offer of a piece of land to the Government, I have the honor, by direction of the Governor, to inform you that His Excellency fully concurs in the opinion expressed by you as to the inadvisability of accepting the land in question as a gift, and also in your suggestion that it should be purchased in connection with a larger block of land.

You are therefore authorised to inform Maihi Paraone, if you see fit to do so, that while His Excellency fully appreciates Maihi's friendship, and the motives which have induced him to offer the land, he cannot accept it as a gift from him, or from any other person.

I have, &c.,

DONALD MCLEAN,  
Chief Commissioner.

H. T. Kemp, Esq.,

District Commissioner, Bay of Islands.

## **No. 25. The CHIEF COMMISSIONER to Mr. COMMISSIONER H. T. KEMP, J.P.**

*£100 to be paid to Wiremu Hau.* Chief Land Purchase Commissioner's Office, Auckland, 13th September, 1858.

SIR,—

The Land Claims Commissioner having reported to His Excellency the honorable conduct, and, good example of the Native Chief, Wiremu Hau, in the case of Thomas Joyce's claim, the particulars of which are already known to you, I have the honor to inform you, that His Excellency has been pleased to direct that the unpaid balance of d662 2s. 6d. due upon the land shall be increased to £100 0s. Od., which will be paid through you to Wiremu Hau, in token of His Excellency's approval of his conduct.

You will be good enough to take the necessary receipts, specifying the object for which the money is paid, and the land thereby ceded.

I shall send a requisition to the General Government for the above named sum today, that the case may be disposed of without delay.

I have, &c., DONALD MCLEAN,  
Chief Commissioner.

H. T. Kemp, Esq., J.P.,

District Commissioner, Bay of Islands.

## **No. 26. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

The price has been fixed for Mawhe Block. District Commissioner's Office, Bay of Islands, 2nd October, 1858.  
SIR,—

I have much pleasure in reporting, for the information of His Excellency's Government that the price of the Mawhe Kairangi or Lake Block has been finally fixed at Four hundred and fifty pounds (£450). Its position, the quality of the soil, and connection with other lands over which the native title has been extinguished, make it, I think, a desirable and valuable acquisition to the Government, and the price to be paid as reasonable as might have been expected, taking the number of claimants and other circumstances into consideration, and one which,

I have reason to hope, will meet with His Excellency the Governor's approval. The sum of Two hundred pounds (£200) has already been advanced through your office on account of this purchase, and I beg leave to request that the remainder may soon be furnished from Auckland, or through the Sub-Treasurer at Eussell, from the unappropriated funds now in that Officer's hands.

I have, &c., H. T. KEMP,  
District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 27. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Naming the Sum agreed upon for the Mokau Block.* District Commissioner's Office, Bay of Islands, 4th October 1858.  
SIR,—

I have the honour to report for the information of the Government that the price for the Mokau Block, referred to in my letter of the 1st of July, and containing by survey 7,225 acres, has been fixed at the sum named in the margin (£240).

The particulars connected with the negotiations for this block have already been transmitted to your office. I now beg to recommend for the Governor's approval the payment of the abovenamed sum, which I think fair and reasonable, and as low as it could be made, taking the ascertained quantity and other favorable points into consideration.

If approved, I shall feel obliged by your forwarding the amount as early as may be convenient.

I have, &c., H. T. KEMP,  
District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 28. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Report of Lands which it is proposed to purchase.* District Commissioner's Office, Bay of Islands, 16th October, 1858.  
SIR,—

I do myself the honor to make the following report of the blocks of land it is proposed should be purchased by the Government, during the ensuing summer, in the District of the Bay of Islands.

The outline surveys of the foregoing blocks will probably occupy the whole of the summer months, and during that time negotiations for additional portions may be going on. These, if kept steadily in advance, will furnish, I think, more than sufficient employment for a permanently attached surveyor throughout the year. The delay and uncertainty in the negotiations with the natives is not so great as it was and the terms under which the Government propose to deal with them for their waste lands are now becoming better understood: so that while the pre-emptive right of purchase is exercised only by the Crown, the extinguishment of the native title may go on uninterruptedly for some time to come in this district.

I have, &c., H. T. KEMP,  
District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 29. The CHIEF COMMISSIONER to Mr. COMMISSIONER KEMP, J.P.**

*Kawakawa Block to be now Surveyed.* Chief Land Purchase Commissioner's Office, Auckland, 20th October, 1858.

SIR,—

In acknowledging the receipt of your letter (No. 29) of the 2nd instant, reporting the arrival of Mr Kempthorne, and naming the blocks on the survey of which he is at present engaged, I have the honor, by direction of His Excellency the Governor, to request that you will have the goodness to give early attention to the survey of the Kawakawa Block, reported upon in your letter (No. 21, par. 1), of the 28th June last, and estimated by you to contain ten thousand acres.

I have, &c.,  
DONALD MCLEAN,  
Chief Commissioner.

H. T. Kemp, Esq., J.P., District Commissioner, Ahuriri.

## **No. 30. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Hauotapiri, Kaiva, Rawa.* District Commissioner's Office, Bay of Islands, December, December, 1858.  
SIR,—

Adverting to my letter of the 2nd October, No. 29, and to yours of the 20th of the same month, No. 225, in reference to the surveys of the Hauotapiri and Kawa Kawa Blocks, I regret to have to report for the information of His Excellency the Governor, that the sellers in the first case, having changed their minds, are not willing to part with that small Block, as will be seen by their letter, a copy of which is herewith enclosed.

- With reference to the negotiations for the Blocks on the North and South banks of the Kawa Kawa, the

former known as Pukekohe, the latter as Ruapekapeka, I have the honor to report that the native sellers have from the first considered the sums offered to them, viz., Three hundred pounds (£300) for each block, as too low. At a rough estimate of the quantity, and taking into account the position of the land, the quality of the soil, with the average prices paid for other Blocks, I have thought the sums named to be liberal offers.

- As some difference of opinion existed as to the quantity as well as the quality of the lands offered, I thought it my duty to enter upon a further examination, which I accordingly did, accompanied by the surveyor, Mr. Kempthorne, whose report I now enclose, together with a sketch indicating the Blocks as originally offered, and the further extension of boundaries, at my own suggestion, with a view to a larger sum being offered to the natives, as well as to simplify the surveys.
- I have further to report that the claimants (who are all of one tribe) having agreed to the suggestion made to them, I offered them on the spot the sum of One thousand pounds (£1000), subject to the approval of His Excellency the Governor, for the two Blocks thrown into one, as shown upon the sketch, and to survey their reserves for them; the entire Block averaging from eighteen to twenty thousand acres (18,000 to 20,000 acres).
- This offer, which I thought a liberal one, taking all things into consideration, they have also declined, I therefore now beg leave to submit the case for the consideration of the Government, and to ask whether I may be authorized to offer the Natives a larger sum than that named; and, if so, to what amount? I should be glad to receive the instructions of the Government on this point.

The position of the Block commends it to favorable consideration, and probably it may become of value in connection with a settlement in that neighbourhood. I propose, therefore, to suspend negotiations until I receive the pleasure of the Government thereupon.

I have, &c., H. T. KEMP.

The Chief Commissioner,

Land Purchase Department, Auckland.

## **No. 31. The CHIEF COMMISSIONER to Mr. COMMISSIONER KEMP.**

*Respecting offer of Land by Maihi P. Kawiti.* Chief Land Purchase Commissioner's Office; Auckland, 14th December, 1858.

SIR,—

I have the honor, by direction of His Excellency the Governor, to enclose herewith a copy of a letter from Maihi Paraone Kawiti, relative to some land which he wished to dispose of to the Government, with the observation that if the land is really valuable and extensive the price should be fairly proportionable to its actual value. It is my intention shortly to visit the district of the Bay of Islands for the purpose of arranging with the natives for the acquirement of this as well as of other blocks of land, and to settle any question that may be pending with reference to land purchases in that locality, and you may inform Maihi Paraone Kawiti accordingly.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

H. T. Kemp, Esq., District Commissioner, Bay of Islands.



## **No. 32.Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Forwarding Deed of Conveyance.* District Commissioner's Office, Bay of Islands, 20th Janury, 1859.  
SIR,—

I do myself the honor to transmit herewith the original Deed of the Mawhe or Lake Block, executed by the native chiefs on the 8th day of December, 1858. The block, which contains nearly five thousand (5,000) acres, is in many respects available. It is well situated, and connects, to a considerable extent, the lands over which the native title had already been extinguished by the Government and by private persons.

The price originally asked by the natives was, I regret to say, unreasonably high; but finally, after several months' deliberation, with the assistance of Tamati Waka, the sum of Four hundred and fifty pounds (£450) was fixed and paid—an amount less than was offered by George Grey when His Excellency had it in contemplation to form a strong military position on the borders of the lake. I trust that it will be found, when surveyed, to be a desirable location for a small body of settlers, and may, in other respects, realize the wishes and expectations of the General Government, in whose hands, as a Reserve, it may be well recommended.

I have, &c., H. T. KEMP,  
District Commissioner.

The Chief Commissioner,

Land Purchase Department, Auckland.

## **No. 33.Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Forwarding Deed of Conveyance.* District Commissioner's Office, Bay of Islands, 29th January, 1859.  
SIR,—

I beg to forward by this conveyance the original Deed of sale of a Block known as Mokau or Manginangina, executed by the natives on the 28th instant, and for which the sum of Two hundred and forty pounds sterling (£240) has been paid into their hands, agreeably with your instructions.

I have, &c., H. T. KEMP,  
District Commissioner.

The Chief Commissioner, Auckland.

## **No. 34.The ASSISTANT NATIVE SECRETARY (ACTING**

## for the CHIEF COMMISSIONER) to Mr. COMMISSIONER KEMP.

*To purchase land, if possible, in the vicinity of former purchases.* Chief Land Purchase Commissioner's Office, Auckland, 7th March, 1859.

SIR,—

In acknowledging receipt of your letter of the 18th ult., No. 46, I am directed by His Excellency the Governor to request that you will be good enough to attend more particularly to the purchase of land in the immediate vicinity of the Bay first, as the purchases referred to in your letter of the above date can be concluded afterwards.

In every instance, the surveys of external boundaries should precede the purchase of any Blocks of land that may be offered for sale by the natives, in order to avoid dispute and misunderstanding relative thereto. Although the Blocks referred to in your letter are not required for immediate use or settlement, it is desirable that the negotiations for their acquisition should be undertaken as soon as possible after the purchase of the Kawa Kawa and adjacent Blocks has been completed.

I have, &c.,

T. H. SMITH, For the Chief Commissioner.  
H. T. Kemp, Esq.,

District Commissioner, Bay of Islands.

## No. 35. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Reporting purchase of the Kawakawa Block.* District Commissioner's Office, Bay of Islands, 10th June, 1859.  
SIR,—

I do myself the honor to report, for the information of His Excellency, the Governor, that as soon as the plan was prepared by the Surveyor, I proceeded on the 29th ult to pay for the Kawa Kawa Block, accompanied by Mr. Clendon, the Resident Magistrate, Tamati Waka, and several of the Native Assessors.

- After several addresses had been made by the Chiefs, as is the customs on these occasions, the Marsh Brown Kawiti stated his unwillingness to receive the sum of Two thousand pounds (£2,000), which had been fixed by the Government as a fair and reasonable payment for the Block.
- I have before reported that this Block was divided into two portions, one on the North bank of the river Kawa Kawa, the other on the South; Marsh Brown's claims being chiefly confined to the Southern portion. The two Blocks in point of value are nearly equal, but not in extent.
- The proceedings were finally brought to a close by the Chiefs Tamati Pukututu, George, Renata, and others, who accepted the sum of (£1,000) One thousand pounds for the North side, which was paid to them and their followers, the Deed of Sale for that portion having been executed on the 2nd instant, The North side comprises the finest part of the land in the entire Block, and is a valuable addition to the Crown Lands in this District.

I trust that these arrangements will meet with the approval of his Excellency the Governor.

I have, &c.,  
H. T. KEMP,  
District Commissioner.

The Chief Commissioner,

Land Purchase Department, Auckland.

## **No. 36. Mr COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Matawherohiu.—Reporting completion of Purchase.* District Commissioner's Office, Bay of Islands, 10th June, 1859.

SIR,—

I have the honor to report, for the information of His Excellency the Governor, that the purchase of the Matawherohia Block, in the district of Whangaroa, was completed on the 8th instant, for which the sum of Two hundred and fifty (£250) was paid to the natives; and the deed duly executed, which shall be forwarded to your office by an early opportunity.

I have, &c., H. T. KEMP,  
District Commissioner.

The Chief Commissioner,  
Land Purchase Department, Auckland.

## **No. 37. The ASSISTANT NAITVE SECRETARY (acting for the CHIEF COMMISSIONER) to Mr. COMMISSIONER KEMP.**

*Kawakawa.—Approving of Proceedings in connection with Block.* Native Land Purchase Department, Auckland, 24th August, 1859.

SIR,—

In acknowledging the receipt of your letter of 10th June last, reporting your proceedings in connection with the negotiation for the purchase of the Kawa Kawa Block, I have the honor, by direction of the Governor, to convey to you His Excellency's approval of the same; and to inform you that the reason assigned by you for not making any addition to the (£1,000) One thousand pounds set apart for the southern portion of the block is considered by the Government to be a valid one.

I have, &c., THOS. H. SMITH,

Assistant Native Secretary.

H. T.Kemp, Esq.,

District Commissioner, Bay of Islands.

## **No. 38.Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Forwarding Descriptions of Blocks for Proclamation.* District Commissioner's Office, Bay of Islands, 26th October, 1859.

SIR,—

I do myself the honor to forward descriptions of the following blocks of land surveyed and purchased within the Districts of the Bay of Islands and Mangonui, for the purpose of insertion in the *Government Gazette*, and are all of them certified copies of the description given in the original deed.

I have, &c.,

H. T. KEMP. The Chief Commissioner, Land  
Purchase Department,

Auckland.

## **No. 39.Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.**

*Reporting further as to the State of his District.* District Commissioner's Office, Bay of Islands, 10th June, 1861.

SIR,—

I have the honor to supply the following information on the several points called for in your" letter of the 20th ultimo, in reference to land purchases in this district.

The form filled in as first requested has been already forwarded, shewing the quantity of land now in the hands of the Government, and the blocks for which it is now in negotiation with a view to purchase.

To the first clause of your letter, as to whether any difficulties or claims exist, with reference to any particular block, I have the honor to report that a claim has been made by Marsh Browne Kawiti, for a small portion on the North Kawa-kawa Block of about eight hundred acres (800 acres), for which he asks the sum of two hundred pounds (£200). This claim was not made by him until after the purchase was completed and the money, paid. His reason for making this claim is this, that he did not receive, through his representatives present at the sale, a fair share of the payment which was by general consent and arrangement apportioned to Marsh Browne and his immediate followers, for that particular part of the block. This land is not required, for immediate use, and I have therefore felt it to be my duty to refuse, under the circumstances, the payment of so large a sum. I believe that the claim may, in course of time, be met and settled for the sum of forty or fifty pounds.

In reply to the second part of your circular, I beg to report that I am not aware of any claims which arise out of transactions not yet completed, neither are there any outstanding payments to be made to the natives on account of any blocks purchased; and in reference to the last paragraph, I have the pleasure to state that I am not aware of any disputes connected with boundaries of land or reserves within the blocks already purchased or those under negotiation. Bearing in mind the instructions from time to time received as regards the investigation of claims and their final adjustment, I have endeavoured, as nearly as it was possible to do so, to ascertain all, individual as well as general or tribal claims. In some instances much time has been unavoidably taken up, so as to arrive at a satisfactory conclusion and settlement of these claims.

Referring to the blocks purchased throughout the district as they now stand, I do not find any claims or opposition on the part, of the natives, with the exception of the one above mentioned.

On a subject involving so many interests, and a fruitful source of dispute and litigation as between the natives themselves, it became necessary to be guarded and watchful, lest those annoyances should be entailed on the Government or the settlers. I have every reason to hope that this state of things will remain undisturbed so long as agents conversant with the various claims are on the spot prepared to meet any objections that might eventually arise on the part of any unknown native claimants. I desire, at the same time; to be allowed to express an opinion that some modification on the present mode of extinguishing native title would be acceptable to the natives, under which individuals as well as tribes might convey portions of land to persons of the European race, the Government always exercising a check where the parties purchasing are found to be mere speculators rather than *bona fide* settlers. The question, however, is one deserving such grave consideration that I hesitate to do more than make this incidental reference to a change that might perhaps be beneficial in certain districts to persons of both races, always assuming the Government to be, in such districts, in the full exercise of its power and authority.

On looking through the claims in this district, I cannot find at present any claims or objections on the part of the natives which could not be settled with a little care and management, and none, I think, that would be found to entammel the Government or bring about a collision with the original sellers.

I have, &c.,

H. T. KEMP, District Commissioner.  
The Chief Commissioner, Land Purchase Department,

Auckland.

## Mr. COMMISSIONER KEMP to the Hon. the COLONIAL SECRETARY.

*Purchase of Whangai, 243. Acres; Te Rauri, 35 Acres.* Land Purchase Department, Bay of Islands, 10th February, 1864.

SIR,—

I have the honor to transmit herewith two plans named in the margin for the purchase of which the sum of two hundred and fifty (£250) pounds has been paid.

I beg to enclose, for the information of the Government, the copy of a letter in which Mr. Barstow was good enough to favour me with his opinion before the purchase was finally made. In that opinion I beg respectfully to concur, and trust that, the purchase of, these lots will meet with the approval of the Government, as it will be the means of giving additional value to the Kawa Kawa Block, and afford easy access from the harbour whenever it shall be settled upon.

I have, &c.,

H. T. KEMP, District Commissioner.  
The Hon. the Colonial Secretary, Land Purchase Department,  
Auckland.

## **Enclosure in No. 40.R. C. BABSTOW, Esq., R.M., to Mr. COMMISSIONER KEMP.**

*Respecting Value of Whangai Block.* Resident Magistrate's Court, Russell, 16th February, 1864.  
SIR,—

I am somewhat puzzled to name what I should consider a fair price for Whangai. There are so many accidental circumstances to be taken into consideration, beyond the mere agricultural value of the land. I know that ten shillings an acre was offered them by a settler and declined. Of course the blocks, being already surveyed, enhances its value to the amount of cost of survey; then the whares, fencing, and clearing, in addition to its possessing by far the best landing and road for a large portion of the Kawa Kawa Block; I should estimate that an increased value of at least one shilling an acre would be given to quite 5,000 acres of that block by the Whangai piece belonging to Government, owing to the near contiguity of so much of it to the water-carriage, and a good sum would be saved in road-making; a great deal of future annoyance will be saved in the way of cattle trespass when settlers shall have occupied that part of the country, by obtaining this piece which, from its being covered to some extent with grass, and well sheltered, will certainly tempt animals to it. I should think £200, or £250, would be a low price, if the land could be obtained for that sum.

R. C. BABSTOW, Resident Magistrate.  
H. T. Kemp, Esq., District Commissioner.

## **No. 41.Dr. SHORTLAND, M.A., NATIVE SECRETARY, to Mr. COMMISSIONER KEMP.**

*Authorising of Payment for Ruapekapeka Block.*  
SIR,—  
Colonial Secretary's Office, Auckland, 25th May, 1864.

I am directed by the Hon. Mr. Fox to acknowledge the receipt of your letter of the 28th ultimo, enclosing a requisition for the sum of Three thousand eight hundred pounds (£3,800), to be paid to the native chief Maihi P. Kawiti and others, for the Ruapekapeka Block, and to inform you that that amount has been duly forwarded to the Sub-Treasurer, Russell.

I have, &c.,

E. SHORTHAND, Native Secretary.

H. T. Kemp, Esq., District Commissioner, Bay of Islands.

*Ruapekapeka Block.*

SIR,—

District Commissioner's Office, Bay of Islands, 16th June, 1864.

I do myself the honor to report, for the information of the Government, that the sum of Three thousand eight hundred pounds (£3,800) was paid to the natives for the Ruapekapeka Block, and the deed duly signed by them on the 11th instant at Waioomio, the residence of the chief, Marsh Brown Kawhiti.

## Payment made.

I was accompanied on this mission by Mr. R. M. Barstow, who kindly gave me his assistance, and, after the usual formalities and speaking, the division of the money to the principal Hapus was unanimously decided upon, and finally handed to them in the presence of the whole of the natives assembled.

## Right of Road secured.

I have the honor to report further that, in concluding this purchase, a right of road has been agreed upon and secured over any part of the block, but more particularly with reference to the coal field, and the construction of a tramway, which in all probability would have to pass through native reserves and other Maori land to the proper landing.

I big also to add that throughout these proceedings Kawhiti gave us his help, and otherwise conducted himself in a manner becoming a chief, whose influence is felt and fully recognised by the largest number of Hapus in the districts north of Auckland.

I have, &c.,

H. T. KEMP, District Commissioner.

Edward Shortland, Esq. Native Secretary.

### *Purchase of Allotments at Russell.*

SIR,—

District Commissioner's Office, Bay of Islands, 16th June, 1864.

Having completed the payment for the Ruapekapeka Block, I proceeded, under instructions from His Honor the Superintendent, to negotiate for the purchase of an allotment in the front street of the town of Russell, for which I was authorised by His Honor to pay, if necessary, the sum of Two hundred pounds (£200). I have now the honor to report, for the information of the Government, that the sum of Two pounds ten shillings per foot frontage has been agreed upon with the native sellers, there being in all seventy-nine feet, according to the certified plan of the town (£197 10s.)

I have at the same time agreed to pay the sum of Ten pounds (£10) for an allotment belonging to the Chief Kerei through which the line of street has been laid down on the plan.

## £50 offered for a Wahi Tapu.

The sum of Fifty pounds (£50) has also been offered to extinguish the native title to an allotment (being a well known *Wahi tapu*) joining the Customhouse. The claims on this lot are numerous, and if the sum of fifty pound is accepted it will be fair and reasonable.

The purchase of these lots will be the means of leaving the town free of any native claims, and will in other respects be an advantage to the white community, and, I think, also a great benefit to the natives. Enclosed is

requisition for the amount.

I have, &c.,

H. T. KEMP, District Commissioner.

Edward Shortland, Esq., Native Secretary. MEM.—Dr. Shortland, let it be sent. 16-7-64. W. Fox.

## **No. 44.Mr. COMMISSIONER KEMP to Dr. EDWARD SHORTLAND, M.A., Native Secretary.**

*Requisition for £130.— Pukewhau, 468; Hikuwai, 45; Wahi Tapu, 4¼. Total, 517¼ acres.*

SIR,—

District Commissioner's Office, Bay of Islands. 17th June, 1864.

I beg to report for the information and approval of the Government, that three (3) separate lots of land have been recently offered by the Chief Tango and other native claimants for sale. They are situated within and also join the limits of the present proclaimed Bay of Islands Settlement, and as they have all been surveyed at their own expense, I offered to pay the sum of one hundred and thirty pounds (£130) for the whole upon receiving a proper transfer of the plans for the Government, which, after some discussion, has been agreed upon, reserving a small Kainga out of the larger lot of 468 acres. The timber alone, which is scarce in the neighbourhood, must soon become of great value for fencing and other purposes.

I have, &c.,

H. T. KEMP, District Commissioner.

Edward Shortland, Esq.,  
Native Secretary.

MEM.—Dr. Shortland, let it be sent. 16-7-64. W. Fox.

## **No. 45.Mr. COMMISSIONER KEMP to the Hon. the NATIVE MINISTER.**

*Kahikatea Reserve.*

SIR,—

District Commissioner's Office, Bay of Islands, 18th June, 1865.

I do myself the honor to report for the information of the Government that the sum of one thousand one hundred and six pound ten shillings (£1,106 10s.) was, on the 13th instant, paid to the native owners, for a portion of the block of land known as the Kahikatea Reserve, containing four hundred and eighty-six acres (486 acres), joining the coal-field at the Kawa Kawa.



For that part of the reserve comprising bush or forest, the sum of, three pounds ten shillings (£3 10s.) per acre has been given; and for the open fern or ti tree the sum of ten shillings (10s.) has been paid, being the sums respectively agreed upon before the survey was commenced.

I have already had the honor of explaining that the land in question has been purchased with the view to the efficient working of the coal-mine, and that the funds for the purchase have been supplied by the Provincial Government.

I have, &c.,

H. T. KEMP, District Commissioner.

The Hon. the Native Minister, Wellington.

## No. 1. Lieut.-Colonel McDONNELL to the Hon. Dr. POLLEN.

*Waoku.* Auckland, 10th July, 1872.

SIR,—

I have the honor to report, for the information of the Government, that in accordance with instructions I received from Mr. Clarke, the Civil Commissioner, I proceeded from Auckland to the Waimate and from thence to Ottawa, to make inquiries respecting the block of land named Waoku offered for sale to the Government by Hori Puatata, Wiremu Pore, and other chiefs.

I arrived at Ottawa on the 25th June—a settlement on the Taheke, a branch of the Hokianga River. I held a meeting with the Natives; and the following morning I left with five guides, who were to show me over the country. About two miles from the settlement we entered the bush, travelled all day in the rain, and camped at nightfall, wet, tired, and hungry. The weather was of the worst description; and had it not been that we were fortunate enough to meet with and kill a wild cow, the fat of which I made the natives burn for a fire, as there was no wood near that we could get to kindle, I doubt if we could have moved the next day from camp and the exposure, as we had neither blankets nor other covering except what we stood in.

We passed a miserable night: in the morning the natives had decided to return. It would have been useless to proceed if even I had been able; so we returned to the village which we reached on the evening of the following day. I again conversed with the chiefs, and offered to go out again in a few days when the weather moderated, and if they could procure food. This they declined doing, as they were busily engaged in fitting up a large house, intended for the reception of other natives, who were to take part in a "hahunga," or disinterment of bones; but they proposed that I should return in the summer months, when they would go over the block and point out all the boundaries to me. From what I could see and judge of the country, I make the following remarks:—

- It is all forest land, comprising kauri, totara, rimu, matai, and other useful timber.
- The nature of the country is rough and mountainous in some places, and undulating in others.
- The soil is of excellent quality, being a rich chocolate-coloured loam, that would grow any farm produce.
- As to the position and the probable extent.—The land is on the Mangakahia Stream, which runs into the Wairoa River. I should judge the eastern boundary to be four or five miles to the westward of Maunganui, the mountains on the coast. The southern boundary commences about seven miles in a straight line from Ottawa, running inland over the wooded range. The acreage is, as far as I could judge, about 35,000 acres.
- I am inclined to think there will be little or no dispute as to ownership, unless old Parore makes a claim. I spoke to the chief Mohi Tawhai, and with the native member for the North, Wiremu Katene, as to the ownership, and these chiefs seemed to think that; those who have offered the land for sale, have a good claim.
- As I have not been over the land I can say nothing for certain as to the best line of road, or the most convenient seaport or outlet, as it is forest country, surrounded by forest on all sides. Before a reliable

- opinion can be given it must be thoroughly explored in fine weather.
  - Its fitness for emigration purposes.—This will in a great measure depend" on the approaches that can be got to it, but, I think a road could be made from Ottawa and the Taheke. From the latter place water carriage is to be had to Hokianga; a road might also be had to it from the Bay of Islands. I expect the natural outlet from it will be by the Wairoa. Should my surmises prove correct, the country might be suitable for Canadians or Nova Scotians, but not for emigrants fresh from the Home country.
- The lowest price mentioned by the natives was 5s. an acre, but this was a mere matter of form. The utmost value I place upon it, and that only if available roads can be made to it, is at the outside 2s. per acre. I believe coal exists, as the natives showed me some said to have been found on the land, a specimen of which I enclose.

I have, &c.,

THOS. McDONNELL, Lieut.-Colonel, N.Z.M.

Dr. Pollen, Government Agent, &c.

## No. 2.Lieut.-Colonel McDONNELL to the Hon. Dr. POLLEN.

*Omahuta Block.* Auckland,  
SIR,—  
10th July, 1872.

On my arrival at the Teheke, on the 22nd ultimo, I proceeded with Hone Mohi and others to Hokianga to see the block of land called Omahuta, situated at the head of the Mangamuka River. We were joined at Herd's Point by other owners of the land who had been warned to meet us here; and the next day we went up the river, camped out, and the next morning we went over the block.

I can only give a rough idea of the acreage, and should say it was from 10,000 to 12,000 acres, more or less.

There is some very good rich land in the block, and some very indifferent, about equal proportions.

There is a large quantity of kauri, timber of first-rate quality. I may say that a more magnificent kauri forest I have seldom seen, and much of it is available to the ordinary method of getting it to market.

Kauri gum is to be had in large quantities; the surface of the ground is in many places covered with it.

I can recommend this block to the Government, if only for the excellent timber and quantity of gum obtainable. I estimate the timber at many millions of feet.

The price for which the natives say they will sell is 12s. an acre, but from 2s. 6d. to 3s. will, I think, be taken; private individuals might be inclined to give more.

If I may be allowed to make a suggestion, presuming this land is purchased by the Government, I would place settlers on this country that have been used to work at timber, such as Canadians; or Nova Scotians. They could collect gum and timber a few days after they were located on their land, and so commence work that would not only provide them with the necessaries of life, but provide them with a handsome surplus to improve their respective lots.

The boundaries of the block offered for sale are as under: Commencing at the stream of Tahekeiti, and on to Te Tupapa, Karakarere, Te, Wai-o-Pukekohi, Tuara, Whakapai, Te Hutu, Paia, Katutu, Te Ture, Te Papa, Te Pihatangino, Eatakamaru, Puketawa, Ohawhe, Te Kakauhere, Rahui Kokoromiko, Te Kiripaka, Turangahou, Te Waiaira, joining again to Tahekeiti.

I have, &c.,

THOS. M'DONNELL, Land Purchase Commissioner.

The Hon. Dr. Pollen, Government Agent, Auckland.

## **No. 3. Lieut.-Colonel McDONNELL to the GENERAL GOVERNMENT AGENT, Auckland.**

*Hokianga—Omahuta Block.* Auckland,  
SIR,— Auckland,  
7th April, 1873.

On my arrival at the Taheke, on the 22nd ultimo, I proceeded with Hone Mohi and others to Hokianga, to see the block of land called Omahuta, situate at the head of the Mangamuka river. We were joined at Herd's Point by other owners of the land who had been warned to meet us there, and the next day we went up the river, camped out, and the next morning we went over the block.

I can only give a rough idea of the acreage, and should say it was from 10,000 to 12,000 acres, more or less.

There is some very good rich land in the block, and some very indifferent—about equal proportions. There is a large quantity of kauri timber of first-class quality. I may say that a more magnificent kauri forest I have seldom seen, and much of it is available in the ordinary method of getting it to market.

Kauri gum is to be had in large quantities. The surface of the ground is in many places covered with it. I can recommend this block to the Government, if only for the very excellent timber and quantity of gum obtainable. I estimate the timber at many millions of feet.

The price for which the natives say they will sell is 12s. an acre, but from 2s. 6d. to 3s. will, I think, be taken. Private individuals might be inclined to give more.

If I may be allowed to make a suggestion, presuming this land is purchased by the Government, I would place settlers on this country that have been used to work at timber, such as Canadians or Nova Scotians. They could collect gum and timber a few days after they were located on their land, and so commence work that would not only provide them with the necessaries of life, but provide them also with a handsome surplus to improve their respective lots.

The boundaries of the block offered for sale are as under, commencing at the stream of Tahekeiti, and on to Te Tupapa, Karakarere, Te Wai o Pukekohe, Tuara Whakapai, Te Hutu, Paia, Katutu Te Ture, Te Papa, Te Piha Tauginoa, Rata Kumaru, Puke tawa, Ohawhe, Te Rakauhere, Rahui Kokoromiko, Te Kiripaka, Turangakou, Te Waiaira, joining again to Tahekeiti.

I have, &c.,

THOMAS McDONNELL.

The General Government Agent, Auckland.

## **No. 4. Lieut-Colonel McDONNELL to Mr. H. T' CLARKE.**

*Land purchases in Northern districts.* Auckland, 22nd October, 1874.

SIR,—

I have the honor to report, for the information of the Government, that, according to instructions, I proceeded North with Mr. Brisseuden from Auckland to negotiate with him for the purchase of land from the natives.

On arriving North, we succeeded in acquiring several new blocks, and continued the negotiating of those which I believe Mr. Brissenden has already reported as having been partly acquired.

On the 16th ultimo I was unfortunately taken very ill, which prevented my continuing our work. It had been thought absolutely necessary by Mr. Brissenden and myself that he should proceed to Auckland, and to Wellington if necessary, to confer with Donald McLean on subjects relating to the lands we are dealing for.

During his absence, and on the 25th ultimo; I partially recovered, and resumed my duty. The following is a report of what has since been done:—

On the 25th September, I went to see a block named ".Waihoanga," near the Omapere Lake, and purchased it for 1s. per acre. It has since been surveyed, and contains about 3,000 acres.

On the 26th September, I rode to Mangakahia, on my way to Kaihu, on the Wairoa, to meet the chief Parore by a former engagement about a tract of country offered me some months ago. The Man-gakahia natives had assembled to meet me, but I deferred much I had to say until I returned. On the 28th September, I started for Kaihu with several of the Mangakahia chiefs, camped in the forest,, and on the evening of the 29th arrived at our destination. As Parore happened to be at that settlement, we met the same night, and after a few hours' talk I succeeded in arranging for the purchase of "a large block of fine country, nearly all forest. Some reserves are to be allowed, but not of any great-extent. The price I had some difficulty in arranging—2s. 6d., the price of Pekapekarau and other blocks at Mangakahia, being mentioned and asked for. However, as I had hinted to the Mangakahia natives that I intended to request them to reduce this price per acre on my return, I told Parore that I could not give this sum. I showed him the advantage that would be derived when these lands were occupied by Europeans, using arguments of my own for that object. Eventually, the price was fixed at 1s. 3d. an acre; but Wharepapa, of Mangakahia, having succeeded in getting a sort of agency from the owners in his hands, has to be paid £200. I do not doubt being able to effect a very great saving on this before the purchase is completed. I merely mention how this stands now, and which I have agreed to conditionally. The following morning I left Kaihu for Mangakahia, and took the opportunity of having as good a look at the country as circumstances permitted; but I did not feel well enough to do more. We reached Mangakahia on the evening, of the 1st October, and proceeded at once to hold a meeting, which lasted till past midnight, and the following is the result of what I have effected:—

The blocks of land formerly arranged for, Pekapekarau, Wharekahakaha, the survey of which has been completed, and Opoteke, now under survey, which I estimated at 5,000 acres, but which will be now over 12,000, were agreed to be purchased at the rate of 2s. 6d. per acre. The arrangement I have now made with all the principal men, excepting one who will do what I tell him, is that the money they have already received on these blocks, about, I think, £750, is to go at the former rate of 2s. 6d. an acre; but the remaining portion of the land, amounting in round numbers to 13,000 acres, is reduced to from 2s. 6d. to 1s 3d an acre, effecting a saving of about £800 to the country, less £50 I made presents of. I arranged with certain of the influential men about this before I met Parore, otherwise neither himself nor his people would have taken less than 2s. 6d. for their land. "After this had been settled, the boundaries of Parore's block were added largely to by the Mangakahia people, forming the whole into one large block, in which there are to be but few reserves. The area is extremely difficult to estimate, it being mostly forest, but the whole of Tutamoe and Kairara is included. I think that if the boundaries named are adhered to "there will be about 75,000 acres, perhaps more. The soil is for the most part fair, but in many places equal to the Victoria Valley in quality. The forests of kauri are of the best—many trees I passed running from 70 to 90 feet without a branch, and from 5 feet to 7 feet in diameter, and to be got to water without much difficulty, the ground sloping away to creeks that in freshets would float a large vessel, and emptying themselves into the Mangakahia River.

On the 2nd October I left for Ohaeawai, and on the 3rd I rode to Te Taheke, where I procured a boat and pulled to the Hokianga Heads. The next morning I hired a horse and reached Whangape, arriving at Ahipara the following day. A large number of natives were collected here to confer with Mr. Nelson. I handed that officer over a block named "Epakauri," that had been partially negotiated for by Mr Brissenden and myself during a former trip on the coast. Here I arranged for the purchase of a block named "Te Tauroa," estimated to contain about 13,000 or 14,000 acres; price per acre to-be 4d. There is little good land in it.

An extremely good piece of land was then brought forward, that I had vainly endeavoured to get before when negotiating for the Victoria Valley and other blocks. £1 was demanded, and then the price fell to 10s. an

acre. This block is named "Orowhana." There is much kauri on it, tall,, straight, and available, and the soil is very good. I have arranged the price at 3s. an acre, and there are some thousands of acres. I returned the following day to Whangape, and reached Herd's Point on the 9th instant, where I met Mr. Brissenden, who had just returned from Auckland, business with the natives detaining him there the following day." I proceeded to Ohaeawai, hearing some chiefs I had written to had arrived there to see me from Whangaroa. On my way I called at Otawa, by the wish of Ngeitu and Ngateue tribes, and purchased a large slice of land adjoining the Waoku; price, 1s. 5d. an acre.

I reached Ohaeawai the same evening, and met the Whangaroa chiefs on Monday, the 12th inst.. I paid them a deposit of £50 on their blocks of land in their district, acreage and price partially arranged for; but I am to meet them at Whangaroa the next time I go North.

The next day, 13th, I purchased a block near the Waitaroto named "Okaka," about 5,000 acres more or less, price to be 1s. 3d.; also another block, acreage not known, price to be fixed in future, but survey is to commence at once.

When my health is restored I shall proceed North again, as there is yet much work to be completed in all the lands I have mentioned about, for there is great jealousy existing, and the greed for money is unbounded, leading the natives to all sorts of tricks and devices, to obtain advances. I have been constantly at work day and night, sometimes working till daylight to accomplish our object, with the exception of the time I was laid up.

I have, &c.,

THOS. MCDONNELL, Land Purchase Commissioner.

H. T. Clarke, Esq., Under Secretary, Native Office.

## **Mr. BRISSENDEN to Mr. H T. CLARKE.**

Auckland, 3rd November, 1874.

SIR,—

I have the honor to report that I have secured by purchase, and paid deposit on account of Government on several blocks of land north of Auckland, a schedule of which I enclose. Nearly all of them are now under survey. I may state that the land is of the general mixed character, as it "necessarily must be in so large an area." I have been as particular as possible to select the best at the lowest price.

I have, &c.,

E. T. BRISSENDEN.

H. T. Clarke, Esq., Under Secretary, Native Office, Wellington.

**Enclosure. A SCHEDULE of LANDS purchased for the GOVERNMENT, by E. T. BRISSENDEN, North of Auckland, since 20th August, 1874.**

E. T. BRISSENDEN.  
3rd November, 1874

## No. 5. Lieut.-Colonel MCDONNELL to Mr. H. T CLARKE.

*Negotiations for Otangaroa and other Blocks.* Auckland, 28th November, 1874.  
SIR,—

I have the honor to state that I received your telegram in answer to mine of the 16th instant, respecting land negotiations at Whangaroa. I would have followed the advice contained therein had I known for a certainty where Mr. Brissenden was to be found, or had I felt well enough to have undertaken the following of him up, and getting the money I so much required, and for the want of which I had to encounter much difficulty; but the probability would have been that, while employed thus, these blocks of land would have passed into the hands of private persons before I could have been in time to prevent it.

In October last I met some Whangaroa chiefs at Ohaeawai by appointment, and gave them a deposit of fifty pounds (£50) on certain lands. The price was left then to some future time.

Otangaroa and the Patoa Blocks, fertile and well-situated land, were offered to me also; and which I agreed to take. Europeans about Mangonui, hearing I had been negotiating these lands for Government, seem to have desired to possess them, and commenced to bargain for them. Receiving information in Auckland from natives employed by me to guard the interests I am dealing for, I saw the necessity of communicating with the Government and obtaining some money to proceed to Whangaroa with, especially as these two blocks are very valuable, and will become more so.

Upon my arrival at Whangaroa I sent a message to Mr. Clarke, surveyor, to come in; when that gentleman informed me he had been especially cautioned by settlers residing at Mangonui not to attempt the survey of Otangaroa and Patoa Blocks, as the natives had told them the surveyors would be shot, and that bloodshed amongst the natives would ensue, but that, at the very time Mr. Clarke was told this, the same parties were negotiating the land for others.

I had a long talk with the natives, and showed them the stupidity of listening to Europeans who only made a cat's-paw of them for their own interests; but to do justice to the natives, I feel certain they never entertained any of the designs attributed to them, but if they have said anything at all they have been required to say so for a purpose. I have desired Mr. Clarke to proceed, as soon as he has completed the block he is now on, with the survey of Otangaroa and Te Patoa. The principal owners have signed an agreement to sell to the Government as soon as it has passed the Native Land Court.

Not having any money to pay as a deposit on the land, I had considerable difficulty, and did not fix a price. I excused my being without cash as best I could, telling the natives I would bargain for the price per acre after the survey and Land Court is over:

The morning after the above arrangements were concluded, Mr. Simpson, a surveyor, called upon me, and informed me he had been sent from Ahipara, and desired to come on to Whangaroa, and commence the survey of Whangaroa and Te Patoa. I sent him back at once, telling him the land was under negotiation for Government, and that Mr. Clarke had instructions to survey it. I have put Mr. Simpson in the way of obtaining work further North.

I have estimated the acreage of Otangaroa and Te Patoa Blocks at 9,000 acres, but I am assured by Mr. Clarke that there will be a much larger area. The land is of good quality, and on the Patoa there is some very fine timber; the country is easy of access, and well adapted for immigration purposes and for settlement.

I have arranged for the Huia Block, of 4,000 acres, at 1s. 3d. per acre. There is on this land some valuable timber.

The Unuhia Block, of 6,000 acres, for 1s. an acre.

The Waitapu Block, of 2,000 acres, for 2s. 6d. an acre, but which I think I will be able to reduce to 2s. by-and-by.

And the Opuiti Block, of 150 acres, at 2s. 6d. an acre.

The £50 paid away at Ohaeawai is distributed for the four blocks of land named under:—Te Huia Block,

4,000 acres, £10; Unuhia Block, 6,000 acres, £20; Opuiti Block, 2,000 acres, £10; Waitapu Block, 150 acres, £10: total, £50.

I have, &c.,

THOMAS McDONNELL, Land Purchase Commissioner.  
H. T. Clarke.

## **No. 6. Mr. BRISSENDEN to Mr. H. T. CLARKE.**

*Hokianga Land Purchases.* Auckland; 19th December, 1874,  
SIR,—

I have the honor to report the purchase in the North, from the 3rd November to date, of the blocks of land a list of which I attach.

I find the natives are holding land firmer than on my former visits, and show considerable disinclination to sell, owing to the opposition offered to the Government by private parties: not that many of the Europeans are real purchasers; they oppose the Government on principle, trusting a day may come when, the present laws being done away with, they may be able to make their own terms with the Maoris.

I have not urged the natives to sell, but, on the contrary, assume a reluctance to purchase.

The lands secured on this last trip are a good average lot, closing in former purchases, and generally well situated.

Lands in the District of Whangarei are of a first-rate quality, but held at prices far beyond what it would be prudent for Government to give; but there are a few blocks near the town of which I expect to have the offer at from 2s. to 3s. per acre: at these-figures they would be reasonable, This, district generally is the best and most flourishing I have seen in the North; but I must here mention that I consider the Upper Wairoa and Mangakahia Districts as thoroughly suitable for special settlements.

There are but few large blocks of land in the North unpurchased. I think about 200,000 acres of eligible land can yet be secured by judicious negotiation: the progress will be slow owing, to the blocks being small.

I have, &c.,

E. T. BRISSENDEN.  
H. T. Clarke.

## **LIST of BLOCKS of LAND purchased for General Government from 3rd November to date.**

- No. 1. Okaka, 1s, 3d. per acre, Hokianga.
- " 2. Waimatenui, 1s. 3d per acre, Bay of Islands.
- " 3. Otangaroa, 2s. per acre, Hokianga.
- " 4. Mokau, 2s. 6d. per acre, Bay of Islands,
- " 5. Kioreroa, 2s. 6d. per acre, Whangarei.
- " 6. Tokowhero, 1s. 3d. per acre, -Mangakawhia.
- " 7. Tunapohipohi, 1s. 6d. per acre, Bay of Islands.
- " 8. Mangakinga, 1s. 6d. per acre, Hokianga.

- " 9. Te Katote, 1s. per acre, Hokianga.
- " 10. Te Mata, 1s. 3d. per acre, Hokianga.
- " 11. Te Whau, 1s. per acre, Hokianga.
- " 12. Pukebina, 1s. per acre, Hokianga.
- " 13. Whakarongorua, 1s. 6d. per acre, Hokianga.
- " 14. Taiha, 1s. 6d. per acre, Hokianga.
- " 45. Whataipu, 1s. 6d. per acre, Hokianga.
- Total acreage-of the blocks estimated at 50,000 acres.

E. T. BRISSENDEN.

## No. 6a. The Hon. Sir D. McLEAN to Mr. BRISSENDEN.

*Objection to Survey of Otangaroa and Patoa.* Auckland, 29th December, 1874.  
SIR,—

I beg to inform you that I have learned by correspondence forwarded by Mr. K. M. Williams, that an objection is raised to the survey of Otangaroa and Te' Patoa by the chiefs Hongi Hika and Paora Ururoa, on the grounds that deposits upon these lands were paid to Turenui Naihi, Tamora, and Hohepa te Taha, without their knowledge or approval. I should like to hear from you on this subject, as nothing so tends to render transactions abortive as, attempts to get hold of two or three owners without the consent of the rest. In such a case natives consider that an effort is being made to take an individual advantage of them.

Rumours have also reached me that in sundry purchases reserves are being made by the Natives under agreement that, when all arrangements are completed, they are to dispose of them to private individuals. This would amount to the fact that the pick of the lands would be reserved at first and then pass into the hands of private persons, while all the refuse would become the property of the Government.

I have also a report from the Inspector of Surveys in which he complains that, in consequence of your action, Mr. Stephens has been detained at Mangakahia for fifteen days, for which he, of course, charges; that you informed him that the Wairoa survey could not yet be gone on with; and yet that a few days after you put on another surveyor.

On all these points I shall be glad if you will give me a clear and explanatory statement.

I have, &c.,

D. McLEAN.  
Mr. Brissenden.

## Mr. BRISSENDEN to the Hon. the NATIVE MINISTER.

*Hokianga—Transmitting Report of Land Purchases,* Auckland, 30th December, 1874.  
SIR,—

I have the honor, to forward you a memorandum report of lands negotiated by me for the General Government from March, 1874, to date, showing price per acre, actual moneys advanced on each block, and area so far as known.

I have also the honor to submit to you a list of 1 blocks for which I am now in treaty with the owners.



The surveys of the blocks have been pushed forward with great-vigour by Percy Smith, Esq., chief assistant of Inspector of Surveys.

At the rate at which the work is now progressing the whole of the blocks will be finished before the end of the summer.

I have, &c.,

E. T. BRISSENDEN.

The Hon. the Native Minister, Auckland.

## **BLOCKS under NEGOTIATION.**

MANGONUI O WAI, of about 15,000 acres, now under survey by request of owners. This I believe to be the best block of-land in the Hokianga District.

Whangape, 21,000 acres, surveyed and through the Court. Much of the land on the rivers and creeks is open country and open bush land of very 'good quality; about 7,000 acres splendid kauri bush.

Pakiri. The balance of this block, 12,000 acres, I hope to conclude almost immediately. 20,000 acres purchased in March last.

Tihitihi Block, north of Whangarei. Mostly volcanic mixed bush land, estimated at 11,000 acres.

E. T. BRISSENDEN.

Auckland,

30th December, 1874.

## **MEMORANDUM of NATIVE LANDS PURCHASED for the GENERAL GOVERNMENT by E. T. BRISSENDEN.**

Auckland,

30th December, 1874.

E. T. BRISSENDEN.

## **Lieut-Colonel McDONNELL to Major GREEN.**

*Hokianqa Land Purchase Transactions.* Auckland, 13th January, 1875.

SIR,—

Having been requested by the Donald McLean to send in an account of the different blocks of land North that I have been dealing for, I have the honor to forward the enclosed list of lands, with the advances that have been made upon them, which, I think, will be found to be correct.

With respect to the disputes about Otangaroa and the Patoa Blocks, I have the honor to state the following:—

On my arrival at Whangaroa, Mr. Clark, the surveyor, informed me he had been cautioned by Mr. Kelly not to survey Otangaroa and Patoa, as the natives had told him that any one surveying these lands would be shot; but Mr. Clark told me that such could not be the case, as Mr. Kelly was negotiating the same lands, for private parties. Before I left Whangaroa, a Mr. Simpson called upon me to say he had been sent by Mr. Kelly to survey these lands, and he showed me letters that he said were from Mr. Kelly to the natives. I feel myself convinced that no opposition would have been offered to the survey unless the natives had thought, or had been led to suppose, they would get a better price than that offered by the Government.

I requested Mr. Simpson to return, and not attempt to survey the lands in question; and I left Whangaroa under the impression that the surveys for the Government would not be interfered with.

There are other blocks of land beside those mentioned by me that are being negotiated for by Mr. Brissenden and Charles Nelson, concerning a few of which I have had something to do, but I have on this paper confined myself to those blocks in which I was directly concerned.

I have, &c.,

THOS. MCDONNELL,  
Land Purchase Officer.

Major Green, General Government Agent.

For remarks, see paper attached to this list of lands marked A.

## **A.—PEKAPEKARAU, WHAEEKAHAKAHA, and OPOUTEKE.**

THE 2s. 6d. per acre for these lands belong to the first arrangement agreed to; and the money advanced, with a trifling addition, is to be expended at that rate; but the remaining acres are to be at the rate of 1s. 3d. per acre.

One (Rev.—Baker's claim), comprised in two blocks, has been arranged for the sum of £160; I had much difficulty in settling this long-vexed and old Native land claim. I had to make presents to individuals, but these are included in the sum I have mentioned. One contains some very fine well-watered land, suitable for settlement.

Tutamoe and Kairara Blocks contain and include the blocks Taimahue and Totarapoka. The two last mentioned blocks have also been reduced in price, from 2s. and 2s. 6d. per acre to 1s. 3d. per acre; but the money given in advance on these two blocks (£40) is to be expended on the land, at the old rate of 2s. and 2s. 6d. per acre. With this trifling exception, the price for the whole is arranged for 1s. 3d. per acre. The land is now being surveyed.

THOS. MCDONNELL, Land Purchase Agent.

## **No. 8a. Sir D. McLEAN to the DISTRICT OFFICER, Bay of Islands.**

*Memorandum for District Officer, Bay of Islands. 20th January, 1875.*

A QUESTION of disputed title exists with regard to two blocks of land near Whangaroa, called Otangaroa and Te Patoa; the rival claimants being respectively the Ngapuhi, Hongi Hika's tribe, and the Ngatipo, Wiremu Maihi's [*unclear*: tibe]. Messrs. Brissenden and McDonnell entered into negotiations for the purchase of these lands, and orders were given for the survey, which, however, was not carried out. You will find in H.A.L.A., 1873 (see 21 *et seq.*) That you should have made inquiry into the title before the survey could take place; but from the brief time during which you have held the position of District Officer, it was not to be expected that you could have attended to this duty in this particular case. In future, however, in all instances where Natives are about to bring their lands under investigation before the Native Land Court, or intend to dispose of them to the Government, you will be required to make a full preliminary inquiry, so as to be able to state whether the survey can be proceeded with without affecting the peace of the district.

"The Native Lands Act, 1873," so clearly lays down the duties of District Officers, that I am only to direct your notice to its provisions, and to request you to give them your particular attention.

I have also to point out to you the necessity of your making yourself acquainted with all land transactions in the district, and also with the surplus lands that have reverted to the Crown, so as to protect the interests of the public in the event of an attempt being made to reclaim the latter, to redispense of them either to the Government or to private individuals, or to deal with them in any other manner.

DONALD MCLEAN.

W. Webster, Esq., Bay of Islands.

## No. 8b.Lieut.-Colonel McDONNELL to Lieut. Colonel ST. JOHN.

Auckland, February, 1875.  
SIR,—

I have the honor to beg that, you will lay this letter before the Hon. the Native Minister, for his information and consideration.

I have been for sometime past negotiating lands North, at Ahipara, Mangakahia, and elsewhere. I have made considerable purchases. In all transactions I have been careful to avoid cause for dissatisfaction; and the system I have pursued has, in many instances, been the means of healings old disagreements.

I have arranged the Mangakahia lands with every hope of being able, to complete them with a considerable saving of money—about £2,000—but this has to be ratified by other natives.

If my negotiations are left to me to finish, this money will be saved; but I fear that, if they are handed over for others to conclude, the former agreement of 2s. 6d. per acre will have to be carried out in place of the present understanding: this will effect all lands in that neighbourhood.

During my last visit to Ahipara, I bought a very fine block of land, next to the Victoria Valley purchase, for 3s. an acre, called Orowahana. There is a very barren piece of land adjoining, called Epakauri, that has also been bought for the Government at 4d. an acre. As these two blocks join each other, the Natives intend to increase the acreage of the good block by taking in a good slice of the worthless country.

I therefore suggest that I be permitted to finish the purchase of this block, as well as the lands I have negotiated for at Mangakahia, including the Tutamde and Kairara forest of timber. I know all the Native owners, and the proper boundaries to be observed. Many of the lands alluded to above have been surveyed for many months past, and would Have been out of hand now but for delays of the Native Land Court.

I have, &c.,

THOS. McDONNELL.

Colonel St. John, Private Secretary, Native Office.

## **No. 9. Sir D. McLEAN to Mr. BRISSENDEN.**

*Maunganui Survey opposed.* Maketu, 18th March, 1875.

SIR,—

I have the honor to inform you that the Government have received a letter from Parore complaining of the survey of the Maunganui Block. The Government do not wish the survey of any land to be proceeded with in the face of such opposition as there appears to be in this case.

You will, therefore, on receipt of this letter, without delay instruct the surveyors to withdraw from the block, and will, until the dispute is satisfactorily settled among the natives, suspend the negotiations for the purchase of the same.

I have, &c., D. McLEAN.

E. T. Brissenden, Esq.,

Northern Club, Auckland.

## **Mr. E. T. BRISSENDEN to Sir D. McLEAN.**

*Land Purchase Transactions* Herd's Point, 24th June, 1875.

SIR,—

I have the honor to forward you a report of my transactions as Land Purchase Agent for the General Government for the year ending this 24th June.

I also enclose a report from Percy Smith, Esq., on the quality of the several blocks surveyed under his supervision which may be of use to the Government.

I have, &c., E. T. BRISSENDEN.

The Hon. D. McLean,

Wellington.

## **Enclosure 1. STATEMENT of LANDS negotiated for by Mr. E. T. BRISSENDEN for the General**

# **Government of New Zealand for the Year ending 30th June, 1875.**

LIST of BLOCKS for which Negotiations are completed and Title secured.

RECAPITULATION of LANDS negotiated for by E. T. BRISSENDEN, in the Northern District of the Province of Auckland, for the General Government for the Year ending 30th June, 1875.

## **Enclosure 2. LIST of BLOCKS that have passed the Court. (Deeds will be signed when necessary funds are to hand.)**

Herd's Point, June,  
1875. E. T. B.

## **Enclosure 3. LIST of BLOCKS of LAND awaiting the sitting of Native Land Court.**

Herd's Point,

June, 1875

E.T.B.

## **Enclosure 4. LIST of LANDS under Survey. (The most of the Blocks here mentioned are nearly finished; they will be ready to bring before the Court early in September next.**

Herd's Point,

June, 1875.

E. T. B.

## **Enclosure 5.**

I have considered it advisable to leave the price of the above-mentioned blocks an open question until it is convenient for the District Officer to accompany me, when I have promised the Native owners to visit the ground and there conclude the matter in the presence of most of the Natives interested, though it is understood the land is not to average over 2s. per acre.

In going over the district map with Percy Smith, we have been able to estimate the area, and think there will be over 100,000 acres.

I think the blocks here mentioned of considerable importance, inasmuch as the land is above the average quality, and they close up present spaces, which would give large unbroken tracts of country to the Government.

The expense of survey would be very small in most cases, as two or three sides of each block are bounded by Government land.

Herd's Point,

June, 1875.

E. T. BRISSENDEN.

**Enclosure 6. LIST of BLOCKS I have a doubt about being able to complete. I therefore exclude them from the No. 1 return, where they otherwise belong, as they have passed the Court.**

Herd's Point,

June, 1875.

E.T.B.

**Enclosure 7. Mr. PERCY SMITH to Mr. E. T. BRISSENDEN.**

Herd's Point, Hokianga, 12th June, 1875.

MY DEAR MR. BRISSENDEN,—

In accordance with your request I enclose you herewith a rough description of the blocks now under negotiation by you.

In some few cases I have been obliged to trust to information derived from the surveyors, but generally speaking the information is from my own observations. Trusting that it may be of service to you,

I remain, &c., S. PERCY SMITH,  
Chief Geodetic Surveyor.

E. T. Brissenden, Esq., Land Purchase Agent, Hokianga.

*Maunganui Block, 38,000 Acres.*—About one-third open; the rest forest, with the exception of some 5,000

or 6,000 acres on the coast. The soil of this block is excellent, of a volcanic nature. A valuable forest of kauri timber is found on the south-east part of the block, adjoining lands already let for the sake of the timber.

*Waipoua Block, about 41,000 Acres.*—Two-thirds forest; the soil generally excellent, a continuation of the volcanic soil of the Maunganui Block. Part of this block is a good deal broken, but some level and extensive flats are found on the plateau along the eastern boundary. Contains a good deal of kauri along the Waipoua and other streams.

*Waimamaku Block, about 15,000 Acres.*—Soil good; nearly all forest, but broken. The Waimamaku Valley would carry some twenty or twenty-five families of settlers, where the land is level and of easy access from the coast. A little but not much kauri on this block.

*Pakani Block, 8,955 Acres.*—Mostly forest; the soil good, but much broken.

*Kahumaku Block, 8,517 Acres.*—All forest; the soil good. A good part of this block is level, lying on the Waoku plateau.

*Te Waoku Block, 17,650 Acres.*—All forest; the soil good, generally level or undulating. Situated on the Waoku plateau.

*Te Waoku No. 2, 8,017 Acres.*—All forest; soil good, broken. Occupies the eastern slope of Waoku plateau.

*Waimatanui, 4,800 Acres.*—All forest; soil good, rather broken. Eastern slope of the Waoku plateau.

*Opouteke, 4,300 Acres.*—All forest; soil everywhere good, but a good deal broken. Some level land on the Waoku plateau, and about 3,000 acres of alluvial level land in the Opouteke Valley. Easy of access from the Mangakahia Valley.

*Tutamoe Block, 31,576 Acres.*—Nearly all forest; soil generally good; the western part of the block a good deal broken. It contains a few small alluvial valleys of excellent quality. Probably a good limestone will be found to exist in this block.

*Tokawhero, 2,727 Acres.*—All forest; soil good in patches, a good deal broken. Easy of access from Mangakahia Valley.

*Tukuwhurua, 2500 Acres.*—About half forest. Soil indifferent.

*Ngapipito, 850 Acres.*—Mostly open; soil indifferent, with the exception of a little good in the Ngapipito Valley.

*Arawhatatotara, No. 1, 2,019 Acres.*—Soil very poor; volcanic in the valley. Mostly bush and tolerably level.

*Pukehuia, 3,270 Acres.* All forest; good soil, but very broken.

*Okorihi, 930 "* All forest; good soil, but very broken.

*One No. 2, 313 "* All forest; good soil, but very broken.

*Punakitere, 7,557 Acres.*—About 1,500 acres very good volcanic soil, but containing much stone, the rest indifferent. This block has a valuable frontage of about half a mile on to the navigable part of the Taoeke River.

*Oikura, 2,700 Acres.*—Mostly forest; soil indifferent.

*Pukewharariki, 2,552 Acres.*—Mostly forest; soil indifferent.

*Rakauwahi, 1,600 Acres.*—All open soil; very bad.

*Waihoanga No. 1, 380 Acres.*—Mostly open; soil indifferent.

*Whataipu, 2,800 Acres.*—Mostly forest; soil indifferent and broken, but with good land along the Utakura River.

*Whakarongarua, 810 Acres.*—All bush; soil indifferent, with exception of frontage to Utakura River.

*Okaka, 915 Acres.*—All bush; soil pretty good especially along the Utakura River.

*Waihoanga No. 2, 400 Acres (about).*—Mostly forest; soil good.

*Omataroa, 3,320 Acres.*—Soil good, but very broken. All forest.

*Omahuta, 8,532 Acres.*—All forest soil. A good deal of kauri.

*Takahue, 28,527 Acres.*—Nearly all forest; soil generally excellent. Some parts very broken.

*Te Tauroa.*—Open.

*Orohaua.*—All forest.

*Epakauri.*—Open soil; indifferent.

*Te Takanga, 1,675 Acres.*—All forest; soil good; very broken.

*Otangaroa, 9,392 Acres.*—All forest; soil very good. Western part broken, but the eastern, adjoining Manganuiowai, undulating, with capital soil.

*Tunatahi, 9,392 Acres.*—All forest; soil very good. Western part broken, but the eastern, adjoining Manganuiowai, undulating, with capital soil.

*Rakauhongi, 9,392 Acres.*—All forest; soil very good. Western part broken, but the eastern, adjoining Manganuiowai, undulating, with capital soil.

*Kauaioruruwahine, 9,260 Acres.*—All forest; soil good, but very broken. Contains a valuable kauri forest.

*Puwhata, 3,352 Acres; Te Uhiroa, 7,219 Acres.*—All forest.

*Tunapohepohe*, 2,700 Acres.—All open soil; indifferent.  
*Mangataraire*, 2,604 Acres.—All forest soil; indifferent.  
*Whararo*, 850 Acres; *Awarua*, 3,100 Acres:—Mostly, open, soil pretty good. The road from Kaihohe to Mangakahia runs through both of these blocks.  
*Porowhenua*, 73 Acres.—Bush; soil good.  
*Mangakino*, 752 Acres.—All bush; soil good; broken.  
*Kioreroa*, *Whangarei*.—Mostly open, soil good in places. This block is valuable as being within three miles of the Whangarei township.  
*Puketutu*, *Whangarei*.—Mostly open; soil good in places.  
*Manganuiowai*.—All forest; soil generally, excellent, especially in the valley of that, name.

S. PERCY SMITH.

## No. 11. Mr. J. W. PREECE, Land Purchase Officer, to the Hon. the NATIVE MINISTER.

*Hokianga—Land Purchases*. Auckland, 3rd July, 1875.  
SIR,—

I have the honor to report that I returned, from Hokianga on the 1st instant The Court has finished its sitting, and all the blocks which were surveyed have passed through, excepting the Waipoua and Maunganui, which will be heard shortly. There were passed through at the Hokianga Court twenty-four blocks of land, containing in all about, 67,000 acres, the titles to the whole of which have been completed, and all the deeds signed, with the exception of the Uhiroa and Puhata Blocks, eighteen signatures to which have yet to be obtained, and the Waimamaku Block the interests of two dissentients in which have yet to be defined. These, however, may be said, to be as good as finished.

With regard to the Uhiroa and Puhata Blocks, fifty-nine out of seventy-seven have signed, the others being absent. I advised Mr. Brissenden to pay those present one half of the balance of the purchase money, reserving the other half for the signatures of the other eighteen. The balance in hand is far more than the share of those absent, but, we thought it advisable to keep as much as possible, so as to make it the interest of those who have signed to assemble the absentees. We have arranged to meet the owners at Mangonui, on the 21st July, where they undertake to have the absentees present. I do not believe that every one will be present on the day named, and I would respectfully request to be informed whether, in the event of any being absent, I should take a Resident Magistrate or Judge of the Court with me to obtain their signatures. Those whom I expect to be absent are two old men who live at Muriwhenua, North Cape, and are too feeble to come to Mangonui. My reason for again alluding to this matter is, that I am not certain whether in Mr. Clarke's reply to my telegram it is intended that I should get the signatures of the absentees in the presence of a Judge or not. The telegram says, "Get their signatures from time to time as you are able." Section 60 of the Act is very explicit on the point that the Judge (not Resident Magistrate) must explain to each individual, and I should not feel justified in acting contrary to it without definite instructions, as the question of title may be affected thereby. I leave here for Mangonui on the 19th instant so there will be time to let me have instructions, before then.

I have not sent in a return of any purchases, as they are all included in Mr. Brissenden's, return, he having paid the purchase moneys; but I have been assisting him in all the, blocks, as well as those particularly mentioned in my instructions.

With regard to the purchases generally, I feel that I would not be doing right, after all that has been said in the Provincial Council and elsewhere in reference to these Northern transactions, did I not state what from my own observation I find to be the facts. I may say I entered on the task of assisting in the completion of these matters fully expecting to meet with considerable difficulty and dissatisfaction among the natives. However, I am pleased to be able to say that I never yet concluded the negotiations for the purchase of any lands with more satisfaction than I have felt in the closing of these purchases, or with less difficulty; and it the more remarkable inasmuch as the lands were not in one block, but in some fifty, comprising altogether, about 300,000 acres,



owned; by different sets of natives. In the whole of these blocks of land which have passed and are Completed, there was not a single instance where the natives failed to carry out the original agreement as to price, or where they attempted to repudiate the various deposits paid on the lands. To my mind there can be no better proof than this fact of the straightforwardness of these purchases; and moreover, there was in the whole of these transactions but one instance where the Court did not confirm the title, of the persons to whom the deposits had been paid, and in that case (the Omahuta block), although the Native, Wi Tana Papahia, to whom a portion of the money had been paid, failed to satisfy the Court of his claim, yet from all I have heard the land would never have been allowed to have been surveyed had he not got the deposit which he did. The successful claimants in the Court were the natives to whom the other portion of the deposit had been paid, and after defeating Wi Tana in Court they shared the balance of the purchase money with, him, or rather gave him a portion of it.

In reference to the other statement that the natives had been paid in orders on storekeepers and publicans, it is entirely without foundation, for the Natives in each case admitted, without any hesitation, to having received in cash the various deposits, as they were called to their recollection. There is no doubt that the natives have in several of the blocks considerably curtailed the extent from what was originally intended, and that in some cases they have been very dishonest among themselves in the division of the money, and that there may be dissatisfaction among some few individuals as to the share of the money; but that is a matter it is impossible for any one to remedy but themselves. The only course we could adopt was, to pay the money before all the parties, and let them decide who should take it, and thereby leave the responsibility of the division with them, for, as the interests are not equal, the agent could not take upon himself to make a division.

With regard to Waipoua and Maunganui, I may say these matters are as good as settled, and only await the sitting of the Court to conclude them. I have seen both parties and have arranged with them to, have a Court held early in August. Parore at first wished to delay, the matter until the summer, but I Persuaded him to agree, as it could cause no inconvenience to him, the Court being held near to his own place, and the other parties are desirous of getting the matter settled; besides which, I think it desirable in every way that it should be closed as soon as practicable

In order to obviate the inconvenience of having a sitting of the Court in the wet weather I have arranged to have the Court held at a place where there, will be ample house accommodation for as many natives as will be there. It will be necessary to supply the natives with some provisions, as the Court will be held away from the kainga, and they have lost a large quantity of food with the recent floods. The cost of this will not be great, as the Court will not last much more than a week.

With reference to the supplies given to the natives at Hokianga, Mr. Brissenden paid the accounts, and I have certified them.

Both the Roroa and Parore's people have requested me to ask that Mr. Monro hear the Maunganui and Waipoua cases. The Court will be held in Judge Symond's district; yet I think he would be glad to have the assistance of another Judge, as the question is one of great importance, and the title to some extent complicated, although the parties are all willing to abide by the decision of the Court. I shall be in Auckland until the 19th, when I leave for Mangonui.

I have, &c., J. W. PREECE.

The Hon. Donald McLean,  
K.C.M.G. Native Minister, Wellington.

**No. 12 Mr. J. W. PREECE, Auckland, to the Hon.  
the NATIVE MINISTER.**

*Land Purchase Report.* Auckland, 1st June, 1876.  
SIR,—

I have the honor to report, for your information, the progress made in the land purchases within the district under my charge, namely, that to the north of Auckland, since the 1st of July last.

The lands handed to me to complete the purchase of (namely, Mr. Brissenden's incomplete transaction)

were fifty-two blocks, estimated to contain in the aggregate 377,529 acres; of these blocks thirty-six are now surveyed, and contain 261,629 acres, leaving sixteen blocks yet unsurveyed, estimated to contain 115,900 acres. Of these latter there are now, seven blocks being surveyed, and will shortly be completed. The survey of the other nine blocks is delayed in consequence of disputes among the owners, most of which, however, I hope to settle as soon as an opportunity offers of meeting the different disputants together. During the first few months, after taking over these matters, I was unable to show any apparent progress in the completion of any of the transactions, owing in a great measure to the fact of there having been only one sitting of the Native Lands Court to the North of Auckland—namely, at Ahipara, in November, and at that sitting the claims were all adjourned without any progress having been made; the time, however, was profitably occupied in getting matters in train for the Courts, and in furthering negotiations as much as I could.

During the month of January I concluded the purchase of the Waimamaku Block, containing 27,200 acres. Some of the owners of this block had refused to sell at the time the title was investigated, in June previously; but eventually came to terms.

On the occasion, of the sitting of the Native Lands Court at Kaihu, in. January, I was enabled to complete the purchase of the following blocks, namely, Opouteke, Kairara Pekapekarau, Waerekaha-kaha, One, Waipoua, and Maunganui, containing in the aggregate 155,400 acres. No Courts have been held since that date, or I should have been able to have completed the purchase of over 50,000 acres more out of the 77,400 acres, the surveys of which are completed, and only await the holding of Courts to complete the title to them. The delay will however, enable me to have a larger area ready for investigation of title when the Courts do sit, although it causes my present list of completed transactions to be of a less area than it otherwise would have been.

During the months of March and April I paid several visits to the Whangarei District, and put matters in train there preparatory to getting the blocks in that district brought before the, Court. While there I purchased a small block held under Crown grant containing 882 acres, and named Ngatahuna. There are only three blocks in that district, the negotiations for which are all in a forward state, namely, the Kioreroa, Te Tihitihi, and Opuhete Blocks.

During the present month I have completed the purchase of the Papuroua Block, containing 1,220 acres, and so far completed the purchase of the Taungako as to have a deed fully executed by all the surviving owners. Two persons have yet to be appointed by the Court to succeed to the interests of two deceased owners, and a Court is to be held on the 4th July for the purpose. The area of this last-mentioned block is 2,115 acres.

By the foregoing it will be seen that, out of the 377,529 acres comprising transactions incomplete in July last, there have been completed since the 1st of January, 183,820 acres, in addition to which is the Ngatahuna Block, which is not comprised in the former area, being a recently offered block, the area of which is 882 acres, thus making a total of 184,702 acres, at a cost, exclusive of surveys and incidental expenses, of £12,815 6s. 6d., being a fraction over 1s. 4½d. per acre all round; deeds of conveyance for which have been fully signed and completed, and with, two exceptions, registered.

Of the 193,709 acres, the purchase of which is yet incomplete, there will be about 100,000 acres surveyed and ready for the investigation of title within the next two months, immediately after which the titles can be completed unless any unforeseen difficulties arise, which will reduce the list of transactions now on hand to a comparatively small area.

I have in the foregoing only given a bare statement of the progress of the negotiations for the completion of the titles to the blocks now under purchase.

The Inspector of Surveys reported fully last year as to the quality of the lands, so that it is unnecessary for me to go into the subject, as he is possessed of more detailed information on the subject than I am. However, from what I have seen, I am of opinion that these purchases will form a very valuable estate

I have, &c., J. W. PREECE.

The Hon Sir Donald McLean, K.C.M.G.,

Native Minister, Wellington.

**No. 1. The Hon. the COLONIAL SECRETARY to Mr.**

# INTERPRETER JOHNSON.

*Whangarei—To Purchase Land for Nova Scotian Settlement.* Colonial Secretary's Office, Auckland, 7th November, 1853.

SIR,—

By command of His Excellency the Governor, I have the honor to request that you will immediately proceed to Whangarei to negotiate purchase of as extensive a block of land as possible, including a location fit for the Highlanders, recently arrived in the Colony, but you are not to complete the purchase until it has received the approval of the Surveyor-General, with respect to the price paid, the reserves made, and other particulars.

I beg leave to add, for your information, that a clause will be inserted in the deed of purchase reserving for native purposes ten per cent of the future proceeds which may be realised from the sale of the land.

I have, &c.,

ANDREW SINCLAIR.

J. G. Johnson, Esq., &c., &c., &c.

*Whangarei—Report of Land Negotiations in that District.* Native Secretary's Office, Auckland; 12th December, 1853.

SIR,—

I have the honor to inform you that I proceeded to Whangarei, in compliance with the directions contained in your letter of the 7th ultimo, and to report the result of my negotiations for the information of His Excellency the Governor.

Having first ascertained the nature of the native claims in that district to be clearly defined (the Parawhau, or original tribe of Whangarei, occupying and claiming the southern bank, and the Ngapuhi the northern bank of the Whangarei, but both parties being connected with, and, in a great measure, controlled by Tirarau, the chief of the Wairoa River in Kaipara) I lost no time in repairing thither to gain his consent to the object, of my mission, which I obtained in general terms over any tract of country for which I could make arrangements with the more immediate owners, excepting alone a block between the Whangarei and the Wairoa, which Tirarau and Manihera, the resident owners, have determined to retain for themselves, on the ground that this alone remained, they having sold the rest of their land to Mr. Busby, of the Bay of Islands, which lands, they stated, were at the disposal of the Government.

Although at that time I was not aware whether this block (marked No. 1 in the annexed plan) included a site for the Highlanders, but, bearing in mind His Excellency's directions to acquire as much land as possible, I negotiated with part of the owners and obtained their consent to the sale of a block called after a river running through the centre of it—the Mangawhai—abutting on Mr. Busby's claim on the North, and the surplus of W. S. Grahame's claim on; the Otamatea on the West, thus having a frontage to the East and West Coasts on two sides and the River of Whangarei on the North, which, including the above mentioned claims, will not fall short of 200,000 acres. To have proceeded too hastily with the purchase of such a large tract of country might have led to difficulty afterwards, I therefore wrote to the remaining claimants, whom I had not seen, who reside at the Otamatea, requesting them to hold a meeting preparatory to my going to them at a future time; and I also requested a party of the Highlanders who had arrived to explore this tract of country and ascertain whether it met their wants, while I myself, in the meantime, proceeded with the negotiations for the block marked No. 2 on the annexed plan, which the Highlanders had expressed their wish to obtain as a settlement, failing my ability to acquire a more desirable location.

## Obstacles incurred.

The principal men among the owners of this block are William Pohe, Stephen Hari, and Whare, all adherents of John Heke, during the war in the North, together with others who had left the proximity of the Europeans for the inland districts after the war. The antipathy which these men professed for the Europeans's cattle, their scruples about sacred places, and extravagant ideas of the value of their land, being witness to the frequent transfers of property between the settlers at Whangarei, caused me at first to have but faint hopes of success; and it was a considerable time before I could gain their consent to the sale of this block of Fourteen thousand acres (14,000 acres) in the immediate vicinity of the settlers already located there. My next care was to perambulate the boundaries, and I had nearly settled every point at issue, the price asked being Seven hundred pounds (£700), when messengers arrived from Kaikohi, bearing two letters from Hariett, widow of John Heke, using all her influence to prevent them selling any land whatever.

After several days discussion, I at last persuaded the natives to be directed by their own good sense, and not be led away by the Kaikohi people, and our negotiations stood again on the same footing.

I was most anxious to comply with that part of my instructions which related to the location for the Highlanders, and as the party who had left me had not returned, I concluded that they had not found a locality on the other block first mentioned, which was suitable to their wants, and I accordingly so far entertained the proposal of the purchase of the 14,000 aces, as to request the chiefs to follow me to Auckland, to learn the decision of the Government on their offer.

Since my return to Auckland this morning, I have seen the party of Highlanders who have explored the land comprised within the Mangawhai Block, and have expressed their wish to locate the present immigrants in the valley of the Ruakaka, which is situated in Mr. Busby's claim, in preference to the 14,000 acres offered by Pohe, &c., and I would have arranged the extent of the reserve for the natives living on the Mangawhai Block, and the amount of the payment, which will bear no proportion to the price asked for the land on the North side of the river, had I sooner been made aware of the ultimate choice of the Highlanders, as I apprehend no difficulty in the matter, a settlement in that locality being favourably received by all the natives with whom I conversed on the subject; the only stipulation being that portions sufficient for the few natives residing on the land be reserved for their use. The arrangement of these questions will occasion my paying another visit to the spot, which I might have avoided had the Highlanders sooner made me aware of their ultimate choice.

I have, &c.,

JOHN GRANT JOHNSON,  
Interpreter.

The Hon. the Colonial Secretary, &c., &c.,  
&c.

## **No. 3. The Hon. the SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.**

*Whangarei—Purchase of Land recommended.* Surveyor-General's Office, 14th December, 1853.  
SIR,—

I have the honor to report that I have ascertained from Mr. Johnson that the Natives are willing to sell about 240,000 acres of land at Whangarei for the sum of £600, and that the body of Highlanders desire a part of it for location. I have the honor to suggest that Mr. Johnson be at once despatched to that locality with the sum of money required, and that, in order to render him independent of the delays occasioned in the small sailing vessels trading on the coast, that he be authorized to hire two additional men and a whaleboat.

I have, &c., C. W. W. LIGAR,  
Surveyor-General.

The Hon. the Colonial Secretary.

DR. SINCLAIR,—

Approved as recommended.—G. GREY.

15th December.

## No. 4. Mr. INTERPRETER JOHNSON to the Hon. the COLONIAL SECRETARY.

*Whangarei—Respecting Land Purchases at Mangawhai and Whangarei.* Pakiri, 31st December, 1853.

SIR—

I have the honor to address you, for the information of His Excellency the Governor, on the subject of the block marked No. 1, or Mangawhai, in my last report on the negotiations for the purchase of land in the district of Whangarei, and on which I am now engaged by the further directions I received from His Excellency Sir George Grey, and regret to inform you that the extinction of the native claims are fraught with more difficulty, and the price required will be much greater, than I had anticipated at the date of my last report.

Since that time the Ngati Whatua tribe of Auckland have been on a visit to Kaipara, for the purpose of dividing the payment of Hikurangi, and the selling of this district has been entrusted to them by the Kaipara natives, and they have, during my absence in Auckland, divided the block of Two hundred and forty thousand (240,000) acres, alluded to in my last report, in four separate blocks, and have entrusted the disposal of the same to different parties. I have, however, at last succeeded in inducing them to join two of these blocks together for sale, containing about (60,000) Sixty thousand acres, but before closing the purchase in conformity with my original instructions, I beg to submit the amount of payment stipulated, and the description of the land (in which there are no reserves required) for the approval of the Surveyor-General, the sum of One thousand pounds (£1,000) now demanded being so much more than I estimated would be required when I last had the honor of communicating with that officer. I would further add that I have used every exertion to reduce the price, but the claimants are so numerous, 100 of whom are here assembled, belonging to the tribes and chiefs named in the margin,

Tribe or Hapu—Te Uri o Hau, Paikea, William Stephenson, Makoare Hawaiki, Ngaitahuhu Tribe, Arama Karaka, Pereneko, Wetere Pou, Puriri, Te Rauriki Tribe, Matiu, Pairama, Tamati, Ngati Mauku Tribe, Paratena Taupuhi, Matiki Kuha, Te Awaiti, Ngati Kauae Tribe, Te Korone, Hemara, Te Wai Aruhe Tribe, Manuku, Te Whe, Te Uri Kohu, Tribe, Te Awa, Pehimana, Te Taiona, Te Uri o Katea Tribe, Te Uranga, Te Kiri, Parihoru, Ngati Kai Whare Tribe Himeona, Waitoitoe, Ngati Kaba Tribe, Hohaia, Te Uri Pake Tribe, Kerepe, Ngati Wai Maori, Te Awe.

that I do not think the land will be obtained for less money at a future time. The Chief Tirarau claimed One hundred pounds on the sale of the block originally proposed, on account of a battle fought by the Nga Puhi at the Ikaranganui, but as this place is not included in the boundaries of the land as offered at present, and the other claimants and owners of the land denying his right to a man, I have thought it expedient not to entertain this claim, but to let the discussion of it rest on the purchase of the Ikaranganui, one of the two remaining portions of the four partitions of the 240,000 before mentioned, and on which the battle-field, from which the claim arises, is situated. This other block has been entrusted for disposal to Kauwau, Tinana, Keene and others, at Auckland, and is situated immediately behind Mangawhai. Should His Excellency be pleased to direct the completion of this purchase, a further sum of Six hundred pounds will be required, in addition to the Four hundred pounds (£400) which I have here available for this purchase. Upon return of the messenger who conveys this letter, if the Government should approve of the payment of the whole amount or the £400, which I have here, I will at once proceed to complete the purchase by definitely marking the boundaries and obtaining the signatures to the deed of sale on the spot.

I have, &c.,

JOHN GRANT JOHNSON, Interpreter.

The Hon. the Colonial Secretary, &c., &c., &c.

*Whangarei—Purchase of Land in this District.* Whangarei, 6th January, 1854.

SIR,—

I have the honor to report to you, for the information of His Excellency, that I have this day completed the negotiations for the purchase of a further block of Sixty thousand (60,000) acres in this district for the sum of Six hundred pounds (£600) and two (2) horses, and beg to submit the same for the consideration of the Government.

## Boundaries.

This block commences at the Wakatarariki, the northern boundary of the block submitted for consideration in my report of the 31st December last, and extends along the coast to the south shore of the Harbour Whangarei and with an average breadth in land of ten miles, and includes both the valleys of the Ruakaka and Waipu Rivers applied for by the recently-arrived Highland immigrants. The whole of this block is well wooded and watered, and leads to further available tracts of country on the west coast of this island.

The difficulty I had to contend with in this block was the confining the natives into a reasonable reserve in the valley of the Ruakaka, as they insisted on keeping the most valuable tract back for themselves, to which I could not consent, for Mr. McLeod, one of the leading men of the Highlanders, having arrived, and our inspecting the valley and district together, he quite agreed with me that, unless the natives could be confined to a limited reserve, the valley could not be made available as their settlement. After much discussion, however, the natives acceded to my idea of the quantity they required for their use, and a reserve was finally agreed upon of one mile frontage to the Ruakaka, and running back to the hills in parallel lines. The sellers of this block are not the same parties who formerly received a payment on account of this land by Mr. Busby, but are principally men who in the present peaceful times have returned to occupy the lands of their forefathers, Mr. Busby's purchase having been rather made from the great chiefs possessing a feudal right over the land than by the extinguishment of the rights of the inheritors of the soil.

## Mr. Busby's Claims.

In the absence of any instructions to recognize Mr. Busby's claims I would not have entered into the discussion of them with the natives had such a course not been forced upon me by the production of letters from Mr. Busby urging the natives not to allow me to obtrude upon his land. I am happy to state that these letters had no effect upon the natives. As soon as I told them that the Government were prepared to satisfy their claims, if they gave up their land, they were perfectly satisfied.

To give a permanency to these negotiations, pending the decision of His Excellency, I left the sum of Two hundred pounds (£200) in the hands of the natives, taking from them a deed of conveyance of the land to the Crown as a security, but with the distinct understanding in the event of His Excellency the Governor not approving of the purchase, that the money be returned—a course which, while it binds the Natives in the meantime to their bargain, does not in any way compromise the Government; and which course I trust will meet with your sanction.

The principal owners of this block are enumerated in the deed enclosed herewith, which is executed by the three principal chiefs.

I have, &c., JOHN GRANT JOHNSON,  
Interpreter.

The Hon. the Colonial Secretary, &c., &c.,  
&c.

# Mr. COMMISSIONER JOHNSON to the Hon. the COLONIAL SECRETARY.

*Forwarding Deed of purchase, and Reporting on Mangawhai, Waipu, and Ruakaka.* Whangarei, 20th March, 1854  
SIR—

I have the honor to enclose the Deeds of conveyance from the Aborigines to the Crown, of the three purchases named in the margin, which will be now finally completed, if His Excellency the officer administering the Government should be pleased to approve of the measures which I beg to propose for arranging the obstructions which still attend them. It will be observed that I have included in the receipts attached to the Deed of the Mangawhai, the additional sum of Sixty pounds (£60), the outlay of which I reported in my letter of the 3rd instant. It became necessary to settle this demand of a chief named Paratene Taupuhi, who disputed a part of the boundary, after all the details had been arranged by a Committee of the Chiefs, and had nearly prevailed on them to break off the negotiations; but on consideration of the said sum of Sixty pounds, he gave a range of valuable kauri timber, part of which was included in the original boundary agreed upon, and part in addition of about 1,000 acres in extent, the particular portion alluded to being shown in the enclosed sketch of these purchases.

I had the honor to bring under your notice in my preliminary report of the 31st December last, the claim of the Chief Tirarau, for the sum of One hundred pounds (£100), over this block, as I then stated, for a battle fought between the Ngapuhi and Ngatiwhatua tribes at Ikaranganui, but which claim could not be sustained, as that place was not included in the present purchase; and I now regret to state that Tirarau urges the same claim, on account of a canoe upsetting on the bar of the Mangawhai river, in which a relative of his was drowned; a chief named Hikaotote, a brother of Parore.

The Ngatiwhatua tribes, the owners of Mangawhai, remonstrated with apparent justice, that as this catastrophe was occasioned by the sea, they would not submit to their land being taxed with it, and absolutely refused to sell their land subject to the condition of this payment, and I hoped that Tirarau would have relinquished this unreasonable demand; but, on the contrary, on my arrival at Whangarei he came over from the Wairoa to see me, and urged his claim with great firmness, threatening to burn the house of any settler who might go to the land, unless his claim is satisfied. From the well known character of this chief, I have no doubt but that he would attempt to put his threat into execution; and I would therefore bring this claim to His Excellency's favourable consideration, more on the ground of its involving the question of the peace of the country, than because of its equity. Notwithstanding this exaction on the part of Tirarau, which proceeds more from a species of native pride than from avarice, he is a chief well disposed towards the Government and the Europeans generally, and incongruous however as these circumstance may appear, he has taken the lead of the party in favour of selling their lands to the Government, and has offered a valuable tract of country for sale, extending into the centre of one of the finest districts in the colony, and which will be the means, I hope, of its eventually being all purchased; his influence is paramount in whichever way it is directed in this part of the island, and his good offices being obtained in our favour will materially assist the more firm establishment of the authority of the Government in these newly acquired districts, where the natives are not in such an advanced state of civilization, or so attached to the Government, as in many other parts of the colony.

I would next proceed to report upon the settlement of the two purchases named from the rivers which intersect them, the Ruakaka and the Waipu, which comprise a portion of the enormous extent of country claimed by Mr. Busby, and inhabited by that party of the aborigines who opposed the Government in the war in the North. The attempts of Mr. Busby to frustrate my operations, together with the efforts of a society which exists among the natives, at the head of whom is the widow of John Heke, for the purpose of preventing the sale of land to the Europeans, caused me much trouble and anxiety, and, as it may not be uninteresting, I beg to enclose a copy of a circular letter of the said society at Kaikohe addressed to the chiefs of Whangarei, which, by the native mind is considered a very talented exhortation, and which met with great applause when read at the several meetings of the claimants; and, had I adopted the usual and safer method of assembling all the claimants before making my payment, the influence of the before mentioned agencies would have been apt to have terminated in preventing the sale of the land; but, bearing in mind the strong desire which His Excellency had expressed to have lands obtained for the settlers, I felt assured that the Government would approve of my

obtaining this tract of country, even at some further outlay, than of my relinquishing the attempt from the apparent difficulties which appeared to surround it; and, actuated by this principle, I accepted the offers of the chiefs who first came forward to sell the Ruakaka, and paid to them the sum of One hundred pounds (£100) for their claims, reserving the sum of Two hundred and fifty pounds (£250) to satisfy the other parties with whom I had not yet come to terms. This decisive step showed the opposition that, when the real owners of land are disposed to sell to the Government, it is not to be intimidated by the clamour of disaffected factions exercising very little, if any, ownership at all over the lands sought to be purchased; and, with the assistance of the chiefs Mate and Parihoru, whom, in anticipation of these attempts to frustrate my object, I had prevailed on to accompany me to Whangarei from Mahurangi and Kaipara, I was enabled finally to overcome these obstacles and bring this purchase to a conclusion, on the conditions that a certain portion of the block reserved by the natives at the Ruakaka be purchased by the Government for the sum of Seventy pounds (£70), that portion being the private property of the chief Mate, who resides at Kaipara, and which he does not choose to leave for the use of the Ruakaka natives; and as, being a new purchase, I propose to make it the subject of a separate communication.

With reference to the Waipu I adopted a similar course, and having first ascertained by a careful enquiry that the chief Te Wiremu and party were the principal owners, I paid to them an instalment of Two hundred pounds (£200), they on their part undertaking to satisfy the claims of the chiefs

Tirarau and George King Tahua. Two other parties of claimants next appeared, and, their claims having been investigated and admitted to be just by the other parties, I paid to them a sum of One hundred pounds (£100), reserving the remaining Fifty pounds (£50) to meet any unforeseen difficulties which might arise.

On the 17th instant a general meeting of all the claimants connected with this block was held at Otaika, in Whangarei, and, although the payments which I had made to the various claimants met the approval of this meeting, the chiefs Tirarau and George King Tahua refused the share allotted to them by Te Wiremu's party, and are not contented with the Fifty pounds (£50) at my disposal, but demand a further sum of Fifty pounds (£50), and also a chief named Pirihi urges a further sum of Ten pounds (£10) on account of relatives massacred on the ground. I do not think the nature of their claims, which are liens on the ground on account of their relations who have been killed on it by the Ngatiwhatua, entitle them to more than the Fifty pounds (£50) which I have appropriated to this purpose; but they are powerful chiefs and measure the value of their claim by their power to enforce its payment, and, looking to the future peace and prosperity of this part of the country, as well as the influence which these chiefs are able to exert over the future further acquisition of land, I do not believe that the expenditure of these sums of money will ultimately prove a loss to the Crown; and I have the most solemn assurances from the chiefs at the meeting at Otaika, that, if the demands are complied with, the undisputed possession of the land will be obtained for ever. Taking this tract of country or 22 miles frontage to the sea, and extending back from 6 to 10 miles inland, at a very moderate calculation to contain 100,000 acres, the amount already advanced, as per enclosed schedule, together with the sum required to meet the outstanding claims and new purchases, to satisfy the claimants, will not quite increase the average cost of these three blocks to the sum of Five pence (5d.) per acre.

I have, &c.,

JOHN GRANT JOHNSON,  
Sub-Commissioner for purchase of Native Lands.

The Hon. the Colonial Secretary, &c.

## Enclosure 1.

Tautoro, February, 1854, Office, of Korongohi and Kuao.  
O CHIEFS OF WHANGAREI,—

Let your deliberations be guided by wisdom, and do not let your thoughts be averse to our word. The reason we so address you is because we have fought together (against the Europeans) for the land, which was



the reason of the message we sent by the Maremare. Let the hill of Manaia stand for ever. Let the hill at Whara remain untouched for ever: vessels are broken, money is lost, but the land does not fade away. If we were wishing this land for ourselves, you might be displeased with us, but we wish you to keep it for a hearth for your own fires. It is the possession of our land which makes us esteemed. Whether a child, a woman, or a man, if the land goes into the possession of the Europeans, we shall not be so regarded; one man may be esteemed, and another may not. If the land is not given away, even the lowest among us can till his ground, and obtain tobacco and clothes, and all the other articles of the Europeans; but there is nothing that can be obtained from them without payment, nothing at all. Perhaps to the chiefs they may give something. What else have we to depend upon? Therefore we say—hold fast the land,—bye-and-bye we shall find what value it is, as we have been told by the Europeans who formerly lived amongst us. All the sea birds return to the dry land to hatch their young under the cover of their wings. It was never intended that they should be brought forth on the sea—not at all. Likewise the vessels, they return to the shore, and obtain their freight, potatoes, and corn, and pumpkins: thus this description of canoe obtains its cargo. Therefore we say the land is more of importance than us: it is above us, and we are its children. Pohe thinks otherwise,—these sentiments are wrong in his idea. Therefore we say to you, do not be angry with Sydney: these opinions are the grounds of his conduct, good or bad—hold the land, hold it fast; therefore he says—

*To Maunsell,  
To Stephen Hari,  
To Amo,  
To Kare Kare,  
To Pohe.*

## Enclosure 2.

No Tautoro, Pepuere 18, 1854,  
Whare Tuhituhi o Korongohi raua ko Kuao.  
ENGA RANGITIRA o WHANGAREI,—

Kia marama nga whakaaro; kei pouri o koutou whakaaro ki to maua kupu, ta te mea maua. i pena atu ai ko koutou ko matou i whawhai tatou mo te whenua; koia ta maua kupu i maua atu na te Maremare. Koia tenei puke i Manaia, tu te ao tu te po; puke i te Whara, tu te po, tu te ao. Ko te kaipuke kua pakaru, ko te moni kua ngahoro, ko te whenua i kore i memeha. Ka patau he whenua mo maua, e kino ai koutou, tena he kaanga ano mo tau kapura, ma te whenua ka meinga he tamaiti, ka meinga he wahine, ka meinga he tangata; ki te riro i te Pakeha te whenua, e kore e meinga ko tatou, penei kotahi tangata e paingia, kotahi e kore e paingia. Tena ki te kore e riro te whenua, ka mahi nga tutua ki te wbenua, ka tahi ka riro mai te tupeka, me te kabu, nie nga mea katoa a te Pakeha e mahue atu ana. Otira, hore rawa kia kotahi he mea homai noa, engari pea nga rangatira, kahore ranei. Mawai ranei ka tika ai te tikanga mo tatou? Koia maua ka mea atu nei, kia u mai; tena ano tona wahi e kite ai tatou i tona nuinga. E ronganga hoki tata ki nga Pakeha Maori o mua; ina hoki ko nga manu katoa o te moana e hoki ana ki te tuawhenua whakaimi ai i ana pi ki ana pakau, kihai i mea kia whanan ki te moana, kahore rawa. Ko nga kaipuke e u ana ki utu; ko ona utanga he riwai, he kaanga, he paukena, ka whai utanga tena waka, te kaipuke. Koia maua ka mea atu nei, ko te whenua kei runga ake i a tatou, ko taton hoki ana tamariki. Kia Pohe pea e he ana ki ona wha-kaaro. Koia maua ka mea atn nei kia koutou, kei riri koutou kia Hirini, no kona ano ana mahi kino ana mahi pai. Puritia mai te whenua, kia u mai; ina hoki e mea ana ia, "Ko te Puru, ko te Puru Tokatoka kia uwe uwe, a kia tutangatanga ai te riri ia. Ekore te riri e tae mai ki Kaipara, &c?"

*Kia Te Manihera,  
Kia Tipene,  
Kia Te Amo,  
Kia Te Karekare,  
Kia Pohe.*

## Enclosure 3.

Schedule of Native Claimants to Mangawhai, Shewing Their Ground of Claim, and The Amount Awarded to Them.

JOHN GRANT JOHNSTON, Sub-Commissioner.

## Enclosure 4.

Schedule of Native Claimants to the Ruakaka and Waipu, Shewing their Ground of Claim, and the Amount Awarded to them

Fifty Pounds of the amount authorized for these purchases has not yet; been expended,—it having been used in the payment of the extra Sixty Pounds for the Mangawhai.

JOHN GRANT JOHNSTON, Sub-Commissioner.

## Enclosure 5.

List of Further Sums Demanded by the Natives, to Complete The-Purchase Manga Whai, Ruakaka, and Waipu.

JOHN GRANT JOHNSTON, Sub-Commissioner.

## No. 7. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Has purchased the Takahiwae Block.* Land Commissioner's Office, Whangarei, August 2nd, 1854.  
SIR,—

With reference to the 5th clause of your letter of instructions, dated the 18th of May, on the subject of native, reserves, I have the honor to inform you that I have purchased a tract of Fifteen hundred acres, having a frontage to a creek called the Takahiwae, in order that the land occupied by the natives at that place might be separated by that creek from the Government land.

Independently of these considerations, the water frontage to the creek affords a communication to the back country, without which it would not have been taken up by the settlers eventually.

The amount which I have paid is Seventy-five pounds (£75), and the Deed is enclosed herewith; and I have the honor to request that I may be relieved to that amount of the public moneys in my charge.

I have, &c.,

JOHN GRANT. JOHNSON, District Commissioner.

Donald McLean, Esq.,

Land Commissioner.

## **No. 8.Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Has paid Balance of Purchase Money of Mangawhai and Waipu.* District Commissioner's Office, Whangarei, 2nd August, 1854.

SIR,—

I have the honor to report for your information that I have now paid to the natives the additional sums required to complete the purchases of Mangawhai and Waipu Blocks, recommended in my letter to the Colonial Secretary, dated 20th March, 1854, and approved by His Excellency the officer administering the Government, amounting to the sum of Two hundred and twenty pounds (£220). The receipt of Sixty pounds (£60), which was paid for an extension of the original boundaries is included in the deed of Mangawhai from Ngatrwhatua; and was forwarded by me to the Colonial Secretary under cover on the 20th March last. The sum of Ten pounds (£10), for extinguishing the claims of Te Pirihi on a portion of Waipu named Te Paritu, was paid by me at Auckland to a relative of his named Eru Toenga, and the document of the surrender of the said claims is filed in your office.

I now beg to enclose the deed of final extinction of the claims of the chiefs and their followers who are named in the margin,

Tirarau, Parore, Taurau, George King Tahua, Te Manihera, Toko, Karawai.

over Mangawhai and Waipu, for the sum of Two hundred pounds. Fifty pounds was issued to me at the time of the former payment in March last, and the remaining One hundred and fifty pounds from the amount of Two hundred and seventy pounds above alluded to.

This document will complete the vouchers for the whole of the sums issued to me on account of Mangawhai, Waipu, and the Ruakaka, and I have accordingly to request a release from the charge of these sums of money.

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner.

Donald McLean, Esq., J.P.,

Land Commissioner, Auckland.

## **No. 9.Mr. COMMISSIONER JOHNSON to the Hon. the COLONIAL, SECRETARY.**

*North side, Whangarei—Natives have offered land for sale on the North side of the harbor.* Land Commissioner's Office, Auckland, 18th September, 1854.

SIR,—

Certain natives of Whangarei have offered lands for sale to the Government, situated on the North side of the harbor.

An undefined grant for four hundred and fourteen acres (414 acres) has been issued to Gilbert Mair, Esq. (and is now held by Messrs. Brown & Campbell) for the same locality, which grant includes boundaries containing an area of about Three thousand acres (3,000 acres), and the holders of the grant are reported to claim in the whole a tract estimated at Seven thousand acres (7,000 acres) in extent, in virtue of this grant for 414 acres.

This claim embraces a large portion of the most valuable water frontage of the harbor, and many natives own different spots in and also adjoining to the said land, which lands they are willing to dispose of to the Crown; and I beg therefore to suggest that it would be very conducive to the interests of the settlers, and just to the natives, if the limits were fixed of the land to which assignees of the original grantee are entitled; and beg therefore to suggest the propriety of this case being brought under the provisions of the Crown Titles Ordinance, previous to my entering into negotiations for the purchase of that part of the country.

I have, &c.,

JOHN GRANT JOHNSON, District Land Commissioner.

The Hon. the Colonial Secretary,  
&c., &c.

## **No. 10. Mr. COMMISSIONER JOHNSON to the Hon. the COLONIAL SECRETARY.**

*Has placed himself under direction of the Chief Commissioner.* Land Commissioner's Office, Auckland, 17th October, 1854.

SIR,—

I have the honor to inform you that in compliance with your letter of the 26th April last, I placed myself under direction of Mr. Commissioner McLean, and shortly afterwards was directed by that officer to conduct the purchase of land in a district comprising the portion of this island to the north of the Waitemata river, and to establish myself in some central position for that purpose. I accordingly undertook this duty, and made several purchases in the neighborhoods of Mahurangi, Kaipara and Whangarei, and reported that Whangarei was the most central place for me to reside while conducting the land purchases in the northern district of this Province.

Untoward and unforeseen events having occurred at Taranaki requiring the Principal Commissioner's absence in the South, I was requested by him to leave the Northern district, to which I had been confined for nearly twelve months, and employ myself in completing certain negotiations commenced in the Waikato district; and I have now returned from an attempt to perform that service, which I regret to state has not been attended with success. The various complications of the land question in the Waikato country, and the excited state of a portion of the aborigines there, which circumstances have prevented my achieving the object of my visit, are explained in a report which I have addressed to Mr. Commissioner McLean; and I would beg most respectfully to state for the information of His Excellency the officer administering the Government that the occasional visit of officers of this department to a district will not be attended with great results, and that if tracts of country are desired by the Government in the "Waikato, a Commissioner will have to reside at least for some time amongst the Natives in that locality, to arrange their conflicting claims and disputes, and by patient attention to the adjustment of their real and imaginary grievances, dispel their erroneous ideas of the result of European colonization, and conciliate the adverse party, whose difference with the parties disposed to alienate

their lands to the Crown is gradually assuming the aspect of a bitter quarrel, which, unless carefully watched, may terminate like that which took place at Taranaki so fatally. I would beg leave further to suggest that the arrangement most conducive to the vigorous administration of the Land Purchase Department would be that contemplated originally by Mr. Commissioner McLean, that the district to the South of Auckland be assigned as a field for the operations of one of the officers of this Department in the same manner as the Northern district of this Province has been assigned to myself, with an understanding that during the absence of Mr. Commissioner McLean from the seat of Government that either one or other of the officers conducting the purchases in the Northern or Southern district of the Province remain at the seat of Government till his return. Calculating on the permanency of the arrangements made regarding my duties by Mr. Commissioner McLean, I have made engagements to meet certain parties of Natives at Whangarei in October, at the Wairoa in December, and at Mahurangi in January next, to receive and investigate their offers of lands for sale, and the conflicting claims connected therewith; and in the last-mentioned locality to pay the remaining instalments for the blocks lately acquired; and I have now the honor to request that I may be informed of the pleasure of his Excellency the officer administering the Government, whether I am to consider myself as stationed at Whangarei, or whether I am to remain at Auckland, and proceed from time to time to the different parts of the Province as occasion may require.

I have, &c.,

JOHN GRANT JOHNSON.

Tho Hon. the Colonial Secretary, Auckland.

## **No. 11. The CHIEF COMMISSIONER to Mr. COMMISSIONER-JOHNSON.**

*To acquire certain information respecting Titles to Land.* Land Purchase Department, Whangarei, 12th November, 1854.

SIR,—

I think it would be very desirable to ascertain as nearly as you can the following particulars in reference to the native claims within the district which has already been assigned to you.

Information of this kind seems to be so desirable not only for the present use of the Government, but for the future well-being of the Natives, that I would recommend it to your earnest attention, feeling assured that you will from time to time be able to note down such data as will be included under the following heads:—

- 1st. The original and derivative rights of conquest.
- 2nd. The rights of occupancy by permission of owners.
- 3rd. How these rights originated.
- 4th. The division of boundaries between the different tribes inhabiting the country between the North Cape and the district of Auckland.

Information of this kind cannot fail to be of real service to yourself, and I need not add that it would be very acceptable to the Government, and to the Department, with which you are now intimately connected.

I have, &c.,

DONALD MCLEAN,  
Principal Land Commissioner.

J. G. Johnson, Esq.,

## **No. 12. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Reporting offer of the Maunga Tapere Block.* District Commissioner's Office, Whangarei, 12th November, 1854.

SIR,—

I have the honor to report that I arrived at this place on the 1st instant, and have held a meeting of the Natives at Maraekura, the residence of the Te Tirarau, in the Wairoa river, at which it was arranged to offer the Maunga Tapere block for sale to the Government, containing from Eighteen thousand to Twenty thousand (18,000 to 20,000) acres for the sum of Two thousand pounds (£2,000), the Chief Tirarau being guaranteed a pre-emptive right of purchase of One thousand (1,000) acres at the rate of Ten shillings (10s.) per acre.

I intend to make a sketch survey of the place to-morrow, and expect by an early date to be able to transmit to you a full report recommending the completion of the arrangements by the Government.

I have, &c.

JOHN GRANT JOHNSON, District Land Commissioner.

Donald McLean, Esq.,

Principal Land Commissioner, Auckland.

## **No. 13. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Natives wish to Purchase 400 Acres in the Waipu Block.* District Commissioner's Office, Whangarei, 20th March, 1854.

SIR,—

I have the honor to inform you that certain Natives of the Tawera tribe have made application to me to be allowed to select Four hundred acres of land in the Waipu Block, which they are willing to pay for at the usual fixed rate of Ten shillings per acre.

I am not aware of the precise arrangements which the Government have entered into with the emigrants from Nova Scotia relative to the reservation of the Waipu for their future location; but if the compliance with this request can be made, it would be a practical lesson to the Natives of this district that they can acquire, by right of purchase from the Government, ample lands for their use with a Crown title in exchange for their own unsatisfactory tenure; and I am convinced that if this fact was once clearly demonstrated, they would all avail themselves of it, and in order to procure the necessary amount of money, they would part with a great portion of their common lands.

The Tawera are a fugitive tribe, driven away originally from the Bay of Plenty, and living by sufferance in

several parts of this island. They have no land of their own, and feel the domination of the Ngapuhi over them—which is the reason of their wishing to procure land from the Crown with a view to securing their independence.

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner.

Donald McLean, Esq.,

Principal Land Commissioner, Auckland.

## No. 14 Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Reporting offer by the. Natives of the Maunga Tapere Block.* District Commissioner's Office, Whangarei, 20th November, 1854.

SIR,—

I have the honor to submit for the consideration of His Excellency the officer administering the Government the offer of the Ngapuhi Chiefs named in the margin

Tirarau, Manihera, Kepa Pau.

to sell a block of land Having frontage to the main harbour of Whangarei, and containing about Eighteen thousand five hundred acres (18,500) acres, for the sum of One thousand five hundred pounds (1,500/.).

A further condition of the sale is that a right be guaranteed to the Chief Tirarau of the first selection, under the present Land Regulations, by purchase at Ten shillings (10s.) per acre, of One thousand acres of any part of the block, the selection to be of a figure conformable to that, prescribed under the existing law, so that the public interest may not suffer by a monopoly of any peculiar local advantages.

I beg to enclose a sketch survey of the block, on the scale of one mile to the inch, including a complete delineation of the natural features of the country. In the neighbourhood of the volcanic hills of Maunga Tapere, Whatitiri, and Maunu, the timber is light, and the soil of the most fertile nature, and the hill of Tikorangi, at the water side, being of lime-stone formation, is very choice land. The frontage to the harbour is also well suited for the site of a town or village. The intervening space between the available land on the shores, of the harbour and the inland volcanic region is composed of sterile ranges which may eventually be converted into sheep pasture, but are at present of little value. I would, however, urge you to obtain the approval of His Excellency to the completion of this purchase without delay, as the acquisition of the land would be highly advantageous to the public, both from its geographic position and intrinsic value—as well as from the moral effect which would be produced on the native mind by the example of an influential chief like Tirarau, in conjunction with several others who in the late war in the North' fought against us about the sovereignty over the country, now disposing to the Crown for European colonization, a tract situated in the midst of one of their most valuable and cherished localities. The land in question is situated on the most available line of road between Whangarei and the Wairia—being accessible both from the East and West Coast—and very little expense would complete from the waters of the Kaipara to Whangarei, a cart road which has been already finished for half the distance by the private enterprise of the Messrs. Walton.

The title of the settlers to this land is undisputed, it being the family hereditary possession of the Chief Tirarau and the late Iwitahi father of Te Manihera. The other Chief, Kepa Tau, is the man in actual possession and occupation at Otaika on the Whangarei. The only native reserve is a landing place near the mouth of the Otaika river called Motukiwi, about an acre in extent, the scene of a hostile encounter, which we considered prudent to leave put of the purchase for the present for fear of bringing the relatives of the people killed there to make claims on the block—but it can be purchased at a future time, and the proceeds devoted to the satisfying the relatives of the slain.

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner.

Donald McLean, Esq.,

Principal Land Commissioner, Auckland.

## **The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.**

*Maunga Tapere.—Authorizing the Purchase of that Block.* Land Purchase Office, Auckland, 9th January, 1855.

I have the honor to enclose herewith, for your information and guidance, the copy of a letter addressed to" this Office by the Honorable the Colonial Secretary, in reply to yours of the 20th of November last, having reference to the purchase of a block of land at Whangarei, comprising about Eighteen thousand acres, for the sum of Fifteen hundred pounds.

You will be gratified to learn that your recommendation has been approved of, and the purchase required to be completed with as little delay as possible.

In addition to the instructions laid down in the Colonial Secretary's letter of this day's date, I have only to add that the sum of Fifteen hundred pounds has been drawn and placed to your credit in the Union Bank of Australia; and in reference to its transmission to Whangarei, it has been considered advisable to wait for advice from yourself, since we have every reason to believe that your official duties have called you up to the district of Mahurangi.

I have, &c.,

DONALD MCLEAN.

J. G. Johnson, Esq.,

District Commissioner,

Whangarei.

## **Enclosure. The Hon. the COLONIAL SECRETARY to the CHIEF COMMISSIONER.**

*Maunga Tapere.—To Purchase the Block of Land offered for sale at Whangarei.* Colonial Secretary's Office, Auckland, 9th January, 1855.



SIR,—

In reference to the letter dated 20th November last, from Mr. District Commissioner Johnson, reporting the offer of a block of land at Whangarei-by the Natives to the Government of 18,000 acres for the sum of One thousand five hundred pounds (£1,500), and on the condition that the Chief Tirarau have the first selection of One thousand acres' at Ten shillings per acre (the selection to be of a figure conformable to that prescribed by law), I am directed by His Excellency the officer administering the Government to convey to you his approval of the immediate purchase of this land on the terms specified.

The only way of fulfilling the condition regarding the selection referred to, which should be made before the block is opened to the public, is to treat the existing regulations as not applicable to the Native seller, and to allow him at once to make a selection in the manner prescribed by the 15th clause of Sir G. Grey's Land Regulations and to grant; the land at Ten shillings' per acre.

His Excellency desires me to request you to make the necessary communication to Mr. Johnson, as soon as possible, for his information and guidance.

I have, &c,

ANDREW SINCLAIR, Colonial Secretary.

Mr. Commissioner McLean.

## **No. 16.Mr. COMMISSIONER KEMP (acting for the CHIEF COMMISSIONER) to the Hon. the COLONIAL SECRETARY.**

*Maunga Tapere.—Te Tirarau has made a Selection of 1,000 Acres.* Land Purchase Department, Auckland, 30th January, 1855.

SIR,—

In compliance with the terms of your letter of the 9th January, the Chief Tirarau has selected from the Maunga Tapere Block at Whangarei One thousand acres (1,000 acres) of. Land, which he has paid for at the rate of Ten shillings per acre, thus amounting to the sum of Five hundred pounds (£500) sterling.

I beg to report for His Excellency's information that this amount has been paid into my hands through Mr. Commissioner Johnson, and shall be glad to be instructed so as to be relieved from the charge as early as may be convenient.

I have, &c.,

For Donald McLean, H. T. KEMP.

The Hon. the Colonial Secretary.

## **No. 17.The CHIEF COMMISSIONEE to Mr.**

# OMMISSIONER JOHNSON.

*Authorizing Purchase of Blocks on North and South Sides of Whangarei Harbour.* Land Purchase Department, Auckland, 18th May, 1855.

SIR,—

I have the honor to acquaint you that His Excellency the Officer Administering the Government has been pleased to approve of the purchases recommended by you to be made on the North and South-West sides of the Whangarei Harbour; and that the sum of Nine hundred pounds sterling, being the total amount required in your reports, has been placed under the charge of a police constable, to be transmitted by the steamer "Wongawonga," and to be delivered into your hands immediately upon her arrival at Whangarei.

You will have the goodness to advise me of its receipt as soon as possible, taking care that receipts are exchanged when delivered to you. In addition I have to express my entire concurrence in the measures you have adopted for securing blocks of land of the extent and position' described in your letters of the 26th March and 12th April, 1855.

I have, &c.,

DONALD MCLEAN.

Mr. District Commissioner Johnson,

Whangarei.

## No. 18. The Hon. the COLONIAL SECRETARY to the CHIEF COMMISSIONER.

*Whangarei.—Purchase of Land sanctioned.* Colonial Secretary's Office, Auckland, 20th' June, 1855.

SIR,—

In reply to your letter of the 31st ult., in which you recommend that the Government should purchase a valuable block of land at Whangarei, estimated to contain Twenty-four thousand (24,000) acres, for the sum of Two thousand seven hundred pounds (£2,700), I have the honor, by direction of the officer administering the Government, to convey to you His Excellency's sanction for making such purchase, and to inform you that the Colonial Treasurer has received instructions to furnish you with the necessary funds.

I have, &c.,

ANDREW SINCLAIR, Colonial Secretary.

Donald McLean, Esq.,

Land Purchase Commissioner.

## No. 19. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Whangarei.—Forwarding Deed of Manaia Block, 4,000 acres.* District Commissioner's Office, Parua, 14th July, 1855.

SIR,—

The external boundaries of the land at the North side of the harbour of Whangarei, granted to Gilbert Mair, having been set out and defined, I have now been enabled to complete the purchase of the adjoining block, as recommended in my letter of the 26th March last, and I have now the honor to enclose the Native Deed to the Crown. The matter was satisfactorily adjusted yesterday at a general meeting of the parties concerned.

I have, &c.,

JOHN GRANT. JOHNSON, Land Commissioner,

Donald McLean, Esq.,

Principal Commissioner, Auckland.

## No. 20. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Maunga Karamea.—Relative to Purchase of that Block.* District Commissioner's Office, Whangarei, 24th August, 1855.

SIR,—

I Have the honor to inform you that I have-received a letter from the Chief Tirarau, stating his willingness to give up a sufficient quantity of land, as I requested, to enable me to recommend the payment of a sum of Two thousand seven hundred pounds, for the Maunga Karamea. Block.

I have also seen the individual owners of the land in question; and they have agreed to the propositions made by Tirarau, on the understanding that certain reserves for their use are to be repurchased for them from the Government, at the rate of Ten shillings (10s.) per acre.

The great difficulty of procuring native labour has prevented me from surveying these reserves at once, in order that the Government might be informed of the precise conditions of the purchase.

The entire block is estimated at Thirty thousand (30,000) acres; and it rests with you to determine whether it would be expedient to wait for my report of the contents of the portions to which a pre-emptive right of purchase will be required, or to send the money at once (as the native chiefs are very impatient), and trust, to my prudence in concluding the most favourable arrangement for procuring as large a portion of the available, land as possible for the European settlers as I can, without overlooking the welfare and the requirements of the native race.

I have, &c.,

JOHN GRANT JOHNSON, Commissioner for Purchase of Native Land.

Donald McLean, Esq.

Principal Commissioner, &c.,

Auckland.

## **No. 21. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

Rangiora, Whangarei, 5th September, 1855,  
SIR,—

I have the honor to inform you that the natives named in the margin wish to dispose of a small block of land containing, by the enclosed survey, One hundred and fifty-seven acres three roods and thirty-six perches (157a. 3r. 36p.) to the Government, for the sum of Forty pounds (£40). A condition of this purchase, that the chief Maketu be allowed a pre-emptive right of purchasing Four acres out of the block at the rate of Ten shillings (10s.) per acre.

Should the completion of this purchase be approved, the amount can be paid out of the funds in my hands for extinguishing native claims.

I have, &c.,

JOHN GRANT JOHNSON, Whangarei.

Donald McLean, Esq.,  
Principal Commissioner, &c., Auckland.

## **No. 22. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Maunga Tapere.*—*Recommending Purchase of Frontage*, District Commissioner's Office, Whangarei, 10th September, 1855.  
SIR,—

You will perceive, on reference to the survey of the Maunga Tapere Block, at Whangarei, that a small strip of land along the bank of the Otaika river, containing some cultivations, has been excluded from the purchase by the natives.

The back country to the Otaika river is of such a nature that it is almost useless without this frontage, which it always was the intention of the chief Tirarau should be given into the Block, but to conciliate the natives living on the cultivations, the cession was postponed for a time. During the recent negotiations for the Maunga Karamea Block, I made it part of the agreement for that block that the land in question should be given up for the sum of one hundred pounds (£100), and I have now the honor to request that I may be furnished with authority to expend that sum in the liquidation of this claim. A very good reason for making this purchase is, that so long as the natives have cultivations on the same side of the Otaika stream as the settlers who locate on

the Maunga Tapere Block, the cattle of the latter will be trespassing on the crops of the natives, and it is advisable on that account to separate the one from the other by good natural boundaries if possible.

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner.

The Chief Commissioner,

Land Purchase Department.

## No. 23. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Maunga Karamea.—Respecting Reserves in the Block.* District Commissioner's Office, Whangarei, 10th September, 1855.

SIR,—

With reference to my letter of the 24th-ultimo, reporting the state of the negotiations for the Maunga Karamea Block, I have the honor to inform you, that I have arranged with the natives on the Block, and that three reserves will be repurchased by the natives, containing, as far as I am able to judge without survey, at Mangapai, eight hundred acres (800 acres); at Mahakitahi, twenty acres (20 acres); and at Tangihua, four hundred acres (400 acres). These are all *bona fide* for the use of the people residing thereon, who wish the deeds to be made out for them as tenants in common.

Maketu, Te Pirihi, Te Koni Koni, Te Reweti, Ngakapa, Ripeka.

Enclosed is a sketch of the block, showing the position of these Native reserves, which, with the exception of the 20-acre piece, would not from their intrinsic worth be purchased by Europeans, but are valued by the natives, *wahi, tapus*, &c., so that, the public rather profit by the transaction than otherwise.

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner, Whangarei.

Donald McLean, Esq.,

Principal Commissioner, &c., Auckland.

## No. 24. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Wharcora.—Reporting offer of a Block of 10,000 Acres.* District Commissioner's Office, Whangarei, September, 1855

SIR,—

I have the honor to submit for the approval of His Excellency the Governor the offer of the native chiefs named below

W. Eru Pohe, Whare, Hine Waru, Te Manihers, Hirini Tiperu.

to sell a block of land situated at the head of the North branch of the Harbour of Whangarei, and estimated to contain about Ten thousand acres, for the sum of Seven hundred and fifty pounds (£750).

I had the honor to recommend the purchase of this block to the Government so far back as 1853, but the opposition raised by a portion of the native population at that time to the purchase of land was so great, that the sale could not be effected without the risk of a collision between those who were in favour of, and those who were against, disposing of their joint property to the Crown.

I am happy to state that the natives of this district now begin to see the benefit of European settlers locating amongst them, notwithstanding the disputes which will sometimes arise between individuals, and that the most violent opponents which I formerly had to contend with are now coming forward to join in the sale.

The Whareora Block (the name by which this tract of land is known) is rather broken and hilly, but is valuable from its being immediately adjoining the principal settlement in this harbour, and the price has been reduced in consequence to a rate which I have calculated will be fair towards the Natives, and remunerative to the public. The European settlement at the Awatawhiti, which is only separated by a small stream from the Whareora Block, is the oldest settlement in the place. The whole extent of it is only about two thousand five hundred acres, which have been subdivided into some twenty farms, which are being rapidly improved and brought under cultivation, but the settlers have no run for their cattle, neither have they fencing or firewood on their own block in sufficient quantity, and frequent petty disputes are occasioned by their crossing the creek and trespassing on the Native land to relieve their want in these respects; but should His Excellency authorize the completion of this purchase, they will have more room, and these causes of disputes with the Natives will be put an end to.

I have, &c.,

JOHN GRANT JOHNSON, Commissioner for Purchase of Native Lands, Whangarei.

Donald McLean, Esq.,

Principal Land Commissioner, &c.

## **No. 25. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Maunga Karamea.—Forwarding Deed of Conveyance.* District Commissioner's Office, Whangarei, 10th October, 1855.

*Sir,—*

I have the honor to enclose the Deed of Conveyance from the Natives to the Crown of the Maunga Karamea, upon which I have paid the sum of Two thousand pounds (£2,000). The boundaries have now been satisfactorily defined and set out, and I have to request that the remaining Seven hundred pounds may be sent to me per steamer "Wonga Wonga" at the next opportunity, as Tirarau will not consent to divide the money until the whole amount is received. With reference to my letter of the 10th ultimo, on the subject of the portions over which the Natives would require preemptive right of purchase in this block, I have the honor to inform you that the Tangihua reserve has been abandoned altogether, and that the Mangapai is to be reduced to something like Four hundred acres (400 acres). The hundred pounds (£100) for the cultivations on the banks of Otaika River will also be required, about which I also wrote on the 10th ultimo. The price for this block was so large that I felt it my duty to gain this concession from the Natives, in conjunction with other points, as explained in my report to Mr. Commissioner McLean of the 30th May last, and circumstances have compelled me to include it in one transaction with the Maunga Karamea, purchase, and consequently it must be regarded as part of an

arrangement which the Government are bound to carry out. Under this view of the case I beg to send to you a cheque for One hundred pounds to enable you to procure the Eight hundred pounds which I require without the delay of procuring an advance in the usual way.

I have, &c.,

JOHN GRANTJOHNSON, District Land Commissioner.

Henry T. Kemp, Esq., J.P.,

Deputy chief ommissioner, Auckland.

## **No. 26.Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Ruarangi.—Forwarding Deed of Conveyance.*District Land Commissioner's Office, Wangarei, 10th October, 1855.

SIR,—

I beg to enclose the Deed of the Ruarangi purchase, in the district of Whangarei, with a translation annexed. A little explanation is necessary in this case to prevent confusion in the accounts.

The amount authorized for this purchase was Seven hundred pounds, with which amount I was furnished by Mr. Commissioner McLean. Three hundred and fifty pounds (£350) of this amount was paid to the Natives of Whangarei, and One hundred and seventy-five pounds (£175) to the Ngatiwhatua in Auckland. The remaining Hundred and seventy-five pounds, I kept in my possession, to pay to the Ngatiwhatua of Kaipara when I went there, intending to obtain all their signatures to the Deed collectively for the Seven hundred pounds (£700). In the meantime-Matikikuha (I believe the name was) went to Auckland, and received the One hundred and seventy-five pounds (£175) for the Ngatiwhatua of Kaipara from Mr. Commissioner McLean, so that deed or receipt from him must not be brought separately to account; but appended to the enclosed Deed, which acknowledges a receipt of Seven hundred pounds, while Five hundred and twenty-five (£525) is all that has been actually paid by me; and I must, be charged with the One hundred and seventy-five (£175) in my possession which was advanced by Mr. Commissioner McLean at Auckland, in lieu of the similar sum which I hold, intended to be paid by myself.

I have, &c.,

JOHN GRANT JOHNSON, Commissioner for the Purchase of Land.

The Acting Principal Commissioner, &c.,

Auckland.

## **No. 27.Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Respecting Land offered by Kin and More.*District Land Commissioner's Office, Whangarei, 20th october,

1855.  
SIR,—

In reply to your letter of the 4th ultimo, intimating that the Chiefs Mate, Te Kiri, and Te More, have offered to dispose of their land at Whangarei, Pakiri, and other places, and requesting that I would direct my attention to an investigation of the extent and validity of those claims, in order that an early adjustment of them may be effected, I have the honor to inform you that the Chief Mate came to Whangarei a short time since, and that, in compliance with your request, I have examined the claims of himself and His followers, and beg to enclose a plan of the same as well as the surrounding district, based on Trigonometrical observations, which I took with a view of laying down the features of the country with some degree of accuracy.

The portion offered for sale by the Chief Mate is coloured yellow, and the Government blocks by which it is surrounded, red. The land itself is of only average quality, but the situation is important as it opens an outlet to the Government blocks already acquired. The Ruarangi and the Maunga karamea, estimated to contain Sixty-two thousand acres are rather wanting in this respect. I should estimate the contents of the land offered for sale by Mate at from Eight to ten thousand acres (8,000 to 10,000), and on account of its important position I offered to recommend to the Government its purchase for the sum of One thousand pounds (£1,000) This was done previous to the recent instructions on financial matters issued by His Excellency Colonel Gore Browne, but any embarrassment which this matter might have occasioned has been avoided, for Mate treated this liberal offer with great contempt, and, I regret to say, went home highly dissatisfied, Having, as he affirms, been led to understand in town, that the Government were ready to advance him several thousand pounds, contingent on my being able to certify that his claims were valid This unforeseen termination of these negotiations will no doubt prevent Kiri and More offering there lands at present. I have written to inform Mate that as he rejected my offer, I consider myself no longer bound to make the purchase.

I have, &c.,

JOHN GRANT JOHNSON. District Commissioner.

Donald McLean, Esq.,

Chief Land Commissioner,  
Auckland.

## **No. 28.Mr. COMMISSIONER KEMP (acting for the CHIEF COMMISSIONER) to Mr. COMMISSIONER JOHNSON.**

*To Postpone the Payment of £700 for Maunga Karamea.* Land Purchase Department, Auckland, 1st November, 1855.  
SIR,—

In reference to your application for the sum of Seven hundred pounds (£700) to complete the payment of the Maunga Karamea Block, I beg to state for your information that in Consequence of the repeated applications to the Government of several influential persons of Ngatiwhatua tribe residing at Orakei, it has been deemed advisable to postpone the payment of that amount until an opportunity shall have been offered to those Natives for visiting Whangarei, and settling their differences with Tirarau. Believing that this would be the prudent course to adopt under the circumstances, the transmission of the money has been in consequence delayed until further advices are received from you on the subject.



I have, &c.,

H. T. KEMP,  
Acting Chief Commissioner.

J. G. Johnson, Esq.,

District Commissioner, Whangarei.

## **No. 29. The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.**

*Circular.—To furnish, a Report of Land Purchases in his District.* Land Commissioner's Office, Auckland, 18th March, 1856.

SIR,—

I am directed by His Excellency the Governor to request that you will furnish to this office with the least possible delay, a statement of the lands that have been purchased by you from the Natives in your district, showing the estimated number of acres in each purchase, the price paid, and whether in one or more instalments.

You will also be good enough to send in an account, showing the disbursements made by you up to the end of this month, either for the purchase or for contingent expenses incurred in connection therewith, the balance in your hands, and whether there are any existing liabilities in the shape of promises to the Natives to purchase certain lauds from them, which have not yet been fulfilled; and if so, by whom such promises were made. You will also furnish, without delay, any deeds or other documents connected with the transfer of land in your district, in order that they may be recovered in the Colonial Secretary's Office.

In transmitting these documents, His Excellency further directs that you should furnish a general report of the state of the Natives in your district, their willingness or otherwise to dispose of land, stating the quantity and quality of such land, and the average price per acre, at which you think it can be obtained, with all such other information in reference to the feeling of the Natives towards the British Government as your local experience and general knowledge of your district may suggest.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

J. G. Johnson, Esq., J.P.,

District Commissioner.

## **No. 30. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Report on the State of Land Purchases in his District.* District Commissioner's Office, Motupapa, Whangarei, 3rd April, 1856.

SIR,—

In compliance with your letter of the 18th ultimo, do myself the honor to furnish the information requested by His Excellency the Governor, relative to the state of the Land Purchases, and of the Natives generally, in this district.

By the enclosed statement No. 1, the estimated extent of the lands which I have acquired for the Government, is Two hundred and thirty thousand acres, at a cost of Nine thousand nine hundred and ten pounds (£9,910); of this quantity, about Ninety-five thousand acres have not yet been opened for sale, but the preliminary surveys of most of the blocks are now nearly completed by the General Government, and several blocks are in the course of being cut up for disposal by the Waste Lands Board.

I have also to transmit the two returns required, showing all the disbursements which have been made by me, together with the contingent expenses incurred for the service of the Department in connection with Land Purchases. I would here remark that any payments I may make on account of contingent expenses, are only temporarily advanced by me out of funds in my hands for the purchase of land, and that the accounts under these two heads are kept distinct and separate. There are no liabilities existing in this district in the shape of promises to the Natives to purchase certain lands from them, as I have almost invariably acted upon the principle of first submitting every purchase for the approval of the Governor before making any promises or payments, and the Natives understand well that such is the case, and although they may wish to sell the lands about which I was negotiating previous to the instructions issued on that head by His Excellency, they do not consider the Government bound to carry them out. All the deeds and documents connected with the transfer, of lands which I have purchased, are lodged in your office at Auckland for transmission for final record in the Colonial Secretary's Office.

In the different localities of this district, viz., Mahurangi, Whangarei, and Kaipara, the state of the Native population, as compared with other parts of the Colony, I consider to be satisfactory at Mahurangi; their numbers are few, not perhaps more numerous than the European settlers there, between whom and them a very friendly spirit exists; they sold nearly all their lands, and are located on two ample reserves with denned boundaries which have been set aside for their use.

The portion of the Whangarei district to the south and west of the harbour, in which the recent purchases are situated, is inhabited by several Tribes who are well disposed to the Europeans, and to the Government being under the authority of the Chief Tirarau, who has proved himself through out a staunch friend to the white race and of the Government of this Colony, Though nearly related to the John Heke, it will be remembered that Auckland was saved from an invasion of the insurgent. Natives from the Bay of Islands in 1843, by his refusing them a passage through his territory, and this Chief's conduct has been consistent ever since. On my first arrival in this district, I committed myself to the policy of supporting this Chief in his authority over the tribes, and the results are that he has been a principal party to the disposal of about a hundred and fifty thousand acres to the Crown, which can now be occupied by settlers, without a single claim being raised to any part of it by the Natives.

The northern side of Whangarei is not subject to Tirarau, the Natives in that portion of the district are scattered in small parties, and are not under the immediate command of any important Chief; they may be said to be peaceably inclined, but, having no controlling power over them, are guided in their disposition towards the Government by the attitude of the Chiefs in the Bay of Islands; they are in the habit of taking the law into their own hands when they have any grievances against the Europeans, and have been hitherto kept a little in awe by the occasional visits of one of Her Majesty's Sloops of War to this harbour, when any petty outrage had occurred, and a repetition of occasional visits of Her Majesty's vessels would have a beneficial effect for some time to come. These tribes have, however, offered considerable tracts of land for sale, a Schedule of which I have the honor to enclose.

In connection with this subject, I might remark that the greater number of these petty outrages to which I have alluded are committed on account of the cattle of the Europeans trespassing upon the Native lands, eating their crops, and treading over the Native sacred places or burial grounds; and as the Natives are disinclined to fence in their cultivations properly, and the Europeans are unable to keep their cattle on their own land, this evil is likely to increase. Many cases are referred to me, and settled by arbitration; but in my absence the Natives do not, hesitate to carry off calves by force in satisfaction of their demands. Notwithstanding a friendly feeling which they cherish towards the settlers, they are not at all inclined to submit to the English laws, except when decisions are given in their favour, although the increasing number of the settlers in many places would render a constituted authority, to whose decisions both races would submit, a desirable and necessary object. Drunkenness, which threatened to become an enormous evil, is not so prevalent as it was, but the sale of

firearms and ammunition is secretly carried on to a greater extent than ever, and they all show a great desire to be well armed. A Resident Magistrate is much desired by the European inhabitants of Whangarei, and although such a functionary could not expect to control the Natives much at first, an observance of the submission of the Europeans to the laws, and of the superior manner in which we settle our disputes, would have a very beneficial effect upon the Aboriginal population, and by degrees they might be persuaded to resort to the English Courts, and abide by their judgments.

A considerable quantity of land between Whangarei and the Bay of Islands belongs to the Crown, in virtue of old Land Claims which were exchanged with the Government for scrip. The Natives have come from distant places and located themselves on these lands, but after reserves have been set apart for them, and any previously unextinguished claims settled, the residue will be at the disposal of the Government.

The tribes inhabiting the Kaipara, Oruawharo, and Otamatea, are a branch of the Ngatiwhatua who reside near Auckland, and are decidedly favourably inclined to the British Government. They have repeatedly offered large tracts of land for sale, situated on the rivers which empty themselves into the sea through the estuary of the Kaipara, but their country is very inaccessible, and my instructions being only to acquire such lands as can be made immediately available, I intended to carry on my purchasing on the East Coast between Whangarei and the Bay of Islands, previous to proceeding to the West side of the Island.

The tribes on the Kaipara are rather unsettled at present, the timber trade being principally confined to the Wairoa branch of the Kaipara, which formerly belonged to them, but was taken by the Ngapuhi under Tirarau, who still resides there. They do not partake of the lucrative trade carried on at that place, and show an inclination to attempt to recover it by force, although it has been in the possession of the Ngapuhi's for the last thirty-five years. I am not at present prepared with detailed reports of the various lands which have been offered for sale, as the complicated nature of the claims of tribes and individuals requires much patient investigation before a conclusion can be arrived at, but from former experience and a knowledge of the general desire of the Natives at large to effect further sales, I should estimate that a sum of not less than Four thousand pounds would be required to carry on the purchases in these districts during the ensuing year. The average price that the land can be acquired at would be about 1s. 6d. per acre, varying according to quality, position, number of aimants, and other considerations, from 5d. to 3s. 6d. per aere.

I have; &c.,

JOHN GRANT JOHNSON. Commissioner for the purchase of Native Land.

Donald McLean, Esq.,

Chief Commissioner for the purchase of Native Lands.

## **No. 31 Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Enclosing Surveys of Lands which are to be re-purchased by the Natives.* Wellington, 8th May, 1856. SIR,—

I have the honor to enclose two surveys of land over which the Natives have been guaranteed a right of purchase at the rate of Ten shillings (10s.) per acre, situated in the Maunga Karamea Block at Whangarei; and also to request that you will be kind enough to receive the purchase money at Auckland, when tendered by the applicants or their authorised agent.

The Mangapai Reserve contains Three-hundred and eighty-six (386) acres; and the price will accordingly amount to One hundred and ninety-three pounds (£193). The grant has been arranged to be issued in the joint names of Hemi Pea, Eruera Toenga, and Paora Keri, sons of the late Chief Motutara.

The Mahakitahi Reserve contains One hundred and thirty (130) acres, and the price will amount to Sixty-five pounds (£65); and the Natives request the Deed of Grant for this section to be made out in the joint names of Tirarau and Te Ahiterenga.

The Maunga Karamea Block can now be safely handed over to the Province; the external survey having been completed, with the exception of the place called Kaiahopukia, Kahuera, and Paraoanui; all of which are situated on the Western boundary, and have been laid claim to by the Ngatimauku, a portion of whom reside with the Te Uri-o-Hau tribe.

I much regret that these places are claimed by the Natives, as it is the first case in which any of the purchases in the Whangarei District have been disputed; but the present state of the block has arisen from a native quarrel over which I had no control, originating about land in another part of the District, and which, by a combination of circumstances, frustrated the arrangements which I had made for the perfect settlement of the Maunga Karamea purchase

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner.

Donald McLean, Esquire,

Chief Land Commissioner, &c., &c.

## **No. 32. The Hon. the COLONIAL SECRETARY to the CHIEF COMMISSIONER.**

*Repurchase of Lands by Natives.* Colonial Secretary's Office, Auckland, 26th August, 1856.  
SIR,—

Referring to your letter, of the 15th of this month, on the subject of a pre-emptive right on the part of certain Natives to re-purchase, at 10s. per acre, 386 acres at Mangapai, and 130 acres at Mahakitahi, in the Maunga Karamea Block, I have the honor to inform you that the Treasurer of the Waste Land Fund has been authorized to receive the purchase money in question.

I have, &c.,

C. W. RICHMOND.

Mr. Commissioner McLean,  
Auckland.

## **No. 33. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Respecting Offer of a Small Block on South Side of Whangarei.* District Commissioner's Office, Otaika, Whangarei, 16th September, 1856.  
SIR,—

With reference to the letter which I. had the honor to address to you last September, relative to a desire on

the part of the Natives named in the margin

Note.—Ngakapa, Te Puihi, Matutou, Te Reweti, Te Kau, Tukuka, Te Kiretiu, Ripepe. to dispose of a small piece of land on the shores of the South side of the harbour of Whangarei, containing by survey One hundred and sixty-two acres, for the sum of Forty pounds, with a pre-emptive right on their part of re-purchasing Forty acres of the same at the upset price of Ten shillings per acre, but which His Excellency the Governor was pleased to order to remain in abeyance until the next meeting of the General Assembly, and that event having now elapsed, I would beg to bring to your notice that the said Natives have reiterated their request to me to obtain a compliance of their wishes.

The matter is a small one, involving no loss to the Crown, and I would suggest that by permitting transactions of this nature to a limited extent, they would prepare the Native mind for receiving Crown Grants by individuals, if such should be the intention of the Government at a future time.

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner.

Donald McLean, Esq.,  
Chief Commissioner, Auckland.

## **No. 34. The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON, Whangarei.**

*As to Purchase of Land at Ngunguru.* Land Commissioner's Office, Auckland, 25th September, 1856.  
SIR,—

I have the honor to inform you that Te Hemara, of Matakana, has called at this Office respecting the disposal of a block of land, which was offered for sale some time since by Te Manihera and the Ngunguru Natives.

As these parties appear to be particularly desirous of disposing of this land to the Government, I have to request that you will be good enough, at your earliest convenience, to ascertain the extent, position, and availability of the block, as well as the terms upon which it may be purchased from them so that there may be no unnecessary delay in complying with their wishes.

The Natives have been referred to you for the arrangement of this question.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

J. G. Johnson, Esq.,

District Commissioner,

Whangarei.

P.S.—Before entering upon the final settlement of any purchase, it will of course be necessary, first, to report your negotiations to the Government.

## No. 35. The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.

*Circular.*—As to *Landing Places and Ferries*. Land Commissioner's Office, Auckland, 7th February, 1857.  
SIR,—

I have the honor to request that you will avail yourself of every opportunity that may offer itself for negotiating the purchase of eligible landing places and ferry-sites in your district, and reporting the same to me, in order that steps may be taken for their acquisition for the use of the Government.

If possible, however, such sites should be acquired in connection with extensive tracts of land bordering on such rivers or places as may be required for facilitating traffic and affording public accommodation to travellers.

I have, &c.,

Donald McLean, Chief Commissioner.

J. G. Johnson, Esq.

District Commissioner,

Whangarei.

## The NATIVE SECRETARY to His Excellency the GOVERNOR.

*General Report.* Land Commissioner's Office, Auckland, March 20th, 1857.  
SIR,—

I have the honor to report for your Excellency's information, some particulars connected with my late visit to the Whangarei and Kaipara districts.

The district of Whangarei, situated between Auckland and the Bay of Islands, contiguous also to the valleys of the Kaipara, the Wairoa and the Hokianga, lies in a most desirable position for a settlement. The main estuary forms a safe harbour, navigable for vessels of a large tonnage, for a distance of fifteen or sixteen miles. The country on each side presents a fine site, a Broken and a hilly aspect, the curiously formed Manaia rocks rising boldly in irregular columns from the water at the northern side of the entrance, giving a wild and romantic character to the scenery, which is very much heightened by the contrast with the tame and monotonous appearance of the low sandy country around the town site of Marsden, at the South-eastern entrance of the harbour.

Numerous small rivers and creeks, navigable for canoes and boats, empty themselves into the main estuary; on the banks of these streams are some native villages, and on the Crown lands, a few well selected farmsteads are springing up. The soil is chiefly of a rich volcanic description, intersected with belts of timber, alternating with flats of open country; here and there are occasional patches of poor white clay soil, which have been dug over for kauri gum; such however is the influence of a genial climate upon even the poorest of New Zealand soil, that, with skilful culture, it can be rendered wonderfully productive.

The extent of land already acquired from the natives in this district, may be estimated at Two hundred and

sixty-eight thousand (268,000) acres.

Lands for which negotiations are now pending, Fifty-eight thousand two hundred and ten (58,210) acres.

In addition to the districts in the immediate vicinity of the harbour of Whangarei, the Government is now treating for the purchase from the natives of extensive tracts upon the Kaipara and Wairoa rivers; from which places some valuable cargoes of kauri spars have been exported for the British navy. These districts, intersected with fine navigable rivers, which swarm, for thirty miles upwards from their mouths, with mullet and other fish, and capable of maintaining a large and flourishing population, and still carry magnificent forests of kauri timber, easy of access, which have never yet been touched with the axe, and which might be worked with great advantage, both to the European colonists, and also to the native proprietors, who from long experience are very expert in dragging out the spars and preparing them for export.

The settlers of Whangarei are of a highly respectable class; and already thriving, though it is only within the last few years that they have established themselves there.

At Waipu, about twelve miles from the South head of Whangarei, a body of emigrants from Cape Breton, North America, have formed a settlement, and in the short space of twelve or fifteen months, have converted the primitive wastes and forests into comfortable homes and farmsteads; without any other aid than that of the axe and hoe, they have cleared and brought under cultivation much more than sufficient land to raise crops for their own subsistence; and, from their hardihood and previous skill in contending with the heavy, forest and capricious climate of North America, there is every reason to expect that in a country like New Zealand, which they regard as comparative paradise, they will contribute greatly to the material advancement of this Province. Thousands of their countrymen would follow these first pioneers from Cape Breton, Nova Scotia, and other parts of British North America, if inducements were held out to them to do so. These inducements need not be of any extravagant character. All that they ask is that we should give them land in localities suited to their requirements, allowing them the usual privilege to which other immigrants are entitled, by way of remission in land for their passage money; and a credit for five or seven years for such additional quantity as it may be advisable to assign to them under a pre-emptive right of purchase.

By these means, the Government would insure a steady flow of immigration to the Province of well-trained, hardy, and experienced bushmen and sailors, whose loyalty and devotion to British authority, joined with their clanish spirit and unanimity of action, would be found most important elements in the formation and early settlement of a new country situated like New Zealand. Such colonists, moreover, derive a peculiar value from the manner in which they transplant themselves to these shores, bringing along with them their religious and educational establishments, already in operation. No chance collection of men, but an active and organized community, possessing many of the characteristics of the early pioneers of colonization in North America. Nor ought this opportunity to be overlooked by either the General or Provincial Governments, lest the stream should be diverted to other colonies, the Cape of Good Hope for instance, which is fully sensible of its value, while a liberal administration of the waste lands, valueless and unproductive without capital and labour, might secure for New Zealand a population which would so materially contribute towards the wealth, the stability, and progress, not only of any one province in particular, but also of the Colony at large.

A glance at the map of the Northern Peninsula of New Zealand will shew your Excellency the peculiar advantages which it presents for English colonization. In addition to the main harbours of the Eastern Coast, Auckland, Whangarei, the Bay of Islands, and Whangaroa, likely to be so important in case of the establishment of the Panama line of steamers, are numerous well-sheltered coves and smaller anchorages, while the Kaipara and Hokianga, on the Western side, if more dangerous, from the bars across their mouths and the stormy character of the coast upon which they open, yet lead up into navigable streams, which must form a hardy and skilful race of seamen, invaluable to our insular position in the Southern hemisphere.

Means should now be adopted to resuscitate and promote upon a permanent basis the colonization of this portion of the Northern Island, so materially valuable, and historically so interesting as the seat of the earliest European settlement of New Zealand. To effect this it will be necessary to adopt liberal and comprehensive measures, contemporaneously with the extinction of the Native title to the extensive districts of waste land that as yet remain unpurchased in this peninsula.

The first step which I would recommend would be the resumption by the Crown of all the lands which have been already alienated by the Natives to different individuals, and which have been subsequently exchanged by those individuals for Government scrip. There should be no delay in taking possession of these lands, while some of the other Natives who sold them are yet alive, and can point out to a surveyor their locality and limits. From what I have observed among the Northern tribes, they are most anxious that this should be done; and they are almost all of them particularly honorable in pointing out the exact boundaries of what they have sold. Two intelligent surveyors and parties acting in concert with the Land Purchase Commissioners, could in twelve months determine with sufficient accuracy the extent of those lands, which should be declared open for sale and selection, whenever the boundaries are defined.

The next step, and one which is now in successful progress, is to acquire larger tracts of land by purchase from the Natives, out of which blocks, ranging in extent from one hundred to two thousand acres, should be reconveyed under Crown grant to the principal chiefs, upon the extinction of the tribal title, such blocks consisting not only of cultivable but also of forest land, in order to secure to them a continued revenue, proportionable to their rank.

In order to do away with present or future dissatisfaction on the part of the Native sellers at the price they received for, their lands, as compared with the value it acquires when in the hands of Government—unable, as yet, to comprehend the reasons that influence comparative values—it would be most desirable to expend a certain definite proportion (and that no inconsiderable one) of the moneys realized by the waste land sales on roads and other improvements, exclusively within those districts from which they have accrued, and from, time to time to publish the balance-sheets of such expenditure in the *Maori Messenger*.

No correct return of Native population of this Northern peninsula has yet been taken; this should, be done without delay, and the territorial limits of the four leading tribes—the Aupouri, the Rarawa, the Ngapuhi, and the Ngatiwhatua—should be ascertained, and, as nearly as possible, defined. Estimating the present population at eight thousand souls, it would not be difficult to ascertain the names of the principal Chiefs whose co-operation would be essential for carrying out the views of Government, and who should, in return for their exertions (when efficiently rendered) to preserve the peace of their respective districts, be rewarded with marks of approbation, and fixed annuities for their services.

These chiefs should be designated Assessors, and have commissions issued to them defining as nearly as possible the nature of their duties; they should also be invited to take part with the settlers in framing bye-laws for adjusting cases of trespass, disputes, and other local cases; they should also be invested with powers of jurisdiction analogous to those possessed by the English Courts of Petty Session. It is quite evident that the English law cannot be strictly carried out without the agency of the natives; it is therefore obvious that they should be invited to take part in the administration of justice, in order that executive authority, instead of diplomatic bargaining, may attend the decisions of the District Magistrates, who are at present placed in a most anomalous position, when attempting to enforce against the Maoris that law to which all British subjects are amenable, and, if this result can be more certainly effected by calling in the aid of the chiefs, it appears as most reasonable, just and expedient means of effecting so desirable an object.

I am quite aware that time, patience, and perseverance, mutual forbearance, and reciprocity of good offices are required to reconcile the natives to our forms of Government, but I am, nevertheless, fully confident that if they are once made to feel that the aim and object of the Government is to promote impartially, the permanent advancement of both races of Her Majesty's subjects, irrespective of any temporary expedient for gaining some particular object, they will soon adapt themselves with zeal and loyalty to such changes as their natural acuteness of observation may prove to them as in reality conducive to such a consummation.

If your Excellency, and your Excellency's Government, concur in the general views which I have cursorily sketched out in this communication, I will afford further and more explicit information on the detailed means of carrying them into practice, as I should rejoice to see our relations with the native population, in at least one portion of this Province, placed on so firm a footing as to preclude all probability of future rupture between the races. Nor, from the high standing, and commanding influence of tribes inhabiting it, could I suggest a district where this could be done with greater prospect of success than that to which I have been referring.

The natives of all other portions of the Colony would look on with imitative zeal and interest, while the Government would have the satisfaction of having laid a firm foundation upon which a more extended fabric of settlement and civilization throughout the Islands might be gradually erected.

I have &c.,

Donald McLean, Native Secretary.

To His Excellency the Governor.

## Enclosure 1.

Return of all Lands purchased from the Natives by John Grant Johnson, Commissioner for the District of Whangarei, from the 13th February, 1854, to the 31st March, 1856.



## Enclosure 2.

Return of all Sums of Money received by John Grant Johnson, Commissioner for the District of Whangarei, and of all Sums expended in the Purchase of Land, between the 13th February, 1854, and the 31st March 1856.

John Grant Johnson, Commissioner N. L. P.

## No. 37. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Parua.—The Survey of this Block has been interrupted.* Parua, Whangarei, 7th April, 1857. SIR,—

I have the honor to report for your information that on the completion of the survey of the blocks at the head of the Whangarei river, I made arrangements with the Natives for Mr. Sinclair to survey the block in Parua Bay.

The survey was accordingly commenced on the 25th ultimo, and was being actively proceeded with, till the morning of Friday last, when a Native came suddenly before daylight, while the party were asleep in their tent, and pulled up the pegs, and with a drawn sword in his hand ordered them to quit the ground.

I had remained a week at Parua, on the commencement of the survey, to see that all was going on right, and had just returned to Otaika when this happened.

The Native who has behaved in this way is Haimona Te Hakiro, an old chief, related by marriage to Mohi Tawhai, of Hokianga. He has always strongly opposed the sale of land, but I was led to believe by the other Natives that he had relinquished his opposition in this instance.

The Natives deny his hereditary right to any land at Whangarei; but however that may be, both Hakiro and his father before him, a Native of Pataua, have periodically resorted to Whangarei to plant and fish, which I consider to be quite a *bona fide* claim; and I see no other course open than to wait until Hakiro allows the survey to proceed; and I have told the Natives, that, although Hakiro is only one man, still we cannot force him to sell his claim against his consent, and that it rests with them to obtain it before I can allow the surveyor to proceed with the Parua Block.

Hakiro is the father of the young man whom Tirarau and George King spoke with at Cafler's, when you conferred with them on the subject of the Parua Block during your recent visit to Whangarei, and who was charged with a message from those chiefs to his father to cease his opposition, and it has quite surprised all the Natives, as well as myself, that this old man should continue his opposition, which we thought now would be at an end.

Every Native in this district is displeased with the conduct of Hakiro, and will most probably endeavour to turn him out of the country. This I will prevent them doing if I can, as it would be both unjust and improper for them to do so.

Pending the settlement of this difficulty, I have instructed Mr. Sinclair to proceed with the survey of the Tamaterau Block, situated between the Tawera Settlement and the Parahaki Block, already reported. This block includes the peninsula opposite Limestone Island.

Ngaitorowhare have settled their dispute with Tirarau, having conceded to that chief the boundary he contended for on the point opposite Limestone Island, which is so suitable for a township.

I have, &c.,

John Grant Johnson, Commissioner N.L.P.

Donald McLean, Esq.,  
&c., &c.

## **No. 38. The Chief Commissioner to Mr. COMMISSIONER JOHNSON.**

*To complete purchase of Kaurihohore, Parahaki, and Whareora Blocks.* Land Commissioner's Office,  
Auckland, May 9th, 1857.

SIR,—

With reference to your report of the 25th March last, notifying that the survey of certain blocks in your district has been completed, and that it now rests with the Government to decide what price should be paid to the Natives for each of these blocks.

I have the honor to inform you that, assuming the quantities stated by you to be exclusive of Native reserves, and of land agreed to be resold to the Natives, you are authorized to complete the purchases at prices not exceeding the sums named by yourself, viz.—

To enable you to carry out these instructions, the sum of One thousand pounds has been forwarded to the Sub-Treasurer at Whangarei, subject to your requisition from time to time, to whom you should account at your earliest convenience for the expenditure of the sums advanced by him to you, and furnish him with a copy and translation of the Deed of Sale in each instance, in support of your accounts.

Should any unforeseen delay arise subsequently to your receiving the purchase money, you will be good enough again to deposit it with the Sub-Treasurer, in whose custody it should remain until required by you for immediate payment.

You should take an early opportunity of notifying to the Natives the decision of the Government as to the price to be paid to them for the above blocks, and to inform them that the money is ready for their acceptance for each of the blocks when they are prepared to execute a Deed of Conveyance to Her Majesty in the usual form.

I have, &c.,

Donald McLean, Chief Commissioner.

J. G. Johnson, Esq.,

District Commissioner,

Bay of Islands.

## **No. 39. The Assistant NATIVE SECRETARY (acting for the Chief Commissioner) to Mr. COMMISSIONER JOHNSON.**

*Parua.—Approving his proceedings respecting opposition to survey.* Land Commissioner's Office, Auckland,  
May 14th, 1857.

SIR,—

With reference to a letter of the 7th ultimo, reporting that a chief named Haimona Te Hakiro had opposed the survey of the Parua Block, and had ordered the survey party off the ground, and that, in consequence of his disputing the sale, you had requested Mr. Sinclair to discontinue the survey.

I have the honor to inform you that the course taken by you in this case has been approved by His Excellency the Governor.

I have, &c.,

Thos. H. Smith, Assistant Native Secretary, For the Chief

Commissioner. J. G. Johnson, Esq., J.P.,

District Commissioner, Whangarei.

## **No. 40.MR. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Parua.—Has made a Survey of part of this Block.* Whangarei, 26th May, 1857.

SIR,—

With reference to my letter of the 7th of April last, reporting that I had been compelled to suspend the survey of the Parua Block, on account of the opposition of a Native Chief, and that I had directed Mr. Sinclair to proceed with other work.

I have now the honor to inform you that, although the attempt to obtain a large block has been for the present unsuccessful, by dealing with it in separate portions, the acquisition of, the whole will eventually take place; and that, through the influence of George King Tahua, I have been enabled to make a survey of the part of the Parua Block having frontage to Whangarei Harbour.

It contains One thousand three hundred and seventy-two acres, according to the enclosed plan.

George King Tahua and Te Hakiro, the Chief-who lately obstructed the survey, now offer it to the Government, and as it is an exceedingly valuable piece of land, and very much, desired by intending settlers, I would strongly recommend you to obtain the necessary authority for its purchase, for a sum not exceeding One hundred and fifty pounds.

This portion of the large block at Parua having been given up by the Natives to George King Tahua to satisfy his claim, the question will be more easily dealt with, and I have no doubt of being able to obtain the rest of the block from the Natives of Ngunguru and Pataua, who are now, holding back, lest King and Tirarau should appropriate too large a share to themselves in event of their making a sale in conjunction with those chiefs.

I have, &c.,

John Grant Johnson.

P.S.—The expense of this survey has been only £7 14s. (the cost of the Native labourers employed), having been done by myself, while Mr. Sinclair was engaged in doing the Tamaterau Block.

## **No. 41The ASSISTANT NATIVE SECRETARY (acting for the CHIEF COMMISSIONER) to Mr.**

# OMMISSIONER JOHNSON.

*To purchase Kaiawa, part of Parua Block.* Land Commissioner's Office, Auckland, June 25th, 1857.  
SIR,—

With reference to your letter of the 26th ultimo, relative to, and forwarding a plan of, the Kaiawa Block, a portion of the Parua, and recommending the purchase thereof for a sum not exceeding £150, I have the honor, by direction of His Excellency the Governor, to inform you that the Government authorize the purchase being made at any sum not exceeding the above-named amount, the money for which purpose will be transmitted to you by the present opportunity.

I have, &c.,

T. H. Smith, For the Chief Commissioner.

J. G. Johnson, Esq.,

District Commissioner, Whangarei.

## No. 42. The ASSISTANT NATIVE SECRETARY (acting for the Chief Commissioner) to Mr. COMMISSIONER JOHNSON.

*Ohiwa.* Land Commissioner's Office, Auckland, 25th June, 1857.  
SIR,—

I have the honor by direction of His Excellency to acknowledge the receipt of your letter of the 27th May in reference to the Ohiwa Block at Whangarei, negotiations for Which cannot at present be continued at a price so much beyond that of ordinary rural, land in the District.

The eligibility moreover of the land for the site of a Township is disputed, nor does it seem advisable to buy it while leaving the extreme point of the Peninsula in native hands. Under these circumstances, therefore, I have to inform you that His Excellency's Government cannot sanction the purchase as recommended by you.

I have, &c.,

Thos. H. Smith, For the Chief Commissioner.

John Grant Johnson, Esq.,

District Commissioner, Whangarei.

*Whangarei—Transmitting plans of Land Purchases.* Land Office, Auckland, 17th August, 1857

SIR,—

I have the honor to transmit herewith Plans, on the scale of ten chains to the inch, of lands which have lately been acquired from the Natives in the District of Whangarei. The block called Kaurihohore is situated at the head of the Whangarei river, and comprises:—

*Kaurihohore, 4,826 acres.*

## ***Parahaki, 4,630 acres.***

The Parihaki Block is situated on the North branch of the Whangarei river, between the Awaroa and Mair's claim. Contents, 4,630 acres.

## ***Whareora, 4,920 acres.***

The Whareora Block adjoins the Parahaki block, and is situated between the Whangarei and Ngunguru rivers, and contains 4,920 acres.

I have plotted a separate portion of the plan of the Kaurihohore Block, called Paranui, which, I understand, is to be re purchased by the Natives, on a scale of four chains to the inch.

A block of land reserved by the Natives, containing 458 acres, has been carefully defined, and is shown on the plan of the Parahaki Block.

Enclosed are descriptions of the above-mentioned blocks.

I have, &c.,

Andrew Sinclair, District Surveyor.

The Chief Commissioner,

Native Land Department, Auckland.

## **No. 44. The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.**

*Kaiawa.*—A further Sum of £50 authorized for this Block. Chief Land Commissioner's Office, Auckland, 25th September, 1857.

SIR,—

Referring to your report of the 7th April, and 26th May, 1857, respecting the purchase of a small but valuable block of land at Parua, estimated to contain (1,372) Thirteen hundred and seventy-two acres, and for which you applied for and received authority to pay (£150) One hundred and fifty pounds, which amount I am since given to understand the Native owners will not accept, Hori King, the principal claimant, demanding Three hundred pounds (£300.)

The Natives are evidently aware of the importance of this position, situated as it is in the centre of 100,000 acres of Crown territory, and it is evident from what Tirarau informs me that a further, concession of Fifty pounds (£50) will be necessary to ensure a speedy and satisfactory completion of the purchase; under all the circumstances of the case, and considering the urgent necessity for acquiring this block without delay, His Excellency has directed me to cause a further advance of Fifty pounds (£50) to be made for this purchase, and

you will be good enough to confer with Tirarau and have a conveyance of land in question made without further delay. The failure of the negotiation with Hori Tahua should have been reported to me at an earlier period. I have caused, a sum of Fifty pounds (£50) to make up the Two hundred pounds (£200) to be paid into your account at the Bank this day.

I have, &c.,

Donald McLean, Chief Land Commissioner.

J. G. Johnson, Esq., J.P.,

District Commissioner, Whangarei

## **No. 45. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Parua.—Respecting Payment for this Block.* Whangarei, 30th September, 1857. SIR,—

With reference to your letter of the 25th instant, on the, subject of the Kaiawa Block at Parua, intimating that an additional amount of Fifty pounds had been granted for the same, also directing me to confer with Tirarau and have a conveyance of the land made without further delay, I have the honor to inform you that Maunsell, Tirarau's nephew, was the bearer of this letter, demanding at the same time the £200, the price of the land.

I was sorry that I felt it my duty not to comply with his request, Tirarau having passed over to the Wairoa, Maunsell being in no way connected with the land, and none of the other parties concerned being, present to execute the deed. I do not see how I could have acted otherwise under the circumstances of the case which I would lay before you with a view of obtaining your further instructions at your earliest convenience.

This block is a peninsula in Parua Bay, adjoining the Manaia Block and the Native lands, and belongs to Pohe's tribe, and is also partly claimed by an old Chief named Horuona who resides near it. On the extreme point of the peninsula is an old pa which was taken by the Ngatiruanui in former times, on which occasion some ancestors of Tahua and Tirarau were killed. On this account George King Tahua setup a claim to the point, about 200 acres in extent; and in order to make his claim sufficiently large for the Government to purchase the land, obtained from the other claimants an extension of the boundaries to 1,372 acres, upon the condition that the real owners were to receive a portion of the payment, which I promised them should be faithfully carried out. Tahua was then authorized by the other claimants to negotiate the sale. These other claimants do not belong to the tribes of Tirarau and Hori King Tahua; and they have warned me that, if these conditions are not complied with, they will resist the occupation of the land although it should be sold by Tahua; and the only way I have of ensuring the fulfilment of the conditions on which the land was given up is, by taking care that the signatures of the other claimants are obtained to the deed before paying the money, by which means Tahua will be compelled to share the payment with them, or else they will not sign the deed; and I do not feel justified in paying the money over to Tahua or Tirarau alone, and leaving them to settle this question, without your special instructions to that effect.

I was not aware, until the receipt of your letter, that Tirarau had been moving in the matter, as I had frequent interviews with Tahua on the subject, who was prepared to accede to my wishes; and his writing to you for £300 was more a matter of form than anything else, he having requested me not to report, that the negotiation for £150 had failed, as he did not expect to get more; but Tirarau, having made up his mind to demand £200, changed the state of affairs, and it was necessary to give that sum, or he would not have permitted the land to be sold for less.

I have, &c.,

John grant johnson.

Donald McLean, Esq.,

&c., &c., &c.

## **No. 46. The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.**

*Tamaterau.*—*To explain discrepancy of area in this Block.* Chief Land Purchase Commissioner's Office, Auckland, 12th November, 1857.

SIR,—

It having been observed that there is a difference of Sixty (60) acres in the acreage of the Tamaterau Block as given by Mr. Sinclair in his description of the boundaries, Three thousand eight hundred' and twenty acres (3,820 acres), and the area of the block on the plan attached to the Deed of Sale, Three thousand seven hundred and fifty-two acres (3,752 acres), I have the honor to request that you will be good enough to inform me how the discrepancy occurred, and which of the two areas given is the correct one

I have, &c.,

Donald McLean, Chief Land Purchase Commissioner.

J. G. Johnson, Esq., J.P., &c., &c.,

Whangarei.

## **No. 47 Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Parua.*—*Reporting that he has paid for this Block.* Otaika, Whangarei, 19th November, 1857.

SIR,—

With reference to the subject of the purchase of the Kaiawa Block of One thousand three hundred and seventy-two acres, and the payment of the money to the Chief Tirarau, about which I had the honor to address you on the 30th September last, I have to report that I had a long conference with that Chief on the 6th instant; and as he promises to procure the signatures of the other claimants to the Deed, and pay them a share of the money for the land, I handed him over the money, taking, in the meantime, a Deed of Conveyance from him, which I have the honor to enclose herewith.

I had observed lately that the opposition of Pohe's party to Tirarau's receiving the money had much diminished; and I told Edward Pohe a few days since that Tirarau had been paid, at which he did not express any marked dissatisfaction.

It would have been more agreeable to me to have received your instructions officially notified before taking this step; but Tirarau was so impatient of any delay, and so bent on an immediate compliance with his wishes,

and, I being apprehensive of his quarrelling with the other claimants who had opposed him, and still further complicating the question, that I felt satisfied the course I took was the best for the public welfare.

I told him that I was awaiting the further instructions of the Government on this matter, and he agreed that the money was to remain untouched in his possession until the final decision of the Government is obtained and communicated through me to him.

I have, &c.,

John Grant Johnson, District Commissioner.

Donald McLean, Esq.,

Chief Land Purchase Commissioner.

## **No. 48. The CHIEF COMMISSIONER to Mr. COMMISSIONER J. G. JOHNSON.**

*Parua Point.—As to Block of Land between Whangarei and Ngunguru.* Chief Land Purchase Commissioner's Office, Auckland, 12th December, 1857.

SIR,—

With reference to my letter No.-169, of the 24th ultimo, relative to a block of land between Whangarei and Ngunguru, I have the honor to request that you will inform me whether the land offered by the Natives embraces any portion of the block situated behind the Parua Point, and whether the block immediately behind that point can be easily acquired and on what terms, as it appears to be well adapted, from its proximity to the harbour, for the location of intending emigrants from Nova Scotia.

I have &c.,

Donald McLean, Chief Land Purchase Commissioner.

J. G. Johnson, Esq.,

District Commissioner, Whangarei.

## **No. 49. The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.**

*Mata.—To complete the Purchase of this Block.* Chief Land Purchase Commissioner's Office, Auckland, December 21st, 1857.

SIR,—

With reference to your letter of the 7th instant, forwarding a plan of the Mata Block, containing Eleven thousand one hundred and eight acres, exclusive of the Native Reserves, being One thousand one hundred and



eight acres in excess of the area as estimated by you in your letter of the 2nd October, 1856.

I have the honor, by direction of the Governor, to inform you that in consideration of the increased area of the block, His Excellency has been pleased to approve of your concluding the purchase at a price not exceeding Seven hundred pounds (£700), for which purpose that sum will be transmitted to you in the usual manner.

I have, &c.,

Donald McLean, Chief Land Purchase Commissioner.

John Grant Johnson, Esq., J.P.,

District Commissioner, Whangarei.

## **Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*General Return of all transactions relating to Land Purchases from June, 1856, to December, 1857.* District Land Commissioner's Office, Whangarei, 11th February, 1858.

SIR,—

I have the honor to enclose a Return of all transactions in which I have been engaged, connected with the purchase of land in the Whangarei District, since the 30th June, 1856, as requested in your letter of the 7th December, 1857.

Some of the blocks, the purchase of which has been completed, will be observed to be of smaller extent than those at present under negotiation. I would therefore remark for your information, that it having been left by yourself to my discretion to judge which particular lands of those approved to be purchased by the Government should be first proceeded with, I decided on acquiring those immediately adjoining the already located districts, having frontage to Whangarei Harbour, or connected with it by roads already opened up by the settlers, and thus available for immediate colonization. Such lands are invariably more difficult to acquire from the Natives than the back country, and, if remaining in their hands, a value is progressively added to them by the improvements of the contiguous lands in the possession of European settlers. A disposition to sell them having opportunely manifested itself by the Natives, I embraced the opportunity at once, in preference to purchasing lands of greater extent in the interior, which I felt assured the owners would be willing to dispose of after the lands on the coast had been bought.

These anticipations have now been completely realized, and there is no doubt but that the purchases of all the blocks under negotiation will be speedily settled as soon as the district surveyor determines their extent.

I have, &c.,

John Grant Johnson, District Land Commissioner.

Donald McLean, Esq.,

Chief Commissioner, Auckland.

## **Enclosure**

District Land Purchase Commissioner.

11th February, 1858.

## **No. 51. The Assistant NATIVE SECRETARY (acting for the Chief Commissioner) to Mr. COMMISSIONER JOHNSON.**

*Kaiawa.—To effect settlement of Native claims.* Chief Land Purchase Commissioner's Office, Auckland, March 15th, 1858.

SIR,—

I have the honor, by direction of His Excellency the Governor, to request that you will use your endeavours to effect a complete settlement of the claims of the Natives to the Kaiwa Block, recently purchased by you in order that it may be handed over to the Province with the least possible delay, as emigrants from Nova Scotia are now waiting to settle upon it.

I have, &c.,

Thos. H. Smith, Assistant Native Secretary.

John Grant Johnson, Esq., J.P.,  
District Commissioner, Whangarei.

## **No. 52. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Kaiawa.—Relative to Claim preferred by Hata Kingi.* Whangarei, 22nd March, 1858.

SIR,—

With reference to the letter of Hata Kingi, which has been referred to me for my report, I have the honor to state that it refers to the Kaiawa Block, the money for which was paid to Tirarau, on the recommendation of the Chief Commissioner, who has confidence in the integrity of that Chief.

I would, however, observe that Tirarau is one of the most difficult Chiefs to deal with of any in the country; and every negotiation with him must be conducted in the most guarded and cautious manner, as when he once takes up a point he will not swerve from it on any consideration. And, in the present instance, the reason I paid the money was that he considered it had been promised to him by Mr. McLean (without reference to me) and he had stated this before all the Natives, and had also made up his mind to the disposal of it. Had it been withheld at my instance, he would have considered his dignity lowered,—he would not only have stopped the sale of the 1,372 acres, but also that of 10,000 acres adjoining it, the survey of which is now nearly completed, and perhaps put a veto on the sale of all the land in the district.

The money for Kaiawa has not been divided yet amongst the claimants, and Tirarau has neither told me or them what he intends to do with it. They are all submitting to this without a remonstrance, with the exception of

Haimona Hakiro and his three sons, the eldest of whom is the writer of the enclosed letter. I consider their-claim to Twenty-five pounds of the £200 to be an equitable adjustment.

My own opinion is, that possession might be taken of the land, by Europeans, without any interruption on the part of the Natives, for their fear of Tirarau would prevent their taking any active measures; but, while this state of things exists, I cannot certify that the Native Title is extinguished.

Symptoms of discontent among the Natives with the conduct of Tirarau in various other matters besides this are becoming apparent; and I would recommend that, in any future dealings with him, the system of the money being divided amongst the claimants by the District Commissioner be adopted, as it has been in all the dealings I have had with other Natives, to the general satisfaction of all parties concerned.

I am informed that Tirarau proceeds shortly to Auckland to see the Chief Commissioner, when that gentleman or his deputy may be able to come to some satisfactory arrangement with him on the Parua question.

I have, &c.,

John Grant Johnson, District Commissioner.

Thos. H. Smith, Esq.,

Assistant Native Secretary, Auckland.

## **No. 53. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Kaiawa.*—*The Natives have ceased to oppose the Sale of this Block.* Whangarei, 17th May, 1858.  
SIR,—

With reference to your letter of the 15th March last, requesting, by the direction of His Excellency the Governor, that I would use my best endeavours to effect a complete settlement of the claims of the Natives to the Kaiawa Block, I have the honor to inform you that the principal obstacle to the final settlement of this question has been overcome—the representatives (represented by Hata Kingi, whose claims I reported upon in my letter, dated 22nd March, 1858) having withdrawn their opposition to Tirarau, in compliance with my solicitations to that effect.

Another party, also living in Parua Bay, named the Ngati Tu—whose cause William Edward Pohe advocated—have signified their willingness to be satisfied, whether Tirarau divides the payment of the land with them or not.

A third party, however, including the Edward William Pohe himself, still clamour that a share of the money in the possession of Tirarau be paid to them. The claims of this last party are, in my opinion, very vague and uncertain, arising from the hereditary right advanced by an old man. named Hine Waru, derived through some undefined ancestry belonging to the former—but now extinct—tribe of Ngati Tahuu, who inhabited this district at one time, but which appears to apply equally to almost every spot of land in this part of the country.

If it was a matter to be determined by me; I would be inclined to regard a claim of this nature as not valid; but the point never having been, to my knowledge, defined by the Government as to what, in their opinion, constitutes a valid claim on the part of a Native to land—or, if it has been determined, no instructions have ever been given on the subject for my guidance, and the usages of the aborigines themselves being so completely at variance in parallel cases that no rule of action can be formed from them,—the only course appears to be, either to satisfy every claim brought, forward with a payment, or procure its withdrawal on the part of the claimants; which latter method, in the present instance, seems to be the only way to obtain the object desired, as any attempt to induce Tirarau to divide the money in opposition to his pre-arranged plans would be quite unavailing.

Having thus fully laid before you the present aspect of this complicated case, you will, no doubt, be enabled to judge whether the Native Title can be proclaimed to have been extinguished at once, and the land thrown

open to the settlement of the Nova Scotian immigrants, or whether it will be necessary to await the relinquishment of this outstanding claim—or, in my opinion, pretended claim—on the part of the Natives.

I have, &c.,

John Grant Johnson, District Commissioner.

Donald McLean, Esq.,  
Chief Commissioner.

## **No. 54. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Kaiaiva.—Eru Pohe has withdrawn his opposition to its occupation.* Whangarei, 29th May, 1858.  
SIR,—

With reference to my letter of the 17th instant, on the subject of the adjustment of the Native claims to the Kaiawa Block, I have the honor to inform you that I have seen the Edward Pohe, and reasoned with him on the matter, and that the result is, that he now will consent to the occupation of the Block by the Europeans, although he still expects to receive a portion of the money from Tirarau. The question would now appear to be entirely a Native one between themselves, and I do not see any reason why the land should be any longer withheld from settlement on account of Native opposition.

I have, &c.,

John Grant Johnson, District Land Commissioner.

Donald McLean, Esq.,

&c., &c.

## **No. 55 MEMORANDUM by the CHIEF COMMISSIONER.**

*Kaiawa.—Approving of Mr. Commissioner Johnson's arrangements.*

Recommended that Mr. District Commissioner Johnson should be informed that the arrangements he has made with the Natives for the withdrawal of their opposition to the sale of the Kaiawa Block are very satisfactory.

The claim adduced by Pohe, as being derived from one of his ancestors, whose rights or occupancy according to Maori custom cannot be substantiated, is so vague and unsatisfactory that it appears no compensation should be made to Pohe, inasmuch as that Chief failed to produce any evidence of his having a valid right of ownership over the land, after a careful investigation which I made when he was last in Town. In fact the impression left on my mind by Pohe was that he was endeavouring to extort money from Te Tirarau or the Government for a claim, the justice of which he could not substantiate. A right of ownership within 20 or 30 years should be proved by Pohe to enable him to make any claim.

Under all the circumstances of the case, I recommend that this Block, which is so much desired by the Nova Scotia settlers, should be proclaimed in the usual manner.

Donald McLean, Chief Commissioner.

Chief Land Purchase Commissioner's Office, Auckland,

June 4th, 1858.

## **No. 56 Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Waikeriauera.—Reporting Payment of £500 for this Block.* Whangarei, 19th August, 1859.

SIR,—

I have the honor to inform you, for the information of His Excellency the Governor, that after my arrival at Pakiri, on the 4th instant, for the purpose of paying the sum of Five hundred pounds (£500) to Te Kiri and others for the purchase of Waikeriawera, a messenger was immediately despatched to Kaipara for Arama Karaka to come and participate in the payment for that land, and as after the lapse of ten days, neither the messenger nor Arama Karaka made his appearance, Te Kiri, Te Urunga, Hori Te More, and the other Natives became so impatient, that I was compelled to pay over the money to them (they having promised to satisfy any claim which Arama Karaka has on the land), or run the risk of breaking off the arrangement altogether for an indefinite period, and on Monday the 15th the deed was executed and the money paid over to Te Kiri and Te Urunga.

An instalment of One hundred pounds (£100) on account of an advance of Two hundred and fifty-one pounds one shilling (£251 1s.) which has been made to Te Kiri by the Government to complete the purchase of a vessel, was handed to me, together with Twenty pounds (£20) from Hori Te More on account of Fifty pounds (£50) which has been advanced to him on the Mangawhara Block, after which I proceeded on my way to Whangarei. On my arrival at Mangawhai in the evening I was informed that Makoare and Timoti, two Kaipara chiefs, were drowned, which was the cause of the messenger and Arama Karaka being detained at Kaipara.

The deed of cession, together with the description of boundaries, is enclosed herewith. I have no apprehension that Arama Karaka will raise any objection to my having paid the money to Te Kiri under the circumstances above stated. Yet it may be advisable that the Proclamation of the block be deferred for a short period, until I have an opportunity of explaining to him personally the reasons which induced me to pay over the money to Te Kiri in his absence.

I have, &c.,

John Rogan, District Commissioner.

Donald McLean, Esq., J.P.,

Chief Commissioner, Auckland.

## **No. 57. The Assistant NATIVE SECRETARY to Mr. COMMISSIONER ROGAN.**

*Whangarei.—Respecting Te Kiri's interference with John Suckley.* Native Land Purchase Department, 27th

August, 1859.  
SIR,—

I have the honor to inform you that John Suckley, a purchaser of an allotment of land at Omaha, within the Pakiri Block, reports that his occupation of the same has been interfered with by certain Natives not named.

As the interference referred to is probably the act of the Te Kiri, who, as you are aware, claims a reserve at Omaha, I am directed by the Governor to request that you will proceed without delay to Omaha, in order to communicate with that Chief, and to enquire into and report on this case for His Excellency's information.

You will also be good enough to ascertain the grounds of the claim preferred by Te Kiri, and, if they appear reasonable, upon what terms he may be willing to treat for the satisfaction thereof, at the same time using your influence to induce him to abstain from further interference, and await an appeal to the Governor, founded upon facts not previously brought to his Excellency's notice. I have enclosed the former papers relating to the question for your information.

I have, &c.,

Thos. H. Smith.

John Rogan, Esq.,  
District Commissioner,

Whangarei.

## **No. 58.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Whangarei.—Respecting offer by Natives of a Block inland of Kaurihohore.* Auckland, 30th September, 1859.  
SIR,—

With reference to your letter of 1st August last, requesting me to proceed to Whangarei for the purpose of making enquiries into the offer of land referred to in Sir Osborne Gibbes' letter to His Excellency the Governor, I have the honor to acquaint you, for His Excellency's information, that at a meeting of the principal Native claimants to the land situated inland of Kaurihohore Block, it was agreed by the parties to dispose of some land in that locality, which was formerly offered on the 23rd and 27th of August. After my return from Pataua and Ngunguru, I received your letter requesting me to proceed forthwith to Pakiri, and I had, therefore, no time to examine the ground. I am informed by Mr. Bedliugton that the probable extent of this offer is 10,000 or 12,000 acres, in which there is a good proportion of volcanic land, and submit that I may be authorized to employ that gentleman in perambulating and surveying the boundaries of the land, as he is well acquainted with the Natives, has an extensive knowledge of the country, and is a first-class surveyor.

I have, &c.,

John Rogan, District Commissioner.

Thos. H. Smith, Esq.,

Assistant Native Secretary,

Auckland.

## **No. 59. Mr. COMMISSIONER SEARANCKE to the Hon. the Colonial Secretary.**

*Whangarei.—Assisting Superintendent in purchase of lands.* Whangarei, 2nd May, 1864.  
SIR,—

In accordance with your instructions to me to assist his Honor the Superintendent of Auckland, on his visit to this District, in effecting any purchase of land, I have the honor to inform you that I waited on his Honor on his arrival on the 16th ultimo, and was enabled to obtain for him from the principal Chiefs a promise to cede to the Government the necessary land for the road when laid out between Whangarei and Otaika River.

His Honor also subsequently requested me to endeavour to purchase the whole of the land through which the foregoing road passes, between Whangarei and the Otaika River, an area of Four to Five thousand acres. This I have taken steps to do, but from there being several claimants from different Tribes, will not be able to complete it for some time.

I attended on his Honor to give him any assistance in my power while here, and accompanied him on the 20th ultimo on his overland trip to within twenty miles of the Bay of Islands, to point out the different lines of route.

I have, &c.,

WILLIAM N. SEARANCKE.

The Hon. W. Fox,

Colonial Secretary, Auckland.

## **No. 60. Mr. COMMISSIONER SEARANCKE to Dr. Shortland, NATIVE SECRETARY.**

*Whangarei.—Respecting Purchase of Whanui and Taiharuru Blocks.* Whangarei, 2nd May, 1864.  
SIR,—

I have the honor to request that you will be good enough to submit for the consideration of the Hon. the Colonial Secretary, in the event of his approval of my proposed purchase of the Whanui and Taiharuru Blocks of land:

That the money should be sent to the care of H. Aubrey, Esq., R.M., Whangarei Heads, as I am now proceeding to make the necessary subdivision in the land, to regulate the payment to the different claimants, as I am anxious not to keep the Natives idling about waiting for their money longer than is necessary.

Also, if Mr. Surveyor Sinclair, who surveyed the Whanui and Taiharuru Blocks, is still in Auckland, that he be instructed with as little delay as is possible to furnish me with blank form of deed, with reduced plan of those blocks and the lands reserved by the Natives; also a memorandum of the boundaries.

I have, &c.,

William N. Searancke, District Commissioner.

E. Shortland, Esq.,

Native Secretary, Auckland.

## **No. 61. Mr. COMMISSIONER SEARANCKE to the Hon. the Colonial Secretary.**

*Whangarei.—Whanui and Taiharuru Blocks purchased.* Whangarei, 2nd May, 1864.

SIR,—

In accordance with your letter of the 15th January last, authorizing me to negotiate the purchase of the Whanui and Taiharuru Blocks for any sum not exceeding Two thousand pounds, I have now the honor to inform you that I succeeded last week in assembling the whole of the Natives interested in those blocks of land. After a short discussion, which, if prolonged, I saw would only lead to further complications and Total failure in my object, I made them a distinct offer of Two shillings per acre (£1,800) for the total acreage of the two blocks, viz., 17,849 acres. My offer was unanimously agreed to by the whole of the Natives present. On account of a disputed boundary, which, trifling in itself, I feared might lead to trouble, I subsequently promised a further payment of Fifty pounds, making a total amount of £1,850. Trusting that the arrangement I have made will meet with your approbation, I have now the honor to enclose a Requisition for your approval.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner.

The Hon. W. Fox,

Colonial Secretary.

## **No. 62. Mr. COMMISSIONER SEARANCKE to the Hon. the Colonial Secretary.**

*Whangarei.—Offer for Sale of Te Haukanapanapa.* Whangarei, 30th July, 1864.

SIR,—

I have the honor to hand you herewith a letter which I wrote for Mohi Te Peke (a Native of Ngunguru), at his dictation.

It conveys his assent to sell a piece of land called Te Haukanapanapa, situated on the road between Whangarei and Ngunguru, about four miles from the former. It is bounded on one side by the Kaurihohore Block; is of excellent quality, and will lead to several other large and valuable blocks in its neighbourhood



which will be offered for sale to the Government. Its extent I am unable to state; but this point is immaterial, as this purchase made will settle the long-existing disputes and rival claims between the Whangarei and Ngunguru Natives on all the lands in its neighbourhood.

I beg most respectfully to suggest that I may be allowed to negotiate with the Natives for its purchase, and make the necessary survey.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner.

The Hon. W. Fox,

Colonial Secretary.

## **Mr. COMMISSIONER SEARANCKE to the Hon. the Colonial Secretary.**

*Whangarei.—Road and Bridge at Otaika.* Auckland, 26th August, 1864.

SIR,—

I have the honor to enclose herewith a letter from His Honor the Superintendent of Auckland. In accordance with his wish I have surveyed the best line of road from Whangarei to the Otaika River, and have also arranged with the Natives about the price per acre to be paid (viz., 10s.), and also obtained a small piece of land at site of bridge.

I now request that you will approve of this purchase, for which I beg to enclose requisition for the sum of £20.

I have, &c.,

William N. Searancke, District Commissioner.

The Hon. W. Fox,

Colonial Secretary.

## **Enclosure. His Honor the Superintendent of Auckland to Mr. Commissioner Searancke.**

*Whangarei.—Erection of a Bridge at Otaika.* Superintendent's Office, Auckland, 9th June, 1864.

SIR,—

I have the honor to request that you will have the goodness to obtain from the Native proprietors of the land at Otaika their consent to the erection of a bridge on the site fixed upon when I was at Otaika, and that you will also obtain from them the right of road leading to the proposed bridge, so that it may be fully used by the

Pakeha settlers, as well as Maories.

Mr. Holman will be happy to point out the site that is wanted.

I have, &c.,

ROBERT GRAHAM Superintendent.

Mr. Searancke, Whangarei.

## **No. 64. Mr. COMMISSIONER SEARANCKE to the Hon. the Colonial Secretary.**

*Whangarei.—Land offered at Wananake.* Auckland, 27th August, 1864.

SIR,—

I have the honor to inform you that the Ngatiwai tribe have offered to me for sale to the Government a large block of land situated between Wananake, on the South, and Mimiwhangata, on the North, and extending inland to the Wairua River. The area I compute at 30,000 acres or more.

The owners of this block met at Whangarei, and, after a few days discussion with the Natives there, owners of the adjacent land, agreed to the boundaries of their several claims.

The block is adjacent to the Hikurangi Block of Government land, and, though hilly on the coast line, is level and of good available quality inland. The northern end runs up nearly to the Ruapekapeka Block lately purchased.

I now beg that I may be authorized to survey and negotiate the purchase of this block.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner.

The Hon. W. Fox, Colonial Secretary.

## **Mr. COMMISSIONER SEARANCKE to the Hon. the Colonial Secretary.**

*Whangarei.* Whangarei, 19th September, 1864.

SIR,—

I have the honor to forward herewith an offer from the Native owners of the several islands (as enumerated in the margin)

1. Motutahi. 2. Motuokura. 3. Motu Kawau. 4. Motu Karoro. 5. Pouroa. 6. Okoko. 7. Tongamaru. 8. Ko Mapuro.

to sell them to the Government.

The first two are situated at the North Head of Whangarei, and are small bare rocks with a Pohutukawa tree or two on them.

The third is a small green island, of about one acre in extent, near the Nova Scotian settlement at the Heads.  
The fourth is the small island near to the land occupied by Mr. Aubrey, about half an acre in extent.  
The remaining four are either sandbanks or mangrove swamps in the Whangarei River, of no use or value.  
I declined to negotiate with the Natives for these islands, but, on their pressing the sale, and at their request, I agreed to submit their offer for your consideration.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner.

The Hon. the Colonial Secretary, Auckland.

## Minute.

Referred to the Hon. the Superintendent of Auckland. Does he wish this negotiation to be undertaken?

28th September, 1864.  
W. Fox.

## [minute.]

The islands referred to are of no value; but when the Natives are anxious to sell, if for about £10 or £20, they might be worth negotiating for.

30th September, 1874.

ROBT. GRAHAM.

## [minute.]

Is Mr. Searancke to be authorized to purchase the islands named in this letter?

3rd October, 1864.

H. HALSE.

## [minute.]

APPROVED.—

W. Fox.  
3rd October, 1864.

**Mr. COMMISSIONER SEARANCKE to the Hon. the**

# Colonial Secretary.

*Whangarei.—Claims in Matapouri Block arranged.* Whangarei, 20th September, 1864.  
SIR,—

I have the honor to inform you, in reference to the old land claims at Matapouri, that I have at length succeeded in coming to an arrangement with the Natives, subject to the approval of the Government.

The difficulty in coming to a settlement of this claim was the opposition made by the Tutukaka Natives to the south boundary, which they have now withdrawn, on my promising them a small compensation in money.

The survey of the Matapouri Block is complete, with the exception of the south boundary, which I propose completing at the first opportunity; the area of this land will be between 4,000 and 5,000 acres to be ceded to the Government.

The sum the Natives have consented to receive, in full compensation for their claims, is One hundred and twenty pounds (£120).

I now beg to submit this arrangement and the payment to the claimants of the above sum for your approval.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner.

The Hon. W. Fox,

Colonial Secretary,

Native Department.

## Minute.

Referred to His Honor the Superintendent of Auckland. Does he approve?  
W. Fox. 28th September, 1864.

Approved—

ROBERT GRAHAM.  
8th October, 1864.

## No. 67. Mr. COMMISSIONER SEARANCKE to the Hon. the Colonial Secretary.

*Whangarei.—Respecting Line of Road to Otaika River.* Whangarei, 3rd October, 1864.  
SIR,—

I have the honor to forward herewith the deed of transfer of the line of road from Whangarei to the Otaika river from the aboriginal owners; also plan of the same.

I have, &c.,

WILLIAM N. SEARANCKE,

District Commissioner.

The Hon. W. Fox,

Colonial Secretary,

Auckland.

## **No. 68.Mr. COMMISSIONER SEARANCKE to the Hon. the Colonial Secretary.**

*Whangarei.—Islands in the River Purchased for £20.* Whangarei, 31st October, 1864.  
SIR,—

I have the honor to inform you that I have agreed to pay to the Native owners of the small islands in the Whangarei river the sum of £20 for their right and title to them, and I have, in accordance with your authority of the 3rd inst., forwarded requisition herewith for that sum.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner.

The Hon. the Colonial Secretary, Auckland.

## **No. 69.Mr. COMMISSIONER SEARANCKE to the Hon. the Colonial Secretary.**

*Mangari.—Survey of Block completed.* Whangarei, 14th December, 1864.  
SIR,—

I have the honor to inform you that I have completed the survey of the "Mangari" Block, offered for sale to the Government in January last by Hori Kingi.

I also beg to submit, for your consideration and approval, the payment to him and the other owners of this land the sum of £330, as a final and complete settlement of their claims on this block of land, which contains 2,800 acres; about two-thirds of which are poor, hilly, open, clay land; and one-third, on the banks of the Mangari and Waipiu Rivers, of good quality. The price asked is at the rate of 2s. 4d. an acre, a price. I consider low when the daily increasing competition from private purchasers is taken into consideration.

I also beg most respectfully to call to your attention that it is adjacent to Government land (the Ruatangata Block), to which the present block would give a defined river boundary, in place of the present undefined line

across country.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner.

The Hon. the Colonial Secretary,

Native Department, Auckland.

## No. 70. Mr. COMMISSIONER SEARANCKE to the Hon. the Native Minister.

*Whangarei.—Land Purchases during 1864.* Auckland, 27th December, 1864.

SIR,—

In compliance with your request, I beg to hand you a list of purchases of Native lands made by me during this year:—

And I beg to remark *seriatim* on them as follows:—

The Pataua Block, surveyed by desire of the Old Land Claims' Commissioner, is the private property of Mr Thorne, of Sydney; is undisputed by the Natives, to whom I paid a sum of £120.

The Wananaki Block, situated on a small river of that name on the coast, is an old land claim of Captain Salmon's, who received Scrip some years ago from the Government in exchange; will be a valuable site for a township when the adjacent country, now offered for sale, is purchased from the Natives. There is no dispute that I am aware of on this block, but the Whanauwera Tribe, who are living on a portion of it, are anxious to purchase the portion occupied by them.

The Whanui Block, situated near the Whangarei River, is undisputed by the Natives.

The Waikare Block is situated on the Coast; when purchased, I considered it to be one of the fairest and most indisputable sales; but on the return of Hirini Tipene from England, some months after the sale was completed, he set up a claim to a portion named Tikitikitohe. His claim I never heard of before, nor did his father, whom I asked to accompany me when I paid the money, set up any claim on behalf of his son. I have been trying to make the Natives, who received the money, settle with Hirini, but in vain. His claim, consequently, still exists. He has, I believe, written to the Government on the subject.

The Hokopua Block is a small piece of land in the Ngunguru River, a portion of Mr. Busby's claim.

The Matapouri Block is an old land claim on the coast, for which Scrip was given some years ago by the Government. I settled the Native claims on it for a sum of £120, and do not now think that there are any Native disputes or claims upon it.

Islands in the Whangarei River; is a recent purchase, and no claims exist on them, Whangarei and Otaika Road was purchased at the request of the Superintendent of Auckland to connect the line of proposed road between Whangarei and Auckland *via* Mangapai, Waipu and Mahurangi, to Auckland.

Waikaraka Road is the present track running from the Whangarei River to the Settlers' Cultivation, through the Native reserves

These are the whole of the purchases made by me this year; and I may add that I had not only to conduct the negotiations for purchase, but also to make the surveys myself unassisted.

The blocks of land now under offer from the Native owners are—

The Mangari Block

The Wairua Block

The Wairua (Coast Block)

The South Wananake Block

And an undefined block lying between the Wairua River on the south, and the Ruapekapeka Block on the north, including, I believe, the proposed Bay of Islands road.

The Mangari Block.—The survey of this is now completed, and the area calculated at 2,800 acres. A sum of £330 is demanded by the Native owners as purchase money for it.

The Wairua Block.—The survey of this block is now completed, but not yet mapped. I roughly estimate the area at 3,500 acres.

The Wairua Coast Block is a large block of land of about 40,000 acres, situated between Wananake south, and extending northwards to within a short distance of Whangaruru Harbour, and inland to the Wairua River.

South Wananake Block is a block from recent extension of the boundaries of about 20,000 acres, commencing south on the boundaries of the Matapouri Block, and bounded northwards by the Wananake River.

A block (boundaries not yet clearly defined) is also now verbally offered for sale. It commences on the north and west bank of the Wairua River, and extends north to the Ruapekapeka Block.

The sketch accompanying clearly points out the blocks of land purchased, as also those now under offer from the Native owners.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner.

The Hon. the Native Minister, Auckland.

## **No. 71. Mr. COMMISSIONER SEARANCKE to the Hon. the Native Minister.**

*Whangarei.—Purchase of Mangari Block completed.* Auckland, 7th February, 1865.

SIR,—

I have the honor to inform you that, by instructions from the Chief Judge New Zealand Land Court, I proceeded to Whangarei, and on the 21st ultimo made and completed the purchase of the Mangari Block of land from the aboriginal owners for the sum of £330, which sum I received from His Honor the Superintendent of Auckland, who now holds my receipt for it.

I now request that I may be informed to whom I am to hand the deed of purchase covering receipt for £330 from the Native sellers (also plan), so that I may be relieved from my liability to the Provincial Government.

I have, &c.,

WILLIAM N. SEARANCKE.

The Hon. the Native Minister, Wellington.

## **Mr. H. T. KEMP, Civil Commissioner, Auckland, to the Under Secretary, Native Department.**

*Whangarei Land Purchases.* Civil Commissioner's Office, Auckland, 21st June, 1875.

SIR,—

Before this is received in your office, I shall hope to have completed the payment of the Tangihua and Purua Blocks, in the district of Whangarei.

I have already so fully reported, for the information of the Hon. the Native Minister, the steps taken to obtain a cession of the various contiguous Blocks described, I shall now only do myself the honor of saying that, the negotiations having commenced prior to my being relieved of this duty, it was arranged with my successor, and with the Native Minister's concurrence, that the final completion should also be left in my hands. I have the pleasure to state that this has now been done to the satisfaction of the native sellers, and I trust that the arrangements made throughout will also meet with the approval of the Government.

I have, &c.,

H. T. KEMP, Civil Commissioner.

The Under Secretary, Native Department,

(Land Purchase Branch), Wellington.

## **SCHEDULE OF BLOCKSreffered to.—WHANGAREI DISTRICT.**

H. T. KEMP.

## **No. 1.The Chief. Protector to the Hon. the COLONIAL SECRETARY.**

*Kaipara.—Scott's Claim to Land disputed.*Protector's Office, Auckland, 14th January, 1842.

SIR,—

In reference to the letter referred to me, under blank cover of the 11th inst., respecting land disputed between Mr. Scott and the Natives of Kaipara, I do myself the honor to inform you that the land in question is not included in the purchase made by the Government, nor (according to the statements of the Natives) has any compensation been made for the land, besides an earnest given them by Mr. White, about the year 1839, and a promise that a full payment should be made at a future time. This payment the Natives declare they have not yet received, and consequently feel themselves at liberty to part with some of the timber to Captain Smale.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.



## **No. 2. The NATIVE SECRETARY to Hone Tana,. WAIROA.**

*Kaipara.—All Native Lands to be purchased.* Government House, Auckland, 20th May, 1847.  
Friend Hone Tana,—

I am instructed by His Excellency the Governor to say that you need not be alarmed about your land; that the Governor will not allow those Europeans to hold it unless it has been fairly purchased.

From your Friend,

JOHN J. SYMONDS, Native Secretary.

Te Hone Tana, Te Wairoa.

## **No. 3. Mr. COMMISSIONER JOHNSON to the Hon. the Colonial Secretary.**

*Is negotiating for the purchase of the Kaipara Flats.* Mahurangi, 30th March, 1854.  
SIR,—

I have the honor to state for the information of His Excellency the Officer Administering the Government, that I have returned from Whangarei, and am engaged in negotiating with the Natives, for the purchase of a tract of country, known as the "Kaipara Flats," and situated to the westward of this place. Having fully reported upon the purchases lately effected in the Whangarei District, in my letter of the 20th instant, I deemed it more conducive to the public service to proceed with the purchase of land in the Mahurangi district, complaints having been made by the Natives that the settlers were pushing beyond the boundaries of the Government Block, and upon the land offered for sale. The Chief Mate has preceded me to Auckland, and it would be very desirable if the arrangements suggested in my report of the 20th instant, relative to the Native Reserve at the Ruakaka be approved by His Excellency, that the sum of Seventy pounds (£70), which would then be eligible for that Chief, be paid to him without awaiting my arrival.

The claimants to the Kaipara Flats are now assembled together, and appear intent on selling; but even my temporary absence for a few days might result in the postponement of the purchase of this part of the country, which I learn from the District Surveyor is much required by intending settlers.

I have, &c.,

JOHN GRANT JOHNSON, Sub-Commissioner for the  
Purchase of Native Land.

The Hon. the Colonial Secretary.

# No. 4. The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.

*General.—Instructions as to purchase of Native Lands.* Land Commissioner's Office, Auckland, 18th May, 1854.

SIR,—

The increasing demand for land by the European inhabitants of this Province renders it necessary that measures should be at once adopted to acquire additional tracts of country from the Natives.

- 1st. Your residence for so many years in the Northern portion of this Island, and the knowledge you possess of the different tribes inhabiting it, suggest that you are peculiarly qualified to undertake negotiations for the purchase of land in the Northern part of the Auckland Province.
- 2nd. The District, therefore, which I propose for the present to assign to you for carrying on these duties, comprises the whole of the country lying North of the portage between the Waitemata and Kaipara. I have every confidence that you will use your utmost exertion to acquire from the Natives the whole of their lands within this District, which are not essential for their own welfare, and that are more immediately required for the purposes of colonization.
- 3rd. Having thus conveyed to you in general terms the urgent necessity for acquiring land, you must use your own discretion as to the particular tracts of country which you should first endeavour to purchase; but it is important, before entering on fresh negotiations, that you should pay the instalments due to the Natives for the purchases you have been conducting at Whangarei; for this purpose, a sum of Two hundred and twenty pounds (£220) is placed at your disposal.
- 4th. It is essential that you should take an early opportunity to visit the Kaipara District, to arrange a dispute between the Ngapuhi and Uriohau tribes, respecting some land claimed by Mr. O'Brien, as the dispute is likely, if not speedily adjusted, to interfere with the important trade carried on in that river.
- 5th. I need not point out to you the necessity of encouraging the Natives to act with greater fidelity in their land transactions than they have been recently in the habit of doing; and I trust that by a careful, steady, and systematic arrangement of their claims, with a clear understanding respecting the external boundaries of the lands they dispose of, and the blocks they retain for their own use, that many of the impositions they have been practising will be abandoned.

Wherever practicable, it would be most advisable that the reserves for the Natives should be situated within natural boundaries, such as rivers, creeks, hills, ranges, or other conspicuous features of the country.

- 6th. The Natives should be advised of the advantages of re-purchasing properties for themselves out of the Crown Lands, under the Regulations of the 4th March, 1853, as nothing will more effectually improve their condition, than substituting their present precarious and unsatisfactory tenure for a permanent holding under the Crown, which also extends to them an interest in the political institutions of the Colony from being qualified to vote at elections.
- 7th. When you have established yourself in some central position in your District, I shall write you more fully as to any change in the system which should in future be adopted for acquiring land from the Natives, and I shall be glad to hear frequently from you, and to receive any suggestions on this subject which your local experience may enable you to give.
- 8th. In any treaty with the Natives for the cession of their lands, it is most desirable that they should fully comprehend its nature, and the boundaries should be inserted with the greatest possible care, and in general they should be read aloud three times in the presence of the Natives, whose assent should be unanimously given before appending their signatures to the transfer. Two copies of the description of deeds that I have been in the habit of using are herewith enclosed for your guidance; and, as far as the circumstances are applicable to your District, this form of deed should be adopted, but you are not to insert any clause for additional percentage being paid to the Natives until definite instructions are issued to you on this subject.

In order to facilitate the arrangements for the acquisition of land from the Natives, it is my intention to submit for the consideration of His Excellency the Officer Administering the Government a statement of the necessary expenditure and department that may be required for this purpose, but as the local requirements of

each District must be in many instances dissimilar, and subject to contingencies which cannot be at present anticipated, you will be kind enough to give the earliest information of what you consider are the particular requirements of this department in the Northern District.

I have, &c.,

DONALD MCLEAN, Land Commissioner.

John Grant Johnson, Esq., J.P.,

Sub-Commissioner for the purchase of lands from the Natives.

## No. 5. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Reporting Offer of the Ahuroa and Kourawhero Blocks.* Mahurangi, 10th June, 1854.

SIR,—

I have the honor to forward to you, for the consideration of His Excellency the Officer Administering the Government, the offer of the Natives named in the margin

NOTE.—Kourawhero.—Te Kiwi, Te Urunga, Te More, Kawea, Te Koru, Rahui, Panapa, Te Rawhiti, Poihipi Mekekati, Ramari, Te Poari Totara, Hori Kingi, Parihoru, Arama Karaka, Hone Waiti, Wiremu Apo, Te Roa, Parahi.

(whom I believe to be the sole owners), to sell the district named the Kaipara Flats, and estimated to contain about Thirty two thousand acres, for the sum of Twelve hundred pounds (£1,200); Nine hundred pounds (£900) of which to be paid to them on execution of the deed of conveyance, and the remaining Three hundred pounds (£300) on the 1st day of January, 1855.

Portions of this block have been much sought after by intending settlers; and independently of its intrinsic value, there exist several cogent reasons for concluding this purchase.

AHUROA.—Hori Kingi, Piri Paraone, Te Hemara, Haupapa, Tohetai, Kawherahi, Toehau, Hiria, Heni, Hemara Tamaiti, Herewini, Makare.

The original Mahurangi sale was made in the 1841, by the Ngatipaoa and Ngapuhi, whom the right of conquest placed in possession of the land, and the descendants of the Kawerau and Ngaitahu, who are the *roots of the soil*, were not directly treated with at all, and were at that time too obscure, and persecuted by their more powerful neighbours, to urge their own cause. Subsequently, however they united and located on their land which had been sold to the Queen, Hemara taking possession of a part of Mahurangi, and Parihoru, in a similar way, a portion of Matakana. Notwithstanding that ample reserves, and also a small money payment, have been lately granted to satisfy these men, they still waited the opportunity of obtaining some further payment for the lands of their tribe.

The back boundary of the Mahurangi having been overstepped by the Europeans, and several selections and surveys under the new Land Regulations having been made, infringing on land claimed by these Natives, has at length afforded them the opportunity they sought for; and had I not brought about the offer which is the subject of this letter, considerable embarrassment might have arisen to the purchasers of land from the Crown, and I am of opinion that if these arrangements be carried out, which I beg leave to request to urge upon the favorable notice of His Excellency, that the remainder of the Native land in this district will be purchased at a less rate, and that all ill-feeling with the Natives resulting from the former purchase will be forgotten.

I have not yet had time to make a sketch survey of this block, but I am well acquainted with the locality; and with a view of illustrating what I have said, I enclose for your guidance a small map of the Mahurangi and Kaipara districts, shewing the portion already the property of the Crown, and that offered for sale, by which you will perceive that a portion of the Native land lies between the two proposed purchases. And I would suggest that a right of road through it be stipulated for, so that the track of the Northern road may be unobstructed as far

as the Northern end of the Mahurangi.

The Natives are anxious that the instalment also of Nine hundred pounds (£900) should be paid at this place; and as it is my intention to make another excursion for the purpose of making a running survey of this block also, on the usual scale of one mile to an inch, no time will be lost in my performing that duty.

I received word that all is quiet on the Wairoa. Taramoeroa is still at Hokianga, and Tirarau is perfectly satisfied about the arrangements relative to the land at Whangarei, and has told me that I need not hurry on his account.

I have, &c.,

JOHN GRANT JOHNSON, Sub-Commissioner for the  
Purchase of Native Land.

Donald McLean, Esq., J.P.,

Commissioner for the Purchase of Native Land.

## **No. 6. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Reporting on the quality, &c, of the Kourawhero Block.* Township, Mahurangi, 17th June, 1854.

SIR,—

With reference to my letter of the 10th instant, covering the proposals of certain Natives therein mentioned, to sell a block in this District to the Government; for the sum of Twelve hundred pounds (£1,200), I have the honor to inform you that there is embodied in that offer, under one head, two adjoining tracts of land known as the Kourawhero and the Ahuroa. The former is estimated at Nineteen thousand acres, and the latter at Twelve thousand acres, for the sums of Eight hundred pounds (£800) and Four hundred pounds (£400) respectively; and, as you will perceive by reference to the margin of my communication of the 10th instant, belonging to the parties therein named under the above-mentioned separate heads.

I have also to report for your information that I have returned from exploring the Kourawhero or Kaipara Flat, and have embodied the result of my observations of this part of the country, hitherto untraversed by Europeans, in the accompanying sketch, on the scale of one mile to an inch. I think that the Government will have every reason to be satisfied with this Block, and as every information on a new tract of country is grateful to new settlers, I would trespass on your time for a few moments by recounting a short narrative of my journey.

On the 13th instant I pitched my camp on the back line of the old Mahurangi purchase, about two miles westward of the mill, and on the fork between the two rivers, which is the spot marked by the Natives as the boundary of the Government land. I thence proceeded westward through a plain about two miles wide, consisting of undulating open land, well adapted for sheep walks. After proceeding for about a mile, an opening in the hills is visible to the South-west through which the small stream of Kourawhero flows. This valley is from a half-mile to a mile in width, and is composed of alluvial lands of the richest description. About four miles further inland the main valley terminates in an amphitheatre surrounded by hills, containing several thousand acres of the richest fiats, interspersed with belts of the most valuable timber. I penetrated to the extreme North-west angle of this valley, and ascended an open hill, from which I was enabled to take the compass bearings of the North and West boundary of the block. From this point, stretching away in a South-easterly direction, another valley could be seen, which appeared to join the Western portion of the Ahuroa; and from the fact that I was unable to see the termination of this valley from the elevated situation I occupied, I should say it was of very considerable extent. Throughout every part of this country the ranges are covered with the heaviest timber, mostly kauri, and when once opened out by the proposed Northern road, many capabilities which are not at present apparent, will be developed by the energy of the settlers.

I returned to this place on the 16th instant, where I am waiting to hear the result of my communications of

the 3rd and 10th instant, to yourself. The party of Natives whom I arranged with to transport me on the Kaipara being in town, it would be equally convenient for me to summon the rest of the Natives to Auckland, and have the instalments paid at that place, as I do not know but what I may be necessitated to repair thither and take a fresh start to the North, either by sea, or down the waters of the Kiapara.

The Ahuroa is bounded by a very inaccessible range on this side, and is very heavily timbered. The available land will be found in the back or western end of it, but I am afraid it will not be accessible from the east side, as the ranges all run North and South. On this account, the price demanded has only been one half that of the other blocks.

I have, &c.,

JOHN GRANT JOHNSON, District Land Commissioner.

Donald McLean, Esq.,

Land Commissioner.

&c., &c., &c.

## **No. 7. The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.**

*Kourawhero.—To effect the Purchase of this Block.* Land Commissioner's Office, Auckland, 19th June, 1854.  
SIR,—

I have the honor to acknowledge the receipt of your letter of the 10th instant, in reference to the sale by the Natives of the district known as the Kaipara Flats, and estimated to contain 32,000 acres for a sum of Twelve hundred pounds (£1,200), Nine hundred pounds (£900) of which you wish to pay to the claimants at once.

I fully concur in the reasons adduced by you for making this purchase, and I have the pleasure of transmitting to you His Excellency's authority for making this purchase, together with the funds necessary for paying the first instalment.

The right of road through the Native land you allude to should be stipulated for by yourself in whichever way you consider most conducive to the interests of the public.

I have, &c.,

DONALD MCLEAN, Land Commissioner.

J. G. Johnson, Esq., J.P.,

District Commissioner,

Mahurangi.

## **No. 8. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Kourawhero.—Has Purchased the Kaipara Flats for £900.* Mahurangi, 22nd June, 1854.  
SIR,—

I had the honor to receive your letter of the 19th instant, transmitting the necessary authority for the purchase of the Kaipara Flats, and advising the transmission of the sum of Nine hundred pounds (£900) which I required for that object.

The amount I have paid this day to the claimants here assembled, and beg to forward herewith the Deed of Conveyance from the Natives to the Crown. The Ahuroa, Kourawhero, and Kaipara Flats being all contiguous, I have included the whole in one transaction and in one Deed.

In carrying through these negotiations, I have endeavoured strenuously to extend the payments over a time, and to induce the Natives to re-purchase from the Crown any land they may wish to retain in the blocks for themselves; both measures being, I conceive, when acted upon judiciously, a great improvement on the system of purchasing land from the Natives which has been hitherto adopted. Both these measures are, however, strongly opposed by the Natives in this District, because they are new to them.

You are already aware of the extent to which the term of payment has been carried; and on reference to the Deed you will perceive a promise that the Native Chief Te Kiri Kaiparaoa stipulates for the right of purchase of Forty acres (40 acres) in this block at Ten shillings (10s.) per acre under the new Regulations; and he has further authorized me to deduct the amount required out of the instalment payable in January, 1855.

This, I am aware, is irregular; but, as the principle sought to be carried out is a very important one to be introduced in this District, where the sellers of land are so fond of making reserves, which are very inconvenient to the settlers, when they can do so without paying for them, I beg to request you to obtain an advance of the sum required to purchase the said Forty acres out of moneys in the hands of the Government applicable to Native purposes, and have this arrangement completed, which the parties concerned are favourably inclined to by this new project, for which purpose a similar opportunity might not readily again present itself.

I have &c.,

JOHN GRANT JOHNSON, District Commissioner.

DONALD MCLEAN, Esq.,

Land Commissioner,

&c., &c.

## **No. 9. Mr. COMMISSIONER JOHNSON to the Hon. the Colonial Secretary.**

*Kouraichero.—Te Kiri Kaiparaoa is entitled to purchase 40 acres in this block.* Land Commissioner's Office, 16th October, 1854.  
SIR,—

I have the honor to inform you that a selection of 40 acres has been made under the new land regulations on behalf of a chief named Te Kiri Kaiparaoa, in the Kourawhero Block, lately purchased at Mahurangi.

The land in question is a sacred place, which the seller desired to re-purchase, and was allowed the privilege of doing so by a clause inserted in the deed of sale to the Crown, guaranteeing him priority of selection.

It would be very desirable that a Government surveyor do survey, and put the Native applicant in

possession of his purchase, and I have accordingly to request that you will be pleased to give the necessary instructions to that effect.

I have, &c.,

JOHN GRANT JOHNSON, Land Commissioner.

The Hon. the Colonial Secretary.

## **Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Tokatoka.—Recommending purchase of this Block.* Omanu, Wairoa River, Kaipara, 18th December, 1854.  
SIR,—

I have the honor to inform you that, adjoining to, and to the south of, Wakahara is situated Tokatoka, about which a dispute had arisen between Tirarau and Manukau, and which, for the peace of the district, demanded immediate adjustment, as well as being the position required by the Resident Magistrate and Sub-Collector of Customs at this port, with whom I have had a correspondence on the subject, a copy of which I beg to enclose for your information. Under these circumstances, I am induced to recommend your obtaining the sanction of His Excellency the Officer Administering the Government to the purchase of the Tokatoka Block, containing Four thousand acres (4,000 acres), for the sum of Three hundred pounds (£300); One hundred pounds (£100) of which has been already paid at Auckland, and the remaining Two hundred pounds (£200) can be paid to the Chief named in the margin,

Paraone Te Rangi, of Kaipara.

who has been deputed to receive the money by the rest of the claimants, except Twenty pounds (£20) of the amount, which has been agreed to be given to Parore for his claims. This sum may be sent to him, to the care of H. Atkyns, Esq., Mangawhare, who, I have no doubt, will be kind enough to pay him the money, and see the Deed signed, as the old chief is too proud to receive it at the hands of another Native. Enclosed is a sketch of the proposed purchase, and the Deed detailing the boundaries, which was executed at the time of the payment of the first instalment of One hundred pounds, is lodged in your office at Auckland.

I have, &c.,

JOHN GRANT JOHNSON, District Land Commissioner.

Donald McLean, Esq.,

Principal Commissioner,

Auckland.

## **Enclosure 1.F.D. FENTON, Esq., R.M., to Mr. COMMISSIONER JOHNSON.**

Kaipara, December 1st, 1854.

SIR,—

I do myself the honor to call your attention to the urgent necessity which exists for the immediate completion of the purchase of the Tokatoka Block of land on this river. Apart from the urgent political reasons which exist for the immediate acquisition of this property by the British Government, the natural advantages of position, and the peculiar physical character of the Wairoa River; render this locality the only one available for the Government officers of this district. It is situated midway between the districts of country at present occupied by merchants and visited by ships, is equi-distant from, and will form a good neutral territory between the Ngapuhi and Ngatiwhatua tribes, recently at war, and possesses the only natural landing place for many miles in each direction. I fear that the price demanded by the Natives will be large, as they are well aware of the importance of the place, but I trust that no insurmountable difficulties will be found to the acquisition of this territory. Let me, however, remind you that the expense of making a landing place for the Custom-house will in all probability far exceed the difference in price between the Tokatoka Block and any other of similar extent, and I would urge you, if not incompatible with the instructions received by you from the Government, to complete the acquisition of this territory whenever you visit this river for the purpose of arranging Mr. O'Brien's claim.

I have, &c.,

FRANCIS D. FENTON, Resident Magistrate.

The District Commissioner, &c., &c.,

Whangarei.

## **Enclosure 2.Mr. COMMISSIONER JOHNSON to F. D. FENTON, Esq., R.M.**

Omanu, Kaipara, 18th December, 1854.

SIR,—

I have had the honor to receive your letter of the 1st instant, and having examined the localities in the river, I fully concur in the view you have taken of the importance of the acquisition of the Tokatoka Block, and having, as you are aware, with your assistance, happily been successful in reconciling the animosities of the contending tribes, I entered into an arrangement for the completion of the purchase of the block in question, so soon as the sanction of his Excellency the Officer Administering the Government is obtained for the payment of the final amount agreed upon between the Natives and myself of Two hundred pounds (£200).

I have, &c.,

JOHN GRANT JOHNSON, District Land Commissioner.

F. D. Fenton, Esq.,

Resident Magistrate,

Kaipara.



## **No. 11.Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Reporting Reconciliation of the Hostile Tribes at Kaipara. Omanu, Wairoa River, Kaipara, 18th December, 1854.*

SIR,—

In reference to my report on the Native disputes in the Kaipara, dated 20th July last, I am happy to inform you that I have carried out my intention expressed therein, and that, at a general meeting of the contending parties, which was held at Mangawhare last week, a complete reconciliation between the hostile tribes was effected, and the feud which threatened to disturb the very important and necessary trade of these rivers may now, I think, be safely considered to be set at rest. As I endeavoured to explain in my former report, the claims of Mr. O'Brien to the lands of Wakahara has been the cause of bringing the tribes of Hokianga with those of the Kaipara to issue with the Natives of the Wairoa under Parore and Tirarau.

At this meeting the right of Taramoeroa over the Wakahara was fully admitted by Parore and Tirarau, and having been instructed to complete the purchase made by Mr. O'Brien of Wakahara, which now, through being the cause of contention among the Natives, had become a matter of necessity, I managed to extinguish the whole of the Native claims on the same for the sum of One hundred and seventy pounds (£170).

The money was, by Tirarau's consent, placed before Taramoeroa, who immediately handed it over to Tirarau and Parore. These two chiefs having seen this mark of respect publicly shown to them as the former conquerors of the land in question, felt their pride satisfied, and formally placed the whole amount again before Taramoeroa, by whom it was divided among the real owners of the soil.

On examining the ground contained in the claim of Mr. O'Brien as admitted by the Natives, and corresponding to the boundaries given in the original deed, I found the contents to be still less than I supposed at the date of my last report. The purchase comprises a frontage of a mile and a quarter to the Wairoa river, and bounded on either side by the creeks named Waikaka and Horaka, and runs back to a stream called Ranawe, a tributary of the Mangonui river, which is a large tributary stream of the Wairoa, and may be about four miles inland from the Wairoa river. These estimates of the extent would produce Three thousand acres (3,000 acres), and the payments proved to have been made by Mr. O'Brien of Two hundred and seventy-five pounds eighteen shillings, as reported by the Surveyor-General, added to the subsequent payment of One hundred and seventy pounds (£170) made by the Government, would amount to the sum of Four hundred and forty-five pounds eighteen shillings (£445 18s.) as the total cost of the block. I beg to transmit to you herewith the conveyance from the Natives to the Crown, and also a sketch of the purchase, and hope that the measures I have taken will meet with the approval of His Excellency the Officer Administering the Government.

I have, &c.,

JOHN GRANT JOHNSON, District Land Commissioner.

Donald McLean, Esq.,

Principal Land Commissioner, &c.

## **No. 12.Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Enclosing Deed for 500 Acres purchased from Manukau. Omanu, Wairoa River, Kaipara, 18th December, 1854.*

SIR,—

I have the honor to enclose a deed from the Native Chief Manukau of the Uriohau tribe to the Crown, giving up a piece of land guaranteed to contain Five hundred acres which I have purchased for the sum of Fifty pounds.

The circumstance which led to this purchase was, that Manukau offered a large block on the rivers Wairoa and Otamatea, the merits of which I was unable to investigate through the various stages necessary before purchase, on account of a press of more urgent business in another locality, and from the difficulty I have experienced in making an equitable bargain with this Chief. I could not make him any advance on account; but, as he was anxious for cash, and having a strong voice in affairs here, I thought the most advisable plan was to make a purchase for a definite portion in the manner which has been done; so that, in the event of my not being able to agree with Manukau about the large block, no disadvantage will accrue to the public interest.

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner.

Donald McLean, Esq.,

Principal Land Commissioner,

&c., &c.

## **No. 13. The Hon. the COLONIAL SECRETARY to the CHIEF COMMISSIONER.**

*Kaipara.—Settlement of O'Brien's Claim.* Colonial Secretary's Office, Auckland, 5th February, 1855.  
SIR,—

In reference to the letter of Mr. District Commissioner Johnson, dated 18th December last, to you, and forwarded here on the 22nd ultimo, reporting the total extinguishment of the Native Title to the old land claim at Kaipara (No. 182) of Mr. O'Brien, for One hundred and seventy pounds (£170), I am directed by His Excellency, the Officer Administering the Government, to sanction the expenditure of this sum for the purpose specified.

I am also directed to acknowledge the receipt of the deed of sale of the land, which deed appears to be sufficient.

I have, &c.,

ANDREW SINCLAIR, Colonial Secretary.

Mr. Land Commissioner McLean.

## **No. 14. Mr. COMMISSIONER KEMP (acting for the**

# Chief Commissioner) to the Hon. the Colonial Secretary.

*Tokatoka.—Transmitting Deed of the Block.* Land Purchase Department, Auckland, 19th April, 1855.  
SIR,—

I do myself the honor to enclose for His Excellency's information the original Deed with receipt endorsed thereon, together with translation, for a block of land on the Kaipara, known as the "Toka Toka," by which it will be seen that the final instalment of Two hundred pounds (£200) has been paid to the Natives, making in the whole the sum of Three hundred pounds (£300) for this block, estimated to contain about Four thousand (4,000) acres. It will be remembered as the site chosen for a Custom House, and is likely to become of value. The sum of Twenty pounds (£20) has been placed to the credit of Mr. Johnson, as the portion due to the Chief Parore, and will be either handed to that Chief by Mr. Johnson himself, or forwarded to the care of Hastings Atkyns, Esq., who has undertaken to see it delivered. In the meantime, I know of no objection to the block being surveyed and laid open for selection.

I have, &c.,

H. T. KEMP, Native Secretary, Land Department.

The Hon. the Colonial Secretary,

Auckland.

## No. 15. The CHIEF COMMISSIONER to Mr. COMMISSIONER KEMP.

*Respecting advance of £20 to Parore on account of Tokatoka.* Land Commissioner's Office, Auckland, 26th June, 1856.  
SIR,—

I have the honor to request that you will furnish me with information upon the following point:—Mr. Johnson, in the purchase of the Tokatoka Block, at Kaipara, made an arrangement with the consent of the selling party, that a sum of Twenty pounds should be paid to the Chief Parore for his claim upon that block, which amount it is evident from his report to me on the subject, Mr. Johnson intended to have deducted from the final payment of Two hundred pounds (£200) for the Tokatoka Block.

It appears that this final payment was made by you in Auckland on the 13th February, 1855, but there is nothing to show that the sum of Twenty pounds (£20) paid to Parore, was refunded by the recipient of the final payment. Parore has given a separate receipt for Twenty pounds (£20) on the 10th September, 1855, and Paraone and the other parties to whom you made the payment on the 13th February, 1855, give a receipt in full for Two hundred pounds (£200). The point, therefore, on which I now request information from you is whether the Twenty pounds (£20) was deducted by or repaid to you out of the final Two hundred pounds (£200) for Tokatoka, whether that sum was paid in full to the Natives, or whether it should be entered in my accounts as a separate payment over and above the amount originally fixed as the price of the block.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.  
H. T. Kemp, Esq., J. P.

## No. 16. Mr. COMMISSIONER KEMP to the CHIEF COMMISSIONER.

*Tokatoka.*—*Explaining receipt for £20 advanced to Parore on account of Black.* District Commissioner's Office, Bay of Islands, 4th July, 1856.

SIR,—

In reply to your letter of the 26th in reference to the payment for the Tokatoka Block, I have the honor to state that the arrangement made by Mr. Commissioner Johnson and finally carried out by myself, stood thus:—The deed drawn out (I believe by Mr. Johnson), fixed the entire sum at Two hundred pounds (£200) out of which Twenty pounds was reserved and placed by me in the Union Bank, to the credit of either Mr. Hastings Atkins, of Kaipara, or Mr. Johnson, at the request of the latter, on behalf of Parore, One hundred and eighty pounds having been handed over to Paraone and his party, and receipts given in full for the amount originally agreed upon.

If Parore had not signed the deed, it was no doubt intended by Mr. Johnson that the receipt given by that chief for the Twenty pounds (£20) should be appended to the original document, making but one entire and complete arrangement.

I think that this explanation, as nearly as I can remember, will furnish the information requested, and will enable you to make the entry under one heading, which was evidently Mr. Johnson's intention when the arrangement was made by him for the purchase.

I have, &c.,

H. T. KEMP, District Commissioner.

The Chief Commissioner,

Land Purchase Department, Auckland.

## The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.

*Respecting land purchased from Te Uri-o-Hau.*[unclear: Waikiekie] Land Commissioner's Office, Auckland, 3rd November, 1856.

SIR,—

Enclosed, I send open for your perusal, two letters, one to Tirarau, and another to Parore, which you will have the goodness to see delivered at your earliest convenience.

These letters detail the nature of the arrangements entered into with Te Uriohau tribe since Tirarau and Parore left Auckland.

You will observe that Te Uriohau tribe have disposed of the whole of the land claimed by them between the Tauraroa and Manganui rivers, extending to the back boundary of the block purchased by you from Te

Manihera at Ruarangi.

The price paid to the Natives has been £400, the block being estimated at 12,000 acres; should it exceed this quantity, they are to be paid at the rate of £30 for every 1000 acres in excess of the above estimate, or to refund £30 for every thousand acres under the estimate of 12,000 acres. The disputed land in Maungakaramaea is not included in this purchase; the Natives declined to accept £100, which I offered in order to remove all future difficulties in connection with that transaction; it appeared to me that they felt apprehensive that Tirarau would make it a cause of quarrel with them if they accepted any payment on land sold by him and bordering so close on the Tangihua range, therefore it is perhaps as well that the matter should stand over, leaving Tirarau to adjust it himself. I have to request that you will use your influence with Tirarau to prevent his bringing any armed party to cut down spars on the territory now in dispute between him and Paikea, as it is reported that he intends bringing 400 of his allies to work a forest in the vicinity of Parore's present residence, which might, if the Uriohau also resort to similar steps, result in dangerous consequences, affecting the tranquility of that part of the Island.

I have, &c.,

DONALD MCLEAN, Chief Commissioner,

John Grant Johnson, Esq., J.P.,  
District Commissioner, Whangarei.

## Enclosure 1.

Akarana, Nowema 4, 1856.

E KORO E TE TIRARAU,—

Tena koe. Tenei taku kupu ki a koe. No muri i a korua ko Parore ka tangohia e te Uriohau nga rau pauna e wha (£400) mo te wahi whenua ki waenganui o te awa o Tauraroa o te Manganui, huri noa ki te marangai ki te rohe o ta te Manihera hokonga ki Ruarangi, me tetahi wahi iti ki uta atu o Tokatoka, puta noa ki te Manganui heoi nga wahi i utua e te Uriohau.

I tohe au ki a ratou kia tukua mai te wahi e tautohea nei kei roto ki to hokonga o Maungakaramaea kihai ratou i pai; otira, mau e whakarite tera wahi, no te mea kei a koe auo nga tikanga mo reira, kei hoki te raruraru ki runga i nga Pakeha ana nohoia taua whenua a mua ake nei.

Kei a korua ko Te Honiana tetahi mahinga ma korua i nga whenua rarururukore i tenei raumati, kia mahia paitia nga oneone kia wawe nga raruraru te pahure ake i a tatou; kia whiti he maramatanga ki tena pito o to tatou motu, ki te pito i timata ai te noho a te Pakeha; a e mau nei ano te tohe o Ngapuhi kia hoki ano Te Pakeha ki tona puna i putake mai ai.

Naku, &c.,

NA TE MAKARINI.

## Enclosure 2.

Akarana, Nowema 4, 1856.

E KORO E PARORE,—

Tena koe. He tuhituhi atu tenei naku ki a koe kia rongu koe i nga korero i muri i a korua ko Te Tirarau.

Koia tenei; kua hoko a te Uriohau i te whenua katoa ki waenganui o te awa o Tauraroa puta noa ki te Manganui, huri noa ki te tai marangai ki te hokonga a te Manihera ki Ruarangi, me tetahi wahi iti ki utu atu o Tokatoka, puta noa ki te Manganui; heoi nga wahi kua utua.

Ko tenei, e Parore, kotahi tonu taku kupu ki a koe, kia pai to tiro tiro i nga he o tena wahi; kia atawhai, kia ora ai te tangata, kia aroha tetahi ki tetahi, kia hoki iho ai te he o tera whenua o Kaipara, kia noho koutou katoa i runga i te rangimarietanga.

Naku, &c.,

NA TE MAKARINI.

## No. 18. The CHIEF COMMISSIONER to Mr. COMMISSIONER ROGAN.

*Kaipara.—To negotiate for Purchase of Land.* Land Commissioner's Office, Auckland, 31st January, 1857.  
SIR,—

I have the honor to request that you will proceed to Kaipara at your earliest possible convenience, for the purpose of entering upon negotiations with the Natives of that District for the purchase of an extensive block of land which they are desirous of selling to the Government.

As it appears, from what information I have received on the subject, that the land in question is comparatively valueless as a whole, though containing some plains capable of being converted into agricultural and pastoral farms, I would impress upon you the necessity of obtaining the extinguishment of the Native title to it at as low a rate as possible, and on no account to exceed the rate of 8d. per acre.

You will be good enough to arrange for the purchase in one lump sum, one-half to be paid when the external survey has been made and the final negotiations completed; the remainder to be handed over to the Natives in two annual instalments.

From your long experience in land-purchasing operations it will be hardly necessary for me to remind you of the extreme care and accuracy that will be required in defining the boundaries of the block, for which purpose a surveyor has been instructed by the Waste Lands Commissioner to accompany you and cut the lines under your personal superintendence.

You will be good enough to take care that ample and eligible reserves are made for the use of the Natives, the selection, number, and extent of which must be determined by the wishes of the vendors themselves, and your own discretion.

Before completing the negotiations for the final alienation of the above-mentioned block by the Natives, or making arrangements for the acquisition of other and smaller portions of territory, I have to request that you will report to me fully the position and site and probable value in each instance for the information and approval of the Government.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

J. Rogan, Esq.,

&c, &c.

## **No. 19. The CHIEF COMMISSIONER to Mr. COMMISSIONER ROGAN.**

*Kaipara.—Waikiekie Block.* Land Commissioner's Office, Auckland, February 2nd, 1857.

SIR,—

I have the honor to request that you will be good enough, during your stay, in the Kaipara District, to have the survey of the Waikiekie Block, purchased from the Natives by the Government on the 30th October last, for the sum of £400, executed, and the boundaries carefully and accurately defined, in order that the Government may be enabled to decide upon the enclosed clause of the Deed of Sale, relative to the extent of the purchase.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

J. Rogan, Esq.

District Commissioner.

## **No. 20. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Okahu.—Forwarding Deed of Conveyance of Block.* Auckland, 25th November, 1857.

SIR,—

I have the honor to enclose herewith a deed of sale and conveyance of a block of land, situated in the Kaipara District, containing about Sixteen thousand (16,000) acres for which the sum of £500 was paid to Manukau, Paraone, and others, on the 23rd instant. This land is bounded by the Tokatoka purchase, Matakohē Block, the Manganui river, and Native land. The survey of the land is completed, with the exception of the river traverse, which, however, does not affect the present arrangement, as it is clearly understood that the title to the land is extinguished to the river boundary. The quality of the land is for the most part rich volcanic soil covered with fern, bush, kauri, and kahikatoa forest; but, owing to its position, it is probable the land will not become available for many years to come.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq

Chief Commissioner, Auckland.

## No. 21. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Enclosing Deed of Conveyance of a Block of Land at the Head of the Otamatea River.* Auckland, 24th February, 1858.

SIR,—

I have the honor to enclose herewith deed of conveyance of a block of land, situated at the head of Otamatea, a branch of the Kaipara, and extends towards the East Coast to the Hakoru river, which forms the boundary of the Mangawhai purchase, for which the sum of Five hundred pounds (£500) was paid to the chiefs of the Uriohau and Ngatiwhatua tribes on the 20th inst., and subdivided by those chiefs amongst their followers in a very satisfactory manner.

A complete survey of the exterior boundaries of this block has been executed, which contains Eight thousand one hundred and twenty-eight acres of a superior description of land, which is well adapted for agricultural purposes.

The geographical position of this block, together with facilities of water communication which it possesses, both from the East and West Coast, must ensure its becoming a place of importance.

The enclosed description of boundaries is submitted for Proclamation in the New Zealand Gazette.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.,

Chief Commissioner,  
Auckland.

## No. 22. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Matakohe.—Enclosing Deed of Conveyance of Block.* Auckland, 20th March, 1858.

SIR,—

I have the honor to enclose herewith a deed of conveyance from the chiefs of Te Uriohau tribe of a block of land called Matakohe, situated on the left bank of the Wairoa river, in the Kaipara district, containing by survey sixty-eight thousand (68,000) acres, for which the sum of Two thousand pounds was paid to those chiefs on the 2nd inst.

That part of the block which is bounded by the Wairpa, and extending towards the line of forest, comprises about fifteen thousand (15,000) acres, of marsh land, covered with raupo, toetoe, coarse grass, wiwi, and other vegetation which usually grows on low land.

There are several small creeks running from the forest through this marsh into the Wairoa river, the largest of which is called the Awaroa. These creeks would form good boundaries for small cattle runs, for which this portion of the block appears adapted.



There is a limited extent of fertile land, covered with fern, light bush, and scrub, at the head of Te Arapaoa, suitable for agricultural farms, and approachable by vessels of more than two hundred tons burthen from the Otamatea. The inferior portion of the block is covered with dense forest, principally kauri, with occasional patches of kahikatea and manuka. The land is very superior in quality, but very broken towards the inland boundary line, and is not likely to be occupied by settlers for many years to come.

A large tract of land, extending from the inland boundary of this block to the back boundary of the Mangawhai and Waipu blocks on the East coast, called Marutu, is now being surveyed, which, when purchased, the native title will be extinguished over the whole of that part of the district.

The description of boundaries is enclosed herewith; and I submit that the proclamation of this block may be deferred for a time, as the chiefs decided at a meeting, during their recent visit to Auckland, that the amount which they received for this land should be deposited in my charge, until I should be at liberty to visit Kaipara, when the money will be subdivided amongst the claimants.

I have &c.,

JOHN ROGAN, District Commissioner.

Donald McLean Esq.,

Chief Commissioner, Auckland.

## **No. 23. THE CHIEF COMMISSIONER to Mr. COMMISSIONER KEMP.**

*Kaipara.-Respecting disputed boundaries of the Rev. C. Baker's land.* Chief Land Purchase Commissioner's Office. Auckland, 27th March, 1858.  
SIR,—

I have the honor by direction of His Excellency the Governor to enclose a copy of a letter from the Rev. C. Baker, reporting that a meeting of Ngapuhi and other chiefs is to take place at Mangakahia, on the 1st April next, for the purpose of settling disputes relative to the boundaries of land sold to Mr. Baker and their tribal boundaries.

I am directed by the Governor to request that you will be good enough to proceed immediately to Mangakahia, and report the result of the meeting for the information of the Government.

I have, &c.,

JOHN ROGAN, District Commissioner, (for Chief Commissioner.)

H. T. Kemp, Esq.,

District Commissioner,  
Bay of Islands.

## **No. 24. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Kaukapakapa-Enclosing Deed of Sale for the Block.* Auckland, 11th December, 1858.  
SIR,—

With reference to a correspondence, numbered 58-645, connected with the purchase of a block of land called Kaukapakapa in the Kaipara District, I have the honor to enclose herewith a deed of sale and conveyance of the same which was executed by the Native owners, for which the sum of Five hundred pounds (£500) was paid on the 8th instant.

This purchase includes Honey's Grant, excepting a strip of land which is colored yellow on the plan drawn on the margin of the deed; this the Natives could not be induced to surrender.

I also enclose a description of boundaries for proclamation in the New Zealand Gazette.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.,

Chief Commissioner,

Auckland.

## **No. 25. Mr, COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Paparoa.-Forwarding Deed of Sale of the Block.* Otamatea, Kaipara, 23rd December, 1858.  
SIR,—

I have the honor to forward herewith a deed of sale and conveyance of a block of land, situated in the Kaipara District, called Paparoa, containing by survey Fifteen thousand and twenty one acres (15,021), for which the sum of Five hundred pounds fourteen shilling (£500 14s.) has been this day paid to the Native claimants.

Enclosed is a description of boundaries of the above-named purchase for proclamation in the New Zealand Gazette.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.,

Chief Commissioner,

Auckland.

## **No. 26. Mr. COMMISSIONER ROGAN to the CHIEF**

# OMMISSIONER

*Arapohue.- Forwarding Deed of Conveyance of the Block.* Auckland, 22nd February, 1859.  
SIR,—

I have the honor to enclose herewith a deed of sale and conveyance of a block of land, situated on the Wairoa river, called Arapohue, containing by survey Nine thousand five hundred (9,500) acres, for which the sum of Three hundred and fifty pounds (£350) was paid to the Native claimants on the 2nd instant.

The description of boundaries for proclamation in the New Zealand Gazette is also forwarded herewith.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.,

Chief Commissioner,

Auckland.

## No. 27. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Kaukapakapa West.—Forwarding Deed of Conveyance for a Block of Land situated on Kaukapakapa River.* Auckland, 28th March, 1859.  
SIR,—

I have the honor to forward herewith a deed of conveyance for a block of land, situated on Kaukapakapa river, in the Kaipara District, containing Five thousand two hundred and twenty-three acres (5,223), for which Three hundred pounds (£300) was paid to the Native claimants on the 24th instant.

The description of boundaries for proclamation in the *New Zealand Gazette* is also enclosed. It may be stated that the Natives, intend making a formal application to His Excellency the Governor to grant them permission to cut down two trees situated within this purchase, which the Natives assert have been marked by them for along period past for the purpose of making canoes.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.,

Chief Commissioner,

Auckland.

## No. 28. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Pukekaroro—Enclosing Deed of Sale of the Block.* Auckland, 20th July, 1859.

SIR,—

I have the honor to forward herewith a Deed of Sale and conveyance of a block of land situated in the Kaipara District, called Pukekaroro, containing Eight thousand five hundred and fifty-eight acres (8,558), for which the sum of Four hundred and twenty-two pounds eighteen shillings (£422 18s.) was paid to the Arama Karaka and others on the 21st inst.

A reserve of fifty acres (50) for Arama Karaka has been made at Kohangatoke, on Kaiwaka River, which is coloured yellow on the plan in the margin of the deed.

The description of boundaries is also enclosed for proclamation in the *New Zealand Gazette*.

I have, &c.,

John. Rogan, District Commissioner.

Donald McLean; Esq.,  
Chief Commissioner, Auckland.

## No. 29. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*General.—Reporting as to the state of land purchasing operations in the Kaipara District.* Auckland, 16th October, 1859.

SIR,—

I have the honor to forward the following statement for His Excellency's information, in reference to the purchase and negotiation of land in the District of Kaipara from February 1857, the period at which negotiations were first entered into by me in that locality, to the present time, showing the quantity of land over which the Native title has been extinguished, the quantity of land surveyed, the purchase of which is not yet completed, the cost of survey, and the probable quantity of land now under negotiation.

The Oruawharo Block was included in Return to House of Representatives 1858, as the price was agreed to by the Natives, but the claimants subsequently differed amongst themselves, and no arrangement has as yet been arrived at between them.

Okaka and Waioneke have not been purchased, as they are small detached blocks, and it was considered inadvisable by the Government to complete the purchase until a larger extent of land should be offered in that locality. The land offered by Paora is adjacent to Waioneke, and it will probably be found, after the survey of Mairitahi, desirable to purchase these blocks, as the land situated on the Kaipara is of good quality.

With regard to the survey of the large block called Mareretu, I hope to be able to report, after my next visit to Kaipara, that an arrangement can be made with the Natives for the purchase of this land, without the necessity of traversing the inland boundary, which runs through a rugged mountain forest and extends to the Whangarei district, the cost of surveying which would amount to a large sum, owing to the difficulty of carrying provisions such a distance through the forest.

The amount of advances to Natives in the Kaipara district, on account of land, is not quite Three hundred

pounds (£300).

The survey of the inland boundary of Waikiekie, and a tie line from Graham's purchase to the inland corner of Paparoa, will require to be cut before I can furnish a complete plan of the different blocks above referred to, without which it is difficult to convey a correct impression of the locality to those unacquainted with the country.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.,  
Chief Commissioner, Auckland.

## **No. 30. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Whakatiwai.*—*Enclosing Deed of Sale for a Native reserve.* Auckland, 10th January, 1860.  
SIR,—

I have the honor to enclose herewith a Deed of Sale and Conveyance of a Native Reserve, situated at Whakatiwai, in the Kaipara district, for which the sum of Twenty-seven pounds was paid to Te Otene on the 6th instant, together with a description of boundaries for proclamation in the *New Zealand Gazette*.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.,  
Chief Commissioner, Auckland.

## **No. 31. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Kaukapakapa.*—*Enclosing Deed of Sale of the Native Reserve.* Auckland, 10th January, 1860.  
SIR,—

I have the honor to forward herewith a Deed of Sale and Conveyance of a Native Reserve, situated on the Kaukapakapa river, in the Kaipara district, estimated to contain about One hundred acres (100 acres), for which the sum of Fifteen pounds was paid to Te Keene, Brown, and Paora, on the 5th instant.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.,

Chief Commissioner, Auckland.

## No. 32. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Oruawharo.*—*Enclosing the Deeds of Sale for this Block.* Auckland, 15th February 1860.  
SIR,—

I have the honor to forward herewith two Deeds of Sale and Conveyance of a block of land called Oruawharo, situated in the Kaipara district, for which the sums of Five hundred (£500) and Seven hundred pounds (£700) were paid to the Ngatiwhatua and Uriohau tribes, respectively, on the 27th ultimo and 2nd instant.

This purchase contains upwards of (30,000) thirty thousand acres, exclusive of a reserve and an old land claim of J. Hawk, for which Two hundred pounds (£200) of the above sum was paid to Paratene for himself and Matitikuha, with the consent of the Native claimants; and the Native title to this claim being now extinguished, it is submitted that this letter be referred for Mr. Commissioner Bell's information.

Enclosed is a description of boundaries for proclamation in the *New Zealand Gazette*.

I have, &c.,

JOHN ROGAN, District Commissioner.

The Chief Commissioner,

Native Land Purchase Department, Auckland.

## No. 33. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Mairetahi.*—*Enclosing Deed of Sale for this Block.* Land Purchase Department, Auckland, 24th August; 1860.  
SIR,—

I have the honor to enclose herewith a deed of sale and conveyance of a block of land, situated on the left bank of Kaipara river, containing by survey Five Thousand nine hundred and fifty acres (5,950 acres), for which the sum of Two hundred and ninety-seven pounds ten shillings (£297 10s.) was paid to the Native owners this day, being at the rate of one shilling per acre.

The description of boundaries is also enclosed for proclamation in the *New Zealand Gazette*.

I have, &c.,

JOHN ROGAN, District Commissioner.

The Chief Commissioner,

Land Purchase Department.

## **Mr. COMMSSSIONER ROGAN TO THE CHIEF COMMISSIONER.**

*General.—Further Report as to State of Land Purchases in his District.*Auckland, 10th May, 1861.  
SIR,—

I have the honor to forward herewith, in continuation of Returns previously furnished, a statement of the different blocks of land purchased by me in the Kaipara district from January, 1860. to the present time.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.

Chief Commissioner, Auckland.

## **Enclosure.**

Statement of Land Purchases effected by the Commissioner for the Kaipara District from January, 1860, to May, 1861.

JOHN ROGAN,  
District Commissioner.Auckland, 10th  
May, 1861.

## **No. 35.Mr. COMMISSIONER. ROGAN TO THE CHIEF COMMISSIONER.**

*General.—Reporting as to the state of Land Purchasing Operations in the Kaipara District.*Auckland, 5th June, 1861.  
SIR,—

In accordance with the request contained in your Circular letter of the 15th ultimo, I have the honor to forward the following general statement of land purchasing operations in the Kaipara District in continuation of my general report dated 16th October, 1859.

It will be seen by reference to the report above referred to that the quantity of land purchased from February, 1857, to October, 1859, amounted to One hundred and fifty-two thousand five hundred and thirty acres 152,530 acres

purchased from, the Natives in the Kaipara and Mangawhai from 1857 to the present time at a cost of £9,151, which is at the average rate of about 9d. per acre, and the amount of advances on account of land in the Kaipara, which is not yet purchased, does not exceed £300. I am unable to state accurately the quantity of land surveyed last summer, as the field work is not yet protracted on paper, but it will probably amount to more than 40,000 acres, and the quantity of land which may be considered now under offer to the Government may be stated in round numbers to be 150,000 acres.

The questions raised by some of the Natives in the Kaipara, excepting the great question which, is well known to the Government as existing between Tirarau and Paikea for several years past, are as follows:—

A block of land (Te Kopuru), situated on the Wairoa river and adjoining the Tatarariki purchase, which Rapana and his people hold in dispute. This land was made over to the Government many years ago, by way of compensation, by a number of Natives who were connected with the robbery of Forsaith's store at Mangawhare, the particulars of which are known to the Government; but as I have not been able to trace the documents connected with the cession of this block, I declined to express my opinion on the matter to the parties who represent themselves to be the real owners of the land, and who now repudiate the transaction.

There is a correspondence in the Land Purchase Office with Rapana, who is the principal party objecting on the part of the Ngatikawa tribe.

A question has been raised by the Kaipara Natives with reference to the inland portion of the Arapohue Block, which has been disposed of to the Government with Paikea's consent, who formerly gave over his interest to a Hokianga Chief, Tiopira, who received the money for this land together with the Ngatikawa Natives, and as no part of the money was returned to Paikea or any of his people, they have subsequently set up a claim to the inland portion of this block. I have met the Natives on the ground that they had requested that a surveyor should be sent by the Government who merely surveyed the land which was pointed out to him by the Natives (Ngatikawa) who they consented to point out the boundaries. This may be considered a question more between the Natives themselves than with the Government, as Paikea's people now insist on the other party refunding a portion of the purchase money to the Government, which is not likely to be carried out. There is a letter in the Native Office addressed to the Governor by Rapana, who asserts a claim to a portion of Oruapou which has been purchased by me from Paikea and his tribe; and, previous to the payment, Te Keene and I explained to the Natives that an objection was taken by the Native above-named to the disposal of this block exclusively by the Uri-o-hau Natives, who denied his right to any portion of the land, and promised under any consideration to settle the question amicably, should any reference be made to the Government disputing their right to receive the money for this block.

During my recent visit to Pakiri, a Native named Poari, from Oruawharo, demanded a small payment for an old cultivation within the Waioneke purchase, which I decline to accede to, as the claimants, including Poari, all agreed that Brown should have the distribution of the money for this purchase. There is a letter from him in the Native Office, explaining that Poari's claim is insignificant, and that he will himself deal with it. The chief Arama Karaka, who offered for sale a block of land named Piroa, on which an advance of £100 has been made to him, applied for a surveyor, which was complied with, and in traversing the inland boundary, he insisted upon carrying it into the Waipu purchase, and almost over to the East Coast, when the surveyor returned and reported the circumstance. On examining the deed of sale of Waipu, I find that the inland boundary has never been surveyed, which is the cause of the present encroachment.

I have been unable to reconcile this question with Arama Karaka, and proposed that he should come to some understanding hereafter with Mr. Johnson, who was the Commissioner negotiating the Waipu purchase, to which he assented.

The above are the only questions of difference now existing on the part of the Natives, relating to the purchase of land in the Kaipara, and I submit that the difficulties are of a minor nature, which will easily be overcome by giving the Natives time to withdraw their objections, as has been the case with several other objections which were raised by them, such as the Oruawharo case, which is now finally settled.

At Whangarei there are about 50,000 acres surveyed, including the Waikare and Whanui Blocks, the negotiation for which is still pending, as the Natives have repeatedly refused the price offered by the Government for the purchase of these blocks.

The Natives who offered the land lately surveyed by Mr. Bedlington are most anxious to come to an arrangement regarding the price to be given, and as I have had no opportunity since the survey was completed of visiting Whangarei, I have not been able to bring the negotiation to a conclusion.

On the South side of Whangarei Harbour there is a block of land called Poupouwhenua, which was ceded to the Government many years ago by the Chief Mate and others in payment for a robbery committed at Matakana, the inland boundary of which is disputed by the Natives. I have examined on the ground the boundary mark, and am of opinion that the Natives are labouring under a false impression as to the boundary of the land, and am supported in this view by Mr. Clarke, who accompanied the surveyor who marked out the



boundaries at the time. The only other boundary question that I am aware of existing in this district has been brought forward by Mr. Anderson, a settler in the Maungatapere Block, who states that the Natives dispute a portion of the boundary of his land, containing about half an acre. There is a letter in the Native Office in reference to this dispute which will explain the particulars, and as I am not likely to visit Whangarei for a considerable time to come, I submit that the matter be referred to Mr. Johnson for his report, as he negotiated the purchase of Maungatapere and Ruakaka Blocks, in which these disputes have arisen.

The only question that I am aware of in which you are involved is at Whangateau in the Pakiri purchase which is disputed by Kiri and Tauwhitu, in reference in which I beg to enclose a copy of my report which was called for by the Assistant Native Secretary while I was in that neighborhood. I should state that while I was at Mahurangi lately, Te Hemara said he was one of the party who pointed out the boundaries to the surveyor, and that the boundary described in the deed of purchase is correct. It will therefore be seen by the above statement that 244,100 acres have been purchased, about 90,000 are surveyed, and about 150,000 under offer to the Government; and these purchases, with the above unimportant exceptions, are free of dispute.

I have, &c.,

JOHN ROGAN, District Commissioner.

## Description.

### Opou Block.

Opou Block contains 985 acres, principally stunted fern with a few patches of forest. The soil is inferior in quality, and the land is undulating. The position of this block adds to its value, being situated between the Oruawharo and Tauhoa rivers, the Oruawharo having deep water for several miles inland of Opou, and vessels of 50 tons may approach the land by the Tauhoa River. It adjoins the Oruawharo Block, which has been purchased at the rate of 8d. an acre, but owing to the number of claimants, and the comparative small size of the block, I think it probable that the Natives will not be induced to accept less than £100 for this purchase, which will be at the rate of about 2s. an acre.

### Kaikai.

Kaikai contains 2230 acres of hilly land, one half of which is covered with kauri forest, the other half is open fern land. A belt of land along the Kaukapakapa River is a rich alluvial soil. This land adjoins the Kaukapakapa West, which is now occupied by settlers; it was purchased for 1s. an acre, and as this block is better situated as regards water carriage, I consider it is well worth 2s. an acre.

### Okaka.

Contains 1851 acres, consisting of Tupakihi scrub, high fern, swamp, and sand hills. It is situated at the South head of Kaipara Harbour, and adjoins the Whiritoa.

### Whiritoa.

Contains 1,558 acres, one-third of which is good fern land, a portion is swampy, the remainder is sand. It is situated south of Okaka. These two blocks were included in a number of others which have lately been purchased. The uniform price of 1s. an acre was fixed by the Government, but the Natives would not agree to the price for these two pieces of land. There is now a letter in the Native Office from Keene, offering to accept 1s. 6d. an acre, and I submit that, as the Natives have reduced their price from 3s. to 1s. 6d., and as it is really important to have the south head as a pilot station, it is desirable to purchase these blocks at the price asked, *i.e.*, 1s. 6d.

### Whakapirau.

Whakapirau contains 3,600 acres. Nearly the whole of this block is good forest land; the open land is rich

dark clay soil, covered with fern and scrub. It is bounded on the north by Whakapirau, on the east by Arapaoa, and on the south by Kokorako. There is deep water frontage to this land, where vessels of 600 tons may anchor in perfect safety. I consider this land is worth 2s. 6d. an acre in relation to the price given for other blocks.

## **Matawhere.**

Matawhere is about 5,500 acres. A great portion of this block is hilly, four - fifths is open of average quality, the remainder is kauri forest. Situated on the Kaipara Harbour, with deep water frontage, between the Omokoriki and Kaukabakaha Blocks, within twenty-seven miles of Auckland. The Natives have lately differed among themselves, and it is not necessary to determine the price until the Natives are disposed to treat for it.

## **Maungaturoto.**

Contains 6,815 acres of excellent level open forest land, with three small patches of manuka scrub and toitoi; accessible, having water communication by the Wairau. It is probable the Natives will expect 1s. 6d. an acre for this block.

## **Piroa.**

Contains 9,200 acres (*see my report in reference to Arama Karaka's dispute*) hilly forest land, of average quality. Situated between the Aparoa, Waipu, and Maungaturoto Blocks, and Wright and Graham's claim. There appears to me no necessity to fix a price for this block at present.

## **Waiherunga.**

Contains 2,884 acres. One-half is good open land, or quarter barren, and one-fourth white sand hills. Situated on the Kaihuru River, between the Waioneke and Mairatahi Blocks. 1s. 6d. an acre would be ample for this piece.

## **Hikurangi.**

The Hikurangi Block contains 12,000 acres of land of fair average quality, nearly two-thirds of which is hilly and covered with forest, a portion of which is kauri and kahikatea. One-third is composed of open fern land and swamp. This block adjoins and is situated on the north side of Kaurihohore Block, and is about eight miles distant from the European settlement at the head of the Whangarei river.

## **Ruatangata Block.**

Ruatangata contains 5,450 acres, a small portion of which is good volcanic land, the remainder is of inferior quality, about one-half of which is covered with forest of general description. The other portion is almost barren, having a tough upper soil of about five inches in depth, with white and light yellow clay subsoil, covered with rushes and short fern. This block is for the most part extremely damp during the greater part of the year. It is situated about four miles to the north-west of Mair's claim. It is accessible by a good level track through forest, passing the Native settlement at kotinikau

## **Miro Whakatiki**

Contains 5,500 acres of land, one-half of which is of good quality, principally volcanic, covered with forest. The other part is white clay, inferior in quality, and covered with rushes and short fern and raupo, a considerable portion of which is swampy. It adjoins the Ruatangata Block. I think an uniform price of 1s. for these three blocks would be ample.

## **Omokoriki**

Contains 35,000 acres. Nearly the whole of this block is covered with forest, comprising a considerable quantity of kauri. The greater part of this land is good, 3,000 acres of first class alluvial fern and flat land. Hilly, situated inland of Mahurangi, Whangarei, Waikau, and Whanui. (See Mr. Johnson's report.)

JOHN ROGAN, District Commissioner. Auckland, 14th  
September, 1861.

## No. 37. Mr. COMMISSIONER JOHNSON TO THE CHIEF COMMISSIONER.

*Respecting Land in dispute between Tirarau and Te Uriohau.* District Commissioner's Office, Otaika, Whangarei, 5th December, 1861.

SIR,—

I have had the honor to receive your letter of the 3rd ult., enclosing two letters for Tirarau and Parore, which I have forwarded to them.

The Ngapuhi appear to be quite satisfied with the cession of the land in question by the Uriohau to the Crown.

I shall use my best endeavours to dissuade Tirarau and Parore from bringing any of the Ngapuhi tribes to occupy the territory in dispute between them and the Uriohau, but at the same time I would observe that, if they persist in doing so, it cannot be construed into an aggressive movement on the part of those Chiefs, as it has for many years past been the practice of the Northern tribes to resort periodically to the Wairoa river for the purpose of squaring spars and collecting kauri gum for disposal to the merchants located there, and I fear it will be difficult to persuade them to relinquish this source of traffic to which they have been so long accustomed.

I have, &c,

JOHN GRANT JOHNSON, District Commissioner.

Donald McLean, Esq.,

District Commissioner,

Auckland.

## No. 38. Mr. COMMISSIONER ROGAN TO THE HON. THE COLONIAL SECRETARY.

*Pukeatua Block offered for Sale by Te Reweti.* Te Awaroa, Kaipara, 7th January, 1864.

SIR,—

The Chief Tamati Reweti, at a meeting of Natives held yesterday at this place, came forwards and offered for sale to the Government a block of land named Pukeatua, containing about twenty thousand acres (20,000 acres), situated within a few miles of Auckland, for 7s. an acre. I intimated to him that I had no authority to agree to pay him any such amount. It was arranged that I should refer the matter to Auckland, and as it appears to me that the opportunity has now arisen for bringing the purchase to a conclusion, I have the honor to offer the following suggestions for your favourable consideration. The Superintendent will at once see the importance of purchasing this land. As I have never yet been able to examine the Pukeatua Block, it is submitted that an officer be despatched forth with to examine and report on the nature of the land; its position, availability, &c, and that the Government should then fix the highest limit per acre, and authorize me to make that offer to Tamati Reweti. The arrangement now existing between us is that he will wait until I return from my visit throughout the district, which I hope will be in a few days, when a reply to this letter may be expected, and if the Government are prepared to give 4s. 6d. or 5s., I believe the purchase may be concluded at once.

I have, &c,

JOHN ROGAN, District Commissioner.

The Hon. the Colonial Secretary, Auckland.

## **No. 39. LIEUT-COLONEL McDONNELL, TO THE GENERAL GOVERNMENT AGENT, AUCKLAND.**

*Kaipara.—Waoku Block.* Auckland, 10th July, 1872.

SIR,—

I have the honor to report, for the information of the Government, that in accordance with instructions I received from Mr. Clarke, the Civil Commissioner, I proceeded from Auckland to the Waimate, and from thence to Ottawa, to make enquiries respecting the block of land named Waoku, offered for sale to the Government by Hora Puatata, Wiremu Pore, and other Chiefs.

I arrived at Ottawa on the 25th June, a settlement on the Taheke, a branch of the Hokianga River. I held a meeting with the Natives, and the following morning I left with five guides, who were to show me over the country. About two miles from the settlement we entered the bush, travelled all day in the rain, and camped at nightfall, wet, tired, and hungry. The weather was of the worst description, and had it not been that we were fortunate enough to meet with and kill a wild cow, the fat of which I made the Natives burn for a fire, as there was no wood near that we could get to kindle, I doubt if we could have moved the next day from camp and the exposure, as we had neither blankets nor other covering, excepting what we stood in. We passed a miserable night. In the morning the Natives had decided to return. It would have been useless to proceed, if even I had been able, so we returned to the village, which we reached late on the evening of the following day. I again conversed with the Chiefs, and offered to go out again in a few days, when the weather moderated, and if they could procure food. This they declined doing, as they were busily engaged in fitting up a large house intended for the reception of other Natives, who were to take part in a "hahunga," or disinterment of bones. But they proposed that I should return in the summer months, when they would go over the block, and point out all the boundaries to me. From what I could see and judge of the country, I made the following remarks:—

- 1st. It is all forest land, comprising kauri, totara, rimu, mata, and other useful timber.
- 2nd. The nature of the country is rough and mountainous in some places, and undulating in others.
- 3rd. The soil is of excellent quality, being a rich chocolate-coloured loam, that would grow any farm produce.
- 4th. As to the position and probable extent, the land is on the Mangakahia stream, which runs into the Wairoa River. I should judge the eastern boundary to be four or five miles to the westward of Maunganui (the mountains on the Coast). The Southern boundary commences about seven miles in a straight line from Ottawa, running inland over the wooded range. The acreage is, as far as I could judge, about 35,000 acres.
- 5th. I am inclined to think there will be little or no dispute as to ownership, unless old Parore makes a claim. I spoke to the chief Mohi Tawhai, and with the Native member for the North Wireinu Katene, as to the ownership, and these chiefs seemed to think that those who have offered the land for sale have a good claim.
- 6th. As I have not been over the land, I can say nothing for certain as to the best line of road, or the most convenient seaport or outlet, as it is forest country, surrounded by forest on all sides. Before a reliable opinion can be given, it must be thoroughly explored in fine weather.
- 7th. Its fitness for immigration purposes. This will, in a great measure, depend on the approaches that can be got to it, but I think a road could be made from Ottawa and the Taheke. From the latter place, water carriage is to be had to Hokianga. A road might also be had to it from the Bay. I expect the natural outlet from it will be by the Wairoa. Should my surmises prove correct, the country might be suitable for

Canadians or Nova Scotians, but not for immigrants fresh from the home country.

The lowest price mentioned by the Natives was 5s. an acre, but this was a mere matter of form. The utmost value I place upon it, and that only if available roads can be made to it, is at the outside 2s. an acre.

I believe coal exists, as the Natives showed me some, said to have been found on the land, a specimen of which I enclose.

I have, &c.,

Thomas McDonnell.

The General Government Agent, Auckland.

## **No. 40. Lieut-Colonel McDONNELL TO THE GENERAL GOVERNMENT AGENT, AUCKLAND.**

*Kaipara.—Pakiri Block.* Auckland, 24th December, 1872.

SIR,—

I returned from the Kaipara yesterday evening, and have the honor to inform you, with respect to the block of land near Little Omaha, named Pakiri, that I have been instructed to purchase, that I have had personal communication with two of the three owners, Rahui, and Arama Karaka who is trustee for Wi Apo. Hori te More, the third owner, I have not yet been able to communicate with. Rahui says that she is not willing to dispose of her right to the Government, but that she is willing that the owners' titles be individualised by the Native Land Court, after which each person can do as he or she may then please. Arama Karaka, trustee for Wi Apo, has given his consent to this arrangement, and has signed a requisition to the Native Land Court to this effect, and Rahui has signed also. Arama Karaka is agreeable to sell 6,000 acres out of what will be awarded to Wi Apo, reserving 4,000; or to dispose of the whole, if some provision be made for the lad's education, and he wishes the sum of £300 to be advanced at once on the land, and I enclose a letter from him, which I believe is to that effect.

I have not spoken to Hori te More about the money he is said to be owing Mr. McLeod, but I understand that he is willing to settle old scores with that gentleman, should the Government purchase his interest in the land. I will, however, place myself in communication with him, and acquaint you with the result. And I presume nothing further can be done in this matter until it has been brought before the Native Land Court.

I have, &c.,

THOMAS McDONNELL.

The Hon. Dr. Pollen, Government Agent, Auckland.

## **No. 41. Lieut.-Colonel McDONNELL TO THE GENERAL GOVERNMENT AGENT, AUCKLAND.**

*Kaipara.—Marunui Block.* Auckland, 11th February, 1873.

SIR,—

I returned this morning from the Kaipara, and have the honor to inform you, for the information of the Government, that after I had seen Mr. Rogan respecting the Marunui land, I proceeded to Otamatea, and saw Arama Karaka. This chief sent one of his Natives, who pointed out the land he is willing to dispose of—a block of 2,200 acres; also a piece of land, 500 acres in extent, which he says, "the Government have sold to a Mr. Henry for 10s. an acre, though he has never parted with his title to it."

Arama Karaka has agreed to take half-a-crown an acre for the first block, and I have consented to this on behalf of the Government, as it is fair land.

Respecting the 500 acres occupied by Mr. Henry, Arama Karaka says that he expects to be paid the same amount of money that Mr. Henry purchased it for some years since, which, at 10s. an acre, would amount to £250. He spoke very strongly on this subject, urging a speedy settlement, saying that if it is arranged for soon, he will take what he offered it for, and not charge any back interest.

I promised to recommend that his claim be seen to as soon as it is possible, and I have the honor to call the attention of the Government to this case, with a view to its speedy settlement.

I have also the honor to enclose a statement made by Mr. Rogan to me about the Marunui Block, which I took down at the time in writing.

I have agreed to meet Arama Karaka on the 21st instant, at Helensville, at which time the Native Land Court sits, and as John Sheehan has said that he will be present, an arrangement can then be made about that portion of the Pakiri Block, for which Arama Karaka is trustee on behalf of Wi Apo.

Hori te More has promised to meet me at Helensville on the 21st instant, and states that he is willing to dispose of that portion of the Pakiri Block owned by him. He is also willing to come to a settlement about some moneys owing to John McLeod, which I think will be satisfactory to all concerned. I have, therefore, agreed to meet this chief on the day named by him.

Arama Karaka is anxious to obtain a small sum of money on account, as he is in want of cash, and I have promised to send him what I could procure from the Government to the extent of £40. I have, therefore, the honor to request that a sum of money be placed at my disposal (not more than that named) for this purpose.

I have, &c.,

THOMAS McDONNELL, Land Purchase Commissioner.

The Hon. Dr. Pollen, General Government Agent.

**No. 42. HIS HONOR THE SUPERINTENDENT,  
AUCKLAND, TO THE GENERAL GOVERNMENT AGENT,  
AUCKLAND.**

*Kaipara.—Mangakahia.* Superintendent's Office, Auckland, 11th February, 1873.

SIR,—

I have the honor to inform you that on a recent visit (unofficial) to Mangakahia, I was offered several blocks of excellent settlement land for sale by the Native owners. Their desire seemed to me to be to encourage European settlement in the district, and I promised them that a Government officer would be sent up to negotiate with them, as I did not feel at liberty to personally take advantage of their offers. The land I would recommend to be acquired by the Government, at a price not exceeding 2s. per acre, covering all charges.

I shall be glad to have a reply as soon as possible as to whether the General Government will undertake to purchase, as otherwise I shall be prepared to do so at once on private account.

One special block which I inspected lies between the Karaka Block, Baker's land claim, and the Mangakahia River, and is well suited for settlement.

I have, &c.,

THOMAS B. GILLIES, Superintendent.

The General Government Agent, Auckland.

## **No. 43.Lieut.-Colonel MCDONNELL to the GENERAL GOVERNMENT AGENT, Auckland.**

*Kaipara.—Pakiri Purchase.* Auckland, 26th February, 1873.

SIR,—

I have the honor to report my return from Helensville, and to state for the information of the Government that Hori te More has signed an agreement consenting to dispose of all the interests that he is and will be entitled to in the Pakiri Block of 32,000 acres,—that is, 10,666½ acres, or one third of the whole block—to the Government for the sum of £1,000, after deducting the sum of £270 owing to John McLeod, M.H.R., including law expenses and costs amounting to £21 13s., also a sum of £55 owing by Hori te More to John Sheehan, M.H.R., and a sum of £10 advanced to Adam Clarke by me on behalf of the Government, amounting altogether to £343 7s., leaving £643 7s. to be paid to Hori te More on completion of title, but any expense connected with surveys are to be defrayed by the Government.

The application that was heard at the Court now sitting was to have the land divided so that each claimant could deal separately with his or her interest, but as it is necessary that Hori te More should have power to deal with the land on application for succession of title has been sent in to the Native Land Court signed by Hori te More, to be heard at the next sittings of the Court.

It has also been agreed to by Adam Clarke and John Sheehan, who are trustees for Wi Apo in the Pakiri land, that on their being authorized by law to negotiate his interest that they will accept the sum of £1,000 on his behalf, and I have advanced to Adam Clarke £10 on this understanding.

Mr. Sheehan assures me that there will be no difficulty in obtaining the necessary legal authority for the fulfilment of the agreement that has been signed, and which I have the honor to attach to this report.

With regard to the Marunui Block of 2,160 acres, Adam Clarke has agreed to take 2s. 6d. an acre for the block, and I have given him an advance of £20 on account, which leaves a balance of £250 that is to be received when he comes to Auckland and signs the deed of conveyance.

Respecting the 500 acres of land claimed by Adam Clarke, but which has been sold to Thomas Henry of Whangarei, Adam Clarke says that he simply wishes to be repaid what the Government sold the land for, namely—10s. an acre.

I have, &c.,

THOMAS MCDONNELL, Land Purchase Commissioner.

The Hon. Dr. Pollen,  
General Government Agent.

## **No. 44.Lieut:—Colonel MCDONNELL to the**

# GENERAL GOVERNMENT AGENT.

*Kaipara.—Mangakahia.* Auckland, 7th April, 1873.  
SIR,—

I have the honor to report that, on my return to the Taheke and Ohaeowae from Hokianga, that I proceeded to Mangakahia, in accordance with your instructions. On my way there I met a number of Natives on their road to Kaikohe, many of them principal owners of the country sought to be obtained by His Honor the Superintendent. Hare Potai, Eru Teke, and Piripi Hahu, who were with these people, on hearing my errand, protested strongly against the sale of these lands by Matiu to Mr. White, and gave me directions where to find other chiefs at Mangakahia, who would tell me more.

On my arrival at Mr. Frazer's, at Mangakahia, I sent messages to the various settlements, and the following morning Mari te Wharepapa, Paora Kewi, Te Hatiwira, and others, called to see me, and a long conversation ensued, the result of which is that the Natives are still willing to dispose of their land to His Honor Mr. Gillies, for the purpose of locating Europeans thereon; but they one and all, Matiu and Hamu excepted, are annoyed and angry at Mr. White dealing with only two of their number, and not meeting the whole of the owners on the land itself. They also refuse to agree to sell at the price arranged between Mr. White and Matiu at Helensville; that is, at 1s. 6d. an acre for the good land, and 1s. 3d. for the hills and forest. The best part of this, or the most part of the land, they (the Natives) tell me Mr. White has never looked at. They wish to have a letter from the Government, and to hear from me as soon as possible after arriving in Auckland, and they do not wish the land to be surveyed by private individuals, but to be undertaken by the Government, free of cost to them, after the price per acre has been properly agreed upon.

With reference to the Charles Baker's claim, I led the Natives carefully round to the subject, and we had a long discussion, the result of which is, that they have promised me that if surveyors are sent by the Government to survey the land, that they will go over to the ground and survey the portion agreed upon before, at the time the surveyors were stopped, and that no dispute will now arise. At the same time, I would suggest that if the Government assent to this, a Government officer should be on the spot during the survey, and I think that this very troublesome question would then be amicably settled.

Any further action taken by me than ascertaining what I did during this visit might have proved injurious, so I left the following Monday, promising to write soon after arriving in Auckland, The Natives mentioned by me expressed a strong wish to hear from yourself, and His Honor Mr. Gillies, after which they would send for me. I promised them as far as I could that their wishes should be attended to. They expressed themselves satisfied, and the meeting broke up.

On Sunday morning, Wharepapa called to see me, giving me a letter for you, which I have already forwarded, and he told me that the Natives wished Baker's claim to be settled, and surveyed off; but he hinted that a further reduction of acreage would be asked for, though he said at the same time that he did not think that the extra claim would be at all insisted on, and I fancy he is right.

I have, &c.,

THOMAS McDONNELL.

The General Government Agent,

Auckland.

## No. 45. The UNDER SECRETARY, Native Department, to Mr. BRISSENDEN.

*Appointment of Mr. Brissenden as Land Purchases Agent.* Native Office (Land Purchase Branch), Wellington,



12th March, 1874.  
SIR,—

It has come to the knowledge of the Hon. the Native Minister that there are several considerable blocks of forest land to the north of Auckland, which it is desirable that the Government should procure for public purposes. I am therefore desired to request you that you will proceed to Auckland with as little delay as possible, and endeavour to negotiate with the Natives to purchase on reasonable terms these lands, and any open lands which it may be thought expedient to acquire. On reaching Auckland you will put yourself into communication with Mr. Civil Commissioner Kemp, who is already in treaty for certain blocks of land in the direction of Kaipara and the back of Whangarei district; and you should arrange between yourselves regarding the perfection of these negotiations. Perhaps it will be advisable for Mr. Kemp to complete them and avoid possible complications.

You will be good enough to report to this office from time to time the progress you are making, and the sums of money you will be likely to want for these purchases, being careful to specify the sums required for each particular block. You are also authorized to engage, through Captain Heale, any surveyors who may be required to survey the lands you propose to purchase.

Care should be taken that the plans when complete are submitted for examination and approval to the Inspector of Surveys, and that copies of them are forwarded to this office.

Should you be in want of other assistance, you are authorized to obtain it, reporting to this office the necessity for doing so, and the salary you propose.

I have, &c.,

H. T. CLARKE, Under Secretary.

E. T. Brissenden, Esq., Wellington.

## **No. 46. Mr. BRISSENDEN TO THE HON. D. POLLEN.**

*Kaipara.—Land Transactions.* Auckland, 14th April, 1874.  
SIR,—

As I understand that you are aware that I have been appointed Government agent for the purchase of Native lands in the North by the Hon. the Native Minister, and that you act for him in his absence, I take the liberty of addressing you on the subject of Native lands.

I have commenced the negotiation for the following blocks' of land—viz., 20,000 acres of Te Pakiri Block, for which I require £2,000; the Muriwhenua Block, about 20,000 acres, at 2s. an acre, £2,000; the Taupaki Block, 6,000 acres, fit for special settlement; and many other blocks, in all amounting to some 100,000 acres.

I have been very much crippled in my transactions for want of the necessary funds to enable me to pay the whole or part of the purchase money, and have in consequence been compelled to prolong negotiations to fill up time.

One great obstacle is the number of private individuals throughout the North anxious to purchase kauri forests as well as open country. These people having money in hand gives them a great advantage over me, and makes my task extremely difficult, the more so while many of the blocks in the North have passed through the Native Land Court, rendering private transactions quite safe.

I hope that no further delay will be given, and that you will be good enough to authorize me to draw for any such sums as may be required from time to time on the Bank of New Zealand, Auckland.

I have, &c.

E. T. BRISSENDEN.

The Hon. D. Pollen,  
Government Office, Auckland.

## **No. 47. Mr. BRISSENDEN to the UNDER SECRETARY, Native Department.**

*The same.* Auckland, 16th April, 1874.

SIR,—

Since mine of the 8th instant I have the honor to report the commencement of my negotiations for the following blocks of Native lands North of Auckland—viz., the second 10,000 acres of Te Pakiri Block, at 2s. per acre; the Muriwhenua Block, of above 20,000 acres, at 2s. per acre; the Taupaki Block, of 6,000 acres, surveyed and through the Court. This block is a very superior one, and well adapted for special settlement; it is near Auckland and accessible. I have not yet arranged as to price, but hope to secure it for 5s. per acre, though I have lots of opposition from private parties who are willing to give three times that price.

Before this reaches you I expect to have concluded the above transactions, and hope you will be able to induce the Treasury Department to be prompt in forwarding me, without loss of time, the necessary sums of money for which I send in requisitions.

I have also begun negotiations for several other blocks of Native lands that will amount to more than 200,000 acres, and have every prospect of securing by purchase very extensive tracts of country throughout this district in a short space of time.

I enclose requisitions for money required at once.

I have, &c.,

E. T. Brissenden.

H. T. Clarke, Esq., Under-Secretary, Native Department, Wellington.

## **No. 48. Mr. H. T. CLARKE to Mr. Brissenden.**

Native Office (Land Purchase Branch), Wellington, 22nd April, 1874.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 16th instant, and, in reply, have to inform you that the money required will be forwarded through the General Government Agent in Auckland with as little delay as possible.

I have, &c.,

H. T. CLARKE, Under Secretary.

E. T. Brissenden, Esq., Auckland.

## **No. 49. Mr. H. T. CLARKE to Mr. BRISSENDEN.**

*Owhetu and Ara Kiore Deeds.* Native Office (Land Purchase Branch), Wellington, 11th November, 1874.  
SIR,—

I have the honor to acknowledge the receipt of your letter of the 3rd inst., covering two deeds (Owhetu and Ara Kiore), and to inform you that it is necessary to have all deeds registered before being forwarded to this office.

I have, &c.,

H. T. CLARKE, Under Secretary.

E. T. Brissenden, Esq., Auckland.

## **No. 50. Major GREEN to UNDER SECRETARY, Native Office.**

(No. 277).  
General Government Offices, Auckland, 17th December, 1874.  
SIR,—

In accordance with the request contained in your letter No. 130, 11th November, 1874, I have the honor to return herewith, duly registered, the undermentioned deeds:—

Conveyance P. Tuhaere and another to the Queen, of the Ara Kiore Block, Kaipara. Registered No. 50686.  
Memorandum of Transfer No. 416 (indorsed on Crown grant), by P. Tuhaere and another, of the Owhetu Block, Kaipara.

I have, &c.,

EDWARD L. GREEN, (for General Government Agent).

The Under Secretary, Native Office,  
(Native Land Purchase), Wellington.

## **Alleged Improper Sale of Land North of Auckland. (Inquiry by Mr. R. C. Barstow, R. M., and papers relative to).**

# His Honor the SUPERINTENDENT, Auckland, to the Hon. the Colonial SECRETARY.

*Kaipara.—Alleged improper sale of Waipoua and Maunganui Blocks on the Wairoa.* Superintendent's Office,  
Auckland, 9th March, 1876.

SIR,—

I have the honor to enclose the copy of a letter received from Joseph A. Tole, solicitor, Auckland, calling attention, on behalf of the Native Parore, to the improper sale of the Waipoua and Maunganui Blocks, in the Wairoa, Kaipara District, and I request that no further steps may be taken in regard to these two blocks until inquiry has been made into the complaint set forth in Mr. Tole's letter, which inquiry I pray may be at once instituted.

I have, &c.,

G. Grey.

The Hon. the Colonial Secretary, Auckland.

## Enclosure in No. 1. Mr. J. A. TOLE, to His Honor the SUPERINTENDENT, Auckland.

Auckland, 6th March, 1876.

SIR,—

I have the honor, on behalf of an aboriginal native named Tiopira, a co-grantee with another Native, named Parore, of two blocks of land named respectively Waipoua and Maunganui, in the Wairoa, Kaipara District, to communicate to your Honor briefly the following facts, disclosing a grievance of which it is confidently hoped your Honor will kindly endeavor to seek redress.

The above blocks of land were adjudicated upon in favor of the above-mentioned Tiopira and Parore, as joint grantees of each block, upon the understanding that Parore would pay to Tiopira the sum of £100, being part of the purchase money of a block of land (to which Tiopira asserted a claim) called Waimata, sold some time previously to, I believe, Mr. Dargaville. This arrangement was concluded by correspondence between the parties, which correspondence is in existence.

With the free knowledge of this arrangement the blocks were sold to the General Government, through Native Land Purchase Agents, who negotiated the sale at the sum of £2,000 for each block. At the time of the execution of the deeds, I am instructed the place, in the instruments of conveyance, allotted to the insertion of the consideration money was left blank, and though at the time of execution the real consideration of the sale was interpreted to Tiopira (as before stated), £2,000 for each blocks, it was nevertheless shortly afterwards discovered that the considerations in the same deeds had been filled in as respectively £2,200 and £2,300, being an aggregate increase of £500 over the price agreed upon originally. This extra £500 has, I am instructed, been paid entirely to Parore, and Tiopira has received none of it. Tiopira's grievance, therefore is, that though the original purchase money was understood to be £2,000 for each block, yet since it has been thought necessary to increase that amount to the extent already stated (£500), he asserts that he is justly entitled to his proportion of it, and not that it should be all paid to a co-grantee.

As the grants to the Crown from the Natives of both the above blocks are alleged by the Trust

Commissioner, under the Native Lands Frauds Prevention Act, to have satisfactorily passed through all the requisite stages of inquiry, for the purposes of registration, it is respectfully trusted that your Honor will, as conveniently as possible, institute such measures as may eventuate in the proper protection of Tiopira, and also in the adjustment of the claims of parties in this purchase.

In conclusion, I may state that these facts are furnished to me by the Native Chief, Paul Tuhaere, who was present during the adjudication of these blocks, and acted then, as now, as the agent of Tiopira.

I have, &c.,

JOSEPH AUGUSTUS TOLE, Solicitor. His Honor the Superintendent of the Province of Auckland.

Referred to Mr. Commissioner Kemp for his report.—Daniel

Pollen.—10th March, 1876.

Memo. attached for Hon. Dr. Pollen's information, also translation of a letter from the Paul Tuhaere, on the same subject.

—H. T. Kemp.—18th March,  
1876.

## **The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT.**

Auckland, 15th April, 1876.

SIR,—

I have received your letter of date 9th March ultimo, covering copy of a letter from Mr. Joseph a Tole, calling attention, on behalf of the Native Parore, to what your Honor is pleased to describe as the "improper sale" of the Waipoua and Maunganui Blocks, in Wairoa, Kaipara District.

I enclose, for your Honor's information, copy of a memorandum by H. T. Kemp, explanatory of the circumstance attending the sale of the blocks in question, which was concluded during a sitting of the Native Lands Court, and recorded as required by law.

Your Honor will see that the Native on whose behalf you intervene has no cause to complain, and makes no complaint regarding the actual sale of the land, but has grounds to complain of the action of Messrs. Brissenden and Nelson, the Land Purchase Agents, who declined in the first instance to recognize his title, and who exclusively favoured that of Tiopira.

I call your Honor's attention to the circumstance that Paul Tuhaere denies the assertion made by Joseph A. Tole, that he (Paul) had furnished the "facts" upon which Mr. Tole's statement is based.

I have, &c.,

DANIEL POLLEN.

His Honor the Superintendent, Auckland.

## **Enclosure 1 in No. 2. Mr. KEMP, C.C., to the Hon. Dr. POLLEN.**

18th March, 1876.

SIR,—

I have referred these papers to J. W. Preece, the Land Purchase Agent, who states that the Waipoua and Maunganui Blocks were purchased by Messrs. Brissenden and Nelson, for the Government, from Tiopira and other Natives, for 1s. 1d. per acre, and paid them sums of money (at a very early stage), in the shape of advances, to the amount of £620. Mr. Preece further states, that these Agents utterly ignored, and refused to acknowledge the interest of Parore te Awha, the principal chief of the district, who afterwards proved his claim in Court. Parore then refused to sell, and Tiopira was requested to complete the sale to the Government of his interest on the terms agreed on, which he, in the presence of Paul Tuhaere did; the Government Agent conceding his only request, which was to make up his share to £2,000,—which was about £50 more than his share of the amount originally agreed on, viz., 1s. 1d. per acre, together with a valuable reserve at Waipoua of 6,000 acres, which afterwards turned out to be 12,000 acres, and which more than compensated for the extra price given to Parore. Parore afterwards sold his interest for £2,500 in the two blocks; all these arrangements having come under my personal notice.

H. T. KEMP.

## **Enclosure 2 in No. 2.Mr. PREECE to Mr. KEMP, C.C.**

IN reference to the complaint made by Tiopira, that he only received £2,000 for his interest in Waipoua and Maunganui, while Parore received £2,500 for his interest, I have the honor to say that—

- 1. Tiopira had, together with all his people, before the land was surveyed, agreed to sell the land to the Queen for a stated sum, namely, 1s. 1d. per acre, being a trifle less than he eventually got; and on that agreement they had drawn from the Government money on the land to the amount of £620: while, on the other hand, Parore and his people had never agreed to sell the land at all, nor had they drawn any money on it—holding their interest intact and unencumbered by agreement to sell, until after Tiopira had finally disposed of his interest.
- 2. There was no doubt that their interests were equal in the whole area of the estate; but the judgment being invalid, we were bound to get them to come to an agreement if possible; and we could get no better terms out of Tiopira than that he was to get the Waipoua reserve (over 12,000 acres) to himself, and that Parore was to pay him £100, which, by the deliberate verdict of a former Court, he (after being heard) had been found not to be entitled to. Thus Parore received £2,400, and Tiopira received £2,100 and over 12,000 acres of land, to which, by the verdict of the Judges of the Court, Parore was as much entitled to as was Tiopira, but, by the compromise, obtained no interest in it.
- 3. The purchase of the interest of Tiopira and that of Parore were two entirely different negotiations, and conducted quite separately; the former having willingly, and without any hesitation, sold at a trifle over what he originally agreed to: and the interest of the latter having been purchased at the very lowest sum he could possibly be induced to take, and he being under no obligation whatever to sell at all.

It is true that one deed for each block was made to cover both transactions, but that was done simply as a matter of convenience.

J. W. Preece.

## **Enclosure 3 in No. 2.PAORA TUHAERE to Mr. KEMP, C.C.**

(Translation.)  
17th March, 1876.  
Mr. KEMP,—

The information you asked me for in reference to what Mr. Tole, the lawyer, said.—I cannot say who the interpreter was to that lawyer. I only saw Mr. Nelson there once, but Mr. Tole, the surveyor, I saw oftener; and perhaps it was he who interpreted for Heta and Te Haurangi. This is merely an idea of my own, but, as for myself, I had nothing to say with reference to the matter complained of.

PAORA TUHAERE.

## Enclosure 4 in No. 2.

(Memo.)

HETA and Te Haurangi, Natives of Ohaeawai, came to Auckland to receive a sum of £90 due to them on some of these blocks, and which, at their own written request, had been held by Mr. Preece for them, £10 having been paid at Kaihu, total amount being £100.

H. T. KEMP.

## His HONOR the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.

Superintendent's Office, Auckland, 2nd May, 1876.  
SIR,—

I have the honor to acknowledge the receipt of your letter of the 15th ultimo, regarding a communication which I enclosed you from J. A. Tole, solicitor.

In reply, I enclose copy of a further letter I have received from J. A. Tole, and of its enclosure, and beg to request earnestly that you will cause an inquiry to be made into the irregular circumstances alleged in this correspondence to have taken place; and further, that until such inquiry has terminated, all proceedings relative to the deeds for the blocks of land in question may be stayed.

J. A. Tole is right in stating that the chief Paora Tuhaere, together with Mr. Tole and some Natives, sought and obtained an interview with me on the subject of the wrong proceedings which in this correspondence it is alleged took place.

I have, &c.,

G. GREY.

The Hon. the Colonial Secretary, Auckland.

# Enclosure in No. 3. Mr. TOLE to His Honor the SUPERINTENDENT, Auckland.

Shortland Street, Auckland, 1st May, 1876.

SIR,—

I have the honor to acknowledge the receipt of a letter, dated 27th ultimo, from the Provincial Secretary, covering copies of a letter to your Honor from the Hon. the Colonial Secretary, and also of a memorandum from Mr. Kemp, and a letter from the chief Paul Tuhaere.

I have carefully perused that letter and its enclosures; and, in reply, beg to state that there is (whether designedly or not, I am unaware) nothing in them which deals with, much less explains, the extraordinary circumstances connected with the sale of the Waipoua and Maunganui Blocks, as stated to your Honor in my letter on this subject; and that the Hon. the Colonial Secretary appears to me to have at least misinterpreted my letter to your Honor, seeing that he, strangely enough, replies as if the Native Parore were the complaining party, whereas the most casual perusal of my letter could not have failed to make it manifest that Tiopira, and not Parore, was and is the aggrieved person. Furthermore, in view of the fact that my letter was submitted to Messrs. Kemp and Preece for information, it is incomprehensible to me how such a misconstruction as that to which I allude could have arisen, except by reluctantly attributing it to design, a cause to which I should be glad to learn it cannot be ascribed. But passing on to the merits of this correspondence, your Honor will observe, by a comparison of the facts contained in my previous letter relative to Tiopira, with the reply, and the irrelevant enclosures therewith from the Hon. the Colonial Secretary, that those facts are in no respect controverted, or justified, or even explained. Nowhere is it denied that on the occasion of the execution of the deeds by Tiopira, the consideration money of each of the blocks (Waipoua and Maunganui) was not only understood to be £2,000, but that amount only was also interpreted to him; and that, after execution, the consideration money was increased to £2,200 and £2,300, and those sums inserted in the respective deeds.

Indeed, it is admitted by Mr. Kemp, under whose "personal notice" these matters came, that the "extra price" was given to Parore. Nowhere is it denied that Tiopira did not receive his proportion of the "extra price," though on the face of the deeds, and by his executing them, he is made to acknowledge the receipt of such proportion. Nor again is it denied that, at the time of the execution of the deeds by Tiopira, it was distinctly understood and publicly expressed that the pecuniary consideration of each deed was £2,000, and that according to that intention, and not otherwise, he subscribed his name. But this acknowledged settlement was permitted to be violated to the prejudice of Tiopira, for, in the concluding sentence of his memorandum to the Hon. the Colonial Secretary, Mr. Kemp, under whose "personal notice" "these arrangements" came, states that Parore afterwards (*i.e.*, in the interval between the signing by Tiopira and that by Parore) sold his interest for £2,500, from which it would appear that an impropriety is at once admitted. And yet I may say, with astonishment, the result of the inquiries made by the Trust Commissioner under the Native Lands Frauds Prevention Act is deemed to be satisfactory. It is needless further here to discuss the effect of statements which would properly be the subject of evidence in any inquiry which it might be deemed necessary to institute. Suffice it to say, I do not consider that the correspondence in reply, now forwarded to me by your Honor from the Hon. the Colonial Secretary, affords any explanation whatever of the allegations contained in my letter, and therefore no satisfaction of the grievances therein specified. The Native Tiopira personally called on me at my office on Saturday week and Monday week last, in company with his son, and Mr. Woods, a Native school teacher, who informed me that he (Tiopira) came to interview me on the subject of my correspondence with your Honor on his present business; and knowing that the Hon. the Native Minister was expected soon in Auckland, I advised him (Tiopira) to remain in Auckland till Donald McLean's arrival, a course which was readily assented to. Previous to this interview I had never seen Tiopira, and I believe his visit to me is attributable to a letter which he received from the Chief Paul, who subsequent to my former letter to your Honor wrote to Tiopira, informing him that he (Paul) had seen me, and that I had written to your Honor on his behalf. On this occasion, also, Tiopira seemed to entertain great indignation in relation to the matters connected with the conclusion of the sales of Waipoua and Maunganui Blocks; and further expressed his desire of accompanying me to interview both your Honor and Donald McLean on the subject. I have not, however, seen him since; but having heard that he has been the guest of the Chief Paul, I am inclined to conjecture that Tiopira, acting under the sinister influence of deputed finesse, has refrained from calling on me. This being so,



and having received no official intimation that the grievance has been satisfied, I must again request that your Honor will, if there appear now still to be sufficient reason, urge either that such satisfaction (by payment to Tiopira of his proportion of the extra purchase money) be made, or an inquiry with that view held; and that in the meantime all proceedings relative to the deeds of the blocks in question be stayed. No better opportunity than the present could arise, as the Hon. the Native Minister and all the parties concerned are now in Auckland.

I cannot close this letter without adverting specially to one point in the Hon. the Colonial Secretary's letter, to which he has devoted a concluding paragraph of an uncomplimentary import. I would not trouble your Honor with any comment on this aspect of the subject were it not manifest that, by an inordinate investigation regarding the source of my information, either by the Hon. the Colonial Secretary or the officers to whom he referred the papers, strenuous efforts have been made to raise a false issue and divert attention from the subject-matter under consideration. These efforts are shown by the letter apparently extorted from the Chief Paul, who seems, as far as I can judge from the translation forwarded to me, in a state of duress to have written categorical answers to indicated questions. I use the word "duress" advisedly, for otherwise surely it cannot have escaped the memory of Paul that he came to my office on Tiopira's business; that, as Tiopira's agent, he, with Heta te Haara and te Haurangi, accompanied me to interview your Honor, as your Honor is aware, upon the subject only of the matters contained in my previous letter; that, prior to this interview, he, with Heta te Haara, te Haurangi, and Mr. William Young, a licensed interpreter, went with me to Colonel Haultain, Trust Commissioner, to show cause why, under the circumstances already detailed by me, the registration and other steps towards completion of the deeds of conveyance should be stayed till an arrangement satisfactory to Tiopira had been arrived at. The Chief Paul makes no mention of these facts, and consequently does not contradict them. I am, therefore, certain that Paul has allowed himself to be constrained into writing this letter; otherwise, in the face of the conclusive incidents above quoted, he could not have resorted to so desperate and audacious a statement as that wherein he says, "but, as for myself, I had nothing to say with reference to the matter complained of."

The Hon. the Colonial Secretary, I think, seems to regard my position in this correspondence as importing other than purely professional significance. My relations in this matter, as in the case of Heta te Haara and te Haurangi (concerning which I await a reply), are simply those of a solicitor and client—a circumstance which there is evidently an inclination on the part of the Hon. the Colonial Secretary to ignore. The issue before us, and the only one which with any show of pertinence we can deal with, is, not as to the source of my information in relation to the matters (which are, as described by me, "facts"), but whether or not that information is correct, or can be established. This issue, I hold, is untouched by the correspondence forwarded to me, and therefore the grievance complained of still remains unexplained and unredressed.

In conclusion, I enclose a letter from C. E. Nelson, Licensed Interpreter and Assistant Land Purchase Agent, who in such capacities possesses personal knowledge of the transactions now in question; and beg to call your Honor's especial attention to the circumstances therein detailed relating to the extraordinary statements made and position now sought to be assumed by the Chief Paul.

I have, &c.,

JOSEPH A. TOLE, Solicitor.

His Honor the Superintendent, Auckland.

## **No. 4. The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Auckland.**

General Government Offices, Auckland, 4th May, 1876.  
SIR,—

I have the honor to acknowledge receipt of your letter No. 1022/76, 2nd May, 1876, covering copy of a letter and its enclosure addressed to your Honor by J. A. Tole.

I have, &c.,

Daniel Pollen.

His Honor the Superintendent, Auckland.

## **No. 5. TIPIRA KINAKI to the Hon. the NATIVE MINISTER.**

[TRANSLATIONS] Okahu, 5th May, 1876.

FRIEND,—

Greetings. Listen to this, my word to you, with respect to the Maunganui and Waipoua Blocks.

These two blocks were formerly included in one piece. It was the Native Lands Court that divided it into two, and awarded one block, viz., Maunganui to Parore, and one, viz., Waipoua to me.

This is the reason that there is trouble over that land. I and my tribes were not willing to have that land divided between us and Parore. It was this that caused me to be grieved and angered, and which made me say that I would put obstacles in the way of settling the Maunganui question. This I said in the presence of Parore and Te Tirarau. Parore did not answer to this. After I had made this statement, grief settled upon the Court.

In the evening my tribes assembled in a house to make arrangements for occupying Maunganui, so that when Parore saw us do so, he might come and try to turn us off. At this stage of the proceedings, Messrs. Kemp and Preece arrived. The word of Ngatiwhatua, Te Ririhau, and Te Roroa tribes, that Maunganui should be taken actual possession of by us, and that arms should be taken up against Parore and Te Tirarau, had been approved by the meeting.

Mr. Kemp then spoke as follows:—

"Listen, tribes. I and Mr. Preece have just returned from interviewing Parore and Te Tirarau; what they have had to say has been said, and this is why we come to you now, to ask you to make peace and be of one mind with regard to Maunganui and Waipoua—let it be one. The opinion that Maunganui should be divided did not emanate from the Court, it came from ourselves—viz., "that Tipira and Parore should have Maunganui, and that Tipira and Parore should have Waipoua." To this the meeting consented, but I said I would not consent unless Parore gave me a certain sum out of Waimata as a peace offering; not till this was done would I consent. Mr. Preece then said, "What you say is but fair. We will let Parore and party know what you say. Do you talk over the matter again after we are gone, so that on our return on the morrow you may have arrived at a decision in the matter."

In the morning, the question was again discussed, and it was decided that Paora and I should represent our party. The next morning, Messrs. Kemp and Preece returned to us bringing with them a letter from Parore, consenting to certain terms, which letter was as follows:—

"Kaihu, 2nd February, 1876.

"To Tipira and the chiefs of the other side.—I consent that you should have Maunganui, and that I have Waipoua. The piece outside Waipoua to be for you only; and I also consent to the £100 at Waimata.

"From Parore."

I replied to Parore's letter as follows:—

"To Parore and the chiefs of the other side.—I consent to your having Waipoua and my having Maunganui.

"From Tipira."

Next morning, Messrs. Kemp and Preece arrived, and inquired of us whether we had yet come to an unanimous decision; we both replied, "Yes, we have decided." They answered, "Then the Court will sit to-morrow to finish the investigation at Maunganui and Waipoua, so that the same may be settled satisfactorily."

Next morning the Court sat, and at last a right decision was arrived at, in the Court awarding the Maunganui and Waipoua Blocks in favour of myself and Parore. After the conclusion of the above case,

Waipoua No. 2, containing 12,000 acres, was adjudicated upon. It was only then that Mr. Preece became aware of the acreage of the block, and that it contained 12,000, but I and some other Europeans knew, Mr. Preece was under the impression that it only contained 6,000 acres. Another thing, Parore's letter and my letter was given to Mr. Kemp to read out, so that the whole of the tribes that were in the Court-house might hear Parore's word consenting to the £100 out of Waimata, but Mr. Kemp did not read it. I then knew that this was not done, in order that they might put a different construction upon the matter, and be able to say that the £100 which we heard about through Mr. Preece was from the sale of Maunganui.

Next morning, when the Court was over, Paora and I went to the Court House to receive the money. Captain Symonds, Mr. Clendon, Mr. Kemp, Mr. Preece, and Mr. Nelson were there. Mr. Preece said to me, "Tiopira, what have you got to say?" I replied, "I want eighteen pence per acre." Mr. Preece said, "The price cannot be raised above the first figure named." I replied, "That is according to the price offered by Mr. Brissenden, viz., one shilling and one penny an acre. You are a new man and should give a new price." Mr. Preece answered, "I will not consent to that." I said, "Well, then, I will not sign my name." Mr. Preece: "It was you yourselves who agreed to this price."

I replied, "Will Parore receive a higher rate than this per acre?" Mr. Preece: "No, you are the only ones that have received money, viz., £600 for 12,000 acres of Waipoua. Parore has not received any of this." I replied, "That is another price altogether, and was surveyed at another time as a reserve for us, and was not included in this."

We continued arguing the matter, when Paora took up the question and said, "Would you not agree to exclude 2,000 acres; because the balance is small, and 2,000 will cover it?" Mr. Preece consented, and Paul said to me, "You had better give your consent." I then said to Mr. Preece, "If the £100 for Waimata is forthcoming now, I will agree to sign my name." Mr. Preece said, "You will receive the money for Waimata now." Whereupon I agreed, and the money was divided as follows:—£2,000 to me and £2,000 to Parore; that concluded the matter, and the deed conveying the Maunganui Block for the sum of £2,000 was read. Mr. Kemp then signed his name. Secondly, similar arrangements were made regarding Waipoua, for £2,000, and Mr. Kemp signed his name to that also, and the three documents were signed by Mr. Kemp, and I then signed them. At the time I signed them there was no other money but that £2,000 in these documents for Maunganui and Waipoua.

We then went back, but in our absence Mr. Preece had let Parore have £2,500. I was troubled at the deceitful conduct of your European Land Purchase Agents. I have been derided by the Ngapuhi, and am overcome with shame. I said to Paora, after this, you must urge Mr. Preece and Mr. Kemp to divide the £500, as we have got into trouble through the Europeans, and the chiefs on my side said, had the operations in connection with this matter been suspended at the proper time, these Europeans could not have acted in this tricky manner. Paul said he would speak to Mr. Kemp about it. I then went back to my place, where I remained in great trouble of mind at the confused way in which your Europeans were making this purchase. That is why I came to see you personally, viz., about the £500 which Parore got. I too should receive a like sum, because Parore had £2,500 and a piece of land containing 250 acres out of the Maunganui Block, which was given back to him by the Government. The piece only contains 12,000 acres, according to Mr. Preece, and that was why I was to have such a small portion of the money. This is wrong; had it been a piece out of Waipoua No. 1, it would have been right, like the 250 acres which was given back to Parore by the Government out of Maunganui, and that is why I consider that we should have received an equal amount, viz., £2,500 for Parore and £2,500 for myself, or else that the extra £500 paid to Parore should be equally divided between us; Parore to receive £250 and I £250, thus making a total of £2,250 for me and £2,250 for Parore, and then my signing my name for the £2,300 for Maunganui and £2,200 for Waipoua would have been right. But this is a false accusation against me, and only done, to make you believe that I really did sign my name for that sum. Mr. Preece's action is wrong, and the consideration money was charged against those lands in such a manner as to lead you to believe that the money was received by both of us, that is to say, Parore and myself. No, Parore alone received it. I have not known Mr. Brissenden to act in such a manner. Mr. Preece's-word, which he is trying to maintain about the 12,000 acres, must cease.

To Sir Donald McLean.

TIOPIRA KINAKI.

**No. 6. His HONOR the SUPERINTENDENT,**

# **Auckland, to the Hon. the COLONIAL. SECRETARY.**

Superintendent's Office, Auckland, 16th May, 1876.

SIR,—

In acknowledging the receipt of your letter of the 4th instant, regarding a letter which had been addressed to me by J. A. Tole, I have to request that you will inform me whether or not the Government will institute an inquiry into the circumstances complained of by Mr. Tole, as I earnestly requested they would.

I have, &c.,

G. GREY.

The Hon. the Colonial Secretary, Wellington.

# **HIS HONOR the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.**

Superintendent's Office, Auckland, 21st March, 1876.

SIR,—

I, have the honor to submit, for inquiry and consideration by the General Government, the copy of a letter which I have received from J. A. Tole, M.G.A., regarding alleged improprieties in connection with the purchase by the Government of a block of Native land near Hokianga.

I have, &c.,

G. GREY.

The Hon. the Colonial Secretary, Wellington.

# **Enclosure in No. 7. Mr. J. A. TOLE to HIS HONOR the SUPERINTENDENT, Auckland.**

Auckland, 13th March, 1876.

SIR,—

I have the honor, in pursuance of the interview which, in company with the Native chiefs Paora Tuhaere, Heta te Haara, and Haurangi, I had with your Honor a few days ago, on the subject of the improprieties

connected with the purchase of Native lands near Hokianga, to make known the facts relative to the Opouteke Block, having already written to your Honor on the subject of the other two blocks, named Waipoua and Maunganui.

Early last year the above-named Opouteke Block, containing 43,622 acres, was subject to an adjudication *coram* Symonds, Judge of the Native Lands Court. The claimants were three in number, named respectively Heta te Haara, Haurangi, and Mare, the last-mentioned of whom, apparently, was the acknowledged claimant of the greatest territorial interest. The Court was about to enter into the usual investigation of the claim, when, after a short conference with Mare and Heta te Haara, and on the persuasion of Mare, and with the concurrence of Heta (a concurrence never since questioned), Haurangi addressed the Court to the effect that it was arranged that Mare should be allowed to be sole grantee of the whole block on condition that he (Mare) would consent to hand over to the others (Haurangi and Heta), when the block would be sold, such portion of the total purchase money as would be equivalent to that part of the block (*viz.*, 8,775 acres) contained within certain limits, which limits were, with the consent and by the direction of all parties, in their presence and in the presence of the Judge and other officers of the Court, accordingly officially delineated by pencil lines by the Government Interpreter on the official map submitted to the Court. In order that this arrangement amongst the claimants might be judicially noticed, Haurangi properly made a special request to the Judge that a record of the fact might be made; and such, it is understood, was made.

Mare, consequently, became the sole grantee. Till recently (and at such a distance of time from the first adjudication, that a second hearing or appeal was, according to the Native land laws, rendered impossible) nothing ever transpired to create any doubt that the arrangement come to by the parties, and recognized by the Court, would be violated.

The block has recently been purchased by the Government, through their Native Land Purchase Agents, who, I am instructed, were thoroughly aware of the existing agreement amongst the Natives concerned; and here, in no little degree, lies, as I am informed, the grievance which it is desired to bring under your Honor's notice; for the Native Mare has been paid the whole of the purchase money, and the other Natives, Haurangi and Heta te Haara, have received nothing, except to the extent and in the manner as I shall now describe. They spoke, on the occasion of the completion of the purchase, both to the Native Mare and the Native Lands Purchase Agent who was paying the money, reminding them of the agreement arrived at in the Court and sanctioned by the Judge; but Heta and Haurangi were in turn reminded that the time for a re-hearing had passed, and that Mare, being the sole grantee, no other person could be recognised; nor were Heta and Haurangi deemed entitled to their agreed portion of the purchase money, notwithstanding that the arrangement was public, before a legal tribunal, and then and there confirmed, by being marked upon the judicial map in the presence of the parties, by the Interpreter of the Court.

Under this representation of the position of the matter, Haurangi was, in the absence of Heta te Haara, induced by the Government Agent ("out of feelings of friendship," as it was stated, and also out of consideration for the loss they had sustained by Mare's repudiation) to sign a Government voucher for the sum of one hundred pounds (£100), of which he (Haurangi) received ten pounds (£10), the remainder being reserved, as it was alleged; for payment to Heta, who has according been offered the balance of ninety pounds (£90), but which he has indignantly refused, maintaining, with Haurangi, that they together, are justly entitled to their proportion of the total purchase money, which proportion, calculated at the selling rate per acre for the block, would amount to about six hundred and fifty pounds (£650).

Acting upon instructions from these so far prejudiced Natives, I, with them, and in company with the Native Chief Paora Tuhaere, waited upon Colonel Haultain, the Trust Commissioner under the Native Lands Frauds Prevention Acts, with the view to his making most searching inquiries into the equitable disposition, amongst the proper parties, of the purchase money, before testifying to the satisfactory alienation of the block, by the indorsement of the certificate to that effect. The conveyance has not yet reached his office, and the Trust Commissioner has, at my request, kindly taken a few concise notes of the circumstances herein detailed.

The Natives on whose behalf, as solicitor, I now write, respectfully request that your Honor will endeavour to secure the money to which they are entitled, by such representation to the Government, or otherwise, as your Honor, under the circumstances, may deem effectual.

I have, &c.,

JOSEPH AUGUSTUS TOLE, Solicitor.

His Honor the Superintendent, Auckland.

30th March, 1876.—  
Hon. Native Minister,—  
C. C. B.

8rd April, 1876.—Recommended that this be forwarded to Mr. Preece for his report.

H. T. CLARKE.

3rd April, 1876.  
—Approved:  
—D. MCLEAN.

6th April, 1876.—MR. CLARKE.

Will you act upon this? I believe Mr. Preece is an officer of your department.

G. S. COOPER.

20th April, 1876.

—Attached hereto is a memorandum by me on the subject.

—J. W. PREECE.

## **Mr. PREECE to the UNDER-SECRETARY, Native Office, (Land Purchase Branch.)**

Auckland, 20th April, 1876.  
SIR,—

I have the honor to acknowledge the receipt of a letter addressed by his Honor the Superintendent of Auckland to the Hon. the Colonial Secretary, covering the copy of a letter from J. A. Tole to himself, referred to me by you for my report thereon; and have the honor to return the same enclosed with a memorandum attached containing my remarks thereon.

I have, &c.,

J. W. PREECE.

The Under Secretary, Native Office,

(Land Purchase Branch), Wellington.

# Enclosure 1 in No. 8. MEMORANDUM *re* Mr. Tole's Complaint concerning the Opouteke Purchase and the Claim of Te Haurangi and Heta Te Haara thereto.

The circumstances connected with the above matter were duly reported by me in my letter to the Under Secretary, Native Office, dated 12th February, 1876,

*Vide* No. 9.

under the heading of "Mangakahia Lands." I will, however, add the following remarks in reply to the statements contained in Mr. Tole's letter:—

Mr. Tole states that there were "three claimants who appeared before the Court, namely respectively Heta te Haara; Haurangi, and Mare." Such was not the case. Heta te Haara was present in the Court the whole time the case was being proceeded with, and never in any way made the slightest claim to the land, either for himself or on behalf of any one else, although the Judge several times asked whether any one objected to the unanimous desire of all present that Kamariera te Wharepapa (who is called Mare by Mr. Tole) should have his name alone inserted in the memorial of ownership. It was at this stage of the proceedings that Te Haurangi came forward and stated that he had no objection, but that a portion of his land was included in the survey, and he was quite willing that Te Wharepapa's name alone be in the memorial, provided that he (Te Wharepapa) pay him his share of the money when the land should be paid for. So far the statement is correct, and Te Wharepapa agreed to do so; but Heta te Haara took no part whatever in these proceedings, although present all the time, which he has since admitted to me, in the presence of Mr. Kemp, on my reminding him of the fact.

It is also true that the Judge told Te Haurangi to mark off the piece he claimed, and that a pencil line was drawn across the plan of the land by the Interpreter of the Court at the direction of Te Haurangi, and not objected to by Te Wharepapa, who was looking on at the time. I do not myself, however, consider that such a line could give any correct idea of the actual portion which Te Haurangi really claimed, for it was not a line describing any natural features such as usually form boundary lines of Maori claims, nor was it even a straight line from any point known or described by name to any other point similarly defined, but an arbitrary straight line crossing the plan, which itself showed no distinctive features, neither Te Haurangi or Te Wharepapa, being Maoris, having any idea on what scale the plan was drawn, or what proportion the one portion had to the other. At the same time whatever interest Te Haurangi may have been entitled to, Te Wharepapa did admit that he had an interest, and he, without any persuasion on the part of Te Wharepapa (as is incorrectly stated in Mr. Tole's letter), but after consulting with others of the Natives, voluntarily informed the Court that he was willing to leave the matter in Te Wharepapa's hands on condition that he got paid for his portion. It is true that the portion so marked out on the plan by a pencil line does contain 8,775 acres, as shown afterwards by the separate areas having been calculated, but there was no mention of area at the time, and I do not believe for one moment that either Te Wharepapa or Te Haurangi himself had the most remote idea that such an extent was included, nor do I myself rely on such a description as giving a correct view of the boundary line between the two parties in the case of Maori claims.

Mr. Tole remarks on the fact of such a length of time having elapsed between this settlement and the actual purchase of the land so as to preclude the claim being reheard. This was, no doubt, unfortunate, and weakened my hands in effecting a settlement between Te Wharepapa and Haurangi; but the reason was that the then Agent was not in possession of funds at that time to enable him to complete the purchase, and before he obtained the necessary funds the Natives had dispersed. He (Mr. Brissenden, who was the Agent at the time) went to meet the Natives at Kaihu as soon as he was in possession of funds, but did not settle with them on that occasion because they were not all present, Te Haurangi being one who was absent. The first opportunity there was after that of meeting them was at the Kaihu Court in January last, when the matter was closed by me, as related in my report above referred to.

Early in January, namely, on the 6th, I met Te Haurangi at Ohaeawai. I then informed him that I had appointed to meet Te Wharepapa and the Mangakahia Natives at Kaihu on the occasion of the sitting of the Native Lands Court, advertised to be held on the 27th January, and warned him to be present, as I intended to settle for the Opouteke Block. Heta te Haara was with him at the time, and said he would try and be there too) if he was well enough. This was the first I knew of Heta in the matter, and he did not then prefer a claim.

On my arrival at Kaihu on the 27th January I met Haurangi, who handed me a letter from Heta te Haara and Ihaka te Tai, of which the following is a translation:—

"FRIEND,—

"Ohaeawai, 24th January, 1876.

*"Greeting.—This is a request from us to you about the money belonging to Peita te Haurangi. Do not pay it there, but give him ten pounds; take the greater portion to Auckland.*

"IHAKA

te

TAI, and "HETA

te

HAARA.

*"To Mr. Preece, Kaihu, Wairoa."*

On reading this letter, I asked Te Haurangi whether this was his desire; he replied, "Yes." I told him it entirely rested with him, as I did not know Heta in the matter. He said Heta had written the letter with his knowledge and consent. On proceeding to settle the purchase of the block, I told Te Wharepapa that I should require to retain for Te Haurangi the amount of money in proportion to the area marked off on the plan. Te Wharepapa said he intended to deal fairly, but that the amount claimed by Te Haurangi was out of all proportion to his interest, and that it was a matter which he alone was responsible for, and that I had no right to interfere; that the money would all be taken to Mangakahia, and there be dealt with by the whole of the persons interested.

I endeavoured in every way in my power to effect a settlement of the matter between them, and assembled them and others together to discuss the question. In this discussion, I must say that To Haurangi made out a very poor case for himself as to the extent of his claim to the land; yet, notwithstanding that, I did my best to get Te Wharepapa and the other Mangakahia Natives to settle with him there and then, but they insisted that it was a matter, entirely between them and Te Haurangi, and Te Wharepapa refused to sign the deed unless I paid him the amount of the purchase money.

Mr. Tole refers to the matter as an "arrangement which was come to by the parties and recognized by the Court." Such it was "by the parties" and between them, namely, Te Wharepapa and Te Haurangi, and that arrangement relating not to the land itself, but to a portion of the proceeds of the sale of the same; the nature of which arrangement will be found in the records of the Court; and on the evidence of that record, I presume, Te Haurangi has a legal claim, against Te Wharepapa, independent of any sum I have paid him, provided he has not already settled it, as I am informed he had done before he ever saw Mr. Tole. When I found I could not get the matter settled between Te Wharepapa and To Haurangi, and as it was a matter of dispute as to money between them, Te Haurangi having no legal right to the land, but having, as I considered, a good remedy at law as against the money, if Te Wharepapa failed to settle with him, I, on giving the matter careful consideration, and after consultation with Mr. Kemp, who was present on the occasion, decided that my only course was to pay Te Wharepapa the amount of the purchase money agreed on in fall, and to settle with Te Haurangi to wave his claim, as far as the Government were concerned, for a stated sum, reserving to himself the right to sue Te Wharepapa for whatever he might be entitled on the agreement between them, in any competent Court if he chose, if he could not effect a settlement with him. He was at first adverse to doing this, but after a time came to me of his own free will and intimated that he was willing to accept what I had offered him, namely, £100 in full satisfaction as against the Government of any claim he may have had on the land or its proceeds. He at the same time said that, as regards his claim against Te Wharepapa, he would get Heta te Haara to use his influence to settle that. I accordingly, before settling with Te Wharepapa and the Mangakahia Natives, paid Te Haurangi the sum of £100 in the presence of H. T. Kemp, Esq., Civil Commissioner, explaining the matter fully to him, and getting his signature to a voucher for the amount, and explaining to him the contents of the same.

On my paying the amount, he returned me £90 to take to Auckland, as requested in Heta to Haara's letter, which I took, and at the same time wrote a letter to Heta fully explaining the matter, and telling him I had, in accordance with his letter, and by the consent of Te Haurangi, taken his £90 to Auckland, to be handed over when demanded.

I read this letter to Te Haurangi, who said it was right and took it. Attached is a copy of that letter together



with a translation of the same.

Mr. Tole states, "They, (alluding to Heta te Haara and Haurangi) spoke on the occasion of the completion of the purchase both to the Native Mare and the Native Land Purchase Agent who was paying the money, reminding them of the agreement arrived at in the Court and sanctioned by the Judge, but Heta and Haurangi were in turn reminded that the time for a rehearing had passed," &c. The fact is, Heta te Haara was not within a hundred miles of the place at the time, nor had he been there for eight months previously. Nor, did I remind Te Haurangi that the time for a rehearing had passed, but Te Wharepapa did; nor was this discussion at the time of the payment of the money, for the whole matter had been discussed for several days, and I had settled with Te Haurangi the day before I paid the money, although I gave him the opportunity of again preferring his claim to Te Wharepapa, and the others when the money was paid to them. The payment to Te Haurangi was made on the same day as that to Te Wharepapa, but during an earlier part of the day.

About the end of February, Heta Te Haara and Te Haurangi came to Auckland. I was very busy with some Kaipara Natives at the time, and, as they said they were in no hurry, I appointed a day to meet them at Mr. Kemp's office. During the interval I noticed them several times having long conversations with J. A. Tole and John Lundon, about the town, the latter of whom seemed to be acting as interpreter. When I met them at the appointed time and offered them the £90, they both refused to take it, and Heta told me he either had seen or intended to see George Grey on the matter, and that the whole purchase would be upset. There was, however, no indignation shown by either Heta or Haurangi in the matter; they certainly declined at first to accept the money, which" being their own property (I only holding it in keeping), I left it where I had tendered it to them—namely, in Mr. Kemp's office—and said no more to them on the subject, leaving them to exercise their own judgment in the matter. However, on the 6th March, seven days before the letter of complaint written by Mr. Tole purporting to be on their behalf, they of their own free will asked Mr. Kemp for the money and it was given to them.

Prior to this and to their visit to Auckland, they had, I am given to understand, accepted a sum of money from Te Wharepapa, through Mitai Pene Tauī, as a satisfaction of their claim on him; so it seems to me they came to Auckland for no other purpose than to draw the £90: at the same time not losing the opportunity, when it offered while they were here, of getting more if they could.

I find, as a rule, when Natives are really dissatisfied on any matter that they are quite equal to the task of writing direct to the Hon the Native Minister; nor are they slow in doing so, without seeking the aid of a solicitor with whom they are not acquainted. At the same time they are equally ready to revive a settled claim, if encouraged by any one to do so.

I do not myself believe there is any dissatisfaction in the minds of either Te Haara or Te Haurangi on this matter; in fact I was in the same steamer with them on their return North after they had taken the money, and they seemed perfectly satisfied, and on most friendly terms with me, and never once alluded to the subject; and I am of opinion that in the amount they have received they have got fully as much, if not more, than they would have been found to have been entitled to had their case, or rather the case of Te Haurangi (Heta having made no claim whatever), been heard in detail in the Court. At all events I had no option but to deal with the legal owner, and treat Te Haurangi's claim as an equitable one, entitled to some consideration under the circumstances, and did treat with him without using any undue, influence or persuasion, but in a fair and open manner, and closed with him, apparently to his satisfaction, and at all events with his consent, as Mr. Kemp will, I think, vouch for, he having been present during the whole transaction. I may or may not be chargeable with want of judgment in closing difficult Maori negotiations, but during a career of twelve years as a Native Land Purchase Agent, George Grey and Mr. Tole are the first who have ever charged me with being guilty of improprieties in connection with my business. However, I can afford to let the matter rest on its merits.

I have seen Paora Tuhaere and asked him what he knows of this matter? His reply to me was, "That he was requested by Mr. Tole to accompany him, with Heta te Haara and Te Haurangi, to go and see George Grey, and on then arrival there, George Grey asked him what he had to say: he replied that he knew nothing of the matter; on which a conversation took place between Mr. Tole and George Grey, in English; and that after that interview, Mr. Tole requested him to accompany them to Colonel Haultain's office: he did so, but with a view of inquiring about the Maunganui and Waipoua deeds, taking no interest whatever in this matter. The deed relating to the purchase of the Opouteke Block has not yet been referred to the Trust Commissioner, it being in the hands of the Inspector of Surveys, awaiting particulars of the linkage of some of the lines, which he was not at the time able to furnish me with, a surveyor having gone to the block to re-chain them. This, however, does not affect the boundaries, which were cut long ago but has delayed the transmission of the deed, so that the Trust Commissioner will have an opportunity of making the "most searching inquiries" desired by Mr. Tole, and equally courted by myself.

20th April, 1876.

## Enclosure 2 in No. 8.[TRANSLATION.]Mr. J. W. PREECE to HETA TE HAARA

Kaihu, 2nd February, 1876.

FRIEND,—

Greeting. Your letter has reached me, but Te Wharepapa and the others did not agree to give Te Haurangi any money; but Te Wharepapa says, that they will-consider you both.

I have paid the money to them, as, I have no right to retain it; so you two must demand it from them. If any of those moneys are paid over to you both, well and good, but I did not like to see you not get any, and on that account I have paid to Te Haurangi £100, in full satisfaction of the claims of both of you to that land, so that neither of you may hereafter turn round on the Government to search for further payment. If you both choose to obtain any further sum from Te Wharepapa, well and good; but this, which I have paid is a payment in full as far as I am concerned.

The £10 I have given to Te Haurangi, and the balance, namely, £90, I take to Auckland in accordance with the word in your letter that, I should hold it, and Te Haurangi agrees to-your proposal.

From your affectionate friend,

PREECE.

Te Hoto to Haara, Ohaeawai.

Auckland, 12th February, 1876

SIR,—

I have the honor to report that I returned on the 10th instant from attending the sitting of the Native Lands Court, held at Kaihu, where I have been able to complete the purchase of the Waipoua, Mauuganui, Kairara, Opouteke, Waerekahakaha, Pekapekarau, and Oue Blocks of, land, containing in the aggregate 155,400 acres.

It will be remembered that with regard to the first two blocks, namely, Waipoua and Maunganui, a very sore dispute has existed for some time between the old Chief Parore te Awha, supported by Te Tirarau and the Ngapuhi on the one part, and Tiopira Kinaki (a man comparatively unknown outside his own tribe, the Roroa), supported by the Ngatiwhatua and Uriohau tribes on the other part.

The Agents having paid to the last-named tribes very excessive deposits, and having entirely ignored the rights of Parore and his people, caused so strong an opposition on his part to the survey and sale of the land that at one time (about this time-twelve months) there seemed to be every probability of hostilities breaking out between the tribes. At that time Parore, on my advice, desisted from taking active measures to forcibly stop the survey, and contented" himself by asking the Government to stop it, instructions to which effect were given by the Hon. the Native Minister, which, however, did not reach the surveyors until the work was done.

I was at this time acting as a private Agent, and advised Parore to permit the survey to continue, and trust his claim to title to the Native Lands Court, where he would be sure to secure his rights, whether the land was surveyed by the other claimants or not; to which he after considerable hesitation, consented, and has since then patiently awaited, the result of the decision of the Court: at the same time he has carefully refrained from taking any deposit, or committing himself in any way as to the sale of the land.

The case was to have been heard in May last, but the feeling was then still running high; and the Waipoua Block, being a portion of the same estate, having been advertised to be heard at Hokianga about the same time, I deemed it advisable to get them both postponed:

The cases were again advertised for August last, but were again put off. On the occasion of the present sitting of the Court, the weather being fine', and all parties being assembled and anxious to get rid of so long and unsatisfactory a dispute, the question was gone into by the Court by consent of all parties concerned.

The Court was composed of H. A. H. Monro, Esq., and Captain Symonds, Judges; and Hori te Whetuki, Native Assessor.

The Court was opened on the 27th January, and the Maunganui case commenced.

The Roroa, Urioliau, and Ngatiwhatua were represented by Paora Tuhaere, who conducted their case for them.

Parore te Awha and his people were represented by Taurau (brother of Te Tirarau), who conducted their case.

The whole question was fully gone into, a number of witnesses having been examined and crossexamined, which fully gave the whole history of that part of the country for some fifty years past, leaving the Court in a position to give a judgment without any hesitation.

On the conclusion of the hearing of the Maunganui case, which lasted several days, the Court asked the claimants and counter-claimants whether they wished to go over the whole ground again in the Waipoua case, or whether they would take the evidence which had been taken for Maunganui to apply to Waipoua, as both blocks were part of the same estate, the line dividing them being only an arbitrary one laid down by the surveyor, and forming no tribal division of the land. To this all parties, were willing, having on both sides exhausted all the evidence they had to offer; so the Court then adjourned to consider their judgment, and assembled on the following day to pronounce the same. In this, however, a fresh complication arose, which' evidently took the two Judges by surprise, and certainly surprised every one else; it was this:—

When the Court were about to give the judgment, the Assessor intimated that he wished to say *a* few words to the people, in order that they might not think he took no interest in the matter. He was permitted; and proceeded to express his opinion, which, it appears from what transpired afterwards, was the very opposite of the decision of the two Judges, fully concurred in by the Assessor himself when they were consulting together.

This placed the Court in a dilemma. However, the presiding Judge told the assembled people that they had no idea that the Assessor had opinions such as he had then expressed, and that they had discussed the whole matter fully together with the Assessor, who had concurred in the judgment the Court were about now to pronounce and that it was quite contrary to the expression of opinion he had just given. However, the Court retired for a few minutes to a private room to consult together. On re-assembling, the presiding Judge gave judgment, prefacing it by saying, that according to law the Assessor must concur in the judgment, and that he could hardly tell whether he concurred or not, for although he said he now did his expression of opinion was so absolutely contrary to the judgment itself, that it could hardly be taken as concurrence; such being the case, the judgment could only become valid by both parties accenting it.

It was the opinion of the Court that the Ngatiwhatua, Urioliau, and Roroa had become subjugated by Ngapuhi, and the two former completely driven out of the country after the battle of Te Ikaranganui; but that subsequently certain individuals of the Uriohau returned to the Wairoa, and lived under the protection of Kukupa, the father of. Te Tirarau, for a short time, and eventually left, for Otamatea and other parts of the Kaipara District. That a portion of the Roroa, including Tiopira Kinaki, after the Ikaranganui battle, lived at Waimamaku and Waipoua, under the protection of Parore, and have continued to remain there ever since. On these and other grounds, which were gone into at considerable length, the judgment was that neither Ngatiwhatua nor Te Uriohau had any claim to the land, but that those of the Roroa who had continued with Tiopira to live and exercise rights of ownership on the land were entitled together with Parore and his people.

Both these blocks being about the same size, the Court therefore awarded the Maunganui to Parore Te Awha, and the Waipoua to Tiopira and their respective-people, and adjourned for the day to enable them to talk the matter over, and either accept the judgment or not, or to come to some voluntary arrangement, as the Court was precluded, by the conduct of the Assessor, from giving an absolute judgment.

H. T. Kemp, Civil Commissioner and District Officer for Kaipara, was present, and I consulted with him on the subject. We decided to let them have their talk out, and not to interfere with their consultations until they had exhausted their eloquence and arguments on each side. It is unnecessary to detail what took place, suffice it to say that after two days we succeeded in bringing both parties to terms, including, the consent of the Ngatiwhatua and Uriohau portion of the claimants.

These negotiations had to be conducted with great tact and delicacy, both parties feeling strengthened in their position; Parore by the expression of opinion of the Judges, and the opposite party by the expression of opinion of the Assessor.

Mr. Kemp was of material assistance to me, in this matter, both in his personal skill and tact, and, being so much older an officer of the Government he considerably strengthened my position with the Natives, particularly with those of the Ngatiwhatua and, Uriohau, who to a certain extent looked upon me as favouring

the other party, because. I had, before joining the Government service, taken up the cause of Parore.

The settlement we effected was, that Parore and Tiopira should each be named in the memorial of ownership for-both the Waipoua Block and the Maunganui Block, and that Parore should pay Tiopira a Sum of £100 out of some moneys he had received for another; block of land; in the title to which Tiopira had been defeated-at a former sitting of the Court, and that Tiopira have the Waipoua Reserve. I am pleased to say that the arrangement was fully agreed' to by all parties, and the result is that what has been a long-standing, and sore dispute has been settled to the complete satisfaction of all, the disputants.

This compromise was rather, too much in favour of Tiopira, the reserve being 12,000 acres, and the interest in the other two blocks being equal. We could, however, come to no better term's with Tiopira's party, and we had to make it up with Parore in another way, he having the advantage of us, to a certain extent, as he had never taken a shilling, deposit for the land, nor had he agreed as yet to sell at all, having been utterly ignored and treated as, a man of no importance by the former, Agents.

The terms of agreement as to title having been arranged, the Court re-assembled, and Mr. Kemp, as District Officer, informed it of the voluntary arrangement come between the parties; and both sides having been questioned by the Court, the matter was settled, and the memorials of ownership ordered accordingly.

After preparing the deeds, I sent for Tiopira and Paora Tuhaere, who represented those who had sold and taken deposits to the amount of £620, and concluded with them at the price originally agreed upon by them, namely, at 1s 1d per acre, conceding only an extra sum of £56 13s. 8d. on the whole block of 72,892 acres, so as to make an even sum of £4,000 for the whole of the two blocks., Dividing this in half, and deducting the deposits already paid from the £2,000, his share, I paid Tiopira the balance, namely, £1,380, and the sum of £100 on account of Parore, against whose interest in the land I charged it. He then signed the deed for both blocks and vouchers for the amounts paid. This was done in the presence of Judge Symonds and Mr. Kemp.

Now came the difficulty in dealing with Parore, who had not as yet agreed to sell or to name a price.

He at first insisted on 5s. and 2s. 6d. per acre. I felt no anxiety however about this matter, for the question of title having been settled, I knew, the eventual purchasing of his interest was only a matter of time. After a day or two of, patient waiting, during which time I received assistance and advice from Mr. Kemp, as to conceding to a higher price, I eventually concluded with Parore, with the concurrence of his people, to purchase his interest in the whole of-the two blocks for the sum of £2,500; thus purchasing the entire interest in both blocks, containing 72,892, acres, for the sum of £4,500, being a fraction over 1s. 2¾d. per acre. I also agreed to let Parore have a small reserve in the Maunganui of about 250 acres, being an eel fishery which is to be cut out of the block and a grant issued to him for the same.

Parore then signed the deeds, upon which I paid him £2,400, which, together with the sum of £100 paid to Tiopira on his account, made the amount agreed on.

## Mangakahia Lands.

These blocks are those the purchase of which was first negotiated for by Colonel McDonnell.

The price originally arranged for was at 2s. 6d. per acre, and afterwards reduced to 2s. for such portion of the land as was kauri forest, and 1s. 3d. for the balance of the land, excepting that the moneys which up to that time had been paid as a deposit (which included a sum of £250 which had been advanced by a Mr. Wright, at Whangarei, on the orders of Colonel McDonnell, purporting to be given on behalf of the Government), amounting in all to £545 on the two blocks above named. I was not previously aware of the fact of there having been three prices agreed on. However, from the evidence of Mr. Nelson, Mr. Clendon, and Mr. Wright, who were present at the arrangement, together with the statement of the Natives, there is no doubt the agreement was as Te Wharepapa stated, although Colonel McDonnell only informed me of the two prices, 2s. 6d. and 1s. 3d. per acre; so I carried out the agreement as stated by the parties present.

Not being able to ascertain the actual acreage of the kauri forest contained in these blocks, I obtained information from reliable parties, and, with the concurrence of the owners, rated them as follows:—

## Kairari.

The owners being the same in each block, I, in order to make even money in each deed, transferred the odd 2s. 6d. from Kairara to Opouteke, making £2,079 for Kairara, and £3,289 for Opouteke.

There may be some discrepancy in the acreage of Opouteke, as, the Inspector of Surveys has sent a surveyor to go over one of the boundaries again; but the figures on which this calculation is based, I obtained from the Inspector, leaving the acreage in the deed blank for the correct figures, which, he tells me, will not vary much. The Natives understand this, and accept the figures. There is, however, one proviso in the deed, that

a grant be issued to certain Natives for 50 acres at a portion marked out on the plan, being an old burial-place. This, as well as the reserve before mentioned in Maunganui, will be laid off and placed on the plans of the deeds before the same are deposited for registration.

In addition to the sum of £3,289 paid to the Mangakahia Natives for Opouteke, I had also to pay a sum of £100 to a Native named Haurangi, to extinguish a claim he had to the block, which claim Te Wharepapa would not admit, although he had admitted it when the land went through the Court, Te Haurangi then leaving the matter in his hands. As this was likely to lead to some complication, I paid him the sum above-named, for which he agreed to dispose of any claim he might have. I consulted Mr. Kemp on this matter, and he quite concurred with me in the advisability of settling the matter in that manner. The price, therefore, of the Opouteke Block is £3,389, and is so stated in the vouchers and deed.

## Oue.

This block is the old land claim purchased by the Government from the Charles Baker, and on which Mr. Brissenden has paid a sum of £125, in satisfaction of all Native claims on the surveyed portion of the same; it contains 3,968 acres. The title was passed by the Court without opposition, and a deed signed without any further payment.

There is yet a sum of £35 outstanding on Mr. Baker's claim, which was paid by Mr. Brissenden, but the land which is to represent that sum has not yet been surveyed; it is situated on the south of the Oue, and named Opuhete.

You will observe in the vouchers a contingency voucher for a sum of £200, paid to Te Wharepapa for services as agreed on by Colonel McDonnell, which I was instructed by you to pay in the manner I have. The whole of these blocks being completed, I have done so.

The purchases completed by me at Kaihu on this occasion are as follows:—

Which, together with the purchase of Waimamaku last month, make a total of 182,600 acres since the 1st of January.

The vouchers connected with these payments I have furnished to Major Green, from whom I have obtained the money.

I have, &c.,

J. W. PREECE.

The Under-Secretary, Native Office,  
(Land Purchase Branch), Wellington.

## No. 10. The Hon. the NATIVE MINISTER to His HONOR the SUPERINTENDENT,

Auckland, 19th May, 1876.

SIR,—

I have the honor to acknowledge the receipt of your letter of 2nd instant, addressed to the Hon. the Colonial Secretary, forwarding copies of further correspondence from J. A. Tole in reference to certain alleged irregularities in the purchase of the Waipoua and Maunganui Blocks, and to inform you that instructions have been given for an inquiry into the matter.

I have, &c.,

D. MCLEAN.

His Honor the Superintendent, Auckland.

## **No. 11. The Hon. the NATIVE MINISTER to Mr. R. C. BARSTOW.**

Auckland, 19th May, 1876.

SIR,—

Certain statements have been made by J. A. Tole, calling in question the proceedings of the Land Purchase Agents in acquiring for the Crown the Waipoua, Maunganui, and Opouteke Blocks, and as it appears desirable, on public grounds, that an inquiry should be instituted into the alleged irregularities, I have the honor to request that you will, as soon as conveniently may be, investigate the matters referred to, and forward your report to me.

The papers relating to the charges made are herewith forwarded to you.

I have, &c.,

DONALD MCLEAN.

R. C. Barstow, Esq., Resident Magistrate, Auckland.

## **No. 12. Mr. BARSTOW to the Hon. the NATIVE MINISTER.**

Resident Magistrate's Court, Auckland, 28th May, 1876.

SIR,—

I have the honor of acknowledging receipt of your letter of yesterday's date, accompanied by certain papers concerning the purchase of the Waipoua, Maungauui, and Opouteke Blocks, requesting me to inquire into certain irregularities alleged to have been connected therewith, and, in reply thereto, beg to state that I will investigate the matters referred to, and report as directed.

I have, &c.,

R. C. BARSTOW, Resident Magistrate.

The Hon. the Native Minister, Auckland.

## **REPORT on PURCHASE of MAUNGANUI and**

# AIPOUA BLOCKS.

THE original negotiations for these blocks, or rather block, the subdivisions being quite arbitrary were begun by Mr. Brissenden, who was assisted by C. E. Nelson as interpreter. At this time the land was unsurveyed, and Tiopira alone was dealt with. An advance of £620 on account of the purchase at an agreed rate of 1s. 1d. per acre was made to Tiopira and friends. Subsequently Mr. J. W. Preece was appointed agent for the purchase of Native lands in place of Mr. Brissenden. A Ngapuhi chief, named Parore, had asserted a claim, and at one time threatened to stop the survey by force.

These lands were adjudicated upon at a sitting of the Native Lands Court, held at Kaihu, Kaipara, in January and February last, and eventually a memorial of ownership granted Jointly to Tiopira and Parore. Mr. Preece with difficulty induced Tiopira to adhere to his arrangement for sale, a sum of £25 being thrown in to make the total up to £ 2,000. Up to the time of Tiopira's receiving his money and signing the receipts and deeds, no attempt had been made to buy Parore's moiety.

The charges against Mr. Preece resolve themselves into these—viz., that he induced Tiopira to complete the sale by a representation that Parore would not receive a greater amount for his share. The evidence of Messrs. Preece, Kemp, and Clendon refutes this charge, which rests on the statements of Paora and Mr. Nelson, which, however, greatly differ from one another. The second charge is, that the consideration money was not expressed in the deed when signed by Tiopira. This is in accordance with fact; the figures were merely pencilled in, and the notice of the attesting Judge called thereto; and the object thereof stated—viz., that should Parore be induced to sell, the sums paid to him might be added to those already given to Tiopira, and one conveyance to the Queen be taken from both vendors.

I can find no irregularity in these purchases. Tiopira received his due, and, indeed, in the joint letter of himself and Paora only begs for more money that his chiefs may not be put in a lower scale than Parore's.

I must notice the behaviour of C. E. Nelson, who, whilst in receipt of Government pay as clerk and assistant to Mr. Preece, kept a diary in which he made notes of matters which seemed to him to throw discredit on his superior, and, who, whilst still in the service of the Government, without communicating with Mr. Preece (whom he was to assist); Mr. Kemp, the Civil Commissioner and. District Officer, or the Native Minister; handed over his note-book to Mr Tole, his personal friend, a solicitor, and also a member of the House of Representatives. I refrain from commenting upon conduct so dishonorable. Mr. Nelson is not now in the service of the colony.

R. C. BARSTOW.

## Report on Purchase of Opouteke Block.

WHILST this block was before the Native Lands Court, a Native named Te Haurangi asserted a claim to a portion of it, and pointed out on the plan the piece which he stated to belong to him. A pencilline was drawn on the plan indicating, the piece. He consented, however, that the grant for the entire block should be issued to Kamariera Wharepapa.

When Mr. Preece, as Land Purchase Agent; was about to pay the price which had been agreed upon to Wharepapa, he wrote to Te Haurangi, who thereon came to Kaihu. Mr. Preece gathered from some of the Maoris that Haurangi would not get any money from Wharepapa, and before paying for the land concluded an arrangement with him that on receiving £100 he would make no further claim against the Government, and only have recourse to Wharepapa. This sum was paid before the purchase money for the land was handed over. Te Haurangi and Heta afterwards came to Auckland to take steps against Wharepapa, but were met by Mr. Nelson, who induced them to go to Mr. Tole, and then to George Grey. They both expressed themselves to me as having no complaint against the Government, that these grievances were manufactured by Messrs. Nelson and Tole, but that they hoped to get some payment from the parties who had appropriated the purchase money.

R. C. BARSTOW.  
30th June, 1876.

The attached statements of Paora Tuhaere, Charles Edwin Nelson, James Stephenson Clendon, John Jermyn Symonds, James Wathen Preece, and Henry Tacy Kemp, written upon thirty sheets of paper, numbered 1 to 30, and by me fixed together, were severally declared to and signed by the said above-named persons under the provisions of "The Justices of the Peace Act, 1866," before me.

R. C. BARSTOW, R.M. Police Court, Auckland, 29th June, 1876.

*Paora Tuhaere*: I am a Rangitira, of Ngatiwhatua, living at Orakei. I remember being at a Lands Court at Kaihu in February last. Maunganui and Waipoua Blocks were investigated at that Court. I was conductor of proceedings for one party. I heard the judgment of the Court. Maunganui was awarded to Parore, Waipoua to Tiopira. Then equal interests were given to Parore and Tiopira in each block. Tiopira himself had arranged to sell both these blocks prior to the survey. Brissenden and Mr. Nelson were the agents arranging this purchase for the Government. I don't know the price. Some money was paid on account before it was passed through the Court. After the sitting of the Court I heard the price; I am not sure whether it was 11d. or 1s. per acre. I know what took place after the Lands Court about the sale. I wrote the particulars of this sale in my own hand to Donald McLean. The whole statement is correct. Tiopira was thoroughly aware of the contents of that letter, which was written at the request of Sir Donald. At my first return from the Court at Kaihu, I complained to Mr. Kemp of the division of the money—of the £500. About a month after, Mr. Nelson came to me, on the occasion of Heta te Haara, Haurangi, and others being in town. Mr. Nelson said to me, "You had better go to Mr. Tole's office or house as companion to Heta or Haurangi; they are there." When I reached there Mr. Nelson was not there, and I went by myself I found only Mr. Tole and two Natives there. Tiopira was not there. Nothing was said, as there was no interpreter to speak between us. He did mention Maunganui and Waipoua. Mr. Nelson had not told me to speak about those blocks, but only as a companion to Heta and others. About three days after Mr. Nelson came in and interpreted about this matter at Mr. Tole's office. Not much was said, but it was about this sum of £500; that was the first time that I was aware that the matter was put into Mr. Tole's hands, as a lawyer. Mr. Nelson told me that this was the lawyer who was to ask George Grey to ask the Government for our money; that was all that took place. We then went to Colonel Haultain's. On our arrival there we found that deeds of Waipoua and Maunganui had been passed by him. Heta's deed was there. Myself, Heta, Haurangi, and Mr. Tole were, the party who went to Colonel Haultain's. A few days after, Mr. Nelson came again to me. My name was not in the Crown grant. I went to Colonel Haultain's because Mr. Nelson and Mr. Tole asked me to do so. It was on account of Tiopira, that I was asked by them to go. This originated here, but my speaking to Mr. Kemp was by the desire of Tiopira; he told me to ask the Government quietly for the money. Richard de Thierry was present in Colonel Haultain's office with us, I think. I am wrong; it was William Young, the interpreter, who was there he acted as such. I did not take him there; it was their doing. When Tiopira and self left Kaihu, Parore was at his own *Kainga*, near there. After we went they fetched him. I saw a payment made in the Court House to myself and Tiopira; the payment made was £1,400, and £100 for Waimata. Parore was not present. The payment for the block was not all made then. I did not see Parore receive any money. The amount he received was published to the tribe. The letter from Parore was given to Mr. Kemp, but not read in Court. Tiopira signed three receipts. There was a separate document for the £100; that I saw. I was present and heard the deed interpreted by Mr. Clendon to Tiopira.: I did not see the writing; I only listened to the interpretation. The price mentioned was £2,000 for Waipoua, and £2,000 for Maunganui. Mr. Preece was present at the reading of the deed. I heard Tiopira ask Mr. Preece if Parore had assented to the £2,000 as the price. Mr. Kemp was there too. I do not know Mr. Preece's reply, as I was confused; all that took place was there in my letter. On the same day Mr. Preece had said to us (myself and Tiopira) that the price was fixed, and that they would not get a higher price; this was in consequence of Tiopira saying that he would not sign his name till he got 1s. 6d. per acre. Parore's name was not mentioned at that time. I was not near Parore when he was arranging for the sale. At the time of sale it was not mentioned at all by Parore what price he should receive, whether more or less. Tiopira asked if Parore would not receive a larger payment than himself. Mr. Preece replied that the price would not be increased, that he would not get more. Mr. Nelson asked me to go with Mr. Tole to Sir G. Grey. I went. He questioned me; I did not reply; Mr. Tole spoke. Sir G. Grey asked me what I had to say. Mr. Tole took up the reply. He did not ask me if the account was true. Sir G. Grey said to us Maoris: "My sons, I will ask for your money from Government quietly." Mr. Nelson and Mr. Tole told me that Mr. Tole would be the lawyer to speak to Sir G. Grey. I knew what I went for, as I had been told. I understood Mr. Tole was going to speak about this. Had I wanted to take up this matter I should have gone to my own lawyer, Mr. McCormick. Had the £250 or £500 asked for been received; I should have got some, as I have an interest in the land.

PAORA TUHAERE. I, Paora Tuhaere, of

Orakei, do solemnly and sincerely declare that the statements herein above made by me are true, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1866."

Before me—

R. C. BARSTOW, R.M.



*Charles Edwin Nelson:* I have been a resident for some years in the Kaipara District, and am a licensed interpreter. I was engaged with Mr. Brissenden in purchasing land for the Government from the Natives. Mr. Brissenden and myself first negotiated the purchase of these two blocks, about nine months previous to sitting of Native Lands Court upon them. Our negotiations were both with Tiopira and Parore. We concluded a bargain with Tiopira, at rate of 1s. 1d. per acre for any land surveyed and adjudicated to him. I paid Tiopira, and adherents of his, £620 on the block, which was then called Waipoua only; this money was paid after the price was agreed upon, some before the survey, some during it, some after completion. I offered Parore the same price after I had paid some money to Tiopira, some £150. Parore was willing to accept the price if I had given an advance on Account of £500. I offered £100. He said, "You will never get the land." He said I had negotiated with the other party first. This took place at Kaihu. I saw Parore again afterwards, after having paid Ngatiwhatua £200. I tried again to bargain, without effect. He asked for £500; I offered £200, which he would not take. Parore told me twice to stop the survey; and I heard that he had threatened to stop it with an armed party. The survey was completed. I was present at the sitting of the Native Lands Court at Kaihu. It opened on 27th January. These blocks were adjudicated upon. The decision of Court was given on 1st February. Decision was that Tiopira was to have Waipoua, and Parore Maunganui. Hone Whetuki did not agree. Paora Tuhaere, on behalf of Tiopira, Ngatiwhatua, and other tribes, objected. Tiopira said he would go and take possession of the land: let the Court suspend this judgment. The Court adjourned. Mr. Kemp and Mr. Preece came down to Mangawhare, where the Natives were, to effect a conciliation, which they ultimately did. Tiopira told Mr. Kemp that he would only consent on condition that himself and Parore were both included as grantees of blocks of Waipoua and Maunganui, and for the reserve at Waipoua to be his own; and for the "right of conquest" to be effaced from the deed. Mr. Kemp said he would do what was just and reasonable. He had seen Parore and Tirarau. On Wednesday, 2nd February, Messrs. Kemp and Preece came to Mangawhare again, and brought word from Parore that he had agreed to Tiopira's request of previous evening. Then Tiopira began to quibble, saying that both names should be in Maunganui, but his own name only in Waipoua. Mr. Preece objected. Tiopira stated that he would consent if Parore gave him £100 out of money he had received from Waimata Block. Mr. Preece said he would take upon himself to promise that Parore would do this. In the afternoon, 3p.m., Messrs. Kemp and Preece returned with a letter from Parore; saying that he would agree that he and Tiopira should be in both pieces; that Tiopira should have Waipoua, and should have £100 from Waimata. Paora Tuhaere wrote a letter accepting the terms on Tiopira's behalf, and Tiopira signed it. There was a plan of the reserve in the Court. Its area was not then mentioned. The next day the Court met, Mr. Kemp read the first portion of both letters, avoiding any mention of the £100 for Waimata, which Parore had agreed to pay Tiopira. I asked Paora to make a copy of these notes in his pocketbook, and he did so from memory immediately after. The Judge said that memorials of ownership should be made out in conformity with this arrangement, viz., the names of each in the grant, and Tiopira and party only in the reserve. On Friday, 4th, about 10 a.m., Paora and Tiopira went to Kaihu; I followed half-an-hour after. I saw Messrs. Kemp and Preece there. The latter said he was going to see Parore and Tirarau, but would not be long. They stayed away about an hour. When I saw Mr. Preece again, he requested me to get Tiopira and Paora to come to the Court House. I did so. There were present Kemp, Preece, Clendon, Austin, Tiopira, Paora, and myself. Mr. Preece mentioned that the area of two blocks was 72,892 acres, which at 1s. 1d. amounted to £1,974. "Wait," said Tiopira; "I acknowledge that I agreed to sell the land to the Government at that price; but I agreed with Nelson, and he has nothing to do with it now; you are a new person, and ought to give another price. I must have 1s. 6d. per acre or I sign no paper" To this Mr. Preece replied, "Although I am another person, I am working for the same Government that purchased the land from you; you have taken money on account; you have given receipts for it, and agreed to sell the land at 1s. 1d. per acre" Tiopira then asked, "Has Parore consented to accept his money?" Mr. Preece replied, "Yes." Mr. Kemp took it up and said, "We have just come from Parore's house; he has consented." Paora then said, "Tiopira is bound to complete this sale; but regarding the price, I think it should be made something more. Will you not make it up to £2,000?" To this Mr. Preece agreed at once, though he said it was wrong to extort money from him in this manner, especially as Tiopira had already received over £600 and 12,000 acres of land. Tiopira then said, "You told me yesterday that you agreed to pay me £100 Parore agreed to give from sale of Waimata" "Yes," said Mr. Preece, "I will pay you the Waimata money now" Mr. Preece then said to Mr. Kemp, "I will go for the money and some blank vouchers, as I must get Tiopira's receipt" I remarked to Mr. Preece, "This money is being paid by Parore to Tiopira; Tiopira has no business to sign for it." Mr. Preece said, "Parore's money is not here, and I must have a receipt to keep accounts square with the audit." I said, "It is Q.—C. simply a monetary transaction; you pay on Parore's account; he should give you a receipt for money advanced." Mr. Preece said, "I cannot see why you should put in any obstacles." I replied, "That will do." Mr. Kemp said, "Mr. Nelson: Parore's money is not available; the money paid for Waimata is in Auckland." I said, "It is certainly no business of mine, only it seems somewhat strange." Mr. Preece left the

Court House, and not long after returned with money and voucher forms. He said he had been looking for Captain Symonds, and could not find him; would I go and seek him, and ask him to come up. I went to verandah of hotel, and there found Captain Symonds. I asked him to come and witness some deeds at the Court House; and I ran back again, as I was anxious to read contents of vouchers about to be signed by Tiopira. When I re-entered Court House, Mr. Preece was filling up duplicate papers for Tiopira to sign. I went up by side of Mr. Preece, and by momentary view perceived the voucher to be an acknowledgment for £100 on account of Maunganui. Captain Symonds entered the Court and took his seat. Mr. Preece handed Tiopira £100 in bank-notes, and placed the paper before him: "This is the £100 for Waimata—to sign your name." Tiopira put on his spectacles and signed his name to the vouchers in duplicate, which were subsequently witnessed by Mr. Kemp. [Voucher produced.]

The voucher is for £100 (No. 15, 1876, 4th February), 9th payment, on account of purchase of Waipoua and Maunganui, £620, former payment.

Shortly after Manunganui and Waipoua deeds were produced, Mr. Clendon was asked by Mr. Preece to act as interpreter, Mr. Preece explaining to him the arrangement, and that the consideration was to be £2,000 in each piece. Mr. Clendon then interpreted the deeds, but as the consideration had been left blank, he read out £2,000 in both instances. Tiopira signed the parchments, took the money, took off his specs., and the transaction was completed. The blanks were not filled in when Tiopira signed. Captain Symonds was present when the deed was signed, and when Mr. Preece explained to Mr. Clendon that the consideration was left blank, but was to be £2,000. I do not know anything further than I have stated already as to any transactions between the Government and Parore about this land. The allowing the Waipoua reserve to Tiopira had nothing to do with the purchase, and did not affect it. My wife is a half-caste, but from the Rarawa, and not related to these people. I was employed by the Government to act in concert with Mr. Preece during these transactions. I kept a diary of what took place day by day. I am not in the service of the Government now. I made no complaint either to Government or to any one else of Mr. Preece's conduct whilst I was in the service; but I may have stated facts. I handed my pocket-book to Mr. Tole while I was in the Government service. I am not aware that this was a breach of the Civil Service Regulations. I was only engaged from month to month. At Kaihu I had seen a Native, named Haurangi, who had a dispute with Kamariera about the sale of the Opouteke Block, Mr. Preece having told him that, should he sue Kamariera, he would make him pay something. In town here, afterwards, I saw Haurangi and Heta te Haara, who spoke to me about this matter, saying the law had been recommended. I mentioned Mr. Tole to them, and brought them to his office, and acted as interpreter for them. Heta said he had no money for law, and wished to go to Sir G. Grey, as he knew him. It was then I mentioned this present matter, and that Paora and Tiopira were much aggrieved at the way they had been treated. I brought Paora to Mr. Tole's office. I interpreted for them. I knew the facts and brought them forward. I brought them forward at my instigation. Paora went to Mr. Tole's office, knowing what he came for. I never reported or mentioned to Mr. Preece that Paora or Tiopira were dissatisfied. I wish to mention that, on the 8th of February, at Kaihu, I was requested by Mr. Preece to fill in the consideration which had been left blank in the Waipoua deed. It was pencilled in £2,200, and I wrote it in ink. I was also requested to fill in the deed of execution, which was of that date, 8th February. I did not fill in Maunganui deed. I did not notice it. There were many deeds there. I don't remember Mr. Kemp saying, on the wharf at Kaihu, after the transactions were concluded, "I think Tiopira had by far the best of the bargain," and my fully, concurring therewith. I deny so doing. Tiopira and the whole tribe expressed indignation to me at the way they had been treated in receiving less than Parore. After Mr. Preece was employed, I was like the fifth wheel of a coach, and had nothing to do. I received pay to the end of May. My service expired at the end of April last. I never reported the dissatisfaction to any one in the service of Government.

CHARLES E. NELSON.

Declared before me— R. C. BARSTOW,  
R.M.

*James Stephenson Clendon:* I am Secretary to the Native Lands Court at Kaihu, in the Kaipara District. I was present during the Lands Court session at end of January and beginning of February, 1876, when Waipoua and Maunganui Blocks were adjudicated. I have heard the evidence of Paora Tuhaere and Mr. Nelson, and have no wish to say anything thereon prior to the adjudication. I was present at the signing of the documents; I interpreted the deeds. The sum for consideration was blank, and the cause thereof explained to the Judge by Mr. Preece before me and to myself also. The cause was that, as the price which Parore would take had not been agreed upon, it was advisable to leave the space blank, so as to fill in the full amounts when ascertained and

deed, executed by Parore. The object was to make one deed answer for the sale of each block by the co-grantees, otherwise there must have been a separate deed for each interest in each block. When I read the deeds, I read them at the price for which Tiopira sold his claim, £2,000. Some days after I read the deed to Parore. I explained the deeds on each occasion. I expressed the consideration Parore was to receive; I am not certain that I told him how much Tiopira had received, but may have done. I understood that Mr. Preece advanced £100 on Parore's account to Tiopira, to come out of the Waimata money, which was, to my knowledge, in Auckland. I had seen it paid some months previously, and saw it sent to Auckland through a Mr. Mitchelson, Dargaville's manager. Tiopira was perfectly aware that he received the £2,000 in liquidation of his claim on the two blocks. When Tiopira received his money and signed the deed, he relinquished all claim and title to his interest in the two blocks; thereafter the Government and Parore would remain joint owners. I am stated by Mr. Nelson to have been present on the 4th, when Mr. Preece, in reply to Tiopira, said that Parore had consented to accept this money, and Mr. Kemp was said to have added, "We have just come from Parore's house; he has consented." I heard no such conversation. I knew that no arrangement had been made at this time as to price with Parore, and should have noticed such remark. I was close by and think I must have heard any such remark. I remember Paul asking for the increasing the price to £2,000, and that conversation, which lasted from twenty minutes to half an hour; till Captain Symonds arrived. Mr. Nelson was at the opposite side of the hall sitting under a window on a form; I was beside the table where the talk was going on the whole time. I heard Mr. Preece asked by Tiopira why it was necessary to sign the vouchers in addition to the deeds; Mr. Preece told him it was necessary to have the vouchers to send to the Treasury. I understood that the £100 was an advance for Parore on account of Waimata, the other the balance of the purchase money. I had heard the Natives themselves, at a public meeting, speak of and acknowledge the money they had previously received. I did not hear any dissatisfaction expressed by Tiopira's people after the transaction. William Young, interpreter, told me they had been to Colonel Haultain's about a month subsequently. I have only seen Tiopira and Parore once each since this business. I remember Mr. Kemp, after Tiopira, had received the money, remarking that he had got the best of the bargain, and Mr. Nelson expressing his concurrence. This was, I think, in the Courthouse.

James S. Clendon.

Declared to before me— R. C. BARSTOW, R.M.

*Paora Tuhaere:* I never employed Mr. Tole in Tiopira's name. I was not authorized by Tiopira to employ a lawyer. I never told Mr. Tole that I was authorized to employ a lawyer. Tiopira had only asked me to apply to Mr. Kemp. I never authorized Mr. Tole to act for me. Tiopira and myself have never applied for this investigation. When I appeared before George Grey I never spoke, neither did the other Natives; only Mr. Tole. When Tiopira arrived in Auckland, after four days I took him to Okahu. Tiopira told me that Mr. Nelson had been urging him to go to Mr. Tole. Tiopira then said he did not wish at all to have a lawyer; that he and I should go to McLean, and apply to him. We saw him. We wrote the letter of 5th May in consequence of that interview, at which Mr. Kemp and Mr. Preece were present. Donald McLean asked us to put our statement in writing. Tiopira came down because he had heard that Sir Donald had arrived here. I do not know that any one wrote to him.

PAORA TUHAERE.

Declared to before me— R. C. BARSTOW, R.M.

*John Jermyn Symonds:* I am a Judge of the Native Lands Court. I remember being at Kaihu, Kaipara, at the end of January and beginning of February last, when the Maunganui and Waipoua Blocks were passed through the Court. It was part of my duty to witness the execution of the deeds. I did witness the execution of these deeds by Tiopira. It was three days, I think, prior to their being signed by Parore, which was on 8th February. The consideration money was not written in when Tiopira signed, for the reason that it was not then known what consideration money it would be necessary to put into the deed, because arrangements had not then been made with Parore, and that the money to be paid to him would have to be added to what had been paid to Tiopira in order to express the true consideration for the blocks. Mr. Preece called my attention to this, stating that he had not as yet arranged with Parore. There was no bother or trouble, and Tiopira seemed quite to understand what he was doing. It was clearly explained to him by the interpreter, Mr. Clendon, in my presence.

I understand the Native language well enough to know that. I know that Tiopira sold his right to Maunganui and Waipoua to the Government. I do not remember the price, but he was paid in my presence, and he sold for the amount then paid to him, together with a sum previously paid on account. Ngatiwhatua seemed dejected at their claim being rejected, but Tiopira and people seemed well contented when I left, which was after Parore had been paid. When Mr. Preece mentioned that the consideration money had not been written in the deeds because Parore had not been arranged with, that statement was made openly in the Court House, and audible to everybody. There was not the smallest concealment about it. My official attestation to the deeds was not made till after completion of them by Parore's signature.

JOHN JERMYN SYMONDS.

Declared to before me— R. C. BARSTOW, R.M.

*James Wathen Preece:* I have no recollection whatever of Tiopira asking me if Parore had consented to the price, *i.e.*, 1s. 1d. per acre. I have no recollection of his asking me any question as to what Parore was to get. I state positively that I never told him that Parore had agreed to any terms; had I told him that Parore had agreed to any terms, I must have told him a falsehood, as Parore had not then come to any terms whatever; nor did Mr. Kemp, in my hearing (and he was within two yards from me), make any such statement as described by Mr. Nelson. I did tell Tiopira that I would not agree to more than the 1s. 1d. per acre, when he asked me for 1s. 6d., but this had no relation whatever to Parore, nor was he then mentioned.

These land purchase transactions were entirely my own; Mr. Kemp was in no way responsible, though he did render me very valuable assistance.

J. W. PREECE.

Declared to before me— R. C. BARSTOW, R.M.

*Henry Tacy Kemp:* I am Civil Commissioner at Auckland. I have had knowledge for very many years of the nature of the several land claims at Kaipara and the North. I was a Land Purchase Commissioner for more than twenty years. I became aware of the reckless manner in which Mr. Brissenden, assisted by Mr. Nelson, paid money by way of advance to Natives having small or no interest in lands. I accompanied Mr. Preece, as I am District Officer, and had special instructions from Government to attend the sitting of the Lands Court at Kaihu in January last. I am thoroughly cognizant of all Mr. Preece's transactions in payment of money for land at that time; all were sanctioned by me, though I was not the active agent. I was present when Tiopira signed the deeds for Maunganui and Waipoua and received the money therefor. He declined to sign unless he got the £100 for Waimata. Mr. Preece agreed to pay it on behalf of Parore. No inducement to sign these deeds was held out by any promise that Parore should receive no larger payment than himself, by myself or by any person in my hearing.

I took a prominent part in arranging with Parore, and suggested to Mr. Preece that as Tiopira had received 12,000 acres of reserve in lieu of 6,000, as agreed, that the sum of £500 beyond the amount paid to Tiopira might be paid to Parore, so as to equalize the consideration each received; and it was with some difficulty that we could persuade Parore to agree to this, when it is borne in mind that Waipoua itself was for very many years the favourite residence of Parore, and the difference in the price given to him, as with the value of the reserve, was very much in Tiopira's favour.

H. T. KEMP.

Declared to before me— R. C. BARSTOW, R.M.

**MEMORANDUM re J. A. Tole's Complaint as to the Purchase of Maunganui and Waipoua Blocks.**

Mr. Tole, after making certain statements, sums up by saying that "Tiopira's grievance therefore is, that though the original purchase money was understood to be £2,000 for each block, yet, since it has been thought necessary to increase that amount to the extent already stated (£500), he asserts that he is justly entitled to his proportion of it, and not that it should be all paid to a co-grantee."

The answer to this is that the original purchase money was never understood to be £2,000 for each block, but was 1s. 1d. per acre, which amounted to less than £2,000 for Tiopira's share, but that at the signing of the deeds I conceded the extra amount, making it come to £2,000, for all his right, title, and interest in both blocks; and, as a proof of that being the case, it will be found that the voucher he signed for the balance of the money stated such to be the case—that is, the voucher acknowledges the receipt of One thousand three hundred and eighty pounds (£1,380) as a final payment for all his right, title, and interest, and acknowledging the former receipt of £620, thus making up £2,000

The amount of the price of Tiopira's half of the land under his agreement was £1,974 3s. 2d. He asked me to make it up to £2,000, which I did, as it was only a matter of £25 16s. 10d. extra.

In settling up with Tiopira, I first read over to him in detail the vouchers for the various sums of money which had been paid to him and his party from time to time by Messrs. Brissenden and Nelson, amounting in all to £620. These payments he admitted. That point having been settled, I told him that by the papers before me, it appeared he had, on receiving these various sums, agreed to sell the land to the Government for the sum of one shilling and a penny per acre (1s. 1d.). This he said was correct. He said I, being a new purchaser, should enter into a new arrangement. I told him that I was not the purchaser but the agent, and, as he had agreed to sell to the Government at that price, and, on the faith of that agreement, the Government had advanced him such a large sum of money as £620, and had been induced to incur the cost of survey and other charges, that he was bound to carry out his agreement.

I then told him the two blocks contained 72,892 acres, which, at 1s. 1d. per acre, would amount to the sum of £3,948 6s. 4d., the half of which would be £1,974 3s. 2d., which sum he was entitled to, less the £620 deposits. Paul Tauhaere then calculated the amount, and told Tiopira it was correct. They both said they were quite satisfied, but asked me to agree to make even money of it and let it be £2,000. This I agreed to, the difference being, as above stated, £25 16s. 10d.

I then went to the hotel to get the money, and first gave Tiopira the sum of £100 on behalf of Parore (the nature of which I shall presently show), as he (Tiopira) had made it a *sine qua, non* that that sum should be paid before he would sign the deeds. This sum I advanced out of sums in my hands, as I knew Parore had no funds at the place, and I knew he would repay me even if we did not come to terms as to his interest.

I then counted out £1,380 in notes, and prepared vouchers for Tiopira to sign—one for £100 and one for £1,380—acknowledging the receipt of that amount as being "a payment in full satisfaction of his right, title, and interest in the Waipoua and Maunganni Blocks." These vouchers I read over to Tiopira and Paul in the presence of Judge Symonds, H. T. Kemp, C.C.; Mr. Clendon, Interpreter of the Court; and Mr. Nelson, my assistant in land-purchase matters, and fully explained the nature of the same to them. Tiopira then signed them in the presence of the gentlemen I have named, and they were attested by Mr. Kemp.

There could have been no possibility of there being any misunderstanding as to the £2,000 being the price of Tiopira's interest, for I remember distinctly, when Mr. Clendon, the interpreter, was reading over and explaining the deeds, he at first explained to them that the two blocks were being sold for £4,000; and I at once corrected him and told him that the arrangement was that Tiopira was selling the whole of his interest for £2,000, which was then his explanation to them.

It is true that there was no total amount of consideration absolutely written in the deeds at the time, and I myself called the attention of the Judge to the fact, and told him that, as I did not yet know what I should have to pay Parore, I could not tell what the full amount was, and at the same time I asked him to note what I was now paying, and if Parore came to terms he would see what he was to get, which, together with the amount now and formerly paid, would be the price of the two blocks. I also told him that I would not ask him to attest the signatures of Tiopira until I should have come to terms with Parore and he should have signed; or, should I fail to come to terms with him, I would ask him to attest the signatures of Tiopira, and then insert the £2,000 as the consideration of his interest. The Judge did not attest the signature of Tiopira then, nor was the attestation clause written in or attested to until after the actual amounts of consideration of money for both blocks had been written in in both deeds, and after Parore had signed them and the whole of the money had been paid. Judge Symonds and Mr. Kemp then attested the deeds and examined them, thereby seeing that the amounts named were true, and in accordance with the payments made.

The apportionment of the moneys in the deeds, at £2,200 for the one block and £2,300 for the other, was simply a matter of detail, in order to apportion the payments as nearly as I could according to area in round numbers, for the agreements with both Tiopira and Parore, although quite separate, were in each case not for the two blocks separately, but for each of their undivided interest in the whole area contained in the two blocks;

and such division was a matter of no moment to the sellers, as both blocks were owned by the same parties, and the money was, paid in each case in a lump sum.

There was no concealment of anything by me; the whole matter was done in an open and straightforward manner before a Judge of the Court, a Resident Magistrate, and two licensed interpreters, besides being publicly talked about. After Parore came to terms, and I had consented to pay him £2,500, I was asked by some of Tiopira's own people what he had got, and I told them. I saw Paul afterwards, as well as several of Tiopira's people, who must have known it, but they made no complaint, nor did I hear of any till I saw Mr. Tole's letter.

With regard to the question as to whether in the whole arrangements Tiopira has not obtained fully as much and more than Parore, I shall presently show.

It must be remembered that the Maunganui and Waipoua Blocks alone (and not the reserve, Waipoua No. 2) were the subject of investigation before the Court up to the time of its giving its judgment, which: judgment the Court informed the Natives could only be rendered valid by their mutual agreement, or by the Court accepting any voluntary arrangement come to between the parties. The Court did, however, give its judgment, in order, I apprehend, to acquaint the Natives how far their opinion went, and in this judgment they expressed an opinion that Parore had a superior right to Tiopira, and consequently, out of the 72,892 acres before the Court, they awarded to Parore 37,592 (Maunganui) and to Tiopira 35,300 (Waipoua), thus making the award to Parore 2,292 acres in excess of that to Tiopira.

This judgment could not be upheld in consequence of the strange conduct of the Assessor who sat with the Judges, who, having fully concurred with the Judges while they were conferring together, afterwards on the bench gave expression to quite a contrary opinion.

It must be remembered that the Waipoua reserve, containing 12,220 acres, was not under investigation at the time; had it been I have no doubt but that the Court would have awarded to Parore at least an equal interest with Tiopira, if not more, for the Waipoua settlement was his birthplace and continual home until only a few years ago, and in it was planted, and now stands, a fig tree, a present made by His Majesty George IV. to Hongi Hika, the uncle of Parore, who brought it out from England and planted it there. So Tiopira was not entitled by the judgment of the Court to be in the memorial of ownership of Maunganui at all, but in Waipoua, the lesser of the two by 2,292 acres, and the reserve of 12,220 acres was not before the Court.

It was only by an agreement come to between the parties after considerable discussion, and numerous proposals and counter proposals having passed between them, that it was arranged that Parore and Tiopira were each to have their names inserted in the memorial of ownership for both Waipoua and Maunganui, and that Tiopira should be paid by Parore the sum of £100 out of the proceeds of the sale of timber on a block of land named Waimata, which by the judgment of a former Court Tiopira had been found to have had no interest in, and that the Waipoua reserve should be in the name of Tiopira alone, which reserve was through the whole of that negotiation stated to have been 6,000 acres or thereabouts, whereas it afterwards became known to us that it was and is 12,220 acres.

Mr. Kemp and myself had very great difficulty in inducing Parore to agree to these terms, and had we known, as we afterwards did when too late, that the reserve was over 12,000 acres, instead as we understood about 6,000 acres, I am sure that I for one would not have asked him to agree to such terms; and it was that as much as anything which induced me ultimately to agree to pay him £500 more for his interest than Tiopira had sold for: at all events I had to do it, for it was the lowest amount that it was possible to get him to agree to take.

In order to show clearly the proportionate value that Parore and Tiopira have each had out of the whole estate in which they were jointly interested, I have put in the following form:—

A Statement showing the Value separately of the Arrangements as to Title and Sale of Maunganui and Waipoua Blocks.

Thus it will be seen that out of the block of land extending from the south boundary of Maunganui to the north boundary of Waipoua, including the reserve in question (all of which comprises but one estate as regards Native title), taking the value of the reserve to be only 1s. 1d. per acre, Tiopira has had in land and in money in excess of what Parore has received the sum of £348 7s. 6d., which I consider is considerably more than he is entitled to; and my opinion is borne out by the judgment of the Court, which found him to be entitled to less than Parore by 2,292 acres out of 72,892 acres.

But whether Tiopira has had the best of it or not, the fact remains. He agreed to sell all his interest in the two blocks for the sum of £2,000, and he did it with the full knowledge of what he was about, and he has received that amount in cash. And Parore agreed to sell his interest in both blocks for £2,500, and has received that amount in cash, of which he has paid £100 to Tiopira, as agreed on at the settlement of the question of title.

6th June, 1876.  
J. W. PREECE.

Declared to before me—

R. C. BARSTOW, R.M.

*Te Haurangi:* I live at Mataawa. I remember the first bringing of the Opouteke Block before the Lands Court at Kaihu, in January, 1875. Symonds was the Judge. I was there with Heta. I spoke to the Court with respect to our land that was included in their survey; that is, the survey of Wharepapa and party. I was questioned by the Judge. Wharepapa disputed my claim. I said I did not dispute their claim to their land, but only to ours, that is, Heta, Ihaka te Tai, and myself. I said the land had been stolen by the surveyor, by them. The Maoris who assisted the surveyor, Hopeha, and others were asked by the Judge. My claim was admitted by the Court to our land that had been included in this survey. Opokena is the new name of the piece. The plan was placed on the table, and Wharepapa asked me if I knew my piece. I pointed it out; its name is Owata. I pointed out the other boundary, Te Pukitaru. I cannot point out the line on this plan (produced); but one was made on the plan in Court. The Court ratified it. My name was not written in. Heta then proposed that Wharepapa should be allowed to deal with our piece too. The Court and we all consented to this. It was arranged that my money should be paid to myself by Wharepapa, or some one paying the money, and that myself and Heta should be present when the money was being paid. This is what I said in the Land Court. Wharepapa promised that when he received the money that he would pay our share to us. There has been a great deal of deceit in him: I was at Kaihu when the money was paid for this land. Mr. Preece wrote for us to come. I went, but not Heta. He had also, at Ohaeawai, told me to come I did not see the money actually paid to Wharepapa. I do not know how much he got. I expected to be paid for the area of my piece. I forget now how large the piece was. I did know at the first Court. I cannot say how much I ought to have had Wharepapa did not give me a penny even. I did not know that he gave any to Heta or to Ihaka. Heta may say. I asked Wharepapa for it in Mr. Preece's presence. He replied that Heta and self were thieves. He was obstinate and would not give any. The only money I got at Kaihu then was £10 from Mr. Preece. I returned home. I left £90 in Mr. Preece's hand to bring to Auckland. This was paid to me in consequence of Wharepapa's bad behaviour. The £90 was taken to Auckland by Preece in consequence of a letter I had given him from Ihaka and Heta te Haara. Immediately after I had signed a receipt for the £100, I was told by Mr. Preece that I was to have no further claim on the Government. I would not have signed had I known this before. Mr. Preece and Mr. Kemp alone were present. The money was paid to me before this explanation. I had the money in my possession. I did not return it, nor make any objection to what had been said. Preece wrote a letter for me to give to Heta, and read it over to me. I took the letter to Heta, and gave it to him on my return to Ohaeawai. We both came to Kororareka and saw Ihaka. These two disapproved of what I had done in taking the £10. Heta and self came to Auckland about it. We went to Mr. Kemp's office, and saw Mr. Kemp and Mr. Preece. Mr. Preece handed us the £90, and Heta would not receive it, as he did not approve of it, as the land was a large piece. We did not then take it. Heta said he would retain the land. We saw Mr. Nelson. I did not speak to him about this matter; perhaps Heta did. We went back to Kororareka. Before this (our return), Paora Tubaere, Heta, and self were standing in the street at the corner of Queen Street, outside an entrance. Nelson had pointed out the place, saying that was the house of his lawyer. We went upstairs, and Nelson came up after. He interpreted for us. We did not speak, only Nelson: it was he who had advised us not to take the money (£90). He had talked to us at a public-house before this. We met him in Queen street, and said he was very glad to have seen us before we went to the Native Office. He gave us all the information about the area of the land and everything. We went to see Mr. Tole to try to get money from the Government, not from Wharepapa. We all went together to George Grey. We never said anything; the lawyer did all the talking. Paora spoke a little about his matter with Tiopira. We all went to Colonel Haultain also, then we returned to Kororareka, as I have said. I was not aware that Heta received this £90 while in Auckland.

Before the payment of the money I spoke to Mr. Preece not to pay all the money to Wharepapa. I do not know if he heard me, as there was a noise. I was not present when Wharepapa was paid. I went to the Court House, but the door was closed. I may have got the £100 from Mr. Preece before Wharepapa was paid. Mr. Kemp was present. It was in the day-time, about noon sometime.

Na pei te, TE HAURANGI.

*James Stephenson Clendon:* I am Clerk of Native Lands Court, Kaipara District, sitting at Kaihu. I remember in May, 1865, the investigation of Opouteke Block. I was acting there. The adjudication was in favour of Kamariera Wharepapa, with consent of Heta te Haara and Haurangi. The opposition was in Haurangi's name. During the investigation, Haurangi pointed out a portion of the plan which he claimed. Captain Symonds, the Judge, drew a mark across with a ruler. It was a line between the two points known to Haurangi. Wharepapa made no objection at the time. He was to be sole grantee, but was to pay Haurangi for the acreage contained in the portion marked off. Wharepapa's name was inserted in several Crown grants, amounting to 80,000 acres in all. He was so put in at request of the Natives to act as agent for them. Mr. Nelson

was present at this Lands Court during part of the time. I was present at Kaihu when the purchase was completed at last Kaihu Court (January and February, 1876). I interpreted the deed. I remember Haurangi expressing great dissatisfaction at Wharepapa not acceding to his claims—not giving him what he wanted. It was against Wharepapa, not against the Government. It was both before and after payment for the block. Heta te Haara was not at Kaihu at all, or probably would have got a larger share. Wharepapa had only a small interest in Opouteke. The money was distributed all through the country, to Bay of Islands and else where

JAMES S. CLENDON.

*John Jermyn Symonds:* I am a Judge of Native Lands Court. I held a Court at Kaihu in May, 1875. The Opouteke Block was then adjudicated upon. Kamariera Wharepapa was appointed agent by the Natives concerned, and at their request his name was put in the memorial. Two Natives named Heta te Haara and Te Haurangi were present, and claimed a part of the block. Their claim was admitted. They pointed out the spot before the people in Court and Wharepapa; and a line was drawn across, either by myself or in my presence, to indicate the extent of their claim in a rough way. A note of their claim was made in the Court minutes. The memorial was made to Wharepapa with their full consent. The consent was asked for three times in open Court, and given. The grant would issue in Wharepapa's name alone, and he alone would have the power of selling. Te Haurangi alone was the complainant, not Heta te Haara. In January last, at Kaihu, I witnessed the execution of the deed of sale by Wharepapa to the Government [produced]. Haurangi was at the Lands Court. I do not know if he was present at the signing of the deeds. No protest of any kind was made when the deed was signed and the money paid.

JOHN JERMYN SYMONDS.

*Heta te Haara:* It was not my suggestion, at Mr. Tole's office, that we should go to Sir G. Grey it was Mr. Nelson's. Mr. Kemp gave me the £90. When I first went Mr. Kemp said, "Take your money." I said, "Let it be for a future time." At my second going I found Mr. Kemp alone. I said, "I had come to fetch my money." He said, "Very well." Mr. Kemp gave it to me. Mr. Preece was not present then. Mr. Vickers was there. He brought the money upstairs. I knew what the money was—the money brought by Preece from Haurangi at Kaihu. I understood that we should have no further claim upon the Government by Mr. Preece's letter of the 2nd February. I believe that the letter produced is an exact copy of it. There had been no new arrangement about this land since then. I expected to have got £600, as I was told that there was 5,775 acres in our piece. I have applied to Wharepapa for the money, but he said it was all gone from him; that it rested with Petu and others who had the money. I knew that the £90 was with Kemp. Mr. Preece had shown it to us at the Native Office on the first occasion when we declined it before. Mr. Preece said he would not take it as it was not his, and left it with Mr. Kemp. He did not tell us that we might get more afterwards. Mr. Preece and Mr. Nelson both returned to Kororareka in the same steamer with me. On board the steamer, Mr. Nelson said to me that he was afraid of letting Mr. Preece see him talking to me. He did not talk to us in Mr. Preece's presence. I was not at Kaihu when the money was paid I was ill, or should have gone.

HETA TE HAARA.

The statements of Peita te Haurangi, John Jermyn Symonds, James Stephenson Clendon, and Heta te Haara were taken by me, on seven sheets of paper, number 1 to 7, and severally declared by the above-named persons, by virtue of provisions of "Justices of Peace Act, 1876.

R. C. BARSTOW, B.M.

## No. 15. Mr. J. A. TOLE to Mr. R. C. BARSTOW.

Auckland, 8th June, 1876.

SIR,—

In addition to the witnesses in town and those already sent for by you, it is desirable that Mr. Clendon, the Native Interpreter, Helensville, and Clerk of the Court there, should be immediately telegraphed for, so that he might be enabled to come by the boat which arrives here to-morrow at about 10.30 a.m. I also request that the following documents will be produced at the inquiry, viz.,—

- 1. All correspondence between Tiopira and Parore relative to the matters under investigation.
- 2. The voucher signed by Tiopira for £100, as per arrangement between him and Parore, and any other voucher signed by Tiopira at the time of the completion of the sale of the Waipoua and Maunganui



Blocks.

Yours, &c.,

J. A. TOLE.

R.C. BARSTOW, Esq., R.M., Auckland.

## **No. 16.Mr. J. A. TOLE to Mr. R. C. BARSTOW**

Auckland, 18th June, 1876.

SIR,—

As I cannot be present during the progress of the above inquiry, which you propose to continue in my absence, I would respectfully request that further proceedings be delayed until I have an opportunity of being present.

Yours, &c.,

J. A. TOLE, Solicitor.

R. C. BARSTOW, Esq., R.M., Auckland.

## **No. 17.Mr. J. W. PREECE to Mr. R. C. BARSTOW.**

Auckland, 8th June, 1876.

SIR,—

I have the honor to make application for permission to invite the representatives of the Press to be present at the inquiry which is about to take place before you in reference to my land-purchase transactions. My object in making this application is in order that the fullest publicity may be given to both the actual nature of the charges and to my reply to them, as a statement has already appeared in one of the daily newspapers that the charges are of a "sweeping character;" the article containing the statement having been headed in the most conspicuous type with the words "Native Lands and Native Jobbery." I would, therefore, respectfully request that an opportunity may be afforded me of giving the whole matter publicity in the way I have indicated.

I have, &c.,

J. W. PREECE.

R. C. Barstow, Esq., Resident Magistrate, Auckland.

# **Mr. GILL to Mr. J. W. PREECE.**

Auckland, 26th May, 1876.  
Mr. PREECE,—

Herewith are copies of vouchers as per your telegram of this day.

RICHD. J. GILL.

J. W. Preece, Auckland.

## **Enclosure in No. 18. *Treasury Voucher No. 40,242.* NATIVE LAND PURCHASE DEPARTMENT, *Dr. to TIOPIRA KINAKI.***

Province of Auckland, Hokianga and Kaipara District, Waipoua and Maunganui Block, 72,892 acres: price £4,500; being a payment in full satisfaction of his right, title, and interest to Waipoua and Maunganui Blocks. Tenth payment on account of above purchase, £1,380, on the 4th February, 1876. Former payments, £720. Claimant, Tiopira Kinaki.

## ***Treasury Voucher No. 40,237.* NATIVE LAND PURCHASE DEPARTMENT, *Dr. to TE HAURANGI.***

Province of Auckland, Kaipara District, Opouteke Block, about 43,622 acres: price £3,389; a payment in full satisfaction of any claim Te Haurangi may have on the Opouteke Block, for which a memorial of ownership was granted by his consent to Kamariera to Wharepapa. Third payment on account of the above purchase, £100, on 1st February, 1876. Former payments, £300. Claimant, Te Haurangi.

## ***Treasury Voucher No.* NATIVE LAND PURCHASE DEPARTMENT, *Dr. to TIOPIRA KINAKI.***

Province of Auckland, Kaipara District, Waipoua and Maunganui Block, 72,892 acres: price £4,500. Ninth payment on account of the above purchase, £100, on 4th February, 1876. Former payments, £620. Claimant, Tiopira Kinaki.

## **No. 19. Mr. BARSTOW to the Hon. the NATIVE MINISTER.**

Auckland, 1st July, 1876.  
SIR,—

I have the honor, by way of supplement to the accompanying report, of forwarding for your information the following statement:—

On the 17th May, on receipt of your letter (with enclosures) requesting me to investigate into irregularities alleged to have taken place in certain land purchases in the North (Maunganui, Waipoua, Opouteke), I informed J. A. Tole, solicitor, who preferred the charges, and Mr. Preece, whom these appeared chiefly to affect, that I would hold the inquiry asked for in said papers at an early date.

I was annoyed at finding on the following morning articles in the newspapers on the subject of this inquiry, and spoke of this to Messrs Tole and Preece. The former admitted that he had mentioned the matter in the offices of the Provincial Government, and that thence intimation might have reached certain papers.

Mr. Tole applied for copies of letters, reports, &c., connected with the purchases. I had these prepared for and supplied to him.

I desired, in pursuance of your instructions, to investigate the affairs referred to me without delay, but found that Mr. Commissioner Kemp, then in Waikato, was a necessary witness; and also that time would be required in order to communicate with the several Natives—Tiopira, Heta te Haara, Te Haurangi—said to be complainants. Accordingly, on 1st June I fixed the 9th instant for commencing, and notified the parties interested.

An application was made to me by Mr. Preece for permission to admit reporters, on the ground that many comments had appeared in the Press already, and that he was anxious that the inquiry should be public. I refused this, and also the request of Mr. Kemp that counsel should be allowed to attend on behalf of the officers whose transactions were called in question.

On Friday, at 2 p.m., in the room attached to the Police Court, I opened the inquiry. There were present, Messrs. J. A. Tole, C. E. Nelson, J. W. Preece, H. T. Kemp, C.C.; J. S. Clendon, Paora Tuhaere, and Mr. Brown, as interpreter.

I ruled that Mr. Tole appeared as having applied for the inquiry, and not as counsel for any client.

The matters connected with the purchase of Maunganui and Waipoua Blocks were proceeded with Paora Tuhaere's evidence was first given, and though I several times expostulated with Mr. Tole against the need of going into the proceedings of the Native Lands Court when adjudicating upon these blocks on his stating that it was essential to his case that the whole transaction should be opened out, I gave way; thus Paora's evidence was not concluded till 5.30 p.m. I allowed Mr. Tole to put, through myself, to the witnesses any question he desired.

I sat again at 10 a.m. on the next day (having myself suggested an earlier hour, Mr. Tole objecting, as it was his unpunctuality caused delay). Mr. Nelson's evidence was taken. Mr. Tole constantly pressed the taking, as it seemed to me, of irrelevant matter, so that it was a quarter past one when this witness was done with. Mr. Tole then stated that, as he must leave Auckland on the 12th (Monday) for Wellington for his parliamentary duties, he would be unable to attend further. An adjournment was asked for, and 2 p.m. fixed for resuming. Mr. Nelson promised to reappear, but failed to do so. I only examined J. S. Clendon; and adjourned again till the 13th, for evidence of Captain Symonds, Judge of Native Lands Court.

During Mr. Clendon's examination I received a note from Mr. Tole, asking me to postpone the further hearing until after the session of Parliament.

In the course of this day's proceedings Mr. Tole admitted that, when he wrote his letters to the Superintendent stating that he was employed: professionally on behalf of Tiopira, he had never seen nor heard either by letter or message from that chief, but that he looked upon Paora Tuhaere as Tiopira's agent. Paora flatly contradicted this fact (the agency), and also that he in any way authorized Mr. Tole to act for Tiopira or himself. Mr. Tole also stated that he had not made and did not expect to make anything, *i.e.*, pecuniarily, out of the parties.

I cannot refrain from expressing my opinion that the tactics pursued by Mr. Tole, in protracting the examinations of Paora and Mr. Nelson, were adopted for the purpose of preventing my holding the whole inquiry in his presence. I feel certain that the entire matters connected with the purchase of Waipoua and Maunganui might have been examined into during the six hours occupied by these two witnesses.

On Tuesday, 13th, Captain Symonds gave his statement, and I then further adjourned until Monday, 19th, for Heta te Haara and Te Haurangi. I took their testimony as to sale and payments in respect of Opouteke; and, hearing from Tiopira that he would not attend on the 29th, concluded the inquiry by examining Messrs. Kemp and Preece.

I return herewith all the documents furnished to me for the purpose of this inquiry, together with the evidence taken in the matter, and some explanatory papers and notes.

I have, &c.,

R. C. BARSTOW, B.M.

The Hon. the Native Minister, Wellington.

R.—C.

## **The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.**

*Auckland.—Purchase of Mahurangi from Thames Natives sanctioned by the Governor.* Colonial Secretary's Office, Auckland, 14th April, 1841.

SIR,—

With reference to your letter of the 12th inst., submitting a proposal from the united tribes of the Thames to sell a tract of country in the vicinity of the Waitemata known as "Mahurangi," to the Crown, I do myself the honor, by the direction of the Lieut.-Governor, to convey to you his Excellency's sanction to the purchase being completed at the price mentioned in your communication.

An order has been accordingly transmitted to the Colonial Storekeeper to provide the barter, as specified below; and the Colonial Treasurer has been apprised that the sum of Two hundred pounds (£200) in specie will be required to meet the payment, warrant for which will be prepared as early as possible.

I have, &c.,

WILLOUGHBY SHORTLAND.

The Protector of Aborigines, &c., &c., Auckland.

## **Enclosure in No.1.**

List referred to of Barter for the purchase of "Mahurangi" and its vicinity, containing One hundred thousand acres, more or less.

## **No. 2. The Hon. The COLONIAL SECRETARY to the CHIEF PROTECTOR.**

*Mahurangi.—Sanctioning Payment of £5 to Hoete.* Colonial Secretary's Office, Auckland, 11th June; 1841.

SIR,—

With reference to your report of the 4th inst., on an application from the Chief Hoete (or William Jowett), for remuneration for services performed by him in pointing out the boundaries of the district, lately purchased by the Crown, called Mahurangi, referred to you under blank cover of the 2nd inst., I have the honor, by direction of the Governor, to acquaint you that a warrant has been prepared in your favor, and will shortly be transmitted to the Colonial Treasurer, empowering that officer to pay into your hands the sum of £5 (five pounds) to enable you to remunerate Hoete.

This sum will be impressed against you until the receipt of Hoete, duly attested, is forwarded by you.

I have, &c.,

WILLOUGHBY SHORTLAND.

The Protector of Aborigines.

P.S.—It will be necessary to explain clearly to the Natives who sold the land in question, but who neglected to point out the boundaries, the reason of this sum of £5 being deducted from the purchase money. You will also be pleased to have care taken that the deduction is made at the time of the issue of the barter to the Natives.

W.S.

## **No. 3. The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.**

*Auckland.—Pomare's Interest at Mahurangi purchased.* Colonial Secretary's Office, Auckland, 5th April, 1842.  
SIR,—

I have the honor, by the direction of the Governor, to inform you that His Excellency has been pleased to sanction the purchase of a small vessel for the Chief Pomare, in part payment for his interest in the land at Mahurangi, sold by that chief to the Crown for the sum of One hundred and fifty pounds (£150).

The account of this expense will, therefore, appear in the Contingent Abstract of your Department, and the Colonial Treasurer has received instructions to disburse the money on the proper accounts duly vouched being presented.

I have accordingly to request that you will take steps to bring the matter to an immediate conclusion.

I have, &c.,

JAMES STUART FREEMAN, Chief Clerk, for the Colonial Secretary.

The Chief Protector of Aborigines.

## **No. 4. The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.**

*To purchase Cattle for Wiremu Hoete.* Colonial Secretary's Office, Auckland, 14th April, 1842.  
SIR,—

With reference to your letter of the 20th ultimo, requesting His Excellency's sanction to the purchase of

cattle for transfer to the Native chief Jowett, to complete the amount of consideration due to him, on behalf of the Ngatipaoa tribe, for land at Mahurangi, I am instructed to convey to you the Governor's authority for the purchase of four cows for the purpose above mentioned, and for traffic with the Natives generally.

You will therefore have the goodness to furnish the accounts to the Colonial Treasurer in the proper form, to enable that officer to prepare a warrant for the amount for His Excellency's signature.

I have, &c.,

WILLOUGHBY SHORTLAND, Colonial Secretary.

The Chief Protector of Aborigines.

*Mahurangi—Reporting his Visit to the District.* Native Secretary's Office, 24th February, 1852.  
SIR—

In compliance with your directions to me at the Kawan I proceeded to ascertain the nature and extent of the Native claims to the Mahurangi and Matakana District, the limits into which their reserves could be confined, and the relative extent of those reserves compared with the rest of the block.

## Its Native History.

The country between Auckland and Whangarei was originally inhabited by a tribe called the Ngatirongo, a branch of the Kawerau, of whom Parihoru and Hemara are the remnants, who had from time immemorial waged fierce disputes with the Thames Natives relative to the right of fishing in the rivers of this district, which right was at last finally given up to the Ngatipaoas by the Ngatirongo, and such was the relative position of these tribes when the Bay of Islanders' invasion commenced. The Ngatirongo were exterminated with the exception of two or three small parties or families, who either fled before Hongi Hika, in common with the rest of the Natives, or, taking advantage of relationship with the Bay of Islanders, amalgamated themselves with the conquerors. Among the former is the present claimant Reweti, and to the latter belongs Hemara, who took refuge with Pomare, and Parihoru, who took refuge at Whangarei. At length the Bay of Islanders in their turn were driven back by the Waikato and Thames Natives, and, the Mahurangi tribe having been exterminated, the Thames Natives, who, as before stated, had acquired the right to the bays and rivers (there being none to contend with them), now took the land also, and on the arrival of Her Majesty's Government at Auckland, they sold their claims to the whole block.

The accompanying plan will show the extent of the claims of the Ngatirongo compared with the rest of the block, in which two distinct parties and interests exist. Hemara and party, who merely wish a large reserve to live on, and Parihoru, who urges extravagant claims on a large portion of the block.

## Hemara's Statement as to his Father's Signature to Deed of Sale being Fictitious.

Hemara has proved to me that his father's name was inserted by Pomare in the deed executed by that chief, after his father's decease, and that the document is not genuine, and that he had remonstrated at the time with His late Excellency Governor Hobson, who guaranteed him certain reserves and sacred places, which statements are also corroborated by evidence.

He has with his party, numbering about 100 individuals, no other place to reside on, and the whole of the Natives in the country are convinced of his right to what he claims, which I have prevailed upon him to curtail to the extent delineated on the plan, consisting of timber land, no part of which can be said to be available for the location of European farmers.

# Chief Parihoru's Claims.

Parihoru does not appear to be so strongly supported in his pretensions by the Natives in general, as the feeling among them is that he should relinquish his claims to all the land originally sold by Ngati Paoa as far as the Arai, and receive a small payment for the same, in addition to his reserve where he now resides, which would be just and reasonable.

I have, &c.,

JOHN GRANT JOHNSON, Interpreter.

The Native Secretary, &c.

## No. 6. The NATIVE SECRETARY to the Hon. the COLONIAL SECRETARY.

*Mahurangi.—Respecting the purchase of that district.* Native Secretary's Office, Auckland, February 24th, 1853.

SIR,—

In accordance with your letter of the 9th inst., authorizing me to proceed to Mahurangi, to endeavour to procure a settlement of the Native claims to land in that district, I have the honor to report that I proceeded to the residence of the Chief Hemara, situated near the south head of Mahurangi Harbour, for the purpose of ascertaining the nature of his claim to a large tract of land which he now occupies. From all I can learn, this Native has a claim to some reserve or compensation in that district, as his ancestors formerly occupied it, and he has no other place where he can subsist; and his claims are backed by several other Natives. A considerable block is also claimed by a Native named Parihoru, which includes land sold by the Government, and also land belonging to land claimants.

As the negotiations concerning this affair were likely to extend over several days, and as there was small probability of any settlement of the exorbitant Native claims, and as I had to return to Auckland at an early date, I left instructions with John Johnston to remain on the spot, and to make himself more fully acquainted with the nature and extent of the claims, which could only be obtained by a lengthened sojourn in the locality; and I further directed him to endeavour to bring the respective claimants to Auckland, where they might be more induced to listen to reason than at their own places.

Mr. Johnston's report I herewith forward, which gives a full account of the nature of the respective claims.

These Natives, especially Hemara, are more obstinate on account of their receiving payments from Europeans for permission to cut firewood and timber on the disputed land, which there would be no means of stopping unless the Native Land Purchase Ordinance were put in force.

The Natives are now in Auckland, and I would suggest that the affair should be settled on the most liberal terms as regards Hemara, who appears to have a claim; but with regard to Parihoru, the question seems more difficult, as he lays claim to large tract of land which contains several farms belonging to the Europeans who have purchased from old land claimants who have got Crown grants, and also a farm of 50 acres, for which a settler named Boyds has got a Crown grant; and this tract he asserts his intention of holding, and threatens to pull down Boyds' house and mill; and as his claim is acknowledged by most of the Natives who previously sold the land, I think that it would be judicious to extinguish it by giving a money payment and also a reserve of land.

I have, &c.,

C. L. NUGENT, Native Secretary.

The Honorable the Colonial Secretary, &c., &c., &c.

## No. 7. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Parekakau.—Reporting offer by Wiremu Reweti of a Block of 1,500 Acres.* Hot Springs, Mahurangi. 3rd June, 1854.

SIR.—

I have the honor to inform you that I have seen the piece of land offered for sale by Kereihi, the wife of the Wiremu Reweti of Orakei, and beg to recommend its purchase for the sum of One hundred pounds (£100), being the amount which she expressed her willingness to receive for it some time since.

The name of the place is Parekakau, and it is, properly speaking, a portion of the Wainui, reported on in my letter to yourself of this day's date, and to the plan accompanying which I beg to refer you for a description of it.

It appears to have been given up as a portion to Kereihi and her immediate relations by the Natives of this place; and I think it would be advantageous to purchase it for the sum I have named, which might be paid at Auckland, where the owner resides. The extent is about fifteen hundred acres, and the quality of the ground is of much the same character as the rest of the block, which I have already described.

I have been disposed to recommend a liberal price for these two blocks with a view to incite the owners of the land behind Mahurangi, known as the "Kaipara Flats," to bring the negotiations which are being carried on with them to a favourable termination.

I have, &c.,

JOHN GRANT JOHNSON, Sub-Commissioner for Purchase of Native Land.

Donald McLean; Esq., J.P.,

Commissioner for Purchase of Native Land.

## No. 8. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Wai.—Reporting offer of the Block.* Hot Springs, Mahurangi, 3rd June, 1854.

SIR,—

I have the honor to inform you that I have this day returned from the inspection of a tract of country offered for sale by certain Natives named in the margin,

Note.—Hemara, Te More, Tirohia, Kahe, Tutamoe, Paora, Tamiwhahine, Pani, Wakatea, Hori Kingi, Te Roa, Taikiamana. Wi Hemara, Koniria, Pohipi Ngonge, Makaore, Rapana, Arama Karaka, Henare Winiata, Te Peta, Te Waka Tuaea, Henare Te Rawhiti, Paora Kawaru, Kaupapa, Tohetai, Tohehau, Kawerahi, Te Hemara



Tamaiti, Herewini, Tamihana, Pene, Te Reweti, Hira, Mereana, Hiria Heni, Matiu, Makereta, Piri Paraone, Takaia, Nikora, Herekino, Taiora.

who are descendants of the ancient Kawerau tribe, for the sum of Eight hundred pounds (£800).

This tract of country is known by the name of the Wainui, and is situated immediately behind that part of the Mahurangi Block which lies between the Orewa and Waiwerawere creeks; and I estimate the contents, after a careful survey of two of the sides according to the enclosed plan, to contain fourteen thousand acres.

The flooded state of the creeks during the late rains prevented my reaching the North-western angle of this block; but the bearing being taken by compass from the other points would leave the boundary sufficiently determined, until a proper survey could be undertaken at a more propitious season of the year.

This block is of an available character, being composed of low ranges covered with the most magnificent kauri forest, and intersected with hollows of open land capable of cultivation; and I would urge you to recommend its purchase by the Government, as it is only distant about twelve miles from the North Shore of the Waitemata River, and lies in the direct track of the proposed Northern road through Mahurangi to the Bay of Islands.

The position of the back boundary of the old Mahurangi purchase, which was cut by Mr. Reader Wood, the present Deputy Surveyor General, does not appear to be known by the persons engaged in the timber trade, and several parties with Government licenses are now cutting wood on the Native lands.

The Maories, in the first instance, rather connive at these proceedings; but when a large quantity of sawn stuff has accumulated at the pits, they come down upon the sawyers suddenly, and detain the timber until their demand for compensation is satisfied. A case of this nature came to my knowledge, where the European had to pay this party of Natives the sum of One hundred pounds (£100); and in other cases "bushes," or portions of forest land, have been purchased for as much as One hundred and fifty pounds (£150); and in one instance a Maurice Kelly is reported to have monopolized the timber over all the country between the Weiti and the Waitemata River, by direct purchase from the Native owners; and that he retails portions of the same to other Europeans at a great profit, much to the dissatisfaction of the public, who consider the right of leasing timber on land which is not private property to belong to the Crown alone.

You will no doubt see without further explanation, the very detrimental effect that these irregular proceedings must produce upon the endeavours which are made to extinguish the Native title to this part of the country; and it also prevents the sawyers from settling down and purchasing land, which many of them would do, where they could combine a small farm with their avocation, which would tend much to elevate the condition of this class of labourers in the colony, and for which purpose the portion of country now offered appears well adapted.

I would therefore suggest for your consideration that the sum of Six hundred pounds (£600) be paid down immediately to the sellers; and that the sum of Two hundred pounds (£200) be retained until the 1st of January, 1855, by which time a survey of the land can be undertaken, if the adjoining blocks should not be previously obtained from the Natives.

Should the foregoing arrangements receive the sanction of His Excellency the Officer Administering the Government, the Natives are desirous that the Six hundred pounds (£600), which will then be payable to them, should be transmitted here to me for distribution; and I think that it would be conducive to the public service if you could comply with their request, as the parties interested, about fifty in number, are nearly all assembled at this place, and could not repair to Auckland at this season of the year without great inconvenience to themselves.

I have, &c.,

JOHN GRANT JOHNSON, Sub-Commissioner for the Purchase of Native Lands.

Donald McLean, Esq., J.P.,  
Native Land Commissioner, &c., &c., &c.

**No. 9. The CHIEF COMMISSIONER to Mr.  
COMMISSIONER JOHNSON.**

*Wainui.—Authorizing the Purchase of the Block.* Land Commissioner's Office, Auckland, 20th June, 1854.  
SIR,—

I have the honor to acknowledge receipt of your letters of the 3rd instant.

With reference to the purchase of the Wainui Block, estimated by you to contain fourteen thousand acres, for a sum of Eight hundred pounds (£800), Six hundred pounds (£600) of which you intend to pay at once to the Natives, and the remaining sum of Two hundred pounds (£200) in January

1855, I have the pleasure of conveying to you His Excellency's authority for concluding the arrangement, and, to enable you to do so with as little delay as possible, the sum of Six hundred pounds (£600) for this purpose is forwarded to you to the care of Te Hemara by Mr. Daldy's boat that sails this evening for Mahurangi.

The leasing of timber from the Natives, which you describe as being carried on to a great extent, must be gradually checked, so that the existence of such an irregular system, that has grown up in consequence of land-purchasing being so much in arrear, may not impede your operations. This subject I have brought fully under the notice of Government, and means will soon be adopted to check the evil, probably without any immediate intervention on your own part beyond discountenancing the system as far as you can.

In accordance with your recommendation, I have offered Kereihi of Orakei the sum of One hundred pounds (£100) for her claims to a piece of land at Mahurangi, but she seems to expect a horse, which she says was promised to her by George Grey in addition to the sum of One hundred pounds. I would thank you to inform me if you have any recollection of such a promise being made, as Major Nugent is not aware of it.

I have, &c.,

DONALD MCLEAN, Land Commissioner. J. G. Johnson,

Esq., J.P., *District Commissioner, Mahurangi.*

## **No. 10. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Omaha.—As to Claim of the Government on this Land.* *District Commissioner's office, Whangarei*, 23rd December, 1854.

SIR,—

With reference to your letter of the 28th November, enclosing reference concerning Native claims to the Crown lands at Omaha and Oruru, I beg to inform you that the Government merely extinguished the rights of the conquerors over Omalia, and that the original proprietors residing at Pakiri and in the Oruawharo maintain that the Ngatipaoa and Ngapuhi had a claim to the land they sold to Mr. Clarke to the North of Point Rodney—and I think it very questionable if they had—so that in this case I am not in a position to insist on their accepting a certain compensation for the land in question, but must wait until they choose to dispose of their ownership.

The case of Oruru I will attend to as soon as I have an opportunity of proceeding to the North, probably in February next.

I have, &c.,

JOHN GRANT JOHNSON, Land Commissioner. H. T.

Kemp, Esq., *Native Secretary, Land Department.*

## **No. 11. Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.**

*Wainui.—Has paid £600 for this Block.* *Mahurangi*, 22nd June, 1854. SIR,—

I have the honor to acknowledge the receipt of your letter of the 20th instant, conveying his Excellency's authority for concluding the purchase of the Wainui Block, and forwarding the sum of Six hundred pounds (£600) for that purpose. This sum has been paid by me this day to the claimants assembled at the village on the Native Reserve, and the subsequent further division of the same amongst themselves, and the amounts which have been devoted to appease the jealousy of the Ngatiwhatua has entirely set at rest any apprehension which may have existed of uneasiness in that quarter.

I beg to enclose the deed from the Natives to the Crown, duly signed and executed according to your general instructions and precedent furnished, as far as the circumstances will permit.

I have, &c.,

JOHN GRANT JOHNSON,  
**District Commissioner.**  
Donald McLean, Esq., Land Commissioner.

## **No. 12. The CHIEF COMMISSIONER to Mr. SURVEYOR CHURTON.**

*Mahurangi.—Relative to survey of the Pakiri Block.*

Chief Land Purchase Commissioner's Office,

**Auckland**, 30th August, 1858.

SIR,—

The Native Chief Kiri states that, when you were engaged in surveying the Pakiri Block, he objected to include Omaha in the boundary; and that he prevented, on some occasion, your using a survey chain on that part of the lands he wished to retain.

I am anxious to know from you if such was really the case, and whether any or what objections were made by Kiri or his party to the survey of, or inclusion within the boundaries, of any of the land on the coast line from the Ti to Pakiri; as it appears that the Natives now adduce claims to certain portions about Omaha, and elsewhere, that are not exhibited on the map of the block which you furnished to me.

Your own recollection and that Mr. McDonnell, who was with you, will decide the point now under reference by the Natives, and I shall feel obliged by an early reply.

I have, &c.,

DONALD MCLEAN, Chief. Commissioner. A. Churton,  
Esq., Mahurangi.

## **No. 13. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Respecting Te Kiri's Claim to the Pakiri Block.* **Auckland**, 28th September, 1859.

SIR,—

With reference to your letter, dated 27th ulto., requesting me to proceed to Omaha to communicate with Te Kiri, and enquire into and report on land claimed by him within the Pakiri blocks, for the information of His Excellency the Governor, I have the honor to acquaint you that I proceeded to Pakiri, and stated to Kiri the object of my visit, and he agreed to accompany me over the boundaries of the land claimed by him.

Accordingly, on the following day, 15th instant, we proceeded to the ground, and followed along the Native pathway, which leads from Whakatuwhenua, or Cape Rodney, to Omaha, and when we arrived at a

place which is marked M on the accompanying tracing, Te Kiri halted and pointed out a spade mark, which he stated was made by him in presence of a number of Natives and the Surveyor, previous to the survey of the Pakiri block, and that he called Mr. Churton's attention to this place at the time, and Mr. McDonnell, who was one of the survey party, substantiated generally what Kiri stated. The claim he prefers is bounded by the line colored pink, and follows the water line from Whakatuwhenua along the coast to the point where that line strikes the harbour, which is shown on the accompanying tracing, and contains about (668) six hundred and sixty-eight acres.

We proceeded to Omaha, and I said to Te Kiri that I considered he was in error, in the first instance, in not having a clear understanding as to the land he wished to have reserved.

He replied that his boundary was pointed out to the Surveyor long before the land was surveyed, and, When it was being subdivided, he stopped the survey at the same place where the mark was made, and warned the Surveyor that the pegs would be pulled up.

I then stated to Kiri, that, without entering into the question as to who was right, in order to get rid of the misunderstanding which existed as regards the whole question, I proposed at once, on my own account, that he should waive his claim over the whole of the land claimed by him, and that I should secure him, say, five acres (5) of land in the township, and that I should recommend the Government to give him some small sum in addition, more in consideration of labour expended in building houses, planting, fencing, and cultivating, than any claim he might have to the land, telling him at the same time that I was not authorized by the Government to do so, and was not at all certain that my proposal would be approved. He considered this over for some time, and when I pressed him for a reply, he said he would not accept from the Government land which belonged to himself, and a discussion ensued which arrived at a point beyond which I did not think it advisable to persevere, and told him that I should leave the whole matter as it stood before.

He was then told, that it was matter between him and the Government, and not the survey party, who should be looked upon in the same manner as the bill hooks with which the lines were cut. He then replied that the survey might be proceeded with, but he should pull up the pegs, and he considered this was a sufficient protest.

After some time, I proposed that he should accompany me to Auckland, in order to decide the question in some way with Government, to which he at once assented.

When the vessel was prepared to sail for Auckland, Kiri came to me and represented that he was in great trouble owing to his son being in the last stage of consumption, and that his friends objected to his leaving the settlement in consequence. I promised either to write to him from Auckland, or to call at Pakiri soon to bring the question to an issue.

On my arrival in town I mentioned to Mr. Churton what Kiri advanced, and he admits having witnessed the mark being made, but is quite clear that Kiri is under a misapprehension as regards the Reserve, as he never, during the period of survey, explained to him that he intended to reserve this place, and that no question whatever arose until long after the survey was made and the money paid over to the Natives, and as the Chief Commissioner who negotiated this purchase is of the same opinion, I am inclined to think that the large reserve which Kiri now claims was an after-thought of his, although he seems quite clear that he never alienated this portion of the block.

I have, &c.,

JOHN ROGAN, District Commissioner.  
Donald McLean, Esq.,  
Chief Commissioner, Auckland.

## No. 14. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

Whangateau.—Respecting Tawhitu's Claim to Land claimed by Mr. Dacre. Auckland,  
SIR,—

At your request, I have the honor to state, for the information of His Excellency the Governor, that I proceeded to Whangatean to inquire into the nature of Tawhitu's claim to a piece of land situated on that river within an old purchase; and, when I arrived at the settlement, the natives had gone to Te Ngaere. The boundaries of the land claimed by him as a reserve were, however, pointed out to me by a Native named Nuku, which correspond as nearly as possible with that shown on the tracing enclosed herewith. I overtook Tawhitu, who was on his way to Auckland to arrange with Mr. Dacre, the proprietor, and secure the possession of the land. As this place has been purchased many years ago, and included in the late Pakiri purchase, in the payment for which Tawhitu participated, I cannot see what claim the Natives can have to this place except by occupation. At the same time, as there are several plantations and houses on the land, and the Natives have had undisturbed possession of the land for ten years, I submit that it would be very desirable to make some arrangement with Mr. Dacre in order to secure the Natives in possession of their homes.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Chief Commissioner.

## **No. 15. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Omaha.—Respecting Te Kiri's Claim.* [Auckland](#), 13th February, 1861. SIR,—

With reference to a portion of land situated at Omaha, in the Pakiri purchase, held in dispute by Te Kiri which is reported in my letter of the 28th September, 1859, and according to an arrangement with him I proceeded to Omaha on the 7th instant, with a view to arrive at a better understanding, and, if possible, to settle the question. On my arrival at Omaha, a messenger was despatched to Pakiri for Te Kiri and his brother, who arrived late on Saturday, the 9th instant. On Monday, the 11th, we proceeded to Whakatuwhenua, where the Natives pointed out about ten acres of land, which embraces the landing-place, together with a portion which is more particularly described on the accompanying sketch. Te Kiri insisted upon retaining this place before entering into any negotiations with me regarding the part he was willing to cede, which, he stated, entirely depended on the terms I was prepared to offer him. We then returned to Omaha, and traversed the Kaiohuohu Stream to its source, and on to Motururu, the sea coast. The whole of the land seaward of this boundary he has determined to hold for his own and his friends' use, and, as there is a party of Natives belonging to Tauranga located on a portion of it, he could not easily, if he would, dispose of it, as it would be difficult to oust these people from their cultivations. The land between Kaiohuohu and the straight line shown on the tracing, which comprises a great portion of the land held in dispute, he agrees to waive all claim to, excepting the ten acres above referred to, for the sum of £100. After this arrangement was closed, a difficulty arose between Te Kiri and Te Tawera people regarding a cultivation within this boundary on an allotment of land purchased by a settler who is most anxious to occupy it, and, after a long discussion, Kiri gave me to understand that he would induce the Tawera Natives to give up their cultivations, and a sum of £10 or £20 will be required for this purpose.

I have the honor to submit that I may be authorized to carry out the above arrangement without delay, as it will enable settlers to enter upon quiet possession of land which they purchased from the Government a considerable time ago, who have been waiting until the present time in the hope that this question may be brought to a conclusion.

With regard to the portion of land which contains 163 acres reserved by Te Kiri, it would materially facilitate my operations hereafter in negotiating for the greater part of it if I am authorized to purchase for Te Kiri 30 or 40 acres of land which is situated on the coast line between Whakatuwhenua and Pakiri, which he is most anxious to obtain.

The land is not likely to be purchased by any Europeans as it is very hilly.

I have, &c.,

JOHN ROGAN,  
Donald McLean, Esq., District Commissioner.

Chief Commissioner.

## Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Omaha.*—*Enclosing Receipt for Claims of Te Kiri.* Mahurangi, 20th February, 1861.  
SIR,—

Referring to my letter of 13th instant, I have now the honor to enclose herewith a receipt for £100 and £10, which has been paid to Kiri in consideration of waiving his claim to a portion of land held in dispute at Omaha, and for defining the boundary between the part retained by himself and that disposed of to the Government.

I succeeded in arranging with Kiri, as is stated on the receipt, to induce Te Tawera Natives to abandon their cultivation this season, and the balance remaining in my hands, £10, shall be paid into the Treasury when I return to Auckland.

The boundaries of the reserve at Whakatuwhenua have been altered by Te Kiri, at my request, so as to leave out nearly the whole of the land on the east side of the road leading to the beach at that place.

I have, &c.,

JOHN ROGAN, District Commissioner.  
Donald McLean, Esq., Chief Commissioner, Auckland.

## Enclosure.

No tenei ra, no te 18 o nga ra o Pepuere, 1861, ka riro mai i an, na te Rokena, Kotahi rau pauna moni. Ko te tikanga o enei moni, he whakapumautanga i te rohe o te wahi whenua kei Omaha, ka kapea nei ki waho o te rohe o to te Kuini wahi, he whenua moku ko te rohe tenei:— Ka timata ki te puwaha o te wai o Kaiohuohu, ka haere tata atu ki Motururu, ki te moana. Ko te kumore ki te taha ki te maraugai o tenei rohe ka puritia; ko te taha ki te hauauru o tenei rohe kua riro katoa atu i a Te Kuini i te hokonga o te Makarini i mua.

Ko tahi wahi, kei te Whakatuwhenua ka puritia hei nohoanga moku, kua oti i a maua ko te Rokena te whakarite, me te whakatakotoria nga rohe.

A Kotahi te rau pauna i riro mai i au mo te waerenga o te Tawera i roto o te pihi whenua o te Pakeha, ko Kunihi (Duncan Mathieson), a maku te whakaaro ki aua tangata mo te mea ka whakarerea rawa o ratou mahinga ki taua wahi.

The mark of X TE KIRI.

Kai Titiro,  
Kenneth McKenzie, Te Keene.



## No. 17. The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.

*Pakiri.—Relative to Survey of Boundaries of Omaha Block.*

Land Commissioner's Office,

Auckland, 21st March, 1861.

SIR,—

With reference to your letter of the 31st December last, reporting that you had been negotiating with the Natives at Pakiri for a block of land in that neighbourhood estimated by you at from 45,000 to 50,000 acres.

In order that your time and that of the surveyor at Whangarei should not be taken up with this negotiation, I have had the external boundaries perambulated by Mr. Churton, accompanied by some of the principal Chiefs concerned in the sale thereof, who estimates the area of the block at 38,000 acres.

I had previously intended to instruct you come up to Pakiri to complete the purchase with the Natives, but from the information contained in your report above referred to I found that I should be able to effect the arrangements with the Natives without putting the Government to the expense, and yourself to the trouble, of coming up to Pakiri.

The Natives have agreed to alienate their claims to this block for the sum of One thousand and seventy pounds (£1,070), of this amount Two hundred and seventy pounds (£270) were paid to them on the 12th inst., and the remaining sum of Eight hundred pounds will be paid when the arrangements for the purchase of the lands situated between Pakiri and Te Arai on the North and Te Ngaere on the South have been completed. The price for the large block is not to exceed 8d. per acre, and when it is considered that the whole of these lands have been previously paid for by the Government, it is absolutely necessary that the utmost economy should be exercised in making a payment to the few Natives resident on the lands, as I find on enquiry that they also participated in the payments made to Nagatipaoa and others.

In all cases where lands have been purchased, and a fair price given to the Natives, it appears to me that a nominal sum is all that can be considered as justly due to those claimants whose rights from various causes may not have been recognized at the time. I mention this that you may bear it in mind in any future negotiations of a similar nature. I have been particularly anxious to avoid taking you away from the important duties you are now engaged upon, and am anxious to know when you have completed the arrangements for the blocks now being surveyed by Mr. Sinclair, in order that a definite report may be sent in to the Government on the land purchases in your district, and also what progress you have made in your negotiations for Parua Bay.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

J. G. Johnson, Esq.,

Whangarei.

## No. 18. Mr. BRISSENDEN to the UNDER SECRETARY, Native Department.

*Purchase of Pakiri and Owhetu.* Auckland, 11th May, 1874.  
(Telegram.)

I HAVE at last succeeded in clearing away the many obstacles attending the purchase of 20,000 acres of the Pakiri Block; the right to cut kauri for thirty-one years had been ceded to Stannus Jones and Co., who had paid the Natives £400. I have however, purchased land and timber, and am about to conclude with the owners to-day for the sum of £1,600 to the grantees, and £50 to outside claimants. I have further to inform you that I have purchased a small block of 520 acres, named "Owhetu" the greater portion of which is in forest), for the sum of £100. Accounts and vouchers will be forwarded by first opportunity. Please notice by this that I shall require a further sum of money immediately. Other blocks are in course of negotiation.

E. T. BRISSENDEN,

Government Land Purchase Agent.

H. T. Clarke, Esq., Under

Secretary, Native Department, Wellington.

s.—C.

## No. 19. Mr. BRISSENDEN to the UNDER SECRETARY, Native Office.

Auckland, 30th May, 1874.

SIR,—

In reply to your telegram No. 588, dated 29th instant, I have the honor to forward, as directed by you, deeds and agreements, by Native and other owners, of the blocks of land specified.

In regard to the Pakiri Block, I desire to point out that it contains over 31,000 acres. The agreement is signed by Arama Karaka, and John Sheehan as trustee for Wi Apo, an infant, and by Hori te More, claimant, to succeed his son Panapa, deceased.

There is one grantee who has not yet come into the negotiations. I have good reason, however, to believe that I shall succeed in obtaining her consent as well; but in the meantime the present agreement gives the Government two-thirds of the block, containing all the best land, and comprising that portion of it through which the main road from Mahurangi to Port Albert is now being constructed by the Public Works Department.

The usual "runangas" have been held on the block, and all parties have agreed that the land shall be equally divided, and that Hori te More shall succeed to Panapa. This secures to the Government two-thirds of the block, as above mentioned; and as soon as Judge Rogan, now in Auckland, makes the necessary order of succession, the title will be legally complete.

To return to the portion of the Pakiri Block purchased, I may state it is the best portion of it, as it contains several thousand acres of fine alluvial soil, watered by the Hoteo River, and offers the best site that could be found north of Auckland for a special settlement, the distance from steamer at Mahurangi being only eight or nine miles from the centre of the block.

The price paid is £1,650, a low rate when we take into consideration that the land is surveyed, and through the Court.

I found it impossible to deal with the Natives at first, on account of the demand that the whole of the purchase-money should be paid in full at once. However, it was ultimately settled in this way: £850 was paid into the hands of the Natives, and the balance, £800, was lodged in the Bank of New Zealand by me, in their presence, to a special account—namely, the Pakiri purchase account—as per enclosed agreement, so that I hold the sum of £800 in trust till the title is made complete by the action of the Native Land Court.

The £50 additional to that mentioned in the agreement was for the purchase of outside claims. The receipt (voucher) I have sent to the Hon. the Colonial Treasurer.

I also enclose the deed of the Ara Kiore Block, 470 acres, which has passed through the Native Land Court under an interlocutory order, which I think quite sufficient for Government purposes.

I have sent C. E. Nelson north with £400 to pay deposits on Muriwhenua, and other blocks of Native land under negotiations. I hope to be able to follow him in a few days on the receipt of necessary means.

You will notice that I have not been able to confine my transactions to the blocks of land only for the purchase of which I sent in requisitions for money owing to delays in getting the Native owners together when I required them; so I have used the moneys on the purchase of other blocks. It would, greatly assist my negotiations if I could have a sum of money on hand for general purchase advances on lands that are likely to



come under my notice from day to day.

I therefore enclose a requisition for £1,000 for general advances on account of land purchase.

The Taungako Block of about 5,000 acres, now under survey will be finished in a few days. I hope to send you particulars by next mail.

I have, &c.,

E. T. BRISSENDEN.

H. T. Clarke, Esq., Under Secretary,  
Native Department, Wellington.

## No. 20. Mr. H. T. CLARKE to Mr. BRISSENDEN.

Native Office (Land Purchase Branch),  
Wellington, 12th June, 1874.

SIR,—

I have the honor to return herewith two deeds, as per margin, and to draw your attention to several matters which you have omitted.

All instruments of disposition by Natives of land to persons other than of the Native race are not valid, unless previously explained by an interpreter, under the Native Lands Act, 1873," and the signatures attested by a Resident Magistrate or a Judge of the Native Land Court, and one other adult credible witness. This has not been done in either of the cases under notice. The interpreter should endorse on the back of the deed a clear statement in Maori of the contents of the deed, and sign it. This has not been done. The interpreter should then record a certified copy of such indorsement in the Native Land Court of the district in which the land affected is situated. I enclose herewith a specimen deed which will perhaps more clearly indicate the proper course to be taken, and request you to refer to section 85 of "the Native Lands Act, 1873," where instructions as to the proper execution of deeds by Natives are definitely set forth.

I have, &c.,

H. T. CLARKE, Under Secretary.  
E. T. Brissenden, Esq.,  
Auckland.

## No. 1. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Suggestions as to Land Purchases.* Waimate, 28th July, 1840.

SIR,—

I beg leave to submit to you for the consideration of His Excellency the Lieutenant-Governor a few remarks which have occurred to me and hastily thrown together relative to the office I have the honor to hold.

The purchasing of land from the Natives for the Government forming a part of my duties as Protector of Aborigines; in order thereby to facilitate the same, and to prevent any embarrassment in this duty, I would

suggest:—

1st. That when lands are required for the Crown, the same be signified to me from the Colonial Secretary's Department, stating (1) the quantity required, (2) the district in which required, (3) the maximum to be paid per acre, and (4) the proportion to be reserved for Natives.

The first suggestion would prevent an unnecessary outlay of property beyond the immediate wants of the Government. The second suggestion has for its proposal the most eligible situations to be first occupied, as the Natives seem disposed to part with land in every district. The third is to establish some general principle for effecting purchases, it being impossible to state precisely what may be the amount of property required to complete purchases. Fourthly, whether it might not be desirable to make some reserve in every district where the purchase exceeds, say 20,000 acres. Such a reserve as that proposed would materially affect the Natives at a future time, securing a land fund to carry out the philanthropic views of the Government towards the aborigines.

In paying for land I would suggest the propriety of drawing upon Government for supplies in the way of promissory notes, say at three or six months after date. This plan would admit of time to get the requisite supplies, and is applicable in cases where horses, cows, &c., may be required; and I think it is a plan that would be satisfactory to the Natives.

In connection with all purchases of land there will be an item of expenditure under the head of "Supplies of food," it being customary, not only to give the chiefs, but also their dependents who accompany them, a feast of boiled flour and sugar, &c., at such times.

As it may not be convenient to the Government to have the lands they may purchase immediately surveyed, and as it may be equally inconvenient for the Natives, who are too much governed by the impulse of the moment to wait for the payment thereof until surveyed, it appears necessary that in all cases some pains should be taken to ascertain the boundary line. In order to effect this, I beg leave to request an allowance for a horse and about four Natives.

The cost of the four Natives would be about Eighty pounds (£80) per annum.

In connection with this subject I presume there may be considerable demands upon me (requiring both the use of a horse and these Natives) in the settlement of disputes between Natives and European settlers. It will be some time before we shall be able to persuade the Natives to refer their disputes to the Magistrate of the district, and in many cases it will be found better to visit them than to insist upon their visiting the Magistrate.

GEORGE CLARKE, P.A.

The Colonial Secretary, Russell.

## No. 2. HIS EXCELLENCY LIEUT.-GOVERNOR HOBSON to GEORGE CLARKE, Sen., Esq.

*Auckland.—Instructions to purchase land from the Ngatiwhatua. Waitemata, October 20th, 1840.*  
SIR,—

You are hereby authorized to treat with the Ngatiwhatua tribe, on behalf of Her Majesty the Queen, for the possession of the largest portions of their territory, if possible in a continuous section, taking care to reserve for the Natives an ample quantity of land for their own support; and you are further authorized to give, in payment for the same, money or barter to any amount you think just and equitable, both for the Government and the Natives, submitting to me as soon as possible an account of your proceedings.

I have, &c.,

W. HOBSON.

George Clarke, Esq., &c., &c., &c.

# The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Auckland.—Transmitting documents relative to purchase of land in the Waitemata District, Manukau, &c.*  
*Russell*, November 4th, 1840.  
SIR,—

I have the honor to transmit to you, for the information of His Excellency the Lieut.-Governor, my report, together with the deed of purchase of land, duly executed at the Waitemata; also the original agreement between Captain Symonds and the Native chiefs, entered into previous to my arrival at that station; with a translation of a statement made by Davis Tamaki to Rev. R. Maunsell, relative to the original purchase made by Mr. Mitchell; together with copies of letters addressed to Rev. R. Maunsell and Davis Tamaki.

I have, &c.,

GEORGE CLARKE, Protector of Aborigines.  
*The Colonial Secretary, &c., &c.,*  
*New Zealand.*

## Enclosure 1 in No. 3.*Memorandum.*

DAVIS'S' STATEMENT regarding the SALE of KARANGAHAPE, &c., &c.

"WHEN we spoke to Mitchell and White, when we pointed out to them the extent of country belonging to us, they had said to us, 'Have you a large country in your possession?' We then said, 'Our boundary line is at Otahuhu, and runs along the district belonging to Ngatipaoa until it reaches Waitemata.' This is what we said when we pointed out to them the extent of our territory. From thence their hearts avariciously conjectured that the whole was for them, we having only intended to point out the extent of our land.

"The exact spot that was pointed out for them was Karangahape. The boundary lines of that place are these:—The boundary on the outside, that is, looking towards Orua, is Kakamatua; proceed inwards along the coast to Puponga on to Karangahape, till you arrive at Nihotupu.

"Our names, that were attached to that deed, were intended for that portion of land only."

Copied from a translation by the Rev. R. Maunsell.

GEORGE CLARKE, P.A.

October, 1840.

## Enclosure 2 in No. 3.MEMORANDUM by GEO. CLARKE, Esq., Protector of Aborigines.

*Purchase of Lands in Auckland District.*

FOLLOWING the instructions of His Excellency the Lieut.-Governor, I embarked, on the 10th October, in H.M.S. "Britomart," and arrived at Waitemata on the 12th, when I immediately proceeded to take steps for the purchase of the land on which the Crown establishment is about being formed. Owing, however, to the absence of one of the parties who had claims, and who had left for Manukau, I was thus unable to accomplish that object.

In the different enquiries which I have instituted among the Natives—a sketch of which I proceed to give—His Excellency will at once perceive the perplexing difficulties presenting themselves on every side, if not preventing, yet retarding the full accomplishment of his wishes in purchasing the extent of country it might be desirable to have in the District of Waitemata and the Thames. The principal purchases made about the Government establishment, some before and some after the proclamation, are: on the south side, by Mr. Clayton, about two years ago, and a portion of land by Mr. Denzel, about the time of the proclamation, the disputed land of Captain Symonds, together with a considerable tract of country claimed by Messrs. Fairburn, Taylor, and Hamlin. These purchases (reserving a small portion for the Natives at their especial request) would, if admitted in their full extent, leave a very inadequate portion for the Crown. The claimants to the north side of Waitemata are: at North Head, Mr. Taylor, and a large portion of the upper part of the river, on the north side, is claimed by a Mr. Webster. This purchase appears to have been made since the proclamation; it is said however, to have only then been completed. A large part of the country on the western side of Waitemata was bought by Mr. White of Hokianga, an earnest only having been given. He has, I hear, since then relinquished his claims to that part of the country. On the 20th the Chiefs Te Kawau, Tinana, and others, met at the house of Captain Symonds, where, to the satisfaction of all parties, we finally adjusted the considerations for the land, the deed of conveyance being read to the chiefs in the presence of His Excellency the Governor, the officers of the "Favorite," and of several of the Civil Department; the chiefs at the same time promising to sell a still larger tract of country when the Governor should finally reside among them. I have lost no favorable opportunity of getting the outlines of the country proposed as an addition to that already paid for, which I am happy to say is so far adjusted as to fully warrant the survey commencing immediately. I have not been able to make purchases to the extent desired in His Excellency's instructions, but am in treaty for a considerable extent of land beyond that already purchased.

G. CLARKE,

Protector of Aborigines.

4th November, 1840.

## No. 4. Mr. PEOTECTOR CLARKE to the Hon. the COLONIAL SECRETARY.

*Auckland.—As to Amount paid to Te Reweti for Land in this District.* Protector's Office, 11th February, 1841.  
SIR,—

I have the honor to acknowledge your letter of the 5th inst., requesting a more explicit statement of the whole amount agreed to be paid to the Chief Davisi (Te Reweti) for land at Auckland. I beg leave to refer you to the deed of purchase, which, with a translation thereof, I had the honor of transmitting to your office on the 4th November, 1840, containing an explicit statement of all the articles to be paid for the said land.

I have, &c.,

GEO. CLARKE,  
Protector of Aborigines.

The Colonial Secretary, &c, &c.,

New Zealand.

# The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.

*Tamaki.—Purchase of Land sanctioned.* Colonial Secretary's Office, Auckland, 28th May, 1841.  
SIR,—

With reference to your letter of yesterday's date submitting proposals from the Ngatipaoa tribe to sell to the Crown a tract of country in the vicinity of Auckland on the west side of the Tamaki River, and from the chief Pororua to alienate his interests in the lands of Mangonui, near Oruru, I have the honor, by the direction of the Governor, to inform you that His-Excellency sanctions the completion of the purchase on the terms mentioned in your communication.

An order has accordingly been transmitted to the Colonial Storekeeper to provide the barter as specified below, and the Colonial Treasurer has been apprized that the sum of One hundred pounds (£100) will be required to meet each of these payments, a warrant for which will be prepared as early as possible.

I have, &c.,

WILLOUGHBY SHORTLAND.

The Protector of Aborigines.

## Enclosure.*For Tamaki.*

CONSIDERATION to be paid for the land within mentioned on the west side of Tamaki:—

## SECOND LIST. *For Mangonui.*

CONSIDERATION for the interests of the Native chief Pororua in the land of Mangonui, near Oruru:—  
£100 (One hundred pounds) in specie. 1 Boat, or, in lieu, 1 horse.

W.S.

# No. 6.The SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.

*Contents of Tamaki Purchase.*  
Surveyor-General's Office,  
Auckland, 5th June, 1841.  
SIR,—

I have the honor to state, for the information of His Excellency the Governor, that the land recently

purchased from the Natives of the Ngatipaoa tribe, the boundaries of which have been described to me by the Chief Protector of Aborigines, contains an area of about (6,000) six thousand acres, as nearly as it is possible to estimate it without actual survey of the western and southern boundaries.

I have, &c.,

FELTON MATHEW,

The Hon. the Colonial Secretary.

Surveyor-General.

## **The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Balance of Goods on hand due to Native Chiefs.*

Protector's Office,

Auckland, 7th June, 1841.

SIR,—

I do myself the honor to enelese herewith a copy of the memoranda specifying articles on hand, due to the Chiefs therein mentioned for the respective purchases of Mangonui, Tamaki, and Mahurangi.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## **MEMORANDA for Chief PORORUA.**

June 1, 1841.

PAYMENT on hand for the land at Mangonui:—

## **For Chiefs WILLIAM JOWETT, RUINGA, and PUHATA.**

June 2nd, 1841.

PAYMENT on hand for the land at Tamaki:—

## For Chiefs RUINGA and KAHUKOTI.

PAYMENT on hand for Mahurangi:—

## No. 8. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Auckland.—Offers of land by Ngatiwhatua.*

Protector's Office,

*Auckland*, June 29th, 1841.

SIR,—

Davis, Kawao, and others, chiefs of the Ngatiwhatua tribe, being desirous to sell to the Government a tract of country lying to the south of Auckland, extending to the Manukau, containing Ten thousand acres, more or less, for Two hundred pounds in specie, four horses, thirty blankets, one tent, one cedar box, and ten cloth cloaks,—I do myself the honour to request that you would obtain His Excellency the Governor's sanction to the above purchase.

I have, &c.,

GEORGE CLARKE,

Chief Protector of Aborigines.

*The Hon. the Colonial Secretary.*

## No. 9. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Auckland.—Offer of land on the Waitemata.* *Protector's Office, Auckland*, June 29th, 1841.

SIR,—

I do myself the honor to request that you would obtain His Excellency the Governor's sanction to the purchase of a piece of land lying on the north side of the Waitemata Harbour, extending from the north head of the harbour, about eight miles west, containing Six thousand acres, more or less, from the Chief Tinana and others. The consideration required by the Natives is One hundred pounds in specie, one horse, with bridle and saddle, and one boat.

I have, &c.,

GEORGE CLARKE,

*The Hon. the Colonial Secretary. Protector of Aborigines.*

## No. 10. The Hon. the COLONIAL SECRETARY to the

# CHIEF PROTECTOR.

*Waitemata North.—Purchase to be completed.*

Colonial Secretary's Office,

Auckland, 29th June, 1841.

SIR,—

With reference to your letter of this date, No. 41—21, submitting proposals from the Chief Tinana and others to sell to the Crown a tract of country lying to the north side of the harbour of the Waitemata, extending from the north head of that harbour, eight miles in a westerly direction, and containing about Six thousand acres,—I have the honor, by the direction of the Governor, to inform you that His Excellency sanctions the completion of the purchase on the terms mentioned in your communication.

An order has accordingly been transmitted to the Colonial Storekeeper to provide the barter as specified below; and a warrant will be immediately prepared to enable the Colonial Treasurer to pay into your hands the sum of One hundred pounds, which will be impressed against your name until the deed for the land, duly executed and witnessed, is lodged in this office.

I have, &c.,

JAS. STUART FREEMAN, (For the Colonial Secretary).

The Protector of Aborigines.

## No. 11. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Auckland.—Offer of Land on the Waitemata.*

Protector's Office,

Auckland, 10th December, 1841.

SIR,—

I am desired by the Te Reweti and others to request that you will, at your earliest convenience, inform His Excellency the Governor of their wish to sell to H.M.'s Government a large piece of land on the northern side of. Waitemata, adjoining that recently purchased from the Chief Tinana and others, I therefore do myself the honor to request instructions from His Excellency relative thereto.

I have, &c.,

GEORGE CLARKE,

Chief Protector of Aborigines.

The Hon. the Colonial Secretary.

## No. 12. The CHIEF PROTECTOR to the Hon the COLONIAL SECRETARY.



*Auckland.—Agreement to sell Land.*

Protector's Office,

*Auckland*, 29th December, 1841.

SIR,—

The Chiefs Kawau and Davis having agreed to sell to Her Majesty's Government a portion of land to the north-west of Auckland, containing Ten thousand acres, more or less, for the following consideration, viz., Three hundred pounds sterling, three horses, two saddles, two bridles, and forty blankets, I have the honor to submit the above proposal for the approval of the Governor.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## **No. 13. The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.**

*Auckland.—Purchase of Land sanctioned. Colonial Secretary's Office, Auckland*, 30th December, 1841.

SIR,—

With reference to your letter of yesterday, stating that you have entered into a preliminary agreement for the purchase of a portion of land, situate north-west of the Town of Auckland, containing about Ten thousand acres, for the consideration named, viz., £300 in cash, three horses, two saddles, two bridles, and forty blankets, I do myself the honor, by the direction of the Governor, to convey to you His Excellency's sanction to your concluding the purchase, and to inform you that a warrant has been prepared in your favour for the sum of Three hundred pounds for that purpose, which will be impressed against your name in the Treasury, until you produce the deed of conveyance for the above land, duly executed by the chiefs, and properly witnessed.

Instructions have also been forwarded to the Colonial Storekeeper to issue, on your requisition, the necessary articles of barter, and the stores, to the chiefs above named.

I have, &c.,

WILLOUGHBY SHORTLAND.

*The Chief Protector of Aborigines.*

## **No. 14. The CHIEF. PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Offer of Land at Riverhead.*

Protector's Office,

*Auckland*, 19th May, 1842.

SIR,—

I have the honor to lay before you of the information of His Excellency the Governor, a proposal on the part of the chiefs Tinana, Tantari and others to sell to the Government a considerable tract of country adjoining the land already purchased by the Government at Waitemata, and taking in both sides of the Native road leading from Waitemata to Kaipara. The country is generally barren, with, here and there, small forests of Kauri, which are being destroyed by European sawyers without remunerating the Natives; and its principal importance is that of connecting Auckland with the important District of Kaipara and the Wairoa. Should His Excellency deem the purchase of this district important. I would suggest that Mr. Meurant should immediately be sent with the Natives (who are now anxiously waiting the Governor's pleasure relative thereto) to ascertain as correctly as possible the boundary-line.

I have, &c.,

GEORGE CLARKE, Chief Protector.  
The Hon. the Colonial Secretary.

## No. 15. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Purchase of Land on the Manukau Road.*  
Protector's Office,  
Auckland, 20th June, 1842.  
SIR,—

I have the honor to apprise you, for the information of His Excellency the Governor, that I have agreed with the Native chief Davis, on behalf of Her Majesty's Government, for the sum of Forty pounds (£40) as a compensation for land surveyed and sold to Mr. Heather and others on the Manukau Road by the Government, amounting in all to about two hundred (200) acres, more or less, a deed of which has been prepared and duly signed by Davis; and I have to request that an authority may be given to the Hon. the Colonial Treasurer for the payment of the same.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## No. 16. The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.

*Relieving the Chief Protector from purchasing Land.*

Colonial Secretary's Office,  
Auckland, 25th November, 1842.  
SIR,—

I have it in command from His Excellency the Officer Administering the Government to inform you that, on the 31st December, 1842, you will be relieved of that portion of your duties which involves the negotiating with the Aborigines for the purchase of land on behalf of the Crown.

That part of your instructions, therefore, which relates to this subject will cease to be in force from the above date; but it is to be understood that purchases, the preliminaries of which have been arranged previously, are to be completed, and the deeds lodged in this office by you.

I have, &c., (For the Colonial Secretary)

WILLIAM CONNELL.

The Chief Protector of Aborigines.

## No. 17. The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.

Auckland.—*Land purchase arrangements.* Colonial Secretary's Office, Auckland, 29th December, 1842.  
SIR,—

Referring to my letter of the 25th ultimo, No. 85, in which you were informed that, from and after the 31st instant, you will be relieved of that part of your duties which is connected with the purchase of land from the Aborigines, I am now commanded by the Officer Administering the Government to acquaint you that His Excellency purposes making the following arrangements for the transaction of affairs of this nature with the Natives:—

Such lands as may be from time to time required for the purposes of colonization will be reported and recommended by the Surveyor-General for purchase.

These recommendations will be referred to you for your report on the two following points:—

Whether the Natives are disposed to sell the land, and

What reserves you consider necessary to be made for their benefit out of such land.

On the recommendation of the Surveyor-General, and your report being approved, a notice will be published in the *Maori Gazette*, intimating that such land has been offered for sale by such parties, and calling on all other Natives who have claims thereon to send in a statement of the same by a given period; after the expiration of which, the Natives who have offered the land for sale will, provided no counter claim be substantiated in the interim, be considered the lawful and sole owners of the land, and will be treated with accordingly.

The agent will then be despatched, accompanied by a surveyor, to treat with the owners of the soil on the spot, and these two officers together will furnish the following information:—

A plan shewing the extent, boundaries, and quality of the land, and the estimated number of acres. This plan will also describe any river or particular feature of the country.

An agreement signed by the parties, stating the amount demanded and the time of payment. If barter be required, the document should contain also the value in money of each article.

On the confirmation by the Governor of these preliminaries, the purchase is to be immediately completed, and the signed deed forwarded to the Surveyor-General, in order that the land therein contained may be inserted

in the map of the district, county, or parish, as the case may be; and also in a general map of New Zealand, on which all the lands purchased from the Aborigines will be shown, of which copies will be periodically forwarded to the Secretary of State for the Colonies.

In conclusion, I am directed to say that in cases of long-existing feuds, arising from lands, the ownership of which is disputed by two tribes, it will still be within your province to recommend for purchase by the Government the lands in dispute, as a means of setting at rest such contentions; and it will be equally part of your duty to forward to Government any applications you may receive from the Aborigines on the subject of the sale of land, which will always receive due consideration from His Excellency.

I have, &c.,

WILLIAM CONNELL, (For the Colonial Secretary).

The Chief Protector of Aborigines.

## **No. 18. Statement showing SUMS PAID and VALUE of STORES issued to ABORIGINES in exchange for LAND during the Years 1840, 1841, and 1842.**

FELTON MATTHEWS,

Commissioner of Audit.

R. A. FITZGERALD.  
Audit Office, New Zealand,  
15th September, 1843.

T.—C.

*As to negotiating for Land.*

Protector's Office,  
Auckland, 1st November, 1843.

SIR,—

Since I had the honor of forwarding my report on the tenure by which the Natives held their lands, dated 17th ultimo., several important considerations naturally arising out of the subject have occurred to me, which, as they appear to have an important bearing both upon the wellbeing of the Natives and the best interests of the Colony at large, I take the liberty of submitting to His Excellency the Officer administering the Government.

It will be obvious to His Excellency, from the very complicated nature of the question, that no purchase could be effected but by a person possessing some general knowledge of the principles by which the claims of the Natives are governed, and that to perform such services satisfactorily would require considerable time, and that large blocks of country could not possibly be obtained without prejudicing the interest or coming in contact with the prejudices of some of the tribes.

# Ngapuhi District.

For instance, in the northern district, inhabited by the Ngapuhi generally, there are at least one hundred hapu, or small tribes, embracing a population of about 20,000 souls resident in the country lying between the North Cape and Bream Head. Now, assuming the quantity of land contained within these limits to be about 5,000 square miles, we cannot average more than 1,500 as available for agriculture. This computation, if correct, would give about 15 square miles, or 10,000 acres of available land for each hapu, and as they require a large piece, independent of their cultivations, for pig runs, it would leave but a small block of desirable land eligible for disposal to Government, and as their independence is only to be maintained by holding possession of their land, think it would not only be difficult, but very injurious to them to purchase large blocks of country, even if offered.

They can dispose of small portions of land without embroiling themselves with their neighbours, and with manifest advantage, but in attempting to dispose of large tracts of land they are certain either to injure themselves or to come into collision with others.

## Disinclination to sell large Blocks.

In support of my position I would remind His Excellency that since the period when his determination to discontinue the purchase of small pieces of land was made known to the Natives not a single one has been added to the demesne lands of the Crown, and that the only instance of a large block having been offered for sale—viz., that by Kaihau, has revived old and bygone animosities between two tribes.

The Natives are not only *not* willing, but cannot by any means be induced to part with their paternal possessions, which in general are the best lands, both for soil and situation, the country contains; and I hesitate not to say that the overplus lands at present in the hands of the Natives, of really a valuable and desirable character, can only be acquired by a gradual process of small purchases.

I have, &c.,

GEORGE CLARKE,

The Hon. the Colonial Secretary.

Chief Protector.

## The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

Protector's Office, [Auckland](#), 10th February, 1844.

SIR,—

I have the honor to forward the enclosed return of horses already paid to the Natives for land sold to H.M.'s Government; showing also the number still due to the chiefs.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

# Enclosure. Return of HORSES paid and to be paid the NATIVES for LAND sold to H.M. GOVERNMENT.

Protector's Office, Auckland,  
10th February, 1844.

## No. 21. The NATIVE SECRETARY to the CHIEF TARA, Waiheke.

*Mr. Maxwell's Claim to Motutapu Island. Auckland, 25th January, 1847.*  
FRIEND TARA,—

The report of the Commissioners appointed by the Governor to investigate Mr. Maxwell's claim to Motutapu was; that upon the payment to you of Twenty pounds (£20) the island should become the property of Mr. Maxwell.

Come, therefore, or send some confidential person to obtain your money which I hold.

From your Friend,

J. J. SYMONDS.

To Tara.

## No. 22. The Hon. the SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.

*Requesting Advance of £64 10s. for Purchase of the Tiki Block.*  
Surveyor-General's Office,  
Auckland, 21st December, 1847.  
SIR,—

I have the honor to request that the Colonial Treasurer may be authorized to advance me the sum of Sixty-four pounds ten shillings, in order to purchase from Native Chiefs Rewiti and Keene a block of land, situated on the north side of the Tamaki Road, and containing about One hundred and fifty-eight acres (158 acres).

I have, &c.,

C. W. W. LIGAR, Surveyor-General.  
The Hon. Colonial Secretary. The Auditor-General requested to prepare the  
warrant required.

A. SINCLAIR.

25th January, 1843.

## No. 23. The Hon. the SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.

*Tiki.—Reporting Purchase of the Block.*

Surveyor-General's Office,  
Auckland, 29th December, 1847.

SIR,—

I have the honor to forward acknowledgment of the sale of land, called "The Tiki" by the Native Chiefs Reweti and Keene, and the receipt for the purchase money of the same; I have also to request the requisite authority for this expenditure.

I have, &c.,

C. W. W. LIGAR.  
The Hon. the Colonial Secretary.

## The Hon. the SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.

*Judge's Bay.—Sale of it disputed by Orakei Natives.*

Surveyor-General's Office,  
12th September, 1843.

SIR,—

I beg leave to forward a letter from the Ngati Whatua tribe at Orakei respecting the land between Mataharehare and Orakei Bays, which they state they did not intend to include in the purchase effected by Mr. Clarke for the Crown. The subject having been recently brought before the notice of His Excellency the Lieutenant-Governor in an interview with these Natives, they were told that any communications they might wish to make to Mr. Clarke should be forwarded for them, but that in the opinion of His Excellency they had failed in establishing their claim, as the land was included in the boundaries of the deed of sale signed by them; and that they should have brought their claim forward some years ago when they saw the land surveyed and laid off in small portions for sale, or when they saw the Europeans taking possession of it by fencing and building thereon.

I have, &c.,

C. W. W. LIGAR, Surveyor-General.

The Hon. the Colonial Secretary, &c., &c.,  
&c.

The letter alluded to forwarded to Mr. Clarke with a copy of this one, and Mr. C. informed that H. E. will be glad to receive any remarks on the subject which he may wish to make.

By command, A. SINCLAIR.  
15th September, 1848.

## **Enclosure 1 in No. 24. GEORGE CLARKE, Esq., sen., to the Hon. the COLONIAL SECRETARY.**

*Auckland.—Respecting Native Claim to Judge's Bay.* *Waimate*, 2nd October, 1848. SIR,—

Your letter of 16th September, enclosing a letter from the Chief Hira, of Orakei, together with a copy of a letter from the Surveyor-General "on the subject of a claim set up by the Ngatiwhatua tribe to a portion of land situated between Mataharehare and Orakei," I duly received this day; and I have the honor to transmit to you for the information of His Excellency the Lieut.-Governor the following remarks:—

In the absence of all public records upon the subject in dispute, it appears to me that His Excellency's remarks are conclusive. If the Natives have permitted the surveys to be made of the said lands, and some of the allotments to be occupied, without having brought the case under the notice of the authorities, I fully concur in considering that the Ngatiwhatua tribe have failed in establishing their claims.

If the surveys of the land in dispute were made during the time when I had the honor of holding office under Her Majesty's Government, the Natives would doubtless have brought the subject under my notice. I have no record or recollection of their ever having done so.

I have written a letter to the Ngatiwhatua tribe in answer to the one they have written me, which, with a translation, I herewith enclose for the approval of His Excellency the Lieut.-Governor.

I have, &c.,

GEORGE CLARKE.

The Hon. the Colonial Secretary, &c., &c.,  
&c.

## **Enclosure 2 in No. 24. GEORGE CLARKE, Esq., sen., to Chief TE HIRA, Orakei.**

*Auckland.—Denying Hira's Claim to Judge's Bay.* *Te Waimate*, 2nd October, 1848.  
FRIEND TE HIRA,—



I have seen the letter you wrote me, in which you request me to go to Auckland to make straight the boundaries of certain lands sold by you, some time ago, to the Governor. There is no need in my going to Auckland. I think that you are in error. It is reported that these lands were surveyed many years ago. How is it you did not come to me when I was at Auckland? if you had done so it would have been arranged long since. Whose doing is this that lands which have been sold by you so many years should be again disputed? I have often told you how disgraceful a thing it is to dispute or deny your former transactions.

From your Friend, GEORGE CLARKE.

To Te Hira, Orakei.

A true translation— HENRY T. CLARKE.

## No. 25. The Hon. the SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.

*Hobson's Bridge.—Twenty Acres offered for sale.*

Surveyor-General's Office,  
Auckland, 21st October, 1848.

SIR,—

I have the honor to report for the information of His Excellency the Governor-in-Chief that the Native Te Keene has offered the Twenty acres adjoining the land granted to Mr. Meurant, at Hobson's Bridge, to the Government for the sum of Fifteen pounds, and I have to request that the Auditor-General may be authorized to prepare an impress in my favour to that amount.

I have, &c.,

C. W. W. LIGAR,

The Hon. the Colonial Secretary, Surveyor-General. &c., &c.,  
&c.

Dr. SINCLAIR. Approved—

G. GREY.

23rd October, 1848.

Referred to the Auditor-General,

A. SINCLAIR.

23rd October, 1848.

## No. 26. The Hon. the SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.

*Sale of Land by Te Keene at Hobson's Bridge.*

Surveyor-General's Office,  
27th December, 1848.

SIR,—

I have the honor to forward a deed of purchase executed by the Native Te Keene, adjoining that granted to

Mr. Meurant, at the junction of Tamaki and Epsom roads, and containing his receipt for the sum of Fifteen pounds, advanced to me in compliance with my request of the 21st October last.

I have to request that I may be furnished with a certificate of this deed being deposited in your office in order to support my imprest account.

I have, &c.,

C. W. W. LIGAR,  
Surveyor-General.

## **No. 27. The CIVIL SECRETARY, Auckland, to Mr. COMMISSIONER MCLEAN.**

*Appointment as Native Land Commissioner.*

Civil Secretary's Office,  
Auckland, 5th April, 1850.  
SIR,—

In order that no doubt may exist as to the legality of your proceedings in the purchase of lands for the Crown from the Aboriginal Natives of this Colony, His Excellency the Governor-in-Chief has been pleased to appoint you, by the instrument which I have now the honor to enclose, to be a Commissioner to treat with the Native chiefs of New Zealand for cession of such lands as may be required from time to time by the Crown.

His Excellency gladly avails himself of this opportunity of testifying to you the high sense he continues to entertain of the ability, judgment, and discretion with which you have invariably performed these and all other duties which you have been called upon to fulfil whilst in the employment of the Local Government.

I have, &c.,

C. A. DILLON, Civil Secretary.  
Donald McLean, Esq., &c., &c., Taranaki.

## **No. 28. NATIVE LAND PURCHASE COMMISSIONER GAZETTED.**

Civil Secretary's Office,  
Auckland, 5th April, 1850.

HIS EXCELLENCY the Governor-in-Chief has been pleased to appoint, by Letters Patent under the public seal of the Islands of New Zealand, DONALD MCLEAN, Esq., to be a Commissioner to treat with the Native chiefs of New Zealand for the cession of such lands as may be required from time to time for the occupation of settlers resorting to the said colony.

By His Excellency's command,

C. A. DILLON, Civil Secretary.

## **No. 29. The Hon. the SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.**

*Respecting Purchase of Mount Hobson.*  
Surveyor-General's Office,  
18th August, 1851. SIR,—

I have the honor to report, for the information of His Excellency the Lieutenant-Governor, that the Natives at Orakei have offered a piece of land containing one hundred and eighty acres, forming the north slope of Mount Hobson, and adjoining the property of Captain Kelly and Section No. 14, for the sum of One hundred and fifty pounds, which I recommend to be accepted as fair and reasonable, considering the quality and situation; and, if approved by His Excellency, I have to request that the above sum may be made available for the purchase as soon as possible, as the Natives have made it one of the stipulations of the contract.

I have, &c.,

CHAS. W. LIGAR, Surveyor-General.

The Hon. the Colonial Secretary

## **No. 30. The ASSISTANT NATIVE SECRETARY to WM. DONNELLY, Esq.**

*Tamati Waka's Claim to Great Barrier.*  
Native Secretary's Office,  
*Auckland*, 24th October, 1851.  
SIR,—

Tamati Waka Rewa has come to this Office, to-day, to state that nothing has yet been done to settle his claim to the Great Barrier Island, although he has been to *Auckland* three times for that purpose, in pursuance of the directions of the Governor-in-Chief, conveyed in the letters of the Native Secretary.

I have now to request that you will forthwith take steps, in accordance with His Excellency's commands, to have the matter brought before the Chief Justice in the way pointed out by the Ordinance for quieting titles to land in New Ulster.

I have, &c.,

C. L. NUGENT, Assistant Native Secretary.  
*William Donnelly, Esq., Native Counsel.*

## **No. 31. The Assistant Native Secretary to Wm.**

# Donnelly, Esq.

*Tamati Waka's Claim to Great Barrier.* **Auckland**, 3rd January, 1852.

SIR,—

In relation to my letter of the 8th July last, referring a Native, by name Tamati Waka, to you, in order to be instructed as to the proper method of preparing his claim to certain lands in the Great Barrier Island, for which W. S. Grahame holds a Crown grant, on behalf of the mortgages of Messrs. Abercrombie's estate, I have the honor to request that you will be so good as to forward me, with the least possible delay, a report on the whole matter as regards the steps you have taken to elucidate the claim, as I have been informed that, after the lapse of some months, it has been discovered that Tamati Waka's land has not been included in the grant to Messrs. Abercrombie.

Yon will also be so good as to acquaint me whether I am rightly informed as to the latter point, viz., the non-inclusion of Tamati Waka's land in the above mentioned grant.

I have, &c.,

C. L. NUGENT, Assistant Native Secretary.  
**Wm. Donnelly, Esq., Native Counsel.**

## No. 32.G. F. SWAINSON, ESQ., Surveyor, to the Hon. the SURVEYOR GENERAL.

*Waikoukou.—Dispute as to its boundaries.* **Pukeharekeke**, 23rd January, 1852.

SIR,—

I have the honor to report that I arrived at this place on Wednesday last, and was accompanied by Paramena, a chief of the Ngatiwhatua, in order that Haimona's dispute about the Waikoukou purchase might be settled. Paramena proceeded at once to Kaipara to bring Haimona to the spot, and on Thursday I proceeded with Arama Karaka and Manihera to Waikoukou, who pointed out the boundaries of the purchase, as contained in the deed, and dug holes at various points particularly at Waipapa, which is in the disputed piece. Haimona's "Tapu" was erected on the West bank of Waikoukou, and he had commenced a small cultivation. In the evening of the same day Paramena returned (Haimona having remained at Waikoukou), and said that it was all settled, and that I was to meet Haimona, in order that he might point out the boundaries. This I did this morning, but, after a korero, both Haimona and Paramena agreed that the interference of Arama Karaka and the others, in pointing out the boundaries before their arrival, had put an end to any settlement they had come to before (this appears an old Native custom, and is called a Mahi Kohuru). The land on the west side of Waikoukou is to remain in the possession of Haimona, and the chiefs advised Arama Karaka to give the undisputed piece for the £30 already advanced to him. This, however, he refuses to do, but will see you himself on the subject. Haimona has also gone to Auckland to explain the matter. Waikoukou, from its junction with the Araruna to where it runs into the Kumeu, would make a good boundary, and would be, I think, an almost equal division of the land. Hira has pointed out to me the boundaries of Pukeharakeke.

I have, &c.,

GEORGE F. SWAINSON.  
**The Surveyor-General. &c., Auckland.**

# CHIEF HAIMONA to the Hon. SURVEYOR-GENERAL.

*Auckland.—Relative to Waikoukou. January 24th, 1852.*

FRIEND Mr. LIGAR,—

Salutations to you. This is a word to you. You and your men (Natives) have broken the seal of Waikoukou. This is a dishonest transaction of you and your men. Did you suppose that in thus acting dishonestly all would be right? It will not be right, for I still live. I live, and my land lives too. This is a species of a murder of the whole of you with reference to me.

Haimona, Hauraki.

To Mr. Ligar, Auckland.

## (Memo.)

THIS letter relates to the making out of a boundary on the west side of the river Waikoukou, about midway between the Kaiparar and Waitemata, by a Native named Arama Karaka.

The stream, Waikoukou, is now made the boundary by Haimona, which is still disputed by Arama Karaka.

C. W. D. LIGAR, Surveyor-General.

# CHIEFS of ORAKEI to HIS EXCELLENCY COLONEL WYNYARD, Deputy-Governor.

*Auckland.—Disputing the purchase of Taurarua, or Judge's Bay. Orakei, May 29th, 1852.*

FRIEND THE GOVERNOR,—

Salutation to you. The following are my words to you, that you may be aware that this place about which we now address you—the place on which Mr. Martin and Mr. Kissling reside—that piece was included by mistake; this is a communication to you that you may be aware. It is for you to pay for that place, for ten years have passed away without a payment being made for that place; but if Governor Grey had still been here he would have paid for it.

These are all my worlds.

From TE HIRA and TE KEENE.

Referred to the Surveyor-General.

June 2nd, 1852.—

C. L. NUGENT.

## (Memo. by Surveyor-General).

I HAVE no belief in the statement that these places were not fairly sold by the Natives on the first arrival of the Governor—a mistake could scarcely arise. The former papers required.

C. W. D. LIGAR.

# No. 35.W. DONELLY, Esq., Native Counsel, to the NATIVE SECRETARY.

*Respecting Waka's Claim to part of the Barrier Island.* Native Land Office, Auckland, 6th December, 1852.  
SIR,—

I have the honor to inform you that, upon the receipt of your letter of the 3rd instant, I lost no time on time in endeavoring to elucidate the real position of Tamati Waka with respect to the different owners of land upon the Barrier Island. After the completion of my own separate labours upon the subject I had recourse to Mr. Grahame, who, with the utmost frankness, and without solicitation on my part, produced all the papers upon the subject in his possession. After having, with Mr. Grahame's valuable assistance, fully mastered these papers, I consider myself to be in a proper position to report to you, for the information of His Excellency the Lieutenant-Governor that not only is there no reason whatever to suppose that Tamati Waka's land, or any portion of it, is included in the Crown Grant held by Mr. Grahame's principal, but that, on the contrary, there is every reason to believe that, by the express instructions of the Commissioner of Land Claims, who adjudicated upon the case, the land in question was carefully excluded from those lands for which Crown grants were issued. Further, I have not been able to ascertain that Tamati Waka is at present in any way involved with any of the European holders of land upon the Island. In one direction, indeed, his land joins that of Mr. Whitaker; but, if any dispute between him and his neighbour, Mr. Whitaker, should occur during the absence of His Excellency the Lieutenant-Governor, may I pray you to assure His Excellency that I shall give instantaneous and undivided attention to the interests of the Native chief.

I have, &c.,

WILLIAM DONNELLY, Native Counsel.  
The Native Secretary.

*Pukekauere, sold by Keene and others December, 27, 1853, disputed by Henare.*  
Surveyor General's Office,  
27th June, 1853.  
SIR,—

In compliance with your instructions, I have examined the claim of Henare to the block of land known as Pukekauere, as per margin; further, I have the honor to report that I went over the boundaries as marked by Keene and others, and shown to Mr. Surveyor Swainson at the time of sale. I have farther the honor to state that the claim made by Henare is quite groundless, and rests on the following unfounded assertion:—"That the Keene did not sell all the land included in the boundaries as shown by him to Mr. Swainson.

## Maori Scheme in the disposal of Land by giving False Boundaries.

This is a favourite scheme with the Maori to get money, and is conducted in the following manner:—The parties who sell a block of land, and not giving a portion of the money to all who may have a claim, to evade the claim of the thus neglected party, the salesmen give the names of false boundaries, thus giving rise to the numerous claims to portions of land by misled chiefs who have been unjustly dealt with by their fellow-claimants.

Nga Hokowhitu sold by Tautari to Maurice Kelly for a Vessel.

I also examined the claim of Parata to the block of land sold by Tautari, as per margin. Parata's claim has not the slightest foundation.

I also examined the claim of Manihera and others to two blocks of land known by the names of Te Kauri and Kaiakeake. This claim I would recommend as worthy of consideration, as per accompanying sketch.

## **Waiparera, sold by Tinana and Tairua to the Government, 2nd June, 1853.**

I also examined the claim of Paora to the block of land known by the name of Waiparera. This claim is unjust. Tinana and others having sold it to Government, kept back that portion of the payment as due to Paora as a joint claimant; then, to escape claim being made on him by Paora, he gave false names of the boundaries as sold him, misleading Paul as to what he had sold; hence Paul's claim to the south-west portion of Waiparera.

I have, &c.,

JOHN WHITE, Interpreter.  
The Surveyor-General, &c., &c.

## **No. 37. The Hon. the COLONIAL SECRETARY to the CHIEF COMMISSIONER.**

*AS to Proper Form of Native Deeds.*  
Colonial Secretary's Office,  
Auckland, 22nd November, 1854.  
SIR,—

With reference to your letter of the 7th inst., in reply to mine of the 3rd inst., on the subject of the form of deeds used in the purchase of native lands, I am directed by His Excellency, the Officer Administering the Government, to observe that, although it is desirable that purchases of such lands be made absolutely and for a *final* sum, there is no reason why the sum fixed upon should not be paid by instalments.

I am directed to add that no particular form of deed is necessary, except that the conveyance be made to Her Majesty Queen Victoria, her Heirs and Successors.

I have, &c.,

ANDREW SINCLAIR, Colonial Secretary.  
D. McLean, Esq., Land Commissioner.

## **No. 38. Mr. COMMISSIONER KEMP (Acting for the Chief Secretary) to the Hon. the COLONIAL SECRETARY.**

*Orakei.—Reporting offer by the Natives of a Block of Land*

Land Purchase Office,  
Auckland, 13th December, 1854.  
SIR,—

I do myself the honor to report for His Excellency's information that a valuable block of land, containing about Four hundred and seventy acres, situated at Orakei, has been offered by the Native owners for sale to the Government. The acquisition of this piece of land would be the means of completing an entire block, portions of which have already been purchased by the Government. The Native owners have asked Five thousand pounds (£5,000) for it. On Saturday the 9th inst. I offered them the sum of Eleven hundred pounds (£1,100), which they declined. They received some time since the sum of One thousand three hundred and twenty pounds for four hundred and ninety-nine acres adjoining, paid by the Surveyor-General and Mr. Commissioner McLean.

It is said that this block would realize to the Government a very considerable sum of money; but, before proceeding any further in the negotiations, I should wish to be guided by His Excellency's instructions, as to whether (looking at the position of the block) I might be authorized, if a favourable opportunity offered, to make an advance upon the sum already offered, as, upon further consideration, there does not appear to be a danger in this case of prejudicing other purchases, if a larger sum were offered to them.

I think, perhaps, that from Fifteen to Eighteen hundred pounds (£1,500 to £1,800) would effect the purchase.

I have, &c.,

H. T. KEMP, Native Secretary.

The Hon. the Colonial Secretary,

Auckland.

## No. 39. Province of Auckland.

RETUBN SHOWING the NUMBER of ACRES PURCHASED by Mr. COMMISSIONER MCLEAN during the YEAR 1854.

## No. 40. Return SHEWING the NUMEER of ACRES for which Mr. COMMISSIONER MCLEAN is in TREATY, and PARTIALLY PAID for during the Year 1854.

## No. 41. MEMORANDUM by Mr. COMMISSIONER KEMP (acting for the CHIEF COMMISSIONER).

*Tirikohua Block.—Reporting on Native claims. 4th January, 1855.*

ENCLOSED herewith are three letters received this day from the three principal Natives who object to the



occupation of the land at Tirikohua by Major Russell and Mr. Newman.

The purchase was originally made by Mr. Johnson, and, as far as I can learn, in the most complete and satisfactory manner. The objection has arisen in consequence of the non-delivery of a share of the payment to Ruka; and in Simon's case, because he would not accept the share allotted to him. Piripi also, the writer of one of these communications, appears to have been the person deputed by the tribe to negotiate with the Government for the sale of the land, but did not act up to the trust confided to him. In his letter, money is recommended to settle this difference. Mr. Johnson states, as will be seen by a minute of Mr. McLean's on Mr. Newman's letter, 21st October, 1854, that the claim is unjust. A relative of Ruka, the principal opposing man, who brought in the letters, confirms the fact that these men have cropped the ground this season; and he has given me to understand that, if a sum of money were offered, the Natives would come into town to receive it, and the difficulty be removed. The sum paid by Mr. Johnson for this block was Four hundred and thirty pounds (£430)-Ruka's name is not in the deed of conveyance; but the Surveyor-General of opinion that his claim was taken into consideration and settled at the time the payment was made.

For DONALD MCLEAN, H. T. KEMP.

The Hon. the Colonial Secretary,

Auckland.

## **No. 42. The NATIVE SECRETARY to the Hon. the COLONIAL SECRETARY.**

*Auckland.—Purchase of block at Orakei.*

Land Purchase Office,

5th February, 1855.

SIR,—

I have the honor to report, for the information of His Excellency the Office Administering the Government, that the Native title to a block of land at Orakei, containing Four hundred and seventy acres, has been extinguished, of which a sketch, furnished by a surveyor, is herewith enclosed. The sum of Two thousand pounds was paid to the Native owners, and a deed executed on the 3rd inst.; the original deed and translation is also enclosed.

The payment for this block having been final and complete, I beg to state that it may be opened for sale as soon as the Government may think well to proclaim it.

I have, &c.,

H. T. KEMP, Native Secretary.

The Honorable the Colonial Secretary. U.—C.

## **No. 43. Memorandum of CASE advanced from the COLONIAL TREASURY for LAND PURCHASES.**

For the Colonial Treasurer, JAMES S. BAYLIS.

Colonial Treasury,

Auckland,

17th February, 1855.

## No. 44. The CHIEF COMMISSIONER to Mr. COMMISSIONER HAY.

*Waiheke.—To undertake the Survey of some Land.* Land Purchase Department, Auckland, 26th June, 1855.  
SIR,—

I received a note from you a few days ago stating that you were unable to come to town at the time appointed by you. As you have not been able to do so, I should be glad if you would undertake to survey some land at Waiheke, which has been sold by Kingi Hori Pokai te Ruinga to the Government, the boundaries of which have not yet been defined. A copy of the deed of sale for this purchase will be supplied to you from this office.

I should be glad if you could accompany a millwright named Clough, presently at Auckland, to survey the boundaries of a piece of land which the Natives at Taupo, near Orere, wish to dispose of in order to keep their mill in working order. The price for the land can be determined by the Natives and myself after the boundaries have been defined and pointed out to you in the presence of the several Native claimants.

I have, &c.,

DONALD McLEAN, Chief Commissioner.  
G. W. D. Hay, Esq.

## No. 45. The Hon. The COLONIAL SECRETARY to the CHIEF LAND COMMISSIONER.

*No Funds available at present for Land Purchases.*

Colonial Secretary's Office,

Auckland, 26th September, 1855.

SIR,—

I am directed by His Excellency the Governor to inform you that, in consequence of the financial arrangements which have been made, there will not be for some time any funds available for the purchase of Native lands unless they can be furnished by the Provincial Governments; and I am further to instruct you that no new negotiations should be entered into for the purchase of Native land without the direct sanction of the Governor, and no engagement made for the payment of any money on this account without a similar sanction.

You are requested to communicate these instructions to all Commissioners or other officers engaged in Native land purchases, and to direct their strict observance of them.

I have, &c.,

ANDREW SINCLAIR, Colonial Secretary.  
Donald McLean, Esq., Principal Commissioner.

## **No. 46. Native Land Purchase Department.**

ABSTRACT of LANDS PURCHASED from the NATIVES between the 5th July, 1850, and 31st March, 1856.

NOTE.—The estimated area of the various purchases is not to be relied on as accurate, as many of the blocks have not been surveyed. Descriptions of the land have been given as correctly as possible; but from the want of a topographical survey of the country, the proportions of level, hilly, good and bad land, &c., could not be stated. Purchases made in the Auckland Province prior to March, 1854, are not included in the accompanying returns. The contingent expenditure connected with the purchases is not included in these returns.

DONALD MCLEAN,

Chief Commissioner for the Purchase of Land from the Natives.

## **No. 47. Auckland District.**

## **No. 48. Province of Auckland.**

## **No. 49. Statement of the CASH ADVANCES made by the COLONIAL TREASURER, at Auckland, to DONALD MCLEAN, Esq., on account of the purchase of LAND from the NATIVES, 29th April, 1854, to 30th April, 1856.**

## **No. 50. The CHIEF COMMISSIONER to the Hon. the COLONIAL SECRETARY.**

*In reference to Native Deeds.*  
Land Commissioner's Office,  
Auckland, 5th May, 1856.  
SIR,—

Referring to your letter of the twenty-sixth (26th) ultimo, acknowledging receipt of certain deeds transmitted to your office with my letters as per margin, I have the honor to observe that similar deeds to those alluded to in your letter, as documents which would not operate as a conveyance according to the law of real property in force in New Zealand, have been hitherto submitted to and approved of by the Attorney-General as

sufficient conveyances.

There are several of the receipts that do not profess to be legal conveyances, but which are, nevertheless, ample evidence of the transactions entered into with the Natives for the purchase of lands; and many of them are intended only as temporary receipts until the final arrangements with the Natives (such as the extent of the purchase, the position and extent of the reserves, the total amount of purchase money, &c.,) are concluded, when a complete and binding document should be executed on the form which I have been in the habit for years of using, and which I have never yet known a Native to dispute. On the contrary, the final deeds of sale are considered by the Natives as irrevocably binding, whilst an English form of conveyance would be frequently repudiated by them, from the fact that it could not be literally translated so as to be understood by them; and I believe that the only binding treaties with most barbarous Natives have been those that were most clearly understood by them. The same rule is certainly applicable to the New Zealanders; and I have seldom heard of any English form of conveyance they have signed which they have not disputed.

I should feel much obliged if I can obtain from your office separate receipts for these documents, as I want them as vouchers to my accounts.

I have, &c.,

DONALD, MCLEAN, Principal Commissioner.  
*The Hon. the Colonial Secretary.*

## **No. 51. Instructions to Connect and Consolidate Native Land Purchases.**

*Crown Lands to be connected as much as possible. MINUTE.*

FOR obvious reasons which it is unnecessary to detail, the Governor considers it highly important that the European population should not be more than necessarily isolated; he therefore desires that instructions be given to the Land Purchase Commissioners to use their utmost endeavours to connect and consolidate Crown lands, and not to commence negotiations for the purchase of land, unless adjacent to and connected with Crown lands without special reference to himself.

*Government House,*  
4th June, 1857.

T. GORE BROWNE.

## **No. 52. The CHIEF COMMISSIONER to Mr. COMMISSIONER F. DILLON BELL.**

*Waiheke.—Claim of Mr. S. A. Wood at Whakanewha. Land Commissioner's Office, Auckland, 1st August, 1857. SIR,—*

I have the honor to transmit for your information copy of a letter addressed to His Excellency by the Natives Hoterene Taipari and Eruera Te Ngahue, of Kauaeranga, as having relation to the claim of Mr. S. A. Wood to a piece of land at Whakanewha, Island of Waiheke. The writers have been informed that no payment has been made to Mohi by the Government for land at Whakanewha, but that a claim to land in that locality, by

Mr. Wood, will shortly be investigated by a Land Claims Commissioner, who will receive any statement they may wish to make having reference to said claim. I would suggest that due notice of the day of hearing be sent both to Mohi and to these Natives.

I have, &c.,

THOS. H. SMITH,  
F. Dillon Bell, Esq., (For Chief Commissioner).  
*Land Claims Commissioner.*

## **No. 53. The CHIEF COMMISSIONER to JAMES PREECE, Esq., Coromandel.**

*Tamaki—Respecting Claim of Paora Te Putu on the Block.*

Chief Land Purchase Commissioner's Office,

*Auckland*, 14th October, 1857.

SIR,—

The Native Chief Karaitiana has been urging that a small payment should be made to Paora-te-Putu for his claims through the Waiohua for Tamaki.

I apprehend that making payments for lands that have been fairly purchased, and so long in the possession of Europeans, would form a most dangerous precedent, and I mention the circumstance to you in the hope that you will induce, as far as possible, the Natives of your district from reviving claims, the adjustment of which would, if admitted by the Government, be attended with endless difficulties, however necessary it may in some cases become to deviate from the principle here enunciated.

I have, &c.,

DONALD MCLEAN, Chief Land Purchase Commissioner.  
James Preece, Esq., Coromandel.

## **No. 54. The CHIEF COMMISSIONER to the DISTRICT LAND PURCHASE COMMISSIONERS.**

*General Instructions as to Land Returns to be compiled.*

Land Commissioner's Office,

*Auckland*, 20th November, 1857.

SIR,—

I have the honor to request that you will forward to this office at your earliest possible convenience a complete return and concise report of all transactions in which you have been engaged since the 30th June, 1856; what sums you have paid on account of old liabilities; what new liabilities you have incurred during the same period; the ascertained or estimated acreage of all blocks, not only of those actually purchased, but also of those concerning which negotiations have been entered into. In short, the return should be, as far as possible, complete enough to enable this office (taking it in conduction with those of the other District Commissioners) to supply the General Assembly with full and accurate information concerning all transactions with the Natives

in any part of the country. It is necessary to have the return so compiled as to give a topographical idea of the lands acquired in your districts.

I have, &c.,

DONALD MCLEAN,

To District Land Purchase Commissioners. Chief Commissioner.

## **No. 55.MEMORANDUM.**

*Acquisition of homesteads by Europeans to be promoted.*

RECOMMENDED that His Honor the Superintendent be communicate with in reference to the introduction of a clause into the Provincial Land Regulations, by which Europeans in certain districts may be enabled to obtain a title for the homesteads acquired for them from the Natives through the General Government.

The subject has been fully reported upon in my letters, as per margin, and I advert to it now in the hope that it may be considered by the Provincial Government when framing their new Land Regulations.

The letters, memoranda, and correspondence on the subject of homesteads generally, as referred to the Provincial Government, are recorded in the Colonial Secretary's office.

Auckland,

November 24th, 1857.

DONALD MCLEAN, Chief Commissioner

## **Province of Auckland.**

### **Return shewing QUANTITY and QUALITY of LANDS in the possession of the PROVINCIAL GOVERNMENT on the 1st January, 1859**

### **No. 57.ABSTRACT RETURN of all REJECTED APPLICATIONS made by the Natives during the period intervening between 1st January, 1840, and 31st December, 1845, to sell Land to Her Majesty's Government.**

Applications to sell land to the Government during the above-mentioned period were usually made in person, to which verbal answers were generally given.

DONALD MCLEAN, Chief Commissioner.  
Native Land Purchase Office,  
15th August, 1860.

v.—C.

## Native Land Purchases.

Return to an ORDER of the HOUSE of REPRESENTATIVES, dated 7th August, 1860, "for a Statement of the various Sums expended out of the £180,000, being the portion of the Loan of £500,000 allocated for the Purchase of Native Lands in the Northern Island. Such Return to specify the number of acres purchased in each District the date of purchase; by what Commissioner effected; and the price per acre. Such Return also to state the amount of the said £180,000 unexpended; the balance due on each provincial account; and how such balances are now invested."

## Province of Auckland.

*Auckland District.*

DONALD MCLEAN.  
10th August, 1860.

NOTE.—The price per acre cannot be deducted from these returns, as very many of the payments are on account of blocks of land purchased prior to 30th June, 1856, and many payments are instalments on account of blocks, the survey of which in some instances has not been completed, or the purchase money fixed; in each of these cases the sums paid are not correctly represented by the acreage standing against them.

For the Chief Land Purchase Commissioner,

JOHN ROGAN, D.C.

## Province Of Hawke's Bay.

Note.— The acreage of the blocks purchased prior to the 30th June, 1856, is not shown in this return; the total number of acres shown are those for which the negotiations have been entered into since the 30th June, 1856.

The total payments shown in the return, after deducting the credit on Arrear Account (£12,735) allowed by the House of Representatives, do not exhibit the whole cost of the acres shown, as in many instances the payments are but instalments upon large blocks, the final price of which is not yet fixed.

JOHN ROGAN, District Commissioner, For the Chief  
Commissioner.

# Province Of New Plymouth.

R. F. PORTER Assistant Treasurer.  
Treasury, Auckland,  
29th August, 1860.

## *Native Purchases and Surveys.*

IN reference to the Order of the House of Representatives, calling for "a Return showing the number of acres over which the Native title has been extinguished during the twelve months ending the 1st June, 1861, and the purchase money paid or agreed to be paid for the same; also the number of acres surveyed during the same period by surveyors acting under the orders of the Land Purchase Department," the Chief Commissioner supplies the following information:—

## Bay of Islands District.

The only two purchases are as under:—

The Ahipara Block was purchased prior to 1st June, 1860, but was not included in the last return furnished.

The Commissioner residing at the Bay of Islands has been called upon to supply information as to the number of acres surveyed.

## Whangarei and Kaipara Districts.

Number of acres surveyed during the period, fifty thousand eight hundred.

## Thames and Piako Districts.

Number of acres purchased, 6,000.

Amount of purchase money, £350.

No surveys executed, as the Commissioner was detached from this district in August, 1860.

Province of Wellington. No purchases have been made since 1st July, 1860.

Twenty seven thousand and sixteen acres have been surveyed during the same period, an amount apparently small, but large when the number of district surveys (40 in number) is taken into consideration.

These surveys include lands purchased, lands under negotiation, lands reserved for Natives, and lands in the hands of the Natives.

Much time has been spent during the same period in determining and surveying the back boundaries of former purchases in the Wairarapa.

In the Province of Ahuriri no fresh purchases have been made, but a surveyor attached to the department has been employed in surveying the external boundaries of blocks under negotiation and reserves for the Natives.

DONALD MCLEAN.

# Return showing the number of ACRES over which the NATIVE TITLE has been extinguished



**during the year ended 30th June, 1862;  
showing, also, PAYMENTS made during the  
same period in the Wellington and Hawke's  
Bay Provinces, on account of LAND purchased  
prior to the 30th June, 1861.**

NOTE.—Payments on account of blocks the Native Title to which has not yet been extinguished are not included in this Return. In those instances where the acreage is not given, the payments are on account of blocks the Native Title over which was extinguished prior to 30th June, 1861.

JOHN ROGAN, District Commissioner,  
For the Chief Commissioner,  
August 21st, 1862.

**Return showing the number of ACRES surveyed  
by OFFICERS of the LAND PURCHASE DEPARTMENT  
during the year ended 30th June, 1862.**

Province of Auckland.—Number of acres surveyed from 1st June, 1861, to 30th June, 1862, (70,177)  
Seventy thousand one hundred and seventy-seven.

In the Provinces of Hawke's Bay and Wellington the surveyors have been principally employed in defining the boundaries of disputed land and Native reserves.

JOHN ROGAN, District Commissioner,  
For the Chief Commissioner,  
August 21st, 1862.

**No. 61. APIHAI Te KAWAU to His Excellency the  
GOVERNOR In CHIEF.**

*Orakei—No one to interfere with his Lands.*  
FRIEND GOVERNOR GREY,—  
Ongarahu, 27th January, 1863.

Salutations! My love for you is very great. Friend! I have heard of the work of the people who have been speaking to you about my lands Orakei, Okuhu, and whakatakataka. These are my lands. I will not allow any person or persons to talk (negotiate) to you about my lands. Those places are to remain a residence for myself and my children, that we may be near you to guard you all and our town (Auckland). My mind is always with you. I will never depart from the good understanding which has always existed between us. My thoughts are still fixed on you, and will always remain so until I depart (die) from your presence. These are all my words to you.

From your loving friend,

APIHAI TE KAWAU

His Excellency the Governor, Auckland.

## **Return Of Lana Purchase Expenditure, Etc.**

ACCOUNT showing the Present Condition of the LAND PURCHASE FUND of the Province of Auckland, together with a Detail of the Items of Expenditure charged upon the Fund.

In addition to the expenditure included herein, this Account is chargeable with a further sum on account of Ten per cent on Sales of Lands from 1st January, 1864, to 30th June, 1865. Returns of these sales not yet received.

## **Province of Auckland.**

J. WOODWARD, Assistant Treasurer.  
Treasury, Wellington,  
10th August, 1865.

## **Return of LAND PURCHASES in the PROVINCE of AUCKLAND, showing the Locality and Extent of the Blocks acquired since 1st January, 1864, under "Loan Act, 1856."**

R. E. E. PLIMPTON, Native Accountant.  
7th August, 1865.

## **Return Of Native Lands For Which Negotiations Have Been Commenced.**

## **Schedule Of Districts In Which Land Has Been Purchased.**

## **Schedule Of Land Purchases In New Zealand.**

# No. 64. Lieut.-Colonel McDONNELL to Mr. J. KNOWLES.

*Little Barrier Island.* Auckland, 7th August, 1873.

SIR,—

I have the honor to report my return from the Northern district of Auckland, and state, for the information of the Government, that, on proceeding to Otamatea from here to see Arama Karaka about the Little Barrier, and his grievance respecting the land purchased by Thomas Henry, of Whangarei, I met Arama Karaka at Helensville on the 2nd July. He was on his way up here, a writ having been taken out against him. After conversation between Arama Karaka and myself about the 500 acres of land he lays claim to, though occupied by Mr. Henry, he agreed to take 6s. an acre, or £150 for his claim on the land; but he declared emphatically that his treatment had been most unjust, and that he consented only in consequence of his being pressed for money. I wrote a telegram and sent it to Major Green, in Auckland for transmission to Wellington, acquainting the Government with what had passed.

I spoke to Arama Karaka about the Little Barrier Island, and from what he and other Natives have told me, I believe that Arama Karaka and Hori te More are the principal owners. Arama is willing to sell the island, and asked me to go and see the quality of the land and timber on it before anything further is said. I think it may be purchased at a fair price, and, should the Government wish to dispose of it again, a large profit might be realized, for, had it not been understood it was Government property, it would have been bought some time ago. I will wait until I receive instructions before I visit and report on the Island in question.

On the 3rd July I proceeded to Mangawhau to see Parore and Tirarau in reference to the Mangakahia land, and gained the information required; after which, with some trouble, I procured a Native to accompany me to Mangakahia, but did not reach Mangakahia till the morning of 5th. The Native proved ignorant of the road, and we were over fifty-four hours in the bush without food of any kind, and it rained all the while, making a heavy fresh in the rivers we had to cross. On arriving at Mangakahia I met the chiefs Matiu and others, and, subject to approval, arranged for a piece of land called Pekapekarau, and directed Mr. Parris to survey it: the price asked is 2s. 6d. an acre, but I have left this an open question.

Another block of considerable size and fair land is offered for sale, called Totarapoka. The Natives told me that His Honor Mr. Gillies wished to obtain this block, and was going over it, but something prevented him. Should the Government desire this piece of land, the chief Parore has claims adjoining, and wishes to accompany the officer sent to negotiate the purchase, so as to be able to protect his interests. Through fatigue arising from my bad journey I was detained at Mangakahia, but proceeded on the 6th to the Bay of Islands, *en route* for Mangonui; reached Ahipara on the 18th, and then held a meeting with the principal chiefs of the place in reference to the land called the Victoria Valley.

Timoti Pohipi and others said they were not at all anxious to sell their land; that my visit had rather taken them by surprise; but that they were glad to see me, and would hear what I had to say to them. I pointed out that they could never use all their good land, and the best plan was to dispose of a portion so that immigrants could be placed upon. They seemed to approve of this, only said that if they sold their lands cheaply for such a purpose, and no Pakehas came to reside on it, they would have sold their lands cheaply to no purpose. I then explained that if good land was sold by them Pakehas would not only be glad to come, but would remain and prove a lasting benefit to the Natives. "Your land," I argued, "is as a fat ox, the whole of which you cannot consume; a part of which you offer for sale to buy utensils to cook and enjoy the remainder; but what a fool I would be to take what you offer—namely, the horns and hoofs. No: sell me a quarter of your bullock and the Government will then give you that which will enable you to turn the remainder to advantage." The result was, they agreed to have a meeting, and let me know what lands they would sell to the Government; that on my return to Auckland I should hear from them on this and other subjects.

I was very much pleased with the appearance of these Natives; they are evidently well; disposed, and anxious that their future should be prosperous. The children appear to be numerous and healthy in this district.

On the 22nd of July I left Ahipara for Mangonui. I did not think it prudent to press the sale of the land on these Natives after what had been said, for Natives, as a rule, are very jealous in dealing with their lands, and caution and judgment have to be exercised to obtain confidence in return and insure a favourable result. This is the reason I have not made myself as fully acquainted with the particulars of this block, and the road to

Whangape, as under other circumstances I should have done, but I trust that the Government will be satisfied with the course I have adopted.

I returned to the Bay of Islands on the 24th of July, but hearing that some hitch was likely to occur at Mangakahia, I returned there; and after leaving everything in that district in a satisfactory state, I reached Auckland *via* Kaipara on the 5th of August, after an absence of thirty-five days.

I have, &c.,

THOS. McDONNELL, Land Purchase Commissioner,

John Knowles, Esq., Under Secretary Public Works,  
Wellington.

## **Part 1.—Negotiations Completed.**

## **Part II.—Negotiations in Progress.**

## **Part III.—General Expenses.**

## **Part 4.—Recapitulation.**

Richard John Gill, Accountant.

Native and Defence Office,

29th July, 1874.

## **No. 66. LANDS PURCHASED under the IMMIGRATION and PUBLIC WORKS ACT of 1870, and declared to be WASTE LANDS of the CROWN.**

## **No. 67. Return of Names of Europeans from whom Lands, &c., have been Purchased.**

1st August, 1875.

Return giving the Names of all Europeans from whom Lands or Claims to Lands have been purchased, or to whom Compensation has been paid, in respect of Claims to Land out of the £700,000 set apart for the

purchase of Native Lands; also showing the Amounts paid to each of such persons respectively, and the Position and Area of Blocks in respect of which such Payments have been made.

# Statement Relative to Land Purchases, North Island.

*Under Immigration and Public Works Acts of 1870 and 1873.*

10th-August, 1875.—Statement of Native Minister Relative to Land Purchases in North Island.

Mr. Speaker,—

I consider it due to the House that a statement should be made by me in reference to the expenditure of moneys authorized under the Immigration and Public Works Acts, 1870 and 1873, for the purchase of Native lands in the North Island. I think this has become necessary, as I am aware that much has been said during the recess calculated to lead to the belief that sufficient care had not been taken to guard the public interests. I hope to be able to disabuse the minds of honorable members if they entertain such ideas, and to show that the Government have at great disadvantage endeavoured faithfully to carry out the views of the House, and have succeeded as well as could be reasonably expected.

When it was decided by the General Assembly that a public estate should be acquired in the North Island for the purposes of colonization, the difficulties which had to be encountered were of no ordinary character.

From the year 1840 to 1862 the task of acquiring land from the aborigines was not so difficult, the Crown having the exclusive right of purchase. The Constitution, Act maintained the right of pre-emption; but, through the action of this House, the Crown abrogated this provision of the Constitution, relinquished its right of pre-emption, and passed a law throwing open lands held by the Natives to private purchasers. Capitalists were not slow to avail themselves of the wide field thus opened out to them of profitably investing their money, and from time to time valuable tracts of country were obtained by them.

Able agents, many of them formerly officers of the Native Department, were employed. They were to be found in every district buying up the very choicest portions of the country, and year by year, through their operations, the carrying out of any large colonial scheme of land purchase was rendered more and more difficult.

In the year 1870 the Immigration and Public Works policy rendered it necessary that large tracts of country should be acquired for settlement. Accordingly the General Assembly voted first a sum of £200,000, and then a further sum of £500,000, to acquire land from the Natives. In undertaking this task the Government found itself with scarcely any officers of experience to carry out the delicate work of land-purchase negotiations. Men of ability were in the employ of the Government, but, with few exceptions, they were unacquainted with this peculiar duty, and could not therefore cope successfully with the experienced agents in the employ of capitalists to be met with in all parts of the Island. It must be remembered that lands which had passed through the Native Land Court were open to all alike—there was no exception in favour of the Government. A slight advantage only was gained by the colony under the provisions of the Immigration and Public Works Acts over lands which had not been adjudicated upon, which gave the Government protection for two years.

It was found expedient to make terms with the most active and successful of these agents, and offer them inducements to enter the Government service. Without their co-operation it was almost hopeless to carry out to a successful issue the objects this House had in view when it placed at the Government's disposal such large sums of money.

Even with the assistance of these gentlemen, I have only to refer honorable members to the reports of the land purchase officers and agents laid on the table of the House to show that the difficulties which had to be encountered were of no ordinary kind, and yet the results are, I submit, on the whole very favourable to the country.

It should also be remembered that the peaceful aspect of Native affairs in the North Island has tended to advance the settlement of the country, and has increased the demand for land by capitalists from the South Island and the Australian Colonies. In 1873 unimproved land could be purchased in the Waikato for prices not exceeding ten shillings per acre; the same lands cannot now be purchased under from one to two pounds per acre. Such has been the competition for land that the agents for private parties have gone into districts proclaimed under the Immigration and Public Works Act, and have purchased choice blocks at a higher rate than the Government were offering, with the full knowledge that they had no chance of obtaining a title during

the currency of the Proclamation, but trusting to make their claims good, when it should lapse.

I need not take up the time of the House by enlarging on this subject, but I have said enough to convince honorable members that, in acquiring the estate which has been secured, we have had much to contend against from the competition of our own countrymen, to say nothing of the trouble and anxiety of dealing with a race so proverbially jealous and tenacious of their land as the Natives.

With these preliminary remarks, I will now give a statement of the operations respecting the purchase of lands up to the end of the past financial year.

The land-purchase operations north of Auckland have been carried on by Mr. White, R.M., Mangonui, Mr. Kemp, Civil Commissioner, Auckland, Lieut.-Colonel McDonnell, Mr. Brissenden and Mr. Preece.

A return presented to Parliament last year, by command of His Excellency the Governor, showed that in the *Hokianga District*—the Government had acquired by purchase 2 blocks of land, containing 11,086 acres, at a cost of ?1,904 5s. 7d., or 3s. 5¼d. per acre; in the

*Bay of Islands District*—4 blocks of land, containing 28,999 acres, at a cost of ?2,965 12s., or 2s. 0¾d. per acre; and in the

*Kaipara District*—6 blocks of land, containing 29,018 acres at a cost of ?2,633 19s. 6d., or 1s. 9¾d. per acre—making altogether 69,103 acres, and costing ?7,503 17s. 1d., the average price being 2s. 2d. per acre.

This cost includes surveys and all incidental expenses.

The return also shows that negotiations had been entered into for the further purchase of 20 blocks of land, the area of which was estimated at 248,490 acres. The amount paid on these 20 blocks was £1,207 10s.

These transactions will be more easily read in the following tabular form:—

During the past financial year, in the districts of Mangonui, Bay of Islands, Hokianga, and Whangarei, several valuable blocks of land have been acquired, in addition to those noted as transactions incomplete in the above return. The completed transactions from 1st July, 1874. to 30th June, 1875, are as follows:—In the

- *Mangonui District*—2 blocks of land, containing 28,527 acres, at a cost of ?3,728 18s. 3d., or 2s. 7½d. per acre; in the
- *Hokianga District*—34 blocks of land containing 131,097 acres, at a cost of ?11,765 13s. 2d., or 1s. 9½d. per acre; and in the
- *Whangarei District*—3 blocks of land, containing 61,941 acres, at a cost of ?6,607 14s. 6d., or 1s. 11½d. per acre

The total area of land purchased during the year, North of Auckland, has been 221,565 acres; and the amount paid, including surveys and incidental expenses, ?21,569 5s. 11d., being 1s. 11¼d. per acre.

- The incomplete negotiations of land purchases during the past year in the above districts may be classed,—

1st. Lands that have passed the Native Land Court, the transactions for acquiring which are nearly complete.

2nd. Lands surveyed, and awaiting sittings of Land Court at Kaihu, fixed for 11th August

3rd. Lands under survey, and intended to be brought before the Land Court in September next.

4th. Lands, the surveys of which have not yet been commenced.

Of the lands that have passed the Native Land Court, 10,406 acres are in the Mangonui District; 5,200 acres in the Bay of Islands District; 6,942 acres in the Hokianga District; and 82,313 acres in the Kaipara District—a total of 104,861 acres, and on which moneys amounting to £2,150 15s 10d. have been paid. A sum of £6,075 4s. 9d. is required to complete these purchases. I know of no reason why these lands should not be acquired within the next month or two.

The lands surveyed and awaiting the sittings of the Land Court at Kaihu, on the 11th of August, represent 14 block, having an area of 116,601 acres, and on which advances have been made to the amount of £3,996 16s. 10d. The lands are situate in Mangonui District, 11,906 acres; Bay of Islands District, 23,974 acres; Hokianga District, 45,421 acres; and Kaipara District, 35,300 acres.

The lands—11 blocks—now under survey by the Inspector of Survey's Department, Auckland, are estimated to contain 31,000 acres. Advances have been paid on these lands amounting to £1,092 3s. 2d. The lands are situate in the Mangonui District, 17,500 acres; Bay of Islands District, 6,500 acres; Hokianga District, 3,000 acres; and Whangarei District, 4,000 acres.

The lands awaiting survey, are 13 blocks in the Bay of Islands, Hokianga, and Whangarei Districts, the estimated area being 110,800 acres. No price has yet been fixed for these lands. Advances to the amount of £636 2s. have been made to the Natives interested in them.

The following form shows the transactions in the several districts North of Auckland, during the past year:—

# Thames and Piako Districts.

The negotiations during the past year in the Thames district carried on through Messrs. Mackay and Puckey, assisted by Hoterene Taipari, have been mainly directed in closing up transactions entered into in 1872-73. Lands within the proclaimed gold-fields, which were included in agreements made between the Natives and the Crown for gold mining purposes, and lands within the same district not subject to gold mining agreements.

The lands acquired and under negotiation in this district on the 30th June, 1874, with the cost and advances, are shown in Parliamentary Paper C. 4, of last year, as under.

For the purchase of 438 acres of the Thames foreshore, there was paid the sum of £2,941 13s. 6d.; and on other completed transactions over 20 blocks of land, containing

Including 5,305 acres (£675) since treated as an incomplete transaction.

117,056 acres, payments were made amounting to £17,436 13s. 4d. Besides these purchases, several old claims over the Waitoa and Piako lands were settled, at a cost of £923. This payment extinguished Native claims over 31,230 acres of land.

The incomplete transactions noted in the return represented 475,005 acres, on which advances had been made to the amount of £27,343 10s. 1d. Included in this area is the Ohinemuri Block of 132,175 acres, since proclaimed a gold-field, on which advances have been made by way of purchase of the sum of £12,714 14s. As, however, much opposition and many difficulties had to be overcome, which would lead to an indefinite delay in opening the district as a gold-field, it was deemed advisable in the interests of the public to enter into an agreement with the Native owners to acquire the right of mining for gold and other minerals, besides the right to sell timber and lease lands for agricultural and other purposes. The advances made on account of the purchase are a first charge on the miners rights, fees, leases, &c, arising within the block. The sum of £1,109 15s. has already been recovered.

The work done in the Thames district during the past year has been the completing the purchase of 9 blocks of land, containing 35,411 acres, the total cost of which has been £4,026 12s. 11d., or 2s. 3¼d. per acre (these 9 blocks have been under negotiation since 1872); also the purchase of 1 block, containing 245 acres, for the sum of £166 14s.

The incomplete transactions to date are the purchases of 30 blocks of land, containing about 456,410 acres (these transactions were commenced in 1872-73). Payments have been made on these blocks to the amount of £30,244 9s. 5d. There are also 14 other blocks of land that have been negotiated for during the past year, estimated to contain 40,251 acres, on which advances have been made to the amount of £1,027 5s. 11d. In the latter area is included the Coromandel foreshore, not yet surveyed, estimated at 1,400 acres.

In addition to the above purchases, negotiations are advanced for the acquiring of land in the Patetere district, estimated to contain 249,000 acres; on this purchase payments have been made to the amount of £3,916 13s. 4d.

In the Thames and Patetere districts, the operations during the past year are shown in the form below:—

# Bay of Plenty and Taupo Districts.

*Negotiating Officers—Messrs. Davis and Mitchell.*

The operations in this district during the past year have been confined to the completing of purchases and leases under negotiation prior to 1st July last year. The work has been much retarded, owing to tribal jealousies of the Arawa Natives, and the want of surveyors to determine the boundaries of the several blocks of land.

The transactions to 30th June, 1875, are shown in the following Return:—

# East Coast and Poverty Bay District.

*Negotiating Officers—J. A. Wilson and Captain Porter.*

During the past year a large area of land has been negotiated for in this district, but, owing to the blocks not being surveyed, most of the transactions are incomplete. The Natives living between the East Cape and Poverty Bay evince a desire to sell or lease to the Crown their surplus lands, and in all probability there will be acquired, within a reasonable time, several valuable blocks suitable for pastoral and agricultural purposes.

The completed transactions are—The purchase of the Tolago Bay Township block, of 252 acres, for £645 3s. 1d.; and the Waihirere Quarry block, at Gisborne, of 28 acres, purchased by Mr. R. M. Locke, for a sum of £114 15s. From this latter block, stone for metalling the roads approaching Gisborne Township is now being quarried. Also, the leases of Mootu block, of 67,980 acres, for fifty years; the Waikohu Matawhai block, of 43,479 acres for twenty-five years; and the Rotukatuku block, of 5,600 acres, for twenty-one years. This last-named block has an extra value on account of its oil springs.

The incomplete transactions have been the negotiations for the purchase of 11 blocks of land estimated to contain 154,840 acres, on which payments have been made amounting to £3,192 11s. 11d.; and leases over 13 blocks of land, estimated at 225,500 acres, on which advances have been made to the amount of £1,579 2s.

## Wairoa District.

*Negotiating Officer—Mr. J. P. Hamlin.*

In this district negotiations have been entered into for the purchase of 4 blocks of land, estimated to contain 231,000 acres; and for the leasing of 3 blocks of land, of about 77,000 acres. These lands had been leased for twenty one years to Europeans, who have conveyed their interests to the Government, the Native owners having also agreed to sell, after sufficient reserves are surveyed and marked off for their own use and occupation.

The total land-purchase transactions entered into under the Immigration and Public Works Acts of 1870 and 1873, in the Province of Auckland, to 30th June, 1875, are shown in the following return:—

The average cost per acre of the lands purchased in the province has been, including all expenses, 2s. 6¾d. per acre.

## Hawke's Bay Province.

Mr. R. M. Locke, and J. P. Hamlin, are in charge of land-purchase operations in this district. The transactions during the past year have been mainly the completing the purchases over blocks of land within the Seventy-mile Bush, the area of which is stated to be 240,537 acres.

## Wellington Province.

During the past year the negotiations for land purchases in this province have been conducted by Mr. James Booth, assisted by John Buller and Major Keepa.

The transactions to 30th June, 1874, were the acquiring by purchase 29 blocks of land, containing 324,330 acres, at a cost of

Further payments of £1,233 17s. have been made on these blocks during past year.

£34,566 10s. 6d., and the negotiating for the purchase of 89 blocks, estimated to contain 433,911 acres, on which payments have been made amounting to £10,143 17s. 2d.

During the past year, 1874-75, the completed transactions have been the purchase of 24 blocks, containing 105,372 acres, at a cost of £9,315 11s. 2d. The incomplete ones, the negotiating for the purchase of 768,115 acres, and the leasing of 307,835 acres, on which advances have been made amounting to £25,359 16s. 4d.

The following return shows the complete and incomplete land-purchase transactions in the Province of Wellington to 30th June, 1875:—

Average cost per acre, 2s. 1d.

## Taranaki District.

The land-purchase operations in this district have been carried on by Mr. Parris, Civil Commissioner.



The transactions to 30th June last year were the acquiring by purchase 8 blocks of land, containing 113,870 acres, also, negotiating for the purchase of 4 blocks of land, containing about 53,000 acres, on which advances were made to the sum of £2,194 6s. 5d.

During the present year there has been purchased 5 blocks of land, containing 56,629 acres, making a total of 170,499 acres, at a cost of £25,381 19s., or 2s. 11¾d. per acre; also negotiating for the purchase of 6 blocks of land estimated to contain 84,130 acres, on which advances have been made amounting to £674 3s. 6d. There has also been paid for the survey of the Patea River the sum of £162 1s.

## General Summary.

From this statement it will be seen that the area of land acquired by purchase or lease since 1872, the year the Government commenced the present land purchases under "The Immigration and Public Works Act, 1870," have been—

A total of 1,331,522 acres, purchased at a cost of, including £13,000 charged for expenses of department, commissions, &c., £164,218 10s. 1d., or 2s. 5¾d. per acre; and 391,601 acres leased, on which has been paid the sum of £2,987 9s. 1d.

The incomplete transactions represent—

A total of 2,941,842 acres under purchase, and 1,552,502 acres under lease. In all 4,464,344 acres, on which has been paid, including £13,135 2s. 9d. for departmental services the sum of £118,823 1s.

From these totals it will be seen that no less than 6,187,467 acres of land have been negotiated for since 1872, on which moneys have been paid amounting to £286,029 0s. 2d.

The total amount charged against the sums voted by Parliament for land-purchase purposes to 30th June last was referred to by my honorable colleague, the Colonial Treasurer, in his Financial Statement, as £377,059 18s. 1d. Some explanation may be necessary as to the difference between this sum and that of £286,029 0s. 2d., before noticed by me as the total payments made for actual land-purchase purposes, a difference of £75,344 4s. 6d.

This amount is made up from payments made to the

This sum of £75,344 4s. 6d., as against £286,029 0s. 2d. actually paid for land, certainly appears large, but it must be borne in mind that, with the exception of £20,500 advanced to the New Zealand Settlements Act, the whole has been charged in accordance with the votes of this House. The fact should also not be lost sight of, that a large proportion of the expenses incurred by the Native Land Court have been in the investigation of title to the land purchased under the provisions of the Immigration and Public Works Acts.

The Government have steadily kept in view the twofold objects of providing land for the large influx of population, and of securing those districts to the colony through which public works and undertakings are being carried on.

In the consideration of this question there is another point which should be mentioned—the Government have endeavoured to acquire land in large blocks, where possible. The advantage gained is obvious; but, in doing so, of necessity lands of all descriptions were included. Much land fit for special settlement has been purchased. Lands supposed to be of average quality have, on closer inspection by the surveyors, turned out better than was anticipated.

Reports of the surveyors have been laid on the table of the House.

A large area of land has been secured in the Taupo country, which, as every one knows who has been through that district, is generally of inferior description, but even for that there has been considerable competition.

There are some valuable blocks now under negotiation, which, in the course of a few months will be in the hands of the Government. But I would ask honorable members, especially those of them who are not acquainted with the difficulties and the sometimes harrassing work of negotiation with the Natives, to restrain impatience. Lands are now being purchased in districts where a few years ago a European could not show his face. In proof of this, I would only point to the Taranaki and Upper Whanganui Districts; and, if the Government carry on the work as they may deem safe and advisable, a large colonial estate will be obtained; but, if undue pressure is brought upon the Land Purchase Agents to urge on these purchases, not only will our present, good understanding with the Native race be endangered, but the main object in view marred, by unwise and premature action.

Negotiations of this nature can only be carried out with the intelligent assent of the Natives, and this can only be obtained when they have realized the advantages to be gained from having European settlers in their neighbourhood.

# Part 1.—Negotiations Completed.

# Part II.—Negotiations in Progress.

# Part III.—General Expenses.

Detail of EXPENDITURE to 30th June, 1875, on Account of LAND PURCHASES and LEASES in the NORTH ISLAND.

# Part IV. – Recapitulation.

## Statement Relative to Land Purchases, North Island.

*Under Immigration and Public Works Acts 1870 and 1873.* By The Hon. The Native Minister, Sir D. McLean.  
MR. SPEAKER,—

In pursuance of the course adopted last year, I propose to lay before the House a statement of the land-purchase operations of the Government under the Immigration and Public Works Acts for the year ended 30th June, 1876; but, before doing so, I may be permitted to make a few general remarks for the information of honorable members.

It will be remembered that, in the statement I had the honor to make last year, I took occasion to mention some of the obstacles which had to be contended with by the Government in the task of acquiring a landed estate for the North Island, not the least of which was the superior advantages held by the experienced agents of capitalists and speculators in buying up large tracts of country. I am happy to inform the House that during the past year the Government agents have been less exposed to obstruction in carrying out to a satisfactory issue their arrangements with the Natives.

To the north of Auckland several valuable blocks of land have been purchased, some of which are well adapted for settlement. Some delay took place in completing these transactions, from the circumstance that the land could not be passed through the Native Land Court till proper surveys had been made. These having been accomplished, no difficulty was experienced in bringing negotiations to a successful issue; and, of the one hundred and one transactions originally entered into, nearly the whole have been completed; 443,856 acres have been acquired at a cost (inclusive of expenses) of £43,895 1s. 8d., or 2s. per acre.

The value of many of these blocks was not really known till the country had been opened up by surveys; and it is reported by the surveyors and Europeans in the district who have inspected the land that they are eminently adapted for settlement. Appeals have on more than one occasion been made by the Natives to have these lands peopled by an English population, and they have readily disposed of some of the best of their lands to induce European settlement.

Viewing the large extent of country that has been from time to time acquired from the Natives in the North, and the representations that have been made by the District Officer, appointed under the Native Land Act of 1873, as to the quantity of land still in the possession of the Natives, it has become a question for consideration whether, after the present negotiations are completed, it would be right, regard being had to the wants of the Natives, for the Government to acquire any more land in that district.

Most of the lands to the North of Auckland in the possession of the Natives are, through the medium of the Native Land Court, held under Crown grant; and the cordial relations which exist between them and their European neighbours indicate that the time has arrived when the Ngapuhi and Rarawa tribes may be considered

as upon an equal footing with the Europeans.

Of the lands purchased to the north of Auckland, 229,559 acres have been handed over to the province to be dealt with under the existing land laws.

I will take next in order—the Coromandel and Thames District. Many circumstances have, during the past year, tended to retard the completion of these purchases. Several of the blocks have been before the Native Land Court, and the Native owners ascertained, and are in a fair way of being finally acquired, the conveyances to the Crown only requiring one or two signatures to complete the purchases. One of these blocks is the Waikawau and Moehau, containing 118,802 acres, upon which payments have been made amounting to £15,930 6s. 9d. Several of the purchases in this district are encumbered with timber leases, having currency for periods varying from 21 to 99 years. The above lands are of little value for agricultural purposes, but the Superintendent of Auckland, whom the Government, under "The Immigration and Public Works Act, 1870," were bound to consult, urged upon the Colonial Government the desirability of acquiring the fee-simple in the belief that the lands were auriferous. It must also be borne in mind that these purchases were recommended with the full knowledge that these leases existed. So strongly was the then Superintendent, Mr. Gillies, impressed with the importance that the purchases should be made without delay, that he represented to the Government the desirability of keeping the Land Purchase Agent supplied with money, and even made advances out of his own means to accomplish this object. I will quote his own words:—

"Being personally aware that a very large sum might be saved to the colony and the province on this purchase (Waikawau and Cape Colville Blocks) by dealing with the Natives at a tangi at Ohinemuri, I felt myself justified in advancing to Mr. Mackay the sum of two thousand pounds for that purpose. I proceeded with Mr. Mackay to Ohinemuri, and was present when he was negotiating with the Natives there assembled, and I feel convinced that a large saving, both in time and money, was effected by his being placed in funds promptly to conduct these negotiations. I trust that you will approve of my action in this matter, and that the amount advanced will be at once repaid. Permit me further to suggest that provision should be made in future for providing funds by which advantage can be taken promptly of such circumstances as the above, which occasionally arise."

There are certain blocks of land on the Upper Thames, Waitoa, and Piako Rivers, amounting to an estimated area of 200,000 acres, the purchase of a principal part of which, it is believed, will soon be completed. A considerable portion of these lands are looked upon as suitable for settlement. Mr. Mackay has for some time been endeavouring to arrange the differences of the Native owners in respect to boundaries, and has succeeded in getting several blocks surveyed, so that I hope at no distant period these lands will be thrown open for sale and occupation.

The purchases in the Thames district that have been completed amount to 145,441 acres, at a cost (inclusive of expenses) of £23,231 17s. 1d., or 3s. 3d. per acre.

Owing to difficulties interposed by one or two sections of the Arawa tribe, it has been deemed prudent to discontinue for the present all land purchases in the Bay of Plenty district. The nature of those obstructions will be seen by reference to the reports of the Land Purchase Agents, already laid on the table of the House. The agents have consequently been withdrawn.

At Taupo the like difficulties were not encountered, and larger areas have been acquired, either by purchase or lease. The survey of 62,787 acres has already been completed, and further surveys are in progress over lands estimated to contain 261,000 acres.

In these districts 99,974 acres have been purchased, at a cost of £14,258 11s. 6d., or about 2s. 10d. per acre.

I will now refer to the East Coast and Wairoa districts. In the former very little has been completed, although large areas are under negotiation. Land purchase arrangements in this district being now the subject of inquiry, need not at present be further alluded to.

In the Upper Wairoa large blocks have been acquired to the extent of 146,080 acres. I may here mention the great change that has come over Native feeling in the interior of that part of the country. The Urewera, a tribe but a few years ago at deadly feud with us, and who, even after friendly relations were established pertinaciously refused to sell an inch of their lands, were considerable owners in these blocks. With some hesitation they submitted to allow these claims to be adjudicated upon by the Native Land Court. Their claims were heard, and they were well satisfied with the result; and yielding to the persuasion of the co-claimants of other tribes, joined in the sale, and received their share of the money. Ample reserves have been set apart for the Natives, which are not included in the figures quoted above.

The transactions within the Province of Auckland, completed since the 30th June, 1875, are—

The total results of the land purchases in the Auckland Province since 1872 are as follows:—

at a total cost of £103,009 12s. 11d. (inclusive of survey and incidental expenses), at an average price of 2s. 5½d. per acre.

In the Hawke's Bay District no purchases have been made during the year.

In Wellington fair progress has been made, and several purchases have been satisfactorily completed. I would, however, point out that the quantities as set forth in last year's Statement were greatly over-estimated. Since then surveys have been made, and the actual acreage ascertained. I will allude to this subject again presently.

The transactions completed since 30th June, 1875, amount to 58,425 acres.

The total of the purchases in the Wellington Province amount to 440,927 acres, at a cost of £58,409 13s., or 2s. 8d. per acre, including all expenses.

The area of the land surveyed during the past year was 69,113 acres. A large amount of survey work has to be done before the whole of the transactions in this district can be correctly computed. The area of land handed over to local administration amounts to 179,944 acres.

In the Taranaki Province the engagements that stood open on the 30th June, 1875, have, during the past year, been completed. Since then arrangements for acquiring 41,252 acres have been entered into. Negotiations have also been begun for the purchase of several large blocks of heavily timbered land estimated to contain about 200,000 acres.

The purchases completed during the past year amount to 82,381 acres, making a total for the Taranaki District of 252,880 acres, at a cost of £36,393 0s. 3d., about 2s. 10½d. per acre. The lands handed over to be administered under local land laws were 87,269 acres.

Recapitulation of land purchases in the several provinces which have been completed:—

The lands held under lease are in the Province of Auckland, and amount to 339,499 acres. So that the completed transactions, including the leases, cover an area of 2,109,471 acres.

To give some idea of the extent of the work completed, I may mention that 245 deeds, representing 1,924,602 acres, have been received in Wellington, and have been deposited in the Crown Lands Office.

When it is considered that each block, however small, involved a great deal of time and patience, unlike similar negotiations with Europeans, the result as shown above may, I think, be considered very satisfactory.

I will now say a few words on the uncompleted transactions. In the district to the north of Auckland, there are twenty-seven blocks, representing 57,536 acres, which have been surveyed, and are awaiting investigation in the Native Land Court. On these lands advances have been made. As soon as the Court has decided upon the proper Native owners, there is no reason why these should not be completed immediately after. There are twelve other blocks to the north of Auckland, not included in the above, now being surveyed, and which also will be submitted to the Native Land Court, and closed as soon as practicable.

The incomplete transactions for the purchase and lease of lands are as follows:—

I have not included in these figures the estimated 200,000 acre blocks in the Taranaki Province. The land purchase transactions last year, in a return laid before Parliament last Session, show as follow:—

At the close of the year ended 30th June, 1876, the several purchases and leases are as follow:—

From the above figures, as compared with those given last year, it would appear that the negotiations entered into during the year represent only 96,783 acres; but this is not the case, the actual area brought under negotiation being 573,916 acres. The difference is explained by the fact that some areas approximately given in last year's return have in certain instances proved less, on actual survey, than the estimate.

For instance, in Auckland the areas were under estimated by 45,650 acres, whereas in Wellington the land was over estimated by 506,033 acres, in Hawke's Bay by 15,000 acres, and in Taranaki by 1,750 acres, making an actual difference of 477,133 acres over estimated. The deficiency is, however, more than made up by the transactions of the present year, which are stated thus:—

The following is a summary of the transactions completed last year:—

## General Summary.

The several purchases and leases completed and incomplete up to the 30th June last, and the total expenditure, are shown in the following table:—

—a total area of 6,284,250 acres, equal to one-fifth of the entire area of the North Island, on which has been paid the sum of £445,404 2s. 1d.

The unexpended balance of the £700,000 voted by the General Assembly for the acquisition of land in the North Island was, on the 30th of June last, £254,595 17s. 11d.

The balances available to complete outstanding liabilities and new purchases that may be undertaken are—

As I before observed, a great deal of the delay in concluding the early purchases was from the want of a properly-organized staff of surveyors, as required under the provisions of the Native Land Act of 1873. But the difficulty was in a great measure removed by the energy of the Inspector of Surveys and the officers working under him. By his report, which has been laid on the table, it will be seen that a great deal of work has been

done by his department. I will give his figures:—

Surveys in progress—

It will be seen by honorable members from the foregoing statement that the Government has not relaxed in its efforts during the past year to acquire on reasonable terms an estate for the North Island which, as immigration and settlement progress, will be found valuable for colonizing purposes.

## **Part 1.—Negotiations Completed.**

## **Part II.—Negotiations in Progress.**

## **Part I.—Negotiations Completed.**

[In cases where the negotiations have been completed during the past year the name of the block is printed in italics.]

## **Part II.—Negotiations In Progress.**

## **Part III.—General Expenses.**

## **Part IV.—Recapitulation.**

Native Office, Wellington, 18th September, 1878.

## **Part III.—General Expenses.**

## **Part IV.—Recapitulation.**

## **No. 1. The CHIEF PROTECTOR to Mr. EDWARD MEURANT.**

*Manukau.*—*Land Offered for Sale.* Protector's Office, Auckland, 12th January, 1842  
SIR,—

The chiefs Tihi and others having offered to sell to Her Majesty's Government a tract of country, situated on the Manukau, I am directed by His Excellency the Governor to instruct you to proceed to that district and ascertain as far as possible the extent of the land they propose selling, the names of the boundary lines, the quality of the land, and its locality, with reference to land claimed by Mr. Fairburn, and the land of and about Awaroa, and furnish me with a report on the same immediately on your return.

You will find the chief's sons ready to accompany you, and point out the boundary lines. You will endeavor to ascertain whether any other land besides that purchased by Mr. Fairburn has been sold in the neighborhood, and carefully exclude as a portion of the purchase any such lands; and, lastly, you will give publicity to the

natives in the vicinity of the object of your visit.

I have, &c.,

GEORGE CLARKE.

Mr. E. Meurant.

## **The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Pukaki.—Offer of Land.* Protector's Office, Auckland, 24th January, 1842.  
SIR,—

I have the honor to inform you that the chief Tihi and others propose to sell to Her Majesty's Government a tract of country situated on the east side of the Manukau, containing thirty thousand (30,000) acres, more or less, for the sum of four hundred pounds, six horses, two bags of flour, and two bags of sugar.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## **Governor's Minute.**

Mr. Clark is requested to revise this letter by stating in full the boundary of the land purchased on the Manukau.

W. H.  
1st February, 1844.

## **No. 3. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Manukau.—Boundaries of Land already Purchased.* Protector's Office, Auckland, 3rd February, 1842.  
SIR,—

Referring to His Excellency the Governor's note of February 1st, requesting a revision of my letter, stating full the boundary of the land purchased on the Manukau, I do myself the honor to forward the following

description to be appended thereto, of the land purchased from Te Tihi, copied from the deed duly executed and signed by Te Tihi himself:—The northern boundary commences at a place called Otaimake (on the Manukau); from thence to Patoetoe; from thence to Wairata, Ohutu, and Ratahi. The southern line commences at Waipapa and is formed by Te Mata to Whararuhara, Hopu Hopu, Tara-komuku, and the Kaurikaranga; the western line by Otaimske along the Manukau, until it reaches Waipapa. The eastern line is formed by Puketutu, Weraroa, Te Mura and Te Rape. A place Waimihia included in these boundaries is reserved for themselves.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## **No. 4. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Manukau.—Purchase Money for Pukaki.* Protector's Office, Auckland, May 24th, 1842.  
SIR,—

I have the honor to inform you that the native chief Tihi, and the party with him, who disputed the land which he sold to Her Majesty's Government at Pukaki on the Manukau, have arrived, and are anxious that the remaining part of the payment due for the said land—viz., two hundred pounds and four horses, be paid at your earliest convenience.

I have, &c.,

THOMAS S. FORSAITH, Sub-Protector. (for the Chief Protector).

The Hon. the Colonial Secretary.

## **No. 5. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Te Karaka.—Offer of Land.* Protector's Office, Auckland, 27th May, 1842.  
SIR,—

I have the honor to lay before you for the information of His Excellency the Governor, a proposition from the chief Jabez Bunting and others, to sell a portion of land known as "Te Karaka," situate on the Manukau, near Papakura, containing about two thousand (2,000) acres, more or less.

As I expect Jabez Bunting here shortly, I would beg to be made acquainted with His Excellency's pleasure with regard to this offer at your earliest convenience.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.

*Pukaki.—Authorizing Balance for Purchase of Land.* Colonial Secretary's Office, Auckland, 27th May, 1842.  
SIR,—

With reference to your letter of the 24th instant, reporting the arrival of the native chief Tihi, with his party, for the purpose of settling the balance of two hundred pounds and four horses, due from Her Majesty's Government for the purchase of land at Pukaki on the east side of the Manukau, I have the honor to inform you that His Excellency the Governor has been pleased to sanction the same, and the necessary instructions have accordingly been issued for carrying it into effect.

I have, &c.,

WILLOUGHBY SHORTLAND.

The Chief Protector of Aborigines.

## Enclosure 1.

*Ihaka's Receipt.*

RECEIVED by us the sum of two hundred pounds sterling, and two horses, as balance of payment for our land.

IHAKA TE MANIA.

Witness—A. KENNEDY.  
January 28th, 1842.

## Enclosure 2.

*Tihi's Receipt.*



RECEIVED by us two horses for a portion of our land at Papakura, or as balance of the payment for it.

The mark x of TIHI.

Witness—GEORGE CLARKE, C.P.A.

## **No. 7. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Manukau.—Offers of land by Kaihau.* Protector's Office, Auckland, 17th August, 1842.

SIR,—

With reference to the tract of land offered for sale by the Chief Kaihau and others, estimated to contain twenty thousand acres, a sketch of which has been lately forwarded to you, I have the honor to inform you that the chiefs are willing to alienate the said lands for the sum of Five hundred pounds sterling: but as some considerable time will probably elapse 'ere the purchase can be finally adjusted in consequence of instructions lately received from your office relative to this subject, they are desirous that a deposit of One hundred pounds be paid down as security.

I should strongly recommend the adoption of this line of proceeding in reference to purchases of land made from the Aboriginies, as it tends to allay their natural impatience, whilst it gives them ample assurance of the fulfilment of the contract.

I have, &c.,

GEORGE CLARKE,

The Hon. the Colonial Secretary Chief Protector.

## **No. 8. The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.**

*Sanctioning purchase of land between Manukau and Waikato.* Colonial Secretary's Office, Auckland, 29th August, 1842.

SIR,—

In reply to your letter of the 16th instant, No. 65, in which you state that the Native Chief, Kaihau, is desirous to sell to Her Majesty's Government, a tract of land situate between Manukau and Waikato, estimated to contain thirty thousand acres (30,000) for the sum of (£500), and request that a deposit may be paid to the natives at once, as an assurance of the intention of Government to complete the purchase when the transaction has been finally adjusted; I do myself the honor to acquaint you by direction of the Governor, that the Colonial Treasurer has been instructed to prepare as early as possible for His Excellency's signature a warrant for the sum of fifty pounds (£50), and to impress the same against your name until the purchase has been completed and the deed for the land lodged in this office.

In order to ascertain the boundaries of the contemplated purchase, for insertion in the deed of conveyance, the Surveyor General has been requested to direct a surveyor to accompany Mr. Meurant and the natives over

the land, and to report accordingly.

You will therefore have the goodness to instruct Mr. Meurant to put himself in communication with the officer, whom the Surveyor-General may appoint, in order to arrange the time and mode of carrying this order into execution.

I am further commanded to inform you that any portion of the stipulated payment, which the natives may be disposed to take in goods from the Colonial Store, will be duly issued upon your requisition.

I have, &c.,

WILLOUGHBY SHORTLAND.

The Chief Protector of Aborigines.

## **No. 9. The CHIEF PROTECTOR to Rev. JOHN WHITELEY.**

*Te Karaka Block—Disputes as to Sale of Protector's Office, Auckland, December 7th, 1842.*  
SIR,—

I have the honor to acknowledge the receipt of your's, dated Kawhia, October 8th, 1842, conveying to me information of complaints preferred by Jabez Bunting and his friends against Kaihau and others for illegally disposing of portions of land known by the names of Te Karaka and Ruwaimoko, and in reply beg to acquaint you that Te Karaka has not been purchased by the Government, and is not included in the boundaries of that under engagement of sale by Kaihau. With reference to their remaining disputes, I may state that, prior to the engagements with Kaihau being closed, the Chiefs Weteri and Waata who were present when appealed to by Katipa, of Kaihau's party, acknowledged that the boundaries specified were perfectly correct, so that Jabez's objections appear altogether frivolous.

I have, &c.,

GEORGE CLARKE, Chief Protector Aborigines

John Whiteley, Kawhia.

## **No. 10. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Transmitting Deed of Land, Sold by Ngatiteata. Protector's Office, Auckland, December 9, 1843.*  
SIR,—

I have the honor to forward the enclosed deed with a translation, being a conveyance by Kaihau and others of the Ngatiteata tribe of a certain block of land therein described, situate between Manukau and Waikato, to

Her Majesty's Government.

This purchase has been completed according to the terms authorized in your letter of August 29th, 1842. The land in question appears to have belonged to several tribes. I consider the titles of two of the principal of these claimants, viz., the Ngatiteata and the Ngotiamao, to be extinguished by the accompanying deed, but I question whether that of the Ngatipo is so; as however the consideration given is considerably within the ratio that has been estimated as the cost of land per acre, there will be ample funds in the hands of the Government to meet any other equitable demands that may be made.

There have been several reserves pointed out and guaranteed to the Natives, which it will be necessary to have defined, and it should be clearly understood that all Native cultivations are excluded.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## **No. 11. The CHIEF PROTECTOR to the SURVEYOR-GENERAL.**

*Mr. Meurant to visit Weteri.* Protector's Office, Auckland, 13th December, 1843.

SIR,—

By a communication received from the Colonial Secretary's Office, dated 11th instant, I have been informed that the services of Mr. Meurant have been transferred to your department. In a subsequent communication, however, from the Secretary's office, I am requested to instruct Mr. Meurant to visit Wiremu Weteri to acquaint him that his Excellency will not consent to withdraw from his engagement. But, presuming these directions concerning Mr. Meurant to have been inadvertently forwarded to me, as that gentleman had been previously removed from my department, I do myself the honor to submit the entire clauses to you in order that the wishes of his Excellency may be carried out:—

"I am at the same time to request that you will have the goodness to instruct Mr. Meurant to visit Wiremu Weteri, and apprise him that His Excellency will not consent to his withdrawing from his engagement, and must hold him answerable for any breach of the peace. You will also request Mr. Meurant to communicate with Jabez Bunting, who his Excellency considers may have sufficient influence over his uncle to induce him to remain quiet."

I have, &c.,

GEORGE CLARKE,

The Surveyor-General, &c.

Chief Protector, Aborigines.

## **The Hon. the SURVEYOR GENERAL to the Hon. the COLONIAL SECRETARY.**

*Kahawai Block offered for Sale: 10,000 acres.* Surveyor General's Office, 5th May, 1847.  
SIR,—

I have the honor to report for the information of His Excellency, the Lieutenant-Governor, that Te Wherowhero, Wetere, and Kati, Native Chiefs from Waikato and Manukau, have applied to me to purchase, on the part of Government, a block of land on the south shore of Manukau Harbor, called Kahawai, estimated roughly to contain ten thousand acres, and are anxious to have an answer for which they are waiting in Auckland.

It is bounded on the north and east by Government land.

On the west by a creek of the Manukau, called Wharehono.

On the south by native land.

I understand that the principal reason that induces them to offer the land for sale, is, because it is tapued and useless to the natives, being sacred to them but not to Europeans. The children of Te Wherowhero are buried there, as well as the late Captain Kent, who lived with one of this Chief's daughters.

I have every reason to believe that Katipa, a Chief of Manukau, has claims to the land offered for sale, and he should, I consider, be made a party to the transaction, should His Excellency, the Lieutenant-Governor, approve of purchasing it.

I think it would be a desirable acquisition to the Government, as it abuts on Crown Land, is well situated with reference to the portage between the Manukau and Waikato, and would be some of the first land required if the European population should increase in this neighborhood.

I have, &c.,

C. W. W. LIGAR, Surveyor General.

The Hon. the Colonial Secretary.

## Governor's Minute.

Dr. SINCLAIR,—

I have no objection to a negotiation, for the purchase of this land, being entered into by the Surveyor-General, care being taken that all the native chiefs, having a claim to it, are made parties to the sale.

May 6th, 1847.

G. GREY.

*Manukau—In reference to Mangere.* Orakei, February 12th, 1849. To Te Wherowhero and Governor Sir George Grey.  
Friends!

Mr. Geddes has come to me, saying that his land has been given to Kati. We told him that we had no authority over this matter. We gave the land to Mr. Geddes after his giving us property for it, as a place for him and his heirs for ever. Friends! our hearts are very troubled about this matter.

From your Friend,

TE KEENE.

THE writer is one of the Ngatiwhatua tribe, who sold the land now occupied, or rather laid out as a Native village at Mangere; the real grievance being that the future occupants are to be a tribe or tribes from Waikato, and hence the jealousy of the writer and some of his tribe.

C. W. W. LIGAR.

10th March, 1849,

## **No. 14. The NATIVE INTERPRETER JOHNSON to the SURVEYOR-GENERAL.**

*Manukau—As to Weteri's claim to Mangere.* Native Secretary's Office, 23rd July, 1852.  
SIR,—

In compliance with the directions I received, I saw Te Kauwau and the Ngatiwhatua tribe on the subject of Weteri's claim to the land at Mangere, who stated that he had no recognized right to any part of that district, but that they had originally sprung from a common ancestor; that Weteri did not allow Kauwau any share of the money he got by the sale of land on the south side of Manukau; therefore the, Ngatiwhatua did not admit Weteri's claim to the land on this side; that even Weteri had no claim to Ihumatao, where he now resides, except through him, Te Kauwau, who had been born there, and had always regarded that place as his property; while on the other hand Weteri and his party had been separated from them for generations, and transferred their claims to other parts of the country, on the south side of Manukau, and in Waikato.

He however told me to say, that if the Governor had no objection to allow Weteri Twenty Pounds (£20), or even half that sum, for any claim he might fancy to arise from their having sprung from a common ancestor, that he Te Kauwau, would not raise any objection, although Weteri had never allowed Te Kauwau to participate in the proceeds of the sale of lands elsewhere sold by Weteri and derived from the same ancestor through whom Weteri now claims Mangere.

That recently, during the last survey of Mangere, on hearing of Weteri's claim, he had gone there with Te Wherewhero, and remonstrated with Weteri on his conduct, and that Weteri had then publicly confessed his error and promised to relinquish their claims; but he supposed that Weteri wanted money and was trying it again.

On arriving at Ihumatao, I was informed that neither Epiha nor Weteri were there; but having assembled the Natives of the place and questioned them, I found their statements corroborated that of Te Kauwau. They were unable to point out any particular piece of land claimed by Weteri, but said that Weteri, having sprung from a common ancestor with Te Kauwau had a general claim on all lands sold by Te Kauwau on the north side of Gedde's line, but none on that sold by Mohi to Mr. Jackson; and that if Weteri did not receive a payment, he would drive Major Greenwood off. They were not excited on the subject, and I merely regarded this as a threat to extort a payment.

I have, &c.,

JOHN GRANT JOHNSTON, Interpreter.

The Surveyor-General, &c.

## No. 15. Mr. INTERPRETER JOHNSON to the SURVEYOR-GENERAL.

*Manukau.—Wetere's Claim to Mangere.* Native Secretary's Office, 28th July, 1852.

SIR,—

I have the honor to report that, in accordance with your directions. I again yesterday went to Ihumatao, carrying with me the £25 which Wetere had consented to take on Saturday, but repudiated again on Monday morning, calling at Orakei on the way, where I obtained the assistance of the chief Te Wiremu (the principal owner and seller of the land to Mr. Tinlay) to accompany me, and use his endeavours to stay the proceedings of Wetere.

We first saw Jabez Bunting (Epiha) and his party, who, I was pleased to find, entirely disapproved of the conduct of Wetere, stating that if he committed any overt act he could not expect any of them to assist him. Their words were these:—"Verily we believe him to be mad." With this chief I left the Twenty-five pounds (£25), as he promised to exert himself by every means in his power to make Wetere accept the money. Finding that Wetere had not arrived, I remained at Ihu Matao that night, and this morning saw Waata and the other natives at the pa. The tenor of their remarks were to the same effect as those of Jabez Bunting, that they thought Wetere altogether wrong and were in no way inclined to assist him. I then went to Omarangi, and counselled the Natives there who promised to stand aloof from Wetere: here a few young men shewed a troublesome spirit, but were speedily silenced by the arguments of the Ngatiwhatua chief who accompanied me.

I was at this point just preparing to return when we perceived Wetere carrying a taiaha or long spear in his hand, approaching the premises of Major Greenwood. I immediately crossed the creek towards Major Greenwood's tents with a view of arresting Wetere in his purpose, whereupon he passed by me without making any remark and went across the creek to the Native settlement which I had just left.

We then held a general meeting of the Natives at Omarangi, where they told Wetere openly what they had previously told myself; and further, that he had been quarrelling with all the Natives, and no wonder he now quarrelled with the Europeans; and before leaving, they intimated their intention to me of holding a general meeting to put him down.

Wetere was at first very violent, but gradually relaxed when he found everyone against him. He called the Natives a parcel of slaves, and that he would burn their houses over their heads if they did not take part with him. He cited the conduct of Heke and Rangihaeata, and said, "Look what they have done, and still they have not been destroyed," and that he would follow their example. After a very lengthened discussion between Wetere and the Natives, in which he declared himself firm to his purpose, I returned; the Natives assuring me that Wetere dare not so far outrage public opinion as to commit any aggression at present.

On my way home I passed through Major Greenwood's premises, and told his overseer that perhaps Wetere might come over and threaten them; that if he did so, he would most probably be single handed, and that their best plan was to allow him to talk, and go on with their work without taking any notice of him.

I have, &c.,

JOHN GRANT JOHNSON, Interpreter.

The Surveyor-General, &c.

## No. 16. Mr. INTERPRETER JOHNSON to the SURVEYOR GENERAL.

*Manukau.—Native claims at Mangere.* Native Secretary's Office, 9th August, 1852.  
SIR,—

I have the honor to report to you that not finding Te Whero Whero at Mangere, I followed him to the Big Muddy Creek on the Manukau, where he was engaged in cutting out a monster canoe wherein to carry away the remains to Waikato of the Chief Kati, interred at Mangere.

On communicating to him the purport of my visit, and after having read the letter from the Native Secretary, he expressed himself satisfied. He said "he was aware that some of the natives had endeavored to make difficulties with a view of inducing him to leave Mangere, but that their schemes would be of no avail as he was determined not to relinquish that place on account of remarks made by any of the natives; but that if the Government had wished him he would have left it at once." I explained to him that the matter would now be set at rest by his receiving a Crown Grant, by which his possession would be similar to that of the Europeans to their lands: at which the chief and the rest of the tribe seemed greatly pleased.

Te Whero Whero stated that he had always been, and intended to be, a staunch friend to the Government; that he carried the weight of the principal chiefs in the country with him, who were all firm in their adherence to the Queen; and that while such was the case, nothing was to be apprehended from men like Wetere, who was one of themselves, but whose conduct was so unreasonable that none of them would support him. He further observed that the agitation which had been raised about lands had for its sole object the extortion of money, on the part of people who had either participated formerly in the payment of the same lands they now claimed, or whose indirect connection with the owners of the lands was so remote as not to constitute a valid claim at all, and ought to be treated by the Government with indifference. He did not, however, think they would persevere because their party was so small compared with the great body of the natives, that if they did so, they would inevitably meet with disaster.

He also intimated his intention of embodying in writing, for His Excellency's information, the names of the chiefs and tribes over whom his influence extends, who would respond to his call and who were firmly united to support himself and the Government, and finally, that if anything was going forward amongst the natives of sufficient importance to claim the attention of Government, he would not fail to give the earliest authentic information.

I have, &c.,

JOHN GRANT JOHNSON, Interpreter.

C. W. Ligar, Esq., Surveyor General.

## **WAATA KUKUTAI, to HIS EXCELLENCY the LIEUTENANT-GOVERNOR.**

*Manukau.—Offering to sell Te Awaroa and other places.* Waikato, 4th November, 1852.>  
FRIEND THE GOVERNOR,—

Salutations to you! Friend, the following are our words to you, that you may be informed, concerning our land, named Paetawa, Whakapapa, Te Waihoroi kiore, Awaroa, for all that piece—for Taki Nikau—which is being stolen by Ngatiteata. Therefore we are concerned about the stealthy work of Te Katipa regarding our land. We know that his work is a wrong work, his work by stealth. Now we beg to inform you that we are willing to give up these large pieces of land to you; and, if you approve, write it in a letter to us. Now this is another word we have for you. Should the Ngatiteata arrive to speak with you concerning these lands, do not attend to them, to their speech. They are stealing our land. Beware of that man, Katipa; he is a thief. Do not give away your goods for nothing. If a European steals property or money, is he not judged for his misdeeds,

for his theft? Is not that your law? Be aware that the following are the names of the chiefs of the Ngatitipa, the owners of the land, viz., Eruete, Hura Makape, Matenga, Hohepa, Po, Arama Karaka, Niui, Terawhiti, Mohi, Ruka, Paua, Paeturi, Ruihana, Pakanae, Te Kawhena. Thus you see what a number of chiefs there are of Ngatitipa; twenty chiefs, to whom the land belongs. That is all.

From, &c.,

WAATA KUKUTAI.

## Memorandum.

The lands alluded to in this letter are on the east side of Waiuku, and include Foley's claim, the circumstances connected with which are mentioned in my report, dated November, 1851, on claims at Waiuku. As far as I can learn, the writer's claims are valid, and as they are a party who have always opposed the sale of land to the Europeans, but have now come forward to offer land for sale, it would be attended with good effect, if a purchase were made from them, absorbing the claim of Foley, of which a portion has been sold to Mr. Codlin, provided they can settle with Katipa. The land offered is very desirable.

JOHN G. JOHNSON, Interpreter.  
8th November, 1852.

## Memorandum.

The land is adjoining the village lately laid out at Waiuku, and part of this land has already been sold to a settler named Codlin. This land was originally sold by the Chief Katipa, but the writer of this letter, by name Ruihana, one of the most turbulent chiefs of the Waikato district, disputes this sale, and, I understand, brought upwards of 100 men to Codlin's place, and cut down part of his fence.

C. L. NUGENT, Native Secretary.  
10th November, 1852.

This must be referred to the Surveyor-General for a report.

R. H. W., Lieutenant-Governor.  
27th November, 1852.

## Report.

Any land offered for sale in the vicinity of the Awaroa, should, I think, be bought. To accept of this offer would, as Mr. Johnson states, absorb a claim preferred by the Ngatitipa upon a part of Foley's claim, and finally settle that question. When Katipa failed to wrest a part of Foley's claim from the Government by his misrepresentations, he thought of throwing it into the land claimed by the party who have written this letter. If a quiet title can be procured for any or all of the land remaining in that district, it is desirable. When Mr. Johnson goes to Rama Rama, he might be authorized to negotiate for this land.

C. W. W. LIGAR, Surveyor General. 7th December, 1852. Approved, as suggested by  
the Surveyor-General, if Mr. Johnson can be spared.

R. H. W., Lieutenant-Governor.  
13th December, 1852.



*Manukau—Respecting the Waiuku Block.* Native Secretary's Office, 1st January, 1853.  
SIR,—

I have the honor to report that after having settled the limits of the Rama Rama purchase, I proceeded to negotiate for the land in the district of Waiuku offered by the Ngatitipa, as directed in the Hon. the Colonial Secretary's B.C. 52/1265.

I found that this block was the joint property of the Ngatitipa, the Ngatitahinga, the Ngatitamaoho, and the Ngatitehinga tribes, or in other words that these four tribes had all claims on the land. The three former of whom unanimously agreed to dispose of it to the Crown, but the sale was opposed by Katipa, Chief of Ngatiteata as will be seen by the enclosed letter which I received from Te Katipa, which I beg to forward with a copy of the answer I returned to that Chief.

To have rejected the offer on this account would have given offence to the three first mentioned tribes, who are the acknowledged proprietors; I therefore thought it most prudent to bring about an amicable understanding between them and Te Katipa before I either decidedly accepted or rejected their offer, and having obtained the consent of the other tribes to allow Katipa to participate in the sale and receive a share of the payment, which I am given to understand is what he in reality wants. I employed a Chief named Karaka, who acts as a neutral negotiator and peace maker in all the Native differences in the Waikato river, to settle this difficulty before proceeding to mark the land or take further steps in the matter, and I feel confident that from these measures, his consent will be fully obtained in a few days.

## State of Lower Waikato.

This block of land is of first rate quality, and considerable in size. These tribes whom I visited on the Waikato appeared satisfied, and warm in their expressions of attachment to the Government, and all along the river their crops of wheat were flourishing and large in extent compared with those of former years.

I also beg to transmit a letter from the Chief of Ngatitipa to His Excellency on this subject.

I have, &c.,

JOHN GRANT JOHNSON, Interpreter.

The Native Secretary, &c.

## Mr. INTERPRETER JOHNSON to the SURVEYOR-GENERAL.

*Manukau.—Pukekohe Block.* Auckland, 7th May, 1853.  
SIR,—

I have the honor to enclose for your information the result of my enquiries relative to the disputed portion of Pukekohe, and request information as to what further steps I am to take in the matter.

I have, &c.,

JOHN G. JOHNSON, Interpreter.

## Memorandum.

*Purchased from Ngatiteata in 1842.*

Pukekohe was offered for sale by Waaka Kaihau and the Ngatiteata, in August, 1842, and payments in cash and goods were made to that tribe to the amount of £320.

This purchase was immediately opposed by the Ngatitamaoho, the Ngatimahanga and the Ngatihaua, who espoused the cause of their relations Mohi and tribe, (the present claimants) whose ancestor Te Whare Aitu was the most recent owner of Pukekohe, for although the block could not have been acquired without extinguishing the claims of the Ngatiteata, the testimony of all the principal natives in the country goes to support Mohi as the party having the strongest claim. A continued opposition was maintained by Mohi's party until the close of the year, 1852, when Mohi's supporters, the Ngatitamaoho, proposed to give a great feast to the chiefs of Waikato, and to make large presents to them, which presents were to be procured by the sale to Government of two tracts of land, viz., Ramarama and Waiau. The sale of these lands was, however, opposed by the Ngatiteata, and mutual concessions were made between the two parties, the Ngatiteata withdrawing their opposition from Ramarama and Waiau, on the understanding that the other party were to withdraw their claims from Pukekohe: with a proviso that a share of the remaining payment should be made to satisfy Mohi's claim.

These engagements were entered into in writing, by both parties by the document, a translated copy of which is annexed.

The Ngatiteata then received a further payment of £100: and at the Remuera feast the above arrangements were finally completed by a payment of six casks of tobacco to Mohi, which was distributed amongst his supporters.

These facts are all admitted by the natives.

From the perusal of the foregoing it will be seen that Mohi, though the principal owner, has actually received a very small payment for this land: and in consideration of these circumstances the Government have offered him and his adherents £200 in satisfaction of all their claims: but as they have been sellers of small pieces of land under the pre-emption proclamation for considerable prices, which they seem to regard as the standard value of land, they will not consent to the terms offered them.

JOHN GRANT JOHNSON, Interpreter.

*Manukau.—Respecting Purchase of Maro-o-Hinewai Block.* Native Secretary's Office, 14th May, 1853.  
SIR,—

I have the honor to report that, in accordance with the Surveyor-General's instructions, I proceeded on the 11th instant to Tuimata and assembled the natives, who offered the Maro-o-Hinewai for sale, and obtained the consent of the three parties concerned—Pepene, for the Papakura tribe; Te Nga, for those of Maketu; and Haimona, for the resident natives of Tuimata, as well as the Ngatiteata, to whom they are related.

## Boundaries.

We then perambulated the boundaries which are defined, being situated between the Government blocks of Ramarama and Pukekohe, and which I have more particularly described in the Land Purchase Book at the office of the Surveyor-General, and containing about Three thousand (3,000) acres, more or less.

I have not been able to fix a price with the natives. They demand Three hundred (£300), but I think they may be induced to accept £250. I have arranged with them to meet at the Survey Office, on Monday next, to complete the sale.

I have, &c.,

JOHN GRANT JOHNSON.

The Native Secretary, &c.

*Manukau.—Respecting Pukekohe and other Blocks.* Native Secretary's Office, 14th June, 1853.  
SIR,—

I have the honor to report to you that, after having marked the boundaries and negotiated for the tract of land called Tirikohua, as detailed in my letter of the 2nd instant, I determined the boundaries of the Pukekohe purchase on the Waikato side, the extreme end of which place I found occupied by the Ngatikarewa tribe (a branch of the Ngatipo tribe), and arranged with them to meet me in Auckland on the 20th instant, to settle on the amount of payment they would take for the final adjustment of their claims.

## Pukekohe.

This tribe now assert their right to the south side of Pukekohe, independently of Moses, and as they do not appear to have been parties to the former sale, I would respectfully suggest, for the consideration of the Government, the propriety of liquidating their claims, in conjunction with those of the Aketai, by a payment not exceeding an equivalent amount to that formerly paid to the Ngatiteata for the reasons stated in the enclosed memo on the Pukekohe purchase, and the claims thereon. I have subsequently received an offer of a valuable tract of country lying between Tirikohua and Tuakau. The demands of the owners have been as yet too extravagant to be acceded to, but should the Government be pleased to order me to proceed in the negotiations for this tract, I entertain no doubt of being able to curtail their demands to a reasonable amount; and should this be accomplished, and the purchase completed, it would have the effect of confining the Tuakau natives to a reserve (not excessive in quantity) to the land they actually require, and to concentrate their energies in the agricultural pursuits in which they are now embarking in conjunction with the new flour mill in course of erection at Tuakau.

On the 4th instant, I proceeded to Te Puni, and met the native claimants, Epiha and Pera, on the ground; and in conjunction with them marked the boundaries of the block—commencing at the Roto and extending to the Waikato—obtaining an extension of the original boundary from them of several thousand acres, as delineated on the enclosed sketch, the extent of the whole being Eight thousand (8,000) or 9,000 acres. This part of the country is not of so available a character as that about Tuakau, being more hilly and broken, in consideration of which I beg to suggest that a sum not exceeding £175 would be just and reasonable satisfaction for these claimants to this tract.

Having performed the foregoing part of my instructions, I next proceeded up the Waikato with Haimona Paetae and others, to mark the boundaries of the land lately sold by him and the Chief Wetere, known as Mataheka. On arrival there we found that a feast had just taken place at Whangamarino, at which a large number of the Waikato natives were present under the Te Wharepu, and fierce discussions had occurred relative to the disputes among them about Waerenga (a large tract of country extending from the Waikari lake to the Thames).

The chiefs had, at this meeting, unanimously determined to lay a tapu on the whole of this district, extending from Mangatawhiri on the west side to the frith of the Thames, for the purpose of preventing any of the individual members of the tribe selling any portion of this country, as they think that individual natives assert urgent claims for land for the purpose of obtaining them for sale. They assemble to meet us to the number of 200 or 300 men, and appeared very firm in their purpose; so much so, that I think any attempt at present to acquire this tract would not be attended with success, and only tend to foment their quarrels amongst themselves, which are now assuming a serious aspect. Te Whero Whero is at present in Waikato, endeavoring to obtain from the Ngatihaua a recognition of his claim to Waerenga; and has stated that should the adverse party persevere in its pretensions, he will sanction an appeal to arms in the coming summer. Under these

circumstances I deemed it prudent not to urge the point with reference to Mataheka, but to suggest that the Chief Weteri be requested to return the instalment of £80 which he has received, until the excitement amongst the natives in this part of the country has subsided. Weteri does not, however, appear to be to blame in the matter, as the opposing party acknowledged his right to certain parts of Mataheka—although they would not allow the compact which had been entered into by all the chiefs to be broken.

Having performed the duties directed in the instructions I have received up to this date, I left Waikato on the 10th, and returned to Auckland *via* the Thames on the 13th instant.

I have, &c.,

JOHN GRANT JOHNSON, Interpreter.

The Native Secretary, Auckland.

*Manukau—Respecting Claims of Ihaka to Oruarangi.* Land Purchase Department, Auckland, 1st November, 1854.

ANNEXED is Mr. Johnson's report in reference to an application of a native by the name of Ihaka, for a piece of land at Mangere, forwarded to this office by the Native Secretary (Major Nugent), October, 1854.

H. T. KEMP.

The land alluded to is Oruarangi, a small patch about seventy acres in extent, to the West of Mangere farms, and separated by a creek bearing that name from the native reserve at Ihumatao, to which it may be said to be contiguous, and to form a part. Jabez and Weteri claimed it in common with the writer, but it having been sold to Geddes by the Ngatiwhatua, the real owners, it reverted to the Crown when it took possession of the surplus of the Geddes-Imlay claim. The Surveyor-General allowed the natives I have mentioned to occupy it as an act of grace—it being expedient to do so—during the troubles that took place on the location of Mangere in 1851; and I recommended him not to purchase their claims over it. I have heard—but I cannot vouch for the truth of the report—that private Europeans have given Weteri, &c., a *douceur* to let it fall again into the hands of Government.

The Ngatiwhatua would not like a payment being made on account of this land; but if Mr. Ligar has done anything more about it, it has been done while I have been at the North, and I have no cognizance of the same.

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner.

Donald McLean, Esq., &c.

**No. 23. Mr. COMMISSIONER KEMP (Acting for the Chief Commissioner) to the Hon. the COLONIAL SECRETARY.**

*Waiuku.—Has paid the Sum of £1,500 on account of that Block.* Land Purchase Department, Auckland, 14th November, 1854.

SIR,—

I have the honor to report for the information of His Excellency the Officer Administering the Government, that, with a view to carrying out arrangements which had been entered into by Mr. Commissioner McLean for the extinguishment of a number of native claims to the Waiuku Block, the sum of Fifteen hundred pounds (£1,500) has been paid to them under the following circumstances.

On the day before Mr. McLean's departure for the South, it was understood that the Native tribes to whom I now refer were willing to accept a sum of Twelve hundred pounds (£1,200) for the extinction of their claims; but, on the succeeding day, fresh demands were made by them, and to a very much larger amount.

As an important claim had since arisen made by a Native chief named Epiha or Jabez, and the sum of Fifty pounds having been formerly promised to him by the Surveyor-General if he would surrender that claim, aware also that the Waiuku Block was much needed for the Province, and feeling, moreover, convinced, from the disposition evinced during the discussion, that so large a body of the Natives interested in the sale of this land could not soon again be brought together, and, if brought together, that the sum which they would now be induced to take would at any future time be rejected, the sum above mentioned, which appeared to be fair and reasonable, and sufficient to meet the different claims, was accepted by them, a deed having been duly executed and signed on the 11th inst., a translation of which shall be forwarded without delay. The reserves in the Waiuku Block have been all parambulated by Mr. White, in the presence of the Natives, and the surveyor, Mr. Ormsby, who has been engaged for some time in laying off the boundaries of the block, and of the Native reserves, which are not, however, quite finished. It would be very desirable, indeed, if His Excellency would be pleased So cause instructions to be sent to Mr. Ormsby to hasten the completion of the surveys of the reserves, in order that the block might, as soon as possible afterwards, be opened up for selection.

Mr. White, who has been chiefly employed in carrying out the details preparatory to the payments for the block, would be ready, as he has always been, to assist the surveyor, in the event of any difficulty arising. As this is a point of some importance, to be carried out by the surveyor as early as possible, I would venture to recommend it for His Excellency's consideration and approval.

I have, &c.,

H. T. KEMP, Native Secretary.

The Hon. the Colonial Secretary, Auckland.

## **No. 24. The CHIEF COMMISSIONER to the NATIVE SECRETARY, Auckland.**

*Waiuku.—Approval of preliminary steps taken.* Land Commissioner's Office, Wellington, 5th February, 1855.  
SIR,—

In reference to your letter to the Colonial Secretary of the 14th November last, reporting that you had paid the Natives the sum of £1,500 for the Waiuku Block, I have the honor to acquaint you that I entirely concur in the course which has been adopted by you as detailed in the above mentioned letter.

With regard to Epiha's claim for £50 on account of this land, it appears to me that, under the circumstances, and seeing that the sum had been previously promised by the Surveyor-General, the payment by you was perfectly right. At the same time, his father Wetere having taken part in the whole proceedings and received his full share of the purchase money, this claim of Epiha's has, in my opinion, no just foundation; and considering Mr. John White's intimate acquaintance with the Ngatitamahoho party, it is to be regretted that he did not interfere to prevent what I cannot help looking upon as an imposition on the part of Epiha.

If Mr. Ormsby is unable to conduct the survey of the Waiuku Block with sufficient rapidity to ensure its

speedy preparation for settlement, the services of Major Russell should be made available to hasten its completion.

So soon as Mr. White and the surveyor can certify to you that the exterior boundaries and native reserves have been accurately surveyed, and that a plan is prepared to accompany your report, I would suggest that no time should be lost in having the land in question, in as far as this Department is concerned, thrown open for immediate occupation by the settlers.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

H. T. Kemp, Esq., Native Secretary, Auckland.

*Manukau.—Claims of Wetere on Major Greenwood's Property arranged for.* Land Purchase Department, Auckland, 12th June, 1855.  
SIR,—

I have the honor to report to you for the information of His Excellency the Officer Administering the Government, that I have visited Major Greenwood's farm, near Mangere, to enquire into and adjust the claims of the Native Chief Wetere to certain lands that have been disposed of by the Crown in that vicinity.

The land respecting which a difference took place between Major Greenwood's overseer and Wetere forms a portion of about 69 acres at a place called Oruarangi which Wetere and his people have had under cultivation for years. I can find no evidence that Wetere was ever paid for this land. He always objected to the sale of it by Te Tawa, a chief of the Ngatiwhatua tribe. He has been offered payment, and I believe he has accepted some remuneration for a portion of Major Greenwood's property, but this particular spot and other portions of land, comprising altogether his conjoint interest with Te Tawa, to about One thousand two hundred acres in the places specified in a receipt herewith enclosed, has never been alienated by him.

Under these circumstances I deemed it advisable to pay this chief a sum of Sixty pounds (£60) for his claims to the land above alluded to, and I hope that His Excellency will be pleased to approve of this expenditure.

I have, &c.,

DONALD MCLEAN, Principal Commissioner.

The Hon. the Colonial Secretary, &c., &c., &c.

Approved—R. H. W. 14th June, 1855.

Referred to the Attorney-General to know whether the conveyance is sufficient.

A. SINCLAIR.

14th June, 1855.

The document referred to is not a conveyance in the legal signification of that term, but it appears to be explicit that Wetere gives up all claim to the land, and would, I apprehend, be deemed by the Natives sufficient to effect that purpose, or Mr. McLean, I presume, would not have taken it.

FREDERICK WHITAKER, Acting Attorney-General.  
18th June, 1855.

## No. 26. MEMORANDUM.

### *Purchase of Ihaka's rights on Great South Road.*

THE native chief, Ihaka Takanini, of Papakura, who claims the land through which the Great South Road passes, is now in town; and it is most desirable that a treaty should at once be entered into with him to purchase the land through which the road is to go, in order that there may be no obstacle to the formation of this road, which has been stopped for several months, in consequence of the opposition of the natives to a road being made through their land.

The quantity of land required from Ihaka for this road is about ten acres.

It is also desirable that a right of road should be acquired from this chief for the Karaka road, and that a piece of five acres for a ferry reserve on the south side of the Karaka river should be purchased.

The Provincial authorities have frequently expressed a desire to have these questions settled; hitherto this chief has declined to accept anything like reasonable terms. I believe now that these questions can be arranged for a sum of eighty pounds if the matter is settled at once, but, if delayed, double the sum may be requisite. I therefore respectfully submit that this case should be settled to-day if possible.

DONALD MCLEAN, Chief Commissioner.

Approved—T. G. B.

September 23rd, 1856.

## The CHIEF COMMISSIONER to Mr. COMMISSIONER JOHNSON.

*Pukekohe—To define the boundary of a Native Reserve.* Land Commissioner's Office, February 3rd, 1857.  
SIR,—

I have the honor to request that you will proceed to define the boundary of the Native Reserve in the Pukekohe Block.

The fact of your having been engaged in negotiating the purchase of the Pukekohe points you out as the best qualified of the officers of this Department to undertake the duty. In making the Pukekohe purchase, a large portion was set apart as a Native Reserve, the exact boundaries of which were not defined at the time, nor has anything been subsequently done to settle this question.

Land in that locality is now becoming very valuable; and, from what I can learn, several portions of the reserve have been alienated to Europeans, a circumstance which must give rise to difficulties and litigations, unless the question is definitely arranged without further delay.

It will be, of course, your duty to observe strictly the terms of the contract entered into between the Government and the Natives for the cession of the Pukekohe Block, and to assure the Natives an equal quantity of waste land to what you may now be able to induce them to relinquish, in order that the Government may fulfil its engagement with the European purchasers who have selected portions of this reserve.

The Provincial Government are sending a surveyor to accompany you on this service, and it is essential that the boundaries may now be so clearly defined in the presence of the Natives that no future disputes may arise out of this purchase.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

J. G. Johnson, Esq., J.P.,  
District Commissioner, Whangarei.

## Enclosure. AGREEMENT RESPECTING RESERVE IN PUKEKOHE BLOCK.

Ko te whakaaetanga tenei o Ihaka, o Mohi, o Hone Te Muhu, o Te Pepene te Tihi, o Te Akitai katoa, mo Pukekohe, kia whakaotia rawatia ta ratou paanga ki taua whenua. Ko ona rohe enei. Ka timata ki te Pou o Rangiwhiri, haere tonu i runga i te raina o te Bailey, Ngapuketurua, Puketarakihia, tomo noa ki te ngahere, haere tonu ki Tutaenui,—ka nawe ki te hauauru i runga i te rohe o Tutaenui, a haere tonu atu ki runga i te kaha hauraro o Tirikohua ki te rua o nga poka, ka tapahi ki te hauauru ki te raina e tika mai i te Ahua-a-te-ruarangi i Manukau i te ara roa ki Waikato; ka tukua rawatia ki a Te Kuini o Ingarangi, ki ona uri i muri i a ia, ake, ake. Koia tenei whakaaetanga i tuhituhia ai—ki tenei ra—ki te tekau ma whitu o nga ra o Hune i te tau 1853.

Heoi ano nga wahi e kapea mo matou i roto i enei rohe kua oti te korero—ko te wahi ki te tino Pukekohe i huaia Te Awanui o Taikehu, koia tenei ka porotakaia i roto i te whakaahua ki te taha ki tua o tenei pukapuka. Ko te utu ki a matou, e whakaaetia ai enei tikanga—kia Rua rau pauna, e homai ana ki roto i o matou ringaringa, i tenei ra i te 17 o nga ra o Hune; 1853.

IHAKA TAKAANINI, TE  
RAIHI, HONE TE MUHU.

He mea whakaae ki te aroaro o PATRICK J.  
HOGAN, AHIPENE WAKA KAIHAU, JOHN GRANT JOHNSON, Interpreter.

## Translation.

Pukekohe.

This agreement, entered into by Moses, Hone te Muhu, Pepene te Tihi, and all the Akitai Tribe, being the final settlement and giving up of all right and title to Pukekohe, or claim thereto whatsoever; the following being the boundaries agreed to:—Beginning at the post at Rangiwhiri, and going on in the line of Mr. Bailey on Ngapuketurua and Puketarakihia, entering [*unclear*: the orest] and on to Tutaenui, then going in a westerly direction until it cuts the northern boundary of Tirikohua, to the second hole, then going on to the West, entering the line coming from Ahu a te Ruarangi at the Manukau to the long road to Waikato,—is given up to the Queen of England and her heirs for ever: for this reason this agreement has been entered into on this the seventeenth day of June, in the year 1853.

That portion of Pukekohe called Te Awa nui o Taikehu is reserved for us, and is encircled by a line on the plan annexed. The payment to us for our consenting to these terms (above specified) is Two hundred pounds, now given into our hands, on this the seventeenth day of June, in the year 1853.

IHAKA TAKAANINI, TE  
RAIHI, HONE TE MUHU.

Agreement signed in the presence of PATRICK J.  
HOGAN, AHIPENE WAKA KAIHAU, JOHN GRANT JOHNSON, Interpreter.

A true translation. JOHN WHITE,  
Interpreter.



## No. 28. The CHIEF COMMISSIONER to Mr. COMMISSIONER SEARANCKE.

*Waiuku.—Blocks to be Surveyed.* Land Commissioner's Office, Auckland, 7th February, 1857.  
SIR,—

I have the honor to request that you will proceed at your earliest convenience to Waiuku and place yourself in communication with the Native Chiefs, Katipa and Ahipene, relative to the survey of certain blocks of land in the Manukau district, *i.e.*, Kawakawa, Kai o te manu, Kaihau, Tukiororangi, Kaihau, Opoia, Matakairau, and Taitomo, on which instalments have already been paid by the Government, the extent and eligibility of which it is now necessary to define, in order that the several purchases may be completed.

From your own experience in the performance of the duties now assigned to you, it will not be necessary for me to issue detailed instructions. It will, however, be of primary importance that the boundaries should be clearly and unmistakeably defined; and the reserves, where they occur, should be carefully laid off in the presence of the Natives concerned in the sale, so that any future difficulties or disputes connected therewith may be prevented, and the final cession of the land amicably obtained.

The Chiefs Arama Karaka and Wetere have a claim to some portion of these blocks, and may express a wish to accompany you in the preambulation of the boundaries. But inasmuch as Te Katipa has hitherto been the principal party concerned in the preliminary negotiations you will be good enough to consider him as the individual representing the vendors, and secure either his own attendance and co-operation or that of any of his tribe he may depute to accompany you.

Should you be able, in any of the blocks referred to, to select an eligible reserve of 500 acres, which may at some future time be conveyed to Te Katipa by a grant from the Crown, I must request you to mark it off with other reserves selected by the Natives or stipulated for by the conditions of the Deed of Sale, taking care however to refer the same to me, for the information of the Government, and not by any means intimating to that Chief, the purpose for which it is intended.

The enclosed copies of Deeds and Receipts, which you will be good enough to return when no longer required, will put you in possession of all necessary information relative to the boundaries, conditions, and reserves in each several purchase.

The arrangements as to the further cash payments that it may be necessary to make to the Natives for those blocks cannot, of course, be decided upon until the surveys are completed, when the Government will be in a better position to decide upon the amount to be paid to the vendors for the final surrender of their claims.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

W. N. Searancke, Esq., Government Surveyor.

## No. 29. W. N. SEARANCKE, Esq., to the CHIEF COMMISSIONER.

*Manukau.—Reporting on Blocks recently surveyed.* Auckland, 8th June, 1857.  
SIR,—

Having concluded the survey and plan of the different blocks of land included in the South Head of Manukau, I have the honor to remark on them as follows: that it will be advisable on account of the numerous payments made on different portions, the boundaries of which are very complicated, and in order that the remaining sums due on the land be as widely and fairly diffused as possible, to divide this land into four parts or blocks; three on which money has been paid, and one on which no money has been paid.

No. 1 block, Eight thousand five hundred acres (8,500 acres), includes Te Mako, Te Ngaio, Kaihau, Te Tuhionorangi, Kaiotemanu, and the Kawakawa, minor blocks; on all of which money has been advanced, in various sums, to the amount of £430 (Four hundred and thirty pounds). The Rev. Mr. Hamlin holds a Crown Grant for Five hundred acres, (500 acres) included in this block. The sum I would recommend as payment for this land is 1s 6d. (One shilling and sixpence) per acre, *i.e.*, £666 13s., deducting payment made of £430, leaving the sum of £236 13s. for distribution among the numerous claimants, which I propose to apportion thus:—

The block is nearly equally divided into timber and fern. Kauri is large and abundant, but difficult to get at, from the roughness of the fern land (on the East side,) which is poor, broken and bleak. On the West Coast the land is good quality, with abundance of Puriri timber. No. 2, joining to No. 1, is the Tatangarau Block, Two thousand seven hundred and sixty acres. On this no payment has yet been made. For this I propose to pay at the rate of One shilling and sixpence (1s. 6d.) per acre, amounting to Two hundred and seven pounds (£207.) This I would recommend to be paid to the Ngatihuiarau tribe, of whom the principal owners of this block are, Te Huatau, Penekuki, Hone Mangaia, Ihaia, and Raniera. This block is nearly all timber, kauri of the finest description. The valley of the Tatangarau is formed of the richest soil, with detached pieces of timber and bush.

No. 3 block of Six thousand two hundred and nineteen acres (6,219 acres), includes Kaitara-Kokoreke and the Oharau Blocks, on which payments have been made in various sums to the amount of (£225) Two hundred and twenty-five pounds, and is detached from No. 2 block by a reserve of about Three thousand five hundred acres (3,500 acres), known by the name of the Wharau reserve. The Rev. Mr. Hamlin holds a Crown Grant for Five hundred acres (500 acres) in this block. The sum I would recommend as payment for this land is One shilling and eight pence (1s. 8d.) per acre.

—This sum is left for distribution among the claimants, who in this block are more numerous than in any other, and more conflicting.

This block may be divided into Fern and stunted Manuka, Three thousand five, hundred acres (3,500 acres); Kauri and Puriri timber, Five hundred acres (500 acres); bush, Eight hundred acres (800 acres); and sandhills covered with a Pohutukawa scrub, Seven hundred acres (700 acres). The Fern and Manuka is the greater portion of a poor and sterile soil. The timber land is rich and covered with very fine timber, easy of access by cart from Manukau Harbour. The bush land is also of rich quality. The sand hills are covered with Pohutukawa trees and Toetoe, but no soil fit for cultivation.

No. 4 block, Opoia, One thousand and four acres (1004 acres); one payment of (£35) Thirty-five pounds has been made on this block, of which (800 acres) Eight hundred acres is poor fern land, and Two hundred and four acres (204 acres) of bush, rich soil, but no heavy timber, along narrow strips of land intersected down the middle by a deep swamp; is separated from No. 3 by lands belonging to the Natives. This land I propose to pay for at the rate of One shilling and sixpence per acre.

—of which sum I propose to give to the original seller, Aihepene, £5 9s., and to Te Warihi, the owner of the portion of the land lately added to the original purchase, £35. In addition I beg to say that it will be necessary in a great measure to be guided in the settling of the payments due on this land by the different owners of the land.

I have, &c.,

WILLIAM N. SEARANCE.

Donald McLean, Esq., Chief Commissioner, Auckland.

## The Assistant NATIVE SECRETARY (acting for the

# Chief Commissioner) to Mr. COMMISSIONER JOHNSON.

*Pukekohe—To Report on claims of Ihaka and Mohi.* Land Commissioner's Office, Auckland, August 1st, 1857.  
SIR,—

I have the honor, by direction of His Excellency, to transmit copy of a letter addressed to him by the Chief Mohi upon the subject of the Pukekohe reserve.

Not finding in this office any report of your proceedings taken upon the Instructions addressed to you on the subject by the Chief Commissioner, and dated February 3rd, 1857, I have been unable to reply to a statement made by the Chief Mohi, to the effect that when the Pukekohe reserve was marked off by the surveyor who accompanied you for that purpose in February last, neither he nor any of the other Natives concerned were present, and that they do not accept the boundaries as there cut. His Excellency has therefore directed me to request that you will report fully upon this subject.

I have, &c.,

THOS. H. SMITH, For the Chief Commissioner.

J. G. Johnson, Esq., District Commissioner, Whangarei.

## CHIEF MOHI to the GOVERNOR.

Hurae, 17 o nga ra, 1857.  
E HOE E TE KAWANA,—

Tena koe. E mea ana matou ki nga Pakeha e noho ana ki runga ki to matou whenua ki Pukekohe, mau te tihanga kia neke atu nga Pakeha ki to te Kuini wahi. Ko matou e haere ana ki te mahi i taua wahi; ko te toru tenei o nga pukapuka ki a koutou. Heoi ano.

Na MOHI.

Ki a Te Kawana, Kei Akarana.

## Translation.

July 17th, 1857.  
FRIEND THE GOVERNOR,—

Salutations to you. What we have to say concerns the Europeans who are residing on Pukekohe; it will be for you to cause those Europeans to move on to the Queen's part. It is our intention to go and work that place. This is the third letter we have sent to you.

From MOHI.

To His Excellency the Governor.

## CHIEF MOHI AND IHAKA to the GOVERNOR.

Hurae 28 1857.

E HOA E TE KAWANA,—

Tena koe. Tenei ano ta matou kupu ki a koe, kia rongo mai koe. E mea ana matou ki nga Pakeha e noho ana ki runga i to matou whenua i Pukekohe; e mea ana matou mau te kupu ki nga Pakeha kia whakahokia ki runga ki to te Kuini wahi whenua, no te mea he kainga pumau tenei mo matou, mo a matou tamariki ta te mea ko to matou kainga pumau tenei mo a matou tamariki ake, ake, ake. Heoi ano.

Na matou katoa ki a koe.

Na MOHI, Na IHAKA.

Ki a Te Kawana, Kei Akarana.

## Translation.

July 28, 1857.

FRIEND THE GOVERNOR,,—

Salutations to you. This is our word to you. Do you listen with respect to those Europeans who are residing on our land at Pukekohe. We think that you should send word to those Europeans to return on to the part belonging to the Queen, because we wish to retain the land in question as a permanent place for our children for ever. This is all.

From the whole of us.

From MOHI and IHAKA.

To His Excellency Governor Browne.

## No. 31.Mr. COMMISSIONER JOHNSON to the ASSISTANT NATIVE SECRETARY (acting for the Chief Commissioner.)

1857.  
SIR,—

I have the honor to acknowledge the receipt of your letter of the 1st instant, on the matter of the Native Reserve at Pukekohe, requesting, by His Excellency's direction, that I would report fully on the same.

In complying with your request, I would remark that the subject does not appear from your letter to be clearly understood. It is still unsettled, and the survey which has been completed can only be regarded as a preliminary step to its settlement. No terms have, as yet, been made with the Natives concerning the portions of their Reserve which had been sold under George Grey's Regulations previously to the matter having been referred to this Department for adjustment.

The course I adopted, which Mr. McLean also approved, was to survey the Reserve, circumventing the portions sold by the Government, so that when the survey was finished and a plan produced, we might see the actual extent of the Native land which had been erroneously sold, and what the difficulties were which had to be adjusted with the Natives.

I sent word to Moses and Isaac, when I was proceeding to the ground with the surveyor, and requested them to meet me there, but they did not make their appearance. (I think I afterwards heard that they were absent at a feast on a visit to their friends somewhere, and perhaps did not receive my message). The contract surveyor was waiting with his party to commence work, and I myself had no time to spare, my presence then being urgently required in my own district, whither I returned immediately after having pointed out the locality and explained to the surveyor what was required to be done. I did not hesitate, under the circumstances of the case, to commence the survey without the presence of the Natives, as I made the agreement with them at the final payment for the block in 1853, and know exactly what was then promised to them. I am also fully aware of the justice of their complaint, but I was not in a position to satisfy them, had they been on the ground, as I would not have directed the surveyor to include land in the Native Reserve which had been previously granted by the Crown to private individuals.

You will perceive that, until this survey was completed, and the quantity of Native land sold ascertained, it was not in my power to carry out the instructions I received relative to giving the Natives an equal quantity of waste land to what I might be able to induce them to relinquish, in order that the Government may fulfil its engagements with the European purchasers who have selected portions of this Reserve, and not having settled the business finally, I did not make any written report of the same.

I have not been in Auckland since this occurred, and had no opportunity of moving further in the matter, which I presumed would have been in my absence attended to by some other officer of the Land Purchase Department.

I have, &c.,

JOHN GRANT JOHNSON, District Land Commissioner.*P.S.*—Enclosed is a memorandum of the original agreement made with

Moses.

J. G. J.

T. H. Smith Esq.,  
Assistant Native Secretary, &c., &c., &c.,  
Auckland.

## **No. 32. MEMORANDUM by Mr. COMMISSIONER JOHNSON.**

*Pukekohe.—Relative to Boundaries of the Reserve. 12th August, 1857.*

MEMORANDUM of Boundaries of Pukekohe Reserve, as originally agreed to between C. W. Ligar, Esq.,

Surveyor-General, and Moses and Isaac, chiefs of the Akitai, Mr. Johnson being Interpreter on the occasion.

Commencing on the Pukekohe boundary line where it is joined by the western extremity of the back line of Mr. Taylor's selection, along that line as far as the distance from the Papakura River to Cole's former line at the terminus of Hewling's line, thence at right angles across the ranges to the back line of Williams' selection (Kokako,. I think, is the name of the place), thence westward along Williams' back line to the junction of the Pukekohe line aforesaid, which also forms the eastern line of the Waiuku Block, thence along the said line to the point of commencement.

JOHN GRANT JOHNSON, District Land  
Commissioner.

## **No. 33. The CHIEF COMMISSIONER to W. N. SEARANCKE, Esq., District Surveyor.**

*Waiuku.—To settle for Blocks already Surveyed.* Chief Land Commissioner's Office, Auckland, September, 1857.

SIR,—

I have the honor to request that you will proceed to Waiuku with as little delay as possible to settle with the natives for the several blocks of land which you have been surveying in that district, and on which instalments to the extent of Six hundred and eighty-five (£685) pounds have been paid by Government.

The several blocks for which you are in treaty may be computed altogether at Seventeen thousand five hundred acres, and it is desirable that you should finally complete the purchase of these, or of any others adjacent to them, at a price not to exceed, if possible, Two shillings per acre. The sum of One thousand pounds is placed at your disposal for the purchase of the surveyed portions.

From your knowledge of the locality and of the native owners of the land, I need not furnish you with more detailed instructions as to the best mode of settling this question, which has, moreover, been fully discussed with you verbally at various times.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

W. N. Searancke, Esq., District Surveyor.

## **No. 34. W. N. SEARANCKE, Esq., Government Surveyor, to the CHIEF COMMISSIONER.**

*Pukekohe.—Reporting on Native Claims to that Block.* Auckland, 16th September, 1857.

SIR,—

I have the honor to submit for the information of His Excellency the Governor the following report on a piece of land in the Pukekohe Block, claimed by Mohi and Ihaka on behalf of their tribe, as a portion of the Native Reserve set apart at the time of the sale of the block to the Crown, but which has been conveyed by the Crown to Europeans.

The Pukekohe Block was purchased by the Surveyor-General in June, 1853. A reserve for the aboriginal

owners, including their old settlements, plantations, and burial-places, was agreed to, and a memorandum (copy of which is hereunto annexed) of the boundaries drawn up.

The memorandum of boundaries of the reserve, I am of opinion, has not been adhered to in the survey made by Mr. E. Fairburn, the officer employed in laying out the sections in this block; a large part of the reserve, about 850 acres, having been alienated by the Crown to himself and Mr. T. Russell.

The error appears to have arisen from the surveyor being unaccompanied by any of the Natives interested in the reserve.

The Native Chiefs Mohi and Ihaka, after the survey was completed, came to Auckland to see the Surveyor-General, who (Mohi states) acknowledged the justice of their complaint respecting the portion of the reserve surveyed, and promised that it should be rectified. This has not been done.

As this land has been alienated by the Crown, it will be necessary, in order that its obligations may be fully carried out, at once to come to an understanding with the aboriginal owners. This I did not consider myself authorized to conclude. Mohi strongly urged that the land in dispute should be given up to him as a part of the reserve, as originally agreed to; that he did not wish to sell it, on account of the numerous burial-places on it.

Ultimately he requested that I would defer any further negotiations until Ihaka, who is very ill, would be sufficiently recovered to take part in it.

I have, &c.,

WILLIAM N. SEARANCKE, Government Surveyor.

## No. 35. Mr. COMMISSIONER SEARANCKE to the CHIEF COMMISSIONER.

*Manukau.—Reporting on meeting to receive payments for land on the South side of Manukau.* Waiuku, 5th October, 1857.

SIR,—

I have the honor to submit, for the information of His Excellency the Governor, the following Report on the late meeting of the Ngatiteata tribe at Waiuku to receive the balance of the money due on the lands on the South side of Manukau Harbour. The meeting as called by you at Waiuku, on the 8th ult., was, from the absence of Te Katipa, (detained by the illness of his son, Te Kepa, at Waiuku,) without any result.

On my arrival at Waiuku with Te Katipa, on the 23rd ultimo, I found that the Natives had returned to their settlements. I immediately sent round to them, and, after some delay, succeeded in re-assembling them at Waiuku on Monday, the 28th ultimo.

Notwithstanding the many conflicting claims and statements, the Natives assembled evinced throughout a general wish that every one having a claim on the land should receive a portion of the payment, which wish on their part was, so far as I was enabled to judge, very fairly carried out. The sum of Two thousand pounds (£2,000) was demanded by them as the final payment; this it was not in my power to consent to; but, in addition to the sum of One thousand pounds (£1,000) which I had received, I consented, subject to the approval of His Excellency the Governor, to make another and final payment of Two hundred pounds (£200) to the Katipa Te Awarahi.

I consented to this on the following grounds:—

- 1st. That the Natives were on the point of again dispersing, when the settlement of this long pending negotiation would have been indefinitely postponed.
- 2nd. That its situation on the Manukau harbour, together with its proximity to Auckland, its valuable forests of Kauri timber, must render it a district valuable for European settlement.
- 3rd. It is a step towards the annexation of a large block of land to the already purchased Waiuku district. I may also be permitted to call attention, as one important feature in this case, to the large number of advances made, extending, over a period of nine years, for which I have been thus enabled finally to settle, by obtaining land.

On these grounds, I recommend this additional sum, with the full confidence that the completion of this

long-pending negotiation will tend to other sales of land in this district by the aboriginal owners.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner and  
Surveyor.

Donald McLean, Esq.,  
Chief Commissioner.

## **No. 36. Mr. COMMISSIONER SEARANCKE to the CHIEF COMMISSIONER**

*Puketapu.—Reporting offer of that Block. Auckland, 8th October, 1857.*  
SIR,—

I have the honor to report for the information of His Excellency the Governor, that a block of land, situated in the Manukau Harbour, known by the name of Puketapu, has been offered for sale by the Ngatiteata natives. This piece of land, containing about Three thousand five hundred acres (3,500), situated on the middle of the Manukau Block, purchased by me at Waiuku on the 2nd instant, was reserved by the owners at the time of the survey for their own use. From its central position, it is highly desirable that this sale should, if possible, be at once effected. The block may be divided into three equal parts, of fine timber land, rich fern land, and rather poor fern and stunted manuka.

The sum I proposed to pay for this block was Four hundred pounds (£400). Two sections of One hundred acres (100 acres) in each are to be reserved for Ihaia te Manga; and at Whakarongo one section for Aihepene Kaihau, to be conveyed to them by Crown grants, His Excellency the Governor consenting.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner and  
Surveyor.

Donald McLean, Esq.,  
Chief Commissioner,  
Auckland.

## **No. 37. MEMORANDUM by Mr. COMMISSIONER SEARANCKE.**

*Manukau.—Completion of Negotiations.*

The negotiation for the purchase and payment of the land at the South head of Manukau was completed at Waiuku on the 2nd October, letters having been written previously to all the aboriginal owners to assemble there in order that their respective claims might be openly canvassed, and they were also informed that the



payment to be then paid at Waiuku would be final. Pepene and his friends of the Ngatitamaoho tribe had, at the meeting at Ihumatao, and subsequently, to the Chief Land Purchase Commissioner, given up all claims to any portion of the payment of this land to Te Katipa and the Ngatiteata tribe. I arrived at Waiuku on the 23rd September; from that date to the 2nd October, the respective claims were daily and openly discussed, upwards of two hundred and fifty men, women, and children being assembled together. I took every opportunity during that time of bringing forward, also of calling upon, those parties who had been privately stating their claims to portions of the payment, to publicly before the meeting make their claims (I allude more particularly to Wiremu Hunia and Ihaia te Kopi, and others); this they would not do, confining themselves to privately demanding of me to pay some portion of the money to them personally. They not being resident on the land, and the claim being, I considered, very small, their influence also being very trifling, I did not think myself justified in making any portion of the payment to these parties, to the prejudice of their relations resident on the land, and to whom I paid the money for the claims of themselves, and relations; and this I did at the wish and by the consent, of the whole of the Natives then and there assembled at Waiuku.

W. N. SEARANCKE.

27th October, 1857.

## No. 38. Mr. COMMISSIONER SEARANCKE to the CHIEF COMMISSIONER.

*Pukekohe.*—*Report on disputed Reserve.* Land Commissioner's Office, Auckland, 17th November, 1857.  
SIR,—

I have the honor to submit, for the information of His Excellency the Governor, the following report upon the disputed reserve at Pukekohe.

The final purchase of Pukekohe Block was made by the late Surveyor-General (C. Ligar, Esq.) and Mr. District Commissioner Johnson, on the 16th June, 1853.

A reserve of land, particularly named as Te Awanui o Taikehu, is made in the Deed of Sale for the aboriginal owners, neither the extent nor the boundaries being there defined, but after completion of the sale a verbal arrangement respecting the boundaries was made with the Natives, I believe by Mr. Johnson. In the latter part of the same year, 1853, Mr. E. Fairburn was instructed by the Surveyor-General to mark out the block into sections; which duty being performed, he returned to Auckland, and was followed immediately by Ihaka and Mohi, who, at an interview with the Surveyor-General, stated that the piece of land reserved by them for their own use, and known by the name of the Awanui o Taikehu, had been included by Mr. Fairburn in his survey; they complained also that Mr. Fairburn had not, in accordance with Mr. Ligar's promise, given them notice of his survey of Pukekohe, in order that some of them might have accompanied him to point out the limits of their reserve. In consequence of this protest, the Crown grants for European selection in this block were for some time withheld, but subsequently issued.

The Natives have constantly, from that time to the present, both verbally and in writing, protested against the occupation of this land; they have also repeatedly cautioned the settlers themselves, in a firm though friendly manner, against making improvements on land which was especially reserved by themselves at the time of the sale.

Having received instructions from you, as Chief Land Purchase Commissioner, to investigate this case, I wrote to Mohi and Ihaka, who arrived in Auckland on the 2nd instant, when, as they still persisted in their claims, and after several days discussion no settlement was arrived at, I agreed that we should proceed on to the ground, when the precise locality of the Awanui o Taikehu, named in the deed as the reserve, might be pointed out to me.

Ihaka and Mohi did not keep their appointment with me at Pukekohe, but I obtained the assistance of several other natives of the same tribe, who clearly pointed out the land claimed by them, being a large and very fertile tract of country, dotted with their former settlements and cultivations; the burial places also of several of their chiefs were pointed out upon the land thus claimed, the precise extent of the land which they demand I

found it difficult to define, but have marked it on the accompanying sketch by a yellow line.

The reserve set out for them by Mr. E. Fairburn, but which the natives have never recognized as the one originally agreed upon between Mr. Johnson and themselves, I have marked with a pink line; the area of this is about Three thousand one hundred and fifteen acres (3,115 acres).

Having been now for some time endeavoring to settle this dispute with the Natives, and finding that they are resolved to maintain their claim upon this land, for which Crown grants have been issued to European settlers, and a large portion of it actually in their occupation, as re-sold by the original purchaser under the Crown; considering also that any acknowledgment on my part of the right of the Aborigines to any portion of land sold by Government to private individuals, would tend to shake that confidence in the value of a title from the Crown which it is desirable to maintain undisturbed, I have throughout my negotiation with Ihaka and Mohi treated the matter lightly, and as a casual error of the surveyor arising from his ignorance of the localities. In this light the Natives look upon it, but depend upon His Excellency to restore to them the land which was especially reserved at the time of the sale of the Pukekohe Block, and which is now held and occupied by European settlers.

The extent of land claimed by the Natives as included in their reserve, but which has been sold by the Crown to private individuals, is about Two thousands and ninety-nine acres (2,099 acres). On this there are three residents, Messrs. Carruth, Meldrum, and Arrowsmith, occupying together 793 acres.

Duly considering the extent of the interests thus involved, and the extreme difficulty and delicacy of this question, I have most carefully abstained from committing myself to any initiative step towards its adjustment, wishing the Natives rather to propose some means of settling it. As they have not done so, confining their claim to the land itself, I am compelled to refer the case back to next, the 19th instant, in order that this long protracted dispute may at once be settled.

The quantity of land contained within the boundaries of this reserve as claimed at present by the Natives, and pointed out to me upon the spot, is about Five thousand and fifty-four acres, but Messrs. Baber and White, who were present at the verbal arrangement with Mr. Johnson, expressly state that they are not entitled to more than two miles square, *i.e.*, Two thousand five hundred and sixty acres (2,560 acres), which, to include the lands known by the name of Te Awanui o Taikahu, and the boundaries as mentioned in Mr. District Commissioner Johnson's *Memorandum*, would cover not only the lands occupied by Messrs. Arrowsmith, Meldrum, and Carruth, and the section owned by Messrs. Hall and Fairburn, with a small portion of Mr. R—'s section, but also Twelve hundred and sixty acres of the reserve as set out by Mr. Fairburn.

I have, &c.,

WILLIAM N. SEARANCE.

Donald McLean, Esq., Chief Commissioner,  
Auckland.

*Pukekohe.—Desiring that the European settlers may be removed.*

E HOA E KAWANA,—

Akarana, 4 Tihema, 1857.

Tena ra ko koe. Tenei ano ta matou kupu ki a koe. Kia whakahokia nga Pakeha e noho ana ki runga i to matou pihi i Pukekohe i te Awa nui o Taikahu, kia whakanohoia ki runga ki to Te Kuini wahi, ta te mea ko to matou kainga pumau tenei mo a matou tamariki. Kei reira hoki to matou urupa. E kore tenei wahi e tukua ki aua Pakeha; engari mo matou, mo a matou tamariki.

Ehara i a koe tenei he, ehara i a Te Raika, engari no te Pepene. Ehara i te mea no nga ritenga Maori tenei. Engari no te ture o Te Kuini o te Kawanatanga hoki o Niu Tireni, no te mea kua waiho koe hei hoa aroha ki nga tangata katoa, kia tika ai te noho a te Pakeha a te tangata Maori, ake, ake.

Na Matou tenei pukapuka,

NA MOHI, Na Te Akitai katoa.

## Translation.

Auckland, 4th December, 1857.

FRIEND THE GOVERNOR,—

Salutations to you. This is our word to you (it is to request you) to send back the Pakehas who are residing upon our piece (of land) at Pukekohe, at the Awa nui o Taikehu, and to locate them upon the Queen's part, as this is our permanent place for our children; our burial-places are also there. This part will not be given up to those Pakehas, it is for ourselves and our children.

This fault is not yours, or Mr. Ligar's, it is the fault of Mr. E. Fairburn. This is not a matter having reference to Maori customs, it is from the law of the Queen and of the New Zealand Government, for you have been appointed as the loving friend of all the people, to cause the Pakeha and Maori to live properly together for ever. This letter is from us,

From MOHI, And all the Akitai.

His Excellency the Governor,  
Auckland.

*Pukekohe.—Native Reserve at Taikehu occupied by Europeans.* Auckland, 4th December, 1857.

MY DEAR SIR,—

I enclose a letter from Moses and other Natives of the small tribe of Akitai, living at Pukaki, on a subject which seems to require serious attention. As I have always advised the New Zealanders, in all parts of the country, to sell their surplus lands to the Government, and to accept grants for sufficient reserves for themselves, you will not suspect me of any desire to cause embarrassment to Her Majesty's Colonial Government in bringing under your immediate notice the following case, which I have investigated at the request of my Native friends; and I believe the following to be a correct statement.

On the 17th day of June, 1853, the Akitai tribe surrendered to the Government a tract of land bordering on Manukau Harbour, called Pukekohe. They have in their possession a copy of the deed of surrender, with a plan annexed to the land given up.

By the terms of that deed a particular reserve, at a place called Te Awa nui o Taikehu, is excepted from the surrender, and in the plan annexed to the deed this is marked off, and the words "Native Reserve, Te Awa nui o Taikehu," are written over the place.

No measurements are given, either in the case of the whole block or of the reserve cut out of it, but the quantity of land intended to be reserved may be estimated by the proportion which it bears to the whole block on the face of the plan.

In the year 1854 Edwin Fairburn was sent down to survey the block, and lay it out in sections for purchase.

On his return he is stated to have made application for land forming part of the above Native reserve, to what extent I am not aware, and to have bought it for his own use.

Some opposition, I believe, was made to the issue of the Crown grants, but this seems to have been overruled, and the question is now further complicated by Mr. Fairburn's having now re-sold the land to settlers, who have already begun to cultivate it.

You will see that the letter of the Native claimants entirely exonerates the Government from any blame, as they believe that Mr. Fairburn must have given wrong information.

The following is a translation of their letter:—

Auckland, 4th December, 1857.

O FRIEND, O GOVERNOR,—

Greeting This is our word to you, that the Pakehas who are settling upon our reserve, at Pukekohe, at the Awanui o Taiehu, be removed, and placed upon the Queen's portion, because this is a permanent abode for us and for our children, and our burying-place is also there. This place will not be given up to these Pakehas, but rather it is for us and for our children.

Neither you nor Mr. Ligar are to blame for this, but Mr. Fairburn. This petition does not come out of Maori customs, but out of the law of the Queen and of the Government of New Zealand, because you are constituted as a friend to all men, that both English and Native may settle justly now and hereafter.

MOSES,

For all the Akitai

I have, &c.,

G. A. N. ZEALAND.

His Excellency Colonel Gore Browne, &c., &c., &c.

## Enclosure.

Auckland, December 7th, 1857.  
FRIEND THE GOVERNOR,—

Salutations. This is a word to you. We have heard from the Bishop that our land at Pukekohe is given back to us. Friend, this is right.

Friend, this is another word. Let the fences and houses which are upon our land remain there for us, for the timber is from our own land.

Friend the Governor, will you be quick in sending the Europeans away from off our land, as we are intending to go thither to cultivate our land at Pukekohe.

From your loving friends,

IHAKA. MOHI.

The Governor,  
Auckland.

**Mr. COMMISSIONER ROGAN to the CHIEF  
COMMISSIONER.**

*Pukekohe.—Reporting on the Native Reserve in that Block.* Auckland, 19th July, 1858.  
SIR,—

I have the honor to inform you that I proceeded by appointment to Pukaki, on the 28th ultimo, and arranged with the Chief Mohi to go to Pukekohe with Ihaka and a party of his tribe on the following day, for the purpose of ascertaining the boundaries of the land claimed by the Akitai Tribe as the Awanui o Taikehu Reserve, within the Pukekohe purchase.

After arriving on the ground and making myself well acquainted with the locality, I referred to the copy of Deed of Purchase, which gives no clue whatever to the boundaries of the Awanui o Taikehu. I then adopted Mr. Johnson's description of boundaries of the reserve agreed to between the Surveyor-General and the Natives, as is stated in the Memorandum dated 12th August, 1857.

The boundary commences at a point on Baileys, old survey line on the western extremity of Taylor's back boundary, and follows a survey line which was cut by Mr. Fairburn, without any of the Native owners being present at the time.

I subsequently ascertained from Ihaka that there was no objection to the adoption of this line as the Northern boundary of the Reserve.

By Mr. Johnson's Memorandum the distance along this line should be equal to that from Cole's Inn to Papakura River, which, in a direct line, is 195 chains; the boundary should then run at right angles from this point to Rokako; such a line would include about 2100 acres sold to Messrs. Williamson, Fairburn, and Russell; it would also cut off a portion of the sections belonging to Messrs. Newman, Mahon, Hawke and Russell. Having ascertained the position of the boundaries of the disputed portion of the Reserve before entering upon the discussion of the question with the Natives on the ground, I became satisfied that about 2,600 acres of land which, by the agreement of the officer negotiating the purchase, should have been included in the Reserve, had been granted by the Crown to European Settlers.

On Friday, the 2nd inst., Ihaka and Mohi, with their followers, accompanied me to a hill called Pukewhau, and stated that that was the boundary of the Reserve which they had decided upon at the time of sale, and were determined to adhere to, and that the boundary of the Reserve which was marked on the tracing in my possession was wrong; neither Ihaka nor any of his tribe were consulted, nor did they witness the surveying of these boundaries, which was part of the arrangement with the Surveyor-General, &c. It was impossible for me to dispute what the Natives said, as the memorandum by Mr. Johnson, who was a party under Mr. Ligar to the purchase, supported the Natives in their statement; and, as it appears to me quite useless to attempt any negotiation with Ihaka for the land occupied by, the Pukekohe settlers, I decided on coming to terms, if possible, with that Chief for about Five hundred acres (500 acres) of land, which was included in the boundary pointed out by him at Pukewhau, which would disturb Crown Grants amounting to about Fourteen hundred acres (1,400 acres), in addition to the land already alluded to. I therefore undertook the responsibility of negotiating the purchase of this portion of the Reserve claimed by the Natives, for the following reasons:—

Because the cutting of the line from Pukewhau to Kokako would cost the Government at least Sixty pounds (£60) in surveying alone.

Because, if the Native boundary were adopted, it would interfere with the Crown Grants as above stated.

And because it is desirable to have straight lines for boundaries, instead of zigzag ones, which would be the case if the boundary pointed out by Ihaka were adopted.

After repeatedly requesting Ihaka to remove the boundary back to the straight line, he assented, but asked an exorbitant payment, and afterwards reduced his demand to Three hundred pounds (£300). I immediately offered him Fifty pounds (£50), and after a length of time, finding he would not accede to my offer, I proposed to recommend the payment of Fifty pounds additional, when Mohi rose and pulled up the boundary marks, and the survey was proceeded with, and the limits of the reserve have been determined as shown in the plan herewith enclosed.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq.,  
Chief Commissioner, Auckland.

# Pukekohe area land survey

## No. 42.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Pukekohe.—Forwarding Deed of Conveyance of Reserve.* Auckland, 26th July, 1858.  
SIR,—

With reference to my letter of 19th inst., I have the honor to enclose a deed of conveyance of a portion of the Pukekohe Reserve for which the sum of One hundred pounds (£100) was paid to Ihaka and Mohi on Saturday last, 24th. A description of boundaries is also enclosed for Proclamation in the *New Zealand Gazette*, which, however, may not be necessary, as the land has been included in Crown grants issued to settlers.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Chief Commissioner,  
Auckland.

## No. 43.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Ramaroa.—The Native Owners will not accept the Price fixed.* Auckland, 26th April, 1859.  
SIR,—

With reference to Mr. Searancke's memorandum 57-351 regarding the final settlement of Ramaroa and Opoia, situated in the Manukau District, I have the honor to acquaint you, for the information of His Excellency the Governor, that I proceeded to Waiuku on the 2nd inst. for the purpose of paying the last instalment for the above named blocks. Immediately after my arrival, I communicated with Katipa, who objected to the small sum to be paid for the land, and repeated what he and the other Natives stated to yourself at the Land Purchase Office, namely, that the question of price had never been settled between them and Mr. Searancke, and it was most probable the Natives would not accept the sum of One hundred and twenty-five pounds (£125) as the final payment. It was, however, arranged that messages should be sent to the claimants in the district, and that sufficient time should be allowed for the Natives to assemble at Waiuku. Accordingly, in about ten days afterwards I met the Natives, who discussed the question of price with me for several days; and although many of them were disposed to take the money, yet there were several of the leading men, including Katipa, who raised objections owing to the smallness of the amount, and requested me to return the money to the Government.

I then proposed to make an arrangement regarding the price to be paid for Waitara Block, which has recently been surveyed by Mr. Sinclair, giving them the extent in acres; but some of the claimants to this land being absent, the Natives present desired to postpone the question of price for this block until your return to Auckland.

The enclosed tracing will illustrate the different blocks of land above referred to.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Chief Commissioner,  
Auckland.

## The RESIDENT MAGISTRATE, Waiuku, to the NATIVE SECRETARY.

*Manukau.—Retaining Possession of Land until wanted.* Waiuku, 29th July, 1862.  
SIR,—

On the 25th instant Rata Patiti came and stated to me that the Government, having satisfied his claim on the new township (which was recently surveyed on the Waikato, at Mauku), by giving him Fifty pounds sterling, he would now leave the land unless the Government requests him to remain until it is taken possession of by Europeans; for, if unoccupied, other Maoris will come and make further claims.

I have, &c.,

JAMES SPEEDY, Resident Magistrate.

The Native Secretary,  
Auckland.

I approve.

D. POLLEN.

15th August, 1862.

## Memorandum.

*Manukau.—Recommending certain Crown Grants to be issued.*

CONVENED a meeting of Natives at Pukaki, on the 5th instant. Ihaka and his father Pepene Te Tihi and Pita advised me to be careful in recommending the issue of Crown grants for any land in this neighbourhood of Papakura, except the reserves through which the Great South Road runs, to be made out in Ihaka's name, and a reserve, called Te Wharau, situated on the Tamaki, to be granted to Mohi. Ihaka was very much pleased at the prospect of getting a Crown grant for Papakura, and he is going to call a general meeting of all the Natives in the district of whom he has control, and I am to receive an invitation to attend. His object is to induce the people to subdivide their lands at Te Kuikui and elsewhere, in order that no difficulty shall be in the way of

their obtaining Crown grants. The Pukaki Natives objected to the issue of a Crown grant to Te Retimona for Maketu until a general meeting is called.

Recommended that a Crown grant be issued to Ihaka Takaanini for the Papakura Reserve, and that Mohi and Iha a te Ngu should receive a Crown grant for 260 acres, on the Tamaki, called Te Wharau. Also that Paora Tuhaere should receive a grant for land at Orakei, called Purewa. This should be referred to Mr. Sinclair, with a request that he should construct the plan requisite for the issue of the grants at once.

JOHN ROGAN, District Commissioner.  
December 13th, 1862.

Approved. Let action be taken at once.

F. D. BELL.

December 13th, 1852.

## **No. 1. The CHIEF COMMISSIONER to Mr. FRED. RING, Auckland.**

*Kapanga.—Respecting purchase of land from Natives.* Land Commissioner's Office, Auckland, 28th January, 1857.

SIR,—

With reference to your letters of December 3rd and January 23rd expressing a wish to purchase from the Natives of Cormandel, through the General Government, a small piece of land estimated at Five acres situated on the Kapanga Creek.

I have the honor to inform you that if the aboriginal owners of the land in question are willing to dispose of it in conjunction with an adjacent tract of country of considerable extent, it is quite competent for the General Government to extinguish the Native Title to it, but that so soon as it becomes Crown Land the favour of disposing of it is vested in the Provincial Government.

In the present state of the law, therefore, it is impossible for the General Government to sanction the purchase in the manner proposed by you.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

Mr. F. Ring, Auckland.

## **The CHIEF COMMISSIONER to HIS EXCELLENCY the GOVERNOR.**

*Cormandel and Thames.—General Report.* Native Land Purchase Department, Auckland, 5th June, 1857.  
SIR,—



I have the honor to report, for your Excellency's information, the result of my late visit to the Thames and Coromandel Harbour Districts.

- After leaving Auckland, I proceeded to the Thames, where I had a conference with the Ngatipaoa tribes respecting the purchase of the Piako district. The Ngatipaoa chiefs followed me in their canoes to Pukorokoro (a small river to the west of the Piako), where I found Mr. Drummond Hay and a party of Natives. I held a meeting with the whole of the claimants, who agreed to proceed with Mr. Hay to point out the boundaries of their land and settle their conflicting claims and differences respecting such portions as were claimed by other tribes. This being completed, Mr. Hay was instructed (a copy of which is herewith enclosed) to furnish a plan of the district about to be ceded—estimated at about 140,000 acres—and a date was to be fixed on which all the claimants should be assembled at Auckland to effect a final settlement of that long-pending question.
- From Pukorokoro I proceeded up the Thames in the expectation of meeting Taraia, who had left there some days previously; consequently I have not been able to see him in reference to the purchase of some land he offered to the Government in the Coromandel district near Cape Colville.
- From the Thames I came back to Waiheke for the Chief Puhata, who has offered to give up a space of land containing about Four or five square miles for the purpose of gold digging, which offer may be availed of by the Government, if necessary, although I conceive it would be more prudent to discourage the search for gold until negotiations connected with the purchase are more matured.

There is, at present, a general indisposition on the part of the Natives to alienate their lands at Coromandel Harbour; and with the exception of the unsold portions at Mercury Island and a few small blocks on the main, there is nothing else open for immediate purchase in that district. These places they offer should be purchased as a means of leading to more extensive sales; but this must be done with caution, for if the Natives find an eagerness on the part of the Government to acquire their land, the opposition of the Natives to sell will increase in the same proportion as the eagerness of the Government to purchase is manifested. As far as I can ascertain, it is not so much a question of price that will weigh with them in this matter as a national feeling which prevails among many of the New Zealand tribes by which they enter into leagues and confederations against the sale of their country. Moreover, at Coromandel they are apprehensive that the discovery of gold in any quantity would lead to such an influx of disorderly Europeans as might annihilate or exterminate them.

Under all the circumstances, I did not deem it prudent to press negotiations during my stay, considering it more advisable to acquire information and disabuse the Natives of some of the fears they entertained, and to lead them to a more favourable consideration of the question.

In furthering this object, the Government would be very much aided by securing the services of Mr. Preece, who has been resident in the Coromandel as a missionary for the last twenty six years, having lived the greater portion of the time in the Thames District. Mr. Preece is now retired from the mission service. He is thoroughly acquainted with all the tribes, and knows the extent and general position of their claims. I would, therefore, recommend that he should be employed to carry on preliminary negotiations for such lands in the Coromandel District, where he is residing, as the Natives may from time to time be disposed to alienate, and that, in the meantime, until the work accumulates, he should receive pay at the rate of £100 per annum.

I have, &c.,

DONALD MCLEAN, Native Secretary.

His Excellency the Governor.

**Enclosure. The CHIEF COMMISSIONER to Mr. DRUMMOND HAY.**

Schooner "Tere," Taupo, 13th May, 1857.  
SIR,—

I have had a consultation with Takurua, Hoera, Te Poihipi, and other chiefs at Taupo, respecting a settlement of their Piako claims, and have advised that they should point out to you the external boundaries of their claim, so as to prevent any future questions or encroachments by the Ngatipaoa or other tribes on the Ngatipaoa boundary; when the external boundaries are clearly marked off, it does not appear to me that it will be necessary to enter upon a subdivision of their own internal tribal claims, as this can be arrived at with sufficient accuracy for all the purposes of this Department without incurring the loss of time, delay, and expense of such a subdivision.

When you have completed this duty, you will furnish a map of the several large blocks you survey, and of such reserves, if any, beyond a swampy place called, which the late chief Hauauru wished to retain for eel fishing.

I intended to go on to Piako to see how the work on which you are employed was progressing, but find that it is needless now for me to do so, as you have not yet reached that place.

The Government feel anxious that this long pending question should be brought to a speedy and satisfactory termination, as otherwise the time and money expended upon it will amount to more than the land is worth after its acquisition.

I shall be in the vicinity of the Thames and Coromandel Harbour for some weeks, if you have any reference to make to me respecting the work on which you are engaged.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

G. W, Drummond Hay, Esq., &c., &c.,  
Thames.

## No. 3. Mr. PREECE to the CHIEF COMMISSIONER.

*Whakahore.—Respecting Eruera and Pita's Claims to Land.* Stapleton, Coromandel, October 5th, 1857.  
SIR,—

- I have the honor to acknowledge the receipt of your letters, severally dated September 7th, 11th, and September 15th, with their enclosures.
- I am not able to report any particulars about Eruera's land until I have seen him, but in the meantime I would beg leave to suggest that both his and all other land unpurchased between Tikora's Point at the southern head of the Harbour and the Native residence at the Poka be purchased, reserving for the Natives all the land between the Poka and the Tiki.
- In your letter of September 11th you state that you had agreed with Pita for all the unpurchased and disputed land from Downing's to Kapanga, and referred him to me for final arrangements. When Pita returned, his party refused to confirm his arrangements, and demanded One hundred pounds (£100). When your letter of September 15th came to hand with Mr. Heaphy's Memorandum, I found that there were other pieces of unpurchased land besides those agreed for by you, situated on the Island of Whanganui at the north-western side of the Harbour. I therefore lost no time in endeavouring to arrange for the final settlement of all their claims both on the Island and on the main, from the entrance of the Harbour to the Kapanga Creek, which they are now willing to do for the sum of £100. Should these terms be accepted by the Government, I think that we shall soon have more land offered for sale. Should those two purchases be made to which I have referred, we shall then be in possession of all the coast of the harbours except the two Native reserves; the inland portions could be procured with less difficulty.
- With respect to Karaitiana's land, I am not able to come to any definite arrangement, because Mr. Heaphy has not stated what portion of the ninety acres belongs to Karaitiana, and what portion of it is in Wilson's claim. Karaitiana is quite willing to sell, and as he is going to Auckland it may, perhaps, be arranged whilst he is there. The piece of ninety acres beyond Calloway's claim I will attend to as soon as it is practicable to do so.

- In reference to Motutapere, I beg to suggest that it be made a Native reserve for the following reasons:—first, because the purchase is not a good one, it never having been completed, only a few articles were given as a deposit, the greater number mentioned were not given, nor was the principal owner ever consulted; secondly, because the island itself is not of any importance except for Natives; thirdly, because it is the only island that remains in Native possession of that tribe, and is the only place they will have to land when fishing or when at sea, and, therefore, of great importance to them.
- Waitataramoa is, I believe, a good purchase, and was sold by Webster or party to a man named James Demby, who now resides in Freeman's Bay. I was not aware that it had reverted to Government. Webster's purchase at Waiau, mentioned by Mr. Heaphy, was never proved. I was in Court when it was dismissed by Commissioner Richmond: the land had not been purchased, only the timber. The only valid purchase up the Waiau is that claimed by W. B. Moores, that, as a gold field, is, I believe, of great value. The party that are at work on the land are finding gold to a large extent. I believe that Morris would transfer his claim to Government for a trifling compensation. They would then purchase when offered the surrounding land, which would make an available gold field. I am convinced from the increasing quantity of gold found that before long gold will be found in large masses, therefore no expense should be spared at this time in procuring land.
- I am not aware to what purchases of Webster's at Kennedy's Bay and Mercury Bay Mr. Heaphy refers. There were no purchases made at Kennedy's Bay but one, made by Kenuedy, who was afterwards killed. I am not as yet aware whether that purchase is a good one or not. I will make enquiry, and report on it as soon as I get the necessary information.
- The only purchase made in Mercury Bay was made by Gordon Browne, who has long since been dead. I believe that it is both an extensive and valid one, I don't know who is the present claimant to it. The only purchase that Webster made in that part was part of the Mercury Island. The Natives will be ready to point out the boundaries any time in November, if they should first receive a week's notice, they will then be ready to arrange for the complete sale of the island.

I have, &c.,

JAMES PREECE.

To the Chief Commissioner,  
Land Purchasing Department.

## No. 4. The CHIEF COMMISSIONER to Mr. PREECE.

*Big Mercury Island.—Respecting offer of Land.* Chief Land Purchase Commissioner's Office, Auckland, 6th October, 1857.s

SIR,—

One of the principal claimants to a portion of the Big Mercury Island, a son of Tararoa's, has called at this office to dispose of the claims of a section of the Natives living at Mercury Bay to that island, and he expresses a wish that the land should be surveyed without delay. It is important that this should be done, and I have, therefore, to request your attention to it as soon as possible.

I enclose a letter from the Natives on this subject for your information, also a copy of a Deed of Sale from the Natives to William Webster, and a sketch of the island, exhibiting the portions of the Different Natives who have claims to it. The aggregate estimate of the area of the island, as indicated on the margin of the said Deed, is, of course, greatly exaggerated.

If necessary, a surveyor will be detached to accompany you to Mercury Island, but as the Natives appear desirous to alienate the whole of it, and as they admit that a large portion of it has already been sold, probably the necessity and expense of sending a surveyor might be obviated by your paying a visit to the island, and

obtaining final surrender of the entire island, making such an equitable division afterwards of the purchase money as the relative claims of each tribe might entitle them to.

I am anxious to hear from you, at your earliest convenience, as to the steps you have taken to accomplish this duty.

The price can be decided when you have made all preliminary arrangements for obtaining the cession of the island from the Natives; and your report should indicate, as nearly as possible, the amount for which it can be purchased.

You will be good enough to forward to this office a requisition for the amount of any contingent expenses you may be subjected to, such as the wages of Native attendants, &c., while engaged in the performance of this service.

One of the principal objects to be kept in view, in completing this purchase at a moderate cost, is that of its being likely to lead to other and more important purchases on the main land.

I have, &c.,

DONALD MCLEAN, Chief Land Purchase Commissioner.

James Preece, Esq., Cormandel.

## No. 5. The CHIEF COMMISSIONER to Mr. COMMISSIONER PREECE.

*General.—Relative to certain claims in his district.* Chief Land Purchase Commissioner's Office Auckland, 7th October, 1857.

SIR,—

- I have the honor to acknowledge the receipt of your letter of the 5th instant, containing some practical information respecting the land question in the Cormandel district.
- For more easy reference, I have divided your letter into paragraphs—a plan the adoption of which, in public correspondence, facilitates reference.
- Paragraphs 1 and 2 do not require immediate action; I shall, therefore, pass them over for the present.
- Paragraph 3, recommending the purchase of the claims of Pita and others of his tribe to some new land, including all disputed claims from the North Entrance Harbour to Kapanga Creek, I have recommended for His Excellency's approval; and the sum named by you, viz., One hundred pounds; (£100), is furnished to you through Pita, by this opportunity, to enable you to complete these purchases, in addition to a further sum of Twenty pounds (£20) for the lower portion of the land—about Forty acres—between the Kauri Rock and Kapanga Creek, part of an old claim, for which the Natives allege a horse was promised.
- With regard to Karaitiana's land, and concurring with you in the importance of obtaining it, I have paid yesterday a sum of Fifty pounds (£50) on account of all claims whatever to Tuhitoto Bay, and a further instalment of £50, pending final arrangements on account of his claims to Ahuahu.
- The Island of Motutapere is also reserved in accordance with your recommendation, and a plan of it is now being prepared for Pita.
- I shall not now advert to paragraphs 6, 7, and 8, further than to thank you for the information conveyed, and to request, now a commencement is made, that you will use every endeavour to carry on the purchase of land in the Cormandel district as vigorously as possible, consistent with a due regard to the interests of the Natives and their various conflicting claims.

I have, &c.,

DONALD MCLEAN, Chief Land Purchase Commissioner.

James Preece, Esq., Coromandel.

## Island of Motu Tapere.

THIS island lies in the gulf of the Thames, outside, and about half a mile to the N.W. of the North Head of Coromandel Harbour. It is steep, and closely covered with scrub, and is not adapted for European settlement. It forms a convenient haven for coasters and canoes, and perhaps might be adapted for a small fishing station. It is not improbable that at some future period a light-station may be required on it. I do not know of any indication of metals ever having been found upon the Island.

Motu Tapere was purchased from the Natives whose names are Arakuri, Te Aumarere, Te Tawaroa, by William Webster, on the 10th November, 1838, and goods to the value of £41 were alleged to have been given.

The claim (305) came before Mr. Commissioner Godfrey on the 17th June, 1844, but owing to the claimant having received the maximum quantity of land which it was legal for him to receive, under other claims, "No grant" was recommended, and the claim withdrawn.

The Natives of the tribe to which the sellers belonged now assert that although the island was intended to be sold, the full amount of payment was never made.

Ara Kuri is now alive. Pita, the chief of the Patukirikiri tribe, is the grandson of Tawaroa, and the successor of Te Aumarere.

The island is estimated to contain (40) Forty acres.

CHARLES HEAPHY, Surveyor.

The Chief Commissioner,  
Land Purchase Department,  
Auckland,

14th October, 1857.

This land being nominally in the hands of the General Government, at least being entirely at the disposal of the General Government, except that the Native title has not been quite extinguished, I submit that it should be reserved for the tribe who have still a part claim to it, and that a map of it should be prepared, and handed to the Native Chief Pita Taukaka, as trustee for the Patukirikiri tribe. The reasons assigned for reserving this island are so forcibly expressed by Mr. Preece that it appears unnecessary to advance further arguments in support of it.

DONALD MCLEAN.

14th October 1857.

## No. 7. The CHIEF COMMISSIONER to Mr. PREECE.

*Coromandel.—Forwarding £120 to extinguish Native Title to Land.* Chief Land Purchase Commissioner's Office, Auckland, October 16, 1857.

SIR,—

I have forwarded to you, by the hands of the young chief Pita Taukaka, the sum of £120 for extinguishing the whole of the Native title to the lands from the North entrance of Coromandel Harbour to the Kapanga Creek; a plan of the whole of the lands ceded is furnished herewith, which you will append to the deed of transfer by the Natives to the Crown.

A copy of the form of deed to be used is herewith furnished for your guidance, but you may, of course, alter

it to suit circumstances. These documents should be clear, simple, and intelligible, so as to be binding upon the Natives, and to represent in a natural and easy manner the nature of the transaction they are ratifying by signing their names.

I have, &c.,

DONALD MCLEAN, Chief Land Purchase Commissioner.

James Preece, Esq., Coromandel.

## No. 8. Mr. PREECE to the CHIEF COMMISSIONER.

*General.—Acknowledging Receipt of various Letters.* Stapleton, Coromandel, October 26th, 1857.

SIR,—

- I have the honor to acknowledge receipt of your letters and despatches of following dates: —October 6th, with its enclosures; October 12th, with its enclosures; October 14th, No. 229; October 14th, No. 230; October 14th, No. 231; also three dated October 15th, with stationery, copy of deeds, and money for the purchase of land belonging to the Patukirikiri tribe, One hundred and twenty pounds (£120).
- I am thankful to be able to state that I have completed the purchase of the whole island and all other claims of the Patukirikiri tribe on the mainland as far as Kapanga Creek. I have paid them the One hundred and twenty pounds (£120), and by this opportunity I forward the deeds drawn out on the sheet of parchment which had the plan on it. To prevent any mistake about the island in future, I have inserted its proper Native name in the deed, which is "Te Poroporo." Whanganui is neither the name of the island nor yet that of any place on the island, but that of the creek which is the boundary of Keven's land on the side next to the gold diggings.
- With a view to prevent any mistake in future about the land now purchased, I will supply the Natives with a copy of the deed now sent with a plan on the back of the same.
- In your letter of October 14th, No. 230, you state that Karaitiana had made a request that a small payment should be made to Paora Te Putu for some old claim; I fully agree with you that it would be a dangerous precedent to do so, but as Paora is a large land holder, and is the owner of land that it is very desirable should be purchased for the Government because it is the richest gold land in this district, I would therefore beg leave to suggest the propriety of making him a present from the Government, letting him clearly understand that it was in no way to be considered as given for payment for his claim, as all right to that had been paid for long ago. He has hitherto been opposed to sell land to Government, his determination has had its effect in preventing others from offering land for sale; he is, I believe, not very unwilling at the present time to sell. I believe him to be a very upright, worthy man.
- I herewith enclose a copy of a letter which I received from Maihi, a chief of Ngatiwhanaunga, offering some portions of land for sale. One portion is situated near to the present gold diggings at Waiau, and is, I believe, a most available portion as a gold field. Should that be purchased with the adjacent lands of Kitahi and W. B. Moore's, as recommended by me in my letter of October 5th, it would at once give to this province a good and available gold field. All the principal claimants are desirous of selling, but this is a portion of the tribe who strenuously oppose the sale of any land; the cause of which is that the Government had never given them any payment for their part of the island of Motunau. Their claim to compensation I consider to differ materially from that mentioned in the last paragraph. Paora did not put forth any claim for many years after the land had been sold, but this party arrived in Auckland on the evening of the day that the island was paid for; on the next day they put in their claim, and they have constantly from that time continued to make a demand for payment, but nothing has as yet been given to them, although their claim extends over a large portion of the island. I would therefore beg leave to suggest that something be done in this case, and that a sum be given as a bonus without in any way opening the question of their claim. I am quite sure that they would be satisfied with such an arrangement, and all difficulty would be removed.

- In your letter of October 6th, you requested me to go to the Mercury Island as soon as possible to arrange the claims of the different parties. Rawiri and his party are perhaps in great haste to settle their claims before other parties put in their claims also. I think that it will be better for all parties to be present at one time, I have therefore communicated with each party that has any claim, and am quite ready to go as soon as each party can accompany me there.
- You say in your letter of October 14th, No. 231, that you wish me, now purchasing has commenced, to carry it on vigorously, consistent with due regard to the interests of the Natives and their various claims. This I am prepared to do as far as I can. I have clearly pointed out what I consider the great hindrance to the sale of land at present; should these obstacles be removed I am of opinion that plenty of land will gradually be offered for sale; I am also of opinion that it would be prudent not to make any advance of money to the Natives on lands until the claims of the parties applying have been fully established.
- In your letter of October 15th, No. 226, you enclosed a letter from Ahurei requesting an advance of Fifty pounds (£50) on some lands near to Cape Colville; he has been with me and I find, after making due inquiries both from himself and others, that his right to the land proposed by him to sell is disputed by Natives of another tribe. I think that no advance should be made on that land until the contending parties have come to some mutual agreement.
- I have the honor to acknowledge receipt of your letter dated October 21st, No. 235, accompanying the maps. They came to hand alter I had written the above.

I have, &c.,

JAMES PREECE.

Donald McLean, Esq., Chief Commissioner,  
Auckland.

## **No. 9. The CHIEF COMMISSIONER to CHARLES HEAPHY, Esq., Government Surveyor.**

*Waiau.—Respecting Survey of the Block.* Chief Land Purchasing Commissioner's Office, Auckland, 15th December, 1857.

SIR,—

With reference to your letter of the 25th ult., relative to the surveys on which you are engaged at Coromandel, and suggesting that you should make a running survey of the Waiau Block, perambulating and marking the whole, but cutting only such lines as may be requisite to indicate clearly the boundary near contiguous and occupied localities.

I have the honor, by direction of the Governor, to inform you that His Excellency approves of these small and rugged blocks being made an exception from the rule which now obtains of cutting the whole external boundary of purchased blocks, more particularly because it may be hoped that adjacent blocks will be acquired which will entirely obviate the necessity for a completely-cut boundary.

I have, &c.,

DONALD MCLEAN, Chief Land Purchasing Commissioner.

C. Heaphy, Esq., &c., &c.

# No. 10.Mr. PREECE to the CHIEF COMMISSIONER.

*Waiau and Awa Kanae.—Has paid a Deposit on the Block.* Stapleton, Coromandel. May 6, 1858.

SIR,—

- Since my last communication I have made a deposit of One hundred and twenty-six pounds (£126) on the Waiau and Awa Kanae Block, which contains between two and three thousand (2,000 to 3,000) acres. I am now only waiting for an answer to my last letter and the arrival of Mr. Heaphy, when I shall complete the purchase. I wish Mr. Heaphy to survey a piece of land in front of the above block, so that it may have some sea-frontage, because, should the purchase be made without the frontage, there would be a difficulty to get access to the land; I have, therefore, delayed the purchase until the survey is completed. Coal exists on the above block, and is found in the whole of the ranges.
- The Matakita Block, which runs from the boundary of my estate to the top of the highest range, is not finished surveying, but will be completed when Mr. Heaphy comes. I think that it will contain about 2,000 acres. I shall make the purchase as soon as I get the map.
- For the Big Mercury Island I have given to Rawiri a deposit of Forty pounds (£40). I have not as yet received the map with the acreage of each party's claim; when I receive that I shall be prepared to complete the purchase of the whole island.
- The Wainuiototo Block is at present in dispute, and therefore must be delayed until settled amongst the Natives, which I hope will soon be done, I shall then take the earliest opportunity of making the purchase.
- I have not as yet received the map of the survey of the Kikowhakarere Block, therefore I am not able to take any step toward the purchase of that block.
- I have great hope that I shall be able to purchase another block shortly; but, as much of the land is covered with kauri, the Natives can at present get more by selling the trees and retaining their land than they can by the sale thereof. They get from 10s. to £1 per tree. There are also many other things which make them put more value on their land than they otherwise would do. The exertions of Mr. C. Davis to prevent the Natives from parting with their land have hitherto operated against the purchase of land, also the contention amongst the Natives themselves about their respective claims has had the same effect; the price that has been proposed to be given for land has been considered by them as too little.
- I am of opinion that if the Government would but give a little advance in price there would soon be more land offered for sale. I know that the Natives as a body are convinced that the time is at hand when each individual Native will do as he pleases with his own land. The conduct of Maihi and Horopeta, in selling the Waiau Block in spite of all opposition, has operated well. Taniwha told me lately that he was convinced that the Government would soon make a purchase of all the spare land, for that he had found that he and the other chiefs could not prevent other Natives from parting with their own land.
- The difficulties with which I have hitherto had to contend were of no ordinary character. Had it not been for the influence that I had with the Natives, and the confidence that they place in me, nothing, I believe, would have induced them to have sold any land. I have used every means in my power to accomplish the object. The labour in conducting these negotiations has been more than it would have been in some districts where there was ten times the quantity of land purchased. I shall embrace every opportunity to extend the purchase when there is a chance of doing so, because I am convinced that before the mineral resources of this district can be developed, the Native title to the land must be extinct, or every effort to prove them will fail. The Natives have neither energy nor perseverance enough to procure minerals, and besides, if they possessed both, their avarice would prevent them from bringing the product into market except they could get a price far above what merchants could give.
- And it would be equally injurious to Europeans to occupy unpurchased land, the endless evils that would take place would entirely defeat the object of developing the resources of the district, neither do I think that the Natives would allow it, even on a limited scale.
- Coal has been found at intervals along the whole range, and will, I think, be found both in quality and quantity far beyond the general expectations. If so, it will be a very great acquisition to the province.



I have, &c.,

JAMES PREECE.

The Chief Commissioner,  
Land Purchase Department.

## No. 11. The CHIEF COMMISSIONER to Mr. PREECE.

*Mercury Bay—Respecting Lands offered for Sale.* Chief Land Purchase Commissioner's Office, Auckland, 13th July, 1858.

SIR,—

I have the honor to transmit herewith the plans of three blocks of land comprised within five islands of the Mercury Group offered for sale to the Government—viz., Kawhiti Ihu, 200 acres; Rapuke, 200 acres; Whakahau lands 750, 100, and 70, 920 acres: total, 1,320 acres, with a rough plan of the Group. These plans have been copied on the margins of three printed forms of deed of sale, which you will have the goodness to fill up and return to this office when the negotiations have been completed.

Herewith also you will receive a general map of the Mercury Bay District, with the square miles of the country lying between the point near the town, on the North, and the Tairua Inlet, on the South, faintly delineated thereupon, so that you may be able roughly to estimate the area of any portion thereof; and, by extending these lines on the same parallels, the same rules will apply to any block which may be offered contiguous to the country embraced within the plan now furnished.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

James Preece, Esq., Coromandel.

## No. 12. Mr. PREECE to the CHIEF COMMISSIONER.

*Ahuahu—Forwarding Deed of the Block.* Stapleton, Coromandel, 16th July, 1858.

SIR,—

I herewith transmit the deed of part of the Ahuahu Block, which I purchased yesterday. It contains full half of the island; the remaining part of the island I could not agree for. I offered them the fixed price, but they demanded much more. They now have agreed to refer the subject to you for your direction. I shall be ready to pay them when I get your directions. Two deposits have been made some time past—one on Rawiri's claim of Forty pounds (£40), and one on Anaru's of Five pounds (£5).

Anaru is deputed by the others to wait on you. It would be well, if it could be done, to secure the whole island; but the two most important claims are Matenga's and Karaitiana's. Matenga will be here on Monday about his. Karaitiana I do not know what to do with; his is a very important claim, and should be secured at any price.

I think that it would not be well to take any notice of the deposit he had from you. Please to look to the map and see the harbour, and his claim in connection with it. You may depend that it will soon be needful for the Government to put some one there, as that is the station at which more smuggling is done than any other harbour in the land.

Yesterday the Natives were here about Wainuiototo; all the three parties have now agreed to part the money equally between them, but we could not agree about the price. I offered them Two hundred and forty pounds (£240), which would be Eighty pounds (£80) for each party, but they want Three hundred pounds (£300), and are going to you about it.

I believe that they will take what I have offered when they find that no more will be given. Three reasons I think may be named for purchasing.—First, it contains a very large proportion of kauri, which will at no distant time be of no small value. Secondly, it is commencing the purchase on the other side of the range, which, however long it may be delayed, will eventually be made. In the third place, it is a piece of land that has been contended for for at least two generations; the purchase of it will prevent any further dispute.

With respect to the Awakanae Block, I have seen Maihi, but as yet I have not been able to come to any conclusion. I find from all parties that the internal boundaries as marked by Mr. Heaphy on the maps are incorrect, half of what is marked as Maraea's belongs to Maihi. All the outer boundaries are perfectly correct; it is only the division between the land of each party; but as Maihi has a claim to meet soon, I have offered him Three hundred and twenty pounds (£320) for his claim, as that contains what is most wanted. I have not as yet had an answer. Horopeta will sell his, and Maraea could be left for the present.

All the plans are made on the deed, and ready waiting. I fear that not much land will be sold except the purchase money is increased; the Natives have by some means got to know the price that Keven's land has sold for, which will be very injurious here for some time.

July 17th.—Since writing the above, I have had the honor to receive your letters of June 29th July 6th, and July 13th.

The map of the Matakita Block, the printed deed, and the general map of the Mercury Bay District, mentioned by you as sent, have not as yet come to hand; they must have been left behind.

I return one letter which must have come by mistake as it is for some person at Maungatautari.

I should be glad to know by what party of Natives the islands mentioned by you are offered for sale, as that would be a guide to me in negotiating for them. When I go to Whakatane I shall be able to examine all the islands, as I believe that they want to sell several more; it would, I think, be well to purchase all that are worth anything, as I believe that they will before long become of value, when they may not be so easily procured.

There is a most valuable piece in this harbour near W. B. Moore's, which is offered; it is the place where the Custom-house will stand, if ever there is one here.

I shall purchase it without any regard to its acreage, as those small pieces cannot be purchased by that plan.

When the Collector of Customs was here, he thought it the only place fit for the Custom-house. Should it not be purchased now it would be difficult to get it.

I have, &c.,

JAMES PREECE.

Donald McLean, Esq., Chief Commissioner,  
Land Purchase Department, Auckland.

## No. 13. Mr. PREECE to the CHIEF COMMISSIONER.

*Coromandel—Reporting on Claims of Paora Te Putu.* Stapleton, Coromandel, 27th July, 1858.  
SIR,—

I have two letters from Paora te Putu about the land offered by Hopa and others for sale. I knew that there

would be other claims put in, and therefore recommend that their deposit should be less than what they wanted.

Paora has, I believe, a good claim to part, but much less than he would wish us to think; also a man of the name of Enoka.

He, I believe, is the *tinu take* of Ngatikoheru, which was the tribe to whom the land belonged. I have written to Paora, telling him that I will see that his claim shall be attended to, but he wishes to refer the matter to you. You will see from a letter of his, which I enclose, that his expectations are too great. I should rather see the land first, before anything further is done, which I shall endeavour to do on my way to Whakatane, which I trust will be as soon as I can complete the two purchases now in hand, and the weather a little more settled. It would be imprudent to go at present.

If I can induce them to let the boundaries go where I want, there will be about 35,000 acres. From the calculation I have made from the map you sent me, there is more than 20,000. I shall be able to report on it on my return. Maka will be at Whitianga, and I will call on him. You will see from Paora's letter to me that he mentions the names of several persons as belonging to the land, but they are at Whakapirikau.

Paora and Enoka alone are the claimants of that tribe. There will be, I am aware, a few others from different tribes, but, as the extent is great, we shall be able to give something to all, and buy out each party's claims.

I have purchased the piece I spoke of in my last, near to W. B. Moore's, and will send the deed by the first safe opportunity. From all that I can hear, there is no opposition from any party to the sale of the land at Mercury Bay; all appear willing to sell; the great contention here is about price. The Natives have been informed that a few acres of Keven's land has been resold for £3,000, and they cannot understand what makes that of more value than the other land near to it. These things may wear off in time.

I have, &c.,

JAMES PREECE.

Donald McLean, Esq., Chief Commissioner,  
Auckland.

## No. 14. Mr. PREECE to the CHIEF COMMISSIONER.

*General.—Reporting on various Claims to Land in his District.* Stapleton, Coromandel, 22nd October, 1858.  
SIR,—

- I have the honor to acknowledge the receipt of various letters for me to report on. I am now in possession of the proper information to do so.
- The claims both of Te Mariri and Wiremu Paiawa, although both sent separately, I believe to be the same. They do not, from what I can learn, possess any personal claim, but a tribal one. It was arranged by Mr. C. Davis, when the negotiations were going on between the Government and Waka, in connection with Te Mariri, Wiremu Paiawa, and the other Natives of the Barrier, that Waka was to give them some part of the payment, which he has not done: it is on that ground that their demand is made. I consider that they are entitled to some compensation, but of course not to anything like what they demand.
- With regard to the land offered for sale by Onehunga, I believe that she has some claim to it, but at present it would not be advisable to purchase it, as it is disputed, and only a small spot, situated at a distance from any land that has been purchased.
- Te Hoki's letter about the Waiau and Awakanae land cannot be received as a claim: the only piece that he has a claim to is Ongohe, which is left out of the purchase. He was present when Mr. Heaphy surveyed the land, and gave up all claim to it.
- Maraia Tiki has no personal claim to the Waiau Block. Maihi is acknowledged by all to be the only person who has any right to sell any part of that block. She must therefore go to him, and make her claim, as it will be impossible for her claims to be considered by any person making the purchase.

I have, &c.,

JAMES PREECE.

The Chief Commissioner,  
Auckland.

## **No. 15. Mr. SURVEYOR SINCLAIR to the CHIEF COMMISSIONER.**

*Mercury Bay.—Completion of Surveys in that District.* Coromandel, 7th February, 1859.  
SIR,—

I have the honor to report to you, for the information of the Government, that I have now returned to Coromandel, having surveyed and marked out the whole of the land at present offered for sale by the Natives in the Mercury Bay District, which is comprised in five blocks, containing together about 20,000 acres.

The only work now before me is to survey a small block of land near Waiau, containing about 300 acres, and to prepare plans of eleven blocks of land for the information of Mr. Preece.

May I therefore request that I may be duly authorized to return to Auckland to prepare finished plans of the above mentioned surveys for the use of the Government.

I have, &c.,

ANDREW SINCLAIR, Government Surveyor.

The Chief Commissioner,  
Native Land Department, Auckland.

## **No. 16. The CHIEF COMMISSIONER to Mr. PREECE.**

*Mercury Bay.—Purchases of Land in that District.* Chief Land Purchase Commissioner's Office, Auckland, 21st March, 1859.  
SIR,—

With reference to your letter of the 5th February last, relative to several blocks of land offered for sale in the Mercury Bay District which you report to be unfit for agricultural or pastoral purposes, I have the honor to inform you that as the existence of valuable minerals on the land referred to by you is as yet a matter of uncertainty, and as it is unfit for agricultural purposes, it is desirable that a smaller price should be offered than has been recently given for land at Coromandel.

I am further directed to request that you will furnish an estimate of the probable cost of its acquisition, and report the probability or otherwise of its being purchased at a reasonable price.

I have, &c.,

THOMAS H. SMITH, For Chief Commissioner.

James Preece, Esq., Coromandel.

## **No. 17. THE CHIEF COMMISSIONER to Mr. PREECE.**

*Mercury Bay.—Blocks of Land to be Purchased.* Chief Land Purchase Commissioner's Office, Auckland, 4th July, 1859.

SIR,—

With reference to your letter of the 21st ultimo, reporting on various blocks of land in the Mercury Bay District, I have the honor to inform you that His Excellency the Governor has been pleased to authorize the purchase of the Purangi, Whenuakite, and Hahei Blocks, at the prices therein named by you.

His Excellency has also directed that the sum of £300 should be advanced to you for the Whenuakite Block; £100 to complete the purchases in Mercury Island; and £100 to complete purchases in Coromandel Harbour, making in all the sum of £500.

I have, &c.,

THOMAS H. SMITH, for Chief Commissioner.

James Preece, Esq., Coromandel

## **No. 18. THE CHIEF COMMISSIONER to Mr. JAMES PREECE.**

*Waiau.—Concerning Purchase of Purangi and Awakanae Blocks.* Native Land Purchase Department, Auckland, 6th October, 1859.

SIR,—

I have the honor to inform you, with reference to the latter part of your letter of the 26th September last, that His Excellency the Governor has been pleased to approve of the sum of £250, being advanced to you to complete the purchase of the Purangi Block, and also of £45 for a portion of the Awakanae Block, making a total of £295.

I have, &c.,

THOMAS H. SMITH, for Chief Commissioner.

James Preece, Esq., Coromandel,

## No. 19. The CHIEF COMMISSIONER to Mr. JAMES PREECE.

*Coromandel—Incompleteness of Deeds prepared by him.* Native Land Purchase Department, Auckland, 3rd November, 1859.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 26th September, transmitting deeds of sale of certain blocks therein named, the purchase of which is also reported by you as having been completed.

I am directed by His Excellency the Governor to observe that the deeds referred to have not been prepared with that care and neatness which is desirable in matters of such importance.

I have therefore to request:—

- 1st. That you will have the goodness to furnish translations of the Maori description of boundaries in the deeds now transmitted, as well as of any hereafter executed.
- 2nd. That you will in future take care that every deed of final session prepared by you shall be legibly written; shall contain a full description of boundaries; and shall have drawn upon the margin a plan of the land ceded, with the bearings and distances of the boundary lines marked upon it, also all names of places recited in the description of boundaries; the area by survey, with such information as may be sufficient to identify the land, and to indicate the boundaries beyond possibility of misunderstanding hereafter.

I have, &c.,

THOS. H. SMITH, (for Chief Commissioner).

James Preece, Esq., Coromandel.

## No. 20. The CHIEF COMMISSIONER to JAMES PREECE, Esq.

*Mercury Island—Sum to be paid to Matenga Ngaupara for his Claim.* Native Land Purchase Department, Auckland, 20th December, 1859.

SIR,—

In reply to your letter of the 29th ultimo, reporting on a communication from Matenga Ngaupara referred to you for that purpose, I have the honor to inform you that the purchase of Matenga's claim on the Mercury Island for the sum of £100, as recommended by you has been authorized, and that Matenga has been referred to you accordingly.

I have, &c.,

THOS. H. SMITH, Assistant Native Secretary, (for Chief Commissioner).

James Preece, Esq., District Commissioner,  
Coromandel.

## No. 21. The CHIEF COMMISSIONER to Mr. PREECE.

*Mahurangi.—Karaitiana objects to money being paid to Maihi for Mahurangi Island.* Land Purchase Office, Auckland, 8th June, 1860.

SIR,—

The Native Chief Karaitiana has informed me that the sum of (£30) Thirty pounds has been paid by you to Maihi Te Ohoka for the Island of Mahurangi, instead of having been paid to him, as he thinks it ought to have been, and now desires payment for the land. He also states that Forty pounds (£40) was paid to certain Natives at Opito, which ought to have been paid to him; and that Maaka; of Whangamaoro, who objected to the sale of the Hahei block, has no claim to that block, and that there is now no objection on the part of the owners to its being sold to the Government. Karaitiana has also requested payment for the Pungapunga block, which was surveyed by Mr. Kempthorne.

I have advised him to apply to you for a settlement of these questions, and have to request that you will investigate his grievances, and report the result for the information of the Government.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

James Preece, Esq., Coromandel.

## No. 22. Mr. PREECE to the CHIEF COMMISSIONER.

*Mahurangi.—Respecting Karaitiana's claim to that Island.* Stapleton, Coromandel, 23rd June, 1860.

SIR,—

I have the honor to acknowledge the receipt of your letter, dated June 8th, with respect to Karaitiana's statement about the island of Mahurangi.

He is wrong as regards the money paid: it was not £30, but £12; and as to his claim, he has none to that island. The only person except Maihi that has any claim to it, is a man named Enoka. I know that I shall have yet to give him a small sum, but nothing either to Karaitiana or his party.

In reference to the land purchased by me at Opito, Karaitiana came with the Natives to me, and withdrew his claim, and requested me to purchase it from them, which I did for £34, not £40, as stated by him. I am sorry that he cannot confine his statements to truth.

Regarding the Hahei block, I have constantly put them off until you came back, as you were present at their meeting at Kapanga. I am of opinion that something will have to be given to each party: perhaps the best way would be to purchase separately each party's claim.

With respect to the Pungapunga, I am quite ready to make the purchase as soon as Karaitiana comes to me about it.

I have, &c.,

JAMES PREECE.

To the Chief Commissioner,  
Land Purchase Department, Auckland.

## The CHIEF COMMISSIONER to Mr. PREECE.

*General.—Transmitting Memorandum by Mr. Heaphy.* Chief Land Purchase Commissioner's Office, Auckland,  
15th September, 1860.

SIR,—

A Memorandum has been placed in my hands, by Mr. Heaphy, having reference to certain blocks of land which the Natives expect to receive payment for from the Government; a copy whereof is herewith enclosed, as I deem it highly important that you should be put in possession of any information of that kind which is received at this office, in order that you may be able to report upon the nature of these claims for the information of the Government.

I have, &c.,

DONALD MCLEAN Chief Land Purchase Commissioner.

J. Preece, Esq., Coromandal.

## Enclosure.Memorandum by C. HEAPHY, Esq., PROVINCIAL SURVEYOR.

The Natives of Coromandel look to the Government for the undermentioned "*Papa Tupus*," viz.:—

Mr. Preece is of opinion that the Natives are not yet ready to commence negotiations for further sales. Mr. Preece when I applied to him on the subject, stated that in about a month, or some such period, he thought the Natives would be able to go to the Big Mercury Island on the subject of their claims there.

I think that when the payment is made to the Coromandel Natives for the *Papa tupus* set forth on the preceding leaf, it is very likely they will be prepared to offer further lands to the Government.

It is very desirable that the land which reverts to the Crown from Webster's purchases at Wai Totara near Waiau and Motu Tapere, as well as that at Kennedy's Bay and Mercury Bay should be definitely taken possession of as soon as possible, by being marked out on the ground. Any additional payments which may have to be made upon these claims will but conduce in effect to the final acquirement by the Government of those lands which the Natives have no occasion to retain for their own use, in the Coromandel district.

CHARLES HEAPHY,  
16th August, 1857.

The Chief Commissioner,  
Land Purchase Department.

## No. 24.The CHIEF COMMISSIONER to Mr. PREECE.



*General.—To defer Surveying Operations until the Summer Time.* Land Purchase Department, Auckland, 6th May, 1861.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 26th January last, reporting on two letters addressed to this office by Riria Poau preferring a claim to the Opitonui Block.

With reference to that part of your letter recommending that the survey of the block above mentioned, together with those of Mahakirau and Maumaupaki be proceeded with, I have the honor, by direction of His Excellency the Governor, to inform you that it is considered advisable to defer surveying operations in your district until the ensuing summer; and have to request that the intervening time be employed by you in searching out any additional information that may be procurable upon the titles to the land in question.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

James Preece, Esq., Coromandel.

## **No. 25. The CHIEF COMMISSIONER to S. PERCY SMITH, Esq., Government Surveyor.**

*Tokotea Block.—Survey to be made.* Land Purchase Department, Auckland, 24th June, 1861.

SIR,—

I have to request that you will place yourself in communication with Paora's tribe at Koputauaki, to carry on an outline survey of the Tokotea Block. It will be unnecessary to make a regular survey of an expensive character, but at the same time the boundaries should be marked out in such a manner that no dispute may hereafter arise relative to them. *Wahi Tapu*, graves, cultivations, and other spots which the Natives may wish to have reserved to themselves should be properly surveyed and the boundaries distinctly marked out on the ground.

It will be necessary that some of the Native proprietors should accompany you to point out the correct boundaries, who will be paid for their services at the usual rate of wages for such work. The general object of the survey is to have the boundaries of the land given up by the late Paora's tribe for gold diggings, defined with sufficient distinctness, to avoid any possibility of dispute or encroachment on Native territory.

You will compute as accurately as you can the area of the land that has been ceded by Paora's people for gold-digging.

A few posts put up in places where you deem it necessary will be requisite, more especially where there are no rivers or natural boundaries.

I enclose for your guidance a copy of Memorandum of Agreement in which the boundaries of the land given up by them for gold-digging is described.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

S. Percy Smith, Esq.,  
Government Surveyor, Coromandel.

# No. 26. Mr. PREECE to the CHIEF COMMISSIONER.

*General.—Reporting as to the State of Land Purchasing Operations in his District.*

A Report of the state of the Land Purchase Department in the District of Coromandel, 16 July, 1861.

The undermentioned blocks have been surveyed, and can be purchased when the money which has been granted for that purpose is forwarded:—

- Matarangi Block.—Eruera's.
- Ahuahu Block.—Matenga's.
- Te Pungapunga Block.—Karaitiana and Riria's.
- Kaituna Block.—Wiremu Hopihana's.
- Waikiekie Block.—Hira Te Pure's.
- Kikowhakarere Block.—Paora and Karaitiana's.
- Te Hoho Block cannot be purchased until the Mahakirau Block is purchased, as the deposit given on it is in excess of the value and is to be deducted from Mahakirau.
- Maumaupaki Block joins that of the Awakanae already purchased on the one side, and Mahakirau on the other, and contains by estimation about 4000 acres, and runs from the surveyed line of the Awakanae to the foot of Castle Rock. This is part of the district mentioned by Dr. Hochstetter as an available and payable Gold-field. About a fortnight since a nugget was found in a creek near this land which contains about two ounces of pure gold, which had been broken off from a solid rock by some kauri logs brought down the creek; it was carried down the creek by the flood, and found after the water had subsided. No search has as yet been made for the ground deposit, as the white men do not wish to excite the Natives; they had rather see the land quietly purchased by the Government first.
- Mahakirau Block commences where the Maumaupaki Block ends, and continues to Mercury Bay. A creek that runs through this block runs into Mercury River. It contains, by estimation, about 30,000 acres. A large portion of this block is excellent land: part of it contains a very good Kauri forest, other portions of it are, like the last block, gold deposits. I beg strongly to recommend the immediate purchase of both these blocks; there is no difficulty in doing so as there is not any dispute about them, the purchase can be made as soon as the survey is completed, as the Natives are very desirous of selling; but should gold be found in large quantities before that is done, there would be a great difficulty in making the purchase at all, as then, I believe, that no sum would induce them to part with it, whereas if we purchase now, we shall have in one block, from Coromandel to Mercury Bay, about 40,000 acres, on which prospecting operations would be going on, and on the other side of Mercury Bay the Government have a block already purchased of about 13,000 acres which is covered with quartz and iron stone, which always indicate a gold deposit; in fact gold has been found on this land; I saw a small but beautiful nugget of gold found there. I consider that the purchase of these blocks may, in future, prevent great disturbances.
- Opitonui Block joins the two last at Castle Rock and leads out to Whangapoua. It contains by estimation from 2,000 to 4,000 acres, a good part of it is very good land and contains a fine kauri forest; a large creek runs through the centre of it. Gold is supposed to exist on this as well as on the two last blocks, some very fine samples were got here about four years ago. There is a little dispute about the ownership of this block; a woman of Whangapoua of the name of Riri Porou claims part of it. I have thoroughly investigated this claim, and from the evidence given by all parties I am convinced that she has no selling claim nor right to interfere; she ought to receive something when the payment is made, which could be reserved for her, or her claim could be referred to some Court which had authority to adjust claims of that kind.
- The Opororo Block joins the Opito Block which has been already purchased. When this is purchased, the Opito Block could be thrown open for selection; the piece to be purchased may contain from 6 to 8,000 acres; the whole when open, will be about 3,000 acres; it is undisputed, and the purchase has been promised; I therefore beg leave to recommend the completion of this purchase.
- Waimoka Block is situated near the Opito Block, and joins the Matarangi Block. A deposit of £10 has been given on this; if the boundaries, as stated, should prove to be correct when surveyed, I should think that it would prove to be about 4, or 6,000 acres. The survey of all the above blocks could be made at the same time, as they are all close together.

- The Hahei Block is situated on the South side of Mercury Bay, and joins land already purchased to the extent of 1,300 acres. I have not as yet been able to complete the negotiations for this block. Each of the parties who contend for this land lay claim to the whole, but from all that I have been able to collect on the subject, I firmly believe that their claims are about equal. The one party have agreed to allow the money to be divided, and as the principal person of the other party who contended for the whole is dead, I think that I shall, in the end, be able to get them to allow me to divide the sum equally amongst them, and thus prevent serious disturbance amongst themselves, as neither will ever allow the other to possess it.
- The Whangamata Block, which has been offered by Rawiri, is, I fear, too much disputed to allow of any further steps being taken about it until the contending parties can make some mutual arrangement amongst themselves on that claim.
- Honoroa Block is situated in this Harbour, and contains about 150 acres of very good land; this is only waiting to be surveyed, and could then be purchased at once.

The above is the true state of the Land Question in this district at the present time, and although there has not been much land offered for sale of late, it has not been from any feeling adverse to the sale of land that has prevented the Natives from offering larger blocks, but from an idea that the prices given were not equivalent to the value of the land, which they consider will soon be worth a large sum when its mineral wealth is developed. I am of opinion that if a more liberal scale was adopted, it would have a good effect on the minds of the Natives, and at the same time restore their confidence in the Government.

JAMES PREECE.

## No. 27. The CHIEF COMMISSIONER to JAMES PREECE, Esq., Coromandel.

*Coromandel—Further Land Purchase not urgent.* Native Land Purchase Department, Auckland, 3rd September, 1861.  
SIR,—

With reference to your letter of the 17th July last, forwarding your general report of the state of the land purchases in your district, I have the honor by direction of His Excellency the Governor to inform you that there is no particular urgency for acquiring land in the vicinity of Coromandel Harbour, as the district, except for its probable mineral wealth, is of very little value otherwise; the land is poor; there is no extent of it suited for agriculture; the price expected by the Natives is beyond its intrinsic value; and I confess I do not see any particular object in paying a high price for land there at present.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

James Preece, Esq., Coromandel.

## No. 28. The CHIEF COMMISSIONER to Mr. COMMISSIONER G. D. HAY, Thames.

*Coromandel—Tribal Boundaries to be ascertained.* Chief Commissioner's Office, Auckland, 27th September, 1861.

SIR,—

I have the honor to request that you will prepare at once to proceed to the Cape Colville District. You will ascertain and clearly define the tribal boundaries between Cape Colville and Te Aroha, reporting from time to time your progress in the enquiries, and also concerning the disposition of the Natives to afford you assistance in your investigations. To enable you to carry out these instructions you are authorized to employ two or three Native labourers as necessity may arise.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

G. W. Drummond Hay, Esq., &c., Auckland.

## **No. 29. The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Auckland.**

*Coromandel—Pukekura Block offered for sale.* Colonial Secretary's Office, Land Purchase Department, Auckland, 2nd May, 1862.

SIR,—

I have the honor to inform you that Te Moananui of Coromandel has offered for sale a block of land of 700 or 800 acres in that district, described as the Pukekura Block. The boundaries of the Block have, I find, been surveyed by an officer of the General Government, and Moananui has received advances to the extent of £55 upon it. Though aware of the objection to purchasing small blocks of land not of the best quality, yet, under the above circumstances, I think you will concur with me that in completing this transaction at the price of 3s. an acre (£112 10s. being the price of the whole block) I shall be consulting the interests of the Province of Auckland.

If you agree in this, the transaction shall be immediately closed.

I have, &c.,

WILLIAM FOX.

His Honor the Superintendent, Auckland.

*Cabbage Bay.—Lands offered by Tahana Karei.*

THE following blocks of land, situated at Cabbage Bay, Coromandel District, have been offered to the Government by Tahana Karei of the Ngatitamatera tribe:—

The survey of these blocks has been completed by me. They are adjoining some of Mr. Hay's late purchases, and are valuable from the fact that they will assuredly lead to other and more extensive acquisitions, as also from the nature of the soil which is excellent and well adapted to occupation by European settlers.

According to instructions received from the Chief Commissioner, I have offered Tahana the same price per acre as that paid by Mr. Hay for other blocks in the same locality, viz., 4s., which will amount to £33 4s. 4d. for the entire 166 0 12 acres which, after some endeavours on Tahana's part to increase the price, he has accepted.

S. PERCY SMITH, Government Surveyor.  
4th October, 1862.

## Minute.

Recommended that Mr. Smith should be authorized to pay Tahana and party the sum of £33 4s. 4d. for the blocks referred to, as they are well situated for locating settlers.

DONALD MCLEAN.

6th October, 1862.

## His Honor the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.

*Coromandel—Land Purchase.* Superintendent's Office, Auckland, 4th April, 1872.

SIR,—

I have the honor to enclose copy of a letter addressed to me on 20th March last by James Mackay, jun., relative to his being provided with funds to enable him to complete on favourable terms the purchase of two large blocks in the Cape Colville Peninsula. Dr. Pollen being absent, and being personally aware that a very large sum might be saved to the colony and the province on this purchase by dealing with the Natives at the *tangi* at Ohinemuri, I felt myself justified in advancing to Mr. Mackay the sum of Two thousand pounds for that purpose. I proceeded with Mr. Mackay to Ohinemuri, and was present when he was negotiating with the Natives there assembled, and I feel convinced that a large saving, both in time and money, was effected by his being placed in funds promptly to conduct these negotiations. I trust that you will approve of my action in this matter, and that the amount advanced will be at once repaid.

Permit me further to suggest that provision should be made in future for providing funds by which advantage can be taken promptly of such circumstances as the above, which occasionally arise.

I have, &c.,

THOMAS B. GILLIES, Superintendent.

The Hon. the Colonial Secretary, Wellington.

## Enclosure Mr. JAMES MACKAY, jun., to the SUPERINTENDENT of AUCKLAND.

New Zealand Native Land Agency, Auckland, 20th March, 1872.

SIR,—

Referring to your request that I would inform you as to the progress made by me in purchasing and negotiating for the purchase of Native lands on the Coromandel Peninsula, I have the honor to inform you that no purchase has as yet been completed by me. The surveys and negotiations for the Waikawau and Cape Colville Blocks are in a forward state, and I anticipate being able to acquire these at a price not exceeding 2s. per acre. I have made considerable advances on account of these purchases, having either paid for or made myself privately responsible for goods and stores amounting to £1,367 1s. 5d. I have made application to the Agent for the General Government for an advance to enable me to recoup myself the sums actually paid from private funds, and to pay the other amounts for which I have become responsible, and have as yet received no reply to my communication, which was made on the 4th instant.

A sum of £5,000 would probably accomplish this now, and as the area of the Waikawau Block is estimated by the surveyor, O. M. Creagh, to be about 100,000 acres; and the Cape Colville Block is estimated by Mr. Tole to be about 50,000 acres. This would be a very desirable purchase, being only 8d. per acre.

I have made arrangements for the survey and purchase of the Whangamata and Hikutaia Blocks, but have deferred entering further on these at present, until the completion of the telegraph line through that district, for fear of any complication arising to delay that important public work.

Unless the General Government can make some alteration in financial matters, so as to make it as easy to purchase for the Crown as for private persons, the acquirement of these lands will be tedious and difficult. The great point in buying land from Natives is to be able to have money at command to take advantage of favourable opportunities like the present.

Dr. Pollen being absent from Auckland, and not being likely to return for some time, and as it is impossible without funds to proceed further with those negotiations, I would beg to request that you will be as good as to advance the sum of £2,000 to enable me to conclude these purchases, which are a matter of great importance to the Province, and to make provision for further advances, if necessary, not exceeding the sum of £5,000 above mentioned, and which advances I think you are justified in making, pending the completion of the General Government arrangements for supplying the necessary funds.

I have, &c.,

JAMES MACKAY, Junr., Agent for Land Purchase, New Zealand Government.

His Honor the Superintendent, Auckland.

## **No. 32. Mr. JAMES MACKAY, Junr., to the Hon. the MINISTER for PUBLIC WORKS.**

*Kennedy Bay.—Respecting its purchase.* Wellington, 23rd July, 1872.

SIR,—

Referring to the question of the proposed purchase of the Harataunga or Kennedy Bay Block, Coromandel Peninsula, I have the honor to inform you that in accordance with your request I have communicated with His Honor the Superintendent of Auckland on the subject, and he is willing for the purchase to be made for any sum not exceeding Five thousand pounds: provided that all the flat land, excepting the portion absolutely required for Native residence and cultivation, be purchased at the same time and included with the remainder of the block for that price.

I have, &c.,

JAMES MACKAY, Jun.

The Hon. the Minister for Public Works,  
Wellington.

## **No. 33. His Honor the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.**

Wellington, 26th July, 1872.

SIR,—

I have the honor to acknowledge receipt this day of your's of 24th instant, requesting the expression of my views on the enclosed copy of letter from Mr. Mackay as to land purchase at Harataunga. My views are correctly stated by Mr. Mackay in his letter.

I have, &c.,

THOMAS B. GILLIES, Superintendent, Auckland.

The Hon. the Colonial Secretary, Wellington,

## **No. 34. Mr. JAMES MACKAY, jun., to the Hon. the MINISTER for PUBLIC WORKS.**

*Whakairi—Purchase commenced.* Wellington, 28th September, 1872.

SIR,—

I have the honor to inform you that negotiations have been entered into for the purchase of the Whakairi or Waiwhakaurunga Block, near Shortland, which contains nearly 15,000 acres, the title to which has been investigated by the Native Land Court; and I believe it can be purchased for two shillings per acre. I have, therefore, the honor to request authority to complete the arrangements, and also that the Agent for the General Government at Auckland be authorized to advance to me the sum of One thousand five hundred pounds for that purpose.

I have, &c.,

JAMES MACKAY, Jun., Agent for Native Land Purchases,  
Immigration and Public Works Act.

The Hon. the Minister for Public Works,  
Wellington.

# JAMES MACKAY, Jun., to the AGENT, GENERAL GOVERNMENT, Auckland.

*Coromandel and Hauraki.—Forwarding Return of Lands purchased.* New Zealand Native Land Agency, Auckland 24th, March, 1873.

SIR,—

I have the honor to acknowledge the receipt of your communication of the 5th instant, requesting me to furnish a return of Native lands purchased by me, or under negotiation for purchase under the 34th section of "The Immigration and Public Works Act, 1870." I now beg to transmit the information required under the following heads, viz.:—

Return No. 1. "Blocks, the purchase of which has been completed;"

Return No. 2. "Blocks for which negotiations are concluded, but deeds not executed."

Return No. 3. "Blocks under negotiation, but price not finally arranged."

Owing to my absence from the Thames, at Whangamata and Tauranga, I did not receive your instructions until the 14th instant, and as it has taken all my time since to compile the returns, I have been unable as yet to make the sketch map of the various blocks as called for by the Hon. Mr. McLean, but hasten to transmit the returns at once, and will furnish a map in the course of a few days.

I have, &c.,

JAMES MACKAY, junr., Agent for Native Land  
Purchases, Immigration and Public Works Act.

The Agent, General Government,  
Auckland.

## Enclosure 1.RETURN No. 1.

Average rate, 2s. 8d. per acre.

I have, &c.,

JAMES MACKAY, jun.  
24th March, 1873.

## Enclosure 2.RETURN No. 2.

Average Price, 2s. 3<sup>3</sup>/<sub>4</sub>d. per acre.

JAMES MACKAY, jun.  
24th March, 1873.



## Enclosure 3. Return No. 3.

# Claims upon lands taken over by the province of auckland from the general government. Mr. JAMES MACKAY to the HON. the COLONIAL SECRETARY.

*Coromandel.—Lands taken over by Province from General Government.* Auckland, 17th July, 1875.

SIR,—

Referring to my Memorandum of the 7th instant, on George Grey's letter of the 19th May last, addressed to you on the subject of land purchases, I have the honor to transmit herewith a return showing approximately the value of the property held by the proprietors of saw mills within the District of Hauraki. This information has been principally obtained from the mill-owners themselves, who have given me every facility in their power to complete the return. The totals are cost of erecting fifteen saw mills with working plant, £106,855. Payments to Natives for timber, including in some cases cost of survey of the blocks on which it is growing, £42,045. Value of logs in stock, £64,982. Total value of Mills, working plant, standing forest, and logs in stock, £209,732. The annual average production of timber is valued at £120,750. The number of men employed in these mills is 678. Vessels employed in the carrying trade, 27, manned by 82 men.

These figures are slightly different from those mentioned in my memorandum of the 7th instant, that was, however, my own estimate before the return was completed; the alteration is so small as to be hardly worth noticing.

The more I consider the scheme proposed by George Grey, to give compensation to the mill owners for their rights, the more I feel convinced that it is impracticable and detrimental to the best interests of the country. The goldminer is one of the largest consumers of sawn timber, and his industry would be retarded and suffer loss if the sawmills ceased to supply his demands.

I previously drew attention to the fact that supposing the proprietors of sawmills were bought out in the manner suggested by George Grey, the Colony or Province would derive no equivalent advantage, because the system of granting timber licenses, heretofore pursued by the Provincial Government, gave but small receipts, when compared with the value of the privileges granted. In proof of the correctness of my assertion, I enclose herewith a return compiled by Mr. Tole, the Commissioner of Crown Lands, showing the amount paid for timber licenses over Crown Lands within the Coromandel Peninsula, and the District of Hauraki, during the fifteen years commencing 1st July, 1860, and ending 30th June, 1875. The total is £192 10s.

I have no hesitation in saying that any mill owners would under other circumstances have paid to the natives for the timber cut on the Mahakirau Block alone, four times the total sum shown by Mr. Tole as having been paid to the Crown for licenses over the whole of the blocks specified by him.

I enclose copies of correspondence with the Mercury Bay Saw Mill Company respecting a proposed reduction of the term of years for which they hold the right to cut timber on the Taranoho and Kaimarama Blocks.

It has been stated recently that some of the deeds of grant or leases of timber held by sawmill proprietors confers rights other than those required for the cutting and removal of timber from the forests to their mills. If such privileges have in any case been granted by the native owners, they have not been exercised or desired by the lessees or grantees, and would, I believe, be relinquished at once, thereon application of the Government. I have discussed the question of ordinary agreements and leases on all their bearings with the principal owners of timber residing here, and am convinced they are willing to make favourable terms with the Crown, and merely desire to be confirmed in their claims to Kauri timber, with necessary easements in the shape of roads and water rights, to enable them to convey it to their mills, with the privilege to cut any other timber or firewood required for their own use. If these rights were secured and confirmed to them, they would be perfectly satisfied; and there would not be the slightest danger of any future misunderstanding arising between them and the mining

population, who are the only persons liable to have any conflicting interests, as the land on which Kauri grows is unfit for agricultural purposes and settlement.

I have, &c.,

JAMES MACKAY.

The Hon. the Colonial Secretary,

Wellington.

## Enclosure 1.

James Mackay.  
15th July, 1875.

## Enclosure 2. Mr. JAMES MACKAY to the COMMISSIONER of CROWN LANDS, Auckland.

Auckland, 12th July, 1875.  
Sir,—

As I am procuring, for the information of the General Government, a return respecting the timber trade of this Province, I have the honor to request that you will be so good as to supply me with a return showing the number of timber licenses issued within the limits of the Coromandel Peninsula and District of Hauraki from the 1st July, 1860, to the 30th June, 1875, showing the block for which such license was issued, and the fees received in respect thereof, with the name of the person in favour of whom it was granted.

I have, &c.,

JAMES MACKAY, Agent General Government.

The Commissioner of Crown Lands, Auckland.

## Enclosure 3. The COMMISSIONER of CROWN LANDS, Auckland, to Mr. MACKAY.

Crown Lands Office, Auckland, 13th July, 1875.

Sir,—

In compliance with the request contained in your letter of yesterday's date, I have the honor to enclose a return showing the number of timber licenses issued within the limits of the Coromandel Peninsula and District of Hauraki, from the 1st July, 1860, to the 30th June, 1875, together with the name of the block for which such license was issued, the fees received in respect thereof, and the names of the persons in favour of whom such licenses were issued.

I have, &c.,

D. A. TOLE, Commissioner of Crown Lands.

James Mackay, Jun., Esq., Agent General Government, Auckland.

## **Sub-Enclosure to Enclosure 3.**

RETURN showing the NUMBER of TIMBER LICENSES issued within the Limits of the Coromandel Peninsula and District of Hauraki, from the 1st July, 1860, to the 30th June, 1875, together with the Name of the Block for which such License was issued, the Fees received in respect thereof, and the Names of the Persons in favour of whom such Licenses were issued.

D. A. TOLE, Commissioner of Crown Lands.

Crown Lands Office, Auckland,

13th July, 1875.

## **Enclosure 4. Mr. JAMES MACKAY to the SECRETARY, MERCURY BAY SAWMILL COMPANY.**

Auckland, 5th July, 1875.

Sir,—

Referring to the conversation I had with you some months ago respecting a proposed modification of the conditions of the timber leases held by the Mercury Bay Sawmill Company over the Taranoho and Kaimarama Blocks, in the Mercury Bay District, by reducing the term of the leases from ninety-nine years to twenty-one.

I have the honor to request that you will be so good as to inform me whether the company are willing to make the proposed alteration.

I have, &c.,

JAMES MACKAY, Agent, General Government,

The Secretary, Mercury Bay Sawmill Company, Auckland.

# Enclosure 5. The SECRETARY MERCURY BAY SAW MILL COMPANY to Mr. MACKAY.

Custom House Street, Auckland, 13th July, 1875.

Sir,—

In reply to your communication of 5th instant, and conversation held between ourselves, *re* leases of Kauri held by this Company, I am directed by the Directors of this Company to inform you that they have agreed to recommend to the Shareholders that the lease of the Kaimarama Block be reduced to twenty-one years, and the Taranoho Block to forty years. A meeting of shareholders will shortly be held, the result of which I will inform you of.

I have, &c.,

BENJ. GILMORE, Secretary.

James Mackay, Esq., Agent General Government.

*Hauraki—Report of Visit to that District.* Native Secretary's Office, Auckland, 5th June, 1857.

Sir,—

I have the honor to report for your Excellency's information the result of my late visit to the Thames and Coromandel Harbour Districts.

## Pukorokoro.

- First—After leaving Auckland I proceeded to the Thames, where I had a conference with the Ngatipaoa tribe respecting the purchase of the Piako District. The Ngatipaoa chiefs followed me in their canoes to Pukorokoro, a small river to the west of the Piako, where I found Mr. Drummond Hay and a party of Natives. I held a meeting with the whole of the claimants, who agreed to proceed with Mr. Hay to point out the boundaries of their land, and settle their conflicting claims and differences respecting such portions as were claimed by other tribes. This being completed, Mr. Hay was instructed (a copy of which is herewith enclosed) to furnish a plan of the district about to be ceded, estimated at 140,000 acres, and a date was to be fixed on which all the claimants should be assembled at Auckland to effect a final settlement of that long-pending question.
- Secondly—From Pukorokoro I proceeded up the Thames in the expectation of meeting Taraia, who had left there some days previously; consequently I have not been able to see him in reference to the purchase of some land he offered to the Government in the Coromandel District, near Cape Colville.

## Patene Puhata's Offer of Land at Coromandel.

- Thirdly—From the Thames I came back to Waiheke for the chief Puhata, who has offered to give up a space of land containing about four or five square miles for the purpose of gold-digging, which offer may be availed of by the Government, if necessary; although I conceive it would be more prudent to discourage the search for gold until negotiations connected with the purchase are more matured.
- There is at present a general indisposition on the part of the Natives to alienate their lands at Coromandel Harbour, and, with the exception of the unsold portions of Mercury Island and a few small blocks on the

main, there is nothing else open for immediate purchase in that district. These places they offer should be purchased as a means of leading to more extensive sales; but this must be done with caution as, if the Natives find an eagerness on the part of the Government to acquire their land, the opposition of the Natives will increase in the same proportion as the eagerness of the Government is manifested. As far as I can ascertain it is not so much a question of price that will weigh with them in this matter as a national feeling which prevails among many of the New Zealand tribes by which they enter into leagues and confederations against the sale of their country. Moreover, at Coromandel they are apprehensive that the discovery of gold in any quantity would lead to such an influx of disorderly Europeans as might annihilate or exterminate them.

Under all the circumstances I did not deem it prudent to press negotiations during my stay there, considering it more advisable to acquire information and disabuse the Natives of some of the fears they entertained, and to lead them to a more favourable consideration of the question.

## James Preece.

In furthering this object the Government would be very much aided by securing the services of Mr. Preece, who has been resident in the colony as a missionary for the last twenty-six years, having lived, the greater portion of the time in the Thames District. Mr. Preece is now retired from the mission service. He is thoroughly acquainted with the tribes, and knows the extent and general position of their claims. I would therefore recommend that he should be employed to carry on preliminary negotiations for such lands in the Coromandel District, where he is residing, as the Natives may from time to time be disposed to alienate, and in the meantime, until the work accumulates, that he should receive pay at the rate of One hundred pounds (£100) per annum.

I have, &c.,

DONALD MCLEAN, Native Secretary.

His Excellency the Governor.

## Enclosure

*Piako.—Instructions to Survey the District.* Schooner "Tere," Taupo, 13th May, 1857.

Sir,—

I have held a consultation with Takurua, Hoera, Te Poihipi, and other chiefs at Taupo (Hauraki), respecting a settlement of their Piako claims, and have advised that they should point out to you the external boundaries of their claims so as to prevent any future questions or encroachments by Ngatipaoa, or other tribes on the Ngatipaoa boundary. When the external boundaries are clearly marked off, it does not appear to me that it will be necessary to enter upon a subdivision of their own internal tribal claims, as this can be arrived at with sufficient accuracy for all the purposes of this Department, without incurring the loss of time, delay, and expense of such a subdivision.

When you have completed this duty you will furnish a map of the several large blocks you survey, and of such reserves, if any, beyond a swampy place called which the late Chief Hauauru wished to retain for eel-fishing.

I intended to go on to Piako to see how the work on which you are employed was progressing, but find that it is needless now for me to do so, as you have not yet reached that place.

The Government feel anxious that this long-pending question shall be brought to a speedy and satisfactory termination, as otherwise the time and money expended upon it will amount to more than the land is worth after its acquisition.

I shall be in the vicinity of the Thames and Coromandel Harbour for some weeks, if you have any reference

to make to me respecting the work on which you are engaged.

I have, &c.,

DONALD MCLEAN, Native Secretary.

G. Drummond Hay, Esq.

## **No. 2. Mr. COMMISSIONER ROGAN (Acting for the Chief Commissioner) to Mr. COMMISSIONER HAY.**

*Hauraki.—Offer of Land for sale.* Chief Land Purchase Commissioner's Office, Auckland, 2nd February, 1858.  
Sir,—

I have the honor to enclose herewith a copy of a letter from Ngatai, Hoete, and other Natives, offering to give up a block of land situated between Whangamata and Katikati, to enable them to extricate themselves from debt; and am directed by His Excellency to request that you will give your immediate attention to this offer, and at once proceed to ascertain and report to the Government whether the parties offering the land are its acknowledged owners; and whether it is probable they will be able to negotiate with the Government for its transfer, without serious opposition on the part of other claimants.

If it appears to you that this offer can be entertained by the Government, you will be good enough to proceed without delay to look at the land, accompanied by the Natives, and survey or perambulate the boundaries.

I am directed also to request that you will state whether it is your opinion that the Government can safely make any advances on this land.

I have, &c.,

JOHN ROGAN, D. C., For the Chief Commissioner. G. W. Drummond Hay, Esq., District Commissioner and Surveyor, Piako.

P.S.—I have further to inform you that the Hira Kake had addressed a letter to His Excellency, objecting to the sale of the lands offered by Ngatai and Hoete; a copy of which, together with a tracing of the land in question, is enclosed.

JOHN ROGAN, D. C.

*Coromandel and Hauraki.—Respecting the purchase of Native Lands.* New Zealand Native Land Agency, Auckland, 24th January, 1872.  
Sir,—

Referring to the conversation which took place between us on the subject of the purchase and acquisition by the Crown of Native Lands in the Hauraki and Upper Waikato Districts, I have the honor to submit to you the following report as to the blocks it may be deemed advisable to acquire; also as to the plan which I would recommend to be pursued for the accomplishment of that object through my Agency.

In order to arrive at a correct conclusion as to the present state of the lands proposed to be acquired, it will be advisable to place them under three heads, viz.:—

1st. Lands within the proclaimed goldfields at Hauraki and Coromandel, which form the subject of agreements between the Natives and the Crown for gold mining purposes.

2nd. Lands within the Hauraki District, not included in the proclaimed goldfields, and which do not form the subject of agreement between the Native and the Crown for gold mining purposes.

3rd. Lands in the Upper Thames and Upper Waikato Districts held by Hauhau and obstructive Natives, some portions of which have been leased to Europeans for the depasturage of stock.

The lands under the first head are contained in the Cape Colville, Tokatea, Kennedy Bay, Tiki or Ngaurukehu, Waiau and Matawai, Manaia North, Manaia South, Waikawau, Whakatete, Tararu, Karaka, Otunui, Whakairi, Kirikiri, and Puriri Blocks.

## **1. *Cape Colville Block.***

This is of considerable extent; the area of unsold lands may be roughly estimated at 50,000 acres. After deducting the pieces required for Native reserves, the area available for settlement is but limited, the greater proportion of the block being hilly, timbered country—unfit for cultivation. Gold has at various times been discovered in several places within its limits, but no mining claims are at present occupied there. Some pieces of land have been sold to Europeans, but they form but a small proportion to the whole. The kauri timber at Cabbage Bay, Tangiaro, Matamataharakeke, and the northern portion of Kennedy Bay has been sold to Europeans owning saw-mills. I have surveyors employed on the external boundaries of this block at the present time. The title is much disputed.

## **2 *Tokatea Block.***

This is the most valuable portion of the Coromandel Goldfield at present worked. The probable extent is 15,000 acres. This land is leased by the Native owners to the Crown at the annual rental of £500. All the available kauri timber, excepting that situated near Paul's Creek, has been cut by sawmill proprietors. Mr. Gibbon's mill at Kikowhakarere has been recently removed, and that of Mr. Charles Ring is principally employed to drive quartz-crushing machinery. There is no available agricultural land on this block, other than what is in the hands of European settlers, or is required for Native reserves. This block would be difficult to acquire in consequence of its known value. No accurate survey has been made of it.

## **3 *Kennedy Bay Block.***

This block was formerly surveyed at Government expense, and contains about 9,500 acres. No further outlay for surveys will be required, excepting the repayment to me of the sum of £25 expended on some alterations, and a plan which was made, by Mr. Gwynneth, licensed surveyor, in order to meet the requirements of "The Native Lands Act." This block contains sufficient available land for Native reserves; and there is a flat in addition of about 600 acres, formerly leased to Messrs. Cruickshank and Smart, but now abandoned by them, which is suitable for a town site and settlement. The remainder—say, 8,000 acres—is mining country of considerable value, and should, if possible, be acquired at once, as delay will increase the difficulty of purchase. The kauri timber on a portion of this block has been sold to Messrs. Cruickshank and Smart, who own a saw-mill there.

## **4 *Kapanga Block.***

The largest part of this, which adjoins the Tokatea Block, belongs to the Government. The remainder, about 775 acres, was granted to the late Pita Taurua; who is succeeded by a boy of about five years of age. The land is of no value for agricultural purposes. The kauri timber on about 583 acres of it has been leased to Alfred Jerome Cadman, who has a sawmill on the Karaka Stream. There are several quartz reefs within the block, which have not been tested. Gold has been found in small quantities, but there are no claims at present occupied. It would be advisable to purchase this block, as it adjoins Government land; the difficulty, however, appears to be the inability of a minor to dispose of it. The lands south of the Kapanga Block belong to Europeans as far as the Tiki or Ngaurukehu Block.

## **5 *Tiki or Ngaurukehu Block.***

This consists of two pieces of land granted to Natives, and known as the Waiau No. 1, and Motutere; the former contains 1,098 acres, and the latter 240 acres. These are separated by a piece about 600 acres, granted to the late W. B. Moore. There is no land on this block suitable for agricultural purposes; there is some good kauri timber on it, and several gold-mining claims have been and are now successfully worked within its limits. The owners are not inclined to sell their land, and, from the known value of the Waiau No. 1 portion, a large price would in any case be demanded.

## ***6 Waiau and Matawai Block.***

This adjoins the Motutere portion of the Tiki and Ngaurukehu Blocks, and may be estimated to contain 1,500 acres of hilly land, all the available kauri timber on which has been cut by the owners of the Waiau Sawmill. Gold has been found in the Matawai Stream, but not in any quantity in the Block. The lands to the southward and to the westward of this piece are the property of the Crown, and it would be desirable to acquire it to consolidate the Government property in that neighbourhood. This block requires to be surveyed.

## ***7 Manaia North Block.***

This block belongs to a section of the Ngatimaru tribe. The area of the land not occupied by Natives or required for reserves may be estimated at about 3,000 acres of hilly country. Gold has been found in small quantities within it, but no payable claim has hitherto been discovered. This piece is bounded on the South by the Manaia South Block. This Block requires to be surveyed.

## ***8 Manaia South Block.***

This block may be estimated to contain, exclusive of the large reserves required by the Tawera tribe about six or seven thousand acres of hilly land. Gold has been discovered in small quantities in streams on this block, but no payable claims have been discovered. This piece is bounded on the South by the Waikawau Block. This block requires to be surveyed.

## ***9 Waikawau Block.***

This may be estimated to contain about 60,000 acres of land, the greater part of which is of broken description. There are a few patches of land available for cultivation on the banks of the numerous streams which intersect it; but these bear but a small proportion to the whole. The best pieces of land for settlement are at Te Puru and Wainui, but these have been either sold to Europeans or are required for Native reserves. Probably not more than 2,000 acres of this block have been granted under the Native Lands Act. The town of Hastings and the Tapu Creek diggings are within it. There is reason to believe that a very large proportion of the land is of an auriferous character. The available kauri timber in the neighbourhood of the Waikawau and Mata streams has been sold to Captain Daldy, who owns a large and valuable saw-mill at Waikawau. The kauri timber at Otuturu has been sold to Hector McKenzie, and that at Waipukapuka to Thomas Kelly. The survey of this block is in a forward state, having been undertaken by Captain Daldy and myself with a view to purchasing the whole block from the Natives, subject to the Government agreements with them respecting gold mining. We are, however, prepared to waive our claims on condition of Captain Daldy receiving a title to the timber heretofore purchased by him, and a piece of 400 acres of land adjacent to the Waikawau saw-mill, and 50 acres at the booms on the Mata stream, and our being repaid the cost of survey and the deposits paid by us to the Natives on various pieces within the block, less the proportional cost of the 450 acres before mentioned. The pieces of 400 and 50 acres respectively required by Captain Daldy to be excluded from the operation of "The Mining District Act, 1871." It is anticipated that no additional Native reserves will be required, as there are considerable holdings at Kereta and Matariki immediately north of this block, which with the pieces already mentioned at Te Puru and Wainui are sufficient for Native requirements in that neighbourhood.

The survey at present in progress is merely of the external boundaries, and some sub-divisional lines will probably have to be cut in consequence of troublesome disputes between the hapus of Ngatitamatera as to internal boundaries. Immediately south of the Waikawau Block is that known as Te Wharau or Wairuaterangi, which has been purchased by the Crown.



## **10 *Whakatete Block.***

This is a triangular-shaped piece of small extent, probably 1,000 acres; the only valuable portion of the frontage of which has been granted to the Native owners. The remainder is very rough, hilly land, and is not approved of by gold miners for its auriferous character. It might be desirable to purchase this land, if the Tararu district is acquired, so as to connect Te Wharau, or Wairuaterangi Block with Tararu. As Te Wharau on the north, and Tararu on the south, have been surveyed, it may be assumed that the cost of survey of this portion will be small, as most of the lines are already defined on the ground.

## **11 *Tararu Block.***

This block consists of two pieces, known as Tararu North and Tararu South, which have been surveyed by the Native owners, the total area of the two being about 3,500 acres. This land is of known auriferous character, and is likely to support a large mining population. The title is not disputed, but the Natives are not disposed to sell it. No reserves are required, the land being of a class unfit for Native or other cultivation. The kauri timber from Tinker's Gully to the source of the Tararu Stream has been sold to the Moanataiari Water Supply Company.

## **12 *Karaka Block.***

This contains all the most valuable claims on the Thames Goldfield, also the Towns of Grahamstown and Shortland. The townships are chiefly private property, and it would not be advisable to interfere with existing arrangements. A large portion of the land, amounting to 1,600 acres, exclusive of townships, has been surveyed under my directions, and the unsurveyed remainder may be estimated at 1,000 acres. The difficulty of purchasing this block cannot be easily estimated, as the owners have been in the habit of receiving about £5,000 per annum for miners rights fees alone. There is no unsold land within this block fit for any purpose other than mining.

## **13 *Otunui Block.***

This is unsurveyed, but may be estimated to contain from 3,000 to 7,000 acres. The land is not suitable for agricultural purposes. Gold has been found on it in small quantities, but no claims are at present occupied, which may be attributed to the want of means of communication by a practicable road, and the absence of any machinery for extracting the gold from the quartz. The Kauri timber on the banks of the Mangakirikiri and Mangarebu Streams has been purchased by Europeans.

## **14 *Whakairi Block.***

This block is under survey by my direction, and is estimated to contain 35,000 acres. There is but a very small proportion of it suitable for settlement. Probably some portion of it is auriferous, but at present the gold miners have but a poor opinion of it in that respect. The kauri timber has been purchased by a company at Auckland, who intend erecting a sawmill at Shortland, which will be a great boon to the Thames Goldfield.

## **15 *Kirikiri Block.***

This block has not been surveyed, but probably contains about 5,000 acres. The land is not fit for agricultural purposes, and is not in favour with the gold miners. Small quantities of gold have been found in the Kirikiri River, but no claims are held within the block. The kauri timber has been sold to Mr. John Gibbons. The large reserve to the westward of the goldfield boundary contains more land than is required by the Native owners for cultivation and settlements. Any surplus would be suitable for European occupation for ordinary agricultural purposes.

## ***16 Te Puriri Block.***

The same remarks as made in the previous case (Kirikiri Block) apply to this block, with the exception that gold has been found at Te Puriri in payable quantities, and the kauri timber has not been sold. The land has not been surveyed. The probable area is 10,000 acres.

The lands under the second head are contained in the Whangapoua, Mercury Bay, Tairua, Wharekawa, and Omahu Blocks.

## ***1 Whangapoua Block.***

This has nearly all been granted to Natives, under the "Native Lands Act." Gold has been found in two or three places in the neighbourhood of the Waitekuri River, but the workings were abandoned in consequence of the obstructive policy pursued by the Native owners. There is a little land within this area which would be available for settlement, but the greater proportion is hilly, broken country. The kauri timber has been sold to Messrs. Craig and Harris, and has formed the subject of interminable lawsuits between those parties. It is questionable whether much of the Whangapoua Block could be purchased, as it is probable the title to it is complicated by private arrangements between the Native owners and certain Europeans.

## ***2 Mercury Bay Block.***

This district is of considerable area. There are probably 40,000 acres of unsold land in it. The extent of land available for settlement is small. Gold has been found in two places, but the workings are now abandoned. Nearly the whole of the land has been granted to the Native owners, under the Native Lands Act, and the available kauri timber has been sold to either the Mercury Bay Saw-Mill Company or the Auckland Saw-Mill Company, who have valid leases or agreements extending over terms of years. I do not anticipate any great difficulty in procuring the freehold of this district. The Government have previously acquired some large blocks there, but which are of but little value for settlement.

## ***3 Tairua Block.***

This block probably contains about 20,000 acres of unsold land, mostly of a hilly, broken character, unsuitable for settlement, but which is believed to be auriferous. Alluvial gold has been found in two or three places, and it is reported that a "rush" of miners from the Thames has taken place there during the last few days. The kauri timber has been sold to Messrs. Seccombe and Son, who have a valuable saw-mill on freehold land near the mouth of the river Tairua. I think this block can be purchased from the Natives. I have been requested to get it surveyed, and to apply to the Native Land Court to investigate the title.

## ***4 Wharekawa and Omahu Blocks.***

These may be estimated at 40,000 acres of land of rough hilly character. I am not aware of any gold having been found there. I understand that Messrs. Hannaford, Logan, Brissenden, and O'Keefe have advanced moneys to the Natives for the purpose of defraying the expenses of surveying these lands, but the survey has not been undertaken owing to the opposition of some of the Natives. It is probable these blocks can be acquired, as I am informed that the liens registered in the Native Land Court by the above gentlemen can be purchased for a small amount from the holders, and this would give the Government a footing on the land.

The lands under the third head are the Hikutaia, Ohinemuri, Aroha, Wairere, Matamata, and Patatere Blocks.

## ***1 Hikutaia Block.***

This has not been surveyed, but probably contains 25,000 acres. There are a few patches in this fit for settlement, irrespective of the requirements for Native reserves. The remainder of the land is of hilly character. I

have reason to believe that some portion of it will be found auriferous. The title to this block is much disputed. I have instructions from the principal owners to survey it and get the title investigated by the Native Land Court, but have declined to do so until the telegraph line is completed through it for fear of a dispute arising and causing complications which might militate against the construction of the line. The survey will be commenced as soon as the telegraph line is finished.

## ***2 Ohinemuri Block.***

This has not been surveyed; the probable area is 100,000 acres. Of this one-third is fit for settlement, irrespective of requirements for Native reserves. Gold has been found in three or four places within this territory, but I have reason to believe it will be more difficult of access than at the Thames and Coromandel fields. This block can only be acquired by degrees and by very carefully conducted negotiations.

## ***3 Te Aroha Block.***

This may be estimated to be of nearly the same extent as the Ohinemuri Block, but contains a larger area of land fit for settlement. The title to this land was disputed between the Thames Natives and the Ngatihaua tribe of Waikato, and after a protracted investigation was awarded to the former by the Native Land Court. I believe some part of it can be acquired easier than the Ohinemuri country. The Government have some land on the Waitoa stream, adjoining the western boundary of Te Aroha Block. Te Aroha is the southern extremity of the lands owned by the Hauraki Natives.

## ***4 Wairere Block.***

This is situated on the eastern bank of the River Thames, and extends from the southern extremity of Te Aroha Block to Okauia, and inland to the western boundary of the Tauranga Block. The land is unsurveyed, but the probable area is 35,000 acres, about one-third of which is fit for settlement irrespective of the requirements for Native purposes. The owners are the Ngatihinerangi tribe, who are connected with Ngatiraukawa of Patetere, and the Ngaiterangi of Tauranga. At the time of the sitting of the Native Land Court in Te Aroha case, the principal chiefs engaged me to act as their agent in any future disposition of their land. I have not as yet entered on the question, but believe action might be taken and negotiations brought to a successful termination.

## ***5 Matamata Block.***

The land forming this block is chiefly of a level character, some of it is of a swampy nature. The greater part was formerly leased to Josiah Firth, Esq., for the depasturage of stock. He has succeeded in obtaining the fee-simple of some large pieces of it at the southern extremity of this block extending towards Patetere. W. T. Buckland, Esq., holds leases of an extensive tract of country. Nearly the whole of the Matamata Block is of a quality suitable for settlement, though the land is in some places swampy and at others rather dry and exposed to cutting winds.

## ***6 Patetere Block.***

This is an extensive tract of country on both sides of the River Waihou or Thames, extending to the Waikato River on the West and to the Tauranga and Rotorua watershed on the East. The land is of fair average quality for settlement, and ought to sustain a large population. This district is owned by the Ngatiraukawa tribe, who have hitherto held aloof from any land transactions with the Crown. I would suggest that if the Government make terms with Mr. Buckland that the land should be purchased in his name. It is the opinion of miners who have visited this district that the auriferous country, which commences on the North at Cape Colville and forms the Coromandel and Hauraki Goldfields, terminates at Horahora at the southern extremity of the Patetere District.

I assume that the area of the country above described is at least 500,000 acres, exclusive of the Tokatea, Kapanga, Tiki or Ngaurukahu, Tararu, and Karaka Blocks; and that the average cost per acre, including surveys, would be from two shillings and sixpence to three shillings per acre, or a total of £75,000. The

Tokatea, Kapanga, Tiki or Ngaurukahu, Tararu, and Karaka Blocks may be estimated to contain 22,000 acres, and it would not be an excessive estimate to assume that these can not be purchased at a lower average rate than one pound ten shillings per acre, or say a total of £33,000. Taking into consideration the fact that a large portion of this extensive territory would be purchased from Natives who are hostile to the sale of lands to the Crown, and that much of the land is of known auriferous character, I do not think it would be right to estimate the total cost at less than £108,000, exclusive of agent's commission.

The question of reserves for Native residence, occupation, and cultivation will also require serious attention, and it will probably be found necessary in most instances to make this class of lands inalienable.

After all questions as to boundaries, surveys, and reserves have been arranged, the title to the lands should be investigated by the Native Land Court, and conveyances be procured from the parties found to be interested therein. In cases of very large purchases, it might be found desirable to make the payments by instalments running over a term of years. It would also be beneficial to induce the Natives to invest some of their money in Government annuities. It will be necessary that forms of deeds should be supplied to me, some of which should have provision inserted in them for payment by instalments. I object to the old form of Land Purchase Deed, as the space for description of boundaries, and the signature of the Natives, is too small. I think the deeds should be printed on parchment.

In order to prevent confusion in surveys, and also to obviate the necessity for repeated references to the Inspector of Surveys for information as to previous surveys within the Coromandel and Eastern Hauraki Districts, I would respectfully request that a map or tracing should be furnished to me, showing all Government lands, granted lands, and surveyed lands within the blocks hereinbefore described. The same to contain the area and boundaries, with bearings and distances, where possible, of such lands. No use to be made of such information, except for the Government purchases.

As there are several pieces of land which have been granted to Natives, under "The Native Lands Act," which have not been sold to Europeans; and it may in some cases be found advisable to secure these for the Crown, I would respectfully request that the Native Land Court officials should be instructed to furnish me with a return of all lands in the Coromandel and Eastern Hauraki Districts for which certificates of title have been ordered by the Court, with the names of the grantees in each case. I could then, by referring to the Deeds Registration Office, ascertain the lands which had been disposed of, and those still in the hands of the Natives. Lands within the townships of Kapanga, Hastings, Grahamstown, and Shortland need not be included in this return.

With reference to the vested interests and claims of Europeans to kauri timber, situated within the blocks of land proposed to be purchased, some of which are held under valid leases made subsequent to the issue of certificates of title by the Native Land Court, and others by agreements made previous to the issue of certificates of title for the lands comprised in such agreements, I would beg to recommend that in all cases where the parties are in actual possession of the timber, and do not obstruct the Government in negotiating for the purchase of the lands, that all such agreements, leases, and private interests shall be respected, and the conveyances by the Natives to the Crown shall take notice of and confirm all such reasonable and fair leases, agreements and transactions. I would point, out that the timber trade is of vital interest to the goldfields, and is one of great importance to the Province of Auckland, and very large capital is invested in it; and although the agreements for the acquisition of timber are not in the majority of cases strictly legal or valid; yet many of these so-called illegal agreements have been made by and with the assistance of officers of the Native Department. If the Government acquired the kauri timber, it would only be destroyed by miners and bush fires. At the present time, where the kauri timber is not the property of mill owners, it is a fruitful source of discontent between the miners, Government officers, and the Native proprietors.

I will, at the earliest opportunity, furnish the Government with a sketch map, showing approximately the position of the various blocks of land alluded to in this report, for purposes of reference when any question arises. I must, however, state that I only give such information on the understanding that the Government employ no agent other than myself to conduct the negotiations for the purchase of the lands herein alluded to, as it would be manifestly unjust to me to supply other agents with information acquired by myself for my own business, and which they are not in a position to obtain, or to furnish to the Government.

In conclusion, I beg to state that as the Government have confided this important and responsible business to me, no effort shall be spared on my part to bring the negotiations to a successful termination, and one which will be beneficial to the interests of the Colony, and meet with the approval of the Government.

I have, &c.,

JAMES MACKAY, Junr.

The Hon. the Minister for Public Works, Wellington.

## **No. 4. The UNDER SECRETARY of PUBLIC WORKS to Mr. JAMES MACKAY, Junr.**

*Reply of Minister for Public Works.* Public Works Office, Wellington, 4th March, 1872.

Sir,—

I have the honor by direction of Mr. Ormond to acknowledge the receipt of your letter of the 24th January, in which you report your views in reference to the purchase from the Natives of various blocks of land in the Coromandel, Hauraki, and Upper Thames districts.

You have already been authorized by Mr. Ormond to initiate negotiations, and I am now directed to inform you fully on the several points raised in your letter, and to express the hope that in engaging your services, advantages of a most important character—as regards the settlement of the country—will result.

Mr. Ormond has read with much interest the detailed description of the blocks comprised in the three classes into which you have divided them; but not being prepared at present to indicate to which of these blocks your attention should be more immediately directed, he will be obliged if you will report from time to time such of them as you see your way to acquire, giving particulars not only of the probable acreage and cost, but the value of the land as regards its relative position, mining capabilities, timber, or other resources, so that the question of price may be taken into consideration with a full knowledge of all the facts of the case, and the purchase assented to or declined. This consideration will have to be given block by block, because while it is the intention to purchase generally the blocks named in your letter, yet as the total estimate of their cost is stated by you at £108,000, it might not be convenient to purchase the whole within any particular period. With reference, however, to the blocks in the third class, Mr. Ormond will be glad to receive an estimate as soon as possible, as these lands—being suitable for the location of immigrants, and otherwise advantageous for settlement—come more immediately within the scope of and the objects contemplated by the Immigration and Public Works Acts. In thus directing your attention specially to the acquisition of the blocks in the third class, I am directed to assure you that no unnecessary delay shall occur in considering and arriving at a determination on the reports and estimates you submit.

The only remark necessary to make with regard to the order of the acquisition of blocks enumerated in classes 1 and 2, is that in directing your attention to purchases in the Coromandel and Hauraki Districts, it would be advisable to give the preference to those blocks that are known to be auriferous.

It will be necessary that the surveys shall be undertaken under the direction of the Inspector of Surveys, Mr. Heale, who will be instructed to have completed those which you indicate from time to time, and to consult your wishes with a view to employing, whenever practicable, those officers who have the tact of working well in Native districts.

Dr. Pollen will be impressed with funds sufficient to meet the payments you will be called on to make, and Mr. Ormond will consult the Treasury with a view to prevent the delays you anticipate. There are, however, certain requirements of the Treasury which it will not be possible to relax, and you will have therefore to take care that you keep Dr. Pollen advised a reasonable time beforehand of what sums you will require, and that your accounts supported by vouchers for the expenditure of one advance be rendered before requiring a second.

Mr. Ormond cordially endorses your suggestion as to the advantages of making Native reserves for the purposes of residence, occupation, and cultivation where necessary, and to the consent of the Natives being obtained to render them inalienable.

It is desired that as opportunity offers the blocks should be submitted to the Native Land Court for investigation of title; but if, however, cases arise in which you decide to recommend a cession to the Crown as preferable, Mr. Ormond will be glad to receive for consideration a report of the special circumstances which induce you to make such recommendation. The present form of deed being deemed by you defective, you will be good enough to send an amended draft for approval. As regards the mode of payment in the case of large purchases, it may, Mr. Ormond thinks, be advisable to adopt your suggestion of making the payment by instalments over a term of years, and it certainly would be desirable wherever practicable to induce the

investment of a portion of the purchase money in colonial securities, or in life annuities, &c., in the Government Annuities Office.

The Inspector of surveys will be instructed to afford you every information in his power as to previous surveys, and to furnish you with any maps or tracings, giving the details you desire. The Chief Judge of the Native Land Court will also be communicated with, in order to your being supplied with particulars relative to the lands for which certificates have been ordered by the Court.

Mr. Ormond is fully aware of the influence which the holders of timber rights and claims might exercise in opposition to the sale of the lands by the Natives and the policy of respecting those claims whether legal or equitable; but it must at the same time be borne in mind that many of the blocks on the Coromandel Peninsula have, apart from their mining value, no other value than that which their timber gives them, the right to which has you state in many cases been alienated and required to be conserved. In estimating the purchase money of all such blocks as have not acquired a value for mining purposes this should be taken into consideration, as the Government will have no option but to avoid interference with these old arrangements wherever it is practicable to do so.

You are requested to furnish the sketch map in your possession showing the relative position of the blocks alluded to in your letter, and Mr. Ormond desires me to state that in entrusting to you the responsible task of effecting these large and important purchases, the Government will certainly not employ any agent whose duties will clash with the arrangements entered into by you for that object.

I am directed in conclusion to express the hope that the successful execution of the duty devolving on you will enable the Government at no distant date to throw open to the enterprise and industry of settlers a portion of country, the development of the resources of which cannot fail materially to promote the prosperity of the colony.

I have, &c.,

JOHN KNOWLES, Under-Secretary.

James Mackay, Esq.

## **Mr. E. W. PUCKEY to the UNDER-SECRETARY, Native. Department.**

*Hauraki.—Purchase of foreshore.* Native Office, Thames, 21st April, 1873.  
Sir,—

I have the honor to forward herewith a detailed statement of the purchase of the Thames foreshore, showing the progress of operations to the present time. This statement shows fully what has been done and what requires to be done. Had time permitted, I intended to attach hereto a statement showing what moneys would be required to complete the purchase at the same rate at which the purchases have hitherto been made.

I have, &c.,

E. W. PUCKEY.

The Under-Secretary, Native Department, Wellington.

# Enclosure.Return SHOWING THE PURCHASED AND UNPURCHASED INTERESTS OF NATIVES TO THE FORESHORE IN HAURAKI DISTRICT.

## No. 6.Mr. COMMISSIONER HAY to the CHIEF COMMISSIONER.

*Thames—Reporting on certain Native Claims referred to him.* Koupu, 13th June, 1858.  
Sir,—

I have the honor to acknowledge the receipt of letters dated 9th January, 1858, and 2nd February, 1858, delivered to me yesterday on my return from the Piako. In reply to letter bearing date 9th January, containing copies of letters from Te Hoterene and Wharerurutu to the effect that Kohatuanoa should not be sold, I trust the report enclosed in this will be sufficient. In regard to letter dated 2nd February, 1858, enclosing copies of letters from Ngatai and others with sketch of land offered by them—Opukeko Te Papa, on the River Waiho, and from Mataora to Waihi, on the sea coast—I have to observe that, in September or October, 1858, the same block was offered by Ngatai, though the sea coast was not taken in at that time, This offer was made verbally after I had refused to negotiate for a block called Te Mata, near Te Putu, Taraia's settlement. I refused to have anything to do with Te Mata, knowing that Teuriwha tribe and Ngatitamatera were all concerned in it, telling Ngatai at the same time that if he could get the consent of Taraia, Te Auhe, and others, I would attend to it, letting him know also I was aware he would have but a small share, when Te Papa was proposed instead. Knowing that he only owned the actual site of the Pah of Opukeko, and, to the best of my knowledge, not a thousand acres at Te Papa, I again referred Ngatai to the Ngatitamatera, the tribe living on the land, the Whakatohea, and Ngatikoi; I offered to go with him and hear what the Natives would say, but, when I called at his settlement on the Wairoa, he was either going to Auckland, or out of the way. I would strongly recommend the Government not to advance any money on land offered by Ngatai or Hoete, but I suppose, from the time that has elapsed (nearly four months), and from Maori reports, the money has been advanced.

With the exception of the two trifling bits of land owned by Ngatai, not an acre is owned by any of those Natives named in the copies of letters forwarded to me. I refer, of course, to the River Waihou on the present occasion; in fact, amongst the whole of the Ngatipaoa tribe, Hoera and Peneamene, who rank first amongst the heirs of Wiremu Kingi (Te Huru), are the only claimants on this river. Peneamene is claiming conjointly with Paora Te Putu in the block offered by Ngatai and Hoete; there are seven or eight claimants owning ten times as much land, and of equal if not higher rank than himself (Ngatai); besides these a host of minor claims larger than his, though the owners may be called slaves by him. This attempt on the part of Ngatai and Hoete to obtain money under false pretences has done more to stop the sale of land than the united influence of all the Natives who have opposed it in this district.

I had intended to have negotiated for (after obtaining the sanction of the Government) a block nearly five times the size of that offered by Ngatai and Hoete, and I believe that I should have had comparatively little difficulty, large blocks being cheaper from the Native, attention being drawn to the large amount offered, and not to the division of the price by the number of acres. They offer also the advantage of being surveyed for the most part trigonometrically; but the feeling now is so strong that for the present none of the land supposed by the Natives to have been meddled with by Ngatai and Hoete can be got. I shall be able, I believe, to work on the west bank of the river. I enclose a letter from Te Whewheratawaru with respect to land in the Thames Valley.

I have, &c.,

G. C. DRUMMOND HAY, District Commissioner.

Donald McLean, Esq., Chief Commissioner.

## No. 7. Mr. COMMISSIONER HAY to the CHIEF COMMISSIONER.

*Thames.—The Ngatitamatera refuse to cede land on account of money advanced to Ngatai.* Koupu, 18th July, 1858.

Sir,—

I have the honor to state for your information that the Ngatitamatera have come to the determination that they will cede no portion of the land on account of money advanced to Ngatai.

Even supposing them to have consented to a survey being made of the block sketched by Ngatai, they would not have recognised the advance made as payment for any portion of the land but that which really belonged to him; and I am confident that he cannot claim more than a thousand acres, and that there would be several other claims as good as his which would have to be silenced by payment in addition to the advance already made. As for Taraia having taken part with the Government, the Ngatitamatera do not recognise any right on his part to authorize advances in money being made on a block which includes almost all their principal claims.

As my latest official information is a letter dated 2nd February, 1858, I, of course, am not acquainted with the nature of the arrangement made with Taraia, who affirms that Ngatai received the whole of the money advanced. A very slight share of responsibility rests on his own side. I have pointed out to him that, as I conceive, in all probability it was mainly through his consent that Ngatai obtained any advance from the Government; and he has desired that I should forward the enclosed letter (dictated by him to me) for His Excellency the Governor's information.

In case a report that Hopa Totohi has offered land on the eastern side of the Cape Colville Range be correct, I recommend that but a small advance be made.

I have, &c.,

G. W. DRUMMOND HAY, District Commissioner.

To the Chief Commissioner, Native Land Purchase Department, Auckland.

## No. 8. Mr. COMMISSIONER HAY to the CHIEF COMMISSIONER.

*Thames.—The Natives prefer to sell their Lands in small Blocks.* Koupu, 31st August, 1858.

Sir,—

I have the honor to acknowledge receipt of letters dated 29th and 30th June, 8th, 9th, and 10th July.

In reply to those referring to Riria's claim, I have the honor to state, for the information of the Government, that the land has not been surveyed, nor have I entered into negotiation for it.

A small Piece of land was offered by Unahi (Wi Koka) near Waikaka, but not approved of by me, as I considered this and several other small claims had better be purchased in one block, or not at all.

It is impossible to complete the purchase of small pieces of land under a thousand acres, unless at the rate



of 2s. or 3s. per acre, and the Natives would like to sell separately as they think, otherwise, that they do not get the full benefit of their claims. They may consent at the commencement of the negotiation to 16d. or 1s. per acre, but when the sum paid to them does not exceed their very sanguine expectations, disputes arise; and if one Native complains, his friends readily join in his cry. The greatest drawback and source of contention I have met with has been the money advanced on small blocks, the Natives comparing the size of the blocks, and accusing me as the cause of their not obtaining higher prices.

They also exclaim that they never have anything to show for their land after it is sold, as—except in the case of one or two influential men who may retain large sums—the mass of the payment is divided amongst the tribe in trifling sums, which are spent, perhaps, immediately, and in a few months they regret having ceded their land.

The Ngatimaru and Ngatitamatera are the only tribes that can sell blocks of any size in this district, and with them I have to fight my way from claimant to claimant until a good sized block is procured. I speak, of course, of arrangements previous to the sale by Ngatai, as since then there is very little use attempting to purchase.

The Ngatimaru have always been opposed to selling their lands, but their opposition, without being violent, is more determined than ever. There have been visitors from the Waikato amongst them lately, and from what I hear they were sent to try and confirm the Ngatimaru in their system of retaining their lands. I attempted to negotiate with them the other day for land on the West bank near the Aroha, but was told to consider their decision as final; that they would never sell a single acre to the Government south of the mouths of Piako and Waihou. I told them, that, though of course their land was their own, I did not recognise their right to retain land which they do not, nor never will, cultivate, and part of which is debateable land, so that by selling their claims there they would do away with one source of dispute.

I have been for some time collecting a party who are inclined to sell; but I do not wish their lands to be offered until the old land claims in this river have been settled.

I have delayed several purchases until Mr. Dillon Bell arrived, as they were all connected with the old land claims.

In negotiating with the Natives, I attempt to point out to them the most advantageous and substantial form that may be given to payments they may receive; for instance, by suggesting a flour-mill, and pointing out a site. I have succeeded in obtaining a small block of 4,000 acres or thereabouts; there has been a dispute about it, but it is not one that will interfere with the sale, and will be settled by Te Kopara immediately he returns to the Piako.

I have been doing all I can to get up to the Ngatihiaua boundary, as the border land belongs to a *hapu*, who were anxious to sell when the Hangawera Block was sold, and who are willing to sell now. The King party are, of course, using every exertion to retain all Native lands, and I am inclined to believe Tioriori does all in his power to persuade Natives from selling. If the Government look upon the money advanced to Ngatai as a premium for the cession of such land as may hereafter be obtained, well and good; otherwise his share would not be £50.

These advances also contributed towards placing me in a false position with the Natives. They look upon offering land to me as an unnecessary step, only causing delay in the payment of what money may be advanced; they are also more inclined to believe the statements made by Natives whom I may have had occasion to thwart or oppose in any way. The Government cannot expect me to succeed in purchasing land, especially in a disaffected district, if the Natives see that the power of recommending the proper persons to receive payment is taken out of my hands. A Native presenting himself at the Native Department to ask for an advance is a very different being when he returns to have his land surveyed, or, having been disappointed in getting money, to give as much trouble as he can. The Natives talk sometimes as if it were a personal favour letting me survey.

The Ngatimaru have desired me to state to the Government that, as they put in a claim for their land at Waiheke, and received intimation from the Government to the effect that care would be taken to give them due warning when due payment was to be made for that island, they look to the Government for payment, as their claims seem to have been overlooked. This, and one or two other points on which they are sore, tend to strengthen their disposition to retain their land.

My time is fully taken up by disputes and complaints that I am obliged to listen to, as I cannot get away from them.

The extract from my diary I forward to-morrow, as the vessel is to start, and I have not time to complete it.

I have, &c.,

G. W. DRUMMOND HAY, District Commissioner.

Donald McLean, Esq., Chief Commissioner.

## **No. 9. The CHIEF COMMISSIONER to Mr. COMMISSIONER HAY.**

*Thames.*—*To avoid purchasing small and disconnected Blocks:* Native Land Purchase Office, Auckland, 20th September, 1858.

Sir,—

With reference to your letter of the 31st August last, reporting negotiations for the acquisition of fresh blocks of land in your district, I have the honor, by direction of His Excellency the Governor, to request that you will complete the survey and purchase of the blocks on which you made advances in Auckland, at the time the Piako Block was paid for; which blocks should be, as far as possible, finally settled before entering into negotiations for fresh purchases.

It is not the wish of the Government to acquire land in small blocks; on the contrary, such purchases should be carefully avoided, excepting in cases when they are likely to lead to the sale of large tracts of country.

I am further directed to inform you that His Excellency objects to the purchase of isolated blocks detached from the land already acquired, unless such acquisitions are made with a view of connecting several purchases in a district into one large block, that may be eventually available for European settlement on an extended scale.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

G. W. Drummond Hay, District Commissioner.

## **No. 10. Mr. COMMISSIONER G. W. D. HAY to the CHIEF COMMISSIONER.**

*Thames.*—*Respecting Land Offers.* Te Kerepehi, 29th October, 1859.

Sir,—

I have the honor to state for the information of the Government, that I reached Wai Aro, Te Moananui's Settlement, on the 2nd instant. Te Moananui and his party have offered to cede their land on the west bank of the Waitoa. I can form no idea of the extent until I have seen the Ngati-werewere, at Pakarao, who own the adjoining land. I consider it highly advisable that the Government should avail themselves of this offer, as the sale of land in that part of the country will inevitably lead to other purchases. Te Moananui, who took the most active part in stopping the sale of land in the Waihou, on account of the advance made to Ngatae, is now ready to sell. Te Hira Kake will withdraw his opposition, and the Natives residing in the Waihou have only been deterred from selling by their fear of the Ngatitamatera.

Amongst the Ngatimaru there are a good many who are anxious to sell their claims, but they are opposed by the others, who maintain that no individual claims shall be sold without the consent of the whole tribe; not that the tribe have any right to the land, but because such sale may compel them eventually to sell the adjoining claims.

Under the present system of opposition to sale of land, especially amongst the Ngatimaru, I would recommend the acquisition of all claims offered to the Government, especially with river frontages to the Waihou.

As long as the claim is not too small, the adjoining claims would soon be offered for sale, and I think in a very short time a frontage of from ten to fifteen miles would be acquired on the west bank of the Waihou, with an average depth of two miles. There is not the slightest possibility of any large block being offered for sale near the mouth of the Waihou, and those Natives who are now willing to sell their claims, would in all probability make the strongest opposition were land offered for sale there, at any future time, unless their right to sell is recognized.

The Ngatitamatera are to meet in the Waihou, about the middle of December, when they will enter into negotiations for land in that part of the country. In the Waihou, much time necessarily elapses before anything can be settled finally about the land, the claimants living so far apart; and in the present instance, the sale of land having been altogether put a stop to by general consent, they must all re-assemble to remove the restriction.

I expect some of the Ngatipaoa in a few days, when I hope I may be enabled to take further steps towards consolidating the Piako Block.

Taraia has again spoken of some land he wishes to cede on the east bank of the Wairoa. I have arranged to go there with him, on my return to Auckland.

I have, &c.,

GEO. W. DRUMMOND HAY, District Commissioner, Thames.

The Chief Commissioner, Auckland.

## **Mr. COMMISSIONER HAY to the CHIEF COMMISSIONER.**

*Thames.—General Report as to the State of the Land-purchasing Operations in his District.*

THE land for thirty-five miles south of the mouths of the Waihou and Piako Rivers, bounded on the West by the wooded range between the Piako and the Waikato, on the East by the coast line between Tairua and Katikati (Tauranga) is the only portion of the district at present available for land purchase. The land lying to the south of this tract of country is in the hands of tribes who are thoroughly opposed to the sale of the land.

The above-mentioned boundaries give an approximate area of Six hundred thousand (600,000) acres as the extent over which purchases may be effected. The total acreage of land over which the Native title has been extinguished, including land under negotiation, and land offered, but for which negotiations have not yet commenced, is One hundred and eight thousand five hundred (108,500) acres.

One third of the area to be deducted as not available, such as the wooded ranges, and part of the swamps, leaves available land 400,000 acres.

Out of this quantity, the Native title would be extinguished over 72,300 acres, inclusive of land already purchased, as soon as negotiations are recommenced.

16,000 acres of land were bought and finally paid for during the year ending June, 1860.

9,000 acres were surveyed during the same year; as the rest of the land purchased adjoined land already surveyed, there was data enough to ascertain the area. The average price was 1s. 10d. per acre. The land is of fair average quality; and, by purchasing blocks in different parts of the district, the peculiar distribution of the claims of different tribes renders the cession of the intervening land a certainty.

14,000 acres are under negotiation; the sum of £320 has been paid on this land; when the final payments are made, the average price will be 1s. 6d. per acre. Several contiguous blocks have been offered, amounting in all to 40,000 acres. No negotiations have been as yet commenced, but there is reason to believe that this land will be acquired at the rate of 1s. per acre.

The land within the boundaries already mentioned is owned and occupied by five distinct tribes, who hold the land from their ancestors by right of conquest. There are also numerous remnants of the original possessors of the soil scattered throughout the district, and occupying a subordinate position with reference to the other tribes.

One tribe alone utterly refuses to part with their land. Their claims are not extensive, but are scattered throughout the district. The objections raised by the other tribes to the sale of the land are merely questions of price; they not finding the price in some instances an adequate compensation for what they consider the greatest sacrifice they can make, namely, the total surrender of their land.

This district having been the battle-field of numerous tribes for a period of about seven hundred years, every spot of ground is more or less associated in the minds of the Natives with their ancestry. Not a name but recalls vividly to the Native mind some part of his own family history, and however trivial it may appear to anyone else, it is in the eyes of a Native almost sacrilege to part with land which is to him a family record.

The five distinct tribes occupying the district—their constant feuds, with various success, during a long course of years; their inter-marriages, and the lines of collateral descent resulting therefrom; the debateable land on the boundary lines between the lands of tribes; the decline of the Maori feudal system; the growing jealousy between the tribes holding the land and the descendants of the original owners of the soil, who have been in the position of vassals, but who now, under the effects of British rule, attempt to resume rights which they forfeited generations ago—all these different causes tend to create a complication of title which increases every day, and to render all investigations unusually intricate and tedious.

The system of giving Crown grants for Native reserves has not been as yet introduced in this district, the small blocks of land so called having been reserved by the Natives, and are held under Native title.

I have, &c.,

GEORGE W. DRUMMOND HAY, District  
Commissioner, Thames and Piako.

All details will be found in the General Report.

## **Enclosure. GENERAL REPORT ON LAND PURCHASING OPERATIONS IN THE THAMES AND PIAKO DISTRICT.**

The only part of this district at present available for land purchase is a tract of land extending from the mouths of the Waihou and Piako, 35 miles in a southerly direction, bounded on the west by the wooded range between Waikato and Piako, on the east by the coast line between Tairua and Tauranga.

The land to the south of this tract is in the hands of tribes who are thoroughly opposed to the sale of land.

The boundaries already mentioned contain an approximate area of 600,000 acres, which will represent the extent over which purchases may be effected.

Of this, the total acreage of land over which the Native title has been extinguished, land still under negotiation, and land offered, but for which negotiations have not yet been commenced, is 108,500 acres.

One-third of the area to be deducted as not available, such as the wooded ranges and part of the swamps, leaves available land 400,000 acres.

Out of this quantity, as soon as negotiations are recommenced, the title would be extinguished over available land, inclusive of blocks already purchased, to the extent of 72,300 acres.

The tribes who own this land are Ngatipaoa, Ngatitamatera, Ngatiwhanaunga, Ngatimaru, and Ngatikaraua.

The negotiations for land purchase have been hitherto confined almost entirely to Ngatipaoa and Ngatitamatera.

The last land offered to the Government belongs to Ngatiwhanaunga and Ngatikaraua.

Ngatimaru alone utterly refuse to part with their land. Their claims are not extensive, but are scattered throughout the district.

With regard to the other tribes, the only objections raised by them are mere questions of price, as they do

not find the price in some instances an adequate compensation for what they look upon as the greatest sacrifice they can make, namely, total surrender of their land.

The tribes in this district in former years were constantly at feud with each other; this, combined with their subsequent intermarriages, has rendered the title in many instances almost hopelessly intricate. The few scattered remnants of the original owners of the soil, who have till of late years been in the position of serfs, now frequently attempt to reassert their right to the land, in defiance of the chiefs' right of conquest; and as they have to be referred to concerning boundaries, and when the title is obscure, it requires considerable caution to avoid exciting the jealousy of the chiefs, while conciliating the vassals.

The numerous small claims into which the land is sub-divided, and which frequently have to be treated for separately; the irregular boundaries, which bring the land straggling into each other, often entailing the necessity of dealing with two tribes at once, a proceeding always hazardous, and not unfrequently fatal to the success of negotiation: all tend to increase the difficulties, render the negotiations unusually tedious. The title to land in this district is becoming more complicated every year; in some cases the Natives are in perfect ignorance of the real state of their title, until it is investigated as connected with land purchasing operations.

The Natives still evince the same disposition to sell, induced in many instances by the dread of their land passing away after their death into the hands of other Natives who are but slightly, if at all, connected with them. This is the case with the block offered by Ngatawa Pahau, where there are no direct heirs, and where the owners are dying off rapidly.

With reference to any difficulties that exist in the district with regard to any particular block, that of longest standing is a claim made by Ngatipango to some land included in the western boundary of the Piako Block at Kawau-tohe-roa and Tirohanga. The claim was not made until long after all negotiations were concluded, and though the relatives who made the claim were close at hand, and repeatedly sent for during the time that the boundaries were being determined, they neither made the slightest protest, nor did they comply in any way with the invitations sent to them to be present. The claim most certainly was not a valid one; the strongest point in it was vague title by descent in the female line. The alteration it would have made in the boundary was immaterial, but it was opposed firmly, as it was evidently one of the first attempts of the Anti-land-selling League to interfere in land purchase. The Ngatipango have not entirely given up their point; the question was left to be settled between themselves and Ngatipaoa who sold the land.

In carrying out instructions to consolidate the purchases on the Piako, the great difficulty consists in the Native Reserve known as Te Tikou, where the bones of several tribes are buried. The objections on the part of the Natives to the sale of this reserve have been removed, but the District Commissioner having been detached to Taranaki in August, 1860, and no operations having been carried on since in the district, the negotiation was never completed.

The determination expressed by the Natives to confine all sales of land to the west bank of the Piako has been cancelled; the land at the fork of the Waitoa and Piako having been ceded, and a block purchased on the east bank of the Piako, which connects the Piako with the Waihou land. It will be found of the utmost advantage in a district constituted as this is, to push purchases wherever it is practicable, so as to cross the country from river to river, or from the river to the coast line. It will be seen eventually that by this means, the acquisition of the land between Piako and Waihou, Waitoa and Waihou, Waihou and the sea coast, will be greatly facilitated.

The land on the upper Waitoa, which is for the most part excellent land, and to the sale of which all the Natives concerned objected at one time most strongly, has been opened up, and when land purchasing operations are recommenced, the land between the Waitoa and Waihou will be ceded. The difficulties connected with land purchase on the Waitoa were caused by Paora Te Putu's opposition, arising partly from a wish not to sell land in that part of the country, and partly from jealousy that he had not taken the initiative. Paora Te Putu having died, and his successor not being in the hands of those who had great influence over him, will render the negotiations for land far simpler.

Taraia also threw many difficulties in the way, at the same time that he pretended to advocate land purchase, but as all his opposition was grounded on Paora Te Putu's objections, he will now side with Te Moana Nui entirely.

The District Commissioner having been ordered away suddenly in August, 1860, the Natives connected with the sale of a block of land on the east bank of the Waitoa took advantage of his absence to refuse to sign the deed, on the score that the payment was not sufficient. The objection was raised by a section of the tribe who owned a very small portion of the block. Arrangements have since been made with the principal claimants amongst them to cede the whole of their lands on the Waitoa. This will remove the objection referred to, as the Natives who refuse the price of a hundred acres at one shilling or two shillings per acre will make no difficulty about selling a thousand acres at the same rate. Where there are a great number of claimants, the payment, except in the cases of a few fortunate individuals, who, by the death of nearly all their relations, have become

the proprietors of the land of nearly a whole *hapu*; excepting in cases such as these, the payment is subdivided into such small sums that the Maori, deriving very slight tangible benefit, rarely any of lasting effect, and not being able to look forward to the future advantages to be derived from having the wild lands occupied, is sure to become more or less dissatisfied with the sale of land. It is not unfrequently the case that the Natives with the smallest claim will upset a negotiation; they are always the most troublesome.

Again, however small the extent of a Native's claim, before the land is alienated he is always accustomed to view the whole tract as his, as far as occupying spots here and there for plantations, pig-runs, and fisheries; not that he claims a right over the slightest portion that does not belong to him by inheritance, but he is well aware that, unless from some cause or other he is a marked man, he will always obtain permission from the different proprietors amongst his own tribe. The lands owned by the different *hapus* or sections are quite distinct in the title, and frequently there are distinct subdivisions again in one *hapu* or section. Of course, through marriage individuals may become possessed of collateral claims in several *hapus*. If a *hapu*, or section of a tribe, wish to cede their land, they will rarely meet with any decided opposition from the tribe, unless the land of such *hapu* be situated in the very heart of land not yet ceded to the Government, or as part of the system pursued by the land-league to put a stop to sale of land. Any portion of a *hapu* wishing to sell their land are never interfered with, where their land adjoins a block already ceded.

In no instance in the district has anything approaching to what is termed tribal rights been attempted, except as immediately connected with the opposition of the land league, and then on one occasion only; in this case also the strongest plea used by the opposition was that it was a very small block to be ceded in the midst of lands not yet offered even to the Government. Setting aside the apparent indifference of the Native to his land being occupied temporarily, or any other property that cannot be removed without his knowledge being used by others, they, of course, having first obtained permission to do so, there is perhaps no race in the world more alive to, or more tenacious in asserting, their proprietary rights, and more ready to resent the interference of the tribe, unless it be to support him, than the Maori.

The land on the Upper Waihou will, from its constantly having been occupied by Whakatohea and Ngatikoi, be found more difficult to treat for than other parts of the district. The two above-mentioned tribes, descendants of the original owners of most of the land on both banks of the Waihou, were dispossessed by the Ngatitamatera and Ngatimaru, and left for many years in occupation as vassals, paying the tribute usual amongst Natives in such cases. Their attempts of late years to ignore their relative position with regard to the conquering tribes have led, and will continue to lead, to disputes that require great caution, as well as a thorough local knowledge of the Natives, their genealogy, and the boundaries, of the land, in order to adjust them when caused by negotiations for land purchases.

NOTE.—This feeling is caused mainly, of course, from the old Maori custom of chief and slave dying out under the effects of British rule; but it also was strengthened by the land being sold previous to land purchases having been made; and for some time after they had commenced, the Maori never realized the parting with his land for ever. Wrested from him for a time by a stronger tribe, he always looked forward to some future day when he might be reinstated; and there is no doubt that this is one of the causes of the disputes arising out of old land claims.

The disputes about a belt of land between the west bank of the Waihou and Te Awaiti arise from this cause; in some few instances the boundaries in the forest are lost, the men who could have given information on the subject having died. Te Hira Kake's dispute about Te Rangiora, and his subsequent refusal to sell land, arose through Ngatipaoa having included a considerable extent of Ngatitamatera land in the block ceded by them for money paid in about 1854.

A section of the same tribe known as Te Urikaraka, amongst whom Ngatai, Wiremu Hoete, and Te Ruinga took a leading part, having obtained an advance of £600 for a tract of land in which Ngatai alone had any claim, and that an inconsiderable one, were the means of putting a stop to all land purchasing operations in the Waihou for a time.

With the exception of three chiefs, the tribe of Ngatipaoa have no interest whatever in any land on the Waihou. After a year or more had elapsed, the Waihou land was again opened for land purchase by employing Tanumeha Te Moananui's influence; and there is no doubt that, with proper care in conducting the negotiations, the Government could acquire as much land in this district as might be desirable. There will be some opposition on the part of Hoterene Taipari and others to the sale of the block offered by Ngatawa Pahau and Te Kapihana, on the east bank of the Waihou. Ngatawa is supported, and his undoubted title to the land recognised, by Ngatiwhanauha of Wharekawa and Waiau, who, as well as Ngatikaraua, propose ceding a large tract contiguous to the block offered by Ngatawa. Te Hoterene's objections are that some land of his adjoins that offered by Ngatawa, and adds the usual cry of the Land League that the land shall not be sold. Te Hoterene has attached himself for the last three years to the Maori party, and is a strong partizan of the Land League, endeavouring thereby to regain his waning influence as a chief.

Te Kapihana, Ngatawa Pahau, and their party have no direct heirs, the *hapu* is dying out rapidly, and the Natives concerned in the opposition, hope to establish some claim to the land, when the present owners are extinct.

Amongst the Natives who stand up for the Land League, and insist upon its being carried out in this district, there are two classes; the large land owners, who have not, and will not for the present at any rate, cede one acre; and the tribes termed *Manene* by the Natives. These are tribes or sections of tribes, who, either owning land in some part of the country where they do not choose to reside, or having no distinct title to any land whatever, obtain permission from other tribes to occupy their land; and having done so for some few generations, are naturally anxious to put a stop to land purchase, lest the tribe on whose lands they are residing should be induced to resume occupation of the land on which the *Manene* had obtained permission to stop.

The *Manene* were not exactly looked upon as vassals, but when the tribe owning the soil was a powerful one, the position of the *Manene* was, in point of fact, very little better than that of a vassal.

In all cases, however, the one expected and received from the other some sort of feudal service. Instances of the *Manene* acquiring any title to the land on which he had been residing are extremely rare; and it would only be after many inter-marriages, and a long course of years, that the stranger's claim would be entertained at all; inheritance to land was the only thing he could not share in with the tribe he had been received into, unless, having distinguished himself in battle, he was adopted by one of the chiefs owning the land. At all times, however, his burial ground would be sacred, but his right to these spots only lasted while the bones lay there; the *hahunga* once performed, the *pure* eaten, his right vanished.

Where the tribe owning the soil diminished in numbers, and incorporated the strangers amongst them for mutual safety under the general name of the whole tribe, the case was modified, but the rule was adhered to in all its principal points; the first fruits of land allotted to the new section of the tribe were looked for, and received by the others, and it was only when the Maori feudal system began to die out that the complication of title commenced, which is fast tending to render all investigation almost hopeless. The chiefs find their influence a thing that has past, unless exerted for mischief; the *Manene*, and the conquered tribes, ignore the position they have held with regard to the hereditary owners of the soil and the conquering tribes; the one assuming a right they never possessed; the others, quietly reassuming the position they forfeited some three or four hundred years ago, ask why their rights are not recognized. With these conflicting influences, and the information concerning titles and boundaries, all oral of course, being lost from time to time through deaths, it is evident that no time should be lost in ascertaining the titles and fixing the boundaries, before the complication increases.

A very short time suffices to create most important changes with regard to the title to the land. A Native, the sole survivor of *hapu*, is anxious to sell; he has no heirs, his connections are all equally distantly related to him; if he dies before his offer is taken into consideration, or before negotiations are commenced, the one claimant to be treated with becomes multiplied into ten or twenty, all equally interested in the land, and each claiming the whole of it. If the land had been sold before his death, these numerous claimants would have received a very small portion of the payment, if any, from him; nor would they have thought of urging their claims; they would receive the payment as acknowledgement of common descent from some distant ancestor, and not as a right. The only other dispute out of which claims may arise hereafter, is that which took place concerning two or three small blocks on the Piako, near the mouth of that river. One of the blocks is known as Kohatuanoa. This land was offered by Keha and Ngatipehi, and a sum of money paid to them as an advance on the land, in 1854. It appears that this money was shared by Keha and his own party, Ngakkpa Mahirewera, of Ngatiwhanaunga and Hori Pokai Te Ruinga, since dead, who received the lion's share. When the title was investigated in 1856-57, the sale was opposed by Te Aperialihama Wharerurutu and Ngatimaru. Keha was unable to make out any better title than that he inherited from his ancestor Waitaha, who was dispossessed by Ngatimaru and driven away, and that he had lived on the land in question for many years.

After Ngatimaru had driven Waitaha away, a section of the tribe were allowed to remain in occupation, paying tribute. Intermarriages took place between them and their conquerors; the chiefs taking the vassals' women as wives. From one of these intermarriages Wharerurutu is descended; and Keha,—disowning his own former position as a vassal,—maintained that Wharerurutu could not, on that account, inherit; descent in the female line not being considered a good title.

Na te wahine i hapai ke atu tana maro.

Keha's plea would have held good had it not been for the position his ancestors were placed in as vassals to Ngatimaru; in fact, he himself was in the same position, and it is only some thirty years since he withdrew with his party to a small piece of land that they own at Pukorokoro, and attached himself to Hori Pokai's party.

Wharerurutu and Keha were told that the matter would not be proceeded with for the time being.

Subsequently, Ngakapa—thinking that, as had received a part of the money, the opposition of Ngatimaru was a slight to himself—insisted on ceding land for what he had received; he offered to do so, either at the

Native settlement, at Te Kerepehi on the Piako, or at Kawaeranga. Niwha Kitahi, and Ngatiwhanaunga were prepared to support him unless Ngatimaru withdrew their opposition to the sale of Kohatuanoa. Feeling convinced that Wharerurutu's opposition was well founded, and that keha's title was not at all clear, and not wishing to entail any disturbance between Ngatiwhanaunga and Ngatimaru, it was recommended that Ngakapa should, under the circumstances, be allowed to repay the money received by him to the Government. This advance made to Keha was eventually of service, as the investigations to which it gave rise were the means of elucidating information of importance with reference to title and boundary of other blocks. Hori Pokai never gave any land for the money he received, Keha having most likely paid him the money as one whose influence would assist him. The money that fell to the share of Keha and his party, it was proposed should be considered as payment for their land at Pukorokoro, but they own no other land than that they reside on.

Keha is dead, and Paraone, Karamaina, and Te Moanaroa still assert that they have ceded Kohatuanoa with a good title.

The assurances given to the Natives of the district, when negotiations were commenced in 1856, were as follows:—

That no land would be purchased without ample notice being given, so as to afford every one who wished an opportunity of asserting his claim, and of protesting against the sale if there were good grounds for doing so; that on no account whatever would villages or homesteads be included in any purchase, without the consent of the occupants, and then only if provision could be made elsewhere; that no offer would be entertained if it appeared that the Natives offering the land had not reserved a sufficient quantity for their own purposes.

This last assurance was made to meet the possible objection in the case of a *hapu* wishing to sell their land, that they would sell all they had, and fall back on the land of the other *hapos* for purposes of cultivation. At the same time the Natives were told distinctly that if any Natives, however few, could prove a sound title to land which they wished to sell, the offer would be entertained; and that if opposed by the tribe on no better grounds than that the land should not be sold, such opposition would carry no weight with it; also, in the case of the whole tribe being concerned in the offer, some few individuals alone demurring, their title would be thoroughly investigated, and their rights respected, however much the tribe might insist otherwise.

They were also told that while the rights of the chiefs holding land, as the conquerors, would be always carried out where there was no injustice in doing so, the interests of the Natives in an inferior position would be strictly looked after.

There is no doubt that the gradual opening up of the district is to be attributed to the strict observance in all cases of the foregoing promises. In a district constituted as this is, where there is a strong opposition on the part of some Natives to the cession of any land whatever, without referring in detail to the different grounds for such opposition, it is desirable and necessary to encourage and support all those who wish to cede land with a good title, and to form them into a party that will have sufficient weight and influence to carry their point without entailing serious disputes. If this were not done, the opposition would often intimidate a small body of Natives who were exercising a right they undoubtedly possessed. This refers particularly to the case of *hapos* or sections of tribes having dwindled away, and being tyrannized over by the rest of the tribe, when desirous of selling their land.

This plan has been carried out as far as possible in the district, and has contributed greatly, and will continue to do so, to the acquisition of land in this district. As yet the Native disturbance has not affected the land-purchasing operations in this district as far as the Natives are concerned; and there is no occasion to surmise as to what would be the result of further hostilities.

The land finally bought and paid for in the year ending June, 1860, amounted to 16,000 acres.

The land surveyed during the same year amounted to 9,000 acres. The rest of the land purchased adjoining land already surveyed there were data enough for obtaining the area; the average price was 1s. 10d. per acre.

The land itself is of fair average value, and a most important point has been gained by purchasing in different parts of the district; the cession by the Natives of the greater part of the land between such purchases being a certainty. The land under negotiation contains 14,000 acres. The sum of £320 has been advanced on this land; when the final payments are made, the land will have an average cost of 1s. 6d. per acre.

40,000 acres have been offered in several contiguous blocks. No negotiations have as yet been commenced, but there is reason to believe that this land will be acquired at the rate of 1s. per acre.

From the nature of the district, the manner in which the tribes are scattered throughout it, the complication consequent on five distinct tribes having fought against each other with various success all through the district, their inter-marriages, the lines of collateral descent resulting therefrom, the intricate nature of the title, even in a single section of a tribe, the conflicting influences of the conquerors and conquered, chiefs and vassals, all these require, in order to ensure success in the negotiation of land purchases, that the District Commissioner should devote himself entirely to the necessary investigation of title and boundary. This will always entail, as it already has done, frequent visits to the different settlements before the Natives can be assembled, and every exertion is



often needed to ensure the presence of a chief, or chiefs, who may act an important part in the cession, yet have but meagre expectation personally as to the payment. Two or more large meetings are requisite under the most favourable circumstances to conclude a negotiation for land.

The Natives have idle time at certain seasons of the year; and these favourable opportunities must be taken advantage of to assemble the large meetings, otherwise an incurable grievance would be established by making the sale of land entail neglect of their agricultural pursuits.

During the months that the Natives are occupied in putting in their crops, the settlements can be visited, and all information collected from the different *hapus*, and the land belonging to *hapus* treated for separately, as is often requisite.

From this it will be seen that the District Commissioner cannot at the same time negotiate purchase of land and survey boundaries without sacrificing one duty to the other.

In general the different blocks purchased so ensure the cession of the adjacent land that a survey is hardly requisite until a large tract be acquired, the boundaries being always so defined and roughly marked off as to be readily recognized when it is desirable to make a regular survey.

G. W. DRUMMOND HAY,

District Commissioner,

Thames and Piako.

Auckland,

4th July, 1861.

## No. 12. Mr. JAMES MACKAY to the UNDER SECRETARY, Native Department.

*Respectiug Land Purchases in Thames District, &c.* Auckland, 4th July, 1876.

SIR,—

I have the honor to enclose herewith a return of land purchase transactions, conducted through my agency, from 1st July, 1875, to 30th June, 1876.

Owing to delays at Wellington, caused by my being summoned to appear before several Parliamentary Committees, and subsequently from detention there in arranging with the Government respecting land purchases, I was unable to enter into any negotiations between the 1st July and the 31st December, 1875. Since that time I have devoted the whole of my available time to arranging questions about the Piako, Waihou East and West, Waitoa, Te Aroha, and Waiharakeke Blocks, and in directing the surveys and settling disputes about the internal divisions of those blocks.

The survey of the Piako Block involved the arranging and laying off on the ground of the eastern boundary of the Waikato confiscated lands from Pukorokoro, on the shores of the Hauraki Gulf, to Pukemoremore, near Cambridge, which has proved to be a most difficult task in consequence of the continued interruption of the Surveyors by disaffected Natives living at the Moerangi and Tauhei settlements, near the edge of the Whitekahu (so-called Piako) Swamp. I am, however, happy to say that this line has been completed throughout.

As the lands suitable for settlement, and which are so urgently required by the population of the Thames District, are, with the exception of Oninemuri, all included within the blocks previously mentioned, I have deemed it advisable to let other purchases, which were nearer completion, stand over for the present, in order to meet, as speedily as possible, the wishes of those persons who are anxious to become permanent settlers.

I have, &c.,

JAMES MACKAY.

The Under Secretary, Native Department, Wellington.

## No. 13.T. HEALE, Esq., Government Surveyor, to the CHIEF COMMISSIONER.

*Piako.*—*Survey of Hangawera Block.* Auckland, August 13th, 1855.  
SIR,—

I have the honor to inform you that, in obedience to your instructions, dated Waipa, July 9th, I proceeded from thence to Kitikitiro, to obtain a party of the Ngatihaua Natives, and point out and mark the boundaries of the land I was directed to survey at Piako.

The unreasonable demands of the Natives delayed me there several days, but on Monday, the 16th, I was enabled to start with five men, to whom I agreed to pay five shillings per day each; a sixth subsequently added himself to the party.

On Thursday we arrived at Hangawera, and proceeded immediately to perambulate the land. For the purpose of survey I considered it sufficient to chain the front or east boundary, it being in the plain, and the principal point in the back boundary on the mountain being satisfactorily fixed by bearings.

The block contains about 4,000 acres, and is situated on the eastern slope of the Hangawera Mountain. It is bounded at the back or west by straight lines from points on the spur of the mountain, all which have been carefully marked and correctly fixed on the plan. These lines cross several steep gullies, which are thickly wooded higher up.

The southern boundary is the Stream Mangahaumia; the west boundary meeting the river immediately above a *rau-wiri*, or eel-weir; the east boundary runs in a crooked line along the undulating land, about 1½ mile from the River Piako, across several deep swamps and streams, to a ridge 730 links to the north-west of the River Huruhuru; and the northern boundary is a straight line from thence to the northern extremity of the west boundary, on a lofty hill on the north side of the gully of the Huruhuru.

The quality of the land is, on the whole, pretty good, the loam part being level, with a good though light soil, covered with fern and small manuka, which has been everywhere burnt; nearer the hill it is sandy and poor. But the greatest defect is the want of wood, of which there is absolutely none; and without the land between it and the River Piako, the block is, of course, unacceptable and worthless.

The latter block, however, is that which Pita has, in the letter I conveyed to you, offered to sell to the Government, and accordingly I have roughly ascertained its dimensions, and delineated it on the plan. It abuts on the Ruihauriki, which the Natives assert to be Webster's southern boundary, and up to which the land has been surveyed. It contains a small portion of forest (a few acres in a gully at its western extremity), and is of very good quality.

I have, &c.,

THEOPHILUS HEALE.

Donald McLean, Esq., Chief Commissioner.

## The CHIEF COMMISSIONER to the Hon. the COLONIAL SECRETARY.

*Piako.*—*Respecting purchase of Hangawera Block.* Land Purchase Department, Auckland, August 16th, 1855.

SIR,—

Captain Heale, who has been employed to survey the block of land offered for sale by the Ngatihaua tribe, has completed this service, and the Native claimants are now in town to conclude the purchase. They have already been paid One hundred pounds on account of it, and a further sum of Two hundred pounds will complete the transaction. Captain Heale reports the land to be of fair average quality. The area of the block is 4,000 acres. The price is rather high, but it is of great importance that the Ngatihaua, who are large owners of land in the Waikato and elsewhere, should be induced to sell by giving them a good price in the present instance, as this is their first treaty for the cession of land to the Crown.

I have therefore the honor to apply for His Excellency's authority to pay the sum above alluded to.

I have, &c.,

DONALD MCLEAN, Principal Commissioner.

The Honorable the Colonial Secretary.

Approved.—R. H. W. August 20th, 1856.

## **No. 15. Mr. COMMISSIONER HAY to the CHIEF COMMISSIONER.**

*Piako—Reporting as to his Proceedings.* Auckland, 21st October, 1857.

SIR,—

I have the honor to state or your information, with regard to the land on the Piako, as follows:—

On the 21st May last the Ngatipaoa and myself reached Maukoro. After three or four days' talk, I commenced work. The Natives, one and all, denied ever having consented to sell the river frontage, which, by the way, is scarcely available till you reach Maukoro, stating also that on several occasions they had made their determination not to part with their eel swamps on the river frontage. I found it would be a mere waste of time to press the matter, so I proceeded with the survey. The piece of land called Tikou, for which money was paid to Takupu, was claimed by Te Matete, who told me that he had already objected to this purchase when in Auckland. Commencing at the northern end of the survey, and following the eastern boundary southwards, the first reserve made by the Natives consists of about forty acres, commencing at Te Paeroa, and ending at Rerepangongo, including a burial ground.

Further on, at Te Ratohua, a reserve was made by Tipa, but subsequently he told me to include it in the survey.

At Pouriri Creek, the reserve by Te Matete and others begins, extending to where the eastern boundary meets the Piako at Te Areiriri, and amounting to three thousand (3,000) acres, of which one-third, perhaps, is available for Native cultivation.

With regard to Webster's purchase, all that I could do amounted to nothing, as I had no names to go by with regard to boundaries, and a long time has elapsed since the purchase, moreover, the Ngatirauhea—who, as vassals of the Ngatipaoa, at the time of the purchase by Webster, did not then dare to say anything—have now, from the decline of the influence of the chiefs, come forward and denied the sale of the frontage from Maukoro to Angapunga (stated to have been purchased by Webster), and declare his eastern boundary to be that laid down in the accompanying plan. I have also shown in this plan what they state to have been his western or back boundary. In consequence of the facts above stated, and from the frontage to the river having been supposed to be twice its actual length, the purchase made by Mr. Webster turns out to be only about 6,000 acres. I have worked up to the Waikato boundary, from Te Pakohae to Te Pahua. There remains at the northern end of the block about 2,000 or more acres, which, if purchased, would work up to the Ngatimaru boundary. This has been

offered to me by the Natives, as well as the small reserve made by the Ngatirongo at Te Paeroa, but as yet I have not seen all those concerned in it.

At the Southern extremity there remains from four to five thousand acres (4,000 to 5,000 acres) of desirable land, which, if purchased, would work up to the Waikato and Ngatihaua boundary and extinguish the Ngatipaoa claims on the Piako, with the exception of a small piece South of Te Riu o Hauraki, belonging to Hoera, and which he refused to have included in the survey. The land about the Waikuku and Pouriri Creeks, and from Te Maire to Mangahuna, is excellent; it is also good on the Mangawhara; the fern ranges I found, generally speaking, to be a better description of soil than usual. The fact of old burying grounds being scattered about from Te Pukeiti westwards to Te Weiti Creek has prevented the Natives from selling the four or five thousand (4,000 or 5,000) acres I have already spoken of at present, as any new negotiations, until the bones have been collected and removed, would bring down too many claimants to suit the purpose of the actual owners of the land.

The land offered by Keha near the Kerepehi, and for which he had received money, I deemed advisable to leave alone, on account of strong opposition on the part of Wharerututu (Te Aperahama) and others.

In the Thames, I surveyed the land sold as Hotungaio and Hotukiwi. Two Natives, Tukukino and Wiremu, of the Whakatohea, had been deputed by the Ngatipaoa to mark off the boundaries—as, in point of fact those of the Ngatipaoa, who claimed the land, knew but very little about it beyond having heard one or two of the names.

Hahaupounamu I did not survey, owing to a disputed boundary, and the Natives did not choose to attend to settle the question; the objection was raised by Te Maupu (Taeapa).

The land offered by Te Harapa, and for which he has received money, I left alone till the weather was more favourable. Koupu is hardly worth surveying, unless the land offered me at the back be purchased; though only a very small block of some three or four hundred acres, still it is good land; and, in my opinion, desirable that it should be purchased. I arrived in Auckland about the middle of August last.

I have, &c.,

G. W. DRUMMOND HAY, Commissioner and  
Surveyor, Thames District.

The Chief Commissioner, Native Land Purchase Department.

## No. 16. MR. COMMISSIONER HAY to the CHIEF COMMISSIONER.

*Piako.—Reporting difficulties attending the Settlement of Claims.* Auckland, 11th November, 1857.  
SIR,—

I should wish to call the attention of the Government to the following facts, from which have arisen the delay and difficulty in settling the Piako question.

They have refused the sum offered yesterday (£50) because they did not consider it sufficient; and also because they maintain that some payment ought to be made by the Government on account of Webster's purchase. With regard to this purchase, they have been most consistent in asserting that though their names were signed together in token of assent, and their evidence before the Commissioner's Court went to prove that the purchase was a *bonâ fide* one, still they were induced to act thus from the promises and representations of Webster, and that at that time they hardly knew the importance of the steps they were taking. I may observe that the sum promised by Webster was five times the amount paid by him; it is needless to state that the promise was not kept.

In parting with the Piako Block it must be borne in mind that in doing so the Ngatipaoa Natives almost extinguished their claim in that district, and consequently lose their influence for which money even for larger amount than that offered to them would be no remuneration, as on no point do they feel so strongly as on this.

The principal mover amongst those who will not come to terms is Te Wi, son of Te Hoehoe, and by right of descent the feudal chieftain of the residents on the land; he feels that if he sells the land, his vassals will be independent of him, his influence diminished, and himself lowered in rank. I think the Government would do well to look at this purchase as a matter of policy not at so much per acre. I would add also that the Natives feel painfully that having in 1854 given £550 in advance on their land, we appear to be driving them into a corner to force our own price upon them for land which they value more highly on account of its being their entire claim in that district.

If the Governor would authorize me giving as high as £1000 I would make the best terms I could with them.

I have, &c.,

G. W. DRUMMOND HAY, Commissioner and  
Surveyor, Thames District.

Donald McLean, Esq., Chief Commissioner.

## No. 17. Mr. COMMISSIONER HAY to CHIEF COMMISSIONER.

*Piako—Reporting on Surveys and Negotiations.* Auckland, 18th December, 1857.

SIR,—

I have the honor of forwarding for your information the following report of my surveys and purchases on the Piako and Thames; attached to this report is a copy of my diary from the time I left Auckland until my return. On my arrival at Maukoro, on the Piako, I found the residents on the block (Ngatirauhea, formerly vassals of the Ngatipaoa) prepared to assert their right, not only to sell land on their own account, but to retain all land belonging to them that had been sold to Webster without their consent, and without their sharing in the payment. The Natives dispute a good deal amongst themselves, one of the bones of contention being the frontage to the River Piako. In almost all the receipts for instalments on land on the Piako the River Piako is named as the eastern boundary, but now they one and all denied and ridiculed the idea of their ever having sold the land right down to the river, especially while the old claim had been so long unsettled (meaning Webster's). I found that my insisting on the fulfilment of their agreement with regard to boundaries would, as far as the River Piako was concerned, be mere waste of time. I accordingly proceeded with the survey. On referring to the plan, it will be seen that there are two small reserves north of the Waikaka; these were unavoidable at the time, as opposition often makes a Native more obstinate. (I have since purchased the adjoining land, and with it the reserves.) At Pouriuri all the land east of the surveyor's line was reserved by the Natives on account of burial places, concerning the removal of which they could not agree, and also in order to retain sufficient for the resident Natives (Ngatirauhea) to occupy. I had one continued discussion with the Natives with regard to Webster's claims, but they were always most consistent in ignoring entirely the boundaries as laid down in any documents to which I had access. From all that I have seen, I am inclined to think that the Natives are in the right, at any rate far more so than the European, in this instance. The land included in Webster's claim that was retained by them south of Pouriuri amounts to about three thousand acres (3,000 acres); out of this I have since purchased and paid for finally about twelve hundred acres (1,200 acres); the river frontage in the block surveyed begins where the surveyor's line meets the river beyond Te Areiriri. The last mentioned purchase brings the frontage nearly two miles further north. Another reserve at the south-west end between Hangawera and Te Pukeiti, and extending towards Waikato, was also made on account of burial grounds that the Natives could arrive at no understanding about. This reserve contains about 3,000 acres. At the creek called Te Weiti, about 2,000 or 3,000 acres have been reserved. This part of the district having been the debateable ground between Ngatipaoa and Waikato, the burial grounds are more plentiful than elsewhere; however, the chief objection to sell these consecrated spots, is the number of claimants who would rise up, not because they had

any right to the land, but: because they were distantly related to some of the bones. I shall however in all probability purchase all the land during the summer; and with the exception of a small reserve at Maukoro for the Ngatirauhea, thoroughly extinguish the Ngatipaoa claim in that part of the country. From Te Toke to Te Pahua, on the western boundary, the land is purchased right up to the Waikato boundary. For further information I refer you to the plan.

All the land north of the boundary of the block in question, has been purchased by me since the survey. This land extends on the west to the Waikato boundary, on the north to the Ngatimaru boundary, and on the east to the river Piako, taking in the two small reserves at Waikaka. I do not find the Natives either anxious to sell, or thoroughly averse to doing so. I do not know exactly what the feeling is amongst the Ngatihaua, but I look forward to having as much work as I can get through. It will be borne in mind that my district is not one with only one or two large tribes; but that the valley of the Thames, and Piako especially, and the neighbourhood, has been the battle field of some six or seven tribes for ten generations, consequently the claims of different tribes become so mixed up and intricate that it requires a great deal more time and careful enquiry than ordinary purchases, and for the same reason the land is subdivided into smaller blocks. It is my opinion that where the Government has an opportunity of extinguishing the Native title satisfactorily, where that title is intricate and involves two or more tribes, it should be done however small the block.

For further particulars I refer you to my letter and enclosure of the 15th instant.

I have, &c.,

G. W. DRUMMOND HAY, District Commissioner.

To the Chief Commissioner, Native Land Purchase Department.

*Piako.—Offers of Land should be accepted.* Piako, 30th November, 1859.

SIR,—

In forwarding the enclosed sketch of the different blocks, the negotiation for which I submit for the sanction of His Excellency the Governor, together with the requisition for the sums necessary to bring the negotiations to a successful issue, I have the honor to remark, as follows, for the consideration of His Excellency.

Without reference to the difficulties which always arise from the different claimants opposing each other, there is a general feeling prevalent amongst the Maoris that the sale of land is anything but a profitable transaction for them, and this has greatly increased since some Europeans have leased or attempted to lease runs in this district.

There is also much to contend with from the indirect influence of the Ngaruawahia (Maori King) party.

The system of handing over the land to be held in trust by the Ngaruawahia Runanga has obtained greatly of late in my district. In one or two instances I have succeeded in preventing a tract of land from being handed over. As matters are at present, once the land is in the hands of the Ngaruawahia party, there is not the slightest probability of purchasing.

I would call the attention of the Government to the necessity of acquiring all the land they can in this district as soon as possible. Every offer of land with a good title increases the probability of further purchases, if accepted, whereas, if refused on account of small extent, such land may never be offered again, and may perhaps interfere with the successful negotiation for purchase of the adjacent land when offered for sale at some future time.

I do not advocate the purchase of every small patch of land that a Native may wish to sell, but as I have frequently had occasion to state, there are many portions of this district that must be offered in small blocks.

## ***Waitoa River.***

Should the Government approve of the land offered on the west bank of the Waitoa, I anticipate several offers of small blocks on the east bank of that stream, which will lead, I have every reason to believe, to the purchase of upwards of Twenty thousand acres, between the Waitoa and Waihou.

I consider it highly conducive to a speedy and successful negotiation that the purchase money should be forthcoming, when the tribe or claimants, owning a piece of land, have pointed out the boundaries to the District Commissioner; for instance, could the purchase-money have been paid a few days ago for two of the blocks shown on the sketch, the deeds would have been signed and forwarded without further negotiation; and, though, in these two instances, I do not anticipate any fresh difficulties from the delay, yet in some cases it might seriously interfere with the negotiation.

The whole of the upper Waitoa land is excellent and well timbered on the banks of the stream.

The only difficulty I anticipate is that of Paora Te Putu refusing to cede his claim. This, however, will only diminish the size of the block on the west bank.

With reference to the consolidation of the Piako Block, the absence of one of the claimants has alone interfered with the settlement of the Mangakahika and Mangahoumia Block; a small portion will remain for which a separate deed can be drawn out.

I would strongly recommend the Government not to press the cession of the Maukoro Reserve at present; there is a highly eligible site for a township a little to the north of the Pa of Maukoro; and any attempt to force a removal of the Natives, at present would be fatal to other purchases in the vicinity which are highly desirable. Out of the Seven hundred acres forming the Maukoro Reserve, I can at any time obtain the cession of Four hundred acres, when, I believe, the Natives would move of their own free will in about a year, but I have purposely kept back the offer of the Four hundred acres until the other purchases are effected, amongst the rest, the 8,000 acres, or the greater part of it, lying between Hangawera and the Mangawera stream.

I have, &c.,

GEO. W. DRUMMOND HAY, District Commissioner,  
Thames.

The Chief Commissioner, Auckland.

## **No. 19. The Hon. the NATIVE MINISTER to Mr. H. T. KEMP. Memorandum for Mr. Kemp.**

*Piako:—Unsettled Payments.*

YOU are aware, that in the Thames and on the Piako there have been standing over unsettled for several years the payments upon certain blocks of land, for which advances were made from time to time to the Natives. The Government, as well as the Natives, are anxious that these outstanding claims should be met and settled on the most equitable terms; and as I find from Mr. Puckey, the Native agent at the Thames, who has been directed to enquire into the details connected with the several blocks alluded to, that they are now for the most part in a fit state to be dealt with, I have the honor to request that you will, without delay, place yourself in communication with Mr. Puckey, and endeavour, as soon as possible, with the assistance of the Native chiefs and other claimants, finally to dispose of this question. Funds for the extinguishment of the Native title to these blocks will be available as soon as you shall report that these claims have been adjusted, and the time and place appointed for the payment being made.

Auckland,

28th June, 1872.

DONALD. MCLEAN.

# Mr. H. T. KEMP to the Hon. the NATIVE MINISTER.

*Piako.—The same.* Auckland, 7th August, 1872.

SIR,—

Agreeably with your instructions, careful inquiry has been made into the several outstanding claims on the, Waitoa and Piako Blocks. The result has been that, in order to meet the different claims, to give general satisfaction, and to make the awards fair and reasonable to the Government and to the Natives, the sum of One thousand pounds has been fixed to cover all claims connected there with. Enclosed herewith is the schedule submitted for your approval, as well as a requisition for the amount trequired.

I have, &c.,

H. T. KEMP.

The Hon. the Native Minister.

## Enclosure 1. E. W. PUCKEY to the Civil COMMISSIONER, Auckland.

Native Office, Thames, 13th July, 1872.

SIR,—

I have the honor to enclose herewith schedule of proposed payments to complete outstanding purchases—Piako and Waitoa Blocks—a balance of £713, according to Mr. Mackay's arrangements (excepting recent advances to Ema Te Aouru of £50, and to H. Tipa of £20). W. H. Taipari and myself have gone fully into the claims not considered by Mr. Mackay, and we think a payment of £40 to Wata Hangata Hiri Haua, Matini Potara, and Rakena Raukuru, fair and reasonable to extinguish' their interests. The Ngatimaru have a claim, and we propose to extinguish it by a payment of £150 also to give the Ngatipaoa an additional payment of £97, thus bringing the entire amount to be paid, inclusive of advances above referred to, £1,000.

The schedule will explain these amounts more fully.

I have, &c.,

E. W. PUCKEY.

The Civil Commissioner, Auckland.

## Enclosure 2. SCHEDULE of PROPOSED PAYMENTS, PIAKO and WAITOA BLOCKS.



# Mr. E. W. PUCKEY to the Hon. the, NATIVE MINISTER.

*Piako.—Payment of Ngatipaoa claims.* Native Office. Thames, 15th December, 1872.

SIR,—

I have the honor to inform you that on the 26th ultimo I went to Taupo, accompanied by W. H. Taipari and Mr. E. H. power, for the purpose of making the final payment to the Natiyes on account of the long outstanding land purchases at Piako and Waitoa. As there were a considerable number of claimants and, interested parties it was necessary to make special terms with a vessel to convey us thither and bring us back. I accordingly engaged the p.s. "Enterprise No. 2"—a steamer plying between this, and Auckland—at a cost of six pounds. We reached Taupo in the evening, and our errand having been explained and preparation made for commencing business first thing in they morning, we retired to a new house, which Haora, had built for the occasion. We then had a private meeting with the resident Natives, and went fully into the question of the claims, and everything having, been satisfactorily adjusted Haora, in the early morning, sent off a messenger to Whakatiwal to fetch Hoera to Whareponga, whose presence at the final extinction of their, claims to these lands, and especially the Waitoa Block, both he and I considered advisable. About, 9 o' clock the, morning we assembled in the Court house, and the proceedings commenced by W. H. Taipari reading the list of claimants and the pieces of land claimed by them. This was the more requisite as Tarapipipi had raised an objection to the claims of Te Poea te Otatu and Horata Potene, on the ground that all either had a right to was an eel-weir. Upon going into the question, however, in both cases the objection was withdrawn. There was no great difficulty experienced in dealing with any claim excepting as regards Motauihihi—a piece of land contained within the Waitoa Block. When the amount arranged to be paid for this land was named, the claimants—Hone Te Koti, Wini Kerei Ropata to Aarahai, Hota Poka, and Riki Poka—refused to sell unless they got £400. They offered to sell half of the land for £200, but—as I considered £200 already too high for a piece of land consisting of from one-third to one-half of deep swamp, and the total area of it being probably about 2,000 acres—after discussing the matter for nearly a day and a night, with Taipari's concurrence, I cut Motauihihi out of the block. The only advance on this land was a sum of £15 paid to Weherua, a man since dead, and who did not appear to, have any claim to the land whatsoever.

The claim of Horata Potene was, by her desire, dealt with as though it was Tipa's, she claiming the land through him, and having no special or separate claim.

As it is possible some question may hereafter arise as to the claim of Irihia te Kauwae to Waitoa, and the manner in which it was disposed of, I may state that I have all along steadfastly refused to recognise any unsupported claim, and made it a point from the first to consult Haora Tipa with reference to claims brought forward to these lands. So with the claim of Rihia which has been all along ignored by Haora. It appears that this claim was derived from some remote Tapuna who formally owned or cultivated the land before it was taken by the Ngatipaoa, and the occupants driven off asutu; for the killing of Te Apa o te Rongi. I brought up this claim repeatedly, but Haora as steadfastly refused to recognize it, and also at the Taupo meetin g Rihia, who appeared conscientiously to believe in the fairness of his claim, brought it forward himself at my desire, but without being able to prove it to our satisfaction; indeed, had we dealt with it separately, it would have complicated matters as we should have had Haora against us. A few days after our return, however, Haorar Tipa came to theThames, and as I felt that the claim of; Rihia might, hereafter crop up at an inconvenient time, I suggested to Haora that a small payment had better be made to Rihia through him as principal seller of this land. This he agreed to, and Rihia accepted £10 in extinction of his claim, promising that he would not hereafter make any claim whatever. All kinds of fictitious claims have since our return from Taupo been trumped up, but referring the *pseudo* claimants to Tipa has completely shut them up, and in, order to test the validity of any claim which may hereafter be made it will be only necessary to refer such claimant to Tipa.

I found it necessary to give Tarapipipi £25, he haying some indirect claims on the Mohonui Block not previously dealt with; but this payment should be regarded more in the light of a politic stroke than as the satisfaction of a claim; also as he had some time ago made claim for a further payment on account: of the Piako Block, and as it was in his power to place—for a time at least—insuperable obstacles in the way of the settlement of these long-existing land claims, both on the Piako and Waitoa, I agreed to abandon the purchase of a block of land called Katihiha, on the opposite side of the Piako to Mohonui, on which an advance of £80

had been made to him; he foregoing any claim he might still have to the other blocks purchased. Adjoining this land and included within the same survey is a piece called Whataiti. On this land an advance of £40 was made some years ago by Mr. Whitaker, then Superintendent, of Auckland, to Haora Tipa, This purchase we also agreed to forego, lessening by so doing some considerable additional payments for Waitoa, which' Haora was expecting I append to this report a schedule of the blocks of land purchased by the Government at Piako which together with the sketch plan herewith, will afford considerable facilities for understanding what, from the very meagre information in the possession of the Government, has hitherto been a very complicated question.

Before having brought this report to a close, I should have stated that last week I visited Ohine muri and obtained Moananui's signature to the Waitoa deed, and that I also completed the purchase of the Waemaro Block, on which Hone te Kuti admitted an advance of £65 to have been made. I have also kept in hand a sum of £10 to be paid to Penetito for claims in the Piako. This closes all the purchases. A claim by Rota te Whituti for £35 I have ignored, as he appropriated that amount in the purchase of a portion of the Whitoa Block, which I had to abandon. This is shown on the plan.

I have, &c.,

E. W. PUCKEY.

The Hon. the Native Minister Wellington.

## **Enclosure.SCHEDULE of BLOCKS PURCHASED by the GOVERNMENT.—PIAKO and WAITOA RIVERS.**

*Ramarama Purchase completed.* Onewhero, Waikato, 27th December, 1852.

SIR,—

I have the honor to report to you that, in accordance with the instructions contained in the Hon. the Colonial Secretary's blank cover No.—, dated the 7th December, I have marked and settled the boundaries of the Ramarama purchase with the original Native sellers and the owners of the adjoining land, according to the enclosed plan, taken by magnetic bearings, with estimated distances; and that this block, containing about 18,000 acres, is now ready for the Assistant-Surveyor to proceed with the survey.

These boundaries are strictly in accordance with the description given by Jabez Bunting at the date of the purchase in 1844.

## **Tapu on Road.**

I have been requested by the inhabitants of this district, both Europeans and Natives, to represent to His Excellency the Lieutenant-Governor the great inconvenience they experience from the *tapu* placed on the old road to Waikato, and the threatened shutting-up of the present very important pathway, which has been made by the private enterprise of a few individual Natives who are not disposed to allow it to be made available by the public; and to express their hopes that His Excellency would cause one of the survey lines to be cut, of sufficient width to be made available as a path to the river, as everything of the sort attempted on other except Crown land is subject to be closed in a similar manner at the caprice of the Native owners of the ground.

The eastern boundary line of this block is a shorter cut across the ranges and a more direct route into the interior than any other which I have yet seen.

I have, &c.,

JOHN G. JOHNSON, Interpreter.

The Native Secretary, &c.

## No. 2. Mr. INTERPRETER JOHNSON to the NATIVE SECRETARY.

*Ramarama Block.* Native Secretary's Office, 4th April, 1853.

SIR,—

I have the honor to inform you that I proceeded to Slippery Creek to point out the boundaries of the Ramarama Block to the Contract Surveyor, on the 18th ult., as directed in the Hon. the Colonial Secretary's minute, 53/510. On arriving at the spot, I found the surveyor, Mr. Hogan, who had preceded me, returning to town, news having reached him that the Pensioner force, of which he is a member, had been called out to the annual drill. Pending his return from town (whither he had proceeded to obtain leave of absence), I complied with the Surveyor-General's request, and held several interviews with original sellers of the Pukekohe Block, and also with the claimant Isaac, the result of which I have communicated to the Surveyor-General.

On the 26th I rejoined the Contract Surveyor who had returned from town, and traversed the boundary in company with him through the bush, by compass, when it was practicable, and pointed it out from the neighbouring heights when it was not so. On the 30th and 31st ultimo we completed the side bordering on the Waikato River and Mangatawhiri Creek, and arrived in Auckland on the 2nd instant.

The new road between the Mangatawhiri Creek at Pokeno and Ramarama is about half way through, and will unite with the road from Slippery Creek in fourteen days.

I have, &c.,

JOHN G. JOHNSON, Interpreter.

The Native Secretary, &c., &c.,  
Auckland.

*Respecting Te Puni, Paraheka, and Te Roto.* Watapaka, 19th April, 1853.

SIR,—

I have the honor to inform you that, in accordance with the arrangement entered into with the Surveyor-General in Auckland, I went on the 7th instant to the Slippery Creek to meet Epiha for the purpose of settling with him the boundary of Te Puni, purchased from Ngatiteata, which he disputes, but, that chief not appearing by the 9th instant, I took the opportunity of visiting Mohi, who was in the neighbourhood, and, having been joined in the meantime by Mr. Ormsby, the Contract Surveyor, we proceeded to the place and defined and settled finally the boundaries of the Paraheka and Roto purchases with the Natives of Patumahoe, the adjoining district.

Those two blocks are estimated to contain about 7,000 acres, and are for the most part available for agriculture. The Puni is the tract of land abutting on the Roto, and extending to the River Waikato; and I thought it so desirable to get the boundaries of this place also settled (so that a definite line could be drawn on this side to the Waikato between the Crown and Native lands) that I returned on the 12th instant to Pukaki and Mangere to persuade Epiha to keep his word and accompany me to the Puni for that purpose.

To this Epiha would have complied had he not been compelled to accompany Te Whero Whero to Waikato, where some important affairs amongst themselves required his presence; he however deputed a young man named Pera (one of the owners of the Puni) to go with me; this, Pera was preparing to do when the arrival of a

summons from the Resident Magistrate at Auckland for him to appear as witness in a civil case between two Europeans, on the 21st instant, prevented him.

## Tuakau Reserve.

The negotiations, together with the stormy state of the weather, prevented me recrossing the Manukau till the 17th instant, and I am now going (according to the Surveyor-General's directions) to point out the boundaries of the Tuakau Reserve and Ramarama to Mr. Ormsby, and intend on my return to call at Pukaki for Pera and settle the boundary of the Puni, if possible, before my return, unless sooner directed by yourself to come back.

The rainy weather and flooded state of the creeks so retard our movements that I am unable to inform you as to the date of my probable absence.

I have, &c.,

JOHN G. JOHNSON, Interpreter.

The Native Secretary, &c.

*Ramarama.—Its Boundaries defined.* Native Secretary's Office, 30th April, 1853.  
SIR,—

I have the honor to inform you that, in accordance with the intention expressed in my letter, dated the 19th instant, I proceeded to the Waikato and perambulated the boundaries of the Ramarama purchase with Mr. Ormsby, the Contract Surveyor, and returned to Pukaki on the 28th instant.

## Te Puni.

The outstanding claimants against the Puni, who were then to have accompanied me to that place, being in town, I returned, and have since seen them here. They state their willingness to settle the boundaries and outstanding claim on that place, so soon as a Government officer is sent to accompany them to the spot.

I have, &c.,

JOHN G. JOHNSON, Interpreter.

Native Secretary, &c., &c., Auckland.

## Mr. COMMISSIONER JOHNSON to the CHIEF COMMISSIONER.

*Waikato.—Reporting on his mission.* Land Commissioner's Office, Auckland, 6th October, 1854.  
SIR,—

I have the honor to inform you that I have returned from Waikato, whither I had proceeded to endeavour to

arrange for the blocks, which have been partially negotiated on that river, in accordance with your letter of the 26th August last.

In obedience to your request, I not only carried the goodwill and advice of our ally Te Whero-where with me, but also a young chief named Seth, a relation of his, and an influential body of Natives from Pukaki and Ihumatao, being mostly composed of the sellers of the land; but, notwithstanding these measures, I regret to state that I was unable to obtain possession of any part, or finally to complete any of the purchases on the river. The difficulties are of two distinct natures, being 1st, those attending the claims of different tribes to the same piece of land; and 2nd, the obstructions opposed by a confederated body of chiefs in Waikato, who have laid a *tapu* preventing the sale of the country within certain boundaries. The lands partially purchased at Wairere and the Koheroa are encumbered with the former difficulty, and the other purchases are within the line of the country *tapued* by the Waikato chiefs. On arriving at Tuakau, the sale of the Wairere by Waata Kukutai was first discussed, and I should say from what transpired that Waata had no claim over the land. Tomo of Ngatipo, Paul of the Ngatikahu, and Pikiho of the Pokeno tribe, were admitted to be the rightful owners, but I could not get them to join in a sale. The Pokeno tribe offered to sell their claims, but the limited extent, and large expectations of the sellers, did not warrant me in making a purchase subject to a conflicting claim by the Ngatipo. Nini, one of the chiefs of Ngatitipa, was present; he stated that he regretted very much that Waata should have sold land belonging to Ngatipo, and recommended that the money be returned. This, of course, I did not feel justified in accepting, in case it might furnish a dangerous precedent; but I informed him that Waata must explain his conduct to yourself.

The Koheroa was next examined, and the claims of Ihaia and party who sold to the Government seemed so well supported, that I fully anticipated the completion of this purchase, and we accordingly proceeded to the ground and traversed the boundaries and marked the extreme northern end, which is a narrow neck of land. The Koheroa is a peninsula in the swamps which form the beds of the Mangatawhiri and Whangamarino tributaries of the Waikato, and might contain about Eight thousand acres of dry land. In addition to the former instalment, I offered the parties concerned a further sum of Three hundred pounds, and although they expressed dissatisfaction at the smallness of this amount, and stated their determination of endeavouring to procure your sanction to giving them a larger sum, I have no doubt but that they will accept it.

The counter claim of the chief Atua of Ngatipo, however, presents an obstacle even to the adjustment of this claim, and the Ngatitamaoho must, by promising to admit Te Atua's party in the final payment, procure his withdrawal of his demands (if they cannot do so without), before I should feel inclined to recommend the payment of any more money on this account. From all I have been able to learn, Te Atua's claims are not well grounded, and I believe that they were, at one time considered finally extinguished by the sale of the Koheroa to Mr. Marshall, and the only reason for admitting his claim at all appears to be that the purchase may turn out not to have been finally completed by Marshall.

All the other purchases named in the margin

Mataheka, Rangitoea, Parekakariki

are encumbered with the second class of difficulties, viz.: the *tapu* of the country by the Waikato chiefs in which the said lands are situated; the sellers to the Government have all valid claims, more or less but they are to blame, inasmuch as they knew at the time of sale that they were unable to give possession of the land. The whole of the south bank of the Waikato from Taupo and the north bank, from its confluence with the Whangamarino and up that river to its source, is placed under a *tapu*. Our party were followed by the Waikato tribes, to the number of one hundred and fifty men, and were absolutely prevented crossing the aforesaid boundaries. Their arms were left at Mere Mere, and as I had good reason to believe that our proceeding to take possession of the lands would have ended seriously, I at once desisted from the attempt.

That this movement is nothing new, and has not been brought about by the late transactions of this department, you will perceive by an extract of a report which I had the honor to make to the Government in June 1853, enclosed herewith, but I would not conceal the fact that this confederation is gradually assuming a more extended influence and a bolder demeanour. The Anti-European feeling they profess to have, I am inclined to think, is not real, but merely put on to increase their number, as that plea always gets the adhesion of discontented individuals of every tribe, the true cause of the movement being the following: Nga tangata o waho, or the Natives of Manukau, Te Whero-where, Katipa, Wetere, Moses, Isaac, Aihopene, Poharama, and their respective tribes, all lived originally in Waikato, or had possessions there. After the settlement of Auckland commenced, they gradually frequented less and less the Waikato, and have now permanently settled in the neighbourhood of the town, after selling the districts round Waitemata and Manukau, and as the Waikato chiefs assert, did not give them a fair share of the payment which their joint origin entitled them to receive. Nga tangata o waho, or the men living at the sea, in contra-distinction to those residing up the river, have not all their claims in Waikato in one block, or in one district, but they are scattered over the length and breadth of the river banks, and the Waikato chiefs, independently of the sacred feeling with which they view their native

stream, are also afraid that if they allow Auckland Natives to sell their claims, they will also sell those of the Waikato chiefs with them, in the same manner as is alleged has been done with the Waikatos' property in the region of Auckland.

They also see that to separate the claims of those who wish to sell, from those of the party who wish to retain their land, is a task which they cannot carry out, and their claims are so intermixed that they could hardly do so even with the assistance of Europeans; and the only alternative they have of securing their rights is to prevent the Natives living near Auckland selling any land at all in the Waikato.

A bitter quarrel is gradually rising between these two parties, and, unless carefully guarded against, may end in an appeal to arms. I would recommend that no further attempt be made to obtain possession of the lands in question through the influence of the parties who have sold, but that fresh negotiations be entered into with the Waikato chiefs at Waikato, as anything emanating from Auckland will not be listened to for a moment, and the parties who have now sold and failed to give possession can be excluded from the new arrangement. The Waikato chiefs do not value so much the lands which have been partially sold, but giving them up involves a principle which will decide the right of the men of the coast to Waerenga, a valuable tract of country between the Waikato and the Thames. After our public meeting, which was rather noisy, I had several friendly interviews with the opposition, and learnt from them that, if an officer was stationed in the Waikato to negotiate for land, a satisfactory adjustment might be come to, and that, if the proposals of sale originated with themselves, they would not be so averse. They also informed me that they did not wish to prevent the sales at Whaingaroa and the West Coast but merely those, in the central parts of Waikato and along the river banks.

I have, &c.,

JOHN GRANT JOHNSON, District Commissioner.

Donald McLean, Esq.,  
Principal Land Commissioner, &c.

## **Extract from Report, dated 14th June, 1853.**

"Having performed the foregoing part of my instructions, I next proceeded up the Waikato with Haimona Paetae and others to mark the boundaries of the land lately sold by him and the chief Wetere, known as Mataheka; on arrival there, we found that a feast had just taken place at Whangamarino, at which a large number of the Waikato natives were present, under their chief Te Wharepu, and fierce discussions have occurred relative to the dispute among them about Waerenga, a larger tract of country extending from the Waikare lake to the Thames.

The chiefs had at this meeting unanimously agreed to lay a *tapu* on this district, extending from the Mangatawhiri on the west to the frith of the Thames for the purpose of preventing any individual members of the tribes selling any portion of this country as they think that individual members make unjust claims to lands for the purpose of obtaining them for sale. They assembled to meet us to the number of two or three hundred men, and appeared very firm to their purpose so much so, that I think any attempt at present to acquire this tract would not be attended with success, and only tend to foment their quarrels among themselves, which are now assuming a serious aspect."

## **No. 6. Mr. COMMISSIONER JOHNSON to the CHIEF LAND COMMISSIONER.**

*Tirikohua.*—*Respecting the Survey of that Blocks.* Auckland, 18th June, 1855.  
SIR,—

I have the honor to report that I have returned from Waikato, where I had gone to quiet the opposition

raised by some Natives to the survey of the Tirikohua Block, which was finally purchased by Mr. Ligar, through my agency, in the year 1853.

Two parties of Natives have now arisen, claiming compensation for having been overlooked in the payment made in 1853, although they both were represented at the final meeting by their relatives respectively, by whose joint hands the money was actually received, after having been paid in the manner they wished.

Haimona, of Tuhi Mata, and Ruka, a Native of Waikato, claiming one portion of the block about the centre; and Pikiho, the eastern side next Pokeno. The latter party having expressed themselves ready to come to any decision the former agreed to, my negotiations were carried on with them.

Several schemes were suggested and sought to be worked out, by which a sum of money could be obtained without the bad precedent of having to pay for the land in question for the third time. At length, on Thursday evening, while on the spot, an arrangement was made by which the Natives generally who sold the land agreed to give up a small portion—about 200 or 300 acres adjoining; and in lieu of which £30 was to be paid to Haimona and £30 to Pikiho.

Assuming that these arrangements would be definitely carried out, the surveyor was cutting the lines and the survey actively progressing on Friday, when I left the spot on my return homewards. That evening we slept at Tuhimata (Haimona's place), when, to my astonishment, this man pretended not to understand that any arrangement had been come to the previous evening, and said that without a further sum he could not satisfy the claims of his friend Ruka. That even this should not be an obstacle to the final settlement of this vexatious question, I gave in a further sum of £30 for Ruka, making in all a sum of £100, an equal amount to the share of their *hapu* at the former purchase; and after much discussion this point was finally carried, and I congratulated myself on the matter being settled.

I was, however, followed by Haimona on the road home, when a further sum of £50 was demanded, accompanied with a threat of molesting the survey party and sending them back to town.

Having no guarantee that this demand, if conceded, would not be treated in the same way, I decided on telling these Natives that the fairest terms had been offered them, and that if they committed any act of violence the law would be carried out. One of these Natives, named Piripi Toaika, is involved in inextricable pecuniary difficulties, and as a last resource of obtaining money is endeavouring to procure these sums by intimidation; and as having been the agent appointed to transact the sale formerly, his conduct is particularly base in this latter transaction.

Having done all in my power, I would recommend no farther concession, but that a firm passive resistance be made to these unrighteous demands for money on the part of the Natives, quite out of proportion to any amount they would have been entitled to at the former division had they been present, or else the Government must be prepared to see similar claims set up over the whole of the outlying blocks in the province.

I would now finally suggest that a kind letter be written to Haimona, requesting him, conjointly with Ruka and Pikiho, to come to town and endeavour to settle their differences with Mr. McLean; and that, with a view to impress the Native mind with an idea of the possible result of any outrage on the survey party, I would recommend a firm letter being sent out by the hands of a policeman to Piripi Toaika, warning him that if any of the former sellers are so base and dishonorable as to molest the survey party, the law will be carried out against them. In the meantime the survey is rapidly going forward, and I hope that the declaration of the Natives will turn out to be mere threats, as I have good reason to believe they are.

I have, &c.,

JOHN GRANT JOHNSON, District Land Commissioner.

Donald McLean, Esq., Chief Commissioner.

**No. 7.W. N. SEARANCKE, Esq., Government  
Surveyor, to the CHIEF COMMISSIONER.**

*Ramarama.—Reporting on disputed Boundary of that Block. Auckland, 6th July, 1857.*

SIR,—

In obedience to the instructions contained in your letter of the 27th ultimo, respecting the disputed boundary of the Ramarama Block, I have the honor to report that, when the Ramarama Block was purchased, Mr. Interpreter Meurant was sent, and, in company with the Native resident at Pokeno and Ihumatao, traversed the boundary, marking trees at intervals of about a mile. The boundary line as cut by Mr. Ormsby, and afterwards extended by Mr. Montgomery, is in accordance with these marks. Previously, however, to their cutting this line Mr. District Commissioner Johnson was sent by the Surveyor-General (1853) to arrange a dispute at the north extremity of this boundary; the arrangement then made by Mr. District Commissioner Johnson with the Natives appears to be very indefinite, they, the Natives, asserting that the extension of the boundary 3° East extended only to the range, then carried along the range till it reached the boundary as first arranged, and not by any means influencing that portion of the block south of the Kumi Kumi.

Mr. Johnson, on the other hand, appears to have assumed that the 3° extension to the East for which he paid the Natives Ten pounds (£10), extended the whole length of the boundary from Taurangaihi to Mangatawhiri Creek, as he does not mention any names on this boundary as amended, or made any defined marks and as his boundary (if allowed by the Natives to be extended the whole length) would include their settlement and plantations, and upwards of three thousand (3,000) acres of land, I am compelled to come to the conclusion that he must have misunderstood the Natives, the more so that they show the boundary marks of Mr. District Commissioner Johnson's extension East to its junction with the original boundary at the Kumi Kumi. I therefore proposed that the boundary should be taken and amended as per accompanying sketch, so as to prevent any future disputes on the subject. They acceded to this, demanding the sum of Three hundred pounds (£300), which was afterwards reduced to Two hundred pounds (£200); and this sum I have the honor to recommend should be paid to them. The extent of the land gained is about fourteen hundred (1400) acres, including the frontage to the road (Mangatawhiri) for nearly eight miles, explained in accompanying sketch.

I have, &c.,

WILLIAM N. SEARANCE, Government Surveyor.

Donald McLean, Esq., Chief Commissioner, Auckland.

## **No. 8.W. N. SEARANCE, Esq., to the CHIEF COMMISSIONER.**

*Ramarama.—Reporting Settlement of disputed Boundary. Mangatawhiri, 25th July, 1857.*

SIR,—

In compliance with your instructions of the 23rd ultimo, on which I had the honor to report, and instructions since received from the Hon. the Colonial Treasurer, together with the sum of Two hundred pounds (£200), I have the honor to report as follows:—That on my former visit, the Pokeno Natives, owners of the land on the Ramarama boundary, agreed to accept of Two hundred pounds (£200) as full payment for the land (marked on plan). There were some natives absent whose consent at the time I was unable to obtain. They have on my reopening the negotiation thrown difficulties in my way, which I have succeeded in overcoming by payment of the sum of Two hundred pounds (£200), and a further sum promised of Ten pounds (£10) on my return to Auckland. I trust that, though I have exceeded the sum previously agreed upon, the excess of Ten pounds (£10) will be excused, considering the importance of having a proper settlement of this boundary, by which the frontage to the Mangatawhiri road is secured. I have the honor to forward the deed and sketch of the boundary as arranged by me.



I have, &c.,

WILLIAM N. SEARANOKE.

Donald McLean, Esq., Chief Commissioner, Auckland.

## **No. 9. The CHIEF COMMISSIONER to the Hon. the COLONIAL SECRETARY.**

*Mangatawhiri.—Respecting Purchase of Lands and Roads at Ramarama.* Land Commissioner's Office, Auckland, 10th August, 1857.

SIR,—

I have the honor herewith to transmit for record in your office the original deed, with translation, for a piece of land, in extension of the formerly-purchased Ramarama Block, situated near Mangatawhiri in the Waikato District, including a portion of the public road leading from Auckland to Rangiawhia, and acquired from the Natives for the sum of Two Hundred and Ten pounds (£210); a receipt for Two hundred pound (£200) of which sum is borne upon the back of the deed.

Having already referred to the causes which led Mr. Searancke to exceed the sum allowed for this purpose, I have now the honor to request a receipt for the deed in the usual form.

I have, &c.,

THOMAS H. SMITH, For Chief Commissioner.

The Hon. the Colonial Secretary.

## **No. 10. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Mangatawhiri.—Right-of-way, &c., on Great South Road purchased.* Auckland, 16th May, 1857.

SIR,—

I have the honor to enclose herewith a receipt for two pounds, which has been paid to Hami of Pokeno, near Mangatawhiri, for a right of road and a small strip of land, situated on the Great South Road from Auckland to Mangatawhiri.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Chief Commissioner.

## **No. 11. The RESIDENT MAGISTRATE, Waipa, to the Hon. the NATIVE MINISTER.**

*Waikato.—Native Lands being sold or leased to Europeans.* Whatawhata, 22nd May, 1865.  
SIR,—

I have the honor to report for your information that a large number of the Natives in my district are leasing and selling land to Europeans without the least reference to the Government whatever.

A block of valuable land has been bought at Tamahere by an officer of the Militia Regiment at Hamilton, and Mr. G. G. has leased an adjacent block at a ridiculously low rental. His son, I believe, was the surveyor of that district, and being instructed to make a reserve for the Natives, reserved the block I refer to, and immediately leased it. I cannot refrain from saying that if this indiscriminate sale and lease is permitted, it must end in the utter ruin of the Maoris.

I saw, accidentally, a letter from William Thompson to Raihi, appointing the latter his agent for the sale or lease of the land I referred to as purchased.

I have written to Mr. Fenton on the subject, but as yet have received no answer. A curious case has recently come under my notice. Two Natives, playing at cards, decided that certain quantities of land should be the stake. Accordingly one Native lost some 600 acres, but as his only possession consisted in a block allotted to the Militia the winner asked for a summons for the value of the land he had thus won! I quote this as one of many similar cases.

I have, &c.,

R. C. MAINWARING, R.M.

The Hon. the Native Minister.

## **No. 1. The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.**

*Instructions for Mr. E. Meurant.* Colonial Secretary's Office, Auckland, 6th November, 1841.  
SIR,—

It being determined to send Edward Meurant to the chiefs of the Waikato tribe to treat with them relative to the purchase of a piece of land which they offer to sell to Her Majesty's Government on the banks of the Waipa, I have it in command from His Excellency the Governor to request that you will instruct that gentleman to proceed on Monday, the 8th November, to visit Waikato, Waipa, Whaingaroa, Aotea, Kawhia, and Mokau.

On his arrival at the place of his destination, he will have an interview with the chiefs of each of these places, and read to them the enclosed letter from the Governor. He will then examine the land which they are anxious to sell, making them clearly understand that the Governor wishes to preserve them in the undisturbed possession of their dwellings, cultivations, and such other portions of their land as they may wish to retain for their own use.

He will make himself acquainted with the names of the chiefs who have the right to sell the land, the extent

of land they are willing to part with, and the price at which they value it. He will then appoint a day for the chiefs to assemble at Ngaruawahia, the place proposed by Te Wherowhero, to meet an officer of Her Majesty's Governments to treat finally for the possession of the land.

In the course of his communications with the chiefs he will use every endeavor to assure them of the good faith of the Government, and of the determination of the Governor to use no unfair means to deprive them of their lands. He will be as expeditious as possible in accomplishing the object of his journey, and on his return make a report to the Government, through you, of the success of his measures.

Should he find the chiefs willing to undertake to clear a road between Kawhia and Taranaki, he will express the Governor's wish that it should be done, and ascertain the amount of payment they will require for their work.

I have, &c.,

JAS. STUART FREEMAN, Chief Clerk (for the  
Colonial Secretary).

The Chief Protector of Aborigines.

## **No. 2.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Karioi.—Reporting completion of the Survey of that Block.* Whaingaroa, 9th August, 1855.  
SIR,—

I have the honor to inform you that the survey of Karioi, the land offered to the Government by the chief Hoani Papita and the Native owners in this district, is completed, and I have ascertained its area to be about twelve thousand (12,000) acres, exclusive of a Native reserve containing about six hundred (600) acres.

The Natives decided on retaining the whole of the water frontage, from the entrance of the harbour inland to the proposed township, and following Mr. Ligar's boundary for about two miles, which comprises nearly the whole of the available land in this block. The land southward of the Native reserve is rendered unavailable owing to a great number of ridges and ravines running from the top of the mountain to the sea, and the land on the opposite side of the mountain, towards the inland boundary, is formed in a similar manner. After due consideration, I offered the Natives a sum of Four hundred and seventy-five pounds (£475), One hundred pounds (£100) having been paid by you to the Native Kereopa by way of instalment on land within the present survey, known as the Hutiwai. They have unanimously declined this offer, and requested me to refer the question for your consideration.

I therefore respectfully request that you will favour me with a reply to this letter, in order that I may inform the Natives of your decision as to whether a sum in addition to that already offered will be given them.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Principal Commissioner, Auckland.

## **No. 3.The CHIEF COMMISSIONER to Mr.**

# OMMISSIONER ROGAN.

*Karioi.—Approving of Price offered for the Block.* Land Purchase Department, Auckland, 17th August, 1855.  
SIR,—

I have the pleasure to acknowledge the receipt of your letter of the 9th instant, reporting that you have completed the survey of Karioi, and find its area to be about 12,000 acres, for which you have offered the Natives a sum of Four hundred and seventy-five pounds (£475), in addition to a sum of One hundred pounds (£100) previously paid on account of a portion of that land at Hutiwai. I consider the offer you have made is very judicious, and you may acquaint the Natives that they must consider it as conclusive.

I have, &c.,

DONALD MCLEAN.

John Rogan, Esq., District Commissioner.

## No. 4. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Hauraki.—Reporting on its purchase.* Whaingaroa, 13th October, 1855.  
SIR,—

I have the honor to submit to you, for the information of His Excellency the Governor, the following report on the Hauraki purchase.

Hauraki is situated in the Whaingaroa Harbour, and affords anchorage for vessels of moderate size off several points of the land as far inland as the entrance to Waitetuna River. It has altogether about six miles of water frontage, the greater part of which, however, is approachable only by boat at high water. It contains nine hundred acres (900) more or less, including one Native reserve about sixteen acres.

The features of the land are a number of low undulating ridges of hills, running from the centre towards the water's edge, with occasional flat valleys intervening; the whole of which is covered with fern, manuka scrub, and light bush, and the soil appears to be of superior quality.

The chief Potatau has received the sum of Fifty pounds (£50) on 25th July, 1854, as a first payment for the same.

The principal claimants residing in the district are two parties who dispute each other's right to 200 acres. With a view to settle the difference between these people, I proposed that they should meet and discuss the question in the presence of the resident missionary, to which they agreed; but the Ngatimahanga claimants only attended, who demanded Fifty pounds (£50) for their portion of the payment. I offered them Ten pounds (£10), which was refused.

The Ngatitainu claimants, relatives of Te Wherowhero, who are, in my opinion, the real owners of the land in dispute, expressed to me their intention of visiting Auckland soon, for the purpose of arranging with you for their claims.

The enclosed sketch plan will explain more distinctly the boundaries of the land referred to.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Principal Commissioner, Auckland.

## No. 5. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Tawatahi and Oioroa.—Reporting on those Blocks.* Whaingaroa, 15th November, 1855.  
SIR,—

I have the honor to submit to you, for the information of His Excellency the Governor, the following report on land in the district, the exterior boundaries of which have been traversed.

Tawatahi Block, situated on the north side of Whaingaroa Harbour, having water frontage to each side of Tawatahi Creek for more than two miles, which is navigable by boat at high water. It is more than six miles in length, and averages more than a mile in breadth. It contains about Four thousand acres (4,000), and there are about Fifteen hundred acres (1,500) of fern land near the harbour, very fertile, although of an undulating character. The remaining part of the block is forest and unavailable for practical purposes, owing to the hilly nature of the land.

An instalment of One hundred pounds has been paid by you to the Native Renata, on the 4th August, 1854.

I have made no proposal to the Natives for the final settlement of this block, as it is the wish of the chief Takerei, and some of his followers, to arrange with you on your return from Auckland.

Oioroa Block, situated on the north side of Aotea Harbour, containing about 1,300 acres, the whole of which, except about two hundred acres of fern land, consists of sand hills. An instalment of One hundred pounds (£100) has been paid to Kewene and Te Aho for this and other land.

The Natives wished me to consider this land equivalent to the amount paid; but I declined concluding any arrangement with them until you were made acquainted with the character of the land.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Principal Commissioner, Auckland.

## Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*General Report.—Forwarding a Return of Lands Surveyed in his District.* Whaingaroa, 16th November, 1855.  
SIR,—

I have the honor to acknowledge the receipt of your letter of the 22nd ult, and to enclose herewith a list of the different blocks of land surveyed in this district, with the amount of instalments paid on each, and the probable sum required to complete those purchases.

The negotiation for the Karioi and Ruapuke Blocks is completed, and the Natives residing in the interior, whose claims are in a measure distinct from the resident owners, are waiting a reply from you, to know whether their claims will be entertained in Auckland before treating with me.

There are several small blocks of land, commanding good positions, near Whaingaroa and Aotea, which

have been offered to the Government, but no payments have been made on them, and the survey is not yet executed.

It appears to me desirable that this land should be purchased without delay, as the settlers are increasing in number, and giving a high value to land easy of access.

I am of opinion that the negotiation for this land will be unsuccessful, unless a higher rate per acre be authorized than that limited by your letter of the 14th July last.

I have, &c.,

JOHN ROGAN, District Commissioner.

D. McLean, Esq., Chief Commissioner.

## **Enclosure.LAND SURVEYED in the DISTRICT of WHAINGAROA on which INSTALMENTS have been PAID.**

### **Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

THE Natives in the vicinity of Whaingaroa are improving rapidly in industry, having extended their cultivation last season considerably beyond any previous year. One mill is now finished, the sole property of the Natives, and preparations are being made for another to be completed during the winter. There are several small wooden houses being built for the purpose of establishing Native stores. The feeling of these Natives with reference to the sales of land to the Government is unanimous, and when the existing arrangements with them are concluded, the Government will have purchased nearly 100,000 acres. That they are friendly disposed towards the Government and the settlers may be gathered from the fact that they are anxious for a Resident Magistrate to be placed in the district, for the purpose of settling according to British law any differences which may arise between them and the Europeans.

### **West Coast.**

The Natives occupying the land between Whaingaroa and Waikato are inclined to dispose of a portion of that district, and it is probable, as soon as the land question at Whaingaroa is finally arranged, they will offer for sale land in detached blocks amounting to 100,000 acres. The land in that district is of an inferior description, owing to the very undulating nature of the country. I am of opinion that it may be purchased at a rate of not less than 1s. 6d. per acre.

### **Aotea and Kawhia.**

The Natives in Aotea are divided on the subject of the land question, and the majority of the people at Kawhia and Waikawau are strenuously opposed to the sale of all lands in that district, except a small portion situated on the sea-coast, on which an instalment has been paid by Mr. McLean. Beyond their unwillingness to dispose of land, I am not aware that they are in any way unfriendly towards the Government.

### **Waipa.**

I am not in a position to state whether the tribes in the interior, between the Waikato and Mokau Rivers, are willing to cede their lands, or that they are friendly disposed towards the Government, as my duties have as yet confined me to the survey and negotiation of land along the sea-coast.

J. ROGAN.

March 29th, 1856.

## **No. 8.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Whaingaroa and Kawhia.—Forwarding Deeds of Sale of certain Lands.* Auckland, 15th September, 1857.  
SIR,—

I have the honor to enclose herewith deeds of sale and conveyance of several blocks of land situated near Kawhia and Whaingaroa, as marked in the margin,

KAWHIA.—Harihari, 10th August, 1857, £200; 4th July, 1854, £200.

WHAINGAROA.—Part of the Mata, 20th August, 1857, £20; Whakatau, 24th August, 1857, £20; previously, £20; part of the Mata, 4th September, 1857, £5; previously, £107.

which have been executed by the Native owners during my recent journey from New Plymouth to Auckland.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Chief Commissioner, Auckland.

## **No. 9.The Hon. the NATIVE MINISTER to Mr. COMMISSIONER ROGAN.**

*Waitetuna and Waipa.—To negotiate for Purchase of Claims.* Native Office, Auckland, February, 1863.  
SIR,—

It is the wish of the Government that you should proceed to Raglan as early as possible, in accordance with the promise made to Wiremu Nera, for the purpose of proceeding with the negotiation for the purchase of his claims over the block of land between Waitetuna and Waipa.

You are yourself so familiar with the circumstances under which Nera's original offer of this land was made, and have been in fact so frequently engaged personally in the negotiation, which commenced in 1858, that it is unnecessary for me to give any particulars of the case for your guidance. You are also aware of the general views which the Government entertain on the subject of Nera's proposal, but in a matter of such consequence it may be more satisfactory to yourself that these views should be distinctly stated.

The block now offered by Nera is substantially the same as that offered by him in 1858 and 1859, the offer not being then entertained in consequence of conflicting proprietary claims. At that time the King party raised the same opposition as they still make to the sale of the land and the construction of the roads; but if it had not

been for the objections of a number of natives who were part owners, it is probable that the opposition of the former would have been disregarded, as Nera strongly urged that it should be.

I believe there is no doubt that Nera and his followers are the principal owners, and there can hardly be a good reason why the Crown should not acquire their rights. The great importance of such an acquisition, in a political point of view, added to the value of the land itself, whenever a perfect title to the whole can be got, would justify a high price being given. Nera would feel that the acceptance of his offer was a great moral support to the position he has invariably held; that he is, of right, entitled to dispose of his land without reference to the opposition of the King party, which really rests upon their determination generally to permit no more sales of land in the Waikato country. The Government would stand in his stead as part, or rather principal owner of the territory, and would succeed to all his rights over it. Claims of opposing proprietors would be occasionally brought up, and the survey of the boundaries undertaken whenever the Government should judge it safe to do so.

The general opposition of the King party on other grounds than proprietorship could hardly prevail in the long run against the right of the Crown as principal proprietor, and when the Raglan road reaches Waitetuna (the point beyond which the Kingites have declared it is not to go) those whose rights as proprietors still remained unpurchased might be induced to agree to the road being completed, on account of the joint ownership, even if they continued to withhold their assent to the full cession of the territory.

You will therefore see that if a clear and complete title cannot even now be made out to your satisfaction by Nera and his people, and that if proprietary rights exist in other Natives, who continued to be opposed to the sale, the Government are still willing to acquire his claims provided that you are satisfied that those claims do comprise a valid right of ownership over the land offered, or, at any rate, a large portion of it.

In addition to the opposition which formerly existed from Natives whom the then Government recognized as part owners, you are aware, of opposition to the cession of this territory having been made from the first and persisted in till now by the adherents of the Maori King. A letter was received within the last few days by the Governor, purporting to come from Matutaera's Runanga, and warning the Government against paying any money for the land. It is not the intention of the Governor to take any notice of warnings based merely on the proceedings of the Native King to prevent any sale of land whatever, but when so much notice has been given to the Government, from which it may possibly be inferred that a proprietary right is asserted, it will be your duty to be especially careful to make full enquiry before entering into any actual agreement with Nera. It is in order that you may have every facility for making this enquiry on the spot that you are now to go to Whaingaroa.

I have, &c.,

F. D. BELL.

John Rogan, Esq., J.P., &c., Auckland.

## **No. 1. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Aotea.—Survey of Ruapuke completed.* Whaingaroa, 23rd August, 1855.  
SIR,—

I have the honor to inform you that a survey of a portion of land, amounting to about 6,000 acres, which was offered for sale by the chief Wiremu Nera and some of the Aotea Natives, has been executed, and I have offered a sum of Three hundred pounds (£300) in payment for the land, which the Natives have unanimously declined. They wish me to state that the lowest sum they are disposed to take for this land is Seven hundred pounds (£700).



As I have no authority for paying such amount for land, the greater part of which is of an inferior description, I have agreed with the Natives to refer the question for your consideration.

I have, &c.,

JOHN ROGAN,, District Commissioner.

Donald McLean, Esq., Principal Commissioner, Auckland.

## **No. 2.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Aotea.—Ruapuke Absentees not to be paid separately.* Whaingaroa, 24th August, 1855.  
SIR,—

With reference to your letter of the 3rd instant informing me that a Native named Te Tana, of the Ngatimahanga tribe, requests that payment for portions of land—namely, Te Waimaori, Aotea, Ruapuke, Rahinui, and Te Hutuwai—should be made in Auckland, I have the honor to state in reply that a portion of the land alluded to is included in a survey of 6,000 acres recently made, and the resident Natives request that no payment may be made to absentees, as these claims will be satisfied out of a sum of Seven hundred pounds (£700), should you consent to the payment of the same.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Principal Commissioner, Auckland.

## **No. 3.The CHIEF COMMISSIONER to Mr. COMMISSIONER ROGAN.**

*Ruapuke.—To report more fully as to the price fixed for this Block.* Land Purchase Department,Auckland, September 12th, 1855.  
SIR,—

I have the honor to acknowledge the receipt of your letter of the 24th ultimo, in reference to Te Tana's claim, and to the payment demanded by the Natives for the block on which that claim is included. In reference to the first point, as to a payment being made to Te Tana at Auckland, I am adverse to such a course, if it can be avoided, as I consider it preferable that the Natives should, in all instances, be paid publicly in the district where the land is situated, and this course should not be deviated from, except in particular cases, when there would be justice in adopting a different course. In every case the Natives of the district should sanction the making of the payment elsewhere.

With reference to the second point, the price demanded by the Natives, I must trust very much to your own discretion, having due regard to the public interests, as to whether you should exceed the amount to which you

were limited by the instructions issued to you at Waipa. I should be glad to have your own opinion, for the information of the Governor, more fully on this subject before proceeding further in the matter.

I have, &c.,

DONALD MCLEAN, Principal Commissioner.

J. Rogan, Esq., District Commissioner.

## **No. 4.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Aotea.—Offer for Ruapuke Block accepted.* Whaingaroa, 8th October, 1855.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 12th ultimo, in reference to Te Tana's claim, and the demand made by the Natives for the block of land near Aotea, and to state in reply, for the information of His Excellency the Governor, that the Natives have recently agreed to accept the sum of Three hundred pounds (£300), previously offered for the land reported in my letter of the 23rd August last. I have, therefore, to request instructions as to whether I should pay the above mentioned sum to the Native claimants from the money in my possession belonging to the New Zealand Government.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Principal Commissioner, Auckland.

## **No. 5.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Aotea.—Survey of Te Mata Reserve.* Whaingaroa, 8th October, 1855.

SIR,—

I have the honor to acquaint you, for the information of His Excellency the Governor, that a sketch survey of a portion of land, situated within the Native Reserve, called the Mata in this district has been made, which contains about Four hundred and fifty acres (450).

Payments of Thirty-five pounds (£35), and Seventy-two pounds (£72) have been made to the Native claimants for this purchase on the 6th and 31st May, 1854. The land is of good quality, having a Native track leading through it from the harbour, capable of forming a road by deviating slightly inland.

There are a few acres of fern land which are in the occupation of a settler, having been purchased by him from the Government, and the remaining part is forest. I am requested by Te Waka, the principal claimant, to make application to you for a sum in addition to that already paid. At the same time I informed him there was no probability of your acceding to his application.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Principal Commissioner, Auckland.

## **No. 6.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Aotea.—Forwarding Deed of Sale for Ruapuke Block. Whaingaroa, 4th February, 1856.*

SIR,—

I have the honor to enclose herewith a deed of sale for land situated near Aotea, which was executed by the Ngatinaho and Ngatimahanga Natives, and for which the sum of Two hundred and ninety pounds (£290) was paid on the 2nd instant. An instalment of Ten pounds (£10) having been paid by you to the Native Hemi Matene on the 14th April, 1854.

With reference to Te Tana's claim mentioned in your letter of the 3rd August last, the Natives have set apart Ten pounds (£10) in satisfaction thereof to be deposited with the Native Hakopa of the Ngatimahanga tribe, who is Te Tana's representative, which amount will be forwarded to Auckland for his acceptance.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Chief Commissioner, Auckland.

## **No. 7.Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.**

*Aotea.—Has concluded the Purchase of Te Mata, Native Reserve. Auckland, 18th June, 1858.*

SIR,—

Referring to a correspondence between the Land Purchase Officer, and the Ngatimahanga Natives (58,435), wherein an arrangement has been entered into with Te Waka for the purchase of the remaining portion of the Mata Reserve for the sum of One hundred pounds (£100), I have the honor to state, for the information of His Excellency the Governor, that I proceeded by appointment to Waiuku on the 13th instant, and paid over the above-named amount to Te Waka, when the Deed of Cession was executed (which is enclosed herewith), together with a description of boundaries; and I am not aware of any objection to the proclamation of this land in the usual manner, as the Native title has been extinguished.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., Chief Land Purchase Commissioner, Auckland.

## **No. 8. WAIPA CHIEFS to the GOVERNOR-IN-CHIEF, SIR GEORGE GREY, K.C.B.**

*Kawhia.—Offering to Sell certain Lands.* Rangiawhia, 8th March, 1849.

TO THE GOVERNOR,—

Salutations to you! Great is my love to you. Myself and Hoani Papita are going to you about Kawhia. On our arrival we will go immediately on board ship to sell Kawhia. Potatau (Te Wherowhero) will be with us. With Potatau will be the true words. This is correct, because we have spoken to you about Kawhia, Waiharakeke we wish you to see (the place). That is all. You purchase our land, Nuitona's, mine, and Anatipa Takarei's. That is all I have to say to you. We are on our way.

HOANI PAPITA, TAREI POKURU.

## **No. 9. The Hon. the COLONIAL SECRETARY to the CHIEF COMMISSIONER.**

*Kawhia.—Land Surveys to be Discontinued.* Colonial Secretary's Office, Auckland, 6th March, 1856.

SIR,—

As great excitement seems to exist amongst the Natives at Kawhia, relative to the Government purchasing and surveying land in that district, I am directed by His Excellency the Governor to request you will be good enough to withdraw all surveys being carried on under your department from that district.

I have, &c.,

W. GISBORNE, (for the Colonial Secretary).

Mr. Commissioner McLean, Land Purchase Department.

## **No. 10. Chiefs TE WHEROWHERO and TE KANAWA to the CHIEF COMMISSIONER.**

*Kawhia.—Offering for Sale certain undisputed Lands.* Kawhia, 7th July, 1856.

FRIEND MR. MCLEAN!

I will inform you—that is, the Governor and yourself—what blocks of land are free from contending claims—namely, the lands having an undisputed title, which we are now desirous of selling to you. Let those lands which are disputed be excluded; let them be settled by the survey.

Commencing at Pohonui, the boundary runs to Whatitiri-ka-papa; thence to Marutaha, to Parori, Waipara, Huka, Wharawharanui, Te Rete, Pakarikari, Hetai, Hawaiki, Te Okiokinga, Tokitangohia, Pukekohai, Kohemaru, Opohoi, Waitete, Tahurikotua, thence to Oraka, Tikowiwi, Mataora, Te Komiti; and meeting again at Wharawharanui. These are the lands which are free from conflicting claims. We therefore request that you will give us the payment for these lands.

KIHIRINI KANAWA.

POTATAU WHEROWHERO.

## No. 11. Mr. COMMISSIONER ROGAN to the CHIEF COMMISSIONER.

*Kawhia.—Description of the purchased Block called Harihari.* Auckland, 23rd January, 1857.

SIR,—

I have the honor to enclose a sketch plan of land situated on the West Coast, between Kawhia and Marakopa, called the Harihari Block. The boundaries of this land were perambulated by me in company with the principal Native owners in February last. A sum of Two hundred pounds (£200) was paid by you to the chief Hone Pumipi and others on account on the 4th February, 1854, which amount is included in the Return to the House of Representatives dated 4th July, 1856.

The land within the block near the coast line is covered with high fern and a light bush, with a small quantity of forest in the valleys; the extent of this description of land may be stated at one thousand (1,000) acres, which may be considered adapted for a little run.

The inland portion of the block is an inferior description of land, being of a very rugged character, and covered with dense forest.

It will be seen on reference to the original deed or receipt for Two hundred pounds (£200) already alluded to that an arrangement was made with the Natives by which they were to receive Three hundred pounds (£300) additional after the land should be examined by a surveyor, but the quantity of land which the Natives represented to have sold to the Government, on the execution of that document, was much in excess of the actual quantity, which is nearly 4,000 acres.

An arrangement may now be made with the Natives for the final alienation of their claims to this land for Two hundred pounds (£200), which, in addition to the first payment, will be at the rate of 2s. per acre.

I have, &c.,

JOHN ROGAN, District Commissioner.

Donald McLean, Esq., 0Chief Commissioner, Auckland.

## No. 12. DONALD MCLEAN, Esq., to the Hon. the COLONIAL SECRETARY, Auckland.

*Mokau.—Report of visit to purchase land. Mokau, March 27th, 1850.*

SIR,—

I have the honor to report to you, for the information of His Excellency the Governor-in-Chief, that I have visited this district at the request of Ta Kerei and other chiefs, who are anxious to dispose of a tract of land north of the Mokau River, including the Awakino, and extending some miles in a northerly direction towards Waikawao.

2nd. Yesterday I had a meeting of the Mokau Natives, and I was glad to observe that they are making considerable improvement under the tuition of the Wesleyan missionary stationed at this place, and that they generally express a desire for the settlement of Europeans among them.

3rd. As yet no offers have been made to dispose of the land on the banks of the Mokau, which would be most valuable, from having a good navigable river for vessels of 40 and 50 tons, with abundance of coal, limestone; timber, and flax, which is made into tolerable rope at the Mission Station, together with several flats of rich land well adapted for agriculture.

4th. It is probable, however, as the Natives are gradually becoming sensible of the advantages of having Europeans among them, that they will, in the course of the present negotiations, be induced to sell such portions of the Mokau as they do not require for their own present or future wants.

5th. To-morrow I intend proceeding with Ta Kerei and a party of Natives up the Awakino River to examine the interior, and ascertain, when looking over the country, whether limestone and coal can be easily procured there.

6th. During the present visit I shall use my best endeavours to countenance and encourage the friendly disposition of the Natives, and make such arrangements with the chiefs as will secure and facilitate the acquisition of the district, when His Excellency may feel disposed to authorize me to do so.

I have, &c.,

DONALD MCLEAN, Inspector of Police.

The Hon. the Colonial Secretary, &c., Auckland.

*Mokau.—Transmitting reply from Civil Secretary. Taranaki, September 19th, 1852.*

SIR,—

In reference to Mr. McLean's letter to the Civil Secretary of the 9th ultimo, upon the subject of the offer made by the Natives of Mokau to dispose of a block of land in that district, a copy of which letter was enclosed in Mr. McLean's letter to you of the 10th of August, I have now the honor to forward, for the information of His Excellency the Lieutenant-Governor, a copy of the Civil Secretary's reply.

## Survey of boundaries being made.

I have to report at the same time that a surveyor is now at Mokau engaged in examining the boundaries of the land offered, and that it is my intention to proceed thither, in company with the Commissioner of Crown Lands, the moment that my presence in this settlement can be dispensed with for a few days without detriment to the public service.

I have, &c.,

G. S. COOPER.

The Hon. the Colonial Secretary, &c., Auckland.

## **EnclosureThe CIVIL SECRETARY, Wellington, to Mr. COMMISSIONER McLEAN.**

*Mokau.—Report on this District to be supplied.* Civil Secretary's Office, Wellington, 23rd August, 1852.  
SIR,—

I am directed by His Excellency the Governor-in-Chief to acknowledge the receipt of your letter of the 9th instant, reporting that the Native chiefs at Mokau have expressed themselves desirous of selling certain land situated in that district to the Government; and, in reply, I am to inform you that before His Excellency can convey to you his sanction for purchasing the lands in question, it will be necessary for you to report their extent, capabilities, &c., and the price for which they can be procured.

This report should be furnished after you have examined the Mokau District, and a copy of it should be forwarded to His Excellency the Lieutenant-Governor of New Ulster, in whose Province Taranaki is situated.

I have, &c.,

ALFRED DOMETT, Civil Secretary.

Donald MacLean, Esq., Commissioner for Extinguishing Native Titles to Land.

## **G. SIESON COOPER, Esq., New Plymouth, to the Hon. the COLONIAL SECRETARY.**

*Mokau.—Enclosing Copy of Report on the Mokau Land.* Taranaki, 31st October, 1852.  
SIR,—

Adverting to my letter No. 9, of the 19th September last, enclosing a copy of the Civil Secretary's letter to Mr. McLean, of the 23rd of August, directing that officer to report upon the offer of land made by the Natives of Mokau, I have now the honor to forward to you the copy of the report which, in obedience to the instructions of the Governor-in-Chief, I have addressed to the Civil Secretary at Wellington.

The enclosed report is so comprehensive that I do not think it necessary to state anything further in this letter in reference to it, excepting that the letter from Taonui, which I received yesterday from Mr. W. Halse, to whom it had been referred by His Excellency the Lieutenant-Governor, shows that the statement of Ngataua (see paragraph 5 of the enclosed letter) was untrue; for although the places named by Taonui are not at Mokau, still his letter proves his wish to sell land, and this fully accounts for Ngataua's refusal to allow me to go up the river.

I have, &c.,

G. S. COOPER.

The Hon. the Colonial Secretary, &c., &c., &c., Auckland.

## GEORGE SISSON COOPER, Esq., to the CIVIL SECRETARY, Wellington.

*Mokau.—Reporting his Visit to that District.* Taranaki, October 24, 1852.

SIR,—

In reference to your letter of the 23rd August, addressed to Mr. McLean, directing him to examine and report upon the land offered to Government by the chiefs of the Mokau District, I have the honor to state that, in the absence of that officer, I felt it to be my duty to furnish the report required by His Excellency the Governor-in-Chief, and I accordingly left this settlement upon the 1st instant in company with the Commissioner of Crown Lands, of whose advice and assistance I deemed it proper to avail myself.

### Two Blocks Offered.

2. Upon arriving at Mokau and conferring with the Natives there, I found that the land offered in that direction consisted of two different blocks, the one on the north bank of the Mokau River, the principal chiefs by whom the offer was made being Te Watihi (Peketahi) and his brother Te Weitini; the second block, lying to the north of the above, with the river Awakino running through it. This block is offered by Takerei alone, to whom the conduct of the negotiation has been entirely given up. The enclosed sketch will explain the position of the land more clearly.

### Mokau Block.

3. With regard to the Mokau Block, I beg to report that it consists of a piece of land of about two miles square, extending along the banks of the river to a stream called Manga-uira. The offer of this block, however, is subject to several reserves made by the Ngatipehi hapu, headed by the chiefs Ngataua, or Te Kaka, and Te Waru, the former of whom retains a piece of land called Te Kauri, consisting of about 30 acres, with a frontage of nearly a quarter of a mile to the river, and including almost the only available spot for commercial purposes, whilst Te Waru reserves 300 acres of the best cultivable land in the block lying at the corner of the northern and western boundaries. A large tongue formed by a bend of the river is also excepted on account of being an ancient burial ground; and two other small reserves, one of them comprising the greater part of the land now occupied as a mission station. In addition to the above, one of the sellers also claims the timber growing on a considerable piece of land, though he stated his readiness to let the land go, after his trees shall have been cleared off.

4. His Excellency will perceive from what I have stated above that the whole extent of land offered on the Mokau will not greatly exceed 2,500 acres; and that, deducting the reserves, a balance of about 2,000 acres remains. Of this quantity not more than 500 acres would be of any use to Europeans, and that in the least accessible portion of the block, the remaining land being very much broken and thickly wooded.



## Too limited in extent.

5. I therefore at once told the Natives that I could not listen to the offer of such a small block, but that the boundary must be moved up the river to a creek called Mangaharakeke, about twenty-five miles inland, which was the spot pointed out by Mr. McLean on a former visit. I found that they were quite prepared for this, and they replied that the offer they had made comprised all the land they had a right to sell individually; and that the land inland of Mahgauria belonged principally to the Natives living in the interior, who were fully represented by Ngataua, and whose determination was not to give up any more land until the piece offered was disposed of and settled. Finding that they adhered to this determination, and as they positively refused to allow me to go up the river to see the chiefs in the interior, I at once broke off the negotiations, telling them, as they had made the offer in order to bring Europeans there, and as the Europeans had already plenty of infinitely superior land on which to go, that, until they sold a block which would offer some inducement for settlers to go amongst them, the Government would not listen to their proposals. I stated, however, at the same time that they need not consider my refusal as final until I should have received the answer of the Governor-in-Chief.

## Evil Advisers.

6. The Natives have been induced to adopt this course partly from the advice of chiefs in the southern portion of the island, amongst whose names that of Rawiri Kingi (Puaha) was most frequently mentioned; but their conduct has been principally guided by the advice of a Mr. Hopkins, who trades with a small vessel from Mokau, where he has a house. This person told them that they were wrong to sell their lands, using the usual argument that they would become slaves to the Europeans, &c., and, finding that they were still determined to sell, he told them only to let the land go in small blocks, as they would thereby obtain a much larger payment for it; and he induced them, under threats of leaving the place altogether, to reserve for him about fifteen acres, at the Kauri, of the best land for commercial purposes, including a portion of the river bank where loaded vessels can lie alongside and discharge their cargoes as at a wharf. I received all this information from the Natives privately, but cannot see how at present any proceedings could be taken against this man, although the mischief he is doing is very great, and his presence is a nuisance to the resident missionary, because he is under the protection of the chief Ngataua, and he possesses considerable influence with all the Natives on the river; so that it would, I fear, be impossible to induce any Native to give such evidence against him as would support an information under the Native Land Purchase Ordinance.

## Awakino Block.

7. With reference to the block offered by Takerei, I beg to report that no obstacles exist in respect to it. Still the same opposition was made by a majority of the Natives to my proposal to extend the boundary inland, and the result of the conference was the same as at Mokau. The quantity of land comprised in this block is about 16,000 acres, but it is, as will be seen from the sketch, a mere strip along the sea-coast, and the land is very broken and hilly, thickly covered with wood, and extremely difficult—in many cases impossible—of access. The reserves asked for were very small, and were in all cases left entirely to my discretion.

8. I took care to explain to Takerei that the acceptance of his offer would depend in a great measure upon the purchase of the land at Mokau, and that if Peketahi's party persisted in refusing to increase their block, it was most probable that His Excellency would refuse his offer, especially as there was a difficulty about extending the boundary so as to include the available land on the banks of the Awakino. Ta Kerei seemed greatly disappointed at this, as he has for years been extremely anxious to have Europeans settled in his district, and has spared no exertion in endeavouring to obtain the consent of the Natives to my proposals.

9. With regard to the question of price, I made no proposal whatever with respect to the Mokau Block, telling the Natives that when they offered a piece of land worth having it would then be time enough to talk about the price. With regard, however, to the Awakino Block, I think that, should His Excellency deem it advisable to continue the negotiations, it could be obtained for a sum of Five to Seven hundred pounds, paid in three or four annual instalments, but I thought the better course was not to press the question too much at that time, to, avoid in any way leading the Natives to calculate upon the land being purchased by the Government.

## Instructions requested.

10. Having stated the above circumstances for the information of the Governor-in-Chief, I have now the honor to request that I may be favored with His Excellency's instructions as to whether I should continue negotiations for the blocks at present offered, or whether the extension of the boundaries inland should be made a *sine quá non*; also as to whether, in the event of Takerei consenting to extend his boundary to a distance corresponding with the Manga Harakeke stream, His Excellency would approve of my re-opening the negotiation without reference to a purchase at Mokau.

## Recognition of Takerei's Services desirable.

11. Should His Excellency decide upon refusing these offers altogether, perhaps I may be allowed to suggest that it would have a good effect if some token of consideration were given to Takerei, as that chief has exerted himself to the extent of his interest and eloquence to obtain the consent of the Natives to a sale, and the disappointment to him will be very great indeed; and from his influence in the Ngatimaniapoto tribe, and the interest which they possess with the Natives in this district, from the fact of having conquered them and once occupied their lands, I fear that seriously to offend him would have a prejudicial effect upon the purchase of lands in this immediate neighbourhood, whilst the acquisition of any considerable block from Ngatimaniapoto, would in all probability affect the question very favourably.

12. I have only to add that on leaving the Natives I promised them that no time should be lost in informing them of His Excellency's decision upon their offers so soon as I should receive instructions from Wellington. I therefore beg most respectfully to request that I may be favoured with a reply to this letter as soon as possible.

I have, &c.,

G. S. COOPER.

The Civil Secretary, &c., &c., &c., Wellington.

**G. S. COOPER, Esq., New Plymouth, to the Hon.  
the COLONIAL SECRETARY.**

*Mokau.—Respecting Offer of Land.* Land Purchase Department, Taranaki, 13th December, 1852. SIR,—

Adverting to my letter of the 31st of October last upon the subject of the offer of land made by the Natives of Mokau, I have now the honor to forward for the information of His Excellency the Lieutenant-Governor the copy of a letter from the Civil Secretary conveying to me the instructions of the Governor-in-Chief upon the subject; and I at the same time forward the copy of the letter which, in obedience to those instructions, I have addressed to the chief Ta Kerei.

I have, &c.,

G. S. COOPER.

The Hon. the Colonial Secretary, &c., Auckland.

## Enclosure 1. The CIVIL SECRETARY to G. S. COOPER, Esq., J.P., New Plymouth.

*Mokau.—Instructions as to the Purchase of Land.* Civil Secretary's Office, Wellington, 29th November, 1852.  
SIR,—

Your report of the 24th October last on the block of land offered for sale by the chiefs of the Mokau District having been laid before the Governor-in-Chief, I am directed by His Excellency to inform you that it is not desirable that anything further should be done in this matter until the Natives are all agreed to dispose of the extent of country required by Government—the tract now offered being almost valueless—unless a considerable portion on both sides of the Mokau were added: thereto.

This course, it is considered, may be adopted without injustice to the Natives who have offered their land for sale, because all that was promised was that the district should be examined and reported on; which has been done. You, will, however, be good enough to write a letter on the part of George Grey signifying His Excellency's approval of Ta Kerei's exertion to obtain land for Government, and his friendly co-operation with yourself.

That chief has also been appointed a Native Assessor, and the Resident Magistrate has been instructed to make him a small present.

I have, &c.,

ALFRED DOMETT, Colonial Secretary.

G. S. Cooper, Esq., J.P., &c., New Plymouth.

## Enclosure 2. G. S. COOPER, Esq., to the Chief WAITARA TA KEREI, Mokau.

*Mokau.—Offer of Land too Limited.* Ngamotu, 14th December, 1852.  
MY FRIEND TA KEREI,—

The Southern mail has arrived and has been opened. It contained a letter from Governor Grey to me upon the subject of your offer, *i.e.*, the piece of land offered by you all for the Europeans. You see the Governor's reply has proved to be as I told you—the offer is too small—Europeans would never think of going upon so small a piece of land. You had better therefore agree, the whole of you, men, women, and children, from the North, the South, and the interior—all the people—to extend the boundary to the parallel of Mangaharakeke, as fixed by Mr. McLean. Both sides of Mokau must be given up at one time, and then I will go down to Mokau and conclude the arrangements, that a town may be built at that place, that it may be cultivated by Europeans, so that the land may be improved; and that we all and our children may dwell together, and that we may grow and increase in wealth and strength as one people, and that our children may climb together to the summit of wordly prosperity.

My friend, this is another word of the Governor's for you. He is much pleased with your exertions to obtain

a piece of land for his children, and with your friendly co-operation with me on my visit to Mokau. He has, therefore, been pleased to appoint you to be an Assessor for that district, to cause good to grow and increase, and to encourage just dealings; and, on the other hand, to put a stop to the quarrels and crimes and mischievous acts of ignorant men, and of the young men of the district. That is all.

From your sincere friend,

G. S. COOPER.

## **No. 16. The CHIEF COMMISSIONER to Mr. COMMISSIONER COOPER.**

*Auakino.—Informing him of the purchase of land from Takerei.* Mokau, 29th March, 1854.  
SIR,—

I have the honor to acquaint you that the land offered for sale by Takerei has been purchased for a sum of Five hundred pounds, and another payment of Thirty Pounds to be made to the Ngatirarua tribe residing at Nelson.

These payments include the whole amount that the Natives are to receive for this purchase; the boundaries of which commence south at Purapura, thence along the sea coast in a northerly direction to Herekomako, and inland to the Manganui River till it crosses the Awakino, and thence along a boundary line that strikes the line running inland from Purapura. Any applications by Natives at New Plymouth, either for payment or reserves within the above purchase, you should not in any way recognise.

The best course, therefore, will be for you to refer them to Takerei or myself, stating, as your opinion, that nothing further can be paid, as the whole of the amount has been given to Natives here, who object to any other payment being made, particularly to the New Plymouth Natives.

I am aware that several applications will be made to you in reference to this land, therefore I take the earliest opportunity of communicating with you on the subject.

A copy of the Deed of Sale is being prepared by Mr. Rogan, which I hope may be finished, that it may be sent to you by this day's mail-carrier.

I have, &c.,

DONALD MCLEAN, Land Commissioner.

George S. Cooper, Esq., J.P., New Plymouth.

## **No. 17. The CHIEF COMMISSIONER to the Hon. the COLONIAL SECRETARY.**

*Awakino.—Forwarding deed and translation.* Land Commissioner's Office, Kawhia, Province of Auckland, 1st April, 1854.

SIR,—

I have the honor to report to you, for the information of His Excellency the Officer administering the Government, that I concluded the purchase of a tract of land on the 28th ultimo, at Awakino, near Mokau, for which the Native claimants have been paid a sum of Five hundred pounds. I am in hopes that the purchase of this land from an influential branch of the Waikato tribe will tend to the acquisition of a large extent of country extending inland from Awakino towards the Waipa district. In order to facilitate the acquisition of this land, I have instructed Mr. Rogan, who surveyed the external boundaries and reserves in this purchase, to carry out the survey, and, to a certain extent, the negotiations for such further tracts as the Natives may offer for sale in that neighbourhood; and from Mr. Rogan's knowledge of the Native character and language, besides being an active surveyor, I feel certain that he will render material assistance in effecting this object: but, of course, his employment can only be regarded as of a temporary nature until I am further instructed by His Excellency the Officer administering the Government.

I herewith enclose a copy of the instructions to Mr. Rogan.

The Deed of Sale and translation are herewith transmitted.

In addition to the sum of Five hundred pounds, which was the lowest sum for which the land could be procured, a further payment of Thirty pounds has to be made to the Ngatirarua tribe, at Nelson, who also have claims to the lands purchased.

Hoping that the arrangements made in reference to this purchase will meet with His Excellency's approval,

I have, &c.,

DONALD MCLEAN, Land Commissioner.

The Hon. the Colonial Secretary, Auckland.

## **No. 18. The CHIEF COMMISSIONER to Mr. COMMISSIONER H. T. KEMP.**

*Mokau Block.—Its Purchase sanctioned.* Chief Land Purchase Commissioner's Office, Auckland, 20th October, 1858.

SIR,—

With reference to your letter (No. 31) of the 4th instant, relative to the price of the Mokau Block, containing by survey 7,225 acres, I have the honor, by direction of the Governor, to inform you that His Excellency has been pleased to authorize you to complete the purchase for the sum named by you, Two hundred and forty pounds (£240), which amount the Sub-Treasurer at Russell has been instructed to advance to you.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

H. T. Kemp, Esq., J.P., District Commissioner, Bay of Islands.

*Bay of Plenty.—Edward Shortland's Communication.* Protector's Office, Auckland, 17th May, 1843.

SIR,—

Edward Shortland, of this Department, having written to me on the subject of the anxiety expressed by the Natives of his District for the completion of the purchase of certain portions of land which have been some time under offer to Her Majesty's Government, I do myself the honor to bring the subjoined extract from Mr. Shortland's communication under the notice of His Excellency the Officer Administering the Government, requesting you will have the goodness to convey to me His Excellency's opinion of the proposition recommended therein:—

## His Remarks on Purchasing Land there.

"The principal chiefs of that district have already addressed several letters to His Excellency on the subject, and are beginning to feel disappointed at receiving only promises. They have lately made a formal peace with the Ngatihaua, formerly their bitter enemy, so that lands to which persons in both tribes have a claim can now be disposed of with the mutual consent of the parties interested, and without risk of strife."

## Deposit recommended.

In case His Excellency does not deem it expedient to purchase these lands, at present, I would beg leave to suggest that a small deposit be paid thereon, in order that some assurance may be given that Europeans will hereafter settle amongst them. This people are well aware of the advantages to be derived from that source; and this feeling appears to be their strongest motive for relinquishing their old habits of violence, and yielding to us to compose their animosities.

I take the liberty to recommend that the following payments be authorized, viz.:—

*Do. do. Te Awe do.*

*Do. do. Te Hau do.*

As a deposit on lands offered by them to Her Majesty.

I have, &c.,

THOMAS S. FORSAITH (for Chief Protector).

The Hon. the Colonial Secretary.

*Bay of Plenty.—Report of Visit to Maketu, &c. Auckland, 7th September, 1844.*

SIR,—

I have the honor to inform you that, on Monday, 5th August, I left Otumoetai, and having passed one day at Maungatapu, reached Maketu on the 6th.

I had never found Tupaia disposed to say much relative to Ngatiwhakaue; but Taipari appeared very anxious to re-establish a peace, and proposed to conduct any of their chiefs who would consent, to Otumoetai, to visit Tupaia; in fact, any natives of Ngatiwhakaue, not immediately connected with Tohi's party, now pass between Rotorua and Maungatapu with impunity, and a small body of missionary natives from Rotorua have, with the consent of Taipari, settled themselves at Kaituna, on the river which runs past Maketu.

At Maketu I found the principal obstacles to peace were Te Amohau and Tohi; the former on account of Motiti, the latter on account of his son, Ngakai, lost at Katikati.

Te Mokorou and Te Awaitaia, chiefs of Waikato, had already visited Rotorua, and had returned. They were

met by Korokai, Pongo, Hikairo, Te Pukuatua, and the most influential chiefs of that country, except Te Amohau and Tohi; when it was agreed that Ngatiwhakaue should not meddle with Motiti, as long as Waikato and Ngatihaua remained quiet. Te Amohau and Tohi have expressed to me their assent to this.

## Purchase of site for Government Officer.

I was now desired by Tohi to enter into another question of more moment to him, namely, respecting the purchase of the piece of land (about 200 acres) surrounding my house, regarding which I first wrote to you on the 17th May, 1843.

On receiving your reply, I made Tohi acquainted with its nature; but subsequently, and on the point of my leaving Maketu, an old chief named Te Koata offered some opposition, and I refused to proceed farther in the matter till I could ascertain the justice of his claim. This I reported to you verbally.

While Mr. Symonds resided at Maketu, he was constantly urged by the Natives to settle the purchase. A survey of the ground was taken, and the plan sent to Auckland.

On seeing me, Tohi and his party expressed much dissatisfaction at having been left so long without any European. Te Koata's friends, who were jealous of the importance he derived from an officer of the Government residing with him, threw out that I would never return, and that the house had been built in Vain; they therefore, in jest, named it "Whare-tu-noa," literally the "Folly."

I immediately wrote a note to Te Koata, desiring him to meet me at Rotorua, in order that he might state his claim openly.

At Maketu the question was discussed by Te Pukuatua, Te Amohau, and Pongo, in presence of nearly the whole pah; and as their right to the lands they hold at Maketu is of the same nature as Tohi's, they ridiculed Te Koata's claim.

On my reaching Rotorua a large meeting assembled. Te Koata came forward with much reluctance and made his claim, at the same time assuring Tohi that he had no desire for any part of the payment, but that the young men had urged him to claim a horse.

This meeting was conducted very pacifically; the pedigrees on both sides were traced, from which it appeared that either had a right by descent to lands near Maketu.

Tohi's party contended that their original right ceased eight generations back, when the land was conquered by Ngatihaua, under Rangiwiri, by whom their fathers were driven back to Rotorua, and that the land now belonged to those by whose means it had been re-conquered and divided, and that each man had a right to his own division.

Te Koata then tried to show that the land had never been absolutely abandoned by his ancestors, whose right had, consequently, never been extinguished. At the termination of the meeting Tohi made a speech, in which he stated that he was the person whose duty it was to persist in hostility to Tauranga, but that he remained quiet in consideration of his promise that he would do so, so long as an officer of the Government was stationed at Maketu; that the land was for this officer to reside on, and that they never could be sure that they would not be deserted until the land was paid for.

This payment will be made shortly.

† Mr. Shortland is an excellent linguist, a good medical man, and extremely kind to the Natives; therefore he had much influence with them. He will return to Matamata immediately.—R. FITZROY.— 14th September, 1844.

"When the payment arrives," said he, "I will invite all the children of the Arawa" (meaning the whole tribe)" to come and see their riches; after which you will return them to me. Sirs, I have one thing more to say: I give my consent to go to Waikoriri in the summer to make peace with Tupaia."

Having some apprehension that Tupaia might not be willing to meet Tohi, I told him it would be necessary for me first to ascertain his sentiments, and that, if he consented, I would wish Hikairo, Mr. Chapman (the missionary clergyman), &c., to go also, and that I would request Mr. Brown (Archdeacon, appointed by the Bishop) to accompany the Tauranga Natives.

Tohi replied that I need not distrust his motives; that, if I was apprehensive of the result, he would say no more on the subject, but stay quietly at Maketu.

On reaching Matamata, I repeated to Pohepohe, Tipihoa, and the rest what had been said at Rotorua. The former expressed his satisfaction, and assured me that Waikato (meaning the tribe of Waikato) would not be the first to interfere with Motiti, promising to go to Tauranga to talk over the matter with Tupaia.

The payment agreed on for the land first offered for sale was one mare, one filly a year and a half old, and one blanket. Subsequently two pieces of land, about twenty acres, were added as a payment for a saddle and two bridles; and another small spot, about a quarter of an acre, as a payment for things stolen from my house

during Mr. Symond's absence at Rotorua.

I have the honor to enclose Tohi's letter to His Excellency.

In conclusion, I would request that you represent to the Governor the expediency of consenting to this purchase, as thereby all farther illfeeling and discussion on the subject will be quieted, and the influence of the Government officer stationed there augmented.

Mr. Chapman has expressed an intention of residing part of the year at Maketu, and I look forward with much anxiety to the execution of his design as a step likely to facilitate the establishment of a friendly intercourse between Ngatiwhakau and Ngatihaua.

I left Matamata on the 27th ultimo, and arrived at Auckland on the 2nd of this month.

I have, &c.,

EDWARD SHORTLAND,† Protector of Aborigines.

George Clarke. Esq., Chief Protector, &c.,

Auckland, 26th August, 1864.

WE, whose names are hereunto subscribed, have received from Henry T. Clarke, on this 26th day of August, 1864, the sum of £1,000. This money is to rest upon one piece of land at Tauranga. The commencement of the boundary is at Ngahuria Whare to the north of Katikati, following round the outside boundary line of all the Ngaiterangi claims. The boundary from the south is from Te Puna; thence running to the forest right across to one outside boundary line. The road to Waikato is within this piece of land now made sacred by this money to the Government:

Hohepa Hikutaia, Wiremu Parera, x his mark, Wiremu Patene,  
Tomika te Mutu, Te Patu, Turere, x his mark, Pikake, Hamiora  
Tu, Raniera te Hiahia.

The persons who witnessed the writing of the names and the giving of the money— E. W. PUCKEY, Interpreter. JAMES FULLOON, Interpreter.

*Tauranga,—Moananui's Claims to Land at Katikati.*

MESSRS. H. T. Clarke and J. Mackay, jun., were the arbitrators appointed in this case, the former on behalf of the tribe Ngaiterangi, the latter on the part of Te Moananui and his people, of the tribe Ngaititamatera.

The investigation and decision of this case occupied five days. The whole of the parties concerned behaved in a most orderly and praiseworthy manner throughout. Te Moananui was the spokesman on the one side and Hohepa Hikutaia and Te Harawira the speakers on the other.

## Decision of the Arbitrators.

- 1. That Te Moananui claims the block of land commencing on the sea coast at Te Kahakaha, thence to the upper end of the Opeope Swamp, thence by the edge of that swamp to Teroa on the inner side of the Katikati Harbour, thence by the coast to Motukouru, thence inland to the summit of Tohureo, thence to the summit of Te Aroha Range, thence along that range in a northerly direction to a point inland from Te Kahakaha, thence to the point of commencement on the sea coast. He also claims a small piece situated on the inner side of Katikati Head, extending from Tuaeheka to Opotoki, known as Paparahangi Block.
- 2. That Ranganui and Waitaha were the original owners of the Tauranga District. That Te Moananui is descended from Ranganui, and that his title is not disputed in that respect, and that Ngaiterangi admit his



title by inheritance.

- 3. That Ngaiterangi came from Hakuranui, south of Maketu, and fought with the various branches of the Ranganui and Waitaha tribes, and then located themselves at Tauranga.
- 4. That Ngaiterangi proper have no claims by right of inheritance to lands in the District of Tauranga, but they have their claims on right of conquest only.
- 5. That Ngaiterangi frequently fought against the ancestors of Te Moananui; that on some occasions the former were victorious, and on others the latter were the conquerors. That Ngaiterangi occupied Katikati on several occasions. That in despite of these conflicts and occupations Te Moananui was personally in possession of the land now claimed by him immediately antecedent to Hongi Hika's invasion of Tauranga.
- 6. That Te Moananui left the land now claimed by him just before Hongi's invasion, and that neither he (Moananui) or Ngaiterangi have ever permanently resided on it since that date. That since Hongi's invasion Ngaiterangi have exercised certain rights of ownership over the land in question. That Te Moananui has also exercised similar rights, but not to the same extent.

Recommended that the block of land described in clause No. 1, with the exception of the piece laying between Te Kahakaha and Ngakuriawhaare, should be surveyed and valued, and that the amount of the purchase money should be equally divided between Ngaiterangi and Ngatitamatera.

HENRY T. CLARKE, Civil Commissioner,  
Tauranga, JAMES MACKAY, jun., Civil Commissioner,  
Hauraki, Arbitrators.  
27th December, 1864.

It having been pointed out that there are some burial grounds within the block, it has been agreed to reserve these from sale.

28th December, 1864.  
JAMES MACKAY, jun.,

## No. 5. Copy of a Letter from Mr. MACKAY to the Hon. J. C. RICHMOND.

*Tauranga.—Purchase of Te Puna and Katikati Blocks.* Civil Commissioner's Office, Tauranga, 22nd November, 1866.  
SIR,—

I have the honor to inform you that, in accordance with instructions received from Mr. Whitaker, agent for the General Government, I left Auckland for this place on the 26th October, with the intention of completing the negotiations for the purchase of Te Puna and Katikati Blocks, which had been partially arranged by Mr. Commissioner Clarke and myself in July last.

On my arrival the Natives received notice to meet at Motuhua. Having heard that the tribe Pirirakau had recently taken possession of the instruments belonging to some surveyors engaged in laying off confiscated lands near the Wairoa, I deemed it advisable to send a special notice to that tribe in case they might be afraid to attend in consequence of their unlawful proceedings. I enclose copy of the same herewith.

On the 31st October I went to Motuhua, accompanied by Mr. Commissioner Clarke. We here found Hori Tupaea, Te Moananui, Wharaki, Maungapuhata, Wi Parera, Wi Patene, Enoka te Whanake, Hohepa Hikutaia, Raniera te Hiahia, Te Kuka, Te Patu, Turere, and all the other influential men of the various hapus of Ngaiterangi.

On the 1st November the question about the survey of confiscated lands was mooted. The Natives were informed that all the Government required was the 50,000 acres agreed on at the time His Excellency the Governor last visited this district; that I had inquired as to the quantity actually surveyed, and found that between the rivers Waimapo and Wairoa, and including Captain Heale's survey of Otumoetai West, there were 40,800 acres; and between the rivers Wairoa and Te Puna, 14,200 acres, or a total area of 55,000 acres, being

5,000 in excess of the quantity arranged.

I then proposed to give back the 5,000 acres, and to make the Ruangarara Stream and Te Puna River the inland boundary of the last-named block, and leave those of the Waimapu and East Wairoa as surveyed, to include 38,000 acres.

After some discussion my suggestion was unanimously assented to. Maungapohatu, the old and principal chief of the Pirirakau, consented on behalf of that hapu, and was exceedingly pleased at a reserve of 300 acres being made for himself and people at Epeha and Waikaraka.

Some friendly Natives, who had lost considerable pieces of land within the 50,000 acre block, applied for reserves, and they were promised that their cases should be inquired into.

The Pirirakau people did not attend at the meeting, and did not answer my notice of the 27th October. I therefore wrote them another letter, copy whereof is enclosed.

The day and The next were occupied in negotiating with the Ngaiterangi hapus for their claims to Te Puna and Katikati Blocks.

The Ngaiterangi would not wait for payment for the above-mentioned lands until a survey could be made and the area ascertained, in accordance with the original understanding, but agreed to take £6,700 for their claims to the land in question, exclusive of the deposit of £1,000 previously paid; 6,000 acres of good agricultural land were also to be reserved for them within the block. The deed of conveyance was signed by the principal men, names as per margin,

Te Moananui, Hori Tupaea, Hamuera Tu, Te Kupu te Umehau, Te Patu, Turere, Timi, Harawira, Hohepa Hikutaia, Te Kuka te Mea, Hori Ngatai, Wiremu Parera, Tahere, Enoka Make, Te Whathera, Rotoehu, Mangapohatu, Tomika te Mutu, Tarai Wiripo, Te Puru, Rangiwhaka.

on behalf of the tribe. I gave them a guarantee for the money.

Mr. Clarke and myself returned to Te Papa that afternoon, leaving a message that if the Pirirakau arrived at Motuhua we would return on the 5th instant.

On the 5th Mr. Clarke found it necessary for him to proceed to Maketu, and I went back to Motuhua. On arriving there I found a letter from the Pirirakau awaiting me, as per copy enclosed. I then wrote an answer to it, stating my intention of visiting them. They replied as per copy of letter annexed.

On the morning of the 6th instant, accompanied by Te Kuka (Native Assessor), Ruka, Ruato, and Hohepa, Native police, I proceeded to the Pirirakau settlement at Waiwhatawhata, on the edge of the forest between the Ruangarara and Te Puna. We there found Rawiri Tataa, Kepa Ringatu, Pene Taka, Te Kahukoti, and about twenty-five Natives of the Pirirakau and Ngaiterangi *hapus*.

A Native named Pukutoia stood up and welcomed us to the settlement, and asked me to state what I had come for.

I then stated that the Ngaiterangi tribe had sold all the land between the Puna and Katikati for £6,700, and 6,000 acres of reserves. That Maungapohatu, their chief, had assented to the sale, and although they (the Pirirakau) had quarreled with Ngaiterangi about the land when they were last at Te Papa, they had better come to an amicable arrangement with them. The Ngaiterangi said that Maungapohatu, Hori Tupaea, and Moananui were the persons who had claims within the block between Te Puna and Waipapa, while the bulk of the Pirirakau had none. If they had any claim to make, they could receive a share of the purchase money and a reserve of land.

With respect to the confiscated lands, the Governor and Ngaiterangi had arranged that 50,000 acres should be retained by the Government for the rebellion of the various *hapus* of the tribe. I found that the surveyors had exceeded that limit by 5,000 acres, and it had been arranged with the Ngaiterangi that as there was quite that quantity surveyed to the south-westward of the Ruangarara Stream, that that portion should be surrendered, and the boundary should be a line drawn from Te Puna to Te Ruangarara. That the land to the seaward side of this was for the Crown, and that inland for the Maoris, and reserves would be made within it for friendly Natives and others, including a piece of 300 acres for Maungapohatu and themselves. It was now plain which land was to be retained for the rebellion, and what was to remain in the hands of the Natives, and there need be no further bad feeling about it. They (Pirirakau) had lost very little land, although they had been in rebellion from the first, and they had better consent to the arrangement made by the remainder of the tribe. They all lived on the shores of one harbor (Tauranga), and were one people; let them be united in the matter. It is true that at the meeting at Te Papa they quarrelled with Ngaiterangi; but such disagreements were frequent, and it was generally understood among Natives that if a thing was done openly and publicly, face to face, in the heat of argument, that it was not a cause for serious quarrel; they had therefore better make it up, and unite themselves with the Ngaiterangi.

Rawiri Tataa, a chief of Te Pirirakau, then stood up: "Mr. Mackay, I have heard your word. From the Wairoa to Waipapa belongs to me. I will not give it up. You shall have no land from me for my participation in rebellion, and none for your money. I have been in the war at Taranaki and at Waikato, and will give up none

here. I have not made peace with you, and do not mean to do so. I do not admit the right of the Ngaiterangi to give up my land, even though I have been in rebellion. I will not give any land to the Governor, either for my rebellion or for your money. Let Ngaiterangi have your money, but I will not let you have my land. It is true that Hori Tupaea has a claim over our bodies, but he has not to our land." (The speaker here pointed to the ground, and said, "Hori Tupaea has no right to that." He then raised his hand and placed it on the upper part of his forehead, and said, "Hori Tupaea has a right to this.")

I said, "Now you have been in rebellion and you refuse to give up any land. This is wrong, Ngaiterangi have lost a great deal of land. The tribes of Waikato, the East Coast, and of Taranaki, have also lost large quantities of their lands. Why should you object to give up some land for your offence? Who has told you to obstruct the surveys and to refuse to give up the land taken by the Governor? You had better put aside all bad feeling; you will get all this land we are now on, right back to the inland boundary. You can get Crown grants for it. I consider the arrangements made with the Ngaiterangi to be a very fair one, and much to your advantage; they have lost much more land than you have. As to your having lost land at Waikato, where is it?" (Rawiri Tataa answered at Kaitotehe, Ashwell's mission station at Taupiri.) I said "that is wrong, that land was sold when I was a boy. You are not Waikato, you belong to Tauranga; your connection with the Waikato tribes is very small, and you are much nearer allied to Ngaiterangi than to them."

Rawiri Tataa then said, "You shall have no land either for the rebellion or for your money. If you want the land go to Tawhiao and William Thompson, if they consent to your having it, well. It is true Maungapohatu has a claim over the land between Te Wairoa and Waipapa, so have Ngaiterangi over part of it, but we will not give it up. William Thompson has given orders to stop the surveyors, and the whole affair is in the hands of Thompson and the Governor. The Government shall not have the land between Te Wairoa and Waipapa; and if the surveyors come to survey we will take away their chains and instruments the same as we have done before. We do not wish to steal the surveyors' instruments, we are willing to give you those already taken if you send for them, but we will not carry them to Te Papa."

I replied, as far as William Thompson's claims are concerned I understand he has three pieces situated at Omohoroa, Purakanui, and Huharua; these are all to be reserved. I did not admit the right of William Thompson to interfere in the affair of the Tauranga District. As far as the Governor was concerned I knew he had taken 50,000 acres of land for military settlement; and, I also knew that he intended to retain it. That as to William Thompson and the Governor having to arrange the question I knew nothing of that. I considered that I was quite as well acquainted with the views of the Governor and the Government, as William Thompson, and they might take my word as binding the Government. I tried in every way to persuade them to come to an amicable arrangement.

Ratima indulged in a speech full of paimarireism, and fierce invectives against the Government. He said that the day would yet come when the Maoris would regain possession of the country. The God had protected them so far. When the Europeans first commenced the war at Waikato, they said all the Natives would be exterminated in the time it took to boil a kettle of water. They were still in the country and we could not conquer them. If they trusted in their God they would yet regain their former Sovereignty of Canaan.

Pene Taka made a violent speech. He would not give up any land and would obstruct the survey. He would fight against the Ngaiterangi; he considered them to be worse than the Government.

Te Kuka, Native assessor, then advised the Pirirakau to make up their quarrel with Ngaiterangi, that the boundary of the land for the rebellion had been fixed by the whole of Ngaiterangi,—that a deed of conveyance had been executed of all the land between Te Puna and Ngakuriawhoare. It was of no use disputing further. If they wanted the land, they must take it away from the Government. As to the money, Ngaiterangi would take it. If the Pirirakau were friendly, they would get some of it through Maungapohatu; but if they were not, and were not pleased, they might try to take the money by force,—that the Puna was in the hands of the Government.

Pukutoia advised the Pirirakau to consent to the proposals made to them, it would be better than quarrelling.

Te Kepa Ringatu refused to give up any land; he said before at Te Papa, if the survey was attempted, blood would be shed; and if the survey was commenced, blood would be shed.

Te Kahukoti Rota and others spoke in the same manner as the previous speakers. Several of them admitted their relationship to Ngaiterangi, but they were King's men, and would not be dictated to by Queenites. They said as to leaving the land to them instead of to the Ruangarara, even if it was given to them under Crown grants, we would take it away in a year or two.

I said the Pirirakau could not be allowed to oppose the whole of their own tri[unclear: b]e, (the Ngaiterangi,) and the Government would not permit them to obstruct, threaten, or kill the surveyors. As to the boundary of the confiscated lands, I intended to cut a line from the Ruangarara to Te Puna, and would bring the surveyors and a party of soldiers to protect them, and would do it at once. They would not be molested so long as they remain quiet in their own settlements, but any armed party coming to the surveyors would be fired upon

at once. They had, therefore, better reconsider the question and arrange it amicably by giving up all claim to the 50,000 acres of confiscated land. And as to the purchased block they could take a share of the purchase money through Maungapohatu, who represented their interest.

All these remarks were treated with the utmost contempt; one man, Parata, when I went into a whare, told me, in a sneering manner, that he supposed I would come sneaking behind the soldiers out of danger. If I would only come ahead of the survey party, they would capture me and chop me to pieces (poroporo rawa). I replied, "E pai ana (it is well), we will see about that."

Te Kuka again endeavoured to persuade them to settle the question quietly, but without the slightest success. Several threats were made against surveyors; and against the Ngaiterangi.

I again warned them, that the result of any attack on the survey party would be sure to be severely punished, and, moreover, they would then lose all the rest of their lands.

Rawiri Tataa then said, "You had better go and talk to William Thompson." I replied, "I am quite willing to go and see him; will you accompany me now? If you will, we can walk over the hill at once." Rawiri answered, "I will not go with you, you can go by your own road that you came (by sea). You cannot go this way."

Finding these people were not amenable to reason, I left their settlement, and we proceeded to Motuhua. I remained there for the night.

On the morning of the 7th, in returning towards Te Papa, I met Enoke Whanake, Hohepa Hikutai, Wirimu Patene, Hori Ngatai, Ramera Te Hiahia, and other chiefs and people of the tribe Ngaiterangi. I informed them of my proceedings with the Pirirakau, and of my intention to cut the boundary line, and take out a surveyor, with a party of men to protect them.

They all consented that my plan was right, but asked me to allow them one day to go and talk to the Pirirakau and endeavour to persuade them to enter into the arrangements made by the whole tribe. I willingly consented to this proposition, but at the same time stated that, if the Pirirakau persisted in their threats to obstruct the survey, I would take out the surveyor and the soldiers and the line should be cut. They replied, "If the Pirirakau will not give in, we will assist you in cutting the line."

I next proceeded to Te Papa, and, after consulting with Mr. C. C. Clarke, went to Colonel Hamilton, and asked him if he could furnish me with 200 men if required to protect the survey party.

On the 8th the above-named chiefs and others started from Otumoetai. I accompanied them so far as Te Wairoa, thence I went with Hohepa Hikutaia to inspect the road to the summit to the Rangituanui Hill, and to fix on a site for an encampment, if it was found necessary to protect the survey party. We found all we required, and returned to the Wairoa.

The Ngaiterangi chiefs came back about 4 p.m., and report that the Pirirakau had agreed not to interfere with the survey themselves, but said another tribe would probably do so.

This appeared anything but satisfactory, so I therefore wrote to Colonel Hamilton, asking him to send out 200 men next day.

Mr. Turner, surveyor, was also requested to come and cut the line. I also arranged with Mr. Warbrick to accompany the force as interpreter. I wrote a letter to the Pirirakau (copy enclosed).

A party of 200 men of Her Majesty's 12th Regiment, under command of Captain Markon, arrived at the Native settlement at Te Papaowharia, at 5.30 a.m., on the 9th instant. They crossed the river in boats, and marched to the summit of the Rangituanui Hill, where they encamped at 9 a.m.

In the afternoon I proceeded with Mr. Turner, his men, and a party of soldiers, and commenced the line; the Ngaiterangi chiefs and men, as per margin,

Chiefs: Hohepa Hikutaia, Wiremu Patene, Wiremu Parera, Enoke Make, Te Whanake, Hamiora Tu, Ramira Te Hiahia, Hori Ngatai, Wiremu Te Mawwai, Ngamanu, Maihi Haki, Hamiora Tangiawa, Wanakore Mangapohatu, Ruka Te Makoe. Men: Ranata Toriri Peito, Tomo Matini Tarere, Hamiora Te Paki, Rerekaipuke, Taupe Haki, Renata Tarere, Hirini Kiokio Kaka, Ruato.

accompanying us.

We met with no opposition. The Pirirakau had a Paimariri flag flying at Waiwhatawhata; two Natives came to the camp with a letter, and informed me that it was not a fighting flag, but only a Paimariri one. Believing they had only come to spy, I told them, "that so long as they remained quiet in their settlements they would not be molested in any way. I did not care about their flags, and they had better leave the camp forthwith."

On the 10th it rained so hard that we could not work, and therefore remained in camp all day.

The 11th was Sunday. Wanokore, the son of the chief Maungapohatu, who was employed by me to collect intelligence, came into camp and reported that several men of the disaffected Ngatiporou were at Te Reretukahia, and were coming to oppose the survey. Two spies I had sent into the Waiwhatawhata settlement, under pretext of purchasing potatoes, brought me a letter from Rawiri Tata, in which he stated he had returned from Waikato, and Te Rahihi was his companion, who would visit me next day.

I considered this a pretext to delay the survey until they were provided with reinforcements.

I also heard that Te Kepa Ringatu had gone to Hakaraia, of the Arawa, for assistance.

Not knowing what number of Natives might be present to oppose us next day, we signalled to the reserve of 120 men at the Wairoa to march up, so that a larger party could be spared to protect the surveyors.

The Ngaiterangi chiefs having requested to be armed, twelve of them were provided with rifles which had been procured from Lieutenant-Colonel Harrington.

A Native spy named Taupe was detained by Sergeant Greenop, of the 12th Regiment, at the small camp guarding the Wairoa landing place. Mr Warbrick, who had been sent there on duty, communicated this to me by letter. I rode down from our camp with Hohepa Hikutaia that evening, and being satisfied that the Native in question was a spy, I handed him over to Mr. Warbrick and the Native police for safe custody until next morning. We returned to camp at midnight.

On Monday, the 12th instant, we started at 6 a.m. with a party of 150 men, and twelve armed Natives, and continued our line from Te Puhiakapu Hill to Te Puna. After this we cut a line from that hill to the Ruangarara Stream. I found, to have taken the line straight and include the proper quantity of 9,000 acres, we would have had to cut through some thick bush, and would have interfered with the cultivations adjacent to Waiwhatawhata. I therefore made three angles in the line, which excluded 800 or 900 acres. Mr. Turner and his men worked very well indeed, and by 7 p.m. we reached the bank of the Ruangarara Stream. We returned to camp at 8 p.m.

The whole of the officers and men engaged in this heavy day's work entered into it with zeal and energy, and everything that could be done to afford protection against attack or surprise was ably planned and carried out by Captain Markon and those acting under him.

Intelligence reached me this day that the Twelve Apostles of Ngatiporou had arrived at Te Waiwhatawhata, and other rebel Natives were expected at once.

On the 13th, 100 men, under the command of Captain O'Shaughnessy, were sent out to protect Mr. Turner while chaining a portion of the line which was left unchained the previous evening. Finding no opposition, and no appearance of the Natives, we returned to Te Papa. The forces passed through two friendly settlements at Pukekonui and Te Papaowharia, and not the slightest affront was given to any Native, or was there any instance of the slightest misconduct. The management of the whole of the military arrangements was admirable, and reflects great credit on the officer commanding here, and those under him. I wrote to Colonel Hamilton, thanking him for the assistance rendered, and stated that the services of the troops were not further required.

Mr. Commissioner Clarke was unfortunately confined to his bed by illness, and thus prevented from accompanying the expedition, but every step taken was after due consultation with him, and there was no difference in our opinions as to the course to be pursued.

I was engaged with Mr. Clarke and the Ngaiterangi Natives on the 14th, 15th and 16th November, in arranging about reserves to be made for Natives within the 50,000 acre block. News was brought in that the Twelve Apostles, being unable to attack the survey party on the 12th instant, intended to murder the surveyors between the Waimapu and Wairoa: I sent a message warning them to return to Te Papa until other arrangements could be made,

On Saturday, the 17th, I proceeded to the Wairoa with Enoka te Whanake and Hori Ngatai to inspect some land required for reserves in that neighbourhood. The Natives here reported that some of the Twelve Apostles had been prowling about on and near the footpaths leading to Waiwhatawhata, armed.

On the 18th I returned to Te Papa, where I found the Honorable Colonel Haultain, Minister for Colonial Defence, had arrived. I at once reported myself to him.

On the 19th I recommended to the Honorable Colonel Haultain that 100 men should be sent out to form posts to protect the surveyors engaged between the Waimapu and the Wairoa Rivers. I also wrote to him on the 20th respecting a report, brought in by the chief Te Moananui Whariki, that fifty men of the Ngatiporou, Ngatipoua and Ngatitamatera.

of Mataora, were coming to Waiwhatawhata via Te Rereatukahia. I have the honor to enclose copy of my letter, and of Colonel Haultain's answer thereto.

Colonel Haultain having made arrangements for 100 men of the 1st Regiment of Waikato Militia to proceed to Te Wairoa to protect the surveyors, I rode out to Omanawa on the 21st with Captain Hunter of that corps, and fixed on a position for their encampment.

On the 22nd, 100 men of the 1st Waikato Regiment, under command of Captain Mair, marched out to Omanawa, and encamped there. It is not, perhaps, in my province, but it is worthy of mention that of the first 100 men warned for this duty about thirty claimed their discharge, and refused to go. Mr. Warbeck has been appointed to accompany this force as interpreter for the present, so as to prevent any misunderstanding with the friendly Natives.

News has been brought in to day that this party have not been molested in any way. It is to be hoped that the action which has been taken in this matter will prevent any further trouble, and that the surveyors will be

able to complete their work in peace and security.

I am happy to inform the Government that I believe the majority of the tribe Ngaiterangi to be loyally inclined, and they are perfectly contented with the arrangements entered into for the purchase of the Puna and Katikati Blocks, and also with the settlement of the boundaries of the lands confiscated to the Crown.

I consider the fact of twelve of the principal chiefs having taken up arms during the survey is a sufficient proof that they will adhere to all the agreements entered into, and the effect politically on the rebel Natives at the Thames and elsewhere, who are inclined to support the Pirirakau in their opposition to the Government, will be beneficial.

I have, &c.,

JAMES MACKAY, Jun., Civil Commissioner.

The Hon. J. C. Richmond.

P.S.—Hakaraia, of the Arawa, refused

to send any reinforcements on the application of Te Kepa Ringatu. He stated that as the land had been given by Ngaiterangi, for their participation in the rebellion, and had not been forcibly taken by the Government, against their will, he would not interfere.

J. M

## **MEMORANDUM by His HONOR the SUPERINTENDENT, Napier, on LAND PURCHASES by Messrs. DAVIS and MITCHELL.**

*Bay of Plenty.—Respecting Land Purchases at Bay of Plenty and Taupo.*

THE attached report from Messrs. Mitchell and C. O. Davis, of the result of their negotiations to the date of their letter, for the acquisition of the Taupo and Rotorua lands for the Government, is submitted for the consideration of the Government. The reply made by me to Messrs. Mitchell and Davis was to the effect that I was satisfied with the progress made—that they had better refer for authority in the case of each block, when they could state definitely the terms on which such block could be acquired—but that as regards the interests of the private parties referred to, the Government could not recognize any claim. Since then Messrs. Mitchell and Davis have made agreements for several blocks, comprising about 250,000 acres, and are still continuing their work. At present they are engaged upon the Patetere country. The Native Minister will observe that no definite arrangements have been made with Messrs. Mitchell and Davis as to the remuneration, but I led them to understand they would receive similar remuneration to what they would have received from the parties who employed them before the Government.

J. D. ORMOND (for the Hon. the Native  
Minister).

## **Enclosure. Report of land purchase at taupo and bay of plenty.**

Taupo, 14th July, 1873.

SIR,—

We have the honor to transmit for your information, a statement of our proceedings in the Arawa country, during the last week in June and the early part of the present month, on the subject of leasing and selling the surplus lands of the Natives to Government.

It may not be out of place to remark here that the tribes of Rotorua, Maketu, and other localities, have for

years past been endeavouring to encourage European settlement, but in consequence of the repeated failures of the Native Lands Court, in relation to their titles, the continuous exertions of these tribes with respect to the utilization of their lands have hitherto ended only in vexatious disappointment. A general feeling of despondency therefore prevailed, occasioned by the non-settlement of the land question, which you will be glad to learn was almost everywhere dispelled when the purport of our mission became known; the Natives cordially invited us to hold conferences with them at their various settlements, the result of which was in every instance an expression of confidence in the means now devised, viz., of treating directly with the Government for their lands as being well calculated to solve the difficulties which stand in the way of an amicable termination to their land disputes.

It is not too much to say that, in a political point of view, the project now proposed of treating for the waste lands of the Rotorua and Taupo Districts is eminently important, as it will in the event of success, secure to the Government the command of a tract of country comprising several millions of acres through which our main arteries of communication of roads and telegraphs pass north and south, and the acquisition of which by sale and by lease, we may hopefully expect will cement the bond of union between the races, and tend very materially to establish our authority over a central belt of the North Island hitherto made the theatre only of various contending influences. The project too, morally and socially, will be of vital consequence to the Native owners of these lands, inasmuch as the settlement of the vexatious tribal boundary disputes will leave them free to devote their time and energies to help forward the work of education, initiate social reform, and increase their domestic comfort, while their yearly income derivable from rents should be so expended as to stimulate and encourage habits of Industry, and improve in various other ways the present low condition of these interesting tribes.

True, the claims are difficult of solution, heightened extremely by the tribal jealousies of long standing,—difficulties which for years past have not been surmounted by various tried agencies. Notwithstanding these and other impediments, which need not be named here, we consider that the present unostentatious mode of procedure, and patient personal shifting, on the ground, of the points in dispute will eventuate in the complete solution of these land entanglements and their settlement upon a satisfactory basis.

Having made these explanatory remarks, we proceed to particularize our operations up to the present date. Our visits and meetings with the various sections of the Arawas took place in the following order:—

- 1873—June 26, at Ohinemutu, meeting with the chiefs Ngahuruhuru, Pererika, and tribe.
- " 27, at Parekarangi, meeting with Te Manihera and Ngatiwahiao tribe.
- " 28, at Horo Horo, meeting with Te Honiani and Ngatituara tribe.
- " 30, with Ngatiwhakaue, at Ohinemutu.
- July 1, at Tarawera Lake, meeting with Te Kepa te Hurinui, and Tuhourangi tribe.
- " 2, at Kaiteriria, meeting with Hohepa, Tiria, and Ngatitu tribe.
- " 3, at Oahuru, Paeroa, meeting with Takerei and Ngatiwhaoa tribe.
- " 4, at Mangakara, meeting with Ihaia and Ngatitahu tribe.
- " 5, at Orakei Korake, meeting with Mateho, Te Tuiri, and Ngatitahu tribe.
- " 7, at Oruanui, meeting with Hohepa Tamamutu and Ngatiterangiita tribe.
- " 9, at Tapuwaeharuru, meeting with Poihipi Tukairangi and Ngatirauhoto tribe.
- " 10, at Tapuwaeharuru, meeting with Paponui and Ngatiwairangi tribe.
- " 11, at Tapuwaeharuru, meeting with Ihakara Ngatikikopiri tribe.
- " 14, general meeting, Tauhara grantees and others.

We were everywhere well received, the Natives paying marked attention to the enunciation of the Government proposals. They expressed their entire approval of the scheme generally, and their readiness to enter into negotiations for the lease, and in some instances the sale, of their lands.

The country submitted to us for lease, and which we conditionally accepted until, terms would be mutually agreed upon, extends from the Rotorua to Taupo, and from Te Whaiti and Runanga to Patetere and the Waotu. It comprises the following blocks, viz.:—Puhorua and Mangorewa, Parekarangi, 70,000 to 80,000 acres, first nine years £200, second nine £250; third nine £300; Horo Horo, Ratoreka, Paeroa, Tarawera Valley; Kaingaroa North, Te Whaiti, Heruiwi, Kaingaroa No. 1 (St. George's), the Tauhara's three blocks—Tauhara Middle, thirty years, first ten years at £100, second at £200, third at £300; Rangatira, Whangamata, Te Tatna, Kaimanawa, Whakamaru West, Tokoroa, Patetere, Te Waotu.

Of these we have already recommended the acceptance of Parekarangi and Tauhara Middle (by telegraph), at the terms stated, and have received authority to close for the former.

The purchases already agreed to are as follows:—

A block surrounding the township of Tapuwaeharuru, in Tauhara Middle, estimated to contain 10,000 to 12,000 acres; price with costs. Original negotiations began on Mr. Mitchell's account, afterwards Messrs. Watt Brothers, of Napier, who agreed to give as high as 2s. per acre, to include all costs. This includes several small

purchases, one recognised by Natives (Mr. Park's), others not recognised.

A block of 1,300 acres, fronting Mohaka River, on the Taharua Stream near Patehe; negotiated for on behalf of Mr. Wm. Buckland, of Auckland; price agreed upon being £810, Mr. Buckland to pay cost of survey.

A block of 11,000 acres in Tauhara South, agreed to be sold by Native owners for £630; negotiated for on behalf of Mr. Wm. Buckland, of Auckland, but who abandoned the idea on learning the inalienation of the block.

A block of 10,000 acres in the Oruanui Block; price £600; purchased by Mr. Wm. Buckland, of Auckland.

We should now also inform you that considerable sums of money have been expended by capitalists in these districts, in the hope that quiet possession would result therefrom. Some of those have abandoned their projects; others still contemplate getting possession when possible. The following gentlemen are interested:—Mr. Joldwynn, of Otago; Messrs. Clayton, of Marlborough; Messrs. Wilson and Innes, of Waikato; Messrs. Smith and Corbett, of Auckland; M. C. Robinson and H. C. Young, of Canterbury; E. Moorhouse, of Napier; and M. E. Miller also represents a number of southern interests.

In conclusion, we beg to state that our immediate movements will be directed to the settlement of Tauhara, Parekarangi, and other runs, but we shall be glad to be instructed as to our future course of action, if you deem it necessary.

Thanking you for your prompt attention to our suggestions, and for your approval of what has been already initiated,

We have &c.,

C. O., DAVIS, HENEY MITCHELL.

The Hon. J. D. Ormond, Napier.

## Memorandum on report of messes, Davis and Mitchell by the under native secretary.

*Bay of Plenty.* 9th August, 1873.

I have read with much attention Messrs. Davis and Mitchell's report attached. I quite agree in every word they have said in respect to the difficulty which surrounds dealings in Arawa lands. It is the noisy disputes, extreme jealousy, and pertinacity of the different *hapis* which have in a great measure rendered the Native Lands Act inoperative.

It is satisfactory to see these gentlemen are fully alive to the difficulties which beset them, and it is hoped that this knowledge will be judiciously applied and prevent any serious complications.

The blocks of land that will require careful management are—

- Puhirua and Mangorewa.—This belongs chiefly to the Ngatirangiwehi and Ngatikereru *hapis*. The land on the north side of Mangarewa as far as Te Rerenga is, claimed by Ngatirangiwehi and Ngatikereru, but disputed by Ngaitamarawaho, of Tauranga, and Tapuika; of Maketu.
- Horohoro.—Is claimed by Ngatituara and a section of Ngatiwhakaue, but disputed by Tohourangi.
- Ratoreka and Paeroa.—Is claimed by Ngatitu and Ngahuruhuru, of the Ngatiwhakaue, with whom are allied the Ngatitahuna, at Orakeikorako (over certain portions). This again is disputed by the Tohourangi.
- Kaingaroa North; Te Whaiti, and Heruini.—Claimed principally by the Ngatimanawa but I believe Ngatirangitahi profess to have considerable interests in these lands.
- Te Tohoroa, Patetere, Te Waotu.—Are claimed by the various *hapis* of Ngatiraukawa.

H. T. CLARKE.



## No. 7. Messrs. MITCHELL and DAVIES to the UNDER-SECRETARY, Native Department.

*Bay of Plenty.—Land Purchase Negotiations.* Lake Taupo, 10th July, 1870.  
SIR,—

Since our last report we have had some difficulties to encounter in our land operations, which at times threatened to bring about a collapse. Some of the Arawa chiefs, acting under the advice, of the Hawke's Bay Natives and their pakeha friends, whose opposition to the present Government is well known, have, by petitions to the Assembly, by numerous letters and telegrams, and by various other means, endeavoured to stay our land proceedings in the Arawa country. The various petitions and other communications forwarded by the Arawa generally, have been notable only for the gross misrepresentations they contained, and in these demonstrations they have all well borne out the ancient proverb accorded to them by the universal voice of the Maori tribes, "Te Arawa Mangai Nui"

—" The big-mouthed Arawa." Added to the wanton troublesomeness of these Arawa tribes, their cupidity has been excited, and their known character of dishonesty encouraged by private individuals, who persistently endeavour to lease and buy Maori lands within our district, although they well know that it is impossible, under the circumstances, to obtain a legal title, and by foolishly bargaining with unscrupulous Arawas, they are but wasting time and money; and no doubt, at some future period, when driven to their wit's end, they will fall back as their predecessors have done, on the Government for compensation, with what show of justice remains to be seen. We have pleasure in stating, however, that notwithstanding the violence of the opposition and the various obstacles referred to with which we have had to contend, land matters at present throughout the whole of our district, as far as our operations are concerned, are standing upon a most satisfactory basis; and now that the Arawas have discovered that we unflinchingly adhere to the principles of truth and justice, and that their threats are either treated with indifference or met by sound arguments, their feelings have become somewhat mollified, and they profess to be desirous of aiding the Government scheme, which, indeed, does not surprise us, as they are sufficiently intelligent to see that such a course will be advantageous to themselves.

Although we looked upon the great meeting held in March last at Maketu as the outcome of ungovernable cupidity on the part of the leading chiefs who advocated that movement, still it was a satisfactory, mode of laying bare the utter baselessness on which extortionate demands were made, and evidencing before an impartial tribunal of both races the complete groundlessness of their accumulated grievances.

It will be remembered perhaps that we intimated in our last general report the probability of our success in respect to purchasing the block of land at Maketu, known as Te Puke, in which case our operations would be extended to Maketu flats, known as Te Papanui, Paengaroa, &c. We have to state that the proposed line of action we then ventured to suggest was carried out by us. We treated with the Waitaha and Tapuika tribes, to whom it was fully known the land really belongs; and although the "toa" element raised its crest, our determined indifference towards the "toa" on the grounds of justice so thoroughly convinced them of the untenableness of their position and the fictitiousness of their claims, that they agreed to confine their demands to a few hundred acres of worthless sandy soil near the sea coast, which includes Te Tumu, the famous battle ground, where the Ngaiterangi were worsted. Having succeeded in obtaining the assent and signatures of the resident Natives at Maketu of the Waitaha and Tapuika tribes, we proceeded to Auckland and Coromandel peninsula, where a number of the same tribes resided, whose signatures were obtained to our deeds, and who warmly repudiated any claim whatever to the lands of their ancestors made by the "toa," stating that the Ngatiwhakaue and others, claiming as "toa;" put forward these fictitious claims for the purpose of extorting money, taking advantage of the ignorance of the pakehas as regards these Maori questions. With these sayings and other arguments of our own, showing the fallacies of the "toa" claims, the whole element suddenly collapsed, and" we were told by them to go on with the ancestral claimants, but that as an act of grace they, the "toa," hoped riot to be overlooked.

After the settlement, as far as could be accomplished, of Te Puke, Te Papanui and Paengaroa Blocks referred to above, we proceeded to Rotorua, and held an open conference with all the tribes in that locality in

relation to the purchase of 20,000 acres of wooded land, known as Te Rotohokahoka Block, and after a careful investigation as to the nature of the multitudinous claims, we paid as deposits the sum of £500 thereon; subsequently we held a series of meetings at Te Wairoa with Tuhourangi on the Rotohokahoka purchase, and on the leases of Paeroa, Tumunui, Rotomahana, and other places. We succeeded in arguing down the opposition of the body of Tuhourangi chiefs who call themselves the "Putaiiki," and of obtaining their consent to the purchase of Rotohokahoka, and to the leases in question. The chiefs of Tuhourangi, Te Rangiheuea, and others whose claims to the Koutu Block at Ohinemutu, on which the Armed Constabulary, in command of Sub-Inspector Gascoigne, are at present located, agreed to lease their interest in the block, and we accordingly paid to them a deposit, securing at the same time their signatures to our deed. At the same meeting the most violent opposition was raised by all present to the claims of Henare Te Pukuatua as regards Matakana lands, Tumunui, Kapanga, and other places on which lands it was suggested the advance made to Henare by the Government of £250 should rest. Some of Henare's own relatives, who were present, suggested that he should give to Government as an equivalent lands at Maketu, if he had any there, which they said was questionable. All our attempts to settle the above money question having signally failed, we moved on to Ohinemutu, where we held meeting after meeting on the subject of the Koutu lease; but in consequence of the hostile attitude assumed by the chief Temuera Te Amohau and his adherents, we deemed it wise to relinquish for the time being further actual negotiations. It should be stated, however, that immediately after some of the party broke away from Temuera, sanctioning the lease by affixing their signatures thereto, and taking a small deposit. Among those who signed were Henare Te Pukuatua, his wife Nataria, Paratomeo, Te Puke, Te Wharekino, Te Upokotareoa, Pahiriko, and Te Poroa. Others of the Ngatiwhakaue expressed their desire to sign the deed, but, their demands being objectionable on the score of exorbitancy, we refused to entertain their propositions. The question of the Parekarangi lease having been mooted at the same time, a general meeting was convened on the subject, the result of which was the obtaining of a number of signatures to our lease, and the payment of £15 deposit to parties, who had previously opposed the transaction.

Prior to the matters detailed above, it is necessary to remark that we paid a visit to the Arawa chiefs residing at Ohiwa, with whom originated the idea of leasing the Koutou block to the Government; they also sanctioned the sale of the Puke Block, Te Papanui, and other places at Maketu, and those connected with either Waitaha or Tapuika received small payments in extinguishment of their claims. We also obtained here the signatures necessary to complete the title to the military award blocks of Ngatikereru, Ngatirangiteaorere, and Ngatiuenukopako." The subject of the Mangorewa lands claimed by the Ngatirangiwehi tribe, was also a subject of discussion, as to whether any portion should be sold or leased to Government. It transpired that the members of the tribe generally had signed a paper transferring all power and authority to their chief Mita Hikairo, of the Native Lands Court Office, Auckland, who was to act on his own judgment as far as these lands are concerned. We sought an interview with Hikairo on the occasion of our visit to Auckland in October, 1874, and he gave us to understand that until he obtained Crown grants for the lands in question, he would not be inclined to treat either with Government or private parties. He however withdrew all opposition to the purchase of the Rotohokahoka Block in which he was known to have an interest. In connection with the subject of Rotohokahoka we may add that, in consequence of our action relative to the purchase of that block, the Ngatiraukawa tribe, professing to have claims thereon, convened a meeting at Te Whetu, to which it was deemed advisable to send Mr. Young, who reported that about 170 Natives were present, some of whom were delegates from the Hauhau country, and, after three days' discussion, the Hauhau party concluded by remarking that the block of land in question must be settled by the Rotorua Natives, and by those of the Te Whetu party who had interest in the soil, and that it was a mistake to summon them (the Hauhaus) from a long distance to take part in a matter with which they had really nothing whatever to do. It should be stated that Arekatera te Puni, with whom, originated the offer of the Rotohokahoka Block to Government for sale, and to whom a deposit of £150 was paid, and whose business it was to be present at the meeting referred to, to argue down the opposition, failed from fear or some other cause to appear, but Te Kepa te Marama, a chief of the Ngatiuenukopako tribe, who also received a deposit of £150 on the block, manfully withstood the hostile attitude, assumed by the Ngatiraukawa in relation to the Rotohokahoka, and told them in direct terms that the Government should have the land, and that he should accompany the surveyor, and that his interests would be unceasing until the final settlement of the purchase. Te Kepa's determined standing had, Mr. Young is of opinion, the desired effect upon the opponents, and we are glad to record that some of the opposition party are now anxious to assist in the survey.

At Whakatane, we met the chiefs Rangitukehu and Tiopira, with whom we held a lengthy conference regarding lands at Rangitaiki, previously leased to Government. We arranged to convene a large meeting at their settlement Kokohinau, for the purpose of bringing together the various conflicting elements, in the hope of satisfactorily settling all the differences on the spot. At the request of Rangitukehu, the meeting has been delayed until August next. The Whakatane tribes were anxious to deal with us for the sale of certain lands

claimed by them; but these lands being outside the boundary lines of our district, we referred them to Mr. Wilson. At Te Awa-a-te Atua, numerous meetings were held with Wiremu Kepa te Rangipuawhe, Te Wikiriwhi Te Tuahu, Arama Karaka, and other influential chiefs, together with their people. The subjects put before the meetings were the leases of Kaingaroa and Rerewhakaitu, and it was agreed that a day should be fixed by consent of Government for the investigation of title, to insure the validity of leases. It was also proposed to sell to Government the Military Award Block at Matata, claimed by the Tuhourangi, containing upwards of 4,000 acres.

Next in order is our visit to Taupo, where we were met by the chiefs Topia Turoa, Matuahū, Te Heuheu, and Paurini, accompanied by all the surrounding tribes. After a series of preliminary meetings were held at Tapuaeharuru, on the leases and purchases generally, local gatherings took place at Omatangi, Opepe, and Runanga, where were offered some of the signatures of the grantees of Runanga No. 2, and Tauhara middle. We arranged also a lease of Runanga No. 1, from certain counter claimants, and completed the title of the Taharua Block. Discussions relative to the Tatua leases, east and west, Mohaka; Oruanui, and Parekarangi, we were unable to complete, being suddenly summoned by the Under-Secretary to meet the Hon. Native Minister at Maketu. Thither we proceeded, and were present at daily meetings held by Donald MacLean and the main *hapus* of the district, for the purpose of enquiring into the nature and extent of the Arawa grievances, which we are inclined to think were of the most delusive character, and brought forward with the pure desire of extorting Government money, which to the credit of Donald MacLean be it recorded, they utterly failed in obtaining. In justice to the Arawas generally, it becomes necessary to draw the line of demarkation between the two prominent sections, namely, the "anti-leasing and selling" party, and those who sell and lease. Of the former the great leading personage is Te Pokiha Taranui, more commonly called Fox, a man of indomitable pride, with "very small intellect, which is, as we found almost always devoted to self; but he makes up for mental deficiency by the adoption of schemes, irrespective of argument and reason. He carries with him a small section of the Ngatipikiao tribe, named Ngatitekakenga, who are known to possess but small influence, and but very little land. The Ngatipikiao, who are with the Government in the land scheme, comprise a large majority under the old and influential chiefs, Te Puehu Taihorangi, Te Mapu, Rota Rangihoro, Te Matangi, Pita te Taretoroa, Wi Kepa, Hira, Rirituku, Eruini te Tikao, Mita Tahoka, Hona te Hauita and others. With this large section of the Ngatipikiao range the Waitaha, Tapuika, Ngatipakenga, Ngatimoko, Ngatituara, Ngatirangitihi, Ngatihinewai, Te Patuwai and others. In fact the real landholders generally throughout the Arawa country favour both selling and leasing, and it is found that the opposing party as a rule have little or no land to sell or lease. Consequently the genuine owners of the soil viewed the acts and interference of the clamorous anti-sellers with extreme bitterness. We ought, perhaps, to say that the conclusions we have arrived at with respect to the points mooted in this report are based upon unbiassed observations, we having full opportunity of ascertaining from time to time of judging as to the position of things, and the bearing of men, chiefs and people, on the land question, and we have always found it better never to swerve from what we consider right, and to set our faces against the system of bribes. By this simple adherence to principle, we are certain that the Government have been saved many thousands of pounds, and an abiding lesson has been taught to these Arawa tribes that truth and honesty are more potent than all the low scheming they have endeavoured to bring to their aid in their land negotiations.

During our present visit to Taupo, meetings have been held at various places regarding the Mohaka Block of 47,000 acres, which was partly settled before Donald MacLean at Napier, one of us being present, Te Tatua, Tauhara North, Parekarangi, and Oranui. The tone of feeling with regard to all of these places was in favour of Government, and although Henare Matua and other Hawke's Bay celebrities sent their written epistles and oral messages to Taupo Natives, stirring them up to oppose any attempt on the part of Government to secure lands in this district by purchase or lease, the machinations of the Napier chiefs proved unsuccessful, and their gratuitous opinions treated with profound indifference.

We have felt it our duty to encourage, as much as possible, the desire of the Taupo tribes to educate their children, and we have impressed upon them the advisableness and necessity of setting aside for school purposes a portion of the money received from us for their lands." There is one matter to which we would call attention, namely, the transference of the proposed school buildings to Tokanu, it being a much more central position, and being near the settlement of the parents and guardians, and would be more likely to receive support, and in consequence insure success. We have not had an opportunity of conferring with Mr. Commissioner Locke on the subject, but as he intends to visit Taupo shortly, we shall then be enabled to place before him our views. It may be observed, likewise, that the Hauhau element being strong in the neighbourhood of Tokanu, the benefits arising from the education of the young would be acknowledged, and the Hauhaus would be stimulated to send their children also.

By this mail we transmit some of the completed deeds.

We have, &c.,

C. O. DAVIS, HENRY MITCHELL.

Under Secretary, Native Department, Land Purchase Branch.

## **Messrs. C. O. DAVIS and HENRY MITCHELL, Rotorua, to the UNDER SECRETARY, Native Department, Wellington.**

*Bay of Plenty.—Reporting, land transactions in Arawa District. Rotorua, 24th April, 1876.*

SIR,—

We have the honor to transmit, for your information, the following remarks relative to land matters in our district, in the hope that some points requiring elucidation may be made clear to you. And although this report may be considered diffusive to you, being well versed in Maori feelings and opinions, yet the points mooted may not be superfluous or devoid of interest.

By way of explanation, we may observe that, prior to the decision of Government relative to purchasing and leasing lands in the Arawa country, extensive runs were taken by Messrs. Tetley, Seymour, Beaumont, Cox, Grace, Young, and others; but, prior to our services being secured on behalf of the Government, we had become the agents of Messrs. Millar, Buckland, and others, to secure in the whole of the Arawa District every available block of land by lease, &c., at high rates, considerably in advance of those we subsequently paid on behalf of Government.

The Arawa country, as a whole, has been cried down as a "desert of pumice;" and those who profess to have great knowledge of soils, and their adaptation to grasses, speak loudly against the run-holders for taking up so dreary a country, and some of the local newspapers have criticised the action of Government for "wasting," as they say, "money on such deserts." It never, has been proved, however, that these poor looking pumice soils will not grow grasses, for the simple reason that no attempt has been made to try their capabilities. Some persons indeed, in their fool-hardiness, ploughed up certain places at Taupo and scattered grass seed, forgetting at the time that the plough-share should not, have touched the soil, as it did not require to be made more porous by ploughing, but more compressed by rollers. One thing is certain, that in many localities where no plough-share has been introduced, fine clover and various other English grasses have embedded themselves in the pumice soil, and on some of the despised runs sheep are thriving remarkably well, the run-holders sending yearly their wool to the Napier market. The late William Buckland, whose practical knowledge in agricultural pursuits was most extensive, often expressed his conviction that the very worst looking pumice land of Taupo would be productive of English grasses some day, should the work be entrusted to competent and skilful persons.

In relation to Maori feelings with regard to land matters in the Arawa country, we may state that long before the origin of the famous land league of the Waikatos, which led to their election of the Maori King, the Arawa tribes came to the unanimous decision that no lands "should be alienated to either Government or private individuals; but that their country would be opened for lease, a determination they seem to have adhered to, with little or no variation, up to the year 1872. The wonder therefore is that we succeeded in buying Otamarakau, 28,000 acres; Kaikokopu, 17,000; Paengawa, 25,000; Te Puke, 30,000; and Te Rotohokahoka, 20,000, in the Maketu and, Rotorua Districts, all of which are known to be suitable for special settlement.

Up to the year 1871 the various attempts made by the Judges of the Native Lands Court to investigate the titles of land at Maketu and Rotorua signally failed, and the proceedings of the Arawas were of so violent a character as to preclude the possibility of farther action being taken in their country, a circumstance which induced the authorities to transfer from Maketu and Rotorua to Tauranga the sitting of the Lands Court, in the hope that the spirit of turbulence in regard to the Arawa land matters would be subdued; but even here, to prevent the outbreak of hostilities, Donald McLean was compelled to order the closing of the Court, and the withdrawal from the district of all surveyors.

From the year 1866 up to 1872, various private individuals from both the North and Middle Islands, anxious to obtain runs in the Arawa country, treated directly with the Natives, and paid large deposits to the professed owners, contrary to law, so determined were they to gain possession, if possible, of the land in question, notwithstanding the oft-repeated assertion that the whole of the country is a "silent, barren desert." In some instances sheep were placed on runs, but were driven hither and thither by antagonistic Maori claimants; and when any attempt was made to survey the lands, the surveyors were at once expelled by the Natives, and more recently, when De Thierry, Dalton, O'Mera, Fitzgerald, and other Auckland speculators, ventured to commence surveys at Rotorua and Taupo, hostile Natives appeared in armed force, and, to prevent the shedding of blood, the military authorities were obliged to interfere, unarm the Maoris, and warn the surveyors to move off. By this judicious interference of the military in 1873, the belligerent Natives were quelled and peace restored to the district.

The leading chiefs of the Arawas, having discovered that no settlement of land was likely to be effected by the lawfully constituted Court, and dreading that the Maori heartburning, keenly felt by the Hawke's Bay Natives in consequence of their entanglement by runholders, mortgages, &c., would extend itself to the Arawa country, forwarded petitions, to Government in 1871 and 1872, praying that some system be adopted by which the long-pending vexed question of Arawa titles to land might be settled; and when land agents were authorized by Government to buy and lease Arawa territory, the tribes unanimously declared that this decision of our rulers was the granting of the Arawa request for the adoption of some suitable land system to meet the urgent wishes of the Arawa tribes: hence the cordial and extreme friendly welcome experienced by the land agents on the occasion of their first visit to Taupo Runanga, Paewa, Parekarangi, Te Wairoa, Maketu, Te Awa-o-te-Atua, Kokohinau, Fort Galatea, and other Native settlements; and up to the present time it may be said, with all truthfulness, that little or no opposition rules throughout the district, except that of the old land league and certain chiefs who have little or no land to sell.

The spirit of rivalry among the Arawa tribes from the earliest times seems to have been based upon what they designate *mana*—i.e., influence, power, authority, superstition, dread, &c. In all our negotiations throughout the Arawa country this *mana* protrudes itself, but the two dominant parties now assuming to hold this power are the Ngatiwhakaue and Tuhourangi tribes. It has been our practice from the first to ignore the *mana*, because it professes to be perfectly distinct from the ownership of the soil, and moreover the assumed *mana* by these dominant tribes is repudiated by the genuine owners of the soil. It does seem strange indeed that in these times, when Maori rule is almost annihilated by European usages, that any chiefs or tribes in the Arawa country should be found to assert their *mana* and to base their pretensions on it, and this seems doubly strange when we take into consideration the fact that all the leading chiefs of the Arawa are receiving Government salaries, by which act they have to all intents and purposes virtually abandoned the Maori notions of authority. To retain their ancient rights of *mana* and to draw their Government salaries is perfectly incompatible, and to attempt usurpation by claiming to have *mana* now, when the great majority of the people repudiate their assumption, is equally absurd. We do not go into the basis of this *mana*, as to how it comes to pass that one tribe should possess it and not another; but, as far as we have been able to glean information, the *mana* question has arisen from the practice of the more powerful domineering over the weak; the power arising from birth, intellect, and other fortuitous circumstances. It will be seen by the above remarks that it would be quite out of place for us, as land agents, to recognize the *mana* of chiefs or tribes; and accordingly we have steadily adhered to our first determination—namely, to treat only with the recognized owners of the soil. The attitude assumed by us in this respect has induced the chiefs and tribes claiming *mana* to deluge the Government with letters and telegrams, in the hope that they would be able to extort money on the ground of this Maori *mana*, forfeited long ago, and fully ignored by all parties. It may be remarked here that, when Christianity was introduced into New Zealand, all Maori slaves were emancipated, and every individual Maori was looked upon as the owner of his land, the chiefs having, been disrobed of their *mana* power. The repeated endeavours of the Arawa chiefs and tribes to base upon this *mana* their claim for compensation in regard to Maori lands is simply the reiterated cry, "Give, give;" and they assure themselves that nothing is lost by making the demand. This has been our experience in dealing with this *mana* question. But, should the adherents of this undefined, Maori *mana* continue to exert their clamour the matter may readily enough be set at rest by a series of Native meetings, aided by Government, as these simple tribunals will be the only effectual mode of settling this purely Maori supremacy.

Another subject which has given rise to fierce argumentation among the Arawas themselves, and harassed us perpetually, is that of the *toa*, or, braves, and the singularity of the question, and the extent of its ramifications throughout the district and far beyond it, is as troublesome as it is remarkable. The simple and advisable course would be to ignore the claims of the *toa*, not being based on Maori custom, and on the ground of its having been repudiated by the Native Lands Court in a full and lengthened sitting, under the able inquiry of that excellent Maori scholar, Judge Smith. But the Arawas, as a people, do not argue but resort to

declamation, a course which intimidates the weak, who are generally right, and strengthens the position of the more powerful, who are almost always wrong. The demands made by the braves proper are based upon the supposed military services achieved by them on their own behalf and on behalf of certain tribes acknowledged to be, owners of the Maketu soil, which military services were carried out long antecedent to the colonization of New Zealand, and on this ground alone the assumption of these braves should have been repudiated, especially when a large number of the so called braves who performed the military services are owners of the soil; but though they have alienated the land to Government, they also demand compensation as braves: thus, by Maori scheming and mere braggardism, they hope to secure double payments from Government, one for the soil itself, and the other for military services on their own behalf. There are four sets of braves; those with whom the attacks upon the common enemy originated, those who risked their lives by personal daring, those who lost most relatives in the fight, and the great crowd who rushed to take loot, and otherwise help the army when the foe was routed. It should be stated that many of the braves who have no interest in Maketu soil, but are residing thereon, have abundantly compensated themselves long ago by taking possession of certain lands there which they cultivated and still retain. To eject this class of claimants from the lands now in their occupation, would probably bring about local disturbances; but to grant them other privileges, is most unjust to all other outside tribes who assisted in the tribal wars. As, however, the *toa* question has been recognized, the greatest care and prudence are required to set the matter at rest, as it still agitates the whole Arawa community at Maketu and Rotorua, and since the recognition numbers of claimants from distant parts have started up from their concealment demanding compensation on account of the old Maori fights.

The peculiarity of the Arawa country, in relation to its wonderful terraces, its geysers and numerous mineral springs, is attracting numbers of visitors year by year from Europe, America, Australia, North and South Islands of New Zealand; and owing to this large concourse of persons during the summer months, and the benefits derived by invalids from various mineral baths, said to contain sulphur, arsenic, naphtha, alum, iron and other chemicals, many private speculators have leased and bought plots of land unlawfully, anticipating that the district will ere long become populous, in consequence of its multitudinous springs and other advantages. That such a country should become the property of the Crown, and that strenuous efforts be put forth to secure so desirable an object, will scarcely be questioned by any man of reflection, although it is considered fashionable by newspaper writers to deplore the action of Government in its attempt to secure this valuable public domain, and to cry the country down as a "silent barren desert," broken only by its lakes—Taupo, Rotorua Tikitapu, Rotokakahi, Okareka, Okataina, Tarawera, Rerewhakaitu, Rotomahana, Rotoma, Rotoehu Rotoiti, and others.

The acquisition of these lands by lease, politically considered, is, without doubt, of paramount consequence, the country being intersected by roads and telegraph lines, accessible by coach and horse, and forming the area between the great centres of population in the North Island—namely, Wellington, Auckland, and Napier. Nor should the great importance of establishing permanent peaceful relations with the large Maori population of this district be overlooked, as it will tend materially to intimidate the action of less friendly Maori communities, and raise the confidence of New Zealand colonists.

Viewing the leasing of these lands by the Government from a commercial standpoint, the rentals being extremely low, there are good grounds for believing that the Government will be gainers; nor should it be imagined that these lands will be untenanted for any time after they are thrown open by Government for selection: as, for instance, Runanga No. 1 and No. 2, well wooded and watered, having areas of respectively of 45,000 and 42,000 acres, are applied for by runholders; also Tatua East and West, containing 30,000 or 40,000 acres; Parekarangi, of 80,000; and a firm from Auckland desires a long lease of Tawhatirahi or Otuhounga, of 19,000 acres, for the purpose of procuring sulphur. Paeroa, of 100,000 acres, and other blocks, might be enumerated; but the above will suffice to show the eagerness of the public to secure the runs in the Arawa country, which have been so often proclaimed by newspaper writers and political partizans as "silent barren deserts."

While writing on this subject, it should be stated that all the Native owners interested in runs generally are exceedingly desirous to see them in the occupation of settlers placed thereon by Government; and we may add that, the titles being clear, immediate possession can be given.

In reference to this point, many leading chiefs from time to time have made requests to us by letter and otherwise that the various runs in these localities, on which they have received public money, should be as speedily as possible covered with stock; and some of the tribes interested are petitioning the General Assembly to expedite their earnest wishes in this respect, a course that will tend to the advancement of the country, the union of rival chieftains, and the unanimous confidence of the Arawa people in the land scheme of the present Government in the Bay of Plenty and its inland districts.

We have, &c.,

C. O. DAVIS. HENRY MITCHELL.

The Under Secretary, Native Department, Wellington.

## **SUMMARY of TRANSACTIONS in ARAWA DISTRICTS, LAND PURCHASE DEPARTMENT PURCHASES;**

NOTE.—The foregoing twenty-two blocks contain 217,000 acres, of which sixteen blocks are completed; area, 70 000 acres; average price, 1s. 10½d. per acre. The remaining six blocks are undergoing adjustment of Native claims, in order that satisfactory and final payments of the balances of the consideration moneys be made, and the area of these six is about 147,000 acres; average price, 2s. per acre, ranging from 10d. to 4s. per acre.

### **Leases.**

The leases comprise sixteen blocks, containing 980,000 acres, six blocks of which, containing 235,000 acres, are completed, at an average annual rental for the first seven years of ¼d. per acre in Taupo, and 1d per acre in the Bay of Plenty.

In Rotorua District chiefly, ten blocks remain to be completed, containing 750,000 acres, at an annual rental of ½d per acre.

## **Mr. C.O. DAVIS to the UNDER SECRETARY, Native Department, Wellington.**

*Bay of Plenty.—Report of Land Purchases.* Ohinemutu, 16th June, 1876.  
SIR,—

I have the honor to transmit, for your information, the accompanying report relative to our operations in these districts, from the 1st July, 1875, to 31st May, 1876.

The monetary department of our business having, at the commencement of our work, at my request, solely devolved on Mr. Mitchell, he is forwarding to you the necessary report on that subject.

As the report forwarded to you in April last bears on many points omitted in the enclosed paper, and in order that a continuous narrative of our operations be as palpable as possible, may I ask the favour of your attaching the April report to the one now forwarded, which will enable you to comprehend the various phases of our somewhat lengthened land negotiations in the Bay of Plenty and Lake Districts.

I have, &c.,

C. O. DAVIS.

H. T. Clarke, Esq., Under-Secretary, Wellington.

Ohinemutu, 15th June, 1876.

SIR,—

In accordance with your telegram of the 23rd ultimo, requesting us to furnish a full report of all land purchase transactions in the district since the 1st of July last, we have the honor to record herein all points bearing on the subject named in your communication.

As some of our documentary statements were transmitted to you early in July last, it may very considerably help you to understand our negotiations if citations be made from papers previously written; although some of the matters quoted may date anterior to that mentioned in your instructions.

It may not be necessary to particularize our business in the way of Maori meetings and other preliminaries transacted by us during the first few days of July, but we will extract portions of the report alluded to in a previous paragraph. Under date 10th July we remark:—"We have had some difficulties to encounter in our land-purchase operations, "which at times threatened to bring about a collapse. Some of the Arawa chiefs, acting under the advice of Hawke's Bay tribes and their pakeha friends, whose opposition to the present Government is well known, have, by petitions to the Assembly, by numerous letters and telegrams, and by various other means, endeavoured to stay our land proceedings in the Arawa country. The various petitions and other communications forwarded by the Arawas generally have been notable only for their gross misrepresentations.

"Added to the wonted troublesomeness of these Arawa tribes, their cupidity has been excited and their known character of dishonesty encouraged by private individuals, who persistently endeavour to lease and buy Maori lands within our district; although they well know that it is impossible under the circumstances to obtain a legal title; and that by foolishly bargaining with the unscrupulous Arawa they are but wasting time and money; and no doubt, at some future period, when driven to their wits' ends they will fall back, as their predecessors have done, on the Government for compensation, with what show of justice remains to be seen. We have pleasure in stating, however, that; notwithstanding the violence of the opposition, and the various obstacles referred to with which we have had to contend, land matters at present throughout the whole of our district, as far as our operations are concerned, are standing upon a most satisfactory basis; and now that the Arawas have discovered that we unflinchingly adhere to the principles of truth and justice, and that their threats are either treated with indifference, or met by sound argument, their feelings have become somewhat mollified, and they now profess to be desirous of aiding the Government scheme, which indeed does not surprise us, as they are sufficiently intelligent to see that such a course will be advantageous to themselves."

It will be remembered, perhaps, that we intimated in our last general report the probability of our success in respect to purchasing the block of land at Maketu known as Te Puke in which case our operations would be extended to the Maketu flats, known as Te Papanui, Paengaroa, &c. We have to state that the proposed line of action we then ventured to suggest was carried out by us. We treated with the Waitaha and Tapuika tribes, to whom it is fully known these lands really belong; and, although the *toa* element raised its crest, our determined indifference towards the braves, on the grounds of justice, so thoroughly convinced them of the untenableness of their position, and the fictitiousness of their claims, that they agreed to confine their demands to a few hundred acres of worthless sandy soil near the sea coast, including Te Tumu, the famous battle ground where Ngaitehahi were worsted. On procuring the signatures of the Waitaha and Tapuika tribes to our deeds, they warmly repudiated any claim whatever by the *toa*, stating that the Ngatiwhakaue and others claiming as *toa* put forward their fictitious demands for the purpose of extorting money, and taking advantage of the ignorance of Europeans as regards these Maori questions. With the above sayings and other arguments of our own showing the fallacies of the *toa* claims, the whole of the element suddenly collapsed, and we were told by the Ngatiwhakaue to go on with the ancestral claimants, but that, as an act of grace, they hoped we would not overlook them.

In justice to the braves generally, it becomes necessary to draw a line of demarcation between the two prominent sections—namely, the anti-leasing and anti-selling party, and those who have treated with us for the alienation of their lands. Of the former, the great leading personage is Te Pokiha Taranui, more commonly known as Fox, a man of indomitable pride. He carries with only a small section of the Ngatipikiao tribe named Te Ngatikakinga, who are known to possess but small influence and very little land.

The Ngatipikiao tribe, who are with the Government in the land scheme, comprise the large majority under the old chiefs Te Puehu, Te Mapu, Rotorangihoro, Te Matangi, Pita Te Wharetoroa, and others. With this large section of Ngatipikiao range the tribes of Waitaha, Tapuika, Ngatipukenga, Ngatimoko, and many others. In fact; the real landholders generally throughout the Arawa country favour both selling and leasing their tribal lands; and it is found that the opposing party, as a rule, have little or no land either to sell or lease; consequently the genuine owners of the soil view the acts and clamours of the anti-sellers with extreme bitterness.



Throughout the Taupo District, we may say that the tone of feeling is in favour of Government; and, although Henare Matua and other Hawke's Bay celebrities have sent their written and oral messages to the Taupo Natives, stirring them up to oppose any attempt on the part of the Crown to secure land in this district by purchase or lease, the machinations of the Napier chiefs have been unsuccessful, and their gratuitous opinions treated with profound indifference.

During the month in which the foregoing extracts were written we visited Tokanu, and held a series of meetings with some of the resident chiefs relative to the main trunk road from Taupo to Whanganui and site for Native village school, which propositions were received approvingly by the principal chiefs present. On this occasion complaints were made to us in relation to the interference of Tareha and other Hawke's Bay chiefs with respect to the Mohaka Block, sold by the Taupo Natives to the Government, and declared to be their property exclusively, although the points mooted here were publicly discussed at a Native meeting held previously at Napier, when a sum of money on the Mohaka Block was paid to Tareha by request of deputations sent to Napier by the Taupo Natives. At the same time a portion of the block in question, claimed by the great chief Renata Kawepo, was excluded from the sale, by which arrangement all Maori difficulties relative to the Mohaka purchase were removed.

In July also we completed the deeds of Tauhara Middle lease, Runanga No. 2 lease, and Tauhara Block purchase, transmitting the same to Wellington.

In the month of August the following conveyances were forwarded to the Under Secretary at Wellington, namely—Te Puke, Paengaroa, Kaikokopu, and Waitahanui Blocks, estimated at over 100,000 acres.

A series of meetings with the chiefs Poihipi Tukairangi, Hohepa Tamamutu, Hitiri te Paerata, Takerei, Ruha te Parangitungetu, Te Reweti Waikato, Te Papanui, Te Heu Heu, Hauraki, and others, regarding land claims on the west shores of Lake Taupo, Te Tatua on Waikato, Paeroa, Kaingaroa, and other places; and we succeeded in obtaining the necessary signatures to complete the conveyance of Tauhara North.

Early in September we proceeded to Ohinemutu, where we met numerous deputations of Ngatiwhakaue, Ngatituarua, Ngatiraukawa, Ngatitahu, Ngatiwhaoa, Ngatiwahiao, and others, who expressed their general approval of the system adopted by us in relation to the land transactions throughout the district, and pleaded the necessity of settling the land titles by ourselves and local committees, as suggested by us when our land negotiations on behalf of the Crown were first initiated.

In this month likewise we completed and posted deeds of Tauhara Middle purchase, Tauhara North purchase, and Oruanui lease, accompanied by explanatory memoranda. ALSO in this month was held the great Taupo meeting relative to certain territory on the western shores of Lake Taupo, disputed on the one side by the Hau-Hau element, under the chiefs Hauraki, Te Tuhi, and others, and on the other by the friendly Natives under Te Heu Heu, Paurini, and Hohepa Tamamutu. Major Scannel was chosen president of the meeting, and the assessors who aided in the deliberations were Te Kepa te Rangipuawhe and Arekatera te Pnni. The evidence taken was most voluminous; the inquiry extended over fifteen days. The whole of the testimony adduced at this local Court was forwarded to the Hon. the Native Minister for his information.

In November a meeting of the Ngatimanawa and other tribes was held in respect to boundaries of the Kaingaroa previously leased conditionally to Government; also an energetic discussion regarding the building of a Maori village school-house, Ngatimanawa having presented as an endowment fortytwo acres of land, and proposed to collect the sum of £50 in aid of the building fund. Subsequently a meeting was convened at Wairoa for the purpose of inquiring in respect to multitudinous claimants of the Paeroa lease and Kaingaroa generally. The meeting was largely, attended by the Tuhourangi, under the leading men, Te Kepa te Rangipuawhe, Waretini, Aporo te Rangikaniwhaniwha, Hohua te Manihera, Pauroa Takahurioakanui, and others. There were representatives also of the Ngatiwhaoa present, Ngatitahu and Ngatitaru. No decision was arrived at regarding surveys and the inquiry into Maori titles of land, in consequence of the opposition pertinaciously adhered to by the Tuhourangi.

In December a meeting with the Ngatirangitihi tribe was held at Te Awa-o-te-Atua relative to land matters generally and the question of survey. Result on the whole satisfactory.

At Maketu a meeting was held relative to the Puke, Rangiuuru, Papanui, and Paengaroa Blocks, the various owners having expressed a desire to close without delay the land transactions between themselves and the Government.

At the request of Mr. Brabant, Inspector of Native Schools, a meeting was held in the carved house, Tamatekapua, at Rotorua, the land agents being present with the resident tribes, the business being the collection of money in aid of the Ohinemutu school fund, to which the chiefs agreed. Next in order is a conference with Ngatitahu and Ngatiwhaoa respecting the leases already initiated of Tumunui, Rotoreka, Kapenga, and Paeroa. A communication regarding these block was, in consequence, transmitted to the Government.

During the month of January the surveys of the Heruiwi and Puke Blocks were initiated and continued till

nearly the end of February, when a local disturbance, caused by armed Natives in respect to the Puke Block, induced us, after two days' patient investigation in the Maketu Court House, before Mr. R. M. Hamlin, regarding the various points in dispute by the belligerents, to withdraw temporarily the survey party; but the surveys of the leased blocks, named Heruiwi and Pukahunui, were continued and ultimately completed.

Relative to a local land dispute at Taupo of about twenty-five years' standing, between the Ngatitahu and the Ngatitama, Mr. Young was deputed by the Hon. the Native Minister to inquire into and settle if possible the long-pending difficulty, and after various conferences with the disputants the matter was referred to a meeting convened at Paeroa for final settlement, at which place it was arranged, Mr. Young being present, that two of the contending claimants on the Ngatitama side should be allowed to remain in peaceful possession of the disputed territory named Tutukau. Thus terminated this vehement disputation of many years' standing, which periodically threatened to decimate by war the contending tribes, and thereby involve a tribal or general rise to arms in the Arawa country.

In the month of March, Petera te Rangihiroa and other members of the Ngatihineuru tribe entered into a compact with Hawke's Bay Natives to repudiate the leases previously agreed to by themselves and Government; and in order to recall Petera te Rangihiroa and his adherents to a sense of their just duty, Mr. Young was instructed to meet the dissentients at Runanga, where, after considerable speechifying, Petera evaded the subject, which compelled us to instruct both Captain Lloyd and John McGregor to complete as speedily as possible the necessary surveys.

The great event affecting our numerous negotiations in the Bay of Plenty and Lake Districts was a large gathering at Paeroa, twenty-five miles from Ohinemutu. We being engaged with G. S. Cooper, Esq., and having other matters of consequence requiring our, immediate attention, we were represented at the important Paeroa meeting by Mr. Young, who took the notes of the proceedings and replied to various questions mooted by the different speakers regarding certain points respecting land estimated to be of considerable consequence by the Maoris, and published by the *Bay of Plenty Times* and by the *Waka Maori*, which we append here:—

"The originators of the meeting, Ngatitahu and Ngatiwhiaoa, opened the proceedings by reading a paper to the assembled tribes, numbering in all about 600 persons, consisting of Ngatiwhiaoa, Ngatitahu, Ngatimanawa, Te Urewera, Ngatihineuru, Ngatitutewha, Ngatituwharetoa, Ngatiwhakaue, Ngatirangitihi, Ngatininewai, Ngatiraukawa, Ngatituara, and Tuhourangi, under the leadership of its Putaiki or Council of Twelve. The land policy of the Government was keenly argued before one of its representatives, and notwithstanding the audacity of Tuhourangi in proclaiming itself the sole dictator of the proceedings, its Pretentious assumptions, were at once repudiated by the confederate tribes in the following terms:—'Who has constituted you an authority to dictate to us as to what we shall do respecting our land matters? We refuse to acknowledge your pretensions in any way, and here let your interference in our land matters cease.'

"Notwithstanding the fierce opposition to all general measures in the district by the Tuhourangis, the twelve confederate tribes declared for the Government, affirming their determination to keep inviolable all their bargains, and to facilitate in every possible way the settlement of the lands in the Arawa country; adding, with emphatic outspokenness, the land agents of the Government have acted throughout the negotiations in an open straightforward manner. After four days' continuous discussion, the meeting was brought to a conclusion, the anti-selling Tuhourangi tribe retiring completely crestfallen to its home at the Wairoa, threatening to convene another monster meeting to defend itself, which meeting is still in abeyance."

In the month of April, various matters of minor importance commanded our attention, and we deemed it advisable to transmit to you a general report, which, in order to connect a continuous narrative of our operations, should be embodied here, but unfortunately the copy of the report in question has been mislaid, owing to which act of carelessness, allow us to refer you to the original already in your hands.

In May we proceeded to Whakatane, Kokohinau, Te Teko, Te Umuhika, and Te Matata; at the latter place we held a series of meetings with Ngatirangitihi on land affairs, and procured the necessary signatures to the final lease of Tawhitinui and Otuhangu, known as lots Nos. 31 and 39, Parish of Matata.

At a Native settlement named Te Umuhika, six miles from Te Awa-o-te-Atua, upwards of 300 persons presented themselves, the occasion being what the Natives term "*he hui*," or gathering. We took advantage of this tribal meeting, in which the Ngatiawa, Te Uriwera, and the Arawas were largely represented, and placed before the assembled throng the long-pending dispute regarding the ownership of certain lands in the Pokohu Block, at Rangitaiki, leased by us previously. After explanatory speeches by us, and selecting nine or ten of the most intelligent Native chiefs and assessors to serve as a jury, the various points in dispute were submitted to the multitude, allowing each tribe to conduct its own business as it seemed fit. No attempt on our part was made to interfere with the discussions, nor impediment placed in the way of any person who desired to speak; and after the subjects, one by one, were thoroughly exhausted, and the audience had no further desire to continue the examination, we withdrew with our ten jurymen to settle the decision, refraining to give any opinion till after the chiefs and assessors had concluded their remarks, and to our surprise and great satisfaction the views

held by the jury of ten coincided precisely with those held by ourselves; and we found that the opinions held by ourselves and the jurymen on the disputed points were endorsed by the large audience generally. This mode of investigating title to Maori land has called forth the plaudits of the tribes in the Bay of Plenty and Lake Districts, the leading chiefs having expressed their entire confidence in the course adopted by us in this respect; and it would seem, from various communications received, that the result is bringing about almost universal satisfaction. The owners of the Puke Block, the survey of which engendered hostile feeling and a rise to arms, desire that an investigation regarding Te Puke, similar to that held at the Umuhika, should be accorded by the Government, as will be seen by the following document transmitted by the Waitaha tribes to the Hon. the Native Minister:—

## [Translation.] To Sir DONALD McLEAN.

Te Awahou, Rotorua, 6th June, 1876.  
Father, Salutations!—

This is a prayer by us, the tribe of Waitaha, to you regarding our land, Te Puke, that there may be an inquiry, a similar investigation to that held by C. O. Davis at Te Umuhika. That inquiry was most excellent and very clear; let the same mode of inquiry be introduced into our district. We do not approve of the Native Lands Court, nor do we approve of the investigation which took place at Horo Horo; but our wish is that the inquiry be clear on the side of the Pakeha, and clear on the side of the Maori, so that the confused state of things in which our land is involved may be managed. Do you signify your approval that C. O. Davis be the director of this mode of inquiry. Sufficient.

By the whole of the committed of Waitaha.

Na Hoani Ngahao. Na Hirini Haimona. Na Ngapea. Na Te  
Whetu. Na Ratana Tekapaiwaho. Na Hotene Terata. Na Ereatara  
Taramada. Na Hakaria Tipene. The following is extracted  
from a paper drawn up by Pererika Ngahuruhuru on the same subject:—

## [Translation.]

The tribes that met at Whakatane on the 9th of May, 1876, were the Nagatiawa the Ngatipukeko, the Patuai, the Urewera, and the Arawa, where discussion commenced regarding the Pokohu [a block of land leased by Government at Rangitaiki]. The person who introduced this subject was Ranagi Tukehu, whose thoughts were directed towards advances made to some tribes on the Pokohu and other places. The object of this elderly man in bringing forward this subject was to express his disapprobation with respect to money paid to certain tribes.

The Taweras called a meeting at Te Umuhika for the purpose of subscribing moneys for a flourmill, and there, on the 17th of May, 1876, an inquiry commenced [on land matters]. A proposal was made to Tukehu, relative to the selection of a committee to sit during the investigation [of the Pokohu land], to which he agreed.

The following are the names of the persons chosen:—

- Ko Pererika Ngahuruhuru,
- Ko te Warihi Whakaahua,
- Ko Niheta Mokonuierangi,
- Ko te Mapu Takaanewa,
- Ko Rota Rangihoro,
- Ko Hori Karaka,
- Ko Paora Patu,
- Ko Hona te Hauiti,
- Ko te Meihana,
- Ko Rawiri,

together with the Land Agents of the Government.

The inquiry lasted two days and two nights, and then the committee withdrew to consider its decision in relation to the money advances on which were based the grounds of Tukehu's complaint. The judgment of the committee was, that the moneys had been advanced to the right parties on the lands owned by them [*i.e.*, within the Pokohu Block]. Tukehu was found to be wrong, but right with respect to certain localities which were his

own. "Now, O friends! the advances made by Government on those lands as to right have been fully established." There were 300 persons present.

NA PERERIKANGAHURUHURU.

Subsequently to the meetings held at the Umuhika, we visited the Tawhitinui, Whakarewa, and Waitahanui Natives in relation to the marking out of certain reserves previously agreed to.

On the occasion of our arrival at Maketu, the acknowledged owners of the lands there lately purchased by us earnestly urged the necessity of paying to them the balances due; but having no special instructions to that effect, we recommended them to exercise patience, the Government being engaged in matters of far more importance just now.

In order to elucidate somewhat the extent of our land transactions within the Bay of Plenty and Lake Districts, we may enumerate the lands to which titles have been settled, and the final deeds transmitted to yourself. They comprise the following:—

The blocks all but completed are,—

Negotiations regarding the following blocks have been initiated, and advances paid thereon, but their settlement is more remote:—

It will be observed that no reference is made to monetary matters in this paper, that part of our work having been, at my request, intrusted, from the commencement of our negotiations, solely to Mr. Mitchell, who will transmit to you his report, containing the whole of the information required on this subject.

In conclusion, it may be remarked that, throughout the Bay of Plenty and Lake Districts at the present juncture, the utmost confidence in the Government scheme with respect to land purchases and leases is expressed by the tribes generally.

I have, &c.,

C. O. DAVIS.

H. T. Clarke, Esq., Under Secretary.

**H. WARDELL, Esq., R.M., Turanga, to the CHIEF COMMISSIONER.**

*Poverty Bay.—Transmitting Deed of Sale for Land purchased.* Resident Magistrate's Court, Turanga, 2nd February, 1857.

SIR,—

I have the honor to forward you herewith the deed of sale to the Crown of about fifty-seven acres of land in this locality drawn up and signed in accordance with the instructions contained in your letter of the 6th December last.

Kahutia is universally admitted by the Natives here to be the only person having power to dispose of the land in question. The deed, however, is signed by himself, his brother (Manahi), his daughters (Katarina and Riperata), and their husbands (Petera and Mikaere), and, at his request, the name of his adopted grandson (Ranga Te Rangi) was added by Petera. I am not aware that the name of any one belonging to his family is wanting. The names of Hone Hira, his wife (Paraire) Hemi Kepa, and others of less importance are to the deed.

I have not affixed any measurements to the plan, but, as I furnished them to you on the plan accompanying my letter of the 27th of November last, they can be added in your office, if required.

I am happy to report that very little difficulty has been experienced in obtaining the signatures to this deed.

I have, &c.,

HERBERT WARDELL, Resident Magistrate.

The Chief Commissioner, Land Purchase Department, Auckland.

## Memorandum.

This purchase has been concluded in accordance with instructions and form of deed furnished to Mr. Wardell from this office for his guidance.

I submit that this transaction may be brought under His Excellency's notice for approval.

Donald McLean.  
11th March, 1857.

## Memorandum

RECOMMENDED that His Excellency approve the transaction.

C. W. RICHMOND.

11th March, 1857.

## Memorandum.

APPROVED.—T. G. B.—  
12th March, 1857.

## No. 2. MEETING held in COURT HOUSE, NAPIER, 29th November, 1873.

*Patutahi.—Relative to the Division of the Block.*

*Present*—D. McLean and Chiefs Tareha, Ihaka Whanga, Hamana Tiakiwai, Te Muera.

*Mr. McLean to Ihaka:* I do not think you were present when I spoke to the Napier Natives relative to the partition of the Patutahi Block between the Government, Ngatiporou, and Ngatikahungunu; it was then stated that the land had not been surveyed. Since then it has been done, and the Ngatiporou share has been decided. Ngatiporou have disposed of their share to Government for £5,000; what remains is between you, Ngatikahungunu, and Government. At the meeting at Waiohiki I offered to give the Heretaunga Natives money instead of land, which they refused. They would wait until the survey was completed. Tareha is now present as

the representative of the Napier Natives. Since then the Commission has sat at Poverty Bay, to decide claims to confiscated land which was to be returned to the resident Natives of Poverty Bay, who were frequently remonstrated with, and warned not to take up arms against the pakeha; notwithstanding which they persisted in their defiant attitude, and now it is hopeless to expect this Patutahi block of land will ever be returned to them.

*Mr. McLean to Hamana:* This is a word to you about Hapimana's demand to me at Wellington for land to be returned; this cannot be acceded to, especially when demanded as a right in an angry manner; not one acre will be obtained by such an attitudes. Those people persisted in their evil course, and the result was they lost both men and land. Waikato and Tarahaki acted in the same manner, and suffered accordingly. It is no wish of mine that the people should be the sufferers by their folly, and I hope they will not be so in future; you know I am using my best endeavours to initiate a better state of affairs.

*Tareha:* I support a portion of what you said. In the first place, the Natives were looked down upon by the generality of Europeans, who said our skins and thoughts were both dark, and not clear like theirs. It was you who first recognized our position, and made it your duty to assist them to the utmost of your power. It was through your exertions that we were represented in Parliament; myself and Karaitiana have both been returned for this district, and I was under the impression that you ought to be supported by those whom you had raised to that position. While I was a member I gave you my hearty support, and we always discussed Maori questions. I resigned my seat of my own free will. When the former Government were defeated, and you took office, I said to you that you were to be careful how you followed the example of the former Government, which slew the people and took the land. After you took office the fight at Taupo took place, where the people were punished for their crimes, but the land was not taken as it was in Waikato and other places. What you say, that nothing would be gained by a defiant demand for land to be returned, is good, and we will talk the matter over quietly.

*Mr. McLean:* I spoke to Hamana that he might understand that nothing was to be gained by "bounce:" the land referred to was taken by former Governments. I have not been instrumental in taking land. The Taupo and Ureweras, with whom we fought, were not deprived of any land. Natives have been punished for their faults. Tareha, although you have retired from Parliament, your suggestions have been attended to; you should still, as a chief, endeavour to act for the general good and welfare of the Maori people. You and I have always worked together, and done what we thought best for the benefit of both races.

*Tareha:* A word about what you said to us about Turanga when in Wellington. There were three of us of this place and Wikiriwhi, and you said one portion was to be for the Ngatiporou, one portion for Ngatikahungunu, and one portion for the Government. Since then reports state that Ngatiporou were to have all the land.

*Mr. McLean:* No; they had their share—no more.

*Tareha:* When we held our meeting at Waiohiki this was explained to us, and you offered us money for our portion, to which we said, No. We understood that it was the land we were to have, so let yours remain with you. You proposed to return the land to the Poverty Bay Natives. I said, Return your share if you wish to do so; give us ours. You said, "Wait until the survey is completed;" and we have done so.

*Mr. McLean:* The survey has only very lately been completed. I proposed to return lands beyond certain boundaries. Those have been returned by the Commission.

*Tareha:* Now that the survey is complete, we find that Ngatiporou, who are Poverty Bay Natives, and Mokena, are disposing of the land, and we think we might as well do the same.

*Ihaka Whanga:* Let the talk be short. I appear here as the representative of the Wairoa portion of the Ngatikahungunu, who have sent me to receive the money for their share of Patutahi. I said I would go in a straightforward way to Tareha, and then go with him to meet the Europeans. I have now come for the money. There is one question I want to ask: Do Ngatiporou receive both money and land?

*Mr. McLean:* No; but while the arrangements were pending, they said the land was to be set apart for school purposes. After this they decided to receive money instead of the land, and to have a certain portion set apart for school purposes. They have lately paid about £267, a balance of Patutahi money, for school purposes. You are mistaken in supposing they received both money and land. Was Ihaka. Ngarangione with your people?

*Ihaka Whanga:* No. He belongs to Turanga, and went with Ngatiporou. Let him look to them for his money.

*Tareha:* The best plan will be to divide the money, one portion for Ihaka and them commencing from Wairoa to Table Cape, and the other portion for us Napier Natives.

*Ihaka Whanga:* With respect to the payment of this money, I would suggest that you write to Mr. Burton to come and fetch the money and pay the natives, as I cannot divide the money. You, Mr. McLean, have the list.

Mr. McLean read list of numbers of different *hapus* who were engaged in fighting at Poverty Bay. *Ihaka:* Let the money for each individual be explained clearly.

*Hamana:* Your remarks to me about what was said by Hapimana to you in Wellington are good. My idea is, that when he made that demand, it was not done intentionally in an obnoxious manner. It was not right to

suppose that that land would be returned. It is gone for good. When Mr. Locke reached the Wairoa, we knew that the land question was to be settled. We were told to trace our claims by ancestry, at which I and other soldiers complained about our wasted labour in fighting against the Hau Haus. Hapimana got all his people, who were chiefly Hau Haus, inserted in the deeds; while only four of us, Ihaka, Maraki, Paora, and myself, were nominally inserted in the deeds.

*Mr. McLean:* The land is vested really in you, the chiefs. The names of the Hau Haus are inserted, but you hold that land for their benefit. There is one question which ought to be settled, that is, the boundary between you and the Urewera it ought to be done, if possible, this summer. I have appointed Tareha, who is related to both parties, on behalf of the Government, to adjust the matter.

*Temuera:* What acreage are the people to have?

*Mr. McLean:* If Ngatiporou had received land, they would have received 10,000 acres. Your people would have received the same

*Ihaka:* Mr. Burton proposed the chief should have a larger portion than others: but we objected, and said that all should be equal

Mr. McLean read off list. Ihaka's party, 319 men; Heretaunga party, 223 men; Ihaka's party to receive £2,942 15s. 6d.—each man at rate of £9 4s. 6d.

The same day Mr. McLean left Napier, and arrived at Poverty Bay on the 30th. The next day a number of Natives assembled in the Court House, and met him there. One of the requests brought forward was for leave for the Hau Haus now living at Torere to return to their old friends. As, however, it appeared that some had come away without permission, they were ordered to return at once.

The following is the report of the meeting:—

The Hon. the Native Minister had an interview with the Turanga Natives in the Court House, Gisborne, on Monday last. Mokena, Ropata, Henare Potae, Ihaka Whanga, and others were also present. Mr. McLean having invited them to state their grievances, the following interesting proceedings took place.

*Paora Kati:* We have nothing particular to say; we come here to listen to you.

*Matenga Tote:* We wish the Hau Haus of the Aitanga a Mahaki, that are in Wiremu Kingi's charge at Opotiki, returned to us.

*Wi Haronga:* Te Aitanga a Mahaki welcome you here. If you intend to return land to them and Rongowhakaata, and to give them the power of administering their own affairs, it is well. Let chiefs from other places cease from administering our affairs; no matter though they may be Hau Haus, let them give expression to their sentiments. Perhaps some one here will have something further to say on the subject.

*Mr. McLean:* Will you explain what you mean by your reference to chiefs from other districts administering your affairs?

*Wi Haronga:* I refer to Henare Potae, Meiha Ropata, Mokena Kohere, and Paora Te Apatu.

*Wi Pere:* Salutations! I have just returned from Wellington, where I went to see if I could make arrangements for getting some of our lands returned to us. I saw Mr. McLean, who said Return and stay quietly; a new law is being made which would simplify and adjust all such matters." After my return, I conferred with Mr. Locke, on his arrival here, and was satisfied with the arrangements that were made about the land. There are two or three matters which I wish settled: Give us back our burial-grounds at Patutahi, at Wahanui, and at Kaikaitaratahi. Secondly, Let the Hau Haus of Te Aitanga a Mahaki, who are in Wiremu Kingi's charge at Opotiki, be returned to us. And, thirdly, We should also participate in the Patutahi money, and receive £5,000.

*Panapa. Waihope:* Salutations! I second what Wi Pere says respecting the restoration of the burial-grounds. Secondly, We wish the Hau Haus at Opotiki to be returned to us; some of their number have already returned and are among us, as Mr. Locke knows; let us also receive money for Patutahi.

*Pita Te Huhu:* [Karakia, incantation.] I approve of your administration, Mr. McLean. I approve of what Wi Pere said about the restoration of the burial grounds; let that be done I wish the Hau Haus at Opotiki returned, and some of the money for Patutahi.

*Hoani Ruru:* The land belonging to Rongowhakaata was taken by the Government for the crimes of all the Hau Haus of Turanga, and but a small portion of that belonging to Te Aitanga a Mahaki; Ngaitahupo did not lose any land, Paora Te Apatu and others had made application for the adjudication of lands within the "*rohe potae*;" Rongowhakaata did not, as their land had all been taken. I wish you to give me back a portion. Do you carefully consider this matter.

*Paora Kati:* If you have any complaint to bring forward, do so now. You are wrong in objecting to Ropata, Henare, and Mokena, for it is through their administration that we have benefited. Money is now asked for Patutahi. If I receive any of the Patutahi money, I shall not go there; if I do not receive some, I will not go there. I wish for some of the Patutahi money. Raharuhi's Crown grants, twelve in number, have not been properly conveyed by him to his relatives, consequently they revert to the whole tribe. Raharuhi signed a document drawn up by the Natives, but the lawyers say it is of no use. I asked Mr. Skipworth to prepare a document

conveying his (Rararuhi's) interests in the different blocks to me; he said, *Taihoa*. I also saw Captain Porter, but he did not arrive till Rararuhi's death, when it was too late. I was very *pouri* about these Crown grants, and could not sleep.

*Wi Pere*: Patutahi was taken and divided amongst Ngatiporou, Ngatikahungunu, and the Government. Those tribes said they would give the land back to us as an act of grace (*tohu rangatira*); this has not been done, for the land has been divided amongst themselves, therefore we do not want their interference with our affairs.

*Paora Parau*: You see the remnant of Turanga and Rongowhakaatu before you; some perhaps were too lazy to come, while others may have been ashamed or afraid of you. Let the request for the burial-places be granted, and let the Hau Haus under Wiremu Kingi's charge be returned to us. With respect to people from other places coming to administer affairs amongst us, let them attend to the affairs of their own settlements.

*Mr. McLean*, in reply, said: You, the people of Turanga, have not hitherto shown yourselves capable of managing your own affairs, although you talk largely of your powers. You could not do it even when your old chiefs of authority were alive; and you have always evinced a fickleness and a desire for change, without considering the consequences which would follow. When the Hauhau doctrine came among you, you readily adopted it, and you were completely led away; now you express your jealousy because other chiefs are desired to come here. If you refer to the Ngatiporou chiefs, I tell you they have a right to come here at any time, and will do so whenever requested. I have asked them to come here, and will do so again when I consider it necessary. You have no chiefs to whom any attention is paid; and the old proverb holds good, "Turanga tangata rite;" or, Chiefs and all are of equal standing at Turanga. The land question has been already satisfactorily settled by the Commission which has recently sat here, and I, am not prepared, to make any further concessions either in land or money, as you may consider yourselves liberally treated. I told some of you lately in Wellington, when you spoke to me on the subject of your lands here and at Wairoa, that you would not have met with so much consideration had you assumed a defiant attitude; and I tell you so again. I have always warned you that you will get your grievances redressed and claims recognized more readily by bringing them before the Government in a friendly and proper spirit, than by adopting an opposite course, by which you would gain nothing. No attempts at unfair exaction on your part will be to your advantage, however much you may at times be led to think they are. Some of you have asked for the return of the Hauhaus residing with William King at Opotiki; and I hear that Wi Pere has advised them to come away stealthily. If such means are employed, you cannot expect me to assent to your wishes. Had a frank request been made for their return, and security offered for their good behaviour, the Government might have entertained the application; as it is, they will not be permitted to return. In reference to certain burial-grounds you have asked for, that at Patutahi, which is in the possession of the Government, will be reserved for you; with regard to the others, I can make no promise. You are living in the midst of an increasing and prosperous community of Europeans, by whose example you should profit. I hope you will learn from them their habits of industry which you see they possess, and which you will find will be much more beneficial to you than fruitless agitations. You should bear in mind that Europeans are an increasing people and that it will be greatly to your advantage to avoid unnecessary contentions, and to dwell with them on peaceable and friendly terms.

*Wi Pere*: The charge against me is unfounded; there is some one here from Wiremu Kingi's place; we are going there to have the matter cleared up. When Te Muhunga was taken, it was arranged with Mr. Atkinson that he was to have 5,000 acres, with the understanding that we were to have the balance, if any: on survey, it was found to contain 5,390 acres; the balance he refused to return. You are not to blame for this.

Mr. McLean here read from notes that, according to the wording of the agreement, it was 5,000 acres, more or less.

*Wi Pere*: If it was over, it was to be returned; if under, it was to be made up.

*The Hon. Mokena Kohere*: Friend Wi Haronga, I rise to answer your objections about us chiefs from distant parts having the administration and management of your lands at Turanga. This is my word to you. You had the opportunity of dealing with your lands, but you threw it away. You have had your lands given to you; my hands are clean; take your land.

*Meiha Ropata*: Wi Haronga, there is one mistake you make with regard to us chiefs from other districts administering matters connected with your lands at Turanga. If the Government had seen any fault in our administration, they would have told us to cease; it is not for you to dictate to us. In 1865 the troubles commenced here, and they have existed ever since, and we, chiefs from other districts, have done our best to prevent matters being worse with you, and we have succeeded to a certain extent; if it had been left entirely to the people of Turanga, you would never have succeeded in anything for your benefit; if the troubles of this place had ended we should have ceased to visit you.

*Ihaka Whanga*: I do not agree with what Wi Haronga has said about us strangers having the management and making arrangements about land at Turanga. It has been plainly seen that Wi Haronga and his people have not been able to manage their own affairs properly, or the troubles would not have come on them. If Wi



Haronga is competent to administer affairs among his people, why did he not prevent these troubles? When Kereopa came here with his mischief, you were eager to support his cause, and that was the commencement of your downfall. We (the Government) have rescued you from those evils. We have given you your land and taken some for the misdeeds of your Hau Haus; and what land has been given to you you have either sold, mortgaged, or disposed of in some other way; and now you are dissatisfied; you should be glad to welcome a state of peace, and show a good feeling towards the Government.

*Wi Haronga:* I am found fault with and blamed for not exerting my influence in restraining my people; if they had listened to my advice they would now be in different circumstances; they are easily led away, and when Henare Matua came here they followed him. I was sorry, but was not listened to; the blame of all is thrown upon me. Let my words be proved by each hapu looking after its own affairs; it would then be seen how such were administered, and they would each become responsible for their own conduct.

*Henare Potae:* What you have said, Wi Haronga, about our coming to Turanga and taking the management of your lands is correct, but we have never come among you yet without being first asked to do so. The Government saw that you were unable to manage matters by yourselves, and they asked us to assist you. However, in future you can conduct your own affairs yourselves, and we shall then see whether you are capable of administering for yourselves.

*Anaru Matete:* Salutations to you, Mr. McLean! May you live long! I did not go to Wellington with Henare Matua with any intention of doing wrong, but to try and get a hearing from you about my troubles. One of my troubles was that I had been cursed by Paora Kati, and I did not feel satisfied until I had seen you, for you to tell me that I was safe (or not). You told me when you were last in Turanga that I was to remain quiet. I have at last made up my mind to tell you that my lands have all been leased by the Government Natives; my relatives have participated in those leases, and none of them have handed to me any moneys accruing from these rents. I am agreeable to lose the greater portion of my lands for joining the Hauhaus, but I think I am entitled to a portion of land besides what has been given up to the Government. I do not ask for a portion of land that has been sold or confiscated; all I ask for is a portion of the land that is leased.

*Mr. McLean:* I think you and Paora Kati had better meet and settle matters between you; also your relative Tamihana, who is not present.

*Wi Pere:* It was proposed that a committee of twelve should be appointed to adjust the surveys, which were a constant cause of irritation. Ropata was named as one of the committee.

*Mr. McLean:* There will be no cause for such complaints under the new law enacted by the Government, which will remedy all such; and no lands will be brought before the Court for adjudication that are of a questionable nature. (The Native Minister here read the names of several Hauhaus who had been sent to Opotiki, some of whom had returned to Turanga, and some had died.)

The meeting then broke up.

## Captain PORTER, Land Purchase Officer, to the UNDER SECRETARY, NATIVE DEPARTMENT.

*East Coast.—Land Negotiations.* Militia Office, Gisborne, 3rd June, 1875.  
SIR,—

In compliance with instructions, I have the honor to furnish a general monthly report relative to lands offered to and under negotiation for Government within my district. My report this month will be necessarily brief, as the transactions are few, and I have hardly initiated the system.

You are already aware of the opposition of Ngatiporou tribes to the introduction of the Government land purchase policy into their territory, and of the reasons which have led to this spirit of opposition. I have now to proceed cautiously to remove this feeling of antipathy, and it is not my intention to solicit the cession of lands, but to explain the equitable wishes of Government upon the subject, and so let the Natives themselves offer blocks.

During my visit up the coast I saw the leading chiefs, and read the Government Circular relative to the method of dealing, at which they expressed satisfaction.

Lands under offer, and in reference to which initiative steps have been taken, are as follows:—

*Te Rotokautuku* (Oil Springs, Waipiro).—This block has passed the Court at Waipiro, and contains about 5,500 acres. There are 427 owners entered in the memorial of ownership. The block is a good one, and suitable

for any purpose. I have negotiated a lease under provisions of "The Lands Act, 1873," for twenty-one years, and obtained, before leaving Waipiro, 150 signatures. This block was first negotiated for by Government for the purpose of developing its oil resources. I report further on this block under separate cover.

*Te Ahi o te Atua* (Oil Spring).—This land has also passed the Waipiro Court, and its area is about 2,700 acres (am unable to give exact area, as maps are not back from Waipiro). There are in the memorial of ownership 426 names. I have not yet arranged anything about terms for this block, but they will be somewhat similar to those of Rotokautuku. The land itself would only be fit for grazing, should payable oil not be found upon it.

*Te Poro Ika Moana* (Oil Spring).—This is about the same area as *Te Ahi o te Atua*, but of little use for anything else than to bore for oil, and I think hardly worth negotiating as a lease, but might be worth purchasing after it passes the Court.

*Hikurangi*.—I attach hereto a copy of an offer to lease a piece of country situated this side of that mountain. The offer is a *bona fide* one, and I have informed the Natives that I will go up in July and visit the land, and at the same time make some arrangement as to terms. In conjunction with this block it is my intention to endeavour to get the whole of the country lying between the forks of the Tapuairoa and Mata Rivers, which are the head waters of the Waiapu. The back line would take in Hikurangi and the adjacent mountains. The tableland is very considerable, and suitable for agricultural or pastoral purposes. It will, however, be necessary to arrange with some private parties, T. Fox and F. Campbell, to forego some preliminary agreements entered into by them with some of the owners of small portions. By setting aside some portion as a reserve for the Natives, I think it possible to arrange the purchase of the whole.

*Kawakadwa*.—The Natives offer to lease a block of land situated between this place and Hick's Bay, but as it is included within a lately proclaimed boundary prohibiting sales or leases, I have deemed it prudent to defer action for the present.

*Potiki Rua* (near Cape Runaway).—Natives attending at the Waipiro Court offered this block to lease, but from inquiry I find it will be necessary to consult with Te Whanau-a-Panui tribe, as it is a border country.

This completes the number of pieces under negotiation by me, and you will perceive the general desire is to lease, upon which subject I have to ask the views of the Government in a separate letter.

I have, &c.,

T. W. PORTER, Land Purchase Agent.

The Under Secretary (Land Purchase Department), Native Office, Wellington.

## Enclosure.[TRANSLATION.]

*Hikurangi*. Te Rere-a-tahu, 9th May, 1875.

To Captain Porter and Meiha Ropata,—

Friends, greeting. Herewith we forward the boundaries of our land for your information, which land we are willing to lease to the Government—that is, if the arrangements for so doing are satisfactory. This is a *bona fide* offer of ours to you: do you let it to them, and carry out the arrangements in accordance with our agreement to lease,—that is, so that our interests and the interests of those leasing the land will be protected.

Now, we consider that you can make satisfactory arrangements respecting the price for the land,—that is, the rent per acre.

We now ask you to make us an advance of £500 on that land.

Aporo Tamarere, And seven others.

We also agree that that land should be surveyed.

Here follow the boundaries.

## No. 4. Mr. J. A. WILSON, Land Purchase Officer, to the Hon. the NATIVE MINISTER.

*East Coast and Bay of Plenty.*—*Land Transactions.* Land Purchase Office, Gisborne, 10th June, 1875.  
SIR,—

I have the honor to report, as Land Purchase Officer for the East Coast and Bay of Plenty Districts, that, during the financial year now about to close, an unusual amount of business has been done, and that the following transactions have taken place.

- *Former Negotiations Completed.*—I would refer to negotiations of the previous year that have been completed in this. Motu and Waikohu Matawai Blocks come under this head. The former is a lease of 68,482 acres; term, fifty years. The latter is a lease for 43,479 acres; term, twenty-five years. These blocks have finally passed the Native Lands Court, and have been awarded to the Natives with whom I had dealt. The Natives, two only excepted, have ratified the preliminary agreements under which they received advances in previous years. The deed for Motu is at Wellington, and that for Waikohu Matawai will be there before the end of this month. The rent for these blocks, as shown in my returns, will, I think, be considered moderate. The average rent on the nearer block is £3 9s. 9d. per 1,000 acres per annum. The average rent on Motu, which is more remote, is £2 17s. 1d. per 1,000 acres per annum.
- *Purchases of Country Lands made this Year.*—During the period under report I have made extensive purchases of lands at reasonable rates in the district extending from Poverty Bay to Tokomaru and the Watershed of Upper Waiapu. Although these purchases are in many blocks, yet they may be classified according to price in manner following:—

On these lands I have advanced moneys, in various sums, to the extent of £2,166, being about 3<sup>d</sup>. per acre. These lands are of the same character and quality as the numerous sheep runs that fringe the coast line from Poverty Bay to Tokomaru,—hilly but good, and well adapted to sheep; some of this country is open, some covered with scrub, and some with light bush. There is, however, but little valuable timber on the ground, which is to be regretted, as the whole is suited to settlement in its agricultural and pastoral forms. The surveys, so far as they have progressed, show that the area of this fine country has not been over estimated, the natural outlets to which are at Gisborne and Tolaga Bay.

*Leases of Country Lands made this Year.*—I have also to report that, in addition to the above-mentioned 160,000 acres of purchased lands, I have leased 133,000 acres for forty years, surveys in progress, and 98,000 acres for thirty years, surveys in progress: making a total of 231,000 acres leased this year. The annual rent on these lands is uniform, amounting as nearly as possible to £1,500, which is rather less than £6 10s. per 1,000 acres per annum. In all cases, the advances are to be recouped out of the rent, the payment for which will not commence until the Government shall have received a title through the Court. The character and quality of the leased lands is hardly as even as that of the purchased; some of the leased land is well situated and very superior, and some is more remote and rugged. The leased and purchased lands adjoin each other, so as in one case to form a block of 247,000 acres, extending from within six miles of Gisborne to the Ngatiporou boundary in Upper Waiapu, and from the upper branches of Waipaoa or Turanga River to the back line of Mr. Arthur's run, on the coast at Tokomaru. The natural outlets to these lands are at Tokomaru, Tolaga, Gisborne, and Wairoa. In every agreement to lease, there is a covenant by which the Natives bind themselves not to sell the freehold during the term of lease to any person other than the Government. Advances on these leases to the extent of £1,808 have been rendered necessary by the keen competition of certain influential Europeans in this district, who, regardless of the prior claims and moneys advanced by the Government, and of warnings received to that effect, have made advances also, and have obtained authorized surveys on lands negotiated and surveyed by the Government. I do not, however, propose to occupy your valuable time on these and other unjustifiable encroachments on the public domain, having already reported to you fully on all such cases in my letters Nos. 51–75, 53–75, 48–75.

- 4. *Purchases of Town Lands made this Year.*—I have to report that I have purchased the township site at Tolaga Bay, the same being situated at the entrance to Uawa River, and is in fact the only ground

available for the purpose. The European portion of the village at Tologa has always been upon this land. The site is not extensive, being little over 400 acres, the title-deed to 252 acres of which is now in the hands of the Government at Wellington. I regret that the balance of this valuable land (properly called Mangarara No. 2) appears for the present to be classed in the category of lands unjustifiably interfered with by Europeans, *vide* my letter No. 48–75. In this, however, as in similar cases, I have applied for the statutory protection afforded by the 42nd clause of "The Immigration and Public Works Act Amendment Act, 1871."

The money paid on the township site at Tologa amounts, on the portion to which the title is secure, *i.e.* on the

- 5. Purchases and Leases of former Years still Incomplete.—The area of lands coming under this head is 132,000 acres; the number of blocks four, one of them being in Poverty Bay and three in the Bay of Plenty. The amount of money advanced in each case is £90, £20, £10, and nil: total, £120. This sum is amply secured in the interests on which it has been advanced.

It would be too much to expect to escape opposition in a district where the land is good, and where it may not have been advisable to apply the restrictive clauses of the Immigration and Public Works Acts. As a matter of fact, I have experienced an opposition from European owners than which nothing could be more strenuous, partaking sometimes even of a personal character. Yet I have given no cause for such behaviour, for, excepting in the case of Puhatikotiko, the township site near the oil springs, ten miles inland of Ormond, I have not interfered with prior negotiations by Europeans. It is to be remarked, however, that embarrassments of the nature referred to have been mostly experienced by me among persons whose position and circumstances should have been a protection to the interests of the Government. When I came into this district to purchase land, the whole country at the back of the sheep runs on the coast was a *terra incognita*, as far as the Natives and myself were concerned. In some cases a human foot had scarcely ever passed over it, while in other localities no human being had seen the land for many generations. The only road was the coast road, and a few tracks, mostly sheep tracks, running a short distance inland. As the acquaintance, therefore, of the Natives of the present generation with its tribal boundaries was almost entirely of a traditionary kind, and as business could not be conducted satisfactorily on either side without data of a more certain nature to go upon, I deemed it necessary to explore this unknown district, in order to define the boundaries and areas, and to ascertain the quality and topographical character of the country. This exploration, though conducted in the summer season, proved to be a no less arduous undertaking than James Alexander, in his last work on New Zealand, had predicted it would be. The service was ably performed by Captain Simpson, and the expense attending his explorations, amounting in all to £278 13s. 3d., has, I believe, been amply repaid to Government by the information gained, and the security and facilities afforded to the transactions of this department, no advances of importance being allowed by me until the character of the country had been ascertained.

Sir, before concluding this report, I beg most respectfully to thank you for the discretionary powers entrusted to me during the period in which these negotiations have been in progress, as I feel sure that these powers have contributed largely as an element of success to the extensive transactions and engagements that have been carried out by me on behalf of the Government during the year that is now about to expire.

I have, &c.,

J.A. WILSON, Land Purchase Commissioner.

The Hon. D. McLean, K.C.M.G.,  
Native Minister, Wellington.

**Captian PORTER, Gisborne, to the  
UNDER-SECRETARY, Native Department.**

*Poverty Bay.—Blocks awaiting investigation in Native Lands Court, &c. Gisborne, 5th June, 1876.*

SIR,—

I have the honor to furnish the following report of my land-purchase transactions for the year ended the 31st May, 1876:—

By reference to the schedule attached hereto, it will be seen that a total area of 324,011 acres is under offer and negotiation: 142,622 acres is shown in course of completion and prices fixed, and 181,389 acres under offer, but for which negotiations have been deferred, pending the investigation of the several titles by the Native Lands Court, and for which prices have not yet been arranged. The Waitahaia and Aorangi Wai Blocks, representing a total of 59,252 acres have passed the Court during the last month, and were in each case adjudged to the hapus and persons with whom I had dealt in my preliminary negotiations. The deeds of conveyance for these blocks have been signed, and with the exception of a few signatures required from grantees at a distance, are now complete. The authority for survey of the other blocks has been issued by Mr. Baker, Deputy Inspector of Surveys, and at the next sittings of the Lands Court I trust to be able to report a very large area of land passing through on Government account.

In my negotiations for the past year, I have found it necessary to depart in one or two instances from the generally existing systems of land purchase throughout the island, and I take the liberty of pointing out their disadvantages. The first is the payment of advance, or earnest money, on lands before the title to them has been adjudged by the Native Lands Court. I found that in almost every case there were two parties, claimants and counter-claimants, and the onus of deciding the right of one or other of these fell to the Purchase Officer, a responsibility that he should not incur at the risk of wrongfully paying away Government money, which, apart from other reasons, determined me to ask the Government to allow of my, discontinuing payments of this nature within my district, and which request was willingly approved by you.

The next subject is that of surveys. I have instituted the system of throwing the onus of this upon the Natives, by arranging with them the price per acre, less the cost of survey. I have found this a very good precaution, as, knowing they have to pay, the Natives are careful not to cause delays, or to lead over wrong boundaries, as is often the case in surveys of Native lands to which the title is disputed, and further, the Government incur no risk of loss.

The obtaining of signatures, in accordance with the provisions of the Native Lands Act, within my district, entails a great deal of unnecessary expense to Government, and delay in completion of transactions. I particularly refer to the necessity of having an interpreter authorized by the Act, and the presence of a Resident Magistrate. I find this is a most unpleasant feature of my duty, as, however anxious to complete deeds of purchase, I am wholly dependent upon these officers, as in several instances I missed favourable opportunities owing to the inability to obtain one or other of them. I have seriously considered the disadvantages Government work under in comparison with the private speculator: Government under the present system are compelled to employ two officers to carry out their purchases, namely, Purchase Officer and interpreter, whereas the private speculator has only to employ the interpreter, who invariably acts as negotiator also. This is obviously prejudicial to Government interests, and gives an unfair advantage to private dealers; and it would be only right that Purchase Officers, where qualified, should be allowed to act as interpreter in conjunction with the Resident Magistrate, as required by the Act.

In concluding, I may remark that, with the exception of these few remediable difficulties in connection with the service, I have much pleasure in reporting that all my dealings with the Natives have been most satisfactory, and have not met with any obstruction or opposition; on the contrary, I have received valuable assistance from the leading chiefs of the tribe, who unanimously express themselves satisfied at the working of the policy.

I have, &c.,

T. W. PORTER, Land Purchase Officer.

The Under Secretary,  
Native Office (Land Purchase Branch), Wellington.

## **I.—PURCHASES IN COURSE OF COMPLETION.**

## **II.—BLOCKS UNDER OFFER, BUT FOR WHICH NEGOTIATIONS HAVE BEEN DEFERRED PENDING INVESTIGATION OF TITLES BY NATIVE LANDS COURT.**

[NOTE.—For continuation of these Reports on the Extinguishment of Native Title in the North Island, *see* Appendix to Journals, 1862, 01., pp. 163–384.—ED.]

## **Schedule**

## **Official Documents in Reference to Native Reserves.No. 1.The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Native Encampment at Mataharehare (St. George's Bay).* Protector's Office, Auckland, 27th July, 1841.  
SIR,—

The Thames Natives on visiting Auckland have universally taken up their abode on the west side of Mr. Cooper's allotment. I have invariably pointed out the east side of Mechanics' Bay as the place proposed by His Excellency the Governor as a reserve for them. They decidedly object to the situation, and have begged permission to encamp near my residence. I have the honour to request that this information be laid before His Excellency, for an approval of the desired change.

I have, &c.,

George Clarke, Protector of  
Aborigines.

The Hon. the Colonial Secretary.

## **No. 2.[Extract from *New Zealand Gazette*.]**

*Notice.—Respecting Occupiers of Native Reserves.* Colonial Secretary's Office, Auckland, 10th September, 1841.

Notice is hereby given that all persons who have built houses upon or occupy any public reserve, or any

reserve of the Natives, are required to leave and yield up possession of the same within one month from the date hereof, unless licensed to remain for a longer period by the Police Magistrate; and that, in the event of their neglecting or refusing so to do, the Police Magistrate has instructions to eject them from the ground they so occupy. And all persons are warned not to clear, fence, cultivate, or build in or upon any portion of the belt of reserved land surrounding the town.

By His Excellency's command.

WILLOUGHBY  
SHORTLAND.

## No. 3. The CHIEF PROTECTOR to Mr. Protector HALSWELL.

*Respecting Management of Native Reserves.* H.M. Brig "Victoria," Port Nicholson, 28th September, 1841.  
SIR,—

In reference to the disposal of Native reserves for the benefit of the aborigines, I am directed by His Excellency the Governor to convey to you the following information, for your guidance and instruction.

His Excellency has appointed a Committee to decide on the acceptance of tenders for Native reserves, to be composed of the Chief Magistrate, the Protector of Aborigines, and the Crown Prosecutor, for the Southern District. The tenders will be opened in the presence of the Committee, and the majority will decide on those to which the preference should be given. All public notices will be issued under the sanction of this Committee, and the number and description of the allotments to be let must therein be set forth. No allotment must be offered for competition the possession of which is disputed by the Natives; and the period for which leases may be granted is not to exceed seven years. Ten per cent of the annual rent must be paid by the lessee as a fine previous to possession being granted, and the rent paid every six months.

Until further instructions shall be forwarded to you, you will strictly confine the appropriation of the funds realized from the reserves to the following purposes, viz.: The education and religious instruction of the Natives, included under which head is the enclosing with a respectable fence of paling the ground on which the Native churches are erected at Te Aro and Pipitea; the better fitting up of the above churches for the accommodation of the Natives who meet for public worship, to the number of two or three hundred, and a small salary to the person who may be recommended to His Excellency as a Native teacher; the appropriation of a portion of the funds for a dispensary, medical advice, and other assistance for the sick, for a Native schoolmaster, and for carrying on a school for Native children.

The Protector of Aborigines will report to His Excellency the proceedings of the Committee by the earliest opportunity.

I have, &c.,

GEORGE CLARKE, Chief Protector of Aborigines.

E. S. Halswell, Esq., Protector of Aborigines.

## No. 4. The CHIEF PROTECTOR to the Hon. the

# OLONIAL SECRETARY.

*Auckland.—Native Encampment in Cooper's Bay.* Protector's Office, 13th January, 1842.  
SIR,—

AS the Natives of the Thames are in the habit of locating themselves in Cooper's Bay when they visit the town, on allotments already purchased by private individuals, I do myself the honour to propose to His Excellency the Governor that the Allotment No. 89, in that bay, which has not yet been sold, be reserved for the benefit of the aborigines for the following purposes, viz.: First, as a location for the Thames Natives visiting His Excellency the Governor; secondly, for a site on which may be erected a Native church and schoolhouse to which may be attached a cemetery; and, thirdly, that the remaining portion of the allotment be leased, to realize a fund for the support of a Native school.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## No. 5. Mr. Protector HALSWELL, Wellington, to the Hon. the COLONIAL SECRETARY.

*Selection of Native Reserves.* Wellington, 11th April, 1842.  
SIR,—

I have the honour to inform you that I attended at the office of the Company's surveyor on the 7th instant, the day appointed for the selection of lands recently surveyed in the Districts of Manawatu, Horowhenua, and in this neighbourhood, and, with the information derived from a personal inspection of the country and from other sources, I was enabled to select for the Natives, according to the order of choice, a portion of the reserves which remained unchosen of the preliminary country sections.

The lands chosen are 300 acres on the Porirua, 200 in the Ohariu valley (a good country in the neighbourhood of Port Nicholson to the eastward), 300 acres on the Manawatu River, and 3,400 acres on the Horowhenua. I have still 3,100 acres to choose for the Natives in the preliminary sections.

In making these selections for the Natives I have carefully attended, as far as possible, to their own wishes, collected from some Natives inhabiting the different districts, and from others who have visited me in this place. My attention has been particularly directed to their own clearings, and I have secured for them as much water-frontage as possible, and more than they can all probability ever occupy.

It was their particular wish to live on the land in the neighbourhood of Horowhenua, a considerable lake lying between the Manawatu and Otaki Rivers, some twelve miles inland. I have accordingly obtained so much of the country round this water as has been already surveyed. It is a remarkably fine tract of land, heavily timbered in places, much of it cleared by the Natives, and containing several pas. Such portions as would not be required by the Natives could be very advantageously let to Europeans. I am preparing maps of the country, which will be transmitted to His Excellency by the very first opportunity.

Generally speaking, the Natives in all directions, and the settlers, are upon good terms. Nevertheless there are continually trifling misunderstandings between them, but which, by prompt attention, have been always adjusted with satisfaction to both parties.

The wants of the Natives, real and imaginary, are numerous, and their applications to me incessant: some of these are met, and some I resist. I have, however, the satisfaction to know that I have gained their confidence,



which has always been the first object of my ambition here.

I have, &c.,

EDMUND HALSWELL, Protector of Aborigines, Southern District.

The Hon. the Colonial Secretary.

*Native Reserve in Cooper's Bay.* Colonial Secretary's Office, Auckland, 4th February, 1842.  
SIR,—

I have had the honour to receive and lay before the Governor your letter of the 13th ultimo, reporting that the Natives at the Thames are in the habit of locating themselves at Cooper's Bay when they visit the town, on allotments already purchased by private individuals, and proposing that Allotment No. 89 in that bay, which has not yet been sold, be reserved for the benefit of the aborigines for the following purposes, namely: First, as a location for them whilst on a visit to the Governor; secondly, as a site for a Native church, schoolhouse, and cemetery; thirdly, as a means of support of a Native school, the funds for which may be realized by leasing the remaining portion of the allotment.

## Suggestion approved.

Your proposition having been referred to the Surveyor-General, and his report being favourable, I have to inform you that His Excellency the Governor has been pleased to approve of your suggestion, and that that officer has been instructed on the subject. You will accordingly take early steps to carry into effect His Excellency's wishes on this head, and acquaint the Natives of the place assigned to them.

I have, &c.,

WILLOUGHBY SHORTLAND, Colonial Secretary.

The Chief Protector of Aborigines.

## No. 7. Mr. Commissioner HALSWELL to the Hon. the COLONIAL SECRETARY.

*Reports the Leasing of Barrett's Hotel.* Office of the Commissioner for the Management of Native Reserves, Wellington, 19th April, 1842.  
SIR,—

I have the honour to inform you that I have, with the concurrence of Mr. Hanson and Mr. Murphy, this day executed a lease for seven years of the house and premises known by the name of Barrett's Hotel, being part of a Native reserve, to Mr. Richard Barrett, at the annual rental of £54 5s., the rent to commence from the 24th day of June next, with a restrictive clause not to underlease or transfer without a written consent. The present tenant is to pay one year's back rent.

I have, &c.,

EDMUND HALSWELL, Commissioner for Native Reserves.

The Hon. the Colonial Secretary.

## Mr. Commissioner HALSWELL to the Hon. the COLONIAL SECRETARY.

*Respecting the Native Reserves.* Office for the Management of Native Reserves, Wellington, 5th July, 1842.  
SIR,—

I have the honour to forward you herewith, in a tin case, a chart of the Company's surveys in the Manawatu and Horowhenua country, showing the reserves which I have chosen for the Natives in those districts.

As I have already reported, I have made those selections from personal inspections of the land, and according to the express desire of the Natives in some instances; and in the absence of such expressed wish, always considering the relative value of the land, I have taken special care to secure for them their own cultivations and pas.

I receive from time to time applications from various persons to rent the reserves already set apart for the benefit of the Natives in this port and the neighbourhood, but the short term of lease has been at once objected to by the applicants, and has prevented my obtaining any tenants for the land.

The Natives continue to cultivate their own reserves, and are spreading their plantations in various directions. They are generally adopting the European mode of cultivation, and are very anxious to obtain such seeds and plants from the settlers as they have not yet met with. They are moreover very much disposed to imitate the white population in the fashion of their houses as well as gardens.

I have permitted in some instances respectable parties to cut wood on the reserves, on condition of their leaving for the Natives one-eighth of the sawn timber for their future use and benefit. I have reverted to this plan in order to protect as much as possible the timber on the reserves, for it is otherwise impossible in the present state of the colony to prevent depredations from being committed.

I have, &c.,

EDMUND HALSWELL, Commissioner for the Management of Native Affairs.

The Hon. the Colonial Secretary.

## Governor's Minute.

I will not admit of Native residences which do not appear to have been originally sold being reserved for the use of the aborigines. They must nevertheless be retained in their possession, and the Native reserves be selected independently. Where pas have been indisputably sold I have no objection to their being selected as reserves: indeed, on the contrary, I earnestly wish it to be done.

23rd July, 1842.  
W. H.

## No. 9. The Hon. the COLONIAL SECRETARY to the CHIEF PROTECTOR.

*Respecting the Reserves of the New Zealand Company.* Colonial Secretary's Office, Auckland, 26th July, 1842.  
SIR,—

In the formation of the 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 less than 15 nor more than 20 per cent 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 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 defraying the expenses of your establishment, should be vested in one set of trustees possessing the confidence of 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 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 settlements and districts from which they may respectively arise. Such an application of these funds under a board of management so constituted 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 trust into your hands; and they will, His Excellency feels assured, give you all the assistance and information in their power, with a view to its efficient execution.

I have, &c.,

WILLOUGHBY SHORTLAND.

George Clarke, Esq., Chief Protector.

## No. 10. The CHIEF PROTECTOR to the Hon the COLONIAL SECRETARY.

*Wellington.*—Appointment of Trustee, for Native Reserves. Protector's Office, 15th August, 1842.

SIR,—

I do myself the honour to acknowledge your letter of the 26th ultimo, appointing me as one of the trustees for the management of funds realized by the sale of Crown lands, and Native reserves as provided by the New Zealand Land Company, which trust I accept, and shall exert myself to promote Her Most Gracious Majesty's and the New Zealand Land Company's philanthropic plans for the aborigines of this country.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## **No. 11. The NEW ZEALAND COMPANY'S AGENT, New Plymouth, to Colonel WAKEFIELD.**

*Respecting, Management of Native Reserves.* New Plymouth, 22nd January, 1844.

SIR,—

The outrage committed by the Natives on Mr. Cooke's property suggests the necessity of applying to Her Majesty's Government not only for a military force sufficient to enable the Magistrates to keep the peace in this district, but for a judicious management of the Native reserves.

More than a twelvemonth has now elapsed since, at the request of the Bishop of New Zealand, I consented to act as deputy to Mr. St. Hill, agent for the trustees, in letting and superintending the Native property in Taranaki. Of course the service was to be performed gratuitously, and in no way to interfere with my duties as Company's agent. It appeared probable that the Company's interests and the operations of the settlers might be forwarded by my acting in the capacity above mentioned. I immediately let several Native sections on advantageous terms to respectable tenants; but, the Bishop having been misinformed that I had leased sections to Europeans which the Natives occupied or wished to occupy themselves, his Lordship wrote me an official letter, dated 5th April, 1843, requesting me to abstain from acting on behalf of the Native reserves in any ostensible manner, and stating also his desire that, in the matter of letting of their land, "the wishes of the Natives might in all cases be consulted." In my reply I set the Bishop right as to the fact of my not having let land against the wishes of the Natives. At the same time, I resolved not to interfere at all in the management of the Native reserves, perceiving that such interference might lead me into difficulty, and place me in a position improper for the Company's agent. In a letter dated 27th June, 1843, I signified this determination to the Bishop; and since that period I am not aware that any care has been taken of the Native property in Taranaki by any person, be he trustee, commissioner, or agent. In his letter of the 5th April, the Bishop informed me that "he had as yet received no other authority than the official letter of the late Governor, and that all agreements entered into by him, or agents under his authority, must be subject to the provisions of an Ordinance in Council hereafter to be enacted." I believe nothing has been done to cure the defect in the Bishop's powers, which is of itself sufficient to stop advantageous leasing of the reserves. I beg to refer you to my monthly report for November, 1843, wherein I mention the Bishop's expressed determination that the Native reserves should not be occupied by the aborigines, but be let for their benefit, and my protest against their occupation of other lands than their reserves; and I now request you to notice the apparent inconsistency of the Bishop's present plan with that adopted by him in his instructions to me of the 5th of April last, to the effect that the wishes of the Natives were always to be consulted as to the letting or occupation of their reserves.

As I have some reason to suspect that an incorrect representation of the value of the Native reserves in this settlement may be made to Her Majesty's Government, I should be much obliged by your assuring the Court of Directors—(1) That the Native reserves in the Taranaki. Block are amply sufficient, if judiciously managed,

both for the support of the *now* resident Native population, although recently their numbers have been much increased by returned slaves, and for the establishment and maintenance of schools, hospitals, &c.; (2) that the Native property has been neglected in a manner quite sufficient to account for its present unproductiveness; (3) that to the want of a proper management, and the interference of some officer qualified and duly authorized by Government to explain their real condition to the Natives, are mainly to be attributed such disturbances as have recently occurred at Mr. Cooke's.

I have, &c.,

J. T. WICKSTEED, Resident Agent for New Plymouth.

Colonel William Wakefield.

## No. 12. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Native Reserve recommended.* Protector's Office, Auckland, 22nd March, 1844.  
SIR,—

The Natives about Auckland are receiving deposits upon their lands with the expectation that His Excellency the Governor will ultimately sanction the sale of them. I have the honour to request that you will at your earliest convenience lay the subject of reserving to the Natives a tract of their own land under His Excellency's consideration, making such tract inalienable either to the Crown or to private individuals. The tract of country I would recommend to be immediately reserved in the belt of land belonging to the Ngatiwhatua Tribe lying between Tamaki and Auckland, having a frontage to Waitemata north, and also to Manukau south.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## No. 13. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.

*Wellington—Deficiency of Native Reserves.* Protector's Office, Auckland, 27th March, 1844.  
SIR,—

On referring to the New Zealand's Company's plan of the Town of Wellington and to the adjacent country sections, I observe that, instead of one-eleventh being reserved for Natives, as agreed upon by the directors of the New Zealand Company, there is not a twentieth reserved for them. I have the honour therefore to submit to you; for the consideration of His Excellency, that the deficiency should be supplied. As however it might be inconvenient for the Company's agent to make up the deficiency from the district already located, I submit that it should be made up from the new districts about being opened to emigrants for selection.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## **No. 14. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*Selection of Land for Patuone.* Protector's Office, Auckland, 22nd November, 1844.

SIR,—

At the special request of the chief Patuone, I have the honour to, inquire when it may be convenient to point out the piece of land promised him by His Excellency the Governor, on the north side of the Waitemata, as a residence for that chief during the time he wishes to spend at Auckland. Patuone is waiting in Auckland to accompany the surveyor, as per arrangement with His Excellency, to select an eligible situation for himself.

I have, &c.,

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

## **No. 15 Mr. SUB-PROTECTOR EDWARD Shortland to the CHIEF PROTECTOR.**

*Thames.*—*Land reserved from Sale sufficiently large.* Maketu, 27th January, 1845.

SIR,—

In answer to your letter, dated 26th November, 1844, desiring me to visit the chiefs Taraia, Te Awe, Hou, and others in the District of Hauraki, in order to ascertain what reserves they intend to make for themselves in their contemplated sales of land to Europeans, I have the honour to inform you that I reached Tararu on the 9th of January, when I found that the whole Native population had proceeded to Auckland to settle a dispute relating to the sale of land at Waiheke. At Opita, however, I found some Natives who were able to point out to me the land proposed for sale, which is situated chiefly on the west bank of the river, commencing a few miles above, Opita, and extending several miles south towards the Aroha Mountain. A very small piece was pointed out as offered for sale on the east bank of the river.

As in your letter you merely directed my attention to the inquiry whether sufficient reserves for the present and prospective wants have been made by the Natives, your knowledge of the district will, with this, information, satisfy you that they have amply provided for themselves by retaining the choicest and most extensive lands on the river. But there appears to me to be another question of equal importance to be determined, which is, whether the persons who offer this large extent of land for sale are in themselves competent to give the purchaser such a title as will insure undisturbed possession. This inquiry would, however,

necessarily occupy some time.

I have, &c.,

EDWARD SHORTLAND.

The Chief Protector of Aborigines, &c.

THE question of the cultivated lands reserved to the Natives of Port Nicholson and its vicinity is one of some difficulty.

The Government were pledged by an arrangement concluded with the Natives by Governor Fitzroy to secure to them all the pas, burial-places, and grounds actually in cultivation by the Natives: the limits of the pas to be the grounds fenced in around the Native houses or huts, including the ground in cultivation or occupation around the adjoining Native houses or huts without the fence; and the cultivations being those tracts of land which are now used by the Natives for vegetable productions, or which had been so used by any aboriginal natives of New Zealand since the establishment of the colony. This description was very vague; and, as the lands intended to be included in it were not at that time defined, it has now become almost impossible to tell whether many portions of land now in cultivation by the Natives, or which were formerly so, have been occupied by the Natives since the date of this arrangement with Governor Fitzroy, in which case they will of course have no title to them, or whether—though now retaining marks of having been under cultivation—they had ceased to be cultivated before the formation of the colony, in which case also they would be excluded from the class of lands contemplated by Governor Fitzroy. In short, it has become almost impossible to tell what lands were included in this agreement.

The Government have made an attempt to remedy this evil by directing that a survey should be made by Government officers of all portions of land which they regarded as being secured to the Natives by Governor Fitzroy's arrangement. This survey is probably very nearly completed; the amount of land included in it is estimated at about 380 acres, and in this quantity are, I believe, included all lands claimed by the Natives. These lands consist principally of cultivated grounds scattered in small patches of a few acres throughout sections owned by European proprietors, whose farms are in many instances rendered comparatively valueless by the isolated patches of cultivations which are dotted throughout them. As might be anticipated from the looseness of the original agreements and from the circumstance above stated, the settlers in many instances contend that the lands regarded by the Government surveyors as included within Governor Fitzroy's arrangement ought to be excluded from it.

The manner in which the Native reserves have been administered in Port Nicholson has somewhat contributed to increase the evils. I will point out presently in general terms the evils which I believe to have resulted from the mode in which lands were in the first instance reserved for the Natives; but, in addition to these general evils, the following ones peculiar to Port Nicholson will be found to exist: The Company's lands in that district were to a great extent sold to absentee proprietors, and to the present day are only to a very limited extent occupied by Europeans. At the first settlement of Port Nicholson by Europeans the Natives continued as before to cultivate where, and in each position to exactly what extent, they pleased. Those persons who were charged with the administration of the Native reserves were probably from this cause led to believe that as the Natives rarely occupied their reserves they did not require them for the purpose of cultivation or of residence. In this view they resolved to appropriate them for the purpose of raising a future revenue for the Natives, and they let some of the best of the reserves on very long leases to Europeans, who forthwith began to clear and make substantial improvements on them, and in some instances to sublet them. Hence, when, from the spread of European population over the country, the settlers began to require lands which they had purchased, and which were occupied by Natives, the Government found it impossible to put the Natives in possession of their reserves, without which they had no means of subsistence, unless they got rid of the tenants to whom they had been leased, by paying them enormous sums as compensation; and the Natives, having no other lands to go upon, sturdily retained possession of the spots they had occupied. This state of things produced the most serious evils, led to constant and violent disputes between the Europeans and Natives, prevented the progress of the settlement, and afforded a constant ground of dispute between two races of people who could most materially assist each other, and who have positively no other ground whatever of jealousy or difference between them.

The mode by which I have hitherto endeavoured to get rid of this difficulty has been as follows: To ascertain exactly what lands the Natives are entitled to. If they are in possession of lands the *bonâ fide* property of settlers, as there have been no reserves at my disposals which the Natives could be placed, I have purchased,

at the expense of the Government, lands for them, selected by themselves, and of such extent and quality as to render them good and obedient citizens by giving them a valuable and permanent interest in the prosperity of the country; and, having made over these lands to them, I required them to surrender to Europeans the properties to which they were justly entitled.

I proposed in the same manner, in dealing with the question of the other Native cultivations required by Europeans, to inquire in all instances whether the Natives had sufficient lands for their wants, exclusive of those required by the Europeans: if they had, I would encourage them to sell to the Europeans at a moderate price those portions of their cultivations which interfered with the operations of the European settler, and I believe the Natives would in almost every instance gladly accede to an arrangement of this kind.

If the Natives had not sufficient land for their wants exclusive of that portion of their cultivations which may be required by the settler. I would recommend that the settler or Company should be required to pay the Government such sums as Colonel McCleverty may think proper, and that he should thereupon recommend the Government to purchase for the Natives some portions of land selected by themselves. And it would be essential that every exchange of this kind should be one which is rather advantageous to the Natives than otherwise, not only for the purpose of securing their immediate and cheerful acquiescence in the exchange, but with a view to secure, together with their comfort, their attachment to the form of government under which they live. Such an arrangement can be only carried out by an immediate expenditure for the purchase of the requisite lands on the part of the Government. If such an expenditure were never to be refunded I should feel justified in incurring it. A settlement of this vexatious question, by restoring tranquillity and the confidence of the Natives, will save a large military and naval expenditure, and will extensively promote an internal production and commerce: but the fact is, besides producing these advantages, the expense incurred may very soon be refunded to the Government from the sale of some of the Native reserves. It may be said, in fact, that the Native reserves are at present in a great measure unavailable to the Native population, either from their being leased to Europeans, from their ineligible position, or from the soil not being adapted to the mode of husbandry at present pursued by the Natives. In lieu, therefore, of these at present unavailable reserves, the Government is about to put them in possession of lands adapted to their wants—in other words, to exchange certain lands for reserves which will consequently not be needed for the future wants of the Native population and will ultimately form a source from whence the Government may reimburse itself for the expenditure at present incurred. I have only to add that much will depend in the settlement of this difficult question upon judicious management: it would be better in the first instance only to deal with those cases in which lands under cultivation by Natives, or claimed by them under Governor Fitzroy's agreement, are required by European settlers. By thus dealing with individual cases upon their own merits, and only taking cases from time to time as the Europeans require the land, there will be much less probability of creating any combination amongst the Natives, or extortionate demands from them. But what at once should be settled is, what lands are included in Governor Fitzroy's arrangement: these should at once be defined and surveyed, and the question having been thus once arranged, no fresh claims should ever hereafter be entertained.

## Wairau District.

With regard to the purchase of the Wairau District from the Natives, it appears unnecessary to make any lengthened observations. As Colonel McCleverty will soon make himself master of more information on this subject than is possessed by any other man, it may be sufficient to say, generally, that a very great benefit will be conferred upon the colony by the prompt and immediate settlement of this question.

It will be desirable, before entering into any negotiation upon the subject, to ascertain the exact number of Natives at present inhabiting the district, the extent of land they have under cultivation, and whether any portion of the Ngatitua Tribe are likely to remove from Porirua to that district, and then take the necessary precaution for securing to the Native inhabitants blocks of land in continued localities of sufficient extent to provide for the wants of the probable Native population.

I think it proper to observe, generally, that the system of Native reserves, as laid down by the New Zealand Company, although an admirable means of providing for the future wants of the aborigines, is in some respects insufficient for their present wants, and ill adapted to their existing notions. It will be found necessary in all instances to secure to the Natives, in addition to any reserves made for them by the New Zealand Company, their cultivations as well as convenient blocks of land for the purpose of future cultivation in such localities as they may select themselves.

Many chiefs feel a great repugnance to go upon lands belonging to other persons, if their reserves should be selected in such situations; in other instances Natives belonging to a weaker tribe are afraid to venture upon lands belonging to others if their reserves may be selected there; and they naturally generally feel under all



circumstances the greatest repugnance to quit their villages and cultivated lands, many of which have been cleared at a large expense of time and labour: indeed, I am satisfied that it will be in many instances impossible to induce them to do this, except at a considerable sacrifice of life.

I therefore earnestly recommend Colonel McCleverty in no single instance to sanction the purchase of any large district of land without seeing that the cultivated grounds and portions of land in the vicinity of them for future cultivations are reserved to the Natives. The judicious exercise of his discretion on this subject will do more towards preserving the future tranquillity of the country than any other precautionary measure with which I am acquainted.

## Nelson District.

In reference to the objection raised by the New Zealand Company to the grant of land which has been offered to them in the Nelson District—viz., that it excepts any portions of land within any of the lands described in the grant to which private claimants or any claimant may have already proved or may hereafter prove that they or any of them had a valid claim prior to the purchase of the New Zealand Company—I think that Colonel McCleverty should ascertain what claims have already been preferred to such portions of these lands. These claims should be allowed or disallowed, and the exceptions complained of should be limited to such claims as may upon inquiry be found to be valid and just; that the inquiry should strictly be confined to such claims as have already been preferred.

I do not think that claims which might now be made after a large body of European settlers have been for so many years in possession of the land should be allowed to operate for their detriment. If such claimants should show that they are entitled to the consideration of the Government I think that compensation should be given them in the shape of grants to land in other localities, or in such other form as might be found most convenient.

Another general observation which I would make is that in all instances where it is arranged that certain portions of land are to be assigned to particular bodies of Natives Colonel McCleverty should see that they are furnished with accurate plans and descriptions of the boundaries of these tracts of land, and that when those are handed over to them they should sign a receipt stating that their claims to land have all been satisfied, even in cases of disputed boundaries between different tribes of Natives. It would be a wise measure of precaution to recommend the Natives to allow the Government to settle disputed boundaries, and to issue to the claimants confirmatory grants to their lands, so that no dispute regarding their title might hereafter arise.

I have found the Natives generally desirous of receiving such descriptive grants from the Government, and, as all these grants could be registered in the Survey Office, the Native population might thus gradually be brought in a great measure to register their claims to land, and to feel that the holding a positive grant from the Crown was the best guarantee and title they could obtain. The Government would be enabled to ascertain the portions of country to which the Natives had valid claims and those portions which might be regarded as lands belonging to the Crown.

I have only further to add that Colonel McCleverty will find that about seventy claims to land in the Middle Island have been made and gazetted, but have never yet been investigated. It is a matter of great importance that these claims should be heard and reported on with as little delay as possible, and if no objection should exist to Colonel McCleverty hearing and report on all of these claims he will render a great service to the Government by so doing: if, however, he should see any objection to his adopting this course, and will report the same to me, I will lose no time in despatching the Surveyor-General to the South, for the purpose of hearing such claims as Colonel McCleverty may not think fit to dispose of.

I have, &c.,

G. GREY.

14th September, 1846.

## No. 17. Lieut.-Colonel McCLEVERTY to His Excellency Governor GREY.

*Respecting the Settlement of the Native Reserve at Te Aro.* Wellington, 17th February, 1847.  
SIR,—

I have to report to your Excellency that I have been engaged lately in endeavouring to arrange the Port Nicholson question of Native cultivations; but I am apprehensive, from a conversation I had with Colonel Wakefield on the 4th of this month, that any arrangement with respect to the removal of Natives from cultivations on country sections belonging to Europeans will not be final as to the difficulties attendant on the question of the Port Nicholson grant.

From that conversation, I understood that Colonel Wakefield would not advise the acceptance of a grant unless the Natives at Te Aro are either obliged, or their acquiescence purchased, to relinquish their pa at the head of the bay, which occupies the site of the intended Customhouse, and two town sections purchased by settlers. I therefore conceive it will be necessary to ascertain at once all the objections on the part of Colonel Wakefield to the grant under Mr. Spain's award, in order to obtain their removal, if possible, with the acquiescence of the Natives: to no other course can I give my assistance without a willing concession by them, and, should that be obtained, the sum required to purchase it would far exceed that which I could recommend to your Excellency.

I have, &c.,

W. MCCLEVERTY, Lieut.-Colonel.

His Excellency Governor Grey.

## **Copy of a DESPATCH from Governor Grey to the Right Hon. Earl Grey.**

*Wellington.—Transmitting Report of Commissioner McCleverty on Conflicting Claims to Land of Europeans and Natives.* Government House, Auckland, 21st April, 1847.  
MY LORD,—

I have the honour to transmit a report on the subject of conflicting claims of Europeans and Natives to certain portions of land, which I received upon the 8th instant from Lieut. Colonel McCleverty, who was sent out by Her Majesty's Government for the purpose of adjusting these land claims. The following is a summary of the most important subjects and recommendations contained in that officer's report. Lieut.-Colonel McCleverty estimates the number of Natives inhabiting the Harbour of Port Nicholson as 633, including women and children; whilst the quantity of land they have under cultivation amounts to 639 acres, which is estimated to be not more than sufficient for their wants, reference being had to their imperfect mode of agriculture: 528 acres of the above quantity of land are on sections which have been sold by the New Zealand Company to Europeans. The Native cultivations upon sections claimed by Europeans are generally in small patches of a very irregular form. They thus decrease the value of the farm of the European, as he would find it more difficult and expensive to cultivate his land, especially to fence his irregular boundary. The Europeans and Natives equally consider themselves entitled to these cultivations; they form a subject of frequent dispute, which it is most desirable to adjust. This, however, can only be done by procuring for the Native land which is equally suitable for his purposes with that which he gives up; and it must here be borne in mind that the present cultivations of the Natives have been chosen by them as being on good land, and of a suitable aspect, and in situations easy of access from their places of abode.

Lieut.-Colonel McCleverty calculates that at least twelve sections of land, of a hundred acres each, would be required to compensate the Natives for the land it is desirable they should give up. But, to make an arrangement which would be a permanent one, he remarks that a larger extent of land would have to be

provided, because the Natives do not understand the rotation of crops, and therefore wear out their land in three or four years, and are then obliged to occupy new land.

Lieut.-Colonel McCleverty also remarks that, the Port Nicholson District not belonging to the Government, they have no land there applicable to the contemplated purpose, and that this renders it nearly impossible to put the Natives in possession of the land requisite to effect an equitable exchange, without purchasing it from Europeans. The Government has already been compelled to purchase two sections of land for the purpose of meeting the wants of the Natives, at an average price of £375 for each section. Assuming, therefore, that in order to obtain the land required from the Natives it was only necessary to purchase two-thirds of the quantity named by Lieut.-Colonel McCleverty (*viz.*, eight sections), the sum of about £3,000 would have to be at once provided for this purpose. It however also appears, from Lieut.-Colonel McCleverty's report, that it may be probably found impracticable to purchase the required land, for but few of the resident settlers will sell their land, and much of the land belongs to absentees, whose agents are generally only empowered to let land, rarely to sell it.

Lieut.-Colonel McCleverty proposes the following partial remedies for the difficulties above detailed:—1. He recommends that a portion of the Town Belt, which was estimated originally to contain 800 acres, but which, he thinks, really contains about a thousand acres, should be given in exchange to the Natives for such of their cultivations on European settlers' sections as they may be disposed to exchange in this manner.

I believe that many of the inhabitants of Port Nicholson object to such exchanges being made, on the ground that they bought their town land on the understanding that the Town Belt was to be reserved for the use of the inhabitants of the town for the purposes of health, recreation, and the like; and that the Town Belt also separated the country lands from the town, and thus secured as it were a certain value to the town land, by preventing the town from being extended beyond certain limits. For these and similar reasons they think that any diversion of the Town Belt from the purposes originally contemplated will be a breach of contract, and will injure the value of their town property. I feel great regret at being compelled to act contrary to wishes urged on such reasonable grounds; but the answer to the above objections appears to be that the Commissioner appointed to inquire into the land claims disallowed the original Port Nicholson purchase, and, whilst thus not admitting the rights claimed by the purchasers, he at the same time gave the Natives certain rights, which must be respected; and that the necessity of the case also compels me to approve of this recommendation; which is indeed in conformity with my original instructions to Lieut.-Colonel McCleverty.

As, however, the surrender of patches of the Town Belt to the Natives will only suffice to procure a very small portion of the Native cultivations claimed by Europeans, Lieut.-Colonel McCleverty makes the following further recommendation, *viz.*, that; as many of the settlers' sections which have been cultivated by the Natives have been cleared by them to a valuable extent, an average value per acre, for the benefit accruing from this clearing, should be paid to the Government by the settlers, or the New Zealand Company, on the European claimant being put in possession of the Native cultivations; the money thus obtained being intended to form a fund for the purchase of the additional land required by the Natives. In as far as the settlers are concerned, I could not, now that I am fully acquainted with the circumstances of the country, recommend the adoption of such an arrangement. I find that the settlers regard the number of years during which they have been kept out of possession of the portions of sections occupied by the Natives as a loss which is by no means compensated for by their having this land now given to them cleared; and I am now apprehensive, from discussions which have recently arisen, that they might on such terms refuse to receive their sections from the Company, and thus one object contemplated in the attempt to arrange this question of Native cultivation, *viz.*, to enable the Company to fulfil their engagements with the settlers, would be defeated. The other question raised in Lieut.-Colonel McCleverty's report, *viz.*, whether the New Zealand Company should be required to pay for the cultivations obtained from the Natives and given up to their settlers, is a question which can be arranged between the Government and the New Zealand Company when Lieut.-Colonel McCleverty's final report is received.

Another point raised by Lieut.-Colonel McCleverty is that the sections allotted to their purchasers by the New Zealand Company contain, instead of 100 acres, generally from 110 to 120 each, and sometimes as many as 130 acres. In this case, I think that the Crown has no right to interfere with the surplus, because Mr. Commissioner Spain's award was that a certain district containing so many sections should be granted to the Company, but that all Native cultivations should be excluded from the grant. I think, therefore, that the grant to the Company, although estimated to contain so many acres, had reference really to a certain district, containing so many sections, the exterior boundary-lines of which were the boundary-lines of the district. The question raised by Lieut.-Colonel McCleverty appears, therefore, to be rather a question between the Company and their settlers than between the Government and the Company.

Upon the whole there appears to be nothing contained in the enclosed report from Lieut.-Colonel McCleverty which should induce me, until I have been made acquainted with the pleasure of Her Majesty's Government on this subject, in any way to modify the instructions which I issued to that officer upon the 14th

September last, a copy of which I transmitted to your Lordship's predecessor in my Despatch No. 89, of the same date.

I have, &c.,

G. GREY.

The Right Hon. Earl Grey.

## REPORT ON PORT NICHOLSON CULTIVATIONS.

*Report of Lieut.-Colonel McCleverty on the Wellington Native Reserves.* Wellington.

SIR,—

According to your Excellency's wish, I will endeavour to describe some of the principal difficulties attendant on the settlement of the question of cultivations, occupied by Natives, on sections purchased by settlers from the New Zealand Company in the Port Nicholson District.

I am not prepared to assert that the whole of the lands now under cultivation by Natives were so at the date of Captain Fitzroy's arrangement, viz., January 29th, 1844, or had been so cultivated by them since the establishment of the colony, though at that immediate date discontinued. It would be a task nearly amounting to an impossibility to ascertain what was not included in the above arrangement and is now in cultivation, if such do exist, of which I have little doubt, for the parties from whom evidence can be obtained are so self-interested on one side or the other that the evidence would be most contradictory. It must be remembered that in many cases the sections are the property of absentees, and are let to industrious persons of the working and labouring classes, at a low or often a peppercorn rent, to encourage the clearing of the land, and these would gladly include in these nominally free leases those portions that have been cleared by the Natives, thus saving an expense to themselves and engaging the ready concurrence of the interested landlord.

The Natives, I have little doubt, have encroached, though I think to no great extent. The quantity of land now in cultivation, or which bears recent marks of it—taken in proportion to the Native population, viz., 639 acres to 633 people, children included (or one acre each), their mode of cultivation, their usual habits and wants—is not so disproportionate, nor more than was required by them at the time of the arrival of the first settlers, and from this I infer that the encroachments are of no great amount; but these even might have been prevented, by the issue of plans on which boundaries were defined, the originals to have been kept in a register or other office and copies given to the Natives.

From inquiry amongst some of the settlers (English) of the labouring classes, and who have Natives on land in their vicinity, from which they are anxious that they should be removed, and which is corroborated by others who have an opportunity of judging, the aborigines, from their mode of cultivation, require more land for their individual support than an equal number of Europeans.

The Natives have at present about 528 acres cleared on sections of European settlers, and which either now are and were under cultivation, or were so in the interval between the settlement of the colony and Captain Fitzroy's arrangement, according to the statements of the aborigines. To induce them willingly to relinquish these cultivations, to the greater portion of which they now lay a just claim, it will be necessary to obtain for them an equivalent in land, not in equal quantity, but in blocks of land which would contain a number of acres at least equal in quantity and quality to what they relinquish, and in situations equally easy of access from their places of abode: all this is most difficult to attain.

In considering the question of these lands I must confine myself to their present wants and modes of cultivation: a deviation from the latter must be a work of time and gradual improvement in civilization in the Native race, to obviate their wants as to the quantity of land required.

If the Natives do not obtain land in the immediate vicinity of Port Nicholson, many say—and there may be no great cause to doubt them—that they will migrate to Taranaki, thus increasing the difficulty attached to the settlement of New Plymouth, which it would be better to avoid. The Natives resident at Port Nicholson are all of the Ngatiawa Tribe, with a small exception of the Ngatiruanui, amalgamated with the former at Te Aro: they

have the choice between Port Nicholson and Taranaki, from whence they emigrated in 1834, consequent on their conquest by the Waikatos. These are the only places on the Northern Island whereon they can locate, and by a migration to Taranaki we get rid of a difficulty at one place with some show of injustice on our part, only to expose ourselves to one equally troublesome at the other. A question may fairly be asked, "Should we be acting with good faith to those who have been to some extent faithful and vigilant allies to us in the late rebellion in not settling the land question here and obliging them to seek lands at a distance?" thus alienating them from us and increasing our difficulties elsewhere by that alienation.

I now return to their cultivations in Port Nicholson, supposing no emigration to Taranaki takes place, as well as the quantity of land available for cultivation in the Native reserves according to Mr. Fitzgerald's report, and the population of each pa in the district, as near as it can be obtained. The roads now being completed towards Porirua and the Upper Hutt may remove some part of these difficulties, more particularly as an outlay of money of no great amount expended in purchasing the claims of English settlers on Native reserves (about £175) would place at disposal a block of land of 300 acres, in three contiguous sections, nearly the whole of which is available for Native cultivation. These sections, Nos. 7, 8, and 9, are Native reserves, and the road to Porirua passes through the block, dividing it into two equal portions.

## **Population of the Harbour of Port Nicholson.**

### **Cultivations at Port Nicholson, and Quantity available on Native Reserves, for the above population.**

### **Cultivations at Port Nicholson, exclusive of the above.**

One of the greatest difficulties arises from the imperfect mode of Native cultivation: not understanding a succession of crops, they wear out their land in three or four years, and sometimes less, and are then obliged to seek for and clear land elsewhere: hence many of their cultivations are now worn out and unfit for their uses, but they are unwilling to relinquish them without having others; and I should fear the same results for a few years, unless lands more than sufficient for their present use were procured. Land may hereafter, within a short period, increase in value in this neighbourhood, but it will gradually fall below its present price. It will be found that, under the protective influence of peace, the extension of civilization and agricultural knowledge, the gradual development of their own power, and the resources of the land, the Natives will be enabled in most, nay, they are already able in some cases, to undersell the European agriculturist. The Maoris will prefer working, as an union, for their own tribe, for lower wages, and in adaptation of their notions, rather than for the English farmer, whose hire of English labour being exorbitantly high, he will be unable as an agriculturist to compete with his Native neighbour. The cultivators are mostly on settlers' sections, and in the immediate neighbourhood of Port. Nicholson, in patches scattered throughout. One block or patch consists of portions on two sections (Nos. 28 and 29) in the Karori District, one in the Ohiro (No. 10), one in the Upper Kaiwharawhara (No. 1), and a small portion of the Town Belt, comprising in all 101 acres. In the Karori District, where there is no Native reserve, there are also thirty-one acres on settlers' sections; and in the adjoining district, Ohiro, there are four reserves, containing thirty acres of available land, and 158 acres on settlers' lands, of which 109 acres are in one block. There is another block of 100 acres, with slight intervals cultivated by the Pipitea, Ngauranga, and Waiwhetu Natives, also on settlers' sections in the Harbour District.

The Natives almost invariably choose land on hilly situations having an eastern aspect: thus in many cases sections would not be available to them under their present system of cultivation, and therefore, where a western aspect predominates, more than half the section would be valueless. It must be borne in mind that all the present cultivations are composed of good land, suitable, from aspect, &c., for their wants, and chosen on that account.

The reserves, consisting of 3,800 acres; and a block of 500 acres, have an average proportion of 1,530 acres

of cultivable land, according to the Government Surveyor's report. It has been said that the surveyor appointed by the Company reported that about 1,800 might be so included. Assuming the higher number, this quantity is insufficient for the wants of those in the immediate neighbourhood of Wellington (exclusive of Tiakiwai), amounting to 633 inhabitants, added to those scattered in smaller settlements on the shore, at Ohiro, Waiariki, Oteranga, Ohariu, &c.; many of these reserves are at too great a distance.

Supposing that even half of each section on an average were good land, but that it is hilly, having equal portions of aspect west and east, it follows that one-fourth only will be considered valuable by the Native until he learns a better mode of cultivation, to be acquired in time. In many cases a section of a hundred acres of good land will only yield the Native fifty available for his cultivation. Generally speaking, at the very least, to compensate for the 580 acres now under cultivation by the Natives on settlers' sections, twelve sections of a hundred acres would be required in exchange. The Natives occupying the eastern would not prevent the European from tilling the western faces of the hills. But a difficulty again arises in the separation of the section, as to the irregular outline of the boundary, and which is at present so strongly illustrated. Take the cultivations in the Karori and Ohiro districts, and they will be found, nearly without exception, with an eastern aspect; also at Kaiwhara; the same again towards Pitone, where they occupy the flat land on the tops of the hills; the absence of cultivations on the Lowry Bay side of the bay, extending to the hills on the left bank of the River Hutt, and which have a westerly aspect.

There is another difficulty: to obtain blocks of land in suitable situations within a reasonable distance of the town. The Natives naturally complain that, if they give up their cultivations in the immediate vicinity of the town for others situated at a greater distance, the expense of time and labour to reach the port with their produce will be greater. At a cursory glance at the map it will be seen that the land within a reasonable distance of the town is altogether in the hands of Europeans, rendering it nearly impossible to put the Natives in possession of land without a purchase from the white people near the town or public roads, or on the very few Native reserves which may be equally well situated.

Most sections allotted to Europeans contain from 110 to 120 acres each, even in some cases 130, though the land order is only for 100, and is thus accounted for in the Crown grant to the Company; and in few cases do the Native cultivations exceed on any one section twenty acres: the general average may be five. The difficulty might to a certain extent be got rid of by confining the settler to his 100-acre section and giving the Natives the excess above it; but such an award would hardly be equitable to the European cultivator, to take advantage of the liberality of the New Zealand Company. As the clearings of the Natives, from their irregular form, would render the farm of less value to the English farmer, he would have more difficulty in tillage and an increased expense in fencing the boundary. Yet the absentee, provided he could obtain his 100 acres in one block, could not complain of being confined to his just claim of purchase, particularly when not removed from the locality of his choice.

Absenteeism is a perplexity. In many cases there is no ostensible agent. The absent owner may repudiate the sale if the agent is not properly accredited with full powers of attorney to sell. In general the only power granted is to lease, in many cases for a peppercorn rent, at a definite period a small pecuniary rent, which is gradually increased. If land becomes of increased value, from local causes or arrangements by the Home Government, those whose agents have sold may repudiate the sale unless an additional sum is paid. And during the lapse of time and different references the land may be cleared for the settler, he may be willing to pay an equitable sum for the portion cleared, but the Native will be driven to seek land elsewhere, and increasing that feeling of distrust which at the present moment is on the decrease generally.

In some cases property is held in common between individuals of different pas at distances from each other. For instance, the Natives at Pipitea have cultivations on the Hutt, near the bridge, in partnership with some of the Waiwhetu Natives, and also near Te Aro, with some of that portion of the tribe at Te Aro.

Some portions of the Town Belt, in patches amounting in all to about sixty-two acres, are under cultivation by Natives of the Pipitea, Kumutoto, and Te Aro Pas, in which they have been guaranteed by Captain Fitzroy's arrangement; and, with the great difficulty to obtain land in good situations, I would respectfully suggest that more of the Town Belt should be so relinquished to them, to an amount not exceeding (exclusive of that before guaranteed) 150 acres, furnishing them with plans to check future encroachments. They will also receive copies of plans of their town reserves whereon they have cultivations, and which might also be guaranteed to them as cultivations, in conjunction with these portions of the Town Belt; the originals of these plans, certified to by an officer of the Survey Department, with the signatures of the accepting parties and Government officers or others as witnesses, to be retained in the Survey Office; and I propose the same attention to plans, and duplicates of the same, with respect to the country cultivations of the Port Nicholson Natives, and to recommend the same in all future purchases from the Natives.

In recommending a portion of the Town Belt (in the whole said to contain 800 acres, but which, on measurement, I believe will contain upwards of 1,000 acres) to be given to the Natives in exchange for other

lands required for the settlers, which have been purchased by them from the New Zealand Company, I merely recommend an extension of the occupancy which they hold under Captain Fitzroy's arrangement of the 29th January, 1844, and in the belief that the Town Belt is to be considered as waste land and belonging to the Crown. In this I have been guided by the grant to the New Zealand Company of the Port Nicholson district and the description thereto, in which no allusion is made to the Town Belt or unsurveyed lands within the limits of that grant. The area is 209,372 acres within the boundaries, part of which only, namely, 71,900 acres, are surveyed by and granted to the Company, accepted by that body, and acknowledged hitherto as part of 1,300,000 acres granted by Lord Stanley in liquidation of expenditure, &c.

An objection is raised by the principal agent of the company, not to the quantity granted within the boundaries of the Port Nicholson District, but as to its distribution in favour of certain bodies of Natives on settlers' sections and the Town Belt; the 71,900 acres are defined, viz., 70,800 acres of country sections of 100 acres each, and 1,100 town sections of one acre each, and in which the Town Belt is not included. I conceive the balance, viz., 137,472, includes the Town Belt and other unsurveyed lands as waste and pertaining to the Crown; more particularly as Lord Stanley, in a letter dated November, 1842 (*vide* Report of the Committee, 1844), declined to submit for confirmation the Ordinance to provide for the Establishment and Regulation of Municipal Corporations, objecting to certain clauses—amongst others, to the 7th, which excepts all " Crown reserves, Native reserves, and allotments sold or intended to be sold to private persons, and marked accordingly," from the land to be vested in the Municipal Corporation, which extends to a diameter of fourteen or radius of seven miles, and therefore might include an area of 154 square miles nearly.

The vested interest of a Municipal Corporation in all portions of the above 137,472 acres, included within a radius of seven miles of the Town of Wellington, would include the Town Belt; and this, I conceive, is not intended by Her Majesty's Government. I therefore recommend the appliance of part of the Town Belt, as waste land, to a purpose that may remove a part of the difficulties attendant on the settlement of Port Nicholson, now for so many years a desideratum.

Many of the settlers' sections that have been cultivated by the Natives have been cleared to a valuable extent. I would suggest that an average value per acre should be paid by the settler or Company on being put in possession by Government of these portions.

I have, &c.,

W. A. MCCLEVERTY, Lieut.-Colonel.

## No. 19.FINAL REPORT on the PORT NICHOLSON DISTRICT.

Wellington, 20th November, 1847.

SIR,—

I have the honour to transmit to your Excellency four forms, completed. The two first—A and B—are in compliance with your wishes, expressed to the following effect, in your letter dated the 21st October, 1847: "But the object he [the principal agent of the New Zealand Company] has in view would, I apprehend, be better attained by stating what are the portions of the area comprised within the whole block *claimed by the Company* which cannot be granted, but must remain excepted or reserved either for the Natives, or for public services, or because some dispute is involved as to the right European ownership of them..... It will be necessary that an accurate list of all lands which, for any of the reasons I have stated, cannot be included in the grant should be drawn up and recorded." The last two forms—C and D—serve to elucidate the cause of lands in unsurveyed districts, and on the Town Belt, being extended in quantity to the Natives beyond what they originally possessed.

Form A exhibits the lands excepted and reserved to the Town of Wellington and Town Belt, arranged in columns under the heads and purposes to which the lands are to be applied and reserved. Form B exhibits the lands excepted and reserved within the block of the Port Nicholson District exclusive of those enumerated in Form A, but similarly arranged; the boundaries of those on unsurveyed lands are stated on the reverse side of it.

Form C shows the total quantity, where and how situated, of lands under cultivation belonging to the Natives of Port Nicholson previous to the arrangement under which the various portions as shown in Form D are disposed of. Form D shows the quantity of land on settlers' sections in fifty-four distinct patches. These are relinquished with the exception of 109½ acres on sections 7, 8, and 9, Harbour District, as shown by the note. By the deeds in the Government Survey Office, the Natives relinquish all cultivations on settlers' sections, with the above 109½ acres, as shown in Form B, column 5. Certain pas are reserved. I would remark that the 576 acres cultivated by the Natives of the Harbour of Port Nicholson and of Ohariu, on settlers' sections alone, are scattered over fifty-four separate cultivations, of most irregular form and various sizes, as shown in Form D.

The Natives of Ngauranga positively refused to give up on any account the cultivations and gardens around the Port, amounting to 109½ acres, on sections 7, 8, and 9.....

The four large blocks at Orongorongo, Parangarau, Te Korokoro, and Ohariu, are all on unsurveyed land, and may appear large in extent, but in reality they possess little land available for cultivation, particularly those at Orongorongo and Parangarau; nearly one-half of the former is not within the area of the block of the Port Nicholson Grant, being east of the Turakirai Range. On the block at Parangarau and Wainuiomata the Pitone Natives have eel-ponds, extensive cultivations, and other vegetable productions; both this and the block at Orongorongo are used as fishing stations. The block at Te Korokoro is near the Pitone Pa, the Natives of which have one or more cultivations in the centre of it, and of irregular shape. The block at Ohariu comprises 121 acres on nineteen different scattered irregular-shaped gardens, already in use. The boundaries of that block are defined....

More than 1,300 acres of the Town Belt still remain for public purposes. The Natives originally had sixty-two acres under cultivation at the time of the arrangement in January, 1844, and with Governor Grey's sanction now increased to 219 acres, it has much assisted in the removal of other difficulties.

There are several smaller settlements on the coast between Cape Terawhiti and Ohariu, and from thence up to Te Arataua, such as Waiariki, Otuongo, Ohau, Te Kaniru, Opau, and Pipinui: with the exception of Ohariu, none of these pas, small in population, have cultivations on settlers' sections; they are wholly on unsurveyed land, and I would suggest, as the large block unsurveyed, which comprises these lands, has not been allotted to settlers as stated in the heading of Form B, that the New Zealand Company should appoint a surveyor in co-operation with one on the part of Government to survey and define the present cultivations, as well as the convenient blocks of lands, for the purpose of future cultivations in such localities as the Natives may select themselves.....

W. A. McCLEVERTY.

His Excellency Lieutenant-Governor Eyre.

## His Excellency Lieutenant-Governor EYRE to Lieut. Colonel McCLEVERTY.

*Crown Grant to be issued subject to Native Reserves.* Government House, Wellington, 2nd December, 1847.  
SIR,—

I have the honour to inform you that Colonel Wakefield has signified his intention to me of accepting, on behalf of the New Zealand Company, a Crown grant for that portion of the Port Nicholson claim which is comprised within the limits of the *surveyed lands*, subject to the exceptions and reservations marked in Schedules A and B of the returns forwarded as enclosures to your report. There is one alteration, however, to which on behalf of the Crown I have consented, viz., the withdrawal of No. 2 from the exceptions enumerated in Schedule A. This being an acre in the town upon which the Company have buildings, and have expended a considerable sum, Colonel Wakefield is anxious to retain it on their behalf. There is also a settlers' section at Ngauranga, out of which a Native cultivation of about 23½ acres is included among the reservations specified in the schedules: this Colonel Wakefield thinks he can arrange the purchase of with the Native owners, and I have consented to his doing so, under your sanction. It must, however, be returned among the exceptions until the adjustment is completed.



Having received from Colonel Wakefield duly-certified copies of the maps constructed from the Company's surveys, I should feel obliged by your directing a careful examination and comparison to be instituted between them and the maps used in completing the schedules. If corresponding, I shall feel obliged by your affording the Crown Solicitor the necessary information to enable him to prepare the Crown grant, and I will refer him to you for the purpose.

I cannot close this despatch without congratulating you upon the successful issue to which by your exertions you have brought this most difficult question, and thanking you for the zealous, able, and persevering manner in which the important duty confided to you has been discharged—a feeling which I am happy to say is fully participated in by the New Zealand Company's principal agent, who, in the latter part of a letter accepting the grant as offered to him, says: "I cannot conclude this communication without the expression of my full approbation of the manner in which Colonel McCleverty has overcome in this instance the difficulties of the mission with which he is intrusted."

E. J. EYRE.

Lieut.-Colonel McCleverty.

## **Memorandum by Commissioner McCleverty.**

THE Crown grants for Port Nicholson and Porirua give absolutely 209,000 and 68,000 acres to the New Zealand Company. Boundaries on the land side are undefined, except as an irregularly-dotted line. The plans and correspondence show that the whole areas of the blocks were not intended to be vested in the Company, the Native title not being extinguished to certain portions of the blocks. The original Crown grants, with the plans attached, are in the possession of Mr. Kelham.

W. A. MCCLEVERTY.  
29th December, 1855.

## **No. 21. The Hon. the COLONIAL SECRETARY to the NATIVE RESERVE COMMISSIONERS.**

*Condition upon which Native Reserves can be let or sold.* Colonial Secretary's Office, Wellington, 6th October, 1848

GENTLEMEN,—

Frequent applications having been made by Natives to let or sell lands which have been set apart for them, and are in their possession, on the ground that some of these are not required for their own use, and that others are not suitable, whilst by parting with them they may obtain the means of buying lands better adapted to their wants, I am instructed by His Excellency the Lieutenant-Governor to inform you that the Government are willing to accede to their wishes and allow of their either letting or selling lands which are in their possession, subject to the following conditions: First, that the Government is satisfied that the land proposed to be parted with is not necessary for themselves; secondly, that the arrangements or terms to be made are such as meet the approval of Government; thirdly, that all money received for lands sold shall be paid to the Government and reinvested in such lands elsewhere as the Natives may desire to have, instead of those sold; fourthly, that leases be made for short periods only, and due security given for punctual payments of the rents, which maybe received by the Natives themselves.

The Government being anxious to facilitate exchanges of land or other arrangements with regard to land, likely to be really advantageous to the Natives, His Excellency will feel obliged by your undertaking the general superintendence and direction of any such transactions upon the principles laid down in the foregoing conditions.

The Lieutenant-Governor would suggest that, where Natives wish to sell or let their lands, they should communicate with the Native Secretary, whose duty it would be to ascertain what lands they wish to part with, upon what terms, and the names of the parties desirous of taking them; also the locality, quantity, and cost of the lands (if any) they wish to purchase elsewhere. These particulars should then be laid before the Board in writing, and they can then advise whether the application should be sanctioned, and, if so, whether the terms of the proposed arrangement are considered equitable and just. This having been decided, it would probably be better to give public notice in the *Gazette*, especially in cases of sale, that the lands were open for disposal; and it might even be more desirable to permit them to be sold by public auction, taking the offer already made, if approved by the Board, as the minimum or upset price. His Excellency, however, desires to add that perhaps the Board would be good enough to consider the whole question and make such suggestions as they think would form useful regulations.

I have, &c.,

ALFRED DOMETT, Colonial Secretary.

The Board of Management for Native Reserves,  
Wellington.

*Waipa.—Site for Native School required at Otawhao. 27th July, 1849.*  
FRIEND TE WHEROWHERO,—

Salutations I have seen Mr. Morgan; he has expressed a wish to me that you should give up to him a piece of land at the back of the Mission-station at Otawhao, as a site and a residence for the new school for the education of the Maori youth.

## Boundaries.

These are the boundaries of the place: The tapued piece of land lying to the southward of Mr. Morgan's house, bounded on the North by, the land already in his possession; going down from thence to the bridge over the Mangakoi, where the river then becomes the boundary; running alone the bank in a southerly direction until it reaches the swamp, when it turns and goes along the edge of the swamp, passing outside the old houses of your children, Warena and Kopua, and extending a little further, when the boundary turns to the westward, leaving inside of it the deserted houses of Te Katea, where it again joins Mr. Morgan's land. That is the extent of it.

Now, my friend, with you rests the consent for the alienation of these places. It is not as if it were a farm for the Europeans that you are asked to give, but it is a site for a school for teaching your children, that they may grow up as educated people. Therefore I say to you, Let your answer to this request be liberal. The decision rests with you. You are the man who holds the authority over that place. You told me that that tribe was yours.

From me, from your friend,

G. GREY, Governor-in-Chief.

*Respecting the Land granted for a School at Otawhao. Surveyor-General's Office, 13th May, 1850.*  
SIR,—

In the course of my visit to the interior, I was led to understand that it was His Excellency's intention to confirm a grant of land which the Natives might feel disposed to make for the endowment of schools, or for general mission purposes at Otawhao, the Church Mission-station under the charge of the Rev. Mr. Morgan.

## Survey made.

To further such an intention, if such should exist, I made a survey of a certain block of land marked out by the Natives, and of which the enclosed tracing is a copy, and have since received a deed of grant, also enclosed, from Mr. Morgan, in which the Natives transfer all their claims over the entire block, as coloured red, to the Government, containing, exclusive of reserves for roads, 153 acres 2 roods 38 perches, with the object of having the same reconvened to the Missionary Society.

His Excellency will perceive that the 153 acres 2 roods 38 perches includes all the Mission buildings and the land attached which has been fenced in, the same being distinguished by a yellow line: Occupied by Mission buildings and fenced in, coloured yellow, 30 acres 1 rood 20 perches; added thereto, 123 acres 2 roods 18 perches: total, 153 acres 3 roods 38 perches.

The deed sets forth that the consideration is partly for cattle and money (paid on a former occasion by the Church Mission Society) and partly as a free gift, and, although not distinguished in that document, yet I understand the said payments to relate to the 30 acres 1 rood 20 perches.

In addition to the 153 acres 2 roods 38 perches there are two small portions which the Rev. Mr. Morgan is very desirous of obtaining, in order to improve the shape of the block, and to render it more complete and entire. The first is the site of an old pa called Awamutu, situated on the west side of the station on the banks of the River Mangaohoi, containing 2 acres 2 roods, and another on the outside of the west boundary-line from D to E, containing five acres. The owners of these portions would not consent to give them up unless £2 10s. was paid for the first, and £3 for the second, which sums Mr. Morgan was precluded by law from giving, and he is anxious that some arrangement for their acquisition may be made by the Government.

I have, &c.,

C. W. W. LIGAR, Surveyor-General.

The Hon. the Colonial Secretary.

## Governor's Minute.

Dr. Sinclair.

THE original piece purchased by the Mission can be granted to the Church Mission. The remaining portion must be granted to the Bishop in the usual manner in trust for schools. The sums demanded by the Natives for the additional portions of land may be paid by the Government, and an additional grant then given for these pieces. I am much obliged to the Surveyor-General for the trouble he has taken to facilitate the objects in view.

G. GREY.  
16th May.

## No. 24. T. H. Smith, Esq., to His Excellency Sir George Grey, Governor-in-Chief.

*Rotoiti.—Site offered by Natives for a Hospital. Rotorua, 15th July, 1850.*

SIR,—

I have the honour to inform your Excellency that, at the request of the chiefs of the Ngatipikiao Tribe, I was present at a meeting held by them at Wharetata, on the Rotoiti Lake, on the 10th instant, for the purpose of determining the boundaries of a block of land they wish to offer to the Government as a site and endowment for a hospital to be established in the vicinity of the Rotoiti Hot Springs.

The unfavourable state of the weather prevented my being present until the conclusion of the meeting, when many of the parties interested had left; but I have every reason to believe that they were unanimous in deciding upon the boundaries described in their letter to your Excellency, and very desirous to give up the land if it should prove a means of bringing Europeans to reside amongst them. As soon as the weather permitted, those who remained, a party of fifty or sixty, carried and accompanied me round the boundaries, by which means I am enabled to form a rough estimate of the extent of the block, which must contain upwards of four hundred acres at the lowest computation, and more than one half of this is available for agricultural purposes.

The proprietors of the land were anxious to be informed, first, whether they would be required immediately to cease occupying and cultivating certain portions contained within the boundaries of the land proposed to be given up; and, secondly, whether they would be allowed permanently to retain the use of the "ngawha" (natural ovens formed by the steam issuing out of the ground in the neighbourhood of the hot springs), more particularly at Ruahine, these being invaluable to them in the process of preparing the "tawa" berry. My answer to the first question was that I thought they might continue to occupy and cultivate until they received intimation to the contrary from those in whom the land was vested, but that the *right* of occupation, &c., was now transferred. With respect to the use of the ngawhas, I could not answer the question as to whether or not a permanent reservation might be made, but gave my opinion that no restriction would be laid upon their use as long as they were required for the purpose before mentioned.

The sketch which accompanies the letter to your Excellency, signed by the Ngatipikiao chiefs, showing the boundaries of the block of land proposed to be given up, must not be relied upon for any great degree of accuracy, as it was drawn without the aid of even a compass; the bearings and distances were guessed, the former from the position of the sun, and the latter from personal knowledge and such information as could be obtained by me.

I have, &c.,

THOS. H. SMITH.

To His Excellency Sir George Grey, Governor-in-Chief,  
Auckland.

## No. 25. The SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.

*Respecting the Grant of Land for the School at Otawhao.* Surveyor-General's Office, 14th October, 1850.  
SIR,—

Referring to your letter dated the 16th May, 1850, requesting that the portion of land given at Otawhao by the Natives for a school should be granted in trust to his Lordship the Bishop, I would beg leave to suggest, for the consideration of His Excellency the Governor-in-Chief, whether, under all the circumstances of the case, and taking into consideration the fact of the land being connected with that already acquired by the Church Missionary Society, it would not as fully meet the objects contemplated by the proposed grant if all the lands were thrown into one block and granted to the Society in the usual manner, thereby preventing any confusion of boundaries or interests, and enabling the whole to be enclosed and cultivated at a less expense to the institutions

now in progress, and which the land is designed to support.

I have, &c.,

C. W. W. LIGAR, Surveyor-General.

The Hon. the Colonial Secretary.

Mr. Sinclair.—It can be granted to the Church Missionary Society in the manner proposed by the Surveyor-General.—

G. GREY.

24th October, 1850.

## **No. 26. The Hon. the COLONIAL SECRETARY to the NATIVE RESERVE BOARD, Wellington.**

*Instructions as to Native Reserve Funds.* Colonial Secretary's Office, Wellington, 26th December, 1850.

GENTLEMEN,—

I am directed by His Excellency the Lieutenant-Governor to inform you of the following arrangements with reference to the receipt and disposal of the funds arising from the occupation of Native reserves in this district.

As regards the receipts, you will have the goodness to pay them over to the Colonial Treasurer as they fall into your hands, to be held as deposits unavailable, and whenever you may have occasion to draw against such receipts to meet the expenses of the trust you should submit an estimate of the amount required, specifying the services for which it may be due, upon which the Lieutenant-Governor will issue his warrant to the Treasurer to pay the gross amount to you from the funds so placed by you under his charge. Previous, however, to any expense being incurred by you on account of the trust, an application should be made for His Excellency's authority for such expenditure, which authority should be appended to the voucher. The account current of the receipts and expenses of the trust should be forwarded to the Auditor-General quarterly, duly supported by the several vouchers.

I have, &c.,

ALFRED DOMETT, Colonial Secretary.

The Board for managing the Native Reserves, Wellington.

[Extract from *New Zealand Gazette*.] *Endowment for Native Hostelry, Auckland.* Colonial Secretary's Office, Auckland, 12th May, 1851.

HIS Excellency the Lieutenant-Governor has directed it to be made known, for general information, that he has granted, with the sanction of His Excellency the Governor-in-Chief, and caused to be marked out and distinguished on the charts of the New Zealand Islands, the undermentioned land, being part of the demesne of the Crown, as reserved land for the maintenance of the Native Hostelry in Mechanics' Bay, where Her Majesty's Native subjects and other poor persons visiting Auckland may temporarily reside free of charge, with their goods and wares and there dispose of such produce as they may bring from the country for sale; and, further,

that such "reserved land" aforesaid will be vested in the Colonial Secretary, Attorney-General, and Colonial Treasurer for the time being, to be held and administered by them in trust for the benefit of the said institution.

By His Excellency's command.

ANDREW SINCLAIR, Colonial Secretary.

*Suburbs of Auckland.*—Section 1, No. 89; contents, 6 acres 1 rood; locality, St. George's Bay.

## **No. 28. The Hon. the COLONIAL SECRETARY, Wellington, to H. TACY KEMP, Esq.**

*Respecting Two Pieces of Land at Pipitea.* Colonial Secretary's Office, Wellington, 24th September, 1851.  
SIR,—

Two applications having been made to Government respecting the lease or conveyance portions of the land on which Pipitea Pa is built, but the whole of which land is held in common by its Native owners, I am directed by His Excellency the Governor-in-Chief to request you to inform the latter that if they will divide the said land into individual properties, in such manner as may satisfy you that no future difficulties respecting the ownership of the several portions will arise, His Excellency will cause individual grants to be issued to them of their several properties, with power to lease the same, subject to the approval of the Government.

The two cases above alluded to are an intended lease of some of Parata's land to the Rev. Mr. Duncan, of this place, and the conveyance of another piece of land in the pa to Heberley's wife and children.

I have, &c.,

ALFRED DOMETT, Colonial Secretary.

The Native Secretary.

## **No. 29. H. T. KEMP, Esq., Native Secretary, to the Hon. the COLONIAL SECRETARY, Wellington.**

*Land at Pipitea:—Crown Grants applied for.* Wellington, 14th October, 1851.  
SIR,—

In reply to your letter of the 24th September last, I have the honour to report, for the information of His Excellency the Governor-in-Chief, that, in the presence of the Native proprietors and the other parties concerned, the spots of ground at Pipitea Pa were severally pointed out and marked, for which Crown grants have been requested by the chief Parata, on an intended lease to the Rev. J. Duncan, of this place, and by Heberly on behalf of his wife and children; in the arrangement of which all parties expressed themselves well satisfied.

I have, &c.,

H. T. KEMP, Native Secretary.

The Hon. the Colonial Secretary.

## **No. 30. The ASSISTANT NATIVE SECRETARY to the Hon. the COLONIAL SECRETARY.**

*Manukau.—Respecting the Native Store at Onehunga.* Native Secretary's Office, Auckland, 16th January, 1852.

SIR,—

An application having been made to me by a Edward Davis for permission to build a wooden store for the chief Te Waru, of Rangiawhia, on the Native reserve at Onehunga, I have the honour to request that you will be so good as to inform me whether there will be any objection on the part of the Trustees of the Native Reserves to Davis undertaking this work. The store is to be 40 feet long by 20 feet wide, and is intended for the safe custody of flour and other produce for the Auckland market, and the price to be paid for it is, I understand, twenty tons of flour.

I have, &c.,

C. L. NUGENT, Assistant Native Secretary.

The Hon. the Colonial Secretary.

## **No. 31. The Hon. the COLONIAL SECRETARY to the NATIVE SECRETARY.**

*Concerning Crown Grant to Wi Tako and Wi Tana for Reserve at Kumutoto.* Colonial Secretary's Office, Wellington, 26th January, 1852.

Sir,—

Wiremu Tako, of Ngauranga, being desirous of obtaining a Crown grant for his land at Kumutoto, I am directed by the Governor-in-Chief to obtain from you a certificate that Tako and his younger brother, Wi Tana Poko, are the only Natives entitled to possession of the land in question. The land is registered as a reserve set apart for "the Natives of Kumutoto" It will be necessary to certify that no other Natives, having any claim to be included among those for whom the land was reserved, exist, or that, if existing, they acknowledge the title of Wi Tako and his brother.

I have, &c.,

ALFRED  
DOMETT, Colonial Secretary.

The Native Secretary.

## **No. 32. The Hon. the COLONIAL SECRETARY, Wellington, to Mr. Commissioner McLEAN.**

*Manawatu.—In reference to a Grant of Land to the Wife and Children of Mr. Cook.* Colonial Secretary's Office, Wellington, 31st January, 1852.

Sir,—

I have the honour to acknowledge the receipt of your letter of the 28th instant, stating that Otaki, Rangihaeata, and other influential chiefs have engaged to convey, free of any consideration, 200 acres of land on the south bank of the Manawatu to the Native wife and children of Mr. Cook, a settler on that river.

In reply, I have to inform you that, having laid your letter before the Governor-in-Chief, His Excellency observes that the permitting the Natives to give land to the Native wives and half-caste children of Europeans involves a very large and, in some respects, dangerous principle. His Excellency cannot, therefore, depart from the precedent he has before laid down, of not permitting a grant of more than one hundred acres being given in such a case; and Mr. Cook can, under such circumstances, select, as the hundred acres for his wife and children, the land which was claimed by Mr. St. Hill, exercising the land order at such other place as may be approved of by the Land Commissioner.

I have, &c.,

ALFRED  
DOMETT, Colonial Secretary.

Donald McLean, Esq., &c.

## **No. 33. The ACTING NATIVE SECRETARY to T. H. SMITH, Esq., R.M.**

*Bay of Plenty.—Reserve for Cemetery at Rotorua.* Native Secretary's Office, 6th April, 1852.  
Sir,—

I have the honour to acknowledge the receipt of your letter of the 20th ultimo, enclosing a deed of conveyance of a piece of land situated on the north side of Rotorua Lake, which the Nga Te Rangiwhewehi Tribe are anxious to make over to the Church of England and to his Lordship the Bishop as trustee for the purpose of a cemetery; and I have to inform you that I have handed over the documents to the Colonial Secretary, to whose department they belong, and who will make the necessary arrangements relative thereto.

I have, &c.,

C. L. NUGENT, Acting Native Secretary.



T. H. Smith, Esq., Resident Magistrate, Rotorua.,

## **No. 34. The CIVIL SECRETARY, Wellington, to Mr. Commissioner McLEAN.**

*Rangitikei.*—*Native Reserves to be made.* Colonial Secretary's Office, Wellington, 21st July, 1852.  
Sir,—

I have had the honour to receive and submit to the Governor-in-Chief your letter of the 25th ultimo, reporting the final arrangements which you have made in reference to the purchase of the Rangitikei Block; and, in reply, I am desired by His Excellency to convey to you his authority for making the various reserves which you recommend should be set apart for the use of the several Natives named by you.

I have, &c.,

ALFRED DOMETT, Civil Secretary.

Donald McLean, Esq.,  
Commissioner for extinguishing Native Titles.

## **No. 35. The NATIVE SECRETARY to the Hon. the COLONIAL SECRETARY.**

*Native Hostelry in Mechanics' Bay.* Native Secretary's Office, Auckland, 18th August, 1852.  
Sir,—

I beg leave to call the attention of the trustees of the hostelry in Mechanics' Bay to the state of that building, which is the subject of constant complaints from the Natives who come to Auckland to dispose of their produce. They represent that the floor is in such a bad state that they find it impossible to keep it clean, and that vermin of all descriptions harbour in it. They also complain that they are unable to make use of the building at times when it would be most beneficial to them, viz., in cold or rainy weather, from their being forbidden to light fires inside; and in preference to stopping in it they sleep in tents on the beach. They are also very anxious that partitions should be put up (which I believe was part of the original plan when the building was erected), in order that tribes might be kept separate.

I beg leave to suggest that the building be floored with plank, and partitions put up; that fireplaces be built, and a cooking-place built in rear of the building, as at present the ground in front of it is in a filthy state from its being used as a cooking-place after the Native custom. I understand that the reserve for the support of the hostelry has been leased for the sum of £10 per annum. This sum will not go far towards making the necessary improvements suggested, but might go towards paying off any sum which may be advanced by the Government for the purpose.

I have, &c.,

C. L. NUGENT, Native Secretary.

The Hon. the Colonial Secretary.

# Copy of the Grant conveying certain Portions of the Town Belt of the City of Wellington to the Wesleyan Body.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth:

To all to whom these presents shall come, greeting:

WHEREAS a school is about to be established at Wellington, in the Province of New Munster, New Zealand, under the superintendence the Rev. James Watkin, Superintendent of Wesleyan Missions for that province of New Zealand in which the Town of Wellington is situated, for the education of our subjects of all races, and of children of other poor and destitute persons being inhabitants of islands in the Pacific Ocean: And whereas it would promote the objects of the said institution to set apart a certain piece or parcel of land in the neighbourhood thereof for the use and towards the maintenance and support of the same:

Now know ye that we, for us, our heirs and successors, do hereby grant unto the said James Watkin, Superintendent of Wesleyan Missions as aforesaid, all that piece or parcel of land situate and being in the Town of Wellington, in the Province of New Munster, New Zealand, and bounded towards the North-west, South-west, and South in an irregular line by the Karori Road, two hundred and forty (240) links and two hundred and sixty-six (266) links; by the Botanical Gardens, three hundred and thirty-nine (339) links, and two thousand eight hundred and sixty-five (2865) links; and by No. 28, Karori District, one thousand nine hundred and three (1903) links, one thousand one hundred and fifteen (1115) links, and two hundred and eighty-five (285) links; towards the East, South-east, North-east, and North by a branch of the Kumutoto Stream and an irregular line forming the boundary of the Town Belt six hundred (600) links, five hundred and thirty-nine (539) links; three hundred and thirty-five (335) links, three hundred and thirty-five (335) links, and one hundred and seventy-four (174) links; and by the Wesley Road one thousand and eighty-eight (1088) links and one thousand one hundred and thirteen (1113) links: the contents being seventy-three (73) acres one (1) rood and twenty-two (22) perches, or thereabouts, and the boundaries being more particularly delineated on the plan drawn in the margin of these presents, together with the rents, issues, and proceeds thereof: To hold unto the said James Watkin, Superintendent of Wesleyan Missions for that province of New Zealand in which the Town of Wellington is situated, and his successors in such office; in trust, nevertheless, and for the use and towards the maintenance of the said school, so long as religious education, industrial training, and instruction in the English language shall be given to the youth educated therein or maintained thereat.

In testimony whereof we have caused this our grant to be sealed with the seal of our Province of New Munster, in our said territory.

*Witness our trusty and well-beloved Sir George Grey, a Knight Commander of the Most Honourable Order of the Bath, Governor-in-Chief and Commander-in-Chief of our said Territory and its Dependencies, and Governor of our Province of New Munster, at Wellington, in New Zealand aforesaid, this twenty-seventh day of October, in the sixteenth year of our reign, and in the year of our Lord one thousand eight hundred and fifty-two.*

G. GREY. No. 46.—Entered on record this 27th day of October, 1852, in Register  
1, Folio 49.

ALFRED DOMETT, Colonial Secretary and Registrar.

The land described in this grant has, by deed dated 10th September, 1857, been conveyed by the above-named Trustee to new trustees under the provisions of "The Religious, Educational, and Charitable Trusts Act, 1856."

*Manukau.*—In re *Contract for building the Onehunga Store*. Native Secretary's Office, Auckland, 18th December, 1852.

Reverend Sir,—

In reply to your letter of the 25th ultimo, I have to inform you that the contract for building the store at Onehunga was entered into by Te Waru and Mr. Davis without any reference to me. Mr. E. Davis informed me, some months back, that he had entered into an agreement to build a store at Onehunga for twenty tons of flour, which at the price in the Auckland market at that time (£10 to £12 per ton) seemed reasonable enough; and I referred an application, which he made on the 16th January last, for permission to erect the store on the Native reserve at Onehunga, to the trustees of the Native reserve, who approved of a small space being laid out for the purpose. Since then the state of affairs has materially altered. Gold has been discovered in vast quantities at Port Phillip; and the price of flour has risen in that market to £40 per ton; and gold has recently been discovered near Auckland, and the price of flour may be expected to rule double, perhaps treble the price it did when Te Waru made the agreement. I foresee, therefore, that there will be no end of difficulty and discontent in the whole matter. I do not believe the store has progressed further than having the foundation laid and the timber prepared.

I should apprehend, if the store is erected at the sole expense of the Raugiawhia Natives, that they will have the sole right of occupying and using it, of course without their having any claim to permanent possession of the land it is built on; and I do not see how Government could take any share in the concern by erecting a loft over the store—a proceeding which I think might tend to cause disputes at a future time. The trustees of the reserve, however, are the persons who have the sole control over the disposal of the ground, and there is ample room to build a hostelry for general purposes, irrespective of the portion set aside for Te Waru's store.

The sum of £50 has been authorized by the Lieutenant-Governor to be lent to Ngatitipa and the other Natives, and is now ready to be paid over to them. The Natives left Auckland before due authority was obtained for the payment. The sum of £35 was lent to Whakapo some time back, which he promised to repay at an early date; it is however due a long time, and there are no signs of its repayment, although I understand he has a large quantity of wheat on hand. If you chance to see him I should feel much obliged if you would request him to repay the amount at an early date, as his conduct prevents deserving Natives from receiving favourable consideration.

## **School Books furnished.**

I send herewith twenty-five copies of a school book published in Wellington for the instruction of children in the English language.

I have, &c.,

C. L.NUGENT, Native Secretary.

The Rev. John Morgan, Otawhao.

## **No. 38. The CIVIL SECRETARY to the NATIVE SECRETARY, Wellington.**

*Lease of Land at Ngauranga sanctioned.* Civil Secretary's Office, Wellington, 11th April, 1853.  
Sir,—

With reference to your memorandum on a letter from W. E. Wallace, requesting the permission of the Government to lease a portion of the Native reserve at Ngauranga for twenty-one years at a rental of £30 per annum, I have the honour to acquaint you that the application has been sanctioned, and to request that you will assist Mr. Wallace in concluding the arrangement with the Natives interested.

I have, &c.,

ALFRED DOMETT, Civil Secretary.

The Native Secretary, Wellington.

## **No. 39. Mr. Surveyor FITZGERALD to Mr. Commissioner McLEAN.**

*Poverty Bay.—Respecting Reserve at Turanganui River, &c. Turanganui, 12th October, 1853.*  
Sir,—

With reference to the verbal instructions received from you on the 14th September, I do myself the honour to acquaint you, for the information of His Excellency the Governor, that the fieldwork of the Turanganui River Reserve, extending about four miles and a half, has been completed, out of which I have marked ten acres for A. Bowen, the blacksmith. A plan of this reserve will be sent to you, as well as a copy for Captain Smith, on my return to Wellington. I send a hand-sketch of the reserves at Hume's to that gentleman, which has been marked out by me.

From the delay which a surveyor receives from the Natives, and the want of confidence which they sometimes show with reference to survey lines and blocks which do not form boundaries, I deemed it necessary to have a brand made of the letters NR, and to cause blocks with this brand on them to be placed (facing the letters towards the reserves) wherever the boundary was not well defined by natural features. This seems to have given satisfaction. The Natives are thus enabled to understand that these blocks are the only ones which denote their boundaries, and regard the others for the purpose of surveying alone. It has occurred to me that, when the Government cannot spare an officer to survey reserves at the time of purchase, an equal good might be done in giving satisfaction to the Natives by having them simply marked out in this manner.

The Native chief Tamehana Hiko, who accompanied me by your directions, gave me great assistance, and readily and cheerfully joined with my desire to have boundaries made straight where practicable, instead of the crooked shapes they frequently assume. I have, however, in all cases of this sort taken care to add to, if anything, rather than take from their reserves.

I have, &c.,

W. FITZGERALD, Surveyor in Charge.

D. McLean, Esq., Land Commissioner.

## **No. 40. The NATIVE RESERVE COMMISSIONERS to the Hon. the COLONIAL SECRETARY, Auckland.**

*Respecting the Board of Management. Wellington, New Zealand, 22nd April, 1854.*  
Sir,—

We have the honour to address you on the subject of the Board of Management of Native Reserves in the province, in order that the same may be laid before His Excellency.

In June, 1848, the Board was gazetted by order of His Excellency Lieutenant-Governor Eyre, consisting of Lieut.-Colonel McCleverty, the Attorney-General, and H. St. Hill, Esq.; but in the years 1852 and 1853 Sir George Grey vested the more valuable of these reserved lands by separate deeds in trustees for the benefit of the Native Hospital and a grammar school in Wellington: these are therefore not now under our control.

The hospital endowment trust executed by Sir George Grey is now of no avail, the trustees being appointed *ex officio*, as holding offices under the General Government—offices which, with the exception of the Resident Magistrate at Wellington, have ceased to exist under the new Constitution: it will therefore be necessary that new ones should be appointed. We have every reason to believe that the power of nomination had been delegated to the Superintendent by His Excellency Sir George Grey previous to his leaving the province. The rents now collected for the remaining reserves by the Board are of small amount. Under these circumstances we beg to suggest that, as those derivable for the hospital endowment are not at present sufficient to cover the expenses of the Native patients, the former rents should also be so appropriated, and that any new trustees appointed for the latter should also be empowered to act as a board of management for the unappropriated reserves, thus relieving the General Government of some expense.

We have, &c.,

The Hon. the Colonial Secretary, Auckland.

*On Present State, &c., of Native Reserves.* Land Commissioner's Office, Auckland, 29th July, 1854.  
Sir,—

I have the honour to report to you, for the information of His Excellency the Officer Administering the Government, that I have been requested by the Hon. J. E. FitzGerald to furnish a report on the present state of the Native reserves in New Zealand, the tenure under which they are held, and the best mode of administering them.

The Native reserves in New Zealand consist, in the settlements of Auckland, Canterbury, and Otago, of blocks of land excepted by the Natives, for their own use and subsistence, within the tracts of land they have ceded to the Crown for colonization, and in general there has been a distinct understanding that they should not at any time be called upon to alienate any lands so reserved, it being considered essential for their own maintenance and welfare to retain them. Those lands are in general cultivated and occupied by the Natives, and in most instances the reserves are sufficiently extensive to provide for their present and future wants.

## New Zealand Company's Reserves.

At Nelson, Wellington, and Taranaki the New Zealand Company set apart as a portion of their colonization scheme one-tenth of the lands purchased by that body, for the benefit of the Natives, and trustees have been appointed as guardians for the management of such of those reserves as were not in occupation by the Natives.

## Nelson.

In the Town of Nelson there are fifty-three reserves of one acre each, and one hundred of fifty-acre sections in the suburban and rural districts. Of this extent, 37½ acres in the Town of Nelson are let to Europeans for terms varying from seven to ten and fourteen to twenty-one years. Of the rural and suburban land, 654 acres are let in the Town of Nelson. Three acres and a half are occupied by Natives, and in the Motueka and Moutere Districts 634 acres. Niue hundred and twenty-four acres are granted to the Bishop of New Zealand in trust for an industrial school, leaving unoccupied 2,787 acres of country and 12 acres of town land.

The annual rental from those reserves amounts at present to £274 3s., and the management of them devolves on the Hon. Major Richmond, the Crown Commissiomer of Nelson, who has kindly favoured me with

the returns from which the information is taken, and of which I beg to enclose copies.

## **Future Management.**

As regards the future management of those reserves, I believe that the most simple and practicable arrangement would be to place them under the control of a local board, to consist of his Honour the Superintendent, the Crown Commissioner, and the Resident Magistrate, and, as honorary members, such clergymen as are engaged in missionary duties connected with the Natives, together with one or two intelligent Native chiefs in the district, who would by this means, although possessing no executive authority in the matter, be nevertheless undergoing a training for managing their own affairs, while their knowledge of all the proceedings of the Board would divest the Natives generally of any suspicion that justice was not done to them in reference to the mode in which the proceeds of their property were appropriated.

The Board should have power to let and receive all rents for the reserves for terms varying from seven to fourteen and twenty-one years, on improving leases; and the proceeds should be applied for the social, industrial, religious, and educational advancement of the Natives. For instance, improvements in their dwellings are much required; for providing them with useful implements of agriculture, such as ploughs, carts, &c., and occasionally perhaps draught-horses or oxen, to enable them to cultivate their land to greater advantage and bring their produce to market.

The Board should report its proceedings to His Excellency the Governor of the Colony at least twice in every year, with statements appended, exhibiting the amount of rents received and the manner in which the sum was expended for the benefit of the Natives. But I conceive that the Board should not have the power of finally alienating any of the reserves without the express sanction of His Excellency the Governor, as it is of importance, for the benefit of the Native race, that certain lands should be permanently retained for them, and it would be even advantageous if, after benevolent provision for carrying out the above objects were made, any surplus funds might be applied for purchasing portions of land for industrious and deserving Natives who would make good use of it.

With reference to religious and educational requirements, provision is already made by the late New Zealand Constitution Act, so that it is unnecessary that funds should be set apart for this purpose, at least until some advance has been made in promoting the secular condition of the Natives.

## **Taranaki.**

At Taranaki the Native reserves on the Company's plan were done away with, as the Natives almost entirely disputed the sale of that district, and in each purchase made from them since Captain Pitzroy's arrangements in 1844 ample reserves have been excepted, by them for their own use, and those are generally occupied by them.

## **Wellington.**

At Wellington there were originally 110 country sections of 100 acres each, and 110 town sections of one acre each. These reserves were in the first instance placed in trust by the Company, the Bishop of New Zealand and the Chief Justice having been at that time acting as trustees; but it was found advisable by Sir George Grey, from the insufficiency, of land in the occupation of the Natives, to cause some of those reserves to be placed at their disposal, by which means he was enabled to continue their loyalty and attachment, and to afford them sufficient inducement to remain at Wellington as permanent and generally industrious settlers and labourers, instead of moving in a body as they contemplated to Taranaki.

## **Hospital Reserves.**

The Hospital at Wellington is erected on a Native reserve; and the building formerly Barrett's Hotel, but at present used as Government offices, stands with several other town allotments (granted as an endowment for the Hospital) on Native reserves.

# Grammar School Reserves.

The Military Barracks at Thorndon Flat are built upon Native reserves: these with some others in the town, have been granted in trust for a grammar school at Wellington.

## Wi Toko's Reserve.

The reserve at Kumutoto was conveyed to Wi Tako, who receives all the rents and profits arising therefrom.

The information in reference to the Wellington reserves has been furnished to me by Mr. St. Hill, who was agent for the trustees of the reserves. A more accurate return may be obtained at Wellington in reference to the number of reserves appropriated, the number still unoccupied, the number let, and the amount of land annually received for them.

In the several purchases made of late years by the Government, the Natives have retained generally, where practicable, large reserves for themselves, within well-defined natural boundaries, such as rivers, &c., which has greatly contributed to a good understanding between themselves and the European settlers.

If further specific information is requisite in reference to the question of reserves, with a view to the introduction of an Act in the present Assembly relating to them, I would suggest that it might be more advisable to collect further data in order to the maturing with greater care some measure that might be passed during the next session of the Assembly.

I have, &c.,

DONALD MCLEAN, Land Commissioner.

The Hon. the Colonial Secretary.

## No. 41a. REPORT of a SPECIAL COMMITTEE of the PROVINCIAL COUNCIL of NEW PLYMOUTH on the Purchase of the WAIWHAKAIHO BLOCK.

THE Committee appointed to inquire into the purchase of the Waiwhakaiho Block are compelled to report that the result of their examination has convinced them that the terms on which that block has been acquired are such as to render the purchase in the highest degree unsatisfactory, and worse than useless to this province.

The Provincial Council having been referred by Mr. McLean, for information on this point, to the documents deposited by Mr. Cooper, on leaving this province, in the care of Mr. Halse, the Committee requested the attendance of the latter gentleman and the Government Surveyor.

A copy of the deed of purchase entered into by Mr. Cooper with the resident Natives was produced, by which it appears that £1,200 was paid for their claims in the Waiwhakaiho Block, exclusively of £1,000 paid to Natives in Wellington, in satisfaction of absentee claims of the Ngatiawa Tribe in this province; but the deed seems to have been accompanied by no plan or specification, and the lands to be reserved to Natives, instead of being defined, are vaguely described as those "shortly to be marked on the plan when the survey is completed," neither the number of acres nor the portion of the district in which they are to be chosen being mentioned. The only document describing them is a sketch-tracing now in the Land Office, which was not made until shortly before Mr. Cooper's departure, and was only compiled from his memoranda at the suggestion of the Surveyor. From this document it appears that the block contains about fifteen thousand acres, and from its peculiar shape (being only one mile wide on its coast boundary, and gradually increasing in width to a distance of fourteen miles inland, where it is three and a quarter miles wide) the nearest portion of the inland half is upwards of nine miles from the coast.

The reserves made for the Natives by Mr. Cooper amount to 1,784 acres, and 395 acres are, according to agreement, to be purchased by them at 10s. per acre before any portion is given out to settlers. In addition to this, by the deed signed at Wellington 500 acres are to be purchased by Wairarapa at 5s. per acre. Thus the acknowledged reserves and Native purchases amount to 2,679 acres; whilst Henare te Whare (Te Puni's son) repudiates the sale altogether, and claims as his patrimony 1,400 acres, 300 of which have already been reserved by Mr. Cooper for other Natives.

The "Committee would draw the special attention of the Council to the following facts: That, while the sum of £1,000 has been paid to Wellington Natives, as compensation for all their claims, not less than 1,500 acres have been appropriated for them in this block, and even for the benefit of Nelson Natives expected to arrive here; and the resident Natives are allowed to exercise their right of choice prior to Europeans—a policy which injurious to this province, both as lessening the supply of land for settlers, and because it holds out inducements to Natives in other parts of the colony to return here. That, respecting 500 acres (included in the above 1,500) to be purchased at the nominal price of 5s. an acre by Wairarapa, the Committee can obtain no information whatever, andj until it is chosen, no sales to Europeans can take place. That, instead of a quantity of available land being brought into the market for the benefit of present settlers and immigrants by the acquisition of the block, the land, after being purchased, has been dealt with in such a reckless manner that (including Henare te Whare's claim) the whole of it for five miles inland has again become. Native property, either as reserves or by purchase. That the necessity of surveying these reserves entails an additional expense on the Survey Department. That the Committee's inquiry results in finding,—That the purchase of the block in question has, in the first instance, been conducted in a very loose and uncertain manner; that all that portion which will for years be of any use has been lavishly disposed of again in one way or another to those from whom it was purchased; that a large sum of money has been spent in buying land without furnishing any useful supply for European settlers; and that the system of paying for blocks of land, and granting reserves the extent and position of which are to be determined at a future time, does but encourage the Natives to ask for larger reserves; thus virtually inducing them to give up their land that they may receive it back again surveyed and apportioned, with the requisite funds to cultivate it; that this kind of arrangement, instead of benefiting this province, tends only to the advantage of the Natives and that of other provinces, and will but make it more difficult to effect satisfactory purchases of land from the aboriginal owners in future.

ROBERT PARRIS, Chairman of Committee.

## Respecting Purchase or Lease of Native Reserves.

Land Purchase Office, Taranaki, 19th June, 1854  
Sir,—

I have the honour herewith to transmit the copy of a letter which I have received from his Honour the Superintendent of this province, enclosing the copy of a notice which he informs me is about to appear in the *Provincial Gazette*, *declaring* all purchases and leases of Native reserves to be illegal under the New Zealand Constitution Act, 15 and 16 Vict., c. 72. I also enclose a copy of my reply of this date, requesting that the publication of the notice may be deferred pending the receipt of your reply to this letter.

- 2. The clause of the Act of Parliament upon which his Honour's view is founded is the 73rd, which enacts that "it shall not be lawful for any person other than Her Majesty, her heirs or successors, to purchase or in any wise acquire or accept from the aboriginal natives land of or belonging to or used or occupied by them in common as tribes or communities, or to accept any release or extinguishment of the rights of such aboriginal natives in any such land as aforesaid, and no conveyance or transfer, or agreement for the conveyance or transfer, of any such land, either in perpetuity or for any term or period, either absolutely or conditionally, and either in property or by way of lease or occupancy, and no such release or extinguishment as aforesaid shall be of any validity or, effect unless the same be made to, or entered into with, and accepted by Her Majesty, her heirs or successors."
- 3. I cannot concur in the view which his Honour takes of the clause above quoted, as it appears intended to apply only to land the Native title to which has not been extinguished, and that Native reserves within



purchased districts would not have been contemplated as coming within its meaning. His Honour, however, contends that the title of the aborigines to reserves is not extinguished, but that they are left in precisely the same situation as if they lay outside the exterior boundaries of the blocks. If that were the case, however, I cannot see how they could be secured by the Crown to particular individuals or families, to the exclusion of others who, prior to the purchase, had an equal right to them.

## **Reserves not purchased, but leased.**

- 4. No purchases have at any time been made of any of the Native reserves by private individuals, but it has been the practice of the settlers here for some years past to occupy certain of them under leases for various terms. These leases have always been settled through the intervention of the officer for the time being in charge of this department, whose duty it has been to see that the leases were executed by the proper individuals, with the consent of all parties interested in the land, and that a fair equivalent was secured to the Natives, as rent, under the leases. Hitherto the system has worked well, and has been productive of no annoyance or inconvenience to the lessees or the Government; whilst, from the dearth of land in the province, it has been found to be of great benefit to individual settlers by enabling them to extend their agricultural operations; to the community at large by the increased productiveness of the soil in the hands of English farmers, and to the aboriginal owners of the reserves by securing to them a regular income from land which they could well spare, as care was always taken to see that the Natives had sufficient land elsewhere for their maintenance before any leases of reserves were sanctioned by the Government authorities. Many of the reserves are now and have been for several years lying totally unproductive, and a desire has recently been manifesting itself on the part of the Natives to let them to the settlers. At the present moment negotiations are pending for the leasing of some of these plots of ground, and leases have recently been executed for others, on terms of advantage to both parties.
- 5. The enclosed notice has appeared so suddenly, the Superintendent's letter of the 16th instant having been the first intimation which I received of the light in which the question is viewed by his Honour, that, if published, some degree of confusion and inconvenience must result from it, as pending negotiations must be stopped and a doubt thrown upon the title of several respectable settlers, who, upon the faith of their leases having been arranged in the Land Purchase Office, have expended considerable sums in improving the property; the Natives will become discontented, and claims will be made upon Government for compensation by the lessees.
- 6. I have, therefore, the honour to request that I may be favoured with immediate instructions how to act in this matter, as well in respect to the leases now in existence as to pending negotiations and applications which may be made to me in future to arrange the terms of similar leases.

I have, &c.

G. S.COOPER.

The Hon. the Colonial Secretary.

**Enclosures.(No. 1.)His Honour the  
SUPERINTENDENT, Taranaki, to Mr.  
Commissioner COOPER.**

Superintendent's Office, New Plymouth, 16th June, 1854.  
SIR,—

I have the honour to enclose, for your information, copy of a notice which will appear in the Provincial

*Gazette* No. 15 as soon as the printer can publish it.

I have, &c.,

CHARLES BROWN, Superintendent.

G. S. Cooper, Esq., Land Commissioner.

## Sub-Enclosure.

*Public Notice as to buying or leasing Native Reserves.* Superintendent's Office, New Plymouth, 10th June, 1844.

Public notice is hereby given that agreements for the purchase or leasing of Native reserves, being the property of tribes or communities, are illegal and void under the New Zealand Constitution Act, 15 and 16 Victoriae, c. 72. Persons entering into agreements, or pretended agreements, for such purchases or leases, are hereby warned that they cannot be protected in possession, and render themselves liable to penalties under the Native Lands Purchase Ordinance, Session VIII., No. 19.

CHARLES BROWN, Superintendent.

## (No. 2.) Mr. Commissioner COOPER to his Honour the SUPERINTENDENT, Taranaki.

*New Plymouth.—In Reply.* Land Purchase Office, Taranaki, 19th June, 1854.  
SIR,—

I have the honour to acknowledge the receipt of your letter of the 16th instant, enclosing a copy of a notice which will appear in the next Provincial *Gazette*, stating that agreements for the purchase or leasing of Native reserves are illegal and void under the Act 15 and 16 Victoriae, c. 72, and subject the parties making them to the penalties of the Native Land Purchase Ordinance, Session VIII., No. 19.

As such a notice will have the effect of calling in question the validity of several leases entered into by Natives with Europeans through the intervention of this office, and of occasioning uncertainty in the minds of the former in regard to acts of ownership in reserves made for them by the Crown, I beg leave respectfully to request that your Honour will be pleased to countermand the publication of the notice referred to, until I can receive instructions from His Excellency the Officer Administering the Government upon this subject.

I have, &c.,

G. S. COOPER.

His Honour the Superintendent, New Plymouth.

*New Plymouth.—Respecting Report of Special Committee on Waiwhakaiho Block.* Wellington, 11th August, 1855.

SIR,—

I have the honour to acknowledge the receipt of your letter of the 15th of May last, enclosing the copy of a report of a Special Committee of the Provincial Council of New Plymouth on the purchase of the Waiwhakaiho Block, and calling upon me to state my reasons for making the several reserves alluded to in the said report.

I shall not trespass upon your time by detailed replies to the statements contained in the report transmitted to me by you; but proceed at once to state the reasons which induced me to make the reserves. And first I beg leave to enclose the copy of a memorandum, drawn up by me and forwarded by you to the Superintendent of New Plymouth, in reply to a letter from his Honour, dated 25th November, 1854, and which contains a detailed account of all these reserves. In making this memorandum it was not thought necessary to trouble his Honour, with the reasons why these reserves were made: these, however, in obedience to your instructions, I now proceed to explain.

## **General Reasons why such Liberal Reserves were made.**

When the purchase of the Waiwhakaiho Block was effected, a considerable length of time had elapsed since any land had been obtained from the Natives at Taranaki, and it was looked upon as a matter of great importance to make a commencement in any direction and on almost any terms, in the hopes of its leading to further purchases. The Waiwhakaiho Block was never looked upon as being, in itself, of any particular value, and, from its peculiar shape, but a very small portion of it is composed of open and immediately available land, the greater part being, though generally level and rich in soil, so heavily timbered and lying so far inland that its intrinsic value as an additional acquisition of land to the settlement was never thought to be very great. But the fact of making any purchase at all at that time at Taranaki was considered a great point gained, and more particularly so in reference to the Waiwhakaiho Block, because it was looked upon as being (what it afterwards proved to be) the key to the Hua Block, and because many Natives joined in the sale who had previously been obstinate opponents to the sale of land. I may mention Tangutu and Raniera as instances of this. It was also at that time believed that dealing liberally with the Natives in the matter of reserves in this block might operate as an inducement to the Mangaoraka, Waiongana, and Waitara people to sell some of their much-coveted lands, as it was hoped their opposition might become less obstinate when they saw that really nothing more was asked for, or sought to be obtained from them, than those lands which were of no use to themselves or their children. These are generally the reasons which led to such liberal reserves being made in the Waiwhakaiho Block; and I may add that Henry Halse, who at the time of the purchase filled the office of my Sergeant-Major, and gave me most valuable assistance in conducting the negotiation, was fully aware of all these reserves, and might have explained them to the Provincial Government, in whose service he now holds office. They are equally well known to officers of the General Government now in New Plymouth. I now come to the special reasons connected with the granting of these reserves.

## **Reserves for Hone Ropiha and Wi te Ahoaho.**

The promise to Hone Ropiha and Wi te Ahoaho was the first which was made. It was that each should have one hundred acres in the seaward part of the block and two hundred acres inland in the forest. These reserves were intended as a provision for themselves and for all their relatives: an ample one, certainly, but made ample for the special reason that they had always been told that Government wanted nothing from them but what they could not use themselves. And these men individually deserved liberal treatment at the hands of Government, as it was almost exclusively owing to them that the purchase was effected. Wi te Ahoaho's hundred acres consist of the two sections at Waerengapoka—Native reserves from the foundation of the settlement, which had been occupied by Mr. Nairn. These sections Wi te Ahoaho and his brother never would have given up, and they would have been excepted from the sale had they not been promised as a reserve. Hone Ropiha's hundred acres was originally chosen by me to the eastward of Wi te Ahoaho's, adjoining it, and forming one block. He refused to take this, insisting on retaining his fifty-acre section at Purakau, saying if he got that he would give up his other fifty acres. This I would not agree to, as the Purakau is one of the best sections in the block; and the question was still at issue between us when you arrived at Taranaki in February, 1854, whereupon it was

decided by you in favour of Hone Ropiha, who now holds the land. Hone and Wi te Ahoaho had then each to receive two hundred acres in land. Before these were selected by me they both expressed a wish to purchase one hundred acres of their respective reserves, to which I readily acceded, as I had been specially instructed by you to encourage as much as possible the purchase of land by Natives under the Government regulations. In consequence of this wish these two reserves of two hundred acres each were selected by me at a less distance inland than probably they otherwise would have been, as I felt sure that the purchased half of each reserve would in a very short time come into the market, and I could not see why the difference in value between the Government price of 10s. and that which commonly is obtained in New Plymouth should not as well be received by aboriginal natives, who circulate all the money that comes into their hands, and never look forward to hoarding a fortune and quitting the colony, as by European speculators, to whom they are at least not inferior as producers of food and cultivators of the soil which they inherited from their ancestors; and to a share in the benefits arising from the settlement and improvement of which I for one am of opinion that they have a right at least as good as that of any immigrant settler whatsoever. Hone Ropiha's two hundred acres were purposely selected within the boundaries disputed by Henare te Puni and party, because he has much influence over them, which I knew the offer of a good price for one hundred acres would induce him to exercise to its fullest extent; and, as that land could not at the time be offered for purchase by Europeans, I could not see any quicker mode of getting a small piece of it into the market than by allowing Hone Ropiha to become its purchaser. Wi te Ahoaho's two hundred acres were selected by me between the Araheke and Waiwhakaiho Streams, chiefly for the convenience of natural boundaries.

You will thus perceive that pre-emptive rights of selection were not given to these Natives; and I may here state that no such right was given by me in any instance, the only reserves not selected by me being Waerengapoka, and the latter being the only one taken in opposition to my wishes.

## **Te Ropiha Moturoa.**

Five hundred acres were promised to Te Ropiha Moturoa and his people, because Te Ropiha acquainted me that a reserve had been promised to him in Wellington, and that he was about immediately to migrate to Taranaki with a hundred people, who I thought would be much better located on a Native reserve than left to choose their own residences, and perhaps take possession of parts of sections in the hands of the settlers to extort satisfaction for alleged claims upon old purchases, a practice not uncommon in Taranaki. Then, I had heard that Te Ropiha had used his influence very successfully with the absentees in this neighbourhood, and he certainly was very active in rendering me all the assistance in his power in completing the purchase on the spot. Besides this I had some hopes that his influence might be useful at Waiongana, where no other chief would at that time venture to interfere. This reserve might now be reduced, or even done away with altogether, as the projected migration is not, I imagine, likely under present circumstances to take place.

## **Wairarapa.**

I did not then know of Sir George Grey's promise to Wairarapa, nor, as far as I can remember, have I at any time had official intimation of it.

## **More.**

The fifty-acre section to More and his family was given to induce them to remove from Mr. J. Webster's section at Watitiri. I think he had also some claim in the Grey Block. This section was also selected in the land disputed by Henare te Puni.

## **Rawiri Motutere, Wi Kawaho, Karoraina, and Hopataia.**

The reasons for reserving twenty-five acres to Rawiri Motutere and Wi Kawaho are explained in the memorandum enclosed, as are also those for reserving a small piece to Karoraina, and forty acres to Hopataia. The permission to Hopataia to purchase the balance over forty acres was given to encourage the growing desire

of the Natives to purchase lands from the Crown.

## **Matena Tupoki, Wi Tana, and Wi Ropiha.**

The sections to Matena, Wi Tana, and Wi Ropiha were given in the following manner: A fifty acre section was at first promised to these three men in common, as one of the original terms of purchase of the block. They afterwards objected to holding the land as tenants in common, and asked for separate reserves of twenty acres each, and for permission to purchase thirty more, so that each might have a section. This, to encourage the purchase of Crown lands by Natives, I agreed to, and selected the lands in their present position, knowing they would soon come into the market, with which view I specially provided that the twenty-acre reserves should be at the end of the sections fronting on the river, as being the least valuable portions of the land Wi Ropiha's section is now to be purchased entirely, in consequence of a subsequent arrangement by which he gave up his claim to the twenty-acre reserve.

## **Kirihipu.**

The section reserved for Kirihipu and others was given to them for the purpose mentioned in the enclosed memorandum, and to prevent their relatives on their arrival from giving trouble to the settlers by taking possession of this or other lands.

## **Poharama.**

Poharama's fifty-acre section was applied for by him for the same purpose; and on my refusing to make any further reserves he asked permission to purchase it, which I gave him for the same reason as that for which similar permission was given to others.

## **Hohua and Manahi**

The two reserves to Hohua and Manahi, and their relatives, were promised at the time when the payment was made, and were given principally for the reason that both parties had no land of their own on which to settle, Hohua and his relatives having been driven off the Moturoa. Reserve by Poharama, and Manahi's people being threatened with ejection by Porutu from the land occupied by them at the Ratapihipihi, near Barrett's Reserve.

## **Matena Tupoki and Wi Ropiha.**

The section at the mouth of the Waiwhakaiho River was promised by Sir George Grey years ago to Matena Tupoki and Wi Ropiha if the land should ever be purchased by the Crown. It would have been excepted from the sale had I not promised to make it a reserve.

The foregoing are, as far as they can be compressed into the limits of an official letter, the reasons which induced me to sanction the reserves and permissions to purchase lands given to Natives in the Waiwhakaiho Block. I beg to return herewith the tracing enclosed in your letter under reply.

I have, &c.,

G. S.COOPER, District Commissioner

Mr. Commissioner McLean, &c., Auckland.

# MEMORANDUM by Mr. Commissioner COOPER.

## *Detailed Account of Native Reserves in waiwhakaiho Block*

The explanatory map of the reserves in the Waiwhakaiho purchase being at Taranaki, I can only give a detailed account of them from memory. As however I left in the Land Purchase Office a tracing map which contains full information upon the subject, a reference of this memorandum to either the Sub-Inspector of Police, Mr. Rogan, or Octavius Carrington, with the map in question, will suffice to rectify any error I may make.

## Reserves for Hone Ropiha and Wi te Ahoaho.

In the original purchase it was agreed that Hone Ropiha and Wi te Ahoaho were each to have one hundred acres in the lower or seaward part of the block, and two hundred acres each, further inland, for themselves and relatives. Hone Ropiha was afterwards satisfied with a fifty-acre section at Purakau, in lieu of his hundred-acre reserve; his two hundred acres are marked out at Te Pukiekie. Wi te Ahoaho's hundred acres comprise the two sections at Waerengapoka, formerly occupied by Mr. Nairn; his two hundred acres are bounded by the Araheke and Waiwhakaiho Rivers, from the junction running inland. Wi te Ahoaho and Hone Ropiha have both expressed a desire to purchase one hundred acres of their respective inland reserves.

## Ropiha Moturoa.

At the same time five hundred acres were promised to Te Ropiha Moturoa and his party, now in course of migration from this neighbourhood. This land has been marked on the map as bounded by the Araheke and Waiwhakaiho Rivers; by Te Ahoaho's inland boundary (not yet marked), and by a line running from a point on the Araheke Stream, the name of which I forget, to another in the Waiwhakaiho called Kaipi, and which forms a part of the Pikipari boundary-line cut by Octavius Carrington in 1852.

## More.

A fifty-acre section was promised to More and his family in exchange for all their claims to a place called Whatitiri, and others in that neighbourhood.

## Rawiri Motutere and Wi Kawaho.

Of the sections inland of Mr. Smart's boundary-line, the first is a twenty-five-acre piece given to Rawiri Motutere and Wiremu Kawaho, in exchange for a cultivation on Mr. Smart's farm, for which they had not been paid at the Fitzroy purchase.

## Karoraina and Ani.

A small corner-piece, about three or four acres, was promised to Karoraina (widow of Te Hemera) and Ani in exchange for cultivations on Mr. St. Aubyn's section, in occupation of Mr. Chilman. Hoera Parepare will pay 10s. an acre for this piece; £1 is paid already.

## Hopataia.

The next section was promised to Hopataia—forty acres, being a reserve for all his unsatisfied claims in the Fitzroy and Grey purchases, including Mr. St. Aubyn's section. He is to pay 10s. an acre for the excess over

forty acres.

## **Matena Tupoki, Wi Tana Ngatata, and Wi Ropiha.**

The next two sections are in the name of Matena Tupoki and Wiremu Tana Ngatata. A fifty acre section was originally promised to these two men and Wi Ropiha Motutere, as a reserve; but they afterwards asked to have three separate reserves of twenty acres each, each man wishing to purchase thirty acres, so that each might have a fifty-acre section. This was agreed to, and Matene and Wi Tana have to pay for thirty acres each, of which they have deposited the greater part of the price. Wi Ropiha afterwards paid the whole purchase-money for his section, which is marked off further inland.

## **Kirihipu, Herewini, Hohaia, and Poharama.**

A section containing seventy acres, more or less, was reserved for Kirihipu, Te Herewini, and Ihaia, for relatives expected shortly to arrive from Nelson; and adjoining it is a fifty-acre section which Poharama wishes to purchase for the same purpose.

## **Wi Tako and Ropiha Moturoa.**

The five-hundred-acre reserve to Wi Tako was promised when the payment for the Waiwhakaiho purchase was made at Wellington.

## **Hohua and Manahi.**

A fifty-acre section at the junction of the Waiwhakaiho and Mangaorei Rivers, for Hohua and his people, and one hundred acres at Te Katoa for Manahi and his people, were promised when the block was purchased.

## **Henare te Puni and Hakopa.**

Henare te Puni is to have a piece reserved on the side of Devon Road, and Hakopa te Rerewai te Rangi forty acres at Mangaorei, when the opposition of that party is withdrawn to the occupation of the Waiwhakaiho Block.

These, as far as my memory goes are all the reserves promised to Natives in the Waiwhakaiho Block.

G. S. COOPER, District Commissioner.

Wellington,

8th December, 1854.

## **No. 44. The Right Rev. Bishop SELWYN to the CHIEF COMMISSIONER.**

*Napier.—Requesting the Crown Grant for School Land.* Taurarua, Auckland, 22nd September, 1856.  
SIR,—

I have the honour to request that you will lay before His Excellency the Governor the Crown grant, which, I

understand, has been already prepared, for the school estate at Ahuriri, and that you will furnish such certificates as may be necessary to comply with the requisitions of the Native Reserves Act, section 17.

I have, &c.,

G. A. NEW ZEALAND, Mr. Commissioner McLean. P.S.—The Rev.

Samuel Williams is already in  
undisputed possession of the above estate, and has stocked it with a flock of sheep  
for the endowment of the Industrial School.

## **No. 45. The Hon. the COLONIAL TREASURER to the CHIEF COMMISSIONER.**

*Suitable Reserves to be made for Public Purposes.* Colonial Treasury, Auckland, 29th December, 1856.

SIR,—

I am directed by the Colonial Treasurer to inform you that in all purchases of land from the Natives the Commissioners engaged in the negotiations for such purposes will be required to report what portions of each block purchased should, in their opinion, be reserved for the construction of trunk lines of road, or as sites for public buildings for the use of the General Government. And where it may appear to any Commissioner to be desirable that a reserve should be made for military purposes, it will be his duty to call the attention of the Government to the subject. You will be good enough to communicate instructions to the above effect to all Commissioners for the Purchase of Native Lands.

I have, &c.,

W. GISBORNE, Under-Secretary.

Mr. Commissioner McLean, Auckland.

## **[Extract from *New Zealand Gazette*.]**

*Gift of Land at Te Aute, Napier, for Church of England Industrial School.* Colonial Secretary's Office, Auckland, 10th June, 1857.

Pursuant to the provisions of "The New Zealand Native Reserves Act, 1856," the following report is published for general information.

E. W. STAFFORD.,

## **Mr. Commissioner G. S. COOPER to the Hon. the COLONIAL SECRETARY.**

31st March, 1857.



SIR,—

In obedience to the instruction contained in your letter of the 16th of October last, I have the honour to report to you, for the information of His Excellency's Government, that I have ascertained the assent of the aboriginal inhabitants to a grant under the 16th section of "The New Zealand Native Reserves Act, 1856," of certain lands in this district set apart by them as an endowment for an industrial school.

I hereby transmit deeds of gift of two blocks of lands, containing respectively 1,745 acres and 1,408 acres, more or less, situated in the neighbourhood of Te Aute, and which are more particularly described in the deeds by plans and written descriptions of boundaries, and which land the aboriginal owners have surrendered to Her Majesty, her heirs and successors, on condition of their being granted to the Bishop of New Zealand and his successor for the purpose above named. I have also the honour to acquaint you that, when in Auckland in December last, I deposited in the Chief Commissioner's Office a copy of the plan of the land set apart by the late Governor, Sir George Grey, for the like object.

I have, &c.,

G. S. COOPER, District Native Land  
Commissioner, Hawke's Bay District.

The Hon. the Colonial Secretary, &c, Auckland.

Report adopted with the advice and consent of the Executive Council of the colony.

THOMAS GORE BROWNE, Governor.

F. G. Steward, Clerk of the Executive Council.

*Oruru.—Respecting Purchase of Nopera's Reserve.* Land Commissioner's Office, Auckland, 1st August, 1857.  
SIR,—

I have the honour to acknowledge the receipt of your communication, bearing date the 12th June, in which you recommend the purchase by the Government of the Native reserve in the Oruru Valley, granted to the late chief Nopera Panakareao.

## Not approved at present.

In reference thereto I have the honour to inform you that His Excellency is not at present prepared to authorize the proposed purchase, but defers giving a final answer until further information shall enable him to form an opinion as to the expediency of the course recommended by you. I have therefore to request that you will state more particularly your reasons for recommending the alienation of this reserve by the family of the late chief Noble; also to express the opinion of the Government that ample provision ought to be made in landed property, to be secured to his heir, and that it is not apparent why the Oruru is an unfit or undesirable locality for this purpose. The annoyance caused to the European settlers through the irregular occupation of the reserve by Noble's followers might possibly be removed by leasing it for a term of years. Upon the expediency or otherwise of such an arrangement you will have the goodness to report.

I have, &c.,

THOMAS H. SMITH, (For Chief Commissioner.)

H. T. Kemp, Esq.,  
District Commissioner, Bay of Islands.

## **No. 48. The CHIEF COMMISSIONER to the ASSISTANT NATIVE SECRETARY, New Plymouth.**

*New Plymouth.—Respecting Exchange of Ruatangata Reserve.* Chief Land Commissioner's Office, Auckland,  
11th September, 1857.

SIR,—

Referring to your private note of the 23rd March last,—informing me that the three surviving owners of Ruatangata, a reserve of five acres are willing to exchange it with Mr. Reed for ten acres of his forest land in the Hua Block, stating the circumstances under which and for whom the reserve in question was made, enclosing a tracing of the same, and expressing your opinion that it is one of those cases that may properly be entertained, seeing that both parties will be benefited by the exchange,—I have the honour, by direction of His Excellency the Governor, to inform you that the transaction is unobjectionable, but that it will require an Act of the Provincial Legislature to carry it into effect. So soon as the Ruatangata is surrendered to the Crown, which it must be as a preliminary to the grant to Mr. Reed, it will become subject to the General Land Regulations of the province, and the Crown will have no power to dispose of it to Mr. Reed, or any other individual, otherwise than as prescribed by those regulations. An ordinance therefore will be required to enable a grant in fee to be issued to Mr. Reed of the land to be ceded by the Natives.

And I am further directed to instruct you carefully to negotiate the cession of the Ruatangata reserve to the Crown, when the Provincial Legislature have passed an ordinance enabling the Crown to grant the land in question to Mr. Reed. The negotiation having been already entered upon by you, you will be good enough to inform Mr. Parris that I have desired you to complete it, either alone or in concert with that gentleman, as you may deem most advisable.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

H. Halse, Esq., Assistant Native Secretary, New Plymouth.

## **No. 49.[Extract from *New Zealand Gazette*.]**

*"The New Zealand Native Reserves Act, 1856," left to its operation.* Colonial Secretary's Office, Auckland, 18th March, 1858.

The following Act passed by the General Assembly of New Zealand in the session held in the nineteenth and twentieth years of Her Majesty Queen Victoria, intituled "The New Zealand Native Reserves Act, 1856," having been laid before the Queen in conformity with the provisions of the New Zealand Constitution Act, Her Majesty has been graciously pleased to leave the same to its operation.

E. W. STAFORD.

## No. 50.[Extract from *New Zealand Gazette*.]

*Commissioners of Native Reserves appointed: Manukau District, New Plymouth, Wellington, and Canterbury.*  
Treasury, Auckland, 12th April, 1858.

His Excellency the Governor has been pleased to appoint the Hon. C. W. Richmond, W. Gisborne, Esq., and T. H. Smith, Esq., to be Commissioners of Native Reserves for the Manukau District, in the Province of Auckland, under "The New Zealand Native Reserves Act, 1856;" G. Cutfield, Esq., Henry Halse, Esq., R. Parris, Esq., and the Rev. J. Whiteley to be Commissioners of Native Reserves in the Province of New Plymouth, under "The New Zealand Native Reserves Act, 1856;" H. St. Hill, Esq., S. Carkeek, Esq., R. R. Strang, Esq., the T. B. Hutton, Tamehana te Rauparaha, Matini te Whiwhi, and Rawiri Puaha to be Commissioners of Native Reserves in the Province of Wellington, under "The New Zealand Native Reserves Act, 1856," W. J. W. Hamilton, Esq., C. C. Bowen, Esq., and T. Cass, Esq., to be Commissioners of Native Reserves in the Province of Canterbury, under "The New Zealand Native Reserves Act, 1856."

C. W. RICHMOND.

## No. 51.The CHIEF COMMISSIONER to the CROWN LANDS COMMISSIONER, Napier.

*Boundaries of Oero Reserve finally determined.* Napier, 18th August, 1858.  
SIR,—

I have the honour to inform you that the question raised by Maika I wikatea and some other Natives respecting the boundaries of the reserve at Oeso, on Mr. E. S. Curling's run, has been finally settled; and that the boundaries of the three hundred acres originally marked off by Mr. Pelichet are to be considered hereafter as the only ones to which the Natives have a right.

I have, &c.,

DONALD MCLEAN.

The Commissioner of Crown Lands, Napier

## No. 52.The CHIEF COMMISSIONER to his Honor the SUPERINTENDENT, Napier.

*Ahuriri.—Respecting the Oero Reserve.* Napier, 18th August, 1858.  
SIR,—

I have the honour to inform you that the question raised by certain Natives respecting the reserve at Oero has been finally settled the original boundaries as settled by Mr. Pelichet being those to which the Natives are

to be considered as having a right. I paid a sum of £50 to the Natives upon the settlement of this question; and I have now the honour to enclose a translation of the deed signed by them. The principal desire of the Natives is to have the right of eel, fishery in the Kohinepari Lake, and the large swamp called the Rotoroa. Although I told them that I would not admit, on the part of the Government, their claim to anything more than what was marked off first and described as their reserve, in the original deed of sale, I should imagine that there could be no objection to allowing them to exercise their right over a swamp that can never be of any use to European settlers, except as a boundary. The Natives have purchased two forty-acre sections, for the purpose of securing their eel-cuts and weirs.

I have, &c.

DONALD MCLEAN.

His Honor the Superintendent.

## **No. 53. The CHIEF COMMISSIONER to Mr. Commissioner SEARANCHE.**

*Waikanae.—Relative to Issue of Crown Grants for Native Reserves.* Chief Land Purchase Commissioner's Office, Auckland, 22nd August, 1858.

SIR,—

Referring to your letter of the 24th ultimo, respecting the purchase of land at Waikanae, and the arrangements proposed by you for a settlement of the Native claims after you had overcome considerable opposition to the sale on the part of some of the Natives, and stating that you had made certain proposals in reference to reserves required for them, subject to His Excellency's approval, with respect to those reserves I have the honour to acquaint you that the Governor has no legal power to issue Crown grants in the manner proposed by you. The object, however, in this case, can be indirectly attained through "The New Zealand Native Reserves Act, 1856," if the Natives will agree to hand over the reserves to the Commissioners for the Province of Wellington, appointed under the aforesaid Act for this purpose. The price proposed by you for the land is satisfactory.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

W. N. Searancke, Esq District Commissioner, Wellington.

## **No. 54. The CHIEF COMMISSIONER to Mr. Commissioner G. S. COOPER, J.P.**

*Napier.—Land Claims of William Edwards's Children at Te Aute.* Chief Land Purchase Commissioner's Office, Auckland, 4th September, 1858.

SIR,—

With reference to your letter of the 20th July last relative to the land at Te Aute claimed by William Edwards as the property of his half-caste children, and requesting to be informed whether there is any law in existence by which the land can be granted by the Crown to trustees for their benefit, I have the honour, by direction of His Excellency the Governor, to inform you that the Land Claims Settlement Extension Act, which has been reserved for the signification of Her Majesty's pleasure, makes provision for such cases, and that the case of William Edwards's children will be considered when the Act is allowed.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

G. S. Cooper, Esq., J.P., District Commissioner, Ahuriri.

*Wellington.—As to Gifts of Land by Natives to half-caste Children.* Chief Land Purchase Commissioner's Office, Auckland, 10th September, 1858.

SIR,—

With reference to your letter of the 6th instant relative to gifts of land by Natives to half-caste children, urging the importance of some immediate steps being taken for a settlement of their claims, and stating the bearings of the question upon your present negotiations for land purchases, having brought the subject under the notice of His Excellency's Government, I am directed to inform you that you may propose to the Natives as a term of the contracts entered into with them to secure portions of lands of moderate extent out of the purchased blocks to be granted to half-caste children, all such arrangements being of course subject to His Excellency's approval.

## **Native Reserves to be of Sufficient Extent.**

I need scarcely draw your attention to the necessity for having reserves of sufficient extent for the present and future requirements of the Natives themselves set apart in the blocks now under negotiation in your district.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

W. N. Searancke, Esq., District Commissioner,  
Wellington.

## **No. 56. The CHIEF COMMISSIONER to Mr. Interpreter JOHN WHITE.**

*Manukau Block.—External Boundaries of Four Reserves to be cut.* Chief Land Purchase Commissioner's Office, Auckland, 13th September, 1858.

SIR,—

I have to request that you will proceed to Waiuku as soon as possible and point out in, presence of the Native owners, the boundaries of the four reserves in the Manukau Block of 22,000 acres, purchased by Mr. Searancke: *vide* copies of deeds of sale herewith, dated 2nd and 22nd October, 1857.

It appears that in concluding this purchase Mr. Searancke specified the extent and position of those reserves respectively as follows: First, Te Ngaio, 1 acre; second, Rewaroa, 5 acres; third, Paraerae, 100 acres; fourth, Whakarongo, 100 acres. But the external boundaries were not cut or defined at the time of purchase, and it is necessary that this should now be done before the land is thrown open for selection.

As Mr. Andrewartha is now laying off that block in sections, you will have the goodness to accompany him to have the boundaries of the reserves clearly defined at the same time in such a manner as to prevent any possibility of future disputes with the Natives.

If the surveyor intimates to you that it is desirable that a public road should be formed through any of the above reserves, you will endeavour to obtain the sanction of the Natives to permit of such a road being made, on the understanding that they will be allowed an equal extent of land to what is taken up for that purpose attached to the reserve through which the road is to pass.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

Mr. J. White, Interpreter, Land Purchase Department,  
Auckland.

## **No. 57. The CHIEF COMMISSIONER to Mr. Commissioner PARRIS, J.P.**

*Waiwhakaiho.—Right of Road through Reserve of Wiremu te Ahoaho to be conveyed.* Chief Land Purchase Commissioner's Office, Auckland, 20th September, 1858.

SIR,—

The deed of conveyance executed by Wiremu te Ahoaho himself for a portion of land on his reserve at Waiwhakaiho, given up by him as a site for a road, not being sufficiently binding, I have the honour, by direction of His Excellency the Governor, to transmit to you herewith a draft of a deed, to which you will be good enough to adhere as closely as the circumstances of the transaction will admit, taking care likewise that a plan of the land is attached to the conveyance. I have also to draw your attention to the fact that, while Wi te Ahoaho is the principal owner of the reserve in question, especial care should be taken to obtain the assent and signatures of the other Natives formerly residing together with him upon the land; and that the conveyance shall be so executed that no possibility may exist of any of his relations, or any other party, being in a position to come forward hereafter, or at his demise, to dispute his right to sell or disturb the existing arrangement.

The land in question does not come within the operation of "The Native Reserves Act, 1856," having been set apart for Wi te Ahoaho and party under Governor Fitzroy's arrangement of 1844. You will therefore be good enough, in your capacity as District Commissioner, to obtain the cession of the land, making such alterations in the form of conveyance herewith transmitted as you may deem necessary to make it binding upon the Natives; the chief object in all such documents being to make them so clear and explicit as to prevent the possibility of future litigation or dispute.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

R. Parris, Esq., J.P., District Commissioner, Taranaki.

## **No. 58. The CHIEF COMMISSONER to Mr. Commissioner SEARANCKE.**

*Manawatu.—Lands given to Family of Mr. T. U. Cook to be surveyed.* Chief Land Purchase Commissioner's Office, Auckland, 9th November, 1858

SIR,—

I have the honour to acknowledge the receipt of your letter of the 16th ultimo, relative to three blocks or parcels of land of sixty, one hundred, and two hundred acres respectively, which the Natives of Manawatu are desirous of conveying to the half-caste children of T.U. Cook, Esq., who is at present in occupation of those lands. I have brought this subject under the consideration of His Excellency's Government, who are of opinion that the transaction is fair and desirable; but, at present, a legal difficulty exists as to the issue of a Crown grant for those lands. The Hon. The Attorney-General is of opinion that the 13th section of the Lands Claims Settlement Extension Act will meet the requirements of the case. No grant, however, can be issued until the Act has received the assent of Her Majesty.

Under these circumstances, and pending further consideration and action, it will be advisable to have the land surveyed, if, as I suppose, it is entirely free from any counter-claim by any other European, with a view to its being made over to the Crown for the purposes intended by the Natives. The survey should, of course, be conducted under your instructions, the expense being borne by Mr. Cook himself.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

W. N. Searancke, Esq., District Commissioner, Wellington.

## **No. 59. His Honour the SUPERINTENDENT, Taranaki, to the CHIEF COMMISSIONER.**

*Land to be set apart for Tamohare, Ten Acres.* Superintendent's Office, New Plymouth, 6th April, 1859.

SIR,—

I have the honour to acknowledge the receipt of your letter dated 29th March, 1859, requesting that ten acres of land in a particular position in the Tarururangi Block should be appropriated for the use of Tamohare, he paying for it at the rate of 10s. an acre; in reply to which I beg to acquaint you that the Provincial Government will comply with your request.

I have, &c.,

G. CUTFIELD, Superintendent.

Donald McLean, Esq., Chief Land Commissioner, Auckland.

## **No. 60. The CHIEF COMMISSIONER to Mr. Surveyor SINCLAIR.**

*Mangere.—Reserve for Te Wherowhero to be surveyed, &c.* Chief Land Purchase Commissioner's Office, Auckland, 18th May, 1859.

SIR,—

I am directed to request that you will proceed at once to Mangere to mark off on the ground the external boundary of the land comprised in the grant to the chief Te Wherowhero, and the portion subsequently set apart by direction of His Excellency the Governor as a reserve for Te Wherowhero and his people; also the position of the public reserve, and the direction of the principal streets, as marked on the plan of the Mangere Settlement.

I have, &c.,

J. ROGAN, D.C., (For Chief Commissioner.)

Andrew Sinclair, Esq., &c.

## **[Extract from *New Zealand Gazette*.]**

*Lands brought under Operation of "The New Zealand Native Reserves Act, 1856."* Office of Minister for Native Affairs, Auckland, 26th May, 1859.

The following reports by Josiah Flight, Esq., one of the Commissioners of Native Reserves for the Province of Taranaki, are published for general information.

C. W. RICHMOND.

## **REPORT by JOSIAH FLIGHT, Esq., of the Province of Taranaki, under "The New Zealand Native Reserves Act, 1856."**

*Reserve No. 2 (150 Acres).*

The Natives whose names are given below, having the sole right to 150 acres of this reserve, and they being



desirous of bringing the same under the operation of the said Act, have executed a conveyance of the said land in favour of Her Majesty. The reporter has therefore the honour to recommend that such portion of the reserve as is delineated on the plan drawn in the margin of the deed of conveyance sent herewith should be brought under the operation of the said Act.

Names of the Natives:

I have, &c.,

JOSIAH FLIGHT.

New Plymouth,

14th March, 1859.

## **Report by JOSIAH FLIGHT, Esq., of the Province of Taranaki, under "The New Zealand NativeReserves Act, 1856."**

*Reserve No. 9 (Fitzroy Block).*

THE Natives whose names are given below, having the right to Reserve No. 9, situate in, the Town of New Plymouth, Fitzroy District, and being desirous of bringing the same under the operation of the said Act, have executed a conveyance in favour of Her Majesty. The reporter has therefore the honour to recommend that the said reserve, as the same is delineated in the plan drawn in the margin of the deed of conveyance sent herewith, should be brought under the operation of the said Act.

Names of the Natives:

JOSIAH FLIGHT.

EXTRACT from minutes of the Executive Council of the 12th April, 1859.—"The Council recommend that the reports be adopted; and they are adopted accordingly."—F. G STEWARD, Clerk of, Executive Council.

### **[Extract from *New Zealand Gazette*.]**

*Church of England Reserve at Papakura, near Auckland.* Office of Minister for Native Affairs, Auckland, 1st June, 1859.

The following report by Thomas Henry Smith, Esq., one of the Commissioners of Native Reserves for the Province of Auckland, is published for general information.

C. W. RICHMOND.

## ***"The New Zealand Native Reserves Act, 1856."***

I, Thomas Henry Smith, a person duly appointed in that behalf under the provisions of "The Native Reserves Act, 1856," do hereby report that I have ascertained the assent of the aboriginal inhabitants and

proprietors of a certain piece or parcel of land described in the schedule hereunder written, and in a deed of cession of the same to Her Majesty the Queen, bearing date the 26th day of April, 1859, to the grant by His Excellency the Governor of New Zealand of the aforesaid piece or parcel of land to the Bishop of the Church of England in New Zealand and his successors, pursuant to the provisions of the said Act, in trust for the site of a church and burial-place and for the endowment of a school in connection with the Church of England.

Witness my hand this 20th day of May, 1859.

THOS. H. SMITH.

## Schedule above referred to.

All that piece of land situate at Papakura, bounded on the North-west by Allotment No. 4 of the Parish of Opahake, 534 links, bearing  $246^{\circ}$  by compass; on the North-east by Native land, 1,000 links, bearing  $315^{\circ}$  by compass; on the South-west by Native land, 534 links, bearing  $66^{\circ}$  by compass; and on the South-east by the Great South Road, 1,000 links, bearing  $135^{\circ}$  by compass.

Report adopted this 31st day of May, 1859, with the advice and consent of the Executive Council of the colony.

T. GORE BROWNE, Governor.

F. G. Steward,  
Clerk of the Executive Council.

## The NATIVE RESERVES COMMISSIONERS to the Hon. the ATTORNEY-GENERAL.

*Respecting Lease of Native Reserve to John Moore.* Native Reserves Office, Wellington, 23rd June, 1859.  
SIR,—

We have the honour to submit for your consideration the following question having reference to a certain class of land reserves in this district, and to solicit your opinion thereon. It refers to those reserves which were given to certain Native tribes by Colonel McCleverty, acting on behalf of the Governor of New Zealand, in consideration of their having ceded to Her Majesty's Government numerous cultivated grounds within and in the neighbourhood of the Town of Wellington, and of which reserves plans were handed over to the Natives at the time that the several negotiations took place.

We are doubtful whether reserves of this class come properly within our control under the provisions of "The New Zealand Native Reserves Act, 1856," and the difficulty has presented itself in a recent case, the particulars of which are as follow: In the year 1847 the Ngatiawa Tribe surrendered to the Government all their cultivations on the Karori, Kaiwharawhara, Harbour, and Lower Hutt Districts, receiving as compensation Town Acres Nos. 633–635 and 637, Wellington, together with other lands as set forth in the deed of agreement. On the 28th of January last we granted a lease of half of Town Acre No. 635 to John Moore for a term of fourteen years, at £7 per annum, subject to a covenant to erect thereon a house of the value of £150. We were induced to take this course from the consideration that nothing had hitherto been done by the Natives with a view to the improvement of this reserve, and under the conviction that a lease of the nature described above would tend to enhance very considerably the value thereof. It nevertheless produced much dissatisfaction amongst the Native proprietors, and called forth a letter of remonstrance signed by nine of them, a copy of which is enclosed. In consequence of this they were invited to a conference with us on the 6th instant. They objected to the lease on the ground that it has been executed without their knowledge or consent, and took

exception moreover to some of the terms thereof.

For our future guidance, therefore, we have the honour to request your opinion on the following point, viz.: Has the Board full power of management and disposition over reserves of this class under the provisions of "The New Zealand Native Reserves Act, 1856," or does the law vest that power in the Natives, in whose names and for whose benefit such reserves have been made?

We have, &c.,

ROBERT R.  
STRANG. S. Carkeek. (On behalf of the Board.)

The Hon. the Attorney-General.

## Minute by Attorney-General.

I add an extract from Native letter alluded to: "Mr. St. Hill has already leased one of our sections there, and receives the rent.

Note by Mr. W. Buller.—The rent accruing under the lease here referred to is appropriated towards the maintenance of the Wellington Hospital.—W.L.B.

No portion of it [the rent] has ever been given to us. Governor Grey told us that after nine years we should resume possession of it. At the expiration of that period we went to Mr. St. Hill, and he refused to give it up to us. Hence we discover that your custom is to give and afterwards to take away.—Te Rira Porutu, Ihaia Porutu [and 7 others]."

W. SWAINSON.

## Enclosure. The ASSISTANT NATIVE SECRETARY to the \_\_\_ COMMISSIONERS of NATIVE RESERVES.

*Wellington.*—*Opinion of the Hon. the Attorney-General.* Native Secretary's Office, Auckland, 24th September, 1859.

GENTLEMEN,—

In reply to the letter addressed by you to the Hon. the Attorney-General, dated 23rd June last, proposing questions respecting the legal powers of the Commissioners of Native Reserves, I am directed by His Excellency the Governor to inform you that the Attorney-General, upon the facts of the case as stated by yourselves, is of opinion that the lands given to the Natives in exchange for their cultivations by Colonel McCleverty, acting on behalf of the Government, are not Native reserves within the meaning of "The New Zealand Native Reserves Act, 1856."

I have, &c.,

THOS. H. SMITH, Assistant Native Secretary.

The Commissioners of Native Reserves, Wellington.

## **No. 64. The CHIEF COMMISSIONER to Mr. Commissioner H. T. KEMP, J.P.**

*Bay of Islands.—Ngahikunga Reserve, under Offer to H. Williams, Esq.* Native Land Purchase Department, Auckland, 12th November, 1859.

SIR,—

Mr. H. Williams having applied to the Government, requesting that, under clause 8 of the Land Claims Extension Act, a cession may be ordered to be taken of a Native reserve named Ngahikunga, originally made within the boundaries of the claim of Archdeacon Henry Williams, and which he states the Natives are now willing to give up, I have the honour, by direction of His Excellency the Governor, to request that you will, as early as possible, put yourself into communication with the Native owners of the reserve, for the purpose of obtaining the necessary deed of cession, and that you will transmit a copy of the same, when executed, to the Land Claims Commissioner.

I have, &c.,

THOS. H. SMITH, (For Chief Commissioner.)

H. T. Kemp, Esq., J.P., District Commissioner, Bay of Islands.

## **No. 65. The ASSISTANT NATIVE SECRETARY to the CHIEF COMMISSIONER.**

*Ahuriri.—Purchase of the Oero Reserve completed.* Native Land Purchase Department, Auckland, 7th December, 1859.

SIR,—

In reply to your letter of the 23rd August last, reporting, for the information of His Excellency the Governor, your proceedings with reference to the Oero reserve, and forwarding translation of a receipt for the sum of £50 paid by you to the Natives for the purpose of effecting a final settlement of the question, I have the honour to inform you that His Excellency the Governor has been pleased to approve of the arrangements made by you, and to sanction the payment of the above-named sum to the Natives concerned.

I have, &c.,

THOS. H. SMITH, Assistant Native Secretary.

Donald McLean, Esq., J.P., Chief Commissioner, Wellington.

## **No. 66. Mr. JOHN P. STEWART to Mr. S. DEIGHTON.**

Whanganui, 28th April, 1860.

SIR,—

For your information in connection with the Waitotara Block of land, I subjoin the following:—

The Native reserves retained on the bank of the Waitotara River are four, viz.:—

The land in these reserves is mostly of a valuable quality.

The whole of the land upon the Whanganui side of the Okehu Stream being also retained, there are left in the portion now offered for sale 24,900 acres, of which, however, 7,500 acres consist of sandhills of little value, they being nearly barren, with patches of scrub and toetoe, &c., only here and there.

This leaves 17,400 acres, whose value is much lessened by the occurrence of the foregoing reserves in different portions of the block, destroying in a great measure its unity. Of this quantity more than one-half is open fern land of a good description, the remainder being bush land, the timber upon which is not of much value, there being little of it fit for sawing. The soil of both the open and the bush land is of a very superior description in general, but the portion of the open land adjoining the sandhills and the coast-line, having a light sandy soil, is better adapted for grazing purposes than for cultivation.

I have, &c.,

JOHN P. STEWART, Surveyor, Native Land Purchase  
Department.

S. Deighton, Esq., Whanganui.

## HERBERT S. WARDELL, Esq., R.M., to the Hon. the NATIVE MINISTER.

*Wairarapa.—On Occupation of Land near Waiohine Bridge by Ngatuere and Party.* Wellington, 22nd January, 1861.

SIR,—

In the memorandum I had the honour to hand you on the — ultimo, on the alleged improper occupation of certain land near the Waiohine Bridge, Wairarapa, by Ngatuere Tawhao and others, I stated that I could not form an opinion on the right to the land in question until I had examined certain plans and applications for land in the Crown Lands Office. Having made the necessary examination and inquiries, I have now the honour to report that I am of opinion that Ngatuere is in rightful occupation of the land, and that no sufficient reason exists for his removal from it. The land has not been sold by the Crown, but forms a portion of the Ferry Reserve, of which 140 acres were given to Ngatuere by deed dated March, 1858.

I annex for your information—(1) A copy of a portion of a plan dated 1856, now in the Crown Lands Office, on which the Ferry Reserve, the surrounding selections of land, and the proposed line of road are given; (2) copies of application for land situate to the west of the Ferry Reserve (Mr. Fennie's, dated 19th March, 1856; Captain Carlyon's, dated 20th November, 1856); (3) a duplicate of (1), on which I have indicated by dotted lines the position of the present road, and the site of Ngatuere's village. From these it appears that the land applied for in 1856 by Mr. Fennie and Captain Carlyon was bounded on the east by the then new line of road and the Ferry Reserve respectively, as given in the annexed plans. It is worthy of remark that Fennie's application was put in by Mr. Hughes, the surveyor, who afterwards made the plan from which the tracings 1 and 2 are taken. The diversion of the road was not determined upon until subsequent to 1856. The fact of the road being diverted does not affect the boundary of the land sold; it follows therefore that that portion of the reserve between the road as proposed in 1856 and the road as now formed does not form part of the land selected by Messrs. Fennie and Carlyon, and consequently that Ngatuere's occupation of it does not interfere

with any right acquired by them. Crown grants have not yet been issued for the selections referred to.

The circumstances under which Ngatuere occupies a portion of the reserve are these: In March, 1858, in consideration of the sum of £200 and 400 acres of land, of which 140 acres of the Ferry Reserve were to form a part, he executed a deed conveying to the Crown the Taratahi Block, which had been previously sold by Wi Kingi and others. I applied to Mr. District Commissioner Searancke, to be informed whether any arrangement had been made as to what part of the Ferry Reserve was to be given to Ngatuere, and in reply received the letter of which I annex a copy for your information.

Although Ngatuere's portion of the reserve has not been set out or defined, he has been allowed to form the village and occupy land on both sides of the present road. I consider, therefore, to require him now to remove to any other portion of the reserve would be as unjust as, I am satisfied for the reasons given in my memorandum, it would be impolitic. It is highly important that the 140 acres should be set out with the least possible delay. It is desirable that a few acres (five or ten) at the approach of the bridge should be reserved as they might be required.

I have, &c.,

HERBERT WARDELL, Resident Magistrate.

The Hon. the Minister for Native Affairs, Auckland.

## **Enclosure.Mr. Commissioner SEARANCKE to H. S. WARDELL, Esq., R.M.**

*Wairarapa.—Concerning Reserve of Ngatuere.* Wellington, 7th January, 1861.

SIR,—

In answer to yours of this date, referring to the Ferry Reserve at the Waiohine River, as applied to the reserve for Ngatuere Tawhao, I beg to state that no arrangement was made as to what particular portion of the Ferry Reserve was to be given up to the Natives, but assuredly the part actually occupied by them. The then Crown Lands Commissioner verbally requested me to retain a portion, represented to me as a valuable site for a mill, in the lower part of the reserve down the river. To this I consented, provided that it did not interfere with the Natives, nor was a portion which they particularly wished to have for cultivation. Ngatuere's reserve has not been set out up to the present time, notwithstanding repeated applications on my part to the Provincial District Surveyor to set out the Ferry Reserve in accordance with the plans in the Provincial Survey Office. At the present time I am returning to the Wairarapa, unable to carry out my engagement to Ngatuere to set out the reserve (which I had engaged to do myself at once) from want of the necessary bearings and lengths of lines to enable me to do so.

I have, &c.,

WILLIAM N. SEARANCKE, District Commissioner.

H. S. Wardell, Esq., Wellington.

## **No. 68.HERBERT S. WARDELL, Esq., R.M., to the Hon. the NATIVE MINISTER.**

*Wairarapa.—Respecting the Boundaries of Ngatuere's Reserve.* Wellington, 3rd April, 1861.  
SIR,—

I have the honour to report the existence of a difficulty in the arrangement of the boundaries of Ngatuere's reserve at the Waiohine, of which I was not aware when I reported to you on the subject in January last. At that time I was under the impression that Ngatuere was not occupying any portion of the land sold by the Crown, of which Hughes's proposed line of road forms the eastern boundary: in this I find I was in error, arising from the insufficient manner in which Mr. Hughes had marked out the road. By reference to the plan and memorandum I have the honour to enclose, you will understand the present position of the question. The space tinted purple (containing fifteen acres), part of the land sold to Captain Carlyon, has been long in the occupation of Ngatuere and his people as cultivations, &c., and they are very indisposed to give up possession of it, especially as Ngatuere's mother is buried there. The space tinted yellow (twenty acres) is also claimed by Ngatuere as within what he understood to be the boundaries of the reserve, and is partly cultivated. These thirty-five acres are not claimed in addition to the 139 acres to which he is entitled, but as forming part of it.

Under these circumstances I consider I shall be acting within your instructions by employing a portion of the money you placed at my disposal for the settlement of this question, in compensating the Natives for the improvements which they have made on the land. My impression is that the sum required for the purpose will not much exceed £50. I will, however, make the most economical arrangement practicable.

I have, &c.,

HERBERT WARDELL, Resident Magistrate.

The Hon. the Minister for Native Affairs, Auckland.

## **HERBERT S. WARDELL, Esq., R.M., to the NATIVE SECRETARY.**

*Porirua.—Disputed Boundary of Native Reserve.* Wellington, 5th June, 1861.  
SIR,—

In obedience to His Excellency's request conveyed in your letter of the 3rd ultimo, I have made inquiry into the case of disputed boundary at Porirua, and have now the honour to report thereon.

On receiving the necessary preliminary information, which was very readily afforded by the Crown Lands Commissioner, I visited Porirua and had an interview with the parties concerned. I found a Mr. Stevens in possession of certain land which he contended he had purchased of the Crown, but which was claimed by Natives as part of the land reserved at the time of the sale of the district, and they produced a rough map of the reserves signed by Sir George Grey, a tracing of which (marked A) I enclose for your information. In explanation of this map, I enclose (B) a copy of the translation of the deed of sale, certified by Colonel McCleverty, on the map of the district in the Provincial Survey Office.

Having visited the land in dispute in company with Mr. Swainson, District Surveyor, I find that Mr. Stevens is undoubtedly occupying part of the land reserved by the Natives, and I have indicated the position of the land so occupied by him by an asterisk on the tracing (Enclosure A). This difficulty appears to have arisen partly from a mistake in the survey of the stream forming the boundary of the Native land, which made Section 25 (that purchased by Mr. Stevens) appear to contain more land than it really did, but chiefly from Mr. Park, the then Provincial Surveyor, having given Stevens for his western boundary "a line equalizing the stream," instead of the stream itself, in consequence of which Stevens has occupied land on the Natives' side of the stream.

Mr. Swainson's letter (Enclosure C), together with the tracing of the map from which Stevens's selection was made (Enclosure D), will put you in possession of the circumstances under which the survey was made for

Mr. Stevens, and their result. On the tracing you will observe the correct position of the stream laid down, and the extent to which the line which Mr. Park gave as an equalizing one encroached on the Native land. As, however, the stream has always been the boundary of Section 25, and as Mr. Stevens's application for land is for "Section 25, about one hundred acres," and afterwards "for the remainder of Section 25," the land on the opposite (western) side of the stream has not been sold to him. Whether he is entitled to compensation for any mistake into which he may have been led by Mr. Park giving him a line as his boundary instead of the stream, it is not for me now to express an opinion, but I may state that he has cleared about thirty acres of land, and erected some rough buildings and about one hundred chains of bush fencing. All this is done on Native land.

The Natives have repeatedly complained to Stevens of his occupying their land, but he appears to have considered that he was not bound to pay any attention to their remonstrances unless it came through the Government, and it was only on their absolutely preventing him from doing more work on their land that he applied to the Crown Lands Commissioner on the subject. The Natives were very anxious that Mr. Stevens should immediately remove from their land: as to do so would be attended with much inconvenience to Mr. Stevens, I arranged with them, subject to His Excellency's approval, that they should receive the sum of £10 if they allow Mr. Stevens to remain in peaceful possession until the 31st December next. They profess to value Mr. Stevens's clearing, &c., very lightly, as they say it has all been done against their protest.

I have, &c.,

HERBERT WARDELL, Resident Magistrate.

The Native Secretary, Auckland.

## Enclosure B.[ TRANSLATION.]

Porirua, 1st April, 1847.

These are the lands that are given up by us to the Governor, beginning at the boundary formerly laid down to us by Mr. Spain at the Kinapora, running to Porirua, Pauatahanui, Horokiwi, extending as far as Wainui; then the boundary takes a straight course inland to Powaha, running quite as far as Pawakataka. There are three pieces kept in reserve for us of the land that is given up by us to the Governor. One of these, beginning at Te Aratawa, running in a straight line inland; then it crosses and comes out at the house belonging to Mr. Jackson, running along the water edge; the other boundary comes as far as Waitawa, and runs straight along the water edge till it reaches Te Aratawa. We have likewise this again in reserve, the boundary of which runs from Jackson's house until it reaches the creek on the side of the cultivated garden of Te Hiko; then it runs straight along that river, running straight along the back of the ridge, then breaking out again to the waterside at Papakohai, a little outside of the settlement at Ohau. We have this again in reserve, the boundary of which begins at Tawitikuri, running along the ridge until it reaches the mountains above the Paripari; then it runs along the ridge to Wainui, and it then descends into Wainui River; it then runs straight along that river to Pawaha, running to Pawakataka; the part outside this boundary we still retain as ours. If any of our cultivations that are above Taupo should fall within the boundary of the Governor's land they are to be returned to us. The payments for these lands are these: £2,000 in money—£1,000 to be given to us on the 1st day of April, 1847; £500 on the 1st day of April, 1848; and £500 on the 1st day of April, 1849; which, being added together, makes £2,000, which concludes the arrangement.

Witnesses to the signatures—

W. A. McCleverty,

Lieutenant-Colonel. S. Armstrong, Captain, 99th Regiment. L. R. Elliott,

Lieutenant, 99th Regiment. W. F. G. Servantes, Lieutenant, 6th

Regiment, Interpreter to the Forces.



# Enclosure C.

Survey Department, Wellington, 29th May, 1861.

SIR,—

In reply to your letter of the 27th instant, requesting me to inform you what instructions were given to Mr. Macmanaway from this office, relative to the private survey he made of Section No. 25, Takapu District, I beg to give the following information, so far as my memory will permit:—

On Stevens purchasing the said section, he employed Mr. Macmanaway to survey it for him, and Mr. Park, then Provincial Surveyor, instructed him, I believe, as follows: To commence the dividing line between Sections 101 and 102, at Porirua, and cut this line with a certain bearing, first a distance of 59 chains, which distance would, according to the map used in this office and considered correct, have brought him to the stream forming the boundary between the Native and Crown land; then with another bearing, starting from the said point to cut the division-line between Sections 25 and 28, Takapu District, a distance of 6,180 links, bringing him to the New Zealand Company's line of road through the district which forms the eastern boundary of No. 25. To determine the western boundary—the one now in dispute—he was to measure 550 links from the above-mentioned point at 59 chains, and then lay off an equalizing line along the general course of the stream with a certain bearing, as shown in the plan laid before him, and which line ought to have crossed and recrossed the stream several times, sometimes half a chain on one side and then again two or three on the other side.

That the two former portions of his instructions were carried out I have no doubt whatever; but when he found, upon commencing the equalizing line, that there was no stream—in fact, that no stream had been crossed at the 59 chains—I should certainly consider it was his duty, or that of any other surveyor, to have at once reported the case to this office.

I have confined myself entirely to the question of Mr. Macmanaway's instructions, but intend making a more lengthened report on this case to his Honour the Superintendent.

I have, &c.,

GEORGE F. SWAINSON, District Surveyor.

## No. 70. The CHIEF COMMISSIONER to MALCOLM FRASER, Esq., GOVERNMENT SURVEYOR.

*Wairarapa.—A Reserve to be surveyed for Te Kepa.* Native Land Purchase Department, Auckland, 11th July, 1861.

SIR,—

Referring to your letter respecting a reserve claimed by Te Kepa, on the Huangaroa River, I have the honour to request that you will at once mark out on the ground a reserve in that locality of two hundred acres, or thereabouts, for him, taking care to interfere as little as possible with European claims. In mentioning two hundred acres for the reserve you will be pleased not to confine yourself to the exact quantity; a due regard should be had to the disposition of the land and natural boundaries.

I have, &c.,

DONALD MCLEAN, Chief Commissioner.

M. Fraser, Esq., Wellington.

## **No. 71. MEMORANDUM on the KAWAU PA, New Plymouth.**

The occupation by the Natives of the town pa, New Plymouth, has been for some time a subject of complaint by the Europeans residing in the vicinity of the pa, more especially that portion of it which interfered with the continuation of Currie Street. In the early part of April last I had several conversations with the Natives upon the subject, and they appeared to me quite willing that the land should be sold to the Government.

A Commission was appointed in April, 1861, to value the pa and buildings. One claimant, whose name I forget, objected to the award as being too small. Te Waaka, who had a house in the pa, was at this time with the rebels, and did not accept the terms of peace until the following June. He then offered to give up certain lands as an atonement for his offence, including his claim in the town pa. This offer was qualified at the suggestion of Mr. Parris, and it was ultimately proposed that the Pukenui Reserve only should be ceded. The Government assented to this arrangement.

I am of opinion, from what I know of the Natives claiming the pa, that they may be induced to surrender their claims for the sum awarded by the Commission, if fairly distributed among the proprietors. This, it appears to me, will be the simplest solution of the present difficulty.

DONALD MCLEAN, Chief Commissioner.  
22nd November, 1861.

## **MEMORANDUM on the PURCHASE of TWO NATIVE RESERVES.**

*Kaipara.—Purchase of Two Reserves in the Waioneke and Okaka Blocks.*

Te Keene and Paraone, who were the principal claimants in the Waioneke and Okaka Blocks, which are now being handed over to the Provincial Government, have been to the Native Office several times regarding two Native reserves: one in Okaka called Tipare, containing fifty-four acres; the other in Waioneke, containing about eighty-two acres. They have just now agreed to accept £7 10s. for each, which I promised to give, subject to the approval of the Government. I submit that it will be very desirable to have the reserves purchased, as they might otherwise become an annoyance to persons hereafter, who might be running cattle on Okaka and Waioneke.

I have, &c.,

JOHN ROGAN, District Commissioner.

Auckland,

7th December, 1861.

## **Minute.**

Mr. Rogan may proceed to acquire these reserves as recommended.—F. D. Bell (for Native Minister). 7th

December, 1861.

## REPORTS of PROPOSED CESSION of a PIECE of LAND for RESIDENT MAGISTRATE'S RESIDENCE.

*Waiapu.—Proposed Cession of Land for Magistrate's Residence.* Auckland, 9th January, 1862.  
SIR,—

The Natives of the Waipu District having offered to cede a piece of land (estimated to contain from fifteen to twenty acres) to the Crown, as the site for the residence of the Magistrate, I have the honour to request that I may be informed what steps are to be taken in order to the execution of the necessary deed of cession. The Natives of Tokomaru offered a site for the same purpose during my recent visit, or rather, I should say, expressed their willingness to do so in case any difficulty was experienced at Waiapu in procuring one.

Under these circumstances, and anticipating the location at some future time of a Magistrate within the Tokomaru District, I would suggest that their present disposition should be availed of, especially as from my long and personal acquaintance with them I am sanguine of success in this matter.

I have, &c.,

WILLIAM B. BAKER, R.M.

The Native Secretary, &c.

15th January, 1862.

IN my general report of the 3rd instant, I stated the particulars connected with the offer of a site for a Magistrate's residence, viz., that the Natives positively declined to sell an acre of land; that they offered to give from twelve to twenty acres for this purpose. A letter, signed by thirty-two of the principal chiefs residing between Rangitukia and Whangara offering this land, was enclosed.

The land offered is situated near the pa of Rangitukia, on the banks of the Marahea, a stream of considerable volume which bounds it on the north; on the east, or front, lies the trunk road intended to lead up the valley; the southern boundary is a line running from the fence of Hohepa te Rore's wheat-field (and at a right angle to the main road) towards Te Mapara; the back boundary, a small stream. The soil is of excellent quality, and perfectly level. There is not a tree upon it except a few young manuka.

I append hereto the original, with translation of the Maori letter referred. I feel it to be my duty again to state that the Ngatiporou are extremely jealous of any attempt to acquire (by purchase or deed of gift) any portion of their land. Even though they had themselves opened the question, I found it necessary to be extremely cautious; the very word "whenua," used by an agent of the Government, seemed sufficient to arouse suspicion and distrust. Other sites were named, but objected to by me on account of their distance from the pa at Rangitukia.

In a letter, dated as far back as the latter end of 1860, the Ngatiporou offered a site at Te Kawakawa (Karakatuwhero). As my instructions directed me to locate myself at Waiapu; I made no inquiries about this land; but I was informed that it is very well situated fertile, and possesses the advantage of being near Hicks Bay, from which place there are more frequent opportunities of communicating with Auckland than from any other on the coast.

I respectfully request to be informed, in order that I may give a definite answer to the Natives, whether the offer of the land at Rangitukia is accepted; or whether an extension of the boundaries of that piece will be necessary; or whether negotiations should be opened with them for a fresh site of greater extent, near Rangitukia; or whether, in the event of failure at Waiapu, a site is to be acquired elsewhere; or whether the offer of Karakatuwhero will be accepted, and the Magistrate's location be removed to Te Kawakawa. May I also be

informed whether a site is to be obtained at Tokomaru?

WILLIAM B. BAKER.,

Rangitukia, Waiapu, 20th December, 1861.

O SIRE, OUR LOVING PARENT,—

We greet you. The Magistrate has come hither to our village. We have saluted [*lit.*, sighed towards] the law, that it may be a loving parent to benefit the children, the old women, the old men, the orphans, and the poor. A certain portion of our land has been ceded to us for him, that is, upon your name. We rejoice over this great boon which has come amongst us, namely, the law of the Queen, which is to arrange the portions of our land that they may be right; for our roads, that they may be made straight; and for all good works also, that they may be performed [introduced] among us, lest the root of bitterness spring up, and the many be confused.

From me,

RAWIRI RANGIKATIA. [And 31 others.]

His Excellency Sir George Grey, K.C.B., &c.

## **No. 74. EXTRACT from REPORT on GRANT of SITE for MAGISTRATE'S RESIDENCE.**

Resident Magistrate's Office, Rangitukia, 27th February, 1862.

Before leaving Auckland I addressed the Native Secretary on the subject of the site offered by the Natives for the residence of the Magistrate, and also regarding the expense of erecting a house thereupon. I have as yet received no written reply thereto, but learned from the minutes of the Government that the piece of land named was considered to be too small for the purpose, and that I was to be instructed to treat with the Natives for an extension of the boundaries.

Finding that during my absence from the district a difficulty had arisen with regard to the first offer, and that prompt measures were necessary in order to secure a fitting site, I at once closed with the offer of the Ngatipiritai Tribe, who by a deed of gift dated the 22nd instant (a copy of which I enclose) ceded to the Crown a valuable piece of land, estimated to contain from one hundred to one hundred and twenty acres. It possesses the advantages of nearness to the sea, easy access to an inexhaustible supply of firewood and fencing, convenient to the Natives, and a fertile soil. The offer was made, and the whole transaction arranged in a manner which is highly commendable. I did not hear a dissentient voice, and, indeed, heard nothing whatever about it until the Natives came to invite me to walk round the boundaries. I have this day taken possession in the name of the Queen, and marked off a portion to be cleared and fenced immediately.

I have, &c.,

WILLIAM B. BAKER., Resident Magistrate, E.C.

The Hon. the Attorney-General, &c.

# No. 75. REPORT of CESSION of 700 ACRES as SITE for a SCHOOL.

*District of Waiapu.* Resident Magistrate's Office, Rangitukia, 27th February, 1862.

SIR,—

I have the honour to inform you that on the 22nd instant I perambulated the boundaries of a block of land situated at Mamiti (Upper Waiapu), estimated to contain 700 acres, which the Natives offer to cede as the site for a school in which their children may be taught the English language.

The land is of superior quality, for the most part perfectly level, and situated within natural boundaries. Timber for building and fencing can be procured with great facility, but firewood is rather scarce. It can, however, be obtained in any quantity during the period of the river-freshes. The site has been for some time past set apart for school purposes, and one or more of the Church Missionary body have been to look at it, but no agreement has been entered into nor possession taken of it. The Natives, failing to secure the object of their wishes, and acting on the proposal made in Sir George Grey's policy published in the *Maori Messenger*, now urge the acceptance by the Government of the site, and express their willingness to assist in the maintenance of the school there.

I feel that it will be unnecessary for me to say anything in support of so laudable a proceeding, and trust that I may be authorized to procure the execution of a deed of gift, and to enter upon preliminary arrangements with as little delay as possible.

I have, &c.,

WILLIAM B. BAKER, Resident Magistrate.

The Hon. the Attorney-General, &c.

## Major SPEEDY, R.M., to the NATIVE SECRETARY.

*Landing-place claimed as a Native Reserve.* Waiuku, 3rd May, 1862.

SIR,—

I have the honour to forward you a letter dated Waiuku, 3rd May, 1862, with a translation, by which you will perceive Hori Tauroa and Pita te Whare lay claim to the land in front of Campbell's publichouse, in the Township of Waiuku, which runs some distance along the creek. They desire to obtain a Crown grant for the same with the view of selling the land to Mr. Currie, a settler at Waiuku.

I have, &c.,

JAS. SPEEDY, Resident Magistrat.

The Native Secretary, Auckland.

# Minute by Mr. H. Halse, Assistant Native Secretary.

Forwarded for the information of the Government.

The land claimed by Tauroa and Pita is a Native reserve, and most likely regarded as common property to all the Ngatiteatas, of which tribe the writers of this letter are members. If the Governor advised Hori Tauroa as stated, I presume it will be necessary to obtain the consent of the owners to place the land under the provisions of "The Native Reserves Act, 1856." But previously to attempting this I submit that it may be well for Major Speedy to inquire more closely into the reasons of this desire on the part of Hori Tauroa and Pita, in order that the Government may be satisfied of their soundness and sufficiency.

H. HALSE.

13th May, 1862.

## No. 77. MEMORANDUM on the PURCHASE of the WAIUKU BLOCK, Manukau.

IN purchasing the Waiuku Block, which had been under negotiation for upwards of six years, and which was claimed conjointly by the Ngatiteata and Ngatitipa Tribes, neither of those tribes admitting the right of the other to sell, it was found necessary to deal separately with each tribe, and accordingly £1,500 was paid to Ngatitipa to satisfy their claims to the block. Neither Aihepene nor any of the Ngatiteata Natives signed this deed or received any portion of the money, as they were only entitled to their own share, which was set apart and paid to them in two instalments of £500 and £600, to the first of which Aihepene's name is attached. The boundaries cited in this deed describe the whole of the Waiuku purchase. In that part of the block, for which £1,500 was paid to the Ngatitipa, is a Native reserve called Akaaka, 445 acres, which Aihepene now claims. It will be found that this claim will not be recognized by Waata Kukutai and his people.

Titi was a Native reserve in the Waiuku, for which £20 was paid to Katipa and Wetera te Kauae in August, 1855, and £130 was paid to Katipa and a number of his people as a final surrender of this land in 1856. The deed expresses that no more money shall be paid for Titi, as the parties signing the deed are the only claimants.

In 1848 Aihepene received £50 for Te Puni, which he acknowledges to be a final payment for this land, which has been purchased several times over (see Mr. White's report on Waata Kukutai's claim to Te Puni). It is probable the payment of £50 to Ratapatiti has induced Aihepene to set forward his claim to the lands referred to by him, which has been seen by the Chief Commissioner, who says he cannot maintain any claim whatever to the land in question.

Mr. White will probably explain the circumstances connected with Wharenga, to whom the papers should be referred when he returns from the South.

J. ROGAN, District Lands Commissioner.  
19th August, 1862.

## MEMORANDUM on RESERVES in the PUKETAPU BLOCK, Manukau.

I DISTINCTLY remember proceeding to Ihaia's settlement, in the Puketapu Block, previous to its purchase. While there I had a conversation with him respecting the purchase of it. Ihaia mentioned to me—pointing out at the same time an elderly female and a grown lad, whose names I have forgotten—that they were the principal and original owners of the land, and that it would be necessary that a reserve should be made in order that he

and they should always have a home on the land, and that he should like it to include their settlement and cultivation, where we then were. The name of this place he himself told me was Parairai. No allusion was at that time made to a reserve at Whakarongo.

Subsequently, on my proceeding to Waiuku to complete the purchase of this block, Aihepene asked me whether any reserve had been made by Ihaia. I told him one reserve of a hundred acres had been made by him at his settlement. Aihepene then, evidently from a strong feeling of jealousy, said that he must have a similar reserve made for him, and then mentioned Whakarongo as the locality, which was consented to by me after considerable delay.

The way in which the reserves are mentioned in the deed conveys, by implication, their respective ownership only.

WILLIAM N. SEARANCKE.  
5th September, 1862.

## Minutes.

Mr. Searancke having decided that Ihaia is entitled to Parairai, and that Whakarongo was intended for Aihepene, they should be informed accordingly.—J. ROGAN. 2nd December, 1862.

For Mr. Searancke. To state to whom the Crown grant for Whakarongo should be issued, as well as Parairai.—J. ROGAN. 12th January, 1863.

Parairai is for Ihaia te Manga; Whakarongo is for Kaihau Aihepene.—WILLIAM N. SEARANCKE. 12th January, 1863.

## No. 79Mr. Commissioner PARRIS to the CHIEF COMMISSIONER.

*Respecting Purchase of Te Kawau Pa.* New Plymouth, 3rd November, 1862.  
SIR,—

With reference to the Kawau, Native reserve in the Town of New Plymouth, I have now the honour to report, for the information of the Government, that the land has been conveyed to Her Majesty, the houses have been conveyed to the General Government, and the rent, &c, duly paid in accordance with my instructions from the Hon. the Native Minister, conveyed to me by letter from the Under-Secretary, dated the 12th September last. The only question not settled is that in reference to a piece of land for them at the Henui (his Honour the Superintendent not having been written to on the subject), as recommended by me in my letter of the 16th April last, and approved by the Government, as reported to me by the Acting Native Secretary by letter dated the 8th May last.

I have now the honour to request to be informed whether the Government wish to have the deed of conveyance for the land registered in this, the province to which it appertains.

His Honour the Superintendent has requested me to state that he shall be glad to have the land and houses handed over to him at the earliest convenience, to enable him to complete certain works which have been commenced there.

I have, &c.,

ROBERT PARRIS, District Commissioner.

The Chief Land Purchase Commissioner, Auckland.

SIR,—

There is some misunderstanding about the reserve at Wharekaka. I never agreed to give it up either to Manihera or to Wi Tutere, and nothing was said to me about Wi Tutere building his house there. Manihera has repeatedly applied to purchase the reserve, but I have always declined to sell it, but promised to take his application into favourable consideration if he succeeded in inducing the Natives to withdraw their claims to Borlase's land. I have, in fact, no power to part with the reserve, except it can be made part of such an arrangement as I proposed in respect of Borlase's homestead. You will, therefore, explain all this to Wi Tutere, and request him not to proceed with his house. Let me have an estimate of the quantity of land in Karaitiana's block as soon as the survey is completed, and sound him as to price.

## Mr. Borlase's Land.

I wrote to Manihera last week telling him not to mix himself further with the dispute about Borlase's land. He has, I think, done all he can be called upon to do in the matter. It would be well to caution the Natives that, as they have not paid for the land, £200 of the £440 paid by them to Mr. McLean having been returned, they can only have a claim to a very small portion of the land. I enclose a letter from Romana te Pehi, setting up a claim to Karaitiana's land. Inquire into it.

I have, &c.,

I. E. FEATHERSTON, Superintendent.

Mr. S. Deighton, Greytown.

*Wairarapa.—Respecting Wi Tutere's Application for Wharekaka Reserve.* Wairarapa, 20th February, 1863  
SIR,—

With reference to Wi Tutere's application for the Wharekaka Reserve, I remember the conversation that took place at Greytown, just as you were leaving for Wellington, when he asked leave to settle there till he was able to purchase it. You then told him he might do so, as the place would not be sold to the Europeans. He asked you at the time if you would give him a pukapuka, so that it would be all right. You then said there was no occasion for that, as Manihera had already applied for the land, and that you should not forget it, and that there was no fear of its being sold to the Europeans. He mentioned at the same time that he was going to build a whare there. The conversation took place outside the house, just before Mr. Mantell left, and as there was a great noise and disturbance among the Natives it is possible it may have slipped your memory. I remember the conversation from the fact of Tutere being so very anxious to have the pukapuka. I will see Tutere, however, and give him your message without delay. The estimate of the quantity of land in Karaitiana's block will be forwarded by next mail, and as I am to meet him on Tuesday I can sound him as to a price.

## Romana's Claims.

Romana was speaking to me about his claims; but he is in the wrong, as one of his own people, Hakaraia, went with us and pointed out the boundaries. There are two streams named Mangatopitopi, and he was under the impression that both were included in the block, whereas the line runs between them, excluding the portion that belongs to him. I informed him that no payment would be given until the affair was properly investigated, and the consent of all the owners obtained, at which he was perfectly satisfied. I shall see the claimants to Borlase's homestead to-morrow or Monday, when I shall mention about the £200.

Mr. Wardell has a message from the Governor to give to Ngairo and others respecting the King's flag, and has requested me to be present with him, merely as a witness to their answer. I have promised to do so, with the



understanding that I am not to appear in the matter in any way, or to say anything, as I told him I was cautioned by you some time ago to avoid the subject.

I have, &c.,

S. DEIGHTON.

His Honour the Superintendent, Wellington.

## **No. 82. MEMORANDUM respecting GRANTS for TAMIHANA TE RAUPARAHA and MATENE TE WHIWHI at Otaki.**

MR. EDWARDS, R.M., having been instructed by the Hon. the Colonial Secretary to proceed with the issue of certain Crown grants for allotments in the Township of Otaki, to be granted to Tamihana te Rauparaha and Matene te Whiwhi, I accompanied that gentleman as surveyor, to ascertain whether it was the wish of other Natives occupying or owning allotments that they should be placed on the same footing as regards title to their land as the above-mentioned individuals. After having ascertained the consent of about sixteen to the system of Crown grants being adopted, I was unexpectedly stopped in my endeavours by the interference of the King Natives at Otaki. They came over in a body from Pukekaraka, and a very warm discussion ensued between the two parties. The usual arguments were used by the King party—viz., that the mere survey of any allotments in the town would be an act leading to the establishment of the Queen's mana in the district—and I was distinctly told by them that any attempt on my part to measure any pieces in the town, or even to make a resurvey of the pieces claimed by Tamihana, would be resisted by force. My answer to them was that I only visited Otaki with the object of ascertaining their wishes; that a promise had been made to Tamihana and Matene, and that if any others wished to enjoy the same privileges I was there for the purpose of either obtaining their consent or to hear their objections to the same.

Both previous to meeting the Natives and subsequently, I had conversations with the Ven. Archdeacon Hadfield on the subject, and, that gentleman's objections to the system proposed to be adopted being identical with those raised by the Natives, I will briefly give them: (1.) That the Town of Otaki is one in which tribal right exists to its fullest extent—common to all; and no particular piece, no matter whether in occupation or not, can be dealt with without the consent of the whole. (2.) That hitherto the Natives have always objected to any individualization being attempted, more especially on the occasion of the survey of Tamihana's claims being made under the direction of Mr. Searancke. (3.) That it would be a certain means of dispersing the Natives and introducing an objectionable class of Europeans. (4.) Questions the legal right of Government to grant land over which the Natives have not surrendered their right to Her Majesty. (5.) That one of the pieces claimed by Tamihana, being that on which his father lived, was at the time of his death proposed to be given (with the consent of all) as a site for a hospital.

In conclusion, I must beg leave to express my opinion that if such grants are made to the parties in question, giving them thus a power to sell—which it impossible they might avail themselves of—it will lead, in the present state of affairs, to (at the least) a very bad feeling among the Otaki Natives.

GEORGE F. SWAINSON, Commissioner, Native Reserves.

Wellington,

23rd February, 1863.

## **No. 83. His Honour the SUPERINTENDENT to Mr. SAMUEL DEIGHTON.**

*Wairarapa.—Relative to Reserve said to have been given to Manihera.* Superintendent's Office, Wellington,  
24th February, 1863

SIR,—

It is impossible that any such conversation as you report can have taken place between Tutere and myself; as I have uniformly refused to part with the reserve to Manihera except on condition of Borlase's land being given to me. Any application of Tutere to occupy and build upon the land must have been met at once by a distinct refusal. What passed between yourself and Tutere of course I do not know, but certainly I never gave permission to Tutere to occupy the reserve, nor held out any hope of selling it to him. On the contrary, I requested you to explain to Tutere that, though the land should not be sold to Europeans, yet I could not, at present, make any arrangement respecting it with Manihera, who had the first claim to it. I have written to Mr. McLean respecting Nepia's claim, and shall communicate his answer as soon as I receive it. Ascertain where Wi Kingi is, whether at Otago or the Kaikouras, and write to him asking when he intends returning to complete the sale of the land at Greytown, his title to which is claimed by Ngatuere and others.

I have, &c.,

I. E. FEATHERSTON.

Mr. S. Deighton.

## **No. 84. COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.**

Downing Street, 26th February, 1863.

SIR,—

I have had under my consideration an Act passed by the Legislature of New Zealand intituled "An Act to amend the Native Reserves Act." The effect of this Act is to transfer to the Governor and Council the species of trusteeship exercised hitherto in respect to Native reserves by a Board of Commissioners; and, as the assent of the Natives is a necessary condition for bringing Native reserves under the operation of the Act, it enables the Governor in Council also to declare that this assent has been obtained.

I cannot but view this Act with great apprehension, though I observe your Ministry consider it of so ordinary a character as to require no comment. Even in England it is thought necessary that the administration of any important trust, affecting the management of large landed property, should be vested in some permanent body unaffected by the politics of the day, and it would be held very unsafe to vest such a trust in the Ministry for the time being. But all the peculiarities of the present case, whether arising out of the circumstances of New Zealand as a new country or out of the nature of the peculiar trust, which lies especially exposed to the varying impulses of popular feeling, and, if unjustly or even inconsistently administered, may rouse the most dangerous

kind of discontent enhance the objections of principle to which the Act lies open. The circumstance that the Governor's concurrence is necessary to the acts of the Ministry may possibly furnish a guard against a hasty assumption of the Native assent, that being a matter on which a veto can be effectively used; but, in matters of practical administration, where action is indispensable, and a veto therefore ineffective, it is plain that the management of these Native lands will be exposed immediately to the alternations of popular feeling.

As, however, I have relinquished to the Colonial Government the administration of Native affairs, I am bound to assume that the Act will be so administered as to neutralize its obvious dangers; and I have to inform you that Her Majesty will not be advised to exercise her power of disallowance in respect to it.

I have, &c.,

NEWCASTLE.

Governor Sir George Grey, K.C.B.

## **No. 85.[Extract from *New Zealand Gazette*.]**

*G. F. Swainson, Esq., appointed to ascertain Assent of Natives under "The New Zealand Native Reserves Act, 1856."* Native Office, Auckland, 25th April; 1863

HIS Excellency the Governor has been pleased to appoint George F. Swainson, Esq., to be a person to ascertain the assent of the Natives in the Province of Wellington to their reserves being brought under the operation of "The Native Reserves Act, 1856."

F. D. BELL

## **The RESIDENT MAGISTRATE, Central Whanganui, to the Hon. the NATIVE MINISTER.**

*Native Eel-weirs for Sale.* Courthouse, Central Whanganui, 28th April, 1863.

SIR,—

In compliance with a minute of the Native Minister, dated 8th November, 1862, on letter from D. S. Drurie, R.M., dated 30th June, 1862, respecting the eel and inanga weirs in the District of Okiu, on the Mataraua Stream and its tributaries, I have the honour to report that I proceeded on the 13th March, in company with the chiefs Tamati Puna Pehira and Hoani Wiremu Hipongo, to get all the information I could respecting these fisheries. I would state that, on the day previous to my being there, some one (supposed to be a European) set fire to and burnt one of the principal weirs in that locality, which at the time nearly put an end to further negotiation. However, I beg to state the number and names of nearly the whole of the eel and inanga weirs, most of which were seen by me—namely: (1) Wharetahi, (2) Otapiri, (3) Oti, (4) Waihirereiti, (5) Waihirerenui, (6) Te Houhi, (7) Aratawa, (8) Ngawarua, (9) Okurangatai, (10) Puhikanui, (11) Mangapaiari, (12) Ta Kahakaha, (13) Te Pakiaka, (14) Katikatea, (15) Te Piri-o-Hema, (16) Tatai-o-te-Matau, (17) Te Rere I., (18) Te Rere II., (19) Pirinoa, (20), Putataua, (21) Maraeroa, (22) Tutumapou, (23) Whangairiro, (24) Okahukura,

(25) Rotokopu, (26) Kairepa, (27) Kahukatia, (28) Whareatua, (29) Kaitara, (30) Maeaui, (31) Tanga-a-te-Kahoroiiwi, (32) Waikamate, (33) Te Poroporo, (34) Tuhi-a-te-Rerewha, (35) Te Awahurie, (36) Moturautawhiri, (37) Makakahi, (38) Te Uri-a-te-Wharemoa, (39) Korakonui, (40) Otarawairua. These forty weirs are in the main stream of the Mataraua.

The following are in the tributaries, principally the Mangamouku Creek—namely: (41) Matakanohi I., (42) Matakanohi II., (43) Puharawhara, (44) Te Kupenga, (45) Mangamutu, (46) Arapakiaka, (47) Te Kopua, (48) Te Parapara, (49) Kohikohitawa, (50) Te Ngarukaiwaka, (51) Mata Herepuru, (52) Kohukohu, (53) Maraua, (54) Takanga-o-Ngatai, (55) Te Mata, (56) Te Kaiwhata—which are now offered by the owners of these fisheries for the sum of £200.

I would state that these are all the fisheries owned by the Natives on the above-named stream and its tributaries, but I do not recommend the above sum, leaving to the Government to state what sum will be given.

I have, &c.,

JOHN WHITE R.M., Central Whanganui.

The Hon. the Native Minister, Auckland.

## ***Memorandum.—(Received 2nd May.)***

Mr. White requested to state whether the sum named is understood as an equivalent for the cancelling of the whole eel-pa clause and rights under it in the Whanganui deed.

W. MANTELL.

2nd May.

## **Memorandum.**

Mr. White (6th May) says: "The £200 asked for by the Natives is only for the weirs in the stream and Valley mentioned in my report; not for all the fisheries mentioned in the Whanganui Purchase deed." For the Minister for Native Affairs.

W. MANTELL.

9th May.

## **Memorandum.**

Mr. Mantell.

Will you be pleased to communicate with the Superintendent of Wellington, and ascertain whether his Honour would recommend the sum of £200 being paid for the acquisition of the eel-weirs mentioned by Mr. White. I fear that, at this rate, the extinction of the eel-weirs at Whanganui would involve the extinction of the balance of the Land Purchase Fund of Wellington.

F.D. BELL, Native Minister.  
2nd July.

## Minute.

The demand is monstrous, and the Native Minister is perfectly correct. I certainly shall not agree to more than £25 being paid for the eel weirs named by Mr. White. I believe great mischief will ensue from Native Resident Magistrates and Native Reserves Surveyors being allowed to meddle with land questions.....

I. E. FEATHERSTON, Superintendent.

Whanganui,

7th July, 1863.

## No. 87. Mr. Commissioner SWAINSON to the Hon. the COLONIAL SECRETARY.

*Respecting Reserves at Waiwhetu.* Native Reserves Office, Wellington, 5th July, 1864.  
SIR,—

I have the honour to bring the following case under your consideration and to request instructions thereon:—

- On the allotment of Native reserves, &c., by Colonel McCleverty, to the different tribes and hapus in the Port Nicholson District, certain lands were given to the Waiwhetu Natives (Te Amua), including Section No. 19, Lower Hutt, purchased for them from a private individual.
- This section was occupied by them at once, and is so still, having been subdivided by and among, themselves.
- Of the original holders thereof, as mentioned in the deed (twenty-five in number), only four or five are now alive.
- The right to the various strips into which the section was divided, occupied formerly by the aforesaid original holders, has been a source of continual dispute between the heirs thereto or others putting themselves forward as such.
- The particular case in dispute is as to the disposition of that portion belonging to Te Watarauhi (deceased), the principal chief of Te Amua.
- During the last year I have held, at their own request, no less than five meetings to discuss the question; and, although satisfactory decisions have been arrived at for the time, a month hardly elapses without a repetition of the dispute.
- I yesterday informed the Natives that, with the concurrence of the Government, I should bring the case under the Intestate Native Succession Act, to which they unanimously agreed on the principles of the Act being explained to them.
- Under clause 2 of the said Act, I therefore apply for and on behalf of Hoani, Tipene, and Huhana, disputing claimants in this case, that an inquiry be made by a Commissioner (myself or some other person) to be appointed in that behalf.
- That any Commissioner, so appointed, may have power to inquire into any similar case that may exist in regard to the rightful ownership of other portions of said section.
- That, with the consent of the Natives lawfully entitled to any portion of the said section, a readjustment of the division thereof may be made in order to facilitate the issue of Crown grants.

I have, &c.,

GEORGE F. SWAINSON, Commissioner of Native Reserves.

The Hon. the Colonial Secretary,  
Native Department.

## **The RESIDENT MAGISTRATE, Waipa, to the Hon. the COLONIAL SECRETARY.**

*Waipa.—Requesting that Land at Whatawhata be reserved.* Whatawhata, 11th November, 1864.  
SIR,—

It being the intention of the Government shortly to locate settlers at this post, I have to request that the point of land where I am at present residing may be held as a Government reserve. I lately had the honour of pointing out to you the locality to which I refer, and my reason for requesting it is that closely adjoining my house there is a burial-ground belonging to William Naylor and the Ngatimahanga Tribe, which consequently is held in high respect amongst them. I have been requested also by William Naylor and several other Natives to ask the Government to reserve this piece of land, as they are averse to the idea of the remains of some of the highest chiefs being desecrated by settlers. The whole piece is not above three acres, and a small portion is river frontage.

I have, &c.,

R. C. MAINWARING, R.M.

The Hon. the Colonial Secretary, Auckland.

## **Memorandum.**

Referred to Major Heaphy. Will he be so good as to have a reserve made, for general purposes, where indicated?—W. Fox. 17th November, 1864.

Mr. Stephens, surveyor at Whatawhata, has been instructed to make this reserve.—C. HEAPHY. 19th November, 1864.

## **No. 89. Mr. Commissioner SWAINSON to the Hon. the COLONIAL SECRETARY.**

*Land at Porirua to be brought under "The New Zealand Native Reserves Act, 1856."* Native Reserves Office, Wellington, 17th November, 1864.  
SIR,—

I have the honour to enclose a certificate and report for adoption by His Excellency the Governor in Council, that I have ascertained that certain Natives, owners of a portion of land excepted from sale (clause 14, "Native Reserves Act, 1856"), have assented that it should be brought under the provisions of the Act. There is

no provision made that such assent should be given by them in writing, but they willingly complied with my request that such should be done. The land is a portion of a large block excepted in Mr. Spain's decision on the New Zealand Company's purchases, and can be most advantageously let for their benefit if removed from the jurisdiction and penalties of the Native Land Purchase Ordinance.

The intentions and working of the Native Reserves Acts are so little understood by the Natives that I am preparing an analysis and compendium of them in Maori, which I trust, after submitting to the Government, I may be authorized to have printed. The cost of such for the use of the district would not, I think, exceed £10 or £15, which I should propose to defray from the Native Reserve Fund, leaving it, of course, for the Government to order any extra number of copies for the use of other districts they saw fit to do.

I have, &c.,

GEORGE F. SWAINSON, Commissioner of Native Reserves.

The Hon. the Colonial Secretary,  
Native Department.

## MEMORANDUM for the NATIVE MINISTER.

*Wellington.—Regarding a Piece of Land at Te Aro.*

THE land alluded to in Moturoa's letter is seven acres allotted under Colonel McCleverty's arrangements to Pipitea Natives, but for Moturoa especially. No Crown grant has been issued for this land.

Moturoa is a very strong Kingite, and has for the last three years left Pipitea, and resides at Waikanae. His object in giving it to Mohi appears to be an underhanded transaction, in order that he may reap the benefit of a Crown title. This he acknowledges by saying he "does not know the troubles of this world." His title is perfectly clear to the land, if not vitiated by his adherence to Kingism.

I do not see how any such mode of gift, or transfer, can be acquiesced in by the Government; but on his taking the oath of allegiance, and submitting to the Queen's authority, I should recommend that he should receive a grant for the same, when he will be at liberty to dispose of it as he thinks fit.

GEORGE F. SWAINSON, Commissioner of Native Reserves.

Native Reserves Office,

11th February, 1865.

## Enclosure.

Te Aro, 9th January, 1865.

FRIEND,—

This is my word to you about my land at Te Aro, that I have given it to Mohi Ngaponga, and to his wife Hera, and to their children. The reason I give it is because I do not know the difficulties [? troubles] of this world. I have fixed this land for Mohi Ngaponga, and for his wife Hera, and for their children. They will show my letter to you, when you can write a Crown grant for Mohi, and Hera, and their children. The acres of that land are seven, inside the fence; towards one side the fence is on the hill of Tira. You work this. This is my land I have fixed for Mohi, and for his Wife, and their children, lest I should be wrong, and that some other man

should be hasty about this land. Therefore I have completed the gift of it to Mohi. You give him the Crown grant. My words are very straight. There is no dispute about this block. These are the names of his children: Mere Whakateni and Hemi Moturoa. Enough.

From your loving friend,

ROPIHA MOTUROA.

Mr. Swainson, Commissioner of Lands.

## No. 91.[Extract from *New Zealand Gazette*, 7th June, 1865.]

*Fundarising from Native Reserves, Wellington, to be paid over and expended in the Erection of Native Hostelry, Molesworth Street.*

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c.

WHEREAS, by "The New Zealand Native Reserves Act, 1856," it is enacted that it shall be lawful for the Governor of the said colony at any time, and from time to time, by Letters Patent under the Public Seal of the Colony, to appoint persons to be Commissioners for carrying this Act into effect, who shall be styled "Commissioners of Native Reserves," and such Commissioners from time to time to remove: And whereas by "The Native Reserves Amendment Act, 1862," it is enacted that, from and after a day to be fixed by the Governor by Proclamation, to be inserted in the Government *Gazette* of the colony, and also of each of the provinces of New Zealand, all the power and authority which by "The Native Reserves Act, 1856," are given to, or vested in, or which may be exercised by Commissioners appointed or to be appointed under that Act shall vest in and may be exercised by the Governor: And whereas, by a Proclamation bearing date the fourth day of August, one thousand eight hundred and sixty-three, all the said powers were, from and after the first day of September then next ensuing, declared to vest in the Governor of the said colony: And whereas by the second recited Act it is further enacted that the Governor may, by Order in Council, from time to time delegate all or any of the powers competent to the Commissioners under the said Act unto any person or persons for any time, subject to such regulations and restrictions, or stipulations, as may be specified in such orders, and every such delegation may from time to time in like manner be altered or revoked: And whereas I, Sir George Grey, the Governor of the said colony, did, by Order in Council bearing date the twelfth day of September, one thousand eight hundred and sixty-three, delegate to George Frederick Swainson, of Wellington, in the Province of Wellington, Esquire, all the powers competent to Commissioners under the said first-recited Act, without any restrictions or stipulations whatever, until the same shall be revoked: And whereas by the first-recited Act it further enacted that all moneys which shall come to the hands of the Commissioners under the provisions of this Act, except in respect of special endowments, shall be applied by such Commissioners for the benefit of the aboriginal inhabitants for whose benefit such lands may have been set apart, in such manner as the Governor of the said colony may from time to time direct:

Now, therefore, I, the said Sir George Grey, the Governor as aforesaid, in exercise of the said power and authority, do hereby order George Frederick Swainson, as such Commissioner as aforesaid, to pay over such sum or sums of money, being the produce of Natives reserves, as have or shall from time to time come into his hands under the provisions of the first-recited Act, to such person or persons as the Honourable the Minister for Native Affairs for the time being shall from time to time direct, for the erection, fencing, furnishing, &c., of the Native house about to be built in Molesworth Street, in Wellington aforesaid, or for such other purposes as the said Minister shall approve, on behalf of the Natives of the said Province of Wellington.

*Given under my hand, at the Government House at Wellington, and issued under the Seal of the Colony of New Zealand, this seventh day of April, in the year of our Lord one thousand eight hundred and sixty-five.*



G. GREY.

By His Excellency's command.  
WALTER MANTELL.

## **MEMORANDUM as to the TITLE of NATIVES holding LAND under Colonel Mc CLEVERTY's Deeds.**

Wellington, 21st April, 1865.

A CASE having come yesterday before the Resident Magistrate in which the title by which the Natives hold land by virtue of Colonel McCleverty's deeds is considered questionable, if not invalid, will the Hon. the Native Minister be good enough to obtain the opinion of the Attorney-General on the subject? It is argued that the deeds in question are merely agreements "subject to the approval of the Lieutenant-Governor or Governor" (see deed), no evidence of such approval being forthcoming. It is a case of such vital importance to the Natives that I am most anxious that the point should be settled immediately. The case was adjourned to enable Mr. Brandon to obtain further evidence. Enclosed is the deed I produced in Court, and which was considered waste paper. All of Colonel McCleverty's deeds are worded in the same manner. If the view taken by the Resident Magistrate is correct, the title to every piece of land in the vicinity of the town (including Te Aro and Pipitea-Pas) given to the Natives by Colonel McCleverty is invalid.

GEORGE F. SWAINSON, Commissioner of Reserves.

The Hon. the Native Minister.

### **Opinion.**

I understand that this land formed part of the tract included in grant of the Port Nicholson District to the New Zealand Company. On the dissolution of the Company it reverted to the Crown. Colonel McCleverty, as the authorized agent of the Crown, agreed with certain Natives to grant them the piece of land in question. Under such agreement the Natives have a good equitable title, which the law would no doubt enforce, and which the Crown is prepared to maintain. Mr. B—— occupies the land under agreement with the Natives for a lease. Mr. B—— cannot dispute his lessor's title. I can offer no opinion on the point as to how this state of affairs may bear upon the question before the Resident Magistrate.

HENRY SEWELL, Attorney-General.  
26th April, 1865.

## **No. 93. Mr. Commissioner SWAINSON to the Hon. the NATIVE MINISTER.**

*Leasing of Allotments at Te Aro and Pipitea to Europeans.* Native Reserves Office, Wellington, 2nd May, 1865.

SIR,—

The private leases and agreements between Native owners, or, at all events, claimants, of small allotments in Te Aro and Pipitea Pas are increasing to such an extent that I think it my duty to call your attention thereto, and beg to offer a few suggestions as to the best means of preventing points of law (which may affect the Native title in, the first place, and Europeans' right of occupation in the second) being brought to bear against either party.

The case stands thus: Te Aro and Pipitea Pas are guaranteed to the respective tribes by Colonel McCleverty, not as under the general arrangement of an exchange for other lands.

I think that impartial men of both tribes consider that these pas are held by them under a sort of supervision of the Government—*i.e.*, that in cases of dispute the Government have a perfect right of interference. No special subdivision of these pas has ever been made, so far as title is concerned. About seven or eight year ago the resident Natives employed a private surveyor to undertake this work, but his plans are, and will be, continually liable to dispute by those who were not present at the time of survey. These Natives have ample opportunities of letting their small pieces with considerable advantage to themselves, but it ought to be done on some system; not to allow a single individual, on his own word, to claim and lease without others, who may have an equal right, being made aware of the transaction.

I would beg to suggest the following plan for the consideration of the Native Minister: (1.) That the Government should call upon or request all Native claimants (or half-castes) to lands in the two pas in question to assemble and state their claims. (2.) In this case the provisions of the Intestate Native Succession Act might be made use of, as so many of the original holders are dead. (3.) That if possible the very irregular shape of the claims should be adjusted and made as rectangular as possible, but of course with due regard to the size and value of the original claim. (4.) That when this is done grants be made from the Crown to those whose claims are substantiated.

I think some such plan might at all events be attempted with success at Pipitea, which has been so long unoccupied by the Natives—in fact there is only one resident on it. Its only use to them is the annual rentals which might be obtained from it, and its excellent situation would insure its speedy occupation.

In the case of the portion of the Te Aro Pa occupied by Marangai's party, the Government will eventually have to step in, and finally settle the disputes which almost daily arise.

I have, &c.,

GEORGE F. SWAINSON, Commissioner of Native Reserves.

The Hon. the Native Minister.

## Mr. Commissioner KEMP to the NATIVE SECRETARY.

*Respecting Purchase of the Kahikatea Reserve.* District Commissioner's Office, Bay of Islands, 20th May, 1865.

SIR,—

With reference to the memorandum dated the 16th instant, in further explanation of the negotiations for the purchase of the bush reserve adjoining the coal mines at the Kawakawa I have now the honour to forward, for the information of the Hon. the Native Minister, the copy of a letter, with translation attached, from the chief Kawhiti, who is the leading man in this district, on the same subject. After giving the subject careful consideration, I think I shall best consult the interests of the Government by paying the money to the Native settlers as soon as the plan is completed, believing that, under the circumstances, there will be no difficulty in

arranging a transfer of the land in question in the usual manner to the provincial authorities.

I have, &c.,

H. TACY KEMP, District Commissioner.

The Native Secretary, Wellington.

*Bay of Islands.—Urging Purchase of the Kahikatea Reserve.* Kawakawa, Waiomio, 17 Mei, 1865.  
E.HOA,—

Tenei ano te kupu ki a koe Ki te oti te ruri a te Pepene, i te Kawakawa, ki te hoki-atu raua, kia hohorotia mai nga moni te whakaputa kia wawe te riro atu te whenua i a koe, kei puta nga raruraru a te Maori; engari, kia tere nga moni te puta. I mea atu au ki a koe i to taua korerotanga i Kororareka, ki te oti te ruri, o te Kawawawa e hohoro ranei te whakaputa, i nga moni? Mea mai ana koe ki au, "Ae." Ka mea atu au, kei pera me ta Mita Hane Wiremu me Ngahuhu na te roa, ka he; ki te puta nga moni, hei Kororareka puta ai—ka mutu ena kupu.

MAIHI P. KAWHITI.

Ki a Te Henare Kepa, kei Te Kerikeri.

## [TRANSLATION.]

Kawakawa, Waiomia, 17th May, 1865.  
FRIEND,—

My address to you is this: As soon as Mr. Fairburn has finished the survey of the Kawakawa, and they have returned, let no time be lost in paying the money, and cause the land to fall into your hands at once, before any further questions (unforeseen) arise on the part of the Native sellers. Let then there be no delay in paying the money. When we were discussing the matter at Kororareka, I inquired of you thus: "When the survey is finished will the money soon after be paid?" Your answer was, "Yes." I then observed that it was better that it should be so, lest a similar proceeding arise to that which has taken place in the negotiations entered into by Henry Williams for the purchase (under the new Act) of the Ngahuhu Blocks, viz., the delay in the payment of the money has set aside the purchase. When the money is paid, let it be paid at Kororareka.

MAIHI P. KAWHITI.  
Henry Kemp,  
Kerikeri.

*Willington.—Suggesting That Native Reserves be brought under Operation of the Native Lands Act.*

THE Hon. the Attorney-General has, I think, decided on a former occasion that the title has not been extinguished in the tenths of land set aside by the New Zealand Company for the Natives, as such are excluded in the grant from the Crown. In that case they can only be brought under the Act of 1852 by obtaining the Natives' consent, under clause 14. But from copies of correspondence attached it will be seen that a former Attorney-General decided that lands held under Colonel McCleverty's arrangements are not reserves within the "meaning of 'The Native Reserves Act, 1856.'"

With regard to Te Aro, Colonel McCleverty's deed states: "This pa is also guaranteed to them; *vide* map attached, containing 2 acres 1 rood 11 perches.—W. A. MCCLEVERTY, Lieut.-Colonel." Pipitea deed says: "The plan of the pa will hereafter be annexed; it is guaranteed to them, and is a Native or public reserve.—W. A. McC."

If this class of land is not at present, or cannot be, brought under the Native Reserves Act, are not the Europeans leasing the same subject to the penalties of the Native Land Purchase Ordinance? Might they not be brought under the Native Land Act? We cannot force them to assent.

GEORGE F. SWAINSON.  
16th June, 1865.

## **MEMORANDUM for the Hon. ATTORNEY-GENERAL.**

I think that the simplest and fairest way of settling this would be by the Native Land Act, if it can legally be applied to them. Can it?—W. B. D. MANTELL. 17th June, 1865.

## **Minute.**

The late Attorney-General's opinion is not, I think, substantially different from my own. In order to bring the lands in question under the Native Reserves Act, proceedings must be first taken under the 14th section of that Act. Till this was done the Commissioner of Native Reserves had no power over them. I think they may be brought under the Native Reserves Act in the manner pointed out in section 14 of that Act, or they may be dealt with under the Native Land Act.—HENRY SEWELL, Attorney-General. 19th June, 1865.

## **WALTER LAWRY BULLER, Esq., R.M., to the NATIVE SECRETARY.**

*As to Survey of Putiki Reserve.* Resident Magistrate's Office, Whanganui, 29th June, 1865.  
SIR,—

Adverting to my letter of the 28th instant (No. 44), I have now the honour to furnish for your information a copy of my correspondence with Mr. Field and with Mr. R. Woon on the subject of the Putiki-Whanganui Reserve, and the subdivisional survey thereof.

I have, &c.,

WALTER BULLER, Resident Magistrate.

The Native Secretary, Wellington.

## **Enclosures.(No. 1.)H. C. FIELD, Esq., Surveyor, to the RESIDENT MAGISTRATE, Whanganui.**

*Respecting Survey of Putiki Reserve.* Whanganui, 27th May, 1865.

SIR,—

In reply to your inquiries as to the Putiki Reserve, and the survey of it, I beg to report as follows:—

The reserve consists in all of from seventeen to eighteen hundred acres of land, of which about two hundred acres is proposed to be laid out as a township, while the rest is merely surveyed with a view to the issue to the several owners of Crown grants for the various portions. The laying off of the township, and the survey of the outlying portions of the reserve, were first proposed during the Governor's visit to Whanganui at the end of the year 1862, and the work was at once commenced and for some time went on rapidly. In order to enable the town to be laid off according to a regular plan it was arranged that the various boundaries of the Native claims should be cancelled, and that to each of the original owners of the land town sections should be allotted in proportion to, and as nearly as possible in the situation of, his original holding. This was agreed to by the whole body at a meeting convened by Mr. White, Resident Magistrate (I think in 1863), but a difficulty afterwards arose from some of the Natives, of whose land a considerable portion would be absorbed in a street, and who seemed to feel no certainty that they should get the damage made good out of the adjacent lands, insisting on the street being arranged so as to run along the old Native boundary-lines, irrespective of parallelism, equidistance, or regularity. After battling with these recusants for some time, Mr. White, who either had not, or supposed he had not, the necessary powers to override such frivolous objections, and who applied for them repeatedly in vain, desired me to let the town survey stand over, and get on with that of the outlying lands. This was accordingly done; a considerable portion of the boundaries of the several Natives' land were ascertained and surveyed, and seventeen blocks, measuring in all about four hundred acres, were mapped, and applications sent in for Crown grants. The grants, however, did not come, and Mr. White seemed to possess no power to let the lands, and thus the work seemed to a great extent thrown away. Several hundred acres more have been partially surveyed, but could not be mapped, because, in the absence of the Native owners of portions of the land, some of the boundaries could not be defined.

When the Governor was here a few months ago he promised to remove all the difficulties which had impeded the work, and desired me to get on with the town survey as fast as I could, and I have accordingly devoted to it all the time I have been able to spare from my duties as Town Surveyor. I have found the same objections made to the regularity of the plan as were offered in 1863, and in some cases by the same persons, and I have several times found the pegs pulled up and the flag-poles taken away. I have, however, persevered with the work, and hope, weather permitting, to have the whole of the portion of the town, from the Mission-house to Montgomery's, completed by the end of next week.

You will see by the above that the difficulty here arises from a totally opposite cause to that at Kaiapoi referred to by yourself, as it proceeds from the land being held as individual property, while the boundaries of the several holdings will not harmonize with a regular plan, owing to their having been run in all sorts of directions, according to the fancy of the Maoris themselves when they sub-divided the land. As regards the payment for the work, it was understood between Mr. White and myself that the Colonial Government was responsible for the whole, and this was confirmed by the Hon. Mr. Mantell when he visited Whanganui. Nothing, however, has yet been paid on account of the town survey, as it was Mr. White's intention to settle that part of my account out of the proceeds of some of the sections sold.

The survey for the country lands was paid for by Mr. White as the maps for the issue of Crown grants were sent in, a schedule being furnished with each map for Mr. White's guidance, and apportioning the cost among the several landowners whose lands were included in such map, with a view to the recovery of their share from each person.

I think the above will explain the position of the work in reference to the several points on which you requested information, but I shall of course be happy to furnish any further information if you should require it.

I have, &c.,

H. C. FIELD.

W.L. Buller, Esq., R.M.

## **(No. 2)Mr. Commissioner W. L. BULLER to Mr. Surveyor FIELD.**

*As to Subdivisional Survey of the Putiki Reserve.* Resident Magistrate's Office, Whanganui, 4th June, 1865:  
SIR,—

I am in receipt of your letter of the 27th ultimo in reference to the subdivisional survey of the Puitiki Reserve.

If Mr. Woon (who has been appointed under the 17th clause of "The Native Reserves Act, 1865") is prepared to report the assent of the Natives owning the reserve to its being brought under the operation of the Act, the principal difficulty adverted to in your letter will be at once obviated, and the progress of the survey no longer retarded by frivolous and vexatious claimants; for when the report has been adopted in Council and published in the *New Zealand Gazette* the Commissioner will proceed to administer the reserve himself in accordance with the provisions of the Act. But the first step is to get an accurate description of boundaries, in order that the reserve may be correctly defined in the schedule appended to Mr. Woon's report. I shall feel obliged, therefore, by your furnishing me with such description at your earliest convenience.

I have, &c.,

W. BULLER, R.M., Commissioner of Native Reserves.

H. C. Field, Esq., Surveyor, Whanganui.

## **Major SPEEDY, R.M., to the Hon. the NATIVE MINISTER.**

*The Claims of Natives to the Landing-place as a Reserve.* Resident Magistrate's Office, Waiuku, 27th November, 1865.  
SIR,—

I have the honour to inform you that a piece of land situated in the Village of Waiuku has been just cut up by the Government surveyors. This land is claimed by Aihepene and Hori. It is not among the pieces reserved by Mr. Turton for them, but I am given to understand that, since the completion of the purchase of the West Waiuku Block from the Ngatiteatas, Mr. Turton has offered them £100 for the piece referred to. I enclose a memorandum of Mr. Halse's, which mentions it as a Native reserve.

Hori Tauroa interfered with the surveyors, but on my promise to write to Government about it, and my assurance to him that the fact of the Government surveying it would not interfere with the title of the rightful owners, he allowed the survey to proceed.

I have, &c.,

JAS. SPEEDY, Resident Magistrate.

The Hon. the Native Minister, Wellington.

# MEMORANDUM of GENERAL GOVERNMENT AGENT.

Mr. Warner is requested to state whether the surveyors referred to are Provincial Government surveyors; and, if so, what are the instructions in reference to the survey of the land referred to.—FRED. WHITAKER. 8th December, 1866.

## The GENERAL GOVERNMENT AGENT to Major SPEEDY.

Office of the Agent for the General Government, Auckland, 13th December, 1865.  
SIR,—

With reference to a letter from you under date November 27th, addressed to the Hon. the Native Minister, I have the honour to inform you that, beyond the completion of the survey of the land at Waiuku, to which Aihepene and Hori make a claim, nothing will be done until Mr. Turton or Mr. Mackay has made inquiry into the circumstances of the case.

I have, &c.,

FRED. WHITAKER.

## Minute.

Mr. Warner.—In reference to the land at Waiuku, let the survey commenced be completed, but no further steps taken without further authority. Inform me when same complete.—FRED. WHITAKER. 12th December, 1865.

## Minute of General Government Agent.

It appears to me from these papers that the land in question is part of the Waiuku Village, and is Crown land which has been handed over to the province. It also appears that the provincial authorities set the land apart as a landing-place, &c., for the Natives, and that it has been so used. The setting-apart, however, was not in exercise of any legal authority, and therefore did not change the character of the title, so that the land is still at the disposal of the province. Having regard, however, to Mr. Turton's statement of the object and use of still allowing the land to be used as heretofore, I do not think it would be right to sell it. Let it therefore be retained for use as heretofore, and let all parties be informed that it will be kept for this purpose as long as the Government think it necessary. Refer to the Waste Lands Commissioner to carry out the above.—FRED. WHITAKER. 29th January, 1866.

## Minute by Deputy Waste Lands Commissioner.

The surveyor has been employed by the authority of the Provincial Government (*vide* correspondence 1502/65); and I beg to add, for his Honour's information and that of the General Government, that when the Waiuku Block was surveyed in 1855 all the Native reserves therein were defined, the portion of land at present adverted to not being one of them; that the block was subdivided for sale in 1856 by the Provincial Government, and then the spot alluded to, together with another adjoining piece of land, were set aside for the

temporary accommodation of the Natives trading at Waiuku, in order that they might not interfere with intending settlers. The correspondence above quoted will show how the case has been recently dealt with.—H. N. WARNER, Deputy Waste Lands Commissioner. 9th December, 1865.

## Minute.

Inform Major Speedy that nothing will be done in reference to the land beyond the completion of the survey until Mr. Turton or some other person has investigated the question of title. Refer to Mr. Turton, if he is about to return; if not, to Mr. Mackay.—FRED. WHITAKER. 12th December, 1865.

## The CROWN AGENT, Auckland, to the Hon. the NATIVE MINISTER.

*Waipa.—Applying for Crown Grants for Native Reserves in Waipa and Waitetuna Block.* Auckland, 4th January, 1866.

SIR,—

I have the honour to transmit to you, for the issue of Crown grants, the plans and particulars of certain reserves and repurchases made by me in the Waipa and Waitetuna Block when engaged on that service as the Special Commissioner in 1864. Other similar reserves at Waiuku (plans enclosed) I forwarded about five months ago through Mr. Chief Judge Fenton, and for which the Crown grants have been received. I have visited Waipa and Raglan on purpose to be correct as to the grantees, and other items, and I hope that the Crown grants will be forwarded to me without delay.

I have, &c.,

H. H. TURTON, Crown Agent (late Special Commissioner).

The Hon. the Native Minister, Wellington.

WAIPA and Waitetuna Block (193,450 acres), purchased at Raglan, and deed of conveyance signed on the 16th September, 1864.—H. HANSON TURTON. Auckland, 4th January, 1866.

## 1. *Native Reserves No. I.*

*Extent.*—551 acres situate at Whatawhata, on the left proper bank of the Waipa.

*Boundaries.*—Commencing at Ikurangi, on the bank of the River Waipa, leaving out the point of land called Pungapunga (about twenty acres rebels' land, reserved for Government use), and running nearly north-west, striking the river, again following the course of the Waipa to a creek called Here-paenoa; from thence it runs south, keeping a swamp on the right hand till it reaches the Tawatawa Creek, which runs into the Waipa, and forms the southern boundary; thence down the Waipa till you reach the Ikurangi, which forms the eastern boundary. Plan attached.

*Grantees.*—(1) Hami Ngaropi, of Ngatimahanga; (2) Hemi Matene te Puke, of Ngatimahanga; (3) Hone Kiagi Muriwhenua, of Ngatimahanga; (4) Te Waapu.

*Nature of Grant agreed on.*—In trust for the members of the tribe, but with full power to lease or sell.

## Native Beserves No. II.

*Extent.*—455 acres on left proper bank of Waipa.



*Boundaries.*—Commencing at Parewhakataha, on the Waipa (nearly opposite to Tuikarama), and running inland to Pukahukahu; then running north to Horomamaku, on the Mangakowhai, and following the course of that stream to the Waipa River; and then from the confluence of the Mangakowhai to Parewhakataha. Plan attached.

*Grantees.*—(1) Hetereka Otene-Riri, Ngatimahanga; (2) Akana Whaingara, Ngatimahanga; (3) Kereona Putoitoi, Ngatimahanga; (4) Piripi Otene, Ngatimahanga; (5) Tewi Otene, Ngatimahanga; (6) Rihimona Otene, Ngatimahanga; (7) Te Waaka Otene, Ngatimahanga.

*Nature of Grant.*—Same as Reserve No. I.

## **Native Reserves No. III.**

*Extent.*—632 acres above Kaniwhaniwha Stream, on left proper bank of River Waipa.

*Boundaries.*—Commencing at the junction of the Kaniwhaniwha with River Waipa, and running up the former stream till it reaches the Totara; thence in a right line to the mouth of the Kohangawhirinoa Stream, and following the course of the Waipa to its junction with the Kaniwhaniwha.

*Grantees.*—(1) Te Aho, of Aotea; (2) Rihimonaotene; (3) Te Kewhene te Paia; (4) Te Rakena; (5) Hohepate Poria; (6) Wiremu Nera te Awaitaia, Ngatimahanga.

*Nature of Grant.*—Same as Nos. I. and II.—*i.e.*, unconditional.

## **Native Reserves No. IV.—(Puketutu.)**

*Extent.*—As surveyed, it is 3,400 acres and 28 perches, but the surveyor was misled by the Natives in the first instance. The names of the boundaries are right, and Major Heaphy will be able to insert the proper area on the Crown grant when it arrives. Plan attached.

*Boundaries.*—Commencing at Maunarima, and keeping the boundary-line to the Otonga Creek; running up the Otonga Creek to its meeting with the Mangaokahu Creek, and following the course of the latter till it falls into the Waitetuna, and so on in that river to the starting-point.

*Grantees.*—Wiremu Nera te Awaitaia, Ngatimahanga; Hakopa te Kotuku, Ngatimahanga; Hapeta Waaka Nukutaurua, Ngatimahanga; Hone Kingi Huriwhenua, Ngatimahanga; Eruini Matetaitua, Ngatimahanga; Te Waapu, Ngatimahanga; Hemi Nera, Ngatimahanga; Hemi te Puru, Ngatimahanga; Hone Pirihi, Ropata Piko, Hoani Ngaiwhi.

*Nature of Grant.*—Same as Reserves Nos. I., II., and III.

## **Native Reserves No. V.**

*Extent.*—100 acres, situate at Kaiparera, on the left proper bank of the Waipa. Plan attached.

*Boundaries.*—As per plan.

*Grantee.*—A. J. Dickey, Clerk of Native Land Compensation Court, in trust for his wife, Eliza Dickey.

*Nature of Grant.*—As above.

## **Native Reserves No. VI.**

*Extent.*—50 acres, Lot No. 61, on bank of the Mangaotama Creek, which runs into the Waipa below Te Rore.

*Boundaries.*—See plan attached.

*Grantee.*—Wiremu Nera te Awaitaia, chief of Ngatimahanga, Raglan.

*Nature of Grant.*—To himself unconditionally.

## **Native Reserves No. VII.**

*Extent.*—22 acres 3 roods, Lot No. I., on proper right bank of Mangaotana Creek.

*Boundaries.*—See plan attached.

*Grantee.*—Wiremu Nera te Awaitaia, chief of Ngatimahanga Tribe, Whaingaroa.

*Nature of Grant.*—Unconditionally to himself.

## **Native Reserves No. VIII.**

—(*Reserves for the Ngatihourua Tribe, residing at Whatawhata, on the Waipa River.*)

*Reserve 1.*—500 acres of country land at Tuhikaramea, about three miles above Whatawhata, on proper right bank of the River Waipa.

*Boundaries.*—See plan attached.

*Grantees.*—Matutaera te Kaniwhaniwha, Mohi te Rongomau, Waaka te Ruki, and Haria Tatai.

*Nature of Grant.*—Conditional. In trust for the members of the tribe, but without power either to lease or sell.

*Reserve 2.*—13 acres 1 rood 34 perches, situated at Te Taia, Whatawhata. Plan annexed.

*Reserve 3.*—3 acres 2 roods at Pehihoukura, Whatawhata; at present the residence of the local Magistrate, but to devolve on the Natives when no longer required by Government for any special purpose. As an old cemetery, it is better under our care than theirs. Plan annexed.

*Grantees and Nature of Reserve.*—The same as at Tuhikaramea, Reserve No. 1, above.

*Reserve 4.*—5 acres at Whatawhata, timber land: that is, twenty quarter-acre sections. Sections Nos. 150 to 170. See plan.

*Reserve 5.*—6 acres 1 rood at Whatawhata: that is, twenty-five quarter-acre town sections.

*Grantees and Nature of Grant.*—The grant for these two reserves had better remain until I can visit Waipa again, and so fix each claimant on his own proper section. I will then forward the names, numbers, and other particulars.

## **2. Native Re-purchases No. I.**

*Place.*—At Kaiparera, on the Waipa. See plan.

*Extent.*—338 acres.

*Price paid.*—5s. per acre; £84 10s.

*Grantees.*—Hemi Matini te Puke, Ngatimahanga, 200 acres; Hone Kingi Huriwhenua, Ngatimahanga, 40 acres; Hakopa te Kotuku, Ngatimahanga, 20 acres; Waaka te Ruki, Ngatimahanga; 42 acres; Te Waaka, Ngatimahanga, 36 acres. Total, 338 acres.

*Note.*—The above-named purchasers will wish to have it subdivided by-and-by, and then apply for separate grants. Until then they wish to have one grant for the whole, as it is in the midst of a settling district.

*Nature of Grant.*—Unconditional.

## **Native Re-purchases No. II.**

*Place.*—At Mangaone and Rangitukia Greeks, near Kaiparera, Waipa.

*Extent.*—108 acres.

*Price paid.*—5s. per acre; £27.

*Grantee.*—Hone Pirihi, Ngatimahanga, Raglan.

*Nature of Grant.*—Unconditional.

## **Native Re-purchase No. III.**

*Place.*—Kaniwhaniwha, on the Waipa.

*Extent.*—332 acres. See plan attached.

*Price paid.*—5s. per acre; £83.

*Grantees.*—Matutaera Kaniwhaniwha, Ngatihourua, 220 acres; Hone Pihama and Hone Pirihi, 56 acres; Hone Ihaka, 28 acres; Wiremu Ngaweke, 28 acres. Total, 332 acres.

*Nature of Grant.*—Unconditional.

## **Native Re-purchases No. IV.**

*Place.*—Tuhikaramea, on the Waipa (as before), on the Delta.

*Extent.*—56 acres.

*Boundaries.*—See plan attached.

*Price paid.*—£10 for twenty-eight acres. The other twenty-eight acres given to Heteraka as a commission for assisting me at the purchase, the same as was allowed to Aihepene and Hori Tauroa at Waiuku.

*Grantees.*—Heteraka Otene te Riri, Ngatimahanga, of Whaingaroa.

*Nature of Grant.*—Unconditional.

## **Native Re-purchases No. V.**

*Place.*—Tuhikaramea, on River Waipa (as before), on the Delta.

*Extent.*—98 acres.

*Boundaries.*—See plan.

*Price paid.*—£35, or about 7s, 2d. an acre.

*Grantee.*—Homi Matene te Puke, of Ngatimahanga Tribe, Whaingaroa, Raglan.

*Nature of Grant.*—Unconditional.

H. H. TURTON, Special Commissioner.

Auckland,

17th July, 1866.

## **H. HANSON TURTON, Esq., to the SECRETARY for CROWN LANDS.**

*Whaingaroa.—Error in Boundary of Puketutu Reserve.* Auckland, 11th January 1866.

SIR,—

In reference to the plan of the Puketutu Reserve at Waitetuna, near Raglan, I beg to draw your attention to the accompanying sketch of Mr. Todd, the District Surveyor, as being the correct one according to the deed of sale, and so to be inserted in the Crown grant for which I applied. Mr. Breen, the surveyor, was misled by the Raglan Natives as to the starting-point of his straight boundary from Waitetuna to Ngatokorua-a-te-ra-Whatiora, on the Waipa; and so included 486 acres more land than what was included in my original purchase.

I have, &c.,

H. HANSON TURTON.

The Secretary for Crown Lands, Wellington.

## **MEMORANDUM by JAMES MACKAY, Esq., Civil Commissioner.**

THE accompanying tracing shows an error in the boundary of the Kaniwhaniwha block of land purchased by Mr. Turton on behalf of the Government from W. Nero and the Raglan Natives. It appears that about 486 acres have been taken from W. Barton and the Ngatitemainu Tribe. I believe the boundary is not quite correct

yet. I now propose that a Crown grant should be given to W. Barton and his people for any land which may have been wrongfully taken from them by the error in the cutting of the line. On receipt of instructions in this matter I will proceed to complete the question.

JAMES MACKAY, Jun.  
29th March, 1866.

## **Mr. Surveyor FRISSELL to Mr. JAMES MACKAY.**

Waitetuna, 7th December, -1865.  
SIR,—

I beg to inform you that, by direction of Mr. Todd, District Surveyor, I measured the distance from the Parawai Creek on the Waitetuna (the one from which the northern boundary-line of the Karamu Block was run by Mr. Breen) to the Maunurima Creek, which latter is the creek mentioned in the deed thus: "Ka timata hei te hau raro i te awa a Maunurima e rere ana ki roto ki Waitetuna, a haere whakamarangai i reira tae noa ki Nga-tokorua-a-te-ra-Whatiora i te taha o Waipa, &c.; and find the distance to be, 1,507 links, and the included angle to 77° 33#, as per the accompanying, sketch. The field-books and plans having gone into the Survey Office, I know not the length of the northern boundary-line so as to calculate the area, but assuming it at eight miles gives an area of 471 acres, which, paid for at the same rate, as the rest of the block, would amount to about £4 1s.

I have, &c.,

E. FRISSELL, Government Surveyor.

James Mackay, Esq., Civil Commissioner, Raglan.

## **The SPECIAL COMMISSIONER to Mr. MACKAY, Civil Commissioner.**

Parnell, 11th January, 1866.  
SIR,—

I beg to return the sketch which Mr. Randal has inserted on the large office copy, giving the surplus area at 486 acres, the boundary being longer than eight miles. He would like to be supplied with a true copy both of sketch and note. I have sent a copy with explanations to the Secretary of Crown Lands, so as to prevent the incorrect survey being inserted on the Crown grant. And if you recommend another Crown grant for the overplus in favour of Wi Patene in trust for Ngatitemama Tribe, or of his own family, as you suggested, it might be done at present time, and thus clear another difficulty from the path.

I have, &c.,

H. H TURTON.

Mr. Mackay, Civil Commissioner, Auckland.

## No. 100.[Extract from *New Zealand Gazette*.]

*Appointments under "The New Zealand Native Reserves Act, 1856."* Native Secretary's Office, Wellington, 15th January, 1866.

His Excellency the Governor has been pleased to appoint Alexander Mackay, Esq., George Frederick Swainson, Esq., Robert Parris, Esq., and James Hamlin, Esq., to be persons to ascertain the assent of the Natives to their reserves being brought under the operation of "The Native Reserves Act, 1856."

A. H. RUSSELL.

## No. 101.H. HANSON TURTON, Esq., Special Commissioner, to the Hon. the NATIVE MINISTER.

*Waiuku.—Grants for Wahi-tapus should not issue except on certain Conditions.* Auckland, 22nd January, 1866.  
SIR,—

I have to beg that you will send up immediate instructions to our Registrar of Deeds not to issue any of the grants for the *wahi-tapus* and burying-grounds at Waiuku, except on receiving a certificate from the Resident Magistrate or Native Interpreter to the effect that all the dead have been exhumed and removed from off the section granted.

On the 3rd July I made an arrangement with the Ngatiteata to collect their dead from the seven teen different cemeteries scattered over the block into three burying-grounds only, which were mentioned. In return for these I would recommend the Government to issue direct grants, and allow them to sell the rest. But now they are applying for the grants before the bodies are removed, and so will bring much trouble both on the Government and the European purchasers.

I have, &c.,

H. HANSON TURTON, Commissioner.

The Hon. the Native Minister, Wellington.

## No. 102.The COMMISSIONER of NATIVE RESERVES to the Hon. the NATIVE MINISTER.

*Respecting Road at Upokotauaki.* New Plymouth, 28th April, 1866.  
SIR,—

With reference to the plan of Upokotauaki, with a roadway shown on it leading to Allotment No, 15, I have

the honour to report, for the information of His Excellency's Government, that no public road was ever established there—nothing but a private road to Allotment No. 15, for which the owner thereof is bound to keep a gate by the Egmont Road, and also at the end of the road by Allotment No. 15.

I have, &c.,

R. PARRIS, Commissioner of Native Reserves.

The, Hon. the Native Minister, Wellington.

*Reporting State of Native Reserves in the District, with Tabular Returns.* Native Reserves Office, Wellington, 21st May, 1866.

SIR,—

In compliance with the instructions conveyed in your minute on the letter of Mr. Mackay's, 65/25/13, I have the honour to furnish the following report on the state of the Native reserves in this district, with tabular returns of each class. I have preferred adopting those forms, as they were furnished to the various Commissioners by the Government in or about 1859, and convey all the information required in a more concise manner than a mere official letter could do.

Previous to the passing of "The Native Reserves Act, 1856," the reserves, (which consisted only of those made by the New Zealand Company) were under the management of Colonel McCleverty, D. Wakefield, Attorney-General, and Mr. St. Hill, R.M. On the 16th March, 1858, a Commission was issued by Governor Browne to Messrs. St. Hill, Carkeek, Hutton, Strang, Tamehana te Rauparaha, Matene te Whiwhi, and Rawiri Puaha, in accordance with clause 1 of the Act. Mr. Wardell's name was subsequently added to the list.

The active management of the reserves was usually undertaken by Messrs. St. Hill, Strang, and Carkeek. For some time previous to the session of 1862 these gentlemen had frequently impressed upon Government the necessity of other arrangements being made, and tendered their resignations; as, holding most important official appointments, they considered that their duties as Commissioners could not be carried out effectually. For this reason mainly, I believe, the Native Reserves Amendment Act of 1862 was prepared by the Government, and passed by the Assembly.

At the close of the session my services as Surveyor of Native Reserves and Lands in the province were accepted by the Government, who at the same time intimated to me that such office would be accompanied with that of Commissioner under the Act of 1862. At the same time the Government accepted the resignation of the Commissioners appointed under Act of 1856.

## Present Commissioners in the Province.

The Commissioners in the Province of Wellington now consist of—Myself, Wellington (district undefined); W. R. M. Buller, Whanganui (but previous to Mr. White's removal he was appointed Commissioner for Central Whanganui, while Mr. Buller held a similar office for Manawatu).

## Classes of Reserves.

These are shown in the tabular returns already mentioned to consist of—(1) Town-acre reserves, New Zealand Company's country sections; (2) Colonel McCleverty's allocation reserves, taken from those general ones made by the New Zealand Company, and with additional country lands (unselected at that time by Europeans) given to Natives as compensation for surrounding various cultivations on selected lands; (3) Reserves brought under the Act by assent of Natives; (4) Reserves in Wairarapa and on the West Coast, made by or for, on purchase or sale of different blocks, but over which the Commissioners, past and present, have but little jurisdiction. Of this latter class no return is furnished.

# Management of Classes.

*Class No. 1, Town.* — The remaining original town-acre reserves, after deducting Colonel McCleverty's awards, and the acres granted by Sir George Grey as hospital and college endowments, are managed by the Commissioner for the time being. For proceeds of these reserves see tabular return.

*Class No 1, Country.*—The same remarks apply. (See tabular return.)

*Class No. 2, Town.*—(Colonel McCleverty's allocation.)—These reserves are let by the Natives independently of the Commissioner, in accordance with the opinion and instructions of the Attorney-General (Whitaker), given to the late Commissioner. They are held by Te Aro, Pipitea, Waiwhetu, Ngatitama (Ohariu), and Tiakiwai Natives, under registered deeds made by Colonel McCleverty on behalf of the Governor. I have no means of ascertaining the amount of income derived. (See Return No. 2.)

*Class No. 2, Country.*—(See Remarks No. 2, Town.) In many cases I have been unable to ascertain the annual rental received by the Natives. As I have already stated, they are let independently of the Commissioner. So far as the information given to me by the lessees and the Natives goes, I can account for £558 10s. received by them annually as rent for country lands, but this is probably £200 or £300 below the actual rentals.

Before proceeding to Class No. 3, I must briefly mention that certain original town-acre reserves were, in 1851 and 1853, conveyed by His Excellency Sir George Grey to certain trustees as an endowment for the hospital and a proposed grammar school. As I have already made a separate report on one of these cases, it is not necessary that I should further allude to them.

*Class No. 3* are those reserves made by Natives on the sale of a block of land. Over such reserves the Native title has not been extinguished, and they cannot be legally dealt with unless brought under clause 14 of Act of 1856, *i.e.*, the Native assent to the land being under the Act. The Native Land Purchase Ordinance of 1847 prohibited the renting of such lands. Mr. Searancke, Land Purchase Commissioner, was the first officer appointed in this province to obtain assent under that Act. I am not aware that Mr. Searancke acted in any case. In 1863 a case occurred of certain Natives (holding title under Colonel McCleverty's deeds) wishing to sell a portion of a reserve. (See Hunter's papers.) Mr. Searancke having left the province, I was appointed to succeed him in that office. It is with great pleasure I am able to inform you that (as per Return No. 3) the sum of £200 per annum is now legally received by me as rent for such reserves, and paid over to the Natives of Porirua, &c., being for a small portion only of their valuable lands, payments being made on or about the proper rent-days. I should much wish to see the assent system more generally carried out, and never miss an opportunity of urging its adoption. It insures their receipt of the rents, as the Commissioner can sue or re-enter, and put a stop to the old system of advances, or the rent being paid by £2 now, a blanket on account, and so on, without any system of regularity.

## Rental, past and present.

I may here notice that the annual rental received by the late Commissioners at the time of their resignation was £88 for the following leases: No. 1, 250 acres, realized £30 per annum; No. 2, 200 acres, realized £20 per annum; No. 3, 200 acres, realized £30 per annum; No. 4, 100 acres, realized £8 per annum: total, £88.

Comparison may be made between this sum and that which I have before mentioned (£69 6s.) as being the actual receipts at present for Class No. 1, town and country reserves. I therefore beg to state that the land comprised in Lease No. 1 has been sold; products of No. 3 paid over to Hemi Parai (see Return No. 1, country); No. 4 sold; so that I have only the amount of £20 (see Return No.) derivable from the rents of the late Commissioner towards the return of £69 6s now furnished by me.

## Expenses of Native Reserves Office.

In 1862 my services as Surveyor of Native Lands and Reserves were accepted by the General Government, as already stated, with the addition of the office of Commissioner of Native Reserves. The *one* pay for these two offices is, I imagine, a charge against the fund for Native purposes. A secretary, interpreter, and receiver of rents (the same person) was appointed by the first Board, that of 1848, and has been confirmed by their respective successors, I has been held by the following gentlemen: Messrs. Smith, De Vœux, Cheeseman, Buller, and E. Baker. On my succeeding to the Commissionership the Government of 1862 sanctioned the continuance of this office, then held, by Mr. Baker, at the same rate of pay—viz., £25 per annum—and this is

the only *direct* charge against the proceeds of the reserves in the Wellington District.

In short, the present annual account stands as follows: To rent received, £299 6s.; expenses, £25: total, £274 6s. Mr. Baker's services as secretary are not often available (owing to his duties in the Supreme Court), excepting in translating Native letters; but very frequently disputes arise as to the division of rents received by Natives under Class 2, when Mr. Baker or myself is usually called upon to act as arbitrator, and the money is "impounded" until the dispute is fairly settled.

But to return to Class No. 4, *i.e.*, reserves made *by* or *for* on the purchase of a block. In the first case such reserves will usually be found to be on the best sites for cultivation (present or future), eel-weirs, or some other natural advantage; in the second case the Commissioner purchasing is supposed to make advantageous reserves for perhaps the most meritorious of the sellers for the common good of all, or for some good and sufficient reason. In Wairarapa the reserves made *for* Natives have been principally granted (though grants not issued see return of grants); but the generality of what are called reserves made *by* them are not such, but are *exceptions* from sale, consequently *Native land*. Tracing on a map the boundaries as set forth in a deed or sale explains it at once. The few reserves in the Wainui Block, West Coast, are principally *by*, with one or two exceptions, which have been brought under the Act. The Manawatu, Rangitikei, &c., reserves are of course under Mr. Buller's jurisdiction.

## Native Reserve Accounts.

The accounts of Native Reserves Fund were never published by the late Commissioners as required by the Act, but were done so by myself up to the 30th September, 1864. The transfer of the management of that fund led me to doubt at first whose duty it was to prepare them, but they shall be forwarded as soon as possible.

## General Remarks.

Much has been said by persons high in authority against the sale of any reserve under any pretext whatever—that it will end in depriving the Natives of their only means of subsistence,. &c., As a general principle I would never advocate the sale of a single acre of reserve if it is suitably selected, either in point of value, present or future, or adapted for their own occupation, such as the valuable reserves in the Lower Hutt. But when I see reserves selected twenty-six years ago, which even now are barely accessible, and at any time perfectly unsuited to a Native, my general principle gives way: let such reserves be sold at the market price, and the proceeds be reinvested.

I am aware that much has been said about the sale of two sections in the Lowry Bay District to Messrs. Fitzherbert and Dick. Now, the first is a perfect morass, into which a 10-foot pole could be easily inserted; the second is almost barren clay, which will not grow a potato. Surely the sale of such reserves as these, if the proceeds are properly managed, is a benefit to the Natives.

But will the issue of Crown grants in their present form (without any restriction clause as to sale) for these reserves prove a benefit to the Natives? I am afraid not; the latter is or will be the greater evil. Far better trust to the judgment and discretion of a Commissioner, who ought to know the nature of every reserve in his district, to recommend a sale, than to put an uncontrolled power into the Natives' hands. *Vide* the late case of Ropiha Moturoa.

Many points and much information may in this lengthy report have been omitted, but to which I trust the Native Minister will call my attention; and I can only regret that, owing to various circumstances, its completion has been delayed.

I have, &c.,

GEORGE F. SWAINSON, Commissioner, Native Reserves.

The Hon. the Native Minister.

**The RESIDENT MAGISTRATE, Rotorua, to the Hon.**



# the NATIVE MINISTER.

*One Acre of Government Land set apart as a Public Burial-ground.* Maketu, 23rd May, 1866.  
SIR,—

I have the honour to report to you that some Europeans and Natives have been buried in a piece of land belonging to the Government. His Excellency Sir George Grey, when last here, requested me to apply to the Government to allow this portion of land to be set apart as a burial-ground. I beg to bring the matter before your notice now.

I have, &c.,

W. K. NESBITT, Resident Magistrate, Rotorua.

The Hon. Colonel Russell, Native Minister.

What is the proposed extent of land to be set apart for this purpose?— A. H. RUSSELL. 23rd May, 1866.  
About one acre.—W. K. NESBITT, R.M.  
One acre approved.—A. H. RUSSELL. 23rd May 1866.

## No. 105. His Honour the SUPERINTENDENT, Taranaki, to the ASSISTANT NATIVE SECRETARY.

*Respecting Right of Road through Reserve No. 1, bought of Poharama.* Superintendent's Office, New Plymouth, 30th May, 1866.  
SIR,—

A dispute having arisen as to a right of road through a piece of land formerly a Maori reserve, which right I am informed was obtained through your agency, I have the honour to request that you will inform me whether you recollect the transaction, and give me each information with regard to it as you may be able.

The land in question is part of Native Reserve No. 1; the Mangaotuku Stream runs through it, and the old Omata Road crosses that stream in the reserve. The right of road referred to is said to have been purchased by you from Poharama for Peter Priske, to give him access to a back section, the road of which, as marked on the plan, was impracticable.

The question now raised is: What was the nature of the right obtained by Priske? Was it an actual purchase of the freehold of the roadway, or the purchase of a permanent right of passage to his section for all purposes? Or, lastly, was it only the right to pass to his section for some special purposes or for a limited time, that was obtained? And, further, was it implied in the contract that the owners of the Maori reserve would ultimately have to fence along the roadway?

I shall feel much obliged by your giving me a statement of whatever you recollect on the subject with as little delay as possible, as the case is one which, if it cannot be settled otherwise will have to be taken before the Supreme Court. Should the transaction have entirely passed out of your memory, we must of course rely on the evidence we can obtain from others.

I have, &c.,

H. R. RICHMOND, Superintendent.

H. Halse, Esq., Assistant Native Secretary, Wellington.

## The ASSISTANT NATIVE SECRETARY to his Honour the SUPERINTENDENT, Taranaki.

*New Plymouth.—As to Right of Road through Native Reserve No. 1* Wellington, 4th June, 1866.  
SIR,—

I have the honour to acknowledge the receipt of your Honour's letter, No. 390, of 30th May, relative to a right of road through a Native reserve inland of Moturoa. In reply, I have the honour to forward the enclosed statement of what I recollect on the subject.

I have, &c.,

H. HALSE.

His Honour the Superintendent, Taranaki.

## Enclosure.

*Moturoa.—Statement as to Right of Road bought of Poharama for Mr. Priske.*  
(Memorandum.)

IN the year 1858, as well as I can remember, Peter Priske made known to me his wish to obtain a road to a back section of his, as the road marked on the plan was impracticable. Mr. Priske added that a road could be taken through, I think, the inland portions of a reserve if Poharama's consent could be obtained, and asked me to help him. I afterwards made a personal inspection of the road marked on the plan, and considered it impracticable. I then proceeded with Mr. Priske and Poharama, who met me by appointment, to that portion of the reserve where a right of road was wanted. Mr. Priske pointed out the line of road desired, and I explained the same to Poharama. After a little consideration Poharama agreed to allow Mr. Priske a right of passage to his back section, because he was a *good pakeha*: but my impression is that the privilege was not to extend beyond Mr. Priske. I mean that, in the event of Mr. Priske's section falling into the hands of strangers, the right of passage would cease.

To the best of my recollection the above was the nature of the right obtained from Poharama for the special convenience of Mr. Priske, and a small sum of money I believe £5—was afterwards given to Poharama for the privilege. There was no purchase, of the freehold of the roadway. Poharama was not told that he or his people would ultimately have to fence along the roadway.

H. HALSE.  
4th June, 1866.

## No. 107.[Extract from *New Zealand Gazette*.]

. At the Government House, at Wellington, the tenth day of January, 1867. Present: HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

IN exercise of the powers vested in the Governor by "The Native Reserves Act, 1856," and "The Native Reserves Amendment Act, 1862," the Governor, with the advice and consent of the Executive Council of the Colony, doth order that the land hereinafter described—that is to say: All the parcel of land, being the section marked E on the plan of the Waiwhakaiho District, in the Province of Taranaki, bounded towards the North by section marked E, towards the East by a Native reserve marked C, towards the South by section marked EI, and towards the West by the River Waiwhakaiho, being land subject to the operation of the said Act shall be sold, and the same is hereby sold to John Whiteley, of New Plymouth, Wesleyan Missionary, and Charles Edward Rawson of New Plymouth, settler, for the sum of one hundred and fifty, pounds sterling.

FORSTER GORING, Clerk of the Executive Council.

## [Extract from *New Zealand Gazette*]

*Native Reserves in the Ngatiruanui District made in Confiscated Lands*NOTICE..

WHEREAS the District of Ngatiruanui Coast was brought under the New Zealand Settlements Act and taken for settlement, subject to certain promises set forth in the order of confiscation, it is now notified for public information, and in order to show that the promise of the Government is not forgotten, that His Excellency has reserved the following lands within the district for surrendered insurgents, that is to say, the land comprised in Schedule A hereto for the benefit, use, or occupation of the people of the Tangahoe hapu of the Ngatiruanui Tribe, and the lands comprised in Schedule B hereto for the benefit, use, or occupation of the Pakakohi hapu of the same tribe, these hapus having lately returned to their allegiance; provided that the lands comprised in the said schedules are subject to more exact definition as to their boundaries, and as to the purposes for which, and the persons of either of the hapus respectively for whom, the same shall be specially set apart. And as to the land comprised in Schedule C, it is notified that the same has been, in fulfilment of the same promise set apart for the use of Hone Pihama, a chief of the Tangahoe hapu, to be hereafter granted to him absolutely in recognition of his valuable services during two years; and in addition to the lands in the schedules other reserves will be made and hereafter described, to contain burial-places of certain chiefs and others of the Tribe of Ngatiruanui, and to be granted to the chief Tito te Hanataua.

J. C. RICHMOND.

Native Office, Wellington,

26th January 1867.

## **SCHEDULE A. *Tangahoe Reserves.***

- Ten thousand acres of land, more or less. Bounded on the South-west by the River Tawhiti, a tributary of the Tangahoe; on the South-east by a survey-line drawn inland from near the junction of the Tangahoe and Tawhiti; on the North-west by a survey-line parallel to the line last named, and three miles distant from it; and on the North-east by a survey-line drawn at right angles to the two last-named lines, through a point on the former or south-eastern boundary five miles distant from the Tangahoe River: which block is intended to include, either wholly or in part, the places known as Turangarere, Otapawa, Taiporohenui, Whareroa, Ohangai, Matangarara and Pokaikai.
- Five hundred acres of land, more or less, situated on the sea-coast between the rivers Waingongoro and Tangahoe. Bounded on the South-west by the sea-beach; and on the South-east, North-east, and

North-west by survey-lines: which block is intended to include the place known as Whaukina, either wholly or in part.

- One hundred acres of land, more or less, adjacent to and bounded on the East by the River Tangahoe; on the South by the sea-beach; and on the North and West by survey-lines: which block is intended to include the place-known as Tataramoa, either wholly or in part.

## **SCHEDULE B. *Pakakohi Reserve.***

- Six thousand acres of land, more or less, adjacent to and bounded on the North-east by Tangahoe Reserve (No. 1, Schedule A); bounded on the South-east by a survey-line two miles distant from and parallel to the north-western boundary; and on the South-west and North-west by survey-lines: which block is intended to include, wholly or in part, the places known as Mokoia and Meremere.
- Two thousand eight hundred acres, more or less. Bounded to the Southward by the River Mangamaire; on the North-west and South-east by survey-lines one mile distant from each other, and drawn parallel to the corresponding boundaries of the Pakakohi Reserve (No. 1, Schedule B); and to the Northward by a survey-line about five miles inland from the Mangamaire River before-named: which block, at its seaward extremity, is near to, but is not intended to include, the place known as Manutahi.
- Two hundred acres, more or less. Bounded on the North and West by the Tangahoe River; on the East by a survey-line; on the South by the Hingahapi River; on the South-west by the sea beach and survey-lines: which block is to include the site of the former Village of Manawapou.

## **SCHEDULE C. *Hone Pihama's Reserve.***

Five hundred acres. Bounde to the Westward by the Oeo River; to the Southward by the sea beach and to the Eastward and Northward by survey-lines.

## **No. 109The SECRETARY of CROWN LANDS to Mr. Surveyor SWAINSON.**

*Wellington.—Relative to Lighthouse Reserve at Pencarrow Head.* General Crown Lands Office, Wellington, 7th March, 1867.

SIR,—

With reference to a claim made by certain Natives for rent of the Lighthouse Reserve at Pencarrow Head, I have to request you to be good enough to forward to this office a plan in your possession, alluded to in your memorandum on the papers attached to the claim, showing the first purchase of the New Zealand Company in that locality, dated 7th October, 1844, and any other documents or deeds of the same nature you may have in your possession relating to the acquisition of lands in this province by the Government from the Natives, in order that the same may be filed as records in this department. I have also to request you to be good enough to forward, for the purpose of reference, the original deed between the Pitone Natives and Colonel McCleverty.

I have, &c.,

ALFRED DOMETT.

G. F. Swainson, Esq., Commissioner of Native Reserves.

## **RETURN of RESERVES made for FRIENDLY NATIVES**

# and RETURNED REBELS.

## (No. 1.)

*Memorandum on Bay of Plenty Lands, for the Information of the Agent for the General Government; Auckland. Civil Commissioner's Office, Auckland, 9th June, 1857.*

Item 3.—In reference to Item 3, Colonel Haultain and Mr. Whitaker instructed me to leave the portion of the block east of Opape to the Natives.

Item 4.—In Item 4 the giving-back is but nominal, for the Natives would not have given it up. But I was required to make the best arrangement I could effect, and now the surveys are advanced I find that about 58,000 acres were thus obtained. Also some of Item 5 will yet be available, but not required, for purposes of compensation.

Items 4 and 5.—In Items 4 and 5 there are about 18,000 acres of agricultural land. There are 54,000 acres of swamp, and 62,000 acres of mountainous country, say half of it very barren.

Item 7.—From Item 7 land has been provided for all the military settlers. There are yet, however, 75,000 acres of saleable land, which, exclusive of township sites, I estimate at the value of £31,750.

The amount of cash paid in compensation for land is £200; to be paid to Fulloon, £150: total, £350. Scrip: Nil.

J. A. WILSON, Crown Agent.

### ***1. Opape Reserve, for Rebels only of the Whakatohea Tribe who have surrendered.***

BOUNDED on the North by the sea; on the East by a line from Point Titoi to Tarakeha, thence to Tawatihitihi, thence by a straight line running through Puketeko to the southern boundary of the confiscated block; on the West by Waiawa River from its mouth to the point where it passes between Makeo and Wakahau Hills, thence by a line parallel with the eastern boundary from the point of Wakahau Hill to the southern boundary of the confiscated block; on the South by the boundary of the confiscated block.

### ***2. Hiwarau and Hokianga Reserves at Ohiwa, for surrendered Rebels and Loyal Natives of the Upokorohe Hapu.***

Bounded on the North by Ohiwa Harbour, from the mouth of Nukuhou River to Punawai; on the East by the surveyed line from Punawai to the first point where the road strikes the Nukuhou River; on the South and West by the Nukuhou River; also the Island of Hokianga in Ohiwa Harbour.

### ***3. Whakatane Reserve, for surrendered Rebels and Loyal Natives of the Ngatipukeko and Ngatiawa Tribes.***

Bounded on the North by the sea; on the East by Whakatane River; on the South by southern boundary of

the confiscated block; on the West by a line running from the coast south to Orakaureka, thence to Te Wakaeme, thence to Ruakinui, thence to Te Karaka, thence to Otupokai, thence to Owhaikawa, thence to Otarere, thence to Haukumukumu, thence to Okahaua, thence to Opotaka, thence to Te Ruangarara, thence to Te Takapau, thence by a line running south to the confiscated boundary. *Vide* postscript to memorandum appended.

#### ***4. Reserve for Whakatohea Chief Te Ranapia te Uatuahu.***

Lot 33 in Opotiki Valley, 50 acres.

#### ***5. Reserves for Whakatohea Chiefs, on condition that they remain loyal to 1st January, 1870, when Crown Grants will be issued.***

Te Ranapia te Uatuahu, Lot 1, Tirohanga, 50 acres; Piri te Makarini, Lot 3, Tirohanga, 50 acres; Reweri te Rangimatanuku, Lot 4, Tirohanga, 50 acres. All the bearings in this schedule are magnetic.

J. A. WILSON, Crown Agent.

### **Memorandum to Schedule of Native Reserves in Bay of Plenty District.**

The boundaries of the Ohope Reserve are in abeyance until the appeal in the chief Wepiha's case has been decided. There are four other small Native reserves, amounting in all to about 112 acres of land, particulars of which will be forwarded when their details are complete. A sketch-map of a large portion of this district, containing much information, has been forwarded by me to the Agent of the General Government in Auckland.

J. A. WILSON, Crown Agent.

P.S.—The Government have reserved the right to take from the Whakatane Reserve a portion of land equivalent to the compensation that may be awarded or granted on the eastern side of Whakatane River.—J. A. WILSON, Crown Agent.

*Memorandum.*—One hundred and forty-six claims, preferred by three hundred and eighteen claimants, are disposed of.—J. A. WILSON, Crown Agent. 28th June, 1867.

#### ***6. Ohope Reserve, for surrendered Rebels and Loyal Ngatiawa Natives of Ngatikokopu and Ngatiwharepaia, of which Hapus Apanui, Wepiha, and Kepa Toihau are the Chiefs.***

Bounded on the North by the sea; on the East by a line running south from high-water mark on the sea-coast to Te Horo at the mouth of Tauwhare River; on the South by Tauwhare River from Te Horo to the point where the Tauwhare recedes three-quarters of a mile from the sea, thence by a line running due west to the western boundary; on the West by a line running S.S.E. from high-water mark at Te Arakuri at the western end of Ohope beach, until it meets the southern boundary.

## ***7. Rangataike Reserve, for surrendered Rebels and Loyal Natives of Te Pahipoto Ngaitamaoke and other Hapus.***

Bounded on the East by the Whakatane Reserve; on the South by the southern boundary-line of the confiscated block; on the West by the Tarawera River from the southern boundary to Puke Tapu, thence by a straight line to Patuhoe, thence to the Te Arero, thence to Otihere, thence to Te Pahauahaua-o-Rangipakokina, thence by the Rangitaike River to its first bend north of Te Teko, thence by a line bearing towards the hill Ohinetiwai to the western side of Titingaroa Swamp, thence by the edge of Titingaroa to Te Rakau Puhī; on the North by a line running from Te Rakau Puhī to Oteukuhanga, thence to Mauawairihi, thence by a line bearing East to the western boundary of the Whakatane Reserve. All the bearings in this schedule are magnetic.

J. A. WILSON, Crown Agent.

P.S.—The Government has reserved the right to lay out roads through all the Native reserves in the Bay of Plenty District.—J. A. WILSON, Crown Agent.

## ***(No. 4.)BAY OF PLENTY DISTRICT.Schedule of Land given to the Arawa Tribe.***

Bounded on the North by the sea from the mouth of Waitahanui to the mouth of Te Awa-o-te-Atua; on the East by Te Awa-o-te-Atua and Tarawera Rivers; on the South by a portion of the southern boundary of the confiscated block, and on the West by the western boundary of the confiscated district.

J. A. WILSON, Crown Agent.

## **SCHEDULE of AWARDS given in the COMPENSATION COURT held at OPOTIKI.**

Hoki Ngapuhi, claimant; Lots Nos. 1 and 6 on Opotiki Flat, near Waioeka River; 100 acres.

Tamati te Au, claimant; north-west portion of Lot 7; at Tirohanga; 10 acres.

Rewiri Moka, claimant; Lot 57, at Waioeka Valley; 50 acres.

Joseph Kennedy, claimant; Lot 76, Waiotahi; 50 acres.

Mereana Waiti, claimant; Lot 19, at Te Mapou, and half of Lot 82, at Ohui, 25 acres.

Meremana, claimant; 25 acres at eastern extremity of Town Belt. This has been selected by Crown Agent and claimant.

Hauauru Taipari, claimant; 100 acres at Te Pukenui, at Ohiwa. This has been selected by Crown Agent and claimant.

## **SCHEDULE of AGREEMENTS made by CROWN AGENT with PERSONS preferring COMPENSATION CLAIMS in BAY OF PLENTY BLOCK.**

Miriama Makawa, claimant; allotment by Town Belt, no number, 44 acres, and western end of Lot No. 25, at Ohui, 12 acres; 56 acres.

Mary Davides, claimant; fifty-acre Lots 9 and 47 in Waioeka Valley; 100 acres.

Ngahiraka and others, claimants; Town Lot No. 277, quarter-acre at Opotiki; fifty-acre Lots 4 and 5 at Ohui; 100 acres.

Mohi Wikitahi and others, claimants (£120 paid May, 1866).

Te Kiekie, claimant (£30 paid May, 1866).

Ritihia Ropiha, claimant; Lot No. 47, on eastern shore of Ohiwa; 50 acres.

Elizabeth Brown, claimant; west half, of Lot No. 23, at Ohui; 25 acres.

Rena te Ratapu, claimant; east half of Lot No. 23, at Ohui; 25 acres.

Te Whitika, claimant; Town Lot No. 30 in military township, Opotiki; 1 acre.

Elizabeth Fulloon, claimant. (£150 paid); not less than one quarter-acre, nor more than one half-acre, in township when surveyed at Whakatane, to secure to her the graves of her relatives. 50 acres by mill at Whakatane, to be surveyed as per agreement.

Tiwai Paihana, claimant (£50 paid); two quarter-acre lots in civil township, Nos. 7 and 8, also five acres in the military township near Waitangi at Opotiki; fifty-acre lots at Ohui, Nos. 2 and 3; also east half of Lot 2, Onekawa, at Ohiwa, 25 acres, and 100 acres to be selected on eastern side of Otara River, at Opotiki, south of land surveyed for military settlement; 225 acres.

Papa Kahawai, claimant; 50 acres. Not yet selected.

## **SCHEDULE of AWARDS given in the COMPENSATION COURT held at OPOTIKI; the AWARDS having yet to be selected by CROWN AGENT and CLAIMANTS.**

Timoti te Pokiwaho, claimant; 12 acres at Opotiki or elsewhere. Nearly arranged.

Mereana Hauauru, claimant; 25 acres at Waiawa. Claimant has refused to make the selection, and is going to appeal to the Governor.

Mereana Hauauru, claimant; 50 acres at Ohiwa. Claimant has refused to make a selection.

Mereana Hauauru, claimant; 40 acres at Manukatihiti, Waioeka Valley. Claimant has refused to make a selection.

Wakata, claimant; town lots, two allotments, quarter-acre each; 25 acres at Opotiki. Claimant absented herself before judgment was given, and did not return.

Wi Karaka, claimant; 30 acres at Waiawa. I have endeavoured to arrange the selection of this.

Hoani Tunui, claimant; 30 acres in Waioeka Valley. Have, not seen claimant since judgment was given.

Huhana te Waihapuranga, claimant; town lot, one allotment, quarter-acre; 40 acres in Waioeka Valley.

Have not seen claimant since judgment was given.

Henare Wakarongohau, claimant; 40 acres at Waimana. Have not seen claimant since judgment was given.

Mere Petere, claimant; 40 acres in Waioeka Valley. Have had much trouble with this claimant, who will not make a selection.

Watene Tuma, claimant; 40 acres at Opotiki. Have not seen claimant since judgment was given.

Hana Arapeta, claimant; 15 acres in Waioeka Valley. Have not seen claimant since judgment was given.

Rangi Tukehu and others, claimants; 100 acres on Whakatane Flat. Have not seen claimants since judgment was given.

Kiepa te Tua, claimant; 25 acres at Waimana. Have not seen claimant since judgment was given.

J. A. WILSON, Crown Agent.

## **Mr. PARRIS to the Hon. J. C. RICHMOND.**

*Reserves for Friendly Natives and Returned Rebels.* New Plymouth, 11th June, 1867.

SIR,—



I have the honour to forward herewith the returns called for in the Under-Secretary's letters dated 16th May and 21st November, Nos. 208-2 and 218-2, so far as the matters referred to have been settled up to the present time. In addition to the schedule which gives the totals, I have appended thereto a detailed account of the reserves made for returning rebels, but of course His Excellency's Government is aware that a great many more reserves will have to be made in every district, as has already been contemplated.

In the Ngatiawa coast, Waitara South and Oakura Blocks, that is, from the White Cliffs (the northern extremity of the confiscated territory) to Hangatahua, in the Taranaki District, and also in the Ngatiruanui coast from Patea to Waingongoro, so much of the available land by the seaboard has been taken up for the military-settlement scheme that there is not sufficient to satisfy the awards to loyal Natives within the same lines; but there is a great deal of very fine country inland of those lines, as soon as it can be made available, which is a work of time, and cannot be reckoned upon as available at the present time.

The block of land between Waitotara and Whenuakura is computed to contain over 50,000 acres of very superior land within eight miles from the beach: of this about 22,000 acres will be required for military settlers not yet located, and for awards to loyal Natives; the remainder will be at the disposal of the Government, and would, I have no doubt, realize from £1 10s. to £2 an acre, if put into the market judiciously. The block between Whenuakura and Patea is computed to contain 12,000 acres of available land within the same distance from the beach; and, after, laying out the township on the south side of Patea, it is proposed to reserve the remainder for awards of the Court to loyal Natives and for returning rebels.

From Waingongoro to Hangatahua, a seaboard of fifty miles, there is a district of very fine land, and no military settlers' settlements. In this, district 62,500 acres have been awarded to loyal Natives. These it is proposed to concentrate as much as possible within the block between Hangatahua and Waiweranui set apart for that purpose, and for the Ngawahunga returning rebels (none having been reserved for that purpose north of Hangatahua), and within the block set apart for the chiefs, William King Matakatea, and the late Arama Karaka and their followers, between Moutote and Taungatara. Upon this block it is also proposed to concentrate as many as possible of the rebels, thereby leaving a block between Moutote and Kapoiaia; and another block between Taungatara and Kaupokonui, altogether about twenty miles of a seaboard with its proportion of back land to confiscated line, nearly free, to be disposed of by the Government. From Kaupokonui to Waingongoro, about eight miles across by the seaboard there is the finest block of land in the whole district, estimated at, over 30,000, acres. Out of this a reserve has to be made for the Ngaruahine section of the Ngatiruanui Tribe.

The estimated total area of land confiscated in the Province of Taranaki, including, I presume, the Patea, Waitotara Block, and the block inland of the Whanganui Settlement, is 1,144,300 acres. From this must be deducted 291,852 acres for mountain and swampy land, as per estimate, leaving 852,448 acres of the so-called available land, of which there has already been used for military settlers, loyal and rebel Natives, as per schedule, 272,243½ acres, leaving 580,204½ acres. From this quantity a further reduction will have to be made for returning rebels, and reserves for absentees, and the quantity abandoned south of the Waitotara River.

In the present state of the whole question it is impossible for me to furnish exact information, for the only part of the confiscated territory which has ever been surveyed is that where the military settlers' settlements are, and an approximation as regards any other part would be very imperfect data to base a calculation upon.

I have, &c,

R. PARRIS, Civil Commissioner.

The Hon. J. C.  
Richmond.

## **Enclosures.(No. 1.)QUANTITY of LAND set apart for RETURNING REBELS to Present Time.**

11th June, 1867.

## (No. 2.) PROVINCE OF TARANAKI

NOTE.—Survey and roads cost 1s. 4d. per acre, principally block surveys.

### His Honour I. E. FEATHERSTON to the Hon. J. C. RICHMOND.

*Manawatu.—Settlement of Back Rents and Native Reserves.* Superintendent's Office, Wellington, 27th July, 1867.

SIR,—

Adverting to my letter of the 23rd March last, I have now to report, for the information of the Government, that during my recent visit to Manawatu and Rangitikei I held several meetings with the Ngatiapa and Ngatiraukawa at their respective pas, with a view to a final settlement of the outstanding questions of back rents and Native reserves.

1. *Back Rents.*—The back rents (amounting now to nearly £3,000) due by the runholders under the old Native leases were required to be paid up, and it was necessary, in the first place, to ascertain to what particular Natives, and in what proportions, these arrears of rent should be paid to the tribes who lately claimed the block. It will be in your recollection that the payment of the rents was one of the proximate causes of the tribal quarrel which led to my interference on behalf of the General Government in 1863. As I reported at the time, an arrangement was entered into with the runholders, with the mutual concurrence of the tribes interested, for the non-payment of rents, pending some adjustment of the dispute; one condition of such arrangement being that I made myself responsible for the ultimate recovery of all the rents so impounded. At the recent meetings to which I have alluded, the representatives of the three tribes principally concerned, the Ngatiapa, Ngatiraukawa, and Rangitane, united in a request that, before proceeding to any division or distribution of this money, I should on their behalf receive the rents from the runholders, and that, when the whole amount had been paid up, I should call a general meeting of the tribes to determine its disposal. As the request was unanimous, and as the course recommended by the Natives seemed likely to prevent a further complication of an already difficult question, I readily assented to the proposal, and in that position the matter now rests.

2. *Reserves.*—In my report of the 23rd March I described the position and extent of the reserve at Puketotara which I had set apart for the Rangitane, and I furnished with that report copy of a memorandum of agreement entered into with Kawana Hunia (the representative chief of the Ngatiapa), whereby I guaranteed to him and his tribe 1,000 acres at Papakatea, 500 acres at Tawhirihoë, and 10 acres at Te Awahou.

It will be seen by a reference to my notes of the Parewanui meeting in December last that Ihakara, the Ngatiraukawa chief, in the interests of peace and in order to conciliate the Ngatiapa, voluntarily surrendered to Kawana Hunia the right which he had to a reserve at Tawhirihoë, in terms of my pledge that I would not disturb the Ngatiraukawa in any of their existing settlements. While fully appreciating the motive which had actuated Ihakara in making this large concession to a rival tribe, I regretted that he had done so, and I promised his hapu, who evidently felt the humiliation very keenly, that I would do my utmost to recover possession of Tawhirihoë, and to grant them a reserve there, explaining, however, that this could only be accomplished with the concurrence of the Ngatiapa. I am glad to be able to report that I have made an arrangement with Kawana Hunia which places Tawhirihoë again at my disposal. I attach a copy of a memorandum of agreement on the subject (Enclosure 1).

The reserves for the Ngatiraukawa Tribe have not yet been defined. I have, however, promised the chiefs that they shall not be required to relinquish any of their permanent settlements, that their burial-places shall be held sacred, and that ample reserves shall be set apart for all the resident hapus.

The non-sellers in that tribe having declined to accept of a reserve to the extent of their claims as admitted by the sellers, I have signified my willingness to refer the question to two arbitrators, in order that the extent and position of their actual claims may be determined, and excluded from the purchase; and, failing arbitration, I have stated my readiness to leave the settlement of this question to any two Judges of the Native Land Court who may be selected by the Government for that duty. I append (Enclosure 2) a copy of my memorandum in English and Maori, setting forth the conditions of the proposed arbitration. I have not yet received from the

non-sellers any definite reply to this proposal. There would be no difficulty in furnishing an approximate assessment of the claims of the non-sellers, as required in your letter of the 10th November last; but, as I have agreed to go to arbitration on the question, it is obviously unnecessary for me to go further in to the subject at present.

For the information of the Government I beg to forward herewith (Enclosure 3) a list of Natives of the Ngatiraukawa Tribe, who allege claims to the Rangitikei-Mauawatu Block, and who have not signed the deed of cession. I beg to furnish also (Enclosure 4) a brief sketch, by Mr. Buller, of the migration and conquest upon which the Ngatiraukawa claims chiefly rest.

In conclusion, I have the honour to recommend that, if the non-sellers should reject the proposals I have made to them, His Excellency the Governor should be advised to appoint a special Commission to inquire into the claims of the dissentients, and to determine their extent, in order that they may be excluded from the Government purchase.

I have, &c.,

I. E. FEATHERSTON.

The Hon. J. C.  
Richmond.

## Memorandum.

4th July, 1867.

IN consideration of my getting sole possession of the Pakapakatea Reserve of 1,000 acres, I agree to surrender to Mohi Mahi, on behalf of the Ngatipa Tribe, my claim to a reserve of 500 acres at Tawhirihoë.

KAWANA (his x mark) HUNIA.  
Witness—W. BULLER, R.M.

## Memorandum.

4th July, 1867.

ON behalf of the Ngatiapa Tribe I agree to relinquish the claim to a reserve at Tawhirihoë, save and except ten acres to be selected by Dr. Featherston, in consideration of my receiving from the Government a reserve of 500 acres at Te Kawanu in the Rangitikei-Manawatu Block.

MOHI (his x mark) MAHI.  
Witness— W. BULLER, R.M.

## Note in Explanation.

The original arrangement with the Ngatiapa was that Kawana Hunia should have 500 acres at Tawhirihoë and 500 acres at Pakapakatea, and that there should be a tribal reserve of 500 acres adjoining Kawana Hunia's at Pakapakatea. Mohi, on behalf of the tribe, has lately been anxious to exchange the 500 acres at Pakapakatea

for a reserve of similar extent at Te Kawau. The present arrangement is practically this: Kawana Hunia exchanges his personal reserve of 500 acres at Tawhirihoe for the tribal reserve of 500 acres at Pakapakatea, and Mohi, on behalf of the tribe, accepts a reserve of 500 acres at Te Kawau in lieu of the Tawhirihoe Reserve.

## **(No. 2.) MEMORANDUM by Dr. FEATHERSTON.**

I agree to refer the claims of non-sellers in the Rangitikei-Manawatu Block to arbitration, subject to the following conditions: (1.) Two arbitrators, either pakeha or Maori, to be appointed, one by the non-sellers, the other by the Land Purchase Commissioner, such arbitrators being entirely disconnected with the land or with the disputants, and wholly disinterested in the question at issue. The arbitrators to appoint an umpire, or the arbitrators and umpire to be appointed by His Excellency the Governor. (2.) The arbitrators to be appointed within one month from the present date, and the arbitration to take place at Rangitikei. (3.) All non-sellers of whatever rank to prove their individual claims to the satisfaction of the arbitrators, having previously signed a paper assenting to the proposed arbitration, and pledging themselves to accept as final the decision of the arbitrators as to the nature and extent of their claims.

I. E. FEATHERSTON.

Rangitikei,

4th July, 1867.

## **(No. 3.)**

MANAWATU-RANGITIKEI BLOCK.—Resident Ngatiraukawa, alleged claimants, who have not signed the deed of cession: *Oroua*: Takana te Kawa, Te Ara (a woman), Hoeta te Kahuihui, Kerehana Tauranga, Koro te One, Erina Taurua (a woman), Rahira Kahuihui (a woman), Te Reihana, Repuma te Oreie, Te Warihi, Horopapera, Reweti te Kohu, Pini, Matiu.—*Papakiri*: Parakaia te Pouepa, Nirai Nape, Te Roiri Kamara, Pitihira te Kura, Roera Hore, Kipa te Whitu, Hakopa te Tehe, Hemara te Mataaho, Ihaka te Mataaho, Arapata te Wharemakatea, Pineaha Mahauariki, Paratene Hakaraia, Heta Ngatuhi, Tiaki te Pakarau.—*Taikoria*: Whiriharai te Angiangi, Wirimu Kingi, Tohutohu, Paranihi te Tau, Eruini te Tau, Tiuiwata Tekerunga, Naera te Angiangi.—*Rangitikei*: Pumipi te Kuka, Te Keremihana, Miritana te Raki, Wireti te Rea.

## **(No. 4.) A BRIEF SKETCH of the MIGRATIONS of the NGATIRAUKAWA from TAUPO to COOK STRAIT, and of their Wars with the Resident Tribes (Native Account).**

LONG anterior to the occupation of this country by the pakeha, the Ngatitao Tribe, led by Te Rauparaha and Rangihaeata, migrated down the West Coast from Kawhia to Cook Strait. After leaving Taranaki their progress was not opposed by the tribes on the coast, and the Ngatitao journeyed in peace till they came to the mouth of the Manawatu River. Here Te Rangihwinui, at the instigation of the Whanganui tribes, had planned a treacherous attack on Te Rauparaha, with whom he was professedly friendly. Hostilities were, however, precipitated by the aggressive and unauthorized act of a party of Te Rauparaha's men. Finding, on their arrival at the Manawatu River, that the canoes had been hidden, apparently to prevent their crossing, they retaliated on the river tribe (the Muaupoko) by killing one of their women. Fighting with the Mnaupoko immediately followed, and the neighbouring tribes were successively drawn into it. This warfare was kept up for more than two years with varying success, the Ngatiapa, Ngarauru, Whanganui, Rangitane, and Ngaitahu, who afterwards emigrated to the Middle Island, all taking part in the struggle. The Ngatitao were eventually the victors, and located themselves at Kapiti, and on the mainland opposite.

At a later, period a party of Ngatiraukawa from Taupo, numbering about eighty men, and led by Taratoa

and Hukiki te Ahukaramu, paid a ceremonial visit to the Ngatitoa at Kapiti. They came down through the gorge of the Rangitikei River, and their visit is remembered as "To Kariritahi, On their return a second party, numbering about a hundred, consisting of Ngatihua, Ngatikauwhata, and Ngatiparewahawaha, paid a similar visit, which is distinguished as "Te Heke Whirinui." These parties came armed, but their passage was not opposed in any way by the resident tribes, who were unprovided with firearms. On their return to Taupo with a favourable account of the country they had visited, the Ngatiraukawa decided on migrating as a body to the coast. Accordingly about the year 1830 the tribe came down in large force, and entered the district by the gorge of the Turakina River. They attacked and overpowered the Ngatiapa at their settlement on that river, capturing a number of women and boys. They came out at the Turakina Heads, and proceeded down the coast, fighting the Ngatiapa along their line of march. A party of 200, which had detached itself from the main body, at Kokakotahi in the Upper Turakina, took an inland route along the course of; the Oroua River, driving the Ngatiapa before them. This party consisted of the following hapus—viz., Ngatikauwhata, Ngatiteihiihi, and Ngatikahou. On arriving at the mouth of the Oroua, they made a raid up the banks of the Manawatu River (of which the Oroua is a tributary), and attacked the Rangitane at Hakione, overpowering them and carrying off some of their women. Proceeding a little further they came upon another Rangitane settlement, occupied by Te Pauau and his people. This village was attacked, but its inmates all escaped. The invaders pursued the fugitives for some distance, but, failing to overtake them, they took possession of the Rangitane canoes, and descended the Manawatu River. Finding a small Rangitane settlement on the river-bank opposite Puketotara, they landed, and the villages, mistaking them for friendly visitors, welcomed them ashore. The war party killed some and took others prisoners, Rota Tarehe and Arapata Takahu (both now living) being among the latter. Peropero, a Rangitane chief of high rank, was among the killed on this occasion. The war party then proceeded down the river to its mouth, and thence spread themselves along the coast. Many Ngatiapa women were captured by this war party, all of whom were afterwards restored to their tribe.

Peace was at length established between the invaders and the Ngatiapa; and the Ngatikauwhata, a section of the Ngatiraukawa, with the concurrence of Te Kokiri Hamuera (Hamuera te Raikokiritia's father), located themselves on the banks of the Oroua. When, at a later date, Te Rauparaha arranged a division of the lands claimed by conquest, the Ngatikauwhata chief Te Whata (father of the present chief Tapa te Whatu), claimed to be the possessor of all the Oroua Plains, and that claim was tacitly recognized by all the other sections of the tribe. Te Rauparaha allotted Waikawa to the Ngatiteihiihi, Ohau to the Ngatipare, and Horowhenua to Te Whatanui, who allowed the conquered Muaupoko

At a very remote period the Muaupoko were occupants of a part of the Rangitikei-Manawatu Block, and they still assert claims there.

to remain in joint possession. The Manawatu-Rangitikei country was not allotted, Manawatu River being the limit of Te Rauparaha's tribal partition of the land. The territory north of that boundary was left to the occupation of any sections of the Ngatiraukawa who might choose to locate themselves there as joint occupants with the Ngatiapa.

After peace had been established with the Ngatiapa, Te Rauparaha made war on the Rangitane, and defeated them signally at Hotuiti, their strongest pa. At a later period again the Ngatiraukawa sent a war party to Whanganui to avenge the death of Ruamaioro, one of their chiefs, who with his whole party had been treacherously murdered when on their way to visit their friends at Kapiti. The Ngatitoa and Ngatiawa warriors joined the expedition, and the Ngatiapa, headed by Te Hakeke (father of the present Kawana Hunia), made common cause with the Ngatiraukawa in this invasion of the Whanganui country. The expedition is said to have numbered 1,200 men. The Whanganui tribes accepted a challenge at Putikiwharanui (opposite the site of the present Town of Whanganui), and were defeated with great loss. On the evening of the day of battle the pa surrendered. They received little or no quarter. A large number of them were killed and eaten, and others were taken captive to Kapiti. The Ngatiapa returned in company with the Ngatiraukawa, and reoccupied the coast. Te Hakeke, and a few of his immediate followers, accompanied the force to Otaki, where they located themselves for a short time, ultimately returning to Rangitikei. Prior to the Ngatiraukawa invasion the Rangitane and the Ngatiapa were alternately friendly and at war with each other.

When the Ngatiawa and Ngatiruanui, in 1839, made war on the Ngatitoa and Ngatiraukawa, the latter sought the aid of the neighbouring tribes with whom they had then established friendly relations. Besides the Ngatiapa allies, the Whanganui sent a contingent of 200 men, under Pehi Turoa; the Ngatituwharetoa (Taupo) sent 140 men, under Te Heuheu; the Ngatimaniapoto sent 200 men, under Taonui and Tariki; the Ngatiteupokoiri (a section of the Ngatikahungunu) sent 100 men, under Te Whaiukau; and a few Rangitane chiefs joined the expedition. A section of the Ngatitoa, under Te Hiko-o-te-rangi, made common cause with the enemy. Before the arrival of reinforcements the Ngatiraukawa and the Ngatitoa had defeated the invaders in four successive fights, known respectively as "Maringi-a-Wai," "Haowhenua," "Te Rereamanuka," and "Te Pa-a-te-Hauataua." Three more battles were afterwards fought, the combined forces acting under Te Rauparaha

and Rangihaeata, and the result was the utter defeat and rout of the enemy. After this permanent peace was established among the Coast tribes.

The following hapus of the Ngatiraukawa located themselves on the Rangitikei-Manawatu Block: The Ngatiparewahawaha, under Nepia Taratoa and Taiaho; the Ngatikauwhata, under Te Whata; the Ngatiteihiihi, under Te Whetu and Te Kohu; and Ngatipare, under Te Matenga and Te Kiharoa; the Patukohuru, under Taikapureia; and the Ngatirakau, under Ngaturia. The Ngatiwhakatare, a section of the Ngatiraukawa, assert claims to the Rangitikei-Manawatu Block, although they have never actually resided upon it. During the early tribal wars, the Ngatiwhakatare, acting in concert with the Ngatitarua (who afterwards migrated across the Strait), sent a large war party, under the chiefs Te Puoho, Te Mahuebue, Te Purangi, and To Momona, to avenge the death of Te Rauhiti, a Ngatiraukawa chief, who had been treacherously killed when on a visit to Taranaki. They defeated the Ngatiapa on frequent occasions, and took many prisoners, among whom were Wi Mekomoko and Kaewha (the mother of Kawana Hunia). On the re-establishment of peace the prisoners were liberated.

WALTER BULLER.

Wellington,

26th July, 1867.

## **Mr. Surveyor SWAINSON to the UNDER-SECRETARY, Native Department.**

*Forwarding Report on Native Reserves allotted by New Zealand Company.* Wellington, 13th August, 1867  
SIR,—

I have the honour to forward a return of lands set apart "in the New Zealand Company's settlements (in the Province of Wellington) under that company's scheme, for the benefit of the Natives, the subsequent disposal of each section," &c., together with a condensed report on the same.

I have, &c.,

GEORGE F.  
SWAINSON.

The Under-Secretary, Native Department.

## **Enclosure.REPORT ON RESERVES made by the NEW ZEALAND COMPANY in its Settlement in the PROVINCE OF WELLINGTON.**

ONE of the principles laid down by this New Zealand Company in founding its past settlements in New Zealand was that of "reserving out of every purchase of land from the Natives a portion of the territory ceded, equal to one-tenth of the whole, and to hold the same in trust for the benefit of the chief families of the ceding tribes. The Company did not propose to take the reserves for the Native owners in large blocks, as it has been

the practice to make for the Indians in North America, because that plan tends to impede settlement, and to encourage savages to continue barbarous, living apart from the civilized community; but the Company's reserves were to be made in the same way as if the reserved lands had been actual purchases made of the Company by the Natives. Accordingly, out of 1,100 sections or 110,000 acres, which the Company offered to the public at the preliminary sales of land in the first settlements, 110 sections (11,610 acres), which were reserved for the Native chiefs, were appropriated according to an order of choice determined by ballot in the same way as the priority of choice was determined among the purchases in general." (See instructions from the directors of the Company to Mr. Halswell, 10th October, 1840.)

Under such land orders and orders of choice, Captain Smith, the New Zealand Company's principal surveyor, selected on behalf of the Natives sections in the first districts thrown open. After his resignation this duty of selecting devolved upon Mr. Halswell, who was appointed by the Company's Commissioners for the management of Native reserves, and subsequently on Mr. St. Hill.

In the selections made by Captain Smith, both of town and country lands, he appears to have exercised the orders of choice as much as possible in selecting those lands which were in actual occupation. Thus the Native cultivations at Te Aro were selected as reserves: the same at Thorndon, Pitone, Ohiro, Kaiwharawhara, &c. These reserves were placed by the Company under the management of Mr. Halswell. Subsequently such management was transferred by Governor Hobson to the Bishop of New Zealand and the Chief Justice, from whom it passed to Mr. St. Hill, Colonel McCleverty, Mr. D. Wakefield, &c., in whose hands it remained until the passing of the Native Reserves Act of 1856. Their jurisdiction extended over all the tenths, both town and country.

On Colonel McCleverty making the final awards of settlement of outstanding claims and disputes between the Company and the Natives, compensation in land was given to individual tribes and hapus, on condition of their relinquishing all claims to former cultivations made on lands purchased from the Company by European settlers. These awards consisted partly of unselected lands, which was the property of the Company, and partly of some of the tenths before mentioned.

These lands are set forth and secured to the Natives by deeds executed between Colonel McCleverty (with the sanction of the Governor) and the Natives. Over these the Commissioners, under the Native Reserves Act of 1856, have no control or jurisdiction, according to a decision given by Mr. Whitaker when Attorney-General; but the legal status of these reserves (Colonel McCleverty's) appears involved in doubt—*i.e.*, whether they are considered as Native lands over which the Crown has waived the extinction of title, and can be treated by the Natives as such. It is, however, worthy of notice that the Government, having in some instances actually purchased lands of this class from the Natives; have tacitly admitted their title to be free from the trammels of any prior extinction. These tenths are excluded in the grant from the Crown to the Company.

In the years 1851 and 1853 all of the Native reserves on Thorndon (with the exception of about one-eighth of an acre) which had not been previously dealt with by Colonel McCleverty, or included in Tod's grant, were granted by Sir George Grey as endowments for hospital and college and grammar-school purposes, "for the relief of all classes of our subjects," and to such grammar school are to be admitted "all classes and races of our subjects inhabiting New Zealand."

The original reserves in the different districts were tabulated as follow, in a return furnished by Mr. Beere, Principal Surveyor, to Mr. G. Clarke, Protector of Aborigines, 31st January, 1844: 110 town acres, representing tenths of 1,100 acres of which the Town of Wellington consists. 3,400 acres out of 44,100 acres of country lands; but subsequently further Native-reserve selections were made, increasing the above to 4,200 acres.

The Porirua purchase in dispute between the Company and the Natives was finally settled by Colonel McCleverty in 1847, and the reserves previously selected as such for the Natives were either retained, with other lands, or exchanged for lands selected by purchasers. These reserves have been hitherto dealt with by the Natives, except in cases where they have been brought under the Native Reserves Act by assent.

The Whanganui reserves originally set apart by the New Zealand Company were, it appears, amalgamated (or thrown up in lieu of other lands taken for the purpose) at the final, completion of the Whanganui purchase by Mr. McLean in, May, 1848.

The Company's purchase at Manawatu (South Bank) having been ignored by the Crown, I will only briefly notice that 14,900 acres were selected by purchasers, and 4,800 acres selected as Native-reserve tenths. Those original selectors who have not reselected in other settlements have a preemptive right not only in this block, but, as it appears from the exemption clause in the Native Lands Act, in any part of the land described in the schedule. Only 1,700 acres are required for this purpose by resident owners, and 11,000 by absentees.

GEORGE F. SWAINSON.

Wellington,

13th August, 1867.

## **No. 114. REPORT on RESERVES, NATIVE Lands, &c., Hawke's Bay.**

**G. S. COOPER, Esq., R.M., to the Hon. J. C. RICHMOND.**

Napier, 26th August, 1867.

SIR,—

In compliance with instructions left with me by Mr. Rolleston on the occasion of his visit to Napier, I have the honour to enclose a skeleton map of this province showing the main features of the country; the land remaining to the Natives, as distinguished from what they have sold to the Crown; the Native reserves in alienated blocks; the principal villages; and the main lines of road in the province.

With regard to the reserves, I have to report that, as will be seen from the map, they form but a small percentage of the area sold. The Makahua Reserve (No. 5 on map), half of Pakowhai (No. 7), one section of 200 acres, eleven of 100 acres each, and one of 50 acres at Tikokino (Nos. 13 and 14), and Rangaika (No. 19), are the only portions of the reserves which are granted, or promised to be granted, to individuals for their separate use.

The only land which was given back to the Natives after their title had been extinguished, and for the general use, instead of to individuals, was a block of 700 acres at Tikokino (No. 14 on map). Of this quantity 300 acres were promised at the time of purchase, and appear in the deed as a condition of sale. The remaining 400 acres were afterwards added by Governor Gore Browne, on its being represented to His Excellency that the original acreage was insufficient to maintain the population:

All the other reserves shown on the map come under subsection (2) of section 3 of "The Native Lands Act, 1866." Of these the Natives have sold absolutely to the Government Manukaroa (No. 6), Tukuwaru (No. 11), Puketitiri (No. 23), and Kohenurakau (No. 18), and part of Pourere (No. 8); and they have sold absolutely to private individuals Waipukurau (No. 9), Rangaika (No. 19), Awanga (No. 21), and Roro o Kuri (No. 22). Those that remain to them are let—I believe without exception—to European tenants at fair rents, and for periods not in any case exceeding, twenty-one years.

Unfortunately for the rising generation many of these reserves were passed through the Native Land Court prior to the 8th of October last, and so, have missed coming under "The Native Lands Act, 1866." To show how much this is to be regretted, and what a misfortune it would have been had all the reserves remained alienable, it is only necessary to say that, in the case of almost every alienable reserve yet unsold, negotiations are in progress for its sale, and these are being prosecuted with vigour, the greater in proportion to the paucity of other land owned by the grantees. This is easily intelligible: a man who owns large tracts of land, from which he derives a revenue more or less capable of supporting him in the habits of luxury and idleness to which the Asiatic temperament of the Maori naturally inclines him, feels but little temptation to part with the small pieces which, from being in the heart of settlement, have acquired an exceptional value; whereas another, who perhaps has sold nearly every acre he possessed, and sometimes a bit of his neighbour's as well, is easily tempted to let his valuable reserve go at a price far beyond his wildest dreams of ten years ago, which will nevertheless not only leave him a pauper in a country where parish rates and unions are as yet unknown, but will turn his offspring into a race of thieves and vagabonds on the face of the earth. I most earnestly trust, therefore, that His Excellency's Government will not relax in any case the wise and salutary restrictions upon the alienability of reserves in this province which are imposed by the Act of 1866.

There are no reserves or grants of land in the province for religious or charitable purposes. There is one estate of 7,397 acres granted as an educational endowment. This estate is comprised in three grants of contiguous properties, of which two were ceded by the Maoris to the Crown under the provisions of "The



Native Reserves Act, 1856," and the third is a free gift of Crown lands promised by Sir George Grey, and granted by Colonel Gore Browne: These grants are made in favour of the Bishop of New Zealand, who has conveyed them to trustees appointed by the General Synod of the United Church of England and Ireland in New Zealand. As the trust upon which the land given by the Maoris is granted differs from that affecting the free gift from the Crown, I have extracted from the grants the words describing the trusts, which are as follow, the first two being in relation to the lands granted by the Maoris, and the third to that granted by the Crown: (1.) Grant dated 10th June, 1857, 1,745 acres, to George Augustus, Bishop of New Zealand, and his successors, "upon trust as an endowment for a school to be maintained at Te Aute, in the District of Ahuriri aforesaid, for the benefit of the aboriginal inhabitants of New Zealand." (2.) Grant, same date, 1,408 acres, same trust. (3.) Grant, dated 7th July, 1857, 4,244 acres, same grantee, "upon trust as an endowment for a school to be maintained in the District of Ahuriri aforesaid for the education of children of our subjects of both races in New Zealand." Thus the first two deeds grant 3,153 acres to endow a school "at Te Aute," for "the benefit," which may be educational or pecuniary, of the "aboriginal inhabitants," not of the district where the land lies, but "of New Zealand;" while the third deed grants 4,244 acres, by far the most valuable part of the property, to endow a school, not at Te Aute, but anywhere "in the District of Ahuriri aforesaid," which district is undefined, "for the education of children of our subjects of both races in New Zealand." Thus, of 7,397 acres lying almost in one block, 3,153 acres are to be applied to one trust, and 4,244 acres to another quite distinct.

No steps have been taken as yet to fulfil either of the trusts under which this valuable estate is held. Of this failure, however, I am bound to say that the blame does not attach to the Bishop, to the present trustees, or to the incumbent and manager of the estate, the Rev. Samuel Williams, but rather to the want of auxiliary funds to develop the resources of the property; and partly, and as many people think mainly, to the change which has taken place amongst the Maoris themselves, and which would incline them to any system of education rather than one associated with any particular religious denomination, or, perhaps I should say, with any religious element at all.

The system on which the estate has been managed has been that of endeavouring to bring it so soon as possible into a state of solvency, in the hope of being able subsequently to make enough, by farming the property, to erect the necessary buildings and carry on a school. To carry out this view, Mr. Williams, to whose uncontrolled management the estate has been hitherto committed, has spared neither time nor trouble, and has not only given his own practical experience, but has advanced a considerable sum of money, which, I believe, has not yet been wholly refunded to him. The result of it all has been that an excellent farm and cattle-station has been established, but simply nothing whatever has been done towards carrying out the original idea or ideas with which the land was made over to the head of a religious sect.

If I might make a suggestion, I would recommend that a Commissioner should be appointed to examine and report upon the value of the property, the amount of incumbrances with which it is burdened, and the best means of relieving it; and also to suggest in what way the present trusts may be amended so as to insure the establishment of a good common grammar school, at which the youth of both races indifferently might receive a sound education at as small a cost as possible; and I have no doubt that this might be accomplished at an expense, not far exceeding that of the board of the pupils, as I do not think the present annual value of the estate is less than one thousand pounds. Such an institution, were it in working order, and judiciously conducted under experienced management, would be gladly and extensively taken advantage of by parents of both races, and would supply a want which is daily becoming more felt.

I regret that so great a delay has taken place in forwarding this report. It has arisen from the pressure of work upon the Provincial Land Office, arising chiefly from the plans for the Native Land Court which had to be examined and passed, and which, with other matters, delayed the completion of the map until now.

I have, &c.,

G. S. COOPER, Resident Magistrate.

The Native Secretary, &c., Wellington.

**Mr. Surveyor G. F. SWAINSON to the**

# ECERTARY, Native Department.

*Wairarapa.—Transmitting Returns of Crown Grants and Native Reserves.* Wellington, 14th September, 1867.  
SIR,—

In accordance with your request I have the honour to forward a return I have prepared of all Crown grants made to Natives in fulfilment of promises made by the Government on the purchase of lands in the Wairarapa District. The return also shows the ungranted reserves of the same class. I also forward a draft general return of grants made within the province.

I have, &c.,

GEORGE F. SWAINSON.

The Under-Secretary, Native Office.

## Enclosure.

RETURN of all CROWN GRANTS made to NATIVES in the PEOVINCE of WELLINGTON under "The Crown Grants Act (No. 2), 1862," with SPECIAL WAIRARAPA RESERVES granted and not granted, to 30th June, 1857.

## **(No. 2.)SPECIAL RESERVES NOT GRANTED (*Wairarapa District*).**

The above are, I think, all the special reserves in the Wairarapa District for which grants have been promised by the Government at the time of purchase of the blocks within which they are situate, or at a subsequent date.

The general reserves are numerous, and can only be individualized by operation of Native Lands Act or of some other tribunal appointed by the Government in case the Native title is deemed to have been extinguished.

For general reserves see return of all Native reserves in Appendix to Journals, and in Report of Land Purchase Department.

GEORGE F. SWAINSON, Late Commissioner of Native Reserves.

Wellington,

14th September, 1867.

## **No. 116.REPORT of the PUBLIC PETITIONS COMMITTEE on the PETITION of Fifty-one NATIVES of the WAIRARAPA.**

THIS petition contains two distinct complaints against the Executive of the colony, and prays for redress. It also contains a request. The Committee purpose taking up all these three subjects *seriatim*.

The first complaint is to the effect that the percentages arising from the resale to the public of certain lands

in the Wairarapa District, originally sold by the petitioners to the Government with a pledge that a certain percentage should be expended under certain conditions for their benefit, have not been so expended. The Committee have examined the conditions inserted in the deeds of sale executed by the petitioners and accepted on the part of the Government, assuring the former that 5 per cent. shall be so expended. The conditions are as follow: "It is further agreed to by the Queen of England on her part to pay us at certain periods, within certain years, to be decided on by the Governor of New Zealand and ourselves—that is, that we are to have a certain additional consideration for the land we have sold, to be paid to us for the construction of flour-mills for us, for the forming of schools to teach our children, for the construction of hospitals, and for medical attendance for us, and also for certain annuities to be paid to us for certain of our chiefs; but it is hereby agreed that we, and certain officers who shall be appointed by the Queen or the Governor of New Zealand, shall carefully discuss in Committee to which, and at what times, and in what proportions the said money shall be applied to each of the purposes above specified. The payments to be made annually to our chiefs are to be decided upon by the Governor of New Zealand only, or by an officer appointed by him, who shall have the power of deciding as to which of the chiefs shall receive the annual payments. These payments for all the above purposes are to be as follows: that is, when the surveys are complete and the land is resold which we have transferred to the Queen of England, or to the Kings or Queens who may succeed her, a certain portion of the money to be received by the Queen or Government of New Zealand as payment for the said land is to be deducted for the purposes which have been above specified: the amount of the money to be returned to us is 5 per cent., or equal to five pounds out of every hundred pounds, after deducting the surveys and other expenses connected with laying off the said lands."

The Committee have also obtained a return from the Treasury, proving that from the 29th March, 1853, to the 31st December, 1866, lands and scrip have, in the Wairarapa District, been disposed of to the value of £63,179 18s. 9d. From this sum must be deducted, in the first instance, as cost of survey, at the rate of 5 per cent., £3,159. Five per cent. upon this sum gives the amount to which the above-mentioned conditions are applicable—viz., £3,001 1s. But appears that authorized payments from the year 1855, on account of some of the petitioners, have been made to the amount of £453 10s. 2d., and another sum must be added on account of the Papawai Mill, amounting to £400, leaving a balance of £2,147 2s. 10d. With reference to the above sum of £2,147 2s. 10d., the committee recommend that it should immediately be disposed of as stipulated in the conditions above quoted.

The second complaint is that some of the Crown grants for the lands which were reserved from public sale, and restored to the petitioners, have, and some have not, been issued to the petitioners. The Committee have examined the reports of the Land Purchase Commissioners relative to the extinguishment of Natives titles (Nos. 59, 74, and 81, pages 287, 289, and 303, printed as C.—No. 1), and they have also examined the Appendix to the Journals of the House of Representatives, Session 1862, E.—No. 10, pages 11 and 23. In the latter page there is a detailed list of the reserves in the Wairarapa District, for which Crown grants were promised to the petitioners. They have also examined the Appendix to the Journals of the House of Representatives, E.—No. 7, page 1, Session 1865. They find that out of the twenty reserves enumerated in the list in page 23, Appendix to the Journals, Session 1862, E.—No. 10, Crown grants have been issued to the petitioners in fifteen cases, leaving only five cases in which they have not been issued. These five cases are as follow:—

The reason assigned in Case No. 1 for the non-issuing of the Crown grant is that Paul Stone is dead, and that succession should be proved under the Native Lands Act. The Crown grant is in the Native Office, and it is evident that the Secretary for the Native Department should cause the succession to be proved and notice given to the heirs to take up the Crown grant within a fixed time. The Crown grant appears to have been promised in the year 1858.

The cause assigned Case 2 for the non-issuing of the Crown grant is that the grantee is dead, and that nothing further is known in the matter. This reserve has not been surveyed.

The cause assigned in Case 3 for the non-issuing of the Crown grant is that, although the reserve is situated in the midst of lands purchased by European settlers, nothing is known respecting the grantee. This reserve has not been surveyed.

The causes assigned in Cases 2 and 3 are most unsatisfactory. The Provincial Government of Wellington has been allowed to deduct, as shown above, £3,159 for the survey of the lands sold, and they should be called upon to cause the surveys to be executed. The Crown grants should then be drawn out in favour of the original grantees, and then notice should be given by the Native Secretary to the grantee or the heirs, as the case may be, to take up the Crown grants within a fixed time. The promises of Crown grants in both these cases were made in the year 1853.

The cause assigned in Case No. 4 for the non-issuing of the Crown grant is that the grant was prepared, but it was found to be incorrect, and it cannot be rectified until the provincial authorities cause the survey of the adjacent lands. Nothing can be more unsatisfactory than the cause assigned in this case. The provincial

authorities should be at once Compelled to survey the adjacent lands. The Crown grant should then be prepared, and notice issued to the grantee to take it up within a fixed time. The Crown grant was promised in 1855.

In Case 5, it appears that Matiaha paid for the land on the 7th March, 1866, but the reserve has not been surveyed, and consequently no Crown grant has been prepared. As observed above, the Provincial Government of Wellington has been paid in hard cash by the grantee for the land they ought to be at once compelled to survey the land; the Crown grant should then be prepared, and notice given to the grantee to take it up within a fixed time.

Having disposed of these five cases, there remain the forty-three general reserves in the Wairarapa District (enumerated in the list detailed in the Appendix to the Journals, 1862, E.—No. 10, page 11) to be disposed of. The Committee find that, out of these forty-three cases, Crown grants have been promised in the seven following cases only:—

- This reserve is surveyed, but the Crown grant is not yet prepared. The Secretary for Crown Lands should be called upon to prepare the Crown grant, and send it to the Native Office to be dealt with as suggested above.
- These reserves have been surveyed, and it is alleged that the Crown grants cannot be prepared until the names of the other claimants are obtained. The Crown grants should be drawn out in the names of the original grantees, and then notice should be served on the heirs to take them up within a fixed time.
- This case is similar to that of Nos. 2 and 3, and similar remarks apply.
- This case is similar to that of Nos. 2 and 3, and similar remarks apply.
- The Crown grant in this case has been prepared, but disputes have arisen among the heirs.  
Case brought under Native Lands Act, August, 1867. If this case has been disposed of under the said Act, no delay should be allowed to elapse before the Crown grant is made to accord with the certificate of the Court, and delivered to the parties who have obtained an award in their favour.
- Rihara Taka is said to be absent, in the employ of Archdeacon Leonard Williams. The grant is said to be lying in the office of the Wellington Crown Lands Commissioner. The Native Secretary could have no difficulty in serving a notice upon the grantee through Archdeacon Leonard Williams, and this course should be adopted.

There are still two cases which cannot be found among the printed papers. They are as follow:—

In Case No. 1, the reserve has been surveyed, and the Crown grant is said to be in course of preparation in the office of the Secretary of Crown Lands. That officer should be called upon to prepare the Crown grant forthwith.

In Case No. 2, Paul Stone has paid for the land. The survey has been made, but no Crown grant has been issued. Paul Stone is dead, but that is no reason why the Crown grant should not be made out in the name of the deceased, and then notice can be given to the heirs to prove their title, and to take up the Crown grant.

The request which the petitioners make is, that Crown grants should be at once issued to them in accordance with the decisions of the Native Land Court in all cases disposed of by that Court.

The Committee have been informed that considerable delay is occasioned by it being necessary to refer to Auckland in every case before these Crown grants can be prepared and issued; and I am directed to suggest that it appears highly impolitic that any unnecessary delay should occur between the decision of the Native Land Court and the issuing of the Crown grants.

Like all petitions from the Maori race, the terms in which this petition has been drawn up are so vague as to have entailed an immense amount of trouble upon the Committee; and I am directed to offer their thanks to Mr. Domett, the Secretary for Crown Lands, Mr. Rolleston, Under-Secretary, Native Department, and to Mr. G. F. Swainson, for the assistance which they have rendered to the Committee on the present occasion.

J. CRACROFT WILSON,  
C.B., Chairman.

## [Extract from *New Zealand Gazette*.]

*Native Reserves made in Confiscated Territory.* G. GREY, GOVERNOR. ORDER IN COUNCIL. At the Government House, at Wellington, the eighth day January, 1868. Present: THE PRESIDENT AND MEMBERS OF THE EXECUTIVE COUNCIL.

WHEREAS by section three of an Act of the General Assembly of New Zealand, intituled "The Confiscated Lands Act, 1867," power is given to the Governor from time to time as he shall think fit, by Proclamation in the *New Zealand Gazette*, to reserve out of the lands taken under "The New Zealand Settlements Act, 1863," "The New Zealand Settlements Act, 1864," and "The New Zealand Settlements Amendment and Continuance Act, 1865," and "The New Zealand Settlements Acts Amendment Act, 1866," or out of land which by "The East Coast Land Titles Investigation Act, 1866," and "The East Coast Land Titles Investigation Act Amendment Act, 1867," it is provided shall be deemed to be Crown lands, such lands as to him shall seem fit, and there out to grant such portion or portions thereof as he shall think fit to such person or persons of the Native race as he shall think deserving, and shall appear to him to have acted in the preservation of peace and order and in suppressing the rebellion:

Now, therefore, I, Sir George Grey, K.C.B., the Governor of the said colony, in pursuance and exercise of the said recited power and authority, do hereby proclaim and declare that I reserve for the purposes aforesaid, out of the land so taken as aforesaid, the pieces of land mentioned in the schedule hereto for the persons whose names are therein mentioned.

FORSTER GORING, Clerk of the Executive Council.

## Newcastle.

*Town of Newcastle.*—Wiremu te Wheoro, Lot 426, 1 rood 7 perches; Hori Kingi te Anaua, Lot 427, 1 rood 15 perches; Haimona te Aooterangi, Lot 428, 1 rood. 8 perches; Kawana Paipai, Lot 429, 1 rood 2 perches; Noa te Rauhihi, Lot 430, 35 perches; Wiremu Barton, Lot 431, 1 rood 2 perches; Mete Kingi, Lot 568, 1 rood 1 perch; Te Raihi, Lots 118 and 119, 1 rood 8 perches.

## Mangatawhiri.

*Town of Havelock.*—Hete Kingi, Lot 54, 1 acre; and Rural Lot 68, 14 acres, near Havelock.

## Tauranga.

*Parish of Te Papa.*—Hamiora Tu and Te Retimana te Ao, Lot 20, 196 acres; Tomika te Mutu and Te Kuka te Mea, Lot 92, 100 acres; Tomika te Mutu, Lots 105 and 109, 109 acres.

## No. 118. Mr. Commissioner PARRIS to the Hon. the NATIVE MINISTER.

*Respecting Native Reserve on Mr. S. Fishleigh's Farm.* New Plymouth, 28th April, 1868.  
SIR,—

With reference to the last paragraph of the Under-Secretary's letter, dated 17th March, respecting a small reserve on Mr. Fishleigh's farm, I have the honour to inform you that this reserve is one of many that were made at the time of the purchase of the Fitzroy Block, being at the time a small Native cultivation (one of those spots which the Natives were in the habit of cultivating for a few years and then abandoning it); but, as Governor Fitzroy ordered all their cultivations to be reserved, they had to be marked as such on the maps, and this one, like many others, being situated in the centre of allotments afterwards taken up by Europeans, has no right of road left for it; consequently the Native owner has derived no advantage whatever from it for nearly twenty years. In 1863 the Commissioners for Native Reserves recommended that this reserve should be sold to Mr. Fishleigh for £5, the amount which he has offered for it; but the Native Minister, Mr. Bell, was of opinion that the interest of the Native owner would be better protected if the reserve was sold by public auction; but it

would not have been so, for if Mr. Fishleigh bid one shilling for the reserve no one would be likely to bid against him. Seeing there was no right of road to it, and knowing those particulars, the Commissioners were of opinion that it would have been doing the Native owner an injustice to have submitted the reserve to public auction. This class of reserves has given the Government from time to time a great deal of trouble. Europeans holding land orders under the New Zealand Company were never allowed anything for them, and were subjected in several cases to great annoyances from the Natives until the Government bought them out, but not at the expense of the purchasers under the New Zealand Company, as in the case of Mr. Fishleigh by his offer of £5, the full value of the land, even if there was a road to it. I have caused this reserve, with three others, to be brought under the Native Reserves Act for management in the usual form, should you think proper to allow Mr. Fishleigh to purchase it, which I strongly recommend.

I have, &c.,

R. PARRIS, Civil Commissioner, and Commissioner for Native Reserves.

The Hon. the Native Minister, Wellington.

## **No. 119.[Extract from *New Zealand Gazette*.]**

*Native Reserves Commissioner appointed.* G. F BOWEN, Governor. ORDER IN COUNCIL. At the Government House, at Auckland, the first day of March, 1870. Present: His EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, by an Act of the General Assembly of New Zealand, intituled "The New Zealand Native Reserves Act, 1856," certain powers therein specified are vested in the Commissioners under the said Act: And whereas by another Act of the General Assembly of New Zealand, intituled "The Native Reserves Amendment Act, 1862," all the powers and authorities which by "The New Zealand Native Reserves Act, 1856," are given to or vested in, or which may be exercised by, Commissioners appointed or to be appointed under that Act, shall vest in and may be exercised by the Governor: And it is by the said Act further enacted that the Governor may, by Order in Council, from time to time delegate all or any of the powers competent to the Commissioners under the said Act unto any person or persons for any period, and subject to any regulations or stipulations as may be specified in such order:

Now, therefore, His Excellency Sir George Ferguson Bowen, in exercise of the power and authority so vested in him as Governor as aforesaid, doth by this Order in Council delegate, until this order shall be revoked, to Major Charles Heaphy, V.C., all the powers competent to Commissioners under the said first-recited Act, without any restrictions or stipulations whatever.

Approved in Council this first day of March, one thousand, eight hundred and seventy.

H. W. YOUNG, Acting Military Secretary, (For Clerk of the Executive Council.)

## **No. 120.REPORT on the NATIVE RESERVES in the PROVINCE of HAWKE'S BAY.**

- IN reporting on the condition of the Native reserves in the Province of Hawke's Bay, it may not be irrelevant to allude to the degree of social advancement which the Natives of that locality have manifested, and the practical loyalty for which they have been conspicuous.
- They appear to be remarkable for habits of order, their villages and paddocks are the best kept, and they possess the greatest amount of material wealth of any tribe in New Zealand. At Omarunui they assisted

the settlers in crushing out the rebellion of the earlier Hauhau fanatics, and at the Mohaka they suffered heavily for their allegiance to the Queen's Government.

- The advent of the white settlers was the commencement of their prosperity, which increased as the settlement advanced.
- The chief cause of their prosperity was unquestionably the circumstance of their preserving to themselves a large extent of good land while selling or letting blocks for our settlement. They parted with the hilly, pasturage country, and much good cultivable land, but they kept large areas of the rich plain where their cultivations lay, and a sufficiency of grass country to afford them a large income from rents.
- The action of the Native Lands Act, in individualizing the titles to these lands, conferred a benefit on the owners by the security that it gave that improvements made by the existing owners would be enjoyed by his descendants without being liable to the rapacity of the chiefs or the intervention of the tribe; but it was not unattended by disadvantageous effects, which had not been provided against.
- The easy acquisition of the means of living by the rental of land induced in many of the Natives habits of extravagance and debt. While the land was held by the tribe in common it could not be forfeited by the indebtedness of the individual; but as soon as it became the property of one man, or of six or ten men who held it in virtue of an absolute Crown grant, that individual share or interest became a convertible property, which was liable to be seized as security for debt, and sold by action of the Courts in times of scarcity or depression. And thus for a debt trivial, perhaps, in its origin and amount, but increased by interest and law costs, land, which while the common property of the tribe was secure from seizure, became liable to be cut away altogether from the children of the first grantees.
- It may be urged that with all civilized people the possession of land is, and ought to be, amenable for the indebtedness of the owner; but the social laws of civilization will not always apply justly to the case of a people not entirely emerged from barbarism. The present price of Native land is utterly disproportionate to its future value; and, in the case of entailed estates, the consent of the successor as well as the act of the possessor is necessary to alienation.
- Above all, it would be a matter of regret if a law intended for the good of the Native should prove, in its operation, rather for the benefit of his European creditor. Notwithstanding their general prosperity the debts of the local Natives are of very considerable amount. Since Crown titles have been received mortgages and sales to the extent of £31,826 have been effected for country lands.
- This sum is, however, far from representing the full amount, as "costs" to an unknown extent are charged against the estates, and mortgages are in many instances for a "running account."
- The improvidence of the Natives is stimulated by the facilities with which they can obtain goods, and occasionally money, from the storekeepers and publicans on the security of a mortgage on a fertile and accessible estate.
- The more prudent of the Natives say that the temptation to incur debt in this manner was so great that where, amongst a number of co-grantees in an estate, three or four mortgaged their interests it was almost impossible, in the close relations that exist in a hapu, for the remainder to keep their shares unencumbered, and the land drifted from their possession.
- Karaitiana, a chief conspicuous for his loyalty, in speaking of his difficulties in connection with land, said: "We mortgaged our grants, but not to an extent beyond what we had the means to pay the interest of, and more, from rents receivable from land let to white men. But the time of low prices for wool and stock came, and the white men did not pay the rents agreed upon—one owing three years' rent—and while we could not get in the money owing, we were called upon periodically for the interest on the mortgages; and so our debts increased, and we had to mortgage other lands, or to sell to keep off legal proceedings."
- One of the principal chiefs of Hawke's Bay, once a very large landowner, is now almost without land, and others were so fast divesting themselves of their property that, until recent measures were taken to check such action, a danger existed of the children of the present landowners becoming paupers.
- Acting under instructions received from the Hon. the Native Minister on 19th February, 1870, visited Hawke's Bay in February last, and conferred with the principal chiefs on the subject of rendering inalienable for themselves and their descendants certain conveniently-situated blocks of land. Aware of the improvidence, in respect to land-selling, of some of their number, and of its disastrous results, they were induced to hand over to trustees appointed by the Government lands to the extent of about 31,000 acres.
- I was desirous that the places which, by their industry, had become most valuable should be permanently secured to them, and succeeded in obtaining their conveyance of a large portion of the rich plain lying between the Villages of Clive and Meanee. The Native Village of Pakowhai, with 834 acres of enclosed paddocks, about £3,000 of household property, and the best artesian well in the district, were conveyed, to trustees by Karaitiana, the sole owner

- Other large blocks, or individual interests therein, upon the banks of the Ngaruroro and Tukituki Rivers, and comprising fine fertile land, are also made over to trustees, together with estates on the higher grounds available as sheep runs, and from which rents are now being derived.
- In all, lands to the extent of about thirty-one thousand acres were put in trust.
- The Chief Judge of the Native Land Court was very desirous that land which had been individualized in title by the Court should not be utterly lost to the owners. Mr. Fenton kindly supplied me with the form of trust-deed which has been used, and which was drawn out by Sir William Martin, D.C.L.
- The explanation to the Natives of the Act they were becoming parties to, and their future position in regard to the land, required the fullest discussion with each person concerned; but with the valuable aid of Mr. Locke, Resident Magistrate, and Mr. Martin, Hamlin, Interpreter, I was enabled, I think, to make them thoroughly understand the provisions of the trust-deed, and to learn myself their views in regard to estates they were desirous of securing to their relatives or descendants.
- The provision of "The Native Lands Act, 1869," by which a majority in value of the grantees must consent to any conveyance before the transfer of an individual interest becomes valid, made the work very tedious, as the owners were generally scattered and could only be brought together with difficulty. Where white men represented the majority in value their interests were rather opposed to the transfer of the remaining shares to a trust. It is worthy of consideration whether, in the case of a conveyance to a beneficial trust or in settlement, a modification of that provision, of the Act would not be judicious.
- Though the general condition of the Natives of Hawke's Bay has been advanced by the settlement of the district, yet, in many cases, fixed habits of indolence have resulted from the acquisition of the easy means of maintenance derivable from rents. In assisting the Natives to transfer the titles of a portion of their land to a trust I endeavoured to secure good fertile land that would repay labour bestowed upon it, and so conduce to their returning to habits of farming.
- With this view I arranged with Manaina Tini and Pinehira for the conveyance to trust of the unsold portion of the Mangateretere East Block, near the Village of Havelock. This is Very fertile land, said to be worth £7 or £8 per acre. The deed was signed by the above-named chiefs before I left Napier.
- The chief Te Hohepa Ringanohu and others were desirous that the Raukawa East Block, of 4,438 acres, should be reserved for their descendants. This is very fine land, said to be worth £5 an acre. A mortgage of £550 lies upon certain interests-in it, but with good management that amount might soon be cleared off this fine estate, and the mortgage of £1,200 on the Mangateretere East estate lessened. Hohepa te Ringanohu signed the trust-deed for Raukawa East, and promised to obtain the signatures of other of the grantees.
- At the request of Manaina Tint and his relations, I drew out a deed for the Waikahu Block, of 764 acres. This is very fine land and in part cultivated, lying near the Waitangi Bridge.
- For the Natives at and near. Te Aute the Koparekore Block, of 1,278 acres, and Te Tarere, of 236 acres, were put into trust. I also had prepared a deed of the Pouputahe Block, of 241 acres net, at the request of Renata and others.
- It was very desirable that some land should be secured for Te Meihana Takihi and his relatives, as they had sold largely. I therefore arranged that Te Awa-a-te-Atua Block, of 5,070 acres, should be conveyed to trustees, Te Meihana executing the deed, and promising, to obtain the signatures of his relatives.
- For Karaitiana and several of his relatives not holding interests in the Pakowhai estate, I arranged that, the Ngatarawa No. 5 Block, of 5,375 acres, should be set apart. Te Meihana Takihi and Karaitiana signed the deed, which was left with Mr. Locke for completion.
- Te Heketa and others owning property at the Forty-Mile Bush desired that land in that locality should be made inalienable. I arranged that the Oringi Waiaruhe Block, of 12,008 acres, should be conveyed to trustees; the deed was signed by the principal owners before I left the locality.
- The Papaaruhe Block, of 276 acres, is granted with a limitation to the effect that it shall not be alienated for more than twenty-one years without the consent of His Excellency the Governor. The owners desire to put it into trust, in order that the rents might be equitably divided amongst them. I would respectfully request that His Excellency in Council be moved to give the required consent to the settlement in trust. A deed was prepared, and left with Mr. Locke for execution by the grantees.
- Paora Ropiha and Wi Patene have for some time past been desirous of selling the Eparaima West Block, granted with a limitation similar to that last described. They offer as an equivalent that the Pakowhai Block, at Black, Head and other lands shall be put in trust for their children. The proposal seems to have been for some time favourably entertained by the Government, and, the matter having been referred to me to act in, I have ventured to prepare and leave for, execution a trust-deed for Pakowhai, in anticipation of your approval of their request, when they render inalienable a full equivalent for Eparaima West.
- Many other Natives desired to hand over their lands to the trust, but in all the cases not shown in



Schedule C there existed difficulties that prevented their wish being at once complied with.

- The chief Harawira Tatere and others of the Cape Kidnapper Natives desire to hand over the large blocks of Kairaka and Te Apati. Crown grants have not yet been issued for these. When some temporary difficulties are cleared away, I shall recommend that a portion of the Waimarama Block shall be made inalienable for them, but I am not at present sure that the wants of these people are such as would justify the reservation of all the above-mentioned lands.
- I am very desirous of securing some land for the chief Tareha, but have not been able to find a granted estate that is sufficiently unencumbered for the purpose.
- Of ungranted land there is, near Pa Whakairo, a good block called Te Koau, of which, by Native report, Tareha appears to be the chief owner. I have drawn his attention to the propriety of handing this over to trustees as a provision for him in the future, and he has promised to furnish me with a description of the boundaries.
- I would respectfully recommend that, in accordance with the provisions of "The Native Reserves Act, 1856," a competent person should be appointed to obtain the consent of the owners of the following blocks — Pohirau, for Te Heketa; Otukarara, for Paora Kaiwhata; Te Torohanga, for Noa Huki; Pukehou, for Paora Korokoro; Tutake Opaque and Te Koau, for Tareha—to their becoming Native reserves in order to their being proclaimed as such under clause 17 of "The Native Reserves Act, 1856." As incidental to the subject of Native reserves, I may mention that during my stay at Hawke's Bay the much-vexed negotiation of the purchase of the Heretaonga Block was brought to a close, the purchase-money being taken by the Native owners, who receive from the purchasers a reserve (which will vest in trustees) of 1,600 acres in the best part of the block.
- Messrs. Cuff and Stedman, conveyancers at Napier, were employed by me for that part of the work which more particularly demanded professional assistance.
- The Natives treated me with great confidence, and appeared to be well satisfied with the action taken by the Government in providing means for the conservation of their land. Several of the chiefs, who by their actions have proved themselves to be steadily loyal, spoke with bitterness when alluding to the manner in which claims have been made against their estates, and I am quite convinced that, if action had not been, taken by the Government to arrest the further alienation of the lands necessary to them, many loyal Natives, in becoming landless, would have been driven into disaffection.
- There are a number of small reserves—chiefly fishing-stations and landing-places—that have not yet occupied the attention of the Land Court, and which scarcely appear in the map of Hawke's Bay. I append a list of these—Schedule B—and recommend that they should be brought under the notice of the Court with a view to being granted in such manner as shall secure the Native and the public right in their use respectively.
- The trust-deeds and papers connected therewith are in the hands of Mr. R. M. Locke, who will obtain the signatures of the Natives who have yet to sign, and attend to the requisite stamping and registration.
- In addition to the plans, thirteen in number, on the trust-deeds, I made copies of thirty-four plans of Native reserves, appending to each short abstracts of title, &c, and which I have placed in the hands of the lithographer to be printed as part of an appendix to the Report on Native Reserves.

CHARLES HEAPHY, Commissioner of Native Reserves.

The Hon. the Native Minister.

29th May, 1870

## Charitable Trusts.

THERE is so much of Native interest and Governmental responsibility attaching to the trust endowments at Wellington that, though not strictly within my cognizance, I have included them in the accompanying schedules. These lands were originally amongst the reserved "tenths," selected as Native reserves in pursuance of the contract between Colonel Wakefield and the Native sellers of the Port Nicholson Block; they were subsequently granted in trust for various religious, educational, and charitable purposes, from which Natives, in common with Europeans, might derive a benefit. Other lands belonging to the "tenths" have been appropriated by the Government to purposes conducing to the welfare of the Natives, but not so exclusively for their benefit as not to leave cause for dissatisfaction on their part. The Native Office and hostelry, the Governor's stables,

and a part of the Te Aro barrack sites were among these appropriations.

While the Natives participated in the advantages which such institutions as the college and grammar school, hospital, and cathedral church conferred, the Europeans did so equally or, from their larger numbers, to a greater degree. In the terms of the trusts no provisions exist by which the Natives are to enjoy peculiar advantages or a preference at these institutions, although the sites, and in some cases the endowments, are taken from lands which, by agreement, were to be inalienable as reserves for the maintenance of the Natives.

It was declared by the secretary of the New Zealand Company that the reserves were to be "held in trust for the residuum and proper maintenance of the chiefs, their tribes and families."

See also terms of sale of New Zealand Company's land, 1st May, 1839: "110 sections will be reserved by the Company, who intend to distribute the same as private property amongst the chief families of the tribe from which the land shall have been originally purchased."—Vide "Supplementary Information relative to New Zealand," page 167.

The purposes to which seventeen reserves have been appropriated are: A cathedral-church site, a, civil-hospital site and endowment, a grammar-school endowment, a Church-of-England school endowment, a military-barrack site, and a Native departmental office and hostelry site. It is impossible reasonably to aver that these purposes and uses are consistent with either the letter or spirit of the declaration above alluded to.

The Natives state that they have not a right to free access to the hospital, but admit that they obtain admission, the Government, or some one, paying the charges. As far as I am able to obtain information on the other side, it appears that, a provision having been made in the terms of each trust-deed to the effect that the Natives shall participate in the charity equally with Europeans, it was not thought unfair that some few of the Native reserves should be so appropriated. It is easy to understand how health and education were considered as indispensable to the well-being of the Maori as the "fitting maintenance" which the New Zealand Company's agent had promised.

It is provided in the terms of the cathedral-site grant that the Native patients of the civil hospital shall have free sittings in the cathedral church.

It is necessary, now, to ascertain how far the compact regarding the tenths was adhered to by both parties. In the first place it was broken by the Company in their agent selecting the 11th, 22nd, and 33rd sections instead of the 10th, 20th, and 30th, so causing the proportion to be an eleventh instead of a tenth.

An appeal to the Supreme Court has been for some time threatened by the Natives, who have paid, I am informed, £50 to a solicitor at Wellington for a legal opinion to guide them.

Some additional land may have been given as an equivalent to the deficient area, but the whole of the reserves were of less value from the order of choice on which they were selected being moved back. But the compact was broken in a more serious manner by certain of the Natives—those, notably, of the south side of the harbour—omitting to give possession of the land to the Company when the reserves were ready for their occupation. It is no part of the present consideration as to whether it was wise to require or expect that the Natives would remove from their *pas* and cultivations; it is sufficient that they sold such places, and then, in many cases, declined to give them up. I am aware that it may be said that certain of the Natives had never received any payment for the land until the time of Colonel McCleverty's inquiry. This may be true in exceptional instances, but not extensively and such Natives received awards of land of far improved value. The manner in which Colonel McCleverty himself viewed the ownership is shown in the wording of his deeds, which, in nearly all, is as follows: "These lands are given in lieu of lands on settlers' sections," or "belonging to settlers."

The refusal of the Natives to vacate the *pas* and cultivations led to a compromise: certain of the reserves were conveyed to the Natives respectively, and other lands, to the extent of about 12,205 acres in the Town and Town Belt of Wellington and the rural districts, made over to them in perpetuity. In addition to these the Government purchased several sections of rural land, and handed them over to the Natives for their sole use and benefit.

It thus appears that the Natives received, *outside the scheme of the "tenths,"* as much as 12,509 acres of suburban and rural land. Under these circumstances the morality of the appropriation of certain of the reserves for charitable trusts in which the Natives would fully participate cannot, I think, be reasonably impugned. But it is difficult or impossible to cause the Natives to understand that their own act was the occasion of the scheme of reserves being altered. "We never got any of the additional land awarded by Colonel McCleverty," some of them will argue—"others received that land: give us, as you promised, the rents of the reserves at Thorndon and Te Aro."

To very many of the Natives this claim appears just, and in places far beyond the limits of the Wellington Province the misapplication of the reserves has for several years been the subject of discussion and censure. It may be wise, therefore, for the Government to make a concession—at the present time it could not be considered a sign of weakness. I would, respectfully recommend—(1) That payment of rent the amount to be

settled by arbitration—should be made by the Government for the reserves used for the Native Office and Government, stables, and for the site of the barracks at Te Aro; (2) and, in consideration of the site and endowment land of the civil hospital being original Native reserves, to make provision to secure to the Natives free admission to, and medical assistance at, that institution. If this proposition, or a reasonable modification of it, be not agreed to by the Natives the only course open that I could recommend would be to suffer an appeal from them to the Supreme Court.

The Words used were— "Of the land ceded by the chiefs, a portion equal to one-tenth of the whole will be reserved and held in trust by the New Zealand Company for the future benefit of the said chiefs, their families and heirs."

The schedules for the Province of Wellington give the following areas, viz.: Class A1—Charitable and religious reserves, 2,101 acres 3 roods 25 perches; Class A1—With a specified purpose, 8,661 acres 3 roods 33 perches; Class A1—Reserves under Native Lands Acts, 1,110 acres; Class B1—McCleverty's awards, 18,153 acres and 23 perches; Class B2—General reserves, 37,435 acres 2 roods 8 perches; Class C1—Grants with limitations, 105,904 acres 2 roods 25 perches: total, 173,366 acres 3 roods 34 perches.

By a return giving the names of the tribes in the North Island, presented to the General Assembly, 1870, the following appears to be the approximate Native population of the Province of Wellington: Otaki District, 740; Wairarapa District, 850; Rangitikei and Manawatu Districts, 1,091; Whanganui and Upper. Whanganui, 2,641: total souls, 5,322. This shows reservation of 31½ acres on the average per head, for the Native population of the Province of Wellington, independent of purely Native territory.

There have been made the following maps and tracings of Native reserves since, the date of the last report: Lithographs: Auckland, 15; Wellington, 2. Maps: Auckland, 19; Wellington, 15; Hawke's Bay, 4. Tracings: Auckland, 141.

The account of receipts and, expenditure of the Auckland Native Reserve Trust is made from the 15th July, 1871, as on that day the first moneys were received by the Trustee.

C. HEAPHY. 5th May, 1871. [NOTE.—The schedule to this report is too voluminous to be reprinted. See Parliamentary Papers, F.—No 4, 1871.—ED.]

## No. 122.[Extract from *New Zealand Gazette*:]

*Delegation of Powers under "The New Zealand Native Reserves Act, 1856."* G F. BOWEN, Governor. ORDER IN COUNCIL. At the Government Buildings, at Wellington, the twelfth day of June, 1871. Present: THE HON. the PREMIER, PRESIDING, AND MEMBERS of the EXECUTIVE COUNCIL. *Hawke's Bay District.*

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The New Zealand Native Reserves Act, 1856," certain powers therein specified are vested in the Commissioners under the said Act: And whereas by another Act of the General Assembly of New Zealand, intituled "The Native Reserves Amendment Act, 1862," all the powers and authorities which by "The New Zealand Native Reserves Act, 1856," are given to or vested in, or which may be exercised by, Commissioners appointed or to be appointed under that Act, shall vest in and may be exercised by the Governor; and it is by the said Act further enacted that the Governor may, by an Order in Council, from time to time delegate all or any of the powers competent to the Commissioners under the said Act unto any person or persons for any period, and subject to any regulations or stipulations as may be specified in such order:

Now, therefore, His Excellency Sir George Ferguson Bowen, in exercise of the power and authority so vested in him as Governor as aforesaid, doth by this Order in Council delegate, until this order shall be revoked, to Samuel Locke, Esquire, all the powers competent to Commissioners under the said first-recited Act, without any restrictions or stipulations whatever.

WILLIAM FOX., FORSTER GORING Clerk of  
the Executive Council.

THE Native reserves in this province have been set apart in the following manner: (1.) By contract made with the Native sellers of the land. (2.) By the voluntary action of the Governor in setting apart Crown lands as hostelry and school sites, and lands for the endowment of such institutions. (3.) By agreement with friendly and loyal Natives in lands taken under "The New Zealand Settlements Act, 1863." (4.) By appropriation out of

confiscated blocks for surrendered rebels. (5.) At the instance of the Natives; and by the Governor, on the recommendation of the Judges of the Native Land Court.

Several of the reserves shown under the first two heads had been entirely lost sight of until search was made for the purpose of compiling the attached schedules.

In order to show the degree of responsibility attaching to the Government in respect to these reserves, I have classified them as follows:— Class A: Trusts under provisions of Crown grants or legislative enactment— (1) With a distinct and specified purpose; (2) For the benefit of Natives generally. Class B: Reserved lands, not under enactment— (1) For a specified person or purpose; (2) For the benefit of Natives generally. Class C: Reserves under or to be brought under Native Land Acts— (1) Grant with limitations; (2) Land which should be made inalienable; (3) Granted lands reconveyed to trustees.

Under Class A will be found the hostelry sites in Auckland and Onehunga, with the hostelry-maintenance reserves at Mechanics' Bay and St. George's Bay. The particulars of rents, &c., of these reserves will be found under the head of "Utilization." In this class will also be found a large number of reserves made for surrendered rebel Natives under the provisions of "The Confiscated Lands Act, 1867." The schedule shows fifty-seven of these, comprising about 2,744 acres, as having been surveyed and allotted, and a further liability in land for 1,900 Natives, equal to 96,145 acres. In most cases certain named chiefs or heads of families hold possession of these lands in trust for their people. Provision will have to be made for the survey of these reserves.

The schedules show that the period of probation of eighteen returned rebels, who are entitled to 727 acres of land at the Bay of Plenty, has expired. The conditions under which land was allotted to them appear to have been that the respective Native, or his "heirs and assigns," should "continue loyal" till the 1st January, 1870, when he would become entitled to receive a Crown grant. These grants should be issued with as little delay as possible to such of the Natives as have fulfilled the conditions.

It is necessary to draw attention to the character of several of the Crown grants made to friendly Natives under. "The New Zealand Settlements Act, 1863," and "The New Zealand Settlements Amendment and Continuance Act, 1865." The grant of Te Akau, on the West Coast, near Waikato Heads, of 90,360 acres, of date 13th March, 1867, has the following *habendum*: "To hold unto the said Tamihana Tunui [and twelve others], their heirs and assigns, for ever, in trust for and to divide the same among themselves and the loyal Natives of the Tribes Ngatitahinga and Tainui, with power to the said grantees to lease the same for any period not exceeding thirty years." Power is thus given to the Native Trustees to decide as to who is and who is not loyal, in so far as participation in the estate in virtue of loyalty is concerned. The grant does not set forth whether loyalty at date was essential, or would be sufficient at some subsequent period. There are grants in trust for the benefit of the Ngatimahanga, the Ngatihaua, and the Ngatihourua Tribes of the same nature. By section 5, "Confiscated Lands Act, 1867," it is provided that the subdivision of such an estate may be referred by the Governor in Council to the Native Land Court. It is desirable that these grants should be brought before the Court, and a definite partition of the land made as soon as possible, as on the death of any one of the grantees the heirs, whether loyal or rebellious, become trustees to hold or divide the estate.

Another class of deeds is represented by that dated 21st October, 1865, by which an estate at Waiuku is granted "to Riporaha Taranga and her heirs, and after her death to Aihopene Kaihau and Hori Turoa, in trust for the tribe called Ngatiteata." Also in the grant to Piti Katipa, of 21st October, 1865. In these cases it is desirable, I think, that the land should be conveyed to the Queen before, if possible, the death of the first-named grantee, and fresh Crown grants issued of a simpler character, as it is evident that, after the death of the grantees, their heirs and the named successors would, by the terms of the present grant, have conflicting interests.

Certain of the returned rebels, settled in the confiscated blocks, have asked to be allowed to lease or sell the land allotted to them. Except in extreme cases, as, for instance, where the land is unsuitable for the Native mode of cultivation and an exchange might be desirable, compliance with such request ought not, I think, to be conceded. If surrendered Natives could lease or sell their allotments, or if their residence on them were not made indispensable, the act of submission might be resorted to for purposes of gain only. It is desirable that Natives who come in should experience the advantage of civilization—of roads and markets in settled districts—and that their improvement in circumstances should be apparent to those who hold themselves aloof. This can only be effected by making the lands inalienable, and by issuing Crown grants to those who have improved their holdings, and fulfilled a prescribed term of residence. When their holdings are made secure it does not appear objectionable that they should become liable to contribute in money or labour to the improvement of the roads in their districts.

## Utilization of Reserves.

By the action of the Native Land Court the great mass of the Native reserves in the Province of Auckland

have been granted to the Natives for whose benefit they were originally set apart. Schedule C1 shows that 267 deeds, conveying 253,735 acres, have so issued. These reserves are either granted in trust or with restrictions that prevent the grantees mortgaging or selling the land absolutely, or letting it for more than twenty-one years without the Governor's consent. These lands are of course removed from the immediate control of the Government, but a responsibility rests with the Governor in regard to them that entails the necessity of a supervision, as frequent applications are made to alter the terms or remove the restrictions contained in the grants. Mr. John White states that at the West Waiuku the Native trustees have sold to white people some of the land granted to them in trust for themselves and relations in perpetuity.

The above rates of the Tauranga lands are for the first seven years of the term of twenty-one years. These lands have been for some time under agreement for lease, but, owing to the existence of doubts as to powers under the respective Acts, they could not, until the present month, be definitely let.

The Hostelry Maintenance Reserve No. 4, of Section 12, City of Auckland, has, until this year, remained unused. The footpath in common use from Auckland to Mechanics' Bay traversed its length, and access had to be free to a spring of water in the centre of the allotment. Upon offering, publicly, a portion of this land in March last for lease, objection was taken by the trustees of the adjoining estate of Hone Ropiha's to its probable enclosure. It appeared that the Crown had conveyed away a small street that had formerly given access (on paper) to Hone Ropiha's land in the rear of the hostelry reserve, which was then Crown land. The trustees claimed a right-of-way through the land, and, as it appeared that they would suffer an injustice if the reserve were enclosed, a lane 12 feet wide was set out along the western end of the reserve to afford the required access. The ground lying between this lane and the spring was then offered at public auction on lease for twenty-one years, and let to J. T. E. Rogan for £14 a year. The Municipal Council have commenced the construction of a path outside of the reserve, it having already been intimated that rent would be required for the further use of the land. When completed this path will afford good frontage access to the remaining part of the reserve, which I estimate may yield about £15 a year on a twenty-one years' lease. I propose that the sum of £40 shall be appropriated out of the proceeds of the hostelry lands for the purpose of leading the water from the spring to a fountain, to be constructed on the flat near the hostelry, where the water will be of benefit to the Natives and the inhabitants of the neighbourhood generally. The lease of the part let contains a provision to prevent the contamination of the water.

At Tauranga four additional allotments may be expected to be let, and at Onehunga one lot, yielding together about £9 a year additionally, in the course of the next year.

The lease of the hostelry-maintenance land at St. George's Point, Allotment 89, Section 1, will expire on the 9th June, 1873. Six and a quarter acres are here let for £13 a year. I propose to divide the land into four building lots, which I estimate would yield an aggregate of £40 a year.

The local authorities have lately taken down the Native market-sheds at the entrance of Queen Street Wharf. The hostelry site in Mechanics' Bay is too far from the centre of population of the city for the convenience of purchasers at a market. I therefore recommend that a quarter of an acre of the reserve at Point Britomart, near the Breakwater, should be set apart for a Native-produce-market site. The surface of the reserve is now 40 feet above the beach, but earth is required for filling the intake, and the alteration of level for as much space as will be required at first will present no great difficulty.

It is observed by the trustees of private trusts in Auckland that twenty-one years is too short a term to be attractive to good tenants. I respectfully recommend to the consideration of the Government the propriety of making forty years the maximum period in all future grants of beneficial trusts to European trustees.

See Reports of Native School Trustees to the Diocesan Synod of Auckland, 1870.

The foregoing sums, at their highest estimate, constitute, however, but a small income in relation to what is necessary for the legitimate—I do not allude to the political—government of the Natives. Educational and industrial institutions for their benefit are necessary, as well as hospitals and lunatic and other asylums. All these expenses, which, whether borne by the Provincial or General Governments, must be heavy, might be met by landed endowments. I would, therefore, recommend a very considerable addition to be made to the reserves in confiscated blocks for such purpose, and append a list (List E) of convenient lands. It is proper, however, to contemplate the arrival of a time when no distinction of race will exist as far as these purposes are concerned, and I would recommend that the terms of the trust should not be of such a nature as to make the revenue available *exclusively* for the benefit of the Maoris.

The endowment for the hostelries is "for Natives and other poor persons visiting Auckland."

By Schedule A1 it appears that there are 1,022,669 acres in held in trust for the benefit of the Natives of the province.

By Schedule C1 it will be seen that there have been reserved for Natives, by means of restrictions in Crown grants issued under the Native Land Court, an area of 258,735 acres, and by Schedules B1 and B2 it appears that in other ways 26,568 acres have been set apart for their benefit. This aggregate area of 1,307,973 acres,

together with the large area of unceded land which is still available for them, appears a tolerably sufficient provision for the future wants of a people that does appear to be increasing in numbers.

It is possible, however, that there may be some tribes that have sold recklessly, and are in danger of becoming paupers. The ramifications of family and hapu make it a very difficult thing to arrive at the precise extent of land held by any one tribe, but a careful collation of the schedules with the map, aided by what information is available as to the numbers of the respective tribes indicate the Rarawa of Mangonui, the Ngatiwhatua of Auckland, and the Patukirikiri of Coromandel, as those that have the least extent of land left in proportion to what they have sold.

The schedules show that there are about 24,296 acres reserved for the Rarawa. The population of that tribe is estimated at 1,275 souls: thus the average is 19 acres per head. The Ngatiwhatua Tribe comprises about 254 souls, and has 10,251 acres reserved, or 40 acres per head. The Patukirikiri, of Coromandel, have about 100 acres of cultivable land for a fast-diminishing population of twenty-nine souls. This area would have been less, but for the reservation, in 1857, at the instance of Mr. Commissioner McLean, of the Island of Motu Tapere, which is fertile, and in the midst of good fisheries. All their other land fit for cultivation at Coromandel the Patukirikiri have sold. They, however, have possessions by collateral relationship at Koputauake and Whangapoua, so that there is no present danger of their becoming destitute. The extent, however, of the land they have sold within the last six years, amounting as it does to 6,822 acres, shows that the temptations presented by the high value of land near a gold field will induce Natives to sell recklessly that which should be held sacred for their children.

The Coromandel Native population in 1858 was 351 souls: in 1870 it appears to have been 280, showing a decrease of 71 souls in twelve years.—*Vide* Mr. Fenton's compilation of Census Returns, 1859, and "Return of the Names of the Tribes of the North Island, &c.," in Appendix to Journals, 1870.

Having regard, then, to the circumstances of these tribes with low areas of land, I would recommend that none of the cultivations of the Rarawa and Ngatiwhatua Tribes should be allowed to be sold; that an area of 600 acres should be made inalienable at Koputauake, and 600 acres, lying immediately south of the Pungapunga Stream, for the future wants of the Coromandel hapus. I also recommend that 1,000 acres at Waitaia, Mercury Bay, should be reserved for the future wants of the Natives of that place, and 444 acres at Opito Point for the Natives of Otama.

I would draw attention to the fact that there exist large tracts of land at Hokianga and Bay of Islands that have reverted to the Crown as "surplus land," on old land purchases. To the sale and Crown-granting of this in the ordinary manner, as waste lands, there exist acknowledged difficulties—such, indeed, as to prevent their settlement. These difficulties would not exist, however, in many cases if the lands were appropriated as endowments towards the support of Natives in local hospitals, and I think an arrangement might be made between the General and Provincial Governments, by which a large estate might thus be utilized, and the local revenue relieved of a liability that presses heavily.

Schedule D shows lands granted to friendly Natives, in which no provision has been made for necessary roads. These lands have been allotted, apparently, under the provisions of "The New Zealand Settlements Act, 1863," and Crown grants issued under "The Friendly Natives' Contracts Confirmation Act, 1866." Agreement was made, I believe with the Natives to whom the land was allotted that necessary roads should within five-years be taken, but no provision was made in the Crown grants to that effect. The period for taking such roads expires on the 1st August, 1871, and I thought it my duty to draw the attention of the Agent of the General Government at Auckland to the circumstance, and to the desirability of taking the roads before the expiration of the term. At the suggestion of that officer I have drawn on the maps the several lines of road that appear necessary, and the Native grantees have been informed of the roads being required.

Lying between the settlement of Raglan and the Waikato is an endowment estate of 10,000 acres for a Colonial University, and contiguous to it a grant in trust of 3,000 acres to the loyal chief Wiremu Nera, for the Ngatimahanga Tribe. As the main road from the Waikato to the West Coast would have to go in this direction, I was ordered by the Hon. the Native Minister, in February last, to report on the most suitable line for such road. I examined four different passes, and crossed the dividing range eight times, through a densely-wooded and mountainous country, and at length found a pass with easy gradients, and by which a road two miles sixty chains shorter than the present mail track could be carried. The Natives, who are anxious to work in the formation of this road, do not object to its being taken in part over their land. I have prepared a separate report and plan on the subject of this road that will be available for the information of the Assembly.

CHARLES HEAPHY, Trustee of Native Reserves. Auckland, 19th July; 1871. [NOTE.—For schedule to this report see Parliamentary Papers F.-No. 4, 1871. ?ED.]

## No. 124. REPORT on the NATIVE RESERVES in the

# PROVINCE of HAWKE'S BAY.

THE Schedules appended show the aggregate area of the Native reserves to be as follows: Class A1—Trusts under Crown grant, &c., 8,394 acres 1 rood 19 perches; Class B1?Reserves for a specified purpose, 887 acres 2 roods 17 perches; Class C1?Grants with limitations, 135,532 acres; Class C2—Land to be made inalienable, 2,160 acres; Class C3—Granted lands conveyed in settlement,

This area cannot be accurately stated until the extent of each individual interest is defined by action of the Native Land Court.

18,132 acres: total, 165,105 acres 3 roods 36 perches.

According to the enumeration in a return of the names of tribes in the North Island, published in the last Blue Book, the Native population of Hawke's Bay consists of 1,897 souls.

This is, perhaps, below the amount. The Superintendent of Hawke's Bay estimates the number at 3,000, which would give an area of 55 acres to each Native.

These numbers show a proportion of about 87 acres of reserved land to each Native.

In my report of last year I stated that I had prepared thirteen deeds that were either executed or in course of execution by Natives who had obtained grants to their estates through the Native Land Court, and were desirous to put the properties into trust to prevent the land from being alienated away from their children. I also drew attention to the desirability of altering, in the case of trusts, that part of "The Native Lands Act, 1869," which provides that no conveyance shall be valid that is not consented to by a majority in value of the co-grantees. The Crown grants to Natives, issued under the Native Lands Acts, are generally to groups of ten persons, and that provision, although a salutary one in respect to ordinary sales, is an obstacle to placing the separate shares or interests of individuals in trust. It was found, practically, that as soon as three or four owners of an estate expressed a desire to place their lands in trust there were, if the land were attractive, influences brought to bear from outside to prevent the concurrence of the remaining Natives, whose interests were immediately secured by European purchasers paying deposits of part, if not the whole, of the purchase-money. In this way the intention of several of those who desired to settle their lands on their children has been frustrated; and, in other cases, where the majority in value have signed the trust-deed, the estate will be broken up between Natives and white men. Of course the restriction applies equally where the majority in value are against selling, but an action at law would be necessary to prove the proportion of the relative interests. A new Native Land Act is, I believe, likely to be introduced during the forthcoming session of Parliament. I would recommend the alteration of this law in as far as trusts are concerned.

By the 14th clause of "The Native Lands Act, 1869," it is enacted that in respect to past transactions the proportions of shares or interests of any Natives in a group in a Crown grant shall be considered to be equal. The Natives state that the effect of this is in some cases very unfair, and that in one case the smallest interests in a very valuable suburban estate—improved and with a mill worth £1,000 upon it?were bought by white men whose interest, properly one-twentieth each, became increased to one-eighth each by the enactment, the shares of the remaining co-grantees, who had not sold or moved their interests, being diminished commensurately. This law, I respectfully suggest, should also be amended or repealed.

In order to ascertain how far it is wise further to reserve lands for the Natives of Hawke's Bay, I have prepared a return from the records of the Native Land Court of all lands in that province granted with limitations (*i.e.*, Native Reserves, Class C1) showing alphabetically the names of the Natives for whom the reserves were made, and, as far as possible, their respective interests in detail and aggregate. The figures of this return, considered in reference to the amount of land over which the title is not extinguished, and the extent and condition of the Native population, will afford fair means of determining in future what land the Natives may safely be allowed to part with, and what should be made inalienable.

By the 5th section of "The Native Lands Frauds Prevention Act, 1870," it is made the duty of the Trust Commissioner, appointed under the provisions of that Act, to certify before any Native land can become alienated "that sufficient land is left for the support of the Natives interested in such alienation." I have supplied that officer with a copy of the return above mentioned, and of all the information I was in possession of that would facilitate his work.

The average proportion of 87 acres of reserved land to each Native, as shown by the returns,—or, accepting the highest estimate of the Native population (3,000 souls), 55 acres,—is not of a character to cause much apprehension of the Natives having a scarcity of land for their future wants. The Auckland Provincial Government offered 40 acres for each adult immigrant, and 20 acres for each child; or, roughly, 30 acres per head, as an inducement to persons to settle. By the New Zealand Settlements Act the General Government were enabled to offer 50 rural acres to each military settler, which, as nothing was given to the children, was not a higher rate than that of the Provincial Government. With these the amount of Native reserved land does not

compare disadvantageously. But at Hawke's Bay much of the land is fit only for pasturage, and, relatively, a much higher rate ought to rule. It is, therefore, necessary that each individual transaction of Natives in selling their land should be watched by the Commissioner, especially as some of the Natives have but a very small area of their once large possessions left for their own and their children's uses.

I have recommended that the Trust Commissioner should be instructed to bear in mind the circumstances of the following Natives in respect to the sufficiency of land that is to be reserved for them, viz.: The chief Te Heketa, who has no land reserved for him; he is desirous of having Pohirau made inalienable. Paora Kaiwhata has no land reserved for him; he is desirous of having Otukarara. Paora Korokoro has no reserve; he requires Pukehou to be secured in trust. The chief Noa Huke has nominally 262 acres reserved at Ngatarawa; he is desirous of having Te Torohanga reserved for his children; and the chief Tareha te Moananui indicates Tutake Opaque and Te Koau as proper to be made inalienable. There are 150 acres already reserved for Tareha, but, considering that chief's position, I beg to recommend that these places be excluded from the possibility of alienation, and placed in trust as soon as possible.

CHARLES HEAPHY, Trustee of Native Reserves. Auckland, 31st July, 1871. [NOTE.—For schedule to this report see Appendix to Journals, F.—No. 4, 1871.—ED.]

## Mr. G. B. WORGAN to the Hon. D. McLEAN.

*West Coast Reserves.* Survey Office, Patea, 12th February, 1872.  
SIR,—

I have the honour to enclose a tracing of sketch of the block lying between Whenuakura and Patea Rivers, showing the position of the lands given to Major Turner and Mrs. Hewitt, 400 acres each; the position of the lower boundary of the University reserve of 10,000 acres, the railway reserve, &c. The Patea River has not been traversed more than four miles from the mouth inland, and the Whenuakura about five miles. Of the block shown as Native award (portion included in railway reserve marked 1) to Eruete te Pewa and others, 800 acres have been arranged for by negotiations for purchase: the remaining 112 acres, belonging to Haimona Hiroti, Mete Kingi, Ramia Poari, Pango, Wikitoria, Ramia Roe, and Riheta Paihi, have been partly offered for sale, but may stand over for the present. Deducting, therefore, these 112 acres, and other reserves, there remains an area which may be estimated at 8,000 acres, the survey of which for sale I will proceed with at once, in conjunction with other work in hand. I shall hope to have a plan ready for *Gazette* notice within, say, four months, provided it be cut up into blocks not less than 100 acres in extent.

I have, &c.,

GEORGE B. WORGAN..

## The Hon. D. McLEAN to Mr. G. B. WORGAN.

*Reply.* Hawera, 14th February, 1872.  
SIR,—

With regard to your letter of the 12th instant, I have to request that you will proceed to mark off the reserves, and get the land between the Whenuakura and Patea Rivers ready for sale as soon as possible. You will be careful that the proposed site of the town and railway-crossing at Hukatere is not included.

I have, &c.,

DONALD



McLEAN..

NAMES OF NATIVES to whom GRANTS of LANDS in the Township of GISBORNE are to be made in Fulfilment of Promises heretofore made, with the Numbers and Areas of the Lots.

## Town Lots.

HENARE POTAE, Lot 120, 1 rood; Paora Parau, Lot 211, 1 rood 19 perches; Ropata Wahawaha, Lot 32, 1 rood; Hotene Porourangi, Lot 35, 1 rood; Hirini te Kau, Lot 44, 1 rood; Mokena Kohere, Lot 53, 1 rood; Raharuhi Rukupo, Lot 131, 1 rood.

Poverty Bay,

5th April, 1872.

## REPORT on NATIVE RESERVES in the PROVINCE of AUCKLAND.

The COMMISSIONER of NATIVE RESERVES, Auckland, to, the Hon. the NATIVE MINISTER. Wellington, 2nd July, 1872.

SIR,—

I have the honour to forward herewith my report on the Native reserves in the Auckland District for 1872.

I have, &c.,

CHARLES HEAPHY, Commissioner of Native Reserves.

## REPORT of the COMMISSIONER of NATIVE RESERVES, Auckland.

THE lands mentioned below, which have been marked on the plans as Native reserves, but have hitherto had no legal status, have lately been proclaimed as reserves for educational purposes under "The Confiscated Lands Act, 1867." An Act of the Legislature will be necessary to define the more immediate purposes, whether for Native, industrial, or common schools, to which they shall be devoted.

*Town of Tauranga.*—All those parcels of land in the said town being Allotments No. 3, Section 2, 1 rood; No. 4, Section 2, 1 rood; No. 193, Section 2, 1 rood; No. 72, Section 1, 25 perches; No. 140, Section 1, 32 perches; No. 141, Section 1, 32 perches; No. 604, Section 2, 1 acre; No. 605, Section 2, 1 acre; No. 606, Section 2, 1 acre; No. 607, Section 2, 1 acre; No. 608, Section 2, 1 acre; No. 609, Section 2, 1 acre; No. 610, Section 2, 1 acre; No. 611, Section 2, 1 acre; No. 612, Section 2, 1 acre; No. 613, Section 2, 1 acre; No. 702, Section 2, 1 acre; No. 703, Section 2, 1 acre; No. 714, Section 2, 1 acre; No. 715, Section 2, 1 acre; Suburbs of Tauranga, Allotment No. 50, Section 2, containing 5 acres; Rural Allotment No. 114, Section 2, containing 103 acres.

The following properties have been let during the present financial year: (1.) The Hospital Reserve at Mangonui, with the building upon it, let to Mr. McIntosh, at a rent of £10 8s. a year commencing from 1st January, 1871. First nine months' rent received.

Mr. McIntosh had been previously in irregular occupation.

(2.) The occupation of the Native grain store at Onehunga, no longer required for the purposes for which it was built, has been let to Mr. M. H. Roe, on condition that he shall expend £2 annually in preventing the further dilapidation of the building, which had not been used since the rebellion in the Waikato. (3.) The Suburban Lot No. 8, of Allotment 11, Section 20, Onehunga, has been agreed to be let to Mr. M. H. Roe, for twenty-one years, from 1st July, 1872, at £4 10s. a year. (4.) The footpaths having been removed by the City Council, at my request, and an improved way opened, I have been enabled to let by auction for twenty-one years, at £13 a year, the lower or eastern portion of Allotment 4 of Section 12, City of Auckland. Andrew Craig, the tenant, has paid half a year's rent in advance. Account current from 7th October, 1871, date of last account, to 30th June, 1872, is attached.

After the confiscation of the Waikato lands, Crown grants were given to the loyal Natives of the Ngatiteata Tribe for very extensive blocks of land, out of the territory so taken, at the West Waiuku, between the Waikato and Manukau Harbours. These grants were issued in pursuance of recommendations made by Mr. Commissioner Turton, and were confirmed by "The Friendly Natives' Contracts Confirmation Act, 1866." The grants conveyed the land in some cases absolutely to several Natives, and in others in trust to the chiefs for the loyal Natives of the tribe. The interests in the lands were of a very varying character; occasionally the grantees were almost the sole owners, while in other cases they possessed but a moderate interest in the land. Some of the lands were for cultivation, some were *wahi-tapu* and some were fishing-stations, or landing-places.

From not understanding, in some cases, the nature of the responsibility attaching to the trusts, and in others from cupidity, the grantees mismanaged the administration of these lands. They are stated to have illegally sold some, and to have misappropriated the rents of other of the reserves. Under these circumstances they applied to the Government to extricate them from their difficulties, which had reached to such a height that the grantees, whose acts were loudly complained of by the inferior owners, were themselves anxious to hand over the estates to Government agents, for partition, either of area or interest, among the parties entitled to share in the respective grants. With this view, 103 pieces of land are being handed over by the Natives interested, in trust, to Mr. John White and myself. This refers to the lands for which there are absolute grants. Where the grants are in trust to the chiefs, the latter are giving their consent to such an allocation of the land as will admit the inferior men, whose interests were before ignored, and are asking the Commissioner of Native Reserves to act on their own behalf. This work, which Mr. John White appears to be carrying out to the satisfaction of the Natives of both interests, will be very tedious, and will further involve some expense in surveying.

At the Piako two estates are also being conveyed to Mr. R. M. Searancke, and myself, as trustees, and in other places the Natives are desirous of doing similarly.

In the prosecution of my duties as Commissioner of Native Reserves, I have found that a considerable block of land in the Coromandel Peninsula, near Cape Colville, belongs to the Crown. The place is called Whangataupiri, and takes its name from a beach and bay, situated mid-way between Cabbage Bay and the Cape. The block extends for a mile parallel with the beach, and about half a mile inland.

This land was purchased from the Natives by Mr. F. Peppercorne, who received from the Government, in 1848, or thereabouts, scrip to the amount of £125 in extinguishment of his claim. The land is supposed to be auriferous, and is well timbered. I should recommend that conspicuous branded pegs be placed at the four corners of the block, and its position trigonometrically fixed with regard to the off-lying islands.

I have, &c.,

CHARLES HEAPHY, Commissioner of Native Reserves.  
2nd July, 1872.

I recommended in my report of 1871 that the Government should pay to the Native Reserve Fund a rent for the two acres occupied as a barrack-site at Te Aro, and that Native patients should be admitted free of charge to the Wellington Hospital. These arrangements, I thought, were necessary, having in view the purpose for which, the reserves were originally made, and the asserted divergence from such purpose which occurred when they were utilized. These recommendations have so far been followed as that the Government has intimated an intention of paying £14 a year rent for the barrack-site. No charge of any kind, I am informed, is made to Maori patients in the hospital.

In order to test the validity of the grant of the Native-Office site to the Hospital Trustees, the Government, in 1866, declined to pay any further rent. The question so raised now being assumed to be determined, the sum of £110, back rent for five years and a half, from 1st July; 1866, to 31st December, 1871, was paid out of the Trust Fund to the Hospital Trustees on the 23rd May last.

I stated in my last report that the Natives claiming interest in the Wellington Town Reserves had paid £50

to a solicitor to commence proceedings in the Supreme Court, to ascertain whether, the original intention of the reservation had not been diverged from. Since then the case has been tried, and a decision given on certain issues submitted. This decision is in favour of the view that the compact between the New Zealand Company and the Natives in the original purchase of the Port Nicholson District was a valid one; that by it certain lands were set apart for the future benefit of the selling Natives; and further, that the lands at Thorndon granted by Sir George Grey to the Hospital Trustees were a part of such lands. The remainder of the points in dispute—the misapplication or otherwise of the proceeds in their use by a public charity—have yet to be determined, and it is proper to be prepared for a finding adverse to the interests of the charity, which depends to a large extent upon the rents of the land. It would now be almost impracticable to restore the reserves to Native use. Other interests have grown up—the hospital itself stands upon one of the sections—and it would be best to allow those interests to remain undisturbed. With this view I would recommend that an Act of the Legislature should be obtained to authorize the claims of the Natives in respect to such lands to be sent to a legally-constituted reference to determine the amount of money to be given in lieu of occupation. A private member of the General Assembly is, I believe, about to introduce such a measure, and I have furnished a list of the lands that would probably come under the operation of such an Act.

Several long-pending disputes in respect to the ownership of lands and the participation in rents have been settled in a manner with which the Natives on both sides expressed their satisfaction. These were more particularly at Porirua, where difficulties had arisen in respect to the lands let to Messrs. Thomas, Wall, and Major Edwards, and at Makara, in relation to the land let to Mr. Trotter. In these cases, owing to incomplete and unrecorded arrangements having been made many years since, with the further complication of change of ownership, caused by the decease of old chiefs who drew the rents and the rise of a new generation, the moneys in some cases had to be temporarily impounded until a fresh basis of distribution could be laid down. I am happy to be able to report that these matters, of which I have elsewhere given detailed accounts, are now settled.

The long-pending difficulty in respect to the town sections at Te Aro let to the Hon. Mr. Mantell has been settled by a new lease in place of the lost one, and on similar terms, but for a new period of fifteen years from 1st January, 1872, being granted to that gentleman, who has paid £108, the amount of back rent.

The dispute between Wiremu Tako and the Ngauranga Natives, which was the subject of a police-office case about two years since, has at length been settled; Mr. Futtar, the tenant, paying to Wiremu Tako the sum of £50 for the surrender of a collateral claim that was ignored by the survivors of the Natives to whom Colonel McCleverty awarded the reserve. The Natives regard the award in the light of a promise of a grant, and it will be well to issue to them a grant for the land, with a restriction on the power to alienate.

Another dispute had been long pending at Porirua. Ever since the death of the chief Hohepa Tamaihengia, of that place, the right to certain reserves had been the subject of contention. With Major Edwards, R.M., and Mr. T. E. Young, of the Native Department, I met the Porirua Natives on the ground on 18th November last, and succeeded in arranging all the chief points of the dispute. By the assistance given to the Natives in defining their respective interests in the reserves, they were enabled at once to utilize them; an assignment of the interests of an unprofitable tenant was made in respect to the Kahotea Reserve, near Titahi; and a tenant found for No. 5, who paid £40 down, as a year's rent in advance, on an agreement to rent it for seven years, from 22nd, November, 1871. The details of these transactions have already been reported.

The Natives interested in No. 4 Reserve, on the east side of Porirua, and the Kahotea Reserve, assert that when surrendering to the Governor their control of the land they were not aware of the effect of the act, and they now ask that the reserves may be restored to them. As there appears to be a foundation for the statement, I would recommend that grants, with restrictions on the alienation, should be issued for them.

The Natives of the Wellington District are fast getting the reserves awarded to them by Colonel McCleverty surveyed into individual estates, in order to simplify the division of rents, and, in some cases, with a view to obtaining Crown grants for the respective pieces. This work is to the Natives a very expensive process, and I would respectfully suggest to the consideration of the Government whether, in the case of these inalienable reserves, it would not be just and wise to remit the payment of Crown-grant and registration fees.

The collection and distribution of the rents of Wellington reserves, which—since the retirement, in 1867, of the last Commissioner of Native Reserves, Mr. Swainson—has been chiefly performed by Mr. Young, now reverts to the Commissioner. This duty, and the requirement for my presence in settling a number of disputes among Natives claiming interests in reserves about Cook Strait, necessitated my removal from Auckland to Wellington. I have much pleasure in bearing witness to the satisfaction which Mr. Young appears to have given to the Natives in the performance of his duty.

The legal position of many of the Native reserves is such that the Commissioner cannot grant valid leases or recover rents. The present mode of reserving a piece of land by bringing it under the operation of "The New Zealand Native Reserves Act, 1856," is not always a convenient one, and does not apply when Crown grant has

issued under the Native Lands Acts. Some simple form of settlement is much required, as the Natives frequently are anxious to "tie up," as they term it, their cultivation lands from the risk of temptation to sell in times of pressure or emergency. The powers of a trustee to manage such lands also require defining.

I have already alluded to the propriety of providing, by landed endowment, for the necessary expenses of Native hospitals, lunatic asylums, and vaccination, establishments. These institutions are indispensable, and it is much more easy now to provide endowments than it will be after the lapse of a few years. The confiscated lands appear to be fitting territory to afford such endowments, and I have already submitted a list of sections for such appropriation, but the process for setting them apart by the existing law is so cumbrous, and, withal, so uncertain in its effect, as to be almost unserviceable.

All these circumstances point to the necessity of a new law being passed that, while repealing the existing Acts affecting Native reserves, shall gather up what is good in them and add clauses to meet new requirements. I would respectfully recommend that such a Bill be introduced to the Legislature. Sir William Martin's draft of a Native Reserves Bill, printed last year, is an excellent basis for such a measure.

Account current to 30th June, 1872, is attached.

CHARLES HEAPHY, Commissioner of Native Reserves.

Wellington,

16th August, 1872.

## **CORRESPONDENCE relating to the MANAWATU-RANGITIKEI PURCHASE. *Survey, &c., of Native Reserves.***

### **(No. 1.) The Hon. D. McLEAN to his Honour the SUPERINTENDENT, Wellington.**

Native Office, Wellington, 2nd November, 1871.

SIR,—

From intelligence received from Rangitikei, I am glad to be able to inform you that Mr. Carkeek is progressing satisfactorily with the survey of reserves in that district. I beg to suggest to your Honour that it would be most advisable that the Native reserves should be accurately defined and laid out before the subdivision of the lands for sale and settlement. In almost every instance where this step has been omitted, delays have occurred and differences with the Natives have frequently arisen, which might otherwise have been easily avoided if this necessary preliminary had been more fully attended to.

I have, &c.,

DONALD  
MCLEAN..

His Honour the Superintendent, Wellington.

## **(No. 2.)The Hon. D. McLEAN to his Honour the SUPERINTENDENT, Wellington.**

Native Office, Wellington, 30th March, 1872.

SIR,—

Referring to the suggestions made by your Honour in a conversation held with you on the subject of the Rangitikei Manawatu Block, I have the honour to inform you that I entirely concur with your views on the subject of the resumption by you of the management of these lands. I have already intimated to your Honour that the main difficulties connected with this question have been removed. They consisted chiefly in the surveys and definition of reserves and boundaries; and now all arrangements concerning the larger reserves, and those whose adjustment was attended with the greatest difficulties, have been completed so as to obviate any future complications. At the same time, there are still details to be settled, such as the definition of burial-grounds, eel-lagoons, &c. Your Honour is aware of the importance often attached by Natives to isolated spots of this kind, and of the advantage which in many cases attends the surrender of a few acres situated in localities where the land is not of much value. With regard to the surveyors-whom you so promptly placed under my instructions to mark off the Native reserves, I consider that the time has now arrived for re-transferring them to your Honour, and for the discontinuance of advances for their pay. I do not think that the services of more than one will be necessary to complete the arrangements entered into by me with the Natives, and for this service I would suggest the employment of Mr. Morgan Carkeek, who was present at the several interviews affecting the reserves.

Among the unfinished transactions, there is one touching two mortgages—one for £1,000; the other for £500. On the £1,000 mortgage the Natives have already obtained an advance of £300, leaving them to receive a sum of £1,200 altogether. This is to be paid, at the request of the Natives, on the completion of all surveys in which Ngatikauwhata are interested, and on the final definition of all reserves. It has also been arranged that maps should be furnished, signed by the Natives prior to the payment of the money, and that some of the leading chiefs should give the necessary authority for Mr. Macdonald to receive it for them, and should attend in Wellington to witness the payment.

The drafts of the deeds are now in the hands of the Attorney-General for preparation. Instructions will be issued to the Treasury to enable you to obtain the above-named sum of £1,200 when required.

I have, &c.,

DONALD  
McLEAN..

His Honour the Superintendent, Wellington.

## **(No. 3.)The Hon. W. FITZHERBERT to the Hon. the NATIVE MINISTER.**

Superintendent's Office, Wellington, 29th June, 1872.

SIR,—

Referring to your letter of the 30th March last, No. 1,304, in which you inform me that instructions will be issued to the Treasury to enable me to obtain £1,200 when required, I have now the honour to inform you that I

shall probably require the above-named sum on Monday next, and shall be obliged by your giving the necessary instructions for it to be placed at my disposal.

I have, &c.,

WILLIAM FITZHERBERT, Superintendent.

The Hon. the Native Minister, Wellington.

## **(No. 4.)The Hon. W. FITZHERBERT to the Hon. the NATIVE MINISTER.**

Superintendent's Office, Wellington, 3rd September, 1872.

SIR,—

I have the honour to forward to you herewith, for your information, detailed schedules of the Native reserves in the Rangitikei-Manawatu Block; also tracing showing the position of each reserve. All the reserves shown on tracing have been surveyed and pegged off on the ground. The information given under the head of "Owners" will require to be examined by yourself.

I have, &c.,

WILLIAM FITZHERBERT, Superintendent.

The Hon. D. McLean, Native Minister, Wellington.

## **SCHEDULE of RESERVES given to NATIVES in the RANGITIKEI-MANAWATU BLOCK by the Hon. The NATIVE MINISTER.**

- No. 1. Tapa te Whata, 200 acres, Mangawhatu, Oroua River.
- No. 2. Ngatikauwhatu Tribe, 50 acres, junction of Makino and Mangaone.
- Nos. 3, 12. Ngatikauwhatu Tribe, 400 acres, junction of Makino and Mangaone.
- No. 4. Ngatikauwhatu Tribe, 1,035 acres, Kawakawa.
- No. 5. Purchased from Natives, 514 acres, reserve at Pakehou.
- No. 6. Ngatikauwhatu Tribe, 40 acres, Rotonuihau, on the Oroua River.
- Nos. 7, 15, 65 Te Aru Takana, 30 acres, Tauranganui, on the Oroua River.
- No. 8. Wirihari te Angiangi, 50 acres, Oau.
- No. 9. Wirihari te Angiangi, 40 acres, Oau.
- No. 10. Matene te Whiwhi, 100 acres, Kairakau, on the Oroua River.
- No. 11. Ngatikauwhatu Tribe, 200 acres, Kopani, on the Oroua River.
- No. 12. *Vide* No. 3.
- No. 13. Waikato Natives, 100 acres, adjoining Nos. 3 and 12.
- No. 14. Ngatiwehiwehi Tribe, 110½ acres, Paparata, near Ohau.
- No. 15. *Vide* No. 7.

- No. 15a. Taimona, 50 above Kawakawa, on the Oroua River.
- No. 16. Anitu Pekama, 50 acres, near Small-Farm Town.
- No. 17. Rangitane Tribe, 1,100 acres, Puketotara.
- No. 18. Hare Rukena, 500 acres, adjoining the above.
- No. 19. Hoani Meihana, 35½ acres, Waipunoke, on the Oroua River.
- No. 20. Kere, 10 acres, Patangu, on the Oroua River.
- No. 21. Nepia Taratoa, 100 acres, Mataihiwhi.
- No. 21a. Ahurotu, 19 acres, Mataihiwhi.
- No. 22. Kerehama, 125 acres, near Mangamahoe.
- No. 23. Ereuru Taratou, 100 acres, Mataihiwhi.
- No. 23a. Winiata, 19 acres, Mataihiwhi.
- No. 24. Ngatikahori Tribe, 124 acres, Maramahoru Pa.
- No. 25. Atereta Taratou, 100 acres, near Maramahoru.
- No. 26. *Vide* No. 33.
- No. 27. Kerenuhaua, 50 acres, near Maramahoru.
- No. 27a. Wereta, 50 acres, near Small-Farm Town.
- No. 28. Ngatiparewaha Tribe, 615 acres, near Paku Rakateu.
- No. 28a. Ngatiparewaha Tribe, 192 acres, near Small-Farm Town.
- No. 29. 8 acres at Koputara (not settled).
- No. 30. Hare Reweti and others, 285 acres, Ohinepuhiaroe.
- No. 31. Aperahama, 100 acres, Mingirou.
- No. 32. Hoani Meihana, 11 acres, near Waipunoke at the Oroua River.
- Nos. 33, 26. Hare Reweti and others, 439 acres, Poutu, near Makawai.
- No. 34. Aperahama, Maramahoru (included in Maramahoru Reserve).
- No. 35. *Vide* No. 73, 10 acres for Hone te Tehi.
- No. 36. Ngatikahoro Tribe, 3 acres, Tawhirihoe.
- No. 37. Te Peiria, 102 acres, near Mangamahoe.
- No. 38. Matenga te Matakū, Kaputara, 60 acres (not settled).
- No. 39. Hunia, 109 acres, Awahou.
- No. 40. Ngatuihu Tribe, 200 acres, Te Kauwau.
- No. 41. Hunia, 87 acres, Kaiko Kopu.
- No. 42. Hakaraia, 50 acres, near Waitoi.
- No. 43. Hamuera and others, 1,000 acres, Taurarua.
- No. 44. Kawana te Akeke, 20 acres, Omanuku.
- No. 45. Ngatiapa Tribe, 390 acres, Pukepuke.
- No. 46. Utuku and others, 400 acres, near Waitoi.
- No. 47. The Ngatipikihao and others, 4,510 acres, Te Reureu.
- No. 48. Meta, 77 acres, Rangitawa.
- No. 49. Panapa, 35½ acres, Awahou.
- No. 65. Te Ara, Ngapiro.  
*Vide* No. 7, Takana, Oroua River.
- No. 66. Ngatikauwhatu Tribe, 40 acres, Ruahine, Oroua River.
- No. 67. 10 acres, Te Maraoura, Oroua River.
- No. 69. Surveyed by Mr. Carkeek, under instructions of the Hon. the Native Minister, 211 acres, Tokorangi.
- No. 72. Metapiri, 100 acres, Puketotara.
- Nos. 73, 35. 110 acres for Te Pemu and others, 110 acres, near Small-Farm Town.

## **SCHEDULE of RESERVES given to NATIVES in the RANGITIKEI-MANAWATU BLOCK by Dr. FEATHERSTON.**

- No. 53. Tapa te Whata, 300 acres, Awahuri.
- No. 54. Huneu, 1,000 acres, Pakapaka Teu.
- No. 55. Ngatiapa Tribe, 500 acres, Te Kauwau.

- No. 56. Ratene (pre-emptive right to be paid for), 100 acres, Te Kauwau.
- No. 57. Ngatiapa, 11 acres, Awa Hou.
- No. 58. Hunia, 3 acres, Awa Hou.
- No. 59. Ngatiapa Tribe, 13 acres, Tawhiriho.
- No. 60. Ngatiapa Tribe, 10 acres, Waipouri.
- No. 61. Ihukuru, 50 acres, Tawhiriho.
- No. 62. Nepia Taratoa and others, 50 acres, Matuihiwhi.
- No. 63. Horowanu, 147 acres, near Maramahoru.
- No. 68. Atareu, 50 acres, near Maramahoru.
- No. 70. Harekewitu and others, 100 acres, Ohinipuhia.
- No. 71. Rangitane Tribe, 1,066 acres, Puketotara.

## **SCHEDULE of RESERVES in the RANGITIKEI-MANAWATU BLOCK awarded by the NATIVE LAND COURT on the 16th October, 1869.**

- No. 50. Ngatikauwhatu Tribe, 4,500 acres, Awahuri.
- No. 51. Kooro te One, 500 acres, Oroua Bridge.
- No. 52. Wirihari te Angi, 200 acres, Oau.
- No. 64. Ngatikahoro, &c., 1,026 acres, Mangamahoe.

## **RECAPITULATION of RESERVES in the RANGITIKEI-MANAWATU BLOCK awarded to NATIVES.**

Awarded by the Hon. the Native Minister, 14,379½ acres; by Dr. Featherston, 3,361 acres; by the Native Land Court, 6,226 acres: total, 23,966½ acres.

Jos. G. HOLDSWORTH, Commissioner of Crown  
Lands.

The Hon. D. POLLEN to the Hon. the MINISTER for PUBLIC WORKS. General Government Buildings, Auckland, 4th December, 1872.

SIR,—

I have the honour to transmit herewith a letter from Mr. Preece, written by direction of Mr. Mackay, relative to the purchase of several blocks of land in the Thames District, containing in all about 129,200 acres, the titles to which are now being investigated by the Native Land Court sitting at Shortland, and to request that I may be furnished with the necessary funds, and with authority to make advances from time to time as required for the purchase of these lands.

I have, &c.,

DANIEL POLLEN..

The Hon. the Minister for Public Works, Wellington.



# Enclosure.Mr. PREECE to the Hon. D. POLLEN.

*Hikutaia and other Blocks.* Auckland. 22nd November, 1872.

SIR,—

I have the honour to inform you that I was requested by Mr. James Mackay, jun., to call on you in reference to an advance which he wishes to obtain towards the purchase of land in the Hauraki District, now passing through the Native Land Court.

In reference to my conversation with you on the subject. I have to inform you that the following blocks are now before the Court at Shortland, all surveyed, and titles will be completed during the next few weeks—viz., Tairua, 36,000 acres; Whangamata, 45,000 acres; Hikutaia, 15,000 acres; Mangakirikiri, about 6,500 acres; Ipuwhakatarā, about 2,500 acres; Omahu, about 7,000 acres; Whenuakite, about 6,700 acres; Kereta, about 1,500 acres; Rangahau (Crown grant) 9,000 acres: total, 129,000 acres. These blocks could be all purchased (by making reserves where necessary) if funds were provided at once while the Natives are assembled; and Mr. Mackay is anxious to be supplied with the means of purchasing the same, and requested me to ask you to see the Hon. the Minister of Lands, now in Auckland, and urge on him the necessity of dealing promptly in the matter.

I have, &c.,

J. W. PREECE..

The Hon. D. Pollen, General Government Agent, Auckland.

Wellington, 30th June, 1873.

## Province of Wellington.

DURING the interval between the date of Mr. Swainson's retirement from the Commissionership of Native Reserves in 1867, and my location in Wellington, last year, several disputes had arisen amongst the Port Nicholson Natives interested in the reserves made by the New Zealand Company, and by Colonel McCleverty. These disputes,

I have stated the mode of settlement of these disputes minutely, as there are Natives interested, indirectly, in the reserves, who reside outside of the immediate district, and whose only means of becoming accurately informed on the subject will be by the official report.

which chiefly related to the appropriation of rents, have been settled in the following manner, viz.:—Section 12, Ohariu: The rent paid by Mr. France, £14 14s. a year, is to be divided equally between Paiura, Mete Kingi Paerahi, and Paratene. Section 13, Ohariu: Paratene is to have 25¼ acres for subsistence-land, and Mete Kingi is to have eleven acres. Sections 4 and 5, Porirua: The dividing boundary of these reserves has been adjusted by survey. By this, 71 acres 1 rood 20 perches, on the northern side of Section 5, becomes apportioned to Raiha Horomona.

The Reserve No. 84, in the Hutt Valley, has, in conformity with a purchasing clause in the lease, been sold to Mr. P. Cotter for £1,000. This land was purchased in 1855 by Sir George Grey, with public money, in order to supplement the reserves of the Ngatitama people of Kaiwharawhara, who have since, by instalments, repaid the money. The purchase-money was handed by Mr. Cotter to Wi Tamehana, Ihaia, and Taituha; T. E. Williams, Esq., being nominated to divide the money amongst the claimants.

The reserves at Makara, Nos. 22 and 24, comprising 200 acres, were, in 1862, let by two chiefs of the Ngatitama to a tenant, for a term of twenty-one years, on a yearly rental of £30. The title of the lessors did not

appear to be clearly established, and the case was complicated by one of them having died intestate, and the other having disappeared from the district, and gone, it was alleged, into rebellion. The tenant, under the circumstances, withheld payment of the rent. At a meeting convened here on the 7th August last, of all the Natives interested in the land, it was decided that Harata, widow of Wi Pakata, one of the original lessors, should receive £10 a year, Paratene te Wheoro £5, and Rei te Wharau £5, yearly; and that, on due payment of arrears, the lease should be suffered to run its term.

The town sections at Te Aro, Nos. 1,031 and 1,082, have been let by public tender to Charles Swiney, for twenty-one years, from 11th October, 1872, at £2 2s. a year, the tenant to fence in within twelve months. These reserves lie at the extreme southern end of the town, as surveyed.

The Governor has consented to the sales of the following reserves (grants with limitations under Native Lands Acts)—viz., Taumata Whakapono, West, No. 89N, containing 944 acres, at Wairarapa, from Wi Tinitara te Kaewa, to James Gilligan for £300; Te Aro Pa, Wellington, Sections 1, 2, and 7, comprising 24 perches, from Hemi Parai to his Honour the Superintendent of Wellington, for £270; Te Aro Pa, Section 8, containing 20 perches, from Hemi Parai and Hori Ngapaka, to the Superintendent, for £70.

The Wellington and Masterton Railroad is surveyed through a number of Native reserves, chiefly those awarded by Colonel McCleverty. Some difficulty was experienced in causing the Native owners to comprehend a measure of compulsory land surrender for purposes of public works. Ultimately the sum of £55 an acre was agreed to between the valuers and the owners, as the rate to be paid for land in Sections Nos. 1, 2, 3, 16, and 20, Pitone. The area required was 11 acres 1 rood 39 perches, and the payment £632 3s. 2d. It was desirable that this sum should be invested in the purchase of other land for the benefit of the Natives; but as the occupants of the land taken showed damage to actual cultivations, loss of crop, and dispersion of stock, and as the Government, in the case of a McCleverty reserve, had no controlling power, the money was given without restriction to the Natives. To each Native whose name appeared on McCleverty's deed of award of 13th October, 1847, the sum of £30 2s. was given, and the Native Land Court was called on to determine as to the ownership of the interests of the deceased awardees. On the 12th February, 1873, the Court made orders in favour of twenty-three owners, and at a date previous to these negotiations had made an order in favour of other eight. The Natives interested agreed that all the derivative owners should "share and share alike," and the sum of £16 8s. 4d. was paid to each of twenty-two Natives. Possession of the land has been given up to the railroad authorities.

In 1864 the sum of £915 9s. 10d. was lent by the Government to the chief Te Manihera Rangitakaiwaho, of Greytown, in order to extricate him from his pecuniary difficulties. The money was advanced on the security of the Wharekaka Estate of 1,389 acres, the property of that chief. By the sales of sheep, in which a portion of the money lent was invested, and from the rental of the land, various sums were from time to time paid into the Treasury on account, and on the 12th March last I received from Te Manihera, and paid into the Public Account, the sum of £327 17s. 5d., by which the loan was recouped. The property was re-leased to Te Manihera.

The reserves awarded by Colonel McCleverty to the Port Nicholson Natives have been hitherto in their own management. The owners now find that some of the lands might be made more productive, and the rents of other portions more satisfactorily applied; they have therefore voluntarily placed the following lands with me for administration: 6th May, 1873.—Town of Wellington: Sections 13 and 15, Leach, tenant; Section 14, J. Fitchett, jun., tenant; Sections 37 and 39, J. Brown, tenant; Section 23, Wyngate, tenant; Sections 18, 20, 22, Mrs. Leach, tenant; Section 49, O'Connor, tenant; Section 45, J. Dransfield, tenant; Section 27 and 28, unlet. Town Belt, Te Aro: 41½ acres, Leach, tenant. Ohariu: Section 91, unlet; and Sections 7 and 8, R. Bould, tenant.

The decision of the Court of Appeal in *Regina v. Fitzherbert* declares that the lands known as the "tenth Native reserves" are legally demesne lands of the Crown, unencumbered with any trust. This cast a doubt on the status of a considerable number of estates here and at Nelson that are yielding a revenue for Native purposes. It has also prevented the letting of several reserves in Wellington and at Manawatu, for which tenders were received. While declaring the reserves to be the property of the Crown, the Court of Appeal indicated that there might exist a moral obligation towards the Natives in regard to an interest in the lands. There is no doubt that when the land was purchased of them the Natives were solemnly promised that these reserves should be made for their future benefit; and it is essential that faith should not be broken. A Bill has therefore been prepared to give by enactment a legal status as Native reserves to such of the lands as have not been granted.

## Province of Auckland.

At the request of the Waikato Natives, who are again bringing their produce for sale to One-hunga, the Native hostelry or grain store at that place has been put into a habitable state, at an expense of £59. It had been

unused by the Natives since the outbreak of the Waikato war.

The occupation by Mr. McIntosh of the building erected as an hospital at Mangonui has ceased, by which £10 8s. a year is lost until another tenant can be found.

The lease of the reserve No. 89, at St. George's Bay, now let for £13 a year to Mr. Blackett, expired in June, 1873. It is proposed to offer this land (6 acres 1 rood) in building allotments, by which a much larger rental than that heretofore received for it as pasturage land is expected to be obtained.

The Thames and Waikato Natives have placed in trust with Mr. R. M. Searancke, and myself, the following properties—viz., Maungatapu, on the Piako, 6,110 acres, by Te Raihe and others; and Te Au o Waikato, 8,560 acres, by Tuhakaraina and others. Applications have been received also from the undermentioned chiefs for me to undertake the management of their granted lands, viz.: From Kiriama Tauwhare and others: Peria, 8,020 acres. From Te Raihi and others: Hinuwera, 5,396 acres: Matamata, 5,468 acres. From Tu Whenua and others: Paritu, 24,229 acres.

The reserve, No. 72, of Section No. 1, Town of Tauranga, containing twenty-five perches, has been let to James Weir Greay, on a yearly rental of £7; a lease for twenty-one years to be given as soon as it can legally be done.

## Province of Hawke's Bay.

Four hundred acres of the Pakowhai Estate, B1, No. 1, held in trust by Samuel Locke and Charles Heaphy, have been let for twenty-one years to Alexander McHardie, at a rental of £1 an acre per-annum for the first eleven years, and £1 10s. an acre per annum for the remainder of the term, Mr. McHardie to pay £1,000 of his rent in advance, receiving temporarily an allowance of 8 per cent. interest. This arrangement has been made at the request of the Natives beneficially interested. Four hundred and thirty-four acres, including the village, will remain reserved for purposes of cultivation and subsistence.

Account current to 30th June, 1873, is furnished herewith.

I have, &c.,

CHARLES HEAPHY, Commissioner of Native Reserves.

The Hon. the Native Minister.

## [Extract from *New Zealand Gazette*.]

### *Reserve of a Site for a Cemetery at New Plymouth.*

WHEREAS by the regulations for the sale and disposal of lands taken under the authority of "The New Zealand Settlements Act, 1863," and "The New Zealand Settlements Amendment and Continuance Act, 1865," contained in the schedule to an Order in Council made and issued, bearing date the eleventh day of May, 1871, it is provided that the reserves for roads and all other public purposes whatever, and for education, and the sites for churches and chapels or other places of worship for different religious denominations, may be made by Government out of any confiscated lands, and that notices of all such reserves shall be published in the *New Zealand Gazette*: It is hereby notified that the land specified in the schedule hereunder written shall be reserved for the purpose therein mentioned and set opposite the description of the said parcel of land.

I have, &c.,

G. MAURICE O'RORKE, Secretary for Crown Lands.  
24th February, 1874.

## **SCHEDULE. *Description and Purpose of Reserve.***

*Waitara District, Province of Taranaki.*—All that parcel of land situated in the Township of Raleigh West, containing by admeasurement 29 poles, more or less, being portion of Block CXVII., having a frontage of 120 links to McLean Street, and extending back in a rectangular section 150 links in depth; the north-west corner of the said section being distant from the north-west corner of the said Block CXVII., 175 links. For a cemetery.

### **[Extract from *New Zealand Gazette.*]**

#### *Reserve for a Cemetery.*

PURSUANT to the regulations for the sale, disposal, and occupation of lands taken under the provisions of "The New Zealand Settlements Act, 1863," and "The New Zealand Settlements Amendment and Continuance Act, 1865," and which said regulations are contained in the schedule to an Order in Council made and issued on the eleventh day of May, 1871, and published in the *New Zealand Gazette* of the first day of June in the same year, it is hereby notified that the parcel of land specified in the schedule hereto, and which land was on the third day of August, 1871, reserved for the purpose therein mentioned, will, on the expiration of three calendar months from the publication of this notice, be changed from such purpose to that of a cemetery.

I have, &c.,

G. MAURICE O'RORKE, Secretary for Crown Lands.  
Dated this eleventh day of March, 1874.

## **SCHEDULE. *Number, Description, purpose, and Area of Lot.***

LOT NO. 10 of the Manutahi Ten-acre Lots, in the Province of Taranaki; General Government purposes; 9 acres and 6 perches.

### **Province of Auckland.**

THE tenant of the lower part of Lot 4, Section 12, in Mechanics' Bay, having become insolvent, has given up his occupation. The sea-wall built by the Harbour Commissioners has entirely cut off the water-frontage of this reserve, and materially injured it. The tenant had taken it for a timber-yard, but it has become unfit for such a purpose.

At Onehunga, the tenant of Subsection 8 of Lot 11, Section 20, has also given up occupation. The completion of the railroad to the new wharf has to some extent transferred business from the vicinity of the old wharf where this reserve is situated. I have, however, succeeded in reletting a part of this land to Mr. Sims, on yearly occupation, at a rent of £3 10s. a year.

The land at Blakett's Point, Lot 89 of Suburban Section 1, has been surveyed into six lots of about an acre each, and offered for ease by public auction. The following lots have been let: Subdivision No. 1, 1 acre, 21 years, at £5 a year, to Mr. —; Subdivision No. 2, 1 acre, 21 years, at £3, to Mr. —; Subdivision No. 3, 1 acre, 21 years, at £4, to Mr. —; Subdivision No. 4, 1 acre, 21 years, at £5, to Mr. —; Subdivision No. 5, 1 acre, 21 years, at £4, to Mr. —; Subdivision No. 6, 3 roods 20 perches, 21 years, at £3. In all, £24 a year, against £13 a year, recent rent.

Lower part of No. 4, Section 12, Mechanics' Bay, has been relet for £12 a year, for 21 years. An iron tank has been purchased for the hostelry, Mechanics' Bay, for the sum of £4 5s.

At Onehunga a custodian has been placed in charge of the storehouse and hostelry. The Waikatos are again making use of this place that had been unused by them since the commencement of the Waikato war. The sum of £6 3s. 6d. has been expended in materials and building of a chimney to this hostelry.

At Coromandel the chief Makuare te Pukeroa applied to be allowed to substitute a larger and more valuable piece of land for Porangau No. 13, containing 29 perches. By an inadvertence he had allowed this land to be reserved for him while it was under contract for sale to Mr. John Lynch, who has built a house upon it. I personally examined the piece offered, and found it was of larger area (1 rood 23 perches) and more valuable, being at the actual landing-place, and in use as a timber-yard. The exchange was therefore allowed, and the substituted land placed with Mr. R. M. Keddell, and myself, in trust for Makuare and his heirs. The tenancy of the Maungatapu estate at the Piako, containing 6,110 acres, has been transferred from T. B. Gillies, Esq., to W. A. Murray, Esq.

*Waiuku.*—The lands granted in 1866-67 to the loyal Natives of Waiuku under "The Friendly Natives' Contracts Confirmation Act, 1866," have been cause of much trouble to the Natives beneficially interested. They comprise upwards of 3,749 acres, and were conveyed in trust to certain chiefs for themselves and their tribes or hapus. The chiefs contracted for the actual sale of some of these reserves, and let others in an irregular manner. Instead of dividing the rent derived amongst those legally entitled to receive it, it is asserted that they have kept it for their own purposes: certainly they have rendered no accounts. They have also sold the valuable timber, to the material injury of the land, and the lesser claimants complain that this is done without their concurrence or participation. Various propositions have from time to time been made to the Natives to adjust these matters, but, although the Native trustees are willing to rid themselves of the trouble of management, they have hitherto declined to accede to any arrangement that did not leave to them such a share of the profits as was incompatible with the rights of the lesser claimants. I visited Waiuku in May and met Paora te Iwi, Wiremu Tauroa, and other Natives of influence. After an exhaustive discussion of their position in relation to the reserves, I proposed that the most fertile and valuable of the reserves—Tahurangi—of 1,700 acres, should be cut up into conveniently-sized sections for each family or individual, as might be required, and allocated to them by an officer of the Government. The trust grants should then be surrendered, and grants, with limitations on sale, made to the families or individuals to whom the land was so allotted. The Natives present agreed to this, and have written a letter (copy appended) expressing their desire that such plan should be carried out. I promised, Sir, to recommend the measure to your approval. It will require an expenditure, chiefly in surveying, of about £300 to carry out; but, having in view the fact that an individualization of title had been from the first promised to these people, and believing that the plan would tend to remove a long-continued source of irritation, I did not hesitate in assuring them that it would receive the careful consideration of the Government. If the individualization of the Tahurangi reserve can be successfully carried out, other of the reserves may also have to be divided; and, when enough subsistence-land is surveyed off and rendered inalienable, the restrictions to lease, which are now keeping several large and valuable reserves unutilized and are much complained of, might be removed and tenants found for them.

*Tauranga.*—The lease of Lot No. 50, in the suburbs, has been transferred from H. L. Skeet to Mr. Noah Parsons. The tenant, Mr. Gray, of Lot No. 72, in the town, having shown conclusively that the rent agreed to be paid was excessive, a new arrangement has been entered into, by which the rent shall be £5 a year instead of £7. Lots Nos. 140 and 141, in the town, have been let for twenty-one years to R. F. Koller, for £5 first seven years, £10 second seven years, and £15 for remainder of term.

## Province of Wellington.

The following lands have been purchased by the Commissioner of Native Reserves for the Government—namely: No. 1. Sixty-nine acres at Pencarrow. Head, being the Wellington Lighthouse site. This was a part of a large reserve made by Colonel McCleverty, in 1848, for the Pitone Natives. By some inadvertence a beacon first, and subsequently a lighthouse, was erected on this reserve, without the consent of the Native owners being asked. In 1865 the lighthouse was purchased by the General Government from the province, and several attempts were made to purchase the necessary land for a station, but the Natives required a sum that was unreasonable and excessive. In September last I obtained the assent of the Natives to convey to the Crown sixty-nine acres around the lighthouse-station for the sum of £138; and to commute their claims for rent, firewood-taking, and cattle trespass from the time the General Government had been in possession, July, 1865, to July, 1873, for the sum of £35. The sale has been carried into effect, and the deeds registered.

The adjacent land at Orongorongo had been held since 1852 as a sheep-station by Mr. Riddiford, who had

received a Crown grant from Governor Grey for an area of 594 acres in the midst of it. The cession of the land to the Crown had never, however, been completed. It lay just beyond the limit that the Natives averred they had sold to the New Zealand Company, and a payment of £30 out of £100 had been made to them for it in 1853, when the negotiation was interrupted. In November last I assembled together the Natives interested in the land, and offered them £70, being the unpaid balance originally agreed upon. A long discussion ensued, and the land having advanced greatly in value, and it being known that it was Crown-granted, a larger price was demanded. Ultimately, £30, as interest, was agreed to be given, and deeds of cession were signed and registered.

I have purchased from the owners of Section 57, at Taita, in the Hutt, four acres of that reserve, for the Wellington-Masterton Railway, for the sum of £100.

At Ikamaru, near Ohariu, a section of 100 acres sold to a settler was known, for several years past, to extend over a piece of land that was originally a Native reserve, and over portions of which certain Natives still claimed an interest. About a year since, after a very close investigation, three women, Paritawhera, Rihi, and Riria, were found to have valid claims—the two former to forty acres each and the last to sixty acres, which areas were respectively awarded to them. As Paritawhera's claim lay contiguous to the settler's land, I obtained, at the instance of the Commissioner of Crown Lands here, your sanction to buy out her title, which I did for the sum of £15. The land was poor and hilly, and of little value to the woman, but of considerable importance to the settler.

The town acres Nos. 89 and 90, in Taranaki Street, on which stand the barracks of the Armed Constabulary, have been purchased for the Crown from the Te Aro Natives for £500. By these several arrangements, the causes of a long-standing discontent in the minds of the local Natives have been removed, as well as some anxiety felt by the respective settlers.

The town acres Nos. 995 to 1,005, in Rintoul Street, near the Adelaide Road, comprising 11 acres, have been let by tender to Dr. A. Johnston, for twenty-one years, at a rent as follows: First seven years, £20 a year; second seven years, £25 a year; and third seven years, £30 a year. The lease of town acres Nos. 972 to 989, in the same locality, has been transferred from the Hon. Mr. Mantell to Dr. Johnston. All the pegs of these lands having disappeared, it was necessary to have them surveyed, at a cost of £7 10s.

The reserve, Te Puka, of 60 acres at Wainui, West Coast, has been let to Isaac Smith, for seven years, at £6 a year, and 155 acres of the Wainui Reserve to the same person at £8 a year.

I stated in my last report that the owners of the Native reserves in Polhill's Gully, Te Aro, and at Ohariu, had placed those lands in my hands, being unable to manage them themselves. Since taking over these lands, I have collected rents and recovered arrears to the amount of £124 11s. 6d., and placed the property generally on a more satisfactory footing. Thus the road in the upper part of the gully ran along impracticable levels. This has been altered, and a new line of road arranged, and the site, 29 perches, conveyed to the Crown. As the main water-pipes for the city supply led over this ground, the City Council has paid the sum of £25 for the alteration.

I have let part of Lot No. 39, in Wordsworth Street, containing 3 roods, to William Thompson, for twenty-one years, at £10 a year, from 1st January, 1874. I have recovered £5 arrears from the late tenant of No. 37 and other part of No. 39, and made arrangements by which the new tenant takes upon himself the liability of £20 more of arrears that the Natives had suffered to become due from the outgoing tenant, whose terms of occupation were of an unsatisfactory nature.

I have had surveyed, at a cost of £5, Section 91 at Ohariu, and let it to Mr. J. Marshall. It contains 119 acres of hilly bush land. The terms are, for first seven years, £15 a year; second seven years, £20 a year; and last seven years, £25 a year. This has not been hitherto utilized.

The Native reserve at Kaiwharawhara, called Otari, of 134 acres, has been let for fourteen years to Samuel Woodward, at £20 a year for first seven years, and £25 a year for remainder of term. This has not before been let.

About 1 acre 2 roods in the immediate rear of the Wellington Gaol has been let for twenty-one years to Mr. M. Reid, on behalf of the Provincial Government, at £3 a year. This land has not before been utilized.

The tenant at Makara has paid up £40 of arrears of rent, which is divisible amongst Ngatitama Natives here and at Wellington. The two last-named reserves have been voluntarily placed with me by the Natives for management.

*Whanganui*.—The foreshore of the river abreast of the market-place, and of Sections 74, 75, and 76 in Taupo Quay, has been set aside for a Native market and landing-place for canoes, due provision being made for public access to the river. Out of the confiscated lands at Patea and Whenuakura 500 acres have been set aside as reserves for general Native purposes. They will be ready for letting on completion of survey. Leases fallen in or surrendered, four. New leases granted, or contracts made for leases, sixteen. Arrears of rent recovered, £113 1s. 6d. Arrears of rent at present, nil. Transfer of leases, three.

*Lands placed in the Management of Commissioner*.—The Ngatitama chief Wiremu Tamehana has voluntarily placed with the Commissioner of Native Reserves for management three sections in Block No. X.

of the Village of Takapuahia, at Porirua; and the Natives Erenora Tungia and Hoane te Okoro, of the same tribe, have placed with the Commissioner twelve sections in Block No. VIII of that village.

*McCleverty Reserves.*—The following lands have been under the action of the Native Land Court, and the Native title determined: Komangatawhiri, Reserve 3; Haukopua; Ngauranga, Sections 8 and 9; Omororo, Section 16, Ohiro; and part of town belt.

CHARLES HEAPHY, Commissioner of Native Reserves.  
Wellington, 29th May, 1874.

THE specific duty imposed upon me by Parliament was to decide whether any compensation was due to the Province of Wellington by the colony in respect of the Native reserves made by Mr. McLean in the Manawatu Block.

Upon careful consideration of the demands of the province for such compensation, of the documents connected with the history of the case, and of the evidence given before me, I came to the conclusion that the provincial authorities had failed to make out their claim. But the same reasons which led me to this conclusion also led me to think the province was equitably entitled to relief in respect of certain cash payments made out of its Treasury in connection with the purchase of the block, which should be defrayed in the first instance by the colony, and then charged against the province in the same way as the cost of purchases from the Natives is now chargeable by law.

I was about to make a formal award to this effect when a question arose in my mind as to whether the words in the Act by which I had been appointed would authorize this being done. I requested the consent of the Government to my obtaining the opinion of the Attorney-General on the point; and I submitted the following memorandum, to which the Attorney-General gave the annexed reply: "For the Attorney-General: Being now prepared to make my award on the claim of the Province of Wellington referred to me by the Assembly, a point arises out of the wording of 'The Rangitikei-Manawatu Crown Grants Act, 1873,' as to which I am desirous of having the Attorney-General's advice. Section 5 of that Act says that I am 'appointed to be arbitrator, to consider and decide what compensation, if any, shall be paid to the Province of Wellington on account of lands taken and awarded to the Natives under promises or arrangements made by the Hon. D. McLean.' The Attorney-General is requested to favour me with his opinion—(1) Whether the words of the section in question restrict the arbitrator to the sole question whether the province is or is not entitled to compensation on account of Mr. McLean's reserves; (2) or whether the arbitrator is at liberty under the Act to make a general determination, which should include such a question as that of interest paid on the loan raised for the purchase-money of the block, if he thinks there are equitable grounds for any relief to the province in that respect." "*Opinion.*—I am of opinion that no other question is submitted to the arbitrator's decision than that of compensation on account of the reserves taken, and that the arbitrator is not at liberty to go into or decide upon any other matter or question.—J. PRENDERGAST. 5th February, 1874."

I am therefore precluded by this technical difficulty from making the award I intended; but as the making of an award to the effect merely that the province was not entitled to compensation would, in my judgment, not do fair justice to the case, I have thought it my duty to refrain from making any award at all, and to confine myself to reporting my opinion to Parliament.

The foundation for the claim to compensation really lay in this: that the provincial authorities deemed the whole Manawatu Block had, under the judgment of the Native Land Court on the 25th September, 1869, and subject only to the Native lands excepted by that Court, become "provincial estate" immediately upon the publication in the Government *Gazette* of the notification dated 16th October, 1869, that the Native title over the block had been extinguished. But when, in the course of the inquiry before me, it turned out that there had been an understanding between the two Governments that the province was not to claim possession under this notification until the lands excepted by the Court had been laid out upon the ground, and that neither Government was, till that was done, to proceed to any possessory act under the notification; and when it further clearly appeared that the disturbances with the Natives, which ultimately were quieted by Mr. McLean's mission, had arisen in the laying-out of the excepted lands, I at once stopped the case, and declared that it seemed to me the foundation to any claim to "compensation" was cut away.

Before taking evidence in the case, however, I had perceived that the papers laid before Parliament in 1872 gave no connected or even intelligible account of the events which led to Mr. McLean's interposition; and I had made it my care to examine all the correspondence which could throw light on these events. From a vast mass of papers I have extracted whatever seemed in any way important to a fair view of the whole case; and I now append a *précis*, which, read with the evidence taken before me, will, I think, enable Parliament to see the chain of circumstances which necessitated Mr. McLean's mission, and to judge of the correctness or otherwise of the general conclusions to which I have myself arrived.

It will be observed that there is a conflict between the statements of the two Governments on several important points. It could hardly have been expected to be otherwise when so many complications had taken place, extending over so long a time. The story, however, may really be summed up in a few sentences. The Native Land Court having given a judgment which affirmed the validity of the purchase, but directed certain excepted lands to be laid out upon the ground, the Government were induced, against their better judgment, to publish a notice that the title was extinguished, without waiting for these lands to be surveyed. This notice was, however, in reality, to go for nothing; no possession was to be claimed till the survey should be made. The survey was, from the first, under the control of Mr. Buller, Resident Magistrate and Deputy Land Purchase Commissioner, and the provincial survey staff was under his orders. The survey was no sooner begun than it was stopped by the Natives. Mr. Buller issued summonses against three of the Natives, and, acting in his judicial capacity, arrested the most turbulent of them—an ex-constable, called Miritana. This strong step had only a momentary effect; disturbances were again renewed, and wherever the surveyors attempted to lay out the reserves they were turned off, their trig stations destroyed, and the survey-pegs torn up. The General Government then suspended the general survey. At an early stage of the disturbances they had decided that Mr. McLean should go to the district; and the Provincial Government, not being able to obtain possession of an acre, constantly pressed the Government to hasten his visit. There was never any discussion between the two Governments as to which was to be liable for the results of his mission. No conditions whatever were made as to the extent of any concessions to be made to the Natives by Mr. McLean. Neither the General Government, however, nor Mr. Halcombe (who represented the Provincial Government in the communications that took place) had any doubt that concession of some sort would be made. When the news came of Mr. McLean's reserves, the Provincial Government became alarmed at their extent. But neither they nor the Provincial Council made any remonstrance against the reserves, nor was any claim in respect of them ever advanced by the province till Dr. Featherston came out from England.

It is abundantly clear that if the extent of the reserves had not exceeded 3,000 or 4,000 acres nothing would have been said about them. But, in my opinion, the difference between that amount and the amount actually granted affords no ground for claiming "compensation" as against the colony. It is idle to represent the interests of the two Governments as other than absolutely identical; it is certain that they agreed to act in concert; and no argument tending to fix on either Government separately a special responsibility for Mr. McLean's interposition, or a special liability for its results, can, I think, have any force.

It is impossible for me to agree in the remonstrances of some members of the General Government, amongst themselves, against that Government "mixing itself up in the Manawatu difficulty." The General Government could not possibly escape being mixed up in it. It would have been no use, if the obstruction to the survey had ended in actual conflict and loss of life, for the General Government to say that it was all the fault of the province. Ministers, in fact, took the only step that could have been taken consistently with common sense, when they determined to try for an amicable settlement with the Natives. On the other hand, I find it equally impossible to concur in the arguments by which it is sought to throw the whole liability for Mr. McLean's action on the colony. In Mr. Halcombe's letter of 15th May, 1871, the Provincial Government expressed their belief that "forcible measures were necessary to enable the province to obtain possession of its property," and that "Mr. McLean, as Defence Minister responsible for the peace of the colony, and as Native Minister responsible for the relations between the two races, was *ex officio* the proper person on whom to place the responsibility of a resort to force." But nothing is clearer than that a resort to force was not in the mind of either Government at the time (1869–70); that, on the contrary, the Deputy-Superintendent and Mr. Fox had agreed there was to be nothing of the sort; and that the Provincial Government themselves believed that any resort to force would bring on a conflict. Moreover, it was always expected that Mr. McLean would make some concessions to the Natives; and the Provincial Secretary was under the impression that, to a reasonable extent, his action would have been indorsed by the province. This impression was originally contained in the draft of the same letter (of 15th May), though it was struck out before the letter was sent in. Why it was struck out it is difficult to see. It was a very important fact in the case; and it certainly should have been communicated to Mr. Fitzherbert, when upon assuming office he called for a statement of what had been done.

But is it fair that under such circumstances the province should be left in the position of having paid a large sum in cash for interest on loan and other expenses connected with the acquisition of the land, before any possession of it was obtained? Suppose that (as Mr. Fox said) quiet possession had not been got for twenty years—suppose it had never been got—can any one say it would be right that the Provincial Treasury should go on paying for nothing? The control of all operations connected with the purchase of Native lands for the Crown always did, and obviously always must, rest with the General Government. It makes not the slightest difference that the Land Purchase Commissioner of the General Government employed to make the Manawatu purchase was also Superintendent of Wellington. It is not my province to express any opinion upon the exceptional manner in which the money for the original payments to the Natives was allowed to be raised, or the equally



exceptional proceedings which ended in the judgment of the Native Land Court in 1869; but, when once it clearly appeared that quiet possession of the block was impossible without the special intervention of the Native Minister, it seems to me that the proper course would have been to reconsider the whole matter, and to place the province in the same position, pecuniarily, as it would have been if the General Government had conducted all the proceedings throughout. That some idea of this kind had been in the mind of the General Government is clear from the concession contained in Mr. Gisborne's letter to Mr. Fitzherbert of 4th April, 1872, Where he proposes "to eliminate from the accounts of moneys then charged against the province all cash expenses incurred by the Government since the date (16th October, 1869) of the notice of the extinction of Native title in the block, in the settlement of disputes arising out of that purchase; and to charge these expenses to the loans for the purchase of lands in the North Island under the Public Works and Immigration Act, the interest and sinking fund of the cost to be chargeable, as in the case of other land purchases in the Province of Wellington, to that province." What I fail to see is the principle on which this should only be done as from the date of the notice. It appears to me that what was right to be done in respect of what happened after that date was equally right to be done in respect of what happened before. If the argument, that the notice of the extinction of Native title constituted the territory as "provincial estate," falls to the ground by the admission that no possession was to be claimed under it till the Native reserves were laid out, it is clear that the responsibility of laying out the reserves lay with the General Government and not with the province; and exactly the same reasons which existed for relieving the province from any part of the cash payments before possession was given must, in my opinion, exist for relieving it from the whole. And if that admission cuts the ground away from the claim to "compensation" for the land taken by Mr. McLean for his reserves, it also shows that the province ought to have been, and therefore ought now to be, relieved from providing, in the first instance, the cost of acquiring a clear title, and settling the Native disputes.

Of course I do not mean that this cost should be carried to final charge as an expenditure by the colony. On the contrary, I see no ground for not making it in the usual way a charge against the province. It should be defrayed out of loan, and the province should pay interest and sinking fund as proposed by Mr. Gisborne. The only fair way, I think, of dealing with such a case is the one laid down in section 38 of "The Public Works and Immigration Act, 1870," which enacted that a separate account should be kept by the Colonial Treasurer, against each province of the North Island, of all moneys expended in the purchase of Native lands within the province, and that each province should be charged with the cost incurred in the purchase of such lands (with interest) so long as the province should in respect of such lands continue to be indebted to the colony for the advance. I find that the amount of "cash eliminated from the account," as that account stood at the time of Mr. Gisborne's letter, was this: for survey expenses, £389 10s. 5d.; for advances to Dr. Featherston, £2,662 8s. 2d.: total, £3,051 18s. 7d. Since that time, however, the first sum has been increased by further disbursements to £1,281 9s. 9d., and this sum, together with a sum of £1,200 advanced to Alexander McDonald on mortgage for five years, was charged in 1873 to the Immigration and Public Works Loan. The second item, on the other hand, has been diminished to £1,962 8s. 2d.; and this item has not yet been transferred to the loan, because the Treasury was led to believe the amount would probably be repaid, as to the extent of £700 it appears to have been. But no interest has yet been charged to the province in respect of the sum transferred to the loan, nor indeed has any account under section 38 been made up with any province in respect of moneys expended for purchase of Native lands. So that as regards the Province of Wellington the account is, in fact, open. I think it should be closed. Only, instead of stopping at the date proposed by Mr. Gisborne, the account should go back to the beginning, and be brought down to the time of getting possession for the province by the making of Mr. McLean's reserves.

It only remains for me to say what sums paid by the province should, in my opinion, be repaid to the Provincial Treasury and charged upon the loan. In the first place, I take the interest on the loan which was raised to pay the Natives under "The Wellington Loan Act, 1866;" secondly, the cost of raising that loan; thirdly, any supplementary purchase-money paid to the Natives after the loan was paid away; fourthly, the salaries and allowances of the Land Purchase Commissioners; and lastly, the expenses of the judgments in the Native Land Court, including counsel's fees in defending the title of the Crown. I am not able to see, in any one of these items, any distinction in principle which should separate it from the items paid by the General Government after the 15th October, 1869. They were all payments for like purposes, and all were of necessity preliminary to giving the province quiet possession.

Had I been able to make a definite award for the repayment to the province of these sums under the term "compensation," or had the General Government been willing that I should go into the question of an equitable adjustment as between the two Governments, I should, of course, have taken an accurate account of the moneys coming under the heads I have mentioned. As it is, I have only been able to estimate them from information supplied by the Provincial Government. According to this information, the amount would probably be as follows: Interest paid by Provincial Treasury, £10,565; cost of raising loan of 1866, £889; supplementary

purchase-money, £345; Land Purchase Commissioners, £2,500; costs in Native Land Court, £966: total, £15,265. But of course, if Parliament should be pleased to concur in the views expressed in this report, an accurate account would now have to be taken, and the final sum be added to the amount already in suspense under Mr. Gisborne's elimination.

F. D. BELL, Speaker.

House of Representatives,

16th July, 1874.

[NOTE.—For further Papers on the Manawatu case, see Parliamentary Appendix H.—18, 1874.—ED.]

## **CORRESPONDENCE relating to the TAIRUA NATIVE RESERVE.(No. 1.) His Honour the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.**

Superintendent's Office, Auckland, 18th June, 1875.

SIR,—

I have the honour to enclose an abstract, prepared by the Waste Lands Commissioner, showing the manner in which an area of 1,000 acres (as yet unselected) was reserved for Natives in the Tairua Block. You will find from this abstract that this block appears to have been purchased from the Natives on the 7th December, 1872, without any such reservation for them having been made, and that it was handed over to this province on the 24th June, 1874, free from such reservation of 1,000 acres. I beg, therefore, that an explanation may be afforded as to the time when the reservation was made, and by whose authority, and whether the Natives have since attempted to sell or lease this land, or any part of it, to any other person; and, if so, to whom.

I have, &c.,

G. GREY.

The Hon. the Colonial Secretary, Wellington.

### **(Enclosure in No. 1.)**

Mr. TOLF, Waste Lands Commissioner, to his Honour the SUPERINTENDENT, Auckland. Waste Lands Office, 4th May, 1875. (Memorandum.)

THE following abstract of title shows the manner in which the area of 1,000 acres (as yet unselected), claimed by Natives, in the Tairua Block, was reserved for them: Crown-granted to Natives 10th June, 1874, but legal title vested in them from 29th November, 1872. Conveyed by Natives to the Queen on the 7th December, 1872, without any reservation expressed in the body of the deed. Proclaimed waste lands of the Crown, and made subject to provincial administration, on the 24th June, 1874. No reservation contained in the Proclamation, which in this respect corresponds with deed. Conveyance above alluded to, from Natives to the

Queen, registered 15th July, 1874. Upon this instrument an indorsement, bearing no date, appears reserving 1,000 acres (position undefined) for the grantees. Proclaimed within the limits of the Hauraki Gold-Mining District on the 8th April, 1875. In this Proclamation the exception of 1,000 acres is made.

D. A. TOLE, Waste Lands Commissioner.

## Note

NOTE.—The terms of the indorsement, which would appear to be in the handwriting of Mr. Mackay, and different from that in the body of the deed, are as follow: "It is hereby agreed that the Governor of New Zealand shall cause to be issued to Miriama Pihi Pukukauri, Peneamene Tanui, Hori Kerei Tuokioki, Matene Pehi, and Marara Hauata, a Crown grant for 1,000 acres of the land conveyed to the Queen by the within-written deed, such land to be selected within three months from the date hereof, and to be taken in either one or two blocks, at the option of the said Miriama Peri Pukukauri. Expenses of survey to be borne by the Crown.—JAMES MACKAY, jun., agent for Land Purchases, Immigration and Public Works Act. Witness to signature of James Mackay, jun.: JNO. GUILDING, Licensed Interpreter, Shortland."

## **(No. 2.) His Honour the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.**

(Telegram.) Auckland, 2nd July, 1875.

*Re* reserve of 1,000 acres, Tairua Block. Please not to let Crown grant for this issue till this Government is heard.

G. GREY.

## **(No. 3.) His Honour the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.**

Superintendent's Office, Auckland, 17th July, 1875.  
SIR,—

Herewith I have the honour to enclose a copy of the translation of a letter from the Native. Peneamene Tanui, to show that Mr. O'Halloran and Mr. Guilding (or one of them) have agreed to lease from the Natives the reserve of 1,000 acres in the Tairua Block, which the Provincial Government have reserved for a township.

I have, &c.,

G. GREY.

The Hon. the Colonial Secretary, Wellington.

## **(Enclosure in No. 3.)PENEAMENE TANUI to his Honour the SUPERINTENDENT, Auckland.**

Whitianga (Mercury Bay), 29th June, 1875.

FRIEND,—

Salutations to you who now represent the chiefs of the Hauraki, who are gone from before our eyes. Friend; I greet you. Friend, Wilkinson has come to me for our land at Tairua. You did right to send him, but two other pakehas have come to us for that place, who wish us to lease to them. We have not concluded our talk yet; but I know this: I shall certainly not consent that George Wilkinson may have it, for I have received a payment in advance from those pakehas, and they must not say that I am robbing them by letting another have the land. Friend, I greet you. Enough.

From your friend,

PENEAMENE TANUI.

Sir George Grey, Superintendent of Auckland.

## **(No. 4.)The Hon. the COLONIAL SECRETARY to his Honour the SUPERINTENDENT, Auckland.**

Colonial Secretary's Office, Wellington, N.Z., 21st July, 1875.

SIR,—

I have the honour to acknowledge the receipt of your letter No. 2,337, of 17th July, enclosing copy of the translation of a letter from the Native Peneamene Tanui, "to show that Mr. O'Halloran and Mr. Guilding (or one of them) have agreed to lease from the Natives the reserve of 1,000 acres in the Tairua Block, which the Provincial Government have reserved for a township." I should feel obliged if your Honour would kindly indicate in what portion of Tanui's letter it is shown that an agreement has been made for a lease to Messrs. O' Halloran and Guilding, or to one of them.

I have, &c.,

DANIEL POLLEN.

His Honour the Superintendent, Auckland.

## **(No. 5.)Mr. JAMES MACKAY to the Hon. the COLONIAL SECRETARY**

Auckland, 17th July, 1875.

SIR,—

I have the honour to inform you that Sir George Grey, in his official capacity as Superintendent of this province, has thought proper to make certain statements respecting the 1,000 acres of land reserved for the Natives in the Tairua Block which reflect seriously on my character. In addition to this a writ has been issued against myself and others in the Supreme Court by Sir George Grey, which was sued out by his solicitor, Mr. W. L. Rees, and in accordance with an affidavit sworn by the person last named, which contains serious allegations, having no foundation in fact.

Having been informed that a writ had been issued against me, I proceeded to the office of the Registrar of the Supreme Court accompanied by Major Green, and was shown the writ, the affidavit, and declaration made in support of it by Mr. W. L. Rees. On my solicitor's clerk applying to make a copy of these to day, he was informed that the writ and affidavit only could be copied, and that the declaration was merely lodged there pending an application to the Court for an injunction.

If the writ, affidavit, and declaration were not filed, then the Deputy-Registrar had no right to show the letter to me and say that I "could have a copy taken by my clerk without payment of any further fee than the shilling paid by Major Green for the search." As I have been thus deprived of a copy of the declaration in question, it becomes necessary for me to endeavour to give its contents from memory. The declaration appeared to me to set out. "That the Native grantees absolutely conveyed to the Crown their title to 36,000 acres of land, known as the Tairua Block, without any reservation whatsoever. That the only record of any reservation was an indorsement on the back of the deed by myself that the Natives were entitled to a reserve of 1,000 acres, to be selected by them within three months, and to be taken in not more than two blocks. That the selection had not been made within the stipulated time by the Natives, and had lapsed. That the General Government had handed over the Tairua Block to the Provincial Government without mentioning the right of the Natives to select 1,000 acres within it, and that I had not informed the Government that any arrangement had been made to make such reserve. That I had no right or authority to afterwards cause such reserves to be selected and surveyed. That, since the proclamation of the Tairua, Pakirarahi, and other blocks as an extension of the Hauraki Gold-Mining District, I, without the authority of the General or Provincial Government, had fraudulently made the reserve in a place different from that which had originally been arranged as a site for it. That the block surveyed was at the only place suitable for a township for the Tairua extension of the Hauraki Gold-Mining District. That Gerald O'Halloran and John William Richard Guilding, two officers in the service of the General Government, and paid by them, had entered into arrangements with the Natives for a lease of the reserve in question on behalf of themselves and others. That I was likely to apply to the Crown and recommend the issue of a Crown grant to the Natives interested. That it was necessary to prevent great and irreparable loss and damage to the plaintiff as Superintendent of the province to issue an injunction against the execution of such grant, and to stop any lease from the Native owners to John William Richard Guilding and Gerald O'Halloran on behalf of themselves or others."

This I believe to be the substance of the declaration, and I shall now proceed to state the fact of the case.

In December, 1872, I commenced negotiations for the sale of the Tairua Block to the Crown. After many discussions of the question a deed was prepared which contained no reservations except those of the rights of Seccombe and Son to kauri timber (which had been acquired in 1864). No mention had been made of a reserve, as none had then been asked for. The purchase-money spoken of was £3,000, but on the day the deed was presented for execution the grantees, at the last moment demanded a reserve of 2,000 acres, or a payment of £3,600, being £100 per 1,000 acres. I then agreed to pay £2,900 and allow a reserve of 1,000 acres, which was to be selected within three months, and in not more than two blocks. The site of the larger portion of the reserve was fixed at Pukioire, at the head of the navigation of the Tairua River, and the position of the remainder was not determined, some of the Natives being in favour of taking it at Te Karaka burial-ground, and others near the mouth of the river. I did not deem it advisable to alter the conveyance, or cumber it with a covenant to produce title-deeds. I therefore asked the Natives to convey the whole to the Crown, on the understanding that a grant should be issued to them for 1,000 acres, and, to satisfy them, indorsed the particulars of this arrangement on the back of the deed. The Natives within the three months applied to me to survey the reserves, and I told them it would be attended to as soon as my other engagements would allow of it.

In my report of the 24th March, 1873 (*vide* G.—8, Appendix to Journals of the House of Representatives, 1873), I thus alluded to the Tairua purchase: "Tairua: Area 36,000 acres; price £2,900. It adjoins Whenuakiti (Government land), and gives access to the sea to the eastward. Gold has been found in these blocks. Not yet included in gold-mining district. Reason of delay in proclamation is the non-completion of survey of the

Wharekawa Block (purchase negotiated; *vide* Return No. 2). Wharekawa separates these blocks from the Whangamata Block. Some land available for cultivation on these blocks. A reserve of 1,000 acres to be selected in one or two blocks is to be made at Tairua, and a grant issued for the same to the owners, as arranged by the Native Land Court."

In April, 1873, Timothy Sullivan was murdered by Purukutu at Waikato, and I was requested to proceed there as agent for the General Government, which effectually precluded me from completing the arrangements for surveying the reserves, as I was absent from the Thames District for upwards of twelve months. I had no communication with the Natives respecting the reserves until the 11th May last, when a letter was forwarded to me requesting me to have it surveyed. I enclose the original with translation. I instructed John Guilding, a licensed interpreter in my employ and who is not a Government officer, to proceed to Tairua with a surveyor and lay off the reserve. This was done. Nine hundred and ninety acres were surveyed at Pukioire, and ten acres at Te Kutakuta, near the mouth of the river. They applied to me on the 26th May to allow them to take twenty acres at Te Karaka burial-ground, and reduce the Pukioire reserve to 970 acres, as by letter enclosed herewith with translation. The latter question has not been arranged.

With reference to the objection raised, that I had no right to lay off the reserve at Tairua without consulting the Provincial Government, I would beg to state that I received orders from the Hon. Mr. Ormond and the Hon. the Native Minister to make reserves for Natives where necessary, and I have on no occasion gone beyond the letter or spirit of those instructions. I afterwards saw a statement in the *Thames Advertiser*, published at the time of Sir George Grey's visit to the gold fields, to the effect that this reserve was unknown before the proclamation of the Tairua extension of the Hauraki Goldmining District; that it was subsequently made at the only site suitable for a township for that district, and had been leased to private persons for that purpose. It was insinuated afterwards that I, or some person in my employ, had leased the land from the Natives. These assertions and insinuations culminated in the writ of summons sued out on behalf of Sir George Grey by his solicitor, and the affidavit and declaration made on the 10th instant, copies of which will be forwarded if obtainable. As far as I am concerned, I distinctly deny that I ever asked the Natives to lease to me the Tairua reserve, or any portion of it, or that I ever suggested, directly or indirectly, to any person whomsoever to do so, either on my behalf or on his own account.

I leave the other defendants mentioned in the writ to vindicate their own conduct, which I have no doubt will bear the light of thorough investigation. I would have replied more fully to the allegations contained in the declaration had a copy of it been procurable. If any of the allegations made in the declaration to the writ issued against myself and others in the Supreme Court respecting the Tairua reserve are incorrect, Sir George Grey cannot plead that he was refused any information on the subject of the Tairua land purchase or the leases of timber there, as he was, on the 22nd of June last, apprised by the Hon. the Colonial Secretary that I had been instructed to furnish him with any information he required on the subject. On 25th June I forwarded a telegraphic message to him to that effect. I received a reply that nothing but a copy of a telegram was required. In supplying this I, on the 28th ultimo, again offered to give any information or explanation in my power required by his Honour. This he declined in his letter of the 29th June, saying he thought it desirable under the present circumstances to communicate direct with the General Government. If Sir George Grey had taken advantage of the offer made to him by the Hon. the Colonial Secretary, he would have been furnished with full particulars about the Tairua land purchase and timber leases, and need not have been under the necessity of employing a secret agent to make inquiries amongst the Natives at Mercury Bay respecting the Tairua reserve; and probably would not have resorted to the extraordinary measure of issuing a writ in the Supreme Court against myself and others. I consider the more constitutional course for his Honour the Superintendent to have pursued in the matter, if he had any reason to suspect me of wrong-doing, would have been to have complained to the Hon. the Colonial Secretary, and requested him to cause an inquiry to be made into my conduct in the matter. I must, however, respectfully submit that it does not appear right for one officer of the Colonial Government to proceed against another in the Supreme Court, even on public grounds, unless with the consent of the General Government first obtained. It is unnecessary to enter further into the question; but if any vindication of myself were necessary it is to be found in the fact that they who instituted have found it expedient to withdraw proceedings.

I have, &c.,

JAMES MACKAY.

The Hon. the Colonial Secretary, Wellington.

Wellington, 30th June, 1875.

## Province of Auckland.

*Waiuku Reserves.*—On the confiscation, in 1865, of the West Waiuku Block, the loyal Natives there resident were promised that their villages, cultivations, and burial-places should be returned to them, surveyed and under Crown grant. The block taken consisted of 47,030. acres, of which, in fulfilment of the promise, 6,614 acres 3 roods 35 perches were subsequently granted to them in thirty-six Crown grants. An Act, entitled "The Friendly Natives' Contracts Confirmation Act, 1866," was passed to legalize the arrangement. The grants were generally made out to six or seven of the chiefs, in trust for their tribes. Some of the grants conveyed the land absolutely, whilst others had varying restrictions on the power to sell, mortgage, and let. It soon, however, appeared that the original rights and holdings had been of a much more complex nature than was estimated. The trusts specified in the grants were in some cases inappropriate, and in others the Natives interested beneficially would not recognize the Maori trustees as the fitting persons to have control over their lands. Further, the trustees in several instances misapprehended their position, assumed the rights of absolute owners, and misused their trust. It was asserted by the inferior people that the chiefs let the grazing on the tribal estate, and gave no account of the rents. They sold to the neighbouring settlers the valuable puriri timber that was necessary for fencing the Native cultivations, and yielded no account of the proceeds. Emissaries from the King country from time to time fostered the discontent that resulted from these irregularities. Various and earnest attempts were made to remedy these evils, but without success. At one time the trustees would not, from jealousy, agree to a rearrangement; at another, having found that they could not profitably manage the properties, they consented to hand them over to European trustees, but quarrelled over the scheme of partition of the respective rents. They would consent to get rid of the responsibility of the trusts, but not to surrender the undue advantages which their hold of the land gave them. This bad state of things reacted on the condition of the people generally; the young men would not, with any heart, clear or cultivate land that was not secured at least to the head of the family, nor defined from that of the tribe by an intelligible boundary: they grew listless, idle, and intemperate. I received, Sir, your instructions, in February last, to endeavour to arrange a plan by which the lands so involved might be allocated and secured to the proper owners, and the dissatisfaction terminated. The way was cleared for my work by you having, while at the Waikato, succeeded in inducing the chiefs Aihene Kaihau (who had married the King's sister) and Hori Tauroa to leave the King country and return to their people at Waiuku. I met the chiefs and people at Waiuku on the 10th of March and three following days, and, after a careful inquiry into their respective claims and rights, induced them to consent unanimously to a plan of allocation which appeared equitable and capable of being carried into effect. They had from the first been promised a survey of their several pieces, but a survey was useless whilst the chiefs monopolized the choicest land and the best timber. I, however, aided by Mr. Marshall and Mr. King, induced the chiefs to abandon their unreasonable claims and agree to surrender their trusts, upon a scheme (carefully drawn out by Mr. Marshall) that specified the exact area to be given to each member of the tribe, chief or slave, adult or infant, and the locality, generally, where it should be laid out. Where individuals were alone, they were by this scheme to have separate grants; where a family desired to remain together, the aggregate area for its several members could be surveyed in one piece. Crown grants were to follow, with varying restrictions, as fitting, upon alienability. The trustees (two absentees excepted) consented, in the presence of the tribe, to surrender their trusts, and signed a memorial (in Maori and English) asking for the plan of allocation to be carried out, and for legislative action to relieve them of their responsibility. The work of dividing the estates into such minor holdings has been carried out by survey, under my own immediate superintendence; the Natives appear to be satisfied with the localities awarded to them, and have assisted in carrying out the scheme. An Act will be necessary to give effect to the arrangement, and legalize the surrender of the trusts and the issue of new grants.

*Tauranga.*—Lots 3 and 4, Section 2, of the Town of Tauranga, have been let on lease to Thomas Corbett for a term of twenty-one years, at the following rental, viz.: £5 per annum for first seven years; £10 per annum for second seven years; and £15 per annum for remainder of the term. They contain about 1 rood each. The lots Nos. 45 and 163, Section No. 1, in the Town of Tauranga, have been set apart as reserves for general Native purposes.

*Onehunga.* — A lease for a term of twenty-one years has been executed to Mr. J. Roe for Subdivisions Nos. 1, 2, 5, and 6 of Lot 12, Section 20, Town of Onehunga, at a rental of £14 a year. These lots had been

previously in the occupation, with promise of a lease to his father, Mr. M. Roe, who desired the transfer.

*Remuera.*—The lots Nos. 75 and 98 of Section 16, Remuera, have been conveyed to the heirs of Ihaka Takaanini. They were purchased with funds the property of that chief, previous to his decease. The sum of £4 16s. 5d., paid in 1871–72 for rates on this land, has been recovered from the trustees of the estate. The northern portion of Lot 53 of Section 16, at Remuera, containing 5 acres, was purchased in 1857 by the Government for the late chief Patene Puhata, of Waiheke; the sum of £90 being advanced for the purpose. This money has not been repaid. The land being unproductive and chargeable with assessment rates, it has been considered proper to sell it and close the account. The property has accordingly been sold to Mr. T. Morrin for the sum of £135, less agent's commission of £3 7s. 6d. The sum of £90, with £1 13s. paid for rates, is thus recovered, and the balance, amounting to £39 19s. 6d., will be payable to Patene's heirs.

## Province of Wellington.

In conformity with an old existing promise, the Native Reserve IV., on the east side of Porirua Harbour, comprising 382 acres, has been conveyed to Hon. Wi Parata and Ngahuka Tungia. This land, originally belonging to those chiefs, was brought in 1866 under the provisions of "The Native Reserves Act, 1856," and has been ever since managed by the Commissioner of Native Reserves. About four years since it was shown that the Natives, in handing this land over, did not understand the effect of their act; it was therefore determined to return the land to the original owners, which has thus been done.

*Komangatawhiri, Porirua.*—A long-outstanding dispute about this reserve at Porirua has been decided in the following manner, viz.: That, of the annual rental of £50, Wi Katene, of Nelson, should receive the current instalment of £25, no deduction being made for survey expenses, but that from all future half-year instalments £10 should be kept back by the Commissioner of Native Reserves, and placed to a "separate survey account," until the cost—about £120—for survey is covered; also that the Ngatitoa Tribe shall always receive the January net instalment, and the Ngatitama Tribe the July net instalment. £25 was paid to Wi Katene, with the approval of all interested.

*Omaroro.*—No. 16, Town Belt, Wellington: J. F. E. Wright, the tenant, had, in virtue of a purchasing clause in his lease, deposited (in bank) the sum of £700 for the freehold of his farm, containing 146½ acres, as above. The question of actual ownership was referred by the Commissioner of Native Reserves to the Native Land Court; and, upon the decision of that Court in favour of Hemi Parai and the Wi Tako being given, the money was handed to those chiefs, who conveyed the land to Mr. Wright. This was a "McCleverty" reserve, a class which the Natives have uncontrolled power over.

*Hutt Valley.*—Part of Subdivision No. 8 of Section 20, Te Momi, was purchased by me 29th January, 1875, for the Crown, for purposes connected with the Wellington and Masterton Railroad, from Komene Paipa and Patara Rangiatea. It contained 1 acre 3 roods 8 perches; price, £63 5s 10d. This was also a "McCleverty" reserve.

*Mangaroa, Hutt.*—Section No. 132, Mangaroa, containing about 100 acres, has been let by tender for twenty-one years to Mr. Cruikshank, at £10 per annum.

*Pakuratahi, Upper Hutt.*—The sections Nos. 3, 4, and 7, containing about 335 acres, have been let by tender to the following persons, viz.: Section No. 3, to H. Whightman and J. Sennex, for the term of twenty-one years, at £30 a year; tenants to clear fifty acres of land. Section No. 4, to J. Sennex, for twenty-one years, at £50 a year for the first ten years, and an increase of £20 a year for remainder of term; tenant to clear eighty acres. Section No. 7, to H. Whightman, for twenty-one years, at £50 a year for the first ten years, and £80 a year for remainder of term; tenant to clear eighty acres.

*Makara.*—Five acres of Section No. 22 have been let by Parata te Kiore, the Native beneficially interested, with the approval of the Commissioner of Native Reserves, to the J. B. Petit-Jean, for a Roman Catholic church site, on a term of twenty-one years, at a rental of £1 a year. A Court of inquiry, consisting of the Commissioner of Native Reserves and the Hon. Wi Tako Ngatata, recommended that Pirinara Tutawhia should receive an inalienable grant for sixty acres in Section 39, Makara. The recommendation has been approved.

In previous reports I have stated that the Wellington Natives have voluntarily intrusted to my management certain of their reserves at Polhill's Gully, Wellington City, and in other places. Of these I have this year let the following: Section No. 23, Aro Street, Te Aro, containing one acre, to Robert Lyon, for twenty-one years from 1st January, 1874, at £15 a year. Section 45, Te Aro, containing one acre, to Joe Dransfield, for twenty-one years from the 1st December, 1875, at £13 a year; this being an increase of £1 a year upon the old lease, which expires on the 30th November, 1875. Section 49, Te Aro, containing one acre, to Mr. W. Cornor, for twenty-one years from 1st June, 1875, at a yearly rental of £14. The Natives beneficially interested have approved of each of these arrangements. The collective proceeds of all the Wellington lands so intrusted to me



by the owners to let I divide periodically amongst the people interested I have induced the chiefs, who generally have other sources of income, to share alike with the inferior people in the division.

*Manawatu.*—The sections Nos. 203, 204, 205, 207, 209, 210, 211, 212, 213, 214, 228, 238, and 239, comprising 62 acres, in the suburbs of Palmerston, have been let by tender for twenty-one years to H. S. Palmerson, at a rental of £25 Os. 4d., first seven years; £32 12s. 7½d., second seven years; and £41 6s. 8d., third seven years. Half-year's rent in advance has been received.

*Whanganui and West Coast.*—Leases have been executed as follow in respect to lands let last year:—Whenuakura: Section 88, 130 acres, J. Sheehan, £45 10s. per annum; Section 28, 95 acres, C. and D. Symes, £21 7s. 6d.; Section 94, 70 acres, F. J. Stewart, £19 5s. Patea: Section 488, 29 acres, G. B. Worgan, £5 1s. 6d.; Section 489, 43 acres, J. S. McCarthy, £11 16s. 6d.; Section 503, 66 acres 2 roods 6 perches, Gane Brothers, £16 12s. 6d.; Section 547, 67 acres and 14 perches, Napier and Mitchell, £8 7s. 6d.

During the last session of the General Assembly a petition was received from Charles Vincent; of Waiau, near Waitotara, the owner of a mill built on land held under a promise of a lease, in accordance with the prescribed Flax Regulations for confiscated lands. The petition stated that the growing flax upon which the mill depended had been improperly burned off by the chief Major Kemp, and prayed redress. I had the honour of receiving your directions to endeavour to settle the matter in an equitable manner. On inquiry on the ground it appeared that Kemp had been a principal owner of the Okotuku Block, within which Waiau is situated; that on the cession of the block he had abstained from participating in the payment, and that in consideration of this, and in recognition of his military services, the Government had promised him a grant of 400 acres, to include an eel-fishing creek. The Waiau Creek, with 600 acres on its margin, had been promised by Mr. Commissioner Pharazyn to Mr. Vincent, for a flax lease, and the latter had erected a mill and made other improvements thereon. At a subsequent period G. B. Worgan was intrusted by the Government with the allocation of the 400 acres to Kemp. The latter selected the Waiau Creek, and 400 out of the 600 acres allowed to Vincent. Mr. Worgan seems to have failed to make Kemp understand the relative positions which he and Vincent would have to each other during the currency of the latter's lease, or of the proportionate part of Vincent's rent which it would be proper for Kemp to receive. Kemp, after a time, found that the mill and dam were obstructive to the eel-fishing of his people, and, deriving no present benefit from Vincent, let his 400 acres to an adjacent settler for purposes of cultivation. In clearing the land, and possibly to oust Vincent, Kemp burnt off the flax from the 400 acres. Vincent complained that his means of subsistence were gone, and laid his damages at upwards of £9,000. The case presented this difficulty: that there existed no other locality in the district where an eel-fishing creek could be secured for Kemp, and it appeared to be almost impossible for eel-fishing and the mill operations to go on together. Further, whether Vincent or Kemp was the rightful occupant, some one—either Vincent or Kemp's tenant—would suffer an injury, and have to be compensated. On examining the ground, I found that the flax had not been so much destroyed as entirely to prevent work at the mill. This enabled me to claim for the damages to be proportionately reduced. Mr. Vincent admitted that, in the existing state of the market, flax-dressing, save for rope-making, would not pay, and I found that there was a sufficiency of the material still growing for this limited branch of the business. It became necessary, however, to give Vincent a right, in case of flax becoming again in demand, to cut the plant on some adjacent Crown land. It was further arranged, with your approval, that he should receive the sum of £164 2s. for his expenses in coming to the session, and for loss of time since the suspension of the mill work. For the future he was, in respect to the 400 acres, to be considered the tenant of Kemp, that chief promising to protect him in the occupation of the land. The eel-fishing was to be arranged by mutual concession. This mode of arrangement still left the contingency of a claim by Kemp's tenant against him for breach of engagement in letting the land; but as it was questionable how far that letting was legal and valid, and the tenant ignorant of Vincent's holding, it was thought right to leave him to his remedy at law. Some difficulty occurred subsequently in finding other land conveniently situated for the supply of flax until the burnt plants were again grown, Vincent asserting that he could again fully work the mill to advantage. Eventually it was arranged that, in full satisfaction of all demands against the Crown, Vincent should be allowed to purchase at £1. 10s. an acre the section No. 415, at Okotuku, containing 350 acres. Legislative action will be necessary to legalize this.

CHARLES HEAPHY, Commissioner of Native Reserves.

The Hon. the Native Minister.

## Province of Auckland.

LEGISLATION will be necessary in order to allow Crown grants to issue to the Natives of the West Waiuku Block for lands given to them at that place in 1865, under the New Zealand Settlements Act, and lately subdivided for the respective families and individuals. The plans in detail for the grants are now ready. The history of these reserves is given in my report of last year. The tenancy of the eastern half of the Hostelry Endowment Reserve, No. 4 of Section 12, in Mechanics' Bay, has lapsed, the tenant having left the district without paying the rent due. The land has been advertised for lease by auction for twenty-one years.

*Onehunga.*—About nine perches of land on Lot 11, Section 20, has been advertised for lease by auction. It has hitherto been kept unlet on account of its affording convenient approach to a timber wharf, but, the latter being decayed and no longer used, the land is available for letting.

*Maungatapu.*—A survey of a common boundary of this reserve, and the erection of fences between it and the contiguous Native property, will be necessary; but the expense of this can be borne by the forthcoming instalments of rent. On this holding, which is a separate trust to W. N. Searancke and C. Heaphy, Mr. Murray has paid since last entry the sum of £106 13s., being two years' rent up to 21st March, 1876, and 9s. in excess. The whole of this amount has been paid by Mr. Searancke to the Maungatapu Natives.

*Auckland 10-per-cents—Hunua Purchase.*—In my report for 1874 on Auckland 10-per-cents it is shown that, out of the proceeds of sales in the Hunua Block, the sum of £889 18s. 7d. had accrued and was available for certain beneficial purposes in connection with the people who had originally sold that land. Of that sum, £444 19s. 3½d. was set apart for school purposes. Honana te Irirangi and others of the sellers, however, represented, and with reason, that that amount was disproportionately large in respect to the number of their children. The sum was therefore reduced by half, and a moiety paid over to the sellers, as follows: Te Honana, Watene, Wi te Oka, and others, £52; Hori te Whetuku, £40; Te Retimana Waihou, £15; Mata Tiria, £50; Ihaka's children, £10: total, £122.

## Province of Hawke's Bay.

Karaitiana Takamoana, the Native beneficially interested in the Pakowhai estate of 834 acres, which in 1870 he put into trust with Mr. S. R. M. Locke, and the Commissioner of Native Reserves, applied to the trustees to validate a sale made by him of a portion of the estate to Mr. McHardy, the tenant of the property, and owner of the contiguous land. It appeared that before Karaitiana put the land in trust he had sold to Mr. McHardy a part of it, without properly defining the boundary, the result of which was that Mr. McHardy's fence included thirty-nine acres of the reserve. Karaitiana considered that, as the land had been in McHardy's possession for several years and was improved, he was bound to give him a conveyance of it. For the thirty-nine acres, £730 was paid to Karaitiana, and the trustees validated the sale. The Natives interested in the Arai Native Reserve of 1,000 acres have asked that the land may be placed with trustees, for administration under "The Native Reserves Act, 1856." In 1872, the Waikokopu Block, of 730 acres, was brought under the Native Reserves Acts, by the late chief Ihaka Whanga. Contained within its boundaries were two small blocks of the respective areas of 16¼ acres and 21¼ acres, which had long since been sold to Captain Salmon, of Auckland. For economy of fencing and other reasons, it was very desirable that these blocks should again become merged in the larger estate; they were therefore bought from Captain Salmon. By means of the rent derived from the whole-reserve, the cost price (with interest) of the purchases was defrayed; and from the 13th April, 1876, the property has been clear of debt.

## Province of Wellington.

*Wainui Reserves.*—Te Puka, sixty acres. This land has, at the request of the Natives interested been let to Mr. F. Smith for fourteen years, to date from 4th April, 1872, at a rental of £6 a year, to be paid to Aperahama Mira.

*Wainui Town.*—The unused sections of this land, with the exception of sections numbered from 1 to 25 and from 109 to 114, were, at request of the Natives interested, let to Mr. J. Smith for seven years, to date from 26th April, 1872, at a rental of £9 a year, to be paid to Ropata Tangahoe for distribution.

*Pakuratahi—Hutt.*—Messrs. Sennex and Whightman, whose tenders for Sections 3, 4, and 7 were accepted (*vide* my report of last year), having failed to pay rent or comply with the stipulations of letting, the reserves were again advertised in the Wellington papers for lease by tender. Mr. Gladman Smith's tender for the three sections of £60 a year for first seven years, £70 a year for second seven years, and £80 a year for the remainder of the term, was the-highest, and was accepted. Mr. Smith has paid six months' rent in advance.

*Ramaroa.*—The death of the Ngatitoa chief Ropata Hurumutu rendered it necessary to ascertain who were

the Natives beneficially interested in this reserve. At a general meeting held at Porirua on the 1st March, 1876, called by *Gazette* notice, it was determined that the rent receivable from Mr. Mackay should be divided in equal shares amongst the following Natives: Rapehana te Otaota Ropata Tangahoe, Keritu, Ruihi, Huria te Waari, Haani Tunei, Aperahama Mira, Marekay Hare Reweti, Riria, Hema, Hiniri, Heta, Pumipi Pikewhera, and Parekahu Whakataupoki. The two first-named were appointed to receive the rent from the Commissioner, and distribute it.

*Tararua—Takapuwahia.*—At a general meeting held at Porirua on the 26th October, 1875, to determine who were the Natives beneficially interested in the occupation and rents of the reserves at Takapuwahia, it was decided that Wi Parata Stubbs and Raiha Puaha were the rightful owners of a piece of land adjacent to Section No. 108, lying between the Wellington Road and the Porirua Stream, and comprising about 83/4 acres; also that the rents of Reserves 1 and 2, let to Mr. King, should be divisible amongst twenty-seven named adult Natives and one child. The Natives beneficially interested in the Kumuore Reserve, Nos. 77, 88, 97, comprising 300 acres, at Makara, have placed the land with the Commissioner of Native Reserves for administration. The reserve is let to Mr. J. Bryant at £30 a year.

*Komanga.*—The Native Land Court having defined the interests of the Natives claiming, rent from this land, a re-arrangement of the leases became necessary. By agreement with the Ngatitoa, it has been arranged that Mr. Whitehouse, who has improved the land, shall have a renewal of term for twenty-one years, from 1st January, 1876—for the southern portion at £54 for first year, and £60 for remainder of term; and with the Ngatitama, that he shall have the northern portion for a similar term, at £40 a year. These arrangements give an aggregate rental of £100 a year, against £50 a year hitherto.

*Sections 120 and 121, Hutt Valley.*—These sections, comprising 197 acres were purchased by the Governor in 1851, in order to supplement the land available in the Hutt District for the use of the local Natives. They were let to Hemi Parai and others, on the condition that as soon as the amount of rent paid by them into the Treasury equalled the purchase-money the land should become absolutely theirs. In 1867 the full amount had been paid in. A difficulty was occasioned by the decease of some of the Natives, and the relative extent of share being undetermined. This having been got over, the land was proclaimed a Native reserve by Order in Council, on 17th August, 1876, and a Crown grant issued under "The New Zealand Native Reserves Act, 1856," to Hemi Parai, for the whole of the land. Deeds of conveyance of similar date with the grant were executed by Hemi Parai to the several Natives or their assigns who had subscribed the purchase-money, the land having been previously surveyed by me into twelve separate parcels for them respectively.

*Manawatu—Palmerston North.*—Suburban Sections 218, 219, and 220, of one acre each, have been let by public tender to H. S. Palmerson, at the following rate per section: First seven years, £1 per annum; second seven years, £1 10s. per annum; and £2 per annum for remainder of term of twenty-one years. Lessee to fence, plough, sow with grass, and erect on the land one cottage value £100, or two cottages value £50 each, within seven years. James Mitchell's public tender to rent Section 276, of one acre, for twenty-one years, has been accepted. The rent is to be £1 a year for first seven years and £1 10s. for remainder of term. He is to lay down grass, and leave on ground, a cottage of value of £50. Mr. Mitchell's term commences 1st June, 1876, and Mr. Palmerson's on 1st April, 1876. These reserves, with others at Palmerston mentioned in my report of last year, were purchased about ten years since for the Natives of Waiwhetu, with money derived from the sale of Native Reserves Nos. 1 and 4 at Wainuiomata. The latter were original reserved "tenths," but were too swampy for Native use. As with the advance of the Palmerston District the reserves became valuable and were let, it became necessary to determine who were the persons entitled to participate in the rents. A general meeting was therefore called, by *Gazette* notice, of all claiming to be interested beneficially in the reserves. On the 14th September last a full meeting of the local Natives took place in Wellington, when it was unanimously agreed that the following twenty-two persons were those entitled to share equally in the rental, namely: Huhana, Ramari, Karepa, Tini Wiremu, Paratene te Poho, Wi Hapu Pakau, Meri Pararaki, Epiha Karema, Hamuera, Miriana, Ripeka, Mohi, Hare Parata, Mohi Puketapu, Pitama, Maraia te Ua, Ihaia Porutu, Tipene, Hori Ngaukaka, Karena te Hau, Miri Kauamo, and Herapiko. It was also agreed that the Commissioner of Native Reserves should administer the trust, paying the money to Ihaia Porutu for distribution.

*Pipitea Street—Part of Section 543.*—A new lease has been granted, with the consent of the Governor in Council, to James Holt for this improved property. The former ground-rent was £12 per annum. By arrangement a professional valuator was called in, and on his valuation £18 a year was fixed as the rent on the new lease, for a term of twenty-one years from 1st July, 1875. The lease, has since been transferred to Mr. W. Freeman. For another portion of this reserve, comprising twenty-five perches, the Governor's consent in Council was obtained to a new lease, for a term of twenty-one years, to J. E. Smith, at a rental on a valuation of £6 a year, in place of £3 a year paid formerly. The following reserves in the Wellington District have been sold by the Natives. They were awards of Colonel McCleverty, and not under the control of, the Government, namely: Opau, near Cape Terawhiti—Section 12, containing sixty-six acres, to Mr. R. C. Cook for £33; and

Section 14, of sixty acres, to Messrs. H. and W. Cook for £30. These lands are poor and broken, only fit for grazing purposes.

*Pipitea Pa.*—Subdivision No. 23 they have sold to Mr. W. Ebdon for £120. No. 11, containing 19½ perches, they have sold to Mr. J. Barry for £115; and No. 13, containing 20 perches, to Mr. J. Walden for £216. For sanitary and other reasons it was desirable that these pa lands in the town should cease to be Native property. The propriety of investing the proceeds of the sales was urged on the vendors, and in some instances successfully. The following lands not under Government control the Natives have been assisted to let, namely: Subdivision 14 of Pipitea Pa was let to Mr. John Styles, for twenty-one years, at £20 a year for first seven years, £25 a year for second seven years, and £30 a year for remainder of term. No. 15 was let to same tenant, for twenty-one years; at £20 a year for first seven years, £30 a year for second seven years, and £40 a year for remainder of term. No. 20 was let to Mr. D. Egan, for £40 a year for first seven years, £50 a year for second seven years, and £60 a year for remainder of term. No. 22 was let to the same tenant for twenty-one years, at £10 a year for first seven years, £15 a year for second seven years, and £20, a year for remainder of term. Honana te Puni has placed with Commissioner of Native Reserves the northern portion of No. 23, containing 33½ perches. It has been let to Mrs. Salmon for £20 a year.

*Hutt District*—Part of Section 20, containing 4, acres 3 roods 17 perches, has been let to Mr. D. Everest, for twenty years, at £12 a year for first eight years, and £22 a year for remainder of term.

*Te Aro.*—The following town acres, near Luxford's farm, Te Aro, have been let, after advertisement, to the highest tenderer, namely: Sections Nos. 864, 893, 1,098, 1,099, and 1,100, to G. W. Schwartz Mr, at a rental of £10 a year.

*Plans.*—In accordance with the direction contained in the 23rd clause of "The Native Lands Act, 1873," 189 plans of Native reserves have been made in this office during the year for the use of the district officers under that Act.

I attach a debtor and creditor account of receipts and expenditure for the period from 1st July, 1875, to 31st May, 1875.

CHARLES HEAPHY, Commissioner of Native Reserves.

Wellington,

31st May,-1876.

## **No. 139.Mr. ALEXANDER MACKAY to the UNDER-SECRETARY, Native Department.**

*Forwarding Draft of a New Native Reserves Bill.* Wellington, 16th August. 1876.

SIR,—

I have the honour to inform you that, in conformity with the instructions contained in your message of the 11th ultimo, requesting me to draft a new Native Reserves Bill, certain alterations in the Act of 1873 have been prepared for embodiment in a fresh measure to be passed this session, with a view to remedy the unworkable character of the aforesaid Act. I append a copy of the proposed alterations, and beg to offer the following explanation of the principles and object thereof:—

It is generally admitted by those who have made themselves acquainted with the provisions of "The Native Reserves Act, 1873," that it is altogether too cumbrous in its operation for the practical and satisfactory administration of the Native reserve property throughout the colony. In the first place, clause 6 provides that an officer should be appointed under the name of "the Native Reserves Commissioner," and constituted a corporation sole. Under clause 8 this officer is invested with certain powers in regard to the estate to be placed under his charge, and under clause 11 the property is vested in him. By section 7 a Board of Commissioners is created, without whose consent no dealing can be effected with any portion of a Native reserve; and clause 19 superadds the necessity of the assent of the Governor being obtained to validate all dispositions of land that may be agreed on by the Board, thereby creating further difficulty and delay in the transaction of business, besides troubling the Governor and his Advisers with matters of local character, of which they can have but

little knowledge, however clear the circumstances of each case are explained; while, at the same time, it lays the Government open to the accusation of favouritism in event of a lease being sanctioned in favour of a political supporter in preference to a person holding opposite views.

It will be seen, by the foregoing review, that the Commissioner to be appointed under the Act of 1873 would be placed in a very anomalous position, and that the restrictions placed on his actions are incongruous with the position he occupies in regard to the property. In the first place he is clothed with high powers, and then suddenly denuded of them by making his actions subordinate to a Board of Commissioners, of which he is to be a member with merely co-ordinate authority. The Act, moreover, admits of three modes by which the administration of the property may be impeded. (1.) The Board may be composed of individuals disinclined to subordinate themselves to the object which it is their business to effect; or, on the other hand, it may consist of person too pliable a nature. (2.) The Commissioner, as trustee of the estate, might refuse to indorse the action of the Board in the event of his being placed in the minority. (3.) The Governor might withhold his assent, under clause 19, to the issue of leases sanctioned by the Board.

Another grave objection is the constitution of the Board of Management. Besides opening a way to private designs, it does not effect the object in view—*i.e.*, to give the Natives a voice in the management of their property. It would simply clothe A, B, and C, of the Native race, with the power to deal arbitrarily with the property of tribes to which they neither belong, nor have any sentiment in common. Had the Act of 1873 been brought into effective operation, this intermeddling with lands of other tribes by the Native members of the Board would have had the effect of rousing tribal jealousies; the Natives, as a race, being most impatient of interference in regard to landed property.

The Act of 1873 makes no distinction between the several classes of Native reserves which are clearly distinct in their nature and in respect of the rights which attach to them—namely, lands which are vested in the Governor, subject to the provisions of existing Acts, which have either been reserved by the New Zealand Company, in accordance with their scheme of colonization in the original settlements founded by them, or set apart by the Government for Native purposes, but over which the Natives have no control; and lands excepted from sales by the Natives which have come under the operation of "The Native Reserves Act, 1856," with the consent of the owners, or land of the same class which may hereafter be brought in the same manner under the operation of any law then in force for the administration of Native reserves. In regard to the latter class of lands, the persons beneficially interested might reasonably claim a fair voice in the management of properties so appropriated, and in the application or apportionment of the income derived from them; but, in regard to the former class of reserves, the handing over of these land to the management of the Natives would have been a violation of the principle on which they were originally set apart—*i.e.*, that they should be held in trust, and administered by the Government for the benefit of the families of the ceding tribes.

In preparing the alterations for the amending Act, the whole of the reserves be effected by it have been classified, and a distinction made between lands over which the Natives have no control and lands over which it may be considered advisable to give them a voice in the management. A distinction has also been made in respect of lands which do not come under the operation of the Act, in order to clear up any doubt that might arise as to how certain classes of lands will be effected.

The Assembly, in passing the Act of 1873, having declared its belief that it was advisable that the Natives should have voice in the management of their lands, this right has been extended to them in the case of reserves of the fourth and fifth classes; but, in place of effecting this by Board of Management composed of three Natives and a European Commissioner, it is proposed to abolish the Board, and give the Commissioner to be appointed power to issue leases for any term, not exceeding twenty-one years for agricultural purposes, with the assent of the persons beneficially interested; and, with the same assent, to execute leases for building purposes for sixty years, subject to regulations to be made by the Governor. This will give the Natives concerned a direct voice in the management of their lands, without the intervention of a Board composed of persons holding views probably inimical to the interests of the owners of the land.

It may not be considered out of place to point out that the principle involved in regard to the intervention of the Native owners may probably be found to operate prejudicially to their interests by interfering with the *bonâ fide* occupation and improvement of the property, besides placing the Natives concerned at the mercy of designing persons having in view their own aggrandizement. The mode proposed also embodies an opposite principle to the law in operation in England in regard to the administration of landed property belonging to persons under a disability. In the case of lands belonging to an infant the guardian *in socage* can execute leases for years, and transact all affairs in his own name without any intervention or direction of the infant; the view being that the guardian derives his authority from the law and not from the infant; but, to prevent any abuse of such authority, the law requires the guardian to account to the infant on his coming to the age of fourteen. The Court of Chancery is also empowered to authorize leases of settled estates to take effect in possession or within a year from the making—for twenty-one years as to agricultural purposes, forty years as to mining and like

leases, and for ninety-nine years as to building leases; and, in order to reduce expense, the Court may vest the power in trustees.

It has been contended of late that it is not expedient, in regard to the Native reserves, to keep the Natives in a state of pupillage, but that the management should be placed in their own hands. The proposition is no doubt a desirable one provided it could be carried out satisfactorily: but it will probably be conceded, on the matter being viewed dispassionately, that the Natives of the present day, although very much advanced in knowledge, can scarcely be considered competent to deal satisfactorily with large and Valuable estates in which the interests of a large class of European tenants are involved. In England the owners of settled estates under the control of the Court of Chancery are not looked on as being under a state of pupillage, because their estates are managed through the intervention of trustees. It will probably be found, by experience, that the most satisfactory and beneficial mode of dealing with the class of Native reserves that will be affected by the Act is to place them under the absolute management of individual trustees, who, without the power of alienation, might make such arrangements for letting them—subject to regulations to be made by the Governor in Council—as would secure the largest pecuniary return for the beneficiaries, to whom they should be required to account, as well as to the General Assembly.

In place of the powers conferred on the Governor under clause 19, it is proposed that the Commissioner should have power to issue leases for certain terms and purposes, subject to regulations to be issued by the Governor, instead of the needless reference of every lease to the Governor in Council. The advantage of empowering the Commissioner to issue leases, subject to certain restrictions, instead of by the mode prescribed by the Act of 1873, is obvious: the question becomes entirely severed from political influence; and, whilst the administration of the property would be subject at regular intervals to a thorough scrutiny, the officer having charge of the estates would be free from that series of references and interferences at every step which paralyses business. It will no doubt be generally admitted that the system for administering these trust estates should be simple, and free from all cause of unnecessary delay and uncertainty; for, if the procedure is to be made tardy or costly, or clogged by the necessity of referring frequently to the seat of Government, and especially or references backwards and forwards, it will most surely fail in its object—*i.e.*, of utilizing those lands to the best advantage—as no *bonâ fide* occupant would care to subject himself to such a vexatious ordeal.

It is proposed, in regard to the issue of leases for building purposes, that, instead of making them at once for a term of sixty years, power should be given to issue leases renewable for three separate periods of \ years, subject to the payment during the term thereby to be granted of the best and most beneficial yearly rent to be incident to the immediate reversion of the premises that can reasonably be had at the making of such lease. This system, while securing a lengthened term to the occupants, will give an opportunity for periodically reassessing the rent at a sum more proportionate to the increased value of the property than could be obtained if, the lease was issued at once for the full term of years. It is quite impossible in a young country, where the value of, property fluctuates to the same extent as it does in New Zealand, to fix a fair rental for a lease to be issued presently for a term of sixty years. If an attempt to do so was made, it would probably result in one of two things—either in an exceptionably favourable or unfavourable arrangement for the persons concerned. In the one case, the owner would suffer a loss by his property being let at too low a rental; in the other, the tenant would suffer through an oppressive rent. In some respects long leases may be considered disadvantageous to the owner, but the system proposed above would subserve the interests of both landlord and tenant.

A new feature has been introduced into the provisions of the new Bill—namely, the power conferred on the Governor, with the consent of the persons beneficially interested in land let on long leases, to convert the renewable leasehold tenure into a tenure in fee, subject to the payment of an annual rent-charge in perpetuity, in cases where it would be beneficial so to do. The advantage of this plan, if adopted, would be the fixity of tenure secured to the tenant, coupled with the security of a certain and ascertained income in perpetuity to the owner. It is a more preferable mode to selling the land and investing the proceeds in other investments, as the persons beneficially interested would have a paramount security over the property for the payment of the annual rent-charge.

It is proposed, amongst other changes, to repeal clauses 35, 36, 37, 38, and 39 of the Act of 1873, empowering the Governor to appoint competent persons to ascertain the assent of the owners to bring land under the operation of the Act, and to make, it compulsory that all transactions of this nature shall be done through the Native Land Court. It is also further provided that, before any land is brought under the operation of the Act, a scheme of management shall be framed setting forth the wishes and intentions of the owners in regard to the future administration of such land. The Court is also required to determine the proportionate quantity to which each or all of the owners are severally entitled, with a view to assist the Commissioner to determine the proportion of income payable to each; and it is also further provided that, in all cases where doubts may arise in respect of the persons beneficially entitled to the proceeds accruing from any lands under the operation of the Act, it shall be the duty of every Native Reserves Commissioner to refer the question of

succession to the Court.

It is proposed, also, to repeal clauses 45 and 46, and make other provisions in lieu thereof; also clauses 48 and 49, as the provisions contained therein usurp the functions of the Native Land Court, and are a repetition, to a certain extent, of clauses 89, 90, and 91 of "The Native Lands Act, 1873." Should it be deemed advisable that such power should be granted by the Assembly, it would be better to authorize the Court to deal with the cases comprised in the aforesaid clauses, and for that purpose the necessary provisions might be tacked on to the Native Grantees Succession Act proposed to be passed this session. Clauses 52 and 62 are also to be repealed.

With regard to the regulations to be made by the Governor under the provision of the Act, it is highly important, for the management of the Native reserves estates, that general directions should be laid down for the guidance of the officers in whose custody the properties may be placed, so as to introduce a regular principle of managing them for the future. I beg therefore to submit the following points for consideration. The general principles upon which the Native reserves ought to be let are as follow: That the lands should be let with a view to secure an immediate return, combined with the creation of a permanent and respectable property at the best improved rent which can reasonably be obtained at the time, the sufficiency of rent to be governed by the consideration on whom the onus of repairs or the cost of improvement is thrown; keeping in view also that the requisites of a good tenant are to be regarded as well as the mere amount of rent to be received. The length of leases granted ought to vary with the description of property proposed to be placed on the ground, or the uses to which it is devoted.

The following scale may serve as a general guide, subject to such variations as local circumstances may require, viz.: (1.) A lease for twenty-one years to be granted for arable or pastoral purposes, conditionally that the tenant makes permanent improvements on the property, within seven years from the date of his lease, to the value of £1 for every acre of such land. The whole of the property to be improved and cultivated during the currency of the term, and left enclosed with a substantial fence. The rent to represent a fair percentage, all circumstances considered, upon the estimated value of the land at the date of granting the lease. (2.) A lease for building purposes for twenty years, renewable for a further period of twenty years, with covenant to build and keep in substantial repair wooden houses to the value of years' purchase of the annual rent, if the tenant before the expiration of the first term should have erected wooden buildings of the required value, or have expended such sums in the improvement of any building which may be standing on such premises which shall be considered adequate to the required value. (3.) A lease for twenty years, renewable for two further periods of twenty years, provided the tenant shall erect buildings of brick or stone, to the value of years' purchase of the annual rent, during the currency of the first term. It should also be laid down as a general rule that the trust will not undertake to repair or improve or receive any such improvements at valuation at the expiration of the lease.

Some such terms as the above might constitute the general rules, but many cases would require to be considered separately and upon other grounds; and it will be especially necessary, in dealing with all existing arrangements, to take each case upon its own merits, and treat it as fairness and equity may require.

In the case of the tenants on the Native reserves in Westland, but more especially in regard to the tenantry at Greymouth, the above rule will have to be faithfully observed in respect of the implied right of renewal, as they have always been led to understand that a renewal of their leases would be granted them, at a moderately increased rent, at the end of the subsisting term, depending on the amount of annual rental hitherto paid. On the faith of this they have erected substantial buildings and improvements to the value of over £40,000, besides raising money for town improvements. This last expenditure, coupled with the outlay needed for other municipal works, has necessitated their levying a tax equal to 10 per cent. on the annual value of their properties. It will be easily understood, therefore, that the Act of 1873 caused considerable uneasiness to the tenants at Greymouth as to how the Board of Management would deal with the question of extended leases, as it was well known that the Natives to be elected for the position must be chosen from the persons who had openly stated their intention was to take possession of the property at the termination of the existing leases. It was looked on by the tenants as a grave injustice, and to a certain extent as a breach of faith with them, after having been led to suppose from the first that the estate would always be administered by the Government, that the Act permitted the handing-over of large and important interests to the mercy of two or three inexperienced Natives, who had no knowledge of the laws of property, and who were unable to appreciate equity. There is little doubt that if the Act of 1873 had been brought into operation the effect would have been most injurious to Greymouth, owing to the uncertainty that would have been created in regard to the renewal of existing leases: the consequence of this would have been that, instead of the tenants being inclined, as they now are, to erect a permanent class of buildings of brick and stone, provided they can obtain a longer term of lease, no further improvements would have been undertaken, and the buildings already erected would have been suffered to fall into decay; as it stands to reason that, if a tenant's interests in his improvements terminate with his tenancy, it cannot be expected that anything would be spent on the property towards the close of the term which would be of benefit to it.

These remarks point out that security of possession to the tenant is indispensable to the improvement of the property. It therefore follows that it is to a system of long leases that attention should be directed, as it is clear that the tenant could not invest money or improve the property unless he held a certain permanency of tenure for a sufficiently continued length of occupation to enable him to recoup the money he had laid out.

It is important that some basis of operation should be laid down for determining the amount or rent to be charged for the various descriptions of leaseholds to be dealt with, so that the fancy or caprice of individual officers may not be allowed to thwart the interests of either intending tenants or persons who may be entitled to renewals. No rule can be laid down with any degree of accuracy with respect to the adjustment of rent, but some general principles could be defined for the guidance of persons whose duty it would be to assess the property. It is unquestionably a most desirable object, although a matter of considerable difficulty, to ascertain the proper rent which premises, whether let for building purposes or farms, will bear in different situations, so as not to deprive the owner of a just remuneration on the one hand or oppress the tenant with too much rent on the other.

With regard to the rent of household property already in occupation and erected at the expense of the tenant, the amount of future rental could be ascertained by making an estimate of the original cost and adding a fair percentage upon the money expended if built within a certain time; and after the building had stood for so many years a certain percentage should be deducted. It will also be necessary to ascertain the value of the premises with and without the improvements in cases where the outlay has been made at the expense of the tenants, as it would be inequitable to make the tenants pay for what they themselves produced, without the lease had been made on those conditions. In England twenty years is the usual time for allowing a percentage upon the amount expended in the erection of buildings. The percentage allowed ranges from 5 per cent. to 7 and  $7\frac{1}{2}$  per cent., and the deduction is usually at the rate of  $2\frac{1}{2}$  per cent. In New Zealand a building constructed of the ordinary timber in use would require a good deal of repairs in ten years, especially buildings in gold-fields towns, many of which are of a very flimsy character. The rate of depreciation during the first few years is not so rapid as it is towards the end of a long period, say fifteen years; the rapidity of decay would of course depend upon the class of timber used and the degree of attention paid to the up-keep.

The fairest arrangement for assessing the amount of rental to be charged for an extension of the leases would be to arrange that an assessment of all buildings or other improvements erected or situated upon sections within the Native-reserve portion of the Town of Greymouth should be made before a renewal is granted. The value of the section without the improvements should also be estimated at the same time, as a basis for ascertaining the amount of rent. In event of any one but the occupant obtaining the renewal, the incoming tenant should be required to pay the original lessee the amount of valuation placed on the improvements; provided that the occupant had erected or made the buildings or improvements on the land in question, or shall be the representative or assignee of the person who had erected or caused to be erected or made such buildings or improvements. Two modes would have to be adopted in the Town of Greymouth. In the business part of the town, where the rents have ruled high from the commencement, the improvement made by the tenants ought not to be considered in calculating the rental to be paid for an extension of lease, as it would be manifestly unfair to make the tenant pay for improvements made at his own expense; but the case would be different in the back portion of the town. There the improvements may be considered the property of the trust, and should be included in any assessment to be made for the purpose of determining the future rent of the premises, the land having been let at a low rental with a view to encourage occupation, and to enable the tenant to repay himself for the outlay incurred in clearing and improving the property.

One mode in use in England for ascertaining the rent which farming land will bear is to calculate the gross value of the produce derived from the land and divide it into three parts: to set apart one portion for tillage and other incidental expenses, another for the maintenance of the tenant and family, and to consider the third, after deducting tithes and assessments, as the proper rent to be paid. In the case of grazing land, the expense of labour being much lighter, the proportion to be allowed for management would be smaller in order to allow a proper amount of rent for the landlord. Another mode of determining rent is to deduct all the expenses and outgoings, together with the maintenance of the farmer and his family, from the gross produce, to allow 10 per cent. upon the capital employed, and to consider the remainder as rent. Another and more recent mode is to select an acre of the best arable land on the farm, to value the gross produce as well as the labour attendant upon it over a period of four years, and, after taking an average of the profit, to deduct therefrom 10 per cent. for the farmer's stock and capital, the remainder being the rent. The same plan is adopted with regard to an acre of the worst land, and, when the rent of the best and worst land on the farm is thus found, the rent of the intermediate qualities of soil will be readily ascertained: the whole being then added, an average taken of the whole farm will give the rent per acre.

In order to fix the proper rent it is essential to inquire into local circumstances, such as the quality of the land, its capabilities for cropping, and the proportionate quantity of stock it will carry per acre; its contiguity to



market; the value of produce; the amount of taxes to be paid, and whether to be borne by the lessor or lessee; the expense of labour; and whether the land lies compactly and is approachable by good roads. In India the Government has always been considered the owner of the soil, and the actual cultivator pays a rent or tax for the use of the land. The amount of rent paid by the tenant-farmer to the Government is fixed at the average money-value of half the average produce, after deducting cost of cultivation. For purposes of assessment the soils are divided into classes and subclasses: of the former there are 5, and of the latter 34. The first are classed as alluvial, ferruginous, calcareous, and arenaceous. The average yield per acre of staple grain crops is ascertained by careful experiment, and about one-fifth is deducted to compensate for the chance of a bad season. The average market price for twenty years, less 8 to 20 per cent. for dealers' profits, is then calculated, and, after estimations of cultivation expenses, half the net profit is taken as the amount due to Government. Allowance is also made for distance from market.

In justice to the original tenants on other Native reserves in Westland, as pioneers of settlement, or to the persons who have since purchased their interests, a renewal of the leases should be granted them at a rate of rental consistent with fairness, irrespective of improvements. The property being indebted for its improvement entirely to their capital, it follows, therefore, that the law by which the ownership of improvements follows the ownership of land would, in this instance, be in the highest degree unjust and inapplicable. In the case of these reserves, the tenants have improved the property on the full reliance of getting an extension of lease at the expiration of the subsisting term, the understanding being that, as the intention is to encourage the occupation of these lands in perpetuity with a view to secure a fair pecuniary return for the benefit of the persons beneficially concerned, there would be no difficulty in obtaining a renewal; yet on a change of management, without a definite arrangement is made with them to that effect, the land in all probability would be reassessed, when the best properties would have the rents raised, the land in fact being worth more in consequence of the tenants' improvements.

The proposition to put leases up to auction will be found as a rule to operate very injuriously to the beneficial occupation of land, as it offers no encouragement to occupiers to improve, in consequence of the insecurity of tenure beyond the subsisting term. Experience has shown that *bonâ fide* occupants of land are very rarely induced to bid at auction for leases without calculation, and the reason for this is quite obvious to practical men. The practice, if resorted to simply means that it enables persons of the speculative class—without any interest in the matter—to bid for leases, to the detriment of others who are more equitably entitled to consideration.

It is maintained by writers of the present time that there is too much of the old feudal felling still remaining in the relation between landlord and tenant. They maintain that the proper state of things is that it should be purely a pecuniary arrangement; that the landlord should let his land for a certain period and rent; and that there should be no trace of any other connection remaining than that which necessarily arises from mere business relations between them; in fact, that a fair bargain, honestly carried out on both sides, is the sum of duty reciprocally due between them. This view of the matter would probably meet with strong opposition from persons who regard tenants as merely the retainers or dependants of the owners of the land.

Besides the general regulations to be made by the Governor under the Act of 1873, it is highly important that power should be given to enable special regulations to be made in certain cases; as for instance, the Greymouth reserve, this property having been occupied and improved by the tenants under exceptional circumstances.

The main advantages to be secured to the tenants by the proposed regulations would be—The renewal of existing leases, at a rent proportionate to the increased value of the land, for a maximum term of twenty years, without a covenant to build, provided the buildings now situate on the land, representing the value to be fixed of the amount of improvements to be made during the term thereby to be granted, are deemed to be sufficient. In cases where the occupants are desirous of expending large sums of money on the improvement of their holdings in erecting durable buildings of brick and stone, the option should be given to take leases renewable for three periods of twenty years; both descriptions of tenure to be subject to a condition that the lessee, on application within a reasonable time, will grant to his sub-tenant a renewed lease for a proportionate term, at a rent increased by the amount of the increased rent of the original lease; the tenant-in-chief to have the pre-emptive right to the renewal, and, failing his acceptance, the second tenant to have the next right, conditionally that the improvements made at the expense of the tenant-in-chief—or by the sub-tenant in pursuance of any arrangement on that behalf—should be paid for at a price to be fixed by impartial assessment. The same rule to apply to the case of other tenants, until each had exercised their right of choice. In cases where the sub-tenant has made the improvements, and does not secure a renewal of his lease, the person coming into possession to pay for the value of the improvements made by such tenant, provided no allowance was made in the conditions of the lease. In that case, the value of the improvements should be paid to the person beneficially entitled. The chief object in letting these lands being to secure a present income for the persons beneficially

interested, rather than a prospective advantage, it follows, as a matter of course, that the tenant in occupation at the expiration of the subsisting term—in cases where an equitable rent has been paid over the whole term—should, in event of not securing an extension of his lease, be entitled to the value of the improvements from the incoming tenant, provided such improvements have not been made in pursuance with some arrangement or obligation in that behalf. In the case of agricultural holdings, the outgoing tenant's interest in improvements is protected by the Imperial statute (14 and 15 Vict., c. 25) in force in the colony.

It will no doubt be admitted that one of the main objects to secure, with a view to beneficial occupation, is to make the title to land as simple as possible, and its transfer easy; by these means the value of all landed property would be prodigiously increased. For the sake of uniformity, and in order to facilitate the preparation as well as reduce the expense of executing the necessary leases for the occupation of the Native reserves, it would be advantageous in the interests of the tenants if a printed form of lease containing the usual covenants was prepared for use, with sufficient blanks for names and descriptions, and for the addition of special clauses if necessary. It will be found that the more liberal and simple the stipulations contained in the lease the better they will answer the purpose and advance the interests of all concerned, besides greatly enhancing the security the tenant has to offer for the use of money lent to him for the improvement of his leasehold.

Amongst other matters it would be advisable also to provide, in regard to the assessment of rent, that, should the tenant feel the amount fixed to be oppressive, he should have the option of referring the matter to the arbitrament of two impartial persons to be chosen in the usual way, the cost of such appraisal to be borne by the applicant. This would finally prevent an oppressive rent being fixed, and preclude the possibility of the officer having charge of the estate being the sole judge, in case of any diversity or difference occurring between himself and the tenant. One of the grievances complained of against absenteeism is that the agents too often have no good feeling towards tenants, but strive only to raise as large sums as possible for their principals, without regard to consequences.

I have, &c.,

ALEXANDER MACKAY, Native Commissioner.

The Under-Secretary, Native Department, Wellington.

## Auckland.

THE Lot No. 176, at Remuera, containing eight acres, has been let on lease to Garrett Barry, for twenty-one years, from 1st January, 1877, at £10 a Year, and £5 paid in advance. This land is the property of Raiha Puaha, of Porirua, having been purchased as an investment for her late father, Rawiri Puaha. Lot No. 8, of Section 16, Remuera, Containing five acres, has been let by the year to Thomas Morrin, at a rent of £5. This land was purchased as an investment for the late chief Te Wharepu, of Waikato, and is the property of Ponui te Wharepu.

## Waiuku.

Preparatory to the issue of new grants for thirty-seven reserves, under the provisions of "The Waiuku Native Grants Act, 1876," several surveys have been made by the Commissioner, of subdivisional boundaries, roads, and burial-places. The old grants were, pursuant to the Act, cancelled by Order in Council on the 1st June, 1877, and new grants in the terms of the Act are in course of preparation. Several surveys of small reserves, in fulfilment of old promises, have also been made by the Commissioner, preparatory to the confiscated block being handed over to the local administration. In conformity with the provisions of "The Waiuku Church of England Site Crown Grant Act, 1876," a Crown grant has been prepared for trustees for 1 acre 2 roods 20 perches of the Native reserve at the dragging-place, in the Village of Waiuku.

## Wellington.

*Otari*.—At the desire of the Public Petitions Committee of the House of Representatives on the petition of

J. and R. Kilminster, and at the direction of the Hon. the Native Minister, I purchased from Raniera Pokowaenga and others, of the Ngatitama, at Taranaki, fifty acres of the Otari reserve, situate between Kaiwhara and Makara, for the sum of £150. The Messrs. Kilminster had by mistake built a house on and improved about fifty acres of the reserve, believing it to be their own land. The sum, which was a reasonable one, was supplied by Mr. J. Kilminster, to whom a conveyance of the fee-simple of the land has been made by the Natives. The reserve is one entirely in the management of the natives. The Civil Commissioner (Major Brown) gave valuable assistance in arranging the payment.

*Hutt*.—I have purchased for the sum of £6 18s. the railroad, site, comprising 1 acre 1 road 27 perches of land in Section 121, Upper Hutt—a private estate of Hemi Parae and others.

*Pitone*.—A block of 6 acres 2 roods 20 perches, in Sections 1, 2, and 3, at Pitone, was necessary to the purposes of the Wellington and Masterton Railroad, for workshop sites, &c. The negotiation was very protracted; eventually the sum of £662 10s. was accepted, and a conveyance executed by Henare te Puni and others to the Queon for the land.

The above purchases are all on lands over which the Natives have entire control.

The Natives have sold the following reserves, also in their own management, to private parties:—

*Ohariu*.—No. 16, subdivision of Block 113, containing sixty acres, for £30, to R. C. Cook, on the 22nd May, 1876; and No. 10, of sixty acres, to Messrs. Cook, for £55, on the 7th September, 1876. The land, which is poor and precipitous, is near Opau Bay.

*Tinakori*.—No. 8, Orangi Kaupapa, containing 3 acres and 7 perches, to E.H. Hunt, for £100. No. 9, Orangi Kaupapa, Same area, to E. H. Hunt, for £100.

*Hutt*.—No. 5, Te Mome, containing 11 acres 2 roods 8 perches, to Mr. J. Barber, for £250. Section 120 (part of), from Hemi parae to J. C. Mabey, for £276 15s. 6d.

*Wellington City*.—Te Aro Pa, Lot No. 10, containing 22½ perches, to F. P. and A. Simeon, for £25 a year during life. Lot 3, Containing 19 perches, to J. O'Shea, for £300. Lot 23, containing 6 perches, to J. Ashdown (a half-caste relative of grantee), as a free gift.

Leases have been arranged for the Natives of the following lands, viz.:—

*Johnsonville*.—Section No. 9, containing 152 acres, to James Futter, for twenty-one years, at £106 a year.

*Ohariu*.—Native reserve, comprising parts of Sections 7 and 8, containing 145 acres 1 rood, for twenty-one years, to Thomas Bould, at a rent of £108 18s. 9d. a year for seven years, and £123 9s. 3d. a year for remainder of term.

The Natives have themselves let the following reserves, viz.:—

*Pipitea Pa*.—Lot No. 6, containing 20 perches, to Mr. W. Ebdon, at £10 a year for seventeen years.

*Te Aro Pa*.—Lot No. 3, 19 Perches, to Mr. C. L. Hart, for twenty-one years, at £30 a year. Lot No. 5, 6 perches, to Mr. C. L. Hart, for twenty-one years, at £5 a year. Lot Nos. 6 and 9, containing 3 perches and 29 perches, for twenty-one years, at £15 a year, to Mr. C. L. Hart. Lot No. 11, containing 3 perches, for twenty-one years, for £15 a year for the first seven years, and £25 a year for the remainder of term, to Messrs. Ross and Thompson. Lot No. 27 (part of), for twenty-one years, at £30 a year for the first fourteen years, and £40 a year for remainder of term, to C. O. Clayton.

*Tinakori*.—Lot No. 10, Orangi Kaupapa, containing 3 acres and 7 perches, for fourteen years, to Mr. D. Williams, at £13 a year.

*Hutt*.—Section 36 (part of), 4 acres and 20 perches, for five years, at £20 12s. a year, to Mr. T. Baxter. Section 1 (part of), 3 acres, for twenty-one years, at £20 a year, to A. P. Stuart. Section 58 (part of), 3 acres and 34 perches, for twenty-one years, at £6 a year, to Mr. W. R. Welch. Section 58 (part of), 5 acres 2 roods 10 perches, for ten years, at £5 a year, to Mr. W. R. Welch. Lot No. 16 (part of), Pitone, containing 2 acres 3 roods 14 perches, for twenty-one years, at £20 a year, to Mr. D. Everest.

*Otari*.—Part of the Native reserve, containing 30 acres 1 rood 2 perches, to Mr. F. Rumsey, at £15 and £20 a year on a term of twenty-one years.

*Ohariu*.—About ten years since Paiuru Rangikatata was promised a Crown grant for twenty-five acres in section 12, Ohariu Valley, on condition of his building a cottage and residing there. The conditions having been performed, the grant has been issued to him.

## Tauranga.

*Te Papa*.—The Native reserves Nos. 14 and 114, in the Parish of Te Papa, containing 159 acres 2 roods 20 perches, have been let, after advertisement, for twenty-one years, to R. C. Jordan, at £25 a year. This section is much cut up by roads crossing it, which deteriorates form its value as a farm, and has, until lately, prevented its letting.

All the reserves under my management having now been let, mostly on twenty-one years' leases, and the work of the department brought into system and simplified, I have been able to recommend that my salary as Commissioner of Native Reserves should be reduced. This has been done—from £500 to £100 a year—taking effect from the 1st of April last. I append a debtor and creditor account of my receipts and expenditure for the year.

I have, &c.,

CHARLES HEAPHY, Commissioner, Native Reserves.

The Under-Secretary, Native Department,  
Wellington,

7th July 1877.

## Schedule

# The DEPUTY SURVEYOR-GENERAL to the Hon. the COLONIAL SECRETARY.

*Respecting Insertion of the Ten-per-cent. Clause in Native Deeds.* Surveyor-General's Office, Auckland, 3rd April 1854.  
SIR,—

With reference to your letter of the 31st ultimo, requesting to be informed on what occasion and under what authority the clause was inserted in the Native deeds undertaking, on the part of the Crown, that 10 per cent of the proceeds of the sale of land shall be applied to Native purposes, I have the honour to report that the occasion was upon the first negotiation for the Hikurangi Block, and the authority is that of His Excellency the Governor-in-Chief given to the Surveyor-General. A copy of the clause, as delivered by His Excellency to the Surveyor-General, is enclosed.

I have, &c.,

READER WOOD, Deputy Surveyor-General.

The Hon. the Colonial Secretary.

## Enclosure.

COPY of an ADDITIONAL CLAUSE ordered by His Excellency the GOVERNOR-IN-CHIEF to be inserted in the NATIVE CONVEYANCES of LAND to the CROWN.

"It is further agreed by the Queen of England on her part that there shall be paid for the following purposes—that is to say, for the founding of schools, in which persons of our race may be taught; for the

construction of hospitals, in which persons of our race may be tended; for the payment of medical assistance for us; for the construction of mills for us; for annuities for our chiefs, or for other purposes of a like nature, in which Natives of this country have an interest,—ten per cent., or ten pounds out of every hundred pounds, out of any moneys from time to time received for that land when it is re-sold."

A true copy.

READER WOOD, Deputy Surveyor-General.

Surveyor-General's Office,

3rd April 1854.

## Minute.

As Mr. Commissioner McLean has arrived in this district, the best course, I think, will be at once to relieve the, Surveyor-General from the duty of making purchases of land from the Natives, and to instruct the Commissioner to make purchases, absolutely and unconditionally; but not to make any arrangements which might, be looked upon as an evasion or an infringement of the New Zealand Constitution Act, or of the Land Regulations of the 4th of March, issued by Governor Grey.—WM. SWAINSON, Attorney-General. 26th April, 1854.

## No. 2. The Hon. the COLONIAL SECRETARY to the CHIEF COMMISSIONER.

*In reference to the Five-per-Cents introduced into Deeds of Sale.* Government House, Wellington, 20th December 1855.

SIR,—

I have the honour, by direction of His Excellency the Governor, to request you to be good enough to report, for his information, on the nature of the [*unclear*: arrangement] made by the late Governor, Sir G. Grey, by which 5 per cent. from the proceeds of certain lands has been reserved for the Natives who originally sold the land to the Government. I am also to request you to state to what extent such a contract is now in force, in what provinces, and over what lands, and whether any sum due on that account is included in the £13,000 estimated by you as necessary to complete purchases of land already made. His Excellency would also wish to know whether a contract of that kind is now being made in Native land purchases; and, if so, His Excellency is of opinion that it should not be repeated in future negotiations, and requests you to be good enough to issue instructions accordingly.

I have, &c.,

W. GISBORNE, (For the Colonial Secretary.)

D. McLean, Esq., Chief Commissioner.

Chief Commissioner's Office, Wellington, 16th January 1856.

THE blocks of land upon which 5 per cent is payable in the Wellington Province are,—(1) Block No. 1, west side of Wairarapa Lake, estimated in all at 200,000 acres; but out of this there can be considered as immediately available for sale not more than 20,000 acres; (2) Block No. 2, east side of lake, 27,000 acres; (3) Block No. 3, McMaster's Run, containing of saleable land, say, 20,000 acres; (4) Block No. 4, Tauherenikau, 8,000 acres; (5) Wilson's Run, on the coast, 7,000 acres; (6) Manawatu Block, 16,000 acres; (7) Part of Block No. 1, 7,000 acres; (8) Waiorongo, 6,000 acres; (9) Tautane, 8,000 acres; (10) Wharekaka, 11,000 acres; (11) Part of Whareama Block, 4,000 acres; (12) At Ahuriri, 6,000 acres: total, 140,000 acres. It is not possible, until an actual survey is made, to give any more correct estimate of the extent of land which will, within the next ten years, be sold out of the blocks bearing 5 per cent.; but, in the absence of such surveys, the above statement is as near an approximation as I can furnish.

DONALD  
MCLEAN, Chief Commissioner.

NOTE.—I consider, from what I know of the various districts, that the above estimate is a very fair one.—F. D. BELL, Commissioner of Crown Lands.

## **No. 4. The CHIEF COMMISSIONER to HERBERT S. WARDELL, Esq., R.M.**

*Wairarapa.—Respecting the Five-per-Cents on Sale of Land.* Native Land Purchase Department, Auckland, 6th June, 1861.

SIR,—

At the date of purchase of certain lands in the Wairarapa District a clause was inserted in the deed of conveyance guaranteeing to the Native sellers that the sum of 5 per cent. of the net profit of sales by the Government should be appropriated for their benefit by certain persons to be appointed by the Governor of New Zealand. I have the honour to inform you that, in accordance with this promise, His Excellency the Governor has directed me to request that you will, in conjunction with Mr. Malcolm Frazer, enter upon an investigation of the question in order to the fulfilment of the terms above referred to. The Commissioner of Crown Lands and Receiver of Land Revenue at Wellington will be able to afford you much necessary information; and a statement of particulars, together with the amounts which have from time to time been advanced to the Natives, will be supplied to you per steamer "Stormbird" on her return to Wellington.

I have, &c.,

DONALD  
MCLEAN, Chief Commissioner.

Herbert S. Wardell, Esq., R.M., Wairarapa.

## **No. 5. The CHIEF COMMISSIONER to H. S. WARDELL, Esq., R.M.**

*Wairarapa.—Further Information on the Five-per-Cents supplied.* Native Land Purchase Department, Auckland, 07th June, 1861.

SIR,—

With further reference to the question of 5 per cent. on profits arising out of the sale of certain lands in the Wairarapa District, adverted to in my letter of yesterday's date, and by which it was intimated to you that further particulars would be supplied for your information and guidance in effecting a settlement with the Natives, I have the honour herewith to transmit to you—(1) A memorandum showing the blocks upon which the 5-per-cents are chargeable; (2) A copy of the clause in one of the deeds of conveyance, dated 1st September, 1853, showing the purposes and objects of this arrangement; (3) A statement by the Accountant of this department showing the sums of money which have been already advanced to the Natives on account of the Five-per-Cent. Fund. His Honour the Superintendent of the Province of Wellington will be requested to instruct the Commissioner of Crown Lands and the Receiver of Land Revenue to afford you their assistance and co-operation, as they are in possession of all the information as to the extent of land sold upon which the 5 per cent. is chargeable, and Mr. Frazer will be enabled to distinguish as to the boundaries of each block subject to this charge.

You will be good enough, in carrying on this investigation, to confine yourselves to the question of the amount chargeable upon each block, together with a statement of the total sum due to the Natives under the promise made to them as a part of the terms of purchase of the blocks herein referred to. The disposal of the money thus realized will be an after consideration, and subject to special instructions from His Excellency the Governor.

I have, &c.,

DONALD  
MCLEAN, Chief Commissioner

Herbert S. Wardell, Esq., R.M., Wairarapa.

## **No. 6. The CHIEF COMMISSIONER to H. S. WARDELL, Esq., R.M.**

*Wairarapa.*—£260 paid in Support of Native School at Papawai. Native Land Purchase Department, Auckland, 19th June, 1861.

SIR,—

The sum of £260 advanced on the application of the Bishop of Wellington in aid of the Papawai School having been charged against the Five-per-cent. Fund accruing out of the sale of certain blocks of land in that district (Wairarapa District), and it being necessary that any charge on that fund should be made with the concurrence of the Natives interested, I have the honour to request that you will be good enough to ascertain from the Natives whether they fully concur in the appropriation of the above-named sum of £260 to the purpose specified by the Bishop of Wellington.

I have, &c.,

DONALD  
MCLEAN, Chief Commissioner.

H. S. Wardell, Esq., Wellington.

## No. 7. The CHIEF COMMISSIONER to the COMMISSIONER OF CROWN LANDS, Wellington.

*Wairarapa.—Respecting the Five-per-Cents on Lands sold.* Native Land Purchase Department, Auckland, 7th June, 1862.

In acknowledging the receipt of your letter of the 4th February last, enclosing an approximate return of the gross receipts for land sold within the blocks subject to the 5-per-cents at Wairarapa, I have the honour to state that I quite agree with you that it would be desirable to have some fixed datum as to the deductions to be made for survey; and that proposed by you, under Sir George Grey's regulations of March, 1853—namely, of an allowance of five acres for every hundred acres surveyed—appears quite reasonable. Beyond survey expenses, I do not consider that any further deductions should be made, nor do I perceive that it is contemplated by you that such should be the case. The Natives disposed of their land at a much cheaper rate in consequence of their being promised so much of the proceeds, the sums accruing have not been paid to them annually, and, as they expect a considerable amount in the shape of 5-per-cents, any further deductions from the amount they are to receive would occasion disappointment, and they could not understand why any deductions beyond the actual expenses of survey should be made. The Whareama Block, to which you refer in your letter, is Block No. I., on which Mr. Meredith's homestead is situated. The estimated extent of the block is about four thousand acres.

I have, &c.,

DONALD  
MCLEAN, Chief Commissioner.

Wm. Fitzherbert, Esq., Commissioner of Crown Lands, Wellington.

## No. 8. EXTRACTS from NATIVE DEEDS of CONVEYANCE. *Auckland.—Ten-per-Cents secured to Natives.*

EXTRACTS from Native deeds of conveyance securing for the benefit of the original owners 10 per cent. of the proceeds of the sale of certain lands in the Province of Auckland:—

*Piako Block.*—Situated on the Piako River. "The boundaries are these: On the east," &c. "It is further agreed to by the Queen of England on her part that there shall be paid for the following purposes—that is to say, for the founding of schools in which persons of our race may be taught, for the construction of hospitals in which persons of our race may be tended, for the payment of medical attendance for us, for the construction of mills for us, for annuities for our chiefs, or for other purposes of a like nature in which the Natives of this country have an interest—10 per cent., or ten pounds out of every hundred pounds out of any moneys from time to time received for this land when it is resold." Dated 5th November, 1853. Amount paid to the Natives, £50.

*Hikurangi Block* (Manukau District).—Akitai, Ngatiwhatua, and Ngatiteata Tribes. Ten-per-cent. clause, the same as that in the last-mentioned deed. Dated 10th November, 1853. Payment to Natives, £1,100.

*Te Pae o te Rangi Block* (Manukau District).—Kawerau Tribe. Ten-per-cent. clause, same as the former. Dated 18th March, 1854. Payment to Natives, £800.

*Te Pu o Tahinga Block* (Manukau District).—Akitai and Ngatiwhatua Tribes. Ten-per-cent. clause, same as the former. Dated 23rd March, 1854. Payment to Natives, £100.

*Pukapuka Block* (Remuera, near Auckland).—Ngatiwhatua Tribe. Ten-per-cent. clause, the same as that in



the former deeds. Dated 17th March, 1854. Payment to Natives, £270.

*Remuera.*—Paora and chiefs of Ngatiwhatua Tribe. Ten-per-cent. clause, the same as that in the former deeds. Dated 22nd March, 1854. Payment to Natives, £500.

*Hunua Block* (Opaheke District, Drury).—Ngatitai Tribe. Ten-per-cent. clause, the same as in the former deeds. Dated 30th March, 1854. Payment to Natives, £900.

*Ruakaka Block* (Whangarei District).—"Now, we, Pou te Karoro, Te Manai, and all our tribe," &c.: "10 per cent. of the proceeds of the sale of this land to be expended for the benefit of the aborigines." Dated 16th February, 1854. Payment to Natives, £350.

*Mangawhai Block* (Whangarei District).—"It is further agreed that 10 per cent. of the proceeds of the sale of this block of land by the Queen is to be expended for the benefit of the Natives:" Dated 3rd March, 1854. Payment to Natives, £1,060.

## **No. 9. The CHIEF COMMISSIONER to the Hon. the NATIVE MINISTER.**

*Wairarapa.*—*Recommending that Mr. Commissioner Cooper be appointed to arrange about the Payment of the Five-per-Cents.* Port Napier, 31st December, 1862.

SIR,—

I have the honour to request that an authority may be granted to send Mr. Cooper to the Wairarapa, to arrange with the Natives for the settlement of the moneys due to them as 5-per-cents. The Wairarapa having formed part of Mr. Cooper's district as Land Purchase Commissioner, I conclude that he is well qualified to undertake the duties. The first step to be taken is to ascertain the quantity of land sold out of blocks subject to the 5-per-cents, and it may be more convenient, in cases where the whole block is not disposed of, to pay the Natives a fixed amount for any future claims they may have under this head. It is probable I may meet the Superintendent of Wellington, in a few days to discuss this and other questions connected with the purchase of land.

I have, &c.,

DONALD  
MCLEAN, Chief Commissioner.

The Hon. the Minister for Native Affairs.

## **MEMORANDUM. for the Hon. the MINISTER for NATIVE AFFAIRS.**

*Wairarapa.*—*Respecting the Five-per-Cents.*

I FORWARD the result of the inquiries of Messrs. Swainson and Fitzherbert into the question of the Wairarapa Five-per-cent. Funds. I forwarded them on the 2nd instant to the Superintendent for remark, and his Honour has to-day returned them to me without remark. I suggest that, as a first step, the voluminous papers be at once forwarded to the Auditor-General for examination and report.

WALTER MANTELL.

Wellington,

8th May, 1863.

## Memorandum.

In reference to the advances stated to have been made to Natives on account of the 5-per-cents (amounting to £896 1s. 7d.), I am of opinion that all presents to Native chiefs, and all sums paid on account of lands other than those of the original blocks, be struck out as being payments not chargeable on the fund, according to the terms of the original grants, and that the sum of £260 for school purposes be charged to the fund for school purposes.—CHARLES KNIGHT, Auditor.

## No. 11. The ASSISTANT NATIVE SECRETARY to Mr. Commissioner KEMP.

*Wairarapa.—To arrange the Five-per-Cent. Question with the Natives.* Native Office, Wellington, 21st October, 1870.  
SIR,—

I have the honour, by direction of Mr. McLean, to request you to proceed to Wairarapa to arrange the long-standing 5-per-cent. question with the Natives of that district. You will probably find it necessary to give some notice of the time and place at which you will hold a meeting, in order to give all parties interested time to attend. The Government wish you, if possible, to make arrangements with the leading chiefs to receive the amount still due, leaving them to distribute it among their following in such manner as they may deem fair and proper. It should be explained to the chiefs that their claim to this allowance has never been lost sight of by the Government, as they must know from the several advances that have from time to time been made to them on account of these moneys. Mr. McLean concludes that you have armed yourself with all necessary information on the subject of this question, and feels assured that your intimate knowledge of the Wairarapa Natives will enable you to bring this long-pending question to a satisfactory and final conclusion. I enclose the copy of a letter addressed to Mr. Wardell, R.M., requesting him to render you every assistance in the matter on which you are engaged.

I have, &c.,

H. HALSE, Assistant Under-Secretary.

H. T. Kemp, Esq., Wellington.

## Mr. Commissioner KEMP to the ASSISTANT UNDER-SECRETARY, Native Department.

*Wairarapa.—Reporting the Payment of £2,000 on account of the Five-per-Cents due.* Wellington, 16th November, 1870.

SIR,—

I have the honour to make the following report for the information of the Hon. the Native Minister, in reference to the payment of the sum of £2,000 on account of 5-per-cents due to the Natives of Wairarapa:—

- Having, through you, received Mr. McLean's instructions on the 21st of October, I started from here on the 22nd, and, after a most unfavourable journey, arrived at Greytown on the evening of the same day.
- Notices having been already sent round by the chief Ngairo, at Mr. McLean's request, the Natives began to assemble on Monday, the 24th, but it was not until the 28th that the Natives from the coast arrived; and, after giving them a day's rest, the meeting was formally opened on Saturday, the 29th, the Town Hall having been engaged for the occasion.
- In the interval, however, I had held several important semi-official conversations with the different claimants interested, and in this way had an opportunity of ascertaining their opinions and testing their views with reference to the long-looked-for payment.
- The meeting having been formally opened by Mr. Wardell, who, as Resident Magistrate of the district, presided, I availed myself of this early introduction to bring before the chiefs and people generally the important fact that the "koha," introduced by Mr. McLean into some of the early land purchases, was a term embracing many advantages which he then contemplated, and, agreeably with the interpretation afforded by their own language, really implied other benefits accruing from or arising out of the arrangements which had then been made between the Government and themselves, and that under these circumstances they were now invited to take a more enlarged view of the measure, and not to confine it too closely to the mere money payment. I was led to adopt this course from the fact that their hopes in the latter case would very likely meet with some disappointment; and I added, in support of this assertion, that I had myself, after an absence of twenty years, returned to see these provisions in great part realized, and that they were, in common with their neighbours and friends, joint holders of property which otherwise must have remained a comparative wilderness and waste. These few remarks were accepted by them in good spirit, and I believed paved the way to a friendly negotiation.
- The sittings were resumed from day to day until Wednesday, the 2nd, when, after several addresses on the part of the chiefs, it was unanimously agreed to appoint a select committee to sit on the evening of the same day, with a view to bring the matter to a final settlement.
- In the course of the debates I explained to them the views of the Government generally, and that for the future it was proposed to make the payments as they accrued, every three or five years, and in this way to supply them with a simple and intelligible return of what might become due on each block; that up to the 30th June, 1869, a considerable sum had accumulated, but that from that amount certain sums had to be deducted on account of mills, schools, &c., intended in the first instance for their common benefit, but which had unfortunately proved to be, in a great measure, and from many unforeseen causes, a comparative failure, thus leaving in their favour a balance of something over £2,000.
- The objection raised to the deduction of this amount was very strong indeed, especially with regard to the amount charged against the mills, which they protested against on the ground that they were always understood to have been gifts from the Government, and as an especial acknowledgement for the willing manner in which, at the request of Sir George Grey, they had, while enjoying a large annual rental, relinquished that income for the public good, and transferred the land to the hands of the Crown.
- The Committee met at 7 p.m. by appointment, and, after a long but earnest discussion, it was at length decided to propose that the sum of £2,000 be accepted, on the understanding that simple and approximate returns be furnished to them of the lands sold in each block to the 30th June, 1869.
- This resolution on the part of the chiefs having been communicated to the Hon. the Native Minister on the day succeeding, it was approved, and the money received at Featherston on Saturday, the 5th.
- On Monday, the 7th, the Natives all assembled in the Town Hall, when it was announced that the money had arrived, and that it would now devolve upon the people as a body to say by whom, as representing the several blocks, the different amounts were to be received, bearing in mind at the same time that many of the original sellers have died, and that others, perhaps, had left the district. This arrangement occupied the remainder of the day, and on Tuesday morning, by adjournment, the parties appointed to receive the money came forward in the presence of the people and signed the receipts, one small amount for £100, on account of Masterton, alone remaining. This was done on the day after, and the arrangements finally completed.
- Looking at the length of time that had elapsed; the interval in the dates of some of the deeds; the complication of returns; the payments made at different times in advance, without reference to any

particular block; the belief of the Natives that a very much larger amount was really due out of the land sales: these all contributed to render the possibility of satisfying the whole of the claimants a somewhat difficult and onerous duty. In this, however, I think we have succeeded, and it is only due to the chiefs to say that, as soon as the annoyance and irritation consequent upon finding that the amount had fallen so far short of their expectations had subsided, they united with me in doing their share of the work, by seeing that the division and subdivision was fairly and equitably carried out. To Mr. Wardell I am exceedingly indebted, not only for his advice and co-operation throughout, but for the local knowledge he was so well able to supply (socially and politically as bearing on the question), without which the apportionment of the money might have led to annoyance and discord among the Natives. I trust, therefore, that the arrangements thus made will, as a whole and in detail, meet with the Native Minister's approval.

- Finally, the Natives urge that for the future no advances whatever may be made to any one on account of this fund, and that the time for any future payments may be so fixed at Greytown and Masterton as to come within the season when a better supply of food can be obtained, without cost or inconvenience to Government or themselves.

As this has been the largest meeting of the kind in this district since the foundation of the colony, it gives me satisfaction to report that no serious instance of disorder occurred, and I noticed with pleasure that the settlers and Natives seemed to be living united and in harmony with each other. I beg to attach herewith an abstract of the sums paid on each block, with receipts for the whole amount furnished from Wellington, all of which have been duly signed and witnessed.

I have, &c.,

H. T. KEMP.

H. Halse, Esq., Assistant Under-Secretary, Native Department.

## Enclosure.

ABSTRACT of BLOCKS over which the FIVE-PER-CENTS have been paid in the DISTRICT of WAIRARAPA, to the 30th of June, 1869, as per Receipts herewith attached.

Nos. 1 and 7, Purakirae, £250; No. 2, Turanganui, £200; No. 3, Tuhiterata, £200; No. 4, Tauherenikau, £430; No. 5, Pahaua, £250; No. 6, Manawatu (Makakahi), £100; No. 8, Whareama (No. 1), £110; No. 9, Makoura (Masterton), £100; No. 10, Wharekaka and Pouhangina, £250; No. 11, Whareama (No. 2), £110: total, £2,000.

*Report on the Payment of Balances on the Wairarapa Five-per-Cents.* Wellington, 31st December 1873.  
SIR,—

I have the honour to report that, in pursuance of your instructions, I have paid the Natives of the Wairarapa the balances of 5-per-cents due to them on the 30th September last. These payments, relating to accounts that have been running from fifteen to twenty years, render it, perhaps, necessary to recall the circumstances (well known, however, to you) under which the liability arose. I may premise, then, that previous to the year 1853 large tracts of land in the Wairarapa had been rented by the settlers as runs direct from the Natives. This practice was in contravention of the provisions of the Land Purchase Ordinance. It was desirable that settlement should be on a more regular basis, and many of the tenants felt the inconvenience of their precarious tenures. Accordingly, in 1853 a vigorous effort was made by the Government to obtain land at the Wairarapa. Many

large blocks were purchased, the payment being made to extend over a period of several years. In 1860 the Commissioner was thus able to report the completion of the purchase of 957,864 acres, the area including most of the rental holdings; but as the extinction of the Native title involved the sacrifice of the rents that the Natives had previously enjoyed, it was agreed between the Chief Land Purchase Commissioner (with the sanction of the Government) and the Natives that in addition to the purchase-money paid down, 5 per cent. of the net proceeds of land sales within certain of the blocks should revert to them or be expended in their benefit. The blocks bought under this agreement were the following: Turakirae, comprising 66,760 acres; Turanganui, 30,253 acres; Tuhitarata, 20,900 acres; Wharekaka and Puhangina, 28,398 acres; Moroa and Tauherenikau, 61,400 acres; Makoura, 2,291 acres; Whareama (No. 1), 11,583 acres; Whareama (No. 2), 12,931 acres; Pahaua, 107,000 acres; Manawatu, 45,550 acres: in all, 387,066 acres. In fulfilment of the agreement an account was entered at the Treasury, by which 5 percent. of the net proceeds (the expense of surveys having previously been deducted) was carried to the credit of a separate trust fund for the benefit of the Native sellers.

In 1869 the liability of the Province of Wellington, existent and prospective, for the payment of the 5-per-cents from its land revenue; was commuted by the payment of the sum of £1,200 to the General Government. In the first instance certain expenses of schools and the gratuities given to chiefs were, in virtue of agreement, charged against this fund; but, for reasons that it is beyond the scope of this report to specify, it was found proper to place these charges against other funds. The Natives had freely given up a considerable income in rents; and, as it was not desirable that they should have cause to regret their act, as few deductions as possible were consequently made from the amount that had accumulated. It must not be considered from this that the Natives were underpaid for their land: such does not appear to have been the case, and in a document attached to this report it will be seen that they now admit having received "a high relative price" for their lands. From time to time sums of money were drawn by different chiefs, and flour-mills were given or built for them. Unfortunately, in one instance, where the Natives were given the purchase-money for a mill, the intention was not advantageously carried out by them.

In 1870 Mr. Commissioner Kemp paid the Natives the sum of £2,000 on account. He did not, they state, furnish them with any accounts, or inform them of the balances which remained. Two other sums have been paid since that date.

On receiving your instructions to pay the Natives what was owing, I found that; up to the 30th September, 1873, the amount at credit of the account in the Treasury was £596 3s. 9d. I left Wellington with that amount on the 26th November, and, after transacting some Trust-Commission business at Masterton, met the Natives at Greytown, on the 5th December where the chief Manihera te Rangitakaiwaho, who had been directed to assist me, had collected the various chiefs of the sellers. Mr. Wardell, R.M., kindly presided. I found that certain Europeans had been exercising a pernicious influence with the Natives, in misrepresenting the object and extent of the deductions that had been made from the gross proceeds. The Natives found that the amount I had with me (£596 3s. 9d.) was very small in comparison with the sum of £2,000 paid to them in 1870; and, as land had risen in value, population was coming in, and the place prospering, they could not understand how the amount could be so small. Their counsellors had pointed out these things, but had not told how the income must necessarily be a decreasing one, as the balance of unsold land became annually less, or how the high prices ruling were on private, not Government, land sales. Mistrusting, then, to some extent the accounts, a committee had been organized to scrutinize my figures in regard to areas sold and moneys paid. The committee consisted chiefly of members of the old Hauhau party, and had, as their spokesman, a man who had been active a short time since with Henare Matua at Hawke's Bay and elsewhere. I was not sorry at their determination to attack the accounts vigorously, as I felt assured that the eventual result would be a better acquaintance with the subject than the younger Natives at present had, and a clearing-away of some causes of dissatisfaction. I found it convenient to prepare a debtor and creditor account, block by block, treating each purchase as a separate transaction. The Natives did not at first understand this method; several of the chiefs being interested in a plurality of blocks, and desiring to be paid upon them collectively. The inferior Natives, who were only interested in one block, however, saw the advantage of distinct accounts, and now all desire that the accounts may be rendered to them in such manner in the future.

## Turanganui and Turakirae.

These two blocks are clubbed together because upon them, in common, certain advances had been made—sets-off in the account of the 5-per-cents—payable to the Natives of the Lower Valley.

The accumulation of "koha" on these blocks to 30th September, 1873, together with £77 10s., proceeds of sale of machinery, amounted to £856 16s. 7¼d., against which there were sets-off as follows: Payments to Raniera, £78; ditto for purchase of mill and dressing-machine, £300; ditto by Mr. Kemp, £450: total, £828.

Balance, £28 10s. 7¼d.

There was also a charge of £150 against Turanganui in the early accounts, but not in the more recent. The sum had been given to Raniera, and used by him in paying his debts without the tribe deriving benefit therefrom. There was considerable opposition to any advance for this mill being charged as against "koha." The mill, they said, had never been of service to the people; it had lain in Bethune and Hunter's store, they averred, until liable to £40 as a charge for storage, and was sold at a price below its proper value. The Upper Valley Natives maintained that Raniera had appropriated the proceeds on the eventual sale of the machinery. It was, however, no business of theirs, and I repressed the interference; they were, moreover, wrong. The mill it appeared had been sold in Wellington to the Hon. H. Russell, M.L.C., and Mr. John Russell was in possession of the sum of £77 10s., the net proceeds.

In respect to the Turakirae Block, Manihera and Wi Kingi claimed "koha" for Taita, Mangaroa, and Pakuratahi, stating that the purchase extended over those lands, and even to the source of a stream falling to the West Coast. They produced Mr. J. McKenzie, who stated that at a meeting in 1853, at Turanganui, he heard Sir George Grey tell the selling Natives that the 5-per-cents should extend over those lands. I resisted this, stating that, although their claim to certain land at the Upper Hutt, previously bought of Ngatitama and Ngatiawa, might have been extinguished by the purchases and payments made in 1853, yet it could never have been intended that 5-per-cents could be paid for the Hutt, which, had been sold by the New Zealand Company long previously. On obtaining a copy of the deed from Wellington, it was found that they were in error, the Rimutaka Range being the boundary.

## Tuhitarata.

This is one of the Lower Valley blocks. On account of Manihera and his brother Eruera being amongst the sellers, and their having had nothing to do in the matter of the mill advance to Raniera, it was determined to charge that advance to the debit of Turakirae and Turanganui only.

The total accumulations of "koha" to 30th September, 1873, amounted to £265 4s. 2d.; the payments on account to £200; balance, £65 4s. 2d.; which sum I paid, giving a copy in Maori of the account current.

## Wharekaka and Puhangina.

On this purchase the accumulation of 5-per-cents amounted to £566 12s. 3d., and advances to £255, leaving a balance of £311 12s. 3d. The committee, unable to question anything on the credit (Government) side of the account, attacked the debtor side, and employed a surveyor to check the areas stated to have been sold, and on which the calculations were based, with the area known to be sold on the ground. This occupied three days, and, at the termination of that time we were informed that "the difference found was too slight to be of any account." The money was then taken, and receipts signed in Maori and English, a marginal plan being drawn on each-receipt, to prevent the possibility of any future misapprehension as to locality.

## Moroa and Tauherenikau.

The accumulation of "koha" on this purchase amounted, according to returns, on 30th September, 1873, to £1,027 8s. 1½d.; the charges against the Natives to £366 17s. In November, 1870, Mr. Kemp paid £430 to the sellers, but did not make any specific deduction for the above charges. Manihera and the other Natives interested objected to the set-off of £366 17s. on the following ground: (1) That they had never received the money; (2) that the accounts should have been furnished to them at the time, or, certainly, at last payment; and (3) that the charge for mills, of which this was one, had been promised to be wiped off in the account against them. To the first of these I was able to show that £150 of the money had been asked for in writing by Manihera, and that the sum of £366 17s. had remained constantly in the accounts, while other charges had been wiped out. In reference to the second reason, I was able to offer no sufficient excuse. In reference to the third, I showed that the original cost of mill had been wiped out of the account, but that the charge of £366 17s. was for repairs after the earthquakes of 1855, and was not affected by the circumstances that caused the remission of the charge for the erection. After a long discussion, I was enabled to maintain this charge as a set-off.

In the returns of land sold, as received from Commissioner of Crown Lands previous to leaving Wellington, no account has been taken of about 14,000 acres of sold land, supposed to be within this block, and to lie between the Waiohine and the Waingawa Rivers. Before this matter could be settled it was necessary to

establish, on the ground, the exact position of the boundary of the Moroa purchase, which had never been done by survey. On the 9th of December, in company with Mr. T. E. Young, I went over this boundary, tracing it out on the plan according to the Native names in the deed of cession. We obtained, the services of Hori Taha—a Native well acquainted with the locality and the old names—to point out the positions, while Matiha Mokai and Roimata went to check Hori Taha's accuracy. The tracing attached, marked A, shows, in red, the boundary thus defined. By this it appeared that 14,602 acres had been sold within the limit, and that a further sum of £348 2s., (net 5-per-cents) was due upon it. I obtained this money, and paid it to the Moroa Natives on the 16th instant.

In 1853 the chiefs Manihera te Rangitakaiwaho and Wi Kingi Tutepakehirangi, principal owners of the Moroa District, made a free gift of a block of land to Chief Commissioner McLean, "in consequence of the satisfaction they felt at the manner in which Mr. McLean had conducted land purchases in the vicinity, and the high relative price he had paid to all of them for the adjacent lands." The means of surveying this piece of land were not at the time at command, and, for want of an accurate knowledge of its figure and area, the execution of a deed of gift was deferred until the matter was lost sight of. Nearly all the contiguous land became Crown property by purchase, and this piece, being on either side of the main road from Tauherenikau Bridge to Greytown, was included in a, sectional survey and granted by the Crown. Although given, the land was yet to yield "5-per-cents." Seeing that, in taking receipts for the 5-per-cents, an opportunity presented itself of obtaining a formal ratification of the free gift, and the Natives being well inclined, I drew up, in conjunction with Mr. E. S. Maunsell, licensed interpreter of Greytown, the attached document. (B), by which the two chiefs above mentioned ratify their gift, and fifteen others, principal people of the district, confirm it. The marginal plan attached shows the boundaries-as given by Manihera to me. The area comprised is 5,000 acres. The total accumulation of 5-per-cents on the Moroa and Tauherenikau Blocks was thus £1,375 10s. 1½d.; the advances made were £796 17s.; leaving a balance of £578 13s. 1½d. due to the Natives, which I paid them.

## **Makoura Block.**

The last sales in this block took place in 1861, and the 5-per-cents amounted to £54 8s. 3d. This exhausted the area of the block, and with it the possibility of further accumulation of "koha." The Natives were, on the 4th January, 1863, paid the sum of £54 8s. 3d. In November, 1870, Mr. Kemp paid the sum of £100 on 5-per-cents in this block. The Natives attributed this payment to the high price at which land has been lately sold (privately) in Masterton, and looted to me to make a similar payment to them as Mr. Kemp had made. After a very long and tedious discussion, I caused them to understand the real position of the account and the terms of the contract, and they ceased to ask for payment. I do not show this block in my account current, as I had no payment to make on it; and, by the sale of all its land, it has for some years passed from the list of 5-per-cent. blocks.

## **Whareama Block No. 1.**

On this block I paid the sum of £27 1s. 3d. Mr. Kemp, in 1870, had paid the sum of £110, and the Natives looked for a similar amount from me. On going into the accounts, however, I was able to show them that I was paying all that was due.

## **Whareama Block No. 2.**

On this block the total amount of accumulated 5-per-cents was, in 1870, £111 16s. 1d.; Mr. Kemp paid £110, and £9 15s. have accrued since, thus leaving a balance of £11 11s. 1d., which I paid. The Natives could not understand how so small a sum was at their credit, and were a long time examining the accounts before they were satisfied.

## **Pahaua.**

On this block the accumulations to the 30th September, 1873, amounted to £484 10s. 10½d., and the payments to £350 only; but I found an item on a letter in Dr. Featherston's handwriting, showing that £60 was lent to the late chief Wereta, one of the sellers, in 1862, and I required that it should be regarded as a set-off. After some considerable discussion this was allowed, but great opposition was raised to the payment, in 1872,

of £100 to Te Hei, who was not, they stated, authorized to receive it. This chief woman was at Hawke's Bay, and no one appeared to speak for her. With a great deal of difficulty I induced the Natives to agree to the sum of £45 out of the £100, the decision as to the remainder to stand over until they can have Te Hei face to face with them. There is a sum of £39 0s. 10¾d. recently accrued on "koha" that I have yet in hand, and I propose that it should be detained until the matter is satisfactorily settled.

## Manawatu Block.

Up to 30th June, 1869, the accumulations of 5-per-cents were £88 19s. 4d.; the money paid on account, £54 4s. 11d. Mr. Kemp paid £100, leaving the Natives in debt to the Government in the sum of £65 5s. 7d. The Crown Lands Department had omitted to send in returns of the land sold by the province to the General Government for Scandinavian settlers; hence the sum of £142 10s. had not been carried in the Treasury to the credit of the fund. Finding this out while on the ground, I was enabled to represent the circumstance, and eventually to obtain the money. £79 7s. 2d. was now available for the Natives, who, however, demanded £100, urging the large amount—£3,000 for 4,000 acres—that had been received since last payment of "koha," and the impropriety of their being charged with the sum of £54 4s. 11d. paid to Ngatuere by Hon. W. Mantell's directions so far back as 1863, and respecting which they ought to have received accounts before last payment in 1870 instead of now. This was the most difficult matter of all to settle. Ngatuere's name does not appear amongst the sellers of Manawatu, and it was alleged that he had received the money for private purposes, and not for distribution amongst the sellers. Ngatuere did not appear able to satisfy the meeting; and although the money was eventually taken, and in good temper, yet some of the recipients expressed an intention of inquiring further into the matter.

The excitement caused by the disturbance near Otaki, and subsequently the death of Manihera's sister, very much delayed the proceedings. In pursuance of the expressed wish of the Natives of the Upper Valley, I paid the 5-per-cents for that locality at Masterton. I am happy to say that when the system of accounts was understood, and copies of the accounts current, in Maori, given in respect to each distinct block, all obstructiveness and opposition ceased, and Hikawera, the advocate or spokesman of the Committee, aided me in completing the work, and assisted Mr. Maunsell and myself in obtaining the confirmation of the free gift. With the exception of the outstanding matter of £55, which could not be settled owing to Te Hei's absence at Hawke's Bay, there is now an undisputed and balanced account for each block to the 30th September, 1873, being the day to which each is worked up. The uncertain boundaries of the free-gift land and the Northern Moroa are defined on the sectional plans. The vexatious mill debts at Papawai and the Lower Valley are cleared off, £666 17s. being established and carried to the (Government) credit side of the account. The sum of £60, not in previous accounts, lent by Sir George Grey's direction to the late Wereta Tainui, has been recovered from his people, and £77 10s., proceeds of the sale of machinery to Hon. H. Russell in 1870, obtained from that gentlemen's agent and paid to the Natives whose property it was.

I have to express my sense of the very valuable services of Mr. T. E. Young, who was with me as interpreter, and by whose aid many difficulties that beset the whole subject were cleared away. Mr. Carroll, who succeeded Mr. Young, was very useful, and is, I think, an excellent interpreter.

I have, &c.,

CHARLES  
HEAPHY, Commissioner, Native Reserves.

The Hon. the Native Minister.

*Report on the Payment of the Auckland Ten-per-Cents.* Wellington, 29th May, 1874.  
SIR,—

Pursuant to instructions received from the Hon. the Native Minister, I proceeded to Auckland on the 25th of March last for the purpose of paying the Native sellers of the blocks mentioned below the sums that had accrued to them as 10-per-cents of the proceeds of land sales, in accordance with the terms of the respective



deeds of cession.

The sums that had thus accrued up to the 1st April, 1874, were: Upon Remuera, £1,348 9s. 10d; Paioterangi, £609 14s. 6d.; Hikurangi, £1,653 7s. 2d.; Puatahinga, £432 10s.; Ruakaka, £473 16s. 10d; Mangawhai, £419 13s. 2d.; Hunua, £889 18s. 7d.: total, £5,827 10s. 1d.

There was a similar contract entered, into with the sellers of the Piako Block, in the Thames District, but no land had been sold there.

The contract under which the liability for payment of 10-per-cents occurred was contained in the following words: "It is further agreed by the Queen of England, on her part, that there shall be paid for the following purposes—that is to say, for the founding of schools in which persons of our race may be taught, for the construction of hospitals in which persons of our own race may be tended, for the payment of medical attendance for us, for annuities for our chiefs, or for other purposes of a like nature in which the Natives of this country have an interest—10 per cent., or ten pounds out of every hundred pounds, out of moneys from time to time received for land when it is resold."

The only payments that had ever been made out of the Ten-per-cent. Fund (which had been kept separate at the Treasury) were the following: 1862.—Construction of Orakei Bridge, £538 17s. 5d. and £586 10s; unaccounted for, £20: total, £1,145 7s. 5d. The Orakei Bridge was built in 1862, to connect the peninsula of that name with Remuera, a suburb of Auckland. The largest Native settlement in the district was at Orakei, and the sellers of Remuera consented that a large portion of the cost of the bridge should be charged against the 10-per-cents. Unfortunately, the records of the transaction and all the vouchers for the disbursements save one were lost at the sinking of the "White Swan" steamer.

## Remuera.

At the meeting held with the sellers of Remuera, I placed the accounts before them, and explained the nature of the charges for the bridge. The absence of the papers made it very difficult to make clear the circumstances that had occurred so far back as 1862. The charge for the bridge amounted to £1,125 7s. 5d., and the total money that had accrued to £1,348 9s. 10d., of which sum it was very desirable that about £400 should be appropriated for school and hospital purposes. Thus, if the bridge were paid for, the Natives would have nothing to receive. But the result of careful inquiry revealed that the other section of the Ngatiwhatua Tribe living on the West Coast, between Manukau and Kaipara, had derived considerable benefit from the bridge. They came frequently to Orakei, and even had interests inland there I therefore proposed that, of the sum of £1,125 7s. 5d. for the bridge, £586 10s. should be charged to the Hikurangi, Paioterangi, and Puatahinga Blocks, on the West Coast. This was agreed to by all concerned: the sum of £404 16s. 2½d. was set aside for hospital and educational purposes, and £46 12s. 5d. appropriated (very willingly on the part of the Natives) to the cost of the management of the fund. Finally, I paid Paul Tuhaere and Te Hira the sum of £356 13s. 9d., and have £1 10s. left in hand.

## Paioterangi.

On this West Coast block there had, on the 1st April last, accrued, the sum of £609 14s. 6d. Of this I proposed that £239 15s. 6d. should be devoted to Native schools and hospital purposes, and after a long discussion it was agreed to, the Natives asking that the schools might be established at their settlements on the West Coast.

For the Orakei Bridge £130, 3s. 5d. was set aside, with £20 8s. for the expenses of management. Ultimately, the sum of £211 16s. 0½d. was paid to the Natives, leaving £7 11s. 6d. in hand to meet a possible claim.

## Hikurangi.

To April 1st, 1874, the 10-per-cents accrued on this block amounted to £1,653 7s. 2d. It was agreed, after an exhaustive discussion of the whole subject, that £361 13s. 7d. should be deducted to pay for the bridge, and £57 7s. for expenses of management. I required that £645 16s. 9½d. Should be devoted to hospital and educational purposes, which was agreed to, Natives asking that the schools should be established at their villages. The sum of £588 9s. 9d. remained for distribution to the sellers and their representatives.

On the deed of cession of Hikurangi are the signatures of the Waiuku chiefs Te Katipa and Aihepene

Kaihau. On my proposing to set aside some money for these Natives it was opposed strenuously by the Ngatiwhatua sellers, who asserted that they had no right as owners of the sold land, but had only been paid some money on account of the murder of a relative there. Aihepene Kaihau and Te Katipa's heirs are now in the King country, and until they can have an opportunity of stating their case I propose to retain the sum of £100 14s. 7d., which will cover the outside limit of their claim. I paid the sum of £487 15s. 2d. amongst Te Watarauhi's people and the original territorial owners of, Hikurangi.

## Puatahinga.

This block also lies on the West Coast. To the 1st of April, 1874, there had accrued the sum of £432 10s. The Natives, who fairly represented the original vendors, agreed, after full discussion, that £94 13s. should be charged to the bridge account, and £14 17s. to expenses of administration. They also consented to £168 18s. 6d. being kept for schools and hospitals. The sum of £154 1s. 6d. was then divided amongst those who had sold the land, the survivors of the deceased vendors, Paul and Te Watarauhi, allotting the money. Of the sum last named, £50 on this block and £30 on the Hunua were, at my instance, handed over to Colonel Balneavis and Dr. Goldsbro', the legal guardians of the sons of the deceased chief Isaac Takaanini, who are being educated at the Auckland Grammar School.

## Ruakaka.

On this land, which lies between Whangarei and Waipu, there had, on the 1st April, 1874, accrued the sum of £473 16s. 10d. I went to Whangarei to meet the persons interested in the 10-per-cents, but they were so dispersed at Native meetings and gum-digging that I could make only a few payments. The chief Taurau, and those who were present, representing the sellers, agreed to £236 18s. 5d. being appropriated to education and hospitals, and £16 5s. 4d. to the expenses of administration. This left £220 13s. 1d. for distribution amongst the Native sellers. Finding that the Natives did not come to Whangarei, I convened a meeting for Mahurangi—a central place for the scattered people interested in this and the Mangawhai Block,—but they did not meet me there. Ultimately I found in various places a few more of those interested, and made payments to the extent of £35, but found it necessary to leave with Mr. Robert Mair, at Whangarei, and the Rev. Mr. Gittos, at Kaipara, blank receipt-forms to be signed by certain indicated Natives, to whom I can remit the respective amounts that have been decided upon. I may state that the Ruakaka Natives had entirely forgotten the stipulation relating to 10-per-cents.

## Mangawhai.

This was a very difficult case to deal with, there being no less than fifty-eight parties to the sale, the majority of whom were dead, but whose descendants had to be found: the money to be divided—£419 13s. 2d.—the smallest of all. These people failing to appear at Whangarei and Mahurangi, I met the principal of their chiefs at Auckland and other places, and they agreed to deal with the money in the following manner—namely: to appropriate to schools and hospitals £209 16s. 7d.; to expenses of administration, £14 6s. 6d.; and to presents, £195 10s 1d.: total, £419 13s 2d.

The chiefs Adman Karaka and Eranihi Paikea, principal men in the sale, gave me valuable assistance in allocating the amounts to the respective claimants. They had all quite forgotten the circumstance of the stipulation, and expressed their gratification at the Government having taken care of their interests. In this case, after paying £68 to those present, I had also to leave blank-receipt-forms with Mr. Commissioner Kemp, the Rev. Mr. Gittos, and Mr. R. Mair, to be signed by the absent Natives, to whom I promised to remit the amounts decided on.

## Hunua.

On this block, which lies immediately to the east of Drury, there had accrued, to 1st April, 1874, the sum of £889 18s. 7d. On assembling the Natives interested in this block, a difficulty occurred: the chief Hori Whetuki (Long George), of the adjacent Wairoa Valley, appeared and declared that his claim—a considerable one—to the Hunua had never been extinguished. He further said that he was absent from sickness at the time of the sale,

and that his friends had not attended to his interests. He now demanded such a share of the 10-per-cents as would be equivalent to the share he ought to have originally received. Of course the claim involved a long discussion; but from the evidence of disinterested persons, and the admissions of those who had sold the land, it appeared that the claim was a valid one. Honetana and the other sellers were consequently induced to hand over to Hori Whetuki a share of the money divisible amongst them as large as that which he ought to have received at first. Hori then signed a receipt for the 10-per-cent. money as one of the sellers of the Hunua Block, and all parties were satisfied.

In this case; also, I had to keep back some money for two Natives who are at present in the King country. It was argued by the people present, in this case as at Hikurangi, that such Natives, by having thrown off their allegiance to the Queen, or from having become Hauhaus, had disentitled themselves to participation in the money now being paid—in fact, that their interests ought to be confiscated in favour of the more loyal of the sellers. I told them that the idea could not be entertained: the absentees had kept to their side of the contract, and the question of their faith or place of residence could not be considered. Opposition then ceased, and it was agreed that £444 19s 3½d. should be set aside for the schools to be established and for hospital purpose, and £30 11s. for expenses of management. This left £414 8s. 3½d. to be divided amongst them. I paid £364 8s. 3½d. and retained £50 to meet any claims that absentees in the King country or elsewhere may make good.

The total amount set aside to cover expenses of administration of fund, which includes passages to Auckland and back, visits to Whangarei, Mahurangi, Waikato, &c., is £200 7s. 3d.; for schools and hospitals, £2,351 1s. 4d.; for distribution to Natives, £2,149 3s. 11d. Of the last above sum, £1,677 14s. 8d. has been paid, and £472 19s. 3d. is in the fund, and available for distribution when certain claims are decided on and certain receipts obtained.

It was not, by the terms of the several contracts, necessarily incumbent to obtain the acquiescence of the Natives to the partition of the fund as above mentioned, but I considered it judicious to obtain it to prevent possible dispute hereafter, while I indicated that it was not to form a precedent to govern any future payments. The general effect of what has been done has, I think, shown that the Government keeps faith in respect to its obligations, however negligent and forgetful the Natives may occasionally be of the interests of themselves and those who will succeed them.

I have to express my thanks to Mr. George Brown, whose services as interpreter were kindly placed at my disposal by Mr. Commissioner Kemp, and who was very useful in explaining the accounts.

CHARLES HEAPHY,

Commissioner of Native Reserves. The Under-Secretary, Native Department.

P.S.—Accounts and receipts are appended.

## **STATEMENT of EXPENDITURE of Sum of £2,340 19s. 4d., advanced to Commissioner of Native Reserves, on Interest, to pay Auckland Ten-per-Cents.**

Paid Remuera Natives, £356 13s. 9d.; Hikurangi Natives, £487 15s. 2d.; Paioterangi Natives, £211 16s.; Puatahinga Natives, £154 1s. 6d.; Hunua Natives, £364 8s. 3d.; Ruakaka Natives, £35; Mangawhai Natives, £68—£1,677 14s. 8d.; balance paid to Public Account, 30th May, 1874, £663 4s. 8d.: total, £2,340 19s. 4d.

CHARLES HEAPHY, Commissioner, Native Reserves.

## **Schedule.**

*On the Nature of Land Tenure.* Akaroa, 15th. August, 1843.

SIR,—

In reply to your letter dated the 19th November, 1842, I have the honour to communicate to you the

information which I have been able to collect relative to the nature of the tenure whereby lands are held among the Natives.

## Original Immigration.

According to Native tradition these Islands were first inhabited by the present race, who left their own country—one of the Polynesian Islands—on account of some national disturbance. This probably happened, between five and six hundred years ago. Several canoes are said to have sailed about the same time to seek new lands. Part of them only reached this shore, and the spot where each was finally drawn to land was taken possession of by the crew, who spread themselves from that centre over the more fertile districts, till they became a numerous tribe. In confirmation of the truth of this it is worthy of remark that each of the grand divisions into which the Natives of the Northern Island may be divided has its own characteristic dialect; and it seems probable that the term "*waka*" (canoe), which is also used to denote these primary divisions, has reference to this origin of the tribe.

## Division of Tribes.

At the present day these *waka* are divided into many distinct "*iwi*," each of which is again sub-divided into hapu, or smaller communities. These *iwi*, although descended from common ancestors, have, through quarrels respecting their lands and women, imbibed hatreds to each other which keep them in continual feuds, forgotten only for a while; when assailed by a common enemy they unite for mutual protection, as the tribes of Waikato did when attacked by Ngapuhi.

## Division of Lands.

The territory claimed by a *waka* is subdivided again into districts, each of which is claimed by an *iwi*. These are again variously apportioned among the different hapu and families of chiefs.

## Town and Suburban Allotments.

In the immediate vicinity of a pa the land is more minutely subdivided amongst its inmates, nearly every person having his own small cultivation-ground or holding some spot in common with other members of his family.

## Difficult to purchase.

This circumstance would render it very difficult for Europeans to purchase lands once so occupied, even though the pa may have been deserted for many years, as every man whose ancestors cultivated there will expect his claim to be satisfied.

## Landowners.

The chiefs are the principal landholders. Every individual person, so far as I have been able to learn, has his own estate which he has inherited from his branch of the family, and which he cultivates as he pleases.

## Descent of Property.

The sons of a chief may during his lifetime select kaingas (farms) from their father's estate; but the larger portions are cultivated in common by the different members of the family. When a daughter marries a small farm is generally given to her, which however reverts to her brothers should she die without issue. On the death of the father, the eldest son chooses some part of the land for himself; the others do the same, the daughters obtaining only so much, as their father or brothers choose to leave them.

This order of things is sometimes changed in case the elder brother is of a quiet disposition, and his younger brother happens to be a *toa* (a. turbulent fellow). The latter will then grasp the bulk of the property to the exclusion of the rest, even during his father's lifetime; and he is, in the opinion of his tribe, entitled to respect for this show of spirit. The husband of a sister is at liberty to do the same if he can. The other members of the family then sink to the condition of "tutua," or insignificant persons, retaining only their right to their kaingas or cultivation-grounds.

## Ngatiwhakaue.

Ngatiwhakaue, perhaps the most important tribe in the Island, seem to carry to a great extent this system of raising one member of the family at the expense of the rest.

## Hereditary Title, and Rights by Conquest.

A chief, when speaking of the title by which he holds his lands, never fails to make a distinction between those which he has inherited from his ancestors and those which he or his ancestors have obtained by conquest. Over the former his right is universally recognized. The latter appear to be tenable only so long as the party in possession is the more powerful. The claim which he advances is, however, quite characteristic of the people—viz., that they are the *utu*, or compensation for the death of his relatives who perished in the fight. It is from purchasing lands the right to which is thus contested by two hostile parties, either of whom will gladly avail himself of an opportunity to sell independently of the other, that Europeans have unwarily fallen into so many difficulties.

## Disputed Lands.

Besides the lands thus held there are large districts on the borders of different tribes which remain uncultivated. These "kainga tautohe," or debatable lands, are a never-failing cause of war till one party has lost its principal men. The remnant then cease to have any political importance, and are reduced to the condition of mere cultivators of the soil, being contemptuously styled "toenga-kai," or offal.

## Family Contentious.

When a dispute arises between members of the same tribe as to who is the rightful owner of a piece of land, the principal persons on both sides meet together to discuss the affair. Their pedigrees are traced, and the ancestor from whom either party claims is declared. Any proof that an act of ownership (such as cultivating, building a house, setting pit-falls for rats, or erecting eel-weirs) was once exercised without opposition by one of these ancestors, is considered sufficient evidence of the right of his descendants to the land. I have been present during such discussions, but have never known them terminated in an orderly manner, nor have I since learnt that any advance had been made thereby towards settling the question.

I have &c;

EDWARD SHORTHAND, Sub-Protector, East District.

G. Clarke, Esq., Chief Protector of Aborigines.

**No. 2. The CHIEF PROTECTOR to the Hon. the COLONIAL SECRETARY.**

*On the Native Tenure of Land.* Protector's Office, Auckland, 17th October, 1843.  
SIR,—

Referring to your letter of the 15th December, 1842, requesting me to furnish information of the tenure by which the Natives hold their lands, I do myself the honour to submit the following remarks, founded upon my own observation and experience, and the reports furnished to me by the junior members of my department, for the information of His Excellency the Officer Administering the Government.

The time, place, the number of families who first landed on the shores of New Zealand, and whether such landing was effected only at one period and at one particular spot, or at different times and different places, are questions involving much uncertainty, and will, I think, be esteemed unimportant to the present subject of inquiry. The Natives universally acknowledge one common origin; and the fact of their speaking one language, with very trifling variations of dialect, and observing the same customs, corroborates it. Different places, both on the East and West Coasts, are claimed by different tribes as the spot where the canoes of their ancestors first landed, and all agree that "Maui" was the name of their great progenitor. The "tohungas," or wise men, pride themselves on being able to trace the genealogy of their families up to "Maui;" some reckoning as far as twenty-six generations, which, allowing thirty years for each generation, would make the period of their landing about seven hundred and eighty years ago, or in the year 1063.

From a very early period the whole of New Zealand seems to have been divided into districts accurately defined generally by mountain-ranges or rivers, and must have been well known by the accurate description they have given to every little creek, valley, promontory, and bay throughout the Island, the names of which have been handed down by tradition from generation to generation, and which will continue to define the territorial rights of the chiefs descended from the early proprietors.

If, as is the general impression of all who have given their attention to this subject, the Natives immigrated at different periods, we have at once a clue to the origin of titles. Each migration landed, subdued, and laid claim to a certain district now claimed by their posterity; and each party most probably acknowledged a leader, either nominated or assuming such character by superior powers, who would naturally be considered as the first chief of the *iwi* or tribe. Their children, and a portion of the *iwi* or tribe who might attach themselves to each particular child, may be considered as giving rise to the different hapu or lesser tribes; who, although a part of the original family, would form a separate and distinct community, uniting, however, in time of war to repel the common enemy, but claiming and exercising independent interests in the soil in time of peace. This at once brings me to the relation in which one tribe stands to another, the nature of their titles, and the causes of quarrel between the hapu as well as the general wars with the common enemy.

To illustrate this subject I will take the northern division of this Island, which is called the residence of the Ngapuhis: that is to say, the Natives living between the North Cape and Whangarei would be invariably styled Ngapuhi by the inhabitants of the Thames and Waikato. Nevertheless the district includes numberless hapu or smaller tribes with independent interests, and not unfrequently at war with each other. The Thames Natives, on the other hand, are known to the Ngapuhi as a body by the name of Ngatimaru; but they are divided amongst themselves into four or five considerable tribes, and these again into many hapus who unite for the common weal. Again, bravery in war and consequent power and rank as a chief will not always determine the individual a land proprietor: a man may be a great general, but a small landholder. From hence numberless mistakes have arisen amongst Europeans, who have thought themselves especially safe in purchasing land from a powerful chief, supposing that he must of necessity be a large landed proprietor; whereas he may have assumed most of his territorial rights, and the titles by which he claims may not only be disputed but rejected. It is astonishing what pains have been taken by Europeans with Native warriors to persuade them that, as conquerors, they had larger territorial rights, and ought to assert and obtain them by any means, however contrary to Native usages; and in not a few instances large deposits have been given to these chiefs by Europeans for lands thus claimed by assumption.

At what time the boundaries of the districts of the respective chiefs of the Island were defined as we now find them, it is impossible to ascertain; but I think, from the statements of the most respectable chiefs, it may be inferred that the general division of this country was made at least two centuries ago. The Ngapuhi, notwithstanding their extensive conquests, obtained within the last twenty-five years, still confine themselves to their ancient territorial rights, and the Ngatiwhatua, although oftentimes defeated and almost annihilated, still assert their claim to the territorial possessions of their ancestors.

It is then, I think, evident, that the chiefs of every tribe and hapu, as well as the head of every family belonging to the tribe or hapu, have distinct claims and titles to lands within their respective districts. At the same time it must be remembered that they have joint interests in many of the lands. The particular claims of the

chiefs, hapus, and families are to lands either subdued or brought into cultivation, or upon which they have exercised some act of ownership — lands where they have been accustomed to procure flax or erect their weirs for catching eels, or where they have built a substantial house: in such cases they claim a particular property; none but the person so claiming can give a title to the land; nor can he be dispossessed thereof. He may forfeit his right by accidentally killing a neighbour, by adultery, or by migrating to a different tribe and district. In either of the former cases the land is taken possession of by the injured party, whose title is recognized as good by the tribe in general; in the latter case the possession reverts to the relatives of the emigrant. With the exception of these cases of forfeiture they descend from father to son in regular succession; the eldest son inheriting his father's rights, the younger brother claiming also a portion. In the event of no issue from the elder brother the property reverts to the second son of the family, and this continues in the line of the brother or brother's children.

If a chief has a large family, they are each early taught to acquire an individual or particular property both in the soil and its produce, by the following plan: As soon as a child is able to plant a potato he is provided by his parents with a basket of seed, a piece of land is prepared he plants his basket of seed upon it, and has henceforth an exclusive claim not only upon the produce but on the land itself, which ever after is considered to be his property. Sometimes a slave is set apart to provide for a child from his infancy, and to him the basket of seed is intrusted. By this procedure a double object is effected. The children are early habituated to habits of industry, and provision is made for their maintenance in some measure independent of the parent; but at the same time it must be confessed that the plan tends very much to weaken parental authority, and creates a premature spirit of independence in the child, who is not only maintained and clothed out of the produce of his own land, but from the same source derives a fund which procures him his gunpowder, implements of agriculture, &c.: in short, it is the seed of his own and his family's future prosperity. In this way families hoe and cultivate their own ground, enlarging their cultivations from time to time, thereby establishing an indisputable title to such lands as their special and particular property.

In other respects their claims and titles become more general, the hapus and families claiming in common with the principal chiefs what may be very properly termed their waste lands; but even here they must be able to substantiate some sort of title which is considered equitable, such as having been the first discoverers, having kindled their ovens, built canoes, or exercised some such other act of ownership which gives them the preference over these lands. The families have, in common with the chiefs, the right of keeping pigs, gathering flax, shooting or snaring pigeons, catching rats, ducks, kiwi, digging fern-root, &c., or of gathering the natural productions of the woods and open country for the purpose of food &c.; every individual of the tribe having and exercising these privileges in common, but still acknowledging the rights of some family or individual member of a family to dispose of such property—that is, as president, head of the family, or chief of the tribe or hapu, to make the first proposal for such an alienation—yet they would not consider the purchase valid without the consent of the majority of the principal men of the tribe, and of the payment for the same every individual would expect to receive his appropriate share. Lands that are thus possessed in common, involving the interests of so many claimants, are exceedingly difficult to purchase, and may be reckoned as among the most fruitful sources of quarrels and disturbances. It frequently happens that two Natives, equally interested in the same lands, disagree on the question of its disposal: one is willing and anxious to sell, the other is not, and numberless animosities originate from this source.

This common right and title to property is not confined exclusively to land, but embraces almost every other description of property. A canoe generally belongs to a family, and sometimes to a hapu, in consequence of each individual assisting in its formation or advancing a portion of his property for its payment. A cow or horse may have twenty claimants; and it was not an uncommon thing a few years ago for an axe or a spade to belong to three or four individuals, and a musket, to ten or twelve, each individual having contributed something towards the purchase of these articles. A blanket, bought with the proceeds of a child's farm, would be recognized as the property of the child, although appropriated to the use of the parents, and any attempt to alienate such property without the concurrence of all concerned would be resisted as unjust and oppressive; and the buyer, even supposing him to have given double the value of the property, would be considered equally culpable with the other. No people in the world are more particular than the Natives on these subjects, and more especially in regard to their lands; and, in order to avoid quarrelling, furrows or watercourses are usually formed in their family cultivations, in order to divide and designate particular property; and on the same principle, and for the same reason, if a little more distantly related, and these cultivations are adjacent to each other, a dividing lot of uncultivated land will be left, or a small patch of wooded land to which both parties have an equal claim, but which neither dare destroy for fear of exciting suspicion of encroachment and thereby generating a quarrel. Between distant tribes there is universally a much larger space of common unoccupied property left for the same purpose, and but very few tribes are neighbourly enough to venture to cultivate on the opposite banks of the same river unless they are desirous of collision. Such are their natural jealousies on this

subject; hence it is no uncommon thing to find a space of some miles of uninhabited and uncultivated country forming the grand division of the district.

To obtain a specific title to lands which are held in common, there must be, as I observed before, some additional circumstances to support such pretensions, as subduing and appropriating, or exercising any particular act of ownership upon the land in question: the first discovery of a tree, the shooting of a pigeon, constructing an eel-weir, digging fern-root, making a Native path or foot road, the accidental loss of a friend on such spot, receiving a wound or recovering from sickness at such place—all or any of these acts give an undeniable right to special property in land heretofore considered common; and, frivolous as the origin of such titles may appear in the estimation of civilized nations, I very much question whether better could be produced to a vast deal of our own possessions. Surely if the first discovery of an island, whether inhabited or not, is admitted as establishing a valid claim to some of the most important countries in the world, the Native title; founded both upon discovery and possession, is still more apparent; and their usages in the acquirement of special titles are the most natural and reasonable that can be adduced by any nation or people.

The changes that have taken place upon the Island during the last century do not appear to be very important. The Ngapuhi, as a body, still claim the northern part of the Island, the Ngatimaru the Thames, the Waikato Natives their district, and so on throughout the Island. Nevertheless they have been continually at war with each other, and many changes have taken place in the internal divisions of the country. Sometimes a tribe has been defeated and driven to the extreme of its district, yet always returning and eventually claiming the same territory. Twenty years ago there was not a Native on the Thames in consequence of Hongi's wars; they were driven into the interior; not a native of Waikato was to be seen within a hundred miles of Auckland, nor a vestige of the Ngatiwhatua Tribe, as an independent people, to be discerned: but since then the Ngatimaru have returned to this part of their district, the Waikato to the Heads of Manukau, and the Ngatiwhatua to Waitemata and Kaipara. From these facts it appears pretty evident that conquest, unless followed by possession, forms no title. Were the Ngapuhi to claim the right of selling or exercising the sovereignty over the Districts of the Thames, Kaipara, or Waikato, in virtue of their former conquests, their pretensions would be treated as contemptible and absurd; and so distinctly is this principle recognized that I have no doubt that any attempt to support and maintain the validity of titles derived from conquest only, would be met by a most determined resistance, even if attempted by Her Majesty's Government. I have known slaves tenaciously maintaining their territorial rights while in a state of captivity, but I never knew a master to claim by virtue of his slave, or attempt to advance any pretensions founded upon the capture of a landed proprietor; but I have had large offers of land for sale by Natives who are still in captivity, and have been warmly reproved by these men for doubting the validity of their titles.

As I have already observed, great changes have taken place in the internal regulations and divisions of the districts, and in many cases lands have completely changed owners; but in every case that I can recollect possession has followed immediately upon conquest. There is scarcely a spot in the Bay of Islands but has changed masters—where the conquered either amalgamated with their conquerors or retired to a distinct part of their possessions. By the latter step they maintain their independence, and still claim all the lands not actually in possession of their conquerors; but by the former they only claim what they cultivate specially, and in common with their conquerors, but conceding to them the precedence. In this way Paroa, Kororareka, Whangarei, and the North Cape have completely changed hands, and are now possessed by different tribes from those who held them twenty years ago.

Tribes who live upon the borders of districts commonly intermarry with their neighbours on either hand, and are very often neutral in wars which occur between the two tribes to whom they are related. If the invasion comes from the right, they fly to the district of their invading relatives, and are generally employed in negotiating peace with those on the left, and invariably afford protection and shelter to refugees; but they claim no right to territory in virtue of their offices of kindness, not even if the defeated party who flew to them for succour should become amalgamated with their tribe. For instance, Tirarau, Matiu, and Parore, who are Ngapuhi chiefs, sheltered a great number of the Ngatiwhatuas, who fled before the victorious Hongi, and for many years they lived and cultivated together; but neither of these chiefs claimed the land of their *protégés*. Several sales of land about Kaipara belonging to the Ngatiwhatua were effected during the time the parties lived together, but reference was always made to those who had placed themselves under protection, and their title as the original owners of the soil invariably acknowledged. Nevertheless the price or consideration given for the land would be divided amongst both parties, protectors and protected; but the purchaser would have no valid title to the land who bought it of the protectors irrespective of the protected. Again, in gratitude for services performed, a piece of land might be presented by such parties to their protectors, who would thenceforth claim in virtue of the gift; but, on the other hand, land allotted by the protectors to those who fled to them for protection for the purposes of cultivation would not be considered as alienated—the protected only claiming so long as they cultivated. Neither would they be consulted in effecting a sale of the land, excepting



upon those precise localities which they had in actual occupation. In the event of such cultivation being abandoned it would revert to the person who granted it, unless he married and resumed it as the dowry of his wife; it would then be hers and descend to her lawful heirs, but in default of issue of her body it would revert to his family.

By intermarriages chiefs sometimes claim in distinct districts, in which case it is usual to send a child of the family to the spot to maintain his father's or mother's territorial rights. In this way the Ngapuhi chief Moka, who had a large family by his slave wife from Whakatane, sent one of his sons to take possession of the property claimed through his wife. The child's title would be immediately acknowledged, although the father himself would not be allowed to lay claim to an acre. Te Uira, who was a Ngapuhi chief, but living in Hawke's Bay, sent up his son to the Bay of Islands to take possession of his property; the claim was universally admitted, and he has since sold several portions of the land undisputed. But, if the parent neglects to take possession or maintain his child's title by sending some branch of the family to the spot, I very much question whether the grandchild could maintain or make good his title.

The claim to Taranaki by the Waikato Natives is good so far as they have taken possession; but they did not wholly succeed in driving the Natives out of that district, who maintained their independence by resorting to the different pas along the coast. I should therefore consider the principal right to the land at Taranaki still vested in the original inhabitants.

Again, the titles of the tribes about Port Nicholson to the land in the Taranaki District cannot be wholly extinct if they have kept up a friendly intercourse with the residents. Rauparaha, who conquered and took possession of part of this country, would, in connection with his followers in the vicinity of Cook Strait, have large claims, but his title would no doubt be disputed by the original proprietors so soon as they were in a position to maintain their claim. A tribe never ceases to maintain its claim to the land of its fathers, nor could a purchase be considered complete and valid without the concurrence of the original proprietors. If a conqueror spare the lives of the conquered, and they thenceforth become amalgamated with his own tribe, he infallibly secures his own title, uniting the claims of the original possessors with his own. A striking instance of this sort occurred in the northern part of the Island. The chief Hongi, in selling a portion of land to the Church Missionary Society for a mission-station, acted upon this principle. The original proprietors were greatly reduced as a tribe, and were driven from many portions of their district by Hongi's people. Peace being restored they amalgamated themselves with their enemies. Hongi, in order to secure his title and to show his respect for the customs of the Natives, upon receiving the price of the land in question presented the whole to the most influential chief of the reduced tribe to secure his approbation of the sale, which by this means was accomplished, and the payment was, as a matter of course, returned to Hongi. The same chief, Hongi, was urged to give up a small piece of cultivated ground to a Mr. Stack as presenting a more eligible site; but, though he wished much to oblige his friends the missionaries, and was in the best position for doing so, being by far the most influential chief of the northern portion of the Island, he distinctly stated that he could not do it: if the missionaries wanted the land they must treat with the people who cultivated it, to whom alone it belonged. I mention these facts to show how very tenaciously they maintain their customs and usages on all subjects connected with their lands; so much so that a title would be considered doubtful if, during the negotiations for the sale, objections against parting with it were overruled by the importunity of the buyer. The Natives cannot stand against the importunity of those they deem their friends, and never fail to say in such a case that a consent was extorted from them. The person who makes the first proposal to alienate a piece of land is in the most disadvantageous position, and on him is thrown all the blame in case disputes arise. Possession of land, even for a number of years, does not give a right to alienate such property to Europeans without consent of the original donor of the land; but it may be continued in the possession of the descendants of the grantee to the latest generation.

The foregoing are some of the most important features of the nature of the tenure whereby Natives hold their lands, and embrace all the most prominent points of information contained in the remarks of the gentlemen of my department who have reported to me on the subject.

I have &c;

GEORGE CLARKE, Chief Protector.

The Hon. the Colonial Secretary.

# **No. 3. MEMORANDUM from the CHIEF PROTECTOR of ABORIGINES on the TERRITORIAL RIGHTS of NATIVES when in CAPTIVITY.**

MEMORANDUM for His Excellency the Governor, showing that the New Zealanders do not forfeit their territorial rights by being carried into captivity or becoming captives.

- The wife of Moka, one of the principal chiefs of the Bay of Islands, was a captive from Whakatane, of the Whakatohea Tribe. She had several children by Moka, the eldest of which was sent to Whakatane by his mother, to claim her territorial rights. His grandfather and uncles all acknowledged the equity of the claim, and the lands are held in trust for the children by their uncles. Had the chief Moka presumed to have claimed an acre of these lands in virtue of conquest the claim would have been treated with contempt.
- Puhe, a Ngapuhi chief, captured the daughter of a respectable chief in the vicinity of the East Cape; he afterwards married her, and had a family by her. In consequence of some disagreement with his tribe, she advised him, and ultimately prevailed upon him, to leave his tribe and proceed with her to the East Cape to live upon her lands, where they at present reside were this chief to assume a right to these lands, grounded upon conquest, it would cost him his life. By his wife's consent and that of her friends he resides there; he is looked upon as an alien, and considers himself in the light of a voluntary exile.
- Pata, a respectable chief from Maungatautari, near Waikato, was taken captive by the chief Tareha, of the Bay of Islands. Pata offered to sell to some Europeans a tract of country which he claimed near Waikato; doubts were expressed as to the validity of his claims, he being a captive. They were expressed to his capturer Tareha, who seemed astonished at the objections grounded upon his being a captive. Pata has since returned to take possession of these lands, and is now living thereon.
- In the year 1839 the following captives, who had been living some years as such among the Ngapuhi chiefs—viz., William Hakopa, Abraham Koroka, Edward Wana, James Waiapu, with others whose names I do not now remember—these Natives all returned to their respective lands at East Cape and Poverty Bay; they retain their rank as chiefs, claiming their landed property. Many of them are ornaments to Christianity.
- A number of Natives, captives from Tauranga, Bay of Plenty, have from time to time returned to their friends, and their territorial claims have never been disputed by their countrymen on the ground that they were once captives.
- I could add largely to this list were it necessary, in instances of the like usages amongst the Thames tribes, the Waikato, and other tribes, showing the return of the Natives from captivity, and their being placed in the same position they were in before their captivity. The cases I have alluded to all took place before the colonization of New Zealand, and long before anything of the New Zealand Company was known.
- I have refrained from naming cases in connection with the New Zealand Company's settlements, although I have a distinct recollection of some cases in point there. In their first settlement a young man named Davis, a landholder now living at Wellington, was a captive from Ngapuhi, and his influence has often been used by the gentlemen of Wellington in times of trouble.

GEORGE CLARKE,

Chief Protector Aborigines.  
1st October, 1844.

## **MEMORANDUM by the NATIVE SECRETARY on the NATIVE TERRITORIAL BILL.**

IN reference to some of the provisions of the Native Territorial Bill, I beg to submit the following

observations:—

The change contemplated by this Bill would confuse the Native mind; disturb existing treaties with them, cause new complications in reference to title, and very much increase the difficulty of obtaining land in blocks of sufficient extent to promote systematic English settlement. Nothing will complicate or retard the purchase of land from the Natives so much as the existence of different modes for its acquisition. Land is now being acquired in large quantities; the Native title to the whole of the available land in the Wellington Province, except about 1,000,000 acres, is already extinguished; large blocks contiguous to each other are being acquired at a moderate cost in the Auckland Province; and it does not appear that a change, which would induce speculation and competition in acquiring only isolated spots of the best land, would tend to a peaceable settlement of the country. It is true that the Bill proposes certain restrictions and prohibitions; but when a spirit of speculation in land is once created and sanctioned, by legislation it would become a most difficult and invidious task for the Government in many cases to enforce such restrictions. The Natives themselves, who are much interested, do not desire any change, excepting, perhaps, a few who are deeply involved in debt, and who would make any sacrifice to be relieved from their creditors. It would not, therefore, be just to compromise the interests and wishes of the people generally for the sake of those few. It is well ascertained that the New Zealand tribes regard their land as national property, the cession of which, when decided on, they prefer making as a national act to Her Majesty, even while they are aware that the sums to be realized by such cessions are inconsiderable. Nor do they generally attach so much importance to the pecuniary consideration received, for land held by them in common, as to the future consequences resulting from its alienation. The limits and restrictions imposed by this Bill, together with the charge of 10s. per acre on all land when transferred to, Europeans, would be regarded by the Natives as an unfair interference with their rights, and an unjust exaction of money for land to which they had established a valid title at their own expense.

For these and other reasons which might be adduced, I consider the Bill in its present shape open to serious objections, inasmuch as the first object proposed by it—that of accurately defining Native title—might be attained without attempting to modify such title in the manner therein contemplated; and the second object proposed by it—viz., that of facilitating the acquisition of land by persons settling in the colony—is one for which existing arrangements fully provide.

The foregoing are the objections I have to offer to the first Bill of which a draft has been referred to me I have now to offer some observations on the second Bill which is before the House of Representatives.

Much of what I have already stated with regard to the first Bill is also applicable to the second. The 8th clause provides that "The Native Districts Registration Act, 1858," may have jurisdiction over lands to which the Native title is extinguished.

No part of the Bill contains any such provision; the clauses referred to are contained in the Native Districts Regulation Act. But the jurisdiction of the Circuit Court can only arise under regulations approved of by the Governor in Council; it is therefore absolutely discretionary with the Executive whether such a jurisdiction shall ever be created.—C.W.R.

I do not consider that jurisdiction should be given to a Court composed of a promiscuous Native jury to adjudicate on the conflicting questions of territorial rights that may be referred to it as it is evident that the New Zealand chiefs would not abide by the decision of Courts the members of which might in many instances be the slaves of the chiefs on whose rights they were called upon to pass judgment. The confidence with which the Natives refer to the Governor for the adjustment of such questions should not be in any way shaken or disturbed. The charge of 10s. per acre (*vide* 11th clause), on alienation to Europeans, is open to the objections I have pointed out in the previous Bill, and the proposal to expend the money within the district in which such alienation takes place is calculated to benefit not so much the Native seller as the European purchaser. The limitation in clause 12 would be destructive to the operation of an Act which, if found beneficial in its tendency, should not, I submit, be subject to such restrictions, inasmuch as only a fractional part of the Native population could then avail themselves of it; whereas all Acts having reference to the territorial rights of the Natives should be general, impartial, and admit of extended operation.

If found beneficial, the Act might of course be extended. It appears unreasonable to insist that the Colonial Legislature shall altogether abandon its control over a subject which on all hands is admitted to be one of great difficulty and magnitude. It is not questioned that the limit of area imposed by the Bill—viz., 50,000 acres per annum—amply suffices for all present requirements of the Native population.—C.W.R.

Having thus stated my objections to the Bills referred to, I submit herewith some suggestions on which a Bill might be framed to meet the present requirements for issuing Crown titles to Natives.

Auckland,

25th June, 1858.

## Minute by Ministers.

In general reply to this memorandum, it is sufficient to state—First, that the greater part of the arguments used by the Native Secretary apply to a draft Bill never introduced or even approved of by Ministers, to which the Native Secretary was quite unjustified in referring; secondly, that the Native Secretary concludes by recommending a plan substantially identical with, indeed copied in all its provisions from, the Bill introduced by Ministers and reserved for Her Majesty's assent, but destitute of any safeguard against the rashest actions on the part of the Executive. The points of real difference between the Ministers and the Native Secretary are discussed in memorandum of the former dated 29th September, 1858.—C.W.R.

## MEMORANDUM by the NATIVE SECRETARY on the INDIVIDUALIZATION of NATIVE LANDS.

Auckland, 28th June, 1858.

It being desirable that provision should be made in certain cases to effect a partition of land held in common by the Natives as tribes, with the view of enabling the Government to issue Crown titles to individual Natives, and that preliminary steps should be taken for this purpose,—Firstly. It should be ascertained that the parties claiming such land are the real owners thereof, and that they are desirous of making such partition. The said owners should then prefer a request in writing to the Governor that a Crown grant of such land be issued to each or any of the said owners, setting forth also in writing in what manner they are agreed to partition such land. It should thereupon be lawful for the Governor, if he deems it advisable, to appoint Commissioners to investigate such claim and report thereon. Secondly. It should be the duty of these Commissioners to inquire into, ascertain, and set forth the situation, boundaries, and estimated extent of the said land; the names of the persons who are the owners thereof, or who may have any claim or interest therein; and the proposed partition of the same, together with any other particulars which may be calculated to assist the Governor in determining on the propriety of issuing a Crown title. Thirdly If, upon the consideration of such report, it shall appear to the Governor that it is desirable that the said land or any part thereof, should be dealt with in this manner, the Governor may direct that a survey and accurate description of the boundaries of the land be prepared, at the expense of the owners, by a surveyor to be appointed or approved of by him. Fourthly. When it is established to the satisfaction of the Governor that such Natives are entitled to such piece or parcel of land as joint owners thereof, and that it shall appear desirable that such land shall be granted to such Native owners respectively in severalty, then it shall be lawful for the Governor, upon such lands being ceded by such Native owners to Her Majesty for that purpose, to cause a subdivision thereof to be made in accordance with such proposal as aforesaid, and to make a Crown grant thereof in the usual form to each such owner and his heirs and assigns in fee-simple: provided, however, that if it shall appear to the Governor to be desirable in any particular case to restrict the alienability of the land comprised in any such grant, it shall be lawful for him, by the provisions of such grant, to restrict in such manner and to such extent as he shall see fit the alienation thereof. The grant should not issue until the Government is reimbursed for the expense attending such inquiry and partition as aforesaid. Every such grant should be considered a good, valid, and effectual conveyance, &c.

Half-castes of the aboriginal native race may be deemed to be persons of the Native race for the purposes of the Act. It should also apply to any individual Native claiming to be the sole owner of any piece or portion of land. In connection with the subdivision or partition of Native land it would be also desirable to empower the Governor, if solicited by all the parties concerned, to cause disputed boundaries between tribes to be fixed and defined, as a means of obviating or terminating such disputes.

DONALD MCLEAN.

## Minute by Ministers.

This is virtually a proposition to enable the Governor to waive the Crown's right of pre-emption in favour of Natives to any extent which he may deem fit. It appears obvious that all the material objections urged by the Native Secretary against the Ministerial measure apply with vastly-increased force to his own proposal.

## Individualization of Native Title.—Native Territorial Rights Bill.

THE Native Territorial Rights Bill affects the most difficult and delicate question with which the British Government in New Zealand has to deal; and the Legislature, in touching on it, has shown a corresponding caution.

The subject has two aspects: the one relating to the civilization of the Natives, the other to the promotion of the settlement of the country by Europeans. Ministers hold that these two objects, truly viewed, are ultimately inseparable. The purpose of the measure is, however, to place in the hands of the Government a new and powerful instrument for the civilization of the Natives, and by no means to increase the immediate facilities for the acquisition of land by the Europeans. It is notorious that the most frequent and bloody Maori feuds arise, and have always arisen, from disputed title to land.

The four existing quarrels which have been referred to have all this origin, and others that could be mentioned are at this moment smouldering. It is equally indisputable that the communistic habits of the aborigines are the chief bar to their advancement. Separate landed holdings are indispensable to the further progress of this people. Chastity, decency, and thrift cannot exist amidst the waste, filth, and moral contamination of the pas.

In order to strike at the root of these evils, the Bill provides—first, for the ascertainment and registry of tribal title; secondly, for the issue of Crown grants to individual Natives of lands ceded for the purpose by their respective tribes.

The propriety of making at least an attempt to provide means for the extrication of Native title from its present entanglement, for reducing it to fixed rules, and for subjecting it to the jurisdiction of regular tribunals, can hardly admit of a doubt. Even if it appeared that such an attempt might involve a certain amount of risk, that surely ought not to deter a great Christian Power from some effort to avert the shame and the sin of remaining, what Her Majesty's representative in these Islands is at this moment, the passive witness of murderous affrays between Her Majesty's subjects, almost under the guns of her garrisons. But no such risk is really incurred. The interference of the Executive Government to adjust land disputes remains under the Bill purely optional. The Bill throughout all its provisions is permissive, and the plan must by no means be confounded with the compulsory registration of Native title, provided for by the Royal Instructions of 1846. Ministers are aware that good can only be effected by proceeding with the greatest caution. They desire nevertheless to make a timely step in advance, as being not only the justest but the safest course—as the surest means of avoiding future complications. This is a case in which it would be found that "a forward retention of custom is as turbulent a thing as an innovation."

The grants to individual Natives will effect a gratuitous transmutation of the Native title of occupancy into an English fee-simple. It is a difficult question whether lands so granted should or should not be alienable to Europeans. Perhaps no general rule can be laid down. In some cases it might be desirable to secure the heirs of a spendthrift chief against the effect of his extravagance. In other cases no sufficient reason might exist for withholding the full powers of ownership. It has, therefore, been left discretionary with the Government to impose restrictions on alienation. Occasionally it is probable that the power of restraining alienation might be usefully employed to prohibit acquisitions of land by Europeans in remote districts. At all events, it will be seen that, under the provisions of the Bill, the Government retains undiminished its present power of checking

dispersed settlement of the country by Europeans. Although the measure was not framed with any direct view to colonizing objects, it cannot be doubted that the proposed registration of Native title (too long neglected) would facilitate the operations of the Land Purchase Department, and the acquisition, by cession from the tribes, of fresh territory. At present there are no fixed rules whatever as to what shall be recognized as valid claims to share in the money paid for the surrender of the Native right. Absurd and vexatious disputes constantly attend the negotiations of the department, and are only settled by a large expenditure of colonial funds.

Under the second division of the Bill a small extent of lands might come into European hands by purchase from the Native donees. Upon all such transactions the 11th section imposes a tax of 10s. per acre, payable by the purchaser. The fund thence accruing, it is provided, shall be expended in public works and improvements on the land or in its neighbourhood. Ministers consider that it is by no means desirable that such purchases should become, at present, the favourite mode for the acquisition of land by European settlers; and the amount of the proposed tax is designedly placed sufficiently high to prevent many such transactions taking place. Ten shillings per acre is the ordinary price of waste lands in all the provinces of the North Island, and the amount of the tax will consequently operate differentially in favour of the ordinary mode of purchase.

So long as the loan for the extinction of Native title holds out, and it is possible to obtain a cession of tribal rights over considerable tracts of country through the operations of the Land Purchase Department, it appears preferable that the European settler should purchase of Government rather than of Natives holding Crown grants. At the present rate of expenditure the loan will not, however, last more than five or six years, and an immense area will be left still subject to the Native title. It therefore behoves those who direct the affairs of the country to look forward and consider of a substitute for the present system, which at the expiration of that period may be capable of being worked on an extensive scale, and may supply the two essentials—land and a Land Fund. The best plan which has suggested itself to the present Advisers of the Crown is that the Native title, being first carefully ascertained by proper officers, should be gradually commuted into English fee-simple; that the land should remain unburdened whilst in Native hands, but that a tax should be paid by the European purchaser, and that its proceeds should be devoted to the improvement of the country. The present measure, in its secondary aspect of a colonizing measure, may be regarded as a cautious experiment of such a plan on a very small scale. If found to work well the principle might in future years be extensively acted upon.

## **Objections to Native Territorial Rights Bill discussed.**

It now becomes necessary to advert specially to certain objections which have been raised to the Bill under consideration. The first is that the power of issuing grants to Natives is vested in the Governor in Council, instead of in the Governor solely, thereby necessitating the concurrence of the Responsible Ministry of the day. This is alleged to be a departure from the terms of His Excellency's memorandum of the 15th April, 1856, establishing Responsible Government. By the memorandum of the 15th April, 1856, the Governor reserves to himself the right of acting upon his own responsibility, in opposition to the advice of Ministers, upon Imperial questions, including questions affecting the relations of Government with the Native tribes. Obviously the memorandum could only affect the existing powers and prerogatives of the Crown. It was not competent to the Governor to stipulate as to the conditions under which new and extraordinary powers should be conferred by the General Assembly upon the Executive, nor did His Excellency attempt to do so.

Looking at the question as one of abstract constitutional principle, no Ministry could propose to intrust a power vitally affecting the relations of the settlers and Natives, and the pecuniary resources of the colony, to the discretion of a single individual, however elevated his position, who must commonly possess only a limited experience and a transitory interest in the affairs of the country. Even in a Crown colony acts of so high a nature are often required to be done with the advice of the Executive Council. It appears surprising that the General Assembly could by any person be expected to make over, without any guarantee for its exercise in accordance with public opinion, a power greater than was ever intrusted by the Imperial Government to the Governors of this colony; but a power which, it is not forgotten, was by one of those officers illegally assumed, and employed in a manner of which the evil effects have not, after a lapse of fourteen years, entirely passed away. Ministers feel assured that the Colonial Legislature could never be brought to sanction the concession of such an unlimited discretion, more especially considering the effect of its possible abuse upon the future produce of the territorial revenue, and the heavy liabilities of the colony to the Home Government and the public creditor. The power is virtually a power over the public purse, which, to a limited extent and under due guarantees, the General Assembly has shown itself willing to concede to the Executive for the good of the Natives, but which it

is in vain to expect it will ever absolutely alienate.

The second objection taken to the Bill, which it seems requisite to notice, is that the imposition of of payment upon alienation to Europeans is an unjust exaction from the Native donee. To this it is answered that no Native is obliged to take a grant, or, having obtained one, to sell it to a European. By accepting the grant the Native's position is vastly improved, even though the power of alienation should be altogether withheld. But there is another sufficiently obvious fallacy in the objection. It is assumed that the acreage-tax reduces, *pro tanto*, the purchase-money. It is overlooked that the tax is applicable to the improvement of the land sold, and thereby increases its value in most cases to a greater amount. The sum payable into the Treasury is no part of the price of the land. It is the price of the improvements. But what really lies at the root of this objection is a doctrine so mischievous and unfounded that it requires special notice. It is asserted that the Native is really entitled to an absolute grant in fee-simple of whatever territory his tribe may think fit to make over to him in severalty, however extensive, and that to refuse such a grant—at least to impose any condition which does not operate for the sole and exclusive benefit of the Natives—is unfair. To make the Crown's right of pre-emption productive of a Land Fund—either in the way in which it is now made productive, viz., by means of sales of land ceded to the Crown at a low rate and disposed of at an increased price, or by the proposed tax on alienation—is regarded as essentially unjust to the Natives, who, it is thought, ought fairly to receive the whole purchase-money. In accordance with this view, the difference between the price paid to the Natives and the selling price of land has sometimes been represented to be a contribution by the Natives to the revenue of the colony, entitling them (if justice were done) to the expenditure, for purely Native purposes, of a largely-increased proportion of the colonial funds. And, as to the present system of purchases, it is regarded as nothing less than a systematic fraud practised by a civilized Power upon its ignorant subjects. This doctrine, it will be seen, reduces the Crown from the possession of a substantial power over the whole territory of New Zealand—which power it is bound to employ for the benefit of all its subjects—to the condition of a bare trustee for the Maoris. But the Crown's right of pre-emption (which no officer of the Crown, at least, will venture to question) was reserved avowedly for colonizing objects—*i.e.*, to enable the Government to promote and systematize the settlement of the country. The exercise of the power for these objects, even if inconsistent with the pecuniary interest of the Natives, could not be reasonably objected to on their behalf. The Natives have always fully understood and acknowledged the right of the Crown to impose such terms as it pleases upon its own European subjects who seek to settle the country. But it has already been demonstrated that it is altogether a mistake to suppose that any pecuniary interest of the Natives is interfered with by the employment of the Crown's right for the purpose of raising a revenue in the way proposed. The enhanced price received by the Government is really the price, not of the land, but of the improvements which the Government undertake to execute out of what are improperly called its profits. This is strictly true as to the country as a whole, though it may not be so of every hundred acres of land sold. The enhanced value of the land is due to the immigration and public works which the Colonial Land Fund has been the means of carrying on.

The notions above combated arise from a narrow view of Native interests which those who devote an exclusive attention to Maori questions appear, unfortunately, somewhat apt to contract. The affairs of New Zealand can only be successfully administered on the basis of a hearty belief in the real identity of the interests of the two races. In a large view it is quite as important to the Native as to the European that the resources of the colony should not be crippled by the destruction of its Land Fund. And, if the possibility of diverting the territorial revenue of the Northern Island into the pockets of the Natives were a reality, instead of a glaring economical fallacy, it is certain that such an accession of wealth to men only partially emerged from complete barbarism would speedily prove their ruin. The real effect of acting upon such doctrines would be to hand over large tracts of country to a class of land-jobbers, destitute of the means of rendering their purchases available. The traffic in the lands would fall into the hands of a set of middle-men, whose transactions and connections with the Natives—not always of a lawful or reputable character—gave them special influence. Intending immigrants, learning that land was no longer attainable except through private hands, and that the country lay unimproved, would be deterred, and the hope of a regular colonization would be not merely deferred, but destroyed. In short, it will appear that the proposition of the objectors to the Bill to confer on the Governor an unlimited power of granting lands to the Natives, which shall be alienable to Europeans without any payment into the Colonial Treasury, is simply asking the Colonial Legislature to authorize and invite a renewal of Governor Fitzroy's proceedings on the issue of the well-known "penny-an-acre Proclamation" of 1844, and thereby to endanger at once the peace and public credit of the colony, and the prosperity of all Her Majesty's subjects within its limits.

To avoid a tedious detail of minor objections to the Bill, Ministers transmit herewith copies of memoranda by two of the permanent officers of the Native Department who disapprove of the measure, and suggest one of the character which has already been indicated. The few comments which Ministers feel it necessary to make on these memoranda appear in the margin of the copies. Ministers would regret that Her Majesty should be

advised to withhold assent to this Bill, chiefly because that course would deprive the Executive of the colony of a useful engine for the civilization of the Natives; but they conceive that the absence for a time of any legislation on the subject, though prejudicial, would be infinitely preferable to the highly dangerous and unconstitutional measure which it has been proposed to substitute for the Ministerial Bill.

C. W. RICHMOND.

29th September, 1858.

## **No. 7. SCHEME for the PARTITION and ENFRANCHISEMENT of LANDS held under NATIVE TENURE. [F. D. Fenton's "Observations, 1859."]**

CROWN grants cannot, except in rare instances, be issued even in cases where sole and unencumbered ownership is clear and undisputed, for the Native owner will not accede to a proceeding which infers that his own title is imperfect. The instrument of primary assurance must therefore be in the nature of a certificate testifying that the parties named therein are the owners of the lands therein described. It is further premised that no certificate should be issued until due inquiry has made it clear that the right parties have been discovered, and that no adverse claims are outstanding.

Inasmuch as the dignity of the Crown will be as much concerned in defending the title under a certificate when issued by itself as under a Crown grant (if such could be made), time should elapse between the award of ownership made in pursuance of the inquiries hereafter explained, and the issue of the instrument which certifies to it, and during that interval *certain acts of ownership should be done and committed*. In the meantime the whole conduct of the investigations and the responsibilities of them, as well as the duty of maintaining the award, should be thrown upon the Maoris, so that the dignity of the Crown should in no case be compromised or its interference be needed. This principle has already been recognized by the Legislature in the recent measures for providing civil institutions—viz., "The Native Circuit Courts Act, 1858," and "The Native Districts Regulation Act, 1858." For this purpose and with this view the investigation must be *purely local*. Indeed, it is very questionable whether the suspicions of the people will allow them to permit the adjudication of their lands in purely European Courts, or otherwise by purely European machinery.

No machinery can be invented more admirably adapted for the performance of the duty of investigation of the ownership and the partition of the common lands of the country than the species of Court-Leet and Great Court-Baron recently created by "The Native Circuit Courts Act, 1858." The proceedings must be authoritative. Negotiation and diplomatism will have no force and no public support.

The process of legalizing tenure may be as follows: At each Courthouse established under the last-named Act will be deposited a book of record for the purpose of registering therein the names of owners who have been recognized, and the boundaries of the land of which they have been decreed the owners. Any tribe, subdivision of a tribe, or individual desiring to have their or his land defined by metes and bounds and registered in the Court-roll must give notice of such desire to the Native Magistrate (called in the Act a Native Assessor) of the locality, specifying in such notice the names of the claimants and the description of the land. If, after discussion between the European Magistrate and the Native Magistrate, there appears to be no matter in the claim likely to create political difficulties, the Resident Magistrate causes the claim to be entered on the Court-roll and affixed to the door of the Courthouse, and circulated in such other ways as will give publicity thereto, adding also a notice to the public that adverse claims must be immediately sent in to him, delivered to the Native Magistrate of the locality. If no adverse claims appear, or such only as admit of adjudication, notice is given to all the parties, and affixed to the door of the Courthouse, that on the day named in such notice the title to the land will be investigated. If, however, the adverse claims sent in appear likely to create undue excitement or insuperable difficulty, no immediate day of hearing will be fixed by the Resident Magistrate, but notice must be given that the matter is adjourned for the present. On the day of hearing (not being a Court day), the Resident Magistrate causes an uninterested jury to be summoned, after the manner of the constitution of a criminal jury in "The Native Circuit Courts Act, 1858." He, with the Native Magistrates of the locality (unless



interested, when others must be sought), and the jury, hears the speakers or witnesses in the Courthouse, first of the claimants and then of the opponents, and in fact conducts the case as an inquiry before the Commissioners under an Act for enclosing lands of common would be conducted in England. At the conclusion the jury (assisted, if necessary, by the Resident Magistrate) gives a verdict that the claimant is entitled to the land, or otherwise, as the case may be, or that the land be divided among the contending claimants. In the latter case the Resident Magistrate and Native Magistrates, assisted by the jury, proceed to make partition of the land, and in any case cause all sufficient posts and boundary-marks to be set up. The proceedings and the verdict are entered on the Court-roll, signed by the Court and all the parties. A copy of this roll will be evidence of Native title, and will be the title-deed. In case a tribe, having had their land enrolled, desire that it be further divided amongst subdivisions, or again amongst individuals, the same process must be followed, and record similarly must be made. All subsequent alienations, or change of ownership by descent or otherwise, must be presented by a jury at a Court-Leet, and entered on the rolls, the previous copy being surrendered, and a fresh one issued. Thus will be established a very tractable tenure, resembling the copyhold or base tenure of England, each district of a Court representing a manor.

Whenever land is proposed to be alienated to a pakeha a certificate of title from the Crown can be issued with ease to the Native proprietor, whose name appears at the time on the rolls of the Court as the owner, all doubt as to title and boundaries having been removed by the foregoing operations. On the transfer of this certificate to the purchasing pakeha, and the issue of a Crown grant to such purchaser, must be paid the sum due to the Crown for the release of its right of pre-emption, a right which cannot at present be foregone, as by the recent Imperial Act the whole territorial revenue is mortgaged to the Crown. In case "The Native Territorial Rights Bill, 1858," receives the Royal assent; the payment for this release of the pre-emptive right must be at the rate of 10s. per acre, but for many reasons it appears to the writer that a sum calculated *ad valorem* on the purchase-money would be far preferable. The expense of the survey, which would on the occasion of this final extinction of Native rights become necessary, would be a simple matter of bargain between vendor and purchaser. It would, however, be far better if Native surveyors were educated in the manner proposed elsewhere, specially for the performance of the duty of surveying common Native lands. A class of educated Native surveyors would smooth away many difficulties.

F. D. FENTON.

Auckland,

1859.

## No. 8. REMARKS on MAORI AFFAIRS.[Notes on Maori Matters, 1860.]

It would appear that some four hundred years since a considerable body of barbarians, originally derived from the Malay race, found their way from the islands of Polynesia, where they had been temporary sojourners, to the shores of New Zealand—a country then probably void of inhabitants—established themselves there, and received accessions to their numbers by fresh immigration from the same source. They arrived here in canoes, the pilgrims occupying each canoe being associated by the ties of kindred, forming a number of families with a common name and common ancestry. On landing they took possession of the unoccupied soil, not in mass, nor in the name of one people or nation, nor individually, but in small aggregations of kindred families, clans, or tribes, some of which, either at the outset or in process of time, were subdivided again into hapus or septs.

The tribes not being united together under any common head or sovereign, but being socially and politically—as far as they had any polity—independent of, and often hostile to, one another, each tribe would have, *de facto*, in a rude way, within the limits of the territory occupied by them, the same sovereignty, substantially, which a civilized nation acquires, according to the law of nations, over an unoccupied country of which it has taken possession: that is to say, they would not admit the right of any other tribe or individual, as long as they were in possession, to interfere with their enjoyment of the land or to meddle with their internal economy; but they would regulate the domestic affairs of the tribe, and their relations with other tribes, according to the will of their own sovereign or *quasi*-sovereign power. That sovereign power, though vague and

undefined, seems to have been vested in the whole body of the freemen of the tribe; for, although various classes of persons were recognized, and much stress laid, socially, on the dignity of birth, there does not seem to have been any distinct subordination of rights and duties or privileges of freemen, *inter se*. Slaves were the personal property of their captors: that is, their owners could give them away or take their lives without being subject to punishment or censure, and slaves had no kind of civil rights, although they often lived with their captors on a footing almost of apparent equality.

It would appear that, of the attributes of sovereignty, the administration of justice (as far as there was any beyond mere reprisals) and the right of declaring war, as well as the power of temporary alienation of land belonging to the tribes, were all vested in the tribe generally, and, although often exercised by chiefs or *tohungas*, were so exercised with the consent, either express or tacit, of the whole tribe. But the original tenure, by occupation, was one which could be maintained by a tribe only so long as they were strong enough to prevent another tribe from depriving them of it; for there was no tribunal, external or common to all the tribes, to which appeal could be made, nor does there seem to have been any compact or understanding, express or implied, that if one tribe should disturb another in its occupation the general body of the tribes should protect the occupier or punish the assailant. Therefore the right of occupation was always liable to be superseded by force, and acquisition of territory by conquest was recognized by all the tribes as rightful, possession (other than by sufferance) being the evidence of the right.

In speaking, therefore, of the right of a tribe to land, it seems plain that, for all purposes external to the tribe itself, it means its power of keeping possession; and the interest of the tribe in the land is neither more nor less than its aggregate possession, through families or individuals, of the lands which they were allowed to enjoy, and, by the whole tribe, of those lands, forests, fisheries, &c., which they all enjoyed in common, such possession not being merely by the sufferance of a conqueror, and having been acquired by occupation or conquest: There seems to have been no recognition of a power of alienation *in perpetuum* by one tribe, or individual of a tribe, to another tribe, or individual of another tribe; though land seems to have been lent or exchanged for a time by one tribe to another. And when a man of one tribe married a woman of another, he was generally allowed to enjoy the land in which she had an individual interest, within her tribe, during her lifetime. There does not appear to have been any mode of making or enforcing contracts, or obtaining justice as between different tribes. In short, as between tribes, or individuals of different tribes, *might* seems to have constituted the only right known to the Maori people.

On looking, into the internal economy of the tribe, we find that there were some rights pretty definitely ascertained, while others were very vague. As before noticed, the distinction between the classes of free men do not seem to have been well defined, nor do their distinctive functions. Much misconception and many fallacious reasonings on this subject, which seem to have been prevalent, may be fairly attributed to mistaken assumptions with respect to the rights, privileges, and powers of the persons called chiefs. The word "chief" has been used in a very vague and ambiguous manner. Chieftainship seems, in truth, to have amounted to little more than a prestige accorded by a tribe to individuals, which gave to its possessors an influence and control over the tribe in proportion to the personal respect which they could command. Great stress was laid on birth, and the *ariki*, the lord or head chief of a tribe, was the person of highest birth, and was estimated accordingly; the *rangatiras* following him according to the distinction of their descent. These were naturally looked to as leaders in war or in council; but, apart from the deference paid to their position, there does not seem, except in time of war, to have been any definite authority, privilege, or duty assigned to them, except that of a species of vaticination and oracular uttering of traditional lore by the *ariki* and the *tohunga*, accompanied, in the case of the *ariki*, with the painful isolation of the *tapu*. Not birth only, but personal superiority also, either physical or oratorical, seems to have been enough to induce a tribe to treat the possessor as a chief; but the low-born chief held his honour only for his life, and did not necessarily transmit chieftainship to his posterity. If the man of highest birth proved unequal to his work in time of war, men of lower birth acquired the influence and ascendancy of a chief, and were acknowledged as such. A chief of great influence, and confident of the power he had over his tribe, would often act for it almost without consulting the general body; and if a principal and influential chief was sure of the assent of the men of the highest birth and character, he might count upon that of the mass of the people. Chiefs were, then, simply the chief men of a tribe or hapu, and their functions in time of peace were few and unimportant. When war began they naturally became more important, and the chief had more power. An unpopular chief of great birth would not be a representative man, and tribes often repudiated the acts of such chiefs; and, conversely, when a man of no birth or position proposed or did an act for the tribe they would adopt and ratify it if it suited their views. In time of peace the relation of the principal or any other chief to the tribe was not in any way like that of a sovereign to his subjects or a feudal lord to his vassals; but in war-time the head chief—whether he was the hereditary head or a successful adventurer who had gained prestige—would necessarily have much of the authority of the *imperator*. The lord chief (*ariki*)—who combined the functions of priest and chief—seems generally to have been allowed by the tribe, on acquisition

of territory by conquest, to take the first choice of land for usufructuary possession; and after him the *rangatiras*, according to their rank by birth; the *tutuas*, or general body of free men, getting what they could in the scramble for their own usufructuary occupation. As families increased and cultivations were exhausted, fresh appropriations of this kind would take place within the general territory of the tribe. The portions of land so adopted and appropriated—at all events after they had been cultivated by the possessors—became the property of the individual occupier as against all other persons of the tribe, whether chiefs or commoners. This usufructuary right, though not alienable to strangers or to other persons of the tribe, descended by inheritance, as of right, to the children or other kindred of the occupier; and, in case of a woman marrying into another tribe, her husband, as has before been remarked, often enjoyed her right for his life.

It has been recently stated that a kind of fiduciary interest in land was sometimes vested in a chief for the benefit of others, such as widows and orphans belonging to the tribe. But such a practice looks very much like the result of European suggestions, and is scarcely consistent with the older habits of the people. If any such custom was generally recognized by the Maoris, it probably amounted to no more than this: that some chief was intrusted with the duty of seeing that land, which had been appropriated with the consent of the tribe for the purpose of allowing certain persons to occupy it by the sufferance of the tribe, was used for that purpose, in which case the occupation of such persons would really be the occupation of the tribe, and no title or right would devolve by inheritance on the heirs or kindred of the persons so permitted to occupy.

No accumulation of personal property by a man, beyond the produce of his cultivation and his own handiwork, ever took place, and there was no contract of sale; even barter was carried on by the clumsy mode of reciprocal presents.

Violations of any right of property, or of any right known to the Maoris, were punished or remedied either by reprisals or by an award of compensation, enforced either by appeals to superstitious fears, or persuasion, or force. There seems to have been no specific tribunal, but the general body of the tribe concurred in an award made by the *tohungas*, the priestly depositories of the oral traditions of the tribe, or by the *ariki*, and enforced by threats of punishment by evil spirits and the tyrannical, and embarrassing process of the *tapu*. The *rangatiras*, too, sometimes persuaded the offender to submission by oratorical appeals to the examples of bygone times.

What special authority, if any, the head chief possessed in a civil capacity, as distinguished from the *rangatira*, does not seem clear; and it is doubtful whether any privilege or right was awarded to him, except the concession in many cases of the first choice of land, and the deference paid to his position, supported by the *tapu*. There was a vague idea of power, influence, right, *quasi*-sovereignty or lordship, derived from the tribal acquisition of the land, called the "mana" of the land—the shadow as distinguished from the substance; but even if this mana was vested in the head chief or in other chiefs, which is improbable, it does not seem to have given them any beneficial rights or any power of disposal or control over the property in the land without, or contrary to, the assent, expressed or implied, of the body of the tribe. The customs about this and many other of the matters referred to were by no means uniformly the same in all tribes. When a chief gave slaves, whom he had taken, leave to hold land, he expected from them, and they brought to him, certain produce or work as tribute, in respect of the mana; but, though *free men* also used to make presents to the chiefs, these were merely complimentary, were not demandable of right, and were almost always returned.

To sum up then: There was no general government or general intertribal polity among the Maori tribes of New Zealand. They had no common head, no common tribunal, no common interests. The government of tribes—if their customs can be called by such a name—corresponded with no known type among civilized peoples. There were some features of monarchy, more of aristocracy, and many of republicanism; but the combination was not definite nor capable of assimilation to any known constitution of civilized society; nor was the government merely patriarchal. Their notions of property of any kind were the vaguest; nothing approaching to regular commerce existed. The origin of the interest of tribes and individuals in land was communistic, and the enjoyment of it in some degree communistic—the one acquired by force, the other at the mercy of external force. There was no practice of alienation of land by individuals at all, except indeed the indirect alienation for a life of the usufruct of a portion of land belonging to a woman who married into another tribe, and no "out-and-out" alienation even by a tribe; but slaves and others were allowed to hold lands by the sufferance of conquerors who retained in themselves the mana of the land, while the usufruct was in the occupier. The customs and practices, the acknowledged rights and duties, were by no means uniform or definitely settled; they differed or were modified by circumstances at different times in different tribes; and the absence of other customs; such as the ordinary modes of alienation of property in civilized communities, before Europeans came to the country, are to be accounted for by the consideration that the circumstances of the people made the customs they possessed convenient, advantageous, or necessary, according to their narrow views and limited knowledge, while they had never theretofore felt the want, the importance, or the convenience of those which they lacked.

The character of the people it is not very easy to delineate both justly and completely, composed as it is of elements so diverse. Brutal and savage to excess during the excitement of war, they were yet capable of actions which would not have disgraced the chivalry of Europe. Grossly immoral with respect to the intercourse of the sexes before marriage, they yet treated the marriage-tie with much respect, and its violation with severity. Quick in apprehension, and of lively wit, they could yet hardly master the first elements of arithmetic. They were both generous and treacherous, good-natured and vindictive. They were very superstitious, and yet had but little imagination. They had little or no fear of death, and yet they seemed to need physical excitement to stimulate their courage to action. Their arts were few and rude. They were not nomadic, but much attached to the soil which they or their fathers had occupied or conquered; and all their differences, according to their own proverb, were about women and land.

From the first discovery of New Zealand by Tasman, some two hundred years after the settlement of the Maori immigrants, down to the later visits of Captain Cook, a century after, the amount and nature of the intercourse between the New Zealanders and strangers does not seem to have been such as to cause much modification of their habits, although the first ideas of external commerce must have been suggested to their minds, and the probability of their deriving substantial benefits from the repeated visits and the settling of pakehas in the country may have occurred to them.

The introduction of fresh varieties of animal and vegetable food, superior to the ordinary provisions to which they had been accustomed, was probably the first great step towards material civilization; and the increasing acquaintance of the Maoris with white men, proving that the latter were not only not necessarily hostile to them, but were able and willing to teach them many useful and pleasant arts and to give them command of many previously undreamed of comforts and luxuries and mechanical and warlike contrivances, induced them at first to tolerate, and then to encourage, the regular intercourse, and afterwards the permanent settlement, of whalers and others who visited the coasts. They seem to have evinced no jealousy or predisposition against an amalgamation of races, or the formation of temporary or permanent connections between the pakehas and the women of their own race and tribes, but, on the contrary, to have encouraged such unions. As Europeans began to settle in the country, and naturally desired to acquire land for occupation and cultivation, the Maoris discovered that they might now use their land in a way to which they had hitherto been unaccustomed, by exchanging parts of it for the now much-coveted blankets, axes, tobacco, and, above all, firearms and gunpowder of the stranger. Thus a new kind of transaction, not formerly recognized by the general customs of the Maori race, sprang up, and alienation of land was introduced *de facto*.

About the character of the earliest land sales probably but little trustworthy evidence is attainable. Whether individuals of a tribe practically arrogated to themselves the right of disposing of the portion of land which they occupied with the consent of their tribe, and which, if not alienated, would have descended to their kindred, I am not aware; but it seems probable that the common men did not do so. Chiefs, or persons calling themselves chiefs, seem to have engaged in such transactions; but whether they claimed or assumed a right to sell the portions which they individually occupied, or more than they occupied for their own benefit, without the consent of the tribe, or acted in the name or in the interest of the whole tribe, with its express assent, or an applied assent, on which they counted in respect of their personal influence, does not seem very clear. In many cases it is likely that they assumed to act for the tribe or hapu, and gave up to the persons entitled to occupy the lands portions of the goods received for it. Indeed, it is probable that there was very little principle or system in these transactions. Sometimes the Maori would try to cheat the pakeha by pretending to sell land to which he had no title; sometimes, and perhaps more often, the European would try to cheat the Maori by giving him comparatively worthless articles for large tracts of land; sometimes there was a common intention of each to take advantage of the other; and often, no doubt, unprincipled Europeans obtained, for ulterior fraudulent purposes, what they knew to be sham titles, with the signatures, or rather marks, of chiefs, sometimes filling in the boundaries of the land supposed to be sold according to their fancy after the so-called execution of the conveyance. It is believed that the principal disposers of land in those days were persons who had no titles, or only defective ones; and persons with only an ostensible but no real title were the most forward to enter into negotiations with the Europeans.

The alienation of land to strangers being a thing quite new to the Maoris, it is probable that many of the tribes or chiefs who parted with it really believed that they were giving the purchasers only a temporary usufructuary interest, either a life interest or some other estate, such as lawyers call a particular estate, leaving the reversion of the fee, as it were, and the mana or ultimate *quasi* seigniorial right over the land in the tribe. But whatever right one party may have intended to grant and the other to acquire, undisturbed possession by the party purchasing gave a sort of title by acquiescence; and if the purchaser alienated to others in his lifetime, or on his death devised the land to another, and the second purchaser or devisee took possession, and his possession was not at once disturbed when it came to the knowledge of the Natives formerly interested, that would seem strong evidence that the person in possession had a right to the land recognized by such Natives.

The enclosing of land by a purchaser, too, seems to have been always taken as such an assertion of a right to it that Maori proprietors formerly interested in it were deemed, by acquiescing in it, to have acknowledged that all their title was gone.

The practice of disposing of the possession and enjoyment of land is not of the whole property and title to it, became thus established, not according to any fixed specific principle, but simply according to the dictates of convenience on the part of the seller, regard being had to the probability of the alienee not being disturbed in the possession. The more regular sales, however, were probably conducted in such a way as to recognize the communistic principle, the chiefs who personally engaged in the transaction acting for themselves and the tribe, or for persons of the tribe who claimed a share of the produce of any given sale.

While these rude beginnings of commerce were taking place, a mightier instrument of civilization was in the course of introduction, the one best fitted to throw down the strongholds of barbarism and superstition, to establish the intercourse of widely differing races upon a safe basis, to prepare the way for their amalgamation and ultimate fusion, and for securing the highest blessings of modern civilization. Through the labours of devoted missionaries belonging to various Christian bodies the Maoris, in an almost incredibly short space of time, learned the folly and wickedness of many of their old superstitions and the habits connected with them, and accepted with avidity the promises made to them by their now spiritual advisers and guides of better things for the present life as well as for the future.

Although it may be true that many of the new professors of Christianity among the Natives were merely professors, and that with others their new religion was only a newly-adopted superstition, there were, doubtless, many who became as sincere believers and acted as sincerely on their belief as the majority of professing Christians in civilized countries; and, whatever may have been the amount of sincere faith among the new converts, the doctrines and practices of Christianity had, at all events, made very large numbers ashamed of some of their former customs (cannibalism among the number), had given them new notions of morality and justice, and suggested to them the blessings and advantages of peace. The introduction of Christianity paved the way for the abolition of slavery. The missionaries often made the manumission of slaves a condition precedent to baptism, and the converts gave conclusive evidence of their sincerity by voluntarily depriving themselves of one of the principal evidences of rank and personal distinction among their people. The old cumbrous and superstitious practices of the *tapu*, which had been the chief means of holding their rude society together, were necessarily modified, where not entirely superseded, on the introduction of Christianity. The spiritual prestige, and consequently a great portion of the influence, of the *arikis* and *tohungas* was necessarily destroyed, and as yet nothing else in the shape of internal government was substituted for it.

The introduction of firearms naturally tended to make the Maoris even more quarrelsome than formerly for a time, and their wars for a time more sanguinary than before; but, as the spirit of Christianity was developed, and individual movable property was acquired by industry and by commerce in land and its fruits, and in other products of labour, the importance of peace became more manifest. Large quantities of land came into the possession—the undisturbed possession—of Europeans. Many Englishmen, some of them men of character, some of no character at all, were settling on the shores of New Zealand.

Meanwhile the Maoris, who had much communication with the English settlers, began to desire to put themselves under the protection of the British Crown, while unprincipled land-purchasers were naturally opposed to such a course (and some honest ones also), and the missionaries, probably jealous lest their good work should be interfered with by a concourse of English adventurers, were generally hostile to colonization, and apparently desirous of keeping up a marked distinction between the races. Ministers of the English Crown, having before them the reports of sad results of the extension of English dominion in other quarters of the world, and fearful lest they might become accessories to the extermination of the Maori race by establishing an English colony among them, and failing to perceive that English subjects would settle in the country in numbers without the leave of the Government, and would merely be likely to do much more mischief to the aboriginal inhabitants than if their settling was recognized and regulated by the Government, not only abandoned the claim to the sovereignty of New Zealand, which had on several occasions been asserted by the British Crown, but recognized the independence of certain tribes by providing them with a common flag—a proceeding which appears scarcely dignified unless they were prepared to guarantee the independence of such tribes, as an aggregate body or nation, against other powers. Notwithstanding the reclamations of English settlers and the expressed wishes of many of the Natives, the English Government could not for a long time be induced to take any steps towards adopting New Zealand as a colony, or giving their *protégés* the benefits of civil institutions, which might counteract the mischiefs attending the uncontrolled intercourse between them and English subjects, many of questionable character, and might aid in developing and rendering permanent the good work of the missionaries, and in educing the civil and social advantages for which that work was the best preparative. The so-called confederation of a few northern tribes or chiefs, apparently arranged by a British Resident who was the agent of the British Government in the business of the flag, never acquired any

consistency or constitution which could support the suggestion that any delegation of sovereign authority, or of interest of any kind, had been deliberately ceded by the component tribes to the aggregate body; or that the component tribes by reason thereof became less independent of each other than they were before; and, whatever may have been the intention of the British functionary, there is no pretence for saying that any national union or confederation was in fact effected by the ceremony of the flag. The enterprises of private associations of Englishmen—and whether they were conducted on defensible principles or not it boots not now to inquire—and the fear lest they should assume rights and privileges inconsistent with the prerogatives of the British Crown and public law, and probably the apprehension that New Zealand might be colonized by some other European Power if England were to refrain much longer, at last forced the Ministers of the British Crown, though with expressed reluctance and in a persuasive rather than imperative manner, to establish the Queen's authority in the Northern Island upon the principle of cession, in the Middle and Southern Islands by occupation, and thus to create a British colony throughout the territory so acquired.

The candid inquirer having now arrived at as definite ideas as he could reach with regard to the origin, customs, polity, and rights of the aboriginal race, and the modifications thereof, and the new practices introduced up to the time of the establishment of the colony, would stop for a while to consider the leading features which ought to characterize the policy of a wise, farsighted, just, and humane sovereign in establishing a colony among such a people. And surely, if extermination of the aboriginals was to be guarded against and their interests kept steadily in view, the fusion of the two races into one people, with one language, one religion, one government, one body of laws, with common rights, privileges, and duties, ought to be the great object of such a policy. The cumulative experience of other colonies and dominions of the British Crown seems to have established beyond doubt that coloured races, kept separate and distinct from the British race in the same territory, always deteriorate and diminish. But, inasmuch as an attempt to force European and English habits, laws, observances, and duties immediately and suddenly upon such a people as the Maoris must necessarily defeat its own object, provision must be made for a transition period during which the indispensable preparatory processes for the ultimate fusion of races, and for the complete development of British government and British institutions throughout the whole colony and population, must be prosecuted with vigour and discretion.

To establish a colony in New Zealand on the understanding and with the view that the two races should be prevented from fusing themselves—by guaranteeing to the Natives the maintenance of their own old barbarous customs, which would effectually prevent the development of commerce and civilization among them—would deprive them of many of the advantages to be derived from the colonization enjoyed by the Europeans, would arrest them in that upward career—physical, intellectual, and moral—on which they had already entered, and would surely have been contrary to humanity, justice, and wisdom. To deal with them as if they were, and were to remain, an independent people, on an equal footing with the English Crown, and only to be bound by treaties of alliance for mutual convenience in the joint occupation of one geographical territory, would be simply ridiculous. They were not, and could not be in any such sense as to make such an arrangement rational or possible, an independent people. They had no common bond of union. Each tribe had such independence only as it could keep by its own tomahawks or muskets; and all that could have been meant by the recognition of the independence of the flag-tribes was that England did not claim a right of sovereignty over them, but abandoned all such claim as it had formerly assumed.

But now the time had come when it was manifest to settlers and Maoris and Ministers that this independence must cease; that the Maoris wanted the protection of British laws and British power against British settlers, and British settlers wanted justice and British government among themselves and against Maoris; and a wise, humane, and just policy suggested that the British Crown should make some such proposition as this to the Maori people of New Zealand: "Englishmen are settling in great numbers among you; they are purchasing land from you; they often cheat you. As they increase more and more in numbers you will be more and more exposed to their dishonesty, and more and more at their mercy. You know what you have already gained, and may guess how much more you may yet gain, by the commerce and the arts that have been introduced by Englishmen among you; you begin to feel a want of protection for the pursuits of peace, and to be aware of the folly of constant wars. If, then, you will give up all pretence of independent sovereignty, and become subjects of the British Crown on the same footing and terms as its other subjects, you shall have substantially all the rights and privileges of British subjects—that is, protection for life, limb, liberty, property, and character; and more especially your beneficial interest in the land to which you are so attached: your lawful possession of it shall not be interfered with against your will, either by Europeans or by Maoris not having any superior right to it. In fact, the land which you (each tribe or individual) formerly held, subject to the chance of its being taken from you by a stronger tribe, you shall now hold under the protection of the British Crown. Your interest in it will now become permanent and fixed; but you shall be at liberty to dispose of what you do not want—that is, when all persons beneficially interested in land are willing to dispose of it they shall not be

prevented from doing so by the interference of others. You are really giving up nothing except rights of sovereignty, which you did not formerly possess, either aggregately or separately, in any definite form. You are only promising obedience to the laws which are to be the guarantees of all your rights, and are to give you wholesome and elevating substitutes for your old vague, barbarous, and unsatisfactory usages."

In carrying out these principles and performing these promises in their true spirit, it would be necessary to have respect to the feelings and prejudices of the people, and not to introduce even the most important and advantageous institutions in a way to create antagonism and to excite apprehension. Thus, although the individualization of property, both movable and immovable, would be a necessary step in civilization, and necessary to give the Maoris all the rights of British subjects, yet it might not be desirable, in the first instance, to give a private member of a tribe a right to alienate his own beneficial interest in the land which he occupied out of the tribe without their consent, because the tribe might, till a later stage in the process of amalgamating the races, feel vexed and jealous at seeing Europeans sitting down on land interspersed among the occupations of the tribe. By degrees, however, the Maoris would practically learn that this was a real good instead of a disadvantage.

One of the most important features—perhaps the most important—of a wise policy would be to educate the then rising and the succeeding generations with a special view to the fusion of races, teaching them, as the first and greatest preliminary, the language of the civilized people. The translation of the Holy Scriptures into the Maori tongue was an indispensable step towards the first christianizing of the Natives; but the use of the Maori tongue at all in the education of Maori children, after the establishment of the colony, would be contrary to good sense and a wise policy: it would be tending rather to shut than to open the gates of knowledge and civilization to the rising generations, and to postpone the great and noble work of making from the two races one Christian, civilized, English-speaking people, partaking in common of the benefits of British rule, British institutions, British commerce, arts, and literature. In this matter a British Government ought to act paternally, using the best means of persuasion and other incentives, if need were, to insure the general or universal education of Maori children in the English language.

In the department of justice the administration of the criminal law should be introduced at once when and where there was power of carrying it out without resistance, and where it was understood. Homicide, malicious injuries, and knowing violations of such rights of property as should have become fully intelligible to the Natives, ought at once to be put down by the Criminal Courts, the administration of justice itself being rendered a means of education, and affording a strong practical proof of the sincerity and truthfulness of the British authorities in their original professions. During the transition state the less formidable violations of the rights of property might be dealt with with some reference to the Maori doctrines of compensation. As regarded civil suits among themselves, it would be some time before the Maoris would find their way on such matters into English tribunals, but when they had done so justice would require that, during the transition state, Maori customs should be taken into consideration in determining the rights or duties of Maoris as among themselves, till at length the time should have come when, by the increasing amalgamation of the races, the Maoris would be affected with knowledge of the British laws, and must be taken to have acted and contracted with respect to them.

Though the institution of slavery still existed to some extent, the law ought to make no distinction, as to its protection, between freeman and slave. The murder or violent ill-treatment of a slave should be made the subject of criminal punishment; but there would be no just reason for granting to slaves, in occupation of lands by the sufferance of their captors or owners, any rights to such lands in derogation of the rights of those who suffered them to occupy. In the transition state, besides protecting the lives and persons of slaves, there would be little necessity for interfering between them and their former owners; and it might be expected that, on intertribal wars ceasing and Christianity developing itself, slavery would gradually disappear altogether, there never having been any custom of external traffic in slaves between the Maori tribes and strangers.

While the Native population were thus from the beginning put in possession of the broad rights and privileges of British subjects, and made amenable to the criminal law, and such other laws as they should gradually come to understand, they would be acquiring the intelligence necessary for enabling them to exercise privileges granted to, and duties imposed upon, certain sections of British subjects, such as the right of taking part in the election of legislators and the duty of assisting as jurymen in the administration of the law. As long as any reference to Maori customs was admissible in the administration of justice, or to define rights and interests for the purpose of the acquisition of land held by Maoris, it would be necessary to have some tribunal with a Maori element in it which should insure the best information and judgment upon the customs and understood rights of the people.

In order to protect the Maoris themselves against the rapacity and dishonesty of European speculators, as well as to establish a system of land titles uniform, simple, and practical, the British Government would insist that all its European subjects should take their title to land through the Crown, and also that those Maoris who

should buy lands after the settlement of the colony should do the same, facilities being further given to the Maoris to define their own land and get Crown titles for them. To carry out this system a right of pre-emption, or rather of exclusive original purchase, should be given to the Crown. In the exercise of this right the Crown would give to the Maoris such sums as they should be willing to take and as should be reasonable under all the circumstances, reserving for itself the right to sell the same land again to any purchasers, either European or Maori, with the additional advantage of a title to it by Crown grant, at such advanced price as would leave a revenue to the Crown to be devoted to the purposes of good government and the promotion of the common interests of both races. Of this, as of other branches of the revenue, a due proportion ought to be devoted to the special purposes of Maori civilization. Improved cultivation of lands, improved dwellings, improved personal habits, ought to be encouraged by precept and example, by pecuniary and other assistance.

The character and feelings of the people ought to be thought of, especially during the transition state. They ought to be protected against temptations to fall into bad habits of Europeans, such as intoxication, and to relapse into habits of quarrelsomeness and violence, such as would be fostered by the acquirement of arms and ammunition. They ought to be made gradually to attain to such confidence in the law and in the honesty of the Government as to consider the acquisition of means of defence or attack against or upon their European neighbours as unimportant and unnecessary. The higher families and chiefs—those who had formerly enjoyed the greatest estimation and respect—ought to be treated with marked distinction and consideration, and in every legitimate way conciliated, so that they might feel their real loss of influence as little as possible, might not lose their self-respect, and might be heartily inclined to use all the influence still left to them in the promotion of the objects of the Government. The chiefs themselves would not appreciate this tribute to their hereditary and personal importance more than the mass of the common men of their tribes would do.

Tribes having common occupation of lands and individuals (if necessary, with the consent of their tribes) ought to be encouraged to sell as much land as they did not require for their own usufructuary purposes; but they ought not to be encouraged to denude themselves entirely of all interest in land, inasmuch as persons formerly possessed of land, after selling the whole of it and expending the purchase-money, might be discontented, might lose their self-respect, become turbulent and troublesome, and finally have recourse to lawless practices, and establish a dangerous class in the community.

Firmness, combined with conciliation; action, legislative and administrative, founded on fixed principle, and never at variance with such principle, though tender and sensitive to the prejudices and circumstances of the people; a treatment during the transition period such as a wise, just, humane, and experienced parent would adopt towards children who had been left theretofore without parental care and subject to evil influences—would be the leading characteristics of a policy which should redound equally to the true well-being of the Maori and to the lasting honour of the British people.

## **I. D. McLEAN, Chief Commissioner for the Purchase of Native Lands.—1860.**

THE Governor was most anxious that some means should be devised by the chiefs of the conference to define tribal boundaries, and make such a subdivision of property among tribes, families, and individuals as would secure to them their landed rights on a more certain foundation than now existed. The chiefs present were all aware that land was the main source of many of their difficulties, occasioning loss of life and affecting the property of both races. No fixed law on the subject could be said to exist, except the "law of might." It was true various customs relating to Native tenure existed, but these were not in any way permanent, and the endless complications of such customs were eventually resolved into the law of might. Paora, one of the Ngatiwhatua chiefs present, had stated that one law did not exist with the Europeans and Natives about land. This was true, inasmuch as the Native has no fixed law to regulate the rights of property. How, therefore, could it be expected that one law should prevail? The European has a law to guide him on this subject; the Native has no well-defined law. The Governor had long thought of this subject, and availed himself of the present conference of chiefs to place his own views before them, in the hope that they would co-operate with him to devise such a measure as would simplify Native tenure, and enable them to leave the land they inherit in the quiet and undisturbed possession of their children. Scarcely a year passed without our hearing of war about land in some part of New Zealand. At Tauranga the Natives had been fighting very lately; also at Whakatane, Tunapahore, Upper Whanganui, Hawke's Bay, Ngapuhi, Te Ihutaroa, and now at Taranaki. It was asserted by some that these wars had been occasioned by Government land-purchases. This was untrue. The Government used every endeavour to prevent quarrels in conducting the purchase of land; and at those districts throughout New Zealand where no land had been purchased, such as Te Ihutaroa and other places with which the Government



did not interfere, bloody feuds were carried on between the different tribes from time to time. Powerful tribes took possession of the land by driving off or exterminating the original inhabitants. Those in their turn drove off other less powerful tribes. The conqueror enjoyed the property while he had the power of keeping it. None were certain how long they could occupy the land in peace. It was true that Christianity introduced a different state of things. By its influences the conquered were permitted to re-establish themselves on the lands of their ancestors. In process of time, however, the conquered encroached too far on the formerly-recognized rights of the conqueror, occasioning up to the present day much bitterness of feeling between the two classes of claimants. Tribes vary in their customs about land, but after all their various customs are liable to be superseded by the law of might. He would not detain them longer, but wished them to consider this message well before they expressed an opinion on it.—[*Speech at the Conference of Native Chiefs, July, 1860: in "Maori Messenger."*]

You will remember being examined in writing by a Commission issued by his Excellency in 1856: one question put to you was, "Has a Native a strictly individual right to any particular portion of land, independent of the tribal right over it?" I find among the answers in the negative "McLean." Is that you, and was that your report on the question?—I am the Mr. McLean, and that is the reply which I made.

What do you mean by tribal right?—I suppose it means the right of a tribe.

Will you describe the meaning of tribal right in regard to the transfer of land?—It varies so much in different parts of the country, I should wish to know what particular part of the country you refer to, as the custom which prevails in one place does not in another.

What is the general rule?—There are very wide exceptions.

Is the rule or exception wider?—The exception is the wider.

When a hapu alienates, who represents it, and is the consent of all its members necessary?—In some tribes the different hapus must be consulted, in others the chiefs; much depends upon the personal character of the latter. I did not say that hapus or subdivisions of tribes had not a right of transfer of property. The various hapus or families which compose a tribe most frequently have the right of disposal, but not always; the custom varies.

How do you discover what the rights of the parties are?—You must discover them by inquiry of the people in the district where the land is situated, and elsewhere.

If Patukakariki is the head of the Ngatihinga, could an individual sell without his consent?—A certain number of claimants could sell, but not invariably without his consent.

What proportion?—a bare majority?—I cannot say. It would depend on the locality, the people, and the boundaries.

Then the sum of your evidence is this: that there are no settled rules or principles guiding alienation of land, and that in such matters the exception is wider than the rule?—The Natives have no fixed rule. The custom varies in different districts.—[*Evidence at the Bar of the House of Representatives, August, 1860: Sess. Paper E.—No. 4.*]

## II. Bishop of New Zealand.—1860.

The Native land title is simple enough in its origin, but, from obvious causes, extremely complicated in its actual state. In its theory it is this: A few leading chiefs, with a small body of children and retainers, arrive at different parts of the Island, and make a rough partition of the territory among themselves by natural boundaries of mountains and rivers. These families grow into tribes, each possessing the patrimony derived from its ancestors. To preserve this inheritance unimpaired was a primary object of their care. To this end two restrictions were necessary—(1) Upon the right of alienation, and (2) upon the liberty of marriage. The case of the daughters of Zelophehad is strictly analogous to Maori usage. "If they be married to any of the sons of the other tribes of the children of Israel, then shall their inheritance be taken from the inheritance of our fathers, and shall be put to the inheritance of the tribe whereunto they are received. ... Let them marry to whom they think best; only to the family of the tribe of their father shall they marry." Other reasons may be assigned for these restrictions, such as the right of the tribe to require service from all its members, the necessity of keeping up their own numbers, and of preventing strangers from acquiring landed property to be used to the injury of the tribe.

There is reason to think that an independent right to alienate land without the consent of the tribe, is unknown in New Zealand. On the other hand, in the ample territory which each tribe at first possessed, there was probably much freedom of choice in the particular spot which each member might wish to cultivate. This spot became his own by right of occupation, and, in the absence of all forms of conveyance, descended to all his children and grandchildren, sons-in-law, and daughters-in-law, till the right, which was at first personal, became complicated by a multitude of claims. In the neighbourhood of fortified places these plots of ground,

from the necessity of the case, were as minute as cottage gardens near a populous town; and it may be taken for granted as a general rule that in such cases every acre of land will contain ten or twenty plots, and for every plot there will be ten or twenty claimants, as I have repeatedly found. In such cases also, for the sake of mutual protection, the right of the tribe to control the alienation of land to foreigners would be most rigidly enforced.

Three points then seem to be clear on this subject—(1) That there was originally a distinct owner for every habitable spot in the Northern Island; (2) That these claims have become complicated by the obvious causes of inheritance and marriage, without forms of conveyance or bequest; (3) That these rights of ownership, whether in one or many joint proprietors, were not alienable without the consent of the tribe.—[*Memorandum to the Governor, May, 1 860: in Sess. Paper E.—No. 1.*]

### III. Sir WILLIAM MARTIN, late Chief Justice of New Zealand.—1846.

So far as yet appears the whole surface of these Islands, or as much of it as is of any value to man, has been appropriated by the Natives, and (with the exception of the part which they have sold) is held by them as property. Nowhere was any piece of land discovered or heard of [by the Commissioners] which was not owned by some person or set of persons. ... There might be several conflicting claimants of the same land; but, however the Natives might be divided amongst themselves as to the validity of any one of the several claims, still no man doubted that there was in every case a right of property subsisting in *some one* of the claimants. In this Northern Island, at least, it may now be regarded as absolutely certain that (with the exception of lands already purchased from the Natives) there is not an acre of land available for purposes of colonization but has an owner amongst the Natives according to their own customs.....

For the most part the boundaries of property are well defined. In the immediate neighbourhood of such pas as are at present inhabited, land is often minutely subdivided; each separate piece belonging to some one person, who cultivates either alone or jointly with some member of his family. The same is the case in the neighbourhood of old pas, even though they may have been abandoned for many years. The titles of the former cultivations are remembered and maintained by their descendants.

Where the acts of appropriation, in some past generation, were of a less public nature, or took place a long time ago, the titles of the present claimants are of course much more difficult of proof. Out of cases of this kind the greater part of the existing disputes have arisen. Each of the claimants endeavours to prove some act of ownership exercised without opposition by one of his ancestors. Acts commonly alleged are—cultivating, building a house or catching rats on the land, setting an eel-weir, cutting down a totara tree in the forest for a canoe, &c. These claims, in the ordinary course of things, become sufficiently complicated, but are rendered much more so by the introduction of another set of claims which arise out of rights of conquest, enforced in very different degrees in different cases. Boundaries between different pieces of property have been often indicated by the Natives incidentally, without any question put or any previous reference to the subject, in spots now remote from any habitation of man: for example, on the edge of the forest between the Whauganui River and Tongariro; on the highest peak of the Aroha; at a stream in the heart of the wood between Tauranga and Rotorua. But between territories of different tribes there are often found tracts of land which are called *kainga tautohe* or (literally) debatable lands.

The lands of a tribe do not form one unbroken district, over which all members of the tribe may wander; on the contrary, they are divided into a number of districts appertaining to the several sub-tribes. Each sub-tribe consists of the descendants of a common ancestor (whose name it generally bears), who was in former times the conqueror or in any other way the recognized owner of the district. These smaller districts are in many cases numerous, and for the most part are sufficiently well defined. Within each of them the families or members of the sub-tribe are free to range, both to take the natural products of the soil and to cultivate for themselves such portion of it as they may choose. There is no paramount or controlling power either in the tribe or in the sub-tribe, to restrain or to direct the exercise of this right of appropriation; each family or freeman may use and appropriate without leave of any. It is indeed a rude form of property, a natural stage in the progress towards the more complete appropriation of the earth's surface in the way familiar to ourselves. But still, every right which exists, whether in one person or in more, is truly a right of property, and there does not, in this state of things, exist anything which can be correctly likened to a right of sovereignty as understood among us.

Mr. Spain says, in describing the Port Nicholson District: "There are seven divisions or families of a tribe, each claiming separate lands of their own, and certain rights and privileges, which are sometimes wholly denied, and at others only partially admitted by the rest." Again, speaking of the same district: "In a place so thickly populated as I have before described this to be, the boundaries of the parts of the district belonging to

each tribe or family are generally pretty well ascertained and admitted between them. As a proof of this I may mention that in the case of Native reserves great difficulty has been found in getting Natives belonging to one family to go on a reserve made within the boundary of the land belonging to another family, although it has been fully explained to them that the reserves are made for the benefit of the Natives generally, and not for any particular tribe or family. They cannot understand this; and in several instances that have fallen under my notice they have positively refused to cultivate a Native reserve so situated, although at the time in actual want of a spot to grow their potatoes upon." ... The New Zealanders have been in the constant habit of resisting even to blood any encroachment upon their territorial rights. They are not less disposed to resist now. For their determination on this point there are two reasons: (1.) That these rights (whatever names our lawyers may give them) are of great value to the Native, as has been shown. They, like other men, are naturally disposed to retain, by force if necessary, that which they know to be a benefit to themselves. (2.) That every tribe sees, in any successful encroachment upon its territory, a peril to its own independence and even to its existence as a distinct tribe. An extreme jealousy on this point appears to be the natural result of their condition, and may with truth be described as the "passion" of this people. This has been a main cause of desolating wars. There is a common proverb, "He wahine, he oneone, i ngaro ai te tangata" [women and land are the destroyers of man]. The pride of each tribe centres in its power to maintain its own possessions against aggression. This spirit in the Native people is closely akin to one which, if we were speaking of ourselves, we should describe as patriotism..... In New Zealand the claims to land are numerous; the claimants often live far apart from each other; and the people are especially slow and deliberative in settling the terms of a bargain. To make a good bargain there are needed length of time, publicity, and knowledge of the Native language. When these requisites are found, purchases of land in New Zealand may be and in a large number of cases have been, made as safely at least as in England.— [*Pamphlet of 1846.*]

## **IV. Archdeacon MAUNSELL.—1840.**

The land does not, generally speaking, belong to one individual, but chiefly to the tribe. Often there will be only one main proprietor or *take* (root) as they denominate him; but if he be not a chief of rank the head man will take upon him to dispose of the spot. Often, and more frequently, there will be many *take*, and one of them will sell without consulting the others. There are other difficult points connected with this question—*e.g.*, a tribe will give a spot of land to another, either as a marriage portion or to induce them to reside, &c. The former are still *take*, but the latter may, if they like, sell; only they generally hand over the payment to the former, reserving to themselves the honour attendant on the transfer. The latter again, if they be powerful, will sell without consulting the former; all being regulated by the relative power of the two parties. At the same time, I consider that to a valid document both parties names should be attached. Neither is it a difficult matter to satisfy the others when the main *take* (if he be a man of rank) has given his consent.—[*Letter from Rev. R. Maunsell, quoted in Evidence before the House of Commons, 1840: Parl. Papers, 3rd August, 1840.*]

## **V. BOARD OF INQUIRY: Major NUGENT, late Native Secretary; Mr. LIGAR, late Surveyor-General; Mr. DALDY; and Mr. T. H. SMITH, Assistant Native Secretary.—1856.**

It appears that the title or claim to land by tribes arose from occupation, dating sometimes from remote periods, and from more recent conquests, followed by occupation either by themselves personally or by remnants of the conquered people. That this title existed no longer than it could be defended from other tribes. That the boundaries were in some cases clearly defined and admitted by adjoining tribes, but that in many others they were quite the reverse, and were causes of constant quarrels. That narrow belts of land, as being claimed by two tribes, could not have been occupied by either without causing an appeal to arms. That there is no part of the country which is not claimed by some party or another. That, as land is inherited in the female line, the constant intermarriages between the tribes led to the descendants by such marriages having claims to land in more tribes than one. That it frequently happened that one tribe gave land within their own limits to the members of another tribe for assistance rendered in times of danger, which gifts were held most sacred. That claims to land were made by one tribe and admitted by another as compensation for the murder of a chief

thereon, or other injury. That an accidental death of a chief on the land of another tribe gave his family a claim to it. It will therefore be seen that no tribe has, in all instances, a well-defined boundary to its land as against adjoining tribes, and that the members of several other tribes are likely to have claims within its limits.

Each Native has a right, in common with the whole tribe over the disposal of the land of the tribe, and has an individual right to such portions as he or his parents may have regularly used for cultivations, for dwellings, for gathering edible berries, for [unclear: ring] birds and rats, or as pig runs. This individual claim does not amount to a right of disposal to Europeans as a general rule, but instances have occurred in the Ngatiwhatua Tribe, in the vicinity of Auckland, where Natives have sold land to Europeans under waiver of the Crown's right of pre-emption, and since that time to the Government itself. In all of which cases, no after-claims have been raised by other members of the tribe, but this, being a matter of arrangement and mutual concession of the members of the tribe called forth by the peculiar circumstances of the case, does not apply to other tribes not yet brought under its influence. Generally there is no such thing as an individual claim, clear and independent of the tribal right. The chiefs exercise an influence in the disposal of the land, but have only an individual claim like the rest of the people to particular portions.

Since the introduction of Christianity the Natives have gradually emancipated their slaves taken in war, and by their return to their former possessions they have become a new class of claimants.

When the Natives first came into contact with Europeans, in the relative position of sellers and buyers of land, the evidence of which before the Board extends as far back as the year 1822, it has been shown that the Natives, in disposing of their lands, intended only to convey a title similar to that which they, as individuals, hold themselves—the right of occupancy. They did not imagine that anything else could be wanted. Their desire for Europeans to settle among them was very great, and in selling a piece of land to one of these early adventurers they not only were prepared to hold his title, such as it was, inviolate, but considered his personal safety a matter of the deepest interest. He in fact was considered as one of the tribe among whom he had cast his lot. They soon, however, ascertained, when a knowledge of their language had been sufficiently acquired by the Europeans, that this sort of tenure was unsatisfactory, and in all subsequent transactions of the kind gave written titles in perpetuity, with the right of transfer.—[*Report to Governor Gore Browne: in Sess. Papers 1856.*]

## VI. Rev. J. HAMLIN, Church of England Missionary.

It would be difficult at this distant period to state precisely what gave the first Maori emigrants to this country a title to land on their landing on its shores. The following, however, appear the most reasonable, and are in accordance with what the Natives themselves affirm to be the fact. [Here instances follow of occupation, &c.] Occupation gave a title to land in those early times, but occupation alone, without some other claim subsequently, did not. Mere occupation does not give a valid title. In cases of occupation without claim the occupant generally made some acknowledgement to the owner, in food or some other way, answering to our leases and rentals; but he had no right to sell.

Conquest alienates the land, but it has its quibbles. Conquest and occupation give a valid title to land. Conquest without occupation is doubtful. If the conquered party return, occupy, and hold the land from which they were driven, the land is theirs. Hence the Tamaki land still remained in possession of the Thames Natives, though driven from it by Hongi; but they did not consider their occupation of it safe, and therefore sold it. If the conquered people return to their land by permission of the conqueror, the land does not become theirs unless a transfer of the land is made to them by the conquerors. But all these acknowledged Native rights were by might often set aside, and arbitrary power ruled.

"Mana." The term mana in reference to land I have occasionally heard, and have asked the question, "He aha te mana o te whenua?" and have received this answer: "Aua hoki, ma te pakeha." The answer implies that the term as applied to land had its origin in a mistaken conception of the meaning of Native words by Europeans. The term as applied to land is scarcely heard of in some districts. In the few instances in which I have heard it used, its meaning is synonymous with *tikanga*, which expresses ownership, or delegated authority by the owner to sell, to manage the business, or to be the spokesman, as we employ an auctioneer or solicitor.

In the Bay of Islands, where land purchases were first made, the Native of every degree of rank sold his land without reference to any other authority. It sometimes happens that the Natives will advise that the signature of a person of rank be added to a deed, who has little or no claim to the land purchased; but this, I think, is done with a view to conciliate the person, knowing that such persons can and often do create disturbances if their names are left out, as they would consider they had been slighted. As a closing remark, I

may say that I have not been able to discover that any such thing as "manorial right," distinct from ownership in a greater or less degree, has been lodged in the chief of a district, in the chief of a tribe, or in the chief of a hapu, or in any other person of the aborigines. And if there is such a thing as "mana o te whenua," it is a certain invisible, indescribable something to which the pakeha may attach a meaning wholly at variance with that which a Native may affix to it. Manorial rights, as Englishmen understand them, are foreign to the Natives, and if they have any such ideas they must have acquired them from Europeans.

It may be observed that scarcely any of the land of the aborigines of this country can be said to be the exclusive property of one individual, though the descent through which the party can trace their claim to the land they hold is by a single person. This person can sell if he likes without the consent of his party; the party selling without his consent would be a *hoko tahae*. This absence of the individualization of property seems rather attributable to the state of the country than to any defect in the line of descent. Circumstanced as the Natives have been, they say one individual cannot hold his land against the attacks of enemies; therefore, for security, peace, and safety, it was necessary to give all the branches of a family a participation in the possession, though the individualization of the descent is clearly recognized.

Tribal rights, or any uniform course of action or general plan for their guidance in the management of their lands or other affairs, I have not found to exist amongst the Natives of this country, nor do I believe they have any such plan or general rule. Each party or tribe seems to have been guided by existing circumstances in the management of their affairs.—[*Paper on Native Tenure, not before published.*]

## VII. Mr. SPAIN, formerly Her Majesty's Commissioner for determining Titles to Land in New Zealand.—1846.

Although a tribe might have marched through a country, conquering all the Natives and occupying the ground over which they passed, yet if they failed to retain the lands so conquered in their possession, and allowed the former owners still to occupy it, or to return immediately afterwards, and cultivate it without interruption for a period of years, in that case the consent of the conquerors to a sale to the Europeans, without that of such resident Natives, could not be admitted by me as a valid purchase. And I know of no rule laid down as binding upon or generally adopted by the nations of Europe, in colonizing a new country peopled by aboriginal inhabitants, which would justify the taking of land from the actual occupiers and cultivators of the soil without their consent. On the contrary, I had the honour to quote, in my last despatch, the very opposite doctrine, as laid down by De Vattel. ...

I have set it down as a principle in sales of land in this country by the aborigines, that the rights of the actual occupants must be acknowledged and extinguished before any title can be fairly maintained upon the strength of mere satisfaction of the claims of self-styled conquerors, who do not reside on nor cultivate the soil: in short, that possession confers upon the Natives of one tribe the only and real title to land as against any of their own countrymen; and that the residents, whether they be the original unsubdued proprietors, the conquerors who have retained their possession acquired in war, or captives who have been permitted to reoccupy their land on sufferance—in all cases the residents, and they alone, have the power of alienating any land.....

It appears to me that those Ngatiawa who, having left [Taranaki] after the fight sought for and obtained another location, where they lived and cultivated the soil, and from fear of their enemies did not return, cannot now show any equitable claim, according to Native customs or otherwise, to the land they thus abandoned. Had they returned before the sale, and, with the consent of the resident Natives; again cultivated the soil without interruption, I should have held that they were necessary parties to the sale.

During my residence in this country, in the execution of my commission for a period of between three and four years, I have taken every opportunity of ascertaining by every means in my power all Native customs respecting the tenure of land; and, in my decisions, I have endeavoured in every instance to respect them, where certain; and, where doubtful, or not clearly ascertained, I have allowed justice, equity, a common-sense view, and the good conscience of each case, to supply their place.

Bearing all these points in mind, I am of opinion that the adoption of a contrary doctrine to that which I have just laid down would lead to very serious consequences, not only as regards titles to land between the aborigines themselves, but also as between them and the Europeans.....

The question, then, which your Excellency has raised, turns upon whether slaves taken in war, and Natives driven away, and prevented by fear of their conquerors from returning, forfeit their claims to land owned by

them previously to such conquest. And I most unhesitatingly affirm that all the information that I have been able to collect as to Native customs, throughout the length and breadth of this land, has led me to believe and declare the forfeiture of such right by aborigines so situated. In fact, I have always understood that this was a Native custom fully established and recognized; and I never recollect to have heard it questioned until your Excellency was pleased in the present instance to put forward a contrary doctrine. Since that time I have made every further inquiry in my power amongst competent and disinterested persons, whose testimony has fully confirmed my original opinion.

I am fully of opinion that the admission of the right of slaves, who had been absent for a long period of years, to return at any time and claim their right to land that had belonged to them previously to their being taken prisoners of war, and which, before their return and when they were in slavery, had been sold by the conquerors and resident Natives to third parties, would establish a most dangerous doctrine, calculated to throw doubts upon almost every European title to land in this country, not even excepting some of the purchases made by the Crown; would constantly expose every title to be questioned by every returned slave who might assert a former right to the land, let the period be ever so remote; and would prove a source of endless litigation and disagreement between the two races, a result which must soon stop the progress of civilization amongst the Natives, so essential to their amelioration.—[*Reports to Governor Fitzroy: in Parl. Papers, 8th April, 1846.*]

## **VIII. Mr. GEORGE CLARKE, formerly Chief Protector of Aborigines.—1844.**

If, as is the general impression of all who have given their attention to this subject, the Natives emigrated at different periods, we have at once a clue to the origin of titles. Each migration landed, subdued, and laid claim to a certain district now claimed by their posterity. Each party would most probably acknowledge a leader, either nominated or assuming such character by virtue of superior prowess, who would actually be considered as the first chief of the *iwi* or tribe. His children, with a portion of the *iwi* or tribe who might attach themselves to each particular child, may be considered as giving rise to the different hapu or lesser tribes. His children and those who attached themselves to them formed different hapus, who, although a part of the original family, would form a separate and distinct community, uniting, however, in times of war to repel the common enemy, but claiming and exercising independent interests in the soil in times of peace.....

Bravery in war, and consequent power and rank as a chief, will not determine the individual to be a great landowner. A man may be a great general and a small landowner; hence numberless mistakes have arisen among Europeans who thought themselves especially safe in purchasing land from a powerful chief.....

The chiefs of every tribe or hapu, as well as the head of every family belonging to the tribe or hapu, have distinct claims and titles to land within their respective districts. At the same time it must be remembered that they have a joint interest in many of the lands. The particular claims of the chiefs, hapu, or families are to lands either subdued or brought into cultivation, or upon which they have exercised some acts of ownership—as lands where they have been accustomed to procure flax, or erect weirs for eels, or where they have built a substantial house. In such cases they claim a particular property. None but the person so claiming can give a title to the land, nor can he be dispossessed thereof. He may forfeit his right by killing, adultery, or migration to a different tribe and district.....

In this way families hold and cultivate their ground, enlarging their individual cultivations from time to time, thus establishing an indisputable title to such lands as their special and particular property. In other respects their title is more general: the hapu and families claiming in common with the principal chiefs what may be termed their waste lands. But even here they must be able to substantiate some sort of title, such as having been the first discoverers, kindled ovens, built canoes, or exercised some other act of ownership which gives them the preference over such lands. The families have, in common with the chiefs, the right of keeping pigs, gathering flax, snaring pigeons, catching rats, ducks, digging fern-root, &c.; every individual of the tribe having these privileges in common, but still acknowledging the right of some particular family or individual member of a family to dispose of such property—that is, as president, head of the family, or chief of the tribe or hapu, to make the first proposal of alienation; yet they could not consider the purchase valid without the consent of the majority of the principal men of the tribe.

Lands that are thus possessed in common, involving the interests of so many claimants, are exceedingly difficult to purchase, and may be reckoned as among the most fruitful sources of their quarrels and disturbances. It frequently happens that two Natives, equally interested in the same lands, disagree on the question of its disposal. Numberless animosities originate from this source.....

To obtain a specific title to lands held in common, there must be some additional circumstances to support

the pretension: first discovery of trees, shooting pigeons, constructing eel-weirs, digging fern-root, making a road, receiving a wound, losing a friend, recovering from sickness—all or any of these acts give an undeniable right to special property in land heretofore considered common.....

Conquest, unless followed by possession, gives no title. Were the Ngapuhis to claim the right of selling or exercising the sovereignty over the districts of the Thames, Kaipara, or Waikato in virtue of their former conquests, their pretensions would be treated as contemptible and absurd: and so distinctly is this principle recognized that I have no doubt that any attempt to support and maintain the validity of titles derived from conquest only, would be met by a most determined resistance, even if attempted by Her Majesty's Government. I have known slaves tenaciously maintaining their territorial rights while in a state of captivity; but I never knew a master to claim by virtue of his slave, or attempt to advance any pretensions founded on the capture of a landed proprietor. I have had large offers of land for sale by Natives still in captivity, and have been warmly reproved by these men for doubting the validity of their title.

Great changes have taken place in the internal regulation and division of districts, and lands have completely changed owners; but in every case possession has followed immediately on conquest. The claim to Taranaki preferred by the Waikatos is good so far as they have taken possession; but they did not wholly succeed in driving the Natives out of that district, who maintained their independence by resorting to different pas on the coast. I should therefore consider the principal right to land in the Taranaki District still vested in the original inhabitants. Again, the titles of the tribes about Port Nicholson to land in the Taranaki District cannot be wholly extinct if they have kept up a friendly intercourse with the residents. Rauparaha, who conquered and took possession of parts of this country, would, in connection with his followers in the vicinity of Cook Strait, have large claims; but his title would no doubt be disputed by the original proprietors so soon as they were in a position to maintain their claims. A tribe never ceases to maintain their title to the lands of their fathers, nor could a purchase be considered complete and valid without the concurrence of the original proprietors. If a conqueror spares the lives of the conquered, and they thenceforth become amalgamated with his own tribe, he infallibly secures his own title by uniting the claims of the original possessors with his own.

Possession of land, even for a number of years, does not give a right to alienate such property to Europeans without the consent of the original donor of the land, but it may be continued in the possession of descendants of the grantee to the latest generation.—[*Report to Governor Fitzroy: in Parl. Papers, 29th July, 1841*]

## IX. Archdeacon HADFIELD.—1860.

Are you acquainted with the nature of the Native tenure of land?—I ought to express some diffidence in replying to that question, but I may observe (in reference to the tenure acknowledged by Natives of the southern half of this Island, with which I am acquainted) that there is little or no difficulty on the subject.

What opportunities have you had of becoming acquainted with the subject?—The opportunities I have had of becoming acquainted with the subject arose from the fact of my having resided for four years in a Maori pa in which there were from five to six hundred men. My attention was particularly called to the subject at that time by the constant disputes about the purchases of land made by the New Zealand Company in Cook Strait. I was frequently applied to by Mr. Commissioner Spain to assist him in elucidating Maori customs about land. I may further state that after the collision at Wairau I made it part of my business to inquire into the subject, and after careful inquiry I came, in 1845, to a conclusion on the subject, which the experience of the last fifteen years has not tended in the slightest degree to alter.

State what you think to be the rights of the tribe in respect to land belonging to it.—I think that the right of each tribe to lands extends over the whole of the tribal territory, and entirely precludes the right of any other tribes over it. Such absolute tribal right may be classed under two heads: First, the territory which has been in the possession of the tribe for several generations, and to which no other claim had been previously known; secondly, the territory acquired by conquest, occupation, or possession.

State what you understand to be the rights of individual members of the tribes in respect to land.—I believe that the rights of the individual members of the tribes are limited to those portions of the lands of the tribe which they have either cultivated or occupied, or on which they have exercised some act of ownership which is acknowledged as such by the tribe. I must be understood to mean that their title to such lands was simply that of holding for their own use and benefit. Their right was a good holding title as against every other member of the tribe. They might exchange land among themselves, but no one could alienate without the consent of the tribe. In the year 1845 I drew up a paper on the tenure of Native lands, which I gave to Sir George Grey, who promised to return it. He told me he sent a copy of it to the Colonial Office. He did not return the original to me: I understand that it was burnt with other papers at Auckland.

What do you understand to be the rights of the chief of the tribe in respect to land belonging to the

tribe?—While looking over some papers a few weeks ago, I accidentally discovered my original pencil notes, which formed the rough draft of the paper on this subject to which I have just alluded, which I now produce, and with the permission of the Committee will read as they must be conclusive as to what my opinion as to individual title was in 1845: "The chief of the tribe, since he has no absolute right over the territory of the various hapu, nor over the lands of individual freemen of his own hapu, cannot sell any lands but his own, or those belonging to the tribe which are undoubtedly waste lands: nor can he do this in opposition to the opinion of the chiefs of the hapu of the tribe, if they consider the territory; and thus the independence of the tribe, impaired by so doing. Allowing this very questionable right of the chief to alienate any part of the territory of a tribe, it can scarcely be allowed to any chief of a hapu, even should he act in accordance with the various individuals of the hapu. It must be remembered that a tribe, however subdivided into hapu, is one, and cannot allow its integrity and strength to be impaired by the independent act of one hapu, which it is bound to identify with itself in all things, and to protect, if involved in any quarrels or difficulties. These remarks are more decidedly applicable in the case of ordinary freemen [*tutua*], who cannot alienate that land which is absolutely their own for all practical purposes, but is not to be disposed of in a manner contrary to the supposed interest of the tribe. There can be no doubt on this subject." The notes which I have now read to the Committee imply that the chiefs have power over some portions of the land. Fifteen years ago I set it down as a questionable right or power; I view it in the same light now. I limit such right of chiefs to deal with lands obtained by conquest only, and do not consider that it extends to any land which has become vested in the tribe by long possession. I wish to guard myself, in reference to what I am saying on this subject, by premising that I am speaking of tenure to land as it existed prior to the establishment of the British Government in the colony, and not since that event. The chief of a tribe must be regarded as holding his position by a double title. His first title must arise from his undoubted descent through a long line of well-known ancestors from the original head of the tribe. His second title depends on a more democratic principle: that is, he must be the acknowledged and the elected head of the tribe. The chief is the representative of the territorial right of the tribe, not because he is descended from numerous ancestors of noble blood, but because he has been acknowledged as such on account of his personal qualifications and influence, and has in fact been recognized as the guardian as well as the mouthpiece of the rights of the tribe. I have no doubt whatever on this subject. I understand that whatever rights to land existed previous to the Treaty of Waitangi among the Natives are still rights with them, being guaranteed by that treaty. I investigated Maori title to land irrespective of the influence which may have been exercised by the Government, and eight or ten years previous to the establishment of British sovereignty.— [*Evidence at the Bar of the House of Representatives, August, 1860: in Sess. Papers E.—No. 4.*]

## **X. Mr. SWAINSON, late Attorney-General of New Zealand.—1859.**

From time immemorial land has been the principal cause of quarrel amongst them; and, with their independent spirit and sensitive jealousy as to their territorial rights, they soon began to regard with mistrust the introduction of British rule. Their territorial claims are not confined to the land they may have brought into cultivation: they claim and exercise ownership over the whole surface of the country, and there is no part of it, however lonely, of which they do not know the owners. Forests in the wildest part of the country have their claimants. Land apparently waste is highly valued by them. Forests are preserved for birds, swamps and streams for eel-weirs and fisheries. Trees, rocks, and stones are used to define the well-known boundaries. Land is held by them either by the whole tribe, or by some family of it, or sometimes by an individual member of a tribe. Over the uncultivated portions of territory held by a tribe in common every individual member has the right of fishing and shooting. When any member of a tribe cultivates a portion of the common waste he acquires an individual right to what he has subdued by his labour; and in case of a sale he is recognized by the tribe as the sole proprietor. If undisposed of by sale, it generally descends from father to son. And even the power of disposing of land by will, orally expressed at the point of death, is recognized among them. A certain man had a male child born to him, then another male child, and then a third male child: he also had daughters. At last, being at the point of death, his sons and daughters and all his relations assembled to hear his last words, and to see him die. And the sons said to their father, Let thy mouth speak, oh father, that we may hear your will, for you have not long to live. Then the old man turned towards his younger brothers, and spake thus: Hereafter, oh my brothers, be kind to my children. My cultivations are for my sons. Such or such a piece of land is for such or such a nephew. My eel-weirs, my potato-gardens, my potatoes, my pigs, and my male and female slaves are all for my sons only. My wives are for my younger brother.' Such is the disposition of a man's property. It relates only to the male children. The custom as to the female children is not to give them any land,



for their father bears in mind that they will not abide on the land. They may marry husbands belonging to another tribe, not at all connected with their parents family; therefore no portion of land is given to them. Not so the male children: they stand fast always on the land." Such is the account given by an intelligent New Zealander of the customs among them as to the disposal of landed property.—[*Swainson's New Zealand*, 1859, p. 150.]

## **XI. Mr. Busby, formerly British Resident at New Zealand.—1860.**

I have read much of "manorial" and "seignorial right," of "tribal right," and even of "feudal right," in relation to the Maori tenure of land. Persons use these expressions with ideas more or less distinct attached to them, taking it for granted that corresponding ideas exist in the minds of the Maoris. The Rev. Mr. Hobbs lately showed that the words "mana" and "rangatira," which are the words in the Maori language supposed to represent the ideas of right and of authority, represent no such ideas in the minds of the Maoris. In fact, the ideas must exist before words to represent them are called into existence. I question whether many of the Maoris are better informed on such points now than they were at the time of the Treaty of Waitangi, but it is very certain that at that time no Maori entertained the idea of a "right" existing in one party which implied an obligation upon all other parties to respect it: no one conceived the idea of authority carrying with it the corresponding obligation of obedience. Such rights and obligations are the creation of law, and cannot subsist without it. The Maoris had no law but the law of the strongest.

It is certain that the Maoris had no fixed rule to guide them in the disposal of their land. It was a commodity to which no exchangeable value had ever been attached—a transaction for which no precedent existed; and, as in other things, the weak were overborne by the strong and impudent. Those who, according to our rules of lineal descent from the common progenitor, ought to have had most to say in the matter, had often the least. This shocks our ideas of right, but it came as a matter of course to them. Nevertheless there are ideas attached to the possession of land which may well be called instinctive. When a man has felled the forest, and fenced in and cultivated a portion of land, he has established a right against all other persons, which is at once felt to be as natural as that of a man to his own children, and is precedent of all law. And great injustice may be done to individuals who hold such a possession if they are prevented from selling it by a supposition that what we call a superior right exists in some other person, that right being nothing more, in the minds of the Maoris, than the exercise of an arbitrary power by those who have strength and arrogance enough to assume it.—[*Letter in "Southern Cross" Newspaper*, July, 1860.]

## **XII. Rev. Mr. BUDDLE, Superintendent of the Wesleyan Mission.—1860.**

"Mana" of the chiefs. This word means authority, power, influence. It was originally applied to persons and their words or acts, not to land. A chief whose authority or influence enabled him to gather together an army for war was *he tangata* [*unclear: whai mana*]*—*a man possessing mana. Commands readily obeyed are *kupu whai mana**—*words having influence. A promise faithfully kept and duly performed was mana: *Kua mana te kupu a te Kawana**—*The Governor's word has been fulfilled. This word has of late been used in reference to land, and now we hear of the *mana o te whenua**—*the mana of the land. What distinct idea is attached to it, is difficult to say. The disputed land at Waitara is claimed by the Maori King party because the King's maua has reached it: *Kua tae te mana o to matou Kingi ki reira**—*The mana of our King has gone there. And wherever this mana is gone the land is held as inalienable without the King's consent. *Kia mau te mana o te whenua* is another expression now in frequent use*—i.e.*, Hold fast the mana of the land. What does it mean? This is altogether a new application of the term; perhaps it has been adopted in consequence of the Queen's sovereignty over the Island having been translated as the Queen's mana. But it certainly did not originally mean that which is now claimed for it*—viz.*, a chief's "manorial right." This use of the word was not heard until this Maori-King movement originated it.

It is by no means clear that any such custom as "manorial right" ever obtained among the Native tribes*—*was either claimed by the chiefs or ceded by the people originally. A man took possession of territory by the strength of his arm and rested his claim on his conquests. "*Na tenei*," he would say, stretching out his arm, "By this I obtained it." Or he claimed it in consequence of having cultivated it. What reason could exist

originally for such rights? Land sales were things unknown. If land exchanged hands it was not by sale but by conquest—by might disregarding right. *Apropos* to this subject, a Waikato chief, who was adducing reasons for the King movement, remarked, "*hoko tahae*" (dishonest sales of land) was one reason. A chief offered land to Government and, because he was a chief, it was taken for granted the land was his own; "but," he added, "you must not suppose that every chief, because he is a great man with a great name, is a great landowner. There are many great chiefs who have no land, and therefore have no right to sell." How does this accord with manorial rights? Take another fact. One man at the great meeting at Ngaruawahia drew a circle around him and said: "This is mine; let no man interfere with me. I am on my own land, and shall do what I like with my own." Another asserted the same right, and declared his intention to sell what he pleased when he returned from the meeting. Did these men acknowledge the chiefs' manorial rights? Take another fact. Potatau himself sold a block of land to the Government a few years ago, and received a deposit of £50, but the sale has never been completed, because the men who had cultivated the block deny his right to sell, though he is principal chief of the tribe, and refuse to allow him to do so. Manorial rights are imaginary rights when claimed for New Zealand chiefs.—[*Pamphlet, Origin of the King Movement*, 1860.]

## XIII. Mr. EDWARD SHORTLAND, formerly Protector of Aborigines.-1844.

The spot where each canoe (of the migration) was finally drawn to land was taken possession of by the crew, who spread themselves from that centre over the more fertile districts till they became a numerous tribe. Each of the grand divisions under which the Natives of the Northern Island may be classed has its own characteristic dialect, and it seems probable that the term *waka* (canoe), which is also used to denote these primary divisions, has reference to that origin of the tribes. At the present day these *wakas* are divided into many distinct *iwi*, each of which is subdivided again into hapu or smaller communities. The territory claimed by a *waka* is subdivided into districts, each of which is claimed by an *iwi*. These, again, are variously apportioned among the different hapus and families of chiefs. In the immediate vicinity of a pa the land is more minutely subdivided between its inmates, nearly every person having his own small cultivation-ground, or holding some spot in common with other members of his family. This circumstance renders it difficult to purchase lands once so occupied, even though the pa may have been deserted for many years, as every man whose ancestors cultivated there will expect his claim to be satisfied.

The chiefs are the principal landholders. Every individual, however, as far as I have been able to learn, has his own estate, which he has inherited from his branch of the family, and which he cultivates as he pleases. The sons of a chief may, during his lifetime, select kaingas or farms from their father's estate, but the larger portions are cultivated in common by the different members of the family. On the death of the father the eldest son chooses some part of the lands for himself; the others do the same; the daughters obtaining only so much as their father or brothers choose to leave them. This order of things is sometimes changed in case the elder brother is of a quiet disposition and the younger brother happens to be a *toa*, or turbulent fellow. A chief, when speaking of the title by which he holds his lands, never fails to make a distinction between those which he has inherited and those which he or his ancestors have obtained by conquest; over the former his right is universally recognized, the latter appear to be tenable only so long as the party in possession are the most powerful. The claim which he advances is, however, quite characteristic—viz., that the lands are the *utu* or compensation for the death of his relations who perished in the fight. It is from purchasing lands the right to which is thus contested by two hostile parties, either of whom will gladly avail himself of an opportunity to sell independently of the other, that Europeans have unwarily fallen into so many difficulties.

Besides the lands thus held, there are large districts on the borders of different tribes which remain uncultivated. These *kainga tautohe* (debatable lands) are a never-failing cause of war till one party has lost its principal men. When a dispute arises between members of the same tribe as to who is the rightful owner of a piece of land, the principal persons on both sides meet together to discuss the affair: their pedigrees are traced, and the ancestor from whom either party claims is declared; and proof that any act of ownership (such as cultivating, building a house, setting pit-falls for rats, or making eel-weirs) was once exercised without opposition by one of their ancestors, is considered sufficient evidence of the right of his descendants to the land. I have been present during such discussions, but have never known them terminate in an orderly manner, nor have since learnt that any advance has been made thereby towards settling the question.—[*Report to Chief Protector: in Parl. Papers; 29th July, 1844*]

## XIV. Mr. JOHN WHITE, Interpreter in the Native Office.—1859.

In order to be better understood, before speaking of the tenure, a glance may be given at the manner in which the migrations took possession of and portioned out their newly discovered country. It is generally admitted among the Natives of New Zealand that the chief Kupe, who came in the canoe "Matahourua," was the first. He took possession of the country from Whanganui to Patea. Turi, in the canoe "Aotea," came next; he took from Patea to Aotea. Next were the canoes "Te Arawa" and "Tainui;" they took the land from East Cape to Cape Colville, where Tamatekapua, chief of the "Arawa" canoe, died. The chiefs Ruauru and Toroa came next in the canoe "Matatua," and took Rotorua Lakes. The "Tainui" canoe, commanded by Hoturoa, came on from Cape Colville to Tamaki and took all the country east from Cape Colville to Mangawhai, west from Manukau to Whaingaroa. The Ngapuhi canoes were next—"Mamari," "Riukakara," and "Mahuhu." The first went to Hokianga River, and took the land from Maunganui to Ahipara. The Riukakara went to Whangaroa, and took the land from Mangomui to the Bay of Islands. Mahuhu (Ngatiwhatua) took the country from Mangonui, round the North Cape, to Ahipara. The "Wakatuwhenua" canoe came next and took Cape Rodney. The chief Manaia, in the "Tokomaru" canoe, took Taranaki; the ancestor of the Ngatiawa came in this canoe. The canoe "Kurahaupo," commanded by Ruatea, landed near East Cape and took all the land from the point taken by Arawa round the East Coast to Port Nicholson. The canoe "Takitumu" (or "Horouta"—fast sailer), commanded by Tata, first landed at Turanga, but proceeded southwards, crossed Cook Strait, and took possession of the whole of the Middle Island. Thus all the lands in the North and Middle Island were taken possession of on the arrival of the canoes. The boundaries claimed by this right of discovery did not long remain. Some time after the Arawa and Tainui migrations had settled, a chief of the Tainui went overland to the Bay of Plenty and burnt the canoe "Te Arawa." This was the cause of the first Maori war.

Most of the tribal boundaries lay along the highest ridges; and, as these were the resort of the rat, every chief became acquainted with the exact boundary of his lands. Where a creek was the dividing boundary this was occupied with eel-dams, not made of wickerwork that might be carried away by a flood, but of such construction that generations might pass and each put the eel-baskets down by the carved and red-ochred totara-post which its ancestors had placed there. Where the dividing boundary between two tribes ran along a valley, landmarks were erected, generally of cairns, to which names were given.

There is not an inch of land in the Islands which is not claimed, nor a hill nor valley, stream nor forest, which has not a name. The boundary was liable to be altered, as when land was taken by conquest or was given by a chief for assistance rendered by another tribe in war; or when land, given to the female branch of a family, reverted to the male branch; or where land was ceded to a tribe for a specific purpose, and with certain restrictions, the tenure being conditional on the terms being fulfilled.

Hereditary tenure was thus: The claim was grounded on the right of the grandfather or grandmother, not of the father, mother, brother, or other immediate kindred. There have been cases where a chief, on his death-bed, portioned out his land to each of his children. The sons' claim is, in all instances, derived from the grandfather. The eldest son of the senior branch in the male line is chief of the tribe and exercises sole authority as guardian for his people against the encroachments of other tribes; but all the offspring, descendants from the male branch, have an equal right in the lands of their progenitors. No matter how distant the relationship, they all, so long as they can trace their origin up to the same ancestor—provided a family war has not occurred and thereby divided the tribe—claim an equal right to the lands owned by that ancestor. The title in the female line does not expand to the same extent: the granddaughter of a chief has an equal claim to the lands of her grandfather with that of her male cousins, and the claim continues good to her grandchild; but, on the death of that grandchild, the land reverts to the male line. This custom holds good for the following reason, which is assigned as its origin—namely, that were it not upheld the intermarriage of chiefs' daughters with members of other tribes would soon so complicate and curtail the tribal claims that an invitation would be held out to adjoining tribes to attempt by conquest to despoil them of their territory.

If a family war takes place in which a tribe becomes divided (which has frequently occurred) a division of the tribal lands takes place. The lands of a tribe were portioned out according to the number of families of which it consisted, and were claimed by each family as its own; nor did any one meddle with it or occupy the land of another family unless by express permission. Still, those portions were not the exclusive property of each family. But this only applies to the lands originally settled by the first migrations, not to lands which have been acquired by conquest, gift, or *utu* for curses or other injuries. Land is claimed by families, and the object of the chiefs in pointing them out was to prevent tribal disputes, and to allow each part of the tribe to have a

portion of land over which it could exercise the exclusive right of cultivation, fishing, snaring birds, catching rats, or obtaining fern root. Moreover, this portioning-out of the tribal lands caused emulation in the different families as to the produce gained by each for the use of the tribe. The individual claim to land, therefore, does not exist among the New Zealanders, according to our acceptation of the term. The right to land taken by conquest rests solely on the conquering party actually occupying the taken district, to the utter exclusion of its original owners or other tribes. If a portion of the conquered tribe escaped, the claim held good to as great an extent as they had courage to occupy; and if they could manage to keep within their own tribal boundary, and elude the enemy, their right to the whole of the land held good: hence the meaning of a sentence so often used by old chiefs in their land disputes, *I ka tonu taku ahi i runga i toku whenua*—My fire has ever been kept alight upon my land. Again, if a tribe was conquered and became extinct, with the exception of slaves taken by the conquerors, these slaves might by purchase recover their tribal lands, or they could if liberated return to them on condition of allegiance to the conquerors, rendering them assistance in war, and paying a tribute, for a time, of their produce. [Here follow numerous instances of other complicated claims:] When land was given by one tribe to the leader of another tribe for assistance in war, it did not vest in that leader: the relatives of chiefs killed in the war had a claim. It was also necessary that the land should be occupied and possession retained.

The war in the Bay of Plenty, which has been continued to the present time between certain chiefs, also originated in a like cause (disputes of title). The contending parties are all of one tribe and spring from one ancestor, but by intermarriage some have a more direct claim than others; the descendants who by intermarriage are related to other tribes have made an equal claim to lands over which they have but a partial claim, and resistance to this has been the cause of the war. Disputes of this kind are not easily unravelled. I believe that, were it possible to teach the Maoris the English language, and then bring them into some Court, allowing each contending party to plead his cause in such a dispute as I have mentioned, not according to English law but Maori customs, both sides would, according to Native genealogy and laws, make out their respective cases so clearly that it would take a Judge and jury possessed of more than human attainments to decide the ownership of the land.— [*Lecture at the Mechanics' Institute: written in August, 1859.*]

## **XV. Rev. J. A. Wilson, Church Missionary.—1860.**

As much controversy has arisen since the commencement of the present war concerning the right by which land is held among the aborigines, I beg to offer a few remarks illustrated by facts which at an early period in this country fell under my personal observation when acting as an agent of the Church Missionary Society. I refer to the purchase of land in four different localities in order to form missionary establishments.

The Natives of New Zealand assert their claim to lands on the following grounds: First, hereditary claims, which are the best; second, lands obtained by conquest, third, lands the titles of which are disputed or doubtful. These last claims are chiefly owing to marriage and intermarriage with other tribes. These various claims are either *individual* or *tribal*.

It is not within my reach to refer to the exact dates attached to the transactions I shall notice, the original deeds being in possession of the Government; yet I may mention that the first of these purchases was made at the Thames, at a place named the Puriri, about 1835. I was myself one of a small band of missionaries (four in number) who in the latter end of 1833 made the first attempt to christianize the Natives in this part of the Island; the Church Missionary Society having hitherto confined their efforts to the Bay of Islands and its neighbourhood.

The land on which the station at the Thames was formed was obtained from a *woman* named Tini. We found it was at her entire disposal either to retain or to sell it at pleasure, and no chief attempted to use the slightest control over her. The payment, which at that period consisted chiefly of clothing and ironware, &c., was arranged by herself, assisted by others. Part she took for herself; the rest was distributed among the tribe to which she belonged, or sent as presents to other tribes.

The Puriri having proved both unhealthy and inconvenient, about two years afterwards a second place was bought nearer to the sea. This also was sold by the same person. In this second purchase the following difficulty occurred, which will throw some light upon Native usage in the transfer of land amongst themselves. It was known that a chief named Koinaki and his clan were living by sufferance on the place she wished to part with, and, according to Native custom, there was no right existing that could eject them. It was at the option of these people to remain there for generations, or even till the tribe became extinct; on the other hand, those in possession had no power over the land, either to alienate or to dispose of it in any way. If they left it voluntarily, or were driven away in war, and the place lay desolate for any length of time, it was not in the

power of the tribe who had left it to put any second party in possession, but it at once reverted to the hereditary heir. To get over the present embarrassment Tini made presents to Koinaki and his people, in consideration of which they withdrew from the land.

The next instance I shall observe on was the purchase of land for a missionary residence, &c., in the interior. In 1835 the Rev. Mr. Brown and myself formed a missionary establishment at Matamata, and we were desirous to secure land for a village, &c. Our houses were built, and part of the ground cleared and fenced before we made any direct application to Waharoa, the chief of *all* the Matamata Tribes. This person had no compeer in the surrounding districts, and was feared by all, from the banks of the Waikato to the Lakes of Rotorua. As the missionaries had been invited by this chief to Matamata, and were now living under his protection, they supposed it merely necessary to apply to him in order to be put in possession of the land they occupied. He told them, however, that the land was *not his*, and that he *could not sell it*; but, he added, he had land of his own opposite the pa (Native fortification), and that they should have that. This the missionaries declined, for, though only a mile distant, yet, as the pa might at any time be attacked and endanger the station, they preferred remaining on the site already chosen. The old chief, pressed by their importunity, consented at last to speak to the proprietor, Paringaringa, and shortly afterwards brought him to the settlement. He was a young man, and owned land in the vicinity of Matamata. He readily agreed to sell the place, and having arranged the price, he afterwards returned with his mother and one or two others, who at once removed the property to their own dwelling, *without making any distribution to others*. Waharoa, who was present, took two spades from amongst the different articles more as a token of friendship than a right, and the purchase was concluded.

Other instances might be cited, but these appear sufficient to prove that, according to the primitive usages originally existing in this country, such a law as *positive personal* right to land was acknowledged.

But before quitting this subject to noticing tribal ownership, I shall take the liberty to insert a remark made by a Taranaki Native, who a short time since accompanied me down the waikato. I had observed to him that a number of the people in a tribe we had just passed were saved from instant death through the interposition of two Europeans about twenty-five years since, but that they had forgotten their benefactors. My companion for some time pulled on in silence; at last he said; "The Maori does not forget an obligation of this kind any more than the pakeha. The Europeans you speak of could not have been recognized, or they would not have been allowed to pass on without a welcome." Then, in order to illustrate the gratitude of his countrymen, he continued: "If, in former times, a *rangatira* (freeman, or gentleman) was dangerously wounded in battle, and was on the point of falling into the hands of the enemy; if, at such a moment, he was rescued by the valour of others, and who afterwards carried him to his home, his first thought after his recovery was, 'What can I give to my friends? I have no riches, but I have land. I will give them land. And he acted accordingly.'"

The two next cases I shall refer to relate to *tribal claims*. The first purchase was made by the missionaries at Tauranga, in the Bay of Plenty, during my residence among them. The land on which the station is situated was bought from the whole tribe of Ngaiterangi, the chiefs receiving payment before the people, which was by them divided according to the right of claim. The last I shall speak of was at Opotiki, eighty miles to the eastward of Tauranga, and situated in the same bay. This station was formed and conducted by myself alone for the first twelve years. The land at Opotiki was tribal, and belonged to a number of small clans who were jealous of each other, and always at variance. As it was not easy to adjust and divide the property given in exchange to the satisfaction of a thousand such claimants, I give the stipulated equivalent, which consisted of clothing, cattle, horses, ironware, and money, &c. (£300), to six or seven chiefs, and they arranged the distribution.

Thus, though in widely different parts of this country, we find the observance of the same rights; and I believe it will be found that the above precedents form the basis of the tenure by which lands are held amongst the aborigines.—[*Letter to Governor Gore Browne, September, 1860.*]

Auckland, 3rd December, 1860.

- His Excellency's reply to Mr. Fortescue's despatch of 27th August, 1860, deals so thoroughly with the question of the territorial rights of the Native chiefs that little is left to be said on the subject.
- The main question proposed by Mr. Fortescue is, whether or not there exists, in the chief or tribe, "a right, distinct from one of property, to assent to or forbid the sale of any land belonging to members of the tribe, in cases where all the owners are willing to sell."
- The answer to this question must be sought for in the history of land purchases since the settlement of the country by Europeans, and not in fanciful deductions from what is known or conjectured about the original state of the New Zealand tribes.
- The settlement of the country, and the establishment of British sovereignty, of necessity effected a great

change in the status of tribes and individuals of the Native race. The New Zealand tribes, in their original state, were so many separate nations. The assumption of the sovereignty of the Islands, under the provisions of the Treaty of Waitangi, extinguished these separate nationalities, together with the rights flowing out of them. At the same time the treaty saved all proprietary, as distinguished from national, rights, and (subject to Her Majesty's right of pre-emption) confirmed to the Native landowners the power of alienation which they had already begun to exercise.

- It is very doubtful whether, previously to the arrival of Europeans, the aborigines had any notion at all of the absolute alienation of territory. Certainly they did not regard land as a marketable commodity; and whatever alienations may have taken place amongst themselves were of a totally different character from such as followed upon the settlement of the country.
- The alleged right of restraining alienation cannot be deduced from the practices of a time when the tribes were little nations constantly engaged in mutual hostilities, and when such a thing as a sale of land, in our sense, had not been heard of; and it would be foolish to seek precedents for the regulation of dealings with Europeans in the usages of a period when there were no Europeans in the country. The right of alienation was a novelty unprovided for in the whole tribal economy, and the conditions of the exercise of the right were, of course, novel also. The subject, therefore, can receive no real illustration from the investigation of the Native ideas and customs prior to the advent of Europeans, but the inquiry to be made is simply this: whether or not the alleged right of control has been recognized or asserted since the settlement of New Zealand. If not, no such right can be supposed to exist.
- The land purchases made of the Natives of New Zealand are divisible into two great classes: First, those made of leading chiefs, representing whole tribes (*iwi*); secondly, those made of sub-tribes (*hapus*), or of families or other comparatively small groups of individuals.
- The former class of purchases comprises those cases in which a large unoccupied territory has been disposed of by the conquerors, as in the instance of the sale of the Middle Island by the Ngatitua chiefs, and of Taranaki by Te Wherowhero and his brother.
- In most, perhaps in all, of the cases belonging to the second class the land sold has been territory actually divided amongst, and appropriated by, the different hapus or families of the tribe. By far the greater number of purchases belong to this class. All the purchases made to the north of Auckland, whether by Government or individual Europeans, belong to it; so do the purchases made of the Ngatikahungunu in the Hawke's Bay District and the Wairarapa Valley, of hapus of the Waikato Trib in the neighbourhood of Whaingaroa, or Raglan, and, of the Ngatiawa at Port Nicholson and in Taranaki.
- Neither class of purchases affords any precedent of the exercise or assertion of the supposed right. In sales of vacant territory the principal chiefs have themselves been the vendors. In sales of occupied territory an absolute and unquestioned right of alienation has always gone along with the right of occupancy, which is generally exclusive in certain hapus or families, and not common to the whole tribe.
- It thus appears that the unrestricted right of alienation has in practice accompanied the right of property, whether subsisting in the tribe or in any smaller Native community, and that no seigniorial or tribal right of controlling sales by the Native owners has ever been exercised, or in anywise asserted, since the commencement of land purchases in New Zealand. His Excellency's Responsible Ministers are therefore of opinion that the main question proposed by the Secretary of State should be answered in the negative.
- Whilst arriving at this conclusion respecting a matter of fact, Ministers desire to guard against being supposed to maintain the opinion that such practical influence as the principal chiefs may hereafter attempt to exercise in the matter of land sales ought to be disregarded. The distinction between right and power is still faintly drawn by the Natives themselves; and—dealing with them as in some sort a foreign Power—it will be generally prudent to respect any authority and influence established amongst them *de facto*, without too nice an inquiry whether that authority and influence exist strictly *de jure*. The political power of the chiefs is still great, and the jealousy of European progress on the increase, so that it is probable that in many cases the influence of the chiefs may be employed to check the exercise by Native landowners of those independent rights of alienation which they have hitherto enjoyed. Such a use of the political authority of the chiefs certainly ought not to be encouraged; at the same time it would often be imprudent to press the completion of a purchase in the face of the opposition of any important chief nearly connected with the Natives offering to cede territory.

## Wiremu Kingi's Claim to Waitara.

- 13. As regards the remaining question whether the particular claim of William King to interfere with the sales in the New Plymouth District was such as it would, on any ground, have been right or politic to

admit, the Governor's despatch has exhausted whatever still remained to be said. His Excellency's Ministers feel that it cannot be necessary for them to do more than to state; summarily, their own views. They think that any such recognition would have been unjust to the Native proprietors, and, seeing that W. Kingi's pretensions and intrigue have for years convulsed the district, to the European settlers also; that it would have been an abandonment of the principles laid down and acted upon by successive Governments for the settlement of the Ngatiawa claims at Taranaki, and a violation of the express promise made to the assembled Natives at New Plymouth by the present Governor in March, 1859; that, far from putting an end to it, it would have aggravated the feud which has already occasioned so much bloodshed amongst the Natives, and has so frequently disturbed and imperilled the settlement of New Plymouth; that it would have rendered the intervention of the British Government to establish peace in the district more difficult, but would by no means have obviated the ultimate necessity for such intervention: in fine, that it would have been, under the peculiar circumstances of the case, the dereliction of a plain duty, and an act of weakness unattended by any advantage beyond the postponement of a difficulty which must have soon recurred in some aggravated form.

C. W. RICHMOND.

*On "Seignorial Right."*

MY LORD DUKE,—

Government House, Auckland, 4th December, 1860.

I have the honour to acknowledge, and beg to express my best thanks for, Mr. Chichester Fortescue's Despatch No. 55, of the 27th August last.

- 2. I am desired in that despatch to furnish a full report to your Grace upon "the question of an alleged right, distinct from one of property, existing in the chief of a tribe, to assent to or forbid the sale of any land belonging to members of the tribe, in cases where all the owners are willing to sell, and how far such a right has been, or ought to be, recognized by the Crown." And I am also desired to give you my own views, and all the information in my power, on "the further questions whether there are reasons, apart from the Treaty of Waitangi, in favour generally of the recognition of such a right, and whether they justify the claims of Wiremu Kingi upon the present occasion."
- 3. I am afraid that, in the endeavour to give an answer to these questions, I shall have to ask for your Grace's attention at much length. They involve, in reality, an examination of the Native tenure to land generally, and specially of the Ngatiawa title at Taranaki of the status of the chiefs before and since the establishment of British sovereignty; of the principles which have guided successive Governors of New Zealand on the Taranaki question; of the proceedings immediately connected with the purchase at Waitara last year; of the misrepresentations that have been spread abroad respecting those proceedings; of the relation between Wiremu Kingi's insurrection and the Native-King movement and land league; and, lastly, of the present aspect of the subject with reference to the special questions raised by your Grace.
- 4. In submitting my own opinions on these subjects, gathered as they are from events that have occurred during a period of more than twenty years, I have desired to say nothing which was not either within my own knowledge or supported by some reliable authority. In order that these authorities should be placed before you in a readable shape, I have caused them to be printed separately as an appendix to this despatch, with distinct references to the publication in which each can be found.

## **I. *The Native Tenure.***

- 5. In order that your Grace should see how various are the views which have been entertained on the subject of the Native title to land, I have collected all that I could find to be deserving of attention; and I submit for your perusal extracts from the opinions of—(1) the Bishop of New Zealand; (2) Sir William Martin, late Chief Justice; (3) Mr. Busby, formerly British Resident; (4) Archdeacon Maunsell; (5) Mr. Clarke, formerly Chief Protector of Aborigines; (6) the Native Board of 1856, comprising the then late and Acting Native Secretaries, and the Surveyor-General; (7) Mr. Spain, formerly Her Majesty's Land Claims Commissioner; (8) Rev. Mr. Hamlin, Church Missionary; (9) Mr. Swainson, late Attorney-General; (10) Archdeacon Hadfield; (11) Mr. Shortland, formerly a Protector of Aborigines; (12) Mr. White, for the last ten years Interpreter in the Native Office; (13) Rev. Mr. Buddle,

Superintendent of the Wesleyan Mission; (14) Mr. McLean, Chief Commissioner for the Purchase of Native Lands; (15) Rev. J. A. Wilson, Church missionary.

- 6. Of the eighteen persons here named, nine were in this country before the establishment of British sovereignty, and have maintained to the present time the closest relations with the Native race; five more have been in New Zealand for between eighteen and twenty years; and the other four, who are no longer in the colony, were all from their official position necessarily called upon to form a judgment on the question of Native tenure.
- 7. The result of all these inquiries has certainly not been to present a very clear idea of what Native title is, and still less of what it is not. Chief Justice Arney said in the Legislative Council the other day, "I have found much inconsistency and contradiction, but no novelty, and have derived this consolation— namely, of reflecting that little as I know of the Native title, or of the (so-called) Maori law of real property, the generality of people, even of the learned, the *periti*, know little more."
- 8. At the same time I think there is no reason to doubt that, notwithstanding the variety of rules in different localities and among different tribes, the title to land among the Natives of this country was a tribal rather than an individual title. The individual right to possess whatever portion of land was subdued by the labour of each member of the tribe was undoubtedly recognized and transmitted by descent from generation to generation; but the right to alienate land so held was one the exercise of which was restricted by the obvious necessity of maintaining the unity of the tribe, of securing its right to service from each member, and of preserving its land from going into the hands of strangers. It is doubtful, indeed, whether the right to alienate land in perpetuity was well understood among the Natives before the European settlement of the country.
- 9. I now beg to submit to your Grace a few of the opinions which have been given on both the tribal title and individual right.

See *ante*, No. 9.

"Generally there is no such thing as an individual claim, clear and independent of the tribal right.", "Each Native has a right in common with the whole tribe over the disposal of the land of the tribe, and has an individual right to such portions as he or his parents may have regularly used for cultivations, &c. This individual claim does not amount to a right of disposal to Europeans, as a general rule." "The land does not, generally speaking, belong to one individual, but chiefly to the tribe." "Land is held by them either by the whole tribe or by some family of it, or sometimes by an individual member of a tribe." "It may be observed that scarcely any of the land of the aborigines of this country can be said to be the exclusive property of one individual; though the descent through which a party can trace their claim to the land they hold is by a single person. This person can sell if he likes without the consent of his party; the party selling without his consent would be a *hoko tahae* (dishonest sale).... This absence of the individualization of property seems rather attributable to the state of the country than to any defect in the line of descent. The individualization of the descent is clearly recognized." "The lands of a tribe were portioned out according to the number of families of which it consisted, and were claimed by each family as its own, nor did any one meddle with it or occupy the land of another family without express permission." "For the most part, the boundaries of property are well defined. In the immediate neighbourhood of such pas as are at present inhabited, land is often minutely subdivided, each separate piece belonging to some one person.... There might be several conflicting claimants of the same land; but, however the Natives might be divided among themselves as to the validity of the several claims, still no man doubted that there was in every case a right of property subsisting in *some one* of the claimants." "In this way families hold and cultivate their ground; enlarging their individual cultivations from time to time, thus establishing an indisputable title to such lands as their special and particular property.... All or any of these acts give an undeniable right to special property in land heretofore considered common." "The chiefs are the principal landholders: Every individual, however, so far as I have been able to learn, has his own estate which he has inherited from his branch of the family, and which he cultivates as he pleases." "The head teacher of the tribe is about to be admitted to holy orders, which led me to ask whether he had a claim to any land which might be available for his maintenance. I was immediately informed of the exact spot, and of the grounds of his title.... Let the [Ngatiawa] tribe be once assembled in undisputed possession of its ancient territory, and let each freeholder's claim be duly investigated, and a Crown title granted to each as an individual proprietor, with full power to dispose of his land by sale, lease, or bequest... I desire to see each Native landowner secured by a Crown grant for his own individual property.... Every one of these 340 men [Ngatiawas] believes himself to be a proprietor of land in this district.... These instances appear sufficient to prove that, according to the primitive usages originally existing in this country, such a law as positive personal right to land was acknowledged." And, lastly, I beg to refer to extracts of a paper, known to have been written by one of the Interpreters in the



Native Office, containing instances of sales effected by Natives at various times without reference to the chiefs.

- 10. But whatever may be the true theory of Native tenure, as a theory, there is nothing more certain than that there exist among the Native tribes themselves no fixed rules by which the practice of the Government in its dealings with them for land could be guided. Mr. McLean, whose experience extends over more than twenty years, and who has bought more than twenty millions of acres for the Crown, in his evidence before the House of Representatives last August says (I give the substance of his answers): "The tribal right varies so much in different parts of the country, I should like to know what particular part of the country is referred to, as the custom which prevails in one place does not in another. There are very wide exceptions to any general rule, and the exception is wider than the rule. In some tribes the different hapus (families) must be consulted, in others the chiefs. The various hapus which compose a tribe most frequently have the right of disposal, but not always. You must discover the rights of the parties by inquiry of the people in the district where the land is situate and elsewhere. The Natives have no fixed rule. The custom varies in different districts. In the Ngatiawa Tribe a family of three or four people has been regarded as empowered to dispose of its common property: they have enjoyed this right for the last eighteen years."
- 11. Again, Mr. Busby, formerly British resident, says: "It is certain that the Maoris had no fixed rule to guide them in the disposal of their land;" and the Rev. Mr. Hamlin: "All these acknowledged Native rights were by might often set aside, and arbitrary power ruled. ... Tribal rights, or any uniform course of action or general plan for their guidance in the management of their lands or other affairs, I have not found to exist among the Natives of this country, nor do I believe they have any such plan or general rule. Each party or tribe seems to have been guided by existing circumstances in the management of their affairs."
- 12. But, above all, I beg your Grace's attention to the speech delivered by Mr. McLean to the conference of chiefs at Kohimarama, and contradicted by none, in which he says: "No fixed law on the subject [of their lands] could be said to exist, except the law of might. It was true that various customs relating to Native tenure existed, but these were not in any way permanent; and the endless complications of such customs were eventually resolved into the law of might. .... The Native has no fixed law to regulate the rights of property. The European has a law to guide him on this subject; the Native has no well-defined law. .... Powerful tribes took possession of land by driving off or exterminating the original inhabitants; these in their turn drove off other less powerful tribes. The conqueror enjoyed the property while he had the power of keeping it."
- 13. And in order to illustrate the difficulties in the way of laying down fixed rules, I beg leave to give your Grace a few instances of conflicting opinions:—
- 14. The conflicting authorities here quoted furnish a satisfactory answer to an accusation constantly preferred against the Native Department, that, in extinguishing Native title, they are guided by no fixed rules, but have, with apparent caprice, dealt with chiefs in one place and with proprietors in another. No one of my predecessors has ventured to lay down any precise theory on the subject of Native tenure, nor could I pretend to do so; on the contrary, I have endeavoured to follow in the path traced out by them, and have studied to preserve as much consistency and uniformity of action as circumstances will permit in all dealings with Native proprietors. I now propose to prove to your Grace that my dealings with the Ngatiawa Tribe have formed no exception to this rule.

## ***II. The Ngatiawa Title at Taranaki.***

- 15. In order rightly to understand the position which the Governors of New Zealand have uniformly assumed in reference to the title of the Ngatiawa at Taranaki, it is necessary to remember that they were a conquered, broken, and scattered tribe, and that the fairest and most fertile country in New Zealand, their ancient inheritance, was a deserted wilderness at the time of the European colonization.
- 16. About thirty years ago the great chief Te Rauparaha persuaded a large force of the Ngatiawa, Ngatiraukawa, and other tribes, to assist him in his wars with the original inhabitants of both shores of Cook Strait. The Waikato Natives, taking advantage of their absence, suddenly invaded the Taranaki District, and took Pukerangiora, a large pa on the Waitara River (the same pa which there is now reason to think the insurgents intend to fortify and try to hold), capturing or destroying nearly two thousand of the inhabitants. They then attacked Ngamotu, near the present site of New Plymouth, but without success, and returned to their own country. They never repeated their attack, though they frequently threatened to do so; and the remnant of the Ngatiawa Tribe, finding themselves too weak to oppose effectually any

renewed invasion from Waikato while their principal warriors were absent with Rauparaha, migrated with their women and children, and rejoined their relatives at Otaki, Port Nicholson, Queen Charlotte Sound, and other places, where they took possession of and cultivated the soil, and where their title was afterwards admitted, by reason of such occupation, against Rauparaha and others who claimed the land by right of conquest.

- 17. Thus the Ngatiawa Tribe had either voluntarily migrated on conquering expeditions to other lands, or had left in dread of the Waikatos, or had been driven by force out of their ancient territory, and had completely abandoned it. When the first white men went there there were only sixty people living in the whole district north of the Sugarloaf Islands, and for a long time subsequent to 1840 they had not much more than a hundred acres in cultivation. In the expressive language of two of their chiefs, in a letter to the people of Taranaki, "All was quite deserted; the land, the sea, the streams and lakes, the forests, the rocks, were deserted; the food, the property, the work, were deserted; the dead and the sick were deserted; the landmarks were deserted."
- 18. Now, when the British sovereignty was proclaimed in New Zealand, we found (notwithstanding the desolating wars which had taken place for years throughout the Islands) certain great tribes in the full possession of their tribal territories. Thus the Ngapuhi in the North, and the Waikato and Ngatimaniapoto in the centre and West Coast, held their ancient inheritance still; and, in our dealings with them since the Treaty of Waitangi, we have generally recognized not alone their tribal right in cases of sale, but the influence of their principal men in assenting to or preventing sales. No Government, for instance, would have thought of making a purchase at Ngapuhi, or at Waikato, in the teeth of the veto of great chiefs, such as Tamati Waka Nene and Potatau te Wherowhero. On the other hand there were a few tribes which had been so broken and scattered by conquest and otherwise that, with reference to them, the British Government has from the first neither recognized the tribal right in case of alienation, nor permitted the exercise of a veto on such alienation by the chiefs. Of these was the Ngatiawa of Taranaki.
- 19. I do not propose to discuss the question whether the Government of this colony was right or wrong in denying to the Ngatiawa Tribe at Tarauaki the status which they would have recognized in unconquered tribes. It will be sufficient for me to show that they have done so in successive acts and decisions since the foundation of the colony, and that in the course I have pursued I have simply adhered to the principles and policy of my predecessors, Governor Hobson, Governor Fitzroy, and Governor Sir George Grey. I shall presently establish this, I cannot doubt, to the perfect satisfaction of your Grace.

### **III. *Status of the Chiefs.***

- 20. There can hardly be a doubt that, prior to the establishment of British sovereignty, the power of a chief in his tribe depended as much on his courage and skill in war and his ability in council as on rank by birth or on territorial possessions. It often happened that the most powerful chief was a small landholder. Their law was the right of the strong arm. Mr. Busby, writing in 1837 to the Governor of New South Wales, tells us what kind of rank the chiefs had in those days: "To those unacquainted with the status of a Native chief it may appear improbable that he would give up his own proper rank and authority. But, in truth, the New Zealand chief has neither rank nor authority but what every person above the condition of a slave, and indeed the most of them, may despise or resist with impunity."
- 21. But the kind of authority which the chiefs exercised in reference to land may be gathered from the following extracts from the authorities whom I have already quoted: Sir William Martin said in 1846: "There is no paramount or controlling power, either in the tribe or in the sub-tribe, to restrain or direct the exercise of the right of appropriation [of land]. Each family or freeman may use and appropriate without leave of any." The Board of 1856 said: "The chiefs exercise an influence in the disposal of land, but have only an individual claim, like the Test of the people, to particular portions." Archdeacon Hadfield, in 1845, said: "The chief of the tribe, since he has no absolute right over the territory of the various hapus, nor over the lands of individual freemen of his own hapu, cannot sell any lands but his own, or those belonging to the tribe which are undoubtedly waste lands."
- 22. I take the preceding opinions because they were given years ago, and have nothing to do with the present state of things. Since the insurrection which has unhappily broken out at Taranaki a great effort has been made by many persons to claim for all the chiefs, and in all circumstances, a paramount authority in the sale of land; such a power, in short, as Mr. Fortescue describes—"one distinct from the right of property, to assent to or forbid the sale of any land belonging to the tribe." Various names have been given to this right. It is called by the Bishop of New Zealand and some of his clergy a "seigniorial right," by others a "manorial right," by others a "feudal right." I wish to show your Grace that the

universal exercise of any right of the sort is by no means admitted or even understood by persons extremely well qualified to form an opinion.

- 23. Mr. Busby says: "I have read much of 'manorial' and 'seigniorial right,' of 'tribal right,' and even of 'feudal-right,' in relation to the Maori tenure of land. Persons use these expressions with ideas more or less distinct attached to them, taking it for granted that corresponding ideas exist in the minds of the Maoris. I question whether many of the Maoris are better informed on such points now than they were at the time of the Treaty of Waitangi; but it is very certain that at that time no Maori entertained the idea of a right existing in one party which implied an obligation upon all other parties to respect it. No one conceived the idea of authority carrying with it the corresponding obligation of obedience. Such rights and obligations are the creation of law, and cannot subsist without it. The Maori had no law but the law of the strongest..... There are ideas attached to the possession of land which may well be called instinctive; and great injustice may be done to individuals who hold such a possession, if they are prevented from selling it by a supposition that what we call a superior right exists in some other person, that right being nothing more in the minds of the Maoris than the exercise of an arbitrary power by those who have strength and arrogance enough to assume it."
- 24. The Rev. Mr. Hamlin says: "I have not been able to discover that any such thing as manorial right, distinct from ownership in a greater or less degree, has been lodged in the chief of a district, in the chief of a tribe, in the chief of a hapu, or in any other person of the aborigines. And if there is such a thing as *mana o te whenua* (mana of the land) it is a certain invisible, indescribable something to which the European may attach a meaning wholly at variance with that which a Native may affix to it. Manorial rights, as Englishmen understand them, are foreign to the Natives, and if they have any such ideas they must have acquired them from Europeans."
- 25. Archdeacon Hadfield says: "The notes I have now read imply that the chiefs have power over some portion of the land. Fifteen years ago I set it down as a questionable right or power: I view it in the same light now. I limit such right of chiefs to deal with lands obtained by conquest only, and do not consider that it extends to any land which has become vested in the tribe by long possession."
- 26. Mr. Buddle says: "It is by no means clear that any such custom as 'manorial right' ever obtained among the Native tribes; was ever claimed by the chiefs or ceded by the people originally. A man took possession of territory by the strength of his arm, and rested his claim on his conquests. 'By this,' he would say, stretching out his arm, I obtained it.' .... Manorial rights are imaginary rights when claimed for New Zealand chiefs."
- 27. And I would request your Grace's attention to the following further extracts on the meaning of the term mana, which has become a household word since the insurrection. "Mana of the chiefs. This word means authority, power, influence. It was originally applied to persons and their words or acts, not to land. The word has of late been used in reference to land, and now we hear of *te mana o te whenua* (the mana of the land). What distinct idea is attached to it, is difficult to say. The disputed land at the Waitara is claimed by the Maori-King party because the King's mana has reached it: *Kua tae te mana o to matou Kingi ki reira* (The mana of our King has gone there); and wherever this mana has gone the land is held inalienable without the King's consent. *Kia man te mana o te whenua* (Hold fast the mana of the land) is another expression now in frequent use. What does it mean? This is altogether a new application of the term: perhaps it has been adopted in consequence of the Queen's sovereignty over the Islands having been translated as the Queen's mana. But it certainly did not originally mean that which is now claimed for it—viz., a chief's 'manorial right.' This use of the word was not heard until the Maori-King movement originated it." "The term mana in reference to land I have occasionally heard, and have asked the question, '*He aha te mana o te whenua?*' (What is mana of the land?), and have received this answer: '*Aua hoki; ma te pakeha*' (I don't know; it is the white man). The answer implies that the term as applied to land had its origin in a mistaken conception of the meaning of Native words by Europeans. The term as applied to land is scarcely heard of in some districts."
- 28. But whatever may be the precise idea which is now entertained under the designation of "seigniorial right," "manorial right," or "feudal right," it is an extraordinary thing that among all the authorities I have quoted, so far as I have seen their opinions made public, it was never mentioned before this war. Surely, in the way it is now claimed by the apologists of Wiremu Kingi, it is in the nature of a sovereign right; and Sir William Martin wrote in 1846: "Every right which exists, whether in one person or in more, is truly a right of property; and there does not in this state of things exist anything which can be correctly likened to a right of sovereignty, as understood amongst us."
- 29. The question really is, Was such a right guaranteed to the chiefs of New Zealand by the Treaty of Waitangi? Mr. Busby, who negotiated the Treaty, absolutely denies it. I do not find that Governor Hobson, who made the Treaty, anywhere admitted it. And the interpretation originally given to the Treaty

is clearly shown in the following evidence of Archdeacon Maunsell before the recent Select Committee of the House of Representatives on Waikato Affairs: "You recollect the time when the Treaty of Waitangi was entered into between Governor Hobson and the northern chiefs: did you assist the Government in any way to obtain the consent of the Waikato chiefs to that Treaty?—I did: I induced the Waikato people to consent to it.—Were you aware as to what was their understanding at the time of their cession of sovereignty to the Queen, as contained in the Treaty?—That they retained the rights over their lands, but that the Queen had power to make laws. —Do you know what are the views now entertained by the Native-King party with reference to the meaning of that Treaty?—I do not.—Are you aware whether any of the chiefs who agreed to that Treaty are now connected with the King movement?—I am not.—Do you recollect a sort of State visit made by the old King (Potatau) to Lower Waikato some time in the beginning of the present year?—I do.—Were you present at an assembly held at Waiuku on that occasion?—I was.—Did you deliver an address to that assembly in which you expressed your interpretation of the meaning of the terms of the Treaty which relate to their lands; and, if so, will you state to the Committee what you then said to the Natives on that subject?—I said that they ought to allow each man to do what he liked with his own land, that their right to their land was secured to them by the Treaty of Waitangi, and that no king ever interferes with his people when they wish to sell land."

## ***IV. Acts and Decisions of former Governors of New Zealand.***

- 30. I beg now, to call your Grace's attention to the uniform action that has been taken by successive Governors of New Zealand in the matter of the Taranaki land question since the establishment of the Queen's sovereignty in these Islands.

### **Proceedings of Governor Hobson.**

- 31. I have described the condition to which the Ngatiawa Tribe had been reduced by successive conquests and migrations, and the abject state of the remnant which still remained at Taranaki in 1840. It was in this state of things that Governor Hobson made his purchase of the Taranaki District from the great Waikato chief Te Wherowhero, who had some time previously accompanied him to Kapiti. Writing to the Secretary of State, in December, 1841, the Governor gave the following description of the transaction, and of the position which Te Wherowhero assumed in it: "Te Wherowhero claims the country as his by right of conquest, and insists on it that the remnant of the Ngatiawas are slaves; that they only live at Taranaki by sufferance, and that they had no right whatsoever to sell the land without his consent. In illustration of his argument, he placed a heavy ruler on some light papers, saying, 'Now, so long as I choose to keep this weight here, the papers remain quiet, but if I remove it the wind immediately blows them away: so it is with the people of Taranaki;' alluding to his power to drive them off."
- 32. The deed of sale was executed in January, 1842: the boundaries included all the country from Tongapourutu, north of the Mokau River, to the Ngatiruanui country south of the Sugarloaves, comprising the whole of the Waitara District. It does not appear that Governor Hobson obtained any formal cession of their rights from the Ngatimaniapoto chiefs, who, with Te Wherowhero, were the joint conquerors of the Ngatiawa; but Tamati Ngapora, Te Wherowhero's brother, told me not long since that the Ngatimaniapoto got the whole payment, and that his brother was very angry, and said he would have been satisfied with even a blanket as a token of recognition. During his visit to the Ngatimaniapoto chiefs at Kawhia in April, 1842, Governor Hobson acquainted them with his purchase, and gave them permission to occupy a part of the land within the boundary, distinctly warning them at the same time that they were not to interfere with the European settlement at New Plymouth, and desiring the Resident Magistrate there to point out to them the English boundary.
- 33. In this transaction it is clear that Governor Hobson in no way admitted the right of the Ngatiawa Tribe to the country they had abandoned, nor any right of chieftainship, nor any right on their part to forbid the sale: but, on the contrary, recognized the European settlement, and claimed to have extinguished the aboriginal title by his purchase from the Waikatos.
- 34. In order clearly to ascertain the completeness of that purchase it will be necessary to examine the evidence of the Waikato title by conquest. I am aware that it has been held to be a rule in Native tenure that conquest without occupation gives no sufficient title. The doctrine has been laid down very distinctly and decisively, though it is held to be doubtful on good authority; but, for the present purpose, it is not

necessary that I should controvert it. The question, then, is narrowed to this: whether or not the Waikatos retained possession or occupation of Taranaki after their conquest.

- 35. Though the doctrine has been broadly laid down as above stated, it is nowhere said what degree of possession and occupation is sufficient to establish a complete title. In the case of Taranaki, Chief Protector Clarke in 1843, while admitting that the title of the Waikato conquerors was good so far as they had taken possession, held that the chief right was still vested in the Ngatiawa Tribe as the original inhabitants; but in the case of Wairau, in the Middle Island, just after the massacre in the same year, he held that the title lay wholly in Rauparaha and the Ngatitua Tribe as conquerors of the district, though, so far from occupying the country, they were (both before and after the massacre) settled on the north shore of Cook Strait, and had only an insignificant cultivation in Cloudy Bay. Thus, in one case, the principal right was said to remain with the conquered tribe which had wholly abandoned its territory, while in the other it was said to vest in the conquerors who had never resided in the country they had subdued.
- 36. I willingly admit that the degree of occupation of Taranaki retained by the Waikatos has been much contested. It is barely recognized by some authorities, and denied by another. On the other hand the weight of testimony is decidedly in favour of their possession and occupation. Chief Protector Clarke and Commissioner Spain both admit it; and the aspect of the question is clearly shown by Chief Commissioner McLean in his speeches to the Waikato chiefs at the Ngaruawahia meeting this year, as well as in his speeches at the Kohimarama Conference, and in his evidence before the House of Representatives: "You also [Waikato] sold it to us in all its boundaries; therefore I say that land has been fully ceded and given into our hands in open daylight..... Waikato has taken up arms to hold that which their own chiefs gave to the Europeans, spreading it forth for their acceptance in the light of day and under the shining sun of heaven..... Had it been territory not previously touched or broken into, it would have been different; but this was not the case..... The land has been consumed; it cannot return to its original state any more than the ashes of a dead fire can be rekindled. This statement is not a new one; it was made by me [here] at Waikato, and the old chief who has just died [Potatau] fully admitted its truth. Referring to it he said, 'It is correct.' .... Now, in accordance with your customs, this land was completely forfeited and gone. Of the men who once possessed it some had been brought as slaves to Waikato; some had gone to Kapiti. It was a complete abandonment of a conquered territory." The Waikato title to Taranaki was universally admitted by the Natives; at the time of the conquest many acts of ownership over the soil had been exercised by them. The land was divided among the conquering chiefs; the usual custom of putting up flags and posts to mark the boundaries of the portions claimed by each chief had been gone through. Any occupation of the land by the Ngatiawa at that period was entirely out of the question, but those Natives who were released from slavery from time to time were permitted by Waikato to occupy; but those who had fled to the south were not allowed to return, and they were distinctly warned that if a return were attempted it would be the cause for fresh war against Ngatiawa. The Waikato right was thus established as a right of conquest, and was fully admitted by the Ngatiawa themselves, who, on each occasion when they sold a portion of land, at Taranaki, sent a part of the payment to Waikato as an acknowledgment of conquest or of the right of mana possessed by the Waikato chiefs as their conquerors. In this view of the question it is quite evident that the Ngatiawa title had been superseded by the right of the conquerors.
- 37. But the most conclusive evidence is furnished by the Waikato chiefs themselves so long ago as 1844. When Mr. Protector Forsaith was sent down to Taranaki by Governor Fitzroy he had interviews on his way with the Waikato and Ngatimaniapoto chiefs, who expressly asserted their title and desired him to warn the Ngatiawas of it. "You are now going to Taranaki; listen to our parting words: That land is ours. We claim it by right of conquest, and some part of it by possession. We hold the late Governor's permission to locate any of the lands at Taranaki provided we do not go south of Urenui. Go and tell the Ngatiawas that the Waikato chiefs remind them that the land is theirs, and advise them to settle their dispute with the Europeans, or the Waikatos will settle it for them."
- 38. Another important proof of the validity of the Waikato title is afforded by the fact that, when Wiremu Kingi finally decided to return to Waitara in 1848, he did so by the express permission of Te Wherowhero, thus recognizing the right of the latter to the district as conqueror, and illustrating a practice not infrequent among the New Zealanders as a means of reconciling feuds and securing quiet occupation of land about which the tribes concerned might have been at war.
- 39. And I beg to add to this the further testimony, given to myself by the Waikato chiefs Tamati Ngapora (half-brother to Potatau) and Te Katipa, who absolutely maintain to this day the right of Waikato to sell Taranaki to Governor Hobson: and the evidence of the Rev. Mr. Buddie and Rev. Mr. Whiteley, missionaries who have resided at Taranaki and have been twenty years in the colony, which has just reached me.

## Award of Commissioner Spain.

- 40. I need not trouble your Grace with any account of the troubles which accompanied, as might have been foreseen, the return of the absentees and manumitted captives of the Ngatiawa. From 1841 to 1844 there occurred a series of disputes which kept both races in a state of chronic irritation and excitement. At last, in May, 1844, Mr. Spain, Her Majesty's Commissioner for determining Titles to Land, held his Court at Taranaki for the investigation of the case.
- 41. The circumstances of that officer's award must be too familiar to your Grace to require any detailed reference to them. Mr. Spain disallowed altogether the claims of the Ngatiawa captives and absentees, and gave judgment for the issue of a grant to the New Zealand Company for sixty thousand acres, including the whole of Waitara. This award was reversed by Governor Fitzroy, as will be presently stated; but after careful reconsideration Mr. Spain remained of the same opinion, and formally reiterated the judgment he had given on the spot. In doing so he laid particular stress on the fact that no claim had been asserted on behalf of the absentees, though he afforded every opportunity to the Protector of Aborigines, who specially represented the Native interests during the investigation, to adduce such evidence, as was admitted by that officer in his address to the Natives; and he called attention to the further important circumstance that, if the Protector had entertained the idea of the Ngatiawa captives having any just or equitable claim to the land, he ought to have brought forward such claim and urged its recognition, whereas his speech afforded abundant proof that he then held no such doctrine. And in support of this view, Mr. Spain quoted the opinion of the Rev. S. Ironside, a Wesleyan missionary of acknowledged experience and intimate acquaintance with the Taranaki question, who strongly deprecated any payment whatever being made to the Ngatiawas.
- 42. The reports of Protectors Clarke and Forsaith, made immediately after delivery of the Commissioner's judgment, in no way impugned his decision or suggested its reversal: nevertheless the Governor reversed it, as I now proceed to state.

## Proceedings of Governor Fitzroy.

- 43. The delivery of Mr. Spain's judgment caused a great excitement among the Natives, and numbers of them appealed at once to the Governor. In particular, Wiremu Kingi, who was on the spot at the time, wrote a letter on the 8th June, the day of the judgment, to which I beg to call your Grace's attention. He there declares that not a single man of the Ngatiawa Tribe received payment from the New Zealand Company, but only men of the Puketapu and Ngamotu Tribes. This would be false, even if there were any foundation for the distinction attempted to be drawn between the Ngatiawa and the Puketapu and Ngamotu people; but there is no manner of doubt that these were hapus or families of the Ngatiawa equally with the Manukorihi branch to which Kingi himself belongs. I shall by-and-by have to remark on the significant fact that Wiremu Kingi, though present at the time, asserted no claim whatever before Commissioner Spain.
- 44. Immediately on receiving the remonstrances of which I have spoken, Governor Fitzroy decided on going himself to Taranaki, and meanwhile sent down Protectors McLean and Forsaith, with the Rev. Mr. Whiteley, to prepare his way with the Natives. These gentlemen arrived overland almost simultaneously with the Governor, who held his inquiry at New Plymouth on the 3rd of August, 1844. The Waitara Natives, by that time numbering about two hundred and fifty, were with difficulty persuaded to attend the Governor at all, and only did so on seeing that the Waikato chief Te Pakaru, whom Mr. Whiteley had brought down to assist in settling the question, instantly complied with the summons. This was a signal mark of the respect with which we are told that chief was treated by the Ngatiawa people as one of their conquerors.
- 45. I beg leave to request your Grace's perusal of the report of the proceedings at that inquiry, which was published by authority in the Native language after the manuscript had been corrected in English by Governor Fitzroy himself. The following extracts, however, clearly state the principles on which the Governor proceeded: "I have no wish to fight," said the Governor. "One great work I have to do; it is this: I will not permit one man to behave ill to another..... My work is this: to carefully settle the question about the land; and I will arrange it thus: I will not consent to the pakehas being expelled; the matter must be left with me. I will not agree to your molesting the pakehas, nor will I allow the pakehas to molest you. I will insist upon quiet being maintained. If you do not listen I will bring soldiers, that quiet may be kept..... Now, this is the Governor's opinion: that all the Natives at Taranaki should go to their teachers or to the Protector of the district who lives among them, and state the names of their places; and the

Protector will write down the names of the owners and their estates, whether belonging to man, woman, or child. And if such owner agrees to sell his place on reasonable terms it will be purchased and he will receive payment..... Mr. McLean has been left by the Governor as a Protector for you; he will arrange about your lands. Be kind to him and attentive to what he says; and point out your respective possessions correctly; do not quarrel; do not say, 'All this is mine; all that belongs to me;' but mark it out quietly, and do not encroach on any other person's possession, but let every man point out his own. Do you ask why we are thus to take down the names of your places? It is to prevent future mistakes. You have heard that no land will be taken unjustly. If you sell it to the Europeans, well; but you must be careful each to sell his own property, and then he will receive the payment himself."

- 46. Your Grace will observe that in this manifesto Governor Fitzroy, first, required that the existing disputes should cease; second, distinctly recognized the individual right to sell; and, third, expressly promised to purchase the land of any individuals willing to dispose of their rights.
- 47. In order that these rights might be ascertained, forms were prepared of schedules to be filled up by the claimants, and inquiries were at once set on foot among the various sections of the tribe. Having so far quieted the prevailing excitement, Governor Fitzroy returned to Auckland, promising to return in two months and make a final settlement of the dispute. The result of these inquiries was not encouraging. At Waitara Mr. McLean found the Natives still resolved not to sell; and, indeed, he admits that they did not consider themselves empowered to negotiate without the consent of several absentee chiefs still residing at Kapiti, who owned the greater portion of the land.
- 48. In November, 1844, the Governor returned, as he had promised, to give his final decision. Certain proposals, made jointly by Protector McLean, Protector Forsaith, and the Rev. Mr. Whiteley, were submitted to His Excellency and adopted by him as the basis of that decision. In Mr. Forsaith's report of the transaction dated 23rd November, he distinctly says: "These suggestions have been so far approved by His Excellency that his decision has been based upon the general principles they embody: the modifications required in their practical application to the existing dispute will doubtless be made fully apparent in the more detailed report of Mr. McLean."
- 49. I beg your Grace's special attention to the following extracts from those proposals: "Let a block of land be marked out, bounded on the south by the Sugarloaves, and on the north by the Waiwhakaiho River, running back as far as the Company's surveys have been extended, or still further inland if mutually agreeable, which would comprise an area of 7,150 acres..... Let a definite sum be fixed as a fair and equitable price for this block, at a certain rate per acre; from which deduct the amount of payment which any of the present claimants may have received from the Company, the unpaid resident Natives receiving their proportionate shares, and the residue lodged in trust for the absentees, who should have notice that, unless their claims were preferred and substantiated within a given period (say twelve months), they would be considered forfeited. Such award should be final and absolute."
- 50. It is then quite clear that in these decisions, as in the previous proceedings of Governor Hobson, neither the tribal right of the Ngatiawa, nor any "seigniorial right," nor any chieftain right to forbid a sale, was recognized by Governor Fitzroy; but that, on the contrary, he, in accordance with his pledge two months before, admitted the individual right of ownership; which, however, was hardly acknowledged in the proposed block. Seven thousand acres were to be laid off, whether the absentee claimants were willing to sell or not; a price per acre was to be fixed by the Government, whether the Natives agreed to it or not; and the absentee owners were to come in and prove their claims in twelve months or have them absolutely and finally forfeited. It is material to observe that Governor Fitzroy professed to admit the rights of the Ngatiawa "in all their integrity;" and we have in these decisions conclusive evidence of what he considered those rights to be. It is true that the proposals were specific only as respected the block between the Sugarloaves and the Waiwhakaiho, a river about five miles north of them; but the country was just as much part of the ancient possession of the Ngatiawa as the Waitara, and what was justice in one case would have been justice in the other.
- 51. I shall presently show that the principle here laid down by Governor Fitzroy in the first Government purchase was exactly followed by Governor Grey; and I beg leave to remark that, in allowing Te Teira and his people to sell their own land at Waitara, I did no more at Waitara in 1860 than Governor Fitzroy thought it consistent with the Ngatiawa rights to do at New Plymouth in 1844, and had expressly pledged himself should be done.

## Proceedings of Governor Sir George Grey.

- 52. The decision come to by Governor Fitzroy did not result in a cessation of disputes. The Government had to accept a block half the size originally fixed. The Ngatiawa chief Moturoa, from Wellington, put in

a claim to Borne country, which was claimed by another section of the tribe; this section claimed part of the payment which another branch of the tribe was to receive; the claimants flew to arms, and blood was all but shed. A striking account of these occurrences, and of the condition to which the right of chieftainship had been degraded in this broken and scattered tribe, is given by Mr. McLean in his official report of 17th December, 1844.

- 53. Soon afterwards, Wiremu Kingi, who had returned to his place at Waikanae, announced his intention of returning to Waitara with his people, and offered to sell Waikanae to the Government. The proposal was discouraged by the Superintendent of the Southern Division and by the District Protector, who reported that "their claim was of a doubtful character; that the whole of the tribe had not consented to remove, as it was still uncertain whether the Ngatimaniapoto and Waikato would allow them to resume the territories they were many years ago obliged to surrender; and lastly, but particularly, that Te Rauparaha desired him not to recommend their claims as valid." The proposal was referred to Governor Fitzroy, who minuted upon it "Read.—R. F., 30th October, 1845," but does not appear to have given any directions upon it.
- 54. In the meantime the Governor had, in a memorandum to the Secretary of State, briefly reported his disallowance of Mr. Spain's award. The information he gave was not satisfactory to Mr. Gladstone, then Colonial Secretary, who sent out instructions to Governor Grey to endeavour to give effect to the award unless he should have seen reason to believe that its reversal was a wise and just measure.
- 55. The Native insurrection of 1846, in which it is only just to say that Wiremu Kingi bore arms on our side, had interrupted his plans for returning to Waitara; but upon peace being made they were revived, and he accompanied Sir George Grey in the visit which His Excellency paid to New Plymouth in February, 1847, with the special object of settling the land question.
- 56. On the 1st and 2nd March the Governor held meetings with the Ngatiawa chiefs, and announced his decision. The principle of it was identical with that adopted by Governor Fitzroy. The following extract from his despatch of the 2nd March, 1847, is submitted to your Grace, in which you will find that Sir George Grey expressly says his plan was "in fulfilment of the promises of his predecessor:" "Upon taking a review of the whole of these circumstances, together with our isolated and weak position in this portion of New Zealand, the only arrangement I thought could be advantageously made was, to acquaint the Natives that I should order, in the first place, that the most ample reserves for their present and future wants should be marked off for the resident Natives, as well as for those who were likely to return to Taranaki; but that the remaining portion of the country in that district should be resumed for the Crown, and for the use of the Europeans; that, in the fulfilment of the promises made by my predecessor, the value of the resumed land, in its wild and defenceless state, should be assessed by a Commissioner, and that a Court should then be appointed to inquire into the Native titles to the whole, or portions of the district so resumed; and that those Natives who established valid claims to any parts of it should receive the corresponding portions of the payment to which they would be entitled. But very few of the Natives seemed disposed to assent to this arrangement; but they distinctly understood that it was my intention to enforce it."
- 57. And the following extracts from his instructions to Mr. McLean at the same time show the precise mode in which the Governor meant the plan to be carried out: "It is proposed to evade, in as far as practicable, the various difficulties which have arisen under these conflicting circumstances, by in the first place reserving to the several tribes who claim land in this district tracts which will amply suffice for their present and future wants; and, secondly, resuming the remaining portion of the district for the European population; and, when the extent of the land so resumed has been ascertained, to determine what price shall be paid to the Natives for it; this amount not to be paid at once, but in annual instalments extending over a period of three or four years, at the end of which time it may be calculated that the lands reserved for the Natives will have become so valuable as to yield them some income, in addition to the produce raised from those portions of them which they cultivate. If possible, the total amount of land resumed for the Europeans should be from sixty to seventy thousand acres. A grant of this tract of land will then be offered by the Government to the Company. The price paid for any portion of land should not, under any circumstances, exceed 1s. 6d. per acre, and the average price should be below this amount. The greatest economy on this subject is necessary. This arrangement should be carried out, in the first instance, with those parties who have given their assent to it, including the Natives who have offered a tract of land for sale to the south of the Sugarloaves. Where land without the block awarded by Mr. Spain is now acquired, and required for immediate use by the Company's settlers, sections must be surveyed for them. Those Natives who refuse to assent to this arrangement must distinctly understand that the Government do not admit that they are the true owners of the land they have recently thought proper to occupy."



- 58. At first the Ngatiawa chiefs resisted this decision, but shortly afterwards it seems Governor Grey had reason to believe that Wiremu Kingi meant to submit, for he informed the Secretary of State that he had ascertained that "the whole of the Ngatiawa Tribe, with the exception of one family of it, the Puketapu, had assented to the arrangement, and that several European settlers had already been put in possession of their lands,"
- 59. I have thus shown that, as in the proceedings of Governor Hobson and Governor Fitzroy, neither the tribal right in the Ngatiawa, nor any "seignorial right," nor any chieftain's right to forbid a sale, was admitted at Taranaki by Sir George Grey, and that in the arrangement he proposed he intended to fulfil the promises made by his predecessor. But Sir George Grey certainly went a step farther than Governor Fitzroy; he refused to recognize, as a matter of right, either tribal right or individual ownership. Eeserves were to be laid off for the Natives, the residue of the land was to be resumed by the Crown for the European settlers, a price per acre was to be fixed (not higher than Is. 6d. per acre), and those Natives who did not choose to come into the arrangement were distinctly warned they would not be admitted to be the rightful owners of the soil at all. I beg leave once more respectfully to remind your Grace that, in simply allowing Te Teira and his people to sell their own land, I did no more at Waitara in 1860 than Governor Fitzroy thought it consistent with the Ngatiawa rights to do in respect of New Plymouth in 1844, and than Governor Grey thought it consistent with the same rights to do in respect of the whole boundaries awarded by Commissioner Spain.

## Ngatiawa Migration from Kapiti in 1848.

- 60. But Governor Grey had been deceived in the belief that the whole of the Ngatiawa Tribe acquiesced in his decision. It was soon evident that: Wiremu Kingi was as much bent as ever on returning to Waitara. He pretended to be anxious not to act in opposition to the Government; but pressed on Major Richmond the offer of Waikanae, his anxiety on this head being caused by the scarcely-concealed intention of the Ngatitaoa Tribe to seize on the land at Waikanae the moment he left it.
- 61. The Governor, hearing that canoes were being built at Port Nicholson for the migration, sent peremptory orders that they should be dismantled, and, if necessary, seized and destroyed; and these orders and a memorandum recorded by the Superintendent show clearly that at that time it was seriously in contemplation to prevent the migration by military force. But Sir George Grey, desirous of trying a last effort to come to terms with Wiremu Kingi, made a further proposal of certain conditions on which he would permit him to sell Waikanae and come up to Waitara. The basis of this proposal was that Wiremu Kingi should settle on the north bank of the River "Waitara, and should "relinquish all pretensions to any lands on the south bank"(where the block purchased by me is situate). "Upon all pretensions being at once relinquished to all lands to the south of the Waitara, the Government will, without further inquiry into such pretensions to these lands, admit that, from the prompt settlement they are making of this question, the Natives are entitled to such compensation as may be agreed on between themselves and the officers of the Government. The Government will then also recognize and permit them immediately to dispose of their claims at Waikanae and Totaranui for such compensation as may be agreed on. The compensation in both cases to be paid in annual instalments, spread over a period of not less than three years."
- 62. Thus your Grace will perceive that even in this proposal Sir George Grey carefully refused to recognize either the tribal right or any "seignorial right" in Wiremu Kingi, and treated his claims as mere "pretensions."
- 63. Wiremu Kingi agreed to the condition of locating himself on the north bank of Waitara. At the end of 1847 offers to sell Waitara were made to Government; and just before the migration in the early part of 1848, Mr. McLean went to Kapiti, any purchase of Waitara being kept in abeyance till all the claims should be clearly ascertained. At a large gathering of the Ngatiawas on that occasion, Wiremu Kingi distinctly agreed to go on the north bank: "Let me return thither, and I will then, consider the matter [of the sale]. When I get there, ono side of the river shall be yours and the north side mine, whence I can look out for the Waikatos in case that tribe should meditate an attack upon us." This was publicly stated by Mr. McLean at the Kohimarama conference, adding: "That was his word, which is retained in the memories of myself and others here present who heard what passed between us."
- 64. Further evidence of his intention is afforded in a proposal which he made to Te Teira. "When Wi Kingi thought of returning to Waitara he sent to Teira and, said, 'Let us return to Waitara; you take one side, I will take the other, as Waikato gives us permission to return.' "
- 65. Under, these circumstances the Government no further opposed the return of Wiremu Kingi, and the migration took place in April, 1848. On reaching Taranaki he went to reside at his ancestral place near the Manukorihi Pa on the north bank, which bears the same name as the section of the Ngatiawa Tribe to

which. Kingi belongs. His own claims and those of his immediate followers were represented by the best possible evidence—that of his own brother—to be almost exclusively on the north bank; and it was stated, to Mr. McLean, who several years before had, in company with Kingi's brother, travelled over the district, when the respective claims of the different hapus were pointed out to him, that even on the north bank Kingi's ancestors had been but comparatively recent occupants.

- 66. And the chief Ropoama te One, at Queen Charlotte Sound, when Mr. McLean was investigating the Waitara purchase, said that Kingi's land was on the north bank: "I [McLean] said to him, 'Waitara is offered for sale.' Ropoama asked, 'By whom?' I inquired of him, 'Is it King's?' He replied, 'No; his land is on the other side of Waitara.'" But as some of the Waikatos under Rewi and other chiefs were even then (1848) cultivating in the vicinity, and Kingi was in fear of an invasion from that tribe, he asked permission of Tamati Raru, Teira's father, to build a pa upon the piece of land on the south bank, now sold to the Government, which permission was granted.

## Further Events from 1848 to 1859.

- 67. The immediate fruit of Sir George Grey's arrangement in 1847 was the acquisition of the Grey Block, immediately adjoining the Fitzroy Block of 1844. In the early part of 1848, just before Kingi's migration, the Bell Block was acquired. I desire, in connection with this last purchase, to bring three things to the notice of your Grace.
- 68. In the first place the land was bought from the chief Rawiri Waiaua and a part of the Puketapu section of the Ngatiawa Tribe, in the teeth of the most determined opposition from the chief Katatore and others of the same family.
- 69. Secondly, Wiremu Kingi, who was at Whanganui at the time on his way up with the migration from Waikanae, put in a claim to the land, which was met in the way thus described by Commissioner McLean in a speech to the conference of chiefs at Kohimarama: "He met me on this side of Whanganui, and said to me, 'Do not give the payment for Mangati. I am willing that it should be sold, but I have a claim on it; let the payment be kept back until I arrive there; when I am there let it be given.' I replied, 'It is well, William.' Some months afterwards I called together all the people of Puketapu and other places to receive the payment. William King was also invited to be present to witness the payment. He came; and when the goods had been apportioned but among the several divisions of tribes I looked to see what portion was assigned to William King. None appeared; he got nothing. I therefore came to the conclusion that William King had no claim at Mangati."
- 70. Thirdly, the purchase of the Bell Block received in 1855 the unqualified approval of the Bishop of New Zealand, who, in his pastoral letter to the members of the Church of England at New Plymouth, said: "This happy result may fairly be attributed to the judicious manner in which the purchases were completed. ... The whole business, conducted with the greatest fairness and publicity, was concluded to the satisfaction of both Native and European."
- 71. In further pursuance of the same plan, the Omata Block, the Tataraimaka Block, the Hua Block, the Tarurutangi Block, and other smaller pieces of land, were successively acquired under the immediate control and supervision of Commissioner McLean, who says, "The whole of the purchases previously made at Taranaki had been effected on the same principle as the present one from Te Teira—namely, that of acquiring the land from the different clans and subdivisions of clans which came in from time to time to offer it." No such thing as a seignorial right was ever recognized either in Wiremu Kingi or anybody else. No general tribal right or right of chieftainship was allowed to interfere with the rights of the several hapus or families to dispose of their lands to the British Government. At first the resident Natives objected that "it would not be right to entertain the claims of the absentees who forsook the land, and took no part in defending it against the Waikatos." But in every one of the purchases a portion of the payment was reserved for the absentees who had any claim, and these payments duly appear in the public accounts.
- 72. I will not prolong this despatch, which I fear your Grace will think has already reached an unreasonable length, by more than a passing allusion to the bloody feuds among the families of the Ngatiawa which succeeded the return of Wiremu Kingi, or to the disgrace to the British name and authority by murders perpetrated in open day on public highways of a British settlement and almost under the guns of the Queen's garrison, which led to my issuing a Proclamation that any renewal of such scenes within our territory would be repressed by force of arms. These are amply detailed in the papers duly transmitted to the Colonial Office, and presented to the General Assembly in the last four sessions. But a single instance of the ferocity by which these feuds were marked is exhibited by the manner in which Wiremu Kingi—who not very long after was writing to the Ven. Archdeacon Hadfield, "We are residing here in great grace of our Lord Jesus Christ"—proposed to treat his enemies: "A short time since when

the position of Ihaia seemed desperate, and when his principal opponent, Wiremu Kingi, had evinced a determination to slaughter, without regard to sex or age, the inmates of the Karaka Pa, a memorial was addressed to His Excellency the Governor, praying him to rescue these unfortunate people." Ihaia has never recovered from the sufferings he underwent at that time, and remains to this day a broken man, covered with sores; but his courage and faithful loyalty to the Queen are as conspicuous as ever.

## ***V. Proceedings of Governor Gore Browne in relation to the Purchase at Waitara.***

- 73. It was in the hope of putting an end to the dreadful scenes which had been enacted for so many years at Taranaki that I held a meeting of the Ngatiawa chiefs at that place in March 1859, and made a public declaration of my intentions for the future. I then laid down the principle that, while on the one hand I would buy no land the title to which was in dispute by its rightful owners, I would not permit either chiefs or people to forbid the sale of land by such members of the Ngatiawa Tribe as were willing to cede their own land to Her Majesty. The scene which took place when Te Teira, upon my accepting his offer of land subject to investigation of title, laid a *parawai* mat at my feet in token of the cession of his rights, must be, familiar to your Grace; but for graphic descriptions of it I beg leave to refer your Grace to the addresses delivered by Mr. McLean at the great meeting of Waikato chiefs in May last and at the more recent conference of chiefs. At the conclusion of the first-mentioned address many of the Waikato chiefs were heard to say, "The speech of Mr. McLean was quite straight; great was its light.
- 74. Te Teira's right was disputed before me by no one but a man named Paora; on the contrary, the cry arose "Waitara is gone." But though Wiremu Kingi did not venture to contest in that assembly of chiefs the right of those whose representative Te Teira was in the offer, he expressed his determination to forbid the sale: "William King, before addressing the Governor, said to his people, 'I will only say a few words and then we will depart;' to which they assented. He then said; 'Listen, Governor Notwithstanding Teira's offer, I will not permit the sale of Waitara to the pakeha. Waitara is in my hands; I will not give it up; *ekore, ekore, ekore*—I will not, I will not, I will not. I have spoken,' and, turning to his tribe, added, 'Arise, let us *go*'— whereupon he and his followers abruptly withdrew."
- 75. This was not the first time he had informed me of his determination to prevent any sales of land at Waitara. In a letter he addressed to me on the 11th February, 1859, about a month before my visit to New Plymouth, he said: "*Do* you hearken to our runanga [village council] respecting the land. The boundary commences, &c. I have therefore written to the Governor and you to tell you of the ruuanga of this new year, which is for withholding the land, because some of the Maoris still desire to sell land, which causes the approach of death. It is said that I am the cause, but it is not so; it is the men who persist; they have heard, yet they still persist. If you hear of any one desiring to sell land within these boundaries which we have here pointed out to you, do not pay any attention to it, because that land selling system is-not approved of. This is all."
- 76. Now, it is very material to examine this letter, because it affords conclusive evidence of the character of Kingi's claim, and a clue to all his subsequent proceedings. He claims a right over all the land between Mokau and Waitaha—a (distance of more than forty miles. Now, the Waitaha Stream is the northern boundary of the Bell Block; to the north of it the Puketapu branch of the Ngatiawa have large possessions. The chief of that section of the tribe is Mahau, who would never for a moment recognize a seigniorial right in Wiremu Kingi over his lands; who is in arms with us, and who, in the exercise of his undoubted proprietary rights, came to an arrangement with Te Teira as to a dividing boundary, and would, with his people, resist any claim of Wiremu Kingi's in 1860 as they successfully resisted his claim to the Bell Block in 1848. In like manner the claim of Kingi to the whole territory, extending forty miles north of Waitara, is so utterly preposterous as to require no notice here. I allude to his letter, because it was an open declaration of the purpose of the Taranaki land league, of which I shall presently speak, and because it set up, just before my visit to Taranaki in 1859, precisely that kind of claim and no other which a month after he raised when Teira's offer was publicly made.
- 77. Immediately after the meeting of March, 1859, I directed that, a formal notice should be sent to Wiremu Kingi, Te Patukakariki, and the other chiefs of Waitara, informing them of Teira's offer, and inviting them to send in any claims they had. On the 12th of April I caused a second letter to be written to Kingi, in which I specially warned him thus: "The Governor's rule is, for each man to have the word as regards his own land: that of a man who has no claim will not be listened to." The reply I received, dated 25th April, says: "I will not agree to our bedroom being sold (I mean Waitara here), for this bed belongs

to the whole of us. Do you hearken to my word. If you give the money secretly, you will get no land for it. You may insist, but I will never agree to it. Do not suppose that this is nonsense on my part; no, it is true for it is an old word; and now I have no new proposal to make, either as regards selling or anything else. All I have to say to you, O Governor, is that none of this land will be given to you—never, never, not till I die."

- 78. There is an expression in this letter which has been much relied upon as conveying a distinct notice of proprietary right. Much ingenious argument has been used to give the word "bedroom" peculiar force. It is urged that Kingi refers in a touching manner to the ancient birthplace of his people, the cradle of his race, which, according to immemorial usage, was invested with a specially sacred character. "In order to dispel this illusion, it is only necessary to say—first, that the birthplace of Kingi's immediate ancestors was at Manukorihi, on the north bank; and, second, that the word in the original Maori letter is *peti ruma*, a corruption of the English word "bedroom," and devoid therefore of the remotest connection with any Native tradition or sentiment.
- 79. But the question of any proprietary right having been asserted in this or any other letter of Wiremu Kingi's is conclusively set at rest by his own public admission, openly made in the presence of his people on the 29th November, 1859, to the District Commissioner: "William King avowed his determination to oppose the sale, without advancing any reason for doing so; upon which I put a series of questions to him, which I called upon the Rev. Mr. Whiteley to witness.—*Q.* Does the land belong to Teira and party?—*A.* Yes, the land is theirs, but I will not let them sell *it*.—*Q.* Why will you oppose their selling what is their own?—*A.* Because I do not wish for the land to be disturbed; and although they have floated it, I will not let it go to sea."
- 80. At the same time the Commissioner, in accordance with directions from me to that effect, read out the boundaries, and appended the following notice to the description: "If any other person can prove that he owns any part of the land within the boundaries above described, his claim will be respected, and he will be allowed to retain or sell the same as he may think proper."
- 81. An attempt has been made to interpret Wiremu Kingi's answers in a non natural sense. I allude especially to the endeavours of Archdeacon Hadfield and the Rev. Riwai te Ahu to explain what Kingi meant to say. But this was exposed in the masterly speech of Chief Justice Arney, delivered in the Legislative Council on the 29th August last, of which I beg leave to invite your Grace's perusal: "I am aware that I shall be told that the words in Maori have a profound and hidden meaning, not intelligible to the unlearned. And when we have applied our simple faculties to apparently plain expressions, some recondite Maori scholar tells us, Oh, if you knew the habits of thought of the Native mind, you would discover that those expressions convey a meaning very different from the plain import of the words themselves.' To be sure, the scholars themselves may differ upon the interpretation; but, Sir, His Excellency is compelled to act upon the light afforded to his own understanding. Was it then too much to expect that even Wiremu Kingi, lofty and proud, and ancestral chief as he may be, should have condescended, during the interval between March, 1859, and March, 1860, to state the meaning of his conduct? But no; after twelve months of sulky defiance he treated the interview proffered by her Majesty's Representative with scorn.... I do not understand those gentlemen who find in such conduct and language an intelligible claim of right to land, or any other declaration than a declaration of war."
- 82. But, if Wiremu Kingi failed then, and has failed ever since in establishing a proprietary right, this cannot be said of the people whom Te Teira represented. The weight of testimony is in favour of their rights I select the following, because your Grace will prefer the evidence of Native chiefs to the statements of the Europeans. At the Ngaruawhia meeting last May, Kapesehira said: "I accompanied Wi Tako on his return from Waikato. We saw Ihaia and Teira Teira asked, For what purpose have you come?' We replied, 'To inquire about the mat [the parawai that Teira deposited at my feet in March, 1859], and to take the truth back to Waikato' I went to Wi Kingi and said, 'I have come to inquire about the mat.' He replied, 'The report is correct. I looked on in silence.' I said, 'That was your error. You ought to have taken it away.' 'I did not,' he replied; 'I simply threw a word at the Governor, and said, "I will not give you my land." I did not take up the mat, but I spake my word. The pakeha wants our land, but this war is about your Maori King. Don't listen to the pakeha, but bring your flag to Waitara. Go back and clear them out; send them all back to England.'" Te Wetini Taiporutu said: "If the Governor's money was laid down for the land at Waitara before came under our law, then he is right." This chief, one of the head chiefs of the Ngatihaua, was killed at Mahoetahi the other day. Heta, of Ngatihaua, said: "Make haste hold the land: thought was Teta's, hold it." At the conference at Kohimarama, Hohepa Tamaihengia, an Otaki chief, said: "In my opinion Teira's piece of land is his own, and he has a right to sell it to the Governor. I condemn Wiremu Kingi." Hukiki, another otaki chief, said: "I will now express my views about Taranaki When Teira sold his land and laid down *the parawai* as a pledge, Wi Kingi did not come to take up the

challenge, but went away." Hetaraka Nero, a Waikato chief, said: "When the land was offered for sale, Mr. McLean investigated the title according to the custom of land purchase. The nature of Te Teira's claim induced the Governor to side with him; then Wi Kingi was grieved, evil sprang up in his heart, and he declared war with the Governor." Arama Karaka, a Kaipara chief, said: "The land belonged to Teira and Wiremu Kingi. Te Teira parted with his portion." Tamihana te Rauparaha, an Otaki chief, well known in England, said: "That land belonged to Te Teira. He inherited it from his ancestors. When they resided at Kapiti no boundaries were fixed. The pakehas came, bringing the gospel and peace: then the slaves were liberated. It was only when he returned to Waitara that Te Teira became acquainted with the boundaries [possession] of his ancestors. ... Now let us approve of the course pursued by Te Teira. He sold the land under the light of day. He gave a *parawai* as a covering for this land. William King did not take it away so as to repudiate Te Teira's claim to the land."

- 83. The Rev. Riwai te Ahu, in his letter to the Superintendent of Wellington (so much relied upon by the apologists of Wiremu Kingi), distinctly admits: "For instance, Mr C. W. Richmond writes—Taranaki, March, 1860—which has been heard by everybody—'Teira's title has been fully investigated, and is perfectly good; there is no one to deny his title.' Yes, his title is good to his own pieces within the boundaries of that land—two or three pieces. Our title is equally good to our own pieces; some have one, or two, or three, or four within that block."
- 84. And Archdeacon Hadfield himself says. "Teira's father is indeed the owner of a small portion of the block."
- 85. The question, therefore, narrows itself simply to this: How much or how little land Te Teira and the other chiefs, who joined with him in the sale to Her Majesty, owned. It was to ascertain this that I desired to make the survey, which was forcibly interrupted by Wiremu Kingi. As Katatore had done before him in 1844, "he would not consent to any information being given as to land, or individual portions pointed out, fearing it might prejudice his assumed influence."

## ***VI. Misrepresentations of the above Proceedings.***

- 86. Your Grace will not expect that I should notice any misstatements out of the numbers that have naturally enough been spread abroad since the insurrection broke out, except such as may appear in documents which have been sent to me for transmission to the Colonial Office. I wish, however, to notice a few of those which appear in a letter which I saw for the first time in a newspaper a few days ago, purporting to be addressed to your Grace by Archdeacon Hadfield, from Otaki, on the 29th May last.
- 87. The Archdeacon states that he is informed that the petition of the Natives of Otaki for my recall was, "through some alleged informality, detained, thus furnishing another instance of the difficulty experienced by the Natives in obtaining any remedy for an act of injustice." The petition reached me on the 19th April, and on the 28th of the same month I informed your Grace that I had received it, and would forward it, after making inquiry as to its authenticity, by the next mail. Accordingly I did forward it by the next mail—viz., on the 25th May.
- 88. The Archdeacon asks if it will be believed that (the survey having been attempted on 20th February) martial law, dated Auckland, 25th January, had already been placed in the hands of a subordinate officer to be used at his discretion. This has been explained in my Despatch No. 64, 28th June, 1860; but I may here state that the only use or object of martial law was to enable the Officer Commanding to call in the settlers, and subsequently to embody them for the defence of the town, should it prove necessary to do so. Not to have provided for such a possible contingency would have been most culpable. Martial law was applicable to the settlers alone. Indeed, the Maoris in Taranaki have never recognized our law at all, so that a suspension of it could not affect them in any way. Lieutenant-Colonel Murray, to whom this power was intrusted, had received the same power in 1858 and did not use it, so that there was no reason to doubt his discretion.
- 89. The Archdeacon says "The question at issue is simply this: Is a Native chief to be forcibly ejected from his land because an individual member of his tribe tells a subordinate land agent that it is his, and not the chief's, and that agent believes him? The Governor says 'Yes;' the chiefs say 'No.'" In answer to this I can only say it is not true that I have forcibly ejected Wiremu Kingi from his land. It was known from the first that he had a small portion of land on the south bank of Waitara River; this was left out of the survey; and if Kingi had any further proprietary claim, it was expressly saved by the memorandum I have quoted above.

- 90. Archdeacon Hadfield says: "Some years before the establishment of the-British Government in New Zealand, a large portion of the tribe migrated to the southward to Cook Strait, for the purpose of being near whalers and obtaining English goods. William King was one of this party." The migration had certainly no such peaceful character: the evidence of the Protector of Aborigines in 1844 is clear that it took place for purposes of conquest. A further migration took place under terror of the Waikatos, and "at the time of the invasion," says Governor Fitzroy, "by far the greater number of the Ngatiawa, with their principal men, were absent on a hostile excursion in the south."
- 91. Again: "But they [the Waikatos] never held possession of the land, and consequently never acquired any title to it." But their possession, occupation, and cultivation have been proved above to have existed, and the title to have been maintained.
- 92. Again: "William King, it will be observed, was never conquered or driven from his land." The fact is, he ran away from it; and went back by permission of the conquerors and of Sir George Grey.
- 93. Archdeacon Hadfield says: "I deny that any investigation whatever deserving that designation has ever taken place. The Chief Commissioner did not investigate the claim." Now, in answer to this grave charge, I beg leave to refer your Grace to the following testimony by the Chief Commissioner: "But we did not take the land at once. You say we were hasty, but we were not. Eight months passed over before the bargain was closed. We inquired of all the people, and could not find any rightful claimants but Teira and his friends. We said, 'If Wi Kingi has a piece in this block, we will not have it; we will leave it outside.' Do not say, then, that the Governor made haste to buy it; he took time enough to investigate the claim. You have said that one man sold the land, but there were seventy persons consenting to the sale." "Before leaving Taranaki I instructed the Land Purchase Commissioner there to investigate carefully the claims to this piece of land, and not to proceed hastily in the matter. He has since been constantly engaged in inquiring into the question of title, William King also being present at the meetings and admitting that the land belonged to the sellers. After the talk about the Waitara, crossed the straits to Arapaoa, and saw that section of the tribe which is with Ropoama te One. I mentioned that a portion of the Waitara had been offered. I recited the boundaries, and asked, 'Does that land belong to King?' The reply was, 'No; if it was on the other side of Waitara his claim would be just, but this side belongs to us; let us have the payment.' .... They pressed the matter, and a third time they asked me to give them the payment. I replied, 'Wait until the question is properly settled.' Afterwards they agreed to this. The names of these Arapaoa people who have claims at Waitara are Ropoama te One, Ripeka, Ngawheua, Herewini, Ihaka, Te Retimona, Timoti, Anaru, Haimona, Henare Rupuha, Arapere, Hamiora, Tohi, Pirihiara, Nata, Rakira, Eruera te Rangi, Whiroa, Te Rei, and others. These people consented to the sale. It was I who delayed the matter, wishing that the claims should be investigated upon the land of their forefathers."
- 94. I beg to remark that one of these speeches, addressed by Mr. McLean to the assembled chiefs at Ngaruawahia and Kohimarama, was delivered within a few days of the date of Archdeacon Hadfield's letter, and the other a few weeks after. The following are extracts from the Chief Commissioner's evidence at the bar of the House of Representatives: "With reference to the particular block under consideration, the claims of the actual owners were carefully inquired into. Notice was given publicly at the time of the purchase to such absentee claimants as were known to have a right to the soil. It was not considered necessary to go about the country to rake up claims, or to induce Natives to prefer them. It was well known that, when any block of land was offered for sale, there was no hesitation on the part of claimants to come forward to receive that portion of the proceeds to which the extent of their claims might entitle them. The sale of any land in the country soon becomes known throughout it from one end to the other, and it is often found that a hundred fictitious claims are adduced when the actual owners altogether do not exceed thirty or forty persons. There has been a great deal said about unsatisfied claims in different parts of the country, but my own conviction is that many of those claims have been manufactured. At all events, I found that in the course of a few months after the time of the first offer of the land and my notification of it to the tribes at the South several parties were adducing claims who had never previously done so. It is notorious that if any Native thinks he has any chance of obtaining money for land it is an easy matter for him to assert a claim. During the investigation which took place, and while the difficulty was being adjusted, I felt convinced that the claims then preferred by these conflicting parties were substantially good, and that in fact the sale must be proceeded with, or otherwise the Natives who had offered the land would be treated with great injustice. The officer whom I instructed to conduct the negotiations (Mr. District Commissioner Parris) was requested to persevere in his inquiries into the matter from time to time; not in any way to hasten the arrangement, but to give full opportunity to opposing claimants to come forward and state their ease. He not only did this, but he also took a great deal of trouble in visiting, as far as lay in his power, every part of his district, to make sure that there should be no substantial claim overlooked. I have already stated that there was a public notification from

myself, inviting all persons who had claims to bring them forward, in order that they might be carefully investigated. No fresh claims were recorded, however; no rights were shown by the Natives who opposed the sale, except the right which the land league conferred upon them, that of claiming land everywhere, and of opposing the sale of land everywhere. There was no urgency displayed in this matter, no desire to hasten it, but ample time was given to all parties to put forward their claims; and not only was there ample time given, but claims were solicited and hunted up in every direction in Taranaki itself. Yet, with the exception of the two tribes who sold the land on the banks of the Waitara, and another tribe on the banks of the Waiongana, who were joint claimants to a part of the block, no substantial claims were put in. If I were to say that no other claims were adduced I should be wrong, but I mean no substantial claims, no claims that could be recognized by the Government, or which would be regarded by the Natives as valid. Certainly one man told me that his grandfather had once lived a short time on the land, and that he therefore expected compensation. Another told me that in one of their fights he was wounded and suffered great inconvenience there, and therefore thought it was right that he should have some consideration now that the land was sold. Now, this is the class of claims of which I have just been speaking, which it is clearly the duty of the Government to resist, as otherwise it would be an utter impossibility to carry out any purchase of land without defrauding the real owners. By compensating this class of claimants the real owners would be deprived of what they are fairly entitled to, and merely because the Government chose to recognize fictitious claims of this character. The chief Ropoama, who offered to dispose of his claim, was recognized as the head of the hapus or subdivisions of the Ngatiawa Tribe who owned the land and sold it. He holds a high position among his people, and is much respected by the Europeans. On several occasions it was contemplated by the Natives of Waitara to invite him there, and to live among them as their chief, to keep peace and order in the tribe. In this arrangement Wiremu Kingi (about whose chieftainship we have heard so much, and who undoubtedly was a chief of the section of the Ngatiawa at Waikanae) acquiesced. No actual payment, or promise of payment, was made to the Natives at Queen Charlotte Sound at that time. When they informed me that they had agreed to sell the land, my reply to them was that they had better wait until matters had been finally arranged at Waitara, as I should not feel myself justified in concluding the purchase with them till then..... Having arranged with them that they should be paid after matters were settled at Taranaki, I left Ropoama's place for Wellington, where I notified to the Natives what had taken place with reference to Waitara. I had previously ascertained the names of the Wellington claimants to the land. I consulted them about it, and made similar arrangements with them to those which I had made with Ropoama, that they should be paid when the block was settled for at Taranaki. I believe that one or two of Ropoama's people were at Waikanae at that time, and he promised to see them on their return, and to endeavour to arrange matters with them with respect to their claims. It has been recently stated that, in addition to these persons who are known and recognized as the actual owners, claimants are to be met with at the South as numerous as a swarm of bees; but I think that those who say so would find very great difficulty in establishing anything beyond mere assertion of right to the land comprised in the Government purchase. Knowing how scattered the claimants were, and the difficulty of getting them all together in any one place at any one time, I was a long time pursuing investigations before I myself came to the conclusion that the purchase was quite satisfactory; but the more I inquired into the case, and came into contact with impartial Natives residing at a distance, and having no particular interest in the locality, the more I became satisfied that the purchase was a good one."

- 95. But the complaint is that the investigation was not by some Court. "What is demanded by the Natives," says the Archdeacon, "is an impartial Court, in which their respective claims can be stated, and before which they may bring evidence to be received on oath. Nothing short of an inquiry conducted on such principles as these can be considered an investigation of their titles to land." In reference to this, the Chief Justice, in his speech to the Legislative Council which I have before quoted, said: "On the present occasion it is enough to say that if Wiremu Kingi had any title, tribal or otherwise, he owes it to himself that his title was not recognized; seeing that the purchase from Te Teira and others was not hastily concluded, and that, while His Excellency's conduct was marked by patient and thoughtful reserve, he was met not only with defiance, but contempt..... But, Sir, when I assert that His Excellency was forced into this war by circumstances beyond his control, I look a little beyond this isolated purchase of Teira's land. I ask in what condition His Excellency found the Native race. And when it is said that Kingi's dispute should have been referred to some tribunal, I ask, What tribunal? If you tell me 'To the Commissioners,' I ask, What Commissioners? If Kingi had been summoned before some tribunal, and had, as assuredly he would have, refused to come, what then?" And Mr. Swainson, in his speech in the same debate, said: "I do not mean to say that if any such tribunal had existed the Native disturbances at Taranaki would never have arisen; neither do I make the remark in disparagement of the present Ministry."

I believe that the present Government is no more to blame for the want of such a tribunal than the Governments who have preceded them. I am the more careful to make this statement, because the Governor has been blamed, but as I believe unjustly blamed, for not having submitted the claims of Wiremu Kingi to a Court of law."

- 96. But when such a tribunal was in existence, when the opportunity was before him of giving "evidence on oath" with respect to his claims, Wiremu Kingi did not avail himself of it. Why did he not, being on the spot at the time (as I have proved above) tender his evidence before Commissioner Spain, whose Court was precisely such a tribunal as is referred to? What he would not do in 1844 he would not have done in 1860 or at any other time—namely, appear before any tribunal whatever with the least intention of submitting to its decisions. And if any such tribunal had existed in 1860 he would have been met at once by this rule, stated by the Bishop of New Zealand in his evidence before a Select Committee of the House of Representatives: "I believe that it is in accordance with Native custom that any person not asserting a claim at the time of sale would be barred:"
- 97. Archdeacon Hadfield further says: "The absurdity of the procedure, not only in this particular case but in all the so-called investigations of Native titles to land, appears in the fact that up to the present time no principles have been laid down as to what constitutes a title to land." To this I oppose the fact, which I have detailed above, that the most clear and decided and uniform principle has been laid down ever since 1844 in dealing with the Ngatiawa title at Taranaki; and the opinion of one of the authorities I have quoted on Native tenure, who says: "I believe that were it possible to teach the Maoris the English language, and then bring them into some Court, allowing each contending party to plead his cause in such a dispute as I have mentioned, not according to English law but Maori custom, both sides would, according to Native genealogy and laws, make out their respective cases so clearly that it would take a Judge and a jury possessed of more than human attainments to decide the ownership of the land."
- 98. Archdeacon Hadfield says: "Still, I feel bound to express my opinion that the Governor's attack on William King was not only impolitic, but, under the present circumstances of the colony, an act of folly bordering on insanity." In answer, I beg to submit the opinion of the Chief Justice; who says: "From the moment when Te Teira offered for sale His interest in that block of land, and placed his mat before the Governor in token of its surrender, His Excellency was bound by every consideration of treaty and of justice to accept the offer to the extent and upon the conditions on which he then accepted it. I think, further, that from the moment when Wiremu Kingi, after passing with insult and defiance from the Governor's presence on that occasion; after declining for twelve months to explain the nature of his own claim (if such he had) on the grounds of his prohibition upon the sale; after resisting the survey by force; and rising with his followers in arms;—when, I say, after these same events this same chief refused even to meet His Excellency under a written promise of safety, but responded to His Excellency's forbearance only by war dances, war pas, and the murder of unarmed settlers, His Excellency had no alternative but to accept the issue thus forced upon him."
- 99. Archdeacon Hadfield has committed himself to one positive statement of fact among the many vague assertions in which his letter abounds. He says: "But with regard to Teira's right to sell, which is so positively asserted, and on the supposed validity of which a war has been commenced at Taranaki, can I expect to be believed in England when I assert, as I do unequivocally, that Teira's father, Tamati Raru, through whom alone the son could lay claim to any land, as inherited by him from his ancestors, is still living, and opposed its alienation? Teira's father is, indeed, the owner of a small portion of the block; but it would be irrelevant to the purpose of my present argument to discuss his right to sell, inasmuch as he has refused to do so, and co-operated with William King in opposing his own son up to the very commencement of hostilities."
- 100. In answer to this positive assertion of fact, it is only necessary to say that the Archdeacon's letter was dated the 29th May, that hostilities commenced on the 18th March, that Tamati Raru, Teira's father, signed the deed of sale to Her Majesty on the 24th February, that he was one of those who cut the boundary-line, and that he asked for and received a gun, and has constantly borne arms on his side.
- 101. I now refer to the last matter on which I shall trouble your Grace in reference to the Archdeacon's letter. Speaking of the official statement which I had caused to be circulated immediately on the breaking-out of hostilities, the Archdeacon says: "I deny the truth of all the statements. I am prepared to prove their falsity here, where evidence can be obtained." Upon the General Assembly being finally summoned for despatch of business on the 31st July last, Archdeacon Hadfield came up from Wellington. The House of Representatives, being made aware of the strong views which he entertained on the subject of the Waitara purchase, examined him at the bar of their House. Considering that on the 29th May he had committed himself in a public pledge to your Grace that he was "prepared to prove the falsity of all my statements," his evidence at the bar in August, when he had so much more time to complete his case,



should have been clear, definite, and Conclusive.

- 102. The following summary of his answers on most important points requires no comment. When he is asked if he knows the position of the land in dispute, he says, "I do not know the precise boundary-line." When asked who were the owners of the land previous to the dispute, he says, "I have direct information from persons stating they are claimants; I am only giving my opinion on that information." When asked on what authority he states there are ninety claimants on the block, he says, "What I have now stated on this subject rests on the assertions of others. I am here as an unwilling witness in the case before the House, unprovided with direct proof. I am but a secondary witness. I do not know whether I fully understood the question." When asked whether Wiremu Kingi is one of the ninety, he says, "I have before stated that the right of the tribe extends over the whole of that block; therefore he is one of the claimants." When asked whether Kingi ever made a proprietary claim, he says, "I hear that he made a proprietary claim to a portion of the block." When asked what proof he has of a certain Native (Hamere) having a claim, he says, "An old man, who resided at Waitara forty years, pointed out to me when I was at Waikanae [150 miles away] portions of the land which belonged to Wiremu Kingi." When asked whether he is acquainted with the details of the negotiations for land in the New Plymouth District, he says, "I could not say that I was acquainted with the details." When asked of whom the Bell Block was bought, he says, "Principally I believe from returned slaves from Waikato; so I have been informed." Of whom the Hua Block?—"I do not know." Of whom the Taurururangi?—"I do not know." When asked if Wiremu Kingi received any payment for the Bell Block, he says, "I do not know whether he did or not." When asked the territorial boundary of the four hapus of which he says Wiremu Kingi is the head, he says, "I am not acquainted with the boundaries. I have never professed to be acquainted with the boundaries." When asked whether these four hapus have equal rights to the south bank of Waitara, he says, "I think they have." When asked if Kingi's people ever cultivated on the disputed block, he says, "I am not aware that they have cultivated any part of the land since their return." When asked whether any of their cultivations were in the disputed block, he says, "I do not know from personal knowledge." When asked where Reretawhangawhanga (Wiremu Kingi's father) had his pa before the migration, he says, "I do not know." When asked if there was a pa on the disputed block before the migration, he says, "I do not know." When asked on what authority he said there was no investigation of the absentee claims, he says, "I am quite certain none was made at Waikanae. It must be generally understood that my evidence in reference to this dispute is derived chiefly from the chief Hohepa Ngapaki and Riwai te Ahu. I have had information from others, but I limit myself to those two." When asked whether Wiremu Kingi had any opportunity offered him of stating his claim to the Government officers, or to the Governor himself, before military force was brought into action, he says, "I presume he had innumerable opportunities; he might have written by every post. He had an opportunity of meeting the Governor after the publication of martial law." After further conversation between Mr. Sewell and the witness, witness said, "I must then confess myself unable to understand the question." When asked whether prior to the dispute he had had conversations relative to the respective rights of the four hapus on the south bank, he says, "I have previously stated that I believe in the fact of the tribal right of Wiremu Kingi—having stated as much distinctly; it is a question in which I take no interest, as I think it irrelevant. I have had conversation on the subject, and I do not believe that any separate rights exist between Ngatihinga and Ngatituaho on the one side, and Ngatikura and Ngatienuku on the other; the various hapus, through former intermarriages, are so mixed up one with another that it would be impossible to give either an affirmative or a negative to a question which you can neither believe nor disbelieve; the question is perfectly unintelligible and irrelevant."
- 103. From the foregoing extracts it will be seen that, although Archdeacon Hadfield says in his letter, of 29th May, "I have hitherto felt my ground secure, dealing with facts within my knowledge," he really knew but little of the matter. Certain it is that he failed in the attempt to convince the House of Representatives that Kingi was right, for immediately afterwards the following resolution was passed, approving the policy I had pursued: "That, in the opinion of this House, the interference of Wiremu Kingi at Waitara, and his resort to force to prevent the survey of land there, rendered the measures adopted by His Excellency the Governor indispensable for the due maintenance of Her Majesty's sovereignty, and that the welfare of both races of Her Majesty's subjects peremptorily requires a vigorous prosecution of the war to a successful termination."
- 104. The Legislative Council adopted the same view, and addressed me in the following terms: "We, the Legislative Council of New Zealand, beg to assure your Excellency of our earnest desire to afford to your Excellency our most cordial support in carrying on the war now unhappily existing in a portion of this colony. Deploring, as we do, the existence of this evil, a feeling which we are persuaded is entertained by your Excellency with equal strength, we are convinced that your Excellency has been forced into this course by a series of circumstances beyond your Excellency's control."

- 105. And the conference of chiefs at Kohimarama, who best knew what the rights of the Ngatiawa people are, passed the following resolution condemning Wiremu Kingi, and justifying me; which resolution was signed by the chiefs with only three dissentients: "That this conference, having heard explained the circumstances which led to the war at Taranaki, is of opinion that the Governor was justified in the course taken by him; that Wiremu Kingi provoked the quarrel; and that the proceeding of the latter are wholly indefensible."

## ***VII. The Relation between Wiremu Kingi's Insurrection and the Native King Movement and Land League.***

- I have on so many occasions, in despatches addressed to your Grace's department during the last four years, described the various phases of the agitation which resulted in setting up a Native King and the establishment of a league among a number of tribes to forbid the further cession of Native lands to Her Majesty, that I shall confine myself to indicating here the close relation which has subsisted from the first between that movement and the insurrection of Wiremu Kingi.
- I beg, in the first place, to refer your Grace to the following account given by the Rev. Mr. Buddle, Superintendent of the Wesleyan Mission, in a pamphlet specially devoted to the origin and progress of the King movement, of the deputation which came up to Waikato from the Ngatiawa and Ngatiruanui Tribes, to hand over their lands to the King: "During 1859 two or three deputations visited the South and left the Maori King's flags at Taranaki, and with the Ngatiruanui. It is said that Wiremu Kingi te Rangitake refused to receive the flag or to join the movement; but in the autumn of the present year a deputation from the Ngatiawa and Ngatiruanui Tribes visited Waikato, intrusted with the important duty of presenting the allegiance of those tribes to the Maori King, and of handing over their lands to the league of which he is the recognized head. The deputation consisted of about sixty picked men, chiefly young men. They arrived at Ngaruawahia on the 10th of April, accompanied by Ngatimaniapoto from Kawhia, Rangiaohia, and Upper Waipa. They marched up to the flagstaff, three abreast, wearing favours to distinguish the respective tribes. On reaching the flagstaff one stepped forward, and with a clear distinct voice said, 'Honour all men; love the brotherhood; fear God; honour the King;' then turning to the train he said, 'Honour the King:' all responded by uncovering and kneeling. The leader of the Ngatiruanui then read from a memorandum-book an address beginning, 'O King, live for ever; thou art bone of our bone, and flesh of our flesh; thou art a saviour for us, our wives, our children,' &c., and went on to pledge their allegiance. The leader of the Ngatiawa then read a similar address. 'Honour the King' was again demanded, and a low salaam, and a general cry of 'Hear, hear, hear,' was the response."
- It was while this deputation was in the Waikato that news arrived of the breaking-out of hostilities at the Waitara. This fact will explain much that would otherwise be unintelligible in the speeches of the chiefs at Ngaruawahia, from which I shall presently give extracts. "The chiefs of the Ngatimaniapoto Tribe were no doubt encouraged to make their revolutionary proposals, and to use the strong language contained in their speeches, by the speeches of two Waikato chiefs, Te Wetini and Karamoa, who spoke the preceding day, when the Ngatiruanui and Ngatiawa presented their allegiance to Potatau."
- Before quoting from the Native speeches, I beg to refer to the following further particulars as to the purposes of the land league: "These opponents [to land sales] pushed their views, and sought to make *it te tihanga o te iwi* (the law of the tribe) that no individual or family should alienate land without the consent of the whole tribe. To make the law popular and binding, they determined on a more general meeting, and to invite all the tribes along the coast to join them in this measure..... This was the origin of the notorious Taranaki land league, which evidently contains the elements of the present King movement, which has proved so fruitful a source of dissension among the tribes of that district, caused so much bloodshed, and brought about the present collision between Wi Kingi and His Excellency the Governor. ... The land thus given over to the King is not to be alienated without his consent. This might be all fair if the party stopped here. But they resolve that no land shall be sold within their territory, even though the owner may not have joined the league. Any man, therefore attempting to sell a block of land would subject himself to summary proceedings at war; and any attempt to take possession of the purchased block by the Government would be resisted by force of arms, as in the case of the land at Waitara."
- The Rev. Mr. Morgan, Church of England missionary, who has resided twenty years in the Waikato District, writing to the Select Committee of the House of Representatives on Waikato affairs, says: "In

other words, the vital question with the Maori Kingites now is, whether the King or the Queen shall possess the mana of New Zealand. Hence the frequent expressions of the Waikatos now in arms, 'We are going to fight for New Zealand. We sent the King's flag to Taranaki, and it is our duty to follow the King's flag. We are fighting for the mana of our island.' The Maori-King movement is the strength of the Taranaki war. ... This entirely depends on the issue of the present war, which, on the part of the Waikato, is a struggle for the mana of the Maori King, and not for the small piece of land sold by Te Teira at the Waitara. They only considered that small block of land as it refers to the mana of the King all lands on which his flag has been planted."

- The Rev. J. A. Wilson, Church missionary, writing to the same Committee, expresses his entire agreement with Mr. Morgan's opinions.
- At the Ngaruawahia meeting, where nearly four thousand were assembled, the following conversation took place between the chiefs Tamati Ngapora and Patene (of Ngatimaniapoto), who represented Wiremu Kingi:—Tamati Ngapora: "I wish my proposals to be disposed of Raugitake, give me that piece of land that has caused the war. Give me that piece that has been purchased and paid for by the Governor."—Patene (Ngatimaniapoto) replied, representing Wiremu Kingi, "I shall not give it up."—Tamati Ngapora: "Give it to me."—Patene: "I am under some mistake." He then planted a stick in the ground to represent Potatau and Waitara, and said, "This is Potatau; my mana stands there. After my mana rested on the land the scrofulous man arose, offered it for sale, and the Governor accepted the offer."—Tamati: "That is Potatau, is it? and this land has been handed over to Potatau, has it? Then it is mine; I represent Potatau here; and I give this land to the Governor." (Tamati was instructed by Potatau to adopt this plan.)—Patene: "For what reason do you give that land to the Governor?"—Tamati: "That peace may be restored and our trouble cease."—Paora (a chief of Ngatiwhatua) said at the same meeting: "You say that you have not seen wrong on the part of Te Rangitake (Wiremu Kingi). I have seen his wrong-doing. Letters have reached you that convict him of wrong, yet you say you have not seen it. I repeat, I have seen it, and I believe there is not a chief in Waikato that is not convinced that Te Rangitake is wrong. ... You speak of mana. What is the mana? Where is the mana? There is no such thing as putting mana on the land." —Heta Ngatihaua (the young man who made the flags that were sent Taranaki) said: "Press your words, Ruihana. Send a deputation to Taranaki; let us know when that land was paid for—before our mana reached it or after. If our mana was first, we do not let it go, but support Rangitake in his right. This shall decide his claim. The money second, the mana first—we hold it fast."—Kopara, of Ngatihaua, said: "All subjects are disposed of but one. The question is, Was the flag first or the money first? If the land was paid for before the flag reached it, the Governor is right; if not, then the matter cannot rest where it is. If the mana and flag went before, we must contend for our land."—Te Wetini Taiporutu, of Ngatihaua (the chief who was killed at Mahoetahi), said: "I wish to reply to one question. If the Governor's money was laid down for the land at Waitara before it came under our law, then he is right. But if it was paid for after the land was handed to us, I do not say what we shall do. That we keep in our pockets; I open not my mouth on that subject, but I can see the depth and height, the length and breadth of that. I lean on our flag. If the land was purchased after it became ours, then I shall show my love to Rangitake."
- At the conference at Kohimarama, Tamati Waka Nene said: "For this reason, I repeat, it is enough; cease to clamour for a king. Although some may inquire whence sprang the disturbances at Taranaki, I will declare that the evils sprang from that King (movement). Now that my Waikato friend is dead, cease to call for a king. I know full well that the evils have sprung from the King; therefore I say again, put an end to it." Tamihana te Rauparaha said: "Wiremu Kingi tries to maintain his landholding influence (*mana-pupuri-whenua*)—the mana of New Zealand; but perhaps one reason is jealousy of the pakeha." Hetaraka Nera said: "The Waikato people set up a Maori King. The object of this was to hold the land. When Te Rangitake heard that his own idea was being carried out, his heart rejoiced. I am speaking ill of Waikato and Wiremu Kingi. I say, that evil will increase. In these times my ears have heard indistinctly that those tribes have been acting treacherously, and the opinion respecting them cannot be concealed. This Island is filled with the evils of the Maoris." Again, Wiremu Kingi himself said to the Waikato chiefs and Wi Tako, who visited him to inquire about the purchase: "The pakeha wants our land, but this war is about your Maori King. Do not listen to the pakeha, but bring your flag to Waitara. Go back and clear them out; send them all back to England."
- The Rev. J. A. Wilson furnishes further evidence on the same subject, from three chiefs who spoke with him during a visit of two months to Waikato. Wiremu Nera te Awaitaia, one of the highest chiefs of New Zealand, said to him: "You must understand this: The war is not a struggle of the Maori with the pakeha; it is not a war with the missionary; it is not a war with the Magistrate; it is a war of the King with the Queen." Te Waru, another high Waikato chief, said: "Friend, all this fighting and plundering would not

have occurred had we not made a King. This is the root of the strife. It is Waikato who fight the cause of Taranaki; the men of the soil keep at a distance, they are but slaves; we fight their battles; we are the strength of this war."—Wetini Taipututu said: "The war was not merely a contention for the land at New Plymouth, but for the chieftainship of New Zealand. Wherever the King's flag went they [the war party] would follow. If the Governor sent troops to any part of this Island they would meet them."

- And lastly, Karaka Tomo te Whakapo, from Rangiaohia, said: "You are right: those are our mottoes. Let there be no evil of any kind, no war among the pakeha, and no war among the Maoris. But let us build our pa, let us complete it. Let it be quite finished. I do not consider it completed yet. Leave the other things, the war at Taranaki for the Evil Spirit to carry on. Twice he has turned upon us, and twice we have forgiven. Let us abide by our three mottoes and wait to see if he will be strong and persevere. Our pa stands broken: listen, William, Takerei, Wetini; listen. I consider that our pa for our wives and children is not yet complete; let us finish it, dig the trenches, throw up the breastwork, and bind the fences. Look at his [the pakeha's] work in other lands; never too late, never behind time [alluding to the prompt movements and careful preparations of the Europeans]: therefore I say quickly build our pa."—Tapihana replied: "What pa is that you are building? We have built our pa, and it is broken down and stained with blood. The wealth we had collected into our bag is scattered, it is thrown out into the fern; who shall gather it up again?" (alluding to the men who had fallen at Taranaki).
- Your Grace will determine, with the preceding evidence before you, whether I was right on the 22nd March, 1860, four days after the first shot was fired in this war, in saying, "It is now clear to me that Wiremu Kingi has been encouraged in his opposition by an assurance of formidable support, and that the question of the purchase of an insignificant piece of land is merged in the far greater one of nationality."

## ***VIII. Lastly, the Present Aspect of the Subject.***

- The evidence which I have submitted to your Grace will, I feel confident, be deemed sufficient by Her Majesty's Government upon the following points: (1.) That there is reason to doubt whether any seigniorial right, distinct from the right of property, in a chief of a tribe to assent to or forbid the sale of land by the separate hapus or subdivisions of the tribe, had any existence at all among the Natives of these Islands prior to the Treaty of Waitangi. (2.) That while the proprietary rights of chiefs, families, and people were guaranteed by the Treaty, no right in the chiefs, distinct from a right of property, was thought of in the original interpretation of the Treaty. (3.) That no such right has been admitted to exist in any chief of the Ngatiawa Tribe at Taranaki throughout successive acts and decisions of every Governor of New Zealand. (4.) That Governor Hobson in 1842 recognized the Waikato title by conquest, and (through the then Chief Protector of Aborigines) took a cession of their rights. (5.) That Governor Fitzroy in 1844 admitted separate rights of ownership in the families of the Ngatiawa Tribe, and expressly promised to purchase such rights whenever they should be offered for sale on reasonable terms. (6.) That Governor Sir George Grey in 1847 refused to admit any seigniorial or even tribal title in the Ngatiawa, and determined to resume the land at Taranaki for the Crown after ample reserves should have been made for the resident and absentee Native claimants, and after a reasonable price per acre for the residue should have been offered to them. (7.) That the right of the respective hapus and subdivisions of the Ngatiawa to cede their proprietary rights to Her Majesty has been repeatedly and expressly recognized in the acquisition of various blocks of land at Taranaki during a period of more than sixteen years, and has been the basis of every cession of territory there to Her Majesty since 1844. (8.) That the acceptance by me of the land offered for sale by two hapus or sections of the Ngatiawa, representing the Ngatituaho and Ngatihinga as well as a portion of the Puketapu branches of that tribe, whose act was confirmed and ratified by a large number of absentee owners at other places, was in accordance with the precedents upon which the acquisition of land from the Ngatiawa at Taranaki had invariably proceeded. (9.) That the proprietary rights of any owner who may not have assented to this sale have been expressly saved, and that any one who has a valid claim of ownership may retain his land, or cede it to Her Majesty, as he pleases. (10.) That the insurrection of Wiremu Kingi is not a legitimate resistance to an attempt forcibly to eject him from an acre of land to which he has a just right, but is the result of a league which exists among certain tribes forcibly to prohibit any further alienation of territory to the Crown, even by the rightful owners thereof who may be willing to sell.
- I have thus answered that part of Mr. Fortescue's questions which inquires how far the existence of the seigniorial right now claimed for the chiefs has been recognized by the British Government, or justifies the proceedings of Wiremu Kingi.
- With respect to the other part of the inquiry—Whether there are reasons apart from the Treaty of

Waitangi in favour generally of the recognition of such a right, and whether it ought therefore to be admitted in future transactions,—I beg to make the following brief remarks:—

- In a pamphlet which I received last night, written by Sir William Martin, late Chief Justice of this colony, he says, "This tribal right is clearly a right of property, and it is expressly recognized and protected by the Treaty. That Treaty neither enlarged nor restricted the then existing rights of property. It simply left them as they were." It is precisely this principle which has been recognized in every cession of territory since the Treaty. But it must be remembered that the ancient customs of the Natives with respect to land had been materially affected by engrafting upon them the new practice of alienation since the first irregular settlement of the country. We found that the Natives had no fixed rules applicable to all the tribes and to every locality, and we adopted as our guide in each district the customs which in that district were in force among the people themselves, where the right of alienation had followed the old right of property whether in the tribe or the family.
- To attempt now to introduce a new kind of right, distinct from that of property, would require definitions involving in practice a really insuperable difficulty. Assuming any right, distinct from a right of property in the soil, to be admitted in a chief to assent to or forbid the sale of land where the real owners are willing to sell, it would still have to be determined in whom that right should vest. The Government would first have to decide what was the tribe, and who was the chief of the tribe. Failing this they would have to decide what were the respective subdivisions of the tribe, and who were the chiefs of those subdivisions. I have no hesitation in saying that the relations between the chiefs of the several tribes of New Zealand are not such as would justify the British Government in arbitrarily coming to such decisions, and that at present it would be a simple impossibility to do so with any hope of obtaining the assent of the Native people. But, apart from this inherent difficulty, I am of opinion that for the British Government now for the first time to announce that a right would be admitted in any chief whatever, distinct from his right of property in the soil, to prohibit the cession of territory to Her Majesty by the real owners of the land, would be as unjust as it would be impolitic. It would sanction the objects of the land league, which declares that no land shall be allowed to be sold, even though the real owners should not have joined the league; it would strengthen the confederacy which based upon the league, aims at the subversion of the Queen's authority and the establishment of an independent nationality: it would effectually discourage those loyal subjects of Her Majesty of the Native race who rest upon the guarantee of their proprietary rights in the Treaty of Waitangi; and it would render all but impossible any success in the efforts which have been made during so many years to induce the Natives to convert their tribal tenure into individual property secured by a grant from the Crown.
- I can only, therefore, in conclusion, express my conviction that the proper course for Her Majesty's Government to pursue in the future is that which has been steadily followed in the past— namely, to continue to deal with the chiefs or the proprietors of the soil according to the custom existing among the Natives themselves in each particular district in which cession of territory may be in contemplation, and in the manner which best accords with the rights of property actually in force among them. I look forward, however, to the time when the Natives will be prepared for the establishment of a tribunal in which their varying customs may acquire some settled form, and to the decisions of which they will yield a peaceful submission.
- I transmit herewith a memorandum by my Responsible Advisers on the same subject.

I have, &c.,

T. GORE BROWNE.

His Grace the Duke of Newcastle, &c.

## **MEMORANDUM by His EXCELLENCY'S MINISTERS.**

Auckland, 3rd December, 1860.

His Excellency's reply to Mr. Fortescue's despatch of 27th August, 1860, deals so thoroughly with the question of the territorial rights of the Native chiefs that little is left to be said on the subject.

- The main question proposed by Mr. Fortescue is: Whether or not there exists in the chief or tribe "a right, distinct from one of property, to assent to or forbid the sale of any land belonging to members of the tribe in cases where all the owners are willing to sell."
- The answer to this question must be sought for in the history of land purchases since the settlement of the country by Europeans, and not in fanciful deductions from what is known or conjectured about the original state of the New Zealand tribes.
- The settlement of the country and the establishment of British sovereignty of necessity effected a great change in the status of tribes and individuals of the Native race. The New Zealand tribes, in their original state, were so many separate nations. The assumption of the sovereignty of the Islands, under the provisions of the Treaty of Waitangi, extinguished the separate nationalities, together with the rights flowing out of them. At the same time the Treaty saved all proprietary as distinguished from national rights, and (subject to Her Majesty's right of pre-emption) confirmed to the Native landowners the power of alienation which they had already begun to exercise.
- It is very doubtful whether, previously to the arrival of Europeans, the aborigines had any notion at all of the absolute alienation of territory. Certainly they did not regard land as a marketable commodity; and whatever alienations may have taken place amongst themselves were of a totally different character from such as followed upon the settlement of the country.
- The alleged right of restraining alienation cannot be deduced from the practices of a time when the tribes were little nations constantly engaged in mutual hostilities, and when such a thing as a sale of land in our sense had not been heard of. And it would be foolish to seek precedents for the regulation of dealings with Europeans in the usages of a period when there were no Europeans in the country. The right of alienation was a novelty unprovided for in the old tribal economy, and the conditions of the exercise of the right were of course novel also. The subject therefore can receive no real illustration from the investigation of Native ideas and customs prior to the advent of Europeans; but the inquiry to be made is simply this: Whether or not the alleged right of control has been recognized or asserted since the settlement of New Zealand? If not, no such right can be supposed to exist.
- The land purchases made of the Natives of New Zealand are divisible into two great classes —First, those made of leading chiefs, representing whole tribes (*iwi*); secondly, those made of subtribes (*hapus*), or of families or other comparatively small groups of individuals.
- The former class of purchases comprises those cases in which a large unoccupied territory has been disposed of by the conquerors—as in the instance of the sale of the Middle Island by the Ngatitoa chiefs, and of Taranaki by Te Wherowhero and his brother.
- In most, perhaps in all, of the cases belonging to the second class, the land sold has been territory actually divided amongst and appropriated by the different hapus or families of the tribe. By far the greater number of purchases belong to this class. All the purchases made to the north of Auckland, whether by Government or by individual Europeans, belong to it; so do the purchases made of the Ngatikabungunu in the Hawke's Bay District and the Wairarapa Valley, of hapus of the Waikato Tribe in the neighbourhood of Whaingaroa or Raglan, and of the Ngatiawa at Port Nicholson and Taranaki.
- Neither class of purchases affords any precedent of the exercise or assertion of the supposed right. In sales of vacant territory the principal chiefs have themselves been the vendors. In sales of occupied territory an absolute and unquestioned right of alienation has always gone along with the right of occupancy, which is generally exclusive in certain hapus or families, and not common to the whole tribe.
- It thus appears that the unrestricted right of alienation has, in practice, accompanied the right of property whether subsisting in the tribe or in any smaller Native community; and that no seignorial or tribal right of controlling sales by the Native owners has ever been exercised or in anywise asserted since the commencement of land purchases in New Zealand. His Excellency's Responsible Ministers are therefore of opinion that the main question proposed by the Secretary of State should be answered in the negative.
- Whilst arriving at this conclusion respecting a matter of fact, Ministers desire to guard against being supposed to maintain the opinion that such practical influence as the principal chiefs may hereafter attempt to exercise in the matter of land sales ought to be disregarded. The distinction between right and power is still faintly drawn by the Natives themselves; and, dealing with them as in some sort a foreign power, it will be generally prudent to respect any authority or influence established amongst them *de facto*, without too nice an inquiry whether that authority and influence exist strictly *de jure*. The political power of the chiefs is still great, and the jealousy of European progress on the increase; so that it is probable that in many cases the influence of the chiefs may be employed to check the exercise by Native landowners of those independent rights of alienation which they have hitherto enjoyed. Such a use of the

political authority of the chiefs certainly ought not to be encouraged; at the same time it would often be imprudent to press the completion of a purchase in the face of the opposition of any important chiefs nearly connected with the Natives offering to cede territory.

- As regards the remaining question, Whether the particular claim of William King to interfere with sales in the New Plymouth District was such as it would, on any ground, have been right or politic to admit, the Governor's despatch has exhausted whatever still remained to be said. His Excellency's Ministers feel that it cannot be necessary for them to do more than state summarily their own views. They think that any such recognition would have been unjust to the Native proprietors and (seeing that William King's pretensions and intrigues have for years convulsed the district) to the European settlers also; that it would have been an abandonment of the principles laid down and acted upon by successive Governors for the settlement of the Ngatiawa claims in Taranaki, and a violation of the express promise made to the assembled Natives at New Plymouth by the present Governor in March, 1859; that, far from putting an end to, it would have aggravated the feud which has already occasioned so much bloodshed amongst the Natives and has so frequently disturbed and imperilled the settlement of New Plymouth, that it would have rendered the intervention of the British Government to establish peace in the district more difficult, but would by no means have obviated the ultimate necessity for such intervention; in fine, that it would have been, under the peculiar circumstances of the case, the dereliction of a plain duty and an act of weakness unattended by any advantage beyond the postponement of a difficulty which must have soon recurred in some aggravated form.

C. W. RICHMOND.

## **No. 12. His Excellency the Governor to the Chief Justice and the Judges of the Supreme Court.**

*On the Establishment of a Native Titles Court.* Government House, Auckland, 6th May, 1861.

THE Governor takes advantage of the meeting of the Judges of the Supreme Court in Auckland to beg the favour of their advice on a subject which has long engaged his attention, but which is surrounded with difficulties. He alludes to the establishment of a Court which shall have jurisdiction in and be able to dispose successfully of questions relating to land over which the Native title has not been extinguished; and he begs the favour of the Chief Justice and the Judges of the Supreme Court to give him their opinion and advice on the following points, viz.: First, whether the constitution and mode of procedure of the Supreme Court can be adapted for the investigation and determination of questions relating to Native title. If the answer to this question should be in the negative—Second, whether an efficient Court could be established for such purpose, and what should be the nature of its constitution and procedure.

T. Gore Browne.

Their Honours the Chief Justice and the Judges of the Supreme Court of New Zealand.

## **No. 13. The Chief Justice and the Judges of the Supreme Court to His Excellency the Governor.**

*On the same Subject.*

SIR,—

Auckland, 9th May, 1861.

In answer to your Excellency's letter of the 6th May, 1861, in which your Excellency asks the Chief Justice and the Judges of the Supreme Court to give their opinion and advice on two points, with respect to the investigation of questions relating to Native title, we have the honour to offer your Excellency the following answers: First, we think that the constitution and mode of procedure of the Supreme Court, as it exists at present, are not well adapted for the investigation and determination of questions relating to Native title generally, although they may be sufficient for the purpose when such questions arise incidentally in the course of other proceedings. We do not think the constitution and mode of procedure of the Supreme Court can be practically adapted so as to deal with the investigation of such questions generally in a satisfactory manner, and without materially interfering with the efficiency of the Court in other respects. Even with the clement of a Maori jury introduced, and the treatment of Maori customs as matters of fact and not of law, we think that the system of pleading and procedure and the law of evidence, which bind the Supreme Court, could not be practically applied in such cases to the satisfaction and with the concurrence of particular litigants or the mass of the Native community; so that the Court would have to set aside the general law of New Zealand in those respects in order to enable it to deal efficiently with the great mass of investigations of this kind. This, we think, it ought not to be called upon to do, as the status and organization of the Court would thereby be seriously affected. Moreover, the great practical inconveniences arising from the necessity of constant interpretation, and the large portion of the time of the Court which would be devoted to these questions, and the consequent delays to which other suitors would be exposed, are, we think, palpable and all but insuperable objections to any attempt to adapt the existing constitution or procedure of the Court to the purposes of the ordinary investigation of Native title. Secondly, in answer to your Excellency's second question, we have the honour to state that we do not doubt an efficient Court may be established for the purpose indicated; but we do not feel that we possess sufficient materials, either respecting the requirements of the Native race, the policy of your Excellency's Government, or the means at its command, to be able to offer to your Excellency any specific suggestions as to the precise nature, constitution, functions, and procedure of such a tribunal. We think, moreover, the question seems so necessarily involved with political considerations, that it might be improper for us to give our opinion, as Judges, respecting matters more strictly within the duties of statesmen or politicians. But, treating the matter in the largest and most general way, we feel justified in suggesting that a competent tribunal might probably be established by the formation of a land jury, selected by lot or otherwise from members of the various tribes in previously defined districts, nominated by such tribes as competent to act in that capacity, to be presided over by a European officer or Commissioner (not being an agent of the Crown for the purchase of land) conversant with the Maori language, and assisted, if necessary, by a Native Assessor, and whose duty it should be merely to propound the questions for the decision of the jury, to record their verdict, and to administer oaths to witnesses.

George Alfred Arney, C. J.

Alexander J. Johnston.

To His Excellency the Governor. Henry B. Gresson.

## **No. 14. MEMORANDUM by His Excellency Governor GORE BROWNE, C.B.**

*On Native Affairs generally.* Government House, Auckland, 25th May, 1861.

THE near approach of a session of the Assembly seems a proper occasion for the expression of my views generally on Native affairs; but, in stating them, I shall avoid details, and confine myself to an indication of



subjects demanding notice and consideration.

- So long as the dangerous element contained in the King movement remains unsubdued, so long will any assistance offered to the Natives in their search for better government be received with indifference, and attended with little or no result; but when the supremacy of the Queen is fully established the first step to be taken should be the initiation of a system by which the Natives may be governed through themselves.
- I entirely agree with the House of Representatives in thinking "that institutions for the Native people ought to be based on their free assent and committed to their guardianship;" that Native territory should be divided into districts, and, if possible, one or more chiefs in each appointed to act as organs of communication with the Government; that the runanga, lawfully constituted, should have power to recommend regulations for the local affairs of the district; that measures ought to be taken for the ascertainment and registration of tribal rights.
- With this view a circular letter should be addressed to the most important Native settlements, informing them when and where the next conference will be held, inviting the tribes to send delegates empowered to express the opinion of their constituents, and indicating as many as possible of the subjects which will be proposed by the Government for their consideration. Among these subjects the following should be included:—
  - Are the Natives in properly-constituted districts willing to acknowledge any particular chief who shall be the organ of communication between them and the Governor, and to whose authority they will submit?
  - Are they willing to receive the visits of a European officer and accept his advice?
  - Do they wish that a fixed number of Assessors should be nominated by the runangas, subject to a veto by the Governor, or would they prefer that Assessors should be nominated by the Governor, as at present?
  - Will they declare the whereabouts of the hapus belonging to their tribe, and give a list of the families which compose each hapu and the names of the chiefs who represent it; and, if this can be effected, will they be further willing to register the boundaries of the land belonging to each hapu, with the names of the chiefs whom they wish to act as trustees of such land for them—an assurance being then given that no purchase would be made within those boundaries without the assent of the trustees so registered?
- The equality of rank among so many of the chiefs, and their extreme jealousy of each other, are likely to offer the most serious obstacles to the recognition of either single chiefs or Assessors; but, if it is possible to overcome these difficulties, the relations between the Government and the tribes will be much improved, and, ultimately, the administration of justice will be greatly facilitated.
- The payment of Assessors is a question of great difficulty. At present a number of men are paid £10 a year, which is not sufficient to secure their loyalty, and even the larger salaries which are given to some often create jealousies, and cause dissatisfaction. This, however, would be greatly simplified if a system of election (subject to veto) were authorized and accepted.
- Believing as I do that real civilization of the Natives is impossible so long as their communal title continues in its present form, I am most anxious to induce them to register the lands belonging to their different hapus as being a great advance towards individualization of property and the removal of disputes attending the alienation of land.
- The power to clothe Native title with a Crown grant must be delegated to some one, if we desire to see communal title really extinguished; numerous cases have already occurred—more particularly in the Middle Island—in which the want of this power has been greatly felt. If the Assembly be unwilling to confer this power upon the Governor, any legislation on the subject must necessarily be reserved for the consideration of Her Majesty's Government (*vide* Lord Carnarvon's Despatch No. 34, of 10th May, 1859).
- The opinion of the three Judges has been given in reference to the establishment of a tribunal having jurisdiction in disputes relative to land over which the Native title has not been extinguished. They have not entered upon details, but it occurs to me that a judicial officer (query: a Judge?) residing in Auckland should have power to issue a Commission enabling the holder to associate two Native Assessors with himself, and then to empanel a jury, as advised by the Judges. I am myself inclined to think that the decision of a Commissioner, with disinterested Native Assessors, would be safer and more likely to decide impartially than a Maori jury; but I hesitate to advise anything not exactly in accordance with the opinion of the Judges. Such a Court, however constituted, would be powerless unless both parties consent to abide by its decrees, but time and experience might give it additional influence.
- A much larger staff of European officers will be required if the Government really undertakes the civilization of the Maori people. At present the difference of language places communication with the Maoris in the hands of the religious bodies and a very small number of settlers—few of the latter being willing to enter the Native service. The consequence is that Government is dependent on a very few individuals, and in many places is almost unknown by the Natives.
- Some of the most populous districts—such as Hokianga and Kaipara—have no Magistrates resident

among them; and many—such as Taupo, the Ngatiruanui, Taranaki, and the country about the East Cape—have never been visited by an officer of the Government. The residents in these districts have never felt that they are the subjects of the Queen of England, and have little reason to think that the Government of the colony cares at all about their welfare.

- In the Hudson Bay territory, and in other colonies where the Europeans have assumed the duties connected with the government of partially civilized tribes, it has been found necessary to have officers regularly trained and educated for those duties. The Government relies on these officers for information, and for the steady maintenance of the influence by which the civilization of such tribes may be permanently improved. In New Zealand the Government is, and always has been, unable to perform its duty for want of a sufficient number of agents so trained and qualified for the service required of them. In a short time many of those on whom we now depend will cease to be available, and then there will be very great difficulty in replacing them. I am therefore strongly of opinion that the Native Department should be entirely remodelled; that a Native service should be established, and that increase of pay and advancement should be offered as a reward for fidelity and efficiency. Without some such system the Government will never be able to take its proper part in establishing institutions for the Native race, or obtain any real hold upon their confidence.
- The establishment of a central school for the instruction of Assessors in the practice of the rudiments of our law is also another subject which I strongly recommend for consideration. Instruction in Maori, &c., might be given at the same institution to young men wishing to enter the Native service.
- The education of the Maoris has hitherto been intrusted solely to the religious bodies, and the effect has been necessarily confined to certain districts. There is no school at all north of Auckland. No school has ever existed in many of the most populous places—more particularly in the Ngatiruanui country—and in one school only is any attempt made to give instruction in agriculture. Government is not less bound to care for the secular instruction of its people than the Church is for their religious teaching.
- To feed and clothe the pupils, as practised by the religious bodies, would require too great an outlay to admit of general adoption; but schoolmasters, having a knowledge of agriculture, might be appointed to reside in Native kaingas. We should thus take education to the homes of the Natives, instead of bringing the children away for a short period and then leaving them to relapse into former habits when they return to their own people.
- The system of purchasing land requires alteration. I do not enter into this subject, as my views are explained in my printed Despatch No. 80, of the 29th September, 1859.
- Roads (not necessarily metalled) through Native districts are absolutely necessary for the progress of civilization and the maintenance of peace. The Assembly should, therefore, be asked to make advances for this purpose.

In conclusion, I will recapitulate my opinions briefly: (1.) Elicit the views of the Natives at the next conference, and be guided by their wishes as far as possible. (2.) If they will consent to the appointment of chiefs (acceptable to themselves) to be organs of communication with the Government, give these chiefs proper salaries. (3.) In districts where chiefs are so appointed, attach an English officer to each in order to act as his adviser, and assist him in the administration of justice. (4.) Where this plan cannot be introduced, appoint a European Magistrate to act as adviser to the runangas, and to make regular circuits through each district, accompanied by one or two Assessors. Policemen will also be required in each district. (5.) Constitute runangas legally, and allow them to make rules and elect Assessors, subject, in both cases, to approval by the Governor. The rules, when approved, to be carried out by the Assessors, under advice of the Magistrate. (6.) Divide the Native territory into geographical districts, and appoint a European officer to reside in each district, as above stated. (7.) Establish a central school for the instruction of Native assessors in the rudiments of the administration of justice, and for instructing young Englishmen desiring to fit themselves for employment in the Native service. (8.) Remodel the Native service, and increase the number of officers. (9.) Open registers for land belonging to Native communities, entering therein the names of trustees where such communities shall be willing to appoint them, engaging that the land so registered shall not be bought by the Crown without the consent of the said trustees. (10.) Pass an Act giving power to issue Crown grants in commutation of the Native tenure to land. (11.) Establish a tribunal to which resort may be had for the determination of any questions in difference relating to land between the Crown and any Natives, or between the Natives themselves. (12.) Give secular instruction (including the rudiments of agriculture) in the Native kaingas. (13.) Alter the system of purchasing land (see printed Despatch No. 80, of 1859), and for the present purchase only in districts which remain undisturbed. (14.) Make bush roads through the heart of the Native districts, more particularly through the Waikato to Taranaki, and thence to Whanganui.

# Lectures on Maori Customs, &c., by Mr. JOHN WHITE. *On the Tenure of Maori Lands.*

THERE is no point on which a New Zealander's indignation can be more effectually aroused than by disputing his title to land. This love for his land is not, as many would suppose, the love of a child for his toys; the title of a New Zealander to his land is connected with many and powerful associations in his mind. He is not, of course, what we call a civilized man; but in dealing with him we deal with a man of powerful intellect, whose mind can think and reason as logically on any subject with which he is acquainted as his more favoured European brethren, and whose love for the homes of his fathers is associated with the deeds of their bravery, with the feats of his boyhood, and the long rest of his ancestors for generations. The New Zealander is not accustomed to law and parchment, or to wills and bequests, in gaining knowledge of or receiving a title to the land of his fathers; nor would he quietly allow any stranger to teach him what lands were his or what lands were not, what were the names of the boundaries, the creeks, mountains, and rivers in his own district. The thousand names within the limits of his hereditary lands were his daily lesson from childhood. The son of a chief invariably attended his father or grandfather in all his fishing, trapping, or spearing excursions, and it was in these that he learnt by ocular demonstration the exact boundaries of his lands, and repeatedly heard their various names. It was a custom with the Maoris in ancient times to eat the rat—a rat indigenous to this country, and caught in traps set on the top of the mountain ranges. This was a source of part of their daily food, and it was therefore, with them a point of great importance to occupy every available portion of their lands with these traps, and as most of the tribal boundaries are along the range of the highest hills or mountains, and as these were the common resort of the rat, every New Zealand chief soon naturally became acquainted with the exact boundary of his land claims. He did not, however, limit these claims to the dry land; they extended to the shell-fish; and even out to sea, where he could fish for cod or shark, or throw his net for mackerel: nor did he go inadvertently to these places, and trust to chance for finding his fishing-grounds; he had landmarks, and each fishing-ground or landmark had its own peculiar name; these to him were more than household words; his fathers had fished there, and he himself and his tribe alone knew those names and landmarks. Where a creek was the dividing boundary of his lands, this was occupied by eel-dams. These dams were not of wickerwork, that might be carried away by a flood; labour and art were bestowed on their construction, so that generations might pass, all of whom in turn might put their eel-basket down by the carved and red-ochred totara-post which their great-grand fathers had placed there. Where the dividing boundaries between two tribes ran along a valley, landmarks were put up: these consisted generally of a pile of stones or a hole dug in the ground, to which a name was given significant of the cause which gave rise to such boundary being agreed to; such, for instance, as Te Taupaki, the name given to the dividing boundary on the West Coast between the Ngatiwhatua and Tainui Tribes, which means "the year of peace," or the peaceful way in which a dispute is adjusted. This boundary has its origin from a chief of the Ngatiwhatua, called Poutapuaka, going from Kaipara to take possession of land with his *paraoa* or bone spear: his intention was to go along the coast as far as the quantity of food which he carried would enable him to travel, and return from the point at which his food was expended; he had succeeded in taking possession of the whole of the sandy line of coast called Rangatira, and, on arriving at the top of the hill now known as Te Taupaki, he met the Tainui chief Haowhenua. They both halted, sticking their spears in the ground, and, inquiring of each other the object of their being there, they found that they were both on the same errand, and at once agreed that this meeting-point should be the boundary dividing the lands of the tribes whereof each was the representative. The Ngatiwhatua chief at once dug a hole with his bone spear, and the boundary so established has remained to this day.

I may state, without fear of contradiction, that there is not one inch of land in the New Zealand Islands which is not claimed by the Maoris, and I may also state that there is not a hill or valley, stream, river, or forest, which has not a name, the index of some point of the Maori history. As has been stated above, the New Zealander knows with as much certainty the exact boundary of his own land as we could do from the distances and bearings given by a surveyor. But these boundaries are liable to be altered at times; for instance, when lands are taken by a conquering tribe or are given by a chief for assistance rendered to him by another tribe in time of war, or when land given to the female branch of a family again becomes, after a certain time, the property of the male branch of the family. In certain cases, also, lands are ceded to a tribe for a specific purpose, with certain restrictions, and a tenure conditional on certain terms being complied with. In order to be better understood, before I speak of the laws relating to these claims, I will give a hasty glance at the manner in which the first Maori emigrants took possession of and portioned out the newly-discovered country.

It is generally admitted among the Natives that the chief Kupe, who came in the canoe "Matahourua," was the first who took possession of New Zealand. This he did by naming all the rivers and mountains from Whanganui to Patea. Turi is the chief mentioned as having next arrived in the canoe "Aotea," and he gave names to all the rivers and mountains from Patea to Aotea. Next in point of time were the canoes "Te Arawa" and "Tainui." The former was commanded by Tama te Kapua and other chiefs, and first touched land at Whangaparaoa, a headland near the East Cape; it then coasted along, touching at various points, where the chiefs gave names to the prominent landmarks, their principal object in doing so being to take possession of the land, which they did as far as Cape Colville, where Tama te Kapua died and was buried; his people then placed themselves under the guidance of Ngatoroirangi and returned to Maketu. In the meantime, the chiefs Ruauru and Toroa, in the canoe "Matatua," had landed at Whakatane, and therefore part of Te Arawa District was taken by them from Te Awa-o-te-atua to Whangaparaoa. Shortly after which the father-in-law of Ngatoroirangi discovered the Rotorua Lakes; to his surprise he found people there, whose right to the lakes he disputed, and after a great deal of argument he succeeded in taking possession of the lakes and the surrounding country. The "Tainui," commanded by Hoturoa, came along from Whangaparaoa to Cape Colville, and came up the Tamaki River, taking possession of the district from Cape Colville to Mangawai on the east, and on the west from Manukau to Whaingaroa. The next canoes of the migration were the Ngapuhi canoes "Marnari," "Riukakara," and "Mahuhu:" the former of these went into the Hokianga River, and the people in it took possession of the land as far south of that river as Maunganui, and to the north as far as Ahipara; the Riukakara migration went into Whangaroa, and took possession of the land as far north as Mangonui, and as far south as the Bay of Islands; "Mahuhu," the Ngatiwhatua canoe, touched at the North Cape and took possession of the land not taken by the two former migrations—viz., from Mangonui along the East Coast to the North Cape, and on the West Coast to Ahipara; this migration left a number of their party at the North Cape, and the remainder came on to Kaipara and took possession of the land from Kaipara to Maunganui, on the north, and on the south to Te Taupaki. There was also, as before stated, another migration of Natives who landed at Te Waka Tuwhenua (Cape Rodney), a little to the south of Whangarei, and took possession of the land between Whangaparaoa and the Bay of Islands. The canoe contained a person who had the leprosy, from whom the major part of the migration caught the disease; leprosy is called by the Maoris *tuwhenua*, hence the name of the canoe "Waka Tuwhenua," the canoe of the leper, and also the point at which the party landed. Being thus afflicted, they fell into disorganization, and those who were not cut off by the leprosy became amalgamated with the adjoining tribes or migrations, and part of their land was taken by the Tainui people as far as Whangarei; the Mamari (Ngapuhi people) took the residue from the Bay of Islands to Whangarei. The chief Manaia, in the canoe "Tokomaru," took possession of the Taranaki District, which had been claimed by Turi, as I have before mentioned. The ancestor of the Ngatiawa Tribe, the most unsettled of all the migrations (as I shall presently show), arrived in New Zealand in the "Tokomaru." The canoe "Kurahaupo," commanded by Ruatea, landed near the East Cape, taking possession of the land from the point already taken by the Arawa round to Port Nicholson. The canoe "Takitumu" (or, as it was sometimes called for its fast sailing, "Horouta"), commanded by Tata, first landed at Turanga, but, proceeding southward, it crossed Cook Strait, and its crew took possession of the whole of the Middle Island. There are many other canoes with each of which are connected distinct migrations to New Zealand, but as these migrations will have to be mentioned when I speak of the customs or laws relative to the ownership of land, I would only here remark that those which I have already named show that all the land in the North and Middle Islands was taken possession of immediately on the arrival of the canoes. It was not in these Islands that the Maori became aware of the value of land, or that he first become owner of landed property, as the tradition of the occurrences which caused the migration shows; the Takitumu people, for instance, left Hawaiki on accounts of a quarrel about land. The boundaries of the districts claimed by right of discovery, as mentioned in the hasty sketch above given, did not long remain in that condition. Some time after the Arawa and Tainui migrations had settled in their own districts, a chief named Raumati, of the Tainui people, went overland to the Bay of Plenty and burnt the canoe "Te Arawa;" this was the cause of the first Maori war in New Zealand, which war resulted in the Arawa people gaining part of the Tainui lands.

I will now proceed to give the customs or laws by which a New Zealander held his land by right of birth. A Maori invariably grounded his claim on the right of his grandfather or grandmother, and not of his father, mother, brother, or any other immediate kindred. Although he had no written records to guide him in his knowledge of his ancestors and their claims, he was, nevertheless, carefully taught by his father or grandfather the history of his progenitors, and, as I have before stated, was often taken to the boundaries of his hereditary claims; so that, with a memory singularly retentive, he can not only recount the traditions of his ancestors for ten or twelve generations, but even of each branch of every family or offshoot. It is mainly on his knowledge of these that a Maori depends for proving his title, so that, in an assembly of chiefs discussing a disputed question about land, the wars that may have occurred in the tribes, their origin, and the names of the chief men who took part in them for hundreds of years, are narrated in support of either side of the argument.

As a rule, the Maori chief does not make a will; yet there have been instances in which a chief on his deathbed has portioned out his land to each of his children. The sons' claims in all instances are derived from their grandfather: the eldest son of the senior branch in the male line is chief of the tribe, and exercises sole authority over the land as guardian for his people against the encroachments of other tribes; yet all the descendants from the male branch of the family have an equal right in the lands of their progenitors, no matter now distant the relationship. They all, so long as they can trace their origin up to the same progenitor (provided a family war has not intervened, and thereby divided the tribe), claim equal right to the lands owned by that progenitor. This custom is a law amongst the Natives; but the title in the female line does not expand to such an extent. The granddaughter of a chief has an equal claim in the lands of her grandfather with that of her male cousins, and the claim continues good to her grandchild; but on the death of that grandchild the land reverts to the male line of the second generation from the male ancestor from whom they claim. This custom holds good for the following reason, which is assigned as its origin—namely, that, were it not upheld, the intermarriage of daughters of chiefs with member of other tribes would soon so complicate and curtail the tribal claims that a degrading influence on the honour of the tribe would ensue, and thus an invitation would be held out to adjoining tribes (members of which are related by marriage) to attempt by conquest to despoil them, of their territory. If a family war should occur in which a tribe becomes divided (which has frequently occurred), a division of the tribal lands takes place; but, before I show how this division is adjusted, I will allude to the mode in which a tribe asserts and maintains its rights over a large district. It was a custom to go at certain times to the utmost limit of the land claimed, and partially clear and cultivate a portion here and there. This was called *uru uru whenua*, and the duty devolved on the chiefs, a certain number only of whom went each time the ceremony recurred; so that when a tribal division took place that portion of the tribe which joined the chiefs who had last been engaged in the ceremony of *uru uru whenua* claimed the particular land where the ceremony had taken place, and the division-line was made to come as near as possible to that part situate in the centre of the whole tribal claim on which the fathers or grandfathers of each portion of the now divided tribe had last caught rats, as before alluded to. The lands of a tribe were portioned out according to the number of families of which it consisted, and were claimed by each family as its own; nor did any one meddle with or occupy the land of another family unless by express permission of the family claiming: still, these portions were not the exclusive property of each family so claiming them. But this only applied to the lands originally settled by the first migrations, not to lands which have been acquired by conquest, gift, or *utu* for curses or other injuries. Land is claimed by families, and the object of the chiefs in portioning them out was to prevent tribal disputes, and to allow each part of the tribe to have a portion of land over which it could exercise the exclusive right of cultivation, fishing, snaring birds, catching rats, or obtaining fern-root (which was one of the staple articles of food, and required a certain amount of care, though growing spontaneously, to bring it to the state required for food); moreover, this portioning-out of the tribal lands caused emulation in the different families as to the produce gained by each for the use of the tribe. The individual claim to land, therefore, did not exist amongst the New Zealanders according to our acceptation of that term.

The customs or laws relative to land taken in war are more complicated. A tribe in going to war had three objects in view—first, to take revenge for some real or supposed injury; second, to obtain as many slaves as possible; third, to extend its territory. A tribe seldom became extinct in consequence of war; but when this resulted the conquering tribe took all their lands, and from the slaves taken in war the conquerors learnt the boundaries of the land thus taken. But, if a portion of the tribe escaped, their claim held good to as great an extent of land as they had the courage to occupy. If, however, they could manage to keep within their own tribal boundary and elude their enemy, their right to the whole of the land held good; hence the meaning of a sentence so often used by old chiefs in their land disputes: *I ka tonu taku ahi i runga i taku whenua*—My fire has been kept burning on my land—meaning that other tribes in war had never been able to drive them entirely off their ancestral claims. The right to lands taken by conquest rests solely on the conquering party actually occupying the taken district, to the utter exclusion of its original owners or other tribes. Thus, in a war of the celebrated Hongi, he drove all the tribes out of the Auckland District into Waikato, and even as far as Taranaki; but, though the whole district thereby became his, yet as he did not occupy it the conquered tribes on his return to the north came back to their own lands, and we found them in occupation when Auckland was established as an English settlement. Again, in the case of a tribe which had been conquered and had become extinct with the exception of those who had been made slaves by the conquering party, these slaves could by purchase recover the ownership of their tribal rights to land, or they could be liberated and return to their own lands on a promise of allegiance to the conquerors, rendering them any assistance if required in times of war, and supplying them for the first few years after their return with a certain amount of rats, fish, and fern-root; and eventually, on presenting the conquerors with a greenstone battle-axe (the *mere pounamu*), they were again allowed to be called a tribe and claim the lands of their fathers as though they had never been conquered.

The claims in connection with lands given to a tribe for assistance rendered in war are more complicated

than any other. Although the land was given to the leader of the tribe rendering such assistance, it did not thereby become vested in that individual leader, inasmuch as the assisting tribe were seldom alone, but had brought their allies; and if these allies had lost any of their chiefs in battle, each relative of the deceased chiefs had a claim in the land thus given, and each relative of any chief who had been killed of the tribe to whose leader the land was given had also a claim. But the complication of land claims does not end even here; it was necessary that the land given should be occupied so that possession of it be retained, and, as the assisted and assisting tribes became related by intermarriage, the tribal lands of the assisted tribe were claimed by the issue of these marriages according to the laws of which I have already spoken, so that after a few generations their respective claims not infrequently became the cause of another war. An instance of this happened about four generations ago. One of the northern tribes rendered assistance in time of war to a southern tribe, now residing not far from Auckland, and a portion of land was given to the northern tribe; shortly afterwards the daughter of the southern chief was taken in marriage by one of the chiefs of the northern tribe. The two sisters of this woman were married to chiefs of the southern tribe, and thereupon their children's claims held good; but when the time came for the offspring of the sister who had married the northern chief to give up their land, the colonization of New Zealand had commenced, and, land becoming a marketable commodity, this offspring retained their claims against all right and argument, and to this day there is a rankling feeling between the tribes concerned; and, if in this disputed land incautious dealing by Europeans took place, it would probably result in a Maori war. The war in the Bay of Plenty, which has been continued to the present day between certain chiefs, also originated in a like cause. The contending parties are all of one tribe, and spring from one ancestor, but by intermarriage some have a more direct claim than others. The descendants, who by intermarriage are related to other tribes, have made an equal claim to the land over which they have but a partial claim, and resistance to this has been the cause of the war. Disputes of this kind are not easily unravelled. I believe that were it possible to teach the Maoris the English language, and then bring them into some Court, allowing each contending party to plead his cause in such a dispute as I have mentioned, not according to English law, but according to Maori custom, both sides would, according to Native genealogy and laws, make out their respective cases so clearly that it would take a Judge and jury possessed of more than human attainments to decide the ownership of the land.

While speaking about lands claimed by conquest, I will give a few instances of land claimed by the offspring of those male or female chiefs who have been made slaves in war. It would not generally be supposed that lands disposed of at the southern end of this Island would affect any Native at the northern end of it: yet such is the case. A chieftainess, who was taken slave from the South by the Ngapuhi and other northern tribes, became the wife of a Ngapuhi chief; her claim stood in the way of completing a sale of the land, and it was not until the consent of her son by the Ngapuhi chief was gained that the land could be disposed of by the Natives residing on it; and to him, in due course of time, a portion of the payment was transmitted. Again, a chief who was taken slave from the Bay of Plenty by the northern tribes having taken a northern woman to wife, and having a family, his relatives from the Bay of Plenty made presents to the chiefs by whom he was taken, and procured his return home, but was obliged, according to Maori laws of title to land, to leave his wife and daughters with the Ngapuhi people; for if he had taken them with him they would have lost their claim to land at Ngapuhi, and would not be allowed any claim to land in the Bay of Plenty; while his son, whom he took back with him, now claims, by right of his grandfather, an equal right to the lands of the Bay of Plenty Tribe. Again, one of the northern chiefs having taken to wife a woman whom he had made slave from Taranaki, and having a son by her, his son returned to the tribe of his mother, and claimed as his right, derived from his grandfather, a share in their land, which was not disputed, because, as I have before stated, the great-grandchild in the female line has a claim to land. I remember another instance of this: a certain block of land was sold by a tribe near Auckland, and when the purchase-money was portioned out amongst the claimants a northern chief rose up and rehearsed his genealogy, by which he proved that he was the great-grandchild (in the female line) of one of the claimants of the block Sold; he thereupon, as a matter of course, received a part of the purchase-money. He was a northern chief, and had only been known to the settlers by name.

There are also other grounds on which claims are made to land. Should a chief of one tribe be killed by another tribe, the tribe of the murdered man claims the land in the vicinity where the murder took place: for instance, a chief, who had lost his canoe by drifting to sea, went along the coast to the settlement of a tribe who had been at variance with his tribe for many years, and found his canoe there, but was murdered by them. His tribe collected a war party, proceeded to the settlement, and brought away the body of the deceased chief, and in the following year went and cultivated the land. The block Whereof this cultivation formed part was afterwards sold by the original owners, and the relatives of the murdered chief received payment for the portion they had cultivated. Also, if a chief is drowned, his surviving relatives demand from the owners of that part of the river or coast where his body may be found that for a certain period no fish or shell-fish shall be collected from it. This proceeding is called a *rahui*, and continues until the next shark-fishing season. The owners of the

shark-fisheries then collect all the sharks taken at that season and dry them, when the tribe of the drowned chief are sent for and entertained at a feast at which the sharks are all given to them. By this act the *rahui* is taken off, and the fish or shell-fish can thereupon be again taken from any part of the river or coast. Should the *rahui* be broken by the resident tribes, the relatives of the drowned chief then claim an equal right to the land. In one case a chief was drowned, and the owners of the land were called on to *rahui* the river, but they neglected to do so, whereupon the drowned man's relatives went and cultivated the land, and have held it ever since. In another a chief was taken in war not far from Auckland, and his bones were made into fishing-hooks and used in fishing for sharks: the relatives went and took the land near the place where the bones of the chief were thus used. A third instance took place not far south of Auckland. In a war of invasion one of the invaded chiefs was taken with his son (who was then an infant), and the bones of the father—who was killed and eaten—were used by the conquerors to catch sharks. As the son was a slave, when he was old enough he was taken out to fish, and one day while out fishing there happened to be a scarcity of shark, and he heard an old chief repeat a fishing ceremony with the addition of a name, and this being repeated many times the boy learnt the name. On arriving on shore he inquired of a fellow-slave if she knew any one of that name, and was told that it was the name of his own father. His ire was roused on learning that his father had not only been eaten, but that his bones were thus insulted. Though it is not considered an insult to eat those killed in battle, it is an unpardonable offence to use the bones as I have described. On this account the lad brooded over the discovery he had made, and eventually escaped from his masters and got back to his home. The tale he told soon collected a force of men, who avenged the insult by coming and taking possession of the district, which their tribe owns and occupies to this day. Again, if a chief when on a journey in inclement weather should require a temporary hut to be erected, the fact of his sleeping in the hut made it sacred. It was allowed to drop to pieces, but, if the owners of the district on which it was erected made use of any part of it, the chief for whose use it was erected claimed a right in the district. If a chief should have occasion to wash his head or comb his hair while on a journey, he claims a right in the district which this operation has made sacred. But it was not permitted to a chief to do this upon land belonging to other tribes on an insufficient pretence: the sickness or sudden death of a relative while on a journey is allowed to be a sufficient cause, but not the mere whim of a chief to beautify himself by washing or combing while on a friendly visit to another tribe. If a child be born in the course of a journey the child has a claim to the district. This claim is derived from what is called the *kawa* of the child; that is, at the birth of a child, a branch of certain trees (the ake, karamu, or hatu) is taken, part of which is tied to the child and part set in the ground; this ceremony is called *te arawa*: if the portion planted grows it is said the child will be a warrior. There are also other grounds by which claims to lands are allowed. If a chief be killed by a tribe on the lands of another tribe, and if the murderers are not owners of the land on which they killed the chief, the relatives of the killed chief claim the land on which the deed took place: for instance, the Ngatimaru killed a Ngatiwhatua chief on the lands of the Ngatiteata Tribe; the Ngatiwhatua therefore claim a right to the district, and to this day their claim has stood in the way of the district being sold. Again, there are certain things which if done or happening to a chief when on the lands of another tribe will, unless the tribe at once object or disallow the act or occurrence, establish a claim on the land. An instance of this occurred when a chief called Papaka (in Waikato, about three generations ago), while on a visit to the Ngatihape Tribe, by whom he was entertained as a guest, made a present of his ear-ornament to the Ngatihape chief. Now, anything worn on the person of a chief is sacred, and the presentation by a chief of an ear or head ornament is a mark of the greatest respect that can be shown from one Maori to another. Papaka was accustomed to wear attached to his ear the tail of a Maori dog, called a *waro*, which he gave to the Ngatihape chief, and it was accepted. Soon afterwards Papaka returned and assumed the leadership of the Ngatihape Tribe, and consequently a right to all their lands, which claim has continued good to his descendants to the present time.

The Maori is said by many to be the child of impulse. Such an opinion is not just; for it will appear to those who can enter into close conversation with him that he does not ask a question merely to spend his time or to amuse those to whom he is speaking. There is no such thing as an idle question from a Maori. Those who have observed him will agree with me that when he asks a question he does it in such a way as often to render it impossible to imagine the object for which it was asked; also, if he has to answer a question the object whereof is not clearly understood by him, he will give such an answer as will not put him in the power of the interrogator. Similarly a Maori does not give or take a present except for some predetermined reason; thus the Ngatihape Tribe, in receiving the present from Papaka, virtually bound themselves to give whatever he might demand in return. I will instance another mode of allowing a claim to be made to land: While a chief (Raukataura), on a visit from the Waikato to the Thames, was passing through the forest, one of his feathers (a *kura*) was torn from his head by the scrub in the road; he at once sat down, and, breaking a number of sticks, made a small enclosure round the feather; and as it is customary among the Natives for visitors from a distance to be attended by people of the district visited, and as these owners of the land witnessed the act and did not forthwith object to it, they virtually acquiesced in the claim which Raukataura thereby set up to the land, and to

this day his descendants claim part of the district accordingly. Another instance of this custom may be given: One of the Waikato Tribe, whose district was famed for the eels it produced, invited a chief of another tribe on an eel-catching expedition; during the sport the invited chief was so pleased with the quantity of eels taken that he took a bunch of albatross feathers called *pohoi* from his ear, and cast it into the stream: as the owners of the fishery did not immediately object to this, his descendants are now allowed a claim not only to the land but to the eels taken there. Another instance of the custom occurred not many miles from Auckland. There stands in the Waitemata River a rock used as a mark in getting the exact position of a bank where shark is taken more plentifully than in any other parts of the river: a few years previous to the arrival of Governor Hobson an adjoining tribe was allowed to fish for sharks on the bank by the owners of the fishery, and the tribe to whom the permission was given were so pleased with the quantity of fish taken that they were induced to attempt to found a claim there, which they did by cutting a mark on the top of the rock; this having transpired, the owners of the district at once proceeded to the rock and obliterated the mark, thereby disallowing their claim, which has not again been made. Another ground on which claims to land are founded is the *kanga* or curse; to *kanga* or *apiti* a Maori chief is an offence of the greatest magnitude, or to compare a man to anything eatable, or to call a dog or a canoe or anything after his name. An offender in this respect is visited by a war-party, and if he is of another tribe, and leaves the settlement on the arrival of the war-party, it is optional for such party at once to occupy the land and become the owners of that portion of the district. Not far from Auckland such an offence was given by the Ngatimaru Tribe to the Ngatipaoa; the Ngatipaoa visited the offenders on the Waiheke Island, but, not having been able to meet the Ngatimaru there, the Ngatipaoa Tribe took part of the island and hold the ownership of it to this day.

There are also, as I have, before stated, lands which are ceded to a tribe for a specific purpose with certain restrictions; and the tenure of such lands depends on the Conditions being fulfilled. I mentioned that in certain cases in war an assisting tribe was in return for their help presented with a block of land, which became the property of all those who had relatives killed in the war for which it was given. In some instances, however, the land was not fully given to the assisting tribes; sometimes only the right of fishing or hunting was granted, and, in order that the owners of the district might keep the mana or right to the land, the tribe who had received permission to fish or hunt had to render the proceeds of their first day's sport to the owners of the land. Nor was the time for this acknowledgment optional with the giver; for on the morning of the day after the first fishing or hunting excursion certain men of the tribe were obliged to take the fish or game to the owners of the land, and the rest of the tribe were not to fish or hunt again until the present so sent was acknowledged by the return of the messenger. There are lands held on these conditions to this day. Sometimes, also, a permission was given to cultivate in consideration of a few of the best kumaras or taros being sent immediately on the crops being gathered. Lands have been used in this way by father and son for many generations. As a general law it was not allowed to bury the dead of the occupying tribe on land held by such a tenure; indeed, only one instance of this law being broken has passed under my notice; in the case I allude to, the burial having taken place with the consent or tacit admission of the owners of the land, a claim was in course of time raised upon this pretext, and the claimants even sold portions of the land to Europeans; nor was the unsold portion regained by the proper owners until after a war in which the offending tribe were driven off by force of arms.

I mentioned the Ngatiawa Tribe as being one of the most restless in former days, and tradition speaks of them as the most powerful in respect of numbers. A reference to the names of the different tribes now occupying New Zealand would show that the Ngatiawa are located in the north end of this Island, in the Bay of Plenty, at Taranaki, and on both sides of Cook Strait. As these places now occupied by them were not taken by right of discovery or by force of arms alone, there remains to be shown another custom relating to claims of land by means of which they became the owners of those districts. The progenitors of this tribe came, as I have stated, in the canoe "Tokomaru," and landed near Taranaki; but, being of a restless disposition, they shortly afterwards migrated to the Bay of Plenty, and then, after a brief stay, came down the East Coast to the Thames, and ultimately went on as far as the North Cape. In the course of their wanderings they (being the most powerful in respect of numbers) drove the other tribes out of each district which they visited; they overran all the Ngapuhi land in the north, and were the cause of that portion of the Ngatiwhatua who were located at the North Cape coming south and joining the main body at Kaipara. Having by force of numbers taken all on the West Coast to the north of Kaipara, and all on the East Coast to the north of Whangarei, they claimed it as their rightful property, not only by the law of might, but because of having buried their dead in the sacred places of the tribes of the land; for they had, according to Native law, proved the power of their own heathen customs relative to the dead to be superior to that of the tribes into whose district they had come. I may mention that the laws relative to the burial of the dead are strict; it is supposed that to bury the dead of an inferior tribe in the same place where superior chiefs are interred, without the consent of the relatives of the superior chiefs, would cause the gods of the superior chiefs to destroy the tribe of the relatives of the inferior chiefs so buried; hence the circumstance of the Ngatiawa having buried their dead in utter disregard of such consent proved an



undisputed right to the district, not only by the law of force, but by that of superior rank. At the time of which I speak the northern people did not dispute the title of the Ngatiawa to portions of the land to which I have referred; nevertheless, their restless disposition again led them to migrate south, and in this migration the tribe divided, part going by the West Coast and part by the East. The chief of the West-Coast party took with him a tame lizard (*kaweau*), and, being now lessened in number, this party had to travel more circumspectly, being in the midst of their enemies. The New Zealanders are not more in fear of any known thing in the world than of the lizard, and this tame one effectually became the passport of the West-Coast party from the Hokianga District to Taranaki. The East-Coast party went by water, and landed in the Bay of Plenty, where they, by the same means as above described in the case of the Ngapuhi, took possession of a district which they still retain; while, of the party which returned to Taranaki, some remained there and some crossed Cook Strait and took possession of portions of the South Island. In fact, there is not another tribe in New Zealand which is more separated, and by which more land is claimed. According to the laws of *tapu*, the Ngatiawa hold to this day undisputed possession of each district in which any portion of their tribe is located; had any of them remained at Ngapuhi, that portion of the district which they might have thought fit to occupy in accordance with the mode in which the whole tribe originally asserted their right to the entire district would have remained in their undisputed possession to this day.

I have now given, as far as my time will allow, a sketch of the laws and customs of the Maoris in respect to their claims to land; but it must be borne in mind that I have spoken of the Maoris of the past: the present Maoris have almost become another race in that respect. Had the rules of their ancestors been kept in every instance where claims to land were in question, I can confidently say there would have been very few disputes such as have taken place since land has become known as a commodity by which the Maori can obtain money. In ancient times the boundaries of each tribal claim were so definitely marked out by the traps made to take the rat that a dispute about a boundary very rarely took place—indeed I may say never except in the portioning out of a conquered district; but since the Maori has not to wander through the forest in search of his daily food, since the old men who were accustomed to take the rat, on their own boundary-line have passed away, and since land has become an article saleable at the option of the owners, not only a deficient knowledge of the exact boundary, but also the desire of each claimant to get the greatest portion of the proceeds of the sale, causes dispute. Moreover, the claims of the more distant relatives have come to be entirely disputed, and not only the claims but even their right of relationship to the ancient owners. It will be seen, therefore, that the acquisition of a perfect knowledge of the existing tribal claims is not an easy matter where there is not the slightest help derivable from documents, where the evidence given is all oral, where the ancient traditions are less and less committed to memory, and where even the memory is frequently misled by the love of gain, and more particularly by the feelings of ancestral pride and the desire to be regarded as important proprietors, feelings which predominate to a greater extent than those of a pecuniary nature.

Upon the whole, if tribal jealousies, emanating from a continual fear of ultimate oppression by foreigners and a desire to retain nationality, are considered, there is no question surrounded with more complications than that of acquiring land from the Natives, and none so likely to involve serious difficulties between the two races which inhabit these Islands; while it is not less certain that no question exists in this country more involved in obscurity, none where more patience and prudence are required, and none where a false step involves more distrust than any interference with the laws and usages of the New Zealanders on the subject of title to land.

## PART II.

In reference to the tenure of Maori land, I have intimated that I would continue the subject on the *mana* of a New Zealand chief and tribal rights. I must therefore revert to the past ages of Maori history, so as to define what is the influence or *mana* of a chief or priest, and from what derived, and to what extent it is exercised over the people.

The history of the Maoris prior to their migration to New Zealand speaks of their being associated as one people; and certain men of the tribe occupied a portion of their time in rehearsing their history in a temple, which they called *whare kura*. This temple was filled by their most learned men, of which there were two parties, each being a check on the other in preventing a perverted account of their past history being handed down to their children. And each party had a historical staff on which was kept their genealogy, and, as they occupied each a different side of the temple, they were called a *kahui* or flock. The most learned man in each *kahui* was the leader or chairman, who was umpire of all disputed points of history that might occur. When any set debate was to take place the people were arranged in order by the leaders of these two *kahuis*. Each chief in the *kahui* had his place assigned to him, according to the amount of knowledge he possessed; and this place was given to him by the leader of the *kahui* of which he was a member. This act of the leader was called *ranga*, or

putting in order. The people, as they came to the temple in a body, were called *tira*, or company; and as the leader had to assign, or *ranga*, a place to each of his *tira*, he was called the *rangatira*, from which we derive our word in Maori for chief, *rangatira*.

In the course of time a quarrel in *whare kura* caused the people to disperse, and each family became independent of the other under the leadership of an *ariki*, who in all instances was the first-born of that family, the father of which had enjoyed the privilege of being a priest in *whare kura*. The knowledge handed down by the father to the son gave that son a certain power over the junior branches of the family; hence he was termed an *ariki*, from the fact of his superior knowledge. He could (*a*) lead or drive by that knowledge the junior or *riki* branches of the family—he therefore was an *a-riki*, a leader of the juniors.

Shortly after the dispersion of the people from *whare kura*, each family, under their new leadership, erected temples of similar form and structure in which they rehearsed their own genealogy, or such portion of the whole of that recounted in the old *whare kura* as related to themselves and those who now took part in the rehearsal of this (to them) formerly sacred lore. They required a teacher, or *kai tohu tohu* or *tohunga*; and, as in the former *whare kura* the most learned man in these matters took the precedence, so also in this the most learned took the leaderships; and as he had to *tohu* (to point out or instruct), he acquired the name of *tohunga*, which is now applied to a priest or any educated person. The word *tohu* has also another meaning, which is to keep or take care of. The *whare kura* of these separate families had the images of their gods in them, and these were in charge of the person whose knowledge in ancient lore entitled him to the office. From this it was said that he *tohu* or kept them, and hence the name *tohunga*. As this was his duty he was not required to work; and, being also the keeper or *tohunga* of the gods, he was sacred and could not be called on to perform any menial duty. Being the keeper of the gods and having a superior knowledge, of past history and events, he was better enabled to form a correct judgment in respect of anything that was for the welfare of the families whose *tohunga* he was; hence, also, in the event of war and in all matters relative to agriculture or fishing, the people gave precedence to the opinion of the *tohunga*. This leads me to the next point—viz., "mana." As I have shown the origin of the names, *rangatira*, *ariki*, and *tohunga*, I will now show what is the mana relative to the peculiar duties of those persons who assume these names. The past history of the Maori informs us that they date their origin from their gods, and that their superstitions are all founded on the co-assistance of these gods with their *tohunga*, or priest. Hence the *tapu* of the priest; and as all matters of importance are directed by the gods through the priest, orders or decisions must be implicitly obeyed or *whakamana*, so that the mana of a priest existed not on account of any natural power of his own, but of the gods. Again, in reference to the *ariki*, as it was the sole privilege of the first-born to be taught by the father or grandfather, all the knowledge and experience they had acquired must as a natural consequence make him wiser than his juniors. His opinion when given accordingly carries a weight with it, or mana: hence therefore the mana of an *ariki*.—Again, as the *ariki* guides by his superior knowledge, and as the *tohunga* guides by his intimacy with the gods, so there is a proper province for the *rangatira*. When any meeting takes place of the people—when a war-dance is to be enacted, or any minor point of dispute arises in the tribe—the matter is arranged by the *rangatira*, so far as to see that order is kept; as, for instance, that the men in the war-dance are all *kapa lonu*, or in regular lines, and that in a dispute a fair hearing is given to each party.

To show what tribal rights are we must still have recourse to the past history of the Maori prior to his migrating to these Islands. The Maoris who came, although related, were not of one hapu or family, but were, even some time previous to leaving Hawaiki, members of different hapus, quarrels between which were the cause of their migrating. But in Hawaiki each tribe or hapu was called a *kahui*, and not, as in the present day, by the name of the chief who was the leader of a family when it separated from the main tribe or *iwi*.

As each *waka* (canoe), or the people who came together, for some time after they landed maintained their unity as a people, they were called an *iwi*. The term *iwi*, therefore, means the descendants of those men who came over in one canoe, and in many cases the name of the *iwi* has merged in the name of the canoe in which their ancestors came; as, for instance, the Rotorua Tribes are called "Arawa," the Ngapuhi "Mamari," and so on. In my former lecture I stated the boundaries of the lands taken and claimed by each one of the migrations which came to these Islands, and I also gave many of their customs relative to their numerous claims to land. It therefore now remains to show the origin of the *iwi* being subdivided into hapus. In order to be enabled to point out clearly tribal right and mana of chiefs I must again revert to the land taken by the Maori on his first arriving here, and, as an illustration, I will take two districts, Arawa and Tainui. The Arawa District remains, as a whole, in the hands of the offspring of the same men who came in the "Arawa" canoe. The migration, very shortly after they arrived, dispersed over their large territory and divided into separate hapus (or families, as the word implies), and in course of time each of these hapus has taken the rank of *iwi*, and acts independently of any other, as though it had been of a distinct migration. Each of these is again subdivided into many hapus, the aggregate body still-keeping the whole of the district formerly taken by the Arawa. But not so the Tainui District. As I have spoken of the Arawa as an unbroken district, I will for contrast take the other extreme, that

of Tainui, which district, originally of large extent, is now so curtailed that the only portion now left to the *iwi* of Tainui is a small portion of it— at Whaingaroa.

As I shall have to speak of all the migrations, I will at once give a general outline of the different migrations or *iwis*, in reference to their present tribal rights or mana over that district which their respective migrations took on their arrival here. The Ngapuhi have now more land as an *iwi* than the district taken by the migration of Mamari. So have the adjoining *iwi*, the Ngatiwhatua. The Tainui have lost all their territory save a small portion. The migration by the Aotea have but a small portion of their ancient district. The adjoining migration of Tokomaru have lost a portion of their ancient district. The old occupants of the South Island have become a mere name on the land of their fathers. The Takitumu still hold all their land. The Matatua, who took part of the Arawa District, have but part of the land first taken by them. The Ruikakara and Wakatuwhenua have lost their name as a migration in the Ngapuhi *iwi*, and the Mahuhu have lost their claim to the land at the North Cape.

Intermarriage has caused the loss of land to the original owners more than conquest. As more disputes on this point are caused than any other, I will at once enter on the tribal rights which arise from it. I stated in my former lecture that it was thought a point of material importance that a female given in marriage ought, if possible, to induce the husband to join her tribe so as to add to the force of her people; hence portions of land are claimed by certain tribes who reside in and claim part of a migration district, but who do not own any right of mana to be exercised by the offspring of the original migrators in whoso district they are thus located. I will instance some of these claims in each migration, and, for the sake of clearness, I will take the migrations consecutively, from the North Cape along the West Coast and round by the East Coast. There is not an instance of this sort in the Mamari migration, but there are other claims (dissimilar in origin, though in effect the same) which I will presently refer to; and similar claims also exist in the next migration district, that of Mahuhu. In the adjoining migration of Tainui there are many of the class of which I first spoke. In the Kawerau for instance, which tribe had their origin from a chief of the Aotea and Ngatiawa migration of the name of Maki marrying a Tainui woman, he became the avenger of the Tainui wrongs, and after some time the head of a hapu which now forms a distinct people, acting without any reference to the chiefs of hapus in the Tainui or Mahuhu migrations by which they are surrounded. The tribal rights of this little hapu, which does not number in all fifty men, women, and children, are not few or of minor importance to them. In the produce of the land and sea they do not pay tribute to any chief, nor could they be commanded by any adjoining tribe or hapu to assist in any act whatever, nor could a chief go to any of their fishing-grounds without their express permission. In the wars of past times they bore the brunt of the battle by themselves. In an attack made on them about forty-five years since by a Ngapuhi chief named Te Kahakaha, they did not ask the aid of any other tribe, and, although they were beaten, they neither fled from their own land, nor did they ask revenge to be taken for them by the powerful tribes of Waikato. Again, in a war anterior to the one I have just mentioned, they were so determined to hold the land of their fathers that, although few in number and unable to meet their enemy (Ngapuhi) in open fight, they built a pa on long posts in the midst of a deep swamp, and there defied the attacks of their more numerous foes; this was not done so much to baffle their enemy as to keep the mana of their land, as, being few in number, they could have escaped in the forest and mountains of their own district. I will give an instance of the extent to which this little tribe could carry their mana or tribal right, where they permitted an infringement of the customs relative to the dead. It is a custom amongst the hapus of one *iwi* to bury their dead in the same burial-place, and therefore each has a claim to the *wahi tapu*, so that any one who may visit or pass near the *wahi tapu* has, by so doing, incurred the displeasure of all the hapus. No one but a priest of the first rank (an *ariki*) could go into a *wahi tapu*, and (at a funeral) those who might be deputed by the *ariki* to accompany him to convey the corpse. But on one occasion, when I was travelling over the land of the Kawerau in company with thirteen chiefs of Waikato and three of Kawerau, we came to a *wahi tapu* where the bone of the Kawerau ancestors have been deposited for many generations. By permission of the Kawerau chief I went alone into the cave, in the midst of which there was built a small house of the swamp reed ornamented with flax of variegated colours, in which were the bones of *ariki*s of the tribe. At the doorway of the house, which measured altogether not more than about five by three feet, were the bones of a child, and near them a small canoe; the bones were no doubt those of an *ariki* child, and the canoe, his plaything, had been taken with him to his long rest. This house contained mats of different degrees of preservation, which I did not touch, and near to a large skull was an ancient Maori shark-hook. On my return to our camp I requested to be allowed to take the canoe and fishing-hook, which the *ariki* of the Kawerau permitted; the only condition imposed on me being that in our future progress during the journey I should be the last man in the line of march, and should carry the two curiosities myself. This was insisted on, lest the gods of the Kawerau should kill the Waikato chiefs if they followed after me with these things. Again, in the same journey, we caught an uncommonly large eel, measuring six feet nine inches long; and as we were strangers on the Kawerau territory I waited till the eel was cooked, to see if my friends, the Waikato chiefs, would render the tribute of mana of the land to the Kawerau

chief. This, in time, was done by them. It is an invariable custom amongst the hapus of tribes, when they are on an eel-fishing excursion, to give any eel of uncommon size to the principal owner of the land, and the heads of all the eels eaten while the party is out are laid before the owners of the land on which the eels are caught; this is their mana of the land, and in this instance, when the eel was cooked, the head was first taken off and laid before the Kawerau chief by one of the Waikato chiefs.

The next hapu or minor *iwi* in the Tainui District is the Ngatiteata, a hapu of recent date, who have usurped the lands of an old Tainui hapu called Ngatikabukoka. Kahukoka, a Tainui chief, the leader of the Ngatikahukoka, and his people, occupied all the land from the south head of Manukau to the Waikato River; they were a numerous people till the time of Tamakae and Tamakou, who were brothers; the younger brother killed the elder, and the men or the elder murdered a Waikato boy for revenge, whereupon a party of Waikato chiefs came and took thpir pa, killing all in it save their own relations, who were of the Ngatikahukoka Tribe. Those saved, as payment for their rescue, gave a large block of land on the east bank of the Waiuku to their deliverers, the progenitors of the Ngatiteata Tribe. The receiving party, the Waikato, took possession of the given district; and in course of time the present Ngatiteata have taken by force the adjoining lands of the Kahukoka Tribe. Although the Ngatiteata Tribe have their origin from the Waikato *ariki* Tapaue yet the A Waikato chiefs have no right of mana over the Ngatiteata Tribe or land, as, in the invasion of Hongi against the Waikato, the Ngatiteata joined him in the attack on Matakiki, the Waikato stronghold. And at the present time the only claim the Waikatos make to the lands taken by the Ngatiteata from the Ngatikahukoka is in a wahi *tapu* near the Manukau Heads, where some of the Waikato chiefs are buried. Yet out of one of the land sales of the Ngatiteata the Waikato chief received a payment, but this was a tribal right arising from an act of the Ngapuhi in the war by Hongi; the chiefs taken at Waikato were killed, and their heads were brought to a spot called Te Kauri (on the south bank of the Manukau), and there *whakatahurihuri* (a superstitious Maori rite in war); and on these grounds the Waikato people had a claim of *tapu*, which was paid to them when the land was sold. Save these two claims the Waikatos do not claim any tribal right over the Ngatiteata land.

Again, in the Tainui District, on the Wairoa River, there has been located for a long time a little tribe called Ngatitai, who migrated here from their *iwi* the Ngatitai, in the Bay of Plenty. This little hapu is related by marriage to the Ngatipaoa, Te Akitai, and Ngatimaru, which are adjoining hapus and *iwi* but still they exercise the sole mana over the land they claim, nor do they pay tribute for their land to any chief, nor in all the land they have disposed of which they claim by conquest have they given any portion to other chiefs. In the war on Mauineina by the Ngapuhi, the Ngatitai still remained on their own land, and, although many of them were killed there by Hongi, yet when the Ngatipaoa fled to Waikato they maintained their position on the Wairoa. One instance of the maua of their land having been attempted to be infringed was repudiated by them in a manner that nearly led to a Maori quarrel. A canoe of the Ngatimaru having upset in passing in front of the Ngatitai settlement, and one chief being drowned, the Ngatimaru chief called on the Ngatitai to *rahui* the fishery grounds till he saw fit to take the *lapu* off. As the shark-fishing season was then begun, the Ngatitai sent a message that they would not catch or allow to be caught, or eat or allow to be eaten, any of the fellows with many teeth [shark] for that season," but they would not abstain from eating all other kind of fish longer than one month. But there was a principle at stake: the Ngatimaru had made a claim to some land over which one of their dead ancestors had been carried (after a battle with the Ngatipaoa) and, as this land was shortly to be paid for, the Ngatitai would not admit any claim by the Ngatimaru. If the *rahui* of all the fish imposed by Ngatimaru had been allowed by the Ngatitai without restricting it as they did, a money payment would have been exacted for the two claims the Ngatimaru had made when the shark *rahui* was taken off.

Again, in reference to the tribe which now reside at Orakei, called the Ngatiwhatua (which is a hapu of the great Kaipara Tribe, the Roroa), this hapu does not admit any tribal right to be exercised over it by the Waikato, Tainui, or Ngatipaoa Tribes. This hapti took possession of their district by force of arms from the Tainui and Ngatipaoa Tribes. All the fishing-grounds on the Waitemata River belong to them, and none of the surrounding tribes would attempt to fish on them unless permission were granted by the Ngatiwhatua; nor do they pay any tribute of fish or other thing to the original owners of the district. Although connected by marriage with the Waikato chiefs they still keep a separate and independent control of all their land, and in their numerous sales of land they gave no portion of the payment to the other tribes. This was not merely the case with regard to the original owners of the soil, but they do not even allow the parent tribe at Kaipara to exercise any control over them in reference to the land they claim here. And although, as a portion of the parent tribe, they claim an equal right with the rest of the *iwi* to the land of the *iwi* Te Roroa at Kaipara, yet, as the descendants of these men who conquered the Auckland District, they alone claim it to the exclusion of the rest of the Roroa.

The time allotted for a lecture precludes me from noticing each Waikato tribe separately. Although they now occupy what is called the Tainui District, they are not all of Tainui origin, as some of them date their descent from the original people of New Zealand, who were called by the Maori people Ngatiinokotorea. Reserving a further reference to some of them when I shall speak on the mana, I will pass on to the Aotea

District (in which the claims of the original owners have been as much curtailed by migratory movements of chiefs from other parts of New Zealand as by conquest), and to the next district of Tokomaru or the New Plymouth Natives, whose family wars have been carried on with bitter hatred on account of their numerous lines of descent from other migrations. The adjoining migrations of Matahourua, or the Taranaki and Ngatiruanui, have kept more aloof from the rest of the tribes; they are of a more savage disposition than the other people, and may be termed the only New Zealand savages of the present day; they have a slight mixture of the Rangitane people of the South Island, who are more of the Malay than any other, and this may account for their being a savage, yet cowardly people. Their district has been overrun by many war-parties, but (save a portion of the south end) they have kept their original dominion; there are, therefore, very few hapus among them who act independently of the *iwi*. But in the next migration of Takitumu, there are tribes who act without any reference to the Ngatikahungunu on the east, as they do of the Ngatiruanui on the west. There is in the Port Nicholson District a portion of a Waikato tribe, now called Ngatiraukawa. A quarrel of two brothers near, Maungatautari; in Waikato, was the cause of the tribe coming to open combat, and the beaten portion migrated south and eventually located in their present home: having driven off the portion of the Ngatikahungunu, they exercise the sole right as a tribe over their own district, nor do they allow any tribal right to be exercised over them by any of the Waikato chiefs to whom they are so nearly related. Again, there is the Ngatitōia in the Port Nicholson District, who were originally the owners of Kawhia, but migrated south and took all the Ngatiruanui country, and then resigned the greater portion back to the old owners, but demanded a tribute of tribal right or mana of the land to be given to them by the Ngatiruanui such as kumara and fish, which was invariably done by them to Rauparaha. The Ngatitōia though of Kawhia, do not allow any right of the *iwi* at Kawhia to be exercised over them, but are in the Port Nicholson District as independent as it is possible to be; on the other hand they not only exercised the tribal right over part of Port Nicholson District, but they invaded the South Island, and brought under tribute the then owners of that Island up to the time it was sold by them. I shall have again to refer to the Ngatitōia on the mana; I will meanwhile pass on to the Horouta, or Hawke's Bay people, who, though one *iwi*, yet are divided into many hapus acting quite independently of the chiefs of other hapus or *iwi*. This remark will also apply to the Ngatiporou District or the East Cape Natives, and may perhaps also extend to the Bay of Plenty. Natives; yet there is a shade of difference in some of their hapus, for they are descendants from women who came from the Hawke's Bay and East Cape Natives, and on that account repudiate any claim of tribal mana being exercised over them by the *iwi* in whose district they reside and of which they claim part. Passing on we come to the Thames tribes, in speaking of whom I shall have to revert to the past, in order to clear up an apparent contradiction. Previous to the arrival of Te Arawa and Tainui in New Zealand, a chief named Ruao followed Te Arawa, in which his wife, who had been taken by the Arawa navigator, Ruao, landed at Maketu, and, having met the Arawa there, after a war between Ruao and Te Arawa navigators, Ruao and party crossed inland to Matamata, and came down the Thames, taking all the land as far as Cape Colville. The Ngatiawa migration followed, and drove the Ngatihuarere, or the Ruao people from the district; and, on the departure of the Ngatiawa northward, Paeko and his followers from Ohiwa took the district. This people also were driven off by the descendants of a woman called Upokotioa, from Turanga, and who divided into the hapus of Te Tuhuke, Ngatihako, Ngatimarama, and Ngatikatarake—the *iwi* being the Upokotioa. Hotunui, of Kawhia, was the ancestor of Paoa, who migrated back to the Thames and founded the Ngatipaoa Tribe. Marutuahu, the son of Hotunui, was the founder of the Ngatimaru, of which the Ngatitamatera and Ngatiwhanaunga are subdivisions. The Ngatipaoa exercise the sole tribal right over their own land in the Thames, without reference to the Waikato or any other tribe; so also the subdivisions Ngatitamatera and Ngatiwhanaunga are each as independent in tribal rights of their own land from each other as they are of the Ngatipaoa.

As I have given the tribal rights of each *iwi*, I will now show the tribal rights of the people in respect of individual claims to land, and as a matter of course enter on those of the head chiefs first, and will again take the same line of route in each *iwi* as I did in the tribal rights of the *iwi*, and commence therefore with Ngapuhi, going round by the West Coast. The Ngapuhi, or the Natives of the north end of the Island, are, from their longer intercourse with Europeans, said to be the least like their own countrymen in reference to tribal rights of great or minor chiefs; but the very fact of their having sold more land (so far as the number of claims is concerned, these claims being so isolated and sold by so many different hapus) is the best test we can have of the seigniorial rights of first-rank chiefs over the whole tribe, or even over a section of a tribe or hapu. The Natives at the North Cape, or the Rarawa and Aupouri Tribes, are a branch of the Mamari or Ngapuhi people, and are guided by the old chief Morenga; yet in all land sales this old chief had not participated in the slightest degree, but a chief of minor importance in the same tribe (Panakareao) sold largely, even when the old chief Te Morenga was in full power. This, however, only applies to the Rarawa at Kaitia, as there was another section of this tribe at the Whangape, led by Te Pukeroa and Papahia, the former of whom did not sell an inch of land, and Papahia only participated in two sales out of many which his tribe made. Again, in Hokianga there is another

section of this tribe, of which Moetara was the chief; he sold two blocks, though not as chief of the tribe, as he was but a claimant of a small portion of each of the pieces sold. These chiefs (although of the same tribe or *iwi*) did not exercise any right over each other's land, for the land in the district in which each lived was under their own control. On the sale of a certain piece of land at Kaitaia, in which Papahia of Hokianga was a claimant, he received a small portion of the payment, yet the other chiefs of the tribe at Hokianga did not. Again, in the sales by Moetara, Papahia and the others did not receive any payment, but in one of the sales by Papahia, Maetara, as a claimant, received a payment. The Hikutu Tribe is also a hapu of the Ngapuhi, whose *ariki* is Moehau. Out of all the sales of land by this hapu, Moehau received part payment for only one, while in some of the sales minor chiefs of the Barawa were claimants and received part of the payment. Again, the Ngaitupoto (*the ariki* of which was Whatia) sold land in which Tawhai, the chief of Te Mahurehure, had a claim, and received a portion of the payment; yet the *ariki* of Te Malmrehnre (Moka) did not participate. Again, a number of Mahurehure (of which Tawhai is chief) had claims not only in the district in which they lived, but in other districts (to the exclusion of their leader, Tawhai, and many of the other chiefs), who sold these claims and received the whole of the price themselves. But in one of the land sales by the Rarawa (or that portion or hapu of it called Te Patu), when they sold a piece of land at Mangomiri, the chief Tawhai, of Hokianga, being a claimant, received part of the payment. Again, the hapu Te Urekapana sold a piece of land in their own district, and a minor chief of the Mahurehure, called Tiro, being a claimant, received part of the price; yet not any of the chiefs or *ariki* of Te Mahurehure received any payment. Again, the Ngaitupoto sold some land in their own district, and a chief in the Popoto Tribe, Tahua, received part of the price as claimant, but not as *ariki*. Again, in the Waimate District, the Ngatitautahi sold land, and a minor chief of the Ngatikaihoru, a hapu of the Mahurehure, called Netana, received as claimant a portion of the price; and also; when the Ngatimatakiri, in the Waimate District, sold land, the *ariki* of the Popoto, as claimant, received a portion of the price, but not any other of the tribe. Again, the Tahawai of Whangaroa sold a piece of land, and, the *ariki* of the Hikutu at the Bay of Islands, being a claimant, received part of the price. Again, the Ngatiuru of Whangaroa sold land, and chiefs of the Ngatirehia and Hikutu of the Bay, as claimants, received part of the price, but not the *arikis* of those hapus. Again, the Ngaitawake sold land in the Bay, and Wi Hau, of the Ngatiwhiu (at Waiiate), as claimant, received a part of the payment. Again, the Hikutu at Ngunguru sold land, and chiefs of the Ngatihau in Hokianga, as claimants, received a portion of the price. Again, the Urikopura hapu live in their own district on the borders of the Patu District; yet five of the minor chiefs of the Urikopura sold a block of land which was situated in the middle of the district of the Mahurehure, and not the slightest part of the payment was given to the *ariki* of their own tribe, or to the Mahurehure *ariki* or people. These will suffice as examples out of the Ngapuhi *iwi* to show that the head chief or *ariki* of the Ngapuhi does not possess any manorial right over the land of the *iwi*. It will be apparent to all that not only the *ariki* of the Ngapuhi *iwi* has no veto on the disposal of land, but even the *ariki* of any of the hapus do not possess that right; for in the examples I have given there is proof enough to show that the members of a hapu dispose of land without the slightest reference to other members of their hapu, and that members of different hapus join and dispose of land as though they were of the same hapu. And not only so, but it will further be seen that in many instances minor chiefs have received a portion of the payment for land disposed of by members of another hapu when the *ariki* of the hapu of the receiver has not, and also that the minor chiefs of a distant hapu have the power to dispose of land belonging to them which is situated in the midst of land belonging to another hapu, without any permission on the part of their own *ariki* or the *ariki* of the hapu in whose district the land is situated. But I will pass on to the Kaipara District (the Mahuhu migration), in which until of late years there has been very little land disposed of to Europeans. I would here remark that it is believed by many that Maori intercourse with Europeans has materially altered their ancient manners and customs, and especially so in reference to the power of chiefs and the customs relative to land; but how such an idea should have taken possession of the public mind is a matter of wonder if we look into the history of the people and their wars which related so often to only one point—namely, the right to land. The history of their claims and their daily occupation causing them to rove over their whole territory, their having no written records, their minds being imbued with the feats of their fathers in protecting their lands,—made it impossible for any communication with the Europeans, before 1840, to cause any alteration in their customs relative to their ancient tenure of land. I have, therefore, selected all my examples from sales by Natives before the Government took possession of New Zealand, so that it will be seen the idea to which I have referred cannot be fairly deduced from the cases given. The chief Paikea is the *ariki* of the Roroa or Uriohau Tribe, in the Kaipara District; yet he is a witness (not a principal) in the sale of a piece of land by Ngaukora, a minor chief of the tribe. Again, in the district over which Paikea is *ariki*, and even within four miles of his principal residence, Parore and other minor chiefs of a distant tribe; (the Ngaitawake) sold a piece of land, in the payment for which Paikea and tribe did not participate; and not only so, but Tirarau, the *ariki* of the Ngaitawake hapu, at Kaipara, was witness to the sale, the sellers being minor chiefs of his tribe. In another instance the two *arikis*, Paikea and Tirarau, were the sole sellers of a piece of land. Again, in another instance, Pa<sup><?></sup>ea sold a piece of land when

Tirarau was witness to the sale.

I will now pass on to the next subject—viz., "mana." But before I speak on this it will be as well to define the meaning of this word by examples of its use. Mana has many and Various meanings. For instance, it means "fulfil," as in this sentence: *Ka mana taku kupu i au* (I will fulfil my word); and it means potent, as *he karakia mana* (a potent charm); and it also means effective, as *He kupu mana tana kupu* (His word is effective); it also means granted, as *Ekore to tonu e whakainana* (Your request will not be granted); it also means support, as *Ma waiemana ai tau kupu?* (Who will support you that your word may be effective?). There is also another form which the word mana takes when it is joined by the preposition *ki* (to), forming the word *manaki*. I will give the meaning of this word with examples of its use: for instance, it means acceptable, as *E kore ahau e manakitia mai e ratou* (I shall not be acceptable to them); and it means 'like, as *E kore a ia e manaki mai ki au* (He will riot like me). Again, the word mana takes another form if the preposition *ko* (to) is joined to it as an affix, when it means desire, as *Kaltore aku inanako atu* (I have no desire); and again, if the word *tunga* (which means of itself a secret gift, the purport of which or for which it was given is only known to the receiver) be made as an affix to the word mana, we have *manatunga*, or keepsake; then again, if the noun of space be added to it as an affix, that is *wa*, we have *manawa*, or breath; and again, when the adjective *nui* (large) is added it becomes *manawanui*, or bravery; and if we add the verb *popore* to the Maori word for breath, we have *manawa-popore*, which is greediness, desire, regret, or anxiety. It will be seen, therefore, that mana expresses in its many shades of meaning nothing more nor less than the unseen determination of that uncontrolled something, the human mind. I will now refer to the mana of a chief or priest.

The mana of a Maori priest is circumscribed, and only extends to those matters in which the interference of the gods may be recognized, as in the many internal arrangements of the tribe in times of war or in specific acts of agriculture. In war (when the tribe has determined for hostilities) the mana of the priest is seen in every movement of the tribe being guided by him; this does not only include his own tribe or hapu, of which he may be a member, but includes all *men* of other tribes who may join them; but his mandates are only obeyed while the war lasts. I will give an instance or two: In the wars of Hongi, whenever Hongi wished his army to halt, he signified such wish to the old priest of his expedition, To Kemara, who thereupon sent a man forward to a certain point, where he was to deposit the priest's garment, as the signal to halt, and in no instance was the signal disobeyed. In the wars of Te Waka Nene, an old priest, Te Ngau, guided all the movements. In one instance Waka's people were short of food, when it was determined to send out a foraging party to obtain some from the enemy. In such an expedition deeds of valour could be shown in taking the food from the enemy, out of or near their camp. On this, account all the people longed to join, in the party; but the old priest having retired into the scrub near the pa for a short time to consult the omens by the *Niu*, he returned and named those who should *go*: this command was obeyed, and, although dissatisfaction appeared in the countenances of those who were prohibited, yet the priest's word was mana, and no murmur was expressed. I have said the priest's word was mana where that to which it referred would allow the influence of the gods to be inferred, but the opposite applied if the express wish of the priest, and not an omen of the gods, was given in his command. An instance will show this: the *ariki* and priest of Ngatiawa at Taranaki, on the eve of a battle between that tribe and the Taranaki Tribe, uttered a contemptuous expression against a hapu of his own people, which was, "Who ever thought that men who fish with a rod could be brave in battle?" (This priest, Te Rakino, uttered it to the hapu of which Korotiwaha, was chief.) When the battle did take place and was raging, in the height of the battle, Korotiwaha held up his spear and called out to his hapu, "My sons, the sign of blood," at which signal they all withdrew from the combat, and Te Rakino and his party were routed by the Taranaki, when Korotiwaha turned the fortune of the day by attacking again and gaining a victory. This will show that the mana of a priest is only so far as he is the medium of communication between the gods and the tribe. This has reference to his mana in times of war; but, as the priest is also *ariki* by birth, he also exercises certain mana as before stated in particular times. In agricultural pursuits, for instance, it is his prerogative to say at what time the *tapu* shall commence (when the crops are to be put in the ground), and when it shall be taken off when a canoe is allowed to pass up or down the river in the vicinity of which the tribe are cultivating, and how long this prohibition shall last; it is also at his intercession that the gods allow the *tapu* to be taken off any person who may have touched a corpse. His food, raiment, house, and all belonging to him are sacred, or *tapu*, and his mana is inherent in them; that is, if touched by any common person, that mana or influence of the gods (as expressed in the word mana as applied to them) will cause death to that person. It is, therefore, the influence of the gods, or the superstitious dread in which they were held by the people, and not human influence, that gave the mana to a priest; which I will further illustrate by following on to the mana of the *ariki* or chief, in the concerns of every-day life. First, hereditary mana, its extent, and by what curtailed; secondly, the dictatorship of a tribe, assumed by a minor chief of the tribe or even a member of another tribe, by what means gained, and to what extent allowed by the tribe. The mana of an *ariki* or chief was not in any instance disputed by his own people or adjoining tribes, when exercised for particular purposes. It was in his power as *ariki* to say when the prohibition for fishing for

shark should be taken off. He was also allowed to decide when the rat snaring season should commence. He had also power to decide when and where a corpse should be buried, when that corpse should be exhumed and exhibited to the people, previous to its final interment, and also where it should have its final resting place. As there is a great deal of labour connected with the ceremonies over the dead, such as providing food for those tribes invited to the *hahunga*, it may be supposed that the, *ariki* is supreme ruler of the people, and his word is law for the ceremonies of the dead. As the gods are in more immediate connection with the dead and the ceremonies over them, it is supposed that, if the superstitious rites of the Maori are not fully carried out according to ancient custom, the gods will curse the tribe, so that the *ariki* is not obeyed on account of his own influence. An *ariki* also may covet any article belonging to another person, and upon his calling it by the name of any part of his own body the owner is forced to make him a present of such thing; still, this is not done in honour of his own rank, but on account of his connection with the gods, as the naming of that article after part of his body (his body being the abode of the gods) prevents the owner from keeping it for fear of them, since no one but the *ariki* thus naming it could by any possible means use or cause to be used the article without incurring the displeasure of the gods. Not that such an act ends as a gift; if the *ariki* does not repay to the owner, or his offspring after him, a two fold price, he is looked on with disgust by the people, and thereby loses any personal influence which he may have. This leads me to the next point—namely, to show by what means a chief may lose his personal power. The foregoing will show that covetousness will militate against him so will neglect to entertain visitors, or an over-austere manner to his slaves, or a bad memory in respect of past history and mythology; but that which inevitably excludes an *ariki* from any power over his people is want of intellect; If a chief or *ariki* should be loquacious or bombastic, he is thought little of by his people; hence a studied silence is the rule of a chief. In no instance will a tribe be led by or listen to the counsel of an *ariki* of the ablest mind if he takes that which is not his own; but still his mana on other points holds good against all these obstructions: for instance, in a case where war exists between two tribes with which such an *ariki* may be related, by his intercession with each he can bring about a peace. Still it is not personal mana that does this; his being related to them is the introduction to pave the way for peace and as an *ariki* he carries the influence of the gods with him. This, of course, is not the only ingredient in the matter; but as the Maori people do not delight in war (though when once in it they are so proud that they cannot think of wishing or offering terms of peace), an *ariki* related to each of the contending parties may offer terms of peace to each without insulting their Maori honour; thus, therefore, is the mana of an *ariki* admitted, but still not on personal power or influence.

It will appear, then, that any influence which may be exercised by an *ariki* or chief is allowed by the people, and not assumed by right of birth; this I will illustrate by a few examples. I must however, state that in times of peace an *ariki* does not appear to be anything more in the tribe than the minor chiefs, save that he eats alone, and that the house in which he sleeps must not be polluted by food being taken into it, nor the fire at which he sits he used for cooking, for fear of the gods. He cultivates with his people if he is so inclined; but as a general rule he is merely the overseer of the work, receiving at the harvest a portion of the crop. This last remark must not lead any to suppose that the crops of a minor tribe or hapu are not common property, for the produce of a hapu is stored all together, and the food cooked at a settlement is a common meal at which all the hapu partake then as such, the *ariki* receives his portion when cooked. But in cases of dispute in the tribe a minor chief may set at defiance the opinion of the *ariki*. and act as seems to him good. An instance of this occurred where a minor chief had a dispute with another member of the tribe belonging to Waka Nene. The minor chief, Ngahu, having taken a horse from his opponent, Waka interfered, and sent a man to bring the horse back; but the messenger was insulted by being asked what Waka had to do in the matter. Waka knew he could not use force, and therefore as *ariki* he sent his own horse to Ngahu, saying that if it was really a desire on the part of Ngahu to have a horse, and that he had merely taken the opportunity in that dispute to obtain one, he wished him to send the man's horse back and take his. This could not be done by Ngahu, as the message implied insult; and, Ngahu's pride being hurt, he sent the two horses back. In order to show that the *ariki*, or chief does not possess an imperative power over his tribe, I will illustrate it by an ancient custom. In olden times, in times of war, when an attack was expected by any section of a tribe and the aid of other portions of the tribe was needed, the *ariki* did not send a command, but conveyed his wish by a token called *ngakau*, which token varied according to the danger then impending; also, if a hapu or section of a tribe intended to take vengeance for an old insult, a token was sent to gain the assistance of other sections of the tribe. It was not a command. The token was sent without a message, and it was received without a question being put by the chief to whom it was sent; it was therefore optional on the part of the receiver to attend to the summons thus implied or not. An instance occurred about the year 1838 when a Maori war was raging in the Bay of Islands, in which Kawiti, *ariki* of the Ngatihine, took part; he sent a *ngakau* to Mate, a chief of the same tribe then residing at Kaipara, but the request was not complied with. If it had been (as some suppose) that a chief is supreme in his tribe, such a custom as I have given could never have been practised for generations. The custom itself is a



sufficient refutation of the assumption that the chief has a manorial right over his tribe. But it may be said that this is an isolated case: I will, therefore, give another, where not only the hapus of a tribe were concerned, but where the whole tribe and all the chiefs of the tribe were concerned in the refusal, to accede to the request of the *ariki*. I have before said that an *ariki* of a tribe (being priest) is supreme ruler in times of war, when his orders are admitted by the people to carry an appearance of an order from the gods; but in the attack on the stronghold of the Thames tribe (Ngatipaoa) about the year 1822 by the whole of the Ngapuhi *iwi*, led by Hongi, there arose a dispute as to how the pa was to be attacked, which eventually caused a separation of the Ngapuhi; four or five of the hapus retired, and would not join in the attack on this place, but joined after the battle, and assisted in all the further attacks made on the Waikato.

I have said that the dictatorship of a tribe may be assumed by a minor chief of a tribe, or even by a member of another tribe. Although the Natives allow a great influence and even pay a great respect to the offspring of their aristocracy, yet, if this power is unaccompanied by intellect and bravery, the *ariki* of a tribe or chief of a hapu may be supplanted by an inferior chief; as in the case of the *ariki* of the Ngatiraukawa, who was succeeded by Te Rauparaha. Te Rauparaha was not a chief of rank—that is, he was the offspring of a junior branch of the *ariki*, family of Tainui, and by intermarriage of his progenitors with minor chiefs and women of other tribes he held no influence by birth; but when the principal chief of the Ngatiraukawa (Hape ki Tuarangi) was on his deathbed, and the whole tribe were assembled, the old chief (who had been a noted warrior in his day) asked if his successor could tread in his steps and lead his people on to victory, and so keep up the honour of the tribe. This question was put to all his sons, but no reply was given; when Te Rauparaha got up from the midst of the minor chiefs and people who were sitting at a distance from the sick chief and the chiefs of high rank, and said, "I am able to tread in your steps, and even do that which you could not do." As he was the only speaker in answer to Te Hape's question, the whole tribe acknowledged him as their leader: hence his influence to his dying day. Te Parana was a man of superior powers of mind as a Native, and as a leader of a war party was not even surpassed by the noted Hongi; but let it not be supposed that by gaining a certain influence or mana by his superior powers of mind he had the power to make anything *tapu*; his niana only went so far as his protecting power and, counsel were required; the Ngatiraukawa *ariki* and the Ngatitoa *ariki* still retained the power of making or taking the *tapu* off anything, as I will again instance in an *ariki* of a hapu of Ngapuhi, whose name was Manu. He was *ariki* of the Ngatikaihoru, but being a thief he lost all influence over his people except that of *tapu*: his nephew (his sister's son) took the leadership of the hapu. But it so occurred that a certain piece of land was required by the hapu on which to cultivate; a decision was given by, the then leader; but he could not go beyond his wish, and it could not be occupied till it had been made *noa*, or the *tapu* taken off by an *ariki*. Manu, being the *ariki*, objected, but at the combined request of his hapu he removed the *tapu* by incantations, and the land was occupied by the people. This example speaks for itself in a twofold way: not only can the people transfer their allegiance to a person not an *ariki* by birth, but they can compel by united request their own *ariki* to do that to which he is opposed. The word "chief," as understood by Europeans, leads to false conclusions in reference to the application of that name to a New Zealander, or (to put it in another way) Europeans expect more to be done by chiefs of Maori tribes than even these admit themselves to possess. I may confidently say there never was, nor is now, a chief in New Zealand who can order any one in his tribe (slaves excepted). The members of a tribe do resist orders given by a chief with impunity. I may say, further, there is not any chief or *ariki* of a tribe, or even all the chiefs and *ariki*s of any *iwi* together, who can collectively give a guarantee that they will make their *iwi*, or any hapu in it, act up to any terms they (the chiefs) may agree to. I do not wish to tamper with the rank or influence of a Maori chief, but let facts speak for themselves. When Heke had, for the first time, cut the flagstaff down at Kororareka, and troops (though a few) had been sent from Sydney, and when the Governor had gone to the North to within seven miles of Heke's home, the *ariki*s of the Ngapuhi hapus laid a number of guns at the feet of His Excellency as tokens, and entered into a contract that Heke should not cause any more disturbance. Although these chiefs were the greatest men of Ngapuhi, Waka, Rewa, Tareha, and others, and Heke was only a minor chief, yet he in defiance of them all cut the flagstaff down again, and burnt the Town of Kororareka. A Maori chief, when he promises anything in the name of his tribe, invariably implies the proviso that he promises for as many only of his tribe as will listen to him; and when he promises anything for his individual self, he has a proviso in his own mind (when he is reminded of his contract) which he makes known in this way, "O, my love to my relatives, who condemned me for my act, made me think as they do." And if reprimanded for not conveying the news of his change of mind at a sooner date, his answer is, "I thought it would be the same if you did not know of it."

I said that a member of another tribe may assume the dictatorship of a hapu of an *iwi* not his own. As my time is limited one example must suffice. In the war of Hongi with the Rotorua he took many slaves, and at a recent time a young man named PiriHongi (of no note even amongst his own people as a chief of birth) paid a visit to some of his relatives who were taken slaves by Hongi. Being of an intelligent mind he eventually became, and is now, the leader of one of the Ngapuhi hapus at the Waimate, to whom many of the *ariki*s and

chiefs of Ngapuhi apply when they want the advice and assistance of the hapu of which he is now the leader.—[By Mr. John White: *Lectures on Maori Customs*, No. 2. 1861.]

## Schedule.

# Memorandum by His Excellency the Governor.

Government House, Auckland, 12th March, 1861.

- THE possibility of establishing a Court for the settlement of disputed claims to land (over which the Native title has not been extinguished), whether between Maoris themselves or between the Government and Maoris, is a subject to which the Governor desires to call the special attention of Ministers. If it is possible to devise any plan which is likely to be practically useful he thinks it should be embodied in a Bill, and should be referred to in the Governor's Speech on opening the next session of the Assembly.
- The Governor thinks that arrangements should be made to separate the office of Land Purchase Commissioner from that of Native Secretary.

T. GORE BROWNE.

## Memorandum by Mr. Stafford.

If such a Court as the Governor suggests could be established, and the Natives be induced to refer disputes with respect to their land claims to its arbitrament, the result would be most beneficial. It is to be feared that the greatest difficulty would be found to arise from the indisposition of the more powerful chiefs to submit to decisions adverse to their pretensions. The constitution of such a Court requires consideration. Referred to the Minister for Native Affairs, and the Attorney-General, with that object. The separation of the offices referred to in the last paragraph of this memorandum can be carried out at once, and the doing so will be in accordance with a resolution of the House of Representatives last session.—E. W. Stafford.

## MEMORANDUM by Mr. WHITAKER.

This appears to me to be a question for the Native Council. I think it would be wrong to take so important a step just before its establishment as the constitution of such a Court as that referred to, the result of, which, under any circumstances doubtful, will much depend on the details.—Fredk. Whitaker. 23rd April, 1861.

## MEMORANDUM by Mr. WELD.

I see no difficulty in the establishment of a Court of Appeal on land questions, if the Assembly will grant the necessary funds. I should commence by establishing a Court of Appeal, consisting of a Commissioner and two Native chiefs, at good salaries. The Court would necessarily, be peripatetic, and I would strengthen it by the assistance of Native Assessors whose local influence and knowledge would be of much value. I think that the jurisdiction of the Court should at first be confined to hearing appeals from the decisions of the Land Purchase Commissioner, and to the settlement of such land questions as may be referred to it by the consent of both parties. I am not at the present moment disposed to attempt more than this. I think that the immediate establishment of such a Court would throw open the way for the establishment of Courts with larger jurisdiction; but, before we give a Court power to deal with all land, questions, we must be in a position to enforce its decrees in all cases, or at least the Natives must have time to learn to appreciate the advantages of such a tribunal, and to give it their full confidence and support. Until we see some prospect of such a result—either from the well working of such a Court as I propose or from some desire expressed by the almost

universal and decidedly expressed wish of the Natives themselves (who should be invited to discuss the subject at the next conference)—I think we should be ill advised to go beyond a Court of Appeal and reference. I concur with the Attorney-General in thinking that this subject is one that the Native Council (if established) should consider and advise upon, but in any case the next session should not be allowed to pass over with out action on this matter. The details need not be finally arranged at present, but the subject might be alluded to in the Governor's Speech at the opening of the session, in connection with a grant of money, which I believe to be imperatively necessary for this and other Native purposes, and which I believe it will be the duty of Ministers to propose next session.

In reference to the separation of the office, of Land Purchase Commissioner from that of Native Secretary I have already expressed my strong desire that it should be done as soon as possible. Some time ago I requested the Native Secretary to furnish me with all the information that might be necessary to aid in the reorganization of the department. The urgent duties on which he has been since employed, involving his absence from Auckland, have alone prevented steps having been taken in that direction; but, at the same time, I do not see how anything can be effectively carried out until the establishment of the Native Council is authorized by the Home Government, or at least until their answer is received on the subject. As soon as that is received, the reorganization of the whole department should be proceeded with with the least possible delay. I trust it may yet be effected before the Assembly meets.—Fredk. A. Weld. 24th April, 1861.

## **No. 2.[Extract from *New Zealand Gazette*.]F.D. Fenton, Esq., appointed Chief Judge of Native Land Court.**

Native Office, Auckland, 9th January, 1865.

His Excellency the Governor has been pleased to appoint Francis Dart Fenton, Esquire, to be the Chief Judge of the Court established under "The Native Lands Act, 1862."

WALTER MANTELL.

## **No. 3.[Extract from *New Zealand Gazette*.]**

*Judges of Native Land Court appointed.* Native Office, Auckland, 9th January, 1865.

His Excellency the Governor has been pleased to appoint John Rogan, Esquire, and George Clarke, Esquire, to be Judges of the Court established under "The Native Lands Act, 1862."

Walter Mantell.

## **No. 4.[Extract from *New Zealand Gazette*.]**

*Judges of Native Land Court appointed.* Native Minister's Department, Wellington, 11th February, 1865.

His Excellency the Governor has been pleased to appoint James Mackay, the younger, Esquire, and William Bertram White, Esquire, to be Judges of the Court established under "The Native Lands Act, 1862."

## Sir WILLIAM MARTIN to the Hon. the NATIVE MINISTER.

Auckland, 18th July, 1865.

SIR,—

I have the honour to report to you that the notes I undertook to prepare on the best mode of working the Native Lands Act are now completed and in print. Some copies are forwarded by to-day's mail; the residue will be sent by the next. In these notes I have endeavoured to set forth the several parts of the system to be pursued in their ordinary relation to one another, confining myself to questions of a political kind. Therefore I have contented myself with pointing out that, for the success of this undertaking, we require first of all a state of rest and peace, without inquiring how rest and peace are to be attained. But knowing your desire to bring the Act into operation, and considering the benefits which may be expected to accrue to both races from its success, I have been led to reflect seriously on the way in which the pacification of the country may be effected.

I now beg leave to offer for your consideration a few words on this point as a sort of postscript to the notes, praying that the paramount importance of the subject may be my excuse. It is my conviction that the course of proceeding devised in 1863 is not the best for the purpose. We ought not to be surprised if it be found that measures, adopted in a season of excitement and panic, do not approve themselves now, after a fuller consideration and a longer experience.

The necessities which press upon us at this time are the following: It is necessary to quiet the minds of the Natives, many of whom, in different parts of the country, apprehend that the part they have taken may expose them some day to serious consequences, and therefore seem to have no interest in the restoration of peace. Also, it is necessary to get rid of the grievous burdens which must continue to be borne by ourselves so long as we are holding possession of land by mere force, and many of the former occupants are sitting by, saying (as it was expressed at Hanganiki) "neither Yea nor Nay" to our doings. Further, it is necessary that the attempt of the Natives to set up a separate and independent Government for themselves be seen to have failed so signally as to leave no temptation to repeat the experiment.

Now, Sir, to my mind, the only direct and sure mode of reaching all these results is by the way of an open and express cession of land, accompanied on our part by an amnesty large enough to include at any rate all persons who have committed no offence against us beyond that of bearing arms in the war. A piece of territory being once so ceded, no hope or thought of recovering possession of it at some future time will be entertained by the hostile Natives. By the abandonment of a delusive hope their own minds will be so far set at rest. Thenceforward our possession will be undisturbed, and a great and continued outlay, which we must otherwise incur, will become unnecessary. As to the Maori King and the hostile tribes, the most manifest proof of failure will be such a cession. To have to retire before the large force which we have had in the field against them may not be regarded by themselves or other tribes as a complete defeat; but to be constrained to cede land in the centre of the King's territory, and publicly to cut themselves off from all hope of recovering it, would be an undeniable proof of defeat and failure. I remember how strongly the need of such an amnesty (or *murunga hara*, as they call it) was felt, and how the subject was discussed in Waikato, after the cessation of the former hostilities. There is ground for hope that a like feeling may be taken advantage of for granting the land, and that, through the intervention of friendly chiefs, a settlement such as I have here suggested may be brought about for the real interests of all.

I have, &c.,

WM. MARTIN.

The Hon. the Native Minister.

# NOTES. on the Best Mode of Introducing and Working the NATIVE LANDS ACT.

IN compliance with requests made to me by the Hon. the Native Minister and the Hon. the Attorney-General, I have put together the following notes on the best mode of introducing and working the Native Lands Act so as to render the Act most effective for its purpose, and most conducive in its effects to the peaceable settlement of this Island:

Though I have done my best to keep these remarks within compass, yet they have unavoidably run to some length. In fact, by the course of events and by repeated discussion during the last few years, the several parts of the Native problem, and their mutual relations and connections, have become more manifest, and the order in which they may be attempted with best prospect of success more apparent. This has rendered it necessary for me to touch on nearly every part of the work to be done, in order that each part may be seen in its proper place and its due proportions. If some of the proposals herein made appear at first sight inadmissible, I only ask for a patient hearing and serious consideration. For the views here expressed have been formed not lightly or rapidly, but after long-continued observation, and by the aid of light drawn from every available source, and after much conference with persons of various classes and of different ways of thinking on these subjects.

I regard this Act as the turning-point in our work. If it can be brought into smooth and safe operation, and be made acceptable at the outset of our proceedings, it will powerfully attract the Natives to our system, and give us the means of gradually and quietly introducing that system into all parts of the country.

- 1. For this end the greatest care and forethought are required, not only because the work is in itself complicated and difficult, but also because we have to overcome great obstacles. We have to commend our measures to a population in which there exists a wide-spread and deep distrust of the Government. There are, it is true, many amongst the Natives who are attached to us, and who are convinced that in union with us and conformity to our usages lies the only hope of their race. Yet even these are perplexed and harassed by the contrarieties of our so-called policies, by the divisions of our political parties, and by the language of our newspapers. We do not readily estimate the effect of these things on the minds of men keen and shrewd, yet ignorant and ill-informed, and at the same time well aware how vitally their own interests may be affected by them. Another large portion of the population is demoralized, sore of heart and almost desperate, driven half mad by losses and sufferings, by uncertainties and fears. Everywhere the land needs rest.

Time is needed not only for the settling-down of men's minds, but also for the preparation and revision of our own plans; for the success of this measure must depend entirely on the manner of working it. It might be so worked as even to complicate our difficulties and diminish our influence. The solicitations and the keen competition of land-buyers, working secretly and sometimes unscrupulously against each other, might, unless checked by proper regulations, raise up again, even in an aggravated form, a general irritation and opposition, such as were produced by the old system. Our one hope of success lies in our proceeding on a very limited scale and in a very measured way in the outset, and in our mode of proceeding being so framed as to exclude to the utmost all sources of irritation, and to produce by the most facile mode a clearly advantageous result. Considering that we have to construct and test our mode of proceeding as we go on, and to ascertain by experience many things which no forethought can suggest or devise; considering also the extreme difficulty of finding agents fit for this work, it is evidently necessary to begin our work on a very limited scale and in some district which is well prepared to receive our operations. We may be quite sure that, in working in such a district and in appearance for that district only, we shall be really working under the eyes of all. Our operations will be keenly watched by the Natives in all parts, and the benefits or disadvantages carefully noted and discussed everywhere. On the other hand, to keep a number of operations going on at the same time, and that with inferior instruments, would be to increase unnecessarily the chances of error and failure. If our work shall be successful in a single district, and our system be seen to yield real and substantial benefit to those who come within it, that system will readily find acceptance elsewhere, and in due time spread itself through the country.

## The Certificate.

- 2. The principle of the Native Lands Act is to make the certificate of the Land Court the primary evidence of title and the basis of all our dealings with the land: a principle which appears to me sound, and even necessary, as the only mode of avoiding great difficulties. The requiring of such a certificate can be no cause of suspicion, because every man sees that, for the peace of the land and as a safeguard against fraud, some public inquiry and some certificate to show the results of the inquiry are necessary. To require a certificate which asserts, on the authority of a Native Court, that a certain block of land, properly identified and delineated thereon, belongs to certain Natives enumerated therein, and to require and connect therewith an actual survey and marking-out of the land, will be seen to be a reasonable and necessary precaution for the good of all—a needful security against mischief between the races, and even war. We know that the offer of a Crown grant for their land is apt to be regarded by the Natives with suspicion, and declined as seeming to involve an admission that their title to their lands is defective, or that it depends on the pakeha rather than on their own forefathers.

Another and a weighty reason for preferring the certificate is that a Crown grant would at once bring with it our English law of real property, our canons of descent, as well as a large body of rules not understood or even heard of before; and so would cast upon the Natives a burden which would be to them intolerable. We must be on our guard lest we discredit Crown grants, so as even to render it impossible to induce Natives to accept them; which we certainly shall do if we introduce them as a means of security and protection, and if afterwards a crop of questions and disputes shall grow up, not to be settled except by reference to the Supreme Court—that is to say, to a tribunal which to the great body of the Natives is, by reason of distance, cost, and their own ignorance of our procedure and our language, practically inaccessible. Mr. Dillon Bell, in moving the second reading of the Native Lands Bill, clearly pointed out the nature of this difficulty, and the necessity for propounding for the Native districts a body of rules touching interests in land and the transfer and devolution of them, which should be substantially English, but adapted and simplified. I believe the remedy proposed by Mr. Bell to be perfectly practicable; but, until we are in a condition to propound such rules and to set up local and accessible Courts to interpret and administer them, I think it is absolutely necessary to avoid all these sources of difficulty and to keep within safe limits. The certificate will give us all that in the first instance we need, for the first thing is to mark out the boundaries of separate pieces of property and to register the owners thereof, to gather those owners into groups, and to bring them as groups into legal action. This is the first step. The individualization (of which much has been said) is a further step, for which every facility ought to be given, but for which there is no reason why we should wait, as the members of the several groups of owners may join in letting or selling the land. Much of the soil of England was at one time in a similar condition.

## Selling and Letting.

- 3. The certificate of title, a document created by an Act of the Assembly, will confer on the holders of it such powers as the Assembly may think fit to give, and none other. Those powers should be, in the beginning, the power of letting land for a term not exceeding twenty one years, and the power of sale. To make the exercise of those powers safe it should be enacted that all contracts for letting should be entered into, and the lease in every case be executed, by the parties in the presence of a Civil Commissioner or of a Resident Magistrate, who shall attest the same, and should certify that the lease and a certified copy in Maori had been read over to both parties in his presence, and that both parties understood the same. The rent should be made payable to some person or persons named in the lease, so that no inconvenience should arise to the lessee from the number of the lessors. In case of the death of any of them, the lessee would have nothing to do with any question which might arise as to the division of the rent amongst the persons entitled thereto according to Native custom. That question would be settled by the Resident Magistrate, on the finding of a Maori jury, after the manner of a copyhold Court. It would be convenient for the officers concerned in this business that all such leases should be computed and made to run from fixed quarterly days, so that the rents may fall due at the same time.

At present there is often found a considerable disposition to let lands where there is no great willingness to sell. And the letting of lands will of itself, if properly managed, quietly and effectually open the country and prepare the way for sale. For it will put us in possession of a survey of the lands and a complete register of the owners of the several blocks. In this way the title will be made clear and safe beforehand, and roads—not merely main roads, but smaller roads also—will be opened peaceably and in all directions for access to the lands under lease.

# Public Auction.

- 4. As to the power of sale, to make the exercise of it most attractive and satisfactory to the seller, and to exclude all private intriguing, all sources of jealousy and irritation, one precaution is necessary and sufficient. Let no Native land be sold under this Act otherwise than by public auction. Let the Natives see that their interests are fully protected, and that land is sold by the Government on their behalf just as the Government sells its own land. The auction should take place, after due notice, in such one of the English settlements as might be appointed for that purpose. The name and description of the purchaser being reported to the Civil Commissioner of the district in which the land was situate, he would cause the conveyance to be executed in the presence of himself or of some Resident Magistrate of the district, and forward it to the office in Auckland. The office would receive the purchase-money and either remit it or deposit it, as desired by the sellers, and would hand over the conveyance to the purchaser. Thus the great inconvenience and evil which often attends Government dealings with Natives, of keeping a number of persons hanging about the town for days together, might be avoided. The purchaser should, after a certain time, be entitled to receive a Crown grant.

It would be a valuable addition to this plan if some convenient mode of investing the proceeds of sales could be open to the Natives, where they might obtain good interests on their deposits, and so might see that they derive a substantial and permanent benefit from our management. The frequent and natural complaint of the Natives, that the land abides whilst the payment perishes, might thus be obviated. The present savings banks have been instituted for a different purpose, and by the limited amount to be deposited, and by other regulations, are rendered unfit for the object here contemplated. Yet the political advantages to flow from any system which should attract Native investment, and so bind Natives to the Government, are great and obvious. For the attainment of a political end it would be wise to lay stress on those economical considerations which ordinarily prevail in such matters. If made attractive in this way, the selling of land may be expected to be, after a season, resumed freely. It is possible that in particular cases some inconvenience may be felt, but I have no doubt whatever that (if we look to the general working of the Act, to the attractiveness of its operation, and the peace of the country at large) the advantages will be found to preponderate enormously on the side of the sale by public auction. By no other mode can the settlers at large be secured against the forestalling of the land by a few; and by no other will the Natives be satisfied that they receive the fair value of the land.

Cases will be found where money has been received by Natives as an advance upon a contract or understanding for sale of land; and such cases will need to be specially provided for. The persons who have in this way sought to gain a preference over others have no claim to consideration on the part of the Assembly or of the Government, inasmuch as it is provided by the express terms of the Native Lands Act itself that "Every contract, promise, or engagement for the purchase, lease, or occupation of any Native land, or of any interest therein, made prior to the issue of a certificate of title under this Act, shall be absolutely void;" to which enactment, moreover, attention has been drawn by an express notification in the Government *Gazette*. Care should also be taken that the Native seller should not have the benefit of such unlawful contracts; for which purpose, upon the land being afterwards sold by auction, an amount equal to that which had been already received under the private dealing should be deducted out of the purchase-money, and paid into a fund for the general benefit of the district.

# Land Court.

- 5. The constitution of the Land Court by which the certificate is to be given is a point of vital importance; for it is provided in section 14 that the certificate shall be conclusive as to the Native proprietors of the land for which it is issued. The Court should then be so constituted as to give the utmost attainable security for the correctness and trustworthiness of the certificate. It is essential that the Government shall be able to entertain a well-grounded assurance that it will be safe and right to act on the certificate.

The constitution and procedure of the Court should be such as to exclude, as far as possible, all deception or collusion. If the Court consists of too few members, the certificate may be simply a snare to the Government. The safest mode appears to be, to form a panel of the leading men of the district, and out of them to select not fewer than six as a jury, either by ballot, subject to challenge, or by a process similar to that of striking a special jury. They should receive a payment for their work, so much a day; the

regulation of the sittings, both as to their length and frequency, resting with the President of the Court. The utmost care should be taken to secure the due circulation of notice of the sitting of the Land Court, and ample time for attendance should be allowed. Applicants for certificates should be required to have the boundaries of the land surveyed, and actually marked out upon the ground, before the application is made.

## One System for Land-buyers.

- 6. It appears to me essential to our success that the system to be established should apply to all purchasers equally, and that the 34th section of the Act should be repealed. A trustworthy Land Court being once constituted, let all transactions pass through the Court on the same footing. Let all purchases be subject to one and the same course of procedure, and let the efforts of the Government be confined to the establishment and working of a sound system for the use and benefit of all. Any regulation which is needed for the guidance and protection of the buyer on his own account must be equally needed for the guidance and protection of the buyer on behalf of Government.

## Reserves.

- 7. All lands to-be reserved for Native cultivation or occupation, under the 9th section of the Act, should be separated by natural boundaries from lands to be settled by the pakeha. This is to be desired, not only for the sake of avoiding strife between the Native and the European neighbours, but also to enable the Natives to cultivate within a ring fence, and to spare them the cost of a fence for each separate holding, which cost will sometimes equal, or even exceed, the value of the land to be included within such fence.

## Endowments.

- 8. By the Native Lands Act, sections 21 and 23, it is provided that the Governor may, at the request of the owners, make regulations and plans for settlement of Native lands; and that in such regulations reserves may be made for public roads and highways, or for schools, hospitals, churches, &c., and for the endowment of such institutions, or for any other purposes of public or common utility to the Native proprietors. On our success in providing in every Native district an adequate endowment in land for the purposes of law and education, must depend in large measure our success in attaining our great end. In no other way can success, if attained, be rendered permanent. No doubt grants of money made by the Assembly may be depended on to meet the cost of introducing whatever system may be thought the best, and of sustaining it for a time; but such grants can hardly be depended on for upholding it through a series of years. We must look elsewhere for the means of fully establishing and permanently supporting the system, so that it may have time to do its work, which, in the nature of things, cannot be done rapidly. Wherever the new Native Lands Act shall be brought into operation, let it be made, as far as possible, a condition that a liberal endowment be first made for the support of the administration of law, as well as for schools where the English language shall be taught. There is nothing unreasonable in urging strongly, at the commencement of our undertaking, such terms as are in themselves necessary and essential to secure for it a successful issue. The attractiveness of the Act, so far at any rate as the power of letting land is concerned, gives us an opening for effecting our purpose. So soon, then, as any district shall show a desire to receive this Act, that desire should be met by a readiness to confer the boon, on a pledge being given by the people of the district, after a public meeting; that the pakeha settlers who may be introduced into the district under the operation of the Act will be secured from disturbance and lawlessness; and, for that end, that the Natives of the district will concur in establishing law in the district. The best evidence of the assent and co-operation of the Natives will be the appropriation of land as an endowment for the permanent maintenance of the administration of law and of instruction in the English language. If we allow them, what they may reasonably claim, a fair voice in the management of the properties so appropriated for endowment, and in the application or apportionment of the income derived from them, we may count on their hearty co-operation. There are especial reasons at this time why we should endeavour to build on a foundation of endowments voluntarily furnished by the Natives themselves. It is well known that Government contributions in money are regarded by many of the best and ablest of the race with much suspicion as a sort of bribery, from which they count it a point of honour to stand aloof.



Nor could anything be less wise than to pauperize the people, and to destroy the self-reliance of the Native character—a point in which it greatly resembles our own. It may be comparatively easy to produce an outside show of order; but, if there be on the part of the Natives no sacrifice or effort to maintain the system—no contribution of money or labour towards it—there will be in it little of reality or of permanence.

There is in the Native population a readiness to make efforts and sacrifices for the support of institutions which they clearly see to be beneficial, and in the working of which they have a practical share. Of this a striking example is furnished by the conduct of some of the tribes of the district between the East Cape and Poverty Bay. Within a period of five years, from 1859 to 1863, and that a period of distrust, trouble, and war, there were contributed for the endowment of Native clergymen more than £1,300, and for the endowment of the Bishopric of Waiapu (after the decease or resignation of the present Bishop) the sum of £589 11s. 9 d. Every one of these sums of money represents a large amount of effort and co-operation, for the Maoris are rich in land, poor in money. We need not doubt, then, of their willingness to contribute land towards the permanent support of institutions for the purposes above mentioned, provided they have themselves a reasonable share in the working of the system. Care will of course be needed to select for this purpose lands which, by reason of some peculiar advantage of position, may be sure to be in demand for permanent occupation by tenants.

In cases where, from one cause or another, it may prove impracticable to provide a direct endowment in land for the purposes here mentioned, an indirect mode of attaining the same end will be afforded by the system of public sale. A certain percentage on the proceeds of the sale may be retained and invested in the purchase of land to be held as such endowment.

## Administration of Justice.

- 9. Thus far I have considered the operation of the new Act as capable of being made instrumental for the purpose of reviving or creating among the Native population a sense of the substantial benefits to be derived from their connection with us. I have been looking chiefly to present difficulties, and the prospect of escaping out of them into a better state of things. But in all our operations it is necessary to look beyond this, and even from the beginning so to direct and shape our proceedings as may most facilitate the establishment of a permanent and legal order of things. Therefore, from the very beginning, we must form to ourselves some distinct conception of that which we desire to establish.

It is quite true that there is no use in attempting to force institutions on people who do not desire them, or to push them on over-rapidly whilst a population is ill prepared for them; but it is exceedingly important to miss no opportunity of introducing them that may offer itself. For this end, then, it is necessary that we shall have considered the whole matter beforehand, and formed our plans for acting when the time comes.

I think it will be admitted by all that our system ought to be something simple and intelligible in itself, and free from all complication and causes of unnecessary delay; moreover, that it should be so modified from our own system and so far adapted to the condition of the Native population as to remove prejudices and obstacles, and to make the transition from the one to the other as easy as possible; lastly, that it should be such as may be combined easily with the general system of the colony, and ultimately blended therein. If the procedure be tardy or costly, or clogged by a necessity of referring frequently to the seat of Government, and especially of references backward and forward from one Government office to another—from one person uninformed and uninterested to another equally so, and back again—it will most surely fail in its object; it will never come to be valued or respected by either race, and it will never beget a peaceful and contented spirit in the population. To the Maoris resident in the Native districts the necessity of referring for a settlement of disputes to the seat of Government, or to the nearest English town where a Judge is to be found, is a very great grievance and evil. When parties come on such an errand, they often hang about the town with wives and children, either at the charge of the Government, in which case they linger on, becoming gradually pauperized; or, if at their own charge, incurring debts on a ruinous system of credit. Of course the leading practitioners, whose hands are already full, are not inclined to take business of such a kind. Even if such a man is moved to take it up, all must be done through interpreters, and therefore at an increased cost; and it may after all be found that the ultimate point in dispute is one which is excluded from the jurisdiction of our ordinary Courts. If we wish to commend to the Natives our ways of proceeding, we must clear them of the many difficulties which beset them now. In this respect the present state of things is more likely to create disaffection than to remove it. Instead of bringing the Natives to our Courts of justice, we must carry our Courts to them. How, then, is a

speedy and efficient administration of justice between the two races, in matters criminal and civil alike, to be established and maintained?

## Native Districts.

- 10. In the first place I assume it as settled that, for this purpose, the country is to be divided into districts, in each of which districts a Civil Commissioner is to be placed. It appears essential that the district should be no larger than such as can be effectually supervised by one man, subject only to such amount of control from the seat of Government as may be absolutely necessary, and even that control exercised as far as possible through the Commissioner himself.

The district of the Civil Commissioner should not be merely a geographical division of the country, but rather its extent and boundaries should be determined by considerations of relationship and intercommunication subsisting between the Native inhabitants. It should comprise tribes or divisions which have a common sentiment and generally act together, already feeling themselves to be naturally one, and which are thereby in a certain degree prepared for union of administration under our system.

In the following remarks it will be desirable to sketch a district fully organized, with all such subordinate officers as may be needed in any case; but I do not mean that we ought at once in every district to seek to set up such complete organization. On the contrary, I should prefer to set it up nowhere, except on the requisition, or at least with the assent, of the population. In a large part of the country our objects might for some time to come be best advanced by the appointment of a single officer, who should be rather a resident than a Magistrate, ready to advise and guide whenever there should be an opening, but claiming no coercive jurisdiction whatever. Such an officer would be the root out of which the full system might grow in due time. I return now to a sketch of the system, as it should be completed and established, whenever the course of time and circumstances may allow. A completely organized district would have for its officers a Civil Commissioner, Resident Magistrates, and Native Magistrates. Out of the number of the Resident Magistrates the more experienced and able would be selected to fill vacant Commissionerships. The several places and functions of these officers should be so clearly defined as to prevent clashing. A multiplication of officers either coordinate with one another, or in an ill-defined subordination, is sure to be a source of weakness and inefficiency. Starting, then, from these principles, we shall consider first the relations of the several parts of the proposed system, and next the rules by which the several parts are to be ordered, with a view throughout to the utmost simplicity in the organization of the district, and to its completeness, as far as possible, within itself.

## Native Courts.

- 11. In the first and lowest place we shall have Native Magistrates, settling questions between Maori and Maori. It is necessary to uphold these Maori Courts, not only because we have in some sort ourselves set them up, but also because it is impossible in dealing with this people to create and keep in efficient working any system in which they do not take some practical part. Above all it is to be remembered that these Courts are absolutely necessary for the purpose of effectually carrying the operation of law into the remoter parts of the country and over the whole of the scattered population. If this object is to be effected it must be by guiding and supervising Native efforts for that end, not by attempting to do the work ourselves. We have neither money nor men for so vast an undertaking.

But if it be necessary to sustain these Courts, not less necessary is it to restrain them; for there is no doubt that at this time they are, in many parts of the country, often grievously perverted and made instruments of oppression and wrong. The smallest grievances are hunted up and arbitrarily treated as offences against the law; and even in the case of real offences fines altogether unreasonable in amount are often imposed, out of which the administrators of the so-called law pay themselves for their trouble. Bad as this state of things is, no better could be reasonably expected from the history of the system, which I will briefly recount. We began some years back by appointing certain chiefs to administer justice among their own people. We called them Assessors, though in the Maori forms of appointments they were called Kai-whakawa or Magistrates. It was of course intended that they should learn something of law before they began to administer it. With that view it was arranged that the chief English Magistrate in each district should hold periodical circuits, and so both orally expound and practically exhibit to the Assessors the rules and methods of our laws. Unfortunately it came to pass that the proposed circuits were not holden and the desired instruction not given, though the need was growing every day. Accordingly the

Native officers set themselves to do the work in their own way. The result has been such as strong wills, acting ignorantly with little instruction and less supervision or control, might be expected to produce. The new principle of law was taken up earnestly and carried through the country by Native agents, just as the Gospel itself had been to a large degree carried through the country in former years. What was understood by law was this that all grievances and causes of strife were to be removed for the future by peaceable means—by decisions formed and penalties imposed after public discussion; not as in old times by intimidation or force. Each set of administrators set itself to carry out this general principle as best it could, and assumed at once the fullest powers for that purpose—that is to say, the power of determining both what matters should be treated as offences and also the rule according to which they should be dealt with. In general, they followed so much of the English procedure as they happened to have learned by observing the practice of English Magistrates.

It is now essential to supply the omissions of past years, to try to complete these our own half-formed institutions, and to supply the instruction and supervision which are necessary to insure their usefulness. In effecting this reform it is necessary to deal tenderly with all that exists and which has acquired a certain degree of acceptance, and to use and incorporate it rather than to destroy it; especially to accept and encourage the spirit of self-reliance and self-government, which, however untrained and undisciplined, is present in the Maori mind.

The first step, then, towards terminating this lawlessness under the name of law, is to establish and carry out thoroughly the fundamental distinction between the two separate businesses of making law and of administering law; between Councils to frame rules and Courts to enforce them. The distinction itself is apparent to every, intelligent Maori when he is reminded of it, and is clearly expressed in his own speech; for the two functions can hardly be more aptly distinguished than by the two phrases, *whakatakoto tikanga*, literally to lay down a rule; and *whakahaere tikanga*, literally to set a rule agoing—that is to put it in operation. For this end the jurisdiction of these Courts should be exactly defined, and a careful supervision kept up to prevent any transgression of the limits assigned to them from time to time. The Magistrates must be tied down to written rules, and checked, as English Magistrates are checked, whenever they act in any way in excess of their jurisdiction. In case of any such Court assuming to exercise a jurisdiction not so given, a reference should be open to the Court of the Commissioner, who should have power to award damages. The Commissioner would possess the means of enforcing his own decision, the salaries of the Native Magistrates being paid through his hands.

As to the constitution of these Courts, the first reform needed is to remove their tumultuary and irregular character, and to reduce them within proper limits as to number and order. Yet as the men who are now considered members of the village assembly are equal or nearly so among themselves, and have been in possession of equal power, and are about equally informed or equally ignorant, it is not practicable or even reasonable to begin by disfranchising a portion of them. The simplest way appears to be to treat all these persons as jurymen, with no other limitation than that which is imposed by our own colonial jury law—namely, that they be persons of full age and of good repute. The list should be subjected yearly to a public revision. The process of winnowing such bodies is one which the Maoris well understand, and has been brought into operation already in the North.

The experience of Sir Alexander Johnstone when, many years ago, he introduced a similar jury system among the natives of Ceylon, showed that great social benefits might flow from it. To be on the list was to be certified as a man of good character and trustworthy; so a place on the jury list became an object of village ambition.

On every trial the Maori Magistrate should act with a jury of four persons selected by ballot out of this list, after proper challenges. Without such support his authority and coercive power will be small. A jury of four is already allowed by "The Jury Law Amendment Act, 1862." I think that such a Court might be so worked as to create confidence and obedience. The Court would be, in fact, much like the *panchayat*, which Governor Gore Browne recommended—the simple and effective institution which has from time immemorial, through a long series of conquests and revolutions, supplied the needs and secured the tranquillity of the village communities of India.

The limitations on the jurisdiction of these Courts should have reference to the nature of the proceedings, to the competency and fitness of the tribunal, rather than to the amount sued for. As to the amount, a sufficient check would be supplied by the power reserved under the rules circulated by the Government in 1859—namely, the power of revising the sentence by reducing the amount of the penalty or damages. In this way the authority of the Queen is commended to the Natives by being interposed only in the form of protection and mercy.

Between themselves and in their own Courts there [*unclear*: ought] to be no bar to proceedings in the nature of actions of trespass, ejectment, &c., in respect of Maori land; but the decisions of such Courts

should not be accepted as conclusive evidence of the title until confirmed by the Land Court.

Every decision should be recorded in a book to be supplied for that purpose to the Native Magistrate, and be inspected by the Resident Magistrate on his circuits, to be made at short intervals through his district. Native Magistrates, when once fully appointed, should not be removed, except after full opportunity has been given for explanation of the acts complained of.

In these Native Courts the Resident Magistrate should be at liberty to take his seat at all times, not so as to take the place of the Magistrate or to weaken his authority in any way, but rather to help and direct him.

## Resident Magistrate.

- 12. As to the jurisdiction of the Resident Magistrate in settling civil questions between English and Maori, sufficient provision is made by the existing law. Their decisions in such cases should be subject to an appeal (under proper restrictions) to the Civil Commissioner. The Resident Magistrate would also exercise the ordinary summary jurisdiction in criminal cases, and also the ministerial jurisdiction with a view to trial before the Civil Commissioner or the Supreme Court.

## Civil Commissioner.

- 13. Coming now to the question of the jurisdiction to be given to the Civil Commissioner, I find in the memorandum submitted to Governor Grey by the Colonial Ministers in November, 1861, a recommendation that all criminal cases arising in Native districts should be disposed of in the Commissioner's Court, excepting only cases of homicide. The Ministers go on to say: "The District Commissioner will be a person of personal character sufficiently high to create confidence in the decisions of the Courts which he superintends; and ultimately the Governor in Council has the power of pardon. The proposal to establish regular circuits of the Supreme Court Ministers submit to be premature; they think that for the present the Supreme Court should be resorted to in the case of homicide alone, in which case Ministers concur in the very great importance of the trial taking place in the district where the offence may have been committed—a proposition which will, no doubt, be fully appreciated by the Native race. The Supreme Court could in such cases be put in motion by special Commissions. Ultimately, when more complicated relations arise between the Natives and Europeans living together, regular circuits will no doubt be desirable." I would propose that resort should be had to the Supreme Court, in the way proposed by Ministers, not only in cases of homicide, but also in cases of any actual violence of a grievous kind to the person of a man or woman.

With this exception, all cases civil and criminal, where the defendant or accused person is resident within the district, should come within the jurisdiction of the Commissioner. Also that jurisdiction should attach equally, whether the offence or cause of action arose on lands held under the Native tenure or under Crown grant. The accused should, in all cases arising between the two races, have, if desired, the benefit of a mixed jury, a device which was long employed in England for the settlement of questions between persons of different races, and is to a considerable extent recognized in the Jury Amendment Ordinance of 1844, and in "The Jury Amendment Act, 1862."

To guard against an occasional failure of justice, it might be provided that, if three-fourths of the jury pronounce the accused guilty, it shall be competent for the Judge or Commissioner (if he agree with the finding of the majority) to award such punishment as he shall think right, within the limits allowed by law. With this exception, offences should be dealt with by the Commissioner and a mixed jury, in all respects according to the ordinary course of procedure; the sentence being of course subject in this, as in all cases, to be remitted in whole or in part by the Governor.

## Police.

- 13a. The number of serious crimes committed in Maori districts has hitherto been small. But it is necessary, in order to quiet men's minds and to keep up confidence and good feeling between the races, that proof should be given, when needed, of the existence and nearness of a power strong enough to repress wrongdoers and protect the peaceful and well-disposed. For this purpose an efficient police force is needed, which should receive its orders from the Civil Commissioner. A Native police force might be

raised by calling on the friendly tribes throughout the country to supply volunteers. No combination need be feared in such a force. The position of every such guardian of the peace should be made valuable and honourable. Their duties should be clearly defined. Amongst ourselves in old times the duties of ministerial officers of the law were in some cases set out very minutely in the oaths of office. Some such forms might under our circumstances be found useful, and be made impressive by being formally and publicly administered before the Commissioner.

## Civil Cases.

- 14. In civil cases the Commissioner should exercise within his district all such powers as by law belong to a Judge of a District Court, mixed juries being employed here also in cases above a certain amount.

## English Procedure to be modified.

- 15. In order that the system here sketched out should be complete, that is to say, should carry within itself all requisite powers up to the full measure of the need, it will be necessary in cases between persons of the two races to allow a certain departure from the usual course of English procedure. I refer to the rigid separation between the civil and the criminal consequences of a wrongful act, which in England is even now so strict as to render necessary in most cases an entirely distinct set of operations to enforce each of those several consequences. This state of things appears to be traceable, not to any deliberate judgment or purpose of our forefathers, but rather to the historical circumstances under which distinct branches of our law grew and extended themselves, and especially to the old rule according to which certain forfeitures accrued to feudal superiors in consequence of such acts as were pronounced by the Courts to be felonious. The feudal lawyers, therefore, were led to mark very strongly the distinction between felonies and mere trespasses or wrongs. At this day the contrary principle is steadily infusing itself into our English system; and it is coming to be accepted as a maxim that, when two litigants are at issue in a Court of competent jurisdiction, the facts of the case should be then and there investigated once for all, and all the redress which the law will give be given at once.

In conformity with this sound principle, the proceedings in the Commissioner's Court should be such as to give complete redress. If, for example, an unlawful taking of property be complained of, the Court should inquire into the case, and deal with it according to the result of the inquiry. If it be found upon the trial to be only a trespass, the complainant should be at liberty to adduce evidence of the damage caused by the trespass, and should recover accordingly. So if a man be wantonly assaulted and receive injury, either in person or otherwise, damages should be awarded and a fine imposed at the same time. The Colonial Ordinance of 1845 leaves room for carrying out this principle in cases of summary proceedings for assault, but falls short of the mark by leaving to the discretion of the Magistrate that which should rather be prescribed by the law.

## Outstanding Claims.

- 16. As to the civil jurisdiction of the Resident Magistrates, a very serious difficulty is presented by the relations generally subsisting in many of the remoter parts of the country between the European traders and the Natives. All reports agree in representing the amounts of outstanding debts or claims to be very great, and that a very sore feeling on both sides has grown out of them; each party charging the other with dishonesty, and both parties being in many cases greatly to blame.

I will cite one passage from the report of Colonel Russell, Civil Commissioner of Hawke's Bay, in June, 1862: "I explained to the Natives the proposed institutions, but met with small encouragement. I believe this arose in some measure from the fear which had been imposed on them that debts which are brought against them to the extent of £400 by one European, of £500 by another, and of £700 by a third, would have to be paid up now that law and order were to be established. I believe that such claims extend all over the province, and that £10,000 would not cover them. My present interpreter, Mr. E. Hamlin, estimates his claims alone at £1,000."

It is plain that it would be inequitable to use the authority of the proposed new Courts and the compulsory action of the law for the purpose of enforcing contracts entered into in a full belief on both sides that no speedy payment was to be expected, and that no legal process would be available. On the

other hand, every facility should be afforded for a speedy and fair adjustment of all such outstanding claims. It should be competent for the Commissioner, with the consent of both parties, to settle such disputes as an arbitrator, with full discretion to allow on the one hand such price as at the time and under all the circumstances might be reasonably charged, and on the other to allow all fair claims to be set off on the part of the purchaser, and to make such arrangements for payment by instalments as might appear to him reasonable under the circumstances.

## Contracts respecting Lands, Vessels, &c.

- 17. The utmost care should be taken for the future to guard against evils of this kind, in respect of money dealings between English and Natives. Such matters are apt to be regarded as minute and insignificant, but in truth they are of great moment. A few special regulations adapted to these cases would be of great service. The lack of such regulations has produced much disaffection and much demoralization. In various places grudges have been strongly felt for years by men who believe themselves to have been wronged. The fraud of one pakeha has often been retaliated upon others who have had no share in the fraud.

Thus all contracts for the occupation of land, all licenses to cut timber or to pasture cattle on land, should be in writing, both in English and Maori, and should have a memorandum written or indorsed thereon, signed by the Civil Commissioner or Resident Magistrate, certifying that he has caused the same to be read over, both in English and Maori, to all the parties in his presence, and that the same was perfectly understood by them. A promissory-note in English only should not be valid against a Maori. It should be laid down as a general rule that no action should be allowed for any debt exceeding a certain limit, unless the contract were made in the way above mentioned.

All contracts for sale or transfer of any ship or vessel, or otherwise concerning any ship or vessel, should be subject to the like regulations. This point is one of the utmost practical importance. Frauds committed in respect of the purchase of small coasting vessels have in some parts caused extreme irritation and soreness against the pakeha; for it has happened repeatedly that a whole community, being keen to enter into trade with Auckland, and having set their hearts on some particular vessel, have combined their efforts to raise the price. They have worked for months in an English settlement for the purpose of providing the instalments of the purchase-money, and then in the end have found that the vessel has been transferred to another purchaser, or removed out of their reach, and that, by reason of the insolvency or disappearance of the person they have dealt with, all chance of obtaining compensation, or even of recovering back their instalments, has been lost. Cases of this kind have produced great dissatisfaction and a strong feeling of distrust towards our whole system. In all future transactions of this kind, where instalments or other money shall be paid in respect of the purchase of a vessel which shall not be in possession of the parties making the payment, such instalments should be paid over into the hands of the Civil Commissioner or a Resident Magistrate, and impounded until the completion of the contract.

## Rules in purely Native Cases.

- 18. In cases between Maori and Maori there is still more room for departure from our English system. For here, in the first instance at least, our object is to get some law established and obeyed—the substance of law rather than any particular form of it. Here we should bear in mind that the old usages and ways of thinking of a people cannot be changed all at once, and that the laws of England, venerable, and useful as they are, are not part of the laws of nature. The fitness of a law depends largely on time and place and many circumstances. At different stages of our own history, our laws have varied greatly. The English Commissioners on Criminal Law say justly (7 Report, p. 92), "Penalties, being a positive institution, vary exceedingly indifferent nations, and even in the same country at different times, according to a great variety of circumstances and opinions. According to the Mosaic, and also according to the Roman law, the crime of theft was punishable by compelling a pecuniary compensation to the party injured; by the ancient law of England the crime of theft, where the thing stolen was above the value of 12d., was punished with death. At the present day the maximum of punishment is transportation for seven years." Even since the date of that report another important change has taken place.

There is no reason then why the usage which has grown up in Maori districts of punishing theft and other criminal acts with a fine (over and above compensation, in cases where restitution is not possible) should not for the present be retained. The power of imprisonment should be reserved in aid of that usage,

and not used instead of it.

It ought to be remembered that our English system has been throughout its growth singularly indulgent and tolerant towards special and local customs. The progress towards uniformity of law and procedure has been very slow, and in England itself at this day there is nothing like a complete uniformity. If we are to determine what is English by reference to the history and practice of England, it may safely be said that nothing is less English than an attempt to force one system upon all persons at once, without regard to their different circumstances and degrees of preparation for it. By the Acts passed in 1848 for regulating the local affairs of Native districts, and for the administration of justice in Native districts, the Legislature of the colony has fully sanctioned the principle of modifying our own rules and usages so as to suit the peculiar circumstances of the Native people.

## District Council.

- 19. This brings us to the consideration of the constitution and powers of the District Council itself, the only body in the district which will exercise functions of a legislative kind, that is to say, the function of making rules and regulations for the district and that of appropriating the yearly income of the district. In this part also we should conform, as far as circumstances may allow, to English modes of proceeding. This Council then should not consist, as has been proposed, of Magistrates and officers sitting there in virtue of their offices. Such a constitution, besides being an un-English one, would tend to keep up that existing confusion, of which we have spoken, between the two distinct functions of making and of administering law. Moreover, it will not improbably happen that the favourite orator of a village, and the man best qualified to be a magistrate, will be one and the same person. The Council should then be elective. To make it elective the machinery is ready to our hands, and most simple. All persons on the jury list of each village are to be deemed electors. A set of villages grouped together, according to local convenience, form one electoral district.

It will probably not be found necessary to call this Council together more than once or at the most twice in the year. The occasion of its meeting should be made a sort of festival. A moderate sum might usefully be contributed by the Government in aid of the cost.

By holding the sessions of this Council in the several Courthouses of the district in succession, the burdens and the benefits of the system might be equalized throughout the district.

Such a District Council may (as has been proposed) continue in office for a term of four years. As to the two kinds of business which will belong to this Council, the former—namely, the business of framing by-laws or special regulations for the district—may well be reduced within narrow limits; for such regulations as will be absolutely necessary may, for the most part, be laid down beforehand, and amendments will be needed only occasionally. But it is a great matter to provide for such bodies a regular supply of practical business, simple in itself, yet of such a kind as to interest many persons. This kind of business will be supplied by the general superintendence of the lands appropriated for endowment, and the appropriation of the income to be derived from these lands, in conformity with the rules framed by the Council and assented to by the Governor. Also the fines and fees coming in from the several Native Courts would be disposed of by the same authority for the benefit of the district, subject to the like assent.

So the contributions to be made in labour or materials towards buildings and other works for the benefit of the district, in return for Government aid in money, should be made a matter for discussion and arrangement by the District Council.

If business of such a kind be transacted in an orderly and becoming way, the District Council will be a valuable means of Native education and advancement. The experience of Bishop Williams in the sessions of his Diocesan Synod at Turanga suffices to show that a satisfactory result may be expected wherever the like pains are taken.

It might be well to let the panel, from which the members of the Land Court are to be taken, be subject to some sort of revision by the Council, which would cause the operations of that Court to be felt as more authoritative and binding. The proceedings should be opened by an address from the Civil Commissioner, but a Native should preside during the discussion, to be aided and advised (if necessary) by the Commissioner. It is of importance to find in our system positions of honour such as the leading men of the race may be willing to accept.

## Book of Laws.

- 20. At this time we are requiring the Natives of this Island to submit themselves to the laws of England, and are assuring them that if they do so they will receive therefrom protection and manifold advantages. It is therefore reasonable, and indeed necessary, that an attempt should be made as early as possible to do something more than this: not merely to propose general invitations and assurances, but to convey to their minds a clear notion of the main rules and requirements of our law. Now is the proper time for completing the work which was begun by Governor Browne in 1858. The publication put forth by the Colonial Government in that year, under the title of "The Laws of England," was chiefly devoted to an exposition of the principles of the criminal law as administered in the Supreme Court of the colony. At present an exposition is needed of other portions of our law, in particular of the rules which concern the devolution and transfer of property, the making and enforcing of contracts, and the modes of obtaining redress and compensation for loss or damage caused by breach of contract or any wrongful act. There are at this time many Natives in this Island who are well qualified and desirous to receive instruction on these points. Besides, as it is impossible to carry law throughout this Island without Native agency, one of our first objects should be to raise a supply of men competent to act as Magistrates among their countrymen, and able, by virtue of superior knowledge, to command their respect. It is desirable that persons eligible as Native Magistrates should pass through a regular course of instruction and examination, and not be appointed until they have been certified as competent. This suggestion cannot be applied to the elder men who now hold these offices, and whose presence and influence on the side of order cannot, in many cases, safely be dispensed with, even for a short season. The best course would be to train promising young men to act as clerks under the Magistrates in the first instance, and, after due probation, to become Magistrates themselves.

## Representation.

- 21. Within all districts which have come within the operation of our system of property it will follow that Natives will take a direct part in the political, as well as the legal, system of the colony by becoming electors. I understand that even now such is the case to some degree in the south of this Island. This is a result absolutely essential to the end we are seeking—namely, the establishment of a just and equal system for both races. It is one which need not excite any alarm, for the average capacity of a Maori is not below that of many of our present electors. The effect will be to provide the Maoris of the district with a constitutional helper and protector, interested in obtaining their confidence, and able to convey to the Assembly an accurate account of their wants and grievances. Thus the system of representation will yield to the Natives that first and most obvious advantage which was its chief recommendation in England itself in old time. It will open a path by which a knowledge of local needs or troubles may be carried directly to the Government, and the best modes of supplying or removing them be suggested and considered. The need of such an opening, under our circumstances, is very great; for such local matters, small in the outset, are apt, if they be overlooked and allowed to accumulate, to become causes of permanent disaffection. That such matters should be speedily and directly brought under discussion is especially to be desired in the case of the Natives, in dealing with whom a grievance promptly attended to and discussed is already half healed.

It has recently been proposed that the Maoris should be represented in the Assembly in a general way, and without reference to the ordinary electoral divisions. On that plan the members would be rather orators on behalf of the Maoris in general than well-informed expositors of practical grievances and local needs; and the fact of a few members of the Assembly being regarded as specially representing the Natives would naturally have an injurious effect on the rest of the members, leading them to take less interest in Native affairs, and to feel less responsible for the management of them. I think it far better to fall into the existing system. Representation, to answer its purposes completely, should be one and the same system for all.

## Superintendence of the System.

- 22. We now reach the third main question. Having endeavoured to make our plan itself as simple and as effective as possible, and also to provide the means for keeping it in continued operation, where are we to find the thought and will necessary for the successful guidance and prosecution of the work? In order to succeed in such an undertaking as this, the superintendence of a single authority is needed to combine the various operations, so that they may support and not clash with one another. And this single authority



will need a great knowledge of persons and things, so as to make due allowance for all local or peculiar circumstances, and yet steadily to hold fast to general principles, in dealing with a people naturally disposed to follow precedents, and very apt to remember what has been done in other cases. Above all, it is necessary that some one consistent and well-considered system be carried on steadily for an adequate length of time. In order to secure these requisites, as far as possible, I see only one mode of proceeding that can be recommended. I mean that, the plan of operation being once settled and defined by the terms of a statute, and the amount of pecuniary aid being fixed, the working of the plan should be intrusted to a Commission or Board—to a body of fit men, to be permanently occupied with this business alone, and bound to report their operations yearly to the Assembly.

I know that at first sight great objections will seem to lie against this proposal, but I am persuaded that, upon mature consideration, it will appear to be the only one that gives a reasonable prospect of success. To say that the administration of all Native affairs shall be part of the business of the Colonial Secretary, or of a separate Native Minister, is to say that which is likely to be popular and acceptable; for it suggests the notion of a victory achieved over a bad system, of an advantage once gained, which it is a duty to maintain for the future. With that, however, I have no concern. I never defended the old system, and have no wish to see the like of it again. A system which involved an indefinite expenditure, without any account rendered to the Assembly, was properly condemned. Moreover, it did not tend towards the solution of the Native problem, for it settled no principles and registered few facts. But, because we have escaped from a bad system, does it follow that we have fallen into a good one? It appears to me that the utmost that can be expected under the present order of things is, that occasionally a competent man will have the guidance of Native affairs for a short time. Yet very much more than this is required for the success of this work. To the proposal formerly made for a Native Council there were objections grave and manifest. It appeared to be a plan for withdrawing from the Assembly the control over an important portion of the public business, and over a large and even indefinite amount of public money. We may father wonder that anything in the shape of a Native Council was accepted at all than that the result was not of a very practical kind. The Assembly, in passing the Act of 1860, declared its belief that some special organization was needed for the successful management of Native affairs.

Now circumstances are much altered. The Native problem has taken a more definite form. The political aspect of the question is giving place to the administrative and social one. We are now able to determine in a general way the operations which ought to be performed in Native districts, and the yearly expenses which it will be necessary to incur. But, in order to the successful accomplishment of the undertaking, there will be a necessity of determining from time to time as the work goes on a vast number of minute and novel questions, to which the best answer will generally be derived from the experience which has been gradually accumulated by the administrative body itself. The business will be not merely to administer a system, but to make it as the work goes on. Like cases have occurred again and again in England, where great changes have had to be carried out over large surfaces and under circumstances continually varying. How has Parliament dealt with such cases? Not by Parliament itself or the ordinary officers of Government taking charge of the novel undertaking, but by committing the work to a special body of persons, prescribing their powers and the extent of the resources to be at their disposal, and requiring a periodical account of their doings. Such were the Poor Law Commission, the Tithe Commission, and the Copyhold Enfranchisement Commission, and many others.

The great advantage of this mode of proceeding is obvious, and is one which would be in this case of especial value: the question becomes severed from politics. All political parties may criticise the proceedings of the Board; no political party is committed to a necessity of defending or screening them. Moreover, whilst subject at regular intervals to a searching and thorough scrutiny, they are allowed to escape from that series of references and interferences at every step which paralyse business. Therefore I think that the best course to be taken, with a view to the solution of the Native problem, is the constitution of some such Commission or Board. If it should be found practicable to connect with it Natives of standing and influence with their own people, as proposed by Governor Browne, a great advantage would be secured thereby. The Board, or central authority under whatsoever name, should do its work through the District Commissioner as much as possible—always at any rate after communication with him, never acting behind his back.

- 23. There is in the whole question no element more important than the one which remains to be noticed, the character and qualifications of the persons to be employed as Commissioners or officers in the Native districts. The experience of Native affairs has shown that, among the Natives, personal qualities are especially influential for good or evil. If such affairs are committed to men whose chief or only recommendation is a knowledge of the Maori language, they will have no fair chance of success. This is not a work to be done by hasty or over-busy or overbearing men, by men unduly tenacious of their own

dignity or unable to subordinate themselves to the object which it is their business to effect; least of all is it to be committed to men of openly immoral lives, for such men bring on us dishonour as well as failure.

- 24. The foregoing remarks are confined to the immediate object of inquiry—namely, the working of the Native Lands Act, and the objects which we ought to aim at in working it. But in substance much of what is here said applies also to those lands which have come into our hands by surrender or by military occupation, and parts of which we have undertaken to restore on certain terms. In those cases also it will not be safe to content ourselves with simply giving a Crown grant to each individual. If we make no provision to prepare the Natives for so sudden a change, and for the consequences of it (as above pointed out), it is to be expected that the new system, naturally unacceptable when imposed by superior power, will become more than ordinarily unpopular. Either then the issuing of grants in such cases should be postponed until proper legislative provision has been made; or if it be in any case thought necessary to issue the grants at once, yet every such grant should be made expressly subject to the provisions of an Act to be passed by the General Assembly for defining the rules of devolution and transfer of Native land between the Maoris themselves; and it should be enacted, as in the Native Lands Act, that all dealings or contracts relating to such lands, entered into before the proclamation of such Act coming into operation, should be null and void.

In the cases just referred to we have in our hands the means of rendering our system permanent and self-supporting. We can appropriate so much land as shall be requisite for endowment both of the judicial system and of schools for teaching the English language.

For the reasons above indicated, it is desirable that Native reserves, whether under the Native Lands Act or under any former law or contract, should be placed under one system of management, and under such local superintendence as might be expected to be most vigilant. It would be convenient that all the Native reserves in the district should be brought under the control of the Native Council of the district and the Civil Commissioner, subject to existing contracts and engagements. All questions raised under the Native Succession Act might be decided, with the least cost and inconvenience, in the Civil Commissioner's Court. The whole Native business of the district, both as to management of property and as to administration of justice, would then be brought into one system.

- 25. Thus I have in some sort surveyed the whole field of the Native problem, with an earnest desire to contribute something towards its solution and towards the peace and prosperity of the colony. The recommendations which to me appear to be at this time of paramount importance are the following: (1.) That the Native Land Court be so constituted, especially in respect of the number and standing of the Native members, as to render the certificate entirely trustworthy. For the function of every such Court is to ascertain certain matters of fact known within certain limited districts only, and to be ascertained through the Natives of the district themselves. The efficiency of the Court, therefore, must depend mainly on the qualifications of the Native members of it; the chief business of the English president being to secure the notoriety, fairness, and regularity of the proceedings. (2.) That in order to prevent the land being forestalled by a few to the detriment of the many, and to render the system attractive by assuring the Natives of the fairness of the price, and to, save both races from the mischiefs to be apprehended from the solicitations of land-buyers, all sales of Native land be by public auction, and be conducted by the Government on behalf of the Native owners. (3.) That the working of the Native Lands Act, after making the necessary amendments therein, and the business of introducing the law and language of England into Native districts, be committed to a separate and permanent body. (4.) That civil institutions be not forced on Native districts, but rather be introduced in such districts only as are disposed to receive them; and even there be planted in the simplest form or germ, and left to grow with the growth in the Native mind of a sense of the benefits they confer. (5.) That care be taken to provide in every district endowments in land for the maintenance of the administration of justice, and of instruction in the English language, in that district.

Auckland,

30th June, 1865

W. MARTIN.

**No. 6.[Extract from *New Zealand Gazette*.]**

*Judges of Native Land Court appointed.* Native Secretary's Office, Wellington, 15th November, 1865.

His Excellency the Governor has been pleased to appoint John Rogan, Esquire, Henry Alfred Home Munro, Esquire, Thomas Henry Smith, Esquire, William Bertram White, Esquire, and Frederick Edward Maning, Esquire, to be Judges of the Court established under "The Native Lands Act, 1865."

A. H. RUSSELL.

SIR,—

Auckland, 23rd December, 1865.

I have the honour to address you in reference to the important subject upon which I entered in the "Notes on the Best Mode of working the Lands Act," and in the letter, dated 18th July last, accompanying those notes. Further consideration has confirmed my conviction that there yet remains open to us a course of action whereby we may escape from our present difficulties in Native matters, and may attain the objects we desire, and that by a process neither costly nor difficult. I desire, therefore, now to complete the review of the subject which I then commenced. I feel assured that you, Sir, considering the importance of the matter, will give a patient hearing even to a statement which, from the nature of the case, cannot be very brief. Before proceeding to define the course of action which I desire to commend to the consideration of the Government, it will be necessary to notice our present relations to the Native population of this Island.

The whole Native population may be divided into two sections:

- The first section comprises the population in the North, in the Gulf of Hauraki, and in the lower part of the Waikato; and again in the greater part of the Provinces of Wellington and Hawke's Bay; and again in various districts about the East Cape, and to the southward of that Cape. These people are, as a whole, desirous of living at peace with us, and the more intelligent of them are convinced that a real union with us is the only means of securing to themselves peace and prosperity. Amongst them many have shown themselves willing to support our cause, even to the death. Yet it is not to be supposed that there exists in these districts universal or complete confidence in the pakeha. On the contrary, distrust and suspicion exist even in the most friendly districts. Men actually engaged in fighting on our side have avowed that they could not feel assured that even their sacrifices on our behalf would in the end secure them just and considerate treatment, and have calmly and reasonably stated the grounds on which it appeared to them impossible to repose entire confidence in us.
- The second section includes the greater part of the former occupants of the lands comprised within the blocks marked out by various recent Proclamations issued under the New Zealand Settlements Act, in the district of Waikato, and of the south-western tribes from Taranaki to Whanganui, together with all such portions of the Native population elsewhere as have espoused their quarrel. The new Hauhau worship appears to have become, for the present, the recognized bond of union of all these.

Let us now consider the elements of which this latter group is comprised.

## Waikato.

- 3. In Waikato a large portion of the Native owners hold their position outside the boundary-line traced by the Proclamation, kept from their old possessions by the presence of a large force, suffering privations, exasperated but not subdued. If we desire to comprehend rightly the state of mind of these people, we must put ourselves in their place. We must also remember how widely the estimate formed by the Natives of our dealings with them differs from that which is current among ourselves. To them all the doings of the pakeha present themselves as one great whole. Englishmen are apt to accept various solutions of the public questions which cannot be accepted them. If the justness or fitness of a public measure be canvassed, we often hear it said that such a measure was adopted or acquiesced in for such and such reasons: the reason being oftentimes connected, not with the intrinsic merits of measure in question, but only with the internal working of our complicated system of government. The Natives, knowing little of our internal politics, look only at the general result. There is reason to believe that the view commonly taken by the people of the Waikato and Waipa Rivers is the following: They had combined in an attempt

to form an independent Government, a movement which they had come to believe right and even necessary. They were told that the name of King would not in itself be deemed a cause of war, and the more moderate party were careful not to give their stronger neighbour any other cause for entering their borders. For a long time they succeeded in restraining their turbulent brethren, even in the face of preparations for war visibly and steadily advancing on our part. Then came the reoccupation of the Tataraimaka, and the resumption of hostilities by Rewi, and soon after the entrance of our troops into Waikato. Two vain attempts were made to withstand our advance by fair fighting. Shortly after, on the 6th December, a letter was written in the Governor's name to all the chiefs of Waikato. "Your letter of the 2nd December has reached me. Sons, my words to you are these: The General must go uninterrupted to Ngaruawahia [the King's village]. The flag of the Queen must be hoisted there. Then I will talk to you." The promised conference did not take place. The troops went forward, not indeed to follow Rewi into his territory, but to take possession of the lands of the nearer tribes. Can we be surprised at this course appearing to them severe and unjust, when they saw no distinction made between the two sections into which the population of Waikato had been divided through the whole period of these troubles: between those who had been driven to take up arms by the Natives, which they could not honourably disregard, and those whose wilfulness had renewed the war; or rather, when they saw the less offending heavily punished, and the more offending visited with a comparatively slight punishment?

- 4. Our adversaries in Waikato believe themselves guilty of no wrong in contending for their nationality. It has not been usual for Maori tribes to yield up their lands to an invader without repeated efforts to recover them. Some may be disposed to submit, but this cannot bind or control their brethren. It may be expected that the majority may have much the same feeling as the majority of our own people would have if they could be placed in like circumstances. There appears to be ground for the apprehension which has been expressed that in case of the dispossessed Maoris actually making an effort to repossess their lands they may find allies on the northern side of Auckland. Persons who have had good opportunities for observing, report that the presence of the prisoners in that part, after their escape from the Kawau, has generated in some portions of the population a strong sympathy with their cause.

At present there is in the way of any such attempt the obstacle presented by the English regiments, which, in conjunction with the Colonial Force, occupy Waikato and Tauranga. Whilst this advantage still remains to us, every possible security should be provided against the breaking-out of fresh troubles whenever those regiments shall be withdrawn.

## The South-western Tribes.

- 5. From the beginning our relations with the Ruanuis have been unfortunate. The visit of the "Alligator" in 1834 could not leave on their minds any favourable impression. Since we have entered the land fewer reclaiming influences have been brought to bear upon them than on most of the other tribes. In Governor Browne's memorandum on Native affairs, dated 25th May, 1861, it is stated that "even up to that time many districts, such as Taupo, Ngatiruanui, Taranaki, and the country about the East Cape, have never been visited by an officer of the Government. The residents in these districts have never felt that they are the subjects of the Queen of England, and have little reason to think that the Government of the colony cares at all about their welfare." The Ruanuis, like the other Maoris, had seen their own need of being aided and raised. In 1853 they were urgent for a missionary, but none could be found. At this very time the Bishop of Wellington is building his cathedral church on a site which was given for the purpose by Governor Grey in that year as a memorial of the earnest desire of these very Ruanuis for Christian instruction, and of their readiness to give annually a tenth part of their produce for the support of ministers of religion.
- 6. A strong feeling is commonly entertained against the Taranakis as having rushed into the Waitara quarrel without any immediate provocation. In fairness it ought to be remembered that circumstances, to them very alarming and irritating, had occurred at New Plymouth a very few years before (in 1855), and had wrought strongly on their minds, and that they then openly declared their apprehension of an attempt by the pakeha to dispossess the Maoris of their land, and their fixed determination to resist any such attempt. I do not seek to extenuate their misdeeds. I only say that there had been no concealment of their determination, and that there was every reason to expect them to act upon it. (Parl. Papers, July, 1860, p. 170, and March, 1861.) Warea, the chief settlement of that tribe, is the place where we now meet the most determined and unceasing resistance. May it not be that in our recent measures they believe they see the verification of the suspicions they expressed in 1855? I do not say that when these small nations voluntarily come into collision with a great nation they ought not to suffer for their temerity. I only point

out facts which cannot properly be overlooked in estimating the amount of punishment to be inflicted.

## The Hauhau Superstition.

- 7. Amongst these southern tribes the new superstition had its birth at a time when the relations between the pakeha and the Maori were such as greatly to favour its growth. For at that time the suspicions which had from the beginning existed as to the intentions of the Government appeared to many of the Natives to be clearly justified. From the very beginning it had been apprehended by some that the English Government would, when strong enough, seize the Natives lands. This suspicion was suggested to a number of chiefs by an English subject in the year 1814 at Sydney, just when Mr. Marsden was on the point of sailing for this country ("Nicholas's Voyage to New Zealand," I., 41). Once kindled it never died out. From time to time it has blazed forth, as at Waitangi and on other occasions. It was apprehended that the ministers of religion, whether knowingly or not, were employed or encouraged by the Government for the purpose of gradually weakening the power of resistance on the part of the Natives, a view which was favoured by the diplomatic habits of the Native tribes accustomed to seek by craft ends which could not be attained by force. It was seen that an active part was taken by the missionaries in introducing into the country first a Resident and afterwards a Governor. The responsibility which the missionaries in so doing took upon themselves was rightly estimated at the time by Dr. Maunsell, of Waikato (Parl. Papers, 1841, p. 99).

In 1843 I heard these notions broadly avowed on the shores of Lake Taupo by one of the leading chiefs of that district. They gained great strength from the events of 1860. When the southern tribes set up their toll-gate on the coast road the highest tolls demanded were for ministers of religion—English or Maori. In Waikato children were withdrawn by the parents from the missionary schools which were known to be aided by grants of Government money. Mr. Gorst, with all his qualifications and resources, could draw into his institution scarcely any purely Native pupils. Many public discussions took place at Turanga and other places on the East Coast upon the conduct of the missionaries and their relations to the Government.

- 8. When the result of the hostilities in Waikato was seen, and the soldiers had taken possession of all the lands of the tribes on the Waikato and Waipa, it appeared now clear to many that the old apprehensions had been too well grounded, and that they had, in fact, been the victims of a plot in which the ministers of religion had been the agents of the Government. Along with the first bitterness of their exasperation there broke out a hope that in their extremity supernatural aid was at hand. That aid appeared to be supplied by the new revelation to the prophet Horopapera te Ua. A sort of preparation for the new superstition had been noticed by an intelligent traveller who passed through the territory of the southern tribes in 1861. After the cessation of active hostilities at Taranaki there was a widely-spread notion that supernatural help had been already vouchsafed. The vaunted energies of the pakeha had really inflicted little damage. The people stated that by our Armstrong guns only three persons had been killed. In this they saw a proof that the hand of God had been over them.

The new superstition, having gained strength in the south-west, began to spread northward and eastward. Everywhere very many were predisposed to welcome it. Some accepted it in faith, many in wilfulness and bitterness. Some thought it true, others thought that it might be useful. Some men severed themselves from their missionaries in perfect calmness and quietness. One of the chiefs of Opotiki informed Bishop Williams of his conversion to the new creed in these words: "Bishop, many years ago we received the faith from you; now we return it to you, for there has been found a new and precious thing by which we shall keep our land" (*kua kitea tetahi taonga hou a mau ai to matou whenua*). A common feeling united fanatical believers with cool politicians who believed nothing, but who kept up the fervour of their brethren by false reports of miracles wrought at Taranaki, and of great loss sustained by our troops. The new religion combined men of every sort, from the ferocity of Kereopa to perfect inoffensiveness—some of the best as well as some of the worst of the race. It was accepted as the religion of all who were no longer willing to accept religion at the hands of the pakeha. As in all times of national ferment the fiercer and more determined natures got the lead.

In the beginning of the war the Kingites had prayed for their King after the form in our Prayer Book, and that sometimes with fasting and great earnestness. Now a new form of prayer was put together, and the new worship was accepted as the bond of union amongst all who still adhered to the cause of the Maori King.

- 9. No spot in the Island was better prepared to receive this fanaticism than Opotiki, in the Bay of Plenty. The people of that place had sympathized with the Waikato, and some of them had taken part in

the war. Various circumstances had caused their minister (Mr. Völkner) to be suspected of being in secret correspondence with the Government on the subject of their disaffection. The feeling of the people became more bitter when their leading chief, Aperotanga, who had been wounded and taken prisoner by our allies, was murdered by a woman of that tribe (the widow of Pekama Tohi), in revenge for the death of her husband who had fallen in the war. Yet this provocation did not at once lead them to retaliate on Mr. Völkner. Even two men of the offending tribe, who had come into the district of Opotiki from the eastward in ignorance of all that had passed, were spared. The cry for blood which arose from the widows was rebuked by a woman, and the men were fed, conducted to the western boundary of the district, and sent on their way.

Mr. Völkner, having again visited Auckland, was continually troubled by the thought of the miserable condition of his people. Their cultivations had been neglected, and a low fever, caused by lack of food, had carried off more than 150 persons. It appeared to be worth while to try the effect of an attempt to minister to them in their distress. He resolved, therefore, to revisit them, carrying with him wine and quinine, though, as he said, "It was doubtful whether, in their then state of mind, any one would take such things from his hands." These were amongst the last words I heard from his mouth. In the meantime a party of the Hauhaus from Taranaki had crossed the country to Opotiki. They had determined early in the year (1865) to carry the war to the opposite extremity of the Island, and to divert part of our troops thither. So they marched across to Taupo Lake, and thence to the Bay of Plenty. On their way they passed near to the station of a missionary (Mr. Spencer), who has remained through all these troubles unharmed at his station on Tarawera Lake. They reached Opotiki seven days before the vessel which carried Mr. Völkner thither. Every night the leaders of the party harangued the people on the conduct of the missionaries. One who heard them reports that the burden of their discourses night after night was the same. "These men," said they, "were always telling us, 'Set your affections on things above, not on things on the earth;' and so, while we were looking up to heaven, our land was snatched away from beneath our feet." After two days the house of the missionary was plundered, and the goods sold to the bystanders. After five days more a small vessel was seen entering the river, and it was discovered that Mr. Völkner was on board. As the people clustered on the banks of the river the Hauhau leaders pointed to the Vessel as a proof of the magical power of the new worship which had so brought their betrayer into their hands.

- 10. Even after this foul crime the superstition continued to spread. Patara, who was himself not present at the murder, proceeded with his party to Turanga. He kept Kereopa in the background, and spoke of the murder as a misfortune—a great blow to a good cause. Even then men, who had for years exhibited a sober, thoughtful character, were induced to join, carried away by what the Maori calls *aroha ki te noi* (pity for the people)—what we should call a strong sympathy with the national cause. The Maoris were strongly affected by the novel practices and the burden of the worship, and especially by the bitter crying and wailing for their countrymen slain and their land seized by the pakeha.

It is plain that this delusion has no real strength, and that Maoris, drawn by various motives and influences to support it, do not fight as well as others have done who believed their quarrel to be just. And we see that those who have recently submitted and taken the oath to the Queen have, as a matter of course dropped at the same time the Hauhau worship. Moreover, this very crime has roused into action a body of Native allies in the same part of the Island—a resolute minority, whose bravery and knowledge of the country have proved of essential service. A like effect was produced, as you are well aware, in Hawke's Bay and elsewhere. Perhaps the Government may not be aware that some Native Magistrates from the Gulf of Hauraki and the Thames came up to Auckland to propose a combined expedition of "all the churches" (as they worded it), for the purpose of crushing the guilty tribe. At that time there was no person in Auckland to represent the General Government. The resistance, then, on the East Coast is less formidable than that on the West; still, that radical evil remains of which the acceptance of the Hauhau creed was an indication and a measure. The practical fact with which we have to deal is this: The old feeling of distrust and exasperation towards our Government has been strong enough to lead thoughtful men, incapable of being parties to such acts, to join the Hauhau cause, even after the commission of the great crime at Opotiki. This is our real difficulty; the same in kind as ever, but greater in degree. I believe that this feeling is now more deep and more widely spread than at any time. I believe there are now many who are convinced that we are determined, even by fraud and violence, to get possession of their land, and force our dominion upon men who have never consented to it. Many, therefore, on their part, determine to hold their own as best they may, and are content to sacrifice their lives in the contest. The state of the case is this: We have put too great a pressure upon these people, more than they can bear—more than we can continue to exert; we have driven many of the Natives into a state of determined resistance, bordering on desperation; we have brought upon ourselves the necessity of bearing burdens beyond our strength.

# Need of Peace.

- 11. The practical business before us is first to terminate the present evil state of things, and then to take such measures as may introduce a better state, and render it permanent. The obstacles to be overcome are not merely physical, but moral, and such as mere physical power, even if it were at our command, could not remove. Moral means must be employed, and it is in the nature of such means to work somewhat slowly.

For the whole country, for both races, peace is necessary. Some settlement is needed, such as may be depended on as complete, safe, and trustworthy. I think, Sir, there is no chance of any settlement, unless it be such as to show moderation, if not generosity, on our part, and to exhibit a clear distinction between the different classes of our opponents. As to the blocks included in the Proclamation under the New Zealand Settlements Act, the reasons urged in my letter of the 18th July last for resorting to cession instead of mere seizure, appear to me to receive additional weight daily, as the real state of things becomes more manifest to ourselves and also to our adversaries. If we consider the relations between the two races from the beginning, and the history of this quarrel, there appears no reason why we should make the terms of submission as exasperating, and not rather as palatable, as possible consistently with the establishment of our authority and the permanence of peace. Our best security against a desperate effort being made by some section of the expelled Natives to reoccupy the lands taken, and the recurrence of such miseries as we have just emerged from, lies in our so acting as to turn the general opinion of the Maoris against making any such attempt, and so convincing the most hostile that they will have no support or sympathy from the great majority of their countrymen.

Happily the language of the recent Proclamations of 2nd September, 1865, shows that the more liberal course is proposed to be adopted: Out of the lands which have been confiscated in the Waikato and at Taranaki and Ngatiruanui the Governor will at once restore considerable quantities to those of the Natives who wish to settle down upon their lands, to hold them under Crown grants, and to live under the protection of the law. For this purpose Commissioners will be sent forth into the Waikato and the country about Taranaki, and between that place and Whanganui, who will put the Natives who may desire it upon lands at once, and will re-mark out the boundaries of the blocks which they are to occupy. Those who do not come in at once to claim the benefit of this arrangement must expect to be excluded." But a considerable time must be given for that Proclamation to work its due effect. To require a speedy acceptance of our terms would be to require that which, in the present disorganization of the Maoris, or rather in the new combinations into which the war has thrown them, is not possible. Besides, men who believe themselves wronged do not very readily come into terms.

The great principle of all our policy towards the Natives, the one hope of success in overcoming their fear and distrust of us, was expressed by the first Native Minister in words which ought not to be forgotten: "The fears of the Natives can be calmed, and the peace of the country secured, only by a policy which seeks not theirs but them." (Mr. Richmond's Memorandum, p. 25.)

- 12. It is clear that no policy can succeed and secure peace for the future unless it be in accordance with the actual facts. And out of our troubles this advantage at least has come, that we have been brought by them nearer to the facts. The prisoners at Rangiriri, and again at Weraroa, have been treated as prisoners of war. It has been recognized as a fact that the tribes with which we are at strife are for the most part not in the strict sense subjects of the Queen, though included within the dominions of the Queen.

Not only in newspapers, but in public documents, from the commencement of these troubles, the hostile Natives have been called rebels. It is now admitted that a large portion of the Native population has never intelligently, or at all, assented to our dominion, and therefore remains where Captain Hobson found it. Such portions of the population are still what the terms of our first national transaction with them admitted them to be, and what (as I showed on a former occasion) the natives of North America have been uniformly recognized as being—that is to say, small communities entitled to the possession of their own soil and to the management of their own internal affairs. This is for them an unsafe position, for they are subject to the risk of a war with their strong neighbour. For both it is an undesirable one; but it is their position at present. Those, therefore, who are actually in arms against us are to be regarded as enemies in war—as hostile, but not criminal. If so, then so far as these communities are concerned the Acts and Proclamations are not properly laws, but simply announcements that the stronger party will take the lands of the weaker. The taking itself is an act of war, an act of the Queen, to whom alone belongs the prerogative of peace and war. It is for the English nation, therefore, finally to determine how the "giant's

strength" of England is to be used. The object of the war itself was to repress and terminate the efforts which the Natives were making to set up a separate nationality, an effort dangerous to both races; but though that effort was a great folly it was not a great crime.

In respect, then, to these portions of the Native population, let our policy be confined to the facts. Let us not attempt to exert an authority which we do not in fact possess, and which, upon our own principles, we cannot claim. Let us abstain from any attempt at direct or internal control over them, and from threats. They may be warned of their insecurity, and assured of our readiness to extend our system to them whenever they may desire it. Then let us leave them alone until the present exasperation shall have ceased and time shall render them more reasonable and disposed to union. It is idle to attempt to force our laws on people whose very principle of union amongst themselves is a common determination not to submit to our authority, and whilst the attempt involves the carrying-on of a chronic war, and destroying those whom we are seeking to benefit and professing to govern.

## Legislation in Native Affairs.

- 13. In proceeding to consider the mode of dealing with Native affairs for the future, I begin with the source of legislation—the General Assembly. We are all agreed that the General Assembly should become the one acknowledged Legislature for both races; but it would be a great error to assume (as it is sometimes done) that the Assembly has actually attained this position. Can we maintain that the Assembly possesses constitutional and rightful authority over these people? Rather, our business is to find some way by which it may be brought into possession and exercise of such an authority.

As to the former, how is the English Crown to transfer to the Assembly the obligations which it has contracted in respect of those portions of the Native people who have assented and adhered to the authority of the Crown—without their assent or manifest acquiescence—without at least every possible precaution and safeguard for a fair and beneficial exercise by the Assembly of that power which the Crown finds itself unable to exercise? And as to the tribes who have never assented to our dominion, how can the Crown bestow on the Assembly an authority larger than that which (as we have seen) the Crown itself possesses over them? Let no man think that the trouble of this Island will be summarily terminated, or even diminished, by merely handing over this authority to the General Assembly without due provision for rendering the exercise of it safe and legitimate. I know that at this time there are, even in the peaceful North, quiet and well-disposed men who view any such transfer of authority, or (as they term it) the "ceasing to be called children of the Queen," with the liveliest apprehension and alarm.

- 14. Has it ever happened in the history of the world that a purely democratic body, with an Executive which depends solely on the will of the majority in that body, and where the members and the constituency belong to one race, has dealt justly with a race assumed to be inferior, and, in fact, unrepresented, especially where the relations between them have begun in a state of open war? To this intrinsic difficulty add in this case the practical difficulty arising from the peculiar relations between the two Islands at this time, the majority of the Assembly consisting of members from the Southern Island, whose interests are much less closely connected with those of the Natives than are those of the northern members, and much less seriously affected by a Native war. We do not trust men of our own race with the power of governing us until we have, secured protection in many ways against their possible misuse of power. Can we say that no safeguards are needed for the Native race? Can we reasonably expect a full acquiescence on their part until they see that some such safeguards are provided? It should be remembered that, in conferring powers on the Assembly, a reservation has always been made of Imperial interests; and what interest is more truly Imperial than the honour and good faith of the Crown of England?

Is it possible then to find safeguards which may be effectual for their purpose, yet such as to involve no minute interference with the proceedings of the Colonial Government, and no cost to the English Government? I suggest the following as being at present necessary conditions of safe legislation by the General Assembly: (*a.*) That the war be speedily and completely wound up. If Government, by the Assembly, is to have a fair chance of success, let it have a fair start. The Assembly will not become more competent, or better disposed for calm and wise legislation, by having first to pass through years of slow and exasperating war. (*b.*) Representation being, under such a form of government as ours, a necessary security for fair legislation, yet representation of the Native population being at present unattainable, let us do the best we can to supply its place. Before any measure of importance to the Natives is brought forward in the Assembly let a draft of it be published, with the proper explanations, in every district which has accepted our system, and let the people of the district be told that they are at liberty to address



the Assembly by petition, and that any objections which they may entertain to such measures will in that way receive full consideration. No course can be less favourable to the peaceful settlement of the country, or the contented acceptance of our legislation, nothing more irritating even to friends and allies, than the sudden announcement that some novel and severe measure has been already passed without any previous intimation to them of what was intended. We shall not create confidence or make friends without openness and, straightforwardness on these matters. (c.) Let no Act of the Assembly affecting land still under Native tenure, or in any way especially affecting the, Natives in person or in land, be brought into operation until the Government shall have received a notification from the Secretary of State that the Royal assent has been given. Experience shows that every real safeguard against hasty legislation will be a boon to ourselves as well as to the Natives.

## Administration of Native Affairs.

- 15. Equally serious is the question as to the administration of Native, affairs. At the best the Assembly can do little more than lay down sound general principles, with an outline of the mode of administering them. In this point of administration lies our great practical difficulty. I have already indicated that which appears to me the only mode of surmounting this difficulty; I will therefore be brief on this point: That for our success we need the continuous and consistent working of some one system for an adequate length of time most men will admit. Can any man, who has watched the present mode of proceeding, see in it any security for the permanance of plans and arrangements, or even for the fulfilment of promises? Supposing a Native Minister to have formed some distinct conception of what ought to be done, his office will soon be transferred to another, who may have other views or none, so short-lived are our Ministers. One of two things must be expected to happen: either the substitution of officers will be left to go on at their own discretion, without aid and without check, or business must stand still until the new man has acquired the requisite knowledge. Such a state of things would be detrimental to the public service even in routine business, but in a business so novel and peculiar as this it may be fatal. With all this delay and uncertainty, projects put forward and never carried out, one expectation after another raised and disappointed, the soreness and distrust of the Natives will remain unallayed, or even increased; many more will come to say, what too many say already, that our plans and proposals to them are *maminga*—devices to cheat them and gain time.

Whatever be the outward form or nature of the Native Department there must be somewhere a set of persons intrusted with special functions, and possessed of special knowledge, and empowered to carry out steadily and uninterruptedly some one consistent plan, if we intend to have contentment and peace. A mere theoretical uniformity of the outside of our administration will only screen from view a fact which it will be wiser to recognize. Special circumstances need a special organization to deal with them.

## Plan proposed.

- 16. The plan of internal administration for Native districts, which I submitted in the "Notes on the Best Mode of working the Native Lands Act," and which may be established by means of that Act, interferes in no way with the existing institutions of the colony. It lets them work, and lets the Natives gradually and safely take their part in working them. Under it they must become really subjects. They cannot have the benefits of the system without working through the Government, and accepting the authority of the officers of the Government in all matters of business with the English. They will become possessed of the franchise in common with the settlers whom the operation of the Act will introduce. For their own wealth and prosperity, they must become dependent on the presence of the pakeha alongside of them. The only part of the system which will be in any degree independent will be the function of the Native Magistrates in deciding disputes among themselves—an arrangement which has always existed, and which relieves our officers, whilst it tends to satisfy within safe limits the desire of self-government. The Native Council will, if worked in the mode suggested, become simply a Board of Trustees for managing certain property, and appropriating the income amongst the purposes of the trust similar to the many local Boards which already exist in the colony. The natural effect of the measures recommended will be to unite both populations and bring them under one system.
- 17. The Native Lands Act puts into our hands a lever wherewith to move the whole Native population, a means of establishing law and carrying settlement everywhere. If this great power be thrown away or wasted, the mistake will deserve to be classed with the most serious of the mistakes hitherto

made; yet we shall waste it if we are content to use it for effecting purchases here and there in detached patches and on no system.

This boon ought not to be given except on terms clearly expressed beforehand. Nothing can be so reasonable as to require that law shall be accepted and criminals given up in tracts in which we are going to plant our people. The whole history of the colonization of this Island shows the need of this. Much suffering and cost have resulted from the scattering of settlers among populations subject to no control. Therefore, whenever a desire is shown to have the benefit of this Act, that desire should be used as a means of inducing the people of a definite district to come within our system. Our great object should be to facilitate the transfer of their superfluous lands, and to clear those portions which will remain in their ownership of, the perplexities and endless questions which arise amongst a people who have no written rules and no statute of limitations. Several districts might be marked out here in the North, and I presume in the South also, each as large as an English county, in which the people as a whole desire to be one with us, and to have the protection of one system. In some one of these districts let us make a beginning of a system such as has been proposed, and on it concentrate our strength. I use these words in the fullest meaning. It is a necessity for us to use every means of influence to economize our power and combine our efforts towards this end. In such one district, or at the most two, let the plan be tested. If a clearly beneficial-result be exhibited, that result will certainly tell upon the minds of the people throughout the Island, and will gradually dispel distrust and repugnance as surely as the sun's heat removed the wayfaring man's cloak in the old fable.

If the system we introduce is to have the effect we desire, it must involve the acceptance of definite rules, and a real co-operation on the part of the Natives. To set up a system of nominal local government without such rules practically enforced, and without some exertion and sacrifice on their part, is to keep up a show which throws on the General Government the maximum of cost, and effects the minimum of good.

- 18. There is, I think, no lack of persons qualified for working this system; in fact there were some fourteen months ago in actual service in the Native Department three men who would have been quite sufficient for the Central Board. Two remain; the third, who has left the colony, might possibly be recovered. These three men possessed a large stock of knowledge, local and personal, extending over the northern and central parts of this Island, and each of them enjoyed the respect and confidence of the Natives of certain districts in a high degree. As to subordinate officers, there is a sufficient force, if we will confine ourselves to doing real, work in limited districts, and so bringing one after another effectually within our system. In fact, in the mode proposed, the presence of one able and active man in each district will be all that will be permanently necessary. The gradual settlement of Europeans in the district, which must accompany the working of the Act, will, of course, bring with it a Resident Magistrate, and in due time a District Court. The main part of the purely Native work of the district will be done by the Natives themselves.

## Recent Enactments.

- 19. In all this business of bringing the Natives within the operation of the law, it behoves us to be ourselves careful to act according to law, and that the law of England. As long as we are able to say, "This is part of the law of England," we insure a certain degree of acceptance; for 'the-belief is widely entertained among them that our superiority is owing in great measure to the fact that by the act of writing we have been able to preserve and accumulate the experience and wisdom of past generations. They are willing to recognize in the greatness of our nation a proof of the excellence of our laws. But we offer them as a boon the name of English subjects (as we are now doing by the Native Rights Act just passed), and, if they find that in practice for them that name is to mean subjection to hard rules, which no man in England is subject to, they will not be eager to accept our offer. 20. A strong instance of the evil to which I am referring is supplied by the Outlying Districts Police Act, also just passed. *From* the beginning of our connection with the Natives, the one principle which has been more than all impressed upon them as the distinguishing excellence of the law, not only of England but of all civilized nations, is the principle that crime is to be avenged by smiting the actual offenders, and not by visiting the whole tribe with war: the more advanced among them have learnt to accept it as such.

The recent enactment embodies the opposite principle. It makes it lawful for the Governor to take land at discretion and appropriate it for purposes of settlement, wherever a supposed criminal is not given up on demand. The demand may be made on rumour or suspicion, for no previous inquiry is required by the Act; all lands alike are made subject to seizure, with only one exception applying to a very rare case.

To the Natives this must appear tyrannical. There exists amongst them no organization for the purposes of police, and' any person who may be disposed to apprehend offenders can do so only at the risk of civil war. Is this to be to them the manifestation of our authority and government, to cast on them the very work which we took upon ourselves in the beginning, and to punish them by seizure of land of all alike incase they fail to effect that which we confess to be beyond our own power? Can this appear to them anything but a device for getting land?

As to the suggestion that there is some English precedent for this enactment, true it is that in old times the inhabitants of a district were under pledge for the peace of the district, and were liable to the extent of a fine to be levied upon the district in case of a person suspected not being forthcoming. Nothing like the present enactment has proceeded from the Parliament of England, so far as I know, even in the worst times. The circumstances attending the passing of this Act were singular. Misgivings as to the probable effect of the measure were strongly expressed on all sides. I do not learn that any one member gave it a cordial support; but it was a Ministerial measure, and at that time the Opposition were not willing to give the Ministry any ground for resigning.

Amongst ourselves of late years much has been said of the necessity of keeping questions of crime apart from questions of land. This seemed to be one of the few points upon which men of all ways of thinking had come to an agreement; but all our experience is now put aside.

The new enactment affords a striking instance of the mode in which measures, which are at first defended only as exceptional, come to be extended to entirely different cases. The seizing of the land of innocent men for the offences of others whom they could not restrain and did not aid, was recently justified, in the discussions on the New Zealand Settlements Act, only as being a consequence of war. It is now attempted to make it a part of the ordinary and permanent law, and this too at the very time when the principle is abandoned in the practical working of the original enactment.

- 21. Another instance is found in an Act passed in the session of 1864, intituled "An Act enabling Land, to be taken for Roads and other Public Purposes through Native and other Districts of the Colony" (13th December, 1864, No. 5). The effect of this enactment is to assert a general authority to take land for roads, &c, at the discretion of the Government, whenever and wherever the Government may see fit. The ordinary English provisions for securing a safe exercise of this power in each particular case are omitted, and resistance to such taking is made a ground for taking more, and for applying to the case the provisions of the New Zealand Settlements Act, which in this case also are to be made a permanent part of the law of the colony.

Thus within twelve months two Acts have been passed which, if they should actually remain as law, would leave to scarcely any Maori in the country any security for the retention of an acre of his land. To these enactments the objections which were urged by the Secretary of State against the New Zealand Settlements Act apply in their full force. In consequence of these objections, it was enacted in the session of 1864 that the New Zealand Settlements Act should continue in operation until the 3rd December, 1865. In the session of 1865 the Outlying Districts Police Act was passed, by which, the extraordinary powers given by the former Act are in fact revived and greatly extended; for by the former Act the power of taking land for settlement is to be exercised only in cases where at least "a considerable number of persons shall have been engaged in rebellion against Her Majesty's authority;" whereas, under the new Act, it suffices that a single person be supposed to have committed a crime, or that a single suspected criminal be supposed to be concealed in any district.

## Summary.

- 22. Thus, Sir, in this letter and the previous communication taken together, I have drawn the outline of a plan by which we may hope to arrive at a better state of things. I should have no heart for entering so fully into the subject if I did not believe the way to be still open. There is no reason for desponding about this people, but great reason for changing our mode of handling them. We have tried force, we have tried diplomacy, we have tried money. Whenever we resort to a sound and consistent policy, clearly and openly laid down, and steadily acted upon for an adequate time, then we shall succeed. We have abundant resources and means of influence if only they be used aright. The Maori population is to be rendered contented and peaceable by the same influences as other populations.
- 23. There is even much to favour the undertaking in the present state of men's minds on both sides. It is now becoming manifest to the leaders of the Maori race that the scheme of separate government for themselves cannot succeed. Many of them are even now slowly receding from it What is now wanted is something to reassure them that it is safe to trust us, and this must be derived from some exhibition of

moderation and generosity on our part in winding up the war, and from the gradual establishment of a beneficial system for the future.

On the part of the settlers at large there is no hindrance now to the establishment of a just and well-considered plan. As a body they did not desire the resumption of hostilities, though the war of course became popular for a season. They are now returning, according to the wont of Englishmen, to a cooler view of things. The Maoris have won respect by their manliness in standing up in defence of their nationality against immense odds. It is now seen that the peace of this Island can be kept only by the aid of the Natives themselves. The great body of intelligent settlers are disposed to support a fair and equal system in Native matters.

Of the particular plan here suggested, the details must be gradually worked out and modified by experience, and after many conferences with Natives. It appears to me to open to the Home Government a way of escape from the pressure of obligation towards the Native people which that Government knows not how to discharge, yet cannot honourably abandon. Along with the gradual extension of the system, the Home interference and control would be gradually withdrawn. I am bold enough to believe that under the operation of such a system, steadily continued, this Island—even the minds of its Native inhabitants—may be in less than twenty years subdued, and that by a process beneficial to every man of both races.

- 24. The foregoing may be summed up in the following recommendations, which are to be taken in connection with those appended to the "Notes on the Native Lands Act:" (1) That the war be brought to an end speedily, and that on terms of cession of land, instead of mere seizure; (2) that, until the Natives be represented in the Assembly, no Bill affecting the Natives be brought forward until a draft of it shall have been published in every district which has accepted our system, and a reasonable time given for petitioning the Assembly on the subject; (3) that no Act affecting land under Native tenure, or in any way specially affecting the Natives, be brought into operation until the Royal assent has been given and duly notified in the colony; (4) that the Public Works Lands Act and the Outlying Districts Police Act be not brought into operation.

I beg, Sir, to submit these suggestions to the consideration of the Government. I also beg that a copy of this letter, together with my letter dated 18th July last, and the accompanying "Notes on the Best Mode of working the Native Lands Act," may be forwarded to the Right Hon. the Secretary of State for the Colonies.

WM. MARTIN.

The Hon. the Native Minister,

Wellington.

## **The CHIEF JUDGE, Native Land Court, to the Hon. the NATIVE MINISTER.**

*Enclosing Letter-from Judge Maning, Native Land Court.*

SIR,—

Native Land Court Office, Auckland, 13th March, 1866.

I have the honour to transmit for your information the enclosed copy of a letter addressed to me by Mr. Maning, relative to a land dispute at Ohaeawae, and beg to say that I do so because I think that you will read with interest an able picture of our difficulties in the North.

I have, &c.,

F. D. FENTON,  
Chief Judge.

The Hon. the Native Minister,

Wellington,

## Enclosure. Mr. Judge Maning to the Chief Judge, Native Land Court.

*Respecting Land Dispute at Ohaeawae.*

SIR,—

Hokianga, 6th February, 1866.

I have the honour to acknowledge the receipt of a set of papers relating to a land dispute at Ohaeawae, and other matters referred to me to be dealt with, and accompanied by your request that I will say what should be done in the affair.

This dispute is one of several years standing and is not the worst of several now pending in this district, any of which may not improbably bring much difficulty if not bloodshed, amongst the parties concerned.

That the Natives bring these obstinately-contested disputes which they cannot settle themselves, and which they themselves vehemently declare can only be settled by "death," before the notice both of the Executive Government and the Judges of the Native Land Court, is owing to—First. That hitherto Civil Commissioners, Police or Resident Magistrates, and Judges of Land Courts indifferently have interfered in these quarrels, having avowedly for their object the conservation of the peace and making the inquest as to the ownership of the land merely as a means to that end. Second. Both parties to the quarrel, seeing the anxiety manifested to preserve peace by the Government, think now that by threats of entering into an intertribal war, or by actually doing so, they can force a decision from the Land Court, which would be hailed by the party in whose favour it might be as an accession of prestige or moral influence in their favour, and which they would be ready to support by arms, but which often in these old and embittered disputes, into which so much personal animosity has been imported, would be equally resisted by the party against whom the decision is made.

The Natives, as I have said, do not in many cases bring these worst cases of disputed claims before a Court in any hope or expectation of a just or equitable decision, as they are aware that they can involve the case in utter obscurity by a mass of absolutely conflicting evidence; but each party hopes to obtain a favourable decision by indirect influences brought to bear on the Court or on the Judge, such as holding out a prospect of great bloodshed being likely to ensue if a decision is not come to, or, what they trust even more to, a threat to complain of the Judge to the Governor. The truth is that, from what the Natives have hitherto seen of the County or District Courts, they have acquired no better idea of the position of a Judge of a Land Court (the abstract idea of the *Court* and its authority is not by them at all understood as distinct from the individual holding office for the time as Judge, his personal character and interests) than that he is a subordinate executive officer, whose decisions are or may be influenced by every petty consideration of temporary expediency, or reversed by the superior officers of the Executive Government on the same grounds.

I have thought it right to make the above remarks previously to answering your request that I should say what should be done in this dispute to which the papers I have received refer, as they will show that the very great obstacles, which these Native land disputes throw at present in some cases in the way of the action of the Land Courts, are merely the effect of ignorance, or chiefly so, on the part of the Natives (I speak of this district), but which are likely to disappear gradually as the Natives are convinced by practical demonstration that the Native Land Court is an independent and impartial and strictly judicial tribunal, having power to give *final* decisions, or to refuse to give any decision where sufficient data or evidence is in the opinion of the Court wanting on which to found a decision. Before, however, the Native is educated to this point on the subject by

observation of practical facts, illustrative of the true position, functions, and authority of the Courts, we may expect trouble from them in their endeavours to warp the action of the Court to what, in their own opinion, it ought to be— viz., a personal interference of an executive officer or officers, over whom each party hopes to prevail by interminable *koreros*, alarming threats of bloodshed amongst themselves, and hints of accusations to be made to head-quarters against the officer himself.

I shall now answer your question as to what should be done in this particular case and all similar ones; what in fact I consider it my duty to do as a Judge of the Native Land Court, supposing always that I read "The Native Lands Act, 1865," aright, and interpret its meaning correctly.

My procedure in this case would be exactly the same as in any other, that is, strictly according to law, and without any regard whatever to any extraneous circumstances or expedencies or consequences, except in so far as the discretionary powers vested in the Court might be applicable to such considerations. To refuse to hear any claim, supposing it in the discretion of the Court to so refuse— which I doubt—merely because it is by common report an obstinately contested one, would be to virtually come to an extrajudicial conclusion on the matter not warranted, as I think, by law or supported by evidence. (I should be glad of a legal opinion on clause 22. Does it give discretionary power to the Court to refuse a hearing?) Should, therefore, this disputed case, to which the documents received by me refer, be brought before the Court in the regular form prescribed by "The Native Lands Act, 1865," I should have no hesitation in entertaining and hearing it, and coming to a decision on the merits as established by evidence, without, as I have said before, any regard to any considerations of mere temporary expediency, or whether a breach of the peace might or might not arise from the disappointment of turbulent Natives against whom the decision might have gone, except in so far as the discretionary powers possessed by the Court might be brought to bear on those circumstances.

It is most probable, however, that in most of these pertinaciously-disputed cases no decision could be come to by the Court for the following reasons: (1.) In most cases the land would not be surveyed, as the contending parties would prevent each other making a survey, and a survey under the circumstances could not be dispensed with by the Court. (2.) From conflicting evidence; for in these obstinately-disputed claims the claimants unscrupulously contradict each other on oath, as do all the witnesses, they being mere partisans on either side, whose only object is to gain the case without much consideration of truth or justice, and to gain so much land at the expense of the other party, to sell as quickly as possible, for money to be divided amongst themselves. (3.) From question able right of both parties to the land in dispute. The Native Land Court does not decide on the ownership of Native lands by any rule of English law, but according to Maori proprietary customs, usages, and acknowledged rights; and as one of the primary Maori rights to land universally acknowledged as such is *force*, or the successful retention of the land against all other claimants, when the counter claimant is strong enough to jeopardize the possession of the other party a doubt may be entertained (under Maori usage) of the right itself; and this doubt evidently would apply to the right of either or both parties, and would probably lead to an adjournment and a recommendation to the parties to settle the matter amongst themselves, or a refusal by the Court to come to any formal or judicial decision on the case.

I have every hope that after a time, when the Natives have found by experience that their ferocious-disputes only retard instead of accelerating the issue of Crown grants for their land, they will give them up, and come into Court only after having agreed amongst themselves as to what their rights really are. But in the meantime we may expect some cases to occur likely to entail disaster on themselves, though as a whole I confidently believe that the operation of the Native Lands Act will prove eventually successful, and an inestimable benefit both to the Maori and European inhabitants of the country. I therefore conclude that the case in question, and which has been referred to me, ought *to* be entertained and heard as an ordinary case; and that in fact every application ought to be heard without considering whether it be disputed or not—a thing which can only be known, as I conceive, officially, after the case has come into Court.

I have, &c.,

F.E. MANING.

## REPORT ON THE WORKING of "THE NATIVE LANDS ACT, 1865."(No. 1.)Mr. F. D. FENTON to the Hon.

# J. C. RICHMOND.

SIR,—

Native Land Court Office, Auckland, 11th July, 1867.

In compliance with Mr. Hall's request, I have the honour to state that there will be no change, as far as I can see, in the expenditure necessary for the maintenance of this establishment. Some saving might be made if a Court could be legally constituted with one Assessor instead of two, in cases where the presiding Judge might think that one would suffice, but, as this would under the existing law be illegal, no deduction can be made on this account. It should be borne in mind that the officers of this department has also discharged the functions of the Compensation Court, and that no part of the permanent expenses have been charged to that department, with the exception of one clerk. I submitted this question to the consideration of Colonel Russell, stating my own opinion that £1,200 a year would be a fair portion to be placed to the account of the Compensation Court; and I also urged this view personally upon Mr. Richmond: but it was not entertained by either of these Ministers.

I observe that you request me to include in my estimate the outlay which, will be necessary on surveys, and the department organized by Mr. Heale. All the expenses of surveys are paid by the suitors, and therefore no provision is necessary under this head; and I am unable to state what funds will be necessary for the department organized by Mr. Heale. That gentleman is in the North trying to establish some base or principle on which the confusion of boundaries, &c., in that part of the country may be settled; and, though I wrote *to* him immediately on receipt of your letter, I presume that he has not received my communication, for he has neither arrived in Auckland nor replied to it. Mr. Heale's is an independent department, charged with other duties than examining the plans sent into this Court; and I am unable, therefore, in his absence, to furnish any estimate of the requirements of that establishment. If he has received my letter I do not doubt that he will arrive in Auckland by the next vessel, when Mr. Hall's request shall be immediately complied with.

Herewith I beg to hand you a return of the operations of this Court for the periods therein stated. Of course I have been to a great extent dependent on the clerks in the office in making out this return, and cannot vouch for its perfect accuracy. Indeed, I believe that it would be impossible between any two given dates to furnish a return that would be absolutely perfect, for, of course, many causes are *in esse*, and can scarcely be classed under any head; but, as far as I am able to discover, I believe the return may be implicitly relied upon in making deductions, or for any purpose for which such a return would avail. I have commenced the return, according to your desire, with the commencement of the Act in November, 1865. The period from November, 1865, to June, 1867, is not perfect, for Courts were sitting in many parts of New Zealand in June of whose operations I have, as yet, no knowledge.

In explanation of this return, I desire to state that the amount of land included in "interlocutory orders" is necessarily unascertainable with accurate certainty, as those orders were made by the Court under the authority of clause 71, which authorized surveys in certain cases to be dispensed with. But the amounts stated will not be very wrong. Thus, in the first return, the number of acres passed through the Court in this manner is stated at 564,000, comprised in thirteen orders. Eight of these were made at a Court held at Cambridge, at which I presided, and a surveyor produced rough trigono-metrical surveys of these, which showed the blocks to contain about 560,000 acres. These lands, I may mention, were the sole property of William Thompson's tribe, Ngatihaua and-Ngatikoriki, and his subject tribe Ngatiraukawa, who suffered so severely at the attack on No. 3 Redoubt at Tarauaki. For the remaining five orders I have added 4,000 acres. It is probable they will amount to very much more, as it is the large blocks of land that the Native refuses *to* survey until his title is established. This very sensible view was first taken by William Thompson at the Court held at Hamilton. He said that he had declined to survey land until the Court had recognized his title, for it might be that after he had completed a survey the Court might decide in favour of another's title, and how would he then recover his expense? but let the Court, he said, first decide on his title, and then he could survey with confidence. In all cases of interlocutory orders without surveys a time is limited in the order.

The orders on subdivision can only be made in case more than five names appear in the grant. In other cases the Legislature considered that subdivision was a matter for private arrangement by deed. Considering the difficulty of access to lawyers by Natives living in country parts, I think this provision might well be altered so as to allow the Natives to choose in, all cases whether they will resort to a private legal adviser to effectuate a subdivision, or whether they will return to the Court.

The production of this return has enabled me to form in my mind a system of record by which I hope in

future to be able to furnish a similar and indeed a more comprehensive return without delay, and without the labour that has attended the making of this.

In compliance with the desire expressed in the concluding paragraph of Mr. Hall's letter I caused letters to be addressed to the several Judges, requesting a report of their experiences in the working of the Act, and the general effect likely to be produced by it. The replies which I have received are enclosed in this letter, and the others will be sent on as soon as they arrive. I thought that it would be more satisfactory to the Government to have the opinion of each Judge than that of myself alone, although of course based to a great extent on the operations of all.

With respect to the point on which Mr. Hall specially desires information—viz., the tendency of the Act to cause the parties to subdivide their lands—I remark that every certificate indicates as far as it goes subdivision of the tribal estate, and the insertion of certain names in a certificate of a block of land" is almost always the result of an arrangement amongst the members of a tribe, the consideration being that the names of those now inserted are to be omitted in certain other certificates, for it must be remembered that all lands are owned by the tribe. But perhaps Mr. Hall uses the word subdivision in a more limited sense, tantamount indeed to an individualization of titles. In this point of view I think the Act has not had time to operate extensively. Mr. Maning, indeed, speaks of the process as, having, commenced in the North, and being likely soon to be in active operation; but, generally speaking, I think that hitherto the Natives have only taken preliminary steps. Most of the blocks hitherto certified have been brought into Court for the purpose of enabling sales or leases to be made to Europeans, in order to raise money for the purpose of completely individualizing other, blocks or some of the blocks already passed. It must be remembered that the most formidable obstacle to the rapid progress of conversion of titles is the extreme poverty of the Natives; and the great commercial depression which has existed for the last twelve months, and which is now more aggravated than ever, has rendered sales of land almost impossible.

Two years ago no one could have foreseen the price to which land has fallen in the Province of Auckland. Thus, Walter Kukutai's tribe have in vain been offering 40,000 acres, in one block, of the finest land in the Waikato at 5s. per acre cash, or 6s. 6d. deferred payments extending over five years. A block in the North, called Waitaroto, cost 9d. an acre for survey, 1d. per acre in other expenses, and was offered for sale at 1s. per acre. I do not think, myself (although Mr. Maning differs, and I have the very highest respect for his opinion), that any great progress will be made amongst the Natives throughout the Island in obtaining individual holdings in the sense in which Mr. Hall uses the word, if I rightly apprehend his meaning, until the present period of appalling depression shall have passed away. Still, I should add that a great number of the certificates already issued are in favour of individuals, and whether these are trustees put in for the purpose of sale on behalf of the tribe, or whether they are to be regarded as intelligent members of the tribe determined to possess freeholds for themselves, it is impossible to say and it would be difficult, if not impossible, to obtain this information from the Natives, unless they are thoroughly satisfied that our motives in seeking it are not such as to excite suspicion; and to satisfy them on this as, indeed, on any other head must be the work of time and an unchanging policy. That the ultimate result of the operations of the Court will be the conversion of the Maori nation into two classes—one composed of well-to-do farmers and the other of intemperate landlords—I have little doubt, but I do not think that these results will be brought about as speedily as many people think. The intemperance and waste so noticeable amongst the Maori landlords of Hawke's Bay are matters much to be regretted; but, in my judgment, it is not part of our duty to stop eminently good processes because certain bad and unpreventable results may collaterally flow from them, nor can it be averred that it is the duty of the Legislature to make people careful of their property by Act of Parliament, so long as their profligacy injures no one but themselves. It is well that all the money squandered by the Maori landlords is spent in the place whence it is drawn. Education will cure the evil, for drunkenness is the vice of the uncultivated and brutish man.

I will take this opportunity of expressing my complete satisfaction with the Act of 1865. I never expected, nor, I think, did the Legislature expect, that it would have worked with the wonderful ease which has marked its operations. The preliminary notices and, other cautionary processes authorized by the Act have been long since nearly abandoned, and are now very rarely used. I am not aware that our operations in any single instance have excited apprehension in the minds of the Government, or caused them one moment's anxiety. Indeed, so regular and uninterrupted has been the course of proceeding, that I have been sometimes inclined to think that the vast change that has taken place in the history and status of Native land, and the views of the Maoris with respect to the Government on this great question, would not be, sufficiently appreciated.

The greatness of such a change might not be recognized, whose commencement and progress are distinguished by nothing but quiet. The entire submission of the Maoris to the decisions and orders of the Court is a feature of most encouraging promise. The first claim that William Thompson brought into Court was rejected, and an order made in favour of another, but he silently acquiesced. Indeed, I know of no case where any feeling stronger than that of temporary disappointment has been shown by suitors on the loss of a case, and



occasionally we have had to resort to strong measures. In New Plymouth we sent a Maori to the gaol for twenty-four hours for prompting a witness. In Hawke's Bay Te Hapuku was forcibly ejected from the Court for disorderly behaviour; and in, Auckland chiefs were handed over, to the constables for contempt, but in no case was the slightest sympathy shown by their fellow-countrymen, and in each case a public apology was made. I should add also that each case sprang from the same cause—drunkenness. If any legislation takes place this session, I would suggest the following alterations in the Act, though they are not of sufficient importance to call for change on their account alone. Clause 12: For "two" insert "one." Clause 46: Declare that the second "therein" in the fifth line applies to the grant, and not to the certificate. Clause 50: For "five" substitute "two." Clause 55: In third line erase "lessee," and insert after "vested" in the fourth line "and by every lessee," and afterwards after "by any lessee" the words "an annual sum." Clause 62: Add a proviso that it shall be lawful for the Chief Judge from time to time to fix additional fees, and to alter those fixed by the Act, which scales of fees, when so fixed or altered and approved by the Governor in Council, shall be collectable and enforceable as if inserted in the Act. Clause 74: Enact that the execution shall be sufficient if made in the presence of the interpreter and another witness, and the declaration shall be subsequently made before a Justice of the Peace or a Judge of the Court. The last alteration would be very advantageous, as it is very difficult and expensive to get all the grantees together in the presence of a Justice and an interpreter, especially in remote parts of the country. Under the clause, as altered, the interpreter could take the deed of conveyance round to the signers.

The Act of 1866 should, I think, be entirely repealed; but the questions involved are questions of policy into which I would not willingly enter, unless invited by the Government to do so. But perhaps I ought to state that, in my judgment, the effect of this Act, so far as it has had any operation, has been of an injurious tendency, principally because both Maoris and English have seen in it a partial abandonment of the fundamental principles adopted by the Legislature in 1862, and confirmed in 1865; and I am of opinion that no law relating to Maori land or to Maoris will work well and effectually that does not command the approbation of both races. I think the Maori will progress the better the more he is exempt from protection or interference to which other citizens are not subject. I believe that in this opinion all the Judges concur.

The clause relating to an acreage fee for examination of surveys has never been brought into operation. I shall speak more fully on this question in my reply to Mr. Stafford's letter of the 15th May.

The great difficulty in the rapid conversion of the Maori titles and the individualization of holdings is the necessity and expense of surveys: some idea may be formed of the powerful character of this obstacle from the fact that the plans already in the Native Land Court Office have cost, according to Mr. Heale, nearly <?>40,000. This large sum has all been paid by the suitors nominally, though I presume that the greater part has been advanced by the intending purchasers. Nor can this expense be avoided, for it is obviously impossible to make a grant of lands unless there is a map of the land to be granted, except indeed in the few cases of islands or remarkable peninsulas.

In the Province of Auckland this difficulty is vastly increased by the unsatisfactory state of the Government survey, and the very defective surveys made by Mr. W. Clarke, who was largely employed as a surveyor in the Land Claims Court. This gentleman's surveys are extremely unconscientious, and indeed, in many cases that have come collaterally before the Court, can scarcely be called more than sketches. In the country south of the Waikato confiscated blocks the territory is untouched by surveys; and I venture to hope that Mr. Heale will be able by the establishment of a system of triangulation in those open plains, greatly to reduce the expense attendant on furnishing maps to the Court of the land to be investigated. Our operations under the form of interlocutory orders have already nearly extended up to Lake Taupo from the boundary of the confiscated block southward up the Waikato Valley, and Courts are fixed which will deal with lands extending from Maketu through the Rarawa country to Taupo; and I am aware that claims are, or soon will be, in for large tracts of country surrounding the Lake on all sides except the westerly side, and perhaps on that side also. I have great hopes that all these lands, under an improved system, may be surveyed at a greatly reduced cost.

In the Province of Hawke's Bay the Government surveys seem to be in a much better state, and the work of the Court has progressed there with less difficulty and I believe with less cost than in the Province of Auckland.

In Wellington Province the Government surveys seem to have been admirably conducted, and, as far as I know, no loss or difficulty has been occasioned to suitors in that province through the errors or defects of old surveys; but the Court has experienced singular misfortunes from the insufficiency or want of attention in some of its own licensed surveyors there. It would be very well if some of the large number of surveyors licensed in the Province of Auckland could be induced to remove to Wellington, for there is an abundance of claims from the latter province, but very few surveys.

I have refrained as much as possible in this reply from entering on questions of policy, as I do not understand that Mr. Hall desires any expression of my views on the principles of the legislation affecting Native lands. But I may be pardoned for saying that, in my judgment, nothing that has yet been tried has so largely tended to produce in the mind of the Maori peaceful desires and grateful confidence in the Legislature

as "The Native Lands Act, 1865."

I have, &c.,

F.D. FENTON,  
Chief Judge.

The Hon the Native Minister,

Wellington.

## **(No. 2.)Mr. MANING to Mr. FENTON.**

SIR,—

Office of Native Land Court, Hokiamga, 24th June, 1867.

In compliance with your request, I have the honour to report on the working of "The Native Lands Act, 1865," in this district.

I shall first remark on those points to which you have called my attention—namely, the difficulties encountered, the state of the surveys, and the effect produced by the working of the Act; and shall add any remarks which I may think pertinent or likely to elucidate any part of the subject, though, from the great increase and pressure of business in this office and the necessity of preparing for a Court to be held here in a few days, I scarcely have time to give the subject the full consideration I could wish before writing.

The chief difficulties which have had to be encountered in bringing the Act to work arise from the fact that this, the Bay of Islands District, including Hokiamga, is the district which was first settled in by Europeans—the European population in Hokiamga thirty years ago having been double what it is now, and at the Bay of Islands at least equal to the present; and the difficulties, therefore, which have arisen from this cause are to a great extent peculiar to this district, and may be stated as follows (1.) The Natives in former times having sold great numbers of blocks of land in every part of the district, many or most of which passed subsequently into the hands of the Government. This would, under the most favourable circumstances, give rise sometimes to questions and disputes respecting boundaries; but it appears evident that the Government surveys, or oftener the representation of the position of the land surveyed made on the survey plans, are in many cases incorrect, and the difficulties, disputes, and suspicions arising from this cause alone have been most serious and obstructive to progress. The Natives, after the experience they have had of the working of the Act, do not suspect any deliberate intention to dispossess them of any part of their lands; but the difficulties arising from intermingled claims of the settler, the Government, and the Natives, still remain. Every Court, however, that is held will reduce this difficulty in some degree by ascertaining and finally settling the respective boundaries of Native and European claims. (2.) Not a few families and individuals, having sold in former times fully as much land as they could well spare, and being now particularly desirous to raise funds to pay for the survey and fees necessary to the procuring Crown grants for land Which they have retained (which lands, I may remark, are as a rule, almost without exception, of a far more valuable description than those which have been sold), have, being without any surplus lands to sell, endeavoured to raise the requisite funds by either bringing unfounded claims into Court or by opposing the more legitimate claims of others, with the intention of selling the land which they hoped to obtain by these means. This, together with the old Maori feuds and jealousies not unfrequently existing between the parties, led frequently to a fierce spirit of contention, making the most extreme caution, consistent with progress, necessary in the procedure of the Court, to avert violence and bloodshed. This danger had, however, to be deliberately undergone for several months. It is now much lessened in consequence of parties making false oppositions to claims finding that their pretensions are subjected to a searching investigation, and, if false, exposed; whereas it had been at first their belief that the mere fact of the opposition being made would cause the claim to be dismissed, and therefore that at the least they could obtain a bribe from the true owners of the land for withdrawing the opposition, so that the claim could be entertained. At the first

Courts more than half of the Native claims were opposed in this way. (3) The other difficulties in the first working of the Act are chiefly such as are common to other districts, and chiefly arising from the desire of Natives to secure as much land as possible, under grant from the Crown, without much regard for the rights of others.

Altogether the difficulties and danger in the first operations of the Land Courts were such, at least in this district, as would have been insurmountable were it not that the Natives perceive that "The Native Lands Act, 1865," satisfies a great want and vital necessity of the Maori people, by offering them a means of extricating themselves from the Maori tenure, and obtaining individual and exclusive titles for land. That most of the middle-aged and younger Natives take this view of the matter is beyond a doubt, as is proved by many circumstances, some of which I shall notice further on, and it is to this that we owe the very marked and increasing authority which the Native Land Court has obtained in this district and, I believe, generally in the country.

That disputes and even cases of violence may occur about the division of lands is not at all unlikely amongst a people who value land now more than ever, and who, like the Ngapuhi, are ready to take arms on a small occasion. Every Court, however, which is held, and every block of land which is adjudicated upon, will render the recurrence of these land disputes more and more unlikely, merely by defining precisely and finally the boundaries of the lands of tribes and individuals, and thereby removing the causes for contention.

I think it may not be irrelevant here to remark that a very erroneous idea has been prevalent amongst Europeans as to the wishes and feelings of Natives in reference to the tenure of land. It has been thought that, because previous to the arrival of Europeans in this country the Natives did not hold their lands by individualized and exclusive titles, according to our ideas of what such titles should be, they neither wished to do so nor could understand the benefit of holding land in that manner; but the Natives are, in fact, remarkable for their fondness of appropriating individually every kind of property, land included, and the reason why they have not hitherto held their lands by exclusive individual titles is that before the arrival of the Europeans in this country it was impossible to do so.

In reference to the state of the surveys, I have only to say that I believe the surveys made under the Act are very correct, every possible precaution having been taken to insure their being so previous to their being accepted as such by the Courts, and all lands which have been adjudicated upon in this district have been surveyed. There are also a number of blocks of land surveyed which will before long be claimed in the Native Land Court.

The first sitting of the Native Land Court in this district took place on the 6th of March, 1866, or fifteen months ago. Since that time I have put on record 223 claims: of these, 17 were transferred to the Court at Mangonui for hearing, and I believe, have been adjudicated upon. One hundred and forty-three claims have been finally adjudicated upon by the Native Land Court in this district, and the remaining 63 claims should be finally disposed of at the Courts to be held during the next two months.

The blocks of land for which orders have been given are for the most part from fifty acres to one thousand acres in area. There are, however, blocks of two, five, seven, and ten thousand acres. Between one-half and two-thirds of the above land has been secured to the Native owners inalienably; the remainder they have power to sell. The average value of the alienable land is, say, about 5s. per acre; the average value of the inalienable land is, as compared to the value of the alienable, about five to one, or £1 5s. per acre; in fact, £2 per acre has been, not long ago, refused for 10,000 acres of land which is not nearly so good or valuable in any respect as the Whakaterere Block of 11,000 acres, and for which a certificate of title has been issued to the tribe, and not to individuals; but it is the intention of the Native owners to subdivide Whakaterere into over a hundred individual holdings, according as they can raise the funds to pay the expense of doing so; and in many cases, where three or four or more persons are named in grants, it is their intention ultimately to subdivide the lands, so that each man may hold his own share under a separate Crown grant; and I have no doubt that the Natives in this district will carry out this intention to a very great extent, though it will take them some time to accomplish it fully.

The cost which Native owners of lands have had to pay per acre for surveys and fees in bringing their lands before the Court ranges from 10d. per acre to £1 per acre, according to the size of the blocks, small claims costing proportionately more than large ones; and it results from this that very many Natives have paid for their own inalienable lands at all the intermediate rates per acre between 10d. and £1, which they do willingly merely for the privilege of holding their lands by grants from the Crown, and as individual property.

The land for which, as I have mentioned, £2 per acre was on a late occasion refused is unimproved land near Kaikohe, which has not yet been claimed in the Native Land Court, but that it and every acre in the district will be claimed ultimately is certain.

It is a circumstance worthy of note that during the last twenty or twenty-five years scarcely any first-rate land has been sold in this district, very little of that purchased either by the Government or settlers being nearly so valuable as the lands retained by the Natives for themselves. In one district of Hokianga where there are

large and numerous tracts of the very richest alluvial soil—forinstance at Waima, at Waimamaku, at Waihou, at Mangamuka, at, Utakura, at Manganuiowe, at Omuia, at Whakarapa, and many other places—no block of really good land has ever been sold at all at any time —certainly not to the extent of twenty acres of first-rate land has been sold; the consequence is that there is not in the large and fertile district of Hokianga one settler engaged in-farming, or who has land capable of being cultivated profitably, and the European inhabitants are therefore, all who have any capital at all, engaged in commercial pursuits, and the others—labourers chiefly—in the timber trade. Another consequence is that the large tracts of fertile land which I have mentioned remain uncultivated, but there are signs appearing of a change for the better; and this brings me to that part of the subject which you have desired me also to report on, that is to say, "The effects produced by the working of the Native Lands Act in this district."

As it is but fifteen months ago that the first Court under the Native Lands Act was held in this district, and as it is but quite lately that the Crown grants have been issued here in any number, it is scarcely to be expected that in that time any very great progress would appear in a movement the success of which would create to a certainty a completely new set of circumstances with regard to the Maori people—a revolution in fact—which must of necessity displace barbarism and bring civilization in its stead; for the difference between a people holding their country as commonage and holding it as individualized real property is, in effect, the difference between civilization and barbarism. Such changes are not rapid, but there are nevertheless evidences not to be mistaken that the Natives are perfectly in earnest and alive to the benefits to be obtained by holding lands as individual property, and which benefits, if obtained by them, must reflect also upon the European population. In many places in the district the Natives are putting up substantial and expensive fences, chiefly done by European labourers. Indeed, I think some Natives are trying to do more in this way than they can accomplish. Two farms in this part of the district, the Crown grants for which were amongst the first issued, are already fenced round, the land cleared, and grass sown, and sheep (about 200) on them. I heard yesterday a Native agreeing with a European to put up two miles of fence on a fine piece of land which the Native feels sure he will get a title for. There are also many instances of Natives beginning to build better and more expensive houses than they have hitherto been accustomed to live in, and employing European carpenters for that purpose. The perceptible amount of progressive effect is certainly not yet very great, but it is sufficient to show that the Natives, especially the younger men, are moving in the right direction, and it is certain that they would never have gone to the expense which they have if the land had been held by them as formerly by the old Maori tenure. Everywhere Natives may be heard speaking of projected improvements, and I think that nothing but a want of sufficient capital prevents them from making a very rapid progress in bringing, their lands into cultivation. The fact of the Natives in this district having for so many years kept back all the choice and richest of their lands under many temptations to part with it, the fact of their having lately refused £2 per acre for land good, but not the best, and the alacrity with which they have availed themselves of the Native Lands Act, would show that in retaining their lands they have been all along acting from a set and intelligent purpose, and with a not unenlightened view to their own future interests; and in this is the best hope for the eventual success of the Native Lands Act, already successful in a small degree, and which, in my opinion, holds out to the Maori people their last chance of temporal salvation.

The only suggestion which I would make for any amendment or alteration of the Act of 1865; is that I think, it would be advantageous if section 50 of that Act were amended so as to allow that less than five persons who wish to subdivide their lands may do so in the same manner that, according to that section, more than five now can. This would facilitate the subdivision of lands, a thing, I believe, desirable; and I am of opinion that before many years scarcely any two Natives will be content to hold a piece of land jointly. Indeed they are already wishing to subdivide, and in several cases have cut the subdivision-lines on the land, and will no doubt soon apply to the Court to have the subdivision legally confirmed.

With respect to the Act of 1866, I have no suggestion to make I can only say I think it were better entirely repealed, with perhaps the exception of the 11th section—which section, however, I think hardly necessary.

I have, &c.,

F. E. Maning.  
F.D. FENTON, Esq.,

Chief Judge, Native Land Court, Auckland.

## **(No. 3.)Mr. Maning to Mr. Fenton.**

SIR,—

Hokianga, 28th June, 1867.

In addition to my report of the 24th instant, I have the honour to mention the following particulars illustrative of the working of the Native Lands Act in this district. I have lately been applied to by the representatives of tribes here for direction as to the proper mode of procedure in procuring Crown titles for four different blocks of land, two of which I estimate at about 100,000 acres each, and the other two at about 30,000 acres each. The survey of one of the 30,000-acre blocks is now nearly completed, and the application to have the title investigated will soon be sent in. The survey of the second 30,000-acre block will, I believe, soon be commenced, arrangements having been made for that purpose. The surveys of the two larger blocks may not be commenced for some time, as the expense will be very considerable, much forest line having to be cut, and the Native owners of the land will have to raise the money to meet the expense of survey previous to commencing the work, and also to come to an understanding as to exact boundaries with neighbouring Native landholders. The intention of the owners of the two larger blocks, which I estimate at about 100,000 acres each, is in the first instance to secure the whole tribal estate by a grant from the Crown to the tribe, and afterwards to subdivide the whole, giving each family its share, to be also secured by a grant from the Crown to individuals the heads of families. The labour and expense incident to the first general survey and the subsequent division and subdivision will be very great as compared to the means of the Natives for meeting it, and consequently I dare say it will be three or four years before the whole operation respecting these two blocks will be completed. The block of 30,000 acres, of which I have said the survey will probably be soon commenced, is a very valuable piece of land, and is intended to be offered for sale by the owners, who have already secured to themselves 14,000 acres of first-rate land by grants, inalienable, from the Crown, and have also about 25,000 more, which they wish to secure to themselves in the same manner, and of which the survey is now very nearly completed. Notwithstanding the heavy expense and consequent delay which Natives are put to in establishing their claims and procuring Crown grants for the same, I do not think it would be advisable, except in very exceptional cases, to give them any assistance under section 77, "Native Lands Act, 1865;" for if it was afforded in one case many applications would be made for the like, and difficulties would probably in many cases arise before the Government would be reimbursed the expense. Another reason which appears to me of weight against giving assistance as above is that the progress hitherto made in the working of the Native Lands Act has arisen and will arise from the *bond fide* exertions and expense gone to by the Natives themselves, and to which they have been prompted by a not unintelligent appreciation of the benefit of holding land as private property; and which progress, whatever it may be, will therefore present reliable data for political speculation, whereas under the circumstances of assistance being given, if to any considerable extent, the apparent progress made might be delusive.

I have, &c.,

F. E. MANING.

F. D. Fenton, Esq.,

Chief Judge, Native Land Court, Auckland.

## **(No 4)Mr MONRO to Mr. Fenton.**

SIR,—

Auckland, 27th June, 1867.

I have the honour to acknowledge the receipt of your circular of the 17th instant, requesting a report as to the working of "The Native Lands Act, 1865."

Although always receiving the Act in a favourable light, I am unprepared for the very great success which attended it. A large quantity of land has been passed through the Court at its various sittings throughout the Northern Island, and in scarcely a single instance has a decision been appealed against. The Natives wherever I have been have repeatedly expressed their satisfaction at the mode of procedure, and appear generally to have the utmost confidence in the Court. Questions which a few years ago used to be decided by an appeal to arms they are now content to leave to its peaceful arbitration.

My operations have extended principally over the Districts of Waikato, Coromandel, Hauraki, and the Province of Hawke's Bay. In the latter place certificates of title have been issued for upwards of 290,000 acres of land, and the Natives are still sending in applications as fast as they can find money to pay for the surveys. I may safely state that at no distant period every acre of land in that province will be held under grant from the Crown. In the majority of cases no restriction on alienability was imposed, the grantee having abundance of other land. Where such was found not to be the case, the land was made inalienable. Several long-standing land disputes have been settled, which on more than one occasion had nearly led to bloodshed, and the bitter feeling engendered by such disputes is gradually dying out by the removal, through the action of the Court, of the causes which gave rise to it.

Apart from the question of surveys, I cannot say that I have experienced any difficulty in the practical working of the Native Lands Act of 1865, except what may have arisen from clause 23 limiting the number of grantees to ten persons, but this difficulty has in each instance been easily overcome, and, as one great object is to induce the Natives to individualize their titles as far as possible, I think it would be inadvisable to alter it.

In the districts above referred to the Natives have not as yet made any application for a subdivision of their lands in those cases where a grant has been issued to several, nor have they shown any inclination, as far as I am aware, to possess or cultivate individual farms. The lands passed through the Court in the Hawke's Bay Province have for the most part been leased in large blocks for sheep and cattle runs, from which the owners derive large yearly incomes. Having thus abundant means of purchasing whatever they require, they do not appear to devote much time to cultivation as a means of subsistence, and only grow what is requisite for their own consumption.

In the Coromandel District the most of the land passed through the Court has been sold to settlers in small blocks, as sites for shops, homesteads, and sawing-stations. The Natives never have cultivated extensively in this district, it being for the most part hilly and densely wooded. In agricultural districts, I think it will be found that they will endeavour to acquire individual farms.

I have, &c.,

HENRY MONRO,

The Chief Judge, Native Land Court. Judge, Native Land Court.

## **(No. 5.) Mr. W. B. WHITE to Mr. FENTON.**

SIR,—

Native Land Court, Mangonui, 5th July, 1867.

With reference to your letter of 10th June, 1867, No. 521, I have the honour to report that I have found little difficulty in the working of "The Native Lands Act, 1865." During the many years I have been in this district I have had much to do with the Native lands, and have in a measure prepared the way by assisting to define the boundaries of the various Native claimants. The surveys have been generally backward, but the chief cause has been in the poverty of the Natives. They are in many instances unable to pay for the survey and the expenses of the Court, which has deterred them from bringing so many cases before the Court as they otherwise would have done.

Many of the grants issued have been avowedly obtained to enable the owners to sell to Europeans. Those

which have been obtained for their own use the proprietors are living upon, but they have not been subdivided as yet. The Act itself is simple and easily worked, but it appears to me that, taking into consideration the very great desirability of inducing the Natives as speedily as possible to hold their lands under title from the Crown, every inducement ought to be held out to them by the Government to obtain grants. I would, therefore, abolish all fees upon inalienable property, except the fee for the Crown grant, and when the property is alienable an extra fee should be charged by the Treasurer on the transfer. When agreements to sell lands have been entered into before the survey, it is probable the purchasers have agreed with the sellers to pay the Court expenses. But the expenses deter the Natives from coming before the Court, unless they have previously agreed to sell the land. I would also suggest that the 74th clause should be altered so as to enable a conveyance to be made to a person on the attestation of a duly qualified interpreter, before a Judge or a Justice of the Peace, that the translation was correct, and was understood by the conveyor, instead of requiring all the parties to make the transfer in the presence of a Judge or Justice of the Peace. I have known persons to wait two months at Whangaroa before the necessary forms could be complied with, no Justice being resident in the district, and the expense incurred by requiring a number of Natives to travel a considerable distance is looked upon as a hardship. In this district the Natives have shown great anxiety to place as many names on the grant as possible, which, of course, adds considerably to the expense when they are required to go to a distance to transfer their property.

I have, &c.,

W. B. WHITE,

Judge, Native Land Court.

The Chief Judge, Native Land Court.

SIR,—

Resident Magistrate's Office, Kaipara, 29th July, 1867.

In acknowledging the receipt of your circular letter dated 17th June last, No. 518, I beg to state that, owing to my absence at the Wairoa, I did not receive your letter in time to reply to it before attending the Courts recently held by me in the Thames, and it was not in my power while there to write with any satisfaction to myself, as I was desirous of enclosing a statement showing the amount of work performed since the date of my appointment as Judge under "The Native Lands Act, 1865."

It will be observed from the schedule I have now the honour to enclose that my operations have extended chiefly through Kaipara, Whangarei, Mahurangi, and the Thames: Certificates ordered, Kaipara, 128,925 acres; certificates ordered, Whangarei, 64,417 acres; certificates ordered, Mahurangi, 6,635 acres; certificates ordered, Hauraki, 17,737 acres: total, 217,714 acres. Several extensive blocks of land in Whangarei, not included in the above, have passed the Court last held there, but the surveys are not yet properly executed.

Before the Act of 1865 had passed the Assembly, you did me the honour to forward a draft for perusal, with a request that I might suggest any alterations or improvements which might occur to me at the time; and as it then appeared to me that it contained every point necessary to carry out the intentions of the Act satisfactorily to the Natives of this district of country, who are deeply interested, I had no suggestion to offer. Now that my experience has extended over a considerable period of time, and I am better acquainted with its practical working, I do not hesitate to say that it has effectually met all the cases with which I have had to deal, and it is, in my opinion, complete in itself.

It is with much pleasure I have to state that the effects of the Native Lands Act on the welfare of the population of Kaipara, both Native and European, are better than I anticipated. For instance, three years ago the country was almost a wilderness; now the Natives are in receipt of half-yearly payments from *[unclear: settlers]* who have leased their lands for periods of sixteen and twenty-one years, and are busily occupied in stocking their runs with sheep and cattle; and a feature which never before was shown in Kaipara now begins to develop itself—namely, that fat cattle are being forwarded to the Auckland market. The Natives were never in such a position before, and I am glad to say they have as a rule sufficient sense to appreciate it. Pairama has an estate

for which he receives £300 per annum. Arama Karaka, Manukau, and other chiefs are leasing extensive runs to Europeans, who are in a position to carry out their agreements; and after the next sitting of the Court shall have been held, a large proportion of the lands in central Kaipara will be taken up and stocked.

It was my intention to have made a comparative statement of the value of the property, stated in the schedule above referred to, before the Lands Act came into effect, and the value at the present time, which I believe would show better the real state of improvement than anything I could write on the subject; but I am unable to supply this information at the present time. I cannot say that the effects of the Native Lands Act have acted as stimulus to the Natives of Kaipara in improving their cultivations.

There are four chiefs belonging to the district who farm to a certain extent on European principles. Tirarau, Tomairangi, and Pairama are the principal persons who have horses and ploughs. European farming was first introduced into Kaipara by yourself years ago, by presenting Pairama with a plough; afterwards the Government, through Mr. McLean, gave ploughs to Tomairangi and Manukau, long before the Native Lands Act was passed. Te Hemara, of Mahurangi, has improved his property recently by fencing, and building a neat house with verandah and brick chimney, which may be said to have resulted from the sale of some of his land after certificates were obtained. Several weatherboarded houses have recently been erected by the Natives in Kaipara, and by my advice they are about to cause brick chimneys to be built. There is a marked improvement in the mode of living adopted by the chiefs. European articles of furniture are found in the houses about Otamatea; and I have frequently been astonished to see, at Paikia's and Arama Karaka's settlements, all the principal people living, while I have been there, quite in accordance with the manners of Europeans.

With regard to "The Native Lands Act, 1866," I have to state that it caused the Natives some excitement at the time it became generally known that further restrictions and expenses would be added in future on all lands passing through the Court. It gave me considerable trouble to allay these fears, and they appear to think of them up to the present time. They are still under an impression that the Government had in view, in passing restrictive measures on the free disposal of their lands, the object of preventing sales to private individuals, in order that the Government might hereafter buy at their own prices; and the Kaipara people were rather confirmed in this idea, because the Provincial Government of Auckland at that time commenced extensive negotiations for the purchase of land in the District of Whangarei. As the clause in the Act of 1866 regarding the inalienation of Native reserves has not application in this part of the colony, and as I have made no alteration in the fees taken in Court from the commencement, I have succeeded in showing they were not hurt by this Act. They are content; but I recollect Keene at the time had effectually stopped the further operation of the Act by inducing the chiefs not to sell any more land to Government if restrictive or further charges were imposed.

I am not prepared to say that it may not be necessary to stop the sale of certain reserves in Taranaki, Whanganui, Wellington, and Wairarapa, but my knowledge of the three latter places is very limited. I feel, however, persuaded that such measures will not be necessitated in the District of Kaipara.

I have, &c.,

JOHN ROGAN,

Judge, Native Land Court.

The Chief Judge, Native Land Court.

P.S.—"The Native Lands Act, 1865," has been translated into the Maori language and distributed. The Act of 1866 has only come to the knowledge of the Natives by hearsay; at least I have not seen a translation. The Native Assessors are called upon to assist in adjudicating under an Act written in a foreign language, which is, and must be, prejudicial to the satisfactory business of the Court until this is rectified.—J. Rogan.

## **No. 10. The CHIEF JUDGE, Native Land Court, to the Hon. the NATIVE MINISTER.**

*On the General Working of the Native Land Court, Surveys, &c.*



SIR,—

Native Land Court Office Auckland, 31st July, 1867.

In reference to my letter of the 17th July, 1867, and Mr. Stafford's letter of the 15th May, 1867, I have now the honour to inform you that Mr. Heale has returned to Auckland, and is preparing a communication on the subject of surveys, and the maintenance the establishment necessary for securing their accuracy, which will go to Wellington by the same mail which conveys this. It seems to me proper that I should say a few words on this subject, and, in doing so, I do not see that I can avoid expressing an opinion on some principles of the Act of 1866, although it was not my original intention to question its policy.

I think it will be admitted that the only logical ground on which it can be argued that the expense of checking surveys of lands passing through the Courts should be borne by the suitors, is that the Governor has a right, or rather a duty, before signing a grant, to ascertain, at the expense of the persons to be benefited, that the land comprised in the grant is free from incumbrances and hostile titles; in other words, that the Crown is justified in granting the land which it proposes to grant. As far as the Court is concerned suitors have fulfilled the obligations imposed upon them by "The Native Lands Act, 1865," when they have furnished a proper survey of the lands claimed, which, complete in all technical matters, is uncontested as to its boundaries, and actually or tacitly admitted to be free from encroachments on other persons' property when the claim which it represents is heard and adjudicated upon in Court. A fee of not exceeding £1 was imposed by the Act to defray the expense of enabling the Government to employ a competent person to examine all plans on their behalf. Up to this point it would appear that the fees received are sufficient to defray the expense of the service for which they were provided, and practically, as far as anything is judicially disclosed, it is so, for when Major Heaphy was employed to examine the plans his charges were made at a certain rate per plan, which did not equal the amount of the fees charged under the Act under the head of "Examination of Plans." I should add, however, that experience has shown that a mere examination of the plans in the office does not suffice to render the Court secure in making certificates, or the Crown in making grants, for the honest execution of the work by the surveyor—*i.e.*, whether the plan rightly represents what it pretends to represent—cannot be ascertained in many cases without an actual testing of the work on the ground.

The vast increase of the business of the Court, and the fact which has been subsequently discovered, that all the Native lands of this Island, embracing the larger portion of its entire area, would pass through the Court, and that at a rate of progress which seems to be annually accelerating, naturally caused the Government to regard with anxiety the confusion which might, and most likely sooner or later would, be produced by the operation of a large number of independent surveyors, who had no object in their work beyond that of earning money, and who might easily mislead the Court unless some officer were appointed by the Government competent from his professional knowledge to exercise some control over them, and who might, after actual examination at the *locus in quo* if necessary, bring before the Court any matter which required notice. Moreover, from the appointment of an officer of this description would result a compilation of all the maps, and also the gradual correction and reconciliation of previous erroneous and detached surveys. There will thus be framed a perfect and very valuable map of the country generally. It should be borne in mind that the most of the difficulties which the Court has experienced in the matter of surveys, and their technical imperfection, have resulted from the failure of the Government to secure anything approaching to a reliable map of the country, or that part of it acquired or sold, or indeed to cause to be depicted anywhere true representations of the land acquired by it from the Natives, or parted with by it to grantees. It is very probable that under the peculiar circumstances attending the history of the land at this part of New Zealand no other result could have been arrived at. The purchase at irregular intervals of blocks of land from Natives, some of them surveyed and some not; the system of sale which followed Sir George Grey's ten-shilling-an-acre Proclamation, when any person could employ his own surveyor; the acquisition of tracts of land as "surplus lands" under the Land Claims Court, marked by lines which on being tested are absolutely inaccurate, and in many cases have never been surveyed at all; added to the contract system of surveying, or rather of "line-cutting," which has so largely prevailed, have all combined to create a state of confusion and uncertainty which the Native Land Court has been the means of bringing prominently under notice, and which it and the Government have been compelled resolutely to face.

But the question of whether the Natives seeking benefit under the Act of 1865 should be compelled to pay the expense of setting all disorders right, is subject to other considerations. The expenses legitimately thrown upon them by the Act of 1865 have been borne by them without a murmur, and in fact could not be objected to with reason. They were offered certain benefits at a certain expense of money and trouble, and their refusal or acceptance of the terms offered amounts to nothing more or less than the making or refusing to make a contract.

That the Maoris generally have, with great advantage to themselves and benefit to the community at large, accepted and vigorously acted upon the beneficent offer of the Legislature is very apparent, but, in my opinion, it would not be wise, nor does justice or policy require, that any great deviation from the principles then established and the demands then made should now be advocated. When the Act of 1865 was before Parliament Mr. Robert Graham, then Superintendent of Auckland, and Mr. FitzGerald asked me if I thought there was any objection, as far as Natives were concerned, in fixing the duty at 15 per cent., instead of at 10 per cent. as proposed in the Bill, and I replied that, in my opinion, if the Legislature thought that 10 per cent. was likely to be insufficient to defray all expenses and leave a surplus, it would be advisable to fix a larger rate, but the amount then determined, whatever it was, should never afterwards be altered; in fact, that very great difficulty and embarrassment would be caused by any subsequent increase. And besides this political question, I respectfully submit that when the Legislature thinks upon the expense of maintaining Mr. Heale's establishment (which discharges other duties besides those attendant upon the operations of the Court), it should also reflect that the Natives have spent, during the last eighteen months, in surveying the land of the colony, £40,000, from which expenditure the Government indirectly obtains the benefit of having surveys and maps of the country made, for as soon as these private surveys are produced in Court they become its records, and are the property of Her Majesty, and available for public use.

Mr. Stafford particularly referred to the Act of 1866, and the tax thereby authorized, not exceeding 6d. an acre. Subject to the remarks contained in the previous part of this letter, I desire to remark that the clause to which he refers is objectionable in two points. Firstly, because the tax is made payable on the issue of the grant—*i.e.*, by the Native grantee—a provision which would render its collection in most cases impossible; secondly, because the duty is a fixed duty, applicable equally to the block of 10,000 acres and the block of one acre, and can in no way be diminished by the fact that the Native had employed a good surveyor, whose work was in itself perfect, rendering expense by the Government needless; or be increased by the necessity of inquiring into and correcting the worthless production of an ignorant, unconscientious, or careless surveyor. As bad surveyors, generally taking less care and time in their work, can necessarily afford to make less charges than would be a fair remuneration for honest labour, this result would happen: The bad and cheap surveyors would be employed, and the good surveyors neglected by the Natives, the Government in each case alike taking care to see that the good survey was a good one, or correcting the bad one and making it a good one. The only advantage (apart from the question of revenue) which suggests itself to me as likely to result from any further imposition on account of surveys would be from the elaboration of a scheme by which the Inspector could make a demand upon the Court, supporting it with evidence of a sum not exceeding in any case—per acre, which sum would be regulated by the size of the block of land and the quality of the survey made and plan supplied by the Native suitor: in effect the demand would be regulated by the amount of trouble and expense to which he, as representing the Government, had been put. Thus the Court would judicially affix a payment in each case, variable according to the merits or demerits of the survey produced. I have known a block of 10,000 acres at Mangakabia which less required the intervention of the Inspector than a claim of one-fourth of an acre at Coromandel. The latter sold for £100, and the former for under £500; yet in one case under the Act of 1866 the duty would be 6d., and in the other £250. In the plains south of Waikato confiscation boundary there has passed through the Court a block of land containing 200,000 acres. From the open, clear, and level character of the country, and from the advantageous position of a few remarkable peaks, I am informed that the block could be profitably surveyed for £200, yet the fee for inspection under the Act of 1866 to be paid on the issue of the grant would be £5,000. It will be observed that I am speaking of the sum as fixed at 6d. an acre, the highest named in the Act. It is not the amount that is so objectionable to my mind as the fact of the duty being a fixed one at all, and not dependent upon the merits or demerits of each case.

I treat it as a matter that cannot be disputed that such an officer as Mr. Heale is indispensable, and, if the Government think that the whole burden of paying the expense of his department must be thrown upon the suitors in the Court, I feel sure that all the Judges of the Court will use their best endeavours to carry out the intentions of the Legislature and collect the tax or duty imposed or to be imposed; but I think my duty calls upon me to express my clear view that any heavy imposition will diminish the revenue instead of increasing it, by keeping away business, at least during the time of this great commercial depression. When confidence revives I feel certain that the present duties will do more than defray all direct and incidental expenses of the Court I hope you will pardon me for expressing the very great pain which I have experienced from observing that the Court appears to have established itself so weakly in the regards of the Government that it is not thought of sufficient colonial importance to warrant the maintenance of a department whose present cost, as far as I know, is under £1,000 per annum, and the maintenance of which Mr. Stafford states to be indispensable to the efficient discharge of its functions.

I first proposed the scheme of converting Native titles into tenures in 1857, and Mr. Stafford's Government thought the plan worthy of being printed and published; and in 1860 I prepared a Bill for effectuating the

measure, which was approved also by him and submitted to Governor Browne; and it may be that from having devoted so much time and thought to the question, and indeed having at length, I may say, made its success the object of my life, that I am inclined to attach undue importance to the ideas which it embodies. This may be very naturally the case, but I continue to think that the great majority of the reflecting people of this colony, of both races, are also impressed with the belief that this (to use a vulgar expression) is the only card that is now left to us, and that, if this cannot be played, any solution of the Maori question, except that adopted by Alexander of Macedon, is hopeless, and I need not refer to the comparison of expense, affecting not only the provinces of the Northern Island, but the whole colony.

I have always allowed myself to believe that a reasonable confidence in the Government, and a desire to abandon strife and accept British law administered in open Courts, has followed the operations of the Land Court wherever its sittings have been held. The very remarkable case of William Thompson's tribe cannot have escaped the observation of the Government. When I sat at Cambridge the great majority of the persons present were avowed Hauhaus, and constituted tribes which have been the heart of the rebellion from the commencement. It was Ngatihaua who suffered at Mahoetahi; it was Ngatiraukawa, from Upper Waikato, who were repulsed at No. 3 Redoubt; and these were the tribes who appeared almost to a man at the Court to which I have referred. It is true that there was a silent impressive contest during the first day as the old chiefs refused to be sworn or to affirm; but their moral force was not equal to ours, and they yielded. The victory of law and order was complete, and when subsequently the disturbances were renewed at Tauranga these tribes kept aloof, although intimately interested in that part of the country, and in single individuals who joined the rebels. The lapse of a little more time will, I doubt not, see these people and the Native tribes generally actively asserting their rights as against the Hauhaus, and gaining sufficient moral courage (for want of that is the defect in the Maori character) openly to resist them, and, if necessary, forcibly to expel them or oppose their interference. When this result happens the peace of the country will be secured Confidence and quiet will return when the well-disposed of a tribe take the upper hand and restrain the caprices or infatuation of a turbulent minority, but will not be secured by the internecine contests of tribes between whom ancient feuds and hereditary animosities exist.

If I am wrong in construing Mr. Stafford's letter into an expression that the Government would not maintain an efficient machinery to enable the Court to carry out the great objects for which it was established, and that a principle which is applied to no other Court must be applied to this—viz., that it must pay its own expenses immediately, in times of great adversity as well as in times of prosperity, and that the surplus which may be fairly expected when commercial confidence returns, will not be waited for—I sincerely apologize for so misunderstanding him, and shall hear with great gratification that the rapid dominion which the Court has acquired over the minds of the Maoris, and the peaceful and willing acceptance which has followed its operations everywhere, have not been unobserved or unappreciated by him or the Government. I should add that my remarks respecting the confusion of boundaries and any other surveying questions apply only to Auckland Province; no such difficulties have been experienced in Hawke's Bay or Wellington. In the latter province especially the Government surveys appear to be in an admirable state, and I gladly take this opportunity of testifying to the Government the ready and energetic assistance which I, as administrator of the Act, and the other Judges when adjudicating, have received from Mr. Webber and Mr. Jackson, the Chief Surveyors of those provinces. Those valuable public servants have left me nothing to desire in their efforts to further our operations and remove our difficulties.

I have, &c.,

F. D. FENTON,  
Chief Judge.

## **No. 11.[Extract from *New Zealand Gazette.*]Duties Payable on Native Land Sales.—Scale of Charges.**

G. GREY, Governor.ORDER IN COUNCIL. At the Government House, at Wellington the eighth day of, January, 1868. Present: The President and Members of the Executive Council.

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Native Lands Act, 1867," it is enacted that, in addition to the duties made payable by the fifty-fifth section of "The Native Lands Act, 1865," there shall be paid upon each first sale or other disposal, except by mortgage, of any hereditaments or Native land, for defraying the expenses of examining, connecting, and recording surveys under the said Act, an additional duty at such rates as the Governor in Council may from time to time, and with respect to any districts to be by him from time to time defined, order, not exceeding in any case the sum of 6d. per acre upon the land or hereditament sold or disposed of:

Now, therefore, His Excellency the Governor, by and with the advice of the Executive Council, doth order that such additional duty shall be paid on such first sale or disposal at the following rate— namely: On Native land included in one certificate of title which shall not exceed 100 acres in area, at the rate of 6d. per acre; exceeding 100 acres and not exceeding 500 acres, on the first 100 acres £2 10s.; on all exceeding 100 acres, 3d. per acre; exceeding 500 acres and not exceeding 2,000, on the first 500 acres £7 10s.; on all exceeding 500 acres, 2d. per acre; exceeding 2,000 acres and not exceeding 10,000 acres, on the first 2,000 acres £20; on all exceeding 2,000 acres, 1½d. per acre; exceeding 10,000 acres, on the first 10,000 acres £70; on all exceeding 10,000 acres, 1d. per acre: and doth further order that the Colony of New Zealand shall be a district in respect of which these rates shall be paid.

FORSTER GORING,

Clerk of the Executive Council.

## **No. 12.[Extract from *New Zealand Gazette*.]**

*Transfer of Land Invalid until Duties be paid.* Wellington, 31st January, 1868.

NOTICE to all persons having dealings with Natives in Native land.—Purchasers, lessees, and others having dealings with aboriginal natives in respect of lands, the titles to which have been passed through the Native Land Court, are hereby warned that all transfers of estates and interests so derived are invalid until the duty payable under the fifty-fifth section of "The Native Lands Act, 1865," has been paid, and the Colonial Treasurer's receipt indorsed upon the deed. With as little delay as possible after the execution of the deed of assurance it should be presented for assessment at the Registry of Deeds for the province in which the lands are situate, accompanied by an affidavit of the transferee, his solicitor, or some other person competent to speak to the facts, stating that the full consideration-money, directly or indirectly paid on the transaction, is expressed in the deed. Any deception or concealment in this respect will subject the parties to severe penalties.

On being satisfied that the true consideration is expressed, the Registrar will certify the amount of duty payable on the transaction. The deed, together with the Registrar's certificate, should then be presented at the Treasury, and the amount of the assessment paid. The Treasurer will indorse his receipt upon the deed, after which it may be registered upon payment of the usual fees.

It should be particularly borne in mind that, if the duty is not paid within six months from the date of the execution of the deed, the party liable to pay the same will be subject to a penalty of three times the amount of the duty payable; and that the Treasury will not accept payment of duty except on production of the Registrar's certificate. It should also be particularly observed that, under the provisions of "The Native Lands Act, 1867," in any case where a notification has been made by the Chief Judge of the Native Land Court to the Secretary of Crown Lands that any fees are due and unpaid for the survey of the land comprised in a certificate issued by that Court, the Crown grant of the same land cannot be registered until the said Judge shall have notified that payment of such fees has been made.

ALFRED DOMETT,

Registrar-General of Land.

# [Extract from *New Zealand Gazette*.]

*Native Title to Lands extinguished.* G. F. BOWEN, Governor. A PROCLAMATION.

WHEREAS by the tenth section of "The Native Lands Act, 1867," it is enacted that any notification published in the *New Zealand Gazette*, and purporting to be made by the authority of the Governor, and stating that the Native title over any land therein described had been extinguished previously to a date therein specified, shall be received in the Native Land Court, and by and before every Judge thereof, in all matters which shall at any time be depending in or before such Court, or before any Judge thereof, as conclusive proof that the Native title over the land described in such notice had been extinguished at some time previously to the date therein specified, and that such land on such date had ceased to be Native land within the meaning of the said Act: And whereas it is expedient that the boundaries within which the Native title has been extinguished should be accurately defined between the summit of Pukemoremore and the Puniu River:

Now, therefore, I, Sir George Ferguson Bowen, the Governor of the Colony of New Zealand, do hereby give notice that the Native title over the block of land contained within the boundaries mentioned or described in the schedule hereunto annexed had been extinguished previously to the third day of September, 1865.

## Schedule.

ALL the land lying within the following lines, that is to say, commencing at Pukorokoro, in the Gulf of the Thames, thence proceeding southward in a straight line to the Hapuakohe Pass; thence in a straight line to the summit of Pukemoremore; thence in a straight line to a conical hill named Kopuahau (otherwise called the summit of Maungakawa); thence to the summit of a peak called Takinga Wairua (Pukekura); and from thence to the southern point of Section 55, otherwise known as Orakau, in the Parish of Puniu; and thence by a straight line to the south-eastern point of Section 48, on the Puniu River; thence following the Puniu River to its junction with the Waipa River; thence in a straight line to the summit of Pirongia; thence in a straight line to the nearest point of the Waitetuna River; thence by the Waitetuna River to Whaiugaroa Harbour; thence by the harbour to the sea; thence by the sea to the Waikato Heads; thence by the Waikato River to the junction of the Mangatawhiri; thence by the Mangatawhiri River to the southern angle of the District of East Wairoa (being a district under the provisions of "The New Zealand Settlements Act, 1863"); thence in a straight line to the Surrey Redoubt; thence in a straight line to the Esk Redoubt; thence in a straight line to the commencing-point at Pukorokoro.

Dated this nineteenth day of March, one thousand eight hundred and sixty-eight, at Wellington.

By His Excellency's command.

J. C. RICHMOND.

*Native Interpreters authorized.* Native Office, Wellington, 3rd December, 1868.

The following gentlemen have been duly authorized to act as Interpreters under "The Native Lands Act, 1865," and "The Native Lands Act, 1867."

T. M. HAULTAIN.

## MEMORANDUM by Sir WILLIAM MARTIN on the

# PERATION of the NATIVE LAND COURT.

THE Acts now in operation for defining the powers and regulating the practice of the Native Land Court are the four following: "The Native Lands Act, 1865," No. 71; "The Native Lands Act, 1867," No. 43; "The Native Lands Act, 1868," No. 55; "The Native Lands Act, 1869," No. 26. It is believed that, unless these Acts be thoroughly and speedily revised and amended, great public mischief will ensue.

In January, 1870, Karaitiana, of Hawke's Bay, visited Auckland for the purpose of laying before the Native Minister the grievances of himself and others arising out of the operation of the above-named Acts. Further inquiry into the subject has shown that his statements were well founded, and that he had discerned the weak points in the existing system, through which the injustice of which he complained had found an entrance. Moreover, it has now become known that many like grievances exist, and that the Court itself has come to be regarded by many of the most intelligent Natives with strong suspicion and dislike. The visible results of the system are naturally imputed to the Court itself, and are bitterly felt as a disappointment and a wrong by intelligent men who have hitherto trusted our law and conformed to it. If we allow these men to be alienated, we shall have small chance of winning over the Native people at large to an acceptance of our law.

The two chief grievances complained of relate to certificates and Crown grants issued under the above Acts.

- 1. They complain that these instruments are so framed as to put it in the power of a few persons named in the instrument to sacrifice the rights of other persons equally interested in the land but not named in the instrument. They assert that in many cases that power has been actually exercised to the great loss of persons who had no means of protecting themselves. This complaint is just and well founded. By the Native Lands Act of 1865, section 23, it is enacted that "The Court shall ascertain the right, title, estate, or interest of the applicant, and of all other claimants; and the Court shall order a certificate of title to be made and issued, which certificate shall specify the names of the persons or of the tribe who, according to Native custom, own or are interested in the land, describing the nature of such estate or interest." By the same Act, the Governor is empowered to cause a grant from the Crown to be issued to the persons named in the certificate.

The original enactment was so framed as to secure the object of the Act as stated in the preamble, "the ascertainment of the owners," meaning, doubtless, all the owners. But upon that enactment a proviso was grafted, out of which these troubles have arisen—namely, "That no certificate shall be ordered to more than ten persons." This was added, no doubt, for the purpose of avoiding the inconvenience which would, in many cases, lie in the way of a person desiring to rent or buy land, if it were necessary for him to deal directly with all the owners. It was therefore provided that such intending lessee or purchaser should have a limited number of persons to deal with, and that the names of these persons should appear on the face of the document. That was a very reasonable object, and capable of being attained, as we shall see presently, without any unjust or injurious consequences. It could not be intended that the convenience of the purchaser was to be secured by ignoring or sacrificing the rights of any of the owners. The grievance of which we now hear is this: that the proviso and the original enactment have not been reconciled, but that the proviso has been allowed to overrule and defeat the substantive enactment to which it is appended; that, although the land comprised in the certificate may belong to more than ten persons, a certificate is granted which names only ten of the owners, and gives no indication of the existence of other owners; that the ten persons named in the certificate or the grant have not, on the face of the certificate or the grant, been made to appear as only joint owners with others unnamed and trustees or agents for those others, but have appeared on the face of those instruments as the sole and absolute owners; that as such they have, either of their own motion or being induced by other parties, conveyed the land to purchasers; and that in this way many persons have been deprived of their rights. To the sufferers hereby the loss appears to be a direct consequence of an act of the Court itself. They ask why the certificate and the grant were not so framed as to show the true state of facts; why all the owners were not protected by the law.

As to the future, this mischief is to some extent guarded against by a valuable enactment introduced into the Native Lands Act of 1867, section 17; but the remedy is not completely effective. Under that section, the names of all the persons interested in the land are to be, not indeed shown on the face of the certificate or indorsed thereon, but registered in the Court; and the certificate is to contain merely a reference to this section of the Act. but not any distinct form of words to show that the persons named as owners are at the same time trustees for other owners. This section further provides that no portion of the land is to be alienated except for twenty-one years, until it be actually subdivided among the owners. As to certificates issued before this Act of 1867, there appears to be no check as yet provided against the

evils above mentioned.

- 2. Another serious grievance arises from the fact that, in the Crown grant so made to ten persons, under the earlier Native Lands Acts, the interests, even of the several grantees themselves, however diverse and unequal, are not defined.

By the Native Lands Act of 1869, section 14, it is enacted that for the future every grant shall contain the definition of the estate or interest of each of the grantees, which is required to be set forth in the certificate under the Act of 1867; and also that the estate or interest of each of the several grantees, whether theretofore granted or thereafter to be granted, shall not be deemed to be equal unless it shall be so stated in the grant: provided that the shares or interests already purchased are, for the purpose of that transaction, to be deemed equal. This provision naturally opens many questions. If the purchaser distinctly knew the quantity of the interest which he was purchasing to be not an equal share, but less or greater, is he to take more or less (as the case may be) than he actually contracted for?

- 3. The same Act of 1869, section 15, makes it not lawful for less than a majority in value of the grantees of any land under the said Acts to make any contract, lease, mortgage, or conveyance of their estate or interest in such land: Provided that, if any dispute shall arise as to such value, it shall be lawful for either of such parties to apply to the Court.

Here, in this question of value, we have an opening for unnecessary litigation. Why not allow each owner to claim a partition (as in the enactment above mentioned), and prohibit the mortgaging or selling of undivided shares? As long as the present system is allowed to continue it will breed more and more of bitterness of spirit and disaffection. When any one of the owners of such undivided property has mortgaged his undefined interest, the other owners become subject to constant pressure from those who have gained a hold on the land and desire to get possession of the whole block. Having secured the interest of some, they begin to work upon the rest, that they may be induced to yield up their interests too. These now find themselves entangled, and that by no act of their own, in a new sort of communism worse to them than their old one, because it is not fenced about by rules and customs known to themselves, but by others of an entirely strange and unknown sort. Sensible and well-disposed men find themselves harassed by claims which they regard as unjust and oppressive, and these claims often backed up by skilfully-written letters, sometimes coaxing, sometimes intimidating. Harassed in this way, the unfortunate man seeks to extricate himself. He has accepted the law, and theoretically and in general is protected by the law; but if in any particular case he seeks to bring that protection into a practical form, he must first obtain advice and guidance from men acquainted with the law. He goes to the nearest town and asks advice, but practitioners may be few, and those few may be already engaged on the opposite side. Such things as these are even now going on under the name of law and of justice. Is it likely that men possessing good common-sense, and keen and shrewd in respect of their own interests, will be easily reconciled to these things? Do we expect them to become good subjects, to obey the law readily, and support it staunchly? It is true the Legislature has now taken measures to remedy and to check frauds and abuses such as are here referred to, by the statute of last session, No. 75; but it is obvious that here, as in other cases, prevention is better than cure, even if cure be possible; and there can be no prevention except by a thorough reform of the system. There are among the Natives, of course, men who are dishonest and reckless enough to abuse, to the detriment of their fellows, the facilities which the present system furnishes. Let such men bear all the consequences of their evil deeds. I am not speaking for men of that sort, but on behalf of quiet, sober men, who have willingly received our law and accepted the Land Court, believing what they were told, that under its operation they would be placed in safe and quiet possession of their lands, free to sell them or deal with them as they might think best, without disturbance or interference from their neighbours. This was held out to them as the substantial benefit the new system was to bring with it; this was promised and was honestly intended by the promoters of the measure. Believing this, the Natives came into the plan readily. Now the result is the reverse of what was promised. There is no lack of disposition on the part of the Natives to sell land. This is an obvious fact. It is desirable for their sakes as well as ours that their superfluous lands should be alienated. The evil is this: that we are making the transfer of the land a cause of disaffection. The people are not only disturbed and unsettled, but exasperated by the present system.

- 4. Formerly the majority could protect itself, and no action was taken until a considerable amount of agreement had taken place. Now the owners feel that they have no rest. Any single Native may give notice in writing that he claims to be interested in a piece of Native land, and thereupon the Court shall ascertain the interest of the applicant, and of all other claimants in the land, and order a certificate to be-issued ("The Native Lands Act, 1865," sections 21-23). Capitalists who desire investments can have no difficulty in finding the single man needed, and the majority are forced to submit to the burden or risk the loss of their property.

- 5. If we are obliged to confess that the protection of the law which we promised these men is in these cases practically null; if we cannot, after all, supply guidance and legal help to those who need it, we can at any rate meet the evil in another way, and that the way most desirable and effectual. We need not retain those parts of the present system which tend to create troubles. We may make the system so plain as to preclude them to a great extent, and we may make the Natives acquainted with it. Let the healing enactments above referred to be made to apply not only to certificates and Crown grants of a date subsequent to the date of these enactments, but to all future dealings or dealings now incomplete under any certificates or Crown grants issued under any Native Land Court Act, whether of earlier or later date. Let all dealings with undivided interests, whether by way of sale or mortgage, be prohibited, as provided in "The Native Lands Act, 1867," section 17, any one of the persons interested being at liberty to require a partition. Let the certificate do what it was intended to do, that is, show *all* the owners of the land by their names, if possible, or by some sufficient description or reference. Let it also name a certain number of those owners as trustees or agents for the whole body of owners. To prevent such complaints as are now sometimes made, let a certain time, say twenty-four hours, be given by the persons interested for the nomination of these trustees. If, at the end of that time, no nomination be made, then let the Court select fit persons out of the owners to act as trustees or agents, with the powers and subject to the restrictions in "The Native Lands Act, 1867," section 17. Let these trustees or agents receive the rents and be chargeable with the due division and distribution, thereof among the owners, their receipts being valid discharges to the lessees.
- 6. As to the costliness of the Court, which is now bitterly complained of, this grievance may be met by a scale of fees, accompanied by a proper taxation of costs.
- 7. As to the jurisdiction in cases of succession to hereditaments: the present vague rule ("The Native Lands Act, 1865," section 30), "according to law, as nearly as it can be reconciled with Native custom," makes an opening for litigation in every case. The just rule of succession furnished by the Statute of Distributions is likely to be accepted by all without dispute. If now and then a dispute should arise, the question may be well left to a single Judge, or the less costly and more accessible tribunal of the Resident Magistrate. Assuming that rule, let the Natives interested according to that rule have a certain time allowed after the decease of the person last entitled within which to make a division among themselves. If no division be made within that time, then let a surveyor make the division under the direction and control of the Court.
- 8. There is too much reason to apprehend that we are now preparing for the future a store of troubles such as grew out of the proceedings of the Courts of the Commissioners of Native Land Claims. Two safeguards appear to be essential: first, that the Court should always be holden near the land of which the title is to be inquired into; secondly, that a previous survey of the land be in no case dispensed with.
- 9. As a check upon unnecessary or vexatious litigation, let the title of a party in possession for a certain number of years be not called in question except by a party who shall have deposited £—, to be applied, in case of failure, towards payment of the costs of the successful parties.
- 10. Is not the main business simply the collecting and estimating of evidence, requiring not so much legal knowledge as a certain degree of skill or acuteness in the officer collecting it, and honesty in estimating it? Might not much of this business be done by a Judge travelling from spot to spot, taking the evidence directly in Maori, and adjudging in Maori, resorting to the costly intervention of interpreters only when it may be specially called for? The chief business of the Court is in fact the business either of a Commission or of a jury. Let then a certain number of the Judges and Assessors be a jury; if unanimous, let there be no rehearing, except on the ground of evidence since discovered, and which, by full diligence, could not have been discovered before. Why keep up the resort to English counsel in a Court which is not constituted for the administration of English law, but only for the ascertainment of Native custom, and of the facts of occupation and ownership? English counsel will need interpreters. Let agents speaking both languages be the practitioners of the Court under proper regulations.

Auckland,

18th January, 1871.

THE work of a Land Court is to discover all Native owners of any given piece of land, and to insure to a European purchaser a title with quiet possession. The political importance of this cannot be over-estimated. What greater boon to both races than an inexpensive and safe means of exchanging surplus lands for cash, or other property, with mutual satisfaction? The machinery to effect this ought therefore to be simple, inexpensive,



and well adapted to its work. The following points I believe to be the more important:—

## Judges.

Each Judge should have assigned to him a district, as large as convenient, within which it should be his duty to make himself master of the history of its Native inhabitants, affecting the titles of their lands. All such information should be recorded in convenient forms, and copies furnished at the office of the Court. This would facilitate after-investigations, particularly if made by another Judge. By confining the work of each Judge to one district, he would become more efficient within that district. I do not doubt that he might soon acquire influence among the Natives of his district of great political as well as social value. He might, ere long, possess more knowledge on Native land matters in his district than any even of themselves, and so become a recognized authority as well as a Judge.

## Assessors.

Assessors should not have family ties in the district where they are employed, in order to be as much as possible impartial.

## Survey.

The surveyors to be employed should be paid officers of the Government, and form part of the staff of the Court. Natives interested should do all the work of cutting lines, and otherwise assist as required, of course without receiving any pay. Where competent, a Native should be employed as surveyor, and always some Native, while being educated as a surveyor, might act as an assistant. All surveys should be made on a uniform scale, and, whenever practicable, connected with previously determined fixed lines. Several important advantages would result from employing surveyors paid by Government. They would have *esprit de corps* and interest in doing their work well. There would be no temptation for fraud in deviating from a boundary-line. I lately heard of a case where deviation was made in a boundary-line after those interested in the adjoining land had left the ground, so as to include land of those parties. A Crown grant was obtained before the error was discovered.

## Application for Investigation of Title.

The application should specify boundaries of land by Native names, also names of every hapu interested, and should be signed by at least one influential person of each hapu.

## Investigation of Title.

After the application a preliminary inquiry should be made by the Judge on the spot, not in a formal manner, but by his visiting every neighbouring settlement. At this preliminary inquiry he should make an abstract of the title of parties interested. He should also record names of tribe or tribes and of hapus, and the names of as many as possible of the persons of each hapu, including heads of families interested. This would form the basis of a register of all the Natives of the district which he might obtain, in due time, as a natural consequence of his land investigations. He would thus do all the work which is now being done by agents paid by Natives, and he would do it much better; for, instead of fomenting jealousies of opponents as is now done by different agents, backed by the money of speculators, he might facilitate friendly compromise, at the same time that a great saving of expense would be effected.

If, after preliminary inquiry, the Court thought fit to proceed, a survey of the land should be made, after which a day should be named for more formal trial at a place the most convenient for all parties interested; and printed notices, naming the boundaries of the land, &c., and time and place of formal trial, should be posted on the land and at the neighbouring settlements, and otherwise freely circulated. At the second inquiry the Judge and Assessors should go into the case thoroughly themselves, no counsel or agent being allowed to take any part in the proceedings. English counsel are useless in a Court not constituted for the administration of English law.

# Certificate of Title.

This appears to me an unnecessary complication, which it would be better to avoid.

## Crown Grants.

When only one person is interested, the grant might be made free of any restrictions. When several are interested, the names of every tribe and hapu, and of the principal persons of each hapu, should be stated in the Crown grant; the persons named to have power to lease for periods not over twenty-one years, and to receive rents and divide them among the parties interested; but to have no power to sell or mortgage, being in truth merely trustees. When all parties interested are desirous to sell, the land should be advertised for sale by auction, under the direction of the Court, either in one or more lots as most for the interest of the parties concerned, a reserve price being always fixed.

It is recommended that one-half of the proceeds of the sale, after playing expenses, should be invested in Government security for the benefit of all parties interested, and not be paid off under twenty-one years; the other half only being paid in cash at the time of sale. The benefits anticipated by this arrangement are great. It would obviate the necessity of defining individual claims by survey before sale, a work of much trouble. The investing moiety of purchase-money would provide means of doing justice to minors, to a coming generation, and to any who might have suffered from unfair division of first moiety, and also form a bond of union between Natives and Europeans.

When a part only desire to sell their interests, an arrangement might be made for an equitable division of the land; one part to represent the interests of those who desired to sell, and the remainder to represent the interests of those who desired to retain their landed interests. Then the first might be sold under direction of the Court, by auction, in the manner and with the same provisions as before suggested; and a Crown grant of the remainder might be given to the representatives of the hapus of those interested therein, with power to lease for terms not over twenty-one years, if so desired.

## Irresponsible Agents.

The Government has in its power to keep under its own control a powerful political engine, but has handed over the active working of an important part of the machinery to irresponsible agents, whose chief interest is naturally their own private emolument. The present system of allowing agents and counsel, paid by the Natives, to fight the title of opponents in Court, before a Judge who has only the evidence thus brought before him to judge from, is the parent of much mischief. These agents set to work to get up, to the best of their ability, the case of their clients. The land thus becomes a subject of contention in a new arena into which the Natives enter with a zest, regardless of the cost, which they never stop to estimate. Old land disputes, which have slept for years, are again stirred up, to be fought out in the Land Court. Each party is eager to support its own claims and damage its opponents. Each party is backed, behind the scenes, by some capitalist, who liberally advances cash, having in view the promised security of a mortgage at a large rate of interest. The interest is not likely to be paid, nor is it expected to be paid; but a favourable time for foreclosing will be awaited. This, I have heard on good authority, is what is being done and contemplated. The future of the successful parties is not pleasant to look forward to; the unsuccessful parties are of course dissatisfied.

What if they do not respect the decision of the Court? Is the Executive prepared to enforce its decisions? We believe there will often occur cases where amicable compromise would be a fairer and safer method than a contest as now conducted in the Land Court. But how much more difficult to bring about this after angry feelings have been stimulated by such contests. Perhaps a new trial is demanded and granted: more litigation, more expense. What with fees to the Court and fees to counsel, agents, and surveyors, the action of the Court is rendered burdensome to an extent which never could have been contemplated by the Legislature. Mr. Weld predicted that the Court would prove the straw thrown out to save a drowning race. It is feared it may prove the feather which will break the camel's back. To obtain a Crown grant for a piece of land containing less than a certain number of acres is now impracticable by reason of the expense.

## Payment of Officers and Fees.

Let Judges, Assessors, and surveyors be all paid from funds appropriated by the Government for Native purposes, for it concerns equally both races to facilitate the dealings with Native lands. Let fees be demanded only—(1) For survey, at a fixed rate per acre; (2) For a Crown grant, at a moderate percentage on value of property.

Such appear to me the more necessary provisions to insure satisfactory results from the working of the Land Court.

In framing a new Act would it not be wise to make it as short and simple as possible, embodying only such provisions as are more certainly requisite, leaving it to subsequent legislation to enlarge and develop further provisions as future experience may demand?

The Act should be translated into intelligible Maori: never representing technical terms by words having a Maori form but no meaning in Maori, but by a form of words which a Maori reader will comprehend.

## **Sir W. MARTIN to the Hon. D. McLEAN.**

SIR,—

Auckland, 29th July, 1871.

In reference to the subject of a memorandum submitted by me to the Government in January last; I have the honour to lay before you a draft Bill for consolidating and amending the laws respecting the Native Land Court.

The history of this draft is as follows: It being expected that a Bill for consolidating the Native Lands Acts would be introduced by the Government, I was requested a few months ago to frame some clauses, to be submitted to the Assembly whenever the Bill should come before it. When I consented to do so, the only object in view was to meet certain defects in the existing system. I had no thought of taking upon me the heavy and, as it may seem, the presumptuous task of framing a new Bill. But it soon became obvious that other points must be provided for, and the mutual dependence of the several parts of the subject at last made it necessary to carry the corrections, in a greater or less degree, over the whole field. The labour, which has been considerable, I shall not regret if the result shall be found serviceable to the colony. In this hope I now respectfully request you to bring this draft under the consideration of the Government.

In framing this Bill, I have benefited by the results of further inquiry and of conference with various persons conversant with the subject, including the Chief Judge and another of the Judges of the Court, and have been furnished with the views of persons interested in the subject and regarding it from different points of view. In particular, I have received valuable aid throughout from Dr. Shortland, with whose knowledge and practical experience in these matters you, Sir, are well acquainted. Some explanatory notes are appended, which, though unnecessary for yourself, may be useful to others.

You are aware, Sir, of the dissatisfaction on the part of the Natives with the Native Land Court, as dealing with their interests in a manner which they have no means of understanding, seeing that the law which prescribes the jurisdiction and powers of the Court is not accessible to them in any intelligible translation. The remedy for this will be found, not in an attempt to render into Maori, word for word, the Act which the Assembly may pass, but to frame first an intelligible statement in ordinary language (such as any intelligent man amongst us readily makes to his neighbour) of the substance of each clause, and then to put forth by authority a faithful and idiomatic version of such statement. That this mode may be fully successful, it is desirable that the structure of the Act itself be as simple and clear as possible.

On the subject of the Native Land Court different theories are current. Some think that the object of the Court should be to create a body of wealthy Native proprietors through whom the Government may influence the mass of the people; others think the sooner all alike are brought to the condition of day-labourers the better. The Bill now submitted has not been framed upon any theory whatever, but solely upon a mature consideration, with all attainable aids, of the means most likely to render the action of the Court just, intelligible, and cheap, so that it may command the confidence of both races, and be (what it ought to be) the means of securing peaceful relations between the two races throughout this Island.

I have, &c.,

WM. MARTIN.

The Hon. the Native Minister.

P.S.—The draft Bill now sent excludes

the subject of the Native reserves, and leaves it for a distinct Bill, which I will send as soon as possible. It seems to me that the administration of the Native

reserves, and of the income to be derived therefrom, should be closely connected with the Native Department, and not at all with the Native Land Court.

## **The Hon. D. McLEAN to Sir W. MARTIN.**

SIR,—

Native Office, Wellington, 4th August, 1871.

I have the honour to acknowledge the receipt of your letter of the 29th July, enclosing the draft of a Bill for the consolidation and amendment of the laws affecting the Native Land Court. It will be with the greatest pleasure that I shall submit your draft to the consideration of my colleagues, and I beg you will accept my best thanks for the arduous labour you have taken. There was no doubt that whenever any work was on hand calculated to secure peaceful relations between the two races your zealous co-operation might be depended on; and in this instance it has taken the form of most valuable suggestions. I entirely concur with you in the necessity for rendering easily intelligible a Bill affecting the interests of a race emerging from barbarism, and in eliminating from it all ideas of theory; and I have no doubt that the draft you forward will be found to answer all necessary requirements. Immediately on receipt the Bill was transmitted to the printer, and it will be shortly in the hands of Ministers for consideration.

I have, &c.,

DONALD McLEAN.

Sir W. Martin,

Auckland.

SIR,—

Auckland, 16th August, 1871.

I have the honour to forward by this mail the draft Bill for consolidating the laws relating to the Native reserves, to which I referred in my letter of the 29th July last, and which I respectfully request you to bring under the consideration of the Government.

I have, &c.,

WM. MARTIN.

The Hon. the Native Minister.

[NOTE.—For draft of the Native Land Court Act proposed by Sir William Martin, see Appendix to Journals, 1871, A.-No. 2, p. 9.—Ed.]

## **Mr. H. T. CLARKE to Mr. HENRY HALSE.**

SIR,—

Civil Commissioner's, Office Auckland, 26th January, 1871.

I have the honour to report that I left Auckland on the night of the 16th instant to accompany the Hon. the Native Minister on a visit to the Bay of Plenty settlements, arriving at Tauranga at noon of the following day. Great numbers of Natives were in the town, chiefly Arawa, attending a sitting of the Native Land Court, presided over by Mr. Judge Smith. Everything was orderly and peaceable. No sooner was the "Luna" made fast alongside the wharf than she was thronged with Natives, each one having his own story to relate or request to make, and, to economize time, it was arranged that separate meetings of the Arawa and Ngaiterangi should be held on Wednesday, the 18th. The rest of the day was taken up in arranging the projected extension of the roads which had already been begun, and which it was intended should be vigorously prosecuted without delay.

On Wednesday the Arawa chiefs, Hori Haupapa, Matene Huaki, Wi Maihi, Mita Hikairo, Rewi, Rotohiko, and many others of less prominence, met Mr. McLean. The first subject introduced was the working of the Native Lands Act, in which the young and intelligent chiefs alone took part.

Rewi Tereanuku complained of the fresh imposition of fees, and desired to be informed how it was that a list of these fees was not published in the *Gazette*; that what with fees and the extraordinary way in which the surveys were allowed to be carried on, the expenses, which were a lien upon the land, were nearly as much as the land was worth; that, instead of every facility being given to bring their claims before the Court, the reverse was the case. He asked whether it was true that the reason the fees were increased was so as to help the Government to bear the working expenses of the Court, as such had been reported to them.

Aporo te Tipitipi said that not only were the fees heavy, but the manner in which the surveys had been made had greatly perplexed them. There was an instance of great hardship, which had been brought before the Court. There was one piece of land which had been surveyed, with slight alterations, no less than four times. Licensed surveyors flocked into the district, anxious to get work; they persuaded the Natives, and the Natives, believing the licensed surveyor to be in a measure responsible to the Government, had yielded, so that in one way or another it was a source of great trouble and expense. Another grievance arising out of these surveys was, they were often clandestinely made, insignificant names were introduced into the surveyor's plans, and the well-known places were altogether suppressed, so that encroachments were made, and the claimants were not aware of the fact until it was too late.

Mita Hikairo said: "I am an officer of the Native Land Court, and I feel some hesitation in speaking, but I have observed that there are alterations continually being made, and these alterations are not published in the *Gazette*. The Arawa were under the impression that the charges were the same as of old, and did not come prepared for these new fees. These heavy fees prevented many speaking who have a just claim to the land, simply because they have not the means to pay. Then with reference to the system of surveys. Every claimant has a survey of his own; and if all the surveys are paid out of the estate, it does not matter how large that estate is, it is swallowed up in expenses: as has already been heard, there is a piece of land at Maketu, which has, with slight variations, been surveyed four times. Already £1,200 of Arawa money has been swallowed by the surveyors; this, added to the heavy fees, is a great wrong to the Natives. It must not be thought that, because the Arawa do not bring their lands forward, therefore they have become Hauhaus. It is not so: the reason is they cannot pay the heavy expenses."

Mr. McLean replied that if he had been made aware in time he would have considered the subject of their difficulties that had been stated, and should have taken steps to have the Native Land Court adjourned for the present. And with regard to Wi Hikairo's speech, it was clear, and as an Assessor of the Court, who had had a good deal of experience, he ought to be able to judge. He would not charge the Arawa with becoming Hauhaus simply because they did not bring their claims before the Court. It was for the men they returned to the Parliament to move in this matter; they would be patiently listened to, and any suggestions or alterations they might desire would be considered. It was for matters such as these that Native members were admitted into the pakeha House of Assembly. It was not pretended that the Native Lands Act was perfect, and it would be well to urge the Maori members to assist in improving it.

Mita Hikairo said: "Now that you have introduced the subject of Maori representation, I wish to give the Maori view of that matter. We do not consider that we are sufficiently represented; there are too few returned in proportion to the number of Europeans. We do not consider that Tareha is a representative of ours; letters have been sent to him from this district, but he never took any notice of them."

Mr. McLean said: "There are several European constituencies not represented as well as the Natives, if numbers are to be taken as a basis of calculation. It was estimated that there were 40,000 Natives; they have one representative to every 10,000 inhabitants. On the other hand there are some European districts where they have

nearly 20,000 inhabitants who only return one member—for instance, the gold fields. With regard to the Native members, the matter is in your own hands; the elections are now coming on, and you ought to return a man in whom you would have confidence."

Wiremu Maihi: "Why was the Tauranga District thrown into the Waikato (Northern) District, and Ngatiawa divided? Tauranga naturally belongs to the Bay of Plenty, and is closely connected with the Arawa. We held a meeting at Whakatane, and asked to have the boundary changed, but it has been overlooked. With regard to the question of the Native Land Court, why do not the Government appoint a district surveyor, who alone should survey the lands of the district to which he is appointed, and not leave the Natives to that mercy of surveyors, who, regardless of consequences, have but one object—that of getting money?"

At this stage of the proceedings, I suggested to the Natives that they should embody their ideas in the shape of a letter, and bring them under the notice of the Government, and leave the matter for its consideration. This they agreed to do. A desultory conversation took place on the mode of conducting elections, and other matters connected with Maori representation, after which the meeting broke up.

I beg to be allowed to make a few remarks upon the complaints of the Natives, especially in regard to the heavy expenses to which they are subjected in the matter of surveys. I made some inquiries, so as to satisfy myself that the allegations of the Natives were correct, and I regret to report that they have very good grounds for complaint. I would very strongly recommend that district surveyors should be appointed, who should be responsible to the Government, not only for the manner in which the surveys are executed, but also for the peace of the localities in which they act; and, to insure them every assistance from the agent of the Government resident in the district, make them subject to the directions of the Resident Magistrate. This would, I believe, relieve the Natives of the heavy expenses of which they complain, and effectually lessen the chances of awakening those bitter intertribal feelings so notorious amongst the Arawa.

There is another source of great expense to which it appears to me the Natives are unnecessarily subjected: that of professional assistance, which, by a rule of the Native Land Court, they are obliged to incur in the larger towns. Where Native title is settled by no rules of law, but by Native custom only, I do not see why English barristers should be employed. To illustrate this grievous infliction, I will instance the case of the Aroha, now being reheard in Auckland. Heta Tauranga, of the Ngatihaua, in answer to my inquiries, informs me that at the first hearing of this claim his hapu paid the sum of £170: this includes interpreter's fees; and in the present case they (Ngatihaua and Ngatihinerangi) had become liable for £187 4s. This is for professional assistance alone (lawyers and interpreters); and this expense is increasing at a daily ratio of from £8 to £10. The Natives are now hawking about their Waikato awards to raise funds to meet these—to my mind, unnecessary and ruinous—expenses; and I consider Mita Hikairo is quite justified in saying that "the real estate is swallowed up in expenses." It occurs to me that, to encourage Natives to bring their lands forward for adjudication, the expense should be cut down to a minimum rate, and that in the matter of surveys the Natives should be encouraged to do as much of the work themselves as possible.

To return to my narrative. After the conclusion of the meeting with the Arawa, if was found too late to see the Ngaiterangi. The meeting with them was therefore adjourned to the following morning, Thursday, the 19th. Early on that day the chiefs Enoka, Hamiora Tu, Hori Ngatai, Raniera te Hiabia, Wi Paura, and several of their followers, met Mr. McLean. Hori Ngatai was spokesman for the rest. He said they had only two or three matters that they wished to lay before him. He would put them, and asked the Native Minister to reply to each *seriatim*.

- They asked to have the Native Land Court adjourned to Maketu for two reasons: one was, that the strangers were eating up their food; and the other, that some of the Natives got excited with drink, and serious disturbances arose between the tribes. That they did not make this request on their own behalf alone, but on behalf of their European friends, with whom they lived as brothers.—Mr. McLean replied that he did not wish to interfere with the Court, but that their request should be made known to the presiding Judge.
- They wished to have the Commission for the settlement of the Tauranga land reopened, so that each individual or hapu might know to what piece of land they were entitled.—Mr. McLean replied that he had already signed a memorandum authorizing the reappointment of Mr. Clarke, and that the subdivision should be proceeded with.
- They were very anxious that village schools should be established; that they had already set apart a piece of land for the purpose, and were ready to hand it over in accordance with the law.—Mr. McLean replied that he was very much gratified to find that the Ngaiterangi were beginning to see the advantages of educating their children; that it was the only thing that would raise the Natives to a level with their pakeha neighbours; that he would give directions in the matter, but that it would be necessary that the requirements of the law (Native Schools Act) should be complied with.
- That the Ngaiterangi wished to be employed on the public works.—Mr. McLean replied that he

would leave directions with Mr. Clarke; but in the meantime they should secure their crops, so as not to be interrupted while at work on the roads. He also explained that the works were all let out by contract, and that therefore the person who tendered lowest and was capable of undertaking the work would get it.

This concluded the meeting. It was on the morning of that day that a rather strange telegram was received from the Resident Magistrate at Maketu, reporting the imminence of a serious quarrel between two principal sections of the Arawa, arising out of a judgment of the Native Land Court; but, as it has been the subject of a separate letter, I will not refer to it here.

I have, &c.,

H. T. CLARKE, Civil Commissioner

The Under-Secretary, Native Office, Wellington.

## Mr. H. T. CLARKE to Mr. HENRY HALSE.

SIR,—

Civil Commissioner's Office, Auckland, 27th January, 1871.

In continuation of my report of yesterday's date, I have to inform you that the Native Minister left Tauranga for the Bay of Plenty coast settlements on the night of the 19th.

In consequence of the state of Native matters at Maketu, Mr. McLean decided to land at that port, so as to give him an opportunity of visiting the principal men concerned in the quarrel which had been revived respecting their lands. We landed at 7 o'clock on the morning of the 20th.

Mr. McLean, by invitation, visited the Ngatipikiao at Te Pokiha's large "Ware Whakairo Kawatapuarangi", which was crowded almost to suffocation. As the closeness of the house was insufferable to Pokiha's endurance, the meeting was adjourned to the open air.

Te Pokiha, sweltering under a heavy dogskin mat, rose to welcome the Native Minister, and Matene te Whiwhi (who accompanied Mr. McLean in his tour). He then proceeded by saying: "What has occasioned this visit from you? Is it on account of this trouble that has arisen? The trouble has arisen from the surveyors. When I was doing militia duty at Tauranga, a survey of land was being made at Maketu. I complained to Mr. Clarke that this work was being done clandestinely, and threatened to go and pull up the surveyors' pegs. Mr. Clarke told me that it would not affect the title to the land in any way; that it was not necessary to make any demonstration in the matter. We have since found that this is not the case; that if we had interfered while the land was being surveyed we could have brought a good case in the Court. Not only so, but we find that in some instances as many as four surveys have been made of the same land. This is doing the Natives a wrong; and it is for the Government to devise means to prevent the Natives being put to such an expense. With regard to the fees of the Court, we want to have them abolished altogether; instead of the Native Land Court being a boon to us, it is a source of trouble and expense. Our disputes have grown out of these land matters. We complain of the action of the Court. In the first place I objected to Mr. Smith, because he formerly expressed to me an opinion how the land should be dealt with, in which I did not agree. We have discussed the matter amongst ourselves, whether the Court gives judgment according to evidence. If this is the case, how is it that right was construed into a wrong? Why was the land awarded to the black-faced individuals (*tapuika*) instead of to me? I am conscious that I am in the right. [Here Te Pokiha went into a history of the case from his point of view.] Now I intend to take possession of the land. I know it belongs to me and my tribe. I do not admit the claim of the Ngatiwhakaue. I shall clear and cultivate it at once. If I am interfered with I shall resist; the fault will not be with me." During the delivery of this speech, Te Pokiha worked himself up into a great state of excitement, and used some rather violent language towards his opponents.

Matene te Huaki spoke to the same effect, but in a milder tone, and with less gesticulation.

Mr. McLean replied that he did not know of this dispute till he arrived at Tauranga; and, as he was visiting the different settlements along the coast, he called in to hear the cause of the present difficulty. No good could arise out of a quarrel amongst themselves; it would be a subject of triumph amongst those tribes who had been

opposed to them, and who were in the habit of considering the Arawa as almost identical with the pakeha, to see them disard the law by which they professed to be governed, and endeavour to settle their disputes in their old way. For the sake of peace, the Ngatipikiao had better give up their intention of taking possession of the land, as it would only tend to stir up strife and lead to evil consequences, which they would in their calmer moments regret as much as the Government.

Matene te Whiwhi then addressed the Ngatipikiao, and suggested that they should follow Mr. McLean's advice; that the winter was passed, and the summer had commenced, as they might very well tell by the note of the *pipiharauroa*, which is now "*Whiliora*." After some further conversation, in which Te Pokiha took part in a subdued and quiet manner, it was decided that the cause of quarrel should be left for future adjustment.

After taking leave of the Ngatipikiao, the Hon. the Native Minister met the Ngatiwhakaue. The old chiefs Taiapo, Hori Haupapa, and Paora te Amohau addressed Mr. McLean on the subject of the quarrel which had been revived between themselves and the Ngatipikiao through the action of the Native Land Court. Their speeches were not couched in very mild or conciliatory terms.

After them, Henare te Pukuatua, who is considered the fighting man of the Ngatiwhakaue, rose and said: "This quarrel has arisen through you. The Government are to blame; but for all that, if the Ngatipikiao wish to try their strength with the Ngatiwhakaue, we are quite ready to meet them in the battle-field. We do not wish to use the Government arms; we will use our own weapons: Do not suppose this is any new quarrel; the dispute about the land is only a pretext; the real question at issue is that of mana. Our opponents make no secret of this, and they say it must be decided some day."

The Ngatipikiao are old opponents, and the rivalry of the two hapus is traditional. Henare, in the delivery of his speech, worked himself up to a pitch of great excitement, and emulated Te Pokiha in his extravagant gesticulations.

Mr. McLean advised them to desist from their present proceedings, as it would be sure to lead them into trouble. It was not the wish of the Government to force the Native Land Court upon them. If they found that it did not work satisfactorily they could leave it alone. But it did not show any great wisdom to resort to arms simply because they did not find the Native Land Court work well in their district.

Matene te Whiwhi followed, and repeated in substance what he said to the Ngatipikiao.

Hone Mohi Tawhai, chief of Ngapuhi, then addressed the Ngatiwhakaue at some length. He went into a short history of the country from the time it was first colonized; the introduction of firearms, of missionaries, and, last of all, the establishment of the Government in these Islands. He said it was wrong to blame the Government for their troubles in this instance; that the Government had not forced the Native Lands Act upon the Natives, but that the Native had asked for it, and the Government had done their best to give them such a law as they thought would work well.

Petera te Pukuatua, Henare's half-brother, then spoke in a very quiet and conciliatory manner. He said: "Now you have heard what Ngatiwhakaue have had to say on the subject of this threatened disturbance. They have also heard your speeches. It is well; go back to your homes in peace. Do not let this matter give you any anxiety; it will not come to anything. You must not take in earnest all that has been said. Te Pokiha and the Ngatipikiao have had their say and spoken their boastful words to you, and it was nothing but right, according to Maori ideas, that Ngatiwhakaue should do the same. There is one thing I wish to say regarding these land disputes. In my opinion the coming of the Native Land Court is premature. It would be far better if we met amongst ourselves, and, with the assistance of the Resident Magistrate, determined our subdividing boundary-lines: these all settled, then the Native Land Court could, as a matter of form, do the rest. As far as the present quarrel is concerned, you may rest satisfied that it will not come to anything serious."

Subsequently the rival chiefs, Henare te Pukuatua and Te Pokiha, met and shook hands in the presence of the Native Minister. We left Maketu for Opotiki the same evening, taking with us Henare te Pukuatua, who, at his urgent request, wished to accompany the Native Minister to visit the Whakatohea and the Urewera surrendered tribes.

I have, &c.,

H. T. CLARKE, Civil Commissioner

The Under-Secretary, Native Office, Wellington.



## **No. 17. The Hon. D. McLEAN to the Hon. Colonel HAULTAIN.**

SIR,—

General Government Offices, Auckland, 13th February, 1871.

It being desirable that information should be procured with reference to the working of the Native Lands Acts, the Government will be glad if you will undertake this duty. An impartial report upon this subject, embracing facts respecting the operations of the Acts, including the surveys and other expenses incidental thereto, the alienation of the land by the Native owners, and the expenses to which the Natives are subjected in establishing their title, will be very valuable as data upon which some revision and improvement of the existing law could be proposed to the Legislature.

I have, &c.,

DONALD McLEAN. The Hon. Colonel Haultain, Auckland.

## **(No. 1.) The Hon. Colonel HAULTAIN to the Hon. D. McLEAN.**

SIR,—

Wellington, 18th July, 1871.

With reference to your letter (A.-No. 92) of the 13th February, 1871, requesting me to procure information with regard to the working of the Native Lands Acts, and to furnish an impartial report embracing facts respecting the operation of the Acts, including the surveys and other expenses incidental thereto, the alienation of land by the Native owners, and the expenses to which the Natives are subjected in establishing their title, I have the honour to inform you that I have minutely discussed these matters with such of the principal chiefs as I could meet at Auckland and Napier, and have communicated by letter with others who were thought most competent to express the intelligent opinion of their people. I have also conferred with a number of official personages, and with some of those Europeans who, from their calling and experience, or from their well-known sympathy towards the Native race, are qualified and entitled to express opinions in all matters connected with them. Through the courtesy of Mr. Fenton, the Chief Judge of the Native Land Court, I have had access to all the records of that office, and have received the readiest assistance from him in prosecuting my inquiries. I have procured from him various returns necessary to show the working and effects of the Acts, and I have consulted various other official documents (including Sir William Martin's and Dr. Shortland's recent memoranda) bearing upon the subject. The principal portion of these materials are attached as an appendix to this report, and extracts from Parliamentary Papers already published are included for convenience of reference; and I now proceed to summarize the information I have collected, and to offer suggestions for the remedy of those defects that are most apparent and pressing.

As comparisons will be made between the past and present systems of acquiring their surplus lands from the Natives, it is necessary that I should briefly refer to the circumstances which led to the abandonment of the old policy, under which the Government alone could lawfully deal with the Natives for the acquisition and occupation of such lands as they wished to alienate, and to the adoption—experimentally in 1862, and practically in 1865—of those laws which made provision for individualizing and fixing the titles of Native lands, waived the Crown's right of pre-emption, and empowered the owners "to dispose of their estate or interest to any persons whomsoever."

The old land-purchase system had, up to a certain period, worked well; and, although there had been at various times and on various grounds objections raised and threats made by turbulent and dissatisfied Natives with respect to some of the sales that had taken place, yet, except in one unfortunate instance—the blame of which, if any, could not be attached to the department—no serious troubles had ensued, the differences were

ultimately arranged, and the engagements were respected, and nearly six million acres of land in the North Island were purchased at an average cost of not more than 1s. an acre. But the King movement amongst the Natives and the formation of the land league imposed serious hindrances to further acquisition of land; and amongst the friendly tribes there was a desire for a change of system, an impression that higher prices would be obtained from private persons, and an expectation amongst the commoners of those tribes that the individualization of title would remedy a grievance which they had keenly felt, though they had quietly submitted to it—namely, the appropriation by the chiefs of the greater part of the proceeds of the sales of their common property. With the colonists there was an impatience to see the country more freely opened to private enterprise—with some there was a recollection of the advantages that had been gained when the Crown's right of pre-emption had been waived by Governor Fitzroy; and with others a wish to free the Natives from all special restrictions, and a benevolent desire to break down those communistic customs which obstructed civilization and prevented their social improvement. Then there was the Waitara war. And there had been exhibited, in some parts of the North Island, a settled determination to deal directly with the Natives for the lease of their lands, which was not only illegal, but prevented the purchase of lands that were required for colonization; and no Government had been able to enforce obedience to the law, and it was well that such an anomaly should be wiped out. These causes and influences prevailed, the Crown surrendered its interest in the landed estate of the North Island, and the new system was fairly started in 1865. Since that time and up to the end of last year the Judges of the Native Land Court have heard 3,489 applications for investigation of title in the North Island, and have ordered certificates or Crown grants in 2,619 cases for an area of more than 2,400,000 acres.

What has been the effect of the operation of this new system? And have both Europeans and Natives realized the benefits that were expected to flow from it?

There have been, as in previous years, cases where the decisions of the Court have been disputed, and threats of violence and resistance to occupation have been uttered, but no serious troubles have hitherto ensued; and the dissatisfied are aware that turbulence on their part will not disturb the titles given by the Court. The general principle of a Court for the judicial investigation and determination of titles is almost universally accepted as satisfactory; but there have been serious defects in the Acts, which prevented the Natives from reaping all the advantages they expected, have opened the door to fraud and chicanery, and have caused much dissatisfaction amongst the sufferers. These defects have been largely modified by subsequent legislation, but they urgently require still further amendment.

There is scarcely a Native that I have examined who has expressed a desire to see the Court abolished or materially altered in its constitution. It is not to the giving of titles they object, but to the manner in which the Crown grants are prepared, which enables a few of those interested to defraud the others. The impartiality and ability of the Judges have been unquestioned. Out of the 2,619 titles that have been ordered by the Court, the instances in which their decisions have been seriously disputed are, so far as I have been able to ascertain, quite exceptional. It is to be expected that there will be some passing dissatisfaction in the minds of the losing parties, and an inclination to resist the law amongst those who have not been trained to its unquestioned acceptance; but up to the 30th December, 1870, there had been but thirty-five applications for rehearing, six only of which had been granted, and, of these six, in only two cases have the previous judgments been reversed.

Going over the statements of the Native chiefs (the majority of whom, I must remark, are chiefly from the northern parts of the Island), I find the following opinions on the subject of the Court: Tamati Waka Nene "likes the Native Land Court very well." Hemi Tautari says, "The Native Land Court has worked satisfactorily in the Bay of Islands up to the present time. I see no faults in the system. The only advantage of the old plan was that the Government bought all the bad land, which private individuals will not do." Henry Mohi Tawhai writes, "The Native Land Court—it is good exceedingly; through this we are admitted into the chief works of the Government." Eru Nehuru "approves of the Native Land Court, because it individualizes titles, and then no one can deprive the owner of his land." Wiremu Poinare says, "The Maoris who understand English customs approve of the Native Land Court." Te Wheoro wishes for a system of arbitration, instead of the Court; but he was then smarting at the loss of the Aroha case, which had just been decided against him. Paul Tuhaere "prefers the Court as it is." Wiremu Patene says, "The Native Land Court is generally approved of by the Maoris. It is a good thing." W. Hikairo "makes no objection to the Court, but proposes an elaborate plan with regard to applications for investigation of claims, and for settling disputes out of Court." Major Kemp says, "There is much trouble and confusion about the Land Court.... We do not condemn the old Court; but we are anxious to have some alterations." Harawira Tatere says, "The Natives were better off under the old system of purchase by the Government." Henry Tomoana raises no objection to the Court, but points out the evils of the present system of Crown grants. The letter of Karaitiana (printed in the Appendix of 1869, A. No. 22) expresses great dissatisfaction with the action of the Court, because it enabled one or more grantees to alienate their interest to the detriment of others, or to sell their lands in opposition to the wish of the tribe; but he does not advocate the

abolition of the Court. And the same complaints are made by many other Napier Natives, who have been, more or less, sufferers primarily by the dishonesty of their own people.

The chief grievances complained of are—First. That the limitation of ten names to a Crown grant, and the giving grantees equal interests, have put it in their power to dispose of the property, or parts of it, without reference to other persons who were also more or less interested, which power has, in many instances, been exercised to the great detriment of those parties. Second. That under the present system the expenses of survey are enormous, and that the frequent sacrifice of property has been the consequence. There are other minor defects which I will presently notice. The weight of the first grievance has been felt most heavily in the Province of Napier, where much of the land is very valuable, where the Natives have acquired expensive habits and crave the means of indulging them, and where the settlers have been ready to purchase all that the Natives would alienate. The second grievance has been found to press chiefly in the northern part of the Island.

The Act of 1867 was intended to remedy the first, but it has not practically been effective. Strange to say, the Napier Natives, notwithstanding their experience, have not taken full advantage of the safeguards provided for them, and have registered their names in the Court as interested claimants, according to clause 17 of that Act, in only twelve blocks of some 42,000 acres. I attribute this chiefly to the ignorance of the mass of the Natives most concerned. They know nothing of the law, for they have never been instructed, and no translations of the Acts, or full information of their details, have ever been circulated amongst them. Even Henry Tomoana states he did not know till three years after the passing of the Act of 1867 that such a provision was in existence, and now he conceives its only object is to make the lands so treated inalienable except by lease. So that when they now wish to sell their lands they will not register any names besides those of the grantees (in some instances only one name has been put in a grant), and, when the Judge asks in the Court whether other parties are interested, there is no response. All concerned are anxious to facilitate the sale, and they will say nothing except to deceive the Judge. The framers of the Act of 1865 no doubt believed that the Natives would not fail to act honestly by each other; but the results of experience, and the statements of most of the Natives whom I have questioned on the point, prove that none can be trusted to do justice to his neighbour; and that, where the law puts the property of others in his power, the Native is not to be depended upon, for he will not hesitate to take dishonest advantage of it. Numerous instances are given from different districts, in which the grantees of property in which many are interested have appropriated to themselves the whole or the greater part of the purchase-money or rents, or have mortgaged the lands so deeply that, when sold, there was no residue to be divided amongst the outsiders. The Heretaunga Block is a notorious case in point. It was sold for £16,000 or £17,000, and Henry Tomoana himself, who was one of the grantees, confesses that the whole money (except what went to Arihi) was only sufficient to defray expenses and to pay the debts of the grantees to shopkeepers and others, and that not a penny in cash was received by them, or by the hapus who were also interested. And even the grantees themselves did not derive equal advantages. Henry's debts, by his own account, were £4,000; but old Waka Kawatini (if he is to be believed) owed only £200, and, with his people, claims more than one-half of the block, and declared that he got no cash payment at all. The ease with which grantees can mortgage or transfer the land has induced merchants, storekeepers, and others to give them large credit; and it is currently reported that unscrupulous and dishonest persons have encouraged their extravagance and vices to get them into their debt, have charged exorbitant prices for the goods they have supplied, and have taken advantage of their ignorance or intemperance to secure mortgages over the lands or portions of them: which was but a sure preliminary to transfer on their own terms. Henry Tomoana puts it forcibly: "The tradesman comes down on our heads like the monkey of a pile-driver, which crushes us by its weight and force." What money or credit the chiefs could get was too often spent in riot and debauchery, and the consequence had been that some of the principal men had been impoverished, the tribes having been defrauded, and the land has gone without a fair equivalent. As Tareha mournfully said, "Rum, rum, has dispossessed us." The Natives are greatly dissatisfied, and blame not in any way their own imprudence and dishonesty, but the operation of the law and the cupidity of the pakeha. There is, however, no doubt that this part of the law requires prompt and speedy amendment.

When it was known in Napier that I was inquiring into the working of the Native Lands Acts, I was invited by various persons to listen to statements that would have inculpated others, but, as I could not have given the accused the opportunity of vindicating themselves, I have avoided recording anything of this nature that was not necessary to demonstrate the defects of the law. It is not denied that inequitable transactions have taken place, and a commission of inquiry would be desired by those who have clean hands, and would like to be cleared from the imputations that have been cast on purchasers in general; but it is to be considered whether any public or general advantage would be gained by such inquiry. The evil has partially cured itself; it is now difficult to induce some Napier Natives to put their names or marks to a piece of paper. They have suffered from their imprudence, and will not be so easily imposed upon again.

The Native Lands Frauds Prevention Act of last year is now in operation, and is stated to be working effectively; and, although its action is not retrospective, the Supreme Court can take cognizance of cases of

actual fraud, either at the instance of Government officials or of the individuals aggrieved.

The reports of these transactions, and of the poverty and humiliation of great chiefs, such as Tareha and Hapuka, cannot but have been circulated through the country, and they have no doubt been triumphantly made use of by the King party to prove to the loyal tribes how little they can depend upon the justice and friendship of the Europeans. Even amongst the friendly tribes the alarm has been given, and, as Major Kemp reports, they have had a large meeting of chiefs from different parts of the country at Parenga, where they spent five days in discussing the subject, and are about to send a deputation to the General Assembly.

Efforts are being made also by those who have felt the evil to prevent the further sales of the lands, by reserving them wherever they can, and by nominating as grantees only those who are known to be opposed to permanent alienation. There has also been discontent at Napier, because the Act of 1869 does not give them full redress in the case of shares or interests in lands which have been sold by different grantees before the Act came into operation, and provide that these several interests should not be deemed equal.

It is difficult to interfere with past transactions without doing injustice to the European purchaser, whose dealings may have been in good faith, on the assumption that the law fixed the equality of the interests; but it seems to me, from Henry Tomoana's statement on this subject, that he does not understand that the restriction only applies where actual sale has taken place, and that the Act does allow retrospective action in cases of lease and mortgage; and this is another instance showing the necessity for instructing the Natives themselves more minutely as to the various provisions that have been enacted for the protection of their rights. The Act of 1869 has, I believe, the power of removing a great portion of the hardships of which he complains. To remedy these defects, the proposition of the Chief Judge, as stated in his opinion given in Court on the 7th April, 1868, to issue no grant "that will not, on the face of it, disclose the names of all the persons who are shown to the Court by evidence to be the owners thereof" (the limit being ten names, and the land being subdivided until it is brought under this condition), and, as suggested by Sir William Martin, the prohibition of mortgage or sale of undivided shares, will meet the principal difficulties of the case. Several of the chiefs recommend it, and, although it may be attended with some inconveniences, these are nothing as compared with the evils that exist and require prompt removal.

In the case of blocks of land to which the owners may wish to fix their title, without going immediately to the expense of subdivision, certificates as now provided by section 43 of the Act of 1865 can be issued, and no such certificates should be alienable in any way whatever, except by sale to the Government or Superintendents of provinces. And the lands held under such certificates should not be subject to local rates or any other taxation. This plan, although it may temporarily affect the transfer of interests, will help to restore the confidence of the Natives who are dissatisfied with the previous action of the law, and will diminish the desire which now prevails amongst those who have experienced past evils, to make absolutely inalienable larger tracts of land than they can ever advantageously make use of. The great difficulty of subdivision is the expense of survey, but where the Natives wish to sell, and the Europeans are ready to purchase, the necessary funds will be forthcoming.

## Surveys.

The other grievance which has been seriously felt, and has caused a great deal of embarrassment and discontent, arises from the practice of employing private licensed surveyors to make the necessary surveys of the land before it can be passed through the Court. In the Province of Napier, where purchasers are numerous, the Native has had no difficulty in procuring funds to pay for survey of lands that he did not intend to sell; or the intending purchaser, in case of those that he wished to acquire, has found the money, and has seen that the whole work was properly and economically performed. But, in the Province of Auckland, where there is no demand for much of the land that has received a Crown title, and where the Natives are poor, this system works very badly, and has been the means of much trouble both to the Natives and surveyors. The uncertainty of speedy payment causes the surveyors to demand excessive prices for their work. In some instances they have been kept out of their moneys for years, and have been nearly ruined by the delay, or have been obliged to sell their claims to money-lenders at an enormous discount. On the other hand, the Natives have been put to the expense of having their lands surveyed twice or three times over, either from work having been insufficiently done, and the survey having to be again made before the claim could be entertained by the Court, or from opposing claimants each employing their own surveyor for the same or part of the same block of land, because they would not trust their opponent's agent to lay down the boundaries that they insisted on. And the surveyors are so numerous and anxious for employment that they will undertake any work, believing that payment will be made sooner or later, as their claim remains a lien on the land. It is the interest of the licensed interpreter or Native agent, who receives from the surveyor 10 per cent on his receipts, to encourage and urge the Natives to

put their lands through the Court. The latter are told or believe that the money need not be paid till the land has been sold, and in certain instances have made that stipulation, with a determination not to sell, and then defraud the surveyor. A loose agreement is drawn up and the work is done, but the land does not sell, or is not passed through the Court: the surveyor, impatient for his money, having perhaps no other means of livelihood, urges his demand, and the Native will either mortgage or sell his land at any sacrifice to avoid further annoyance, or will give a promissory-note; which not being paid, he is brought into the Supreme Court and judgment given against him. If he holds lands under Crown grant, or has other property, it is seized and probably sold far below its value. A maximum charge having been made, and the expenses of the Supreme Court being very heavy, when the Native does at last pay he finds the amount two or three times as much as a European would have been charged for the same work. If he would have applied to the Native Land Court the bill would have been taxed and a reasonable sum adjudged without the heavy fees of the other Court. But he does not know the law, and the surveyor prefers the Supreme Court, if he can get there.

The letter of Messrs. Turner and Jordan, and other documents which I give in the appendix, will show the existence of all these evils; but I specially quote the case of Ngakapa Whanaunga as being one of great hardship, and the price for which his land was sold at auction was so absurdly low that, if possible, some steps should be taken to cancel the sale. Ngakapa had his lands surveyed, expecting that an arrangement with a European would enable him to pay for the work; but this arrangement was not carried out, and he gave a promissory-note which he could not meet. He was sued in the Supreme Court for £560, and expenses of different kinds subsequently swelled the debt to over £1,000. He raised £400 on mortgage, and gave security for the remainder on an allotment in the Town of Shortland, on which were erected the Bank of Australasia, the old Union Bank, and other buildings, for which he was receiving a rental of £87 3s. per annum, and on mortgage of which he had been offered a loan of £400, and these were shortly after sold by auction, under writ from the Court, for £35! And he had to dispose of a cutter and other property to meet the balance still due. No wonder the Natives are dissatisfied with English law.

The necessity for the attendance of surveyors in Court to prove surveys is also a grievance to both parties, and cause much unnecessary expense. In one case a Native, named Aherata Mihinui, had to pay £10 for a survey of eleven acres, and £1 1s. a day for eighteen days to the surveyor for attendance at Court, which, with £4 4s. for Court fees, made up a sum of £43 for procuring a title for eleven acres. In December, 1870, several surveyors were detained at Tauranga for nearly a fortnight, living at inns and incurring heavy expense, because the Court would not take their evidence out of turn, though the whole of it might have been given in the course of an afternoon.

I believe that the great expense of surveys, and the consequent evils, may be satisfactorily and entirely avoided if the Government will take the work into their own hands and abolish the present system of private surveying. There is already an organized department, with an efficient staff, capable of undertaking and properly conducting the whole business, with such additional surveyors as the amount of work may require from time to time; and the extra expenses, if not fully met by the payments from the Natives, would be a charge against the provinces, which ought not to object to pay for the extension of a department which has, within the last five years, cost little over £10,000, and has put into their possession maps of survey for more than two and a half million acres of land, the cost of which has been paid for entirely by the Natives, and the value of which is estimated by Mr. Heale at nearly £100,000. In 1865, when the Native Lands Act first came into operation, the Government could not have carried on any systematic survey, as the Natives would not have permitted a chain or other instrument on their lands, but this difficulty now hardly exists, and the work will be better and more regularly performed by a Government department; and by insisting on survey in every instance before cases can be brought into Court, the Government will have in their own hands a means of regulating its business, should motives of policy ever require their interference.

## Translation of Acts.

I will now detail some minor objections that have been made to other parts of the system, and would first refer to the necessity of instructing the Natives more fully in the various laws that have been made for guarding their rights and interests, and for protecting them from imposition and injustice. For this purpose a mere translation of the Acts in their technical phraseology would be of little assistance; but a summary digest, such as that in respect to criminal law by Sir W. Martin, should be prepared, and, with the Acts, be largely circulated among them. And not only should these enactments be explained to them, but they should be clearly informed of the corollaries that will certainly follow the Crown titles for their lands, such as road rates, land taxes, liabilities for fencing, &c., matters of which at the present time they have little or no conception, for it has not been the special duty or the interest of any one to enlighten them, but which will surely come upon them some

day; and, as they seldom have funds, they will be compelled to sacrifice some of their lands to meet these demands; and, if they are not forewarned and prepared for this, there will arise dissatisfaction and bitterness against the Government and Legislature, whom they will accuse of having cruelly deceived them.

Dr. Shortland and others have recommended that each Judge should have a district assigned to him, within which his work should be confined; and amongst the chief reasons in favour of such a plan it has been urged that the Judges would thereby acquire valuable political influence among the Natives of the district, and more knowledge in land matters than any of themselves; and also that they would know the character of the people better, and whether their statements could be relied on. But I think that the objections to this plan have greater weight. If the Judge is to possess political influence, he would be bound to exercise it in the direction approved by the Government of the day, who only can determine what is required for the preservation of peace and for the civilization and well-being of the Maoris, and thus he would become a Government agent, which is not the position a Judge should occupy. His functions should be simply judicial, for he must be guided in his judgments only by strict evidence; and if he does not keep aloof from the Natives who have claims before the Court it will be almost impossible for him to preserve his character for impartiality. The Maoris are a peculiarly suspicious race, and it is difficult to prevent them from discussing their claims if they have access to the Judge. The Ngatihaua objected to Mr. Fenton's sitting on the Aroha case because he had resided so much amongst them and knew them so well; and one of the principal chiefs of the Ngatimaru complained that he had seen him talking to Te Raihi, a chief of the opposite party, whilst the case was going on, and, though told that he was not sitting on the case, the other replied that that was no matter, that he was the chief of the Court, and should not listen to statements made privately. The Arawas also objected to Mr. Smith's sitting in a Court held in their country, as they said he knew too much about the people; and Hemi Tautari, though content with his own Judge, says that "many Natives would prefer a stranger to investigate their claims." So that, on the whole, I believe the present system had better be maintained.

## Assessors.

There is an opinion amongst many of the Natives that I have questioned that the Assessors are not of much use in Court; that they are too much in awe of the Judge, and do not exercise any influence on the judgments; that they "sit like dummies," or are like the pictures in a photographer's window, only there "to be looked at." Another, who had recently lost his claim, says, "They are so partial, and are deceivers." One of the grounds on which application was made for rehearing of the Waihi case was that the Assessor had fraternized with the other side, and the Native counsel, to whom the matter was referred, recommended a rehearing, because, amongst other things, "the Native Assessor was too intimate" with one of the parties. But scarcely one of the objectors would like to see the Assessors excluded; on the contrary, I gather that there is a craving desire amongst the Natives of intelligence for more general employment in the administration of those laws that apply to themselves, though they feel that their ignorance unfits them to be associated with European officials. Can no steps be taken to train the rising generation so that they may take part in their own government? Instead of diminishing the numbers or duties of the Assessors, I think that it would be an advantage if, in important and difficult cases, such as the Aroha or Manawatu, their numbers were increased to five or more, and the unanimous assent of Judges and Assessors should still be required. Juries can be dispensed with altogether; there has been but one instance in which a jury has been demanded, and then it did not give any satisfaction to either party.

## Interpreters.

Complaints are made of the conduct of some of the licensed interpreters, and of the expense they entail, particularly in contested cases. They are said to have deceived their employers; to have procured signatures to deeds in an improper manner; to have urged the survey of lands, and the bringing-forward of unfounded claims for their own advantage; to have prompted witnesses to state falsehoods; to have interfered in opposition to the wishes of the owners, and prevented lands from being reserved, &c. But the services of agents speaking both languages cannot be dispensed with. There are men amongst them of high character and repute, and, if more were licensed, the Natives would fall into the hands of some of the inferior class, and fare worse. But the Judges should have power to cancel, or at least summarily to suspend, the licenses of those found to have been concerned in improper transactions. Their charges are sometimes very high. In the rehearing of the Aroha case, Te Wheoro states that the Ngatihaua expenses amounted to £575, of which upwards of £300 was claimed by the interpreter. But the Court can tax their bills if the Natives only knew that they had such protection.

# English Counsel.

The Natives are almost universally opposed to the employment of English counsel in contested cases. They say that these know nothing of the Maori law and custom, and only protract the sittings and increase the expenses of the Court. If one side employs them, the other must do the same; but they would like to see them altogether excluded from practising in the Court.

# Fees and Expenses.

The Natives, of course, wish to avoid paying the fees of the Court; but these do not add much to the expense of a suit, unless the case is a very protracted one. The total, amount charged as Court fees for the 3,607 cases that have been heard amounts to £6,085 10s. 8d., of which £3,517 2s. was in arrears on the 30th December, 1870. But the expenses outside the fees of the Court are often very heavy. In the Aroha rehearing, the expenses on the Ngatihaua—the losing side—were, as already stated, £575, and those of the Ngatimaru could scarcely have been less. In the case of the Owharoa Block at Ohinemuri, of 155 acres, the agent's charges against the Ngatikoe were £70 7s, chiefly for payment of witnesses; but I was informed by the agent that he had little hopes of getting the money, for as that party had lost the suit there was no land to give as security.

# Applications for Hearing.

It has been objected that the power granted to any one Native of demanding a hearing of his claim to be interested in land has given rise to the following abuses: First, that unfounded claims have been put forward; and, second, that applications have been made by single individuals, and the case called on for hearing without the assent, or even the knowledge, of other persons or of hapus most concerned. It is important that every Native should have the privilege of individualizing his title to land, if he wishes it, and can do so without detriment to others; but to prevent these complaints application might be transmitted through the Magistrates of districts; and the *Gazettes* containing the notices, should be largely and promptly circulated. And if survey has to be made before a hearing, it is but in very rare instances that these objections can occur, as few persons will go to the expense of survey unless they consider their claim to be good, and surveyors cannot go on to the land without being seen.

That the Judges are very careful to reject doubtful claims is proved by the fact of their having dismissed 1,288 cases during the period that the Acts have been in operation. The Government should also have power to direct the Courts to suspend the hearing or decision of any particular cases. At present, if it is desirable to interfere, they must proclaim the Acts as suspended in a whole district, which is a clumsy and inconvenient arrangement.

# Reserves.

The 20th clause of the Act of 1867 provides that "it shall be the duty of the Court in every case whatever, in which certificate of title is ordered, to inquire and take evidence as to the propriety of placing restrictions on the alienability of the land."

The letter of Mr. Fenton of the 3rd October, 1870, shows how difficult it is for the Court to ascertain what "it is the interest or the wish of the parties concerned to keep concealed." The Natives themselves cannot be depended on. Sometimes, as in the case of Henry Tomoana and others, they wish to put large tracts of land for ever out of the reach of Europeans which are not necessary for their own wants. On the other hand, Mr. Mackay, in a letter to the *Auckland Evening News* of April, 1871, states that "Te Hira was so embittered against the Court and Government, on account of the reservation of the Waihi Block that had been granted to him, that he stopped the Tauranga mail in consequence."

There has been no fear hitherto of the Natives as a body denuding themselves of too much land. There are still 11,000,000 or 12,000,000 acres in the North Island in the hands of the Natives, and 600,000 acres have already been made inalienable by the Native Land Court, and a great deal of this reserve is of superior quality. The Maoris have always been loth to part with their fertile land, and it is chiefly by confiscation that we have obtained any large tracts of really good land.

Judge Maning states in his report of 24th June, 1877, that "the average value of alienable land may be 5s an acre, but that what the Natives have made inalienable is worth at least five times as much." He adds that "at Hokianga not twenty acres of first-rate land has been sold, and that consequently, in that large and fertile district, there is not one settler engaged in farming, or who has land capable of being cultivated properly." Even in the Napier District, where so much land has been sold, at least 500,000 acres are still in the hands of the Natives. But, as before stated, there are cases, and not only in Napier, but in other places, where Native chiefs have been almost pauperized, having in their improvidence and extravagance made away with the greater part of their landed interests. And it is necessary that the spread of such an evil should be checked, but this is more the duty and within the sphere of the Commissioner or Trustee of Native Reserves than of the Judges of the Court.

It is impossible to obtain from the Natives any definite opinion as to the minimum quantity of land that should be reserved for each individual, and it must depend much on its quality and locality. But it would be no bad rule to lay down that each Maori chief should have amply sufficient to maintain himself like an English gentleman, supposing him to put forth the necessary industry and energy for its cultivation.

Whether it would be to the advantage of the whole body of Natives that they should have so much land reserved for their use as will eventually enable them to live in competence and ease, without exertion or stimulus to healthy industry; whether it is for their interests that the reserves should be scattered over the country, so that they might dwell amongst the colonists; or whether, as has been advocated by many of those most interested in their welfare, they should be located by themselves in separate blocks or districts, and isolated as much as possible from contact with Europeans, are questions on which the most opposite views are held by those who are considered qualified to form opinions. But I am not invited to discuss them, though I would express my belief that the last plan would be most fatal to the race.

I would, however, draw attention to the assent generally expressed by the Natives whose opinions I have recorded, that it would be desirable to reserve a portion of the proceeds of all sales of lands for the benefit of the sellers and of their children. Dr. Shortland recommends that one-half the purchase-money should be so set apart. Sir George Grey proposed to give annuities to Native chiefs as part payment of their lands; and reserved payments have been provided for in many instances. Whatever money now comes into the hands of the Natives is almost invariably squandered and wasted (or worse), with little permanent or substantial advantage to the people. The extracts I have given in the appendix show that this has been the case from the earliest days of the colony, and I believe it remains the same to the present time—their money is generally spent before they receive it. If we are to save the Maori of the next generation, he must be educated, and enabled to take his place as a citizen of the colony. And are not the means of commencing this now within reach? Reserves may be made both in money and in land for the special purpose of education, and the subject is engaging the earnest attention of some of the people themselves. Many of the natives of India go to England to be educated, and return to their own country to be physicians, ministers of religion, and advocates; and it is now the policy of their Government to employ all that are qualified in the public departments. The Japanese and Chinese are seeking knowledge and education amongst the whites. The North American Indian and the Australian may be incapable of melioration; but are not the Maoris as intelligent and as capable of high education as any nation in the world?

## Expense of the Courts.

The total expenses of the Native Land Court since the passing of the Act of 1865 up to the end of the last financial year were £29,225 9s. 9d., and the receipts for the same period were £17,625 3s., being an excess of expenditure over receipts of £11,600 4s. 8d., from which, however, may be deducted the sum of £3,517, the amount of fees of Court as yet unpaid by the Natives, but which remain a lien on the land; so that the cost to the colony for the five years may be reckoned as little more than £8,000, and for this sum 2,600,000 acres of Native land have been invested with a Crown title and opened for sale to the settlers. The annual excess of expenditure has been reduced from £3,142 in 1865-66 to £293 in 1869-70; and, as sales of land have lately increased, it may be expected that the balance will be on the other side for the current year. I have not included the expense of the Survey Department, £10,497 for the five years, because I have already shown that the provinces have acquired, by means of this department, maps of much greater value at the expense of the Natives.

## Land Sales.

The sales of land by the Natives within these five years have not been so extensive as, during corresponding periods under the old system. The settlers purchase only the better quality of soil, and will have



nothing to do with a great deal of an inferior description, which the Government were compelled to take over when they acquired large tracts of country. The money paid to the Natives for this smaller quantity has, however, been in excess of what they have been accustomed to receive. By the Registrars of Deeds returns it appears that for 470,000 acres they have realized £162,844, an average of 6s. 6d. per acre; but a great deal of this money must have gone towards the expense of surveying the other 2,000,000 acres which have been passed through the Court.

In Hawke's Bay about 220,000 acres were sold for £87,012—about 8s. an acre; in Wellington, 21,356 acres, £9,976—about 9s. 4d. an acre; and in Auckland, 228,559 acres, £65,856—about 5s. 9d. an acre. The number of acres sold in Hawke's Bay is only an estimate based on the sales of the last fifteen months, as the registration returns from this province do not give the acreage of land sold prior to the 30th September, 1869, and none of these figures are offered as strictly accurate, for the returns are complicated by occasional variety of transactions for the same piece of land, and it is impossible to unravel them, but they are sufficiently correct for a general summary.

In the Province of Hawke's Bay I assume that there is not much Native land of good quality that is now for sale at anything like a reasonable price; but the Government have recently purchased 250,000 acres of land at the Seventy-Mile Bush for about £18,000—1s. 5d. an acre, and there have been, out of this, considerable reserves set apart for the sellers, which will be very valuable when the railway passes through the block. But in Auckland the market is glutted with Native land, and if the restrictions placed by the King over those districts where the *aukati* is enforced were removed there would be soon large quantities of very valuable land passed through the Court and open for sale. Of course all the country lands of this province have been depreciated in value by the action of the Court. Even so long ago as 1867, Mr. Fenton, in his letter of the 11th July to the Native Minister, writes: "Two years ago no one would have foreseen the price to which land has fallen in the Province of Auckland. Thus, Waata Kukutai's tribe have in vain been offering 40,000 acres, in one block, of the finest land in the Waikato, at 5s. per acre cash, or 6s. 6d. deferred payments extending over five years. A block in the North, called Waitaroto, cost 9d. an acre for survey, 1d. an acre for other expenses, and was offered for sale at 1s. per acre;" and prices have diminished since then, and yet only 230,000 acres out of 1,300,000 for which certificates have been ordered have been sold by the Natives. Very recently a block of 7,000 acres at the Bay of Islands, near Kirikiri, belonging to Mangonui, was sold for £300—about 8d. an acre; and large blocks, of several thousand acres, in Waikato and Kaipara have been parted with at prices varying from 1s. 6d. to 5s. per acre. 108,279 acres have been leased in the Province of Wellington for £4,465, and 434,167 acres for £8,970 per annum in the Province of Auckland. It is impossible to ascertain what rents are paid to the Natives in Hawke's Bay, as much of the land returned as leased has since been sold, and some of the lands still rented under former agreements have not been passed through the Court. £26,000 besides "accounts current" have been raised on mortgage, chiefly in Hawke's Bay and Auckland. I append lists of lands now in the hands of different land agents, with the prices that are asked, but, as a rule, these rates would be considerably reduced if a purchaser commenced negotiations.

In conclusion, I hope that it will be borne in mind that I do not submit this as a complete report of the various subjects on which I have touched. My inquiries have been made chiefly in the North, and I have not been able to visit several important districts, and it would have taken months to have gathered from all sources the facts and opinions that would have fully demonstrated the operation of the Acts, and their effect upon the Native mind, in all parts of the Island; but this incompleteness is not of so much importance, as the reports of the Judges, of the Commissioner of Native Reserves, and of those appointed under the Native Lands Frauds Prevention Act, the memoranda of Sir William Martin and Dr. Shortland, the opinions of the Native representatives, and of the depositions from several tribes who will be present during the session, will supplement the information that I have furnished if it is the intention of the Government to remit the subject for the consideration of the Legislature.

I have, &c.,

T. M. HAULTAIN.

The Hon. the Native Minister.

## (No. 2.) Judge FENTON to the Hon. D. McLEAN.

Wellington, 28th August, 1871.

SIR,—

Having observed, amongst the papers placed before Parliament this session, a paper of Sir W. Martin, enclosing a memorandum by Dr. Shortland on the subject of the Native Lands Act, I have the honour to request your perusal of letters written to me by the Judges of the Court, in reply to one addressed to them requesting them to favour me with their observations on the past working of these Acts, and suggestions of amendments which it would be advisable to introduce into a consolidating Act, which I understood it was the intention of Government to bring forward this session. I have not a copy of my letter here, but the replies to it sufficiently indicate the nature of my inquiries. Mr. Smith did not reply, having been prevented, as he has informed me, by illness. I should not have deemed it necessary to trouble you with these papers, which I obtained simply for my own information and assistance, did I not think that the singular theories of Dr. Shortland, amounting, as they do, to a re-establishment of the Native protectorate in an aggravated form, might tend to influence the minds of men who have little practical acquaintance with the subject, and who might regard silence on my part as an acquiescence in the views propounded, or at least as an acknowledgment of the truth of the facts referred to as mischiefs to be remedied. On this latter and most important part of the question I can say but little, for these facts are very barely stated and the evils are described in a very meagre manner; but as far as I can gather from the memorandum of Dr. Shortland, which seems to have, had a certain influence on the mind of Sir W. Martin, the mischiefs on which he enlarges are confined to the Province of Hawke's Bay, in which the area of land yet to be dealt with is inconsiderable, and his scheme would, in my judgment, as little avail to cure them in the past as it would to prevent them for the future.

As early as 1866 I stated my views, that where counter-claimants, claimants, and proposed lessees had all a direct pecuniary interest in preventing the minute subdivision of lands, it would be impossible for any Court to discover the ownership of these lands beyond such a point as would suffice to terminate all contest amongst the claimants themselves. I therefore never expected that the Act of 1866 or 1867 would stop the mischiefs to which they were directed as they threw upon the Court a duty which it was quite incapable of performing; and so it has proved. Having once decided the class of claimants to which an estate belonged, the Court became powerless to discover more than these recognized claimants chose to disclose, as all opposition ceased. Sir W. Martin proposes to remedy this evil by carrying still further the plan which has already failed. He would reduce the Court to the position of a diplomatic negotiator first, and, having thus destroyed its standing as a judicial body, would place it on the Bench to act with authority—an idea which entirely ignores the principles of human nature. The true remedy, in my mind, was the presence of some of the local officers of the Government to watch the Courts, and bring forward such matters as were, from immediate and very apparent pecuniary interests, concealed from the Court by parties. Having failed to achieve this object by other means, when I had the honour of a seat in the Legislative Council I lost no time in introducing a Bill for the purpose. This Bill, as you know, passed the Council, but was lost in the House of [Representatives, although taken up by the Government.

The Frauds Prevention Act of last session has done much, but I respectfully submit that it does not begin at a sufficiently early stage of the proceedings in the conversion of Native titles to land. Prevention is always easier than cure, and proper provisions made in grants would absolutely prevent the possibility of transactions which the officer appointed under that Act can only frustrate after money has been spent, and, possibly, something like equities have been created.

The objections to the present system which are urged by such men as Wi Tako constitute, in my judgment, its greatest commendation. Shrewd men like him have not failed to observe that in the destruction of the communal system of holding land is involved the downfall of communal principles of the tribe, and the power of combination for objects of war or depredation. When a man is comfortably settled on his own farm, he is not ready to follow his chief in an agitation which promises nothing beyond a little excitement, and jeopardizes all he has got; and the feeling represented by Tako will doubtless spread as the power to give it any injurious operation will diminish. But for this very reason I think it just and politic that the Government should be furnished with authority to see that the old chiefs, whilst gradually losing one dignity, are invested with another. They should have sufficient land secured to them to render certain their status as gentlemen, though I should be sorry to see this principle extended to the whole race, as I understand Sir W. Martin desires shall be

done. A very large number of the Maoris are, according to their customs, slaves, or entitled to no territorial rights, unless a permission to occupy is called such, and I cannot see any reason why they should be excepted from the general necessity of getting their living by labour; but, on the other hand, I see the strongest motives of policy, justice, and gratitude, why such men as Te Hapuku should be carefully provided for and their position secured. Whether Parliament will see fit to rescue men from the effects of their own improvidence it is not for me to say. I cannot avoid thinking that it would be a dangerous precedent to allow any man or class of men to gain the belief that, if their imprudence is only of sufficient magnitude, Parliament will come to his or their assistance. In the case of the Hawke's Bay Natives, I believe a great number of the transactions now complained of were perfectly fair and honourable on the part of the European purchasers, and I am not aware whether it has been found that the Supreme Court has been applied to to interfere in such cases as are of a contrary character. But I am inclined to approve of that part of Sir W. Martin's scheme which would confine the interpretation of deeds to official agents of the Court, though that gentleman does not seem at all aware how greatly this plan would increase the expense attending the execution of any conveyance.

I am not certain that when Parliament, in 1865, passed Mr. FitzGerald's Native Rights Bill, it was not premature in its action. I think the intelligence and caution of the Maori was estimated more highly than it ought to have been, for the action of the Supreme Court is rigorous, and documents, when taken there, are construed according to their expressed meaning, or their meaning implied by law, and what the party thought he was doing at the time he executed an instrument is presumed to be what he has expressed. Thus it is very probable that few interpreters have thought it part of their duty to explain, in the interpretation of a mortgage, that non-payment of interest involved the power of sale, with or without the intervention of the Supreme Court; nor is it probable that Maoris were aware that non-payment of their debts might be followed by judgment in the Supreme Court and the seizure of their lands by the Sheriff. Indeed, I have had letters from Natives complaining, as an injustice, that since they have obtained Crown grants to their lands they have been compelled to pay their debts, and these complaints without reference to the character of their debts. But all these questions are questions of grave policy, the principle of which Parliament alone can decide. That the time must come when nobody will venture to deny that if the Maoris are to have the advantages of British subjects they must also have the liabilities and burdens, no one will venture to deny, but whether that time has as yet arrived it is quite clear, from Sir W. Martin's paper, that influential and conscientious men have not unanimously decided. But, until the voice of the Legislature on this question is declared, I respectfully submit, as my own opinion, that it would not be wise to retrograde, especially as the lesson has now been learnt.

As a great public question, I think it is admitted that the chief object of the Government of a colony is as rapidly as possible to cause the waste lands to be brought into profitable occupation, by cattle and sheep first, but ultimately by the labour of a settled agricultural population. It is contrary to the habits of the Maori to cultivate more than a very limited area; but it is a matter of public concern that such an area should be secured to them, free from all power of alienation; and, that settlement having been completed, I cannot but think that they should be at liberty to deal with the remainder of their wastes as they think best. But in the exercise of this discretion they will not, of course, be precluded from accepting the advice of the Government or of their friends amongst the European race. If the quantity of land determined by the officers of the Crown as necessary to be retained by the Maoris in the case of the final settlement of their claims under the Ngaitahu deed, is to be taken as a criterion, I think it will be found that the amount locked up, even in Hawke's Bay, still exceeds their necessities. Whether they would willingly submit to have any portion of the proceeds of future sales permanently invested I am not prepared to say, but I should not be surprised to see any such interference, although intended and likely to prove for their good, very seriously resisted. Although the Maoris, like every one else, lament the result of their own imprudence, it does not follow that they would relish the power to commit the imprudent acts being taken away from them.

I also enclose for your perusal a memorandum by Mr. Heale, the Inspector of Surveys. That gentleman has, I think, suggested matter for very grave reflection. The progress of the Court has, perhaps, been too rapid, and I would willingly see more power given to the Government to moderate and influence its operations in the future; and the true way of doing this has been suggested by that observant officer. When the Act of 1865 was passed it was well known that Government surveyors would not be suffered on Native lands. The appearance of a surveyor's chain was at that time the signal for a riotous resistance by the Natives; but that feeling has now entirely disappeared, and I have been constantly in the receipt of letters from all parts of the Island requesting me to send Government surveyors on to lands proposed to be passed through the Court. The fact is that now Maoris are fully aware of the frightful expenses of the present system of surveying—a system which, in some cases almost consuming the entire proceeds of the land when sold, is still burdensome and unremunerative to the surveyor himself. Uncertain of payment, and compelled to obtain advances, for which a discount of 60 per cent. is sometimes charged, the surveyor is driven to indemnify himself as far as he can by exorbitant charges. Moreover, the same land is sometimes surveyed by two or more surveyors representing different sets of

claimants, and when an adjoining block is prepared for adjudication the same line is again measured. A Government surveyor would be able to survey a number of blocks at once, and at the same time would perform, on the ground, without additional expense, the task of reconciling the minor differences which Sir W. Martin would effect by, in each case, sending on to the ground the Court itself. That the influence of the Court as a judicial tribunal—at present greatly respected by the Natives, because they are aware that it decides simply on evidence taken in an orderly manner in open Court—would not for six months survive such a degradation of its functions I am fully persuaded; and if you will look at the accompanying return of the area of blocks adjudicated upon in Auckland, it will be apparent to you that—except perhaps in Hawke's Bay, where the areas are large—Sir W. Martin's whole scheme, even if otherwise reasonable, would break down under the weight of its expense. If at the same time Mr. Heale's department were charged with the other surveys of this Island, now rendered especially necessary by the large plans of the Government, the saving of expense and the increase of efficiency would, I think, give great relief to the Natives—who now indirectly contribute such large sums to the public surveys—and would prove very satisfactory to the several Provincial Governments.

There are many minor points of practice—such as power for the Court to refer a case to the Supreme Court; the subdivision of lands after they have been dealt with without the unanimous consent of the owners, as in the case of a bill in Equity for a partition; the exclusion of European agents; the powers of Assessors; the calculation of duties; the issue of certificates where Crown grants are to follow—to which I must not advert, for, if I did so, this letter would be too long to be of any use. I will merely add, therefore, that to your plan of dividing land into two classes—one held under certificate, with which no dealings can take place, and the other under grant, with no intermediate certificate—I quite agree.

In again dealing with this great question we are in a position of advantage which we could not pretend to in 1865 and 1862. The knowledge of the able men whom the Government have appointed as my coadjutors, almost all of whom had a long antecedent experience of political and territorial dealings with Natives, enables us now to think with confidence on points which, in 1865, could only be dealt with tentatively; and the authority which the Court has gained throughout the Island—whether in consequence of its own character and operations, or from the proceedings of the Executive Government, or from both, it matters not—renders us now capable of taking steps which, when the first Act was passed, few would have dared to venture on. Although our proceedings have sometimes inflicted upon the Native Minister for the time being the trouble and weariness which, unfortunately, seems inseparable from Native affairs, and which seems to break men down before their time, yet I cannot remember that any decision yet given (Manawatu, perhaps, excepted, which was in exceptional conditions) has ever occasioned the Government a day of serious anxiety as affecting the peace of the country. That the Maori race will always be satisfied with a system which they will gradually learn, as Wi Tako has already learnt, is a very operative machine for opening their lands to colonization and reducing their holdings to some relations to their necessities, I cannot hope.

But although I believe, with Mr. Maning, that the final struggle between the races has yet to come, I do not think that that event will be precipitated by any operation of Government which is fair and perfectly understood and accepted by the Natives, and any law on these great and vital questions must now be also satisfactory to the European people settled in New Zealand. I am quite persuaded that no law which does not give reasonable satisfaction to both races can have any chance of success. But, after all we can do, it is against all our lessons of history, and opposed to the truth of human nature, to suppose that the soil of a country can, by any method within our powers of imagination, be transferred from an ancient race, which has long held it as sovereign owners, to an intruding people, without suffering and unhappiness.

I have, &c.,

F. D. FENTON, Chief Judge.

The Hon. the Native Minister, Wellington.

P.S.—I enclose a letter from Mr. McCormick, of Auckland, brought by yesterday's mail. That gentleman has been much employed in the Courts, frequently on behalf of the Crown. Also a letter from Mr. Field, surveyor, which is very suggestive.

# (Enclosure 1 in No. 2.) Judge ROGAN to the CHIEF JUDGE, Native Land Court.

Kaipara, 26th June, 1871.

SIR,—

With reference to your letters, dated 9<sup>th</sup> and 8<sup>th</sup> June, numbered respectively in the margin, requesting me to furnish you with a report on several points in connection with the present working of the Native Lands Act, I beg to express my regret that circumstances have prevented me from giving the subject of your letters the attention I should have wished at the proper time; yet I hope the observations submitted to you will be in time to accompany reports from other officers, if they should be of sufficient interest to be placed before the Assembly. Before giving any distinct reply to the points alluded to in your first letter, I propose to make a few general remarks, being the result of events indelibly impressed upon my mind, in relation to the purchase of land from the New Zealanders, about the period when the New Zealand Company's settlers first came into the country.

You are aware that I held an appointment under the Plymouth Company of New Zealand as assistant surveyor in the year 1841, when, after the Township of Taranaki had been laid out in allotments, my duty required me to remove to suburban and rural districts to divide the land into fifty-acre sections. It will at once be perceived that, to carry on a survey in a district where, at that time, all the inhabitants were Natives, it was of the utmost importance to me, both in regard to my public and private capacity, to be on good terms with the people, and to accomplish this I very soon discovered that, where none could speak English, a knowledge of the Maori language in part was most essential to the progress and success of my operations. Accordingly, I soon made myself sufficiently acquainted with the Maori, tongue to conduct an ordinary conversation. From these circumstances I was enabled to ascertain the opinions of the Taranaki people regarding the purchase of that district, which was arranged with a few chiefs only. The all-absorbing theme of interest with the Natives, and the mode in which that district was paid for by the officers of the New Zealand Company, was openly ridiculed by such men as Katatore, for, to do justice to some of the leading Natives of that period, I must say that, from the very first settling of that district by Europeans, they (the chiefs) predicted that a time would certainly come when the real owners of the soil would return from north and south to reoccupy Taranaki. The fear of Te Pakaru and his tribe coming from Kawhia and occupying Taranaki or the north bank of Waitara, caused the resident Natives to acquiesce in the survey, and to live on general good terms with their neighbours; and settlement progressed favourably, as a rule, until the Wairau massacre, when the Natives, who were continually coming from the North, emancipated from slavery, and from the South, made a formal stand against a large party of the New Zealand Company's workmen, who were forming a road on the banks of the Waitara, and compelled the labourers to withdraw to New Plymouth. Other demonstrations of rapacity were made with a view of re-establishing their mana; such, for instance, as at Mr. Cooke's farm at Te Hua, where an old savage mustered a large force, felled the timber, and cultivated the soil for years afterwards. This was the time when the Natives said "the Jews were returning to Jerusalem." At any rate the Maoris came back in great numbers, and took actual possession, I may say, of the entire district, thereby producing the melancholy state of affairs in connection with the land question in Taranaki. The settlers became exasperated and desponding, and their industry entirely paralysed. Then came Mr. Commissioner Spain, who, for some reason, awarded 60,000 acres to the Company within the lines first cut by the surveyors of the Company. Subsequently, in 1844, the late Governor Fitzroy visited New Plymouth, and gave back the entire district to the Maoris, which at once and for ever annulled the arrangements by which the settlement was originally founded.

I have no desire to disparage when I point to the error of the purchase of the Company, which very probably was conducted without a knowledge of the Natives, and their custom or principle of dealing with land at the time. Something, no doubt, might be said for the social state of the Maoris, which at the time gave the warrior chief immense power that has now almost faded away. The Taranaki Natives, however, acknowledged no superiors, they were all chiefs—or rather slaves—and the proverb of the Poverty Bay Natives was peculiarly applicable to them, "Turanga tangata rite," ("Equality and fraternity") of the Maori in Taranaki. It can easily be imagined how exultingly the Natives triumphed over this easily-achieved victory, and the amount of patience, required by the Europeans to submit to the *tawai* of the Maori, when, the settlers were compelled to abandon their farms to the enjoyment of the Ngatiawa.

A new and radically different system of purchasing land was subsequently adopted by the Government of the day, and Mr. Commissioner McLean succeeded in purchasing a small block of land, including the township called the Fitzroy Block. This, it will be therefore seen, was the commencing-point of purchasing the district over again; and it is hardly necessary for me to weary you with the different purchases which were made from time to time by Mr. McLean, or under his direction, in that district. One of these purchases was attended by me long before I entered the Land Purchase Department, and it was clear to those who witnessed the transaction that the Commissioner exhibited an amount of energy, unwearying attention, and caution, in dividing the purchase-money among the respective families who owned the land, which established him in the good opinion of the leaders of the Taranaki tribes.

When I was a Land Purchase Commissioner in the Native Department I may say, without being egotistical, I was not unsuccessful in purchasing land under that system, and I am not aware of any real dispute or protest having been raised out of any land purchased by me, except in a political point of view by the adherents of the so-called Maori King. I am, however, prepared to say that, even before the Native Lands Act became law, the Natives in the Kaipara District were so dissatisfied with the amounts I was authorized to offer that it would have been very difficult, if not impossible, for me to persuade this people to alienate any more land to the Government.

It would only be troubling you if I were to relate some of my experience in the system of old land purchases; and as for the penny-an-acre Proclamation, it never reached so far south as Taranaki. The Manawatu purchase was, as a Maori at Otaki related it to me, the climax of all land purchases, when it is said that Mr. Buller and Dr. Featherston drove in a dog-cart to Rangitikei, spilled £25,000 out to be scrambled for, and left the settlement.

With regard to the working of the present law, I believe I have already expressed an opinion to the effect that "The Native Lands Act, 1865," was favourably received by the Natives, and the working of this Act was satisfactory to those Natives who were interested in and attended the Courts over which I presided. Whether it was because it was translated into Maori, or its mere novelty, I cannot say, but it is certain that the subsequent Acts and amendments, which to a very large extent allow every one to give his own translation to the Maori, who has no means of testing their accuracy, have caused an amount of suspicion to arise in the naturally susceptible mind of the Maori, and it is my belief that this suspicion can only be overcome by giving the benefit of a synopsis, in the Maori language, of any consolidated Act which may be passed by the General Assembly.

As regards the Kaipara, Whangarei, and Mahurangi Districts, the only real murmurings I have heard from the chiefs have been against the Government for imposing such heavy duties upon their land subsequent to its passing through the Court that they say the net proceeds received by them reduce the amount at times below the former rates. It has also been remarked by some of the younger class of chiefs of ability that as it was in the beginning so it is now—only a system of Land-sharking, with the purchaser on one side and the Government on the other, while the interest of the Natives, being left between the two, sinks into the gap of nothingness.

Whether the Europeans have in reality benefited much by the provisions made for land purchased under the Native Lands Act remains, in my opinion, still to be seen, as the land, for the most part, which has been purchased was not so much for the purpose of land-jobbing as for actual settlement and for a future home—for cattle and sheep runs, which are well known to require capital and time to make profitable; but it is certain that a great benefit has been done to the country, as a good deal of labour has been employed as well as capital for the stocking of these runs, which would never have been the case under the Government land regulations, which admitted of 320 acres as the maximum that could be held by one person.

It has appeared to me, from experience, that the investigation of Native title under the Native Lands Act, where the land has not been previously surveyed, is a very great defective point. I may mention the case of Te Aroha, which was always unsatisfactory to my mind from the first, and will, in my opinion, be found to remain a bone of contention for the future. The large blocks of land, inland of Mr. Buckland's run, which have passed your Court, and for which interlocutory orders were granted, are in a precisely similar position—a section of the Ngatiraukawa Tribe will always dispute the law. Raids are frequently made on Buckland's sheep by Natives from the interior, which cannot be prevented except by force. It has always been my opinion that the actual survey of a block of land, from being, as a rule, the result of preliminary discussions, however antagonistic, assists very materially to bring out the real ownership, and leaves the question of title more easily, and clearly determinable. I am, therefore, opposed to the principle of interlocutory orders previous to an actual survey. I do not think much, if anything, can be done now, after the late change, to improve the relative positions of the interpreters, unless you initiate examinations to classify them.

With respect to the surveys, I am of opinion that, with an efficient staff of professional gentlemen under the control of Mr. Heale, the land would be, in most instances, surveyed certainly with more economy and, no doubt, often with greater satisfaction to the Native owners, as, under the present system, a surveyor sometimes employed by a single member of the persons interested in a block of land goes on to the ground and finds that a

dispute has taken place about something, probably a boundary-line, and not, perhaps, understanding what the clamour is all about, he remains quiet. A good deal of time is thus often lost, and instances have occurred where the surveyor has been obliged to return without even commencing his work, which was left, probably, to be executed by the more astute successor; while, on the other hand, the Natives at the Court afterwards have been, or pretended to be, astonished at the charges demanded for loss of time. At the last Court in Kaipara a long list of cases was disposed of, and to many of those who attended that Court it was a matter of surprise that most of the cases passed without any controversy taking place, caused by the Natives, at my suggestion two years previously, having taken the precaution to convene meetings for the specific purpose of settling their boundaries for the most part before the surveys were undertaken.

Let me not, however, be understood to say that a prerogative of surveying Native lands should be granted to members of Mr. Heale's staff, as it is evident that such a course would not only prove an, insurmountable obstacle to the purchase of land from many Natives holding possession of some of the most fertile lands of the province: along with the most decided antipathy to anything even resembling an authority from the Government to suppress their liberty of choice, it would not only give umbrage to the great bulk of our European population, who are advocates of general commercial freedom, but it would also prove a severe blow, if not privation of subsistence, to many holding a purchased professional license, which in itself implies a necessity as well as a right to enter the lists of competition.; though I must confess experience goes to prove that where there has been an over-competition, which means to do it anyhow as long as it will pay, the work was seldom executed to the satisfaction even of the Natives; so, while viewing all the sides of the case, I apprehend it to be a very great difficulty to organize a system which would reconcile all interests or be consistent with all principles, and without, being liable, by one side or the other, to reasonable objections. Before concluding my remarks on this subject, I beg to say, and I hope without disparagement or offence to Mr. Heale's office, that although the intellectual faculties of the present generation of New Zealanders are gradually growing more enlightened, I am convinced that a surveyor in the country should be able to have a knowledge of the Maori language, and better still (where convenient) if personally acquainted with the owners. This would obviate recurrences and check such feelings of prejudice as were displayed lately in the North, where the trigonometrical survey was delayed, because the officer in charge could not or did not explain the purpose of his operations to Komene, who could easily have been convinced of the advantage of this survey to himself.

I now come, to point 5 of your letter, which requires a solution of the very essence of the so-called Native question. As my mind is not yet clear on this subject, and as this letter is longer than was intended, with your permission I will leave it to time and the drinking customs of society, which will assuredly dispose of the New Zealander if some great change does not overcome their present mode of life.

I have, &c.,

J. ROGAN, Judge, Native Land Court.

The Chief Judge, Native Land Court.

## **(Enclosure 2 in No. 2.)Judge MONRO to the CHIEF JUDGE, Native Land Court.**

Auckland, 12th May, 1871.

SIR,—

I have the honour to acknowledge the receipt of your letter of the 9th February, requesting from me a report in reference to the past working, the defects observed, and the possible amendments that might be suggested in the Native Land Court Acts, under the several heads therein enumerated. It is not to be expected that so complete a revolution as is implied in the exchange of a communal and often-disputed tenure of lands held as the property of all the free members of a tribe, for one definite, personal, and subjected to at least the broader principles, if not in all cases to the technical niceties, of the real estate law of England, could be carried out over

so large an area as that of the North Island of New Zealand without some occasional hardships being inflicted upon individuals in its progress; and it not unfrequently occurs, in cases such as that now under notice, that individual instances of hardship attract more immediate notice than the broader and far more important but more silent results which affect society at large as growing out of such a revolution. Hence arises, on the part of many, a disposition to overlook such results; to clamour loudly and unreasonably for a recurrence to the old order of things; and to ignore the changes in society which have made such recurrence not only undesirable but impossible. The advent of the English colonists found the Maori tribes and families in possession of certain tracts of territory, the boundaries of which were approximately settled, if not with the accuracy of survey, yet with sufficient distinctness to render any considerable encroachment upon them cognizable within such limits. It does not appear that there was any generally admitted individual and personal tenure, further than that of mere occupancy and cultivation, and certainly no indefeasible hereditary right limited to any one member of a family at all answering to our ideas of inheritance by primogeniture. A man enclosed and cultivated a portion of the common land of his tribe, and no other man had a right, to disturb either him or his family, sons or daughters, while he continued to do so. The land was theirs in occupancy, and its produce was theirs in property; but neither the original occupant nor his family had any estate in fee in the land. The communal right so existing was recognized by the Crown in the Treaty of Waitangi; but, inasmuch as it was one too much at variance with the habits of a civilized community to be adopted by the colonists, provision was made by the same Treaty for its gradual extinction in the pre-emptive right given to the Crown, which was thus made an instrument for the gradual exchange of the vague and imperfect occupancy tenure of the Maori tribes into the more definite and fuller proprietary tenure of individual citizens, whether Maori or European, which alone could be recognized by the law of a settled civil Government. It was, however, hardly possible that this system could be permanent; it had, indeed, such inherent defects that the very success of it in the commencement insured its final failure. The Crown, which was the purchaser of lands, was also the sole judge of the right of tribes or families offering, land for sale, and therefore was directly exposed to the suspicion of unfairness in extinguishing conflicting rights in proportion to the willingness of the claimants to alienate territory which was so urgently required for the purposes of colonization; while in the event of a purchase being made from a tribe not entitled to the land in question, the Crown was at once placed in the dilemma of either remaining a direct party to an act of injustice, or of having to extricate itself from that position by a, double expenditure of public money. Again, the proposal on the part of any tribe to sell, a block of land to which the fact of colonization had imparted a value previously unknown, could not always be unanimous, while it gave the signal for the revival of numbers of dormant claims, more or less well founded, and upon which there existed no independent tribunal competent to decide; and the refusal of any section of the tribe or of any of the numerous claimants to accede to the sale, or a general reluctance on their part to see what they considered as the inheritance of their fathers passing into the hands of another race, placed them in such a position of antagonism to the Government as would easily convert the non-seller first into a disaffected subject and then into an open rebel.

How far these several results have actually taken place is now matter rather of history than of speculation. At the time when the first of the Native Land Court Acts was passed by the General Assembly it had become generally acknowledged that the old system of Crown pre-emption (which, indeed, had once before been temporarily abandoned) was now absolutely effete, and that, if land was to continue to pass from the hands of the Maori tribes into those of the rapidly-increasing European population, it must be by the substitution of some other means, whereby the rights of the former could be first ascertained and determined, and converted into a legally-cognizable tenure before being transferred to the latter, while the Crown should exchange its invidious and dangerous position of a party to the transaction, buying from one and selling to the other, for the more appropriate and dignified office of judging of the rights of the sellers, and giving validity to their voluntary acts, whether of alienation or retention. If, indeed, the transfer of land had been the sole object the Legislature had in view, it might have been sufficient to have referred sales of land only to the Court for examination and confirmation; but inasmuch as it was plain that many of the rights of citizenship are inseparable from an individual tenure of property, and that land is one of the most important species of property, it was wisely determined to make the measure more general in its application, and, as far as possible, an instrument for the conversion of the Native communal into an English proprietary tenure, which would confer upon its possessors of either race, not only the rights of owners of the soil, but those also of freeholders—in a word, of citizens.

It has, indeed, been alleged by some that the system of the Court was recommended to the Maoris mainly by its novelty—by the love of change so characteristic of a semi-civilized race; and this may have been true in the commencement; but it cannot be denied that a conviction has gained ground among them of the impartiality of the Courts, and that, when a miscarriage of justice has occurred, it is in no respect attributed either to the Judges or to the system they administer, but either to a failure to produce evidence in the process of the case, or to an unfair use of the legal power put into the hands of those in whom the Court has found it expedient to vest the land. A comparison of the area of land purchased, under Crown pre-emption, in the twenty-four years



between 1810 and 1864, with that which has been passed under the operation of the Native Land Court in the six years subsequent, will prove that the present system has brought under the cognizance of English law a nearly equal area in this Island. Even did this fact stand alone as the sole result of the establishment of the Court, it would be no trifling evidence of their value; but when to this we add the increased reverence for law, and increased confidence in the judicial tribunals which are intrusted with its administration, it is difficult to calculate the value of the system in its effects upon the Native mind.

In the foregoing observations I have not considered it necessary to preserve any distinction between the first and second heads named in the letter under reply, conceiving that present results are the best criterion of its past working. Defects in the working of so entirely new a system are, of course, to be expected; and perhaps the most prominent of these is to be found in the difficulty arising from the number of claimants interested in particular blocks. Although the entire lands of any tribe were owned by the whole body of it, in its widest extent, yet sections of that tribe had their several portions of territory restricted to them by the same condition of occupancy by which the larger tribe held the larger area.

In bringing the Native Land Court Acts into operation, it was trusted that the Maoris would see the wisdom of practically allowing such subdivisions of the territory to take undisputed effect, and such has been to a great extent the case, each sub-tribe or family waiving their rights over the lands occupied by others, on condition of being allowed undisputed ownership of their own particular holdings. Thus, one much-desired result, the individualization of land title, has been advanced a great step towards its accomplishment. With a view to that end it was decided that not more than ten names should be inserted in any Crown grant made in pursuance of an award by the Land Court, the Legislature having in further view, when making this provision, the great practical inconvenience certain to result, in any subsequent transactions, from having any larger number to deal with where unanimity in action would have become essential. In many, perhaps in most, cases this provision acted, as it was desired that it should act, in causing a minute subdivision of the land, so that not more than ten persons might be interested in any special holding; but there were circumstances more particularly affecting the grassy plains of the Province of Hawke's Bay which greatly interfered with this desirable result. Here, in consequence of its physical character, the country had been occupied in much larger blocks by runholders who had made contracts with the Natives prior to the passing of the Act; illegally—*i.e.*, in opposition to the then standing statute law—and who were naturally anxious to have their presently existing and insecure occupation exchanged, unaltered, for a legalized and sustainable tenure. Nor were the Maoris at all averse to assist towards the same end. They had for years past been receiving large rentals for their lands, and no difficulty had been found in subdividing the money so received among the respective claimants in accordance with their own determination of their respective rights, while a subdivision of the blocks would have entailed upon them increased expense of survey and trouble in receipt of rents, without a corresponding advantage, visible at first sight to them, to counterbalance these. The runs therefore were passed, in accordance with the proviso, in the names of ten claimants, in reality and equitably trustees for the benefit of themselves and of their co-proprietors, but in appearance and at strict law absolute owners of these tracts. I need not enlarge upon the abuses to which such a state of things has opened the door.

The question, how this evil may best be remedied, is a difficult one. The insertion in the grant of the name of each individual interested in it is, in practice, in many cases so evidently impossible that it may be at once dismissed. The most effectual remedy, a more complete subdivision of the land, so that no more persons should be interested in a single grant than could practically be dealt with, is in the hands of the Maoris themselves, while any system of grants with trust expressed in them, other than for public purposes, is looked upon with extreme disfavour by the present age. The registration of the names of the claimants in the Court, under the 17th section of the Act of 1867, and the issue of a certificate only to determine the proper parties to be-dealt with, is the only remedy as yet discovered for this acknowledged difficulty.

The question of survey belongs more particularly to other officers than myself to discuss, but, without trenching upon this special province, I may remark that in my opinion it would be decidedly advantageous that the survey of the external boundaries, required by the Acts as preliminary to an adjudication, should be conducted under the immediate control of the Inspector of Surveys' Office. A more uniform and reasonable scale of charges, and much greater accuracy in avoiding overlaps and similar errors, might be insured, while greater punctuality in payment could be enforced. As matters stand, the right given to surveyors to retain a lien on the grant is, in many cases, virtually of no effect: the certificate insures the uninterrupted possession to the parties named in it, and where there is no intention to alienate they have no object to be gained by the expediting of the grant. Another complaint made of surveyors, and not without just ground, is the necessity for their attendance in Court to give merely formal answers to certain regular questions, in respect of which a certificate upon this plan, or, if deemed desirable, a statutory declaration appended to it, might, I think, be satisfactorily substituted. In cases where the evidence of the surveyor might be deemed necessary to establish any other point, he might be called by subpœna, like any other witness.

I have not touched upon the question of delay and expense incurred by useless prolongation of cases placed in the hands of agents, because the last and most flagrant instance of such a case has, in effect worked the cure of this crying abuse, and placed in the hands of the Judges themselves the power of preventing a repetition of such a scandal upon the administration of justice.

In conclusion, I would desire to remark that, so far from being averse to seeing large tracts of land alienated from their aboriginal occupants and passing into the hands of the European colonists, I have always looked upon the wide extent of the uncultivated holdings of the Maori as a curse to them rather than a blessing; and I maintain that every legitimate encouragement should be held out to them to part with their surplus lands to those who can make the use of them for which they were intended, care being taken that each Native has ample land secured to him for his own maintenance.

I have, &c.,

HENRY A. H. MONRO, Judge, Native Land Court.

The Chief Judge, Native Land Court.

Native Land Court Office, Hokianga, 27th April, 1871.  
SIR,—

I have the honour to acknowledge the receipt of your letter No. 60, of date 9th February, 1871, requesting me to report on certain points regarding the working of the Native Lands Acts.

In endeavouring to answer the questions you have placed before me, I beg to be understood, except in cases where my remarks are obviously general, as coming to my conclusions from my experience in the northern districts where I have been chiefly engaged. I also hope that, as I am very much pressed by the business of my office, you will excuse me being as brief as possible in my answers, though at the same time I do not insinuate that were I to use a greater number of words my report would be at all more valuable.

## ***1. Past Workings of the Present Laws.***

The working of the present laws, or their failure, depended entirely from the beginning on whether the Natives would or would not accept the opportunity held out to them of individualizing their titles to land, and of holding it by grant from the Crown. They have accepted it with great promptitude and very clear appreciation of the advantages which they obtain, and it is to this, and the very strong public opinion in favour of the present Native land laws, that may be attributed the authority which the Native Land Court has acquired, founded only on a moral influence, and which has enabled the Court not only to work the law without check, but to finally settle very many old-standing disputes regarding the ownership of lands, which have been the cause of periodical disturbances, and which I do not think could have been settled by the Natives themselves without the intervention of the Court.

## ***2. Effect upon the Maori and European People.***

One effect which I have noticed myself, and heard remarked on by others, and which is indeed quite perceptible, is that there is evidence of an increase of industry, more economical habits, and a better mode of living amongst the individuals and families who have obtained Crown grants for their farms. This improvement I have a hope will be more progressive and more general as the Native lands become more and more subdivided. When Natives have received grants for their lands, they seem to have no hesitation in, as far as their means go, expending both money and labour in making improvements of a more permanent nature than they had previously done, and not a few have already made a respectable progress in this way, considering their means. I have also not unfrequently heard Natives, on receiving an order for a certificate of title, remark with great satisfaction that they now felt secure in the possession of their property, as, whatever others might do, their land could not be taken or confiscated so long as they themselves behaved as loyal subjects. I think this

feeling among the Natives a matter of no little importance. It shows they have faith in the protection which the grant of the Crown, imparts, and that they in consequence feel bound by circumstances and their own interest not to commit any very serious overt acts in opposition to the Government.

The Natives in the northern districts, according to my experience, come into Court in the great majority of cases with the *bonâ fide* purpose of procuring Crown grants for farms, generally of moderate size, for themselves; they nevertheless do sell land to Europeans, and the ability to do this, given by the action of the Court, is felt as a great benefit by both parties, but particularly so by the intending settler, as it enables him to select exactly the land which suits his purpose; and, though no very extensive land sales have been made, I think the gradual settlement of Europeans, on not very extensive blocks of land, is the most desirable way of settling the country, particularly when the land has been purchased by the settler directly from the Native owner, as it brings the parties into contact in the manner least likely to cause dispute or danger, and most likely to lay the foundation of relations of friendship and mutual advantage.

### **3. Points found to be defective.**

The only objection I have heard made against the working of the Native Lands Act is, that in some instances certificates of title have been given to only a few individuals for lands in which many Others had interests, on the understanding that the minority of the owners actually named as entitled would act as trustees for the rest, and guardians of their interests, but that they did not do so, and in fact sold the land for their own advantage. I do not know whether any such case has really occurred, having, only, heard a report that some such thing did happen at Hawke's Bay. On this I have only to remark that, apart from the question as to whether such a proceeding would be good in law, which it might or might not, according to the real circumstances of the case, I think "The Native Lands Act, 1867," section 17, seems a sufficient protection for the interests of Native owners for the future.

### **4. Surveyors.**

I do not think it at all advisable that the surveys of lands should be undertaken by Mr. Heale's office, or by any other official department, for the claimants.

5. When it is taken to be a natural consequence of the contact of two races of men that the soil of the country of one shall pass into the hands of the other, the suffering to the losing race appears to me to be equally inevitable, and therefore not to be in any way reduced or prevented. The higher the losing race may have stood in the scale of humanity, and the greater their material advantages of life have been, the greater will be the suffering, because the loss of the soil means degradation and poverty to the race. I think, therefore, that no plan can be devised for reducing the suffering at all in amount, though it may be reduced in intensity, but only by extending it over a greater length of time. "Whether it is worth while to do so, or whether the more powerful race, though talking about ameliorating the condition of the other, would in reality do so, even were it possible, appears to me to be doubtful in the extreme. Individual benevolence has, no doubt, always existed, and has had more or less visible effects; but we look in vain for any marked proof of the exercise of benevolence as between races. I take it for granted that the two races more particularly pointed to by your question are the British and Maori races; and I therefore think it right to state my opinion that the time has not yet arrived in which we can assure ourselves that the soil of the Northern Island of New Zealand will pass permanently into the hands of the British people, or that the British race will be to a certainty the only ruling power in this country.

As the Native Lands Acts in their operation seem to attain the objects for which they were intended, I feel unwilling to suggest any alteration, except those few amendments which have been the subject of discussion between us, and the proposal of which I would leave to your better judgment.

I have, &c.,

F. E. MANING.

Hon. F. D.

Fenton, Chief Judge, Native Land Court, Auckland.

# **(Enclosure 4 in No. 2.)Mr. THEOPHILUS HEALE to the CHIEF JUDGE, Native Land Court.**

Inspector of Surveys' Office, Auckland, 7th March, 1871.

SIR,—

The first and fifth heads on which I am desired in your letter of the 17th ultimo to report, justify me in going beyond my own proper province of survey. I am induced, therefore, to make a very succinct sketch of the whole question of Native land titles, and the means that have been adopted to convert them into legal freeholds, before considering the, improvements which appear to me to be required in the existing mode of dealing with them, both in its general conduct and especially in that branch of the system in which I am more particularly concerned. Omitting altogether, for the sake of brevity, the historical facts which sustain these, views, I take for granted—(1.) That the Native title to land is communal,—all the free families of the tribe which acquired land being its proprietors, the chiefs

Perhaps this was not always so: before the great numbers of hapus split off from the original tribes, the authority and recognized rights of the chiefs may have been greater. Since it is very common to hear adverse claimants, representing different hapus, all admit that the land originally belonged to one common ancestor, who is said to have made a division of it.

having no greater rights in it than the other members of the tribe, except in so far as, at the present time, they generally represent a greater number of families. (2.) That this title was founded entirely on ancient and uninterrupted occupation, or on conquest, followed by such acts as, in Native eyes, implied continued occupation, or at least dominion. (3.) That this title vested in the community, and maintained only by its physical force, was such as could not possibly be recognized or administered by Courts bound in matters of real estate by the rules of, the English common law. (4.) That these rights were in the largest and most general terms confirmed and guaranteed by the Treaty of Waitahgi, and that some machinery became absolutely necessary for ascertaining the individuals in whom the right to the land lay, according to Native views, and for converting those vague and unavailable rights into such titles, vested in individuals, as would enable transfers to be made to which the rules of English jurisprudence would apply.

The first and most obvious method was to buy up, on behalf of the public, these rights of the Natives, whatever they might be (and for this no close investigation or nice discrimination as to ownership was required, the only care necessary being that all claims, good or bad, should be extinguished by purchase); and then, having acquired to the Crown the absolute freehold, to reissue it under the sanction of Crown grants. I need not go into the history of this system, its progress, and its failure, further than to observe that it involved these fatal objections: First. That the buyer was the final and only judge of the rights of the seller, and therefore laboured under the suspicion of being disposed to view with favour the claims of those who were most willing to sell. Secondly, That, in practice, the only mode the buyer had of ascertaining the nature of the title and of learning the complex and disputable facts and traditions on which it rested, was by separate interviews with the different claiming tribes, who had a constant tendency to exaggerate their claims in order to counteract the exaggerations which they knew the other parties would use; and so, there being no means of confronting adverse claimants, all the old disputes and tribal feuds were renewed and exasperated. And, thirdly. That, since the land-buyer and the Government were, in Native eyes, identified, any violence or threats by which a tribe sought to maintain its claims to land appeared to be outrages against the Government. An indisposition to sell land became disaffection; and the land leagues, which were naturally formed as some protection against the alarms and suspicions of the Natives lest negotiations should be made with other parties for lands they claimed, were undistinguishable from hostile associations against the Government and the colony. That, after twenty-five years of this system, incurable suspicions filled the minds of the Natives; that the colony suffered miserably from want of lands, while purchases became increasingly difficult; and that the peace of the country was fatally disturbed—are matters of history, on which I need not touch. The remedy applied by the Legislature was based on two leading principles—(1) That the Government should no longer present itself to the Natives as a bargainer for their land; and (2) that all questions as to the ownership of Native land, and investigation of the facts on which it reposes, should be referred to a Court composed of Judges appointed for life, therefore

independent of the Executive, and free from all suspicion of interest in the result; holding its sittings only in public, after due notification, and with the parties confronted before it. The soundness of these principles is so unquestionable, and the success that has followed their adoption is so manifest, that I apprehend they can never again be called into serious controversy; and the question now to be considered is, to detect and suggest a remedy for any defects which may have shown themselves in the working of the system based upon them, rather than to discuss the principles themselves.

Before passing to these supposed defects in the working of the Native Land Court system, I may notice—but only to pass over, as belonging rather to the domain of general politics—that extensive evils have arisen from its immense success, and its consequent over-rapid operation. Up to the year 1865, as far as can readily be gathered from published returns, the whole amount of land alienated by the Natives in the Province of Auckland only amounted to about 2,000,000 acres, of which a great portion has never passed into the hands of individuals; while, since that time, 2,000,000 acres have passed through the Land Court, of which the far greater part has been alienated by sale or lease, or has been thrown on the market for that purpose; and this large consumption took place although, during the same period, about 2,000,000 acres more have been confiscated, of which also the better portion has been distributed among the colonists. It is impossible that so enormous a change in the ratio of supply and demand can have taken place without many inconveniences arising, the most obvious of which is the great depreciation in price; lands equal in quality to what in 1860 were readily sold at £1 per acre, and which could only be obtained in small areas, are now hawked about in large blocks for sale at 2s. per acre, and even less. From this it is that much of the dissatisfaction with the working of the system arises. The Natives for the most part can only look at results, and their discontent is natural; the costs, too, which would have been an insignificant proportion to the value at 20s. or even 10s. per acre, look enormous when the land is sold at 1s. Even the colonists who were most friendly to the operation of the Act, having now for the most part bought land to the extent of their means or desires, are concerned to see the price still falling as fresh lands are passed through the Court. This evil is great, and it may well engage the attention of politicians, but it is the triumph, of the Native Land Court system.

The Native Lands Act did not bestow the lands of New Zealand upon the Natives: that had been already done, as fully as words could do it, by the Treaty of Waitangi. The object of those Acts was to make those absolute and complete but vague and indefinite rights available for transactions with the colonists; and if too much land has so been made available, and an overstocked market has resulted, that can never be made a reproach to the Native Land Courts or their system. I return, therefore, to the consideration of what I conceive to be the defects in, or the impediments to, its action. These, I believe, may all be resolved under the following heads, namely: (1.) The want of settled rules as to Native title and evidence; that is, some outlines, at least, of a code of received Native custom and usage and a settled and simple law for the guidance of the Court. (2.) The practice of vesting legal and convertible estate absolutely in a few individual Natives, who are, in fact, only representatives of a number of families. (3.) The great expense and imperfection of the means of ascertaining and fixing the limits of the parcels of lands from the want of a sufficiently comprehensive and accurate system of survey. And (4.) The great and increasing expenses involved in the hearing of contested claims, especially in the larger towns.

The first defect noticed is one which was inevitable in the commencement of the system. In the twenty-five years which elapsed between the foundation of the colony to the full establishment of the Native Land Court no progress had been made in ascertaining what constituted Native title to land—whether conquest absolutely extinguished the rights of the conquered; what right remained to conquered or submitting tribes suffered to remain on land in some subject capacity (*rahi*); rules of inheritance, &c.

Thus the Native Land Court had unavoidably to seek out, from the evidence before it, from its Native Assessors, and ultimately from its own experience, what the Native custom and usage was, as well as the facts to which it was to be applied. This happened to be a function to which the Court was peculiarly fitted, and it has unquestionably been very well performed; but I cannot but think that the time has now come when the experience acquired is sufficient to enable a tolerably complete system of rules to be laid down, and that their publication would save the Court and the litigants a great deal of time and labour, and would make the Court's judgments more clear and intelligible to the public, and so increase the confidence with which it is regarded.

As regards the application of English law to the issue coming before the Native Land Court, I cannot but think that the leaving decisions in any disputable point of law to the Court was an unfortunate mistake. Originated to deal with "Native customs and usages"—intended to sit in Native districts to decide on claims to land on the spot, and constituted partly of Natives—questions of technical law were peculiarly foreign to its nature and to the purposes of its institution. It appears to me that the carrying-out of its own proper objects requires that the Court should be as much as possible identified with the Natives, who should be able to follow the pleadings before it, and to understand all its proceedings; and that the introduction into it of solicitors and barristers, generally wholly unacquainted with the language or customs of the Natives—arguing technical

points utterly unintelligible to the suitors, and even to the Assessor on the Bench—was a fatal departure from its principles, which has brought to it opposition from many of the colonists, has in some degree, estranged it from the Natives, and has introduced into its operation a delay and an amount of expense which is often utterly destructive to the interests it was constituted to protect. It appears to me that in any legislative revision of the Native Lands Acts a provision ought to be made enabling the Court, in case of any question arising on a point of English law, to make up a case to be decided in some cheap and expeditious way by the Judges of the Supreme Court; and that in the Native Land Court Natives alone ought to be heard, with the aid only of interpreters, whose functions should be strictly defined by the Court, and that the proceedings ought to be carried on originally in the Maori language, and be interpreted to the Court for record.

The evils which have arisen in practice under the third head have, been of so crying a character that several attempts have already been made to mitigate them. I doubt if any will be effectual which do not go to the root of the matter; and that I conceive to be, to leave the land, as long as it continues to be held by the original Native owners, to be held by all interested in it in common (in the non-legal sense of the word), capable of being dealt with only in the way which alone Natives can clearly understand, by common consent, and only to invest it with the attributes of English real estate when, by the general consent of the owners, to be proved, like any other Native fact, by appearance before the Court, it is transferred to an individual capable of understanding and being bound by the rights and obligations effecting real estate. The chief difficulty in carrying this out would be the necessity of making the Native Land Court always available in the chief centres of Native districts, since a recurrence to it would be necessary whenever the certified owners wished to make a first transfer to the land awarded to them; but other reasons exist in favour of establishing the Courts permanently in the chief centres of Native districts, instead of sitting in them casually: as now. As it is, the Natives generally have shown themselves incapable of appreciating the duties and responsibilities which they well know attached to the nominal estate in the lands of their relatives, which became vested in them by their names being put into the Crown grants; scandalous frauds have been committed, by which valuable estates have been sold for a mere trifle, no part of which has reached the real owner; and those very parties who have thus abused the trust reposed in them have turned round against the law and the Court which gave them the power to do it.

I now come to the question which more properly belongs to me, the defects and shortcomings of the system of survey. The Native Land Court system was not only in its nature tentative and obliged to work experimentally, and therefore subject to many risks of failure in detail, but it also inherited many of the evils which arose from the faulty system which preceded it; these operated especially against a good system of survey. In the time when every Native stood in terror lest his hereditary enemies or his own kindred should privately sell the land he claimed, the act of survey was particularly dreaded as evidence of such operations. The surveyor was watched for, to be hunted off the land whenever seen. Thus any system of general survey was impossible, and the practice became universal of making wholly detached surveys by cutting lines round the periphery of a piece of land, and traversing it with the chain by compass bearings, a system open to every kind of objection; it is enormously expensive; it defines the estate on the ground most imperfectly; it does not admit of any adequate check being applied to its correctness; and, above all, it does not enable the survey, when made, to be laid down on a record map. Moreover, the jealousy of the Natives of a surveyor, and particularly of a Government surveyor, was so great that, in 1865, it was not practicable to limit the performance even of such surveys as described to persons employed by the Government; but in order to avoid responsibility, and to disarm opposition, the Native claimants were left to employ their own surveyors, the only check upon their trustworthiness being that these were required to be licensed by the Government. Even this slight check was to a great extent nugatory, since, when the survey was a matter of bargain, it was found impossible to refuse to allow the Natives to employ the person who would undertake to perform their work cheaply, unless some strong objection to him existed: thus, in practice, licenses have rarely been refused to persons who could produce respectable vouchers as to character and competency. As a rule, the Native landowners have not the means of paying the surveyor for his services, not even for his out-of-pocket expenses; they are therefore commonly obliged to accept the services of some one who will do the work on the security of the land. With such uncertain prospect of payment, the surveyor bargains for a far larger price than would satisfy him if he were paid in cash. In addition, he has often, if not generally, to pay a heavy percentage to the Native agent who procures him the work, and often still heavier discounts to some one who will advance money on the security of his claims. The result of this system, as might have been expected has not been satisfactory as regards the quality of the survey; it is often ruinous to the surveyor and is very disastrous to the Native landowner. Its effect upon the Natives has latterly been exaggerated to a point which is becoming a reproach and a disgrace to the community, through the evasions by which some of the surveyors have succeeded in withdrawing their claims for survey costs from the cognizance of the tribunal which the Legislature specially appointed for their investigation, and practically from any check whatever.

Clause 69 of the Native Lands Act provides, "That in any case whatever in which a dispute shall arise

between a surveyor and his Native employers, either as to the amount of remuneration, or as to the quality of the work done, or on any question whatever arising out of such employment, the Court may inquire into the case and take evidence thereupon, and give such a decision in the premises as it shall deem fit, which decision shall be final and binding on both parties;" and the Rule No. 58 of the Native Land Court, made in pursuance of that Act, provides that "Whenever a surveyor or his Native employer shall bring before the Court any question under section sixty-nine of the Act, the party intending to apply to the Court shall give to the other party at least seven days' notice of his intention so to apply, except in cases where both parties are present." Were these provisions carried out, some just ratio, at all events, between the quantity and quality of the work, and the price demanded for it, could be maintained; but a practice has arisen of inducing Natives, when desiring to have their land surveyed, to sign agreements, promissory-notes, or other legal instruments, on which proceedings in the Supreme Court can subsequently be taken; and by these means, in some cases, Native chiefs have been arrested for survey costs such as certainly would not have been allowed after investigation before the Native Land Court. In others, lands have been sold under execution at insignificant fractions of their value, the surveyor himself being sometimes the purchaser.

Those who know the fatal facility with which Natives, when eager to gain an immediate object, can be induced to sign documents which they imperfectly understand, and of which the effect is comparatively remote, will see that there is no limit to the extortion which becomes possible when the judicial issue is taken, not upon the equity of the original bargain or the way in which it has been carried out, but simply on the legal effect of an instrument which a Native has been induced to sign. Such a condition of things ought not to be suffered to continue; the original cause for its allowance has to a great extent passed away. The objections of Natives to have their land surveyed have diminished with the cessation of the cause which led to them (except, of course, to the King's territory), and there appears to be no sufficient reason why the Government should not now resume this portion of its abdicated functions. One of the first necessities of any civilized Government is accurate maps of its territory. When the Legislature undertook to give valid titles for Native lands it became bound to take due precaution to secure them against the risk of future litigation; there is only one way in which the duties can be properly carried out—that is, by the rapid extension and connection of the various triangulations which now cover about one-fifth of the accessible portions of the North Island; and by refusing to receive any surveys unless made in subordination to those triangulations and by officers directly responsible to the Government—that is, by the Government taking into its own hands the execution of all surveys of Native lands. I am satisfied that the work so executed, though infinitely superior in quality, would not cost one-half of the average prices now paid, nominally by the Natives, but generally by the purchasers of Native lands; and, while making a great immediate saving to the public, it would not ultimately involve any loss to the Government, since each land claim, as it passed, would be charged with its quota of the expense, which would ultimately be recovered in the same way as the other dues now are.

To carry this out I would, propose, not that the work should in all cases be performed by, salaried officers, but that in suitable districts one or more district surveyors should be appointed, who when called upon should survey any lands, required to be passed through the Court and receive therefor regular contract rates. Should, however, such a plan be seriously entertained, it would be necessary to prepare a very complete set of rules, which it would be premature to enter upon now. It may be necessary, however, to consider what would be the general effect of such a system. I think there can be no doubt that the cost of surveys now largely operates to deter Natives from passing their lands through the Court, and there is reason to believe that if this were removed a great increase would take place in the business of the Court, especially of large blocks not likely early to find purchasers; and the consequence would be that the Government would become the mortgagees of very large areas of land, and, unless special action were taken to prevent it, the land market would become still more burdened with unsaleable estates. Whether this is desirable or not it is not for me to say; whether it might with propriety become part of a system by which, without any bargaining, the Government might systematically purchase large blocks at a certain fixed scale of rates, is a question of politics with which I have no vocation to meddle; but I ought to state my conviction that the result of relieving the Native landowners from the task of paying for their surveys would soon be greatly to extend the operation of the Native Land Court, and at no distant date to put an end to Maori tenure, with its interminable disputes and excitement.

I have; &c.,

THEOPH. HEALE.

## **(Enclosure 5 in No. 2.)Mr J. C. MacCORMICK to Judge FENTON.**

Auckland, 16th August, 1871.

SIR,—

I return the draft of the proposed Bill for the consolidation and amendment of the Acts relating to Native lands. Owing to my absence from the colony during the last month I have not been able sooner to peruse the Bill with the view of offering suggestions for amendments, as you requested, and must beg you, therefore; to excuse the hasty notes, which I have made in the draft, of alterations which I offer you for what they are worth. Many of the points suggested by me have presented themselves to me in practice, and in other cases I have suggested alterations and amendments which, if made, will, I think, give the Acts more beneficial operation than they have at present.

I believe that, on the whole, the Native Lands Acts have worked very well, and I approve highly of the general scope of these Acts, and am so fully persuaded of their beneficial operation, at least in this part of the colony, that I should be very sorry to see them repealed. I make this remark because I have heard, since my return, that there is a party inclined to repeal them. I earnestly hope that the Government will not support such a measure, for I believe there is no Act passed of late years which has done so much to promote the settlement of the colony as "The Native Lands Act, 1865." I am quite prepared to give good reason (as I believe) for my opinions on this subject, and I think myself entitled to express an opinion, having had some experience of the working of the Act.

So long as we recognize the right of ownership in the Natives in the lands of the colony—I mean not only in the lands cultivated or used by them, but also in those lands which are, and always will be, wastes, so far as any use of them by the Natives is concerned—I do not know any method of dealing with the lands of the Natives which will be of so much advantage to the community as the system existing under the Native Lands Acts.

I have made several suggestions, in a rough way, as I have, stated, but there are two matters particularly in respect of which I think radical amendments should be made in the Act. The first I mention is that the jurisdiction of the Court should be confined to the cases of claims to lands in the ordinary acceptation of the word, and that the Court should not have the power to entertain claims of fisheries, or such claims as that recently made to the foreshore at the Thames. If Natives have really claims to the enjoyment of such rights, there is no likelihood of any person interfering with them, and they certainly do not require a grant from the Crown to protect them in the enjoyment of such rights. The grant would only be obtained for the purpose of enabling the Natives to sell such rights to private individuals—to make a profit at the expense of the public. Such monopolies as the exclusive right of fishing in a particular place are bad enough in the Old Country; in the colony they are simply intolerable. I am doubtful as to your agreeing with me in this respect, but I feel very strongly on the subject. I have offered a suggestion in section 7, but I would like to see the alteration carried further than I have suggested. The other matter is, to alter the Act so as to secure the repayment of loans made by persons to Natives for the purpose of enabling them to obtain Crown grants of their lands. If I did not see the danger of legalizing contracts relating to land made with Natives before the title to such lands had been ascertained, I should be strongly in favour of removing all restrictions upon such contracts; but I believe that allowing such contracts to be made would only be causing continual litigation between Europeans, frequent strifes between the Natives themselves and between the Natives and Europeans, and probably bloodshed. I do not, on the other hand, see the objection to securing to the European the repayment of money he may advance to a Native for the purpose of his obtaining a marketable title to his land. The Native must, in nearly every case, obtain pecuniary assistance to bring his claim before the Court, and if the law recognized and protected transactions entered into for the purpose of giving this assistance to the Native (and such transactions there must be so long as there is a Native Land Court, whether or not the law recognizes them), it would have the effect of considerably extending and improving the operation of the Act; and would make dealings with Natives for their land look not like scrambling and cheating—the aspect they wear in many cases at present. To carry



out my ideas, I have suggested, amongst other things, that the Court should inquire into these transactions, and validate them if proper and just; and I have suggested that surveyors should be placed in a better position for recovering payment from the Natives for services than they are at present. Such an alteration in the law as I have suggested would lead, perhaps, to a still greater amendment—that of legalizing, by the Court, all contracts relating to land entered into by Natives who were declared by the Court to be owners of the land affected by such contracts, and the legislation would then be gradual.

There is another matter, not strictly coming within the scope of the proposed Act, but which requires immediate attention. There are cases in which Crown grants have been issued with a day named in the *habendum* clause, for which there is no warrant in law, and people have been dealing with the lands comprised in such grants on the faith that such grants are perfectly good. I know that others besides myself entertain doubts as to the validity of these grants, and as I think the Government is bound to take steps to remove these doubts, and to establish titles resting upon such grants, I beg you to draw attention from the proper quarter to the matter, so that some provision should at once be made for such cases.

I have, &c.,

J. C. MACCORMICK.

F. D. Fenton, Esq.,  
&c., Native Land Court.

## **(No. 3.)Mr. FIELD to Mr. COOPER.**

Whanganui, 27th June, 1871.  
SIR,—

I have the honour to acknowledge, with thanks, the receipt of your letter of the 17th instant, enclosing schedules showing state of grants for Native lands at Patiki. The schedule of 26th August, 1870, came duly to hand, and its receipt was acknowledged by me at the time. It however did not show whether the grants referred to in it had actually been executed or were lying in the Crown Lands Office unexecuted; and as some of the Natives who paid me, on my stating to them on its authority that their grants were ready, have since repeatedly asserted that they nevertheless could not get their grants, others naturally objected to pay, and I had reason to doubt whether the documents had actually been complete at the time I told the Maoris they were so.

I think it would be well if some machinery were devised whereby the Natives could have their grants delivered to them in their several districts. If, for instance, the grants, together with a memorandum of the amounts due on them, were forwarded, on their execution, to the Native Resident Magistrate of the locality, and he were authorized to receive and account for the money, it would obviate a good deal of the delay at present arising in the delivery of the grants, and remove a fertile source of unpleasantness between Maoris and surveyors, and of dissatisfaction with the working of the Court in the minds of the former.

As I understand an amended Native Lands Act is being prepared, and as you may not improbably have something to do with its preparation, it perhaps may not be amiss to call your attention to the present unsatisfactory state of the law as regards the payment of survey fees. The fact that, on the establishment of the Native Land Court, a number of wandering surveyors undertook surveys at low rates, and, after being paid, disappeared without attending to prove the plans in Court, led to the issue of a circular *Gazette* intimating to Natives that they had better not pay till the work was proved in Court. This not only operated as an injustice to surveyors who might have executed surveys for Natives who on investigation turned out not to be the owners of the surveyed land, in which case the surveyor could get no lien on the land, and had merely an apparent remedy against people whom it would be a waste of time and money to sue, but it had a direct tendency to impede the action of the Court by increasing the cost of surveys, and, by compelling surveyors to apply for liens on the grants, to delay their issue. It moreover emboldened Maoris to employ persons to survey lands to which they

had doubtful claims, by making the recovery of his money by the surveyor practically contingent on the success of the claim. If they got the land the surveyor might get paid some time or other if not, they would have sustained no loss and incurred no actual expense, beyond their own time, by prosecuting an unjust claim.

Of late, the Court has evinced an unwillingness to authorize liens on grants unless in special cases, and surveyors did not care to press for them, because lawyers held that such liens were of the nature of securities, which would bar suits for the recovery of the survey fees; and quite recently a further difficulty has arisen, in the shape of a ruling by our Resident Magistrate, to the effect that survey fees, not secured by lien, were nevertheless irrecoverable in his Court, as being claims arising but of transactions in a superior Court. The whole question is thus, as you will see, in a considerable muddle. It seems to me that one of two courses should be adopted: either the circular should be withdrawn and the surveyors be left free to make their own terms with the Natives; or the amount of the surveyor's claim for his work, and attending in Court to prove it, should be marked on the map, and lodged in Court by the claimant as a preliminary to the investigation of his claim. The only objection to the latter course is the impecuniosity of the Natives generally; but this difficulty might be to a great extent removed if a less expensive style of survey were accepted as sufficient for the mere investigation of title. At present the Court actually insists on a far more elaborate and expensive survey for Native lands than the Provincial Government undertakes in completion of the title to lands sold by it. This appears hardly fair to the Natives, and it has, besides, an obvious tendency to increase the difficulty of obtaining payment.

It has always seemed to me that, for the mere investigation of title, a sketch-map prepared by a surveyor (Native sketches being very unreliable, and often actually showing everything turned end for end), showing the boundaries of the land, with its approximate area, and its position as fixed by a few prismatic bearings in reference to any neighbouring prominent natural features of the country, and which would cost but a trifle, should suffice; but that a proper correct survey should be required as a preliminary to the issue of the Crown grant. By this course any serious expense prior to the investigation of title would be saved, and, on the title being determined, those in whose favour the certificate was issued would have no difficulty in obtaining funds either from intending lessees or purchasers, or by means of such a mortgage as is at present allowed, to defray the cost of the grant survey. This course would in the long run add little, if anything, to the total cost of survey, as the surveyor, in running over the ground to prepare the sketch-map, would get such a general knowledge of it as would greatly facilitate the subsequent work.

Anything tending to promote the successful working of the Native Land Court is of such importance to the extension of settlement and furtherance of the interests of the colony generally, that I feel sure you will excuse me for noting the above matters.

I have, &c.,

H. C. FIELD, Licensed Surveyor, Native Land Court.

G. S. Cooper., Esq., Acting-Secretary for Crown Land

P.S.—I observe one error in the schedule of grants. The survey fees on

Kariate No. 2 were paid as long ago as 26th January, 1869, and gave the tenant of the property who paid the money a memorandum of the satisfaction of the claim for him to forward to the Secretary for Crown Lands, and release the grant. I can only suppose he has omitted to send it, as this grant is one which the owner of the land has complained he could not get after paying the money. I enclose herewith a fresh memorandum.

**(No. 4.)Juge MANING to Mr. DICKEY.**

Native Land Court Office, Hokianga, 2nd September, 1871.  
SIR,—

I have the honour to acknowledge the receipt of your letter of the 19th ultimo, with copy of a draft Native Lands Act and communication from the Hon. the Native Minister, to the effect that he desires the opinion of Judges of the Native Land Court on the same. I, in consequence, enclose herewith some hasty notes I have made different sections of this draft Act intended for the consideration of the Chief Judge and the Hon. the Native Minister, and feel it my duty to state that I can only look upon this draft Act with feelings of the most unqualified disapproval and not a little alarm; for should it become law without such alterations as would, in fact, altogether obliterate the original, it would most certainly be, as soon as it came to be understood by its practical operation, indignantly repudiated by the Natives, who would return to those feelings of distrust and hostility to the Government which, I am glad to say, have, for several years back, been gradually dying out in the North, and are now all but extinct.

I have, &c.,

F. E. MANING.

A. J. Dickey, Esq., Chief Clerk Native Land Court, Auckland.

## (Enclosure in No. 4.)

*Notes on some of the Sections of the Draft of "The Native Land Court Act, 1871."*

Section 13.—I think it well that it should be left to the discretion of the Judge whether or not to employ an Assessor. There are many cases where the presence of a Native Assessor is not really required, and consequently the expense not necessary; but as the practice of in all cases employing Assessors has continued so long, an abrupt change to the contrary practice would not, perhaps, be advisable. It is sufficient to leave to the Judge whether to employ an Assessor or not.

Sections 15, 16, 17.—I do not think that any formal division of districts need be made, but there would be no harm in doing so, provided that the Judges are liable to be called on to act in any other part of the country on special occasions. The present law and practice seem sufficient.

Section 20.—Difficulties have arisen from time to time, but seldom entirely of the nature named in the explanatory remark on this section. The difficulties have chiefly been from delays and misconduct of the surveyors. I would suggest—not, however, without hesitation, and subject to fuller consideration—that it might be an improvement on the present system to appoint district surveyors; each surveyor to have the monopoly of all work required to be done in his district by Natives, with power to employ any sufficient or necessary number of assistants, and no survey to be valid or recognizable by the Court except done by him, or under his supervision; but giving him no redress at law as against his employers, except in the way of enforcing any securities his Native employers might give him for payment previously to the work being entered into which they all can do in one way or another. Some such arrangement would place the parties in a better position: The surveyor would be enabled to refuse to survey until he was secured for his payment which should be at a fixed rate, determined by the Government); the Native claimant could not bring his claim into Court until he had either paid the surveyor beforehand, or given him security, and would be deterred from bringing before the Court, in most cases, any doubtful or vexatious claim; in fact, the expense of survey, which under such circumstances would be clearly unavoidable, would be a very strong guarantee that the claim was *bonâ fide*, or that the claimant himself believed he was right. The Court, however, should have it in its discretion to order, in case of a claimant who had been nonsuited, and the title given to a successful opponent, that the expense the first claimant had been to in making the survey should be reimbursed to him by the person who had made good his title. Surveyors, I think, would be willing to accept appointments on these terms; but I only make these remarks as a rude groundwork out of which something better may be made, as I am at present pressed for time, and cannot give the subject the full consideration it deserves, or that I could wish. I wish to be understood that in any remarks I make here I refer more particularly to all the country north of Auckland, from the Waitemata

River and Kaipara to the North Cape, except where my remarks have an obviously general application.

Sections 21 and 22.—The present law and practice seem quite satisfactory and sufficient.

Section 23.—Absolutely impracticable and unnecessary. Under this section a Judge would have the whole of his time taken up in travelling about the country making extra judicial and impertinent inquiries, and collecting one-sided and, for the most part, false evidence, but which would be only calculated to warp his judgment when the case actually came into Court—a Court in which the titles to estates and interests of the greatest value are decided by the Judges under a deep feeling of responsibility, and of the necessity of doing strict justice, and which is indeed the only foundation for the surprising authority which the Court has acquired, without any support but a moral influence, amongst the Natives, who, though they may in a very few cases appeal against a judgment, have notwithstanding full confidence in the rectitude of the Court, and its intention to do in all cases strict justice. To take action under this section would at once destroy the confidence the Natives have in the Court, and would render the office of Judge contemptible. My practice always been directly to the contrary. I never allow any Native to say one word to me on the merits [*unclear: any*] claim until it comes before me in Court, and the result has been excellent. I am no longer troubled as at the beginning with attempts to prejudice my mind beforehand, and all parties have [*unclear: confident in*] the impartiality of the Court, and very few claims are made which are not *bonâ fide*.

Section 24.—Many claims must be heard at the same time and place, or the business could not be got through at all; and, as to making it a rule to hear or close to the land claimed, this would be to go as far as possible to insure a one-sided investigation, and often a wrong decision. The reason for this opinion I have fully stated formerly in a letter to the Chief Judge of the Native Land Court.

Section 25 and explanatory note.—Natives are always perfect able to manage their own cases in Court. In many cases I find them extraordinarily clever as [*unclear: pleers*], and they always suffer on both sides, where, in any opposed case, they have been prevailed on the employ European agents, especially lawyers. The present law and practice are sufficient; there is no need to endeavour to make the Court popular: it is highly so.

Sections 26, 27.—See explanatory remark, section 25.

Sections 28, 29.—The present law and practice quite sufficient.

Section 30.—I think that in the cases referred to in this section the Court should have full power to decide as to what restrictions should be imposed on alienability of land, and whether any should be imposed. I think it very necessary and important that the Court should have such discretionary power.

Sections 31, 34, 35, 36, 37.—Such interference between the [*unclear: buyer*] and seller would be politically unwise, and constitutionally wrong, and highly dangerous. The danger intended to be guarded against by section 31 does not exist, or only to a small degree, in the northern districts, where the Natives do place even, if anything, too much value on land. I think that were the danger alluded to in the explanatory note on section 31 does exist it might be averted in more simple manner. The procedure laid down for adoption in sections 34, 35, 36, and 37, I am bound to say, I think, generally impracticable, quite unnecessary, and highly dangerous. The Native in all the northern districts, and particularly in the Bay of Islands District, understand well what their own rights are; they are extremely anxious to hold their lands by tenure from the Crown, in the same way as lands are held by Her Majesty's European subjects; they are very determined to do as they choose with their own, and are not at all likely to ruin themselves by excessive or improvident land sales, and would, I feel sure, resist such interference and such a state of tutelage as the sections above mentioned would impose upon them, but will submit willingly to such restrictions on alienability of lands or other conditions as the Court can show are prudent, desirable, or necessary for their own [*unclear: interests or*] the interests of their children. I am bound by my duty to the public to speak plainly what I think this subject, for I can anticipate nothing but danger and difficulty should this proposed Act become [*unclear: law*].

Sections 38, 39, 40.—I think the present law and practice sufficient, and well understood by the Natives.

Section 41.—This section appears to me unnecessary, the present law being sufficient. The only remark I would make is that every decision by the Court should be founded on a full investigation, and that, in respect to the "peace of the country," the Court should endeavour to come to a just decision in every claim on Maori usage and custom as its first object, and that this will insure the peace of the country in as far as any action of the Court can secure it.

Section 42, of fees.—The fee of 10s. for application for inquiry [*unclear: into*] title I do not think advisable. The present scale of fees fixed by law appears to me sufficient, the Court having discretion in applying it.

Sections 43, 44, 45, 46.—No remark necessary, present law being sufficient.

Section 47.—There can be no objection made to this section, and it might be useful to decide any doubt as to the reading of an Act, but I do not see at present any [*unclear: likelihood*] of a question in English law arising in the investigation of a title founded on Maori usage and custom.

Section 48.—Present law sufficient, and I think better.

Section.49.—I think that in all cases of land claims contested between Natives and the Government the Court should not have jurisdiction, except only when the matter has been referred to the Court by the Governor, and in such cases I think the proceeding should be of the, nature of an arbitration: but I believe it would be better for many reasons that no such cases should be referred to the Court at all; and I think the Government would, in most instances, settle such disputes more advantageously by arrangements which might be made between its agents and the Natives. I, however, do not wish to be understood as speaking positively, on this point.

Section 50.—Very proper.

2nd September, 1871.

F. E. MANING.

[NOTE.—The appendix to these reports is too voluminous  
for insertion.—ED.]