

P A P E R S

ON THE SUBJECT OF THE

TARANAKI LAND QUESTION

FROM

1839 TO 1859.

Presented to both Houses of the General Assembly by command of his Excellency.

SCHEDULE.

PAPERS ON THE SUBJECT OF THE TARANAKI LAND QUESTION.

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PAPERS CONNECTED WITH THE
TARANAKI LAND QUESTION
FROM 1839 TO 1859.

1 E—No. 2.

No. 1.

EXTRACTS FROM FIRST DESPATCHES OF COLONEL WAKEFIELD TO THE NEW ZEALAND
COMPANY, AFTER HIS ARRIVAL IN NEW ZEALAND.

Port Nicholson, Tuesday, October 1, 1839.—Warepori's sudden regard for me has also opened the way to acquiring a large district of fine flat land at Taranaki and Moturoa on the Western Coast, in the neighbourhood of Mount Egmont. Should I be able to obtain possession of this tract, which is extensive and perfectly level, through the means I have obtained here, I shall be less anxious about purchases in the North. The district in question is between Kawhia and Mount Egmont, abreast of the Sugar Loaf Islands, and runs for 30 miles inland. The Chiefs here, who were all born on these plains, look back with great regret to the time when they were obliged to abandon them, and are very desirous that they should be again opened to them by means of European settlers. They have selected E Whare, the son of Te Puni, and Tuarau, the grandson of the principal Chief of the whole Ngatiawa tribes, to accompany me to Taranaki, where it is hoped they will be able to open a negotiation with the present possessors of the land, to whom they are both related. * *

Cloudy Bay, October 4.—All my arrangements being completed on shore, we weighed anchor this morning; and taking with me E Whare and Tuarau, we sailed for Cloudy Bay, in the mouth of which harbour we anchored this evening. * *

Sunday, 27th October, 1839, Kapiti.—The weather, for the first time during ten days, allowed a boat to cross over to the main. I went to Waikanae, taking with me E Patu, the son of Toroa, the two principal chiefs of that place and of Queen Charlotte's Sound. On landing, we were greeted by the acclamations of the numbers assembled at the place in expectation of a second attack from the Ngatiraukawas. As soon as it was known that I had come to talk about the land, a rush was made for the usual place of meeting on public occasions; and in a few minutes a large arena was entirely covered with people, seated in their peculiar posture in perfect silence, anxious to hear the speeches of the elders. A place was made for me on the side of a canoe; and during the discussion all eyes were fixed on me, as if to read in my countenance the effect of the eloquence of the orators. E Patu introduced me as a good man, who liked the natives, and who would bring a great many white people to live amongst his tribe, and an English missionary to teach them. A low murmur of approbation ran through the assembly at the conclusion of his speech. Some of the elder chiefs then addressed us, and coincided in granting me all their lands, upon condition of receiving arms and ammunition to enable them to defend themselves and people from their enemies. They declined blankets, clothing, and tobacco; nothing was wanted but implements of war. * *

After visiting their village, which is the largest we have seen, and tolerably fortified, and seen their wounded, I persuaded three of the chiefs to accompany me on board to see Rauparaha, with a view of putting an end to their quarrel with the Ngatiraukawas. On approaching the ship they evinced the greatest fear, declaring that Rauparaha would take their heads. Soon after being on board I sent for Rauparaha and his fighting general Rangiaata, who had arrived from Mana. When these came on deck, and saw the three Ngatiawa chiefs sitting down with their faces half hidden in their mats, they betrayed great surprise, and made their customary warlike grimaces. Then, from, I conclude, remembering that the ship was no place to show any hostile demonstration, they advanced to them, and rubbed noses with them in succession. * *

Monday, 28th October.—The three chiefs of the Ngatiawas, whom I had brought from Waikanae, declined proceeding with me to Queen Charlotte's Sound, where I wished them to combine with the heads of the tribe resident there in conveying their rights to me. They pleaded, with justice, the danger to their families during their absence, from their neighbouring enemies, but deputed one of their sons to accompany me, who is empowered to act for them. In the meantime, they have promised me that they will part with no land until my return. If time had permitted, I could have concluded the bargain for their lands, although I should have had some difficulty in satisfying them in respect to arms, with which I am ill provided. * *

Thursday, 31st October, East Bay, Queen Charlotte's Sound.—The weather having changed, and our repairs effected, we crossed the Strait this morning, and anchored in this bay, instead of Ship Cove, for the convenience of being nearer to the grove at the head of the Sound, whither it was necessary to send to procure a spar for a fore-yard. I was also desirous to be near the principal settlement in the Sound, in order to conclude my treaty with the Ngatiawas, for the sale of their rights in the neighbourhood of the Strait. As soon as we entered the bay, many natives came off who had heard of the object of our visit. I landed in Grass Cove, where Captain Furneaux's boat's crew was murdered, and walked over the island of Arapaoa to Okakuri, from whence I got a canoe to Teawaiti. On coming in sight of Okakuri, the chief who accompanied us requested us to fire off our guns, the report from which brought in answer a continued discharge of muskets, until we reached the village. Here we found assembled about 200 men in a state of great excitement, and preparing to start in their canoes for Waikanae, to carry on the war against the Ngatiraukawas; my companion and myself, with the Waikanae chief, had to go through the ceremony of shaking hands with everyone in the settlement, ranged round the place of public meeting. After this operation, a tangi

commenced in honour of the chief's arrival, and to the memory of their friends who fell in the late fight. So soon as we could escape, we left the village, where E Whiti remained to talk about the land; at Teawaiti we found the same warlike preparations, and heard of a general muster of the tribes desirous to attack their enemies, and of the determination of one of chiefs to land with 60 picked men on Rauparaha's island, for the purpose of carrying off that old chief, who had killed his father some years ago.

Friday, 1st November.—I visited Okakuri again this morning, in company with Mr. Barret, and prevailed on the chiefs to postpone their hostile voyage until the negotiations for the sale of their land should be completed; they promised to meet me in East Bay, and to bring with them all the principal owners of the Ngatiawas; after which I returned to the ship in a whaleboat, pulled by a native crew. * * *

Saturday, 2nd November.—The natives here, some of the ancient possessors of Taranaki, are very desirous that I should become the purchaser of that district, in order that they may return to their native place without fear of the Waikato tribes. They will yield all their claims on the district to the Company, but stipulate for the same reservation of land for Mr. Barrett and the children of the late Mr. Love as for the native chiefs; these two Englishmen having lived for so many years amongst the Taranaki people during the wars, and having had children born of native wives on the spot, have been long considered as belonging to the tribe. * * *

Friday, 8th November.—Soon after daylight the natives began to come on board, and by twelve o'clock more than 200 had assembled on the deck, including the chiefs in the Sound. A good deal of speaking took place; and the principal man, E Hawe, enumerated the places which the residents here possess or claim. With so many to satisfy, I found myself called upon to give them a second tierce of tobacco, which produced a sensation of satisfaction; after which, the chiefs and elders sent some of the crown on shore, and the business of allotment and distribution began. * * * When the allotments to the different tribes had proceeded some time, a violent dispute arose among one tribe, the Puketapu, which threatened to put an end to the purchase; and it was not till I had persuaded the Chief of it to send away some of his people, under a threat of putting all the things below and going to sea, that anything like peace was restored. More than 100 men still remained on deck; and as the goods might now be considered delivered to them although I allowed the distribution of them to be made on board, I took advantage of the momentary calm to secure the signatures of the Chiefs, to the number of 30. * * *

Kapiti, 11th November.—Being under a promise to take back the chief E Whiti, and the missionary who had been a witness to the late sale, to Waikanae, we sailed for this place yesterday; but, owing to a strong north-west wind, only reached it to day. We found all the natives in great commotion on account of the preparations making for war on the main. The Ngatiawas muster 800 fighting men, and can be reinforced to the number of 600 more if occasion requires. * * *

No. 2.

EXTRACTS FROM DEED OF SALE BY NGATIAWA CHIEFS TO COLONEL WAKEFIELD FOR THE NEW ZEALAND COMPANY, 8TH NOVEMBER, 1839.

Know all men by these presents that we, the undersigned chiefs of the Ngatiawa tribes, residing in Queen Charlotte's Sound, and other places on both sides of Cook's Straits, in New Zealand, have this day sold and parted with all our rights, claims, titles, and interests in all the lands, islands, tenements, woods, bays, harbours, rivers, streams, and creeks, within certain boundaries, as shall be truly described in this deed or instrument, unto William Wakefield, Esquire, in trust for the governors, directors, and shareholders of the New Zealand Land Company of London, their heirs, administrators, and assigns, for ever; * * * And in order to prevent any dispute or misunderstanding, and to guarantee more strongly unto the said William Wakefield, his executors and administrators, in trust for the said governors, directors, and shareholders of the New Zealand Land Company of London, their heirs, administrators and assigns for ever, true and undisputed possession of the aforesaid lands, tenements, islands, &c., we, the undersigned chiefs, for ourselves, our families, tribes, and successors for ever, do hereby agree and bind ourselves, individually and collectively, to the description following, which constitutes the boundaries of the said lands, islands, tenements, &c., now sold by us, the undersigned chiefs, to the said William Wakefield, in trust for the said governors, directors, and shareholders of the New Zealand Land Company of London, this 8th day of November, in the year of our Lord 1839, that is to say,—The whole of the lands, islands, tenements, &c., which are now in our possession, or to which we now lay any claim, or in which we now have any rights or interests, on the southern as well as on the northern shore of Cook's Straits, in New Zealand; comprising all those lands, islands, tenements, &c., situate on the southern shore of Cook's Straits, * * * and also comprising all those lands, islands, and tenements, &c., situate on the northern shore of the said Cook's Straits, which are bounded on the north-east by a direct line drawn from the southern head of the river or harbour of Mokau, situate on the west coast, in latitude of about 38 degrees south, to Cape Tikukakore, situate on the east coast, in the latitude of about 41 degrees south, and on the east, south, and west by the sea, excepting always the Island of Kapiti or Entry Island, and the small islands adjacent thereto, and the island of Mana or Table Island, all situate on the said northern shore of Cook's Straits; but including Tehukakore, Warehama, Rangiwaiama, Wainarap, Turakirai, Wanga Nui Atera

or Port Nicholson, Rimarap, Oterangao, Omeri, Tuamero, Oariu, Titahi, Porirua, Ohoeka, Te Rewa Rewa, Waikanai, Waimea, Otaki, Owaha, Manawatu, Rangitiki, Wangaehu, Turakina, Wanganui, Waitotara, Whenuakura, Patea, Tangahohi, Ngatiruanui, Pahakahatiro, Taranaki, Moturoa, and the several other Sugar Loaf Islands, and the river or harbour of Mokau. And we, the undersigned chiefs, do hereby acknowledge, for ourselves, our families, tribes, and successors for ever, to have this day received full and just payment for the lands, islands, tenements, &c., within the aforesaid boundaries. * * *

In witness whereof, the said chiefs of the first part, and the said William Wakefield of the second part, have hereunto put their hands and seals, this 8th day of November, in the year of our Lord 1839.

| | | | |
|-------------------------|---------------|---------------------------|-------------|
| Ngatiawas: | | Manurau. | his x mark. |
| E White, | } his x mark. | E Mare | his x mark. |
| for himself and E. Redi | | E Rafe | his x mark. |
| E Hawe | his x mark. | Te Rangi Auredi | his x mark. |
| Puketapu: | | Poaringa | his x mark. |
| Nga Pakawa | his x mark. | Aneta | his x mark. |
| Patukekeno, | } his x mark. | E Tiro | his x mark. |
| for himself and Toeroa | | Poata | his x mark. |
| E Witikau | his x mark. | Watino | his x mark. |
| Kaupene | his x mark. | E Huie | his x mark. |
| Raupunca | his x mark. | Karakea | his x mark. |
| E Moko | his x mark. | Tutara | his x mark. |
| E One | his x mark. | Takanga | his x mark. |
| Wairunu | his x mark. | Pahoki | his x mark. |
| E Mutu | his x mark. | Taniwa: | |
| Korori | his x mark. | E Peke | his x mark. |
| Nga Motu: | | Ngati Matui: | |
| Waitara | his x mark. | Nga Rewa | his x mark. |
| E Piro | his x mark. | | |

W. WAKEFIELD.

Witnesses:
 R. Barret,
 Richard Lowry,
 George Doddrey,
 Himiona.

No. 3.

EXTRACT FROM DEED OF SALE BY NATIVES RESIDENT AT TARANAKI TO THE NEW ZEALAND COMPANY, DATED 15TH FEBRUARY, 1840.

Know all men by these presents, that we, the undersigned chiefs of the district of Nga Motu, near Mount Egmont, in New Zealand, have this day sold and parted with all our rights, titles, claims and interests in all the lands, islands, tenements, woods, bays, harbours, rivers, streams and creeks within certain boundaries, as shall be truly described in this deed or instrument, unto John Dorset, Esquire, his executors and administrators, in trust for the Governors, Directors and Shareholders of the New Zealand Land Company of London, their heirs, administrators and assigns for ever; * * * * * And in order to prevent any dispute or misunderstanding, and to guarantee more fully unto the said Governors, Directors and Shareholders of the New Zealand Land Company of London, their heirs, administrators and assigns for ever, true undisputed possession of the said lands, islands, tenements, woods, bays, harbours, rivers, streams and creeks, we, the said chiefs, for ourselves, families, tribes and successors for ever, do hereby agree and bind ourselves to the description following, which constitutes the boundaries of the aforesaid lands, islands, tenements, woods, bays, harbours, rivers, streams and creeks now sold by us, the undersigned chiefs, to the said John Dorset, this 15th day of February, in the year of our Lord 1840, that is to say, from the mouth of the Wakatino river along the sea-shore by Te Kauwao, Omau, Tongapourutu, Te Oro, Parinui, Puka, Arawa, Parairoa, Otumatua, Wakariwa, Orapopa, the Mimi river, Arapawa, the Urenui river, Te Pianga, Onaiu, Wauau Te Tanawa, Turangi, the Waitera river, Waiorua, Waiongana, Te Rewatapu, Te Puketapu, the Pohui river, Waita, Mangate, Mataketake, the Puka Lagoon, the Waiwakaio, river Pukaweka, the Enui river, the Uatoki river, Rawarora, Te Arawata, Pukatuti, Waitapu, Otaki, Mataipu, Arakari, the Ongi-ongi Lagoon, Te Tutu, the islands of Kimi Kotahi Moturoa and Motumahanga, commonly called the Sugar Loaf Islands, Te Kutu Paparua Paritutu, commonly called Sugar Loaf Point, Wahine, Taranaki, Mataora, Motuoto matca Arakawi, Ahanui, Porapora, Waiorateki, Waireku, Omata, Te Wairedi, Opo, Otete, Tapuwairuru, Kakiorangi, Omuna, Uakura, Wakau, Wairau, Waimoku, Otupota te Wairedi, Oau, Oraukiwa to Aurongo; the said sea-shore at low-water mark forms the north-western boundary of the said lands, islands, tenements, woods, bays, harbours, rivers, streams and creeks. From the said Auronga on the sea-shore a line striking inland by Patua, Heringa, Pawaka Te kiri Powakai, and from the said Powakai to the

PAPERS CONNECTED WITH THE TARANAKI

summit of Taranaki, commonly called Mount Egmont, forms the southern boundary of the said lands, islands, tenements, woods, bays, harbours, rivers, streams and creeks. From the said summit of Taranaki, a line striking by Taunatutawa, Purakahua, Wakahinangi, Ratapiho, Pukarimu, Mangotuku, Wakaikatoa, Makahu, Wanguihu, Moangiha, Te Kopua, Te Waitetanga, Wangamomona, Makuri, Te Po, to the river Wanganui, and from the said river by Tettangi-tangi, Mangoheva, Paringa, Pukekura, across the Onairo river, by Te Tuahu, Raipikari, Wakamaluki, Tupari, Pukewakamaru, across the Udenui river, by Puketarata, across the Mimi river, by Rangipurapaki, Waitaoura, Te Pokuru, across the Papatiki, by Turangarua, Romanu, Pukakao, Te Aweru, across the Wakaramu and Wai Pikao rivers, by Paraniu, Timinuka and Wanga to Rowai, on the said Wakatane river, and down the said river and its mouth forms the eastern and northern boundary of the said lands, islands, tenements, woods, bays, harbours, rivers, streams and creeks. And we, the aforesaid Chiefs, do hereby acknowledge for ourselves, our families, tribes and successors for ever, to have this day received a full and sufficient payment for the aforesaid lands, islands, tenements, woods, bays, harbours, rivers, streams and creeks. * * *

In witness whereof, the said Chiefs, of the first part, and the said John Dorset, of the second part, have hereunto put their hands and seals, this 15th day of February in the year of our Lord 1840.

| | | | |
|---------------------------|-------------|---------------------------|-------------|
| Awatea - - - - | his x mark. | Te Eru - - - - | his x mark. |
| Aurua - - - - | his x mark. | Ranguira - - - - | his x mark. |
| Edward or Puki ki maori - | his x mark. | Torenui - - - - | his x mark. |
| E Haki - - - - | his x mark. | Ewaho - - - - | his x mark. |
| E Ku - - - - | his x mark. | Te Unoko - - - - | his x mark. |
| Kororo - - - - | his x mark. | Kaupono - - - - | his x mark. |
| E Muri - - - - | his x mark. | Te Eria - - - - | his x mark. |
| E Po - - - - | his x mark. | Hearoa - - - - | his x mark. |
| E Po Pukatapu - - - - | his x mark. | U te tua. | |
| Tangutu - - - - | his x mark. | Te waiko - - - - | his x mark. |
| Wakairi - - - - | his x mark. | Mary Iride - - - - | his x mark. |
| E Pahi - - - - | his x mark. | Miriama Raucanway - - - - | her x mark. |
| Te Ngini - - - - | his x mark. | Parekauri - - - - | her x mark. |
| Roroatua - - - - | his x mark. | Warara - - - - | her x mark. |
| Te Uia - - - - | his x mark. | Waiape - - - - | her x mark. |
| Korongo - - - - | his x mark. | Rokia - - - - | her x mark. |
| Te Remu - - - - | his x mark. | Te Rangi Wakawanui | her x mark. |
| Rangituki - - - - | his x mark. | Caroline Puki ki maori | her x mark. |
| Rangikowiwi or Taitua - | his x mark. | Catherine Ngatakorua | her x mark. |
| Tukoreu or Rahaharu - | his x mark. | Mary Iringu - - - - | her x mark. |
| Te Pukao - - - - | his x mark. | Ehura - - - - | her x mark. |
| Te Mauta or Bartholomew - | his x mark. | Eraue - - - - | her x mark. |
| Pairua - - - - | his x mark. | Charlotte Pikia - - - - | her x mark. |
| Ongairi - - - - | his x mark. | Ekao - - - - | her x mark. |
| Ngaurueru - - - - | his x mark. | Komaru - - - - | her x mark. |
| Na te ma ne Wakapu - | his x mark. | Ngawai - - - - | her x mark. |
| Rangipuahehe - - - - | his x mark. | Paiti - - - - | her x mark. |
| E Tuti - - - - | his x mark. | Parekuwao - - - - | her x mark. |
| Patupai - - - - | her x mark. | Atarawao or Ekora - - - - | her x mark. |
| Etari - - - - | her x mark. | Ekora - - - - | her x mark. |
| Ewane - - - - | her x mark. | | |
| Epuu - - - - | her x mark. | | |
| Epare - - - - | her x mark. | | |
| Teruiti Poharama - - - - | - - - - | - - - - | his x mark. |
| Rowera - - - - | - - - - | - - - - | his x mark. |
| Matthew - - - - | - - - - | - - - - | his x mark. |
| Opa - - - - | - - - - | - - - - | his x mark. |
| Ihaia - - - - | - - - - | - - - - | his x mark. |
| Pohonao - - - - | her x mark. | Eri - - - - | her x mark. |
| E Wangamata - - - - | her x mark. | Taowaki - - - - | her x mark. |
| E Ngongo - - - - | her x mark. | E Ao - - - - | her x mark. |
| Kohake - - - - | her x mark. | Poewa - - - - | her x mark. |

JOHN DORSET,
Acting Agent, New Zealand Land Company.

Witnesses :
Richard Barrett,
George Dodeny,
Ernst Dieffenbach, M.D.

Examined with the original, this 4th day of June, 1845, and is a true copy thereof, by us.

WILLIAM SPAIN,
Commissioner of Land Claims.

ROBERT THOS. C. YATES,
Commissioner's Secretary.

No. 4.

EXTRACT FROM DESPATCH FROM GOVERNOR HOBSON TO THE SECRETARY OF STATE,
13TH NOVEMBER, 1841.

At Taranaki the powerful tribe of the Waikatos threatens to dislodge the settlers, as they did not buy the land from them, who claim it in right of conquest. * * *

The Natives of Wanganui have followed a similar course with those of Porirua. 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.

No. 5.

EXTRACT FROM DESPATCH FROM GOVERNOR HOBSON TO THE SECRETARY OF STATE,
15TH DECEMBER, 1841.

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 rather take the law into his own hands.

No. 6.

DEED OF SALE FROM TE WHEROWHERO TO HER MAJESTY, DATED 31ST JANUARY,
1842.

Know all men by this book: We, Chiefs of Waikato, do let go and sell these lands of ours to George Clarke the Protector of Natives for H.M. Victoria, Queen of England, her heirs and successors, whether male or female, the land and all things that are on or under this land, we sell to George Clarke the Protector of Natives, for an estate for the Queen, her heirs and successors whether male or female, for ever.

The beginning of the Northern boundary is at Tongapourutu, the Western boundary is along the sea shore between Tongapourutu and Waitotara, and on the South beginning from Waitotara and going inland to Piraunui.

We receive these payments on behalf of the tribes of Waikato for their interest in the said land, One hundred and fifty pounds money, two horses, two saddles, and two bridles, one hundred red blankets.

Witness our names and signs, written in Auckland, on this thirty-first day of January, in the year of our Lord, one thousand eight hundred and forty-two.

Witnesses—

J. COATES,
GEORGE CLARKE, Sub-Protector.

TE KATI,
TE WHEROWHERO.

True Translation, THOMAS S. FORSAITH.

COPY OF A DESPATCH FROM COMMISSIONER SPAIN TO GOVERNOR FITZROY,
DATED 12TH JUNE, 1844.

New Plymouth, 12th June, 1844.

SIR,

I avail myself of the opportunity afforded by the Auckland overland mail, which leaves this place on Saturday next, of informing your Excellency of the result of my proceedings in investigating the New Zealand Company's claim to land in this district, and I have the honor to enclose a copy of the minutes of my court, which will put you in possession of my decision, which is to recommend a Crown grant to the Company of a block of (60,000) sixty thousand acres of land, commencing on the north side of the Sugar Loaf Islands, and extending to a place called Taniwa, including native reserves, and with certain exceptions, which you will find particularly explained in my judgment. This will include all the land that the said Company have already sold, or offered for sale, in this district.

I shall prepare my official report when I have finished my inquiries into all the Company's claims, which will, I think, be the most convenient course, as affording your Excellency the opportunity of having the whole subject of their purchases before you at the same time; but well knowing your great anxiety to have these all-important land questions brought to a speedy settlement, I lose not a moment in putting you in possession of the fact, that this case has been completed, so as to enable me to make my final report upon it.

Great misapprehension has existed as to the purchase of this place, as it was generally believed to be the Taranaki district, which was formerly occupied by branches of the Ngatiawa tribe, who, being driven away by the Waikatos, about nine or ten years ago, went to reside at Waikanae, Port Nicholson, and other places to the south, where the majority of them have remained ever since. But it now turns out that the Taranaki district commences on the south side of the Sugar Loaves, and extends towards Waimate, where the great majority of those Natives formerly resided, and were called the Taranaki tribes, and that it is outside the block of land which I have awarded to the Company.

The agents of the Company claimed a very large tract of land in this district under three purchase deeds, the first from the Ngatiawa, in Queen Charlotte's Sound; the second, from the resident Natives of this place, Ngamotu; and the third, from the Taranaki tribe.

Colonel Wakefield offered no Maori evidence in support of the Taranaki deed, but informed me that it was not the intention of the Company to claim any block of land under it. This narrowed my inquiry to the block of (60,000) sixty thousand acres, under the deed from the resident natives of this place, also branches of the Ngatiawa tribe.

I have, in my first report to the late acting Governor (which I had the honour to lay before your Excellency on your arrival in this colony), most particularly referred to the way in which these alleged purchases of the Company, which I had investigated, had been conducted; namely, by getting the signatures of some leading chiefs, and inserting in the deeds boundaries comprising millions of acres, upon the surface of which thousands of natives were living, without having consulted those resident natives who were the actual cultivators of the soil.

I then stated, that although a tribe might have marched through a country, conquering all the natives 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 had also occasion to express, in my report, a very strong opinion that these purchases had been conducted with great carelessness, and that the consent of a certain number only of natives had been obtained; that the great object of the parties seemed to be to insert in their deeds the names of places, so as to comprise degrees of latitude and longitude, instead of ascertaining who were the resident natives upon this immense territory, and endeavouring to obtain their consent to its sale; and I also remarked upon the imperfect way in which the transactions had been explained to the natives.

This purchase is, I am happy to say, free from these objections. Colonel Wakefield had previously effected a partial purchase of Port Nicholson, and had got another deed executed by the Ngatiawa, resident in Queen Charlotte's Sound, purporting to convey this district.

Puni, one of the principal chiefs of Port Nicholson, who joined in and has ever since admitted the sale of that place to Colonel Wakefield, and who had formerly resided at this place, recommended Colonel Wakefield to purchase it. Here, then, it appears that the Port Nicholson natives who had formerly resided here, and the Ngatiawa, in Queen Charlotte's Sound, had ample notice of the intended purchase.

Subsequently, Richard Barret, who had been many years in New Zealand, having a native wife and family, speaking their language, and understanding their customs, was landed here, and remained

on shore, living with the resident natives for a period of between two and three months, negotiating for the purchase, and explaining to them the boundaries of the land he was desirous of acquiring for Colonel Wakefield; and the bargain was not concluded until the natives had seen the goods offered in payment brought by the "Guide" brig. They then consented to accept the payment, had the trade landed, and forty men, besides women and children (including, I believe, the greater part of the residents), signed the deed, and took away the goods.

During Barrett's residence here, before he effected his object, there was ample time for any of the Ngatiawa of Port Nicholson and the other places to have opposed the sale; but none appeared to dispute the right of the resident natives.

About ten years ago, a battle was fought between the Waikato and the Ngatiawa residing in this district, at a place called Pukerangiora, when the former completely conquered the latter, taking a great many prisoners with them to Waikato, whom they made slaves.

The majority of those that escaped, fearing a further attack from the Waikato, migrated to Waikanae, Port Nicholson, and other places to the south, took possession and cultivated the land there, and in the case of Port Nicholson, I have already admitted their title, by reason of their occupation of the soil for a period of nine or ten years, as against Rauparaha and others, who pretended to claim that district by right of conquest.

The natives of whom Barrett made the purchase in question, appear to have been permitted by the Waikato to occupy this district between the Sugar Loaves and Taniwa, without interruption, from the time of the taking of Pukerangiora, until the purchase; but they appear to have lived opposite the Sugar Loaves for the purpose of being ready to escape in the case of a further attack; and it seems to me, that fear of the Waikato, coupled with a desire to have Europeans to reside amongst them to protect them from their enemies, was one of the principal causes that induced them to consent to the sale of the district.

It appears to me that the Ngatiawa, who left this district 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 to the land they thus abandoned; and having admitted their title at Port Nicholson, by reason of their occupation and cultivation of the land there, from the time of their arrival there from this place up to the time of my decision, I could not, with the slightest regard for consistency in my awards, for one moment entertain any claim of theirs to this district. Had they returned before the sale, and, with the consent of their countrymen again cultivated the soil, I should have held that they were necessary parties to the sale.

It appears, however, that some of this tribe, after the arrival of the Europeans, and the formation of the settlement, and when they thought themselves in consequence safe from their enemies, did return here and commenced cultivating land within the limits of the block previously alienated to the New Zealand Company. But I cannot, for the reasons before stated, admit their title; and if I did, I should be also obliged to admit that of all the others who might at any time think proper to return and claim payment.

From my first arrival at Wellington, the chiefs Moturoa, Wairarapa, and others, who disputed the sale of that place to the Company, constantly told me that they should remain there until they got payment, and then come here and claim payment also for this place.

I invariably discouraged them from taking a step which appeared to me so unfair and unjust, and I was much pleased to find that not one of them appeared here to assert any claim, although they had full notice of the intention of my visit to this place, and some of their people and Wairarapa's son travelled with me the whole journey.

If, however, the claims of those who had returned since the purchase had been once admitted, no doubt all the others would immediately have claimed payment, and my inquiry would have been almost interminable.

I have not seen any block of land claimed by the Company which can be spared from the aborigines with so little interference with, or injury to their interests, as the one in question.

By the enclosed return from the resident agent of the New Zealand Company, your Excellency will observe, that the natives have only 120 acres in cultivation (and many of these commenced upon long after the sale) in the whole block of 60,000; yet I have, in order to avoid as far as possible the cause of any misunderstanding between the two races, carefully reserved all these cultivations, their paha and burial-grounds, in addition to the 6,000 acres, to which they are entitled as native reserves; so that ample provision has been made for them in the reservation of land, more than sufficient for their wants.

The original block claimed by the Company was two miles more in length, and two more in breadth, than the one shown in the accompanying plan, which I have obtained for your Excellency for reference, as occasion may require, and was thus reduced after my arrival here, leaving another immense block of the very best and most available land immediately adjoining that of the Company, for the natives.

I have had two plans of the block made, and signed by myself, Mr. Clarke, and Colonel Wakefield, taking one to attach to my report, and leaving the other with the resident agent, so as to avoid the possibility of misunderstanding about boundaries hereafter. This map will show you where the native reserves in the suburban sections have been chosen, but none have been made for them in the rural sections (although 150 out of 500 sections have been already selected by the Company's purchasers), owing to the absence of any authorized agent to select for the natives. As this might very probably inflict an injustice upon the natives in depriving them of their one choice in ten, I have written to the resident agent upon the subject, of which letter I enclose a copy.

I should recommend the trustees of native reserves to appoint an agent here, to make these selections as soon as possible, as it must tend to convince the natives that their condition is really improved by the sale.

Your Excellency will see by the minutes of my proceedings that, after Colonel Wakefield had closed his case, I gave Mr. Clarke every opportunity of bringing forward whatever evidence he thought necessary on the part of the natives, and adjourned the Court to the day he mentioned, to give him time to be prepared. He, however, called only one witness, who, having at first prevaricated, at length admitted that he had been taken prisoner by the Waikato, and was only released from slavery in consequence of the introduction of Christianity amongst that tribe, which taught them to abandon the practice, and that he had returned to this place since the sale to Barret.

Mr. Clarke then declined calling any more witnesses; and I adjourned my court until Saturday, to give me time to consider the evidence, and determine upon my award.

I had no claim brought forward on the part of the Waikato; but this may be accounted for by the contents of a letter from the late Governor, Captain Hobson, to Captain King, the original of which is in my possession, and an extract from which I now enclose; nor was there any evidence offered to shew that that tribe had ever cultivated any land within the Company's block.

Previous to entering upon the case, and several times after its commencement, I inquired of Mr. Clarke whether he considered it would be expedient to offer any further payment to the claimants; but he informed me that this could not be done with safety, and that he had not the slightest chance of getting the natives to accept a compensation; that if they received any further payment, the Waikato would immediately come down upon them and take it away; which would in all probability lead to a fight between them. I also heard from several sources, that the Waikato, looking on these natives as slaves, were continually threatening to come here and take them back into a state of slavery.

If it had appeared expedient I might, as a matter of policy only, but certainly not according to the evidence as a matter of right, have recommended that some payment should have been made to the natives, as an act of grace on the part of the Company, calculated to assist in procuring a good understanding between the two races; but under the circumstances, and with consequences pointed out to me as almost certain to follow, I felt it would have been unwise, and justly censurable to have pursued such a course. If the offer of any money had been made, even by way of gratuity, I am satisfied that with the evident spirit manifested by all the aborigines I had seen since my arrival, it would have been refused; and construed into an admission that they had not sold any part of the land, besides making them still more determined to withhold the land from the Europeans.

If on the contrary, it had been accepted by those present, we should have had immediately hundreds of other claimants from among the members of the same tribes, whom I have before described as now residing at Port Nicholson, Waikanae, and the other places; together with the strong probability of an attack from the Waikato.

Under these circumstances, it appeared to me to be a case where my duty pointed out the necessity of deciding whether there had been a purchase or not; and, as I found considerable anxiety manifested alike by the European and Maori population to learn the result of my investigation, and feeling that any further delay would not only prove injurious to both places, but was calculated to keep alive and prolong feelings of animosity between them, I delivered my judgment in the presence of a considerable number of natives, as well as Europeans; but wherein I have most carefully explained, that the same is subject to confirmation by your Excellency, and cannot be carried into effect without your approval.

I was the more anxious to do this, from a feeling that the decision being against the Maories, it was much better that at the time it was first made known to them, some officer of the Government should be on the spot to explain fully to both races, the reservations of the pahs, cultivations, and burying-grounds, as well as one-tenth of the block, for the benefit of the aborigines; and it also afforded me the opportunity of offering a few words of wholesome advice, to both Europeans and natives.

It further occurred to me, that it would be more expedient that any disappointment experienced by the natives at the first decision against them should be visited upon me as the officer appointed for this special duty, rather than expose your Excellency to the chance of sharing it; which would in all probability have been the case, had my decision been first made known to them, after it had been submitted to your Excellency for approval.

It is remarkable, that out of the millions of acres claimed by the New Zealand Company, this is the first case where I have been able to award even so small a block as (60,000) sixty thousand acres; and even here something else remains to be done to perfect the transaction. It appears that, pending the negotiation the natives pressed Barret for some double-barrelled guns, but finding that there were none on board the vessel, they at length accepted the payment offered, without them, and signed the deed; Barret, however, still promised them at some future period he would procure them a case of double-barrelled guns.

Now, for the reasons before alleged, if I had given them (25) twenty-five guns (the number contained in a case), it would have exposed them to the risk of the Waikato coming down and taking them away, and probably using them against their lives; while, if I had given them the value in money, the same difficulty and confusion would have arisen in the distribution of so small a sum, besides opening a door, as I have before explained, to claimants beyond number.

Under these circumstances, I called upon the principal agent of the Company to place at my disposal such a sum of money as I might value the guns at, to be disposed of as your Excellency may

decide for the benefit of the natives; with which request he immediately complied, as will appear by his letter a copy of which is herewith enclosed.

The natives of this place are scattered over a large tract of country, whence great difficulty arises in cases of sickness amongst them, in administering medical relief; again, medical men complain that in many instances the medicines they prescribe have not the usual fair chance of success, for want of the patients being kept properly warm and sheltered from the weather, when under their influence.

I have the honour to recommend that the (£200) two hundred pounds (the sum at which I have valued the guns) should be laid out in building a Maori hospital upon the native town reserves (half an acre), and I have reason to believe that sum would be sufficient to build a male and female ward, a receiving-room with a bath, and a kitchen, which might also be used as the residence of the Maori nurse appointed to take care of the hospital.

This would afford the opportunity to the white population who are disposed to assist the natives in times of sickness, to direct their charitable efforts to a concentrated point where an arranged plan would be more likely to be generally useful than single acts of assistance rendered in individual cases. It would also be much more convenient to the medical men, and enable them to devote more time to these patients; and, lastly, it would in my opinion effect a great moral improvement in the condition of the natives, by teaching them some of our civilized habits, and how much cleanliness contributes to restore them to health; as well as convincing them that the reserves are really intended for their benefit; and that one of the objects, at least of many of the Europeans coming to reside amongst them, is substantially to improve their condition.

I have mentioned my plan to the different ministers of religion here, to the police magistrate and the resident agent, and they all approve of my suggestion.

I have taken every pains to impress upon the principal as well as the resident agent of the New Zealand Company, the absolute necessity of not giving out to the Europeans at present, any spots of land within the block the natives object to part with, but to put them upon those places which are not disputed, and that no force must be used in taking possession of land, nor will any act of violence or aggression towards them be for one moment permitted, and they have both promised to attend to my suggestions.

I have, &c.,

WILLIAM SPAIN.

His Excellency the Governor.

No. 8.

JUDGMENT OF MR. COMMISSIONER SPAIN, DELIVERED AT TARANAKI ON THE 8TH JUNE, 1844.

This day (June 8th) the Commissioner pronounced judgment in the case of the claim on the part of the New Zealand Company to land in the Taranaki district.

Case No. 374 D.

Case No. 374 E.

At 10 A.M. a considerable number of natives, as well as many Europeans, settlers, assembled.

The Commissioner inquired of Mr. Protector Clarke if he considered there were a sufficient number of natives assembled. Mr. Clarke replied in the affirmative; and the Commissioner having offered him the opportunity of making any explanatory remarks to the natives, proceeded to read his judgment as follows:—

“In pursuance of what I announced on the adjournment of my court on Thursday, I shall now proceed to state the substance of what my Report will be upon the claim of the New Zealand Company to the block of land in this neighbourhood, containing about 60,000 acres, as shown upon the plan now on my table, with the exceptions and reservations that I shall hereafter describe.

“Having heard all the witnesses called by Colonel Wakefield in support of the claim, as well as the evidence that Mr. Protector Clarke has deemed it necessary to adduce on the part of the aborigines, the strict course of my duty as Commissioner would be now to close my proceedings, without stating any opinion upon the case, and to make my report to his Excellency the Governor.

“But I feel that if I were to do so on this occasion, I should omit an opportunity of benefiting both races in this settlement; and, considering the time that has already elapsed since the first arrival of the Europeans here, and the difficulties that have arisen from the uncertainty as to the title of the New Zealand Company to the land in this district, I, as the officer appointed by Her Majesty to investigate and determine titles and claims to land in New Zealand, should be evincing a want of zeal and anxiety to perform my duty in the spirit in which I conceive the execution of my commission was entrusted to me, if I left the settlement without informing both races the result of my recent investigation.

“I have given the evidence adduced before me my most anxious and careful consideration, and, with the most scrupulous determination to perform my very difficult duty with impartiality, justice, and firmness, I have arrived at the conclusion that the New Zealand Company, by its agents, did make a fair purchase of the block of land, containing about 60,000 acres, delineated upon the plan before me, with the exceptions hereafter to be mentioned, of the resident natives of this district, who had been for some years in quiet possession of it.

"I appears to me that these resident natives, at the time of the purchase, were under fear of their opponents, the Waikato, and that they readily embraced the opportunity of selling their land, for the purpose of getting Europeans to reside amongst them to protect them from their enemies; and, from the manner in which the purchase was effected, I am convinced that they entered into the transaction with a perfect knowledge of what they were about.

"Richard Barrett, who had been many years in the country, having a native wife and family, and understanding their language and customs, was left amongst them between two and three months, explaining the whole transaction to them, and giving them ample time for deliberation. The result of which was that they accepted the offered payment, and signed the deed.

"It affords me great satisfaction to be able to say, that Barrett's testimony in this and other cases where I have had occasion to examine him, corroborated as it has substantially been by native testimony, has led me to the conclusion that he has told the plain honest truth as to what took place in all the transactions between him and the natives when employed by the New Zealand Company; and he has not hesitated to do this when his testimony has gone, in other cases, as much against his employers as it has done, in the present instance, in their favour.

"I shall report in favour of a Crown grant being made to the Company of a block of land delineated on the plan before me, between the Sugar Loaves and the Taniwa, containing sixty thousand (60,000) acres, excepting the paha, cultivations, and burying-grounds of the natives (as arranged between his Excellency the Governor and the principal agent of the New Zealand Company), the reserves for the natives, equal to one-tenth of the 60,000 acres, the Wesleyan reserve, and the reserve for Mr. Barrett, his wife and family, both which are also marked upon the plan; and further excepting any portion of land within the blocks to which private individuals have already or may hereafter prove before the Commissioners a title prior to the purchase by the New Zealand Company.

"I will now address a few words of advice to my friends the natives. You effected one of the principal objects of your sale; you have been at peace with your former enemies ever since the Europeans arrived amongst you; you have enjoyed the advantages of the introduction of civilization; you have been able to sell your produce, and to obtain in exchange many articles of clothing and food hitherto scarcely known to you. The introduction of English money and labour amongst you has not only increased the value of the lands still reserved for you, but has taught you the way to cultivate those lands, to produce better food than you had been accustomed to grow, and thus to engage your attention in industry, instead of making and carrying on war against your neighbouring tribes; and during this healthful state of peace and quiet, you have also had leisure to be taught the way to worship our Almighty God, and to lead a life here to ensure your happiness hereafter.

"These blessings that I have described will be very much increased now that this land question is settled. There is ample land left for you and your children besides what I have awarded to the Europeans, and you will find your condition daily improved.

"The Governor will afford you all every protection and assistance in his power, consistent with justice and equity; but, when he does this, he expects and insists that you will be fair and just to the Europeans. You must not, therefore, interfere with them, or obstruct them in the cultivation of their land; for if you do, after this, you will be liable to be punished.

"And I will now say to my own countrymen, that you must be equally guarded in not interfering with the native paha, cultivations, burying-grounds and reserves, and, above all, you must on all occasions treat them with kindness and the utmost forbearance, recollecting that we have come to their country by our own choice, and that it is our first duty to improve them to every extent in our power, and that they are justly entitled to our utmost patience in teaching them the duties of civilized life, which we have learned from our youth upwards.

"Having thus travelled out of the strict line of my duty in informing you of what my report will be, conceiving that it would conduce to the good of the settlement, I need scarcely add that, until my report is confirmed by the Governor, no Crown grant can issue; and that, therefore, nothing that I have said to-day can for one moment justify any force in taking possession of land, or in any other act towards the aborigines than could have been legally justified before my arrival in this place.

"It affords me the utmost satisfaction to leave this settlement with the land claims settled, so far as my power as Commissioner extends."

The court then broke up.

No. 9.

EXTRACT FROM CHIEF PROTECTOR CLARKE'S GENERAL REPORT TO GOVERNMENT, DATED 31ST JULY, 1844.

The New Plymouth or Taranaki district has been a good deal agitated in consequence of the disputed title of the New Zealand Company. In several instances settlers have been located upon spots cultivated by the Natives, upon the plea that the Company had purchased these places; to avenge these insults, the Natives have commenced clearing and cutting down timber upon other sections claimed by Europeans, with which in all probability they would not have interfered had they not been so greatly exasperated by the unjust occupation of their original cultivations. Both parties have been a good deal annoyed, and I am afraid that a strong feeling of dislike is growing up between the two races.

It would tend much to preserve the peace and harmony of the settlement, if a judicious officer, acquainted with their language, and able to explain these circumstances to the Natives, which otherwise are apt to grow up into serious disagreements, were permanently resident there. I have been in constant communication with some of the principal men, and have promised to send them a protector; which promise I hope soon to redeem, Mr. M'Lean, a gentleman in my office, being under preparation to fill that important place.

Most of the Natives at present residing at Taranaki are emancipated slaves, who when the doctrines of Christianity began to influence the conduct of their captors, were allowed to return to their homes and re-assume their possessions; owing to this circumstance, many of their countrymen have looked upon them as contemptible, and treated them disrespectfully. The interested among our own countrymen, also, taking a similar view of their position, have represented them as having no claim to the soil. The effect of all this has been, as might be expected, a most determined stand on the part of these despised people against the assumptions of their detractors; and it has even led them in some instances, as a means of wiping out the stain upon their honour, to defy their conquerors, who, but for the growing influence of Christian principles, would probably have taken advantage of this, and by re-capturing them, have thereby secured so many advantages as the possession of the Taranaki district held out for themselves; but an accurate and faithful report upon the state of this district can only be rendered after an intimate knowledge of their condition is acquired by residence amongst its inhabitants.

No. 10.

EXTRACT FROM SUB-PROTECTOR CLARKE'S REPORT TO THE CHIEF PROTECTOR, DATED 29TH JUNE, 1844.

On the 31st of May Mr. Spain held his court at Taranaki, and closed the investigation of the claims to that district, the result of which was a verdict in favour of the Company's having effected a valid purchase; considerable excitement prevailed in consequence among the Natives, but by impressing upon their minds the danger and certain ruin they would bring upon themselves, if they resorted to violent measures as a means of obtaining redress for their real or supposed grievances, and by pointing out that the proper course for them to pursue was to communicate a statement of the facts in writing to the Government, I persuaded them to desist from any general attempts to molest the settlers.

In order to enable you fully to comprehend the nature of the obstacles to the amicable settlement of this branch of the question, I feel it necessary to refer to circumstances which occurred nearly 14 years ago, when Te Rauparaha persuaded a large force of the Ngatiawa and other tribes to assist him in his wars with the original inhabitants of the northern and southern shores of Cook's Straits. The Waikato Natives, taking advantage of their absence, suddenly invaded the Taranaki district, and took Pukerangiora, a large pah on the Waitara River, capturing or destroying nearly 2,000 of the inhabitants; they then attacked Ngamotu, near the present settlement of New Plymouth, but without success, and were compelled to return to their own country. They afterwards cultivated a small portion of land formerly occupied by the Ngatimutunga, to the north of the Waitara River, but if the accounts of the Natives now resident at New Plymouth are to be credited, they never cultivated any other part of the district. I believe a small party of them attempted to occupy land on the Waitara, but met with so much opposition from the original claimants, that they were compelled to retire. On these circumstances the Waikato Natives formed their claims, but I believe they never took possession of or exercised acts of ownership upon the land generally.

They never repeated their attack, though they frequently threatened to do so; and the Natives of Taranaki, finding themselves too weak to oppose effectually the expected invasion, when their principal warriors were absent with Te Rauparaha in the Middle Island, migrated with their women and children to Kapiti, and the opposite side of Cook's Straits, and rejoined their relatives.

The purchase of the New Zealand Company was transacted in the month of February 1840, when, I believe, there were not more than 60 Natives (part of the Puketapu and Ngamotu tribes), residing in the district north of the Sugar-loaves. Most of these affixed their signatures to the deed of conveyance. How far they may have understood its contents, or the boundaries of the land professed to be conveyed, I cannot say, their statement being so contradictory; but I fully believe that these boundaries, and the block chosen by the Company, comprise lands that were never occupied by or belonged to them. They themselves clearly admit that they had no general claim over the district, and that they could only rightly dispose of their own individual possessions.

After the introduction of Christianity into the district of Waikato, many of the Natives who had been taken prisoners at Taranaki, and reduced to slavery, were released by their masters, and permitted to return to their own country. These freed men first arrived there some months after the date of the purchase, and took possession of the spots they had formerly occupied and cultivated. Ever since which, parties of the tribes in Cook's Straits have been and are still daily returning, and resuming possession of the lands they respectively occupied before their migration to the southward. On the other hand, that portion of the Waikato tribes who are not more immediately under the influence of Te Wero Wero, and particularly the Natives of Mokau and the adjacent country, have expressed their determination to renew the contest with the Taranaki tribes, if they persist in a general re-occupation of the district, or accept of any payment from the Europeans.

Soon after Mr. Spain had concluded his proceedings at New Plymouth, I was called upon to settle several disputes between the two races respecting land, particularly one between Mr. Cooke and a family of the Puketapu tribe (part of whom signed the deed of conveyance to the New Zealand Company), about the occupation of the section at Te Hua. These natives commenced to clear the timber off part of the section, near Mr. Cooke's residence, for the purpose of planting. I remonstrated with them on the subject, and pointed out two native reserves at a short distance, which were much more adapted to their purpose; but they positively refused to make use of them, on the plea that they belonged to another family, and that, therefore, they had no right to occupy them. At the same time they stated, that it was with reluctance they interfered with Mr. Cooke, and that they were ready to remove if I would point them out another spot upon which they could cultivate with equal advantage, within the limits of their own claim; but as I was unable to do this without prejudicing the interests of other proprietors of sections (the whole of the land claimed by them having been selected by purchasers under the Company), I advised them, in general terms, not to quarrel or interfere with the Europeans, and particularly to abstain from any thing like threats of violence.

I am of opinion that very much of the annoyance and inconvenience to which both the settlers and aborigines have been exposed, is to be attributed to the imperfect manner in which the system and nature of the Native Reserves were described at the time of the purchases of the Company, in the several districts to which they lay claim; and many of the difficulties with which we have had to contend in our attempts to settle the disputed questions by compensation, are to be traced to the disastrous proceedings at Wairau last year. A deep-rooted prejudice and suspicion of each others' motives has been engendered thereby in the minds of both races, and a settled determination on the part of the Natives to resist what they may consider acts of aggression or injustice by the settlers, especially in reference to the question of land.

Feeling that much of the future prospects of the colony depends upon the view which the Government may be pleased to take of the state of the land question, I have endeavoured faithfully to lay before you the circumstances of each case as advanced by the Natives, with their sentiments thereon; and, as their official protector, I feel that I should not discharge my whole duty without, in conclusion, respectfully, but urgently calling the attention of the Government to the evidence, as taken before Mr. Spain, and the immediate necessity of a final settlement of the grounds of dispute between the two races.

No. 11.

EXTRACT FROM DISPATCH FROM GOVERNOR FITZROY TO THE SECRETARY OF STATE, DATED 19TH DECEMBER, 1844.

At Taranaki I was obliged to remain some time, to bring about an amicable arrangement between the English and Natives; but my efforts were happily successful in that main point, however unsatisfactory they may at first appear to the New Zealand Company.

This Taranaki question is much too long and complicated, and the documents are too numerous, to admit of my saying more here than that peace and good-will prevail at that settlement. Your Lordship will not, I hope, think me remiss in not having all such documents sooner prepared for transmission; but urgently pressing daily duties, and the accumulation of arrears of public business, owing to my indispensable absences at other settlements, have prevented their completion. The enclosed memorandum on the subject is all that I can yet forward.

No. 12.

MEMORANDUM BY GOVERNOR FITZROY ON THE TARANAKI LAND QUESTION, DATED 2ND DECEMBER, 1844.

Taranaki, New Plymouth Settlement,
2nd December, 1844.

In February 1840, Mr. John Dorset and a few Natives of the Ngamotu and Puketapu branches of the Ngatiawa tribe, executed a deed purporting to convey certain lands to the New Zealand Company. The principal parties to this transaction were Messrs. John Dorset, Jerningham Wakefield, Richard Barrett, and about 40 Native men and boys.

The deed above-mentioned refers to chiefs and their signatures only, whereas not one-third of those that signed were chiefs even of the lowest degree, and not one was a chief of any note.

They were a small party of refugees from the conquering Waikato tribe, who had recently overruled the Taranaki district. From these men the boundaries of lands owned or claimed by the whole Ngatiawa tribe, were obtained by description, and were set down in the aforesaid deed, but the Natives who gave them were ignorant of the purpose for which they were sought.

At this time all the families of the Ngatiawa tribe, one of the largest in New Zealand, were scattered along the coast between Otaki, Porirua and Petoni, or on the northern shores of the Middle Island, or were in captivity among the Waikato, who had lately invaded and desolated the Taranaki

and Waitera country; and these beautiful districts, excelling in soil, climate, abundance of wood and water, level country, and the best flax (tihore), were temporarily depopulated. But although they were thus almost without inhabitants at the time of the Company's supposed purchase of the whole country near Taranaki and the Waitera, they were neither wholly deserted nor permanently abandoned, as the presence of a small remnant of the Ngatiawa tribe at Ngamotu proves.

These districts were not occupied or settled in any way by the Waikato, who merely overran them, and then immediately retired to their own country, without cultivating the soil or constructing dwellings. Nevertheless, as the Waikato claimed to be the conquerors of the Waitera and Taranaki country, and were not only nearer at hand, but much more formidable than the dispersed Ngatiawa, it was thought advisable to make a considerable payment to the principal chief of that powerful tribe, in consideration of his claim on behalf of the Waikato generally.

At the time of the desolating invasion above mentioned, by far the greater number of the Ngatiawa, with their principal men, were absent on a hostile excursion in the south. Those who suffered by death or captivity were an inferior minority.

Early in 1842 the influence of Christian teaching induced the Waikato to release their so-called slaves from captivity, and allow them to return to their own land. Some availed themselves of this freedom; others stayed among the Waikato, by their own choice. Those who returned to the land of their fathers found that some of it was occupied by strangers, who said they had bought it, and that it was no longer the land of the Maori.

Parts of this land so claimed were all, or the greater portion of, the only places on which these returned Ngatiawa could locate themselves, without intrusion, on ground claimed by others, and they disputed the right of the stranger by various annoying methods short of actual hostility; they cut down his trees; they refused to let him extend his cultivation; they stopped up his roads, and threatened him with personal violence.

Altercations of course ensued; disputes increased, and became more serious as more Natives returned, not only from Waikato, but from the southern region, which they found less inviting than the land of their birth.

At last the Company's claim to any land at Taranaki became matter of question, if not denial; and in June 1844, Mr. Commissioner Spain undertook a formal investigation of the subject at New Plymouth.

Mr. Spain's opinion was against the claim of the Ngatiawa. He considered that their country had been conquered by the Waikato, to whom adequate payment had been made, and that the right to sell lay in them and the few persons in actual possession at the time of purchase. He considered that those who had been taken prisoners and carried into captivity had forfeited all right and title to their land; and that the other Ngatiawa had parted with their claim by having abandoned or lost their country. (See Mr. Clarke's note enclosed.)

The purchase made by the New Zealand Company was deemed valid, and no further payment to any natives was thought necessary.

These opinions Mr. Commissioner Spain made known to the assembled natives as his award, stating, however, that it must be ratified by the Governor to make it final.

The disappointment and anger of the Natives were so plainly shown, that considerable alarm prevailed throughout the settlement; and after Mr. Spain's departure, which took place in a few days, an express was sent off to the Governor, at Auckland, asking for military assistance in the most pressing terms, as the only security for life itself.

The Governor immediately despatched a confidential person with special instructions overland to Taranaki, and himself embarked on board Her Majesty's ship "Hazard," and hastened thither. The Bishop also repaired to the scene of difficulty with the utmost celerity, travelling from Auckland by Kawhia to Taranaki in eight days; while Mr. Whitely, the Wesleyan missionary at Kawhia (sixteen years resident in that part of the country), preceded them.

Mr. Spain's award was made known in the middle of June, and on 3rd of August a large meeting of English and Natives were assembled at New Plymouth to hear the final decision.

The Governor informed the assembly that he did not take the same view of the question as Mr. Commissioner Spain, and that he should not confirm the award of that gentleman, however carefully and conscientiously it had been weighed and delivered. On points of law, especially the law of New Zealand, considered with reference to national laws in general, authorities might differ without prejudice to the opinion of either, but it was for him, the Governor, to decide. He would immediately cause further investigation to be made, as to the various claimants to particular portions of land. He would then endeavour to make special arrangements with those claimants, and he would allow, in all their integrity, the claims of those of the Ngatiawa tribe who were not parties to the sale in 1840. As time would be required for these additional inquiries, he would now return to Auckland and the Bay of Islands, where his presence was imperatively wanted, and would again visit Taranaki in about two months, to endeavour to adjust this land question satisfactorily. Meanwhile he recommended and urged upon all parties the exercise of forbearance and conciliatory conduct (in which the Governor's advice was effectively supported by the Bishop, as well as by Mr. Whitely), assuring them all that the British Government would never countenance injustice or misconduct in any place or in any person. With the proceedings at this meeting all parties appeared to be satisfied; and the minds of the Natives were disabused of the impression that they might be dispossessed of their own lands. They readily promised to wait quietly till the Governor's return, their Protector, Mr. McLean, having been instructed how to proceed. The Governor, with the Bishop, embarked on board the "Hazard" on the 5th of August, and sailed for Auckland.

On the 8th of November the Governor again landed at New Plymouth, from Her Majesty's ship "Hazard."

Mr. Whitely, Mr. McLean and Mr. Forsaith had prepared the way for an arrangement, which appeared to them, as well as to the Governor, the only one likely to be effected in a satisfactory manner; and immediate steps were taken to assemble the Natives, and obtain their consent.

Various impediments and delays occurred; but by the 25th of the month, all the Natives interested in the land on which the town is situated, and in its immediate vicinity, had consented to receive £350 in goods, money and animals, as a full compensation and completion of payment for a block of land at and around the town, containing about 3,500 acres.

This block not only affords space for the present wants of the settlers, but has sufficient surplus land to enable outlying settlers to exchange their sections, at a distance from the settlement, for others equivalent in value, within the boundaries above mentioned.

By thus concentrating the settlement, and narrowing the boundaries of the land at present occupied by settlers, the difficulties, if not disasters, apprehended to the settlers, in consequence of the long-meditated return of the Ngatiawa, will be avoided. The few absentee claimants to any portions of the town block, can be paid off as they arrive, in proportion to their actual claims (the extent of which are now fully known to the Protector) by comparing the various statements of their relations, on the spot, and their number is limited.

To enable the Company's agent to do justice to those who have purchased land outside of these new boundaries, and to enable him to procure more land for sale when required, the Crown's right of pre-emption will be waived, in favour of the Company only, within the large block (60,000 acres) already surveyed at their expense.

As the Natives are, generally speaking, willing and anxious to sell the greater part of their lands, however tenacious of their right and choice, the Company's agent will not find it difficult to purchase portion after portion, for reasonable prices, provided that he does not injure his own market by buying too much or too hastily.

Undoubtedly, it is the duty of the Company to make these purchases, in order to put their settlers in possession, and that the settlers themselves should be saved from further expenditure.

As the claims of those who had bought land near New Plymouth will be as good years hence as they are now, and as by far the greater part of the distant choices, not yet cultivated, are owned by Ngatiawa not yet returned, but intending to settle on or near them, it is extremely desirable that the agent should defer treating for those sections until their real owners or the majority of them are on the spot.

By a reasonable delay, he will obtain not only much better terms from the Natives, but a secure and definite transfer from the right parties.

Out of about 1,050 acre sections, surveyed and said to have been purchased by the Company, not 200 have yet been sold; therefore the matter is within compass.

An expenditure of about £3,000 spread over three or four years, may settle the whole question amicably.

Assuredly it is better to employ such a sum in establishing a respectable settlement in one of the finest districts of New Zealand, where many thousands of pounds have been already laid out in buildings, cultivations, roads, and bridges, &c., than to waste it upon the neighbourhood of Wanganui, Manawatu, or Porirua, for which Colonel Wakefield carried £3,000 along the coast, with Mr. Commissioner Spain, to be employed in completing the alleged purchase of those secluded but well-peopled districts, which the Natives steadily refused to abandon.

As that sum will not be required for those places, it might be well employed at Taranaki.

ROBERT FITZROY,
Governor.

Auckland, 2nd December, 1844.

No. 13.

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.

1. The wife of Moka, one of the principal chiefs of the Bay of Islands, was a captive from Wakatane, of the Wakatohea tribe. She had several children by Moka, the eldest of which was sent to Wakatane 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.

9. 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.

3. Pata, a respectable chief from Maungatutari, 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 captor 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.

4. 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; and 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 connexion 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.

October 1, 1844.

No. 14.

EXTRACTS FROM FINAL REPORT OF COMMISSIONER SPAIN.

Office of the Commissioner for investigating and determining Titles
and Claims to Land in New Zealand,
Auckland, 31st March, 1845.

SIR,—

I have the honour to lay before your Excellency the result of my investigation into the New Zealand Company's claims to land comprised in cases No. 374 *d* and 374 *e*, and founded upon two Deeds, attested copies of which are herewith enclosed, dated respectively as per margin.

I have to call your Excellency's attention to the copy of Minutes of my Court, also enclosed, holden at New Plymouth, which will put your Excellency in possession of my determination upon the case, which was delivered in open Court, in the presence of a large assemblage of Europeans and Aborigines (translated to the latter by Mr. Forsaith, my interpreter), and which decided that the New Zealand Company was entitled to a Crown Grant of a block of 60,000 acres of land, commencing on the North side of the Sugar Loaf Islands, and extending in a Northerly direction to a place called Taniwa, including native reserves, with certain exceptions particularised in my judgment.

This will comprise all the land that the Company has already sold, or offered for sale in that district.

My Despatch from New Plymouth, under date the 12th of June, 1844 (No. 44-5), will have made your Excellency fully acquainted with the facts, circumstances, and reasons, which induced me to decide in favour of the Company. Much, therefore, of the subject matter contained in this my final Report upon the case has already been brought under your Excellency's consideration.

As, however, your Excellency was pleased to reverse my decision, I think it absolutely necessary, now that I am about, after the most mature deliberation, to confirm my former judgment, in this my final Report, to recapitulate every fact, circumstance and reason, that I think bears upon the case, and is calculated to show the correctness of my first decision; so that this Report may be complete in itself without reference to any other document. * * * *

About eleven years ago, a battle was fought between the Waikato and the Ngatiawa residing in this district, at a place called Pukerangiora, when the former completely conquered the latter, taking a great many prisoners with them to Waikato, whom they made slaves.

The majority of those who escaped, fearing a further attack from the Waikato, migrated to Wai-kanae, Port Nicholson, and other places to the South, took possession of and cultivated the land there; and in the case of Port Nicholson I have already admitted their title by reason of their occupation, and cultivation of the soil for a period of nine or ten years, as against Te Rauperaha and others, who pretended to claim that district by right of conquest.

The resident natives of whom Barrett made the purchase in question, appear to have been permitted by the Waikato to occupy this district between the Sugar Loaves and Taniwa without interruption, from the time of the taking of Pukerangiora until the purchase: most of them, however, appear to have lived opposite the Sugar Loaves, for the purpose of being ready to escape in case of further attack

and it seems to me that fear of the Waikato, coupled with a desire to have Europeans to reside amongst them, to protect them from their enemies, was one of the principal moving causes that induced them to consent to the sale of the district.

It appears to me that those Ngatiawa who, having left this district 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.

It appears that some of the Ngatiawa tribe, after the arrival of the Europeans, and the formation of the settlement, when they thought themselves in consequence safe from their enemies, did return to Taranaki and commenced the cultivation of land within the limits of the block previously alienated to the New Zealand Company; but I cannot for the reasons stated above admit their title, a recognition of which would oblige me to admit that of all others similarly situated, who might at any time think proper to return and claim payment.

From my first arrival at Wellington, the chiefs Moturoa, Wairarapa and others, members of the Ngatiawa tribe, who disputed the sale of that place to the Company, constantly told me that they should remain there until they obtained payment, and then go to Taranaki, which they had left ten years before, and claim payment for that place also.

I invariably discouraged them from taking a step which appeared to me so unfair and unjust; and I was much pleased to find that not one of them appeared at my Court to assert any claim; although they had full notice of my intended visit to Taranaki to investigate the claim there; and some of their people, and Wairarapa's son, travelled with me the whole journey.

If, however, the claim of those who had returned since the purchase had been once admitted, no doubt all the others would have immediately claimed payment, and my enquiry would have been almost interminable. * * * *

On the following Saturday I delivered my judgment, to which I would call your Excellency's particular attention, as showing that every possible care was taken therein to avoid unnecessary excitement amongst the natives, and that every human effort was made on my part, consistently with the circumstances of the case, to preserve a good understanding between the two races.

It appears from the evidence that—pending the negotiation for the purchase—the natives pressed Barrett for some double-barrelled guns; but finding that there were none on board the vessel, they at length accepted the offered payment without them, and executed the deed. Barrett still, however, promised that, at some future period, he would procure them a case of double-barrelled guns. I considered it unsafe at the time to give them the guns, or their value, in consequence of their position with the Waikato, which is fully explained in a subsequent part of this report.

Under these circumstances, I called upon the principal Agent of the Company to place at my disposal such a sum of money as I might value the guns at, to be disposed of as your Excellency might decide for the benefit of the natives; with which request he immediately complied, as will appear by his letter on this subject, a copy of which is herewith enclosed.

I valued the case of guns at £200, and in my Despatch (under date the 12th June, 1844) before referred to, I had the honor to recommend to your Excellency the manner in which, in my opinion, that sum might be disposed of most advantageously for the benefit of the natives.

I have not seen any land claimed by the Company that can be spared from the Aborigines, so little interfering with, or likely to injure, their interests, as the block in question.

By the enclosed return from the resident Agent of the New Zealand Company, your Excellency will observe that the natives had then only 121 acres in cultivation in the whole block of 60,000 acres, many of which were commenced long after the sale, yet in order to avoid, as far as possible, the cause of any misunderstanding between the two races, I have carefully reserved all these cultivations, their pas, and burying-grounds, in addition to the 6,000 acres to which they are entitled as native reserves.

Ample provision has thus been made for the natives in the reservation of land, more than sufficient for their wants.

The block originally claimed by the New Zealand Company was two miles more in length, and two miles more in breadth, than that shown in the plan forming Enclosure No. 9 of this Report; and was thus reduced by the principal Agent of the New Zealand Company after our arrival at New Plymouth,—leaving another immense block of the very best and most available land immediately adjoining that of the Company, for the natives.

This map will show your Excellency where the native reserves in the suburban sections have been chosen; none, however, have been made for them in the rural sections, although 159 out of the 500 sections have been already selected by the Company's purchasers; owing to the absence of any authorised agent to select for the natives. As this might probably inflict an injustice on the natives by depriving them of their one choice in ten, I addressed the resident Agent on the subject, in a letter, of which I enclose a copy. The condition I have therein insisted upon with regard to the future selection of unchosen native reserves, will form a part of my present award.

The Principal Agent having communicated to me that he was ready in any case where I might consider it expedient to make a further payment to the natives, although not strictly legally or equitably due to them, I inquired of Mr. Clarke before entering upon the case, and several times after its commencement, whether he considered it would be expedient to offer any further payment to the claimants: but he invariably stated to me that this could not be done with safety; that he had not the slightest chance of inducing the natives to accept a composition, and that if they received any further payment, the Waikato would come down upon them and take it away; which would in all probability lead to a fight between them. I also heard from several authentic sources, that the Waikato looking upon these people as slaves, were continually threatening to come to Taranaki, and take them back into a state of slavery.

Had it appeared expedient, I might have recommended, as a matter of policy only, but certainly not according to the evidence, as a matter of right, that some payment should be made to the natives, as an act of grace on the part of the Company, calculated to assist in procuring a good understanding between the two races; but under the circumstances, and with the probable consequences so apparent, I feel it would have been unwise, inexpedient, and justly censurable, to have pursued such a course. If such an offer had been made, even by way of gratuity, I am satisfied, from the evident spirit manifested by all the aborigines I had seen since my arrival, that it would have been refused, and construed into an admission on my part that they had not sold their land,—besides rendering them still more determined to withhold the land from the Europeans. If, on the contrary, any such payment had been accepted by those who were then present, hundreds of other claimants would have soon sprung up from among the members of the same tribe, whom I have before described as now residing at Port Nicholson, Waikanae, and the other places; while there would have been a strong probability of an attack from the Waikato.

Under these circumstances, it appeared to me to be a case where my duty pointed out the necessity of deciding whether there had been a purchase or not; and finding considerable anxiety, manifested alike by the European and native population, to learn the result of my investigation; and feeling that any further delay would not only prove injurious to both races, but was also calculated to keep alive and prolong feelings of animosity between them, I gave my judgment on the case; but wherein I have most carefully explained that the same was subject to confirmation by your Excellency, and could not be carried into effect without your approval. I felt that my decision being against the Maories, it was much better that when it was first made known to them, there should be some officer of Government on the spot, to explain fully to both races the reservations of the pas, cultivations, and burying-grounds, as well as of one-tenth of the block for the benefit of the aborigines; and it also afforded me an opportunity of offering a few words of advice to both Europeans and natives.

It further occurred to me that it would be more expedient that any disappointment experienced by the natives at the first decision against them, should be visited upon me as the officer appointed for this special duty, rather than expose your Excellency to the chance of sharing it; which would in all probability have been the case had my decision been first made known to them after it had been submitted to, and approved by, your Excellency. It will thus appear that while exercising a power which I then believed (and I still retain the same opinion) was vested in me by virtue of the commission I have the honor to hold from Her Majesty,—“To investigate and determine titles and claims to land in New Zealand,”—I gave the fullest public notice at the time, that a Crown grant would not issue until your Excellency had approved my decision; and that I adopted on that occasion language which I thought best calculated to convey the respect and deference due from every officer holding Her Majesty's commission to the head of the colonial government.

I think I have also shewn that the circumstances and existing state of feelings between the two races at Taranaki, in every way justified the step I took, as a matter of expediency.

Had I, however, for one moment entertained any doubt as to the powers vested in me, or of the way in which your Excellency wished me to exercise them, a reference to your Excellency's speeches delivered at Waikanae and Port Nicholson, in the presence of large numbers of Europeans and natives, would have immediately decided the course that I ought to follow. In the report of your Excellency's speech at Waikanae, published in the *Wellington Spectator* of the 2nd March, 1844, as an official narrative (I hold the manuscript corrected by your Excellency, with your authority for its publication), I find the following passage, on your introducing me to the assembled natives:—“You may place implicit confidence in the fairness and impartiality with which Mr. Spain will investigate asserted claims to land, and decide upon the nature of alleged purchases. He will also have authority to inquire into cases where it may be necessary to make arrangements for a further payment as compensation where it is fairly due.”

In the report of your Excellency's speech to the natives of Te Aro, at Wellington, published in the same paper, on the 6th March (with the like authority, and with the same correction), I find the following passage:—

“Mr. Spain, having the Queen's confidence, came out here to settle these difficulties which have troubled us so long. Mr. Spain has also my approval for the extreme impartiality and faithfulness with which he has gone into all those difficulties; and he has my confidence in the impartiality of his future proceedings.”

Again, in another part of the same speech is the following passage:—

“The Commissioner, I repeat it, for there are some now in the room who were not here when I mentioned it before, is the officer appointed by the Queen, to inquire into and decide finally upon all these questions. Some one must decide finally, and all who know him, know and believe, as I do, that he will do his best to decide faithfully and impartially for all. No man can do more.”

I have thus not only your Excellency's authority, declaring that I did possess the power of deciding finally, but the utmost publicity given by your Excellency to both races, of my real position: thus rendering it doubly imperative upon me to pronounce my decisions publicly upon the close of each case.

It was with considerable surprise, that when at Nelson in August last, I received the first intimation of your Excellency's disallowance of my decision at Taranaki, from the Principal Agent to the Company, who showed me a letter which, from its tenor and supercription, he had no doubt was dictated by your Excellency—but bearing no signature—in which your Excellency informed Colonel Wakefield, that "it was not your intention to comply with my recommendation regarding the New Zealand Company's purchase of land at Taranaki; and that you should cause a further investigation to be made as soon as possible;"—also stating that "a large number of natives would be set aside by me (namely, those who were absent, or in captivity at the time their lands were said to have been sold), whose claims you felt bound to recognise and maintain."

By the same post I had the honor to receive a letter from your Excellency, requesting "me to meet you at Taranaki on the 1st October then following, and to have with me the evidence taken at my Court in June last;" but wholly silent as to the fact of your Excellency having reversed my decision.

When your Excellency was pleased to disallow my judgment at Taranaki, I was in possession of all the depositions of both Natives and Europeans, that had been taken in the case, from its commencement on the 16th June 1842, to its close on the 7th June 1844.

During that period I had been engaged in investigating the other cases of the New Zealand Company; had examined many witnesses of both races, and obtained various information upon native customs, and the claims of the tribes in and about the Company's settlements,—many of which bore expressly upon the Taranaki question.

Nevertheless, without having had the opportunity of seeing a line of the evidence, without consulting me upon the reasons for my decisions, or even intimating to me your intention, your Excellency was pleased to reverse my judgment—notwithstanding your Excellency's public declaration, of but a few months before, that I was the officer appointed by the Queen, to enquire into and decide finally upon all these questions.

Your Excellency has not been pleased to inform me what testimony or information obtained at Taranaki or elsewhere, induced your Excellency so suddenly to impugn and disallow my judgment. But I cannot forbear remarking that any such testimony or information must have been collected in the absence of three persons whose presence was most necessary on such an occasion,—namely, Mr. Protector Clarke, who for three years had been engaged in my Court as the official advocate of the natives,—the Principal Agent of the New Zealand Company, who during the same period had been occupied in supporting the claims of that body to land in this country,—and myself, the Commissioner appointed to determine those claims who had presided at their investigation.

Their presence, requisite at all times when any inquiry was to be made into any of these claims, was more than ever essential at any reconsideration of a case where your Excellency was about to reverse the decision, arrived at after a long and careful investigation by a duly constituted tribunal.

Had Mr. Clarke (whose zeal in advocating the interests of the aborigines cannot be questioned for a moment) entertained the idea that the returned slaves had any just or equitable claim to the land, he surely ought to have brought forward such claim, and urged its recognition; but his speech to the natives on the close of the evidence, wherein he had expressed himself in strong terms, to the effect that I had afforded him every opportunity of bringing forward evidence on the part of the natives, affords abundant proof that Mr. Clarke held no such doctrine. * * *

The only other point that it appears to me necessary to comment upon, is what appears in your Excellency's letter to Colonel Wakefield, as the ground upon which your Excellency refused to confirm my decision, viz.,—That a large number of natives would be set aside by me, (namely, those who were absent or in captivity at the time their lands were said to be sold;) whose claims your Excellency was bound to recognise and maintain.

Now the evidence clearly establishes that when Richard Barrett purchased of the resident natives the block of land that I have awarded, as before so fully detailed and commented upon, none of these absentees or slaves were residing upon the land in question. The absentees who were driven away by the Waikato at the battle of Pukerangiora, which took place ten or eleven years ago, had utterly deserted the place, to which they durst not return for fear of their conquerors, but had adopted other locations for their homes; while the slaves who had been taken prisoners of war at the same battle, were many of them living in a state of slavery with their conquerors at Waikato, at the time when the district was alienated by the resident natives. "The report (says Mr. Clarke's witness) reached us at Waikato that Ngamotu had been paid for by Richard Barrett." Neither the absentees or slaves returned again to the district until after the sale by the resident natives to Barrett, and by the Waikato to Governor Hobson.

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 enquiry in my power amongst competent and disinterested persons, whose testimony has fully confirmed my original opinion.

I inclose a copy of a letter upon this subject received from the Rev. Mr. Ironside, a Wesleyan Missionary, who has been many years residing in New Zealand, and is well acquainted with the Taranaki natives, and whose opinion is entitled to weight.

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 any 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.

Let it be remembered that in my award to the Company I have excepted all the pas, cultivations, and burying grounds of the natives; and that they have also 6000 acres of native reserves; so that in fact their condition is in every way benefited, and they are not deprived of any land whatever that their wants require, while the Company only acquire waste land.

It will always be a source to me of deep regret that I have had the misfortune to differ with your Excellency upon this very important case. Considering, however, the high trust reposed in me when I was charged by my Sovereign with such an important commission in this distant land, admitting at the same time the difficulties and perplexities which have met me at every step in its execution, and with the most sincere desire to perform my duty honestly and justly, and with a due regard to the oath I have taken so to do, I can come to no other conclusion than that the Company is fairly and justly entitled to the whole block of sixty thousand acres of land; and, therefore,

I, William Spain, Her Majesty's Commissioner for investigating and determining titles and claims to land in New Zealand, do hereby determine and award, that upon payment by the New Zealand Company of the sum of two hundred pounds sterling, to his Excellency the Governor of New Zealand, to be applied for the benefit of the resident natives of the district of New Plymouth, in any way his Excellency may think best calculated to promote their interests, the Directors of the New Zealand Company, of London, and their successors, are entitled to a Crown grant of a block of sixty thousand (60,000) acres of land, situate, lying, and being in the district or settlement of New Plymouth, or Taranaki, in the Northern Division of New Zealand: Which said block of land commences on the north side of the Sugar Loaf Islands, and extends in a northerly direction to a place called Taniwa, and which said block of land is more particularly delineated and set forth upon the accompanying plan, No. 9. Saving and always excepting, as follows:—All the pas, burying places, and grounds actually in cultivation by the natives, situate within any part of the before-described block of land hereby awarded to the New Zealand Company, as aforesaid, the limits of the pas to be the grounds fenced in around their native houses, including the ground in cultivation or occupation around the adjoining houses, without the fence, and cultivations as those tracts of country which are now used by the natives for vegetable productions, or which have been so used by the aboriginal natives of New Zealand since the establishment of the colony. And also excepting all the native reserves, equal to one-tenth of the sixty thousand acres hereby awarded to the said Company, part of which said native reserves have already been chosen, and are marked yellow upon the said plan of the district hereinbefore referred to, and the remainder of such reserves are to be chosen according to the rate of one choice in ten, as fully explained to the resident Agent of the New Zealand Company in my letter to him under date the 13th of June, 1844, forming enclosure No. 7 of this report: And also excepting all that piece of land containing one hundred acres reserved by the natives at the time of sale to the New Zealand Company, for the Wesleyan Mission Station, which said piece of land is delineated and set forth upon the said plan of the district, and also upon the plan herewith enclosed No. 10: And also excepting all that piece of land containing eighty acres, and all that piece of land containing one hundred acres, being sections 23 and 37, which have been reserved for Richard Barrett, his wife, and children, which said two pieces of land are delineated and set forth upon the said plan of the district, and also upon the plan† herewith enclosed, No. 11: And also excepting any portions of land within any part of the block of land hereinbefore described, and hereby awarded to the said Company, to which private claimants have already, or may hereafter prove before the Commissioner of Land Claims a title prior to the purchase by the New Zealand Company.

No. 15.

DESPATCH FROM THE SECRETARY OF STATE TO GOVERNOR SIR GEORGE GREY, DATED
2ND JULY, 1846.

Downing-street,
2nd July, 1846.

SIR,

I have received Captain FitzRoy's despatch, marked separate, of the 29th of October last, enclosing a copy of a letter addressed to the Colonial Secretary by the principal agent of the New Zealand Company. Captain FitzRoy states that letter to have been forwarded by him as it might be required for reference in connection with the arrangements made at New Plymouth.

From that letter it appears that Colonel Wakefield, adverting to the arrangement entered into by the Company with the Government in the year 1840, for the purchase of land at New Plymouth, and to the award of Mr. Commissioner Spain, which had been overruled by Captain FitzRoy, had refused to accept on the part of the Company the Title Deeds to 3500 acres of land at that Settlement.

I cannot but express my great surprise and regret at not having been placed by Captain Fitzroy in possession of a full report of the course which he pursued in this case, and of his reasons for that course. I, however, indulge the hope that you may have found yourself in a condition to give effect to the award of Mr. Spain in the case of the Company's claims at New Plymouth; and, in any case, I rely on your endeavours to gain that end, so far as you may have found it practicable, unless indeed, which I can hardly think probable, you may have seen reason to believe that the reversal of the Commissioner's judgment was a wise and just measure.

I have, &c..

Governor Grey,
&c., &c.

W. E. GLADSTONE.

No. 16.

DESPATCH FROM GOVERNOR SIR GEORGE GREY TO SECRETARY OF STATE, DATED
NEW PLYMOUTH, 2ND MARCH, 1847.

New Plymouth, New Zealand,
March 2, 1847.

MY LORD,

In the course of yesterday and this day I have had interviews with several bodies of natives upon the subject of the claims of European subjects of Her Majesty to various tracts of land in this district, and I regret to state that the majority of these interviews have been of the most unsatisfactory nature.

It will be in your Lordship's recollection that Mr. Commissioner Spain, who was specially appointed in England for the purpose of investigating claims to land in New Zealand, after minute inquiries made upon the spot, decided that a tract of 60,000 acres of land had been purchased at Taranaki, in a *bonâ fide* manner, for the use of British subjects. Subsequently to this decision of the Commissioner, my predecessor thought proper to set aside the award that had been made, because (as I understand his decision) the claims of certain absentee native proprietors had not been extinguished at the time the original payment was made.

My predecessor entered, upon this account, as I believe, into a new arrangement, by which a block of about only 3500 acres was immediately secured to the Europeans. But I do not understand, nor can I think, that he intended that the original purchase should be set aside, in as far as those natives were concerned who had originally sold their land in a *bonâ fide* manner, and received payment for it. To my surprise, however, yesterday some of the natives, who were the parties to the original sale, and who had been amply paid for the land they had disposed of, informed me that they intended to stand by my predecessor's arrangement, and to repudiate the first transaction, and that they would neither permit the Europeans to occupy the land they had sold them, nor would they even do so upon receiving another payment; but they insisted upon the Europeans confining themselves to the block of 3500 acres.

In the same manner the majority of the natives whom I have seen to day (none of whom were parties to the original sales, but were principally the inhabitants of Waikanae and the country in its vicinity) stated, in the first instance, that they would not, upon any terms, permit the Europeans to move beyond the block of 3500 acres. And, upon my pointing out that they were actual occupants of large tracts of land along Cook's Straits, that they did not use any land in the neighbourhood of Taranaki, and that they could not remain here upon account of their enemies, if it were not for the presence of the Europeans, they stated that some of them intended to come and live here themselves, and that they had plenty of Europeans here. I then pointed out to them that the great majority of them had not, until recently, advanced any claim to this land, although they were quite aware that the Europeans intended to purchase it (which they had even recommended them to do), as also that the Europeans had eventually bought it and occupied it; after which they had opened up the country by roads, built houses, cultivated lands, &c., and spent large sums in the improvement of the district; and that, when this had all been done, the natives put forward their claims, and turned the Europeans off. They merely replied, that it was their land, and they would do as they thought proper with it.

One of their leading men then asked me some questions respecting a section of 50 acres, occupied by a Mr. Flight, which lies without the block of 3500 acres, and asked me where I intended that Mr. Flight should settle? I answered that he was already settled. He then asked me when I intended to compel Mr. Flight to retire within the block of 3500 acres? I answered, Not at all; but that if any native had a claim upon Mr. Flight's section of land, he should be compensated; but that, as this claim had not been advanced until Mr. Flight had occupied the ground, and expended a considerable sum in clearing and cultivating it, I could not permit him to be disturbed. He replied, Very well; but that all the native claimants must be satisfied, and have a good payment, as these hitherto had been very insufficient, and that the payment I made in this instance would be considered as a sign of my good intentions for the future. I then asked him how many persons might expect to be paid for this small portion of land? He replied, that they had arranged that 200 men should be paid. In fact, it

is quite clear that, relying upon their great numerical superiority, and anxious to maintain this, they had determined to allow no more Europeans to come amongst them. At the same time I found the settlers in a state of great distress; many of them who had brought large capital with them from England, have now expended the whole of their money, waiting in the vain expectation that they would at last be permitted to occupy their land; and living from year to year upon that capital which was intended to render their land productive, and which, having been now all wasted, will render their land comparatively valueless when it is obtained for them.

The numerous complaints made by the settlers, and the bearing and conduct of the natives themselves, convinced me that the natives of a portion of this district regard the Europeans as, in every respect, in their power, and as persons who must submit to their caprice.

I thought it proper, therefore, at once to assume a high tone to them, and to acquaint them that I intended ultimately to carry out the arrangement, the terms of which I would acquaint them with.

Before detailing the terms of this arrangement to your Lordship, I think it as well briefly to recapitulate the facts of the case, which led me to form the decision I did.

This country was (as is shown from the remains of paha and cultivations still visible) very densely populated about fifteen or twenty years since by the Ngatiawa tribe. They were attacked by the neighbouring Waikato tribe. A large number of them were destroyed; a large number of them led away captive, and the remaining portion of them abandoned their homes and retreated to the country bordering on each side of Cook's Straits, which had previously, as far as the shores of the Northern Island are concerned, been nearly depopulated by a war party led down there by Waka Nene, and other Ngapuhi chiefs. Only a small portion of the Ngatiawa tribe, consisting of about forty men, returned to the home of their fathers at Taranaki.

Affairs were in this state, when the European settlers came to Port Nicholson; that place and the surrounding country was sold to them by the Ngatiawa tribe, who recommended the Europeans to go to Taranaki, and purchase land from the natives resident there: they did so. European settlers then went to Taranaki; the country was opened up by roads; farms were formed; and the Europeans at last formed a tolerable safeguard against the Waikato tribes. At this time, portions of the Ngatiawa tribe, who had been released from slavery, as well as those inhabiting Port Nicholson and Cook's Straits, feeling reassured by the presence of the Europeans, and regarding them as a protection against their former enemies, began to return to Taranaki, and soon finding themselves numerically superior to the Europeans, (who recently also had suffered some reverses at Wairau and elsewhere, so that their power was supposed to be on the decline) they began to claim the whole district, and to turn the Europeans off their farms.

Mr. Commissioner Spain, who was appointed to investigate these questions, came about this time to Taranaki, and, after inquiry, decided that a district of sixty thousand acres had been fairly purchased from the resident natives. My predecessor, however, in the latter end of 1844, set aside the award of the Commissioner, and further stated, that he would recognise, in their fullest integrity, the claims of the absent members of the Ngatiawa tribe. He, at the same time, re-purchased a small portion (about 3,500 acres) of the district awarded by Mr. Spain, and notified that the remaining portion of the tract of land claimed, was in like manner to be re-purchased. He also required several European settlers to abandon their farms, and to move within the block, paying them a trifling compensation for the loss and injury to which they were subjected.

Since that time, various individuals of the Ngatiawa tribe, (which is a very numerous tribe) anxious to share in the expected payment, have been locating themselves temporarily at Taranaki; and every separate family of the tribe has been sending up some persons to look after their interests. These individuals 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.

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 become 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. I trust that it may meet with your Lordship's approval, as the best which could, under circumstances of such difficulty, be made, and as one which, whilst it ensures the interests of Her Majesty's European subjects, inflicts no injury on Her Majesty's subjects of the native race; although I fear that these latter, now that their cupidity has been so strongly excited, may, if they think they are strong enough, endeavour to resist it by force of arms.

I have, &c.,

G. GREY.

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

P.S.—I have the satisfaction of being able to state to your Lordship, that, since writing the

foregoing despatch, I have ascertained that the whole of the Ngatiawa tribe, with the exception of one family of it, named Puketapu, have assented to the arrangement detailed in this despatch, and that several European settlers have already been put in possession of their lands. I have now every hope that the Puketapu family will shortly follow the example of the rest of the tribe. I think that a consideration of their own interests will lead them to take this step; but should they adopt any hostile proceedings against the settlers, their influence is so trifling, that they cannot cause any great amount of mischief, although certainly they may occasion great expense and trouble to the Government. I will, in the meantime, take care that every precaution for the protection of the settlers is adopted.

G. G.

 No. 17.

DESPATCH FROM GOVERNOR SIR GEORGE GREY TO SECRETARY OF STATE, DATED 5TH
APRIL, 1847.

Government House, Auckland,
April 5, 1847.

MY LORD,

Adverting to Mr. Gladstone's despatch, No. 37, of 2nd July, 1846, directing me to do my utmost to procure for the New Zealand Company the block of land at Taranaki to which in the terms of Mr. Commissioner Spain's award they were entitled, but which award had been set aside by my predecessor, and referring at the same time to my despatch, No. 26, of the 2nd ultimo, on the subject of the land question at Taranaki, I have now the honour to enclose a copy of the memorandum of instructions which I gave to Mr. McLean, the officer whom I appointed to carry out the arrangement which I intended to adopt for the adjustment of the disputes relative to land at New Plymouth.

I trust that the course I have pursued in this case may be satisfactory to your Lordship. The matter was beset with difficulties, and was complicated in an extraordinary degree.

Your Lordship will perceive that in this, as in the other similar cases, the portion of the purchase-money to be refunded by the New Zealand Company will hereafter have to be decided by Her Majesty's Government; but this case will be embarrassed by one peculiarity—in all other purchases which I have made for the Company, the Commissioner appointed by Her Majesty's Government to inquire into the Company's titles to land decided that they had not purchased the districts they claimed; but in the case of Taranaki, he decided that the Company were entitled to a Crown Grant for 60,000 acres of land in that district, with certain exceptions. I have, in all cases, enforced Mr. Commissioner Spain's decisions when they were adverse to the New Zealand Company, and it therefore remains to be considered whether they are entitled to the benefit of this decision of Mr. Spain in their favour. If this question should be decided in favour of the Company, then it will have to be determined whether the Government should or should not pay the sum which must be expended in repurchasing the tract of land awarded to the New Zealand Company at Taranaki, as this repurchase has been rendered necessary by the fact of my predecessor having set aside Mr. Commissioner Spain's award. Practically, this question may not be one of very great importance, for I have never in any part of the world seen such extensive tracts of fertile and unoccupied land as at Taranaki. I have, therefore, but little doubt that so large a tract of country will ultimately be purchased by the Government in that district for a comparatively small sum, and that the lands required by the New Zealand Company will bear but a very small proportion to the whole district acquired by Government.

I have, &c.,

G. GREY.

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

 No. 18.

INSTRUCTIONS FROM GOVERNOR SIR GEORGE GREY TO COMMISSIONER M'LEAN, DATED
5TH MARCH, 1847.

March 5, 1847.

1. Mr. Commissioner Spain reported, that the New Zealand Company were entitled to a Crown Grant of a block of 60,000 acres, lying within certain defined limits.

2. The Governor (Captain Fitzroy), did not take the same view of the question as Mr. Spain, and would not confirm that gentleman's award; on the contrary, in November, 1844, he sanctioned a totally new purchase of a small block of land, of 3,500 acres, by the Agent of the New Zealand Company, and he made certain promises to the natives, which have induced many of them to return to lands which, they state, they understood Captain Fitzroy to guarantee to them in permanent possession; on these lands they have now extensive paha and cultivations included in the block awarded by Mr. Spain.

3. Thus, on the one hand, the New Zealand Company claim the rights (if any) which they may have acquired under Mr. Spain's award; while, on the other hand, the natives claim the disallowance of that award by the Governor, the rights which the late Governor promised to maintain to them in all their integrity, and the fact of their present occupation of the land under the sanction of the Governor.

4. 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 2ndly, 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.

5. Every effort should be made to acquire for the European population those tracts of land which were awarded to the New Zealand Company by Mr. Spain; and where blocks are reserved for the natives within these limits, portions of land of equal extent (greater, if possible) must be purchased without the limits for the New Zealand Company.

6. If possible, the total amount of land resumed for the Europeans should be from 60,000 to 70,000 acres; a grant of this tract of land will then be offered by the Government to the Company.

7. 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.

8. No time should be lost in completing these arrangements.

9. Two surveyors and parties, upon the most economical scale, must be engaged for this purpose. The police should, in as far as practicable, be employed on it.

10. 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 Sugar Loaves.

11. 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.

12. 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.

13. Mr. McLean is intrusted with the conduct of these arrangements, but in all matters of importance he must consult with Captain King, and acquaint him with the steps which he proposes to take.

14. In reserving the blocks intended for the natives, the surveyed lines of the Company should, in as far as practicable, be observed; but, whenever there is a necessity for a departure from this course, the lines must be run as Mr. McLean thinks proper.

G. GREY.

March 5, 1847

No. 19.

EXTRACT FROM LETTER OF THE SUPERINTENDENT OF THE SOUTHERN DIVISION TO GOVERNOR
SIR GEORGE GREY, DATED 26TH JULY, 1847.

Wellington, July 26, 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 migration, 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's Sound, also, it appears the principal chief, "Robert," 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 Ngatitca 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 require the land.

M. RICHMOND.

COMMISSIONER M'LEAN'S LIST OF THE WAIKANAE EMIGRATION IN APRIL, 1848.

| Intending to Settle at | Name of Tribe. | Name of Canoe. | Principal men in Canoe. | Men. | Women. | Children. | Total. | | | | | | | |
|----------------------------------------|---------------------------|-----------------------------------|-------------------------|------------|------------------|-----------|--------|--------|-----------|----|----|-----|----|----|
| | | | | | | | Men. | Women. | Children. | | | | | |
| North of Waitara | Ngatitama .. | Takahuriburi .. | Rangikatatu .. | 5 | 5 | .. | 10 | 7 | 2 | | | | | |
| | | Nangaroa .. | Kurihanga .. | 5 | 2 | 2 | | | | | | | | |
| | Ngatimutunga. | Tokekure .. | E. Ru .. | 5 | 3 | 2 | 45 | 18 | 16 | | | | | |
| | | Poterangi .. | Kohika .. | 5 | 6 | 6 | | | | | | | | |
| | Puketapu .. | Marutangata .. | Kotekamotakirau .. | 6 | 2 | 2 | 41 | 34 | 14 | | | | | |
| | | Vessel .. | Te Ponga .. | 20 | 21 | 1 | | | | | | | | |
| | Ngatirahiri .. | Kairuru .. | Te Nirihana .. | 9 | 5 | 5 | 13 | 7 | 4 | | | | | |
| | | Mohia .. | Ko Ongiongí .. | 7 | 8 | 2 | | | | | | | | |
| | | Karuruketerangi | Tutawa .. | 9 | 7 | 1 | | | | | | | | |
| | | Kiriorakau .. | Areno .. | 9 | 8 | 5 | | | | | | | | |
| | | Kakauwa .. | Governor Grey .. | 4 | 3 | 1 | | | | | | | | |
| | | Kaikaka .. | Nicodemus .. | 6 | 3 | 3 | | | | | | | | |
| | | Boat Kaitou .. | Tekahinga .. | 6 | 5 | 2 | | | | | | | | |
| | Wakarangi .. | Te Kaokao .. | 13 | 7 | 4 | 109 | 66 | 36 | | | | | | |
| | Total North of Waitara .. | | | | .. | .. | .. | | | | | | | |
| At Waitara .. | Manukorihí, | Taupaki .. | Te Heke .. | 4 | 4 | 1 | 115 | 91 | 58 | | | | | |
| | | Piritahataha | Maika .. | 5 | 2 | 2 | | | | | | | | |
| | | Maroro .. | Tararua .. | 6 | 5 | 3 | | | | | | | | |
| | | Wikitoria .. | Enoka .. | 5 | 4 | 4 | | | | | | | | |
| | | Marohopa .. | Tamati .. | 5 | 8 | 1 | | | | | | | | |
| | | Oropi .. | Te Rangui .. | 6 | 7 | 6 | | | | | | | | |
| | | Tipapa .. | Koane .. | 3 | 3 | 5 | | | | | | | | |
| | | Taiarora .. | E. Kaumu .. | 5 | 1 | .. | | | | | | | | |
| | | Taumamata .. | E. Pero .. | 6 | 5 | 4 | | | | | | | | |
| | | Kaupahani .. | William King .. | 3 | 8 | 3 | | | | | | | | |
| | | Konenuku .. | Maruiratimutu .. | 6 | 4 | 4 | | | | | | | | |
| | | Ko E Au .. | Puko Pomate .. | 4 | 1 | 1 | | | | | | | | |
| | | Konotekateka | W. Robert Taupingi | 4 | 1 | .. | | | | | | | | |
| | | Apupu .. | Panua .. | 2 | 2 | 3 | | | | | | | | |
| | | Maketu .. | Takaratahi .. | 3 | 3 | 1 | | | | | | | | |
| | | Pukawa .. | Kewai Tumihaka .. | 4 | 3 | 1 | | | | | | | | |
| | | Heu Heu .. | Hapimana .. | 3 | 2 | 2 | | | | | | | | |
| | | Hupipaipa .. | Wirihana .. | 3 | 2 | 3 | | | | | | | | |
| | | Rauparaha .. | Ihaia te Waripa .. | 3 | 3 | 4 | | | | | | | | |
| | | Aratotara .. | Heke .. | 5 | 10 | 3 | | | | | | | | |
| | | Boat .. | Te Teira .. | 2 | 2 | 3 | | | | | | | | |
| | | Boat Louisa .. | Kawiri .. | 3 | 4 | 2 | | | | | | | | |
| | | Boat Prince Albt. | Albert .. | 3 | 5 | 2 | | | | | | | | |
| | | Tamakaikau .. | Ramera .. | 2 | 1 | .. | | | | | | | | |
| | | On Horses .. | | 20 | 1 | .. | | | | | | | | |
| | | Total at Waitara .. | | | | .. | | | | .. | .. | 115 | 91 | 58 |
| | | Between Waitara and New Plymouth. | Puketapu .. | Wakaane .. | Martin Luther .. | 9 | | | | 4 | 4 | 21 | 11 | 9 |
| Okatarewa .. | Patikita .. | | | 6 | 3 | 1 | | | | | | | | |
| Pawakawa .. | Henry .. | | | 6 | 4 | 4 | | | | | | | | |
| Total between Waitara and New Plymouth | | | | .. | .. | .. | 21 | 11 | 9 | | | | | |
| South of New Plymouth. | Taranaki .. | Kekenni .. | Horopapera .. | 5 | 3 | .. | 21 | 20 | 10 | | | | | |
| | | Ruapairoa .. | O. Hua .. | 5 | 6 | .. | | | | | | | | |
| | | Maratuahu .. | Haia .. | 4 | 4 | 3 | | | | | | | | |
| | | Te Naru .. | Petua .. | 4 | 3 | 3 | | | | | | | | |
| | Ngairangui .. | Harawangi .. | Herewene .. | 3 | 4 | 4 | | | | | | | | |
| | | Te Raho .. | Paura .. | 2 | 2 | 2 | | | | | | | | |
| | | Tu Puruatainui | Reweti .. | 3 | 3 | 3 | | | | | | | | |
| Rongotekateka .. | Orumeno .. | 2 | 2 | 1 | 7 | 7 | 6 | | | | | | | |
| Total South of New Plymouth .. | | | | .. | .. | .. | 28 | 27 | 16 | | | | | |
| Total Natives removing to Taranaki .. | | | | .. | .. | .. | 273 | 195 | 119 | | | | | |
| SUMMARY:— | | | | | | | | | | | | | | |
| North of Waitara .. | | | | | | | 109 | 66 | 36 | | | | | |
| At Waitara .. | | | | | | | 115 | 91 | 58 | | | | | |
| Between Waitara and New Plymouth .. | | | | | | | 21 | 11 | 9 | | | | | |
| South of New Plymouth .. | | | | | | | 28 | 27 | 16 | | | | | |
| Total .. | | | | | | | 273 | 195 | 119 | | | | | |

| GENERAL TOTAL. | | | | |
|----------------|----|----|----|-----|
| Men | .. | .. | .. | 273 |
| Women | .. | .. | .. | 195 |
| Children | .. | .. | .. | 119 |
| Total.. | .. | .. | .. | 587 |

DONALD McLEAN.

No. 21.

REPORT FROM DISTRICT COMMISSIONER COOPER, DATED 8TH AUGUST, 1854.

Land Purchase Office, Taranaki,
August 8th, 1854.

SIR,

It is my painful duty to report to you the occurrence of a fatal affray amongst the Natives of the Puketapu tribe, which took place on the 3rd instant, resulting in the death of Rawiri Waiaua and four other Chiefs, with other casualties, as per enclosed list.

2. The circumstances which led to this melancholy event are as follows:—In consequence of the destruction by Topia, one of Katatore's people, of a field of wheat which had recently been sown by Rawiri on his own land, which he had cultivated for several years, the latter determined to offer for sale the block of land contained between the eastern boundary of the block conveyed by the Wellington deed of January last, and the Hua boundary as paid for here in March, and which was excepted from the Hua purchase in consequence of Katatore's opposition, and by the advice of Rawiri himself. In making the offer, Rawiri was supported by his brother Paora, by Ihaka Kauri, Matui Te Huia, Paora Houpunga, Taituha senior, Taituha Ngata, Tamati Waka Te Haeana, and several other Chiefs. I accepted their offer, conditionally on the boundary line being cut, which Rawiri unhesitatingly undertook to do, relying upon his rank and relationship with the opposing party as sufficient guarantee against extreme measures on their part. After two days' consultation, it was determined that the survey should commence on Thursday, the 3rd instant, when I was to meet them on the ground, accompanied by a surveyor.

3. From information subsequently received, it appears that Rawiri's party, numbering twenty-six men, went out unarmed on the morning in question at 7 a. m. ; and on reaching a spot called Tarururangi, found Katatore's party, to the number of twenty-eight armed men, awaiting their arrival, when the collision took place which led to such unhappy results.

The enclosed documents supply all the details.

4. Arrangements were made as quickly as possible to render such assistance to the wounded as circumstances would admit of. Five men were conveyed to the hospital. Paora's case being quite hopeless, nothing could be done for him, as he could not bear removal. Rawiri, unfortunately, could not be removed that day, the Natives being in too great a state of excitement to be of any service, and the majority of the settlers of the Bell block being afraid to render any assistance, in his last extremity, even to him to whom they owe their possessions, lest, by doing so, they should incur the displeasure of the opposite party. All, therefore, that could be done for him, was to have a tent constructed over him, and to render him such surgical aid as time and circumstances would permit.

5. The news of the encounter quickly spread amongst the Natives, and, by noon, an armed party of about seventy had collected from the Hua and Tairutu. These men first visited the Kaipakopako, and fired a volley into the Pa, after which they adjourned to the scene of the encounter, where they interred their dead, and encamped for the night.

6. The next morning, (Friday), Paora expired at 7 a. m., and after his interment, Rawiri was conveyed in a litter to the hospital, where everything was done that medical skill could suggest for his relief, but without avail, and he expired at 1.33 a. m. on the 6th instant, having suffered considerably throughout. The rest of the wounded men are, I am happy to say, doing well.

7. The Rev. Mr. Turton visited the Kaipakopako Pa on the 5th instant, and the result of his conference with Katatore is detailed in the enclosed memorandum.

8. In consequence of the positive statement of Katatore that he would fire upon any party who should attempt to bury Rawiri's body with the others, Mr. Turton and I endeavoured to persuade the Hua and Tairutu Natives to bury him either with his father, Horotatua, or in the town. We, however, found him determined to carry out his last wishes, by interring him by the side of his relatives. Accordingly, on the 7th instant, the body was taken from the hospital by a large party of Natives, and carried to the Hua, where the funeral service was read by Mr. Turton, and the party then moved on to the cross roads in the Bell block, near Te Uira, where they were met by the Tairutu people, under Tamati Waka, who had also been joined by a party under Karipa, who had that day withdrawn from Katatore's Pa. Thence the Natives proceeded in a body of about 120 to Tarurangi, where, without molestation, they interred the body of their Chief along with the other victims of the affray, firing a volley over the grave as a signal that they had carried their determination into effect. Mr. Turton, who had proceeded in advance to the Kaipakopako, subsequently informed me that Katatore had given up the idea of opposing the interment of Rawiri, being, in fact, completely daunted by the strength of the other party, and his fears for the result of affairs to himself personally.

9. It is impossible at present to say to what these occurrences may eventually lead, but whatever may be the ultimate result, I am happy to say that, hitherto, the Europeans are entirely free from any

participation in them : so strictly has the policy of non-interference been hitherto carried out, that although the Hua natives are known to be very indifferently armed, and almost destitute of ammunition, their application for assistance was steadily refused by the Magistrates. The whole of the Ngamotu natives (with the exception of Hone Ropiha Te Kekeu and his adherents, who have joined with Puketapu), have determined to maintain a strict neutrality, unless their own safety or that of the settlers should be menaced.

10. With regard to the Puketapu natives, they are at present in a state of great excitement, and will, I have no doubt, take the first opportunity that may offer of wreaking their vengeance on Katatore's party. In this they appear to look for support from their relatives in Cook's Straits. They have placed a tapu on the Northern road, excepting as regards Europeans or Her Majesty's mails—their arrangements being that Tamati Waka shall stop all access to the town by the beach, while the Hua natives are to block up the passage by the Devon road.

11. The Waiongana and Waitara natives are at present holding aloof, and, from all I can learn, intend to continue so, unless the quarrel be taken up by the Government, when they will regard the affair as a general land question. In this event, Katatore will be looked upon as the leader of the opposition, and be joined by all the tribes who are averse to the sale of land to the Europeans.

12. On referring to the memorandum which forms enclosure No. 7 to this despatch, it will be seen that Katatore requested Mr. Turton to convey to me an offer to sell to the Government the piece, containing about 300 acres, lying between the inland boundary of the Bell block and the Mangoraka river. Of this offer I have as yet taken no notice, nor shall I do so until I am favoured with your instructions upon the point, as it appears to me intended merely as a peace-offering, in the hope that its acceptance by the Government might be looked upon as an atonement for the blood he has shed.

I have, &c.,

G. S. COOPER,
District Commissioner.

Mr. Commissioner McLean,
&c., &c., &c.
Auckland.

No. 22.

REPORT FROM NATIVE SECRETARY, DATED 27TH JANUARY 1855.

Auckland, January 27th, 1855.

SIR,

I have the honor to report for the information of His Excellency the Officer administering the Government, that in accordance with the instructions communicated on the 27th ult., I proceeded to Taranaki on that day per steamer Nelson.

2. On my arrival at Taranaki on the afternoon of the 28th ult., I found everything quiet, but there was evidently an unsettled feeling amongst the native population from the fact of their going about their occupations with arms in their hands and from their commencing to put their paha in fighting order.

3. From enquiry, I found that the first affray, in which Rawiri, the Native Assessor, one of the most respected natives of the Puketapu tribe, and six others by Katatore, partly arose from Rawiri attempting to cut the boundary of a piece of land which he had offered for sale to Mr. G. Cooper, the Land Commissioner of the Taranaki district. It appears that Katatore had long ago stated his intention of retaining this land and had threatened to oppose any one who should offer to sell it ; Rawiri, however, on account of some quarrel with Katatore, proposed selling the land and was desired by Mr. Cooper to cut the boundary.

Rawiri proceeded accordingly with twenty-two others, on the morning of the 3rd August last and had succeeded in cutting some part of the boundary line, when Katatore and party rushed down from his pah, and after warning Rawiri twice without effect to desist, fired and killed him and six others, four were severely wounded and four slightly wounded.

4. With regard to the second affray, it originated in the following cause. I hear a Native Assessor had reason to suspect that his wife had been guilty of adultery with a young man named Rimene, belonging to the Ngatiruanui tribe, residing between Cape Egmont and Wanganui ; and on receiving further proof by the confession of Rimene, he had directed him to be shot by a young man named Hori, who immediately proceeded to whafe Rimene was sitting, and deliberately killed him by a shot in the breast. Information of this act having been sent to the Ngatiruanui, they assembled on the 20th December to the amount of 380 armed men, and made an assault on Ibaia's pa, at Manuka, on the Waitera river, about eleven miles from the town of New Plymouth. Ihaia made an able defence, but being hard pressed, some of the Puketapu tribe made a diversion in his favour, and succeeded in covering his retreat to a pa named Mahoetahi, some miles nearer to the settlement. On this occasion Ihaia's party had six killed and five wounded, the Ngatiruanui five killed and ten wounded.

On the 22nd the Ngatiruanui appeared disposed to renew the fight, but finally came to the determination of returning to their homes. A fresh matter, however, arose which for some time threatened to embroil the Puketapu and other natives of the district with the Ngatiruanui. It was the expressed determination of the latter to return homewards coastwise, through the settlement of Taranaki this intention was however eventually abandoned, and on the 25th the whole party set off on their

march homeward by the mountain road through the bush at the back of Mount Egmont, carefully avoiding any encroachment on the boundaries of the settlement. Indeed so cautious were they of interfering with the settlers that a considerable amount of property in goods and money belonging to an inhabitant of the town of New Plymouth, which happened to be in a house close to the pah of Ihaia, was carefully and scrupulously removed by the Ngatiruanui, before going into action.

5. From all I can hear, this last affair may be considered as settled, as the loss has been pretty nearly balanced and Ihaia and his party have gone back to their pah at Manuka; but with regard to the first, I fear that further bloodshed may be expected, and as unfortunately it has arisen about a land question, Katatore will have all the sympathy of those who are opposed to the sale of land. The relations and friends of the deceased Chief, Rawiri, who are principally resident within the settlement, and who are called the friendly natives, as being in favour of sale of land, are determined to have revenge for the death of their people.

6. The interference of the Government is vehemently called for by Rawiri's friends, who are the weaker party, and who are loud in their demands for arms and ammunition and also for troops. On the contrary, the opposite party are as anxious that the Government should not interfere in the matter at all.

7. I do not think that any danger is to be apprehended to the Colonists and the settlement from these Native disturbances, so long as the Government and Colonists abstain from interference. The natives of Rawiri's party would no doubt try to involve the Government in the quarrel, but I think the other party would be careful not to interfere with the settlement, as by so doing they would throw a preponderance into the hands of their opponents, if the Government were compelled to interfere, independently of which, natives are very averse to giving the first cause of quarrel.

8. The active and armed interference of the Government in these native quarrels would I fear be fatal to the prosperity of the settlement for some time to come, as the outsettlers would be compelled to concentrate themselves in town for the protection of their wives and families, and their properties in the mean time would go to ruin. * * *

I have, &c.,

C. L. NUGENT,
Native Secretary.

No. 23.

REPORT FROM ASSISTANT NATIVE SECRETARY HALSE TO THE NATIVE SECRETARY,
DATED JANUARY 11, 1858.

New Plymouth, Jan. 11, 1858.

SIR,

I have to report to you that Katatore was killed last Saturday under very atrocious circumstances. On his return from town towards sundown with three natives, named in the margin, all on horseback, he was waylaid by Tamati Tiraaurau and a party of five natives (4 Ngatitahiris and 1 belonging to Mahoetahi) on one of the main roads of the Bell District, and shot. His relative Rawiri Karira fell at the first volley, and was literally hacked to pieces.

Tamihana pushed on, but Katatore dismounted, and whilst leading his horse away up the cross road towards the Huirā, was overtaken and pierced with several bullets, then beaten about the head with the discharged guns (three of which were broken over him), and finally mangled with tomahawks. * * *

The plans laid for Katatore's death were Ihaia's, as he has admitted to Mr. Parris; but they were so well kept by the natives concerned that nothing was known of them until they were effected. Even Katatore, who received a warning on the road from Mr. Hollis, who had observed armed natives remaining in one spot, had no thought of being attacked. Ihaia was observed watching him about town during the day under an assumed desire for a reconciliation, and he followed him out of town. I am of opinion that the attack must have been meditated for some time, as on the first occasion of his moving out unarmed, he has been killed. It may be attributed partly to revenge for Rawiri Waiaua's death, and jealousy that Katatore, after all their efforts to punish him for it, should be in a position to offer land for sale, when Ihaia's offer was rejected.

I am quite unable to venture an opinion on the probable consequences of this unfortunate business. I fear it will lead to serious Native troubles. Wiremu Kingi, of Waitara, occupied the Tima pah yesterday, and will aid the Kaipakopako Natives. The latter intend to attack the Ika-moana at once, rather than remain prisoners in their own pa. Hone Ropihā, the Assessor, met Katatore in town on Saturday, and was quite ignorant of Ihaia's plans.

In conclusion, I deem it my duty to observe that Tamati Tiraaurau, who resides in a well-furnished wooden house in town, remarkable for his intelligence and extensive mercantile transactions with the settlers, was especially prominent for his ferocity in this attack. He dragged Rawiri off his horse when mortally wounded by the first volley, and seizing him by the hair of his head, with the most fiendish gesticulations, as witnessed by two of the Bell Block settlers, first hacked his body and then his head and face to pieces. * * *

I have, &c.,

HENRY HALSE.

The Native Secretary,
&c. &c. &c.

No. 24.

EXTRACTS FROM DISPATCH FROM GOVERNOR GORE BROWNE, C.B., TO THE SECRETARY OF STATE,
DATED FEBRUARY 15, 1858.

Government House, Auckland,
Feb. 15, 1858.

SIR,

The documents which I have the honor to forward with this Dispatch will give you full information of what has taken place at and in reference to New Plymouth since the date of my last Dispatch. * * *

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. Sir E. B. Lytton,
&c., &c., &c.

 No. 25.

PROCLAMATION BY THE GOVERNOR, 12TH FEBRUARY, 1858.

By His Excellency Colonel THOMAS GORE BROWNE, Companion of the most Honorable 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 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 within 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 Government House, at Auckland, this 12th 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 of the Bell Block, thence along the said Eastern boundary to Otuwetaweta, on the Devon road, which it crosses: thence following the said boundary to Wakapirikaka, Te Pui o Te Rangī, Te Matai, and Rarongia; 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 Mangoraka 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. 26.

EXTRACTS FROM PETITION OF THE PROVINCIAL COUNCIL OF NEW PLYMOUTH TO THE HON. HOUSE OF REPRESENTATIVES, DATED MAY 19, 1858:

The Native feud, which has for the last four years been raging in Taranaki, originated in the attempt of Rawiri Waiaua, 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, 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 shewn 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 300 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 for 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 had 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 sympathise 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 500 men, and the immediate supporters of Ihaia at about 100. 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 those 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 still 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 a 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 had 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 civilised race which compelled a rude people to return to their barbarous customs."

* * *

E. L. HUMPHRIES,
Speaker.

New Plymouth, 19th May, 1858.