

1844, a large Meeting of English and Natives was assembled at New Plymouth, to hear the final decision of the Governor. 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." "*He would allow in all their integrity the claims of those of the Ngatiawa tribe who were not parties to the sale in 1840.*" (Papers E. No. 2. p. 13.)

In consideration of a further payment, the Natives interested in the piece of land on which the town had been planted, gave up all claim to that site, and the adjacent land, 3500 acres in all. The Governor publicly and officially recognised the right of the ancient owners to resume the rest of the district, including the Waitara (16).

William King and his people still remained in Cook's Strait. In the year 1846, when Te Rangihaeata was in arms against the Government, William King took up arms in our favour, and was the leader of our Native allies. In 1848, William King and his people returned to the Waitara (17).

5. The Town of New Plymouth has no harbour. From the first Mr. Carrington saw clearly the value of the Waitara. On the 15th Oct. 1841, he wrote as follows to Captain Liardet, then Agent of the Plymouth Company:—

"The boundary line which the Governor has been pleased to order for this Settlement (18) excludes the most valuable, and indeed the very piece of country which was the cause of my giving preference to this part of the New Zealand Company's land. I told Colonel Wakefield at the time I chose this place, that I intended fixing the town at the River Waitara; but, from unforeseen causes, I was obliged to place it where it is, about two miles east of the Sugar Loves, and ten miles west of the Waitara. If we are deprived of this river, we lose the only harbour we have for small craft, and also the most valuable district for agriculture; in lieu of which we shall have a dense forest which will require much capital, time, and labour to clear. Forest timber comes within a quarter of a mile of the town boundary, runs parallel with the shore for a few miles, then gradually bears away inland, and opens out the district of country round the Waitara, where I intended to lay out the majority of the sections. In fact I am now cutting a base line from this place to that river, for the express purpose of so doing.

"I close this letter entreating that you will submit for His Excellency's consideration the subject herein contained. If we are deprived of the Waitara district, and are obliged to cultivate the most impenetrable forest, I, in this case, see no hope for this Settlement. If, on the other hand, we are permitted to retain the Waitara land, we shall flourish." (*Land Question, 6.*)

Efforts have been constantly made to induce the *Ngatiawa* to sell the Waitara, or some part of it, to the Government. They have all along steadily refused to sell.

In 1844 (17th Dec.) Mr. McLean wrote thus to Chief Protector Clarke:—"The Natives of the Taniwha and Waitara, who occupy the Northern portion of the land claimed by the New Zealand Company, *have not shown at any time an inclination to dispose of the land in their neighbourhood; nor do they consider themselves empowered to negotiate for the same, without the consent of several absentee Chiefs, residing at Kapiti, who own the greater portion of the land.* They do not acknowledge the claims of the Company to any part of that district; they never received payment, and were not cognizant of a sale thereof, and will not be induced to suffer European settlers to establish themselves there." (*Parl. Pap.*, 8th April, 1846.)

6. At a Meeting held at Taranaki, on the 8th of March, 1859, the Governor being present, the Native Secretary, on behalf of the Governor, stated: "The Governor thought the Maories would be wise to sell the land they cannot use themselves, as it would make what they could use more valuable than the whole; but that he never would consent to buy land without an undisputed title. He would not permit any one to interfere in the sale of land, unless he owned part of it; and, on the other hand, he would buy no man's land without his consent."

At this Meeting, Te Teira offered to the Governor a block of land, about 600 acres, on the Southern bank of the mouth of Waitara. On the block stood two pas, in which William King and his people were then residing, and had been so for years past (19). William King being then present, said: "Listen, Governor. Notwithstanding Teira's offer, I will not permit the sale of Waitara to the Pakeha. Waitara is in my hands; I will not give it up. I will not. I will not."

The Governor accepted Teira's offer, subject to his shewing a satisfactory title.

It does not appear that William King stated anything further at that time, as to the nature of the right which he claimed. Nor indeed was that the time or place for so doing (20). The question of the title to the land was not to be discussed then and there in the presence of the Governor. It was expressly reserved for inquiry.

### III.—*The Points in Dispute.*

So imperfect are the documents laid by the Governor before the Houses of Assembly, and so limited the evidence received by the House of Representatives, that even now it is not easy to gather what were the precise points contended for by the agents of the Government, on the one side, or by William King and his people, on the other (21).

1. Two documents were put forth by the Government about the time of the Governor's sailing for Taranaki, at the end of February last, which purport to set forth the Government view of the case. They are both reprinted in *Papers E. No. 3*, p. 19.

There is a remarkable difference between the two. The former relies on the Cession by Potatau. It treats the Government claim as made up of two elements—the Cession by Waikato, and the title made over to the Governor by Teira and the other sellers. The latter document relies on the title of Teira only, and says nothing of the Cession (22).

In some points both agree. Both the documents assume it to be clear that all the individual owners had concurred in the sale.