

P A P E R S

RELATIVE TO THE CESSION OF

THE MURIHIKU BLOCK,

IN THE PROVINCE OF OTAGO IN 1853.

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PRESENTED TO THE HONOURABLE THE HOUSE OF REPRESENTATIVES BY COMMAND OF  
HIS EXCELLENCY SEPTEMBER 6TH, 1861, AND ORDERED TO BE PRINTED.

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## PAPERS RELATIVE TO THE

## No. 1.

MR. MANTELL, COMMISSIONER OF CROWN LANDS, TO MR. DOMETT, CIVIL SECRETARY.

Otago, August 17th, 1853.

SIR,—

I have the honor to enclose a copy of the Deed of Cession of the Murihiku Block, executed this day between the Native claimants and myself.

I have also the honor to transmit a copy of the Map annexed to the Deed, and of those of the Native Reserves in the newly acquired territory.

You will observe that by the Deed I have engaged to pay one instalment of a Thousand pounds (£1,000) at Otago, immediately on the assembly there, of a few sub-claimants, whom Topi and Matewai will bring up at once, probably before the end of next month; and the second, also of One thousand pounds, (£1,000) at the Bluff, so soon as the money shall arrive.

On the subject of these funds I have the honor to address you a letter supplementary to this.

As such arrangements were perhaps not foreseen in my instructions, I do myself the honor in a separate communication of reporting to you for the information of His Excellency the Governor, the circumstances under which I have felt it incumbent upon me to depart from the letter, in order to carry out the spirit, of those instructions.

I have, &amp;c.,

WALTER MANTELL,

Commissioner for the extinguishment  
of Native Claims.

To the Civil Secretary,  
&c. &c., &c.,  
Wellington.

## No. 2.

MR. MANTELL, COMMISSIONER OF CROWN LANDS, TO MR. DOMETT, CIVIL SECRETARY.

Otago, 18th August, 1853.

SIR,—

I have the honor to request you to submit to His Excellency the Governor the following statement of the circumstances under which I have felt it my duty to conclude the negotiations for the purchase of the Murihiku district.

I would be permitted to recur to the commencement of my engagement in this particular duty.

In April, 1851 I had the honor, by desire of the Governor-in-Chief, to address to you a preliminary report on the proposed purchase, in reply to which I was informed (14th April, 1851—493) that the duty would be entrusted to me, and that I should leave Wellington in the middle of August.

I received my instructions (17th October, 1851.—1285) on the 20th October, and having arrived here in the beginning of November, I, in accordance with those instructions, proceeded overland to the remotest Native settlement in the district, investigating the respective claims of the resident Natives, and fixing the boundaries of their Reserves, which were immediately afterwards surveyed by the Government surveyor. I then had the honor (31st March, 1852) of transmitting to you the various reports required by my instructions.

Having appointed the 24th May for the final *komiti* to be held at Otago, and announced that the distribution of the first instalment (£1,000) would take place at the Bluff (Awarua) in June, I had the honor in my letter of March 31st, 1852, to request authority for the Resident Magistrate to proceed thither with me at that time, which authority was granted in your letter of 5th May, 1852, 433 (received 12th May).

Since that date I have been honoured with no further communication on the subject, but as the necessary funds did not arrive, I permitted the assembled Natives to return, promising to come down immediately on my receipt of the money. On reaching their homes they collected a *hakari* at the Bluff to celebrate the expected event, but at last dispersed.

For the last twelve months I have endeavoured to the utmost of my power to keep their disposition to cede unaltered; but the difficulty so increased during the latter part of that period, that I could plainly perceive that except under circumstances more propitious than I dared to anticipate, the negotiations, whenever His Excellency should be pleased to direct their renewal, would, how skilfully soever they might be conducted, terminate in an arrangement far less advantageous than that practicable in 1852, if they terminated in any arrangement at all.

I had even proposed to suggest to you that such renewal might be undertaken with more likelihood of success by some other Officer, who might cast on me the reproach of having failed to keep the first engagement. And I may here mention incidentally, that on my fixing the time for the distribution, the Natives expressed a fear that they would be again deceived, as they formerly were by me at Akaroa and elsewhere; but I assured them that this time for reasons which as they proved fallacious it is needless to repeat, their fears were groundless. Thus "*ka tukuka a Matara*" (Mantell's distributions) are passing into a "*kupu whakariterite*" for engagements not likely to be

kept; and I have been content that they should do so, rather than that the distrust should fall upon the Government.

But in the last two months facts have come to my knowledge which have induced me to bestow the most careful attention on the present disposition of the Natives on the subject of the sale.

The resident Europeans (from thirty to forty families) tired of waiting for the provision they have been led to expect from Government, have lately been using their utmost endeavours to dissuade the Natives from completing the cession to Her Majesty: they have dwelt on the rental for runs which they have offered to the Maoris, on the price at which land is sold by the Government, in contrast to that at which it is bought; offering to purchase at the former rate from the Maoris; on the hardship of Customs' duties, and of the prohibition of powder and spirits, both of which (especially the latter) they freely supply to the Maoris.

But the chief obstacles thus arising were the squatting, and the extensive increase (£7,000 to £9,000) in the Natives' demand for the extinction of their title.

On the arrival here with *titis* of Topi, Paitu and the rest of the Natives interested, I found them resolved, as they said, "if the Governor would not buy the land, to sell it to those who would, and certainly to let the pasturage, for which some settlers were already in treaty with them." I therefore carefully studied the Native Land Purchase Ordinance, and found that more than one feasible mode existed of evading the provisions of that Ordinance. I will mention one which was afterwards confidently stated to me by an intended squatter as quite safe from the penalties of that Ordinance, a proposition to which I of course would not assent: that the Natives should nominally be graziers, taking charge of the settlers' cattle, employing the stockowners and their servants as shepherds and stockmen.

Determined to try the Ordinance to the utmost rather than permit so important and necessary a portion of this Province to fall into such a state as the Wairarapa, I next reviewed my means of enforcing it against the resistance of both Native and European. These would consist of such as could be spared almost constantly from a police force of six men, who would also have to do all other necessary duty in a Province as large as Van Dieman's Land. My view of the proper mode of enforcing the Ordinance in cases of recusancy, was to commence the informations at once, and repeat them at the smallest legal interval until the offender should give up in despair. But while the possibilities of evasion already alluded to shook my faith in the efficacy of this plan, the small means for carrying it into efficient practice destroyed it.

I must here remark that the enormous delay of reference to you, though it would have relieved me from a serious responsibility, could not in the state of the case, be contemplated. Squatting, the evil to be warded off had already commenced in more than one place, two cargoes of stock had been landed, and two more were daily expected, so that it was necessary to decide on a line of action, and to act at once.

I conceived myself to be in this dilemma. 1st. I might let matters take their course, enforcing the laws against squatting, with means so inadequate as only to irritate the offenders without suppressing the offence; reporting my proceedings to you, with a request that I might be honored with instructions, which I could hardly hope to receive in a less period than three months; meantime the evil would have become confirmed and inerradicable, and those who obeyed the law would see the best country appropriated by those who set it at defiance; or, 2nd, I might in exercise of the power entrusted to and still vesting in me, and at my own risk exceeding it if necessary to meet demands increased by delay,—avail myself of the opportune presence in or near Otago personally or by known representatives, of all the principal native claimants, to conclude the purchase on the best terms yet practicable; and as their repeated disappointments render them suspicious of my promises on such subjects, distribute the first instalment of a thousand pounds. I should thus acquire a large and essential addition to the lands open for colonization, and in the simplest and least expensive manner, the obstacles which, under the former course would have offered so insuperable a barrier to the progress of the colony. The chief difficulty would arise from the want of funds, and I trust that my candid explanation of the plan by which I purposed to provide these will be viewed by the Governor as some palliation of a departure from a precedent which may appear almost unpardonable in an Officer of His Excellency's Government. I proposed to devote to the purpose, a sum in my hands, amounting to almost £500 received during the current quarter for Crown Lands sold, and if I could do so without divulging the object of the loan, to borrow on mortgage of my private property a further sum of £500.

1. The former course was safe, but with the certainty of great loss to the public by its adoption, not honourable; and I conceive that I should by its adoption, have deserved to forfeit the appointment I have the honor to hold.

2. By taking the latter I might not only forfeit my appointment, but suffer heavy pecuniary loss; yet I should feel that I had done my duty according to my best conception.

I accordingly, after a week's delay, during which all I learned only made me more anxious to conclude the negotiations, assembled the Natives and ended a long and anxious debate with the signature of the deed of which a copy is enclosed in my letter of the 17th instant. By this you will see that while about to overstep the strict letter of your instructions, I have taken especial care to plant each step firmly. Thus, though the cession is already a fact, the distribution of the first instalment will only become so, on the return of Topi with the minor recipients. Whatever my own position, I have at least taken care to secure the public against loss.

Whatever may be the Governor's decision upon my proposed appropriation of the Crown Land funds (for to this date I have done nothing in excess of my instructions), I cannot too strongly

urge you to beg His Excellency's earliest consideration of my accompanying letter on the subject of funds for this purpose, and though I would not willingly obtrude private considerations upon you, I may mention that although I have succeeded in borrowing the sum necessary for my advance towards the purchase on my personal security, and without stating the purpose for which I require it, I shall feel bound on receipt of an unfavourable reply to that letter, to execute mortgages for the amount,—an expense which I would willingly be spared, but as willingly bear if necessary.

I may in conclusion be allowed to mention two things. That the circumstances under which I have made this purchase are unknown to the settlers, who, ascribing it to instructions from the Governor, seem unanimous in their satisfaction at the acquisition.

And that, regarding the adoption of the right course as my own particular duty, I have not sought to divide my responsibility by any previous consultation with my brother Officers, or indeed with any one,—those gentlemen are therefore perfectly blameless and innocent of any complicity in my proceedings.

I have, &c.,

WALTER MANTELL,

Commissioner for the extinguishment of Native claims.

To the Civil Secretary,  
&c., &c., &c.,  
Wellington.

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### No. 3.

MR. MANTELL, COMMISSIONER OF CROWN LANDS, TO MR. DOMETT, CIVIL SECRETARY.

Otago, 18th August, 1853.

SIR,—

I had yesterday, the honour to announce to you the conclusion of the negotiations for the purchase of the Murihiku Block, and of reporting to you, in a separate communication of this date, the reasons which urged me to conclude these negotiations.

I have now the honor to request that, to meet the first instalment of the purchase money, authority be issued to the Sub-Treasurer of the Province to advance from the Land fund the sum of one thousand pounds (£1,000).

As to the second instalment (£1,000), I would most urgently beg that (as promised in my original instructions) that amount be remitted to me from Wellington by the earliest opportunity, as the Natives will expect the distribution of it at the Bluff before December.

The first instalment will be paid almost exclusively to the claimants of the eastern and western, and the second to those of the centre portion (Taitai to Dusky Bay) of the block.

This was the most favourable arrangement which remained possible after the long delay; and I could not but acknowledge the force of the Natives' complaint, that small instalments gave to each a sum insufficient to purchase anything of permanent value which should in after years represent the land to them.

I do myself the honor to annex a short statement shewing the Government will not lose by this arrangement as compared with that originally contemplated.

Failing in my endeavours to reduce the demands of the Natives below £2,600, and very unwilling to exceed the large amount stated in my instructions as the maximum, and which would have sufficed had the business been concluded at the time originally fixed, I at last made the following arrangement, which was agreed to by the Natives:—

That, whether the further sum of £600 were granted or not, the land was ceded for the amount named in the Deed (£2000).

That the payment or non-payment of the £600 was to be left to the Governor, but that I was most strongly to urge His Excellency in consideration of the delay—of their long boat voyages ending in disappointment, &c.—to award that sum to them, and, when awarded, to direct one-half of it to be distributed at Otago and the other at the Bluff.

I should but imperfectly fulfil my promise did I embrace, for making this recommendation, a time when my own position may be such as to weaken its force. I would, therefore, respectfully beg that the Governor would suspend his decision until I shall have had the honor fully to represent the claim, which I shall do so soon as, by the expression of His Excellency's opinion of my proceedings, I may be relieved from the suspense attending the position in which it is, I trust, evident to you that selfish motives, whether of profit or reputation, could never have placed me.

I have, &c.,

WALTER MANTELL,

Commissioner for the extinguishment  
of Native claims.

To the Civil Secretary,  
&c., &c., &c.,  
Wellington.

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Enclosure in No. 3.

STATEMENT REFERRED TO.

| <i>Date at which payment<br/>would have been made<br/>according to original<br/>plan.</i> |   | <i>Interest ac-<br/>cruing by de-<br/>lay.</i> |
|---|---|--|
|   | £   | £ s. d.  |
| 1st June, 1852.   | First instalment ... .. 1,000                           |  |
|   | Paid October, 1853, 16 months, @ 10 $\frac{1}{2}$ cent. | 133 6 8  |
| 1st June, 1853.   | Second instalment ... .. 500                            |  |
|   | Paid November, 1853, 5 months, @ 10 $\frac{1}{2}$ cent. | 20 16 8  |
| 1st June, 1854.   | Third instalment ... .. 500                             |  |
|   | <u>£2,000</u>   |  |
|   | Paid November, 1853                                     |  |
|   | Deduct Discount, 7                                      |  |
|   | months @ 10 $\frac{1}{2}$ cent. }                       | Total Interest ... .. £154 3 4                 |
|   |   | ... .. 29 3 4                                  |
|   | Excess of Interest over Discount ... ..                 | <u>£125 0 0</u>                                |

No. 4.

MR. DOMETT, CIVIL SECRETARY, TO MR. MANTELL, COMMISSIONER OF CROWN LANDS.

Civil Secretary's Office,  
Wellington, 7th November, 1853.

SIR,—

I am directed, by His Excellency the Governor, to acknowledge the receipt of your letter of the 17th of August, (but which did not reach Wellington till the 29th of September,) transmitting copy of a Deed of Cession of the Murihiku Block, together with maps of Reserves in the same; also, the receipt of your letter of the eighteenth of August, reporting upon and explaining the circumstances attending the conclusion of the agreement for the sale of that District and the payment of the purchase money to the Natives.

With reference to the first eight paragraphs of the last letter, His Excellency desires me to remark that some misapprehension appears to exist on your part in relation to the presumed unwillingness, previous to a late date, of the Natives to sell the recently acquired block of land unless the transaction was concluded immediately upon the preliminary negotiations which had then taken place. About six years ago, His Excellency remarks, some of the principal Chiefs of the district in question, agreed, while the Governor was there, to dispose of it to the Government upon certain terms, when it might be required. Those terms were nearly the same as those to which they have since adhered, and on a recent visit (within the last twelve months, that is,) of the same chiefs to Wellington, they appeared to His Excellency to hold to their engagements in all respects. These chiefs were Topi, Kairoa, and other principal Chiefs of the district. There then appeared to His Excellency no immediate necessity for hurrying the matter on; more especially as the Government found it very difficult to procure the funds absolutely required to pay for large tracts of land imperatively demanded by the circumstances of the European population in other places where they were very numerous and the districts of land available for their wants were very limited in extent.

The state of things however which, as appears from your letter has recently arisen, and which rendered the immediate acquisition of the block of land, an object of paramount necessity, and the serious delay which you represent as likely to have occurred in the completion of the purchase, had you referred the matter for further instructions, clearly gave rise to a case in which you were called upon to act upon your own discretion to the best of your judgment, and in which it became your duty as a good public servant to incur such an amount of responsibility as was needed to enable you to close the transaction and set it finally at rest.

I am therefore to state that keeping the above circumstances in view, His Excellency considers that in the course you have adopted you have rendered a very great service to the public, and one which entitles you to his special commendation, as it shews that you possess not only the capacity to see what measures ought to be taken in such an emergency to promote the public interests, but sufficient resolution to carry those measures into execution with a single regard to the public good.

His Excellency therefore approves of the payment to the Natives of the sum of Two thousand six hundred pounds (£2,600) for the lands recently acquired in accordance with your recommendation: Three hundred pounds (£300) of the last amount to be paid at Otago, and Three hundred pounds (£300) at the Bluff.

From a statement furnished to the Governor by the Audit office, it appears that the Sub-Treasurer at Otago had received from the sale of public lands the sum of Eight hundred and sixty.

six pounds ten shillings (£886 10s.) between the 1st of January and the 31st July, 1853. This sum the Sub-Treasurer has been directed to pay over to you, as well as all other Land funds in his hands, and you are also authorised and directed to retain in your possession any funds arising from the sale of Crown lands in the Province of Otago until the sum of Two thousand six hundred pounds (and any expenses incurred in obtaining that amount) to be paid to the Natives for the newly acquired block, has been liquidated. Any funds derived from lease of pasture lands should also be applied to the same purpose, unless it would interfere with any previous instructions you have received to such a degree as to be detrimental to the public service. It is hoped that the funds thus placed at your disposal will enable you to liquidate the entire debt in question, as His Excellency anticipates that considerable sums will be obtained at an early period from the sale of portions of the new block. If, however, you find yourself in want of the thousand pounds or any portion of it, for which you apply in your letter, you are authorised either to draw on the Commissioner of Crown Lands at Wellington for that amount at thirty days sight, or to write to him requesting him to remit to you the required amount to Otago. If you are compelled thus to borrow the whole or any part of this sum of the thousand pounds from the Wellington Land Fund, you will be good enough to repay it out of the first proceeds of land sales which come into your possession.

In your letter you allude to the probable expenses you may have incurred in raising the first sum of One thousand pounds to complete this purchase. I am therefore to state that any reasonable expenses which you have incurred in a manner so creditable to yourself, in completing a purchase so clearly desirable, will of course be refunded to you.

I have, &c.,

ALFRED DOMETT,  
Civil Secretary.

Walter Mantell, Esq.,  
Commissioner of Crown Lands,  
Otago.