

1874.

NEW ZEALAND.

LAND PURCHASE AND LEASE TRANSACTIONS

WITH THE NATIVES IN THE BAY OF PLENTY DISTRICT,

(CORRESPONDENCE RELATIVE TO).

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

No. 1.

The Hon. D. McLEAN to Captain MAIR.

Napier, 29th November, 1873.

I AM given to understand that you are stocking land leased from the Natives, in defiance of opposition offered by Urewera to your doing so, and I must have an immediate explanation of such conduct, likely, from what I hear, to create serious difficulties.

Captain Gilbert Mair, Taupo.

DONALD McLEAN.

No. 2.

Captain MAIR to the Hon. D. McLEAN.

Te Niho o te Kiore, 1st December, 1873.

SIR,—

I have the honor to acknowledge the receipt of your telegram of the 29th November, 1873, with reference to stocking land at Galatea, &c., and, in explanation, I beg to lay before you the following facts:—

Ever since 1865, the Ngatimanawa have been pressing my brother and me to lease their land at Galatea and Ahikereru. For many reasons we have refrained from so doing, though we have advanced them money and goods, during the last eight years, to the amount of about £150. Last year a deputation from Ngatimanawa came to see me at Tauranga, and urged me to lease their land; that if I did not do so they would give it to people at Napier. I consented, and they agreed to accept £200 a year for four years, for about 27,000 acres, *i.e.* that portion between Rangitaiki and the foot of the hills. I made arrangement about stock, which arrived on the ground a month ago. Since then Mr. Troutbeck, of Napier, has obtained a lease from these people of the same land, at a rental of £300 for the first and £400 for the next six years; and I believe his cattle are on the way up. He has obtained promissory notes from the Natives for all moneys advanced.

In leasing this land from the Natives, I have never taken advantage of my position as a Government officer, nor would I do anything that might cause a disturbance of any kind. Though I do not believe the Urewera have any claim to the said land, I have always been most careful not to create a breach between them and the Ngatimanawa. On the contrary, I have done all in my power to promote a good feeling between the tribes, and with this object in view I have incurred considerable expense in arranging for a friendly meeting to take place at Galatea during the ensuing summer.

I have never had any reason to suppose that the Urewera had offered, or intended to offer, any opposition to my stock being put on the land. If, however, such really is the case, the cattle can be removed at any time to this side of the river. When I saw Kereru at Ruatahuna last year, his people all expressed their satisfaction at hearing that I had rented Galatea.

It was only through my personal influence that the Ngatimanawa consented to sell a piece of land at Galatea to the Crown a short time since; and had I been informed that the Government intended to purchase or lease land there, I could, from my knowledge of the Natives, have rendered material assistance.

The Natives all look with distrust and suspicion upon the agents now employed in negotiating for lands on behalf of the Government.

I shall be glad to make any further explanation you may deem necessary, and to promote the wishes of the Government in every respect, so far as lies in my power.

I have, &c.,

GILBERT MAIR, Captain, N.Z.M.,
Commanding Native Contingent.

The Hon. the Native Minister, Tauranga.

No. 3.

Te WHARERAUPO to Mr. BRABANT.

FRIEND,—

Maungapowhatu, 22nd December, 1873.

Greeting. This is to inform you that the Urewera are disagreeing about the land leased by the Ngatimanawa. Te Whenuanui has gone there to turn off the cattle and sheep. If he does not succeed, the "Council of Seventy" will go and kill those cattle and sheep. They have written asking us to support them in the matter. We will not do so. I do not wish it. I shall walk in the ways of the Government. * * * * *

Mr. Brabant, Opotiki.

From Te WHARERAUPO.

Translation for the information of the Hon. the Native Minister. The lease referred to is that said to have been effected by the Ngatimanawa to Captain G. Mair.

Opotiki, 30th December, 1873.

HERBERT W. BRABANT, R.M.

No. 4.

Captain MAIR to the Hon. D. McLEAN.

SIR,—

Tauranga, 23rd December, 1873.

With reference to your conversation about my leasing land from the Natives at Fort Galatea, I have the honor to inform you that in 1866 I commenced negotiations with the Ngatimanawa for the Tauaroa and Karamuramu run.

In the early part of this year I concluded arrangements, and a herd of cattle were put upon the land last September. Had I been informed that the Government were desirous of acquiring the land, I would have withdrawn long ago. As it is, I have never tried to influence the Natives in any way. No Government agent has made any offers to the Ngatimanawa for this land up to the present time.

Though I have been at considerable expense, I am quite willing to withdraw at once, and procure a deed of lease from the Natives to the Government on the most favourable terms. As I have known the Natives a number of years and they are under some obligations to me, I have greater facilities for dealing with them than any one else. If the Government do not take action in the matter shortly, no doubt other persons will. Since the Natives promised me the Karamuramu Block at £200 per annum (about 60,000 acres), they have been offered £400 a year, but they are quite willing to abide by what I agreed to give.

I have, &c.,
GILBERT MAIR.

The Hon. the Native and Defence Minister, Tauranga.

No. 5.

Captain MAIR to the Hon. D. McLEAN.

Taupo, 13th February, 1874.

ALL cattle removed a week ago. Ngatimanawa here now urging me to go at once and lease all this side of Rangitaiki. I cannot throw them over to other Europeans. I have offered to negotiate on behalf of the Government; in justice to myself I ought to do this. I have been accused of opposing the Government. I cannot contradict this better than by assisting the Government. I can obtain a lease or deed of sale on better terms than any one else. Have spoken to Mitchell; he will be here to-morrow. I only press this matter to exonerate myself; besides, I am pledged to see the Ngatimanawa out of this difficulty. Please instruct me what to do.

GILBERT MAIR,
Captain.

The Native Minister, Wellington.

No. 6.

EXTRACT from a Report from Mr. J. A. WILSON, on Land Purchase Operations, dated 1st June, 1874.

* * * * *
Mr. TROUTBECK, of Napier, had managed to occupy a run called Tauaroa and Kuhawaea within the *rohe-potae*, by an arrangement made for a few years with a portion of its owners, and as this gentleman's cattle (some 300 head) had not been driven off, notwithstanding "the Seventy" continually threatened, I determined to acquire the freehold of this block without militating against the pioneer settler's interest where I should buy from such as had already dealt with him; and I have now to report that, in spite of obstacles and without assistance, I have succeeded in acquiring such an interest in that block as to render the freehold of the remaining portion comparatively valueless to any other purchaser.

The Urewera could not for shame say much against my purchases at Kuhawaea and Tauaroa, when they showed themselves unequal to the removal of the cattle from that place, a weakness on their part which I believe to be due to the fact that they know they have no right to the land; but at one time, on the 30th January, Tamaikowha (when labouring under a special influence—see my telegram of the 2nd February last) came to Opotiki on purpose to see me, and requested that my action in the matter of the purchase of Tauaroa might be stayed, or at all events suspended until after their then approaching *hui* at Ruatahuna. To the latter portion of this request I acceded, and this is all I have heard

from the Urewera in reference to a block where what they call their *kuwahas* (entrances to their country, by Horomanga and Ahikereru) are situated—a block of 30,000 acres within their *rohe-potae*, on portions of the best of the freehold, of which I have paid about £101; for Te Makarini, who represented “the Seventy,” at the recent meeting at Galatea, said nothing about Tauaroa and Kuhawaea; when he spoke on the 14th ultimo, his attention was exclusively confined to the subject of the proposed Government lease at Raungaehē.

Before proceeding further, I would observe that on the occasion of my conversation with Tamai-kowha on the 30th January, I was impressed with the belief that he would be willing to lease his land if he could only trust the Pakeha, if the Urewera chiefs could but trust each other, and if they understood the proper management of leases.

And I would further remark (though this is *en passant*), relative to the special circumstances under which he visited me, that, in reply to one of my questions, he said he would not go to Waikato to help the king should he try to prevent Ngatiraukawa from making a road over their own land between Cambridge and Niho o te Kiore, for, said he, the king has no right to interfere with Ngatiraukawa upon their own land.

I have said that in this block of Tauaroa and Kuhawaea I have worked without assistance. I mean this to apply first, in a lesser sense, to Mr. Troutbeck, because on him I have no claim other than that which is due to a Government whose efforts would certainly improve his position, and because if he, as a pioneer, has special claims, he must have also special obligations towards the Government. But chiefly do I make this remark in reference to Captain Mair. I had a right to expect him to act up to the terms of the arrangement you made with him in December, but he has not done so. He has not complied with, or replied to, or in any way taken notice of memoranda, copies of which are herewith enclosed; on the contrary, the Natives over whom he has most influence are most opposed to me. The Natives who have received £400 of his money for a large tract of land in the district of which he is the District Officer—land extending from above Galatea to near Tarawera, which the Government has, at considerable expense, commissioned Messrs. Mitchell and Davis to procure for them—these Natives, Peraniko and they who support him, are precisely the persons with whom I have experienced the most difficulty.

Personally, I may be quixotical in my repugnance to dabble in lands in respect of which I have received a Government trust, and my objection to see other officers similarly situated so dabbling may be very utopian; but I cannot help thinking that if the system under which Captain Mair has been lately gazetted, I may say promoted, is to succeed, it must be administered by men who will honestly support it, whose code as towards the Government is of a higher kind, and who will not tempt Natives by surreptitious offers to outbid Government on lands which its agents have advanced money upon, as Captain Mair did on the 14th ultimo, when he offered Tikitu £100 down on Waikowhiwhi, or as when Ngatirangitihī were tempted on the following day to allow his so called boundary to extend to Ruawahia.

I have, &c.,
J. A. WILSON.

Enclosure in No. 6.

MEMORANDA addressed by Post to Captain MAIR at Rotorua.

Tauranga, 19th January, 1874.

CAPTAIN J. A. Wilson has the honor to forward the enclosed extract for the information of Captain Mair, and to state that, as Government Commissioner for the purchase of land in the Tauaroa District, he will be happy to receive such assistance as Captain Mair may be able to afford.

J. A. WILSON.

EXTRACT from letter to me from the Hon. the NATIVE MINISTER.

WITH reference to the land which Messrs. Mair and Bluett were trying to obtain, I have the honor to inform you that those gentlemen have withdrawn from the speculation, and that they will afford the Government any assistance in their power to obtain this land.

No. 7.

Captain MAIR to the UNDER SECRETARY, Native Department.

SIR,—

Wellington, 8th June, 1874.

I have the honor to call your attention to a leader which appeared in the *Daily Southern Cross* of the 30th May (herewith enclosed), reflecting upon me as an officer of the Native Department, in reference to certain negotiations by the Government agents for acquiring land, with which, it is alleged, I seriously interfered.

The fact of my name having been made the subject of comment by newspapers is a matter of perfect indifference to me; but I deem it a duty which I owe to the Hon. the Native Minister, as well as in justice to myself, that I should in this case invite his attention to this matter.

The Hon. Mr. McLean will remember that since the year 1865, I, at the urgent request of the Ngatimanawa, entered into an arrangement with them, when the proper time arrived, to lease for a term of years a block in the neighbourhood of Fort Galatea.

About twelve months ago that arrangement was carried out, when it was represented to the Government that I was interfering materially with the negotiations that were then being carried on by the Government agents. I received a letter of remonstrance from the Native Minister, upon which I personally and in writing promised the Hon. Mr. McLean, not only that I would withdraw from any

claim which I had equitably acquired, in favour of the Government, but would assist the Government agents in their negotiations with the Natives.

To this promise I have, at considerable loss to myself, faithfully adhered, and with a desire to further the interests of the Government I suggested to the Ngatimanawa to call a meeting. This was done in May last, to which Messrs. Wilson, Davis and Mitchell, and Young, were invited. I myself wrote and telegraphed to Messrs. Davis and Mitchell, urging upon them to be present at the meeting, as such another opportunity for making satisfactory arrangements with Ngatimanawa about their lands might not again present itself.

On the 14th I went to Galatea, and found a considerable number of Natives present; Mr. Wilson was there, but Messrs Davis, Mitchell, and Young had not arrived.

Mr. Wilson, I was told, was negotiating for the lease or sale of land in the district; but I took no part whatever in the proceedings, nor had I any conversation with the Natives on the subject of land, for the sole reason that the persons I came to assist were not present.

On the 16th Mr. Young arrived at the Native Contingent Barracks, but owing to the illness of Mr. Davis, neither that gentleman nor Mr. Mitchell attended. The Natives were greatly disappointed at their non-arrival.

I sent a note to the barracks inviting Mr. Young to come up and see the Ngatimanawa.

Taking advantage of Mr. Young's presence, I told the Natives that I attended the meeting for the purpose of assisting Messrs. Davis and Mitchell in their land negotiations; that all my interest in their land was now Government property. I used the expression when speaking about Messrs. Davis, Mitchell, and Young—*kua kotahi matou*.

I emphatically deny that I had any conversation with Tikitiki (I know of no Native of this name), or any one else about Waikowhiwhi or any other block of land, except a small reserve which I induced the Ngatimanawa to make for school purposes.

This is not the first time that false rumours have been circulated about me by some person or persons to serve purposes of their own. I can only suppose that the article in the paper under remark was inspired by some parties as a cloak to their own injudicious bungling. I have my own suspicions in the matter.

However, I have thought it right to make the above statement, and would add, that if the Government are not satisfied with what I have stated, I beg most respectfully and earnestly to request that an inquiry may be held with as little delay as possible.

I have, &c.,

GILBERT MAIR, Capt. N.Z.M.,
District Officer, Bay of Plenty.

The Under Secretary, Native Department, Wellington.

Enclosure in No. 7.

EXTRACT from *Daily Southern Cross* of the 30th May, 1874.

THE Native land question is continually presenting itself in various forms; and at times the action of some officers connected with the Native Department seems to be, to put the matter with ethereal mildness, certainly injudicious. It is not necessary to say that frequently such action is misinterpreted, misrepresented, and exaggerated, either by private jealousy, by disappointment, or by both. Hence, much respecting such officers and their dealings, of which common report may speak, or which may find its way into the newspapers, should be received with a certain amount of caution. But complaints are so rife and so varied, and proceeding from so many quarters, all in connection with meddling and muddling in Native land affairs, that we are disposed to think there is something in them, even after allowing an ample margin for what Disraeli termed "plundering or blundering," and to which latter, officials are sometimes prone. We are informed that many excellent blocks of land, comprising Native reserves in various parts of this province, and also in the neighbouring Province of Hawke's Bay, have been quietly leased for a long period, and on easy terms, sometimes to Government officers and sometimes to their friends. Leaving, however, generalities like these, and coming to what we are credibly informed are facts, we find that there is some conflict of opinion and of action between different Government officers in connection with the land-purchasing arrangements. There is so much looseness in the methods often followed, so little opportunity of the public tracing the action of land purchase agents, and, truth to tell, there are such frequent allegations of land speculation entering into and thwarting the true objects of the Purchase Department, that to arrive at the real state of affairs is often as difficult as it is to trace, through the labyrinth of officialdom, the causes and the laches which produce the blundering.

If what is reported to us as being done with respect to certain Native lands on the East Coast shall be found to be correct, there is sufficient evidence to show that the Land Purchase Department requires better looking after, and that officers paid by the Government require to be cautioned as to their course of action. There are certain lands in the Bay of Plenty and elsewhere on the East Coast which it is desirable the Government should obtain by purchase from the Natives. To secure these lands Messrs. Davis and Mitchell have been appointed on behalf of the Government to carry on and complete the necessary negotiations. In December last Captain Mair, under certain arrangements between himself and the Native Minister, under which we believe he was bound to act only on behalf of the Government, was appointed District Officer, under the new Native Lands Act, for the Bay of Plenty. Among Native lands which are in course of negotiation is a block in the Bay of Plenty district belonging to the Natives, which Messrs. Davis and Mitchell were commissioned to secure for the Government. It is said that Captain Mair was cognizant of the fact that these two purchasers had been instructed to obtain this block, as indeed they were in treaty for it, and, as we are instructed, had

actually paid a portion of the price. But whether this be so or not, Captain Mair has, we are informed, paid to the Natives of this hapu the sum of £400 for this very land. It is said, too, that the money consists of private funds, and it is concluded that the purchase is a private one. Some of the Ngati-rangitiki chiefs have refused to receive any of the money, though it was publicly tendered to them on the 15th instant at Te Karamuramu, and refused in presence of Captain Mair, it being at the time alleged as the ground of their refusal that the Government was in treaty for the land. The fact that such a reply was given would lead to the supposition that Captain Mair was purchasing on private account. On the 14th instant we are informed that Captain Mair had offered £100 of immediate cash payment on the Waikowhiwi block. The offer was made to the chief Tikitiki, who subsequently refused the money on the ground that they had received Government money for the land from Davis and Mitchell. This again would imply that the offer was made by Captain Mair on private account, for we cannot conceive the only other alternative explanation—that he and Messrs. Mitchell and Davis are both outbidding each other for the same lands, and thus creating further difficulties and performing the unpleasant operation of checkmating each other's efforts, to the detriment of the Government they serve. If Captain Mair has been endeavouring to traffic in land on private account, either directly or indirectly, he evidently has totally misunderstood his duties as a public servant and as District Officer under the Native Land Act. There is a wide power in the matter of reserves for Natives, reposed in the hands of the District Officer; and so necessary is it to avoid the very appearance of evil in such a delicate matter as the control of public lands, that no official, either for himself or his friends, by any arrangement, however hidden or remote, should traffic in the slightest degree, or act as the agent or purchaser for private parties. A District Officer doing this at once places the Government he serves at a great disadvantage, for he exercises his special knowledge obtained at the expense of the Government and really the property of the Government, in the service of private persons, who become competing parties for the land which it is desirable should be acquired for the public estate. By the Act, the following, among others, are set forth as duties to be performed by the District Officer: "He shall prepare for record a general skeleton map of the district assigned to him, distinguishing the different tracts of country in possession of the various tribes or hapus of Natives at the date of the signing of the Treaty of Waitangi." He shall also "compile, with the assistance of the Assessors and of the most reliable chiefs of the district, or with the assistance of such other person or persons as he may consider to be trustworthy, accurate and authentic information relative to the district aforesaid, defining the intertribal boundaries by their Native names, giving an estimated acreage of such tribal land, with a description of the course and direction of the principal rivers running through such land, and the names and positions of the various mountains, lakes, or other salient points in the general features of the country. They also supplement the information by tracing the genealogy and names of the various families or hapus to which the different portions of the original tribal land shall have descended." The Native Reserves Commissioner of any district is also required to furnish in writing to the District Officer a list of all lands set apart for Native reserves, with descriptions and boundaries of the same and tracings thereof. There are sundry other special powers affording large means of information which really belong to the Government and which a District Officer has no right to employ for any private object, either as a land agent or otherwise. It will thus be seen that any action of the nature of dealing with the Natives for land purchases, on behalf of private persons, on the part of an officer in whom such large powers are vested, is practically a breach of the contract between him and the Government and ought on no account to be permitted. Apart from the mere question of breach of tacit agreement, such dealings for private persons may lead to serious complications and dissatisfaction among the Native land owners. It would shake their confidence in Government officials and lead to jealousies and divisions, out of which might spring quarrels, of which the land question has so frequently been a prolific cause. If there is any reason to suppose that any Government officer has been trafficking in land or making efforts in that direction on behalf of private purchasers, the Government cannot too soon interfere and place a peremptory veto on such a practice.

No. 8.

Captain MAIR to the UNDER SECRETARY, Native Department.

SIR,—

Armed Constabulary Depôt, Wellington, 3rd August, 1874.

I have the honor to enclose for your information copy of a telegram I received last week from Messrs. Mitchell and Davis, in answer to a letter I wrote asking them if they had anything to do with the leader in the *Daily Southern Cross* of May 30th. It is evident from their reply that they, at least, do not consider I have interfered with their land negotiations as represented.

Falsehoods have been circulated about me by some malicious or disappointed person, and I now appeal to the Government, and earnestly request that this matter may be inquired into at once. If this is not done, it is only fair to me that these reports be officially contradicted.

I feel very strongly on this matter, for I have, at great personal sacrifice, endeavoured to meet the wishes of the Government, and carry out the promise I made to the Hon. the Defence Minister.

I have several other letters and telegrams I can produce if necessary.

I have, &c.,

GILBERT MAIR, Captain N.Z. Militia,
District Officer Bay of Plenty District.

H. T. Clarke, Esq., Under Secretary, Native Office, Wellington.

Enclosure in No. 8.

Mr. C. O. DAVIS to Captain MAIR.

(Telegram.)

Taupo, 28th July, 1874.

THIS moment received your letter regarding article in newspaper relative to yourself. Neither Mr. Mitchell nor myself, nor Mr. Young, know anything whatever about the article in question, beyond seeing it. No information supplied by any of us. No unfriendliness to you on our part. No antagonism whatever between us and yourself; nor have we any complaint to make against you. We appreciated your proffered help, and told the Government we should avail ourselves of it.

To Captain Gilbert Mair.

C. O. DAVIS.

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