

1879.

NEW ZEALAND.

LANDS ON THE WEST COAST TAKEN UNDER THE
NEW ZEALAND SETTLEMENTS ACTS

(PAPERS RELATING TO).

Laid on the Table by the Hon. Mr. Sheehan, with the leave of the House.

No. 1.

MEMORANDUM by the Hon. Mr. SHEEHAN.

New Plymouth, 14th April, 1879.

ARRIVED here on Saturday evening, and landed on Sunday morning. On Monday morning had a long conversation with Mr. Mackay, the details of which appear in the report annexed hereto. Immediately afterwards conferred with Major Brown, Civil Commissioner, and Mr. Parris, in the presence of Mr. Mackay. The subject of discussion was the question of unfulfilled promises in respect of lands taken under New Zealand Settlements Acts, between the Waitotara River on the south, and the Pukearuhe or White Cliffs Station on the north. We had before us a map of the whole of this area, showing the various blocks; and also all records and papers belonging to our office bearing on the West Coast confiscation. I first of all read, for the information of all present, Sir Donald McLean's instructions to Messrs. Parris and Worgan, dated 20th January, 1872, and also instructions by the same Minister to Major Brown, on his taking over Mr. Parris's work in April, 1876.

I then explained to the gentlemen present that the main object of my visit to Taranaki on the present occasion was to ascertain what foundation there was for the statements made in many quarters, and believed in a great many others, to the effect that important promises made by the Government in respect of the West Coast confiscated area had not been fulfilled; it being broadly stated that the existence of these unfulfilled promises had a great deal to do with the recent interruption of the survey of the Waimate Plains. We spent over two hours in full and searching inquiry into these matters; and the result I propose to give to Ministers in the present minute. This memorandum of mine will require to be read in connection with Mr. Mackay's report. Mr. Mackay was specially requested by me to travel through the district now under consideration. The fact of his having no official connection with the Government gave him unusual facilities for acquiring a knowledge of the real views of the Natives upon the question. Mr. Mackay has, in the course of his journey from Wanganui to the northern boundary of the confiscation, visited Parihaka and many other of the principal settlements, and interviewed a great many of the principal chiefs, including Titokowaru and Te Whiti. The result of his inquiries, as already mentioned, will be found in the report annexed. I shall take another and more fitting opportunity of expressing my opinion upon the services thus unselfishly rendered by Mr. Mackay, contenting myself meanwhile by saying that, in the discussion which took place this morning, and the conclusions to which I have come in this memorandum, I have been largely aided by the result of Mr. Mackay's labours. In proceeding to deal with the question it will be convenient to put it before Ministers as it was taken by ourselves this morning.

We began with the northernmost area of confiscation, at Pukearuhe, or White Cliffs, extending to the Hangatahua River, south of New Plymouth. From Hangatahua, going northwards, to the south bank of the Waitara River there is nothing calling for special comment, excepting that it appears that a great many of the reserves made for the Natives have since passed into the hands of Europeans. There may be, perhaps, in this area a few small questions respecting the areas, or boundaries, or locations of reserves, but not such as to have any appreciable effect upon the present aspect of affairs. Between the north bank of the Waitara and Pukearuhe are living a large number of Natives, many of whom hold land-scrip, or certificates, issued to them by the Compensation Court which sat in New Plymouth between 1865 and 1867. Of these awards a few—mainly tribal ones—have been allocated. All, or nearly all, of the individual awards still

exist only on paper, and in very few cases have Crown grants been issued. There can be no doubt that the delay of twelve years which has taken place since the awards were made by the Compensation Court has contributed largely to creating a feeling of distrust in the minds of Natives having a beneficial interest in the awards, aggravated by the fact that many of the elder people, in whose favour awards were originally made, have since died, and their relations look upon their disappearance before the completion of title as so much evidence lost of what the original terms of settlement were. But regard must be had to the fact brought forward by Mr. Parris: he points out that many of the awardees knowingly joined in the sales to Government of the whole of the very lands from which their awards were to have been satisfied. To make this matter clear, I have asked Mr. Parris to report specially upon the sale, in so far as it affects the following points:—

1. Whether or not the sale of the block referred to comprised the whole of the land over which these particular awards were exercisable.
2. Whether or not the Maoris understood that their awards merged in the sale to the Crown.
3. Whether they had any idea that, notwithstanding the sale, provision would be made for their awards, in the shape of reserves, in the land sold, or in other lands in the district; and whether any reference was made to this question in the deed of cession.
4. Whether they were asked to surrender the scrip exercisable over the lands comprised in the deed of sale.

STONEY RIVER BLOCK.

Under the above title I refer to a block, supposed to contain 18,000 acres, extending from the Hangatahua River southwards to the Waiweranui Stream, and extending from these two points, by natural boundaries, to the summit of Mount Egmont.

In respect of this block, it appears to me (subject to a qualification which will also apply to the two next blocks to be named) that it was intended to be given back to the Ngamahanga tribe or *hapu* of Taranaki Tribe, the original owners. So far as I can ascertain, up to the present time there has been no waiver of the Crown's rights over this block in the manner required by the New Zealand Settlements Acts, although I am convinced that as a matter of good faith, the waiver is morally complete. The Natives concerned in this block of land express the same feeling of insecurity and distrust at the delay which has taken place in the completion of this transaction. I quite admit the effect which an idea like this, once firmly fixed in the Maori mind, is bound to have upon the Natives—not only upon those actually concerned in the ownership, but also upon all other members of the tribe to which the *hapu* belongs.

I take it to be no part of my business, at the present time, to find fault, but simply to point out existing facts; but I feel bound in fairness to say, in justice to the officers (Mr. Parris and Major Brown) who have been successively concerned in the administration of the whole area from Pukearuhe to Waingongoro, that no blame is attachable to them. The real fault and the gravest fault was, to my mind, committed by the Governments who had the control of this question at the time when the confiscation was first decreed. Then, the original owners, crushed by superior force and cowed by successive defeats, would have offered no objection to a speedy and vigorous settlement of the whole question. Every year of delay has created fresh difficulties, and has given to the Natives what to them is sufficient colour of right for contending that our confiscation was never made complete according to Maori *tikanga*, by actual occupation. I shall refer to this view of the question further on, when I come to deal with the subject of the Waimate Plains.

PARIHAKA BLOCK.

Under this name I include all the confiscated land extending from Waiweranui, the southern boundary of the Stoney River Block, to the Moutoti Stream, near Whitiara. On this block is situate the settlement of Parihaka, occupied by the chief Te Whiti and his followers; and its area is roughly estimated at 80,000 acres.

In respect to this block, the evidence of Messrs. Parris and Major Brown, borne out in all respects by the records, is that no promise of any character whatever, definite or indefinite, has ever been made to the original owners, for the return of the whole or any part of it; nor has any action ever been taken of an official character to justify even a suspicion that any intention to return the block had ever existed in the mind of the Government. When I mentioned, some few days ago in Cabinet, that some idea existed of not interfering with this block, I was mistaken, as I find upon further consideration that what was really running in my mind at the time was a dim recollection of a conversation between myself and Major Brown at Opunake. At that time the surveys had been fairly started, and several overtures, made by the more turbulent spirits to Te Whiti, to allow violent measures to be taken, had been summarily refused. Whether the suggestion came from Major Brown or myself I cannot say, but we both agreed, in the course of a private conversation, that we ought to deal generously with Te Whiti with regard to his own block, in consideration of the effort he was then making to prevent any disturbance of the public peace. It is only fair to mention, as affording some justification for the action now taken by the Natives (apart from the question of delay previously referred to), that Mr. Parris felt it to be his duty to interview Te Whiti, and inform him of the action the Government was taking

in regard to the main line of road and the telegraph wire through this particular block. Mr. Parris also informed Te Whiti of the intention of the Government to erect a lighthouse on Cape Egmont; and subsequently Major Brown made the same notification to Te Whiti. While admitting that, from a Native point of view, these several matters may be relied upon as furnishing some evidence of a distrust on our part of the justice of our own cause, and of our actual right to the land, yet I do not think that any blame whatever attaches to the officers named; on the contrary, I think they would have been criminal in the highest degree if, in view of all the surrounding circumstances, they had not acted as they did. In regard to this block, then, the fact remains that, while there is no evidence whatever of any intention—not to say promise—to return the land to the original owners, there is, on the other hand, positive evidence that the Government regarded the confiscation of this block as, legally speaking, *un fait accompli*. No doubt, regard being had to the number of Natives living on the block belonging to the Taranaki Tribe, the portion of land available for sale might have been comparatively small after due provision had been made for their requirements; but upon this point it is impossible to express a decided opinion, as, with the present means of information at our command, it is difficult to say who of those who are at Parihaka are of Parihaka. Before leaving this block, it is only fair to add that the delay already mentioned has perhaps had more evil effects here than upon any other part of the coast. From many causes, the officers in charge have up to the present time been unable to discuss with Te Whiti and his people the question of confiscation, and of the allotment of reserves for their support. This circumstance has no doubt helped to generate distrust in their minds; for, seeing the Waimate Plains in course of survey after a delay of about twelve years, they profess, and perhaps to some extent believe, the whole of their land will be next taken, inasmuch as nothing has yet been said to them of an authoritative character as to the intentions of the Government with reference to their particular tribal estate, although they are well aware of the effect of the Proclamation issued under the New Zealand Settlements Acts. Here I may mention an element of disturbance which is now perhaps the most important and powerful of all: I refer to the position which Te Whiti occupies—not only in regard to his own particular tribe of Taranaki, but also in regard to the whole of the West Coast people, and to many individual members of tribes in remoter districts. There can be no question as to the immense ascendancy which this remarkable man has obtained over his people; and no settlement of the question in dispute can be discussed unless full allowance for this unusual and important element of disturbance is made. Year by year, for years past, he has been prophesying that at a time named by himself there would happen the resurrection of the dead ancestors of his tribe, the re-establishment of the Native people in possession of the whole island, and the disappearance of the Europeans and *kupapas*, or friendly Natives, like a “swish” from the face of the country. Though year after year has witnessed the failure of these prophecies, still his influence remains without any sensible diminution. It is a moot point whether he is a believer in his own fanaticism, or whether he is not, under the guise of a prophet, endeavouring to become the saviour of the lands of himself and his own particular following. As a fact, it is well known that he looks down upon Tawhiao and the Waikato people, characterizing them as degraded, and as a people who are *kuri*, or dogs. I shall not take up time further by referring to this particular matter, and only mention it in further illustration of the difficulties with which we have to contend.

In conclusion, I may mention in reference to this particular block that Mr. Mackay informs me that Te Whiti sets up no claim whatever in respect of any promises made or alleged to have been made. In the course of his discussion with Mr. Mackay his talk had reference only to violation of promises said to have been made in respect of the Waimate Plains. I now pass on to the

OPUNAKE BLOCK.

This block is comprised between the Moutoti Stream on the north and the Taungatara Stream on the south, running by natural boundaries towards the summit of the mountain, and estimated approximately at 50,000 acres.

This block stands in almost the same position as the Stoney River Block, and has undoubtedly been promised to be given back to certain *hapus* of the Taranaki Tribe.* Out of the total area, Government took between fourteen and fifteen hundred acres around Opunake Bay; and on this block have cut up and partly disposed of the Opunake Township and rural lands adjoining. Here I will now refer to the qualification which I mentioned previously as affecting the cession of the Stoney River Block and this block, and as also attaching to the Parihaka Block: Over these three blocks, and also extending, as I am informed, as far south as the Kaipokonui Stream, compensation awards issued to loyal Natives are now in force and unexercised to the extent of about 10,000 acres.

No doubt, as the Stoney River Block and Opunake Block are meant to be given back to the *hapus* to which they originally belonged, those holders of compensation scrip whose *putakis* or claims were comprised in those two areas, may be considered as having, to some extent, merged their claims with those of their tribe. In regard to the Parihaka Block, and so much of the Waimate Plains as lies north of the Kaipokonui River, some of these awards are still in full force and effect, and will have to be met, either in land or money, when the land is dealt with.

* William Kingi Matakatea's and Arama Karaka's *hapus*.

We next come to the

WAIMATE PLAINS.

This is the block out of the survey of which the present difficulty has arisen. The Waimate Plains extend from about the Wahamoko Stream (the boundary of our present survey) on the north to Waingongoro on the south. It will be observed that between the southern boundary of the Opunake Block at Taungatara, and the northern boundary of the Waimate Plains Block at Wahamoko, there is a piece of land comprising about ten thousand acres. This is part of the country originally belonging to the Taranaki Tribe. It is confiscated land, unaffected by any promises excepting one to Hone Pihama of fifteen hundred acres, and another to his people of similar extent. It has not been dealt with in the present survey, because it is within the limits of the Taranaki tribal boundary, and it was not deemed prudent at present to carry the survey beyond the boundaries of the Ngatiruanui Tribe.

In regard to the Waimate Plains Block, I may state shortly the conclusions to which I have come, as follows:—

1. That the land is confiscated land.

2. That, excepting what matters are contained in the instructions to Mr. Parris and Major Brown, no promises have been made to the former owners. An impression prevailed in the minds of many people who were both well-informed and well-meaning, that promises had been made, which were being practically abrogated by the present survey. The only person in the Government service who is aware of anything which might have given rise to this belief is Mr. Parris. He states as follows:—“At a time, I believe, prior to the issue by Sir D. McLean of his general instructions of 20th January, 1872, I made a proposal to the former owners of the Waimate Plains to the following effect: That if they would agree to concentrate all their people between the Waingongoro and Inaha Streams, and settle down there, I would give them the block of land comprised between those two natural boundaries. In discussing this proposition with them I found it necessary to consider the claims of the people living at the settlements named in the margin.* These settlements were outside the block which I proposed to give them back, but within the limits of the block which I proposed they should abandon. I went so far as to promise that I would give them a small reserve round each of these two settlements; but the offer was not accepted, and I considered the matter at an end, because they refused my terms. Other than that I know of no offer, promise, act, or circumstance which could be construed into a waiver of the Crown's rights to the whole or any portion of the block in question. Under the instructions given to me by Sir Donald McLean, I was authorized to offer to the Natives ample reserves for themselves, and as *takoha* (compensation or gratuity) a sum not exceeding 5s. an acre for such land as might be retained by Government.”

I may add that both Mr. Parris and Major Brown assure me that on no occasion have they ever made known to the Natives the instructions given to them by Sir Donald McLean, regarding them as confidential; at the same time there can be no doubt that they are now generally aware of the fact that the Government propose to give both ample reserves and money payment.

In dealing with the question the following facts should be borne in mind:—

1. That under Major Brown's instructions the *takoha* was increased for special purposes by 50 per cent.
2. That the present action of the Government in regard to reserves was very much more liberal than previous promises might have warranted, or previous dealings with confiscated lands might have led them to expect.
3. That before starting the survey I twice interviewed Titokowaru, Manaia, and their respective people, and informed them distinctly that large reserves would be made; their burial-places, cultivations, and fishing-places would be respected; and, in addition thereto, they would receive money as *takoha* from the Government, to assist them in fencing their reserves and otherwise promoting their social improvement.
4. That Manaia, one of the principal owners, and all his people, accept the situation, and are prepared to act in a friendly spirit to the Government; so, also, Pumipi and his people at Mawhitiwhiti are in favour of a settlement upon our terms. Titokowaru himself thoroughly understands the position of affairs, as is proved by these two facts—allowing the survey to go on without interruption for nearly nine months, and receiving from Major Brown, the officer in charge, on account of *takoha*, or compensation, over £500.

SOUTHERN CONFISCATION BLOCK.

Next in order I will take the country lying between the Waingongoro and Waitotara Rivers. This block, for convenience of reference, I shall call the “Southern Confiscation Block.” The Waitotara River forms the present defined boundary of the confiscated area on the extreme south. It is true that at one point the line crosses the river to the south and includes lands lying to the south of the river. Some dispute exists about this, but nothing serious, and the whole matter admits of an easy solution. Between the two rivers, Waitotara and Waingo-

* Te Kane and Pukekohe.

ngoro, practically the whole of the land has been dealt with under the confiscation. Grievances exist of various kinds, some of which I shall specify shortly as under:—

1. The delay which has taken place generally in the settlement of these questions.
2. The want of method, and the absence in many cases of proper official evidence of the reserves made for Natives. In a good many instances, burial-grounds, cel-weirs, and fishing-stations, which it is alleged were promised to be reserved, have been allowed to pass into pakeha hands.
3. Although the reserves made have, as a rule, been notified in the *Gazette*, and thereby been kept safe from private purchase, yet, in many cases, the names of the persons beneficially interested in them have not been decided, and a few of the leading people have been able to lease the lands without the consent of the bulk of the *hapu*, involving in some cases the removal of the latter from their cultivations, and generating a large amount of well-founded discontent.
4. The non-issue of Crown grants for these lands so reserved, whether for tribal or individual interests. To Europeans who know the full value of a promise given on the faith of the Crown, such a circumstance might appear but of little moment; but to these Native people the fact that grants have not issued for these lands—especially when they are told by Europeans that the lands are still the property of the Crown, and the former owners or awardees only occupy them on sufferance—becomes of very great importance.

From the foregoing it may be gathered that the circumstances of the Southern Confiscation Block, and of the block north of the Hangatahua River, are in many respects very similar, and might be dealt with by one general system. What is wanted in both cases is to determine finally the rights of the claimants, to locate their reserves, individualize their titles, and issue their Crown grants. If this were done on the southern and northern blocks, it would leave only the country between the Waingongoro and Hangatahua to be dealt with; but there can be no doubt that the final removal of all *bonâ fide* causes of complaint outside the two boundaries just named would materially help a satisfactory solution of the question which has arisen between those two boundaries.

In Cabinet I will be prepared to supply in detail many matters of information which could not be embodied in the present report; and I shall also at the same time be prepared to submit such recommendations as in my opinion are best fitted to meet the remaining difficulties which now exist.

J. SHEEHAN.

No. 2.

The Hon. Mr. McLEAN to Major BROWN.

SIR,—

Native Office, Wellington, 12th April, 1876.

I have the honor to enclose for your information a copy of a memorandum by myself drawn up for the guidance of Mr. Parris, on the 20th January, 1872, in reference to the settlement of the confiscated lands on the West Coast.

I desire to draw your attention to the paragraph which treats of the lands north of the Waingongoro as far as Stoney River, in which Mr. Parris was authorized to compensate the Native owners for all lands they might relinquish at rates not exceeding 5s. per acre.

Since then the Government have become fully aware of the extravagant views held by the Natives as to the value of the lands alluded to, as well as to the fact that they have failed to recognize the reality of confiscation. These circumstances, in all probability, may render it very difficult, if not impossible, for you to conclude terms with the Natives within the limits of the sum above mentioned. You are therefore authorized, at your own discretion, to offer such annuities to chiefs or others interested in the sale as may, in the aggregate, amount to 2s. 6d. per acre more than the 5s. already mentioned.

It must, however, be borne in mind that everything like extravagant concession in the matter of confiscated lands should be carefully avoided; otherwise it may lead to dissatisfaction amongst the Waikato and Bay of Plenty Natives, as well as those of the West Coast who have lost lands south of the Waingongoro.

The Government feel satisfied that you have the ability and discretion to deal with this difficult question, and authorize you to make arrangements with the Natives on the basis of these general instructions. As opportunities are frequently lost by delay in concluding negotiations with the Natives, the Government will leave you unfettered, and dispense with the necessity for referring every particular case for special authorization.

In making payments to Natives it is much to be desired the disbursements should extend over a number of years.

Should any case arise which has not been provided for by these instructions, you will be good enough to refer the matter to the Government for consideration and approval.

The importance of acquiring these valuable plains for settlement is so manifest that I feel sure you will use every effort to do so.

I have, &c.,

Major Brown, Civil Commissioner, Taranaki.

DONALD McLEAN.

Enclosure in No. 2.

MEMORANDUM by the Hon. Mr. McLEAN.

THE settlement of the confiscated lands on the West Coast between Waitotara and Taranaki requires the earliest possible attention, as upon the settlement of this question the peace and prosperity of the West Coast mainly depends.

The confiscated lands on the West Coast may be divided into two classes—namely, those north and south of the Waingongoro River.

The lands south of the Waingongoro comprise: 34,897 acres 2 roods 9 perches, allotted to military settlers; lands disposed of by auction, 2,984 acres 1 rood 3 perches; awards to Natives by the Compensation Court, 17,264 acres; special reserves made to different tribes, 21,361 acres 2 roods 31 perches; and lands allotted to Natives for services during the rebellion, 6,980 acres.

This latter class have been allotted chiefly to Wanganui Natives, who do not require the land for their own use; and it should be purchased from them at a fair price—say, £1 per acre.

To satisfy outstanding claims of military settlers and others, about 5,000 acres is still required; leaving land available for subdivision and sale, 34,499 acres.

The awards of the Compensation Court to the Natives have not yet been defined; and it is important that this should be done, and the claims of those who are willing to sell should be bought out at a price not exceeding £1 per acre.

Claims have been advanced by Wanganui and other Natives to large portions of this block; but the grounds on which they make them are not definite. It seems, however, that the Wanganui Natives consider themselves entitled to make a claim in consideration of their past military services, and from a desire to be in a position to restore a portion of the land to the original Ngarauru owners, whom they helped to conquer, and with whom it appears they had some compact on the subject.

After careful inquiry, these claims have been rejected by the Compensation Court. Moreover, the Wanganui Natives who acted with our troops received, subsequent to the decision of the Court, a bonus of £2,500, in addition to their pay, for services rendered, and in full satisfaction of any unsettled land claims they might have.

Major Kemp, of Putiki, the most prominent of these claimants, requested that his case should be again inquired into and decided. A Commission of Inquiry was granted, but he did not proceed with his statement to the Commissioners from a fear that his action might embarrass the Government by inducing numerous Natives to bring forward fresh claims; and it certainly would be embarrassing to have questions revived that have been already disposed of by the Compensation Court.

An officer who can fully explain the whole of the questions connected with the confiscated lands in this district to the Natives, and who will survey the boundaries of their awards, and, if found necessary, subdivide them, is most essential; and this duty is intrusted to Mr. G. B. Worgan, who is requested to give it his early and diligent attention, consulting with Mr. Parris on any question on which he may require information relating to past transactions connected with these lands.

The lands north of the Waingongoro as far as Stoney River, although nominally confiscated, are, with the exception of 1,400 acres at Opunake, quite unavailable for settlement until arrangements are made with the Natives for lands sufficient for their own requirements. Mr. Parris will provide for the location of the Natives as much in the neighbourhood of the Kaupokonui and Oeo as possible, and compensate the Native owners for all lands they may relinquish south and north of that river, in order to free them from all difficulties and obstructions, at rates not exceeding 5s. per acre.

In effecting these arrangements Mr. Parris will use his own judgment as to the most suitable time for commencing negotiations; all that I must urge is the importance of due attention being paid to the subject whenever a seasonable opportunity for doing so presents itself.

In the meantime Mr. Parris will use his best endeavour to extend the telegraph line from New Plymouth so as to connect it with the station at Opunake.

Wanganui, 20th January, 1872.

DONALD McLEAN.

No. 3.

MEMORANDUM by Mr. J. MACKAY for the Hon. the NATIVE MINISTER.

New Plymouth, 14th April, 1879.

IN accordance with your request, I beg to report as follows on the question of confiscated lands, from the River Waitotara on the south to Parininihi (the White Cliffs) on the north. For the purposes of the present memorandum, and for convenience of reference, I propose to divide the territory included within those limits into three districts—viz.,—

Northern District—commencing at Pukearuhe on the north, and terminating at the River Hangatahua on the south.

Central District—commencing at the River Hangatahua on the north, and terminating at the Waingongoro on the south.

Southern District—commencing at the river Waingongoro on the north, and terminating at the River Waitotara on the south.

The lands comprised within the above-mentioned districts were all included in the Proclamations issued in accordance with the provisions of the New Zealand Settlements Acts, and were thereby confiscated to the Crown, excepting only those portions which had been previously acquired by purchase from the Natives.

I will now proceed briefly to describe the condition of each division or district; and will subsequently endeavour to show the causes of the discontent and disaffection which at present exist among the majority of the Maori population of the Provincial District of Taranaki.

The northern district is the portion of the Province of Taranaki which was first occupied by European settlers. The lands included within its limits are of two classes—those purchased from the Natives before the war, and the pieces subsequently acquired by confiscation. The Native holdings are—reserves made at the time of sale to the Crown; lands awarded to loyal Natives by the Compensation Court; lands set aside for surrendered or returned rebels, or which they have been allowed to settle on.

The central district is composed of lands acquired by confiscation only. The Native holdings are the Stoney River and the Opunake Blocks, which have been surrendered to them by the Crown, and the Parihaka Block, which they have occupied without the consent of the Government.

The southern district was acquired by confiscation. The lands occupied by Natives are either awards of the Compensation Court or blocks reserved for the use of surrendered rebels. The land question here is on the whole in a more satisfactory and defined condition than that which obtains in the northern and central districts.

I find the Natives throughout the Provincial District of Taranaki to be (with a very few exceptions) highly discontented and disaffected towards the Government. In travelling through the district I have carefully and patiently inquired as to the causes of their estrangement, and have arrived at the conclusion that the following are the principal reasons:—

1. That the chief and prophet, Te Whiti, has obtained sufficient ascendancy over their minds to induce them to firmly believe that their lands will be wrested from the Europeans by supernatural agency.

2. That Natives who had been loyal throughout the war and received awards of land from the Compensation Court, have not yet been able to receive the full benefit of such awards in consequence, in some instances, of not being able to select land in accordance with the Court certificate which they hold, and in others, where the land has been taken up and occupied by them they have not received the Crown grants in respect thereof, and which they were duly entitled to.

3. That the reserves made for surrendered or returned rebels have not been subdivided, and no guarantee has been given as to the future issue of titles to the occupants.

4. That where lands have been surrendered by the Crown the abandonment has not been legally effected in accordance with the provisions of the New Zealand Settlements Acts, which require a formal relinquishment by Proclamation. My attention was particularly directed to the cases of the Stoney River and Opunake Blocks, in the central district, the Natives stating that they cannot obtain any title from the Crown, and their applications to have their claims investigated and determined by the Native Lands Court have been ignored or refused.

5. That Natives in the southern district have been placed on lands specially reserved for them; and when they desired to lease portions of such reserves, they were informed by a Government officer there that the holdings in question were the property of the Crown, and they were only in occupation on sufferance.

6. That a large portion of the lands in the northern and central districts have been purchased from the Natives claiming the same, notwithstanding that the bulk of them were included within the Proclamation made under the provisions of the New Zealand Settlements Acts. That various offers have from time to time been made by officers of the Government to Natives claiming lands at and adjacent to the Waimate Plains, to pay them a gratuity or bonus (*takoha*) for all lands taken and retained by the Government. This action, coupled with negotiations entered into with Te Whiti and others respecting roads, telegraph lines, and the site of the proposed lighthouse at Cape Egmont, has led them to assume that the Government have waived their claims to the land through confiscation.

7. The Natives are perfectly acquainted with the fact that Mr. Parris received instructions to pay them a sum not exceeding 5s. per acre for lands taken or retained by the Government. They also lay considerable stress on the fact that he offered them the whole of the lands between the Waingongoro and Inaha Streams. This land has now been surveyed, with the remainder of the Waimate Plains. It may be true that, because this offer was not accepted, it from a European point of view lapsed. That rule, however, is not easy to apply to Natives, who do not understand the meaning of "an offer without prejudice," and who look on any tender made to them as an admission of their right—at any rate to the extent of such offer, and consider they can at any time demand the fulfilment of it.

8. That, although the term "*takoha*" (gratuity or bonus) is well understood by the Maoris, it is absurd to think for a moment that they do not look on any *takoha* payment made to them as being consideration for their lands, especially when the giving it has been accompanied by the formality of executing a deed of cession to the Crown.

9. Te Whiti and others urge the long time they have been permitted to occupy the lands since confiscation without any objection being made on the part of the Government; also that they were promised that they would not be interfered with in the matter of any lands which they enclosed and occupied; in consequence of which promise they did fence in considerable areas, portions of which are included in the survey of the Waimate Plains.

I have given the above as being the principal reasons for the present attitude of the Natives in this provincial district. In doing so, I wish it to be understood that these are principally deduced from their own statements; and that those who have had more intimate official acquaintance and dealing with the question may be able to furnish further and more accurate information than can possibly be given by one who has only had a limited opportunity of investigating the matter.

I would recommend the following as a solution of the difficulty, viz. :—

1. That a Commission should be at once appointed to inquire into the nature and present position of the awards of the Compensation Court, in cases where the awards have been satisfied by the allocation of the claimants on specific pieces of land. Such Commission should have the power to direct the issue of Crown grants to the persons interested. When certificates or scrip entitling a Native to select land have been issued but not exercised, then such Commission should at once arrange for the selection of the area to which the holder is entitled, and proceed to issue title as above.

2. That in the case of lands surrendered or abandoned by the Crown such Commission should have power to ascertain who were the original owners of such lands (which by law revert to their original status as Native lands), and, after conducting proceedings in the same manner as the Native Lands Court, should determine the persons entitled to the same; and Crown grants should issue in the usual form.

3. That Te Whiti, Titokowaru, and others who are interested in the Waimate Plains, Parihaka, &c., should be distinctly informed that certain portions of those blocks will at once be set apart for them and granted to the proper owners. As regards the portions retained and required by the Government, there appears to be no alternative but to adopt the bonus or gratuity system (*takoha*) set forth in the instructions to Mr. Parris and Major Brown.

4. That in case of reserves now occupied by ex-rebels, the Commission should have power to ascertain the persons entitled to the same, and order Crown grants to issue. Such grants to contain a restriction against sale or mortgage, or a lease exceeding twenty-one years. I may here mention that there are reserves of the same nature at Pakaraka and Nukumarū,* which require similar treatment, and might be placed under the same Commission.

Considering the large number of Natives in this district, and their possessing no lands elsewhere in the colony, it might be desirable to place a restriction in all Crown grants on the alienability of the lands, by sale, mortgage, or lease exceeding twenty-one years, without the consent of the Governor in Council being first obtained thereto. My telegram of the 4th instant gives the particulars of my interview with Te Whiti, which will sufficiently show the Native feeling on the subject. The recommendations now made are very similar to those contained in my telegram of that date. I enclose a map illustrating the divisions of the provincial district as set forth in this memorandum.

JAMES MACKAY.

No. 4.

MEMORANDUM by Mr. LEWIS, Under Secretary, Native Department, to Mr. PARRIS.

New Plymouth, 15th April, 1879.

REFERRING to the interview of yesterday, *re* the confiscated lands on the West Coast, the Hon. the Native Minister requests that you will be good enough to supply him with information on the following points :—

1. Whether or not the sale to the Government of the Urenui Block comprised the whole of the land in which the awards referred to by you were exercisable?

2. Whether or not the Maoris understood that their awards merged in the sale to the Crown.

3. Whether they had any idea that, notwithstanding the sale, provision would be made for their awards in the shape of reserves in the lands sold, or in other lands in the district, and whether any reference was made to this question in the deed of cession.

4. Whether they were asked to surrender the scrip exercisable over the lands comprised in the deed of sale.

T. W. LEWIS,
Under Secretary.

No. 5.

MEMORANDUM for the Hon. the NATIVE MINISTER.

New Plymouth, 15th April, 1879.

THE land from Pukearuhe to Te Rau-o-te-huia was divided by the Compensation Court into three blocks—viz., Waipingau to Titoki, Titoki to Urenui, and Urenui to Te Rau-o-te-huia. The

* South of the Waitotara.

whole of the land from Te Rau-o-te-huia to Urenui was acquired by the Government after making three reserves—severally, 2,800 acres, 500 acres, and 200 acres. Some of the holders of the awards of the Court—how many I cannot say—without an examination of the deed and the *Gazette* containing the awardees' names, participated in the purchase-money for the land so acquired by the Government. There were other awards in the block from Urenui to Titoki, which block has not yet been dealt with further than that a small portion was included in the sale of the Urenui-Onaero Block. Some of the awardees also received part of the purchase-money. There were also some awards for the block from Titoki to Waipingau which have never been allocated, no action having been taken to settle them. The unallotted town section in the Township of Clifton, and a portion of the town belt, was promised for use in settling these outstanding claims.

2. In surrendering those portions of the confiscated land to the Government, there was no understanding whatever about the award.

3. No promise was made, nor was the question raised either orally or in the deed of cession.

4. No.

R. PARRIS,

Late Civil Commissioner.

No. 6.

MEMORANDUM by Captain BLAKE.

New Plymouth, 4th April, 1879.

RECOMMEND adopting the following plan of dealing with the Waimate Plains between Waingonoro River and Taungatara Stream:—

1. The Government claim the whole of the land by right of conquest, and will persist in asserting such claim.

2. The Government are prepared to hand back portions to the original owners to cultivate and live upon, the position and boundaries to be fixed and arranged with the *hapus* to whom such portions originally belonged.

3. The Government to pay a *takoha* on the portion or portions taken by them, to the original owners thereof, at the rate of not less than 5s. an acre, in accordance with former offers, and Sir Donald McLean's memorandum to Mr. Parris.

The block between Taungatara and Moutoti, excepting the Opunake Block, to be definitely abandoned, gazetted, and to revert to the original owners absolutely, free for them to deal with as *papahipu*, to survey and pass through the Native Lands Court as they may think fit. The Government may or may not reserve the pre-emptive right of purchase only within this block.

The block between Hangatahua and Waiweranui to be definitely and absolutely fixed as a Native reserve for the Ngamahanga Tribe. Power to Native Lands Court to subdivide on application and consent of the whole of the claimants.

The block between Waiweranui and Moutoti—call it, say, the Parihaka Block—to be made and secured as a Native reserve, to be entirely restricted from sale, lease, or subdivision.

PATEA DISTRICT.

The ownership of Native reserves within the Patea District to be definitely settled, as officers of the Government have stated that such are Crown property, and the Native occupiers living thereon on sufferance.

And all promises *re* lands to Natives within said district to be inquired into and settled without delay by some Committee for the purpose.

TARANAKI DISTRICT.

Compensation awards between Mimi, Urenui, and Onaero, and also other compensation awards, to be inquired into and settled without delay; and all other Native matters within this district down to the Hangatahua or Stoney River on one side, and to the Patea River on the other side, to be inquired into and definitely settled without delay by a Committee appointed for the purpose.

Would recommend in all future Native reserves—as, say, between Stoney River and Waingonoro—that no lease be allowed for, say, five or ten years, or even longer, from date of such reserve being fixed.

Leasing and sales have caused many malcontents, who have fallen back on Parihaka.

In other districts the Government should take immediate steps that *kaingas* and other places should be reserved and restricted from sale or lease. For, otherwise, chiefs, by forcing and intrigue together, will sell or lease the very places on which the people are actually living. This has already begun at Wanganui, and has been the main cause of many of the Wanganui Tribe migrating to Parihaka.

R. T. BLAKE.

No. 7.

Major BROWN to the UNDER SECRETARY, Native Department.

SIR,—

Wellington, 2nd April, 1879.

I have the honor to make the following report on the present state of the West Coast confiscated land question, which has recently resulted in the forcible removal of the various survey parties from the Waimate Plains; the present aspect of it being now very different from

what it was on previous occasions—when the surveyors have been removed in the same way on the east side of the Waingongoro, have been deprived of their instruments and tools, or even threatened by armed parties—when I have always been able to surmount the difficulty by delay, by temporizing, and by a use of the compensation that was at my disposal. In the past three years I have thus carried out the confiscation over nearly 200,000 acres, under the instructions given to my predecessor and myself by the late Sir D. McLean, then Native Minister. The Natives saw that they were beaten, and that any struggle would leave them in a still worse position than the last war had left them in. I believe that the prophet Te Whiti and his coadjutor Tohu also recognized this, and therefore counselled that no resistance should be offered to the surveys, and, above all, that no blood should be shed. This is borne out by the advice he gave when he was asked if I should be prevented by force of arms from taking the survey on to the Waimate Plains. “There has been bloodshed enough for that land. Let no more be shed.” A small matter, as little desired by Te Whiti as it was by the Government, and that might have happened at any time since hostilities ceased on that coast—the murder of McLean by Hiroki at Waitotara—has changed the whole aspect of affairs. There are not the slightest grounds for regarding the murder as a political one connected with the survey of the confiscated land; but Hiroki, having escaped and reached Parihaka, although wounded, claimed that it was, and Te Whiti felt obliged, on that ground, to afford him an asylum, and he became the possessor of a white elephant. Te Whiti said to me very plainly, “If he had been killed on the way, I should have had nothing to say; as he has reached me, I am prepared to hear what the Native Minister has to say about it.” Since then the aspect of the confiscation question has materially altered. The Native mind sees it in the light that, if the Government cannot deal with Hiroki, it cannot deal further with the confiscated lands. And Te Whiti, when recently asked by the Hon. the Native Minister to give up Hiroki to be tried, feeling himself in a dilemma, lost his temper, and, after the departure of the Hon. J. Sheehan, yielding also probably to pressure, ordered that the surveyors should be removed from the Plains, which may be taken, as his reply to the request to give up Hiroki. I believe still that Te Whiti is anxious to avoid bloodshed; but he has felt obliged to take the step he has to maintain his position, and he is not in a position nor has he the will to prejudice it by retreating, nor can he choose what further steps he will take.

That the action of Te Whiti was not anticipated by his people even the day before, is proved by the fact that Titokowaru visited the Hon. the Native Minister the evening before, and preferred various requests—among others, that the road surveyed across his field of cocksfoot should be deviated. This was the only approach to a grievance; and he was informed that instructions had been given to deviate it.

Titokowaru and his people have always said of the confiscation, “Go to Parihaka and talk about it.” And this same answer I received while the surveys were in progress, and I asked for some one to be appointed by the tribe to assist me in pointing out to the Government what sections they wished reserved for them, lest I should make omissions that might afterwards be irremediable. Other tribes (*hapu*) simply said, “We did not ask you to survey the land, and we decline to take any part in it by indicating what we want. If you had killed us, all the land would have been yours; as you did not, we deny your right to cut up the pig and say, ‘Here is a joint (reserve) for you.’” So far, however, the question of reserves has not been a material one, as the inland boundary of the land now offered for sale is seaward of all the Native settlements and cultivations, which they have been told will not be interfered with. The reserves that I have recommended concern what may be termed the friendly Natives most, the other reserves suggested being principally to meet questions of sentiment, such as old pas, graves, &c.

The Natives on the Plains are about equally divided, one portion being willing to submit to the survey and sale of the land, and take such reserves as the Government will make for them. The other portion believe in, obey, and will support Te Whiti at Parihaka, who, with his following, will support them. But both parties deprecate any hostilities taking place on the Plains, partly through the lingering doubt of even Te Whiti’s supporters as to whether he will win the day, and a feeling that if the question is tried at Parihaka and lost, payment will be exacted there, while the friendly Natives remaining on the Plains will claim to have maintained peace there, and be allowed to retain the reserves originally intended for them.

As regards retaining possession of the Plains by survey or road parties, the survey parties will be again removed, and their work obliterated. Road parties I am not so clear in opinion about, the Natives never having objected to road parties on the main line of road there, from Waingongoro to Opunake, even of the Armed Constabulary Force encamped there in working parties. And there is the advantage that road work is not so readily obliterated as surveys. But in any case covering parties would only be met by armed parties, who would take it up as a challenge; and with but one result, that the arms would be used.

As regards purchasers of the land advertised to be sold settling on their sections, it is possible that they may not be interfered with. The Natives may recognize that as that land has been surveyed without interference they must be allowed to go.

It has been proposed that an armed force should be stationed in a redoubt on the Plains. I think the result would be, like covering parties to survey or road parties, that it would be viewed as a challenge, and result in a border warfare on the Waingongoro as the present frontier line.

Erecting a lighthouse at Cape Egmont, which is about six miles from Parihaka, and locating a force there, would establish a raw place, if it was not viewed as a challenge, as it probably would be, and in any case could only be viewed as a step to something further.

My communication has been lengthy, as I thought it best to notice the points and suggestions that have been made on the subject, besides those that suggested themselves to me.

I have, &c.,

The Under Secretary, Native Office.

CHARLES BROWN,
Civil Commissioner.

No. 8.

Major BROWN, Civil Commissioner, Taranaki, to the UNDER SECRETARY, Native Department.
SIR,—
Hawera, 10th August, 1878.

I have the honor to report the successful commencement and prosecution of the survey of the Waimate Plains, with every prospect of its peaceful continuance and completion. Monday, 29th July, was the earliest date that the arrangements necessary would enable me to fix for the commencement of the survey. In the previous week I caused this to be notified at the various villages on the Plains, and the notices of the Hon. J. Sheehan to be distributed and posted on all the bridges from the Waingongoro to the Otakehu, that I had found so effective at the Momahaki survey, in deterring the Natives from meddling with the survey marks and trig. stations. In this work I found the services of Katene Tuwakaruru (on pay as one of the Native police) invaluable. He did the work fearlessly and thoroughly, and I doubt if it would have been safe for any other of the Native police to attempt it. On the Saturday (27th) previous, Katene went to tell them when the survey would commence, and distributed notices again, and when they tore up the notices given them, he took out a notice and read it to them, so that no one should plead ignorance of the notices of the Hon. J. Sheehan, or of my intention to take the survey on to the Plains on the Monday following. On the last occasion he was accompanied by Mr. W. Williams, licensed interpreter, whose advice the Natives have a great regard for, more especially as he is not a Government officer. They failed to see Titokowaru at his place, Okaiawa. He kept out of the way, and probably will continue to do so for some time. His people are displeased with him for not agreeing to the proposition of the Hon. J. Sheehan that he should meet the Natives on the Plains; and they also suspect him of having taken Government money. This last supposition accounts to them for his vacillation, and also causes them to distrust him. The Natives on the Plains had been disturbed by statements of Warerata, acting under European influence, that the survey would be supported by a strong armed force. This impression was removed by Katene, who assured them that the Government saw no reason for the law being carried out otherwise than peacefully.

At noon on Monday, 29th ultimo, I reached Rangitoto, on the Plains, about a mile the other side of the Waingongoro, accompanied by Captain P. Wilson, Mr. Williams, Katene, and Kaitana, the two latter both Native police, and principal owners of the land I was on. Te Iki and his party, about thirty, followed us here, and he made his protest against the survey going on. I stated about a week previous, in a telegram from New Plymouth, that Te Iki was to oppose the survey; but it hardly deserved the name of opposition, his protest being so mild and peaceably expressed that it might almost be said we agreed to differ. He desired me to go back, and I told him that I must obey the orders of the Hon. J. Sheehan, and carry on the survey, and that he had better petition Parliament about any grievance he had, as the Momahaki Natives were doing. This he declined to do, evidently his objection being that he could not acknowledge Parliament without denying the prophet Te Whiti. The discussion, good-tempered, and mostly repetition, lasted about an hour, and I complimented him on his peaceable form of protest. Te Iki blamed Titokowaru for not agreeing to the meeting on the Plains proposed by the Hon. the Native Minister; said there would be no recourse to arms, as was formerly the case, that being now at an end; and ended by asking that the pigs running on the land might be spared, which I promised. He then left with his companions, none of whom took part in the discussion. Some of the surveyors and a few Hawera settlers came up before the interview was concluded, and the latter informed me, after the Natives had left, why the survey men had not arrived on the ground. Other information has since confirmed it. An alarm, commencing at Normanby, had extended to Hawera, that the Natives were going to fire on the survey party, and this deterred the men from crossing the Waingongoro River. I sent Captain Wilson to tell them that the interview was over, and that the Natives had retired, which had the effect of reassuring and sending the men forward, when the camp was formed about a hundred yards from Woodall's Redoubt. Owing to the tempestuous state of the weather, the surveys have not progressed as much as might have been wished, but sufficiently to require a portion of the camp to be shifted beyond the Kapuni Stream, which was done the day before yesterday.

The fear of some of the settlers at Normanby led one of them to ask Major Tuke if he would issue arms and ammunition to them, which he declined. There have been reports also that the Natives were erecting fighting pas on the Plains. It is difficult to trace the originators of this and other reports, but I believe them to be due to the same source that led the Natives to believe that I was to take a strong armed party to support the survey; and that they were originated with the mischievous intention of producing mutual distrust between the two races, and hampering my proceedings. The same parties, I hear, have induced the Natives to sign a petition for my removal, on the ground that if I were removed everything would be undone that I have carried out.

A day or two after the survey commenced, Kokiri, Patuwairua, and a few others went to Parihaka to seek counsel of the prophet Te Whiti. I understood at the time that Titokowaru also went. It, however, appears that he stopped, with his immediate following, at Oeo. Te Whiti told them not to oppose the Government survey—it was not advisable that blood should be spilt a second time upon the land; but that any one taking the compensation (*takoha*) offered would be as bad as Judas in taking the thirty pieces of silver. In answer to the question of what he would do if the survey went to Parihaka, he replied that he should not oppose it—the time would arrive when it would be all set right. He also declined to sanction the proposition of Kokiri that Katene should be killed. The effect of this interview has been very beneficial in producing submission to the survey on the Plains.

Arrangements have been made with the Natives for the supply of pigs and potatoes to the surveyors, and a party of Titokowaru's followers on horseback, some twenty-five, visited the advance camp at Kapuni yesterday. They good-humouredly said it was their first visit to the surveyors, and that they expected some one to "shout." A bottle of whiskey was found and handed to them, which they disposed of, and then left.

That the opposition to the survey has been so very much less than I anticipated is, I believe, due to the firmness shown by the Hon. J. Sheehan in dealing with the whole question, and that of the Momahaki confiscated land in particular. The advice of the prophet Te Whiti at Parihaka has, no doubt, materially assisted in promoting the general submission of the Natives on the Plains. But the prophet is a farther-seeing man than most of the Natives, whose existence as a race he is anxiously promoting. It is reasonable to suppose that the interviews he had with the Hon. the Native Minister satisfied him that resistance would be hopeless, and that in the interest of the Native race submission was the only course to be adopted. The feeling also exists on this coast that Natives who oppose the Government are now isolated by the action of the Maori King and Manga (Rewi) in making terms with the Government for themselves and their tribes.

I am employing a Mr. R. S. Thompson to accompany the surveyors as interpreter. I enclose his last written report, since which Native feeling is very much improved.

I have, &c.,

CHARLES BROWN,

Civil Commissioner.

The Under Secretary, Native Department, Wellington.

Enclosure in No. 8.

Mr. R. S. THOMPSON to Major BROWN, Civil Commissioner.

SIR,—

Waingongoro, 5th August, 1878.

In accordance with instructions I received from Captain Wilson, I proceeded to Waiokura yesterday (Sunday) morning, in order to interview Patu Kopa with regard to the men pig-hunting. I found no one at his whare, and returned to camp. In the evening I went to Normanby, and returned at daylight this morning.

I was very sorry to find the people of Normanby, especially the female portion, in a state of ferment with regard to the Natives. They appeared to anticipate trouble; and I hear that Mr. Brett has applied to Waihi for arms. Of course I cannot vouch for the truth of this, as I had but an hour or two at Normanby, and that at night; but any such appearance of alarm and disposition to meet trouble half-way should in my opinion be put a stop to, as likely to inspire the Natives with confidence should they be disposed to be troublesome.

I consider it my duty to inform you of the turn affairs have taken on the Plains since the occupation by the survey party of their present position. On Monday last Titokowaru was at Okaiawa, but during the day he was sent for by Tairuakana, and proceeded to Taikatu. Of course the survey was talked over, and Waru is reported to have said: "In the days that have but lately passed my sword was rusted (*para*) and dirty (*waikura*), but as I stretch forth my hand it is as bright as of old." These words were reported to Te Whiti, at Parihaka, and he said, "Waru is a man of the sword" (*kaore he ritenga*). Te Whiti also said, when he heard that the survey had crossed, "He pakeha; kia marema, me Maori, moe atu," which plainly shows what would be the fate of any Maori who should lead the surveyors on the Plains.

The Natives of the Kopanga are keeping close to their *kaingas*—some at Omaturangi and Taikatu, and some at their places at Inaha and elsewhere. The only Natives who have visited Normanby during the last week are from the Kanuihi and Okahu *hapus*. They represent the Natives as being engaged in weeping for their land, and in a state of "pouriri" and "mamai." They appear to be anxious that Te Whiti should bring his work to a conclusion, and say that if he is long about it now bad may come of it. The only Natives who went to Parihaka are Patuwairua and Kokiri. The report that Titokowaru and party had gone there is untrue. I would suggest measures should be taken to learn all that transpires at Parihaka on the 17th.

Such is the gist of the information I gathered during my short stay in Normanby. My wife, I believe, wishes an interview with you; and should she go to Hawera you may learn further details from her, as I have told her she is to trust to Government.

Awaiting any instructions you may have for me,

I have, &c.,

R. S. THOMPSON.

Major Charles Brown, Civil Commissioner.