

These Instructions, after being corrected with great care by Sir D. McLean himself, were sent round to members of the Cabinet for their approval. A legal difficulty, however, soon arose in carrying them out. Parliament had authorized £200,000 out of the first Public Works Loan to be applied to the purchase of Native land in the North Island. Was the confiscated territory "Native land" within the meaning of the Public Works Act, and could any of the £200,000 be used for buying it? The question was raised upon a proposal of the Provincial Government of Wellington to lease from the Native owners, for twenty-one years, all the land (17,280 acres) comprised in the Compensation awards between Waingongoro and Waitotara. The Prime Minister asked the Law Officers whether these lands came within the meaning of the Public Works Act. The Attorney-General advised that confiscated lands which had been abandoned under the New Zealand Settlements Acts, reverted on their abandonment to their original condition of Native lands, and came under the Public Works Act: but that over land which had been awarded by the Compensation Court the Native title no longer existed. There was nothing there to buy, out of the vote. The negotiation for the lease to the Provincial Government therefore fell through; but a number of the awards were purchased all the same for the General Government. Now the Attorney-General's opinion had shown clearly, what was the fact, that no part of the confiscated territory which had not been abandoned was "Native land" to which the appropriations could be applied: nevertheless, as there was no other money for the purchase of the awards, the application of the vote was made, and all the purchases made south of Waingongoro were charged accordingly.

Simultaneously, transactions began north of Waingongoro under the Instructions. The first was the Kopua block of 25,000 acres, on the right bank of the Waitara, offered for sale by the Ngatimaru tribe; a branch of the Ngatiruanui which had migrated to Waitara and the Thames, and set up for itself. Early in March 1872, the offer of this Kopua block was openly made in the presence of a number of Natives of the Ngatiawa, Taranaki, and Ngatiruanui people. Mr. Gisborne telegraphed the offer to Sir D. McLean, with the intimation that he was "strongly in favour of making the purchase if it could be done without endangering peace;" and Sir D. McLean thereupon directed Mr. Parris to proceed. Care was to be taken about the tribal boundaries of the Ngatimaru, Ngatiawa, Taranaki, and Ngatiruanui people; but if the essential preliminaries were complied with, no delay was to take place in acquiring the land. Upon the Provincial Council of Taranaki pressing for the acquisition, Mr. Gisborne telegraphed again to the Native Minister as follows: "The Taranaki people complain that the land offered by Ngatimaru (20,000 acres) is not bought. The Ngatiruanui are also dissatisfied that their offer is not accepted, and will probably withdraw it. Will you telegraph to Mr. Parris to buy?" Soon afterwards, Mr. Parris was able to report that the purchase was practically completed. He then raised the question of the form which the deed of cession of the land to the Crown, under the Public Works Act, should take; but, on being instructed that no special form had been prepared, a deed of cession in the ordinary form was signed and duly registered.

In a short time, another and larger block was offered for sale; on which Mr. Ormond directed Mr. Parris to be told that the Government had recognized the importance of the purchase of Kopua as indicating not only friendly feelings on the part of Natives who had long been estranged, but the prospect of opening additional fields for settlement; and he was desired to go on with his negotiations for the larger block.

In the meantime, Te Whiti had taken a curious step. Early in February (1872), Mohi Tawhai wrote to the Government that "a messenger had come to him from Te Whiti, asking the Ngapuhi to come and make peace between himself and the Government;" and that he had answered consenting to go, provided the Government joined in the invitation. "If you (Te Whiti) and the Government," he said, "together invite me to be a mediator, I will stand between you; but not if only one of you ask me." The Government decided not to let the Ngapuhi interfere: a letter was written to Mohi Tawhai approving his reply to Te Whiti; and there the matter ended.

1872.

Sent to Hon. Mr. Ormond, 10th February 1872; to Hon. Mr. Gisborne, 1st March 1872.

Worgan, 30th March 1872.

Superintendent of Wellington, 15th April 1872.

Opinion of Attorney-General Prendergast, 26th April 1872.

Parris, 12th March 1872.

Hon. Mr. Gisborne, 19th March 1872.

Sir D. McLean, 23rd April 1872.

Resolution of Provincial Council, 1st May 1872.

Hon. Mr. Gisborne, Minute, 29th April 1872.

Parris, 3rd July 1872.

Under-Secretary Public Works, 17th July 1872.

Parris, 7th Aug. 1872.

Appendix E, No. 6.

Hon. Mr. Ormond, Minute, 14th August 1872.

Mohi Tawhai, 15th February 1872, 72/320