

4. THE WAIRAU PURCHASE.

The original scheme of the Nelson settlement made provision for the reservation of 20,100 acres for the Natives, consisting of 100 town sections of 1 acre each, 100 accommodation sections of 50 acres each, and 100 rural sections of 150 acres each. A hundred town sections were selected in 1842, and subsequently forty-seven withdrawn consequent upon a decision to remodel the township. The accommodation sections were also reserved in the districts of the Moutere and Motueka, but the fatal affray at the Wairau in 1843 and the decision of Commissioner Spain in 1845 to exclude the lands in that district from the Company's grant put a stop to the survey of the rural sections. There still remained to be reserved 15,000 acres, in sections of 150 acres each, to complete the Nelson scheme in accordance with the London prospectus issued in 1841; but this area had been reduced by the Spain award, which reserved for the Natives one-tenth of 151,000 acres. It may be claimed, therefore, that the Natives were entitled to have set apart for them, when lands were available, a further 10,000 acres.

It was the intention of Governor Grey to instruct Lieut.-Colonel McCleverty, who had been sent out by Lord Stanley in 1846 to assist the Company in their selection of land, to adjust the difficulties arising from the loose exceptions made in Governor FitzRoy's grants and to settle the Wairau claim.⁽¹⁾ Circumstances, however, prevented Lieut.-Colonel McCleverty from dealing with matters in dispute at Wairau, and Captain Grey found it necessary to take into his own hands the settlement of that district. In a despatch to Earl Grey explaining that the Company had actually disposed of large quantities of land to European settlers in both the districts of Porirua and Wairau, he stated the decision of Commissioner Spain to disallow the claims of the Company to those districts gave a claim to the Ngatitooa Tribe to a tract of country extending to about 100 miles south of Wairau. He had decided, therefore, to purchase an extensive block of country in the Porirua district, which was important from a military point of view, and the Natives had agreed to accept £2,000 for this land, after securing for themselves a large reserve in one continuous lot. In Wairau he had purchased the district estimated to contain 320,000 acres, and, in addition, the whole tract of country claimed by the Ngatitooas, extending about 100 miles to the southwards of that valley. The purchase price had been fixed at £3,000, payable in five annual instalments of £600 each, and two large reserves had been made.⁽²⁾ The boundaries of the Wairau reserves are described in the deed of cession dated 18th March, 1847.⁽³⁾ The aggregate area of the two blocks reserved was approximately 117,248 acres.⁽⁴⁾

It was understood that the reservation of these two blocks by Governor Grey for the Natives at the Wairau released the New Zealand Company from laying out and choosing the 100 rural sections according to the original plan of the Nelson settlement.⁽⁵⁾

Unfortunately for the interest of the trust estate and the Natives themselves, the two reserves, containing the total area of 117,248 acres, were subsequently included in the Waipounamu purchase of 1853, when the Ngatitooa Tribe conveyed to the Crown by deed of sale executed at Wellington on the 10th August, 1853, all their claims to land in the Middle Island in consideration of the sum of £5,000. Certain reservations were to be made, the extent and position to be determined by the Governor, and certain other lands were promised to some of the chiefs. In fulfilment of these promises an area of 2,939 acres was subsequently reserved in the Wairau district, and two sections of 50 acres each were granted to Te Tana Pukekohatu and Wiremu te Kanae respectively.⁽⁶⁾

5. THE DECLINE OF THE NEW ZEALAND COMPANY.

The year 1841 may be regarded as the peak year of the Company's existence, and had Lord John Russell remained in office all might have been well in regard to its affairs. "Unfortunately," as Dr. Garnett remarks, "for the Britain of the South, though not for the Britain of the North"⁽⁷⁾, the Melbourne Ministry resigned in August of that year, and Peel and the Tories came into power, with Lord Stanley as Colonial Secretary.

"It was but natural that Stanley should not like the Company or its directors. In the first place, they were Whigs with pronounced leanings towards Radicalism; the views of their two spokesmen, Buller and Wakefield, must have been utterly repugnant to him. Secondly, their interpretation of the Treaty of Waitangi appeared to English minds to involve a policy of confiscation, and Stanley, though not evangelical, was a sincerely religious man and a friend of the aborigines. Such was the man with whom the New Zealand Company had now to deal."⁽⁸⁾

The principal bone of contention was the interpretation of Lord John Russell's agreement of 1840, and much correspondence passed between the Company and the Colonial Office. Mr. Somes, the Governor, in one letter protesting against Spain's investigations, claimed that—

"Within the four corners of the agreement we find no single phrase leading us, in the remotest way, to imagine that fulfilment of the grant promised to us on the part of Her Majesty was to be dependent in any manner or degree upon the validity of the Company's antecedent purchases from the Natives. . . . The duty of extinguishing any Native title is the duty of Government alone."⁽⁹⁾

⁽¹⁾ Enclosure in despatch of Governor Grey to Right Hon. W. E. Gladstone, 14/9/46: Great Britain—Parliamentary Papers relating to New Zealand, 1847.

⁽²⁾ Governor Grey to Earl Grey, 26/3/47: *Ibid.*

⁽³⁾ Copy of deed: Mackay's Compendium, Vol. 1, p. 204.

⁽⁴⁾ Report by A. Mackay on Land Purchases, Middle Island: Parliamentary Paper G.-6, 1874.

⁽⁵⁾ See p. 28. See also Mackay's Compendium, Vol. 1, p. 4, and Vol. 2, p. 265.

⁽⁶⁾ Parliamentary paper G.-6, 1874—Return of Land-purchases, Middle Island. NOTE.—The Waipounamu purchase included other dealings with several tribes claiming lands in the Middle Island. Twelve deeds are enumerated on G.-6, p. 2, and the total amount paid to ceding tribes was £6,467.

⁽⁷⁾ "Edward Gibbon Wakefield," by Dr. Garnett.

⁽⁸⁾ "Colonization of New Zealand," by Dr. J. S. Marais.

⁽⁹⁾ Somes to Lord Stanley, 11/11/42: App. 12th Rep., p. 127c.