

I should recommend the trustees of native reserves to appoint an agent here, to make these selections as soon as possible, as it must tend to convince the natives that their condition is really improved by the sale.

Your Excellency will see by the minutes of my proceedings that, after Colonel Wakefield had closed his case, I gave Mr. Clarke every opportunity of bringing forward whatever evidence he thought necessary on the part of the natives, and adjourned the Court to the day he mentioned, to give him time to be prepared. He, however, called only one witness, who, having at first prevaricated, at length admitted that he had been taken prisoner by the Waikato, and was only released from slavery in consequence of the introduction of Christianity amongst that tribe, which taught them to abandon the practice, and that he had returned to this place since the sale to Barret.

Mr. Clarke then declined calling any more witnesses; and I adjourned my court until Saturday, to give me time to consider the evidence, and determine upon my award.

I had no claim brought forward on the part of the Waikato; but this may be accounted for by the contents of a letter from the late Governor, Captain Hobson, to Captain King, the original of which is in my possession, and an extract from which I now enclose; nor was there any evidence offered to shew that that tribe had ever cultivated any land within the Company's block.

Previous to entering upon the case, and several times after its commencement, I inquired of Mr. Clarke whether he considered it would be expedient to offer any further payment to the claimants; but he informed me that this could not be done with safety, and that he had not the slightest chance of getting the natives to accept a compensation; that if they received any further payment, the Waikato would immediately come down upon them and take it away; which would in all probability lead to a fight between them. I also heard from several sources, that the Waikato, looking on these natives as slaves, were continually threatening to come here and take them back into a state of slavery.

If it had appeared expedient I might, as a matter of policy only, but certainly not according to the evidence as a matter of right, have recommended that some payment should have been made to the natives, as an act of grace on the part of the Company, calculated to assist in procuring a good understanding between the two races; but under the circumstances, and with consequences pointed out to me as almost certain to follow, I felt it would have been unwise, and justly censurable to have pursued such a course. If the offer of any money had been made, even by way of gratuity, I am satisfied that with the evident spirit manifested by all the aborigines I had seen since my arrival, it would have been refused; and construed into an admission that they had not sold any part of the land, besides making them still more determined to withhold the land from the Europeans.

If on the contrary, it had been accepted by those present, we should have had immediately hundreds of other claimants from among the members of the same tribes, whom I have before described as now residing at Port Nicholson, Waikanae, and the other places; together with the strong probability of an attack from the Waikato.

Under these circumstances, it appeared to me to be a case where my duty pointed out the necessity of deciding whether there had been a purchase or not; and, as I found considerable anxiety manifested alike by the European and Maori population to learn the result of my investigation, and feeling that any further delay would not only prove injurious to both places, but was calculated to keep alive and prolong feelings of animosity between them, I delivered my judgment in the presence of a considerable number of natives, as well as Europeans; but wherein I have most carefully explained, that the same is subject to confirmation by your Excellency, and cannot be carried into effect without your approval.

I was the more anxious to do this, from a feeling that the decision being against the Maories, it was much better that at the time it was first made known to them, some officer of the Government should be on the spot to explain fully to both races, the reservations of the pahs, cultivations, and burying-grounds, as well as one-tenth of the block, for the benefit of the aborigines; and it also afforded me the opportunity of offering a few words of wholesome advice, to both Europeans and natives.

It further occurred to me, that it would be more expedient that any disappointment experienced by the natives at the first decision against them should be visited upon me as the officer appointed for this special duty, rather than expose your Excellency to the chance of sharing it; which would in all probability have been the case, had my decision been first made known to them, after it had been submitted to your Excellency for approval.

It is remarkable, that out of the millions of acres claimed by the New Zealand Company, this is the first case where I have been able to award even so small a block as (60,000) sixty thousand acres; and even here something else remains to be done to perfect the transaction. It appears that, pending the negotiation the natives pressed Barret for some double-barrelled guns, but finding that there were none on board the vessel, they at length accepted the payment offered, without them, and signed the deed; Barret, however, still promised them at some future period he would procure them a case of double-barrelled guns.

Now, for the reasons before alleged, if I had given them (25) twenty-five guns (the number contained in a case), it would have exposed them to the risk of the Waikato coming down and taking them away, and probably using them against their lives; while, if I had given them the value in money, the same difficulty and confusion would have arisen in the distribution of so small a sum, besides opening a door, as I have before explained, to claimants beyond number.

Under these circumstances, I called upon the principal agent of the Company to place at my disposal such a sum of money as I might value the guns at, to be disposed of as your Excellency may