

paid to Tirarau, on the recommendation of the Chief Commissioner, who has confidence in the integrity of that Chief.

I would, however, observe that Tirarau is one of the most difficult Chiefs to deal with of any in the country; and every negotiation with him must be conducted in the most guarded and cautious manner, as when he once takes up a point he will not swerve from it on any consideration. And, in the present instance, the reason I paid the money was that he considered it had been promised to him by Mr. McLean (without reference to me) and he had stated this before all the Natives, and had also made up his mind to the disposal of it. Had it been withheld at my instance, he would have considered his dignity lowered,—he would not only have stopped the sale of the 1,372 acres, but also that of 16,000 acres adjoining to it, the survey of which is now nearly completed, and perhaps put a veto on the sale of all the land in the district.

The money for Kaiawa has not been divided yet amongst the claimants, and Tirarau has neither told me or them what he intends to do with it. They are all submitting to this without a remonstrance, with the exception of Haimona Hakiro and his three sons, the eldest of whom is the writer of the enclosed letter. I consider their claim to Twenty-five pounds of the £200 to be an equitable adjustment.

My own opinion is, that possession might be taken of the land by Europeans, without any interruption on the part of the Natives, for their fear of Tirarau would prevent their taking any active measures: but, while this state of things exists, I cannot certify that the Native Title is extinguished.

Symptoms of discontent among the Natives with the conduct of Tirarau in various other matters besides this are becoming apparent; and I would recommend that, in any future dealings with him, the system of the money being divided amongst the claimants by the District Commissioner be adopted, as it has been in all the dealings I have had with other Natives, to the general satisfaction of all parties concerned.

I am informed that Tirarau proceeds shortly to Auckland to see the Chief Commissioner, when that gentleman or his deputy may be able to come to some satisfactory arrangement with him on the Parua question,

I have, &c.,

JOHN GRANT JOHNSON,
District Commissioner.

Thos. H. Smith, Esq.,
Assistant Native Secretary,
Auckland.

No. 71.

MR. COMMISSIONER JOHNSON TO THE CHIEF COMMISSIONER.

Whangarei, 17th May, 1858.

SIR,—

KAIAWA.
The Natives have ceased
to oppose the sale of
Kaiawa block.
V. Letter No. 69.

With reference to your letter of the 15th March last, requesting, by the direction of His Excellency the Governor, that I would use my best endeavours to effect a complete settlement of the claims of the Natives to the Kaiawa Block, I have the honor to inform you that the principal obstacle to the final settlement of this question has been overcome—the representatives (represented by Hata Kingi, whose claims I reported upon in my letter, dated 22nd March, 1858) having withdrawn their opposition to Tirarau, in compliance with my solicitations to that effect.

Another party, also living in Parua Bay, named the Ngati Tu—whose cause William Edward Pohe advocated—have signified their willingness to be satisfied, whether Tirarau divides the payment of the land with them or not.

A third party, however, including the Chief Edward William Pohe himself, still clamour that a share of the money in the possession of Tirarau be paid to them. The claims of this last party are, in my opinion, very vague and uncertain, arising from the hereditary right advanced by an old man, named Hine Waru, derived through some undefined ancestry belonging to the former—but now extinct—tribe of Ngati Tahuhu, who inhabited this district at one time, but which appears to apply equally to almost every spot of land in this part of the country.

If it was a matter to be determined by me, I would be inclined to regard a claim of this nature as not valid; but, the point never having been, to my knowledge, defined by the Government as to what, in their opinion, constitutes a valid claim on the part of a Native to land,—or, if it has been determined, no instructions have ever been given on the subject for my guidance, and the usages of the Aborigines themselves being so completely at variance in parallel cases that no rule of action can be formed from them,—the only course appears to be, either to satisfy every claim brought forward with a payment, or procure its withdrawal on the part of the claimants; which latter method, in the present instance, seems to be the only way to attain the object desired, as any attempt to induce Tirarau to divide the money in opposition to his pre-arranged plans would be quite unavailing.

Having thus fully laid before you the present aspect of this complicated case, you will, no doubt, be enabled to judge whether the Native title can be proclaimed to have been extinguished